

N° 3149.

BELGIQUE ET ESPAGNE

Convention générale de navigation
aérienne. Signée à Madrid, le 27
février 1932.

BELGIUM AND SPAIN

General Convention on Air Naviga-
tion. Signed at Madrid, February
27, 1932.

¹ TRADUCTION. — TRANSLATION.

No. 3149. — GENERAL CONVENTION ON AIR NAVIGATION BETWEEN BELGIUM AND SPAIN. SIGNED AT MADRID, FEBRUARY 27, 1932.

HIS MAJESTY THE KING OF THE BELGIANS and HIS EXCELLENCY THE PRESIDENT OF THE SPANISH REPUBLIC, being inspired with the desire to facilitate the development of air communication between Belgium and Spain, have resolved to conclude a Convention for the purpose and have appointed as their Plenipotentiaries :

HIS MAJESTY THE KING OF THE BELGIANS :

His Excellency Baron BORCHGRAVE ;

HIS EXCELLENCY THE PRESIDENT OF THE SPANISH REPUBLIC :

His Excellency Luis DE ZULUETA Y ESCOLANO ;

Who, having communicated their full powers, found in good and due form, have agreed on the following provisions :

Article 1.

Each of the High Contracting Parties shall in time of peace grant to duly registered aircraft of the other Contracting Party free passage over its territory, provided that the conditions of the present Convention are observed.

It is nevertheless understood that the establishment or operation by an undertaking that is a national of one of the High Contracting Parties of a regular air line passing over the territory of the other High Contracting Party, (whether calling anywhere or not) shall be subject to the conclusion of special agreements between the two States. These special agreements may prescribe rules for the application of the present general Convention and any extensions of certain of its provisions that may be necessary.

Each of the High Contracting Parties shall grant the other Party most-favoured-nation treatment as regards the operation of air lines thus authorised.

The word " territory " as used in the present Convention means home and colonial territories, mandated territories and protectorates, including territorial waters.

Aircraft includes private and State aircraft used solely for commercial or postal purposes.

No State aircraft not used solely for commercial or postal purposes by one of the High Contracting Parties, and in particular, no military aircraft, may fly over the territory of the other High Contracting Party or land therein without special authorisation from the latter. Save where exceptions may be made in virtue of such authorisation, the provisions of the present Convention and of the rules in force at the time of the flight shall apply to the aircraft in question. Should an aircraft having special authorisation land, it would in principle and failing provision to the contrary, enjoy the privileges habitually granted to foreign warships.

It is agreed in particular that any aircraft commanded by a soldier commissioned for the purpose is to be deemed a military aircraft.

¹ Traduit par le Secrétariat de la Société des Nations, à titre d'information.

¹ Translated by the Secretariat of the League of Nations, for information.

Article 2.

Aircraft belonging to one of the High Contracting Parties, and their crew, passengers, baggage and cargo shall, when in the territory of the other High Contracting Party, be subject to the provisions in force in the State flown over and particularly to the regulations relating to traffic in general, in so far as they apply to all foreign aircraft without distinction of nationality, to Customs duties and other authorised charges, to export and import prohibitions, to the transport of persons and goods, to public safety and public order, to the passport system and to any health regulations. They shall also be subject to other general obligations prescribed by the laws that may be in force, unless otherwise provided in the present Convention.

As regards regular air lines, special agreements may be concluded between the Governments of the two countries concerning the matters dealt with in the preceding paragraph.

The commercial transport of persons and goods between any two points in the national territory may be reserved for national aircraft.

Fuel on board shall not be subject to Customs duty, provided that the quantity shall not exceed what is necessary for the completion of the journey.

Article 3.

The two High Contracting Parties may prohibit air traffic over certain territorial zones, provided that no distinction be made in this respect between their own aircraft and those of the other State, subject, of course, to the exercise of the rights of sovereignty of each of the High Contracting Parties over its territory as regards the use of Government aircraft other than those employed solely for commercial or postal purposes such as military, police or Customs aircraft. Each of the Contracting States shall inform the other State of the territorial zones over which air traffic will be prohibited.

Further, each of the Contracting Parties reserves the right, in exceptional circumstances and with immediate effect, provisionally to restrict or prohibit, wholly or in part, air traffic over its territory, provided that in this respect no distinction be made between aircraft of the other Contracting Party and those of any other foreign country.

Article 4.

Any aircraft that might find itself over a prohibited zone would be bound, on observing that fact, to give the distress signal prescribed by the air traffic rules of the State flown over; it must further land outside the prohibited zone, as soon as possible and as near as possible at one of the aerodromes (land or water) of that State. The same obligation shall apply to any aircraft to which a special regulation signal may be made warning it that it is flying over a prohibited zone.

Article 5.

Aircraft shall carry clearly visible distinctive signs enabling their identity (nationality and registration marks) to be ascertained during flight. They shall further bear the name and address of the owner.

Aircraft shall possess certificates of airworthiness and registration and all other documents required for air traffic in their country of origin.

All members of the crew employed in the aircraft on duties for which a special permit is required in their country of origin shall possess the air navigation papers required in their country of origin and, in particular, the regular certificates and licences.

The other members of the crew shall carry documents stating their occupation on board, their trade, identity and nationality.

Certificates of airworthiness, pilots, certificates and licences delivered or duly approved for the aircraft or crew by one of the High Contracting Parties shall have the same validity in the other State as the corresponding documents delivered or approved by the latter. It is, however, agreed that certificates and licences of crews shall be valid only in aircraft registered in the country which has issued the said documents; no exception may be made to this rule save with the special permission of the air authorities of the State flown over.

Each of the High Contracting Parties reserves the right to refuse to recognise as valid for air traffic within its territory certificates and licences issued to its nationals by the other Contracting Party.

The crew and passengers shall, unless otherwise agreed, carry the papers required by the rules in force for international traffic.

Article 6.

Within the territory of one of the High Contracting Parties aircraft of the other High Contracting Party shall carry only such radio apparatus as is permitted by the two Contracting States. The use of that apparatus shall, of course, be subject to the regulations in force in the State flown over at the time the apparatus is in use. The said apparatus shall only be used by members of the crew having a special licence issued for the purpose by their country of origin.

In the interests of safety the two Contracting States reserve the right to issue regulations as to the compulsory fitting of aircraft with radio apparatus.

Article 7.

Aircraft, crews and passengers may carry neither arms, ammunition, harmful gases, explosives, nor photographic apparatus, save with the permission of the State in whose air territory the aircraft happens to be.

For reasons of public safety, each of the High Contracting Parties may, in the territory under its sovereignty, limit the transport of objects, other than those mentioned in the first paragraph of the present Article, provided that no distinction be made between national aircraft and those of the other High Contracting Party.

Article 8.

Aircraft carrying passengers and goods shall carry a list of the names of the passengers and a descriptive manifest showing the nature and quantity of the cargo, together with the necessary Customs declarations.

If, on the arrival of the aircraft, there is a discrepancy between the goods transported and the above-mentioned documents, the Customs authorities of the port of arrival shall immediately get in touch with the competent Customs authorities of the other Contracting State.

The rules for the transport of postal matter shall be established by means of special agreements directly between the postal administrations of the two Contracting States.

Article 9.

Each Contracting State may subject aircraft of the other State to inspection by the competent authorities on arrival in or departure from its territory, and may have the certificates and other prescribed documents examined.

Article 10.

Public air service aerodromes shall be accessible to aircraft of both States. The said aircraft may also make use of the meteorological information, radio communication, ground signs and

day and night signalling system. Any charges (for landing, stay, etc.) shall be the same for national aircraft and those of the other State.

The Governments of the two High Contracting Parties may agree to grant special facilities for regular air line services.

Article 11.

On arrival or departure, aircraft coming from or proceeding to the Contracting States shall use only aerodromes open for public flying and classed as Customs aerodromes (with passport inspection service) and shall not land anywhere between the frontier and the aerodrome. In special cases, the competent authority may authorise departure from or arrival at other aerodromes, where Customs examination and passport inspection will take place. The prohibition of intermediate landing shall apply also to these special cases.

In cases of forced landing away from the aerodromes referred to in the first paragraph, whether through *force majeure* or as provided in Article 4, the commander of the aircraft, the crew and the passengers must conform to the air traffic, Customs and passport regulations in force in the State in whose territory the landing occurs.

The two High Contracting Parties will supply one another with a list of the aerodromes open to the public for flying. This list will state which of these are classified as Customs aerodromes. Any change in the list and any restriction, even though temporary, of the right to use any such aerodrome shall be immediately notified to the other Contracting Party.

Article 12.

The frontiers of the two High Contracting Parties shall be crossed between the points fixed by that State of whose territory they form the boundary.

It is agreed forthwith that any zone in which one of the Contracting Parties authorises its frontiers to be crossed by its own aircraft or those of another nationality may, *ipso facto*, be used for crossing by aircraft of the other Contracting Party.

Article 13.

Only fine sand or water may be discharged as ballast.

Article 14.

Apart from ballast, only objects and substances for which the State flown over at the time has given special permission may be thrown overboard or otherwise abandoned *en route*.

Article 15.

As regards all questions of nationality arising under the present Convention, it is agreed that aircraft shall have the nationality of the State by which they are duly registered.

An aircraft can only be registered in one of the two States if it belongs wholly to nationals of that State. If the owner is a Company, such Company, whatever its form, must, in order to be deemed Belgian or Spanish respectively, satisfy all the conditions prescribed by Belgian or Spanish law.

Article 16.

Within one month of the ratification of the present Convention, the two High Contracting Parties will exchange lists of registered aircraft ; thereafter, they will each month exchange lists of entries in and removals from the register effected during the preceding month.

Article 17.

Aircraft of the two Contracting States shall, when landing, and especially when in distress, be entitled to the same assistance as national aircraft.

The salvaging of machines lost at sea shall, failing agreement to the contrary, be governed by the principles of maritime law contained in the international Conventions that may be in force or, failing such provisions, by the municipal law of the salvor.

The penalties imposed on aircraft infringing the rules of the present Convention shall be the same as those provided for in the regulations of each Contracting Party for its own aircraft.

Article 18.

The two High Contracting Parties will inform each other of all air traffic provisions in force in their territory.

Article 19.

Details concerning the application of the present Convention shall, wherever possible, be settled direct between the various competent administrations of the two Contracting Parties (in particular as regards Customs formalities).

Any dispute as to the application of the present Convention that cannot be settled in a friendly manner through the usual diplomatic channels shall be decided in accordance with the provisions of the Treaty of Conciliation, Judicial Settlement, and Arbitration, concluded between Belgium and Spain on July 19, 1927.

Article 20.

Each of the High Contracting Parties may at any time denounce the present Convention on giving twelve months' notice.

Article 21.

The present Convention shall be ratified and ratifications shall be exchanged at Madrid as soon as possible. It shall come into force on the date of the exchange of ratifications.

In faith whereof the respective Plenipotentiaries have signed the present Convention and have thereto affixed their seals.

Done at Madrid, in duplicate, in French and Spanish, February the twenty-seventh, one thousand nine hundred and thirty-two.

(L. S.) (Signed) BARON DE BORCHGRAVE. (L. S.) (Signed) LUIS DE ZULUETA.