

N° 3452.

FRANCE
ET TCHÉCOSLOVAQUIE

Accord sur la navigation aérienne,
signé à Prague, le 26 mai 1925,
et protocole additionnel, signé à
Anvers, le 25 juin 1930.

FRANCE
AND CZECHOSLOVAKIA

Agreement relating to Air Naviga-
tion, signed at Prague, May 26th,
1925, and Additional Protocol,
signed at Antwerp, June 25th,
1930.

TEXTE TCHÉCOSLOVAQUE.
CZECHOSLOVAK TEXT.

N° 3452. — DOHODA¹ MEZI REPUBLIKOU FRANÇOUZSKOU A REPUBLIKOU ČESKOSLOVENSKOU O LETECKÉ DOPRAVĚ. PODEPSANÁ V PRAZE DNE 26 KVĚTNA 1925.

Czechoslovak and French official texts communicated by the Permanent Delegate of the Czechoslovak Republic accredited to the League of Nations. The registration of this Agreement took place June 28th, 1934.

REPUBLIKA ČESKOSLOVENSKÁ a REPUBLIKA FRANÇOUZSKÁ,
vedeny přáním podporovati vzájemně rozvoj leteckých linií v obou zemích,

a majíce za to, že jest nutno vytvořiti z Paříže a z Prahy východiště nebo průchodní stanice leteckých linií, stanovených v dalším a společně schválených,

rozhodly se sjednati za tím účelem dohodu a jmenovaly proto svými plnomocníky :

PRESIDENT REPUBLIKY ČESKOSLOVENSKÉ :

Pana ministra zahraničních věcí Dra. Edvarda BENEŠE,

PRESIDENT REPUBLIKY FRANÇOUZSKÉ :

Pana Lauranta EYNACA, státního podsekretáře pro letectví a vzdušnou dopravu ;

¹ The exchange of ratifications took place at Prague, March 16th, 1933.

N° 3452. — ACCORD¹ ENTRE LA RÉPUBLIQUE FRANÇAISE ET LA RÉPUBLIQUE TCHÉCOSLOVAQUE SUR LA NAVIGATION AÉRIENNE. SIGNÉ A PRAGUE, LE 26 MAI 1925.

Textes officiels tchécoslovaque et français communiqués par le délégué permanent de la République tchécoslovaque auprès de la Société des Nations. L'enregistrement de cet accord a eu lieu le 28 juin 1934.

LA RÉPUBLIQUE TCHÉCOSLOVAQUE et LA RÉPUBLIQUE FRANÇAISE,

Egalement animées du désir de soutenir mutuellement le développement des lignes de navigation aérienne dans les deux pays ;

Et estimant par là qu'il faut faire de Paris et de Prague les points de départ ou stations de transit des lignes de navigation aérienne déterminées ci-dessous et agréées en commun ;

Ont résolu de conclure un accord à cet effet et ont, en conséquence, nommé pour leurs plénipotentiaires, savoir :

LE PRÉSIDENT DE LA RÉPUBLIQUE TCHÉCOSLOVAQUE :

Monsieur le Dr Edvard BENEŠ, ministre des Affaires étrangères ;

LE PRÉSIDENT DE LA RÉPUBLIQUE FRANÇAISE :

Monsieur Laurent EYNAC, sous-secrétaire d'Etat de l'Aéronautique et des Transports aériens ;

¹ L'échange des ratifications a eu lieu à Prague, le 16 mars 1933.

¹ TRADUCTION. — TRANSLATION.

No. 3452. — AGREEMENT BETWEEN THE FRENCH REPUBLIC AND THE CZECHOSLOVAK REPUBLIC CONCERNING AIR NAVIGATION. SIGNED AT PRAGUE, MAY 26TH, 1925.

THE CZECHOSLOVAK REPUBLIC and THE FRENCH REPUBLIC,
Being equally desirous of mutually promoting the development of airways in the two countries ;
And being of opinion in consequence that Paris and Prague should be made the starting points
or transit stations for the airways named hereunder which have been mutually agreed upon ;
Have decided to conclude an Agreement for this purpose and have, therefore, appointed as
their Plenipotentiaries :

THE PRESIDENT OF THE CZECHOSLOVAK REPUBLIC :

Dr. Edward BENEŠ, Minister for Foreign Affairs ;

THE PRESIDENT OF THE FRENCH REPUBLIC :

M. Laurent EYNAC, Under-Secretary of State for Air and Air Transport ;

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

AERIAL NAVIGATION.

Article I.

DEFINITION OF THE JOINT PROGRAMME.

1. The two Contracting Parties agree that the programme to be carried out jointly, up to December 31st, 1935, with a view to developing and extending the airways at present in operation, shall include the following services :

- (a) Paris - Prague ;
- (b) Prague - Vienna - Budapest - Belgrade - Sofia - Bucharest - Constantinople - Angora ;
- (c) Prague - Warsaw - Moscow.

2. The present special Agreement shall lay down the conditions relating to operation and subsidies in respect of 200 journeys, in either direction, between Paris and Prague, Prague and Bucharest (via Vienna, Budapest and Belgrade), Prague and Warsaw, for the carriage of passengers, goods and mail, to take place between February 15th and November 15th each year, from the year 1925 to the year 1935 inclusive. It shall be supplemented by further agreements as soon as the operation of the airways shows a more frequent service to be necessary or permits of a shorter suspension during the winter.

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.

3. The two Contracting Parties undertake that up to December 31st, 1935, they will give financial assistance for the operation of these services only to one and the same air transport Company agreed upon jointly by them both.

4. The above provision shall not, however, prevent Czechoslovakia from subsidising, for the Prague-Vienna section, a Company operating an airway from North to South, always provided that the latter has only the Prague-Vienna section in common with the airways mentioned in paragraph 1 of the present Article.

5. Should agreements — relating to commercial air transport — be concluded hereafter with the States flown over by the Company agreed upon jointly, the two Contracting Parties will protect that Company's interests. They further undertake not to grant permits for the operation of air lines over their own territory to Companies belonging, by reason of their nationality or the registration of their aircraft, to a foreign State unless equivalent permits have been granted by the said State, for the carrying out of the programme of operation of airways contemplated in the present Article, to the Company agreed upon jointly.

Article 2.

PERMIT FOR OPERATION OF AIRWAYS AND CARRIAGE OF MAILS.

1. Both Contracting Parties shall immediately grant the Company thus designated the necessary permits for the regular and periodical transport by air of passengers, goods and mails over their territory for the duration of the present Agreement. They shall immediately conclude contracts with the Company in conformity with the provisions of the present Agreement for the operation of the air line as provided in paragraph 2 of Article 1. They undertake that as soon as possible they will make these contracts valid for ten years. The two Governments shall communicate such contracts to one another.

2. Should the Company suspend its contractual operation of the airway for more than three months (excluding the periods of suspension regularly provided for) on any one of the sections subsidised by the two States, the latter shall, by joint agreement, consider the expediency of cancelling the contracts concluded with the Company. Should they decide to do so, they shall designate a new Company, to which they shall grant the same contractual regime and the same advantages of all kinds as have been granted to the former Company.

3. Other things being equal (account being taken more particularly of time-tables, regularity, tariffs, landing places), the two Postal Administrations shall give preference to the Company jointly agreed upon and shall entrust to it, up to December 31st, 1935, air postal traffic between Paris and Prague and the various landing places on the airways enumerated in Article 1. They shall settle with it by private agreement the remuneration payable in respect of postal traffic that may form the subject of separate contracts between the Company and the Postal Administrations of the two States.

Article 3.

SUBSIDIES.

The terms of the subsidies for the traffic provided for in Article 1 shall be as follows.

1. For such journeys, the French Republic undertakes to subsidise the Company on the following kilometric scale, applicable without distinction to all sections :

Scale No. 1.

Aircraft capable of carrying less than 400 kg. of useful load ¹ .	2 fr. 10 per 100 kg., that is : 8 fr. 40 for aircraft capable of carrying 400 kg. paying load.
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¹ The useful load shall be fixed after tests by the Service of Commercial Aviation in France with the participation, if necessary, of a Czechoslovak expert.

Scale No. 2.

Aircraft capable of carrying more than 400 kg. of useful load.¹ 8 fr. 40 for the first 400 kg. and an additional 1 fr. 50 for every 100 kg. over and above 400 kg.

2. For the same journeys, the Czechoslovak Republic undertakes to subsidise the Company on the following kilometric scale, applicable without distinction to all sections :

Scale No. 1 (a).

Aircraft capable of carrying less than 400 kg. of useful load.¹ 3 cr. Cz. 64.

Scale No. 2 (a).

Aircraft capable of carrying more than 400 kg. of useful load.¹ 3 cr. Cz. 64 for the first 400 kg. and an additional 0.65 cr. Cz. for every 100 kg. over and above 400 kg.

3. If taking duly into account the financial results obtained by the Company and any fresh resources that may be granted it by the various States over which its aircraft fly, the total subsidy could be reduced, the two Governments would come to an understanding to reduce later by the same percentage the rates named in their respective scales. They shall also take account of the relative variation in their exchange and shall if necessary revise the amount of their subsidies so as to maintain a constant ratio between the values of those subsidies in terms of a single currency unit. This shall, however, only be done if the variation in question exceeds 20 % since the putting into force of the present Agreement or since the last revision.

4. When the 200 flights in either direction provided for in one year have been made, the two States shall not be bound to grant any other subsidy for the same section of the airway, unless the frequency of the service is increased or the period of suspension reduced as provided in Article 1.

5. So far as budgetary estimates are concerned, the two States shall come to an understanding as laid down in Article 8 and shall fix on January 31st of each year at latest the useful load to be taken as a basis for budgetary calculations for the following year.

6. The landing places and distances between them (to be used in calculating subsidies) are given in the following table :

Sections	Distances
Paris-Strasburg	403 km.
Strasburg-Prague	532 »
Prague-Vienna	279 »
Vienna-Budapest	227 »
Budapest-Belgrade	328 »
Belgrade-Bucharest	472 »
Prague-Warsaw	530 »

Additional landing places may be fixed later by mutual agreement.

7. In principle, subsidies shall only be paid in full for completed journeys between the two landing places prescribed.

8. In the case of incomplete flights, the kilometric bounty paid shall comprise the sum in respect of the flight in one direction between the last landing place prescribed and the point of interruption, and in respect of the distance to one of the two landing places prescribed on either side of that point ; but should the interruption not be due to a flying incident directly resulting from atmospheric conditions, the subsidy granted in respect of the flying distance defined above shall only be reckoned at 25 % of the scale in force.

¹ The useful load shall be fixed after tests by the Service of Commercial Aviation in France, with the participation, if necessary, of a Czechoslovak expert.

Article 4.

MATERIAL.

1. The aircraft in regular use must be the property of the Company.

The latter shall be obliged, within a period of two years dating from the official notification of the approval of the ten-year contract concluded with the Czechoslovak Government, to order in Czechoslovakia part of its flying material (planes, engines, spare parts in corresponding quantities) up to the value defined hereunder. Such orders shall be placed either with the Company's own workshops or with those of other industrial concerns.

2. The material thus ordered shall be of a French or Czechoslovak model, models of any other nationality being strictly excluded. The constructing establishments shall obtain the requisite licences as may be necessary. The value of the material to be so ordered shall be determined once every two years, as follows: the relationship shall be calculated between the subsidies (in money and in kind) paid to the Company by the Czechoslovak State during the previous two years and the whole of the subsidies (in money and in kind) granted to the Company during the same period. This relationship shall define the proportion that is to exist during the current period between the value of the orders placed in Czechoslovakia and the value of the whole of the orders for material placed by the Company.

3. New aircraft ordered either in France or in Czechoslovakia shall be taken into use gradually, so as not to injure the financial position of the Company; their use must not involve either the premature discarding of existing material or an excessive increase in the variety of the models of aircraft or engines used, nor must it involve the establishment of a fleet exceeding operation requirements.

4. Aircraft, engines, accessories and spare parts intended for the Company's airways which have been imported from France shall not be subject to Customs duties on entry into Czechoslovakia. They shall remain subject to the supervision of the Customs Administration of that State and may not pass into other hands in Czechoslovakia without its permission.

Article 5.

PERSONNEL.

1. If the Director of the Company at Prague is French, his assistant shall be Czechoslovak, and *vice versa*. Such personnel must be approved by the two Governments. Within one year after the official notification of the approval of the ten-year contract concluded with the Czechoslovak Government, the Company shall employ Czechoslovak pilots on its airways; their number, as compared with the total number of the Company's pilots, shall be determined by the rule laid down in Article 4.

2. The same obligation shall apply, if necessary, to the employment of airship personnel belonging to specialised technical branches.

3. The Company shall, however, remain free to recruit all its aircraft personnel without the two Governments interfering with its choice, it being understood that the minimum technical conditions for the engagement of such personnel shall be laid down by the Company in exactly the same way whatever the nationality of the candidates.

4. The Company shall not employ as permanent staff at the Czechoslovak aerodromes any but nationals of the two Contracting Parties.

Article 6.

GROUND ORGANISATION.

1. The two Contracting Parties shall place at the disposal of the Company, up to December 31st, 1935, on their respective territories, the public aerodromes, the hangars for the storage of its aircraft, its repair apparatus and its vehicles, and the ground or premises for its repair shops, its stores and its aerodrome offices ; the Czechoslovak Government shall grant the free use of the facilities and equipment appertaining thereto.

The use free of charge of aerodromes, hangars and facilities and equipment appertaining thereto shall be regarded as a subsidy in kind — within the meaning of Article 4 — granted by the Czechoslovak Government.

2. The two Contracting Parties shall place at the disposal of the Company their services of meteorological information, radio-electrical communications, lighting and signalling by day and night as and when these develop ; they shall grant the free use of the services appertaining thereto.

The same provisions shall apply to such emergency landing grounds as the two Governments may think fit to establish and maintain.

Article 7.

SUPERVISION.

The two Contracting Parties agree that all questions connected with the technical or financial supervision of the Company shall be regulated by contracts to be concluded with the latter.

Article 8.

APPLICATION OF THE AGREEMENT.

The details of the application of the present Agreement shall be settled by direct understanding between the various competent Administrations of the two Contracting Parties, which shall more particularly come to an understanding with one another on questions relating to time-tables, tariffs and any possible alteration in the services originally contemplated.

Article 9.

DURATION OF VALIDITY.

The present Agreement shall be ratified ; the instruments of ratification shall be exchanged at Prague as soon as possible.

It shall come into force on the day of the exchange of the instruments of ratification and shall be valid up to December 31st, 1935.

If neither of the two Contracting Parties denounces it before January 1st, 1935, it shall remain valid by tacit consent until denounced by one of the Contracting Parties at one year's notice.

In faith whereof the Plenipotentiaries have signed the present Agreement.

Done at Prague, in duplicate, in Czechoslovak and in French, each text being equally authentic, the twenty-sixth day of May, one thousand nine hundred and twenty-five.

(L. S.) Dr. Edvard BENEŠ.

(L. S.) Laurent EYNAC.

(L. S.) F. COUGET.

ADDITIONAL PROTOCOL

TO THE AGREEMENT BETWEEN THE FRENCH REPUBLIC AND THE CZECHOSLOVAK REPUBLIC
CONCERNING AIR NAVIGATION SIGNED AT PRAGUE, MAY 26th, 1925.

The Contracting Parties to the above-mentioned Agreement have decided, in order to meet the changes that have occurred since the signature of that instrument, to make the following alterations in the said Agreement.

1. Ad *Article 1*. The service provided for in section 2 of this Article shall be increased to a single service in either direction daily (except on Sundays) from January 1st to December 31st, each year.

2. Ad *Article 2*. The last sentence but one of the first paragraph of this Article shall be amended to read as follows :

“ The Contracting Parties undertake that as soon as possible they will make such contracts valid for a period extending at least until December 31st, 1935. ”

3. Ad *Article 3*. It is agreed that the kilometric scales for subsidies laid down in paragraphs 1 and 2 of this Article shall be replaced by the following scales : The kilometric subsidy shall be fixed in proportion to the total horse-power of the engine or engines mounted on the aircraft.

1. For the Czechoslovak Republic :

Scale No. 1 :

o Kč 15 per 10 HP (disregarding fractions) from 0 to 250 HP.

Scale No. 2 :

o Kč 08 per 10 HP additional (disregarding fractions) from 250 to 800 HP.

Scale No. 3 :

o Kč 05 per 10 HP additional (disregarding fractions) over 800 HP.

2. For the French Republic :

Scale No. 1 :

o fr. 488 per 10 HP (disregarding fractions) from 0 to 250 HP.

Scale No. 2 :

o fr. 24 per 10 HP additional (disregarding fractions) from 250 to 800 HP.

Scale No. 3 :

o fr. 16 per 10 HP additional (disregarding fractions) over 800 HP.

The sums mentioned in the above scales express also the proportion to be maintained between those scales in future in the event of modifications, it being understood, however, that the sums in the Czechoslovak scales shall never exceed those shown above.

The maximum amount of the Czechoslovak subsidy shall not exceed the sum of Kč 4,600,000 per annum.

By Czechoslovak crown (Kč) is meant the Czechoslovak crown of forty-four and 58/100 milligrammes of pure gold.

By franc (French) is meant the French franc of sixty-five and a half milligrammes of gold, of a fineness of nine hundred thousandths.

4. Ad *Article 4*. The first sentence of paragraph 2 of section 1 of this Article shall be replaced by the following text :

“ The latter shall be obliged to order in Czechoslovakia part of its flying material (planes, engines, spare parts in corresponding quantities) up to the value defined hereunder. The value of the material to be ordered shall be fixed in the first instance at the time of the deposit of the instruments of ratification ; the respective orders shall then be placed by the approved Company, within a period of two years dating from the day of the deposit of the instruments of ratification.”

The first sentence of section 2 of this Article shall be replaced by the following text :

“ The material thus ordered shall preferably be of a Czechoslovak or French model. Nevertheless, in exceptional cases, such material may be of a model of another nationality, but manufactured in Czechoslovakia or in France.”

In faith whereof the undersigned Plenipotentiaries have drawn up the present Protocol, which shall have the same force and be valid for the same period as the Agreement to which it refers, the provisions of Article 9 of the said Agreement being applicable to it.

Done at Antwerp, in duplicate, in Czechoslovak and in French, each text being equally authentic, the twenty-fifth day of June, one thousand nine hundred and thirty.

(L. S.) PORQUET.

(L. S.) Ing. V. ROUBIK.