

N° 4429.

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**ALLEMAGNE ET ROUMANIE**

Convention concernant la navigation  
aérienne. Signée à Bucarest, le  
3 octobre 1937.

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**GERMANY AND ROUMANIA**

Convention regarding Air Naviga-  
tion. Signed at Bucharest, Octo-  
ber 3rd, 1937.

<sup>1</sup> TRANSLATION.

No. 4429. — CONVENTION BETWEEN THE GERMAN REICH AND THE KINGDOM OF ROUMANIA REGARDING AIR NAVIGATION. SIGNED AT BUCHAREST, OCTOBER 3RD, 1937.

HIS MAJESTY THE KING OF ROUMANIA  
and

THE CHANCELLOR OF THE GERMAN REICH,  
Being equally convinced that it is to the mutual advantage of Roumania and Germany to promote, for peaceful purposes, the development of international air navigation, have decided to conclude a Convention for that purpose and have appointed as their Plenipotentiaries :

HIS MAJESTY THE KING OF ROUMANIA :

Monsieur Radu IRIMESCU, Engineer, His Minister for Air and Marine ;

THE CHANCELLOR OF THE GERMAN REICH :

Dr. Wilhelm FABRICIUS, German Minister at Bucharest ;

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

*Article I.*

Each of the two Contracting Parties shall, in a spirit of complete equality and subject to reciprocity of treatment, grant the right of air navigation in its territory in time of peace to aircraft of the other Contracting Party duly registered in that Party's territory, provided that the stipulations of the present Convention are observed.

The establishment or operation by an air transport company of one of the Contracting Parties of regular airways to or across the territory of the other Contracting Party, with or without intermediate landing, shall be governed by a special agreement to be concluded between the supreme air traffic authorities of the two States in a spirit of complete equality and subject to reciprocity of treatment. The competent air authorities shall issue a special licence for this purpose.

For the purposes of the present Convention, the term " territory " shall be taken to mean the territory of the Kingdom of Roumania on the one hand and that of the German Reich on the other, including territorial waters in both cases.

For the purposes of the present Convention, the term " aircraft " shall be taken to mean private aircraft and such State aircraft as are not used for military, Customs or police purposes.

Aircraft commanded by a member of the military forces duly commissioned for the purpose shall be regarded as military aircraft.

Military, Customs or police aircraft of one Contracting Party may fly over or land in the territory of the other Party only if they have been given a special authorisation by the competent authority of that Party.

<sup>1</sup> Translated by the Secretariat of the League of Nations, for information.

The provisions of the present Convention shall apply to aircraft having no means of propulsion of their own only in so far as the special character of such aircraft allows.

*Article 2.*

Aircraft of either Contracting Party, their crews, passengers and cargo, shall be subject, while in the territory of the other State, to the obligations arising out of the regulations in force at the time in that State, and, in particular, to the provisions regarding air navigation in general, in so far as these apply to all foreign aircraft irrespective of nationality, as also to the regulations regarding Customs and other dues, export and import prohibitions, the carriage of passengers and goods, public safety and order, health and passports. They shall also be subject to any other obligations arising out of existing legislation, unless otherwise provided in the present Convention.

The commercial transport of passengers and goods between two points in the territory of the same State may be reserved for national aircraft.

The fuel carried on board the aircraft of both the Contracting Parties on arrival shall be exempt from Customs duty, with the exception of fuel unloaded by aircraft in the territory of the other Contracting Party or used there for flights within the said territory.

*Article 3.*

Either Contracting Party may forbid air traffic over certain areas in its territory, provided that no distinction is made in this respect between its own national aircraft and those of the other Party.

This restriction shall not apply to national aircraft used for special purposes in the service of the State administration.

Each Contracting Party shall notify the other of the territorial areas over which air traffic is prohibited.

Each Contracting Party further reserves the right, in exceptional circumstances, to restrict or prohibit, in time of peace, wholly or partially, with immediate effect, and for as long as it may think fit, the right of air navigation accorded by the present Convention, provided that no distinction is made between aircraft of the other contracting State and those of any other foreign States.

*Article 4.*

Any aircraft which finds itself over a prohibited area shall give the signal of distress prescribed by the air navigation regulations of the State flown over, and shall without delay land at the nearest aerodrome of that State situated outside the prohibited area.

Any aircraft flying over a prohibited area which has been made aware of this fact by special signals shall follow the same procedure.

*Article 5.*

Aircraft shall carry distinctive and clearly visible marks enabling them to be identified during flight (nationality and registration marks). They must also bear the name and address of the owner.

Aircraft shall carry certificates of registration and airworthiness and any other documents prescribed for air navigation in their home country.

*Article 6.*

Members of the crew performing on board aircraft duties for which a special permit is required in their home country shall be provided with the certificates required in that country for air navigation and, in particular, with the requisite certificates of proficiency and licences.

The other members of the crew shall carry certificates stating their duties on board the aircraft, their occupation, identity and nationality.

The crew and passengers shall be provided with the documents required for crossing the frontier of the State to whose territory they are travelling or for staying in the said territory, unless the two contracting States agree upon other arrangements.

*Article 7.*

Certificates of airworthiness, certificates of proficiency and licences issued or approved by one of the Contracting Parties for aircraft or crews shall have the same validity, in the other contracting State, as the corresponding documents issued or approved in the latter State.

Each of the two Contracting Parties reserves the right to refuse to recognise as valid for air navigation within its own territory certificates of proficiency and licences issued to its own nationals by the other contracting State.

*Article 8.*

Aircraft of either Contracting Party flying over the national territory of the other Party may not be provided with wireless transmitting apparatus unless they hold a special permit issued by their home country.

The use of such apparatus over the territory of one of the Contracting Parties shall be governed by the relevant regulations in force in that State.

Such apparatus shall, moreover, be used only by members of the crew holding a special licence from their home authorities.

The two contracting States reserve the right, on grounds of safety, to issue regulations regarding the obligatory equipment of aircraft with wireless transmitting apparatus.

*Article 9.*

Aircraft and their crews and passengers may not carry arms, ammunition, poison gas, explosives or carrier pigeons in the territory of the other contracting State without the latter's permission. For the purpose of this clause, signalling material or ammunition shall not be deemed to be arms or ammunition. A special licence shall be required for the transport of photographic apparatus, if it is fitted in such a way that it can be used during flight.

Either contracting State may on grounds of public order and safety restrict within its territory the conveyance or carriage of other articles than those specified in the first paragraph of the present Article, provided that no distinction is made between aircraft of the other contracting State and those of other foreign States.

*Article 10.*

Aircraft carrying passengers or goods shall be provided with a list of the passengers' names and a manifest showing the nature and quantity of the cargo, together with the necessary Customs declarations.

If, on the arrival of an aircraft, a discrepancy is noted between the goods carried and the entries in the above-mentioned documents, the Customs authorities of the aerodrome of arrival shall communicate direct with the competent Customs authorities of the other contracting State.

*Article 11.*

The carriage of mails shall be governed by special agreements to be concluded direct between the postal administrations of the two contracting States.

*Article 12.*

Each contracting State may, in its own territory, order the aircraft of the other State to be inspected on departure or landing by the competent authorities and the prescribed certificates and other documents to be examined.

*Article 13.*

Aerodromes open to public air traffic shall be available to the aircraft of both States. Such aircraft may also make use of the meteorological information and wireless services and of services for ensuring the safety of air traffic. Any charges made (for landing, use of hangars, etc.) shall be the same for national aircraft as for those of the other State.

*Article 14.*

Aircraft of either contracting State arriving from or leaving for abroad may only land at or depart from an aerodrome classed as a Customs aerodrome with facilities for the examination of passports ; moreover, no intermediate landing may be effected between the frontier and such aerodromes.

In special cases, the supreme air traffic authorities may, if so requested, allow aircraft to land at or depart from other aerodromes, where Customs clearance and passport formalities will be carried out. In such cases, the cost of Customs clearance and passport inspection shall be borne by the applicant.

The ban on landing between the frontier and the aerodrome shall also apply in these special cases.

In the event of a forced landing or of a landing as provided for in Article 4 (in the country of departure, after Customs clearance and passport inspection, and in the country of arrival, previous to Customs clearance and passport inspection), the pilot, crew and passengers shall comply with the regulations in force in the State concerned.

The two Contracting Parties shall supply one another with lists of the aerodromes open to public air traffic. These lists shall expressly indicate the aerodromes classed as Customs aerodromes with facilities for the examination of passports.

Any changes made in these lists and any restrictions, even temporary, of the right to use any of these aerodromes shall be notified immediately to the other Contracting Party.

*Article 15.*

The frontiers of the two Contracting Parties may be crossed by dirigible aircraft only between points fixed by the Contracting Party concerned. In the case of non-dirigible aircraft, a special permit shall be issued in each particular case.

Any zone in which either Contracting Party has authorised its own or foreign aircraft to cross its frontiers shall also be open to the aircraft of the other Contracting Party.

Aircraft of either Contracting Party shall, in the territory of the other Party, follow the flying routes there prescribed unless compelled by atmospheric conditions to deviate from such routes. When no flying routes are prescribed, the shortest course shall be taken.

The provisions concerning the observation of special flying routes shall be published and notified to the other Contracting Party.

*Article 16.*

No ballast other than fine sand or water may be dropped.

*Article 17.*

No article or substance other than ballast may be thrown overboard or otherwise discharged in the course of flight, unless the State whose territory is affected has given special permission therefor or the discharge of such articles is necessary to prevent imminent danger.

When refuse is discharged from aircraft in flight, the relevant regulations of the contracting State over whose territory such discharge takes place shall be observed.

*Article 18.*

Whenever questions of nationality arise in connection with the enforcement of the present Convention, aircraft shall be understood to have the nationality of the State in which they are duly registered.

No aircraft may be registered in either contracting State unless it is the sole property of nationals of that State. If the owner is a legal entity or a company of any kind, such legal entity or company must comply with the conditions prescribed by existing Roumanian or German legislation, as the case may be, in order to be recognised as a legal entity or as a Roumanian or German company respectively.

*Article 19.*

Aircraft entering or flying across the territory of either contracting State and making therein only such landings or stops as are necessary shall be exempt from any seizure on the ground of infringement of patent, design or trade mark, subject to the deposit of security, the amount of which in default of amicable agreement shall be fixed with the least possible delay by the competent authority of the place of seizure.

*Article 20.*

When landing in the territory of the other State and especially in the case of forced landing, aircraft of either contracting State shall be entitled to the same assistance and to the use of the same rescue appliances as national aircraft.

The salvage of aircraft in distress at sea shall, in the absence of arrangements to the contrary, be governed by the principles of maritime law as embodied in existing international conventions or, failing these, in the laws of the State to which the salvors belong.

*Article 21.*

The two Contracting Parties shall communicate to each other all regulations governing air traffic in their respective territories.

*Article 22.*

The Contracting Parties shall notify one another of any breaches of the provisions of the present Convention committed in their territory by aircraft of the other contracting State, their crews or their air transport companies.

*Article 23.*

The details of the application of the present Convention, more particularly the question of Customs formalities, shall, so far as is necessary and possible, be settled by direct agreement between the various competent administrations of the two Contracting Parties.

*Article 24.*

Any dispute regarding the interpretation or application of the present Convention which cannot be settled through the diplomatic channel shall, at the request of either Contracting Party, be referred to an arbitral tribunal. The decision of the arbitral tribunal shall be binding on both contracting States.

The arbitral tribunal shall consist of three members and shall be constituted in such way that each contracting State shall appoint an arbitrator of its own choice, within a period of one month after either contracting State has applied for arbitration.

The president of the arbitral tribunal shall be appointed within a further month by mutual agreement between the contracting States. The president shall be an expert in matters of air transport, a national of a third State, must not reside in the territory or be employed in the service of either contracting State.

If, within a month, either contracting State fails to appoint an arbitrator or if, within a further month, no president has been chosen, the President of the Administrative Council of the Permanent Court of Arbitration at The Hague shall be asked to make the necessary appointments.

The seat of the arbitral tribunal shall be fixed by the president.

The decisions of the arbitral tribunal shall be taken by a majority vote. The procedure shall be decided by the court itself ; it may be in writing if neither Contracting Party objects thereto. Each contracting State shall remunerate its own arbitrator and pay half the remuneration of the president.

*Article 25.*

Either contracting State may at any time denounce the present Convention on giving twelve months' notice to be reckoned from the first of January following the date of denunciation.

*Article 26.*

The present Convention shall be ratified. The instruments of ratification shall be exchanged as soon as possible in Berlin.

It shall come into force thirty days after the exchange of the instruments of ratification.

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

Done at Bucharest, in duplicate, in the Roumanian and German languages, this 3rd day of October, one thousand nine hundred and thirty-seven.

R. IRIMESCU.

Wilhelm FABRICIUS.