

N° 4277.

GRÈCE ET ITALIE

Convention concernant l'établissement de lignes aériennes. Signée à Athènes, le 30 juin 1936.

GREECE AND ITALY

Convention for the Establishment of Air Lines. Signed at Athens, June 30th, 1936.

TEXTE ITALIEN. — ITALIAN TEXT.

N° 4277. — CONVENZIONE¹ TRA LA GRECIA E L'ITALIA PER L'ISTITUZIONE DI LINEE AEREE. FIRMATA A ATENE, IL 30 GIUGNO 1936.

Greek and Italian official texts communicated by the Permanent Delegate of Greece to the League of Nations. The registration of this Convention took place February 8th, 1938.

SUA MAESTA IL RE DEGLI ELLENI

e

SUA MAESTA IL RE D'ITALIA

ugualmente convinti dell'interesse reciproco dell'Italia e della Grecia di facilitare l'istituzione di linee di navigazione aerea commerciale, hanno deciso di stipulare all'uopo una convenzione ed hanno nominato i rispettivi plenipotenziari :

SUA MAESTA IL RE DEGLI ELLENI :

Sua Eccellenza il Generale METAXAS , Presidente del Consiglio dei Ministri, Ministro degli Affari Esteri e dell'Aviazione ;

SUA MAESTA IL RE D'ITALIA :

Il Grande Ufficiale, Nob. Raffaele BOSCARELLI, Inviato Straordinario e Ministro Plenipotenziario in Atene,

i quali, dopo avere scambiato i loro pieni poteri riconosciuti in buona e debita forma, hanno convenuto quanto segue :

Articolo I.

Il Governo del Regno di Grecia accorda al Governo del Regno d'Italia l'autorizzazione di far esercire al di sopra del territorio greco da Compagnie Aeree Italiane da designarsi le seguenti linee aeree :

- a) Brindisi-Atene-Constantinopoli
- b) Brindisi-Atene-Rodi e
- c) Italia-Albania-Salonicco verso Sofia o Constantinopoli.

Per quanto concerne li linee indicate alle lettere a) e b), le concessioni già accordate dal Governo ellenico alla Società Italiana Aero-Espresso e trasferite all'Ala Littoria sono mantenute in pieno vigore e possono essere trasmesse a qualsiasi altra Compagnia Italiana che il Governo Italiano volesse indicare in conformità delle disposizioni che precedono.

¹ The exchange of ratifications took place at Rome, January 15th, 1938.

¹ TRANSLATION.

No. 4277. — CONVENTION BETWEEN GREECE AND ITALY FOR THE ESTABLISHMENT OF AIR LINES. SIGNED AT ATHENS, JUNE 30TH, 1936.

HIS MAJESTY THE KING OF THE HELLENES
and

HIS MAJESTY THE KING OF ITALY,

Equally convinced that it is to the mutual interest of Italy and Greece to facilitate the establishment of commercial air navigation lines, have resolved to conclude a Convention for this purpose and have appointed as their respective Plenipotentiaries :

HIS MAJESTY THE KING OF THE HELLENES :

His Excellency General METAXAS, President of the Council of Ministers, Minister for Foreign Affairs and Aviation ;

HIS MAJESTY THE KING OF ITALY :

Grande Ufficiale Nob. Raffaele BOSCARELLI, Envoy Extraordinary and Minister Plenipotentiary at Athens ;

Who, having communicated their full powers, found in good and due form, have agreed as follows :

Article 1.

The Government of the Kingdom of Greece accords to the Government of the Kingdom of Italy authorisation to have operated, over Greek territory, by Italian air companies to be designated, the following air lines :

- (a) Brindisi–Athens–Constantinople ;
- (b) Brindisi–Athens–Rhodes ;
- (c) Italy–Albania–Salonica, for Sofia or Constantinople.

As regards the lines mentioned in (a) and (b), the concessions already granted by the Greek Government to the Società Italiana Aero-Espresso and transferred to the Ala Littoria shall remain in full force and may be transferred to such other Italian company as the Italian Government may indicate in conformity with the foregoing provisions.

The procedure for the setting up of the line mentioned in (c) or of sections of that line shall form the subject of an agreement to be concluded between the competent Ministry and the undertaking concerned. The clauses of such an agreement may in no case contain obligations incompatible with the present Convention.

Article 2.

In exchange for the above-mentioned facilities, the Government of the Kingdom of Italy accords to the Government of the Kingdom of Greece, for the benefit of Greek companies to be designated, equivalent facilities for the following lines :

- (a) Brindisi–Athens–Constantinople ;
- (b) Brindisi–Athens–Rhodes ;
- (c) Greece–Rome or Naples, for Marseilles or Munich, whether passing through Albania or not.

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

Should the above-mentioned lines be worked by Greek air services, the undertakings to be designated by the High Contracting Parties shall come to an agreement concerning the joint operation of the aforesaid lines and shall conclude a separate special agreement regarding the system to be applied, which shall in any case first be approved by the competent Ministries of the High Contracting Parties.

Should the undertakings not come to an agreement concerning the system of operation to be applied, the competent Ministries shall take a decision in the matter within three months after being so requested by the said undertakings. Should the Ministries not reach an agreement and should no decision have been taken within the above-mentioned time-limit, either of the High Contracting Parties shall have the right to submit the dispute to an arbitral tribunal, as provided in Article II.

Article 3.

As far as may be possible, the High Contracting Parties shall place at the disposal of the undertakings concerned in their respective territories, on the same conditions as for their nationals, hangars for housing aircraft, hoisting installations (cranes or slipways), ground or premises for repair shops, aerodrome storages and offices, together with refuelling facilities.

Italian and Greek aircraft serving regular lines may also, in case of need and without performing therein any acts of commerce, use the airports open to public air navigation lying along their route.

Detailed conditions for operation by the undertakings mentioned in the foregoing Articles shall be laid down by special agreements to be concluded between the respective Air Ministries and the aforesaid undertakings.

Article 4.

To avoid all competition prejudicial to air navigation in general, the Italian concessionary company undertakes not to engage in air transport between Greece on the one hand and Bulgaria on the other, except by agreement with such national Greek companies as may operate air communications between Bulgaria and Greece. Until such companies exist, the Italian concessionary company shall be free to operate the aforesaid transport.

At all landings made, whether regular or incidental, crews and passengers in transit, on condition that they are provided with the documents and papers required for international traffic, may remain, and goods and mail in transit may be stored.

If air journeys are interrupted by reason of *vis major*, all facilities shall be accorded for enabling the enterprise concerned to despatch the passengers, goods and mail by the most rapid means to their destination.

Article 5.

The Governments of each of the High Contracting Parties retain the right to reserve the transport of interior and exterior mail to their national companies and likewise all rights in respect of air transport (*cabotage*) between two points in their own territory.

Article 6.

For the duration of the present Convention, the operating undertakings are required to conform to the laws and regulations in force in the territory of each High Contracting Party and to the provisions of the international conventions governing transport by air and in particular the International Aerial Navigation Convention of 1919.

Article 7.

Aircraft intended for the operation of air lines under the present Convention, and the engines mounted on such aircraft, including spare parts, shall be admitted with temporary exemption from Customs duties in the two States.

Objects and supplies — other than fuel (lubricants and petrol) to which the Italian and Greek laws are applicable — that are required for the equipment or maintenance of aircraft and that are to be consumed on the spot, shall be exempt from Customs and other duties in the two countries on condition that they remain under the supervision of the Customs authorities and are used only for the operational needs of air lines established under the present Convention.

The aforesaid exemption shall apply also to material referred to in the foregoing paragraphs of this Article imported under special permits with temporary exemption, until the line Rome-Tirana-Salonica comes into operation.

In the Customs clearance of these objects and supplies, all reductions and facilities admitted by the national legislation for nationals shall be applied.

Passengers, luggage and goods in transit shall be placed under proper supervision. Such luggage and goods shall be exempt from Customs duties of any kind.

Article 8.

The concessionary undertakings shall be required to convey air mail on conditions fixed in the contracts which will be concluded between such undertakings and the competent departments of the Air Ministries of the two States.

Article 9.

The undertakings operating regular lines in application of Articles 1 and 2 may only be Italian or Greek companies within the terms of the laws and regulations of the respective High Contracting Parties.

They shall be freely designated by their respective Governments. Each of the High Contracting Parties shall have the right at any time to scrutinise the conditions of nationality of all undertakings belonging to the other High Contracting Party and operating the above-mentioned lines.

Each of the High Contracting Parties shall at all times have an absolute right to substitute a new undertaking for the former undertaking, subject to notice being given to the other High Contracting Party one month before such undertaking enters into operation.

Undertakings operating regular air lines under the present Convention shall agree to employ only Italian and Greek nationals. The personnel of such undertakings used on the territory of the other High Contracting Party shall be Italian on Italian territory and Greek on Greek territory, in conformity with the relevant laws and regulations in force in the territory of each of the High Contracting Parties, with the exception of a technical director.

Article 10.

In respect of all the air lines hereinbefore referred to, their routes, the frequency of their services, their tariffs, their connections with other lines at the different landing-places and the type of material used shall be freely chosen by the operating companies, which shall be required to give notice of the same to the competent Administrations of the two States one month prior to their being put into application, or, in the case of material, prior to its being put into service.

In establishing the aforesaid routes, every effort will be made to frame them so as to serve the interests of the two High Contracting Parties.

Article 11.

In the event of any dispute arising between the two High Contracting Parties concerning the interpretation or application of the present Convention, if one of the High Contracting Parties asks that the dispute shall be submitted for decision to an arbitral tribunal, the other Party shall undertake to acquiesce in such procedure, even if the decision concerns the preliminary question whether the dispute can properly be referred to an arbitral tribunal.

The arbitral tribunal shall be constituted for each dispute as follows: each of the High Contracting Parties shall appoint one of its nationals as arbitrator, and the two Parties together shall choose as third arbitrator a national of a third friendly Power.

The High Contracting Parties reserve the right to come to an agreement beforehand, for a period to be determined, concerning the person who shall fulfil the functions of third arbitrator in case of dispute.

The decision of the arbitrators shall be binding.

Article 12.

The duration of the present Convention shall be for a period of five years, as from January 1st, 1935. The Convention shall be automatically renewed for periods of two years, unless notice of denunciation has been given one year in advance by one of the High Contracting Parties.

Article 13.

The details of application of the present Convention shall be settled, whenever possible, by direct agreement between the competent authorities of the two High Contracting Parties.

Article 14.

The present Convention has been drawn up in Italian and in Greek and both texts shall be equally authentic.

Article 15.

The present Convention shall be ratified by the two High Contracting Parties and the exchange of ratifications shall take place as soon as possible at Rome.

The two Governments agree to put the present Convention provisionally into force by means of an exchange of notes before the exchange of ratifications, on condition that the company concerned undertakes to sign the "concession agreement", referred to in Article 1, with the competent Ministry within three months of the date on which it is invited to do so by the latter.

In faith whereof the above-mentioned Plenipotentiaries have signed the present Convention, drawn up in Italian and in Greek, and have thereto affixed their seals.

Done in duplicate at Athens, this 30th day of June, 1936.

J. METAXAS.

R. BOSCARELLI.