

N° 829.

DANEMARK ET POLOGNE

Accord concernant la navigation
aérienne, signé à Copenhague, le
16 décembre 1924.

DENMARK AND POLAND

Agreement relating to Air Naviga-
tion, signed at Copenhagen, De-
cember 16, 1924.

¹ TRADUCTION. — TRANSLATION.No. 829. — AGREEMENT² BETWEEN DENMARK AND POLAND RELATING TO AIR NAVIGATION, SIGNED AT COPENHAGEN DECEMBER 16, 1924.

French official text communicated by the Polish Delegate accredited to the League of Nations and the Danish Minister at Berne. The registration of this Agreement took place February 28, 1925.

HIS MAJESTY THE KING OF DENMARK AND ICELAND and the PRESIDENT OF THE POLISH REPUBLIC have agreed to conclude an Agreement between DENMARK and POLAND relating to air navigation, and have for this purpose appointed as Plenipotentiaries :

HIS MAJESTY THE KING OF DENMARK AND ICELAND :

The Count Carl Poul Oscar MOLTKE, Minister for Foreign Affairs.

THE PRESIDENT OF THE POLISH REPUBLIC :

His Envoy Extraordinary and Minister Plenipotentiary to His Majesty the King of Denmark and Iceland, M. Constanty ROZWADOWSKI, and
M. Jerzy BOGORVA-KURZENIECKI, General Secretary of the Transit Committee at the Ministry for Foreign Affairs.

The Plenipotentiaries, after having communicated to each other their full powers, found in good and due form, have agreed as follows :

Article 1.

Each of the Contracting States undertakes in time of peace to accord freedom of innocent passage above its territory and territorial waters to private aircraft duly registered in the other Contracting State, provided that the conditions established in this Agreement are observed.

Article 2.

All aircraft shall be deemed to be private aircraft within the meaning of Article 1 except the following :

- (a) Aircraft under a military commander specially commissioned for that purpose.
- (b) Aircraft exclusively used in State service, such as posts, and Customs and police aircraft.

¹ Traduit par le Secrétariat de la Société des Nations.

¹ Translated by the Secretariat of the League of Nations.

² The exchange of ratifications took place at Copenhagen, February 5, 1925.

Article 3.

Each of the Contracting States shall have the right, for military reasons or in the interest of public safety, to prohibit flight over certain areas of its territory, subject to no distinction being made in this respect between the private aircraft of the two States.

The areas thus prohibited shall be notified to the other Contracting State.

Article 4.

Any aircraft which finds itself over a prohibited area shall at once give the signal of distress provided in the air traffic regulations of the State flown over, and shall forthwith land outside the prohibited area at one of the aerodromes of that State.

Article 5.

Aircraft and their crews shall be provided with all certificates, licences and documents prescribed for air traffic by the authorities of the country whose nationality the aircraft possesses. Aircraft must carry distinctive and visible marks allowing them to be identified in flight.

Article 6.

Members of the crew and passengers must be provided with all the identity documents and passports required by the laws and regulations in force for all other international traffic. Members of the crew must in any case be provided with documents establishing their identity, nationality and military status.

Article 7.

Any aircraft over the territory of the other Contracting State may only carry wireless apparatus if this is permitted under the laws and regulations in force in both contracting countries. Such apparatus may not be used except by members of the crew provided with a special licence for the purpose issued by the State whose nationality the aircraft possesses.

Article 8.

Aircraft of one of the Contracting States may not fly over the territory of the other Contracting State unless they are completely airworthy.

The aircraft shall be provided with a certificate of airworthiness issued by the competent authority of its country of origin.

The two Contracting States shall recognise the certificates of airworthiness issued by their respective competent authorities.

If, after the certificate has been issued, the airworthiness of the aircraft is impaired by accident, damage or any other change, the aircraft may not continue its journey unless it has undergone repairs of such a nature that it may be considered as airworthy by the authorities of the Contracting State in which it is.

Article 9.

Any aircraft landing on or departing from the territory of the other Contracting State may, subject to the provisions of Article II, carry passengers and goods. It must in this case be provided

with a list containing the names of the passengers and a manifest showing the nature and quantity of the goods and also the requisite Customs declarations.

If, on the arrival of the aircraft, any discrepancy is discovered between the Customs declarations and the goods carried, the competent authorities of the aerodrome at which it arrives shall communicate the fact direct to the authorities of the aerodrome from which the aircraft departed.

Article 10.

The authorities of either of the Contracting States shall, within the limits of its territory, have the right in all cases to examine aircraft of the other State on departure or on landing and to verify the documents with which they should be furnished.

Article 11.

Each of the two Contracting States may make the commercial transport of persons or goods into, out of, or within its own territory subject to a concession granted by its competent authorities. This provision, however, shall not apply to an aircraft occasionally travelling on behalf of the State whose nationality it possesses to the other Contracting State. The transport of passengers and goods between two points within the territory of the State may be reserved for aircraft belonging to that State.

The establishment of prescribed airways and the operation of a regular air service over the territory of one of the Contracting States may be made subject to special authorisation.

Article 12.

The frontiers of both Contracting States may, until the contrary is provided, be crossed in flight at any point.

Over Danish territory and territorial waters, aircraft shall, however, shape their course as far as possible in such a way as to be under observation from one or more of the points referred to in the Annex to the present Agreement.

Article 13.

Aircraft of one of the two Contracting States may not land within the territory of the other State except at an aerodrome that is open to public air traffic; they shall have the right to make use of these aerodromes in the other Contracting State subject to the payment of the same dues as those charged in the case of its own aircraft and under the same conditions. In the case of regular landing or forced landing in the territory of the other Contracting State they shall be entitled to the same assistance as its own aircraft.

Each Contracting State shall communicate to the other a schedule of the aerodromes which are open to public air traffic. Every change in this schedule and any cancellation, even if only temporary, of the availability of any one aerodrome shall be notified without delay to the other Contracting State.

Article 14.

In the case of forced landings outside an aerodrome, the police or Customs authorities at the place at which landing is made shall be notified forthwith, and until their arrival the crew and passengers shall remain beside the aircraft and shall take measures to prevent the removal of any part of the aircraft or its accessories or cargo.

Article 15.

The Contracting States agree that aircraft belonging to one of the Contracting States and their crews and passengers shall, while in the territory of the other State, be subject to the obligations arising out of the regulations in force in that State regarding air traffic in general, Customs and other duties, export or import prohibitions, the transport of passengers and goods, and public safety and order, in so far as the present Agreement does not provide otherwise, and that they shall furthermore be subject to such other obligations as may arise out of the general legislation in force.

Article 16.

Certificates for air navigation issued in one of the contracting countries for aircraft belonging to it, and also their crews, shall have the same validity in the other Contracting State as the corresponding certificates issued by that State.

As regards air traffic within its own territory, each of the Contracting States reserves the right to refuse to recognise the certificates issued to one of its nationals by the other Contracting State.

Article 17.

Aircraft and their crews and passengers may not carry as cargo, or in any other capacity, arms, munitions, poisonous gases or explosives. Carrier-pigeons and photographic apparatus may only be carried with the permission of the competent authority of the State in the air territory of which the aircraft is situated.

Article 18.

No ballast other than fine sand or water may be dropped from an aircraft in flight.

Article 19.

The discharge or removal in the course of flight of any other substance than ballast is prohibited unless special permission has been obtained for this purpose by the State on whose territory such discharge or removal is effected.

Article 20.

The Contracting States shall reciprocally notify one another of all laws and regulations governing air traffic in their own territory.

Article 21.

The two Contracting States shall take the necessary steps to ensure that the provisions of the present Agreement are observed by their aircraft, crews and passengers.

If the country in which the aircraft quoted finds itself does not prosecute in the case of an infringement of these regulations, it shall, if necessary, give notice thereof to the authorities of the other Contracting State.

Article 22.

The present provisional Agreement may be denounced by either of the Contracting States at any time, subject to six months' notice.

Moreover, each of the Contracting States reserves the right to denounce this Agreement, such denunciation to take immediate effect in the event of both Contracting States ratifying the International Convention¹ of Air Navigation signed by several States at Paris on October 13, 1919.

Article 23.

The present Agreement shall be ratified, and the instruments of ratification shall be exchanged at Copenhagen as soon as possible. It shall come into force on the day of the exchange of the instruments of ratification.

Done at Copenhagen, on December 16, 1924, in two original copies, one for each of the Parties.

C. MOLTKE.

CONSTANTY ROZWADOWSKI.
BOGORYA-KURZENIECKI.

ANNEX

I.

The Danish points of observation referred to in Article 12 are the following :

Anholt Light	...	...	...	...	...	56° 44' 16" N.
						11° 39' 15" E.
Fornaes Light	...	...	...	...	...	56° 26' 36" N.
						10° 57' 40" E.
Gedser Light	...	...	...	...	...	54° 33' 50" N.
						11° 58' 03" E.
Hammer Light	...	...	...	...	...	55° 17' 12" N.
						14° 45' 50" E.
Hanstholm Light	...	...	...	...	...	57° 06' 47" N.
						8° 36' 08" E.
Hirshals Light	...	...	...	...	...	57° 35' 06" N.
						9° 56' 45" E.
Hirsholm Light	...	...	...	...	...	57° 29' 09" N.
						10° 37' 43" E.
Kjels-Nor Light	...	...	...	...	...	54° 43' 52" N.
						10° 43' 31" E.
Knudshoved Light	...	...	...	...	...	55° 17' 25" N.
						10° 51' 21" E.
Kronborg Light	...	...	...	...	...	56° 02' 22" N.
						12° 37' 36" E.
Revsnaes Light	...	...	...	...	...	55° 44' 36" N.
						10° 52' 23" E.
Sejrø Light	...	...	...	...	...	55° 55' 09" N.
						11° 05' 07" E.
Skaw Light	...	...	...	...	...	57° 44' 09" N.
						10° 38' 03" E.

¹ Vol. XI, page 173 and Vol. XXIV, page 174 of this Series.

Sprogø Light	...	...	...	...	...	55° 19'	51"	N.
						10° 58'	25"	E.
Stevns Light	...	...	...	...	...	55° 17'	26"	N.
						12° 27'	28"	E.
Vestborg Light	...	...	...	...	...	55° 46'	11"	N.
						10° 33'	17"	E.
¹ Kegnaes Light	...	...	...	...	c.	54° 51'	—	N.
						9° 59'	—	E.
¹ Taksensand Light	...	...	...	...	c.	55° 00'	—	N.
						9° 58'	—	E.
Laesø-Rende Light-vessel	...	...	...	...	...	57° 12'	(48")	N.
						10° 41'	(38")	E.
Laesø-Trindel Light-vessel	...	...	...	...	...	57° 26'	(30")	N.
						11° 16'	(45")	E.
Schultz Grund Light-vessel	...	...	...	...	...	56° 08'	(54")	N.
						11° 11'	(10")	E.
Drogden Light-vessel	...	...	...	...	...	55° 33'	(03")	N.
						12° 42'	(57")	E.
Horn Rev Light-vessel	...	...	...	...	...	55° 34'	(05")	N.
						7° 19'	(30")	E.
Vyl Light-vessel	...	...	...	...	...	55° 21'	(30")	N.
						7° 40'	(30")	E.
Graadyb Light-vessel	...	...	...	...	...	55° 20'	(02")	N.
						8° 04'	(41")	E.
¹ Gedser Rev Light-vessel	...	...	...	...	c.	54° 27'	—	N.
						12° 11'	—	E.

2.

This Annex shall be considered as a part of the Agreement.

Copenhagen, December 16, 1924.

C. MOLTKE.

CONSTANTY ROZWADOWSKI.
BOGORYA-KURZENIECKI.

¹ Omitted in the text presented by the Danish Minister at Berne.