

N° 1299.

PAYS-BAS ET SUISSE

Convention provisoire réglant la circulation aérienne, avec protocole final. Signés à Berne, le 18 mai 1925.

**THE NETHERLANDS
AND SWITZERLAND**

Provisional Convention regulating Aerial Navigation, with Final Protocol. Signed at Berne, May 18, 1925.

¹ TRADUCTION. — TRANSLATION.No. 1299. — PROVISIONAL CONVENTION² BETWEEN THE NETHERLANDS AND SWITZERLAND REGULATING AERIAL NAVIGATION. SIGNED AT BERNE, MAY 18, 1925.

French official text communicated by the Swiss Federal Council and by the Netherlands Chargé d'Affaires at Berne. The registration of this Convention took place September 14, 1926.

THE SWISS FEDERAL COUNCIL and HER MAJESTY THE QUEEN OF THE NETHERLANDS, being equally desirous of regulating aerial navigation between Switzerland and the Netherlands, have resolved to conclude a provisional convention to this effect and have appointed as their Plenipotentiaries :

THE SWISS FEDERAL COUNCIL :

M. Guiseppe MOTTA, Federal Councillor, Chief of the Federal Political Department:

HER MAJESTY THE QUEEN OF THE NETHERLANDS :

M. Willem I. DOUDE VAN TROOSTWIJK, Envoy Extraordinary and Minister Plenipotentiary of the Netherlands in Switzerland ;

Who, having exchanged their full powers found in good and due form have agreed upon the following Articles, subject to ratification :

Article 1.

Each of the Contracting States shall, in time of peace, accord free innocent passage above its territory to aircraft duly registered in the other Contracting State, provided that the regulations laid down in the present Convention are observed.

The expression " territory of the Contracting States ", within the meaning of the present Convention, shall also include territorial waters ; the term " aircraft " shall only cover private aircraft.

Article 2.

Until further notice, the frontiers of the two Contracting States may be flown over at any point.

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 Berne, August 26, 1926.

Article 3.

Either Contracting State may prohibit aerial navigation over certain areas of its territory, provided that no distinction is made in this connection between the aircraft of the two States.

Each State shall further be entitled in exceptional cases to restrict or prohibit aerial navigation over its territory or parts thereof. In such case the stipulation made above shall not be applicable.

Prohibitions and restrictions under this Article shall be notified to the other Contracting State.

Article 4.

Any aircraft which finds itself flying over a forbidden area must immediately give the signal of distress prescribed by the air regulations of the State flown over, and must land as soon as possible at an aerodrome or air-port of the State situated outside the forbidden area.

Article 5.

Aerodromes and air-ports open for public use shall be open to the aircraft of both States

After entering and before leaving one of the two countries, the first landing and the last departure may only be made at or from one of the aerodromes or air-ports open for public use and having facilities for Customs examination, and no intermediate landing may be made between the frontier and the aerodrome or air-port.

In special cases official authorisation may be given to make the first landing at, or the last departure from, another ground possessing facilities for Customs examination, but again no intermediate landing may be made between the frontier and the ground in question.

Each of the Contracting States shall communicate to the other a list of the aerodromes or air-ports open for public use at the time the present Convention comes into force. This list shall also mention places at which Customs formalities may be complied with.

All changes in this list, and all restrictions, even temporary, on the use of the aerodromes or air-ports indicated, shall be immediately notified to the other Contracting State.

Article 6.

Aircraft must bear distinct and visible marks allowing of their identification during flight.

Aircraft must carry the certificates and other papers prescribed for aerial navigation in the country to which they belong.

Those members of the crew — the crew being all persons other than passengers on board the aircraft — who perform duties for which a special licence is required by the country to which they belong must be provided with the certificates prescribed for aerial navigation by their country; the other members of the crew must carry papers indicating their functions on board, occupation, identity, and nationality.

Certificates issued or accepted for aircraft and their crews by one of the Contracting States, shall have the same validity in the other State as the corresponding certificates issued or accepted by the latter State.

Each Contracting State reserves the right to refuse to recognise pilots' certificates issued to its nationals by the other Contracting State as valid for aerial navigation within and above its own territory.

Article 7.

In the absence of special provisions and without prejudice to the provisions of Article 6, passengers and crew must carry the papers required by the general regulations governing traffic between the two countries.

Article 8.

No aircraft may carry a wireless apparatus of any kind without a special licence delivered by the State to which the aircraft belongs. The use of such apparatus over the territory of each of the Contracting States shall be subject to the regulations issued on this subject by the competent authority of that State. Moreover, such apparatus must not be used except by members of the crew in possession of a special licence for the purpose, issued by the Government of their country.

The two Contracting States reserve the right to conclude, for reasons of safety, arrangements for the compulsory installation of wireless apparatus on board aircraft.

Article 9.

Aircraft, and their crews and passengers, may not carry, either as cargo or otherwise, arms, ammunition, asphyxiating gases, or explosives. Carrier-pigeons and photographic or cinematographic apparatus may not be carried within the limits of the territory of the Contracting State to which the aircraft does not belong without the permission of the competent authority of the latter State.

Article 10.

Aircraft which carry passengers and goods must be provided with a list of the passengers by name, with a manifest showing the nature and quantity of the goods, and with the requisite Customs declarations.

If on the arrival of an aircraft there is found to be any discrepancy between the manifest and the goods carried, the Customs authorities at the aerodrome or air-port of arrival may communicate with the competent Customs authorities of the other Contracting State.

The carriage of mails may be regulated by special agreements concluded directly between the postal administrations of the two Contracting States.

Article 11.

The competent authorities of each of the Contracting States shall in all cases be entitled to examine the aircraft of the other State on departure or landing, and to inspect the certificates and other papers with which they must be supplied.

Article 12.

Each of the Contracting States shall have the right to impose special regulations on the commercial carriage of passengers or goods coming from, proceeding to, or conveyed within its own territory.

The commercial carriage of passengers or goods between two points within the territory of one State may be reserved for aircraft belonging to that State.

The establishment of marked air routes and the operation of regular aerial services over the territory of either of the Contracting States may be made subject to the granting of special permission.

Article 13.

No ballast except fine sand or water may be dropped from aircraft in flight.

Article 14.

Except ballast, no other articles or substances may be dropped or thrown in course of flight unless the State in whose territory the act is performed shall have granted special permission.

Article 15.

Except as otherwise provided in the present Convention, aircraft belonging to one of the Contracting States, together with their crews and passengers, shall, as long as they are within the territory of the other State, be subject to the obligations resulting from the regulations of that State with regard to aerial navigation in general, Customs duties and other dues, export and import prohibitions, the carriage of passengers and goods, and public safety and order. They shall also be subject to all the other obligations resulting from the general legislation in force.

The two Contracting States shall communicate to each other the laws and regulations governing aerial navigation over their territory.

Article 16.

Either Contracting State may denounce the present Convention at any time at three months, notice.

Further, each of the Contracting States reserves the right to denounce the present Convention, with immediate effect, as soon as both States have ratified the International Convention¹ for the Regulation of Aerial Navigation, signed at Paris on October 13, 1919.

Article 17.

The present Convention shall be ratified, and the instruments of ratification shall be exchanged as soon as possible. It shall enter into force on the day of the exchange of the instruments of ratification.

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

Done in duplicate at Berne on May the eighteenth, nineteen hundred and twenty-five.

(Signed) MOTTA.

(Signed) W. DOUDE VAN TROOSTWIJK.

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

FINAL PROTOCOL TO THE PROVISIONAL CONVENTION BETWEEN SWITZERLAND
AND THE NETHERLANDS REGULATING AERIAL NAVIGATION.

The two Contracting Parties agree that, for the purposes of the present Convention, the Principality of Liechtenstein shall be considered as an integral part of Swiss territory, as long as it belongs to the Swiss Customs territory.

BERNE, May the eighteenth, nineteen hundred and twenty-five.

(Signed) MOTTA.

(Signed) W. DOUDE VAN TROOSTWIJK.