

N° 1707.

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**ESPAGNE ET FRANCE**

Convention générale de navigation  
aérienne et déclaration y annexée.  
Signées à Madrid, le 22 mars 1928.

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**SPAIN AND FRANCE**

General Convention regarding Air  
Navigation and Declaration an-  
nexed thereto. Signed at Madrid,  
March 22, 1928.

## TEXTE ESPAGNOL. — SPANISH TEXT.

N<sup>o</sup> 1707. — CONVENTION<sup>1</sup> GÉNÉRALE DE NAVIGATION AÉRIENNE ENTRE L'ESPAGNE ET LA FRANCE. SIGNÉE A MADRID, LE 22 MARS 1928.

No. 1707. — CONVENIO<sup>1</sup> GENERAL DE NAVEGACIÓN AÉREA ENTRE FRANCIA Y ESPAÑA. FIRMADO EN MADRID EL 22 DE MARZO DE 1928.

*Textes officiels français et espagnol communiqués par le ministre des Affaires étrangères de la République française. L'enregistrement de cette convention a eu lieu le 14 mai 1928.*

*French and Spanish official texts communicated by the Minister for Foreign Affairs of the French Republic. The registration of this Convention took place May 14, 1928.*

LE PRÉSIDENT DE LA RÉPUBLIQUE FRANÇAISE et SA MAJESTÉ LE ROI D'ESPAGNE, animés du désir de faciliter le développement par l'air des communications entre la France et l'Espagne, ont résolu de conclure une convention à cet effet et ont nommé pour leurs plénipotentiaires, savoir :

EL PRESIDENTE DE LA REPÚBLICA FRANCESA y SU MAJESTAD EL REY DE ESPAÑA, animados del deseo de facilitar el desarrollo de las comunicaciones aéreas entre Francia y España, han resuelto ajustar un Convenio a este efecto y han nombrado para ello por sus Plenipotenciarios ;

SON EXCELLENCE LE PRÉSIDENT DE LA RÉPUBLIQUE FRANÇAISE :

EL EXCMO. SEÑOR PRESIDENTE DE LA REPÚBLICA FRANCESA :

Monsieur Adrien THIERRY, chargé d'Affaires de France à Madrid, chevalier de la Légion d'honneur, commandeur de l'Ordre royal d'Isabelle la Catholique et de l'Ordre de Victoria, de la Grande-Bretagne ;

al Sr. Adrien THIERRY, Encargado de Negocios de Francia en Madrid, Caballero de la Legión de Honor, Comendador de la Real Orden de Isabel la Católica y de la Orden de Victoria, de la Gran Bretaña ;

SA MAJESTÉ LE ROI D'ESPAGNE :

SU MAJESTAD EL REY DE ESPAÑA :

Son Excellence Don Miguel PRIMO DE RIVERA Y ORBANEJA, marquis de Estella, président de Son Conseil des Ministres et Son ministre d'Etat, Grand d'Espagne, lieutenant général des armées, décoré de la Grand' Croix, laurée, de l'Ordre royal et militaire de Saint Ferdinand, chevalier Grand' Croix des Ordres de Saint Hermenegilde, du Mérite militaire, du Mérite naval, de Pie IX du Saint-Siège, de la Légion d'honneur de France,

al Excmo. Sr. D. Miguel PRIMO DE RIVERA y ORBANEJA, Marqués de Estella, Presidente de Su Consejo de Ministros y Su Ministro de Estado, Grande de España, Teniente General de los Ejércitos, condecorado con la Gran Cruz laureada de la Real y Militar Orden de San Fernando, Caballero Gran Cruz de las Ordenes de San Hermenegildo, del Mérito Militar, del Mérito Naval, de Pio IX de la Santa Sede, de la Legión de Honor de Francia,

<sup>1</sup> Entrée en vigueur le 22 mars 1928.

<sup>1</sup> Came into force March 22, 1928.

<sup>1</sup> TRADUCTION. — TRANSLATION.

## No. 1707. — GENERAL CONVENTION BETWEEN SPAIN AND FRANCE REGARDING AIR NAVIGATION. SIGNED AT MADRID, MARCH 22, 1928.

THE PRESIDENT OF THE FRENCH REPUBLIC and HIS MAJESTY THE KING OF SPAIN, being desirous of promoting the development of air communications between France and Spain, have decided to conclude a Convention for that purpose, and have appointed as their Plenipotentiaries :

HIS EXCELLENCY THE PRESIDENT OF THE FRENCH REPUBLIC :

M. Adrien THIERRY, French Chargé d'Affaires at Madrid, Chevalier of the Legion of Honour, Commander of the Royal Order of Isabella the Catholic and of the Royal Victorian Order of Great Britain ;

HIS MAJESTY THE KING OF SPAIN :

His Excellency Don Miguel PRIMO DE RIVERA Y ORBANEJA, Marquis de Estella, Prime Minister and Minister of State, Grandee of Spain, Lieutenant-General of the Armies, decorated with the Grand Cross with laurels of the Royal and Military Order of St. Ferdinand, Knight Grand Cross of the Orders of St. Hermenegilde, of Military Merit, of Naval Merit, of Pius IX of the Holy See, of the French Legion of Honour, of St. Benedict of Aviz of Portugal, of St. Maurice and St. Lazarus of Italy and of Merit of Chile, His Majesty's Gentleman of the Chamber ;

Who, having communicated their full powers, found in good and due form, have agreed upon the following Articles :

*Article I.*

Each of the High Contracting Parties shall in time of peace grant to the aircraft of the other Contracting Party duly registered in the territory of the latter, freedom of passage over its territory, provided that the conditions set forth in the present Convention are observed.

It is understood, however, that the establishment or operation by any undertaking, possessing the nationality of one of the High Contracting Parties, of regular air lines over the territory of the other Contracting Party (with or without a stop) shall be governed by special conventions between the two Governments. These special conventions may define the conditions governing the application of the present general Convention and any extensions of certain of its terms.

The High Contracting Parties shall grant each other most-favoured-nation treatment as regards the working of air lines so authorised.

For the purposes of the present Convention, the term "territory" shall be taken to mean the territories of the mother countries and their colonies and the French and Spanish zones of influence in Morocco, and shall include territorial waters. The territory of the mother country shall include, in the case of Spain, the Balearic Islands, the Canary Islands, Melilla and Ceuta ; and in the case of France, Corsica.

The term "aircraft" shall be taken to comprise private aircraft and State aircraft used exclusively for commercial or postal services.

<sup>1</sup> Traduit par le Secrétariat de la Société des Nations, à titre d'information.

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

No State aircraft not used exclusively for a commercial or postal service by one of the High Contracting Parties and, in particular, no military aircraft, may fly over the territory of the other High Contracting Party or land there without special authorisation from the latter Party. Unless such authorisation provides otherwise, the terms of the present Convention and any regulations in force at the time of the flight shall apply to such aircraft. Should an aircraft holding such a special authorisation land, it shall, as a rule and in the absence of stipulations to the contrary, be granted the privileges customarily accorded to foreign ships of war.

Every aircraft commanded by a person in military service detailed for the purpose shall be deemed to be a military aircraft.

#### *Article 2.*

Aircraft possessing the nationality of either of the High Contracting Parties, and their crews and passengers, baggage and cargoes, when over the territory of the other High Contracting Party shall be subject to the obligations arising out of the regulations in force in the State flown over, particularly those relating to air navigation in general, in so far as they apply to all foreign aircraft irrespective of nationality, to Customs and other prescribed duties, to export and import prohibitions, to the transport of passengers and goods, to security and public order, to the passport régime and to any sanitary regulations. They shall also be obliged to conform to the other requirements of the general laws in force, except as otherwise provided in the present Convention.

For the traffic of regular air lines special agreements may be concluded between the Governments of the two countries on the questions dealt with in the preceding paragraph.

The commercial transport of persons and articles between any two points in the territory of one of the countries concerned may be reserved for the aircraft of that country.

The fuel on board shall not be liable to Customs duty provided that the quantity carried is not in excess of that required for the journey.

#### *Article 3.*

Either High Contracting Party may prohibit air navigation over certain territorial areas provided that no distinction in that respect is made between its own aircraft and those possessing the nationality of the other State. This stipulation shall naturally be subject to the exercise of the rights of sovereignty of each of the two High Contracting Parties over its own territory in respect of the use of State aircraft other than those employed exclusively for commercial or postal services, such as military, police or Customs aircraft. The Contracting States shall inform each other of the territorial areas over which air navigation is prohibited.

Further, each of the High Contracting Parties reserves the right provisionally to restrict or prohibit air navigation over its territory, either partially or completely, in exceptional circumstances and with immediate effect, provided that no distinction be made in that respect between the aircraft of the other Contracting Party and those of any other foreign countries.

#### *Article 4.*

Every aircraft which finds itself above a prohibited area shall, as soon as it is aware of the fact, give the signal of distress prescribed by the air navigation regulations of the State flown over. It shall also land or alight on the sea as soon as possible outside the prohibited area at one of the nearer aerodromes of that State. The same obligation shall apply to any aircraft receiving a special prescribed signal warning it that it is flying over a prohibited area.

#### *Article 5.*

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

They shall be provided with certificates of registration and airworthiness and all other documents prescribed for air navigation in their country of origin.

All members of the crew carrying out, on board aircraft, duties which in their country of origin are subject to special authorisation shall carry the papers prescribed in that country for air navigation and in particular the regulation certificates and licences.

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

Certificates of airworthiness, certificates of competency and licences issued or rendered valid by either of the High Contracting Parties for aircraft or crews, shall be valid in the other State under the same conditions as the corresponding documents issued or rendered valid by that State. The certificates and licences of crews shall, however, be valid only for the flying of aircraft registered in the country issuing them, and no departure from this rule may be allowed except by special authorisation from the air authorities of the State flown over.

Each of the High Contracting Parties reserves the right to refuse to recognise for the purpose of flights within the limits of its territory certificates of competency and licences issued to its nationals by the other Contracting Party. In the absence of agreement to the contrary, the crew and passengers shall carry the papers required by the regulations in force for international traffic.

#### *Article 6.*

Aircraft of either High Contracting Party, when in the territory of the other, may not carry wireless apparatus except as permitted by the two Contracting States. The use of such apparatus shall of course be subject to the regulations in force in the State flown over at the time when it is in use. Such apparatus shall only be used by members of the crew holding a special authorisation issued for the purpose by their State of origin.

For reasons of safety the two Contracting States reserve the right to issue regulations obliging aircraft to be equipped with wireless apparatus.

#### *Article 7.*

Aircraft and their crews and passengers may not carry arms, munitions, harmful or explosive gases or photographic apparatus, except by authorisation of the State in whose air space the aircraft happens to be.

For reasons of public safety, either of the High Contracting Parties may restrict, within the territory under its sovereignty, the conveyance of articles other than those specified in the first paragraph of the present Article, provided that no distinction be made between the aircraft of the home country and those of the other High Contracting Party.

#### *Article 8.*

Aircraft conveying passengers or goods shall carry a list of the passengers' names and, as regards goods, 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 found to exist between the goods carried and the entries in the above-mentioned documents, the Customs authorities of the port of arrival shall communicate direct with the competent Customs authorities of the other Contracting State.

The carriage of mails shall be regulated direct between the administrations of the two Contracting States by means of special agreements.

Article 9.

On the departure or landing of aircraft, each Contracting State may, in its territory have the aircraft of the other State inspected by its competent authorities and may have the certificates and other prescribed documents examined.

Article 10.

Aerodromes open to public use shall be available for the aircraft of both States. The latter may also use the meteorological information services, wireless services, ground markings and day and night signalling services. Any charges made (landing charge, charge for length of stay, etc.) shall be the same for aircraft of the home country and those of the other State.

For the regular services of air lines special facilities may be agreed upon by the Governments of the two High Contracting Parties.

Article 11.

Aircraft flying to or from either of the contracting States may, on entering or leaving, proceed only to an aerodrome open to public use and classed as a Customs aerodrome (with a passport examination service), and may not land between the frontier and the aerodrome. In special cases the competent authorities may permit a departure from or landing at other aerodromes, where the Customs clearance and passport inspection formalities will be carried out. In these special cases also, aircraft shall not be allowed to land between the frontier and the aerodrome.

In the event of a forced landing elsewhere than at one of the aerodromes referred to in the first paragraph, whether on account of *force majeure* or in the cases provided for in Article 4, the person in charge of the aircraft and the crew and passengers shall comply with the regulations regarding air navigation, Customs matters and passports, in force in the State on whose territory the aircraft has landed.

The two High Contracting Parties shall communicate to each other a list of aerodromes open to public use. This list shall indicate those classed as Customs aerodromes. Any change in the list and any restriction, even temporary, of the right to use any of these aerodromes shall be communicated immediately to the other Contracting Party.

Article 12.

The frontiers common to the two Contracting Parties may only be crossed between points jointly agreed upon. Other frontiers shall be crossed between the points fixed by that one of the two States whose territory is bounded by the frontiers in question.

It is herewith stipulated that any area in which either Contracting Party authorises its frontiers, whether common with the other State or not, to be crossed by its own aircraft or by aircraft of another nationality may *ipso facto* be used for the passage of aircraft having the nationality of the other Contracting Party.

Article 13.

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

Article 14.

No article or substance other than ballast may be thrown or dropped in any other manner from an aircraft in flight unless the State over whose territory the operation is carried out has granted special authorisation for the purpose.

*Article 15.*

As regards all questions of nationality connected with the application of the present Convention, aircraft shall be deemed to have the nationality of the State on the register of which they are duly entered.

No aircraft may be entered on the register of either State unless it belongs wholly to nationals of that State. If it is owned by a company, the latter, whatever its form, must fulfil all the conditions required by French or Spanish law in order to be regarded as of French or of Spanish nationality as the case may be.

*Article 16.*

The two High Contracting Parties shall exchange, within a month following the ratification of the present Convention, the lists of aircraft entered on their respective registers. They shall thereafter exchange every month lists showing the registrations entered and cancelled during the previous month.

*Article 17.*

Any aircraft crossing or passing in transit through the air-space of either of the Contracting States and making only such landings and stoppages as are reasonably necessary shall be exempt from any seizure on the ground of infringement of a patent, design or model, 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 18.*

Aircraft having the nationality of either Contracting State shall be entitled to the same measures of assistance for landing, especially in case of distress, as national aircraft.

The salvage of aircraft wrecked on the high seas shall, in the absence of any agreement to the contrary, be governed by the principles of maritime law as laid down in the international conventions in force or, in the absence of such conventions, by the national laws of the salvagers.

The penalties applicable to aircraft infringing the terms of the present Convention shall be the same as that laid down in the regulations issued by the respective High Contracting Parties for their own aircraft.

*Article 19.*

The two High Contracting Parties shall communicate to each other all the regulations in force regarding air navigation in their respective territories.

*Article 20.*

The details as to the application of the present Convention shall be arranged, wherever possible, by direct agreement between the various competent administrations of the two Contracting Parties (particularly as regards the regulation of Customs formalities).

Any dispute regarding the application of the present Convention which cannot be settled amicably through the usual diplomatic channel shall first be examined by a Conciliation Commission consisting of one member representing France, one member representing Spain, and a Chairman appointed by agreement. The members and the Chairman shall be appointed anew whenever a fresh case renders this necessary. If the High Contracting Parties fail to agree upon the appointment of the Chairman, or as to the award given by the Commission, the dispute shall be submitted to the Permanent Court of International Justice at The Hague.

*Article 21.*

Either of the High Contracting Parties may at any time denounce the present Convention at twelve months' notice.

*Article 22.*

The present Convention shall be ratified, and the ratifications shall be exchanged at Madrid as soon as possible. It shall come into force on the date of the exchange of ratifications.

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

Done at Madrid in duplicate, in French and Spanish, on March the twenty-second, one thousand nine hundred and twenty-eight.

*(Signed)* Adrien THIERRY.

*(Signed)* PRIMO DE RIVERA.

The undersigned authorised for this purpose are agreed that the Convention between France and Spain on the subject of Aerial Navigation, as also the Special Convention for the establishment and general service of French and Spanish Air Lines, dated this day, shall come into force in both countries on the day of the signature of these Agreements.

In faith whereof they sign the present Declaration in duplicate, in French and in Spanish, at Madrid, on March 22, 1928.

*(Signed)* Adrien THIERRY.

*(Signed)* PRIMO DE RIVERA.

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