

N° 2916.

ALLEMAGNE ET BELGIQUE

Convention relative à la navigation
aérienne, avec procès-verbal final.
Signés à Paris, le 29 mai 1926.

GERMANY AND BELGIUM

Convention regarding Aerial Naviga-
tion, with Final Procès-Verbal.
Signed at Paris, May 29, 1926.

¹ TRADUCTION. — TRANSLATION.

No. 2916. — CONVENTION BETWEEN GERMANY AND BELGIUM REGARDING AERIAL NAVIGATION. SIGNED AT PARIS, MAY 29, 1926.

HIS MAJESTY THE KING OF THE BELGIANS and THE PRESIDENT OF THE GERMAN REICH, being equally convinced that it is to the mutual advantage of Belgium and Germany to facilitate, within the scope of the existing treaties and conventions and for pacific purposes, their air relations and international air relations in general, have resolved to conclude a convention for that purpose, and have appointed as their respective Plenipotentiaries :

HIS MAJESTY THE KING OF THE BELGIANS :

His Excellency Baron DE GAIFFIER D'HESTROY, Ambassador Extraordinary and Plenipotentiary of Belgium in Paris,

THE PRESIDENT OF THE GERMAN REICH :

His Excellency Monsieur VON HOESCH, Ambassador Extraordinary and Plenipotentiary of Germany in Paris,

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

Article 1.

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 an undertaking possessing the nationality of one of the High Contracting Parties of regular air lines over the territory of the other High Contracting Party (with or without a stop) shall be governed by a special agreement between the two States.

For the purposes of the present Convention, the term "territory" shall be taken to mean the territory of the mother country, including territorial waters.

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

Article 2.

Aircraft possessing the nationality of either High Contracting Party and their crews and passengers, when over the territory of the other State, shall be subject to the obligations arising out of the regulations in force in the State in question, 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 duties, to export and import prohibitions, to the transport of passengers and goods, to security and to public order. They shall also be subject to the other obligations resulting from the general laws in force, except as otherwise provided in the present Convention.

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

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

It is hereby stipulated that each of the Contracting Parties may reserve for national aircraft the commercial transport of passengers or goods between two points on its own territory.

Article 3.

Either 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. The Contracting States shall inform each other of the territorial areas over which air navigation is prohibited.

Further, each of the 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 as soon as possible outside the prohibited area at one of the nearest aerodromes of that State.

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 the aircraft or crew, shall be valid in the other State under the same conditions as the corresponding documents issued or rendered valid by that State.

Each of the High Contracting Parties reserves the right to refuse to recognise as valid for the purpose of flight 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. 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, poisonous gases, explosives, carrier pigeons or photographic apparatus, except by authorisation of the State in whose air space the aircraft happens to be.

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 postal 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 period of stay, etc.) shall be the same for national aircraft and those of the other State.

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, the person in charge of the aircraft and the crew and passengers shall comply with the regulations of the country regarding air navigation.

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 points fixed by that one of the two States which is concerned.

It is hereby 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 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 Belgian or German law in order to be regarded as of Belgian or German nationality as the case may be.

Article 16.

The two High Contracting Parties shall exchange every month lists of aircraft entered in and removed from the register during the previous month.

Article 17.

Any aircraft crossing or passing through the air-space of either Contracting State 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 cases 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.

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 has not been settled amicably through the usual diplomatic channel shall be settled in accordance with the provisions of the Belgo-German Arbitral Convention of October 16, 1925.

Article 21.

Either High Contracting Party 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 Paris 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 Paris, in duplicate, in French and German, May 29, 1926.

E. DE GAIFFIER.

HOESCH.

FINAL PROTOCOL.

The Contracting Parties agree that the exceptional circumstances mentioned in Article 3, paragraph 2, of the present Convention are, in accordance with Article 1, paragraph 1, circumstances in time of peace.

PARIS, *May* 29, 1926.

E. DE GAIFFIER.

HOESCH.