

N° 3128.

GRANDE-BRETAGNE
ET IRLANDE DU NORD
ET INDE, ET ITALIE

Convention concernant l'établissement de lignes aériennes de transport, avec protocole de signature. Signés à Rome, le 16 mai 1931.

GREAT BRITAIN
AND NORTHERN IRELAND
AND INDIA AND ITALY

Convention relating to the Establishment of Air Transport Lines, with Protocol of Signature. Signed at Rome, May 16, 1931.

No. 3128. — CONVENTION¹ BETWEEN GREAT BRITAIN AND NORTHERN IRELAND AND INDIA AND ITALY RELATING TO THE ESTABLISHMENT OF AIR TRANSPORT LINES. SIGNED AT ROME, MAY 16, 1931.

English and Italian official texts communicated by the Italian Minister for Foreign Affairs and by His Majesty's Secretary of State for Foreign Affairs in Great Britain. The registration of this Convention took place January 19, 1933.

HIS MAJESTY THE KING OF GREAT BRITAIN, IRELAND AND THE BRITISH DOMINIONS BEYOND THE SEAS, EMPEROR OF INDIA, and HIS MAJESTY THE KING OF ITALY, mutually desiring 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 GREAT BRITAIN, IRELAND AND THE BRITISH DOMINIONS BEYOND THE SEAS, EMPEROR OF INDIA :

FOR GREAT BRITAIN AND NORTHERN IRELAND :

His Excellency the Right Honourable Sir Ronald GRAHAM, G.C.V.O., G.C.M.G., C.B.,
His Ambassador Extraordinary and Plenipotentiary at the Court of the Quirinal ;

FOR INDIA :

His Excellency the Right Honourable Sir Ronald GRAHAM, G.C.V.O., G.C.M.G., C.B.,
His Ambassador Extraordinary and Plenipotentiary at the Court of the Quirinal ;

HIS MAJESTY THE KING OF ITALY :

His Excellency Air Marshal Italo BALBO, Air Minister ;

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

Article I.

For the purpose of this Convention the following definitions shall apply :

The term " British Air Services " shall denote the British air services operating along the routes specified in Articles 3-5 of this Convention, and the term " British Air Transport Company (or Companies) " shall denote the Company (or Companies) for the time being operating the British Air Services.

¹ The exchange of ratifications took place at London, December 30, 1932.

The term "Italian Air Services" shall denote the Italian air services operating along the routes referred to in Article 6 of this Convention, and the term "Italian Air Transport Company (or Companies)" shall denote the Company (or Companies) operating the Italian Air Services.

"The Air Services" shall denote the British and Italian Air Services and the term "The Air Transport Company (or Companies)" shall denote the air transport Company (or Companies) operating the "Air Services".

The terms "British Aircraft" and "Italian Aircraft" shall denote aircraft employed in the operating of the British and Italian Air Services respectively.

The term "landing place" or "places" shall denote any or all of the places specified in Articles 3-5 and all or any of the landing places, to be determined by arrangement between the Italian Air Transport Companies and the Government of the territory concerned, in the territories specified in Article 6 of this Convention, together with any places at which aircraft may land under the provisions of Article 7 (2) of this Convention.

Article 2.

The provisions of this Convention shall be deemed to apply only to the British and Italian Air Services, Air Transport Companies and Aircraft as defined in Article 1 of this Convention and shall apply to those Services, Companies and Aircraft only in so far as concerns the working of the routes along which they are or may be permitted to operate by virtue of the provisions of this Convention and for the periods during which those routes may be operated.

Article 3.

1. The British Air Transport Company operating the Air Services between London and the East shall have the right to fly over Italian territory in accordance with the provisions of this Convention.
2. The British Air Services in crossing Italian territory shall follow the route Simplon (or Chiasso) - Milan-Rimini-Brindisi, and shall be operated by landplanes and beyond Brindisi by seaplanes.
3. For the purpose of operating the British Air Services, the British Air Transport Company shall be entitled to use the landing places at Milan, Rimini, Brindisi land aerodrome, and Brindisi seaplane station.

Article 4.

1. The British Air Transport Company shall temporarily be permitted to re-open their former service along the route Genoa-Naples-Calabria-Corfu, making use of the seaplanes at present belonging to the Company.
2. For the purpose of this Article the British Air Services crossing Italian territory shall follow the route Genoa-Ostia-Naples-Coast of the Tyrrhenian Sea, and shall ordinarily operate outside territorial waters as far as Punta di Cirella; the Services will then pass over the Calabrian Peninsular between the last named place and Sibari and will then proceed towards Capo Santa Maria di Leuca or Brindisi. The Services shall make use of the landing places at Genoa and Naples, and at Ostia and Brindisi if the British Air Transport Company wishes to make these places regular ports of call; in the latter event a notification to that effect shall be made to the Italian Government by the Company.

3. In the event of the reports made by the meteorological stations situated on the route mentioned in the preceding paragraph announcing that flight over the Calabrian Peninsular between Punta di Cirella and Sibari is impossible British aircraft may follow the route Golfo di Santa Eufemia-Golfo di Squillace-Capo Rizzuto-Capo Santa Maria di Leuca.

4. The rights granted by this Article shall continue for one year from the date of the first flight of British aircraft over Italian territory in accordance with the provisions of this Convention, and may be extended for a period of twelve months.

Article 5.

The British Air Transport Company shall also be entitled to use the seaplane stations at Benghazi and Rhodes (or Castelrosso) if the use of those stations is necessary in future for the operation of the British Air Services.

Article 6.

1. The Italian Air Transport Companies nominated by the Italian Government shall be entitled to operate regular Air Services to the United Kingdom, Gibraltar, Malta, Cyprus, Haifa, Aden and British Somaliland, which places may be utilized either as terminal points or as places of transit on more extended air routes. The Italian Air Transport Companies shall be entitled to make use of landing places at the points and in the territories specified in this paragraph.

2. The Government of the United Kingdom will recommend to the Government of the Sudan that the provisions of the preceding paragraph should also apply to the Sudan ; and upon the acceptance of the said recommendation the provisions of this Convention shall apply as if the Sudan were enumerated amongst the territories mentioned in the preceding paragraph of this Article¹.

Article 7.

1. The provisions of the preceding Articles shall not operate so as to confer any right to use military aerodromes or seaplane stations not normally available for civil air traffic.

2. British and Italian Aircraft may in case of *force majeure* at all times make use of the aerodromes or seaplane stations along their route.

Article 8.

1. Subject to the conditions specified in Article 7 (1) of this Convention, British and Italian aircraft shall be entitled to embark and disembark mail, passengers and goods at any landing place.

2. Nothing in this Convention shall operate so as to affect the rights of either High Contracting Party under Articles 16 and 17 of the Convention² relating to the Regulation of Aerial Navigation of October 13th, 1919.

3. Subject to any conditions required by the laws in force in the territory in which the landing occurs, the crew and passengers carried in British or Italian aircraft shall be entitled to remain, and goods and mail on board such aircraft may be stored, at any landing place.

¹ The Government of the Sudan has accepted this recommendation as from the date of the exchange of ratifications, with the reservation that Italian air transport companies shall not be entitled in the Sudan to the exemptions or immunities specified in Article 16 (2). Nevertheless, Italian air transport companies operating in accordance with the terms of the Convention to or over the Sudan will, as regards customs duties, receive treatment not less favourable than that accorded to British or Egyptian air transport companies operating to or over the Sudan.

² Vol. XI, page 173 ; Vol. XXIV, page 175 ; Vol. LIX, page 346 ; Vol. LXIII, page 389 ; Vol. LXXVIII, page 438 ; and Vol. CXVII, page 54, of this Series.

4. Where a flight is interrupted by an accident or forced landing or otherwise, all necessary facilities shall be accorded for enabling the Air Transport Company concerned to despatch the passengers, goods and mail to their destinations as quickly as possible.

Article 9.

The British and Italian Air Transport Companies shall be constituted so as to entitle them to be registered as owners of aircraft under the provisions of Article 7 of the Convention relating to the Regulation of Aerial Navigation of October 13th, 1919. In addition two-thirds at least of the share capital of every such Company shall be held by nationals of one or other High Contracting Party.

Article 10.

1. Each High Contracting Party shall have the right to designate his Air Transport Company or Companies provided that each High Contracting Party shall notify the other of the nomination made within one month after the coming into force of this Convention or one month prior to the opening of the service to be instituted by the Company nominated.

2. Each High Contracting Party shall at any time be entitled to substitute for or add to the Company or Companies originally nominated a new Company or Companies, provided that the other High Contracting Party shall be notified of such substitution or addition one month before operations are commenced by the new Company or Companies.

3. A Company from which permission to operate has been withdrawn by the High Contracting Party by which it was nominated shall not by reason of that fact alone be entitled to make any claim against the other High Contracting Party.

Article 11.

The Air Transport Companies shall have complete freedom to determine the frequency of their services, time-tables, charges and connections with other air lines at the different landing places, together with the type of aircraft which they shall employ, on condition that the details concerning the above matters are communicated to the competent government departments of the High Contracting Parties one month before the institution of any new service, time-table, charges, or the employment of a new type of aircraft.

Article 12.

1. The Air Transport Companies shall observe and shall cause to be observed by their employees and by the crews and passengers of aircraft operating the Air Services the laws and regulations in force in the territories over which such aircraft may fly, or at landing places.

2. In the event of repeated breaches of these laws and regulations the High Contracting Party concerned shall have the right to require the dismissal of any employee of an Air Transport Company who has been found guilty.

3. In case of necessity, the High Contracting Party concerned shall be entitled to require the other High Contracting Party to cancel the nomination of the Air Transport Company responsible for the breaches.

Article 13.

1. Each High Contracting Party will so far as possible place at the disposal of the Air Transport Company (or Companies) of the other High Contracting Party, on the same conditions as are applicable to his Civil Aviation undertakings, the hangars for housing aircraft, hoisting installations (cranes or slipways), ground or premises to be used for repair shops, storages and offices and oil and petrol refuelling facilities available.

2. In the event of the air transport installations at an established aerodrome being insufficient the High Contracting Party concerned will grant to the Air Transport Company (or Companies) of the other High Contracting Party, under the same conditions as are available to the national aircraft of the first-named High Contracting Party (but without making any conditions concerning the minimum extent of such installations) all facilities for the erection or extension of the necessary installations.

Article 14.

1. The High Contracting Parties will co-operate for the protection and security of the Air Services and for this purpose will so far as they are able develop to the fullest extent their services of meteorological information, wireless communications and day and night markings and signals. The competent government departments of the High Contracting Parties will agree together as to the necessary measures of coordination.

2. The High Contracting Parties will also facilitate and encourage coordinate action on the part of the British and Italian Air Transport Companies, and in particular the making of technical and commercial agreements regarding mutual assistance at the common landing places, and the co-ordination of time-tables. Each High Contracting Party shall have the right to require his own companies to submit the text of any such agreement or arrangement for the approval of the competent government departments of that High Contracting Party prior to its conclusion.

Article 15.

In the event of the Air Transport Company (or Companies) nominated by either High Contracting Party being unable to handle all the traffic on any route over the territory of the other High Contracting Party operated by such Company or Companies under this Convention, the High Contracting Party who made the nomination will encourage that Company to transfer any surplus traffic to the Air Transport Company (or Companies) nominated by the other High Contracting Party.

Article 16.

1. At any of the landing places specified in Articles 3-5 of this Convention, together with any place at which aircraft may land under the provisions of Article 7 (2), British Aircraft, engines, and also spare parts and equipment carried and exclusively used on such aircraft, fuel and oil so carried and used, and fuel and oil taken on board such aircraft for the purpose of flying to destinations abroad, shall be exempt from customs and other duties.

2. Similarly, at the landing places in the territories specified in Article 6 of this Convention, together with any place at which aircraft may land under the provisions of Article 7 (2), Italian aircraft, engines and also spare parts and equipment carried and used exclusively on such aircraft, fuel and oil so carried and used, and fuel and oil taken on board such aircraft for the purpose of flying to destinations abroad, shall be exempt from customs and other duties.

3. Provided that until an Italian Air Transport Company shall operate an air service under the provisions of Article 6 of this Convention, corresponding in importance with those operated by the British Air Transport Companies the latter shall be liable to pay any duties payable on Italian territory on fuel and oil taken on board British aircraft for flight from any Italian aerodrome.

Article 17.

The conveyance of air mails shall be regulated by a direct agreement between the competent postal departments of the High Contracting Parties.

Article 18.

Aircraft operating the Air Services shall enjoy the same treatment as national aircraft in respect of landing and housing fees at any landing place.

Article 19.

The details of the application of this Convention shall so far as possible be arranged by direct agreement between the competent air departments of the High Contracting Parties.

Article 20.

1. The present Convention shall remain in force for a period of ten years from the first flight of British aircraft, made after the signature of the Convention, over Italian territory under the provisions of Articles 3-5. Unless denounced by a notice given in each case one year in advance, it shall continue in force for successive periods of five years.

2. It is understood that the Government of the Sudan may, if the recommendation referred to in paragraph (2) of Article 6 has been accepted, terminate its acceptance under the same conditions and at the same periods as those specified in the preceding paragraph.

3. Notwithstanding anything in the preceding paragraphs, should the Convention relating to the Regulation of Aerial Navigation of the 13th October, 1919, be denounced in respect of the United Kingdom or of Italy, under the conditions set forth in Article 43 of that Convention, the present Convention shall cease to have effect from the date on which the denunciation of the former Convention takes effect.

Article 21.

Notwithstanding anything in the preceding Article His Majesty the King of Italy reserves the right to denounce the present Convention at any moment if the existence of the British Air Services results in the denunciation of or in a failure to renew any Air Navigation Convention between Italy and any other European country, on the part either of Italy or of that country.

Article 22.

The present Convention shall be ratified and shall enter into force on the date of the exchange of ratifications, which shall take place at London as soon as possible. Ratification may not however be made after the 31st December, 1932.

In witness whereof the above-named Plenipotentiaries have signed the present Convention and have affixed thereto their seals.

Done at Rome, in duplicate in the English and Italian languages, both of which shall have equal force, the 16th day of May 1931.

(L. S.) Ronald GRAHAM.

PROTOCOL OF SIGNATURE.

At the moment of affixing their signatures to the Convention signed to-day, relating to the establishment of Air Transport Lines the undersigned Plenipotentiaries declare in the name of their respective Governments that they have agreed as follows :

(1) The Convention shall be ratified with the least possible delay. Ratification may not, however, be made after the 31st December, 1932.

(2) Pending ratification the Air Services specified in the Convention may be operated by agreement between the two Governments concerned.

(3) The recommendation to the Government of the Sudan specified in Article 6 of the Convention shall be made immediately and the reply of the Government of the Sudan shall be communicated by the Government of the United Kingdom of Great Britain and Northern Ireland to the Royal Italian Government before the deposit of ratifications¹.

Ronald GRAHAM.

Per copia conforme :
Suvich.

¹ See footnote on page 251.