

N° 3152.

ESPAGNE ET PAYS-BAS

Convention relative à la navigation
aérienne. Signée à Madrid, le 14
février 1930.

**SPAIN
AND THE NETHERLANDS**

Convention regarding Air Naviga-
tion. Signed at Madrid, February
14, 1930.

¹ TRADUCTION. — TRANSLATION.No. 3152. — CONVENTION ² BETWEEN SPAIN AND THE NETHERLANDS
REGARDING AIR NAVIGATION. SIGNED AT MADRID, FEBRUARY
14, 1930.

French official text communicated by the Envoy Extraordinary and Minister Plenipotentiary of the Netherlands in Berne. The registration of this Convention took place February 22, 1933.

HER MAJESTY THE QUEEN OF THE NETHERLANDS and HIS MAJESTY THE KING OF SPAIN, being desirous of promoting the development of air communications between Spain and the Netherlands, have decided to conclude a Convention for this purpose and have appointed as their Plenipotentiaries:

HER MAJESTY THE QUEEN OF THE NETHERLANDS :

His Excellency Baron Willem Dirk Henrik VAN ASBECK, Her Envoy Extraordinary and Minister Plenipotentiary to His Majesty the King of Spain, Knight of the Netherlands Order of the Lion, etc., etc.

HIS MAJESTY THE KING OF SPAIN :

His Excellency Don Dámaso BERENQUER Y FUSTE, Count of Xauen, His Prime Minister and Minister for the Army, Lieutenant-General, Knight Grand Cross of the Royal and Military Order of St. Hermenegilde, and of the Orders of Maria Christina and of Military Merit, His Majesty's Gentleman of the Chamber, etc., etc.,

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

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 innocent 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 High Contracting Party (with or without a stop) shall be governed by special arrangements between the competent administrations of the two Governments.

For the purposes of the present Convention, the term " territory " shall be deemed to mean the mother country and colonies, together with territorial waters.

For the purposes of this Convention, the term " aircraft " , when employed without further specification, shall be deemed to comprise private aircraft and State aircraft used exclusively for commercial or postal purposes.

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.

² The exchange of ratifications took place at Madrid, January 11, 1933.

Article 2.

Aircraft of the nationality of either of the High Contracting Parties, and their crews and passengers, 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 and to 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.

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

Article 3.

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

Further, each of the High Contracting Parties reserves the right, in time of peace, provisionally to restrict or prohibit air navigation over its territory, either partially or completely, in exceptional circumstances and with immediate effect.

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 nearest 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.

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

All members of the crew performing, 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 regular 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 one 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 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.

No wireless apparatus of any kind may be carried by aircraft without a special licence issued by the State to which the aircraft belongs. The use of such apparatus shall, over the territory of each of the Contracting States, be subject to the regulations issued for the purpose by the competent authority of that State. Further, such apparatus shall only be used by members of the crew holding a special licence issued for the purpose by the Government of their country.

The two Contracting States reserve the right to conclude arrangements relating to the compulsory fitting of aircraft with wireless apparatus, for reasons of safety.

Article 7.

Aircraft and their crews and passengers shall be prohibited from carrying, as cargo, or in any other way, arms, munitions, harmful gases or explosives. The transport of carrier pigeons and photographic and cinematographic apparatus within the limits of the territory of the Contracting State to which the aircraft does not belong, shall not be effected, except with the permission of the competent authority of that State.

Article 8.

Aircraft of either of the High Contracting Parties conveying passengers or goods shall carry a list of the passengers' names and, as regards goods, a manifesto 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 may be regulated direct between the administrations of the two Contracting States by means of special arrangements.

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 have the certificates and other prescribed documents examined.

Article 10.

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

Article 11.

All aircraft entering or leaving the territory of either of the Contracting States shall land or depart from an aerodrome open to public air traffic and classed as a Customs aerodrome, at which facilities exist for the examination of passports, and no intermediate landing shall be effected between the frontier and the aerodrome. In special cases, the competent authorities may allow aircraft to land at or depart from other aerodromes, where the Customs and passport formalities will be carried out. The prohibition of intermediate landing shall also apply in these special cases.

In case of forced landing outside the aerodromes referred to in the first paragraph, the pilot, the crew and the passengers must observe the national regulations in force in the country in question, and the pilot shall be required to notify the Customs aerodrome corresponding to the particular fiscal zone.

Each of the High Contracting Parties shall communicate to the other a schedule of aerodromes open to public air traffic. This schedule shall further indicate the places at which Customs formalities may be carried out. Any change in this schedule and any restriction, even temporary, of the right to utilise any such aerodrome must be notified immediately to the other Contracting Party.

Article 12.

The frontiers of either of the High Contracting Parties shall only be crossed between points agreed upon by the respective States.

It is herewith stipulated that any area in which either Contracting Party authorises its frontiers to be crossed by its own aircraft or by aircraft of another nationality may *ipso facto* be used for the passage of aircraft of 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 a 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.

Article 16.

The two High Contracting Parties shall 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 of 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 contained in the international conventions in force or, in the absence of such conventions, by the national law of the salvor.

Article 19.

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

Article 20.

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 the Netherlands, one member representing Spain and a Chairman appointed by agreement. The members and the Chairman shall be appointed as required for each case that occurs. 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.

The penalties applicable to aircraft infringing the terms of the present Convention shall be those laid down in the air navigation regulations issued by each country for its own aircraft.

Article 22.

Either of the High Contracting Parties may at any time denounce the present Convention on giving twelve months' notice. The Convention shall be deemed to be denounced with immediate effect if the two States conclude a general Air Convention with other States.

Article 23.

The present Convention shall be ratified and the ratifications shall be exchanged 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 have thereto affixed their seals.

Done at Madrid, in duplicate, February the fourteenth, one thousand nine hundred and thirty.

(L. S.) VAN ASBECK.

(L. S.) Dámaso BERENGUER.