

N° 3184.

ESPAGNE ET SUÈDE

Convention relative à la navigation
aérienne. Signée à Madrid, le 8
avril 1932.

SPAIN AND SWEDEN

Convention regarding Air Naviga-
tion. Signed at Madrid, April 8,
1932.

¹ TRADUCTION. — TRANSLATION.No. 3184. — CONVENTION² BETWEEN SPAIN AND SWEDEN REGARDING AIR NAVIGATION. SIGNED AT MADRID, APRIL 8, 1932.

French official text communicated by the Spanish Chargé d'Affaires at Berne. The registration of this Convention took place May 5, 1933.

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

THE PRESIDENT OF THE SPANISH REPUBLIC :

His Excellency M. Luis DE ZULUETA Y ESCOLANO ;

HIS MAJESTY THE KING OF SWEDEN :

His Excellency M. Ivan DANIELSSON,

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, accord freedom of innocent passage over its territory to aircraft of the other Contracting Party duly registered therein, provided that the stipulations of the present Convention are observed.

It is understood, however, that the establishment or operation, by an enterprise having the nationality of one of the High Contracting Parties, of regular air lines passing over the territory of the other High Contracting Party (with or without intermediate landing), shall be subject to special agreements to be concluded between the two Governments.

For the purpose of the present Convention, the term " territory " shall be deemed to mean the territory of the mother-country and the colonies, including territorial waters.

For the purpose of the present Convention the term " aircraft " shall be taken to mean private aircraft and State aircraft which are used exclusively for commercial or postal services.

All aircraft other than those mentioned above which have the nationality of one of the High Contracting Parties must be provided with a special permit forwarded through diplomatic channels whenever they fly over the territory of the other Contracting Party.

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 March 11, 1933.

Article 2.

Aircraft of either High Contracting Party, and their crews, passengers and cargo, shall, while in the territory of the other High Contracting Party, be subject to the obligations arising from the regulations in force in the State flown over and especially to the regulations governing air navigation in general in so far as such regulations apply to all foreign aircraft without distinction of nationality, to the regulations concerning Customs duties and other regular duties, import and export prohibitions, the transport of passengers and goods, public security, order and health. They shall further be subject to any other obligations arising from the general legislation currently in force, except as otherwise provided in the present Convention.

In the case of aircraft used for the service of regular air lines, special agreements in respect of the question mentioned in the first paragraph of this Article may be concluded between the two Governments.

The commercial transport of passengers and goods between any two points within the territory of either State may be reserved for the aircraft of that State.

Fuel on board shall not be liable for Customs duty provided that the quantity of such fuel is not in excess of that necessary for the completion of the journey as stated on the way-bill.

Article 3.

Either High Contracting Party shall have the right to prohibit air navigation over certain territorial zones, provided that no distinction is made in this respect between its own aircraft and those of the other State, and subject naturally to the sovereign rights of each of the two States over its own territory in respect of aircraft exclusively used for a State service. Each Contracting State shall notify the other of the territorial zones over which air navigation is prohibited.

Each of the High Contracting Parties further reserves the right, in time of peace, temporarily to restrict or prohibit air navigation over its territory, either in part or wholly, in exceptional circumstances and with immediate effect, provided that no distinction is made in this respect between aircraft having the nationality of the other High Contracting Party and those of any other foreign country.

Article 4.

Any aircraft flying over a prohibited area shall, as soon as it notices the fact, give the signal of distress prescribed by the air regulations of the State flown over, and shall descend to land or on the sea outside the prohibited zone, as soon as possible and as near as possible to one of the aerodromes of the State in question. The same obligation shall apply to any aircraft which has been given a special signal prescribed by regulation to the effect that it is flying over a prohibited zone.

Article 5.

Aircraft must bear distinctive and clearly visible marks enabling them to be identified in flight (nationality and registration marks). They must also bear the name and address of their owner.

Aircraft must carry certificates of registration and airworthiness, and, in addition, any other documents prescribed for air navigation in their country of origin. All members of the crew performing duties on board for the exercise of which a special licence is required in their country of origin must carry the papers prescribed in their country of origin for air navigation, and in particular the prescribed certificates of proficiency and licences.

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

Certificates of airworthiness, certificates of proficiency, and licences issued or rendered executory by either of the High Contracting Parties for the crew shall have the same validity in the other State as the corresponding documents issued or rendered executory by the latter State. Nevertheless, certificates of proficiency and licences of members of the navigating crew of an aircraft shall be regarded as valid only for service in aircraft registered in their own country. Exceptions to this general rule may be allowed only by permission of the highest air authority of the other country.

Each of the High Contracting Parties reserves the right to refuse to recognise, for purposes of air navigation over its own territory, certificates of proficiency or licences issued to its nationals by the other Contracting Party.

Except as may be otherwise agreed, the crew and passengers must carry the papers prescribed by the regulations currently in force for international traffic.

Article 6.

Aircraft may not carry apparatus of any kind for wireless communication without a special licence issued by the State whose nationality the aircraft possesses. The use of such apparatus shall be subject over the territory of each Contracting State to the regulations prescribed in that matter by the competent authority of that State. Furthermore, such apparatus may be used only by the members of the crew holding a special licence issued for that purpose by the Government of their respective countries.

Both Contracting States reserve the right, on grounds of safety, to enact measures for the compulsory equipment of aircraft with apparatus for wireless communication.

Article 7.

Aircraft and their crews and passengers may not carry as cargo or in any other manner arms, ammunition, poisonous gases or explosives. The transport of carrier pigeons and of photographic or cinematographic apparatus over the territory of the Contracting State whose nationality the aircraft does not possess shall be forbidden unless a permit has been obtained from the competent authority of the said State.

Either Contracting Party shall be entitled on grounds of public safety to issue rules within the territory under its sovereignty concerning the transport of articles other than those mentioned in the first paragraph of the present Article, provided that no distinction is made in this respect between its own aircraft and those having the nationality of the other State.

Article 8.

Aircraft of either High Contracting Party carrying passengers and goods must be provided with a list of the passengers' names, and a manifest specifying the nature and quantity of the goods carried, and also the necessary Customs declarations.

If on the arrival of an aircraft there is found a discrepancy between the goods carried and the above-mentioned documents, the Customs authorities of the port of arrival shall communicate directly with the competent Customs authorities of the other Contracting State.

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

Article 9.

Either of the Contracting States may, on the departure or arrival of aircraft of the other State, have such aircraft inspected in its own territory by the competent authorities, and the prescribed certificates and other documents verified.

Article 10.

Aerodromes which may be used for public air traffic shall be available to the aircraft of either State. Such aircraft may also use the meteorological information, radiotelegraphic and day and night signalling services. Any charges (for landing, length of stay, etc.) shall be the same for national aircraft and for those having the nationality of the other State.

In the case of aircraft using the regular air line services, special facilities may be arranged between the Governments of the two States.

Article 11.

Aircraft proceeding to or coming from the territory of either of the Contracting States may on entering or leaving, land at or depart from only such aerodromes as are open to public air traffic and are classed as Customs aerodromes (with passport inspection service), and shall make no intermediate landing between the frontier and the aerodrome. In special cases the competent authorities may allow aircraft to depart from or land at other aerodromes, at which the Customs clearance operations and passport inspection will be carried out. The prohibition of intermediate landing shall also apply in these special cases.

In the event of forced landing outside the aerodromes referred to in the first paragraph of this Article, the officer in charge of the aircraft, the crew and the passengers must observe the relevant regulations in force in the country in question, and the officer in charge shall be required to notify the nearest Customs aerodrome in the fiscal area in question.

The High Contracting Parties shall communicate to each other a list of aerodromes open to public air traffic. This list shall specially indicate those classed as Customs aerodromes. Any change in the list, and any restriction, even temporary, of the right to use any such aerodrome, must be notified immediately to the other Contracting Party.

Article 12.

The frontiers of the respective High Contracting Parties may be crossed only at the points prescribed by the State concerned.

It is hereby understood that any frontier zone in which either Contracting State allows the passage of its own commercial aircraft or of aircraft of another nationality may *ipso facto* be used for the passage of aircraft of the other Contracting Party.

Article 13.

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

Article 14.

No articles or substances other than ballast may be thrown or dropped from an aircraft in flight unless special permission to throw or drop such articles or substances has been obtained from the State whose territory is flown over.

Article 15.

In any questions of nationality which may arise in the execution of the present Convention, it is understood that aircraft shall possess the nationality of the State in which they are duly registered.

No aircraft may be registered in one of the Contracting States unless it belongs wholly to nationals of that State. Should the owner be a corporation of any kind, such corporation must fulfil all the conditions prescribed by Spanish or Swedish law enabling it to be considered a Spanish or a Swedish corporation as the case may be.

Article 16.

The two High Contracting Parties shall communicate to each other monthly lists of registrations entered or cancelled in their aircraft registers during the preceding month.

Article 17.

Aircraft passing over or crossing in transit the territories of either Contracting State, and making only such landings and stops as are reasonably necessary, shall be exempt from seizure on account of infringement of a patent or protected design or model, on depositing security, the amount of which, in default of amicable arrangement, shall be fixed in the shortest possible time by the competent authority of the place of seizure.

Article 18.

Aircraft belonging to either Contracting State shall be entitled, for purposes of landing in the territory of the other State, particularly in the case of forced landing, to the same measures of assistance as the aircraft of such State.

The salvage of aircraft lost on the high sea shall be subject, in the absence of an agreement to the contrary, to the rules of maritime law embodied in the international agreements in force, or, in the absence of such agreements, to the maritime law of the State to which the salvors belong.

Article 19.

The two High Contracting Parties shall notify each other of all regulations for air traffic in force in their respective territories.

Article 20.

The details of the application of the present Convention shall be settled as far as possible by direct agreement between the various competent Administrations of the two Contracting States (particularly as regards Customs formalities).

The aircraft of both Contracting Parties shall be subject to the régime in respect of sanctions in force in the country in which they may happen to be.

Any dispute regarding the application of the present Convention which cannot be settled amicably through the usual diplomatic channel shall in the first place be submitted for consideration to a Conciliation Commission consisting of one member for Spain, one member for Sweden, and a President appointed jointly. The members and the President shall be appointed whenever a fresh case renders it necessary. Should the High Contracting Parties fail to agree upon the choice of

the President, or to accept the solution proposed by the said Commission, the dispute shall be referred 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 on giving twelve months' notice, and shall regard it as denounced, such denunciation to take immediate effect in respect of the Party in question, should both States conclude a general Air Convention with other nations.

Article 22.

The present Convention shall be ratified, and the instruments of ratification shall be exchanged as soon as possible. It shall come into force on the date on which the instruments of ratification are exchanged.

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

Done at Madrid, in duplicate, April the eighth, one thousand nine hundred and thirty-two.

(L. S.) LUIS DE ZULUETA.

(L. S.) DANIELSSON.