

N° 3750.

ESTONIE ET SUÈDE

Convention concernant la navigation
aérienne. Signée à Tallinn, le
20 mai 1935.

ESTONIA AND SWEDEN

Convention concerning Air Naviga-
tion. Signed at Tallinn, May
20th, 1935.

¹ TRADUCTION. — TRANSLATION.

No. 3750. — CONVENTION ² CONCERNING AIR NAVIGATION
BETWEEN ESTONIA AND SWEDEN. SIGNED AT TALLINN, MAY
20TH, 1935.

French official text communicated by the Swedish Minister for Foreign Affairs. The registration of this Convention took place October 21st, 1935.

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

HIS MAJESTY THE KING OF SWEDEN :

Monsieur Wilhelm DE TERSMEDEN, Swedish Chargé d'Affaires at Tallinn, *ad interim* ;

THE PRESIDENT OF THE REPUBLIC OF ESTONIA :

His Excellency Monsieur Julius SELJAMAA, Minister for Foreign Affairs ;

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

Article 1.

Each of the 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 Contracting Parties, of regular air lines passing over the territory of the other 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 national territory, 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 Contracting Parties must be provided with a special permit forwarded through diplomatic channels whenever they fly over the territory of the other Contracting Party.

Article 2.

Aircraft of either Contracting Party, and their crews, passengers and cargo shall, while in the territory of the other Contracting Party, be subject to the obligations arising from the regulations

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 Stockholm, October 10th, 1935.

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.

On arrival, fuel and lubricating oil contained in the ordinary tanks of the aircraft shall be admitted free of Customs or other duties. No quantity of the same may, however, be unloaded free of duty.

Article 3.

Either Contracting Party shall have the right to prohibit air navigation by aircraft of the other Contracting Party over certain territorial zones, provided always that the said prohibition also applies to aircraft of all other States. Each Contracting Party shall notify the other Party of the territorial zones over which air navigation is prohibited.

Each of the 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 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 furthermore 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.

If they perform duties in the aircraft for the exercise of which a special licence is required in their country, the persons composing the crew — that is to say, all persons on board the aircraft with the exception of passengers — must carry the certificates prescribed in their country for air navigation; the other members of the crew must be provided with documents indicating their duties on board the aircraft, their profession or status, their identity and their nationality.

The documents issued or recognised as valid for aircraft and their crews by one of the two Contracting Parties shall have the same validity in the other State as the corresponding documents issued or recognised as valid by the latter State.

Each of the Contracting Parties reserves the right to refuse to recognise, for purposes of air navigation within the limits of its territory, certificates of proficiency 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 Party 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 Parties 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, asphyxiating gases or explosives. The transport of carrier pigeons and of photographic or cinematographic apparatus over the territory of the Contracting Party whose nationality the aircraft does not possess may only take place in the manner laid down by such regulations as may be in force in that territory with regard to this matter.

Article 8.

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

If, on the arrival of an aircraft, there is found to be a discrepancy between the manifest and the goods carried, the Customs authorities of the aerodrome or airport of arrival may communicate with the competent Customs authorities of the other Contracting Party.

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

Article 9.

On the departure or arrival of aircraft the competent authority of each of the Contracting Parties may in all cases inspect the aircraft of the other Party and verify the certificates and documents with which they must be provided.

Article 10.

Aerodromes which may be used for public air traffic shall be available to the aircraft of both Parties. The latter may also use the meteorological information, radiotelegraphic and day and night signalling services, and all other services and installations in aerodromes, in accordance with the regulations in force. Any charges (for landing, length of stay, etc.) shall be the same for the aircraft of the other Party and those belonging to any third State.

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

Article 11.

Aircraft proceeding to or coming from the territory of either of the Contracting Parties may, on entering or leaving, only land at or depart from 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 two 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 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 Party 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 Party 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 the territory of one of the two Contracting Parties unless it belongs wholly to nationals of that Party. Should the owner be a corporation of any kind, such corporation must fulfil all the conditions prescribed by Swedish or Estonian law enabling it to be considered a Swedish or an Estonian corporation as the case may be.

Article 16.

The two 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 Party, 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 Party shall be entitled, for purposes of landing in the territory of the other Party, particularly in the case of forced landing, to the same measures of assistance as the aircraft of such Party.

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

Article 19.

The two 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 Parties (particularly as regards Customs formalities).

The aircraft of both Contracting Parties shall be subject to the regime 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 Sweden, one member for Estonia, and a President appointed jointly. The members and the President shall be appointed whenever a fresh case renders it necessary. Should the 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.

It is understood that no provision in the present Convention shall entitle Sweden to the privileges, exceptions and favours which Estonia may grant to aircraft of Latvia or Lithuania.

Article 22.

Either of the Contracting Parties may at any time denounce the present Convention on giving twelve months' notice. The Convention shall be regarded as denounced with immediate effect should both Parties conclude a general Air Convention with other nations.

Article 23.

The present Convention shall be ratified and the ratifications shall be exchanged at Stockholm 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 Tallinn in duplicate, the twentieth day of May, one thousand nine hundred and thirty-five.

(L. S.) Wilhelm TERSMEDEN.

(L. S.) Jul. SELJAMAA.