

N° 4016.

FRANCE ET HONGRIE

Convention relative à la navigation
aérienne. Signée à Paris, le 23
juillet 1935.

FRANCE AND HUNGARY

Convention regarding Air Navigation.
Signed at Paris, July 23rd, 1935.

¹ TRADUCTION. — TRANSLATION.

No. 4016. — CONVENTION ² BETWEEN THE FRENCH REPUBLIC AND THE KINGDOM OF HUNGARY REGARDING AIR NAVIGATION. SIGNED AT PARIS, JULY 23RD, 1935.

French official text communicated by the Head of the Royal Hungarian Delegation to the League of Nations. The registration of this Convention took place December 14th, 1936.

HIS SERENE HIGHNESS THE REGENT OF THE KINGDOM OF HUNGARY and THE PRESIDENT OF THE FRENCH REPUBLIC, being equally convinced that it is to the mutual advantage of Hungary and France to promote, for peaceful purposes, the development of air navigation between the two countries and of international air navigation in general,

Have decided to conclude a Convention for that purpose and have appointed as their respective Plenipotentiaries :

HIS SERENE HIGHNESS THE REGENT OF THE KINGDOM OF HUNGARY :

Count KHUEN-HÉDERVÁRY, Hungarian Envoy Extraordinary and Minister Plenipotentiary in Paris ;

THE PRESIDENT OF THE FRENCH REPUBLIC :

M. Pierre LAVAL, Senator, Prime Minister, Minister for Foreign Affairs of the French Republic ;

Who, having exchanged their full powers, found in good and due form, have agreed on 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 above its territory, provided that the conditions set forth in the present Convention are observed.

It is understood, however, that the establishment and operation by any undertaking, possessing the nationality of one of the High Contracting Parties, of regular air routes passing over the territory of the other High Contracting Party (with or without landing) shall be subject to a special agreement between the two Governments.

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.

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 Paris, October 9th, 1936.

Any other aircraft of either High Contracting Party desirous of proceeding to the territory of the other Contracting Party or of flying over that territory (with or without landing) must on every occasion be provided with a special permit.

The provisions of the present Convention shall apply to aircraft which have not their own propelling power only in so far as the special character of such aircraft allows.

Article 2.

The aircraft of either High Contracting Party and their crews, passengers and cargoes shall, while in the territory of the other State, be subject to the obligations arising out of the regulations in force at the time in the State in question, particularly the regulations relating to air traffic in general, in so far as they apply to all foreign aircraft irrespective of nationality, Customs duties and other taxes, export and import prohibitions, the transport of passengers, baggage and goods, public safety, order and health. They shall also be subject to the other obligations resulting from the general laws in force at the time, unless otherwise provided in the present Convention.

It is hereby stipulated that, unless otherwise specially agreed in the future, the commercial transport of passengers, baggage or goods between any two points within the territory of either State shall be reserved for the aircraft of that State.

On arrival, fuel and lubricants contained in the ordinary tanks of the aircraft shall be admitted free of Customs or other duties. Nevertheless, no such fuel or lubricants may be unloaded free of duty.

On departure, the fuel or lubricants intended for the supply of aircraft of the other High Contracting Party proceeding abroad shall be supplied free of Customs or other duties. Nevertheless, in the case of an intermediate landing in its own territory, the State in which the aircraft has taken on its supplies may make the granting of freedom from duty subject to certain specific conditions.

Article 3.

Either High Contracting Party may prohibit air navigation over certain territorial areas, provided that no distinction is made in this respect between its own aircraft and those of the other State. Each Contracting State shall notify the other of the territorial areas over which air navigation is prohibited.

Either High Contracting Party may, as an exception and in the interest of public safety, authorise flight over the said areas by its own aircraft.

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

Article 4.

Any aircraft which finds itself over a prohibited area shall, as soon as it is aware of the fact, give the signal of distress prescribed in the air navigation regulations of the State flown over. It shall, moreover, land, as soon as possible and as near as possible, outside the prohibited area, at one of the aerodromes of that State.

The same obligation shall apply to any aircraft which is flying over a prohibited area and has received the special signal warning it that it is so doing.

Article 5.

Aircraft shall carry distinctive and clearly visible marks whereby they may be identified during flight (nationality and registration marks).

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

Article 6.

All members of the crew performing, on board aircraft, duties for which a special permit is required in their country of origin shall be provided with the documents 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.

In the absence of agreement to the contrary, the crew and passengers shall be provided with the documents required under the regulations in force for international traffic.

Article 7.

Certificates of airworthiness, certificates of competency and licences issued or rendered valid by either of the High Contracting Parties in respect of aircraft or crews shall have the same validity in the other State as the corresponding documents issued or rendered valid by the latter, provided, however, that the certificates and licences of crews shall be valid only for the flying of aircraft of the State which has issued such documents. Any exceptions to this rule must be authorised by the highest air authorities of the other High Contracting Party.

Each High Contracting Party reserves the right to refuse to recognise, for the purposes of internal air navigation over its territory, certificates of competency and licences issued to its nationals by the other High Contracting Party.

Article 8.

Each High Contracting Party must, on the territory of the other High Contracting Party, comply with the regulations in force regarding wireless apparatus on board aircraft.

Article 9.

No arms, ammunition, poison gas, explosives or carrier pigeons shall be carried by any aircraft, its crew or passengers, except by authorisation of the State within whose air space the aircraft is navigating.

Nevertheless, the transport of such explosive substances or apparatus as may be necessary for the propulsion or pilotage of the aircraft shall not be forbidden.

Unless a special permit has been granted, photographic apparatus must be placed in such a way that it cannot be used during flight.

Either High Contracting Party may, for reasons of public order and safety, restrict within its territory the conveyance of articles other than those specified in the first paragraph of the present Article, provided that no distinction is made in this respect between its own aircraft and those of the other Contracting Party.

Article 10.

Aircraft carrying passengers and goods shall be provided with a list of the passengers' names and a manifest of the goods showing the nature and quantity of the cargo together with the necessary Customs declarations.

If, on the arrival of an aircraft, a discrepancy is noted between the goods carried and the entries in the above-mentioned documents, the Customs authorities of the port of arrival may communicate direct with the competent Customs authorities of the other High Contracting Party.

Article 11.

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

Article 12.

Each contracting State may, in its own territory, have the aircraft of the other State, on departure or landing, inspected by its competent authorities and may have the certificates and other prescribed documents examined.

Article 13.

Aerodromes open to public air traffic shall be available on the same terms to the aircraft of both States. Such aircraft may also make use of the meteorological information services, wireless services and installations for ensuring the safety of air navigation. Any charges made (landing charge, hangar charges, etc.) shall be the same for national aircraft and those of the other State.

Article 14.

On arrival and departure, all aircraft arriving from or leaving for the territory of either contracting State shall land at or depart from a Customs aerodrome (at which facilities exist for 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 expenditure involved by this special service shall then be defrayed by the party concerned; the prohibition of intermediate landing shall apply also in such special cases.

In the event of a forced landing outside the aerodromes referred to in the first paragraph, the pilot, the crew and the passengers must observe the relevant regulations in force in the country in question.

Each of the High Contracting Parties shall communicate to the other a list of aerodromes open to public air traffic. This list shall expressly state the aerodromes classed as Customs aerodromes. Any change in this list and any restriction, even temporary, of the right to use any of these aerodromes must be notified immediately to the other High Contracting Party.

Article 15.

The frontiers of the High Contracting Parties may be crossed by aircraft (which can be steered) only between points prescribed by the Contracting Party concerned.

It is hereby provided that any zone in which either Contracting Party allows its frontiers to be crossed by its own aircraft or by aircraft of another nationality shall *ipso facto* be open for the passage of aircraft of the other Contracting Party.

Each of the two High Contracting Parties may prescribe routes to be followed by the aircraft of the two High Contracting Parties over its territory, except in cases in which they may be forced by atmospheric conditions to depart from such routes. In the absence of regulations concerning the route, the shortest course must be taken.

Decisions concerning the routes shall be made public and notified to the other High Contracting Party.

Article 16.

As ballast, only fine sand or water may be dropped.

Article 17.

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 special permission for the purpose.

Article 18.

As regards all questions of nationality connected with the application of the present Convention, aircraft shall be deemed to possess the nationality of the State in which they are duly registered.

The registration of aircraft referred to in the preceding paragraph shall be carried out in accordance with the laws and special regulations of the contracting State concerned.

Article 19.

All aircraft passing or crossing in transit over the territory of either contracting State and making only such landings and stops as are reasonably necessary shall be exempt from seizure on the ground of infringement of patent, design or model, subject to the deposit of security the amount of which, in default of amicable agreement, shall be fixed in the shortest possible time by the competent authority of the place of seizure.

Article 20.

Aircraft of either contracting State shall be entitled, when landing, and especially in the case of forced landing, to receive the same measures of assistance as national aircraft.

The salvage of aircraft wrecked on the high seas shall be subject, in the absence of agreement to the contrary, to the principles of maritime law embodied in the international agreements in force at the time or, in the absence of such agreements, to the laws of the State to which the salvors belong.

Article 21.

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

Article 22.

The details of the application of the present Convention (especially the question of Customs formalities) shall, as far as possible, be settled by direct agreement between the various competent departments of the two Contracting Parties.

Article 23.

In the event of any dispute as to the interpretation or application of the present Convention, the High Contracting Parties agree to submit such dispute to arbitration or, failing agreement as to the choice of an arbitrator, to the Permanent Court of International Justice for decision.

Article 24.

Either High Contracting Party may at any time denounce the present Convention on giving twelve months' notice.

Article 25.

The present Convention shall be ratified and the instruments of ratification shall be exchanged in Paris as soon as possible.

It shall come into force on the thirtieth day after the date of the exchange of the instruments of ratification.

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

Done in Paris, in duplicate in French, this 23rd day of July, 1935.

(L. S.) KHUEN-HÉDERVÁRY, *m. p.*

(L. S.) LAVAL, *m. p.*