

No. 58

YUGOSLAVIA AND ALBANIA

Convention relating to civil aviation. Signed at Tirana, on 11 July 1946

Came into force on 12 September 1946 by the exchange of ratifications.

French official text communicated by the acting Chief of the Permanent Yugoslav Delegation to the United Nations. The registration took place on 16 June 1947.

YUGOSLAVIE ET ALBANIE

Convention relative à l'aviation civile. Signée à Tirana, le 11 juillet 1946

Entrée en vigueur le 12 septembre 1946 par l'échange des ratifications.

Texte officiel français communiqué par le chef par intérim de la délégation permanente de la Yougoslavie auprès de l'Organisation des Nations Unies. L'enregistrement a eu lieu le 16 juin 1947.

TRANSLATION — TRADUCTION

No. 58. CONVENTION BETWEEN THE FEDERAL PEOPLE'S
REPUBLIC OF YUGOSLAVIA AND THE PEOPLE'S RE-
PUBLIC OF ALBANIA RELATING TO CIVIL AVIATION.
SIGNED AT TIRANA, ON 11 JULY 1946

The Federal People's Republic of Yugoslavia and the People's Republic of Albania desiring to regulate their mutual relations in the field of civil aviation, have decided to conclude a Civil Aviation Convention for this purpose and have appointed at their plenipotentiaries:

The Presidium of the National Assembly of the Federal People's Republic of Yugoslavia:

Stanoje SIMIC, Minister for Foreign Affairs,

The Presidium of the National Assembly of the People's Republic of Albania:

Enver HODJA, President of the Government, Minister of National Defence and Minister for Foreign Affairs,

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

Article 1.

The Contracting States recognize that each State has complete and exclusive sovereignty over the atmospheric space above its territory.

Article 2.

For the purpose of the present Convention, the territory of a State shall be understood as including the terrestrial area and adjacent territorial waters placed under the sovereignty of the said State.

Article 3.

(a) The present Convention shall apply only to civil aircraft and shall not apply to official aircraft.

(b) Military, customs or police aircraft shall be considered as official aircraft.

(c) An official aircraft of one of the Contracting States may not fly over the territory of the other State or land there without having received permission, by special agreement or otherwise, and in accordance with the conditions thus stipulated.

(d) The Contracting States undertake to have regard for the safety of civil air traffic when establishing regulations to be applied to their official aircraft.

Article 4.

Each Contracting State agrees not to use civil aviation for purposes incompatible with the aims of the present Convention.

Article 5.

Each Contracting State agrees that all civil aircraft of the other Contracting State which do not belong to regular air services shall have the right, in time of peace, to fly over its territory, for the purpose either of landing there or of passing over it without landing, and to make landings in transit without having to obtain previous permission, provided that all the provisions of the present Convention and of its national law are observed.

Article 6.

(a) Each Contracting State shall have the right, for reasons of military necessity or in the interests of public safety, to forbid civil aircraft of the other State to fly over certain areas of its territory, or to impose restrictive conditions on such areas, provided that no distinction is made in this respect between its own civil aircraft and those of the other Contracting State.

(b) Each Contracting State further reserves the right, in exceptional circumstances, during a time of national crisis or in the interests of public safety, to restrict or prohibit provisionally and with immediate effect, flights over its territory or a part of its territory by civil aircraft of the other State.

(c) Each Contracting State may, in circumstances which it remains free to determine, require that all civil aircraft entering the areas referred to in sections (a) or (b) above, shall land as soon as possible at a specified airport within its territory.

Article 7.

No regular air service may fly over or serve the territory of one of the Contracting States without special permission or other authorization from the

said State, and only in accordance with the terms of such permission or authorization.

Article 8.

All civil aircraft entering the territory of one of the Contracting States must land at an airport specified by the State in question for customs and other inspection. All civil aircraft leaving the territory of one of the Contracting States must start from a customs airport specified for the purpose. Particulars of all airports specified as customs airports shall be exchanged by the Contracting States.

Article 9.

Air crews of civil aircraft of the Contracting States shall, on arrival, on departure and during their stay in the territory of the other State, conform with the laws, regulations and provisions governing air navigation.

Article 10.

Each Contracting State undertakes to adopt measures ensuring that all civil aircraft flying over its territory, or handled there, as well as all aircraft bearing its nationality marks, wherever they may be, shall conform with the regulations applicable to flying and the handling of aircraft in that place.

Article 11.

Laws, regulations and provisions governing the arrival and departure by air of crews, passengers and goods in the territory of each Contracting State, and those applying to police, customs and quarantine formalities, shall be strictly observed in respect of crews, passengers and goods at the time of arrival and departure, and while remaining in the territory of the other State.

Article 12.

The Contracting States agree to take effective measures to prevent the spreading by air travel of cholera, epidemic typhus, smallpox, yellow fever and plague, as well as any other contagious disease that the Contracting States may periodically see fit to specify.

Article 13.

Any airport of a Contracting State that is open for public use by domestic civil aircraft shall be open in the same conditions to civil aircraft of the other

Contracting State. Uniform conditions shall similarly apply to the use, by aircraft of each of the two Contracting States, of all air navigation installations, including radio and meteorological services made available to the public to facilitate air navigation and enhance its safety.

Duties charged or authorized by one of the Contracting States in respect of the use of the said airports and installations by aircraft of the other Contracting State shall not exceed:

(a) for aircraft not belonging to regular air services, the duties paid by its own aircraft of the same type and belonging to similar services;

(b) for aircraft belonging to regular air services, the duties paid by its own aircraft of the same type and belonging to similar services.

The Contracting States shall notify each other of all such duties.

Article 14.

The competent authorities of each of the two Contracting States shall have the right to search the civil aircraft of the other State on landing and departure, but without unreasonable delay, and to examine the certificates and other documents prescribed by the present Convention and by their national laws.

Article 15.

Civil aircraft shall have the nationality of the State in which they are registered.

Article 16.

A civil aircraft cannot be validly registered in several States, but its registration may be transferred from one State to another.

Article 17.

The registration or the transfer of the registration of an aircraft shall be effected in conformity with the laws and regulations of each Contracting State.

Article 18.

Every civil aircraft used in international air traffic shall bear its own nationality and registration marks.

Article 19.

Each of the two Contracting States undertakes to provide, at the request of the other State, information regarding the registration and ownership of every civil aircraft registered in its territory. In addition, the Contracting States shall exchange statements giving all the particulars they can supply in respect of the persons owning or having authority over the civil aircraft registered in their territory and normally used for international air traffic.

Article 20.

The Contracting States agree to adopt by means of special regulations or otherwise all possible measures for the purpose of facilitating and expediting the passage of aircraft between their territories and for avoiding needless delays to the aircraft, their crew, their passengers or their cargo, especially with regard to the application of the laws relating to quarantine, customs and police formalities.

Article 21.

The two Contracting States undertake, so far as possible, to establish customs regulations for international air traffic in conformity with such methods as may be recommended from time to time.

Article 22.

(a) A civil aircraft proceeding towards the territory of the other Contracting State, coming from it or crossing it, shall be temporarily exempt from duties, subject to the customs regulations of the State concerned. Fuel, lubricating oils, spare parts, normal equipment and provisions on board an aircraft belonging to one of the Contracting States and remaining on board on its departure from such territory, shall be exempt from customs duties, inspection fees or other similar charges. This exemption shall not apply to any quantity or to any object which is unloaded.

(b) Spare parts and equipment, except fuel and lubricants, imported into the territory of one of the Contracting States in order to be fitted or employed on aircraft of the other Contracting State used for international air traffic, shall be exempt from customs duties, subject to the regulations of the State concerned, which may provide for such articles being submitted to the supervision and control of the customs.

Article 23.

Each of the two Contracting States undertakes to come to the assistance, so far as possible, of civil aircraft of the other Contracting State in distress on its territory, and subject to repayment of the actual expenses incurred.

Article 24.

In the case of an accident to an aircraft of one of the Contracting States on the territory of the other Contracting State resulting in death or serious injuries, or indicating the existence of serious technical defects in the aircraft or in the air navigation installation, the State on whose territory the accident takes place shall open an enquiry into the circumstances of the accident, and shall communicate to the State in which the aircraft is registered the conclusions of that enquiry.

Article 25.

(a) No civil aircraft of one of the Contracting States used for international air traffic entering in normal circumstances the territory of the other Contracting State or crossing it in transit in the same circumstances, with or without a landing, may be seized, detained, or give rise to any action whatever against its owner, or the carrier whom he employs, or to any other action on the part or on behalf of that State or of a person residing therein, on the pretext that the construction, engine, spare parts, accessories, controls or assemblage of parts forming the aircraft, constitute a counterfeit of any patent, design or model registered in the State into whose territory the aircraft has entered, it being agreed that the payment of a deposit in connexion with the exemption from seizure or detention mentioned above shall in no case be required by the State into whose territory the aircraft has entered.

(b) The provisions of paragraph *a* of the present article shall likewise apply to the storage of spare parts or accessories of the aircraft and to the right of using or fitting such parts and accessories for repairing the aircraft of one of the Contracting States on the territory of the other Contracting State, provided that all patented spare parts or accessories thus stored are not sold or distributed inside the State into whose territory the aircraft has entered, or re-exported commercially out of that State.

Article 26.

Each of the two Contracting States undertakes, so far as possible,

(a) to establish on its territory airports, radio services, meteorological services and all other equipment likely to facilitate air traffic between the two Contracting States,

(b) to adopt and apply appropriate systems of procedure for communications, codes, marks, signalling, lighting, and other methods and rules of operation,

(c) to collaborate in measures to ensure the publication of aeronautical maps and diagrams.

Article 27.

Every civil aircraft of the Contracting States used for international air traffic must, in conformity with the provisions of the present Convention, be provided with the following documents:

(a) its registration certificate;

(b) its certificate of air-worthiness;

(c) the appropriate licences of each member of the crew;

(d) its log;

(e) if the aircraft is equipped with radio, the licence to use the radio set on board;

(f) if it is carrying passengers, a list of their names, indicating their points of departure and destination;

(g) if it carries merchandise, the bill of lading and detailed description of the cargo.

Article 28.

(a) No civil aircraft of one of the Contracting States, when over or within the other Contracting State, may have radio transmitting apparatus on board unless a special licence permitting such apparatus to be installed and used has been issued by the competent authorities of the State in which the aircraft is registered. The use of radio transmitting apparatus in the territory of the Contracting State over which a flight is made must be in conformity with the regulations prescribed by that State.

(b) Radio transmitting apparatus may only be used by members of the air crew in possession of a special licence for this purpose, issued by the competent authorities of the State in which the aircraft is registered.

Article 29.

All civil aircraft used for international traffic shall be provided with a certificate of air-worthiness issued or validated by the State in which the aircraft is registered.

Article 30.

(a) The pilot and other members of the navigating staff of every civil aircraft used in international traffic must be provided with certificates of competence and licences issued or validated by the State in which the aircraft is registered.

(b) Each of the Contracting States reserves the right not to recognize as valid, for flights over its own territory, certificates of competence or licences issued to one of its nationals by the other Contracting State.

Article 31.

Certificates of air-worthiness, and certificates of competence and licences issued or validated by the Contracting State in which the aircraft is registered, shall be recognized as valid by the other Contracting State.

Article 32.

For every civil aircraft used in international traffic, a log shall be kept in which the characteristics of the aircraft shall be entered together with the information relating to the crew and to each trip.

Article 33.

(a) Munitions of war or war material may not be carried in or over the territory of one of the Contracting States by a civil aircraft used in international traffic of the other Contracting State, without special permission from the State concerned.

(b) Each of the two Contracting States reserves the right, for reasons of public order and security, to regulate or prohibit the transport inside or over its territory of articles other than those mentioned in paragraph (a) provided that no restrictions are imposed of such a nature as to hinder the transport and use on board civil aircraft of apparatus necessary for the operation or air-worthiness of such aircraft, or for the safety of the crews and passengers.

Article 34.

Each of the Contracting States shall have the right to prohibit or to regulate the use of photographic apparatus in civil aircraft flying over its territory.

Article 35.

The two Contracting States undertake to co-operate closely to attain the highest practical degree of uniformity in the standard regulations, procedures and methods of organization in respect of crews, air routes and auxiliary services, in all cases where such uniformity would facilitate and improve air navigation by civil aircraft.

Article 36.

In case of war, the provisions of the present Convention shall not affect the freedom of action of the two Contracting States, whether they are belligerent or neutral.

The same principle shall apply to a Contracting State which proclaims a state of national emergency and notifies the other Contracting State to that effect.

Article 37.

Disputes regarding the application of the present Convention which cannot be settled through the diplomatic channel shall be submitted, at the request of one of the two Contracting States, to an Arbitration Tribunal for decision.

That Tribunal shall be constituted as follows:

Within a month following the communication by one of the Contracting States to the other Contracting State of the request to establish an Arbitration, each of the Contracting States shall appoint a referee.

Within the ensuing month the referees shall meet in order to agree on the choice of the chief referee.

If the referees are unable to agree on the choice of the chief referee, the two Contracting States shall each designate a third State, and the third States thus designated shall proceed to nominate the chief referee, either by mutual agreement, or by each putting forward a name and then choosing one of them by lot.

The decisions of the Arbitration Tribunal shall be binding on both Contracting States.

The arbitration expenses shall be fixed by the Tribunal and the Contracting States shall each pay half.

Article 38.

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

It shall remain in force for an initial period of five years as from the date on which the ratifications are exchanged. Unless it is denounced by a notification given six months before the expiry of the said period, the Convention shall remain in force for further periods of three years with the right to terminate it by notification given six months before the end of the current period of three years.

IN FAITH WHEREOF, the Plenipotentiaries have signed the present Convention and have thereto affixed their seals.

DONE in duplicate French texts at Tirana, the eleventh day of July, one thousand nine hundred and forty-six.

(Signed) St. SIMIC

Enver HODJA