

No. 363

POLAND
and
CZECHOSLOVAKIA

**Agreement concerning air communications (with annex).
Signed at Prague, on 24 January 1946**

Polish and Czech official texts communicated by the Permanent Representative of Poland to the United Nations. The registration took place on 28 January 1949.

POLOGNE
et
TCHECOSLOVAQUIE

**Accord relatif aux services de transports aériens (avec an-
nexe). Signé à Prague, le 24 janvier 1946**

Textes officiels polonais et tchèque communiqués par le représentant permanent de la Pologne auprès de l'Organisation des Nations Unies. L'enregistrement a eu lieu le 28 janvier 1949.

TRANSLATION—TRADUCTION

No. 363. AGREEMENT¹ BETWEEN THE REPUBLIC OF POLAND AND THE CZECHOSLOVAK REPUBLIC CONCERNING AIR COMMUNICATIONS. SIGNED AT PRAGUE, ON 24 JANUARY 1946

The President of the Republic of Poland and the President of the Czechoslovak Republic, being desirous of concluding an agreement concerning air communications between Poland and Czechoslovakia have, to that end, appointed their representatives, who, being duly authorized, have concluded an agreement in the following terms:

Article 1

Each Contracting Party shall grant to the other Contracting Party the rights specified in the annex to the present agreement for the purpose of establishing and operating the air lines of communication enumerated in the annex. The said lines may be put into operation at any time after the conclusion of the present agreement at the discretion of the Contracting Party to whom such rights are granted.

Article 2

(1) Each of the air lines enumerated in the annex may be put into operation as soon as the Contracting Party to whom such rights have been granted designates an air communications enterprise for the operation of a given line, and as soon as the other Contracting Party granting such rights delivers to the said enterprise the relevant permit authorizing it to operate. The Contracting Party shall be bound to grant this permit, subject to the reservation under article 6 of the present agreement.

(2) The competent civil aviation authorities of the Contracting Party granting such permit may require the air communications enterprise, to which a permit is to be granted, to prove that it fulfils the conditions required for the granting of such permit under the laws and regulations of that Contracting Party.

¹ Came into force on 13 November 1947, upon the exchange of the instruments of ratification at Warsaw, in accordance with articles 10 and 11.

Article 3

(1) The charges which either of the Contracting Parties may impose upon the air communications enterprise designated by the other Contracting Party for the use of airports, and other facilities may not be higher than would be paid for the use of such airports and facilities by his own aircraft engaged in similar international communications.

(2) Fuel, lubricants and spare parts imported into the territory of one of the Contracting Parties by the other Contracting Party or its nationals and intended for the exclusive use of aircraft belonging to the other Contracting Party shall enjoy, with respect to customs duties, inspection fees and other charges imposed by the Contracting Party into whose territory they are imported, no less favourable privileges than are granted to his own air communications enterprise or to an enterprise of a most-favoured nation.

(3) The supplies of fuel, lubricants and spare parts, regular equipment and supplies on board aircraft of an air communications enterprise designated by one of the Contracting Parties, shall be exempt in the territory of the other Contracting Party from customs duties, inspection fees, and other similar charges even though such supplies will be used or consumed by such aircraft while flying above that territory.

Article 4

(1) The certificates of airworthiness, certificates of competency and licences, issued or rendered valid by one Contracting Party and valid at the given time shall also be recognized by the other Contracting Party as valid for the purpose of operating the lines specified in the annex.

(2) However, each of the Contracting Parties reserves the right to refuse to recognize, for the purpose of flight above its own territory, certificates of competency and licences issued to its own nationals by the other Contracting Party.

Article 5

(1) The laws and regulations of one of the Contracting Parties relating to the entry into or departure from its territory of aircraft engaged in international air communications or to the operation of such aircraft while within its

territory, shall apply also to aircraft of the air communications enterprise designated by the other Contracting Party.

(2) The laws and regulations of one of the Contracting Parties respecting the entry into or departure from its territory of passengers, crews and cargo carried by aircraft (such as regulations respecting the entry, exit, customs duties, immigration, passport formalities and quarantine) shall apply to the passengers, crews and cargoes of the air communications enterprise designated by the other Contracting Party, when remaining in, entering and leaving the territory of the first Contracting Party.

Article 6

Each of the Contracting Parties reserves the right to refuse or revoke a licence or permit to operate air lines within its territory by the other Contracting Party when it has certain knowledge that a substantial part of the ownership or effective control of an air communications enterprise designated by the other Contracting Party is not in the hands of nationals of either one of the two Contracting Parties, or when a designated air communications enterprise ceases to comply with the laws and regulations referred to in article 5 of the present agreement, or with any other conditions under which it was granted rights in accordance with the present agreement.

Article 7

If either of the Contracting Parties considers it desirable to add to the content of the specifications in the annex to this agreement, such additions may be made by direct agreement between the competent civil aviation authorities of the two Contracting Parties.

Article 8

Any dispute between the Contracting Parties relating to the interpretation or application of the present agreement or the annex thereto shall be referred to a court of arbitration appointed by agreement between the two Contracting Parties, or, if agreement cannot be reached, it shall be submitted for settlement to the Interim Council of the International Civil Aviation Organization in accordance with the provisions of article III of the Interim Agreement on International Civil Aviation. The two Contracting Parties undertake to comply with the decisions.

Article 9

When a permanent Convention on International Civil Aviation accepted by both Contracting Parties comes into force, the present agreement shall be amended so as to conform with the provisions of the said convention.

Article 10

The present agreement shall come into force on the date of the exchange of the instruments of ratification.

The present agreement shall remain in force for a term of five years, and, if not denounced one year before the expiration of that term, it shall continue in force thereafter subject to the right of one year's notice of termination.

Article 11

The instruments of ratification shall be exchanged at Warsaw at the earliest possible date.

The present agreement is drawn up in duplicate, in Polish and Czech, both texts being equally authentic.

IN FAITH WHEREOF the plenipotentiaries have signed the present agreement and have thereto affixed their seals.

DONE at Prague, this twenty-fourth day of January, 1946.

[L.S.]

(Signed) S. WIERBLOWSKI

[L.S.]

(Signed) Z. AUGENTHALER

ANNEX

Article 1

(1) The permit referred to in article 2 of the present agreement shall be granted by the Government of the Republic of Poland to the air communications enterprise designated by the Government of the Czechoslovak Republic for the operation of the air lines enumerated in specification I of the present annex.

(2) The permit referred to in article 2 of the present agreement shall be granted by the Government of the Czechoslovak Republic to the air communications enterprise designated by the Republic of Poland for the operation of air lines enumerated in specification II of the present annex.

Article 2

(1) The air communications enterprise designated by the Government of the Republic of Poland for the operation of the air lines enumerated in specification II of the present annex is the Polskie Linie Lotnicze "LOT".

(2) The air communications enterprise designated by the Government of the Czechoslovak Republic for the operation of the air lines enumerated in specification I of the present annex is Československé Aerolinie.

Article 3

(1) For the purpose of operating the air lines enumerated in specification I of the present annex, the Czechoslovak air communications enterprise Československé Aerolinie shall be granted in regard to the transit line in Poland the right to fly over Polish territory without landing, and the right to land for non-commercial purposes. In regard to the other lines enumerated in the above specification, the right shall be granted to load in Poland passengers, cargo and mail destined for the territory of Czechoslovakia or another state, and the right to unload in Poland passengers, cargo and mail coming from Czechoslovakia or from another State.

(2) For the purpose of operating the air services enumerated in specification II of the present annex, the Polish air communications enterprise "LOT" shall be granted in regard to the transit line in Czechoslovakia the right to fly over Czechoslovak territory without landing, and the right to land for non-commercial purposes. In regard to the other lines enumerated in the above specification, the right shall be accorded to load in Czechoslovakia passengers, cargo and mail destined for the territory of Poland or another State and the right to unload passengers, cargo and mail in Czechoslovakia coming from Poland or from another State.

Article 4

The rates to be applied by the air communications enterprises mentioned in the present annex shall be established by mutual agreement between them as regards the jointly operated sections or the sections between Poland and Czechoslovakia and *vice versa*, on which both enterprises effect transport. All rates fixed in this manner shall be submitted for the approval of the competent civil aviation authorities of the two Contracting Parties. If both Contracting Parties fail to reach agreement

in this matter, the subject of the dispute shall be referred to arbitration, as provided for in article 8 of the present agreement.

SPECIFICATION I

LINES OF THE ENTERPRISE ČESKOSLOVENSKÉ AEROLINIE

<i>Number of line</i>	<i>Line</i>
1.	Prague-Warsaw
2.	Prague-Warsaw-Moscow
3.	A transit line to be announced additionally by the Czechoslovak civil aviation authorities to the Polish civil aviation authorities.

SPECIFICATION II

LINES OF POLSKIE LINIE LOTNICZE "LOT"

<i>Number of line</i>	<i>Line</i>
1.	Warsaw-Prague
2.	Warsaw-Prague-Paris
3.	A transit line to be announced additionally by the Polish civil aviation authorities to the Czechoslovak civil aviation authorities.