

No. 5190

**ROMANIA
and
HUNGARY**

**Agreement concerning air transport. Signed at Bucharest,
on 3 February 1956**

Official texts: Romanian and Hungarian.

Registered by Romania on 23 June 1960.

**ROUMANIE
et
HONGRIE**

**Accord relatif aux transports aériens. Signé à Bucarest, le
3 février 1956**

Textes officiels roumain et hongrois.

Enregistré par la Roumanie le 23 juin 1960.

[TRANSLATION — TRADUCTION]

No. 5190. AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE ROMANIAN PEOPLE'S REPUBLIC AND THE GOVERNMENT OF THE HUNGARIAN PEOPLE'S REPUBLIC CONCERNING AIR TRANSPORT. SIGNED AT BUCHAREST, ON 3 FEBRUARY 1956

The Government of the Romanian People's Republic and the Government of the Hungarian People's Republic, desiring to expand air transport between the two countries, have decided to conclude an agreement and for this purpose have appointed as their plenipotentiaries :

The Government of the Romanian People's Republic :

Ion H. Stănescu, Director General of Civil Aviation in the Ministry of Maritime and Air Transport;

The Government of the Hungarian People's Republic :

Endre Tarján, Chief of the Department of Aviation of the Ministry of Posts and Communications,

who, having exchanged their full powers, found in good and due form, have agreed as follows :

Article I

The Contracting Parties grant each other's civil aircraft the right to make flights between the two countries and in transit over their territory for the purpose of transporting passengers, baggage, cargo and mail.

Article II

(1) The Government of the Romanian People's Republic authorizes the Hungarian Airline (MALEV) to make scheduled and non-scheduled flights, in both directions, on the air route Budapest-Bucharest.

(2) The Government of the Hungarian People's Republic authorizes the Romanian Airline (TAROM) to make scheduled and non-scheduled flights, in both directions, on the air route Bucharest-Budapest.

(3) On the aforementioned air routes, commercial stops may be made only at the Bucharest (Băneasa) and Budapest (Ferihegy) airports.

¹ Came into force on 10 May 1956, after the exchange of notices of approval by the two Governments, in accordance with article XV. The Romanian Government communicated its approval on 23 April 1956 and the Hungarian Government on 10 May 1956.

(4) The air routes specified in this article may be extended towards any neighbouring country by agreement between the two Contracting Parties. In such case, commercial stops may be made only at the Bucharest (Băneasa) and Budapest (Ferihegy) airports.

(5) Non-scheduled commercial stops may be made, on request, at other airports.

(6) The Contracting Parties agree that the Romanian Airline (TAROM) shall continue to operate on the air route Bucharest-Budapest-Prague. Similarly, the Hungarian Airline (MALEV) shall continue to operate on the air route Budapest-Sofia with the right of transit over the territory of the Romanian People's Republic.

Article III

(1) The Contracting Parties agree that special authorization shall be required for non-scheduled flights. Requests for permission to make transit flights shall be submitted at least forty-eight hours before the time of departure, and a reply shall be made on the day following submission of the request. In urgent cases, the aforementioned time-limit shall be disregarded.

(2) Notice of scheduled transit flights shall be given thirty days in advance.

Article IV

(1) The exact course to be followed on the air routes and transit flights referred to in articles II and III, as well as the customs airports, shall be fixed by each Contracting Party in accordance with the flight regulations in force in its country. The routes established by one Contracting Party for civil aircraft of the other Party shall not be different from those established for civil aircraft of the former Party flying in the same direction.

(2) The Contracting Parties reserve the right to take action, through their competent authorities, to alter the routes established in their territory and to change the customs airports. Such changes shall be communicated to the civil aeronautics authorities of the other Party at least thirty days before they take effect.

Article V

(1) Civil aircraft of either Contracting Party shall be required, while making flights over the territory of the other Party, to comply with the domestic flight regulations of that Party.

(2) Aircraft, crews, passengers, baggage, cargo and mail shall, while they are in the territory of the other Contracting Party, be subject to the laws, decrees and regulations in force in that territory.

(3) The civil aeronautics authorities of the Contracting Parties shall communicate to each other the laws and regulations relating to international civil air transport which are in force in their respective countries, as well as any changes made in them.

Article VI

(1) The Contracting Parties shall, on the basis of equal treatment, make available to each other's civil aircraft operating on the air routes specified in articles II and III those airports which are open to international air traffic, as well as all the existing radio aids, ground lighting and meteorological facilities.

(2) Where an aircraft is in danger or has to make a forced landing, the Contracting Parties shall reciprocally make available airports situated off the established route and installations which are not used in regular operation on the route.

Article VII

The Contracting Parties undertake to take all necessary sanitary and preventive measures, at departures and arrivals of aircraft at customs airports, for the purpose of preventing, in accordance with international regulations, the spread of communicable diseases affecting human beings, animals and plants.

Article VIII

(1) The Contracting Parties agree that, for the purpose of maintaining air services on the air routes specified in this Agreement, engines, spare parts, tools, equipment and instruments required for the repair of aircraft, as well as fuel and lubricants, may be transported from the territory of one Contracting Party to the territory of the other Party, exempt from taxes and customs duties and without an import or export permit. Such materials may be kept, in the territory of the other Party, only at places specially designated for the servicing of international air routes or at airports; they may not be disposed of but may be retransported to their country of origin.

(2) Where a civil aircraft of one Contracting Party, as a result of an accident suffered in the territory of the other Party, can no longer be repaired, it shall be treated as scrap material.

(3) Civil aircraft making technical stops during transit flights over the territory of the Contracting Parties, and passengers and cargo carried by such aircraft, shall be exempt from the usual customs control.

Article IX

(1) Civil aircraft of the Contracting Parties making flights regulated by this Agreement shall bear the distinctive marks of their States prescribed for international air traffic and shall carry the following documents :

- a) The aircraft's certificate of registration.
- b) A certificate of airworthiness marked as currently valid.
The certificates specified in sub-paragraphs *a* and *b* may be combined in a single document in accordance with the domestic legal provisions of the respective Contracting Parties.
- c) Certificates of competency for members of the crew marked as currently valid.
- d) The flight plan for the flight concerned and the journey log book.
- e) The aircraft radio licence marked as currently valid.

(2) Each Contracting Party shall recognize the aforementioned documents issued by the other Party as valid in its territory while they are used on flights regulated by this Agreement.

(3) Where the aforementioned documents are missing or are not in order, the other Contracting Party may detain the aircraft until the competent aeronautical authority, which shall be notified forthwith by the said Party, authorizes resumption of the flight.

Article X

Civil aircraft of either Contracting Party making flights in the territory of the other Party shall carry a list of the passengers, baggage, cargo and mail on board the aircraft, certified by the customs authorities, as well as any permit required for the carriage of special goods. The fact that the said documents are missing or are not in order shall not, however, constitute grounds for detaining the aircraft but shall result only in the application with respect to the persons and goods concerned of the measures prescribed by the regulations of the Contracting Party in whose territory the aircraft is present.

Article XI

(1) Each Contracting Party shall, in the event of an accident or forced landing, render necessary assistance forthwith to civil aircraft, personnel and passengers of the other Party and ensure the protection of the mail, baggage and cargo carried by the aircraft. The cost of such assistance shall be borne by the airline to which the aircraft belongs.

(2) Where an accident or forced landing in the territory of one Contracting Party results in substantial material damage to a civil aircraft of the other Party

or to its equipment, or results in serious bodily injury or death, or where substantial material damage is suffered on the ground, the civil aeronautics authority of the Party in whose territory the forced landing or accident occurred shall notify forthwith the civil aeronautics authority of the other Party and shall invite representatives of that Party to participate in the inquiry. It shall, at the same time, be required to grant the representatives of the other Party access to the site of the accident or forced landing in its territory.

(3) If the civil aeronautics authority of the Contracting Party to which the invitation was extended fails to dispatch representatives within twenty-four hours after a visa has been transmitted, the inquiry may be completed without their participation. The civil aeronautics authority of the Party conducting the inquiry shall in any event be required to provide detailed information to the authority of the other Party, irrespective of whether its representatives participated in the inquiry, by transmitting a certified copy of the complete records of the inquiry.

Article XII

Each Contracting Party shall compensate institutions or citizens of the other Party to which it causes bodily injury or material damage in the territory of that Party in connexion with the operation of aircraft.

Article XIII

(1) Problems of commercial, financial and technical co-operation relating to operation on the air routes specified by this Agreement shall be settled by a separate agreement between the airlines of the Contracting Parties.

(2) In order to ensure the most efficient possible operation on the air routes specified by this Agreement, each Contracting Party shall grant the other Party's airline the right to maintain a mission at Bucharest or Budapest, as the case may be, the said mission to be established and its functions and personnel decided by common agreement between the two airlines.

Article XIV

Any disputes relating to operation on the air routes specified by this Agreement shall be settled directly by the airlines concerned. If the airlines are unable to reach agreement on a disputed question or if the said question is outside their sphere of competence, it shall be referred for settlement to the civil aeronautics authorities of the Contracting Parties,

Article XV

(1) This Agreement shall be subject to approval by the two Governments. The Contracting Parties shall notify each other of such approval through the diplomatic channel.

The Agreement shall enter into force on the day on which notice is given of its approval by both Governments.

(2) This Agreement is concluded for a period of 5 (five) years from the date of its entry into force. The Agreement shall remain in force for successive periods of five years unless one of the Contracting Parties gives notice of its intention to terminate the Agreement, six months before expiry of the aforementioned term.

Article XVI

Upon the entry into force of this Agreement, the Romanian-Hungarian Agreement concerning commercial air transport concluded at Budapest on 26 March 1947 shall cease to have effect.

This Agreement was done in two original copies, in the Romanian and Hungarian languages, both copies and both texts being equally authentic.

IN WITNESS WHEREOF the plenipotentiaries have signed the Agreement and have thereto affixed their seals.

Bucharest, 3 February 1956.

For the Government
of the Romanian People's
Republic :

ION H. STĂNESCU

For the Government
of the Hungarian People's
Republic :

TARJÁN Endre