

No. 5863

**HUNGARY
and
GERMAN DEMOCRATIC REPUBLIC**

**Agreement (with annex) relating to civil air transport.
Signed at Budapest, on 10 September 1955**

Official texts: Hungarian and German.

Registered by Hungary on 26 September 1961.

**HONGRIE
et
RÉPUBLIQUE DÉMOCRATIQUE ALLEMANDE**

**Accord (avec annexe) relatif à l'aviation civile. Signé à
Budapest, le 10 septembre 1955**

Textes officiels hongrois et allemand.

Enregistré par la Hongrie le 26 septembre 1961.

[TRANSLATION — TRADUCTION]

No. 5863. AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE HUNGARIAN PEOPLE'S REPUBLIC AND THE GOVERNMENT OF THE GERMAN DEMOCRATIC REPUBLIC RELATING TO CIVIL AIR TRANSPORT. SIGNED AT BUDAPEST, ON 10 SEPTEMBER 1955

The Government of the Hungarian People's Republic and the Government of the German Democratic Republic, desiring to develop and strengthen further the relations between the two countries through the establishment of civil air services, have decided to conclude the following Agreement.

For this purpose they have appointed as their representatives :

The Government of the Hungarian People's Republic :

László Földvári, Deputy Minister for Posts and Communications;

The Government of the German Democratic Republic :

Sepp Schwab, Ambassador Extraordinary and Plenipotentiary of the German Democratic Republic in the Hungarian People's Republic,

whose full powers were found in good and due form and who have agreed as follows :

Article 1

The Contracting Parties grant each other the right to operate air services in their respective territories on the routes specified in the annex² to this Agreement.

Article 2

(1) Air services on the routes specified in the annex to this Agreement shall be operated on a basis of reciprocity.

(2) Each of the said air services may be inaugurated on a date to be fixed by the competent authorities of the two Contracting Parties.

(3) If one Contracting Party is temporarily unable to exercise its rights under this Agreement regarding the operation of the air services specified in the annex to this Agreement, the other Contracting Party may, by agreement between the competent authorities, operate the said air services unilaterally.

¹ Came into force on 24 January 1956, the date of the exchange of notes signifying the approval by the Contracting Parties, in accordance with article 12.

² See p. 150 of this volume.

Article 3

(1) The following airlines are designated for the operation of services on the routes specified in the annex to this Agreement :

For the Hungarian People's Republic :

Magyar Légiközlekedési Vállalat (Malév);

For the German Democratic Republic :

Die Deutsche Lufthansa.

(2) All questions relating to the technical and commercial operation of the air services specified in the annex to this Agreement, in particular frequency of flights, time-tables, fares, methods for financial settlement, apportionment of revenue and costs arising from the operation of the airlines, flight safety in the air lanes and servicing of aircraft at regular and alternate airports, as well as the activities of the respective missions shall be settled on a reciprocal basis through agreements between the two airlines.

Article 4

(1) On entry of an aircraft into and during its transit of the territory of either Contracting Party, the laws of the State flown over shall apply to the crew, passengers and cargo.

(2) The airlines of both Parties shall be under a duty to familiarize themselves with the laws and regulations in force concerning civil aviation. For this purpose the airlines shall communicate to each other the laws and regulations in force.

Article 5

(1) The Contracting Parties grant each other the right to store in their respective territories such spare parts, instruments, fuel, lubricants and other articles and materials as are necessary to maintain the air services.

(2) Such spare parts, instruments, fuel, lubricants and other articles and materials as are needed to operate air services on the routes fixed by agreement between the Parties in accordance with the annex to this Agreement or to repair aircraft which have met with an accident may be imported into the Hungarian People's Republic or the German Democratic Republic free of customs duty, shall be exempt from all taxes, and may be re-exported to their country of origin. It shall be unlawful, in the territory of the other Contracting Party, to dispose of the same or to use the same for purposes other than those specified in this Agreement.

Article 6

(1) Every aircraft employed by the airlines on the routes specified in the annex to this Agreement shall bear registration and nationality marks and carry the following documents :

- (a) Certificate of registration;
- (b) Certificate of airworthiness;
- (c) All other prescribed documents;
- (d) Aircraft radio license, aircraft radio log and aeronautical telecommunications codes.

The pilot in command and other members of the crew shall also be in possession of the prescribed personal flight documents which shall indicate the period for which they are valid.

(2) Documents issued or rendered valid by either Contracting Party and supplied to crews and aircraft shall be recognized as valid by the other Contracting Party if they are intended for operation on the air routes specified in the annex to this Agreement.

Article 7

All civil aircraft of either Contracting Party which are not employed on scheduled flights on the air routes specified in the annex to this Agreement shall require a special permit from the competent authorities of the other Contracting Party in order to enter its territory.

Article 8

(1) Each Contracting Party undertakes to render in its territory all necessary assistance to aircraft of the other Contracting Party which are in danger or have made an emergency landing.

(2) If an aircraft of either Contracting Party makes an emergency landing in the territory of the other Contracting Party, or is involved, in that territory, in an accident resulting in death, bodily injury, or damage to the aircraft or other objects, the Contracting Party in whose territory the forced landing or accident has occurred shall immediately report the same to the competent authorities of the other Contracting Party and institute an inquiry.

(3) Representatives of the other Contracting Party shall be entitled to participate in the inquiry into the forced landing or accident. If the other Contracting Party fails to send representatives, the inquiry shall be conducted by the Contracting Party in whose territory the incident has occurred. A comprehensive report of the inquiry together with all the evidence examined in the

inquiry shall be transmitted to the competent authorities of the other Contracting Party, whether or not a representative of that Party participated in the inquiry.

Article 9

Each Contracting Party shall be entitled to maintain a mission in the territory of the other Contracting Party if this is necessary for operation of services on the air routes specified in the annex to this Agreement.

Article 10

The Contracting Parties shall make available to each other their experience in the field of civil air transport under agreements concluded between the two airlines.

Article 11

Additions and amendments to this Agreement may also be made by negotiation between the competent authorities. Such amendments and additions shall likewise take effects only after they have been approved by both Governments.

Article 12

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 received of its approval by the second Government.

The Agreement may be denounced by either Contracting Party. It shall terminate one year after the date of receipt of the notice of denunciation.

This Agreement was done in duplicate on 10 September 1955 at Budapest in the Hungarian and German languages, both texts being equally authentic.

For the Government
of the Hungarian People's
Republic :
FÖLDVÁRI László

For the Government
of the German Democratic
Republic :
Sepp SCHWAB

A N N E X

Article 1

The following are the air routes for the purposes of Article 1 of this Agreement :
For Magyar Légiközlekedési Vállalat :

- (a) Budapest-Berlin and return;
- (b) Budapest-Berlin-Copenhagen and return;
- (c) Budapest-Berlin-Amsterdam and return.

The routes under (b) and (c) above may be operated without an intermediate stop at Berlin by agreement between the two airlines.

For Die Deutsche Lufthansa :

- (a) Berlin–Budapest and return;
- (b) Berlin–Budapest–Sofia and return;
- (c) Berlin–Budapest–Bucharest and return.

The routes under (b) and (c) above may be operated without an intermediate stop at Budapest by agreement between the two airlines.

Article 2

(1) Air traffic shall be restricted to the entry and exit points and air lanes specified by the competent authorities of the Contracting Party concerned. In the event of deviation from these air lanes the appropriate authorities of the territorially competent Contracting Party shall decide on further measures which shall be complied with strictly.

(2) Each Contracting Party shall, in special circumstances, be entitled temporarily to close its territory in whole or in part to air traffic. The other Contracting Party shall be immediately informed of such measures.

Article 3

Berlin–Schönefeld airport in the territory of the German Democratic Republic shall be placed at the disposal of aircraft of Magyar Légiközlekedési Vállalat.

Budapest–Ferihegy airport in the territory of the Hungarian People's Republic shall be placed at the disposal of Die Deutsche Lufthansa.

Article 4

In the event of an emergency landing on the territory of one of the Contracting Parties, the nearest customs or passport office shall be notified. The crew, passengers and cargo shall not be removed from the aircraft until the arrival of the appropriate officials, unless they are in immediate danger. In such cases the crew, passengers and cargo may be moved from the aircraft so far as is absolutely necessary for their safety. The pilot in command shall be responsible for the observance of this rule.

Article 5

Additions and amendments to articles 1 and 3 of this annex may be made by agreement between the competent authorities of the Contracting Parties.