

N° 1121.

---

## AUTRICHE ET POLOGNE

Arrangement concernant la navigation aérienne, avec annexe, signé à Varsovie, le 5 mai 1925.

---

## AUSTRIA AND POLAND

Arrangement concerning Aerial Navigation with Annex, signed at Warsaw, May 5, 1925.

<sup>1</sup> TRADUCTION. — TRANSLATION.No. 1121. — AGREEMENT<sup>2</sup> BETWEEN AUSTRIA AND POLAND CONCERNING AERIAL NAVIGATION, SIGNED AT WARSAW, MAY 5, 1925.

*French official text communicated by the Polish Delegate accredited to the League of Nations. The registration of this Agreement took place March 11, 1926.*

Subject to the approval of the AUSTRIAN and POLISH GOVERNMENTS, the undersigned have agreed upon the following provisions :

(1) While the present Agreement remains in force, the Austrian Government shall permit the aircraft of a single aerial navigation company, authorised by the Polish Government, to fly over its territory and to carry passengers, goods or news between Vienna and Cracow only, in conformity with the provisions of the attached Annex.

(2) While the present Agreement remains in force, the Polish Government shall permit the aircraft of a single aerial navigation company, authorised by the Austrian Government, to fly over its territory and to carry passengers, goods or news between Cracow and Vienna only, in conformity with the provisions of the attached Annex.

The provisions contained in Sections 1 and 2 above shall not prevent the conclusion of arrangements between the two companies authorised to carry on aerial navigation between Vienna and Cracow with a view to working joint air services on lines other than that between Cracow and Vienna. It is, nevertheless, understood between the Austrian and Polish Governments that the above statement imposes no obligation or engagement of any kind on either of the two Governments.

(3) The aerial navigation company referred to in paragraph 1 shall be freely designated by the Polish Government, which need not consult the Austrian Government, and the aerial navigation company referred to in paragraph 2 shall be freely designated by the Austrian Government, which need not previously consult the Polish Government.

(4) In the event of the Austrian aerial navigation company being prevented, through no fault of its own, by a measure taken by the Polish Government, from exercising the rights in Polish territory accorded to it in virtue of the Polish Governments' authorisation, the Austrian Government reserves the right to cancel the authorisation granted to the Polish aerial navigation company in Austrian territory.

In the converse eventuality the Polish Government reserves a similar right with regard to the Austrian aerial navigation company.

<sup>1</sup> Traduit par le Secrétariat de la Société des Nations.

<sup>1</sup> Translated by the Secretariat of the League of Nations.

<sup>2</sup> Approved by the Polish Government, June 28, 1925, and by the Austrian Government, July 16, 1925.

(5) Certificates issued or accepted for aircraft and the members of their crews by the Government of their country of origin for the purpose of aerial navigation over its territory shall have the same validity in the other Contracting State as the corresponding certificates issued or accepted by the latter State.

Each of the High Contracting Parties, nevertheless, reserves the right to refuse to recognise in its territory pilots' certificates issued to its nationals by the other Contracting Party.

(6) As soon as possible after the entry into force of the present Agreement, the authorities in charge of aerial navigation in the two Contracting States shall notify each other of the frontier sectors referred to in paragraph 7 of the Annex; each State, nevertheless, reserves the right at any time, after eight days' notice, to alter the previous disposition of the frontier sectors by a unilateral declaration.

(7) The Contracting Parties agree that the competent authorities of each of the two States shall confer and correspond directly with regard to the measures provided for in the present Agreement, without having recourse to the usual diplomatic channel, in order that the above-mentioned measures may be carried out as soon as possible.

(8) The present Agreement, which shall enter into force immediately it has been approved by both the Austrian and the Polish Governments, shall remain in force until the end of the year 1926, unless it has previously been superseded by the conclusion of a new Agreement.

(9) Either of the Contracting Parties may at any time denounce the present Agreement at three months' notice. Nevertheless, each of the Contracting Parties reserves the right, in exceptional circumstances, to restrict or prohibit aerial navigation above its territory either totally or in part and without previous notice.

Done at Warsaw in duplicate on May 5, 1925.

(—) POST.

(—) AL. SKRZYŃSKI.

#### ANNEX TO THE AGREEMENT.

(1) The Austrian (Polish) Government grants to the aerial navigation company referred to in paragraph 1 of the Agreement (referred to in paragraph 2 of the Agreement), hereinafter described as the Polish (Austrian) company, the right to fly over Austrian (Polish) territory and the right to carry passengers, goods and news by means of aircraft between Vienna and Cracow only.

(2) The Polish (Austrian) company is authorised to make one journey a day in each direction as specified in the time-table. This journey may be made by several aircraft, provided that they start simultaneously.

The Polish (Austrian) company is authorised to make, in addition to the flights provided for in the time-table, not more than four hundred extra flights in either direction between Cracow and Vienna, in each of the years 1925 and 1926. Nevertheless, extra flights without passengers or goods shall not be included in the above number.

The specified number of ordinary and extra flights may be altered by agreement between the Austrian and Polish air authorities.

(3) Conveyance shall be effected by machines belonging to the Polish (Austrian) company, unless an exception is allowed by the competent Austrian (Polish) authority.

(4) Mails and articles covered by the postal monopoly may be conveyed by air so far as the relevant postal regulations allow.

(5) If the Austrian (Polish) postal administration so requests, the Polish (Austrian) company shall undertake the conveyance of postal matter. A special agreement shall be concluded on this subject between the Austrian (Polish) postal administration and the Polish (Austrian) company.

(6) The Polish (Austrian) company shall not subject Austrian (Polish) nationals, or articles belonging to them, to less favourable conditions of transport and treatment than those accorded to Polish (Austrian) nationals and their property.

(7) The Austrian (Polish) frontier may only be crossed in specified frontier sectors.

(8) The Polish (Austrian) company shall be informed by the competent authority of the route to be followed by it in Austria (Poland).

(9) Aircraft arriving in Austria or leaving that country may not land or start elsewhere than at an aerodrome officially designated for the purpose, and may not land between the frontier and the aerodrome of destination. In the event of a forced landing in the country of departure after Customs inspection, or in the country of destination before such inspection, the nearest Customs or police authority or the nearest local authority must immediately be notified.

Pending further instructions from this authority, the crew and passengers may not leave the vicinity of the machine, and no part of the material of the aircraft or its accessories may be removed, nor may its cargo be unloaded. The pilot and the company are jointly and severally responsible for the observance of the above regulations.

(10) Aircraft must bear the nationality and other marks prescribed in their State of origin. These marks must be clearly visible so as to permit of identification during flight.

Aircraft must carry the papers prescribed for aerial navigation in their State of origin. Those members of the crew — the crew being all persons other than passengers on board the aircraft — who perform duties for which a special licence is required, must be provided with the papers prescribed for aerial navigation in their State of origin. The other members of the crew must carry papers furnishing evidence of identity and nationality.

(11) Without prejudice to the stipulations of Section 10, the crews and passengers must hold passports duly delivered and endorsed and all other papers prescribed by the international traffic regulations.

(12) Aircraft may carry wireless apparatus so far as this is authorised by the two States.

(13) Aircraft and their crews and passengers may not carry arms, ammunition, asphyxiating gases or explosives. Carrier-pigeons and photographic apparatus shall only be carried with the permission of the competent authority of the State which is flown over.

(14) Aircraft which carry passengers and goods must be provided with a list of the passengers by name, with a schedule showing the nature and quantity of the goods and with the requisite Customs declarations.

(15) No objects may be dropped from the machine unless the State flown over has given special authorisation to that effect.

(16) The Polish (Austrian) company shall be obliged to comply with all the laws, regulations and prescriptions which are at present in force or may be promulgated in Austria (Poland), and in particular to observe strictly all rules concerning aerial navigation and questions connected therewith.

(17) The Polish (Austrian) company must pay the income tax (*Erwerbssteuer*) prescribed in Austria (Poland) in respect of its income derived from traffic in Austria (Poland).

The Polish company must establish an agency at Vienna, in conformity with the Imperial Decree of November 29, 1865 (*Legal Gazette* No. 127) for the duration of its activities in Austria.

(18) The Polish (Austrian) company may not transfer to third persons, without special authorisation from the competent Austrian (Polish) authority, the rights granted to it by that authority and the obligations resulting therefrom, or the exercise or fulfilment thereof.

(19) The authorisation to fly over Austrian (Polish) territory granted to the Polish (Austrian) company shall be delivered on condition that Poland (Austria) observes reciprocity with regard to the Austrian (Polish) company as regards the route referred to in Section 2. The above-mentioned authorisation shall expire at the end of the year 1926.

The Austrian (Polish) Government, nevertheless, reserves the right to withdraw the authorisation granted to the Polish (Austrian) company, without any compensation, before the end of the year 1926, either in virtue of an agreement concluded with the Polish (Austrian) Government or if the Polish (Austrian) company fails to fulfil any one of the obligations assumed in consequence of the authorisation granted by the Austrian (Polish) Government, after being called upon to do so by the competent air authority.