

N° 1810.

ALLEMAGNE ET ITALIE

Convention concernant la navigation
aérienne, avec protocole addition-
nel. Signés à Berlin, le 20 mai
1927.

GERMANY AND ITALY

Convention relating to Aerial Navi-
gation, with Additional Protocol.
Signed at Berlin, May 20, 1927.

TEXTE ITALIEN. — ITALIAN TEXT.

N° 1810. — CONVENZIONE ¹ FRA IL REICH GERMANICO ED IL REGNO D'ITALIA RELATIVA ALLA NAVIGAZIONE AEREA, FIRMATA A BERLINO, IL 20 MAGGIO 1927.

German and Italian official texts communicated by the German Consul-General at Geneva and the Italian Minister for Foreign Affairs. The registration of this Convention took place August 4, 1928.

IL PRESIDENTE DEL REICH GERMANICO e SUA MAESTÀ IL RE D'ITALIA, egualmente convinti dell'interesse reciproco che hanno la Germania e l'Italia a facilitare, per fini pacifici, le loro relazioni aeree e, in generale, le relazioni internazionali per via aerea,

Hanno risoluto di concludere una convenzione a questo fine, ed hanno designato per loro plenipotenziari, rispettivamente :

IL PRESIDENTE DEL REICH GERMANICO

Sig. Dr. Gustav STRESEMANN, Ministro degli Affari Esteri,

SUA MAESTÀ IL RE D'ITALIA

Sua Eccellenza il conte Luigi ALDROVANDI MARESCOTTI, conte DI VIANO, Cavaliere di Gran Croce del Suo Ordine della Corona d'Italia, Suo Ambasciatore a Berlino,

I quali, dopo aver scambiato i loro pieni poteri, riconosciuti in buona e debita forma, hanno convenuto le disposizioni seguenti :

Articolo I.

Ciascuna delle Alte Parti contraenti accorderà, in tempo di pace, agli aeromobili dell'altro Stato contraente, regolarmente in esso immatricolati, la libertà di passaggio al di sopra del proprio territorio, purchè siano osservate le condizioni stabilite nella presente convenzione.

E' inteso, tuttavia, che l'impianto e l'esercizio di linee aeree regolari con o senza scalo, passanti al disopra del territorio di una delle Alte Parti contraenti, da parte di imprese appartenenti all'altra Parte contraente, saranno subordinati ad uno speciale accordo tra le più Alte Autorità aeronautiche dei due Stati.

Ciascuna delle Alte Parti contraenti accorderà inoltre all'altro Stato contraente il trattamento della nazione più favorita, per tutto quanto concerne i reciproci rapporti in materia di navigazione aerea commerciale.

Ai sensi della presente Convenzione, per territorio di uno Stato si intenderà il territorio della madre patria e delle colonie, unitamente alle sue acque territoriali.

Per aeromobili si intendono gli aeromobili privati e gli aeromobili di Stato adibiti esclusivamente a servizi commerciali.

¹ The exchange of ratifications took place at Berlin, March 13, 1928.

¹ TRANSLATION.

No. 1810 — CONVENTION BETWEEN GERMANY AND ITALY RELATING TO AERIAL NAVIGATION. SIGNED AT BERLIN, MAY 20, 1927.

THE PRESIDENT OF THE GERMAN REICH and HIS MAJESTY THE KING OF ITALY, being, firmly convinced that the peaceable development of air navigation between the two countries, and of international air navigation in general, is to the mutual advantage of Germany and Italy, Have decided to conclude an Agreement to that end and have appointed as their Plenipotentiaries :

THE PRESIDENT OF THE GERMAN REICH :

Dr. Gustav STRESEMANN, Foreign Secretary of the Reich ;

HIS MAJESTY THE KING OF ITALY :

His Excellency Count Luigi ALDROVANDI MARESCOTTI, Count of VIANO, Knight Grand Cross of His Majesty's Order of the Crown of Italy, His Ambassador in Berlin ;

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

Article 1.

Each of the High Contracting Parties shall, in time of peace, accord freedom of air navigation over its territory to aircraft of the other contracting State duly registered therein, provided that the stipulations of the present Convention are observed.

It is, however, understood that the creation and operation, by an air navigation enterprise belonging to one of the High Contracting Parties, of regular air services within the territory of the other Contracting Party, or merely over the said territory (with or without intermediate landing) shall be subject to a special agreement between the highest air authorities of the respective States.

Each of the High Contracting Parties further grants most-favoured-nation treatment to the other Party in all matters of commercial intercourse by air between the two countries.

The word "territory" as used in this Convention shall be deemed to mean the territory of the mother country and the colonies, and shall also include the territorial waters.

The term "aircraft" shall be deemed to include privately owned aircraft and State-owned aircraft which are exclusively used for commercial purposes.

Article 2.

The aircraft of either Contracting Party, as also their crews and passengers shall, while in the territory of the other State, be subject to the obligations arising from the regulations in force in that country at the time, and especially to the general regulations governing air navigation, provided that these regulations are applied to all foreign aircraft without distinction of nationality.

¹ Translated by the Secretariat of the League of Nations, for information.

They shall also be subject to the regulations concerning Customs duties and other taxes, import and export prohibitions, transport of passengers and goods, and public security and order. They shall further be liable to any other obligations arising from the general legislation in force at the time, except as otherwise provided in the present Convention.

The commercial transport of passengers and goods between two points within the territory of either State may be reserved for the aircraft of that State.

The fuel on board an aircraft shall be admitted free of duty.

Article 3.

Either Contracting Party may prohibit flight over certain areas of its territory, provided that no distinction is made in this respect between its own aircraft and those of the other Contracting State. Areas over which flight is thus prohibited shall be notified to the other Party.

Each of the Contracting Parties further reserves the right, in time of peace, to restrict flights over its own territory provisionally, or to prohibit them entirely, with immediate effect, owing to exceptional circumstances, provided that no distinction is made in this respect between the aircraft of the other Contracting Party and that of any other foreign country.

Article 4.

An aircraft which finds itself over a prohibited area shall, as soon as the fact is noticed, give the signal of distress provided in the air regulations of the State flown over, and land without delay at the nearest aerodrome belonging to the State in question and situated outside the prohibited area.

Article 5.

Aircraft must be provided with distinctive and clearly visible marks enabling them to be identified in flight (nationality and registration marks). They must also be marked with the name and residence of their owner.

Aircraft must carry certificates of registration and airworthiness, and in addition any other documents required for air navigation in the country to which they belong.

Members of the crew performing duties on board for the exercise of which a special licence is required in their country of origin, must carry the certificates laid down for air navigation in the said country, and in particular the prescribed certificates of competency and licences.

The other members of the crew must carry certificates indicating their duties on board, their trade, identity and nationality.

Certificates of airworthiness, certificates of competency and licences issued or approved by one of the High Contracting States for the aircraft or the crew shall have the same validity in the other contracting State as the corresponding documents issued or approved in the latter State.

As regards air navigation within its own territory, each of the High Contracting Parties may refuse to recognise the certificates of competency and the licences issued by the other Contracting Party to its nationals.

Except as otherwise provided by agreement between the contracting States, the crew and passengers must carry the papers prescribed by the regulations in force at any time for international traffic.

Article 6.

Aircraft of either Contracting Party when in the territory of the other Party may not carry apparatus for the transmission of radio-telegraphic messages, except in so far as this is lawful in

both contracting States. Such apparatus may only be used by members of the crew who are in possession of a special licence delivered by their State of origin.

Either Contracting Party shall be entitled, on grounds of safety, to issue rules regarding the compulsory equipment of aircraft with apparatus for the transmission of radio-telegraphic messages.

Article 7.

Aircraft and their crews and passengers may not carry arms, ammunition, poisonous gases, explosives, carrier-pigeons, or photographic apparatus, except with the permission of the State in the territory of which the aircraft is situated.

Article 8.

Aircraft which carry passengers or goods must be provided with a nominal roll of the passengers and with a manifest specifying the nature and quantity of the goods carried, together with the necessary Customs declarations.

Should it be discovered on the arrival of an aircraft that there is a discrepancy between the above document and the goods actually carried, the Customs authorities of the aerodrome of arrival shall immediately communicate with the competent Customs authorities of the other contracting State.

The carrying of mails shall be arranged by means of special agreements concluded direct between the postal administrations of the two contracting States.

Article 9.

Each of the contracting States may, in its own territory, cause the aircraft of the other State to be inspected by the competent authorities on arrival or departure and the prescribed certificates and other documents to be verified.

Article 10.

Aerodromes which are open to public use shall be available to the aircraft of either State. Similarly, the meteorological information service and the radio-telegraphic and safety arrangements for air traffic shall be at the disposal of such aircraft. All charges (for landing, length of stay, etc.), shall be levied at the same rate on national aircraft and on those of the other State.

Article 11.

Arrivals in and departures from either of the contracting States shall only take place at an aerodrome open to public use, provided with a Customs office and a passport office, and no intermediate landing may take place between the frontier and such aerodrome. The competent authorities may, in particular cases, authorise the arrival or departure to take place at other aerodromes, where the Customs and passport restrictions will be carried out. The prohibition against intermediate landing shall also apply in these special cases.

In case of forced landing outside the aerodromes referred to in the first paragraph, the pilot, the crew and the passengers must observe the regulations in force in the country in question in regard to Customs examination and passport regulations

Each contracting State shall communicate to the other a schedule of aerodromes open to public use. This schedule shall specially indicate those aerodromes which have Customs offices. Any change in this schedule and any restriction, even of a temporary character, of the right to utilise any such aerodrome must be notified immediately to the other Contracting Party.

Article 12.

The frontiers of either contracting State shall only be crossed at the points prescribed by the State concerned. It is understood that all sections of the frontier over which either Contracting State has granted the right of passage to its own aircraft or to aircraft of another nationality, shall *ipso facto* be open to the aircraft of the other Contracting State.

Article 13.

No ballast, other than fine sand or water, may be dropped.

Article 14.

The discharge or removal, in the course of flight, of any other articles or substance than ballast is prohibited unless special permission has been obtained for this purpose from the State whose territory is flown over.

Article 15.

In regard to any questions of nationality which may arise in the execution of the present Convention, it is understood that aircraft shall possess the nationality of the State in which they are duly registered.

No aircraft may be registered in one of the contracting States unless it belongs wholly to nationals of that State. Should the owner be a corporation of any kind, such corporation must fulfil the conditions required by the German or Italian laws in force in order that it may be considered as a German or an Italian corporation.

Article 16.

The contracting States shall communicate to each other monthly lists of registrations entered or cancelled in their registers during the preceding month.

Article 17.

Aircraft of either Contracting State entering or flying over the territories of the other contracting State and making only such landings and stoppages as are necessary, shall be exempted from seizure on account of infringement of a patent or protected design, on depositing a security, the amount of which, in default of amicable arrangement, shall be fixed with the least possible delay by the competent authority of the place of seizure.

Article 18.

Aircraft belonging to either contracting State shall be entitled on landing in the territory of the other contracting State, particularly in case of forced landings, to the same measures of assistance as the national aircraft of the last named contracting State.

The salvage of aircraft lost on the high seas shall be subject, in the absence of other agreements, to the rules of maritime law in force at the time by virtue of international agreements or, in the absence of such agreements, to the maritime law of the State to which the rescuers belong.

Article 19.

The contracting States shall notify one another of all regulations in force for air traffic in their respective territories.

Article 20.

The methods by which the present Convention shall be carried out in detail (in regard especially to Customs formalities) shall be settled as far as possible by direct agreement between the respective competent administrations of the Contracting States.

Any disputes regarding the execution of the present Convention which cannot be settled through the usual diplomatic channel shall be dealt with in accordance with the provisions of the Conciliation and Arbitration Treaty concluded between Germany and Italy on December 29, 1926.

Article 21.

Either contracting State may at any time denounce the present Convention on giving twelve months' notice.

Article 22.

The present Convention shall be ratified and the instruments of ratification shall be exchanged in Berlin as early as possible. The Convention shall come into force as from the day on which the instruments of ratification are exchanged.

In faith whereof the Plenipotentiaries have signed the present Convention.

Done in two original copies in German and Italian.

BERLIN, *May 20, 1927.*

(*L. S.*) STRESEMANN.

(*L. S.*) ALDROVANDI.

ADDITIONAL PROTOCOL.

1. The contracting Parties agree that the most-favoured-nation treatment provided in Article 1, paragraph 3, of the present Convention shall not extend to favours granted in virtue of an agreement by one of the Contracting Parties to another State in order to equalise home and foreign taxation or with the special object of avoiding double taxation.

2. Fuel within the meaning of Article 2, paragraph 3, shall not include fuel removed from the aircraft within the territory of the State for flights entirely within the said territory.

BERLIN, 20 *May, 1927.*

STRESEMANN.

ALDROVANDI.