

N° 1811.

---

**ALLEMAGNE ET ESPAGNE**

Convention générale concernant la  
navigation aérienne. Signée à Ma-  
drid, le 9 décembre 1927.

---

**GERMANY AND SPAIN**

General Convention relating to Air  
Navigation. Signed at Madrid,  
December 9, 1927.

## TEXTE ESPAGNOL. — SPANISH TEXT.

Nº 1811. — CONVENIO <sup>1</sup> GENERAL DE NAVEGACIÓN AÉREA ENTRE ESPAÑA Y ALEMANIA. FIRMADO EN MADRID EL 9 DE DICIEMBRE DE 1927.

---

*German and Spanish official texts communicated by the German Consul-General at Geneva. The registration of this Convention took place August 4, 1928.*

---

SU MAJESTAD EL REY DE ESPAÑA y EL PRESIDENTE DEL IMPERIO ALEMÁN, igualmente convencidos del interés recíproco que tienen España y Alemania en facilitar para fines pacíficos sus relaciones aéreas y, en general, las relaciones internacionales por vía aérea, han resuelto concertar un Convenio con este fin y han nombrado a este efecto por Sus Plenipotenciarios respectivos:

SU MAJESTAD EL REY DE ESPAÑA,

Al Excelentísimo Señor Don MIGUEL PRIMO DE RIVERA y ORBANEJA, Marqués de Estella, Presidente de Su Consejo de Ministros y Su Ministro de Estado, Grande de España, Teniente general del Ejército, condecorado con la Gran Cruz Laureada de San Fernando, Caballero Gran Cruz de las Ordenes de San Hermenegildo, del Mérito Militar, del Mérito Naval, de Pío IX de la Santa Sede, de la Legión de Honor de Francia; de San Benito de Avis, de Portugal; de San Mauricio y San Lázaro, de Italia; del Mérito Militar, de Cuba; del Mérito, de Chile; Su Gentilhombre de Cámara con Ejercicio y Servidumbre, etc., etc.

Y EL PRESIDENTE DEL IMPERIO ALEMÁN

al Excelentísimo. Sr. CONDE DE WELCZECK, Embajador de Alemania cerca de S. M. el Rey de España.

Los cuales, después de haber canjeado sus plenos poderes, hallados en buena y debida forma, han convenido en las disposiciones siguientes:

*Artículo primero.*

Cada una de Altas Partes contratantes concederá en tiempo de paz a las aeronaves del otro Estado contratante, debidamente matriculadas en el mismo, la libertad de paso inofensivo por cima del propio territorio, siempre que se observen las disposiciones establecidas en el presente Convenio.

Queda entendido, sin embargo, que la implantación y el funcionamiento de líneas aéreas regulares, con escala o sin ella, que pasen por cima del territorio de una de las Altas Partes contratantes, por parte de Empresas pertenecientes a la otra Alta Parte, estarán subordinadas a acuerdos especiales entre ambos Gobiernos.

---

<sup>1</sup> The exchange of ratifications took place at Madrid, May 31, 1928.

<sup>1</sup> TRANSLATION.

## No. 1811. — GENERAL CONVENTION BETWEEN GERMANY AND SPAIN RELATING TO AIR NAVIGATION. SIGNED AT MADRID, DECEMBER 9, 1927.

THE PRESIDENT OF THE GERMAN REICH and HIS MAJESTY THE KING OF SPAIN, being convinced of the mutual advantage to Germany and Spain of promoting, for pacific purposes, air traffic between them and international air traffic in general, have decided to conclude a Convention for this purpose, and have appointed as their Plenipotentiaries :

THE PRESIDENT OF THE GERMAN REICH :

COUNT VON WELCZECK, German Ambassador to His Majesty the King of Spain ;

HIS MAJESTY THE KING OF SPAIN :

His Excellency Don Miguel PRIMO DE RIVERA Y ORBANEJA, Marqués de Estella, President of His Council of Ministers and His Minister of State, Grandee of Spain, Lieutenant General of the Army, decorated with the Grand Laureate Cross of the Royal and Military Order of St. Ferdinand, Knight of the Grand Cross of the Orders of St. Hermenegildo, of Military Merit and Naval Merit, of Pius IX of the Holy See, of the French Legion of Honour, of St. Benedict of Avis of Portugal, of SS. Maurice and Lazarus of Italy, of Military Merit of Cuba, of Merit of Chile, His Acting Gentleman of the Bedchamber, etc., etc.,

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

*Article I.*

Each of the High Contracting Parties undertakes, in time of peace, to grant liberty of passage above its territory to the aircraft of the other Contracting Party duly registered as such in the latter's territory, provided that the conditions set forth in the present Convention are observed.

The establishment and operation of regular air routes by an air transport company of one of the High Contracting Parties within the territory of the other Party or across the said territory, with or without intermediate landing, shall be subject to special agreements between the Governments of the two States.

For the purpose of the present Convention, the term "territory" means the mother-country and colonies, including territorial waters.

For the purpose of the present Convention, the term "aircraft" means private aircraft and Government aircraft used exclusively for commercial and postal purposes.

Aircraft other than the above-mentioned Government aircraft of the one High Contracting Party, desirous of flying to or across the territory of the other Party, with or without intermediate landing, must in every instance previously obtain a special formal permit through the diplomatic channel.

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

*Article 2.*

The aircraft of the one Contracting Party, their crews, passengers, passengers' luggage, and cargo, whilst within the territory of the other Party, shall be subject to the obligations resulting from the regulations in force therein, especially those relating to air traffic in general, so far as these apply to all foreign aircraft without distinction of nationality ; also to the regulations concerning Customs and other duties, import and export prohibitions, the transport of persons and goods, public safety and order, and to passport and health regulations. They shall also be subject to the other obligations resulting from the general legislation in force, except as otherwise provided in the present Convention.

In the case of aircraft used in regular traffic on fixed routes, special agreements may be made between the two Parties concerning the matters referred to in the previous paragraph.

Each of the High Contracting Parties may reserve to its own aircraft the commercial transport of persons and goods between any two points within its own territory.

The fuel and lubricating oil carried on board the aircraft of each of the High Contracting Parties for their own consumption shall be exempt from Customs duty on entry, but not fuel and oil delivered from the aircraft within the territory of the other High Contracting Party or used by the aircraft purely for flights within the said territory.

*Article 3.*

Each of the High Contracting Parties may prohibit air traffic over certain areas of its territory, provided that no distinction in this matter is made between its own aircraft and the aircraft of the other Party. This limitation shall not apply to its military, Customs, police and other aircraft, which are used for special purposes in the Government service.

The areas above which air traffic is thus prohibited must be notified to the other Contracting Party.

Further, each of the High Contracting Parties reserves the right under exceptional circumstances in time of peace, wholly or in part, and with immediate effect, temporarily to limit or prohibit air traffic above its territory, on condition that in this respect no distinction is made between the aircraft of the other Contracting Party and the aircraft of any other foreign State.

*Article 4.*

Any aircraft which finds itself over a prohibited area shall give the signal of distress prescribed in the air navigation regulations in force in the territory flown over, and shall land as soon as possible at an aerodrome situated in such territory outside but as near as possible to such prohibited area.

The same obligation shall apply to aircraft flying over a prohibited area and notified of these fact by special signals.

*Article 5.*

Aircraft shall carry clear and visible marks whereby they may be recognised during flight (nationality and registration marks). In addition, they must bear the name and address of the owner.

Aircraft shall be provided with certificates of registration and of airworthiness, and with all other documents prescribed for air navigation in the territory in which they are registered.

*Article 6.*

The members of the crew who perform duties in an aircraft, for which a special permit is required in their country of origin, shall be provided with all documents and in particular with the certificates and licences prescribed by the regulations in force in their country of origin.

The other members of the crew shall carry documents showing their duties in the aircraft, their profession, identity, and nationality.

The crew and passengers, unless otherwise agreed, shall be provided with documents required by the regulations in force for international traffic.

*Article 7.*

Certificates of airworthiness, certificates of competency and licences issued or recognised as valid by one of the High Contracting Parties in respect of an aircraft or its crew shall have the same validity in the territory of the other High Contracting Party as the corresponding documents issued or recognised as valid by the latter. The certificates of competency and licences of the crew shall, however, be valid only for service in aircraft registered in their own country. Exceptions hereto shall require the sanction of the supreme Air Authority of the other country.

Each of the High Contracting Parties reserves the right for the purpose of flight within his own territory to refuse to recognise certificates of competency and licences issued to nationals of that High Contracting Party by the other High Contracting Party.

*Article 8.*

Aircraft shall only carry wireless apparatus if they hold a special permit to do so in their own State. The use of such apparatus over the territory of either Contracting Party shall be subject to the regulations in force in that State. Such apparatus shall only be used by members of the crew who are provided with a special licence for the purpose issued by the authorities in their own territory.

The two Contracting Parties reserve the right, for reasons of safety, to issue regulations relative to the obligatory equipment of aircraft with wireless apparatus.

*Article 9.*

No arms, ammunition, poison gas, explosives, carrier pigeons or cameras shall be carried by any aircraft or by its crew or passengers, except by permission of the State whose territory is flown over.

For reasons of public safety, either Contracting Party may place restrictions upon the transport or carriage, within the territory under its sovereignty, of articles other than those referred to in paragraph 1 above, on condition that no distinction be made in this respect between national aircraft and those of the other Contracting Party.

*Article 10.*

All aircraft carrying passengers and goods shall be provided with a list of the passengers' names, manifest of the goods showing the nature and quantity of the goods, together with the necessary Customs declarations.

If on the arrival of any aircraft any discrepancy is noted between the goods carried and the above-mentioned documents, the Customs officials shall communicate direct with those of the other High Contracting Party.

The conveyance of mails shall be the subject of a special direct arrangement between the Postal Departments of the two Contracting Parties.

*Article 11.*

Upon the departure or landing of any aircraft, each High Contracting Party within its own territory and through its competent authorities may search the aircraft of the other High Contracting Party and examine the certificates and other documents prescribed.

*Article 12.*

Every aerodrome open to public air traffic in the territory of one of the High Contracting Parties shall be open to all aircraft of the other High Contracting Party, which shall also be entitled to the assistance of the meteorological services, the wireless and lighting services and the day and night signalling services. Any scale of charges made (landing charge, accommodation, etc.) shall be the same for the aircraft of both High Contracting Parties.

In the case of aircraft employed in regular traffic on fixed routes, special facilities may be agreed upon by the Governments of the two States.

*Article 13.*

All aircraft entering or leaving the territory of either of the High Contracting Parties shall land at or depart from an aerodrome open to public air traffic and classed as a Customs aerodrome at which facilities exist for examination of passports, and no intermediate landing shall be effected between the frontier and the aerodrome. In special cases the competent authorities may allow aircraft to land at or depart from other aerodromes, at which Customs and passport formalities must be discharged. The prohibition of any landing between frontier and aerodrome applies also in such cases.

In the event of a forced landing or of a landing such as is provided for in Article 4, the pilot of the aircraft, its crew and the passengers shall conform to the regulations concerning aerial navigation and to the Customs and passport regulations in force in the territory in which the landing has been made.

The High Contracting Parties shall exchange lists of the aerodromes open to public air traffic. This list shall expressly state the aerodromes classed as Customs aerodromes. Any modification of this list and any restriction, even temporary, of the right to use any of these aerodromes shall be notified to the other High Contracting Party without delay.

*Article 14.*

The frontiers of the High Contracting Parties may only be crossed at such points as have been fixed by the State in question. It is agreed that all frontier zones over which one of the Contracting Parties permits the transit of its aircraft or of aircraft of other nationalities, shall *ipso facto* be open to the transit of aircraft belonging to the other Contracting Party.

*Article 15.*

As ballast only fine sand or water may be dropped from an aircraft.

*Article 16.*

No article or substance other than ballast may be dropped or otherwise discharged in the course of flight, unless special permission for such purpose shall have been given by the State flown over.

*Article 17.*

Whenever questions of nationality arise in carrying out the present Convention, it is agreed that every aircraft shall be deemed to possess the nationality of the Contracting Party in whose territory it is duly registered.

No aircraft shall be registered in either State unless it is owned entirely by nationals of that State. If the owner is a company, such company, of whatever kind, must fulfil all the requirements prescribed by German or Spanish law, respectively, in order to be recognised as German or Spanish companies.

*Article 18.*

The High Contracting Parties shall exchange, monthly, lists of the entries or deletions made in their aircraft registers during the preceding month.

*Article 19.*

Aircraft of either of the High Contracting Parties passing through the air territory of the other High Contracting Party and during such landings and stoppages as are reasonably necessary for the purpose of such transit shall be exempt from any seizure on the ground of infringement of patent, design or model, subject to the deposit of security, the amount of which, in default of amicable agreement, shall be fixed with the least possible delay by the competent authorities of the place of seizure.

*Article 20.*

The aircraft of one of the High Contracting Parties shall be entitled when landing in the territory of the other, especially in the case of a forced landing, to the same assistance as the aircraft of the latter.

With regard to the salvage of aircraft wrecked at sea, save in so far as the High Contracting Parties by agreement shall otherwise provide, the principles of maritime law resulting from the international agreements in force shall apply, or failing such, those resulting from the laws of the State of which the sailors are nationals.

*Article 21.*

Aircraft contravening the provisions of this Convention in either State shall be subject to the penalties imposed upon aircraft of that State in the same manner as the national aircraft.

*Article 22.*

The High Contracting Parties shall communicate to each other the regulations relative to air traffic in force in their respective territories.

*Article 23.*

The details of the application of the present Convention (especially the question of Customs formalities) shall, as far as possible, be settled direct by arrangement between the various competent departments of the two Contracting Parties. The two Contracting Parties agree in principle that any dispute that may arise between them as to the proper interpretation or application of any of the provisions of the present Convention shall, at the request of either Party, be referred to arbitration.

The Court of arbitration to which disputes shall be referred shall be the Permanent Court of International Justice at The Hague, unless in any particular case the two Contracting Parties agree otherwise.

*Article 24.*

The present Convention may be denounced by either of the High Contracting Parties at any time by giving twelve months' notice.

*Article 25.*

The present Convention shall be ratified and the instruments of ratification shall be exchanged at Madrid as soon as possible. The Convention shall come into force on the day on which the instruments of ratification are exchanged.

Done in duplicate in the German and Spanish languages, both texts being equally authentic.

In faith whereof the Plenipotentiaries have signed the present Convention at Madrid on December 9, 1927.

(L. S.) H. WELCZECK.

(L. S.) Marqués DE ESTELLA.