

N° 1847.

**COMMISSION
DE GOUVERNEMENT DU
TERRITOIRE DE LA SARRE
ET SUISSE**

Convention provisoire réglant la circulation aérienne, avec protocole additionnel. Signés à Berne, le 15 août 1928.

**SAAR TERRITORY
GOVERNING COMMISSION
AND SWITZERLAND**

Provisional Convention regulating Air Navigation, with Additional Protocol. Signed at Berne, August 15, 1928.

¹ TRADUCTION. — TRANSLATION.No. 1847. — PROVISIONAL CONVENTION ² REGULATING AIR NAVIGATION BETWEEN SWITZERLAND AND THE SAAR TERRITORY. SIGNED AT BERNE, AUGUST 15, 1928.

French official text communicated by the Swiss Federal Council. The registration of this Convention took place September 26, 1928.

THE SWISS FEDERAL COUNCIL and THE GOVERNING COMMISSION OF THE SAAR TERRITORY, being equally desirous of promoting air communications between Switzerland and the Saar, have decided to conclude a provisional Convention for that purpose and have appointed as their Plenipotentiaries :

THE SWISS FEDERAL COUNCIL :

M. Giuseppe MOTTA, Federal Councillor, Head of the Federal Political Department ;

THE GOVERNING COMMISSION OF THE SAAR TERRITORY :

M. PIERROTET, Secretary-General of the Governing Commission ;

Who, having communicated their full powers, found in good and due form, have agreed upon the following Articles, subject to ratification :

Article 1.

The present Convention shall apply exclusively to private aircraft duly registered as such by the competent authorities of either Contracting Party.

Within the meaning of the present Article, all aircraft shall be deemed to be private aircraft with the exception of :

- (a) Military aircraft ;
- (b) Aircraft assigned to an official service other than commercial or postal traffic.

Article 2.

The Contracting Parties reciprocally undertake to grant freedom of innocent passage above their territories in time of peace to aircraft registered in accordance with Article 1, provided that the regulations laid down in the present Agreement are observed.

¹ Traduit par le Secrétariat de la Société des Nations, à titre d'information.

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

² The exchange of ratifications took place by Exchange of Notes of September 10 and 12, 1928. The Convention came into force September 15, 1928.

Article 3.

The Contracting Parties may, on military grounds or for reasons of public safety, prohibit air navigation over certain areas in their territories subject to the penalties prescribed by their laws, and provided that no distinction in this respect is made by the competent authorities of the two Parties between private aircraft registered in Switzerland and in the Saar, respectively. The prohibited areas shall be notified to the competent authorities of the Party concerned.

Article 4.

Any aircraft which finds itself flying over a forbidden area must immediately give the signal prescribed in the air navigation regulations in force in the territory flown over, and must land as soon as possible at an aerodrome, in that territory situated outside the prohibited areas.

Article 5.

Aircraft must carry log-books and certificates of airworthiness issued by the competent authorities of the respective Contracting Parties or by a body authorised by them to do so, and also their certificates of registration. They must bear distinctive and clearly visible marks enabling them to be identified during flight.

Article 6.

Members of the crew shall be furnished with all documents required for air navigation in the territory in which the aircraft is registered. The Contracting Parties shall communicate to each other the documents in use in their respective territories.

Members of the crew shall also hold documents establishing their nationality, identity and military status and shall when necessary be provided with passports.

Passengers shall hold all identity documents and passports required by the laws and regulations in force.

Article 7.

No aircraft may carry wireless apparatus without a special licence issued by the competent authorities of the Contracting Party within whose territory the aircraft is registered. Such apparatus must not be used except by members of the crew holding for that purpose the operator's certificate issued by the authorities to which they are subject.

Wireless equipment and the operation thereof shall be subject to the provisions of the International Radiotelegraphic Convention and of such relevant regulations as may be in force.

Article 8.

The Government of the territory flown over may make the operation of regular lines between the territories of the Contracting Parties the subject of concessions. The Contracting Parties guarantee each other the right of transit with or without landing.

Aircraft engaged in international navigation between Switzerland and the Saar Territory may carry persons and goods from one territory to the other but may not take part in the internal traffic of either Contracting Party.

It is understood that the commercial carriage of persons or goods between two points of the Saar Territory or of Switzerland may be reserved for aircraft registered with the competent authorities of the Contracting Party concerned.

Aircraft must carry :

For passengers : a list of their names ;

For goods : a manifest of the goods and of the provisions carried on board the aircraft, together with such declarations, authorisations and other documents as are required by the laws of the respective Contracting Parties.

All such transport shall be carried out in conformity with the laws and regulations in force.

Mails (letters and parcels) may be carried if the postal administrations of the Contracting Parties have an agreement to that effect.

Article 9.

The authorities of the respective Contracting Parties shall in all cases be entitled to examine aircraft on departure or on landing, and to inspect the documents with which they must be supplied.

Article 10.

When landing or in case of distress, aircraft registered in the territory of either Contracting Party shall be entitled within the territory of the other to the same measures of assistance as aircraft registered in the latter territory.

Article 11.

Every aerodrome in the territory of either Contracting Party which, upon payment of charges open to public use by aircraft registered in its territory shall likewise be open to aircraft registered with the authorities of the other Party.

Article 12.

The frontiers of the territories of the Contracting Parties shall only be crossed between points mutually agreed upon by them.

The Contracting Parties shall appoint within their territories one or more aerodromes which aircraft proceeding from or to the territory of either Party shall be required to use.

The Contracting Parties shall communicate to each other the lists of such aerodromes. Either Party may at any time modify or extend its list provided that fifteen days' notice of such modifications or extensions be given to the other Party.

Article 13.

Aircraft shall be prohibited from landing before calling at one of the aerodromes specified in Article 12.

In the case of a forced landing outside the said aerodromes, the pilot shall immediately notify the nearest local authorities and shall, pending their arrival, be responsible for preventing the departure of the crew or passengers, or the removal of all or part of the aircraft or its appurtenances or, in general, of anything that it carries.

Article 14.

Aircraft, crews and passengers and air navigation undertakings shall be subject to all obligations arising from the laws in force in the territory of the respective Contracting Parties, and in particular laws concerning Customs, the fiscal system and public safety. They shall likewise be subject to the air navigation regulations in force in the territory of the respective Parties.

Permits, certificates and licences issued to aircraft or to members of their crews for air navigation within the territory of one Party shall have, within the territory of the other Party, the same

validity as the corresponding documents issued for the same purpose by the Government of the latter Party.

Each Contracting Party shall have the right to refuse to recognise pilots' certificates or licences issued to any of its nationals by the other Contracting Party as valid for navigation within and above its own territory.

Article 15.

No ballast except fine sand or water may be dropped from aircraft in flight.

Article 16.

No articles or substances other than ballast may be dropped or thrown in course of flight. No exception to this rule shall be allowed without special authorisation.

The special arrangements provided for in Article 8 shall apply to the mail service.

Article 17.

The Contracting Parties shall communicate to each other the laws and regulations governing air navigation over their territory.

Article 18.

The present Convention, which is provisional in character, may be denounced by either of the Contracting Parties at any time subject to three months' notice.

In faith whereof the afore-mentioned Plenipotentiaries have signed the present Convention.

Done in duplicate at Berne, the fifteenth day of August, one thousand nine hundred and twenty-eight.

(Signed) MOTTA.

(Signed) PIERROTET.

ADDITIONAL PROTOCOL

In conformity with and in extension of the provisions contained in the Convention concluded this day, the undersigned, being fully authorised by their respective Governments, have further agreed upon the following clause, subject to ratification :

For the purpose of the present Convention, Swiss territory shall be deemed to include the Principality of Liechtenstein for such period as the said Principality shall be bound to Switzerland by a Customs Union.

Done in duplicate at Berne, the fifteenth day of August, one thousand nine hundred and twenty-eight.

(Signed) MOTTA.

(Signed) PIERROTET.