

N° 2657.

FRANCE ET POLOGNE

Convention relative à l'exploitation
des lignes aériennes commerciales,
et protocole de signature. Signés
à Varsovie, le 2 août 1930.

FRANCE AND POLAND

Convention regarding the Operation
of Commercial Airways, and Pro-
tocol of Signature. Signed at
Warsaw, August 2, 1930.

¹ TRADUCTION. — TRANSLATION.No. 2657. — CONVENTION ² BETWEEN THE FRENCH REPUBLIC AND THE POLISH REPUBLIC REGARDING THE OPERATION OF COMMERCIAL AIRWAYS. SIGNED AT WARSAW, AUGUST 2, 1930.

French official text communicated by the Polish Delegate accredited to the League of Nations. The registration of this Convention took place March 28, 1931.

THE PRESIDENT OF THE POLISH REPUBLIC and
THE PRESIDENT OF THE FRENCH REPUBLIC
Being equally desirous of mutual co-operation in the domain of air navigation,
Realising the importance of close contact by air between the two countries,
Convinced that it is in the interests both of France and of Poland to promote the establishment
and development of commercial airways,
Have decided to conclude an agreement for that purpose and have appointed as their respective
Plenipotentiaries :

THE PRESIDENT OF THE POLISH REPUBLIC :

M. Alfons KÜHN, Minister of Communications ;
M. Adam TARNOWSKI, Minister Plenipotentiary ;

THE PRESIDENT OF THE FRENCH REPUBLIC :

M. Victor LAURENT-EYNAC, Air Minister ;
M. Jules LAROCHE, Ambassador ;

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

Article I.

The Government of the Polish Republic shall grant to the Government of the French Republic authorisation to have the following airways over its territory operated by such French air navigation companies as the French Government shall designate :

Paris — Berlin — Poznań — Warsaw, with stops at Poznań and Warsaw.

Paris — Strasburg — Prague — Warsaw, with stop at Warsaw.

The Government of the French Republic shall grant to the Government of the Polish Republic authorisation to have the following airways over its territory operated by such Polish air navigation companies as the Polish Government shall designate :

Warsaw — Poznań — Berlin — Paris, with stop at Paris.

Warsaw — Prague — Strasburg — Paris, with stops at Strasburg and Paris.

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 at Paris, February 18, 1931.

Article II.

It is understood that each of the High Contracting Parties shall be individually responsible for obtaining authorisations for passage from States over the territories of which these airways are situated.

Nevertheless, each of the High Contracting Parties undertakes to support and assist any action of the other High Contracting Party for the purpose of establishing connections by air between the two Contracting Parties or other connections designed to serve their common and mutual interests and passing over the territory either of the Contracting States or of other States.

Article III.

New airways other than those mentioned in Article I may be established by agreement between the two High Contracting Parties, which undertake to examine requests for such new airways in a spirit of mutual collaboration and goodwill. All the provisions of the present Convention shall also apply to such new airways.

Article IV.

The two High Contracting Parties undertake to provide the companies operating the airways, within the scope of the laws and regulations in force, with facilities for expediting the carrying out of the Customs and administrative formalities connected with the transport by air of passengers, baggage and goods.

Article V.

The aircraft intended for the operation of the airways provided for in Article I and the engines mounted in such aircraft, spare parts, spare engines, and all articles necessary for the equipment or maintenance of aircraft shall be subject to a special Customs régime, the details of which are given in the Protocol annexed to the present Agreement.

The provisions of the Protocol of Signature which relate to the present Article V may be altered by common agreement between the Customs administrations of the two High Contracting Parties.

Article VI.

In the event of a forced landing or of any other accident to aircraft of the concession-holding undertakings, the local authorities shall be bound to give such aircraft, on reimbursement of any actual expenditure, the same assistance as that provided for by the regulations in force in respect of national aircraft.

Article VII.

Concession-holding undertakings shall be obliged :

- (a) To comply with the provisions of the Convention ¹ relating to the regulation of aerial navigation dated October 13, 1919 ;
- (b) To comply in the territory of the other Contracting Party with any laws and regulations in force.

¹ Vol. XI, page 173 ; Vol. XXIV, page 174 ; Vol. LIX, page 346 ; Vol. LXIII, page 389 ; and Vol. LXXVIII, page 438, of this Series.

Article VIII.

The concession-holding undertakings shall be obliged to carry air-mail on terms to be laid down by agreements to be concluded between such undertakings and the postal administrations of the two High Contracting Parties on the basis of a prior agreement between the two administrations.

Article IX.

Apart from the traffic on the regular commercial lines provided for in Article I of the present Convention, the occasional commercial transport by air of passengers and goods from the territory of one High Contracting Party to the territory of the other, or in transit across that territory, may be effected only by special permission of the competent administration of the other Contracting Party.

Article X.

Details regarding the application of the present Convention shall be settled by a special agreement to be concluded direct between the air authorities of the two High Contracting Parties.

Article XI.

Disputes which may arise between the High Contracting Parties concerning the interpretation of the present Convention, and which it has not been found possible to settle through the diplomatic channel, shall by mutual consent be referred by means of a special agreement either to the Permanent Court of International Justice under the conditions and according to the procedure provided for in its Statute, or, should one of the two High Contracting Parties so request, to an arbitral tribunal under the conditions and in accordance with the procedure provided by the Hague Convention¹ of October 18, 1907, for the Pacific Settlement of International Disputes.

Should the High Contracting Parties apply to the Permanent Court of International Justice under the present Article, the Court shall take its decision acting as a summary court of justice and as soon as possible.

Article XII.

The present Convention shall remain in force until December 31, 1940. From January 31, 1935, it may be revised at the request of either of the High Contracting Parties. It shall be renewed by tacit consent for successive periods of five years unless previous notice of denunciation is given two years in advance by either of the High Contracting Parties.

Article XIII.

The present Convention shall be ratified. The instruments of ratification shall be exchanged at Paris as soon as possible. It shall come into force on the thirtieth day after the exchange of the instruments of ratification.

In faith whereof the Plenipotentiaries have signed the present Convention.

Done at Warsaw, August 2, 1930.

(—) Alfons KÜHN.

(—) Adam TARNOWSKI.

(—) LAURENT-EYNAC.

(—) LAROCHE.

¹ *British and Foreign State Papers*, Vol. 100, page 298.

PROTOCOL OF SIGNATURE.

Ad Article I.

Subject to compliance with the regulations in force in the territory of each of the High Contracting Parties, the authorised companies shall have the right to engage in any commercial traffic (goods, passengers, postal mail) between the intermediate stopping-places situated in the territory of each of the High Contracting Parties and the intermediate stopping-places situated in the foreign territory mentioned in the Concession.

It is understood that the operation of the Berlin — Warsaw section of the Paris — Berlin — Poznań — Warsaw airway may not be undertaken until the Government of the Polish Republic has, in agreement with the Government of the Reich, established an airway operated by the Polish company over the same section.

The Polish Government undertakes, after the conclusion of an agreement with the Government of the U. S. S. R., to give favourable consideration to any request that may be made by the French Government to extend the French system of airways eastward beyond Warsaw, and at such time the French Government shall give facilities for the extension of the Polish system of airways westward beyond Paris.

Ad Article II.

The French Government hereby declares that it has no objection to the operation by a Polish undertaking of the airway Bucharest — Constantinople.

The French Government takes note of the Polish Government's intention to extend the Warsaw — Bucharest airway towards Sofia and Salonica.

The Polish Government hereby declares that it has no objection to the International Air Navigation Company hereafter, by agreement with the French Government, ceding to a French undertaking, the appointment of which shall be subject to the approval of the Polish Government, the rights and obligations arising from the contracts which it concluded with the Polish Government on July 21, 1921 and July 16, 1927, the second of which contracts expires on July 21, 1931.

Furthermore, the Polish Government agrees in principle, subject to conditions to be laid down in due course by the Polish and French air authorities, to the renewal of the concession which forms the subject of the said contracts, it being understood that such renewal shall operate in favour of the French company designated in the previous paragraph. The negotiations between the two High Contracting Parties concerning renewal shall begin before January 1, 1931.

Ad Article V.

Aircraft intended for the operation of the airways provided for in Article I and the engines mounted in such aircraft, spare parts, including spare engines and all articles necessary for the equipment or maintenance of aircraft shall be exempt from Customs duties in both States on condition that all the articles and materials above mentioned are imported for temporary use, for a period not exceeding one year.

This time-limit for export may be extended by the competent authorities on application from the concession-holding undertaking.

The articles above mentioned shall remain under the supervision of the Customs Administration, and may be used only for purposes of operating the airways to which the present Convention refers.

Worn out or damaged articles and materials on which no Customs duties were levied on importation must be either returned to the country of origin or cleared through the Customs or destroyed under official supervision.

When such articles and material are cleared through the Customs, all reductions and facilities allowed by the national legislation shall be applied.

Passengers, baggage and goods in transit shall be placed under Customs supervision. Such baggage and goods shall be exempt from all Customs duties.

WARSAW, *August 2*, 1930.

(—) Alfons KÜHN.

(—) A. TARNOWSKI.

(—) LAURENT-EYNAC.

(—) LAROCHE.