

N° 3078.

**ALLEMAGNE ET
ÉTATS-UNIS D'AMÉRIQUE**

**Echanges de notes comportant un
arrangement relatif à la navigation
aérienne. Berlin, les 27, 30 et 31
mai 1932.**

**GERMANY AND
UNITED STATES OF AMERICA**

**Exchanges of Notes constituting an
Arrangement regarding Air Navi-
gation. Berlin, May 27, 30 and
31, 1932.**

N^o 3078. — NOTENWECHSEL¹
ZWISCHEN DER DEUTSCHEN
REGIERUNG UND DER RE-
GIERUNG DER VEREINIGTEN
STAATEN VON AMERIKA,
BETREFFEND EINE VEREIN-
BARUNG ÜBER LUFTVER-
KEHR. BERLIN, DEN 27., 30.
UND 31. MAI 1932.

No. 3078.— EXCHANGE OF NOTES¹
BETWEEN THE GERMAN
GOVERNMENT AND THE
GOVERNMENT OF THE UNITED
STATES OF AMERICA CON-
STITUTING AN ARRANGEMENT
REGARDING AIR NAVIGATION.
BERLIN, MAY 27, 30 AND 31,
1932.

*Textes officiels allemand et anglais communiqués
par le consul général d'Allemagne à Genève.
L'enregistrement de cet échange de notes a
eu lieu le 22 octobre 1932.*

*Cet échange de notes a été transmis au secrétariat
par le « Department of State » du Gouverne-
ment des États-Unis d'Amérique le 10 sep-
tembre 1932.*

*German and English official texts communicated
by the German Consul-General at Geneva.
The registration of this Exchange of Notes
took place October 22, 1932.*

*This Exchange of Notes was transmitted to the
Secretariat by the Department of State of the
Government of the United States of America,
September 10, 1932.*

I.

TEXTE ALLEMAND. — GERMAN TEXT.

AUSWÄRTIGES AMT.

II F 1049.

HERR BOTSCHAFTER !

BERLIN, den 27. Mai 1932.

Ich habe die Ehre, Euerer Exzellenz nachstehend den Wortlaut der Vereinbarung zwischen dem Deutschen Reich und den Vereinigten Staaten von Amerika über den Luftverkehr mitzuteilen, wie er in den Verhandlungen zwischen der Botschaft der Vereinigten Staaten von Amerika und dem Auswärtigen Amt zustande gekommen ist. Er lautet :

VEREINBARUNG

ÜBER LUFTVERKEHR ZWISCHEN DEUTSCHLAND UND DEN VEREINIGTEN STAATEN VON AMERIKA.

Artikel 1.

Bis zum Abschluss eines Abkommens zwischen Deutschland und den Vereinigten Staaten von Amerika über den Luftverkehr soll der Betrieb von Zivilluftfahrzeugen des einen Landes in dem anderen Lande durch folgende Vorschriften geregelt werden.

¹ Entré en vigueur le 1^{er} juin 1932.

¹ Came into force June 1st, 1932.

II.

EMBASSY OF THE UNITED STATES
OF AMERICA.

No. 797.

BERLIN, *May 27, 1932.*

EXCELLENCY,

I have the honor to communicate to Your Excellency the text of the arrangement between the United States of America and Germany, on the subject of air navigation, as understood by me to have been agreed to in the negotiations which have just been concluded between the Embassy and your Ministry, as follows :

AIR NAVIGATION ARRANGEMENT

BETWEEN GERMANY AND THE UNITED STATES OF AMERICA.

Article 1.

Pending the conclusion of a convention between Germany and the United States of America on the subject of air navigation, the operation of civil aircraft of the one country in the other country shall be governed by the following provisions.

Article 2.

The present arrangement shall apply to Germany and to Continental United States of America, exclusive of Alaska, including the adjacent territorial waters of the two countries.

Article 3.

The term aircraft with reference to one or the other Party to this arrangement shall be understood to mean civil aircraft, including state aircraft used exclusively for commercial purposes, duly registered in the territory of such Party.

Article 4.

Each of the Parties undertakes to grant liberty of passage above its territory in time of peace to the aircraft of the other Party, provided that the conditions set forth in the present arrangement are observed.

It is, however, agreed that the establishment and operation of regular air routes by an air transport company of one of the Parties within the territory of the other Party or across the said territory, with or without intermediary landing, shall be subject to the prior consent of the other Party given on the principle of reciprocity and at the request of the Party whose nationality the air transport company possesses.

Article 5.

The aircraft of each of the Parties to this arrangement, their crews and passengers, shall, while within the territory of the other Party, be subject to the general legislation in force in that territory,

as well as the regulations in force therein relating to air traffic in general, to the transport of passengers and goods and to public safety and order in so far as these regulations apply to all foreign aircraft, their crews and passengers.

Each of the Parties to this arrangement shall permit the import or export of all merchandise which may be legally imported or exported and also the carriage of passengers, subject to any customs, immigration and quarantine restrictions, into or from their respective territories in the aircraft of the other Party, and such aircraft, their passengers and cargoes, shall enjoy the same privileges as and shall not be subjected to any other or higher duties or charges than those which the aircraft of the country, imposing such duties or charges, engaged in international commerce, and their cargoes and passengers, or the aircraft of any foreign country likewise engaged, and their cargoes and passengers, enjoy or are subjected to.

Each of the Parties to this arrangement may reserve to its own aircraft air commerce between any two points neither of which is in a foreign country. Nevertheless the aircraft of either Party may proceed from any aerodrome in the territory of the other Party which they are entitled to use to any other such aerodrome either for the purpose of landing the whole or part of their cargoes or passengers or of taking on board the whole or part of their cargoes or passengers, provided that such cargoes are covered by through bills of lading, and such passengers hold through tickets, issued respectively for a journey whose starting place and destination both are not points between which air commerce has been duly so reserved, and such aircraft, while proceeding as aforesaid, from one aerodrome to another, shall, notwithstanding that such aerodromes are points between which air commerce has been duly reserved, enjoy all the privileges of this arrangement.

Article 6.

Each of the Parties to this arrangement shall have the right to prohibit air traffic over certain areas of its territory, provided that no distinction in this matter is made between its aircraft engaged in international commerce and the aircraft of the other Party likewise engaged. The areas above which air traffic is thus prohibited by either Party must be notified to the other Party.

Each of the Parties reserves the right under exceptional circumstances in time of peace 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 Party and the aircraft of any foreign country.

Article 7.

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

Article 8.

All aircraft shall carry clear and visible nationality and registration marks whereby they may be recognized during flight. In addition, they must bear the name and address of the owner.

All aircraft shall be provided with certificates of registration and of airworthiness and with all the other documents prescribed for air traffic in the territory in which they are registered.

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

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

The certificate of airworthiness, certificates of competency and licenses issued or rendered valid by one of the Parties to this arrangement in respect of an aircraft registered in its territory

or of the crew of such aircraft shall have the same validity in the territory of the other Party as the corresponding documents issued or rendered valid by the latter.

Each of the Parties reserves the right for the purpose of flight within its own territory to refuse to recognize certificates of competency and licenses issued to nationals of that Party by the other Party.

Article 9.

Aircraft of either of the Parties to this arrangement may carry wireless apparatus in the territory of the other Party only if a licence to install and work such apparatus shall have been issued by the competent authorities of the Party in whose territory the aircraft is registered. The use of such apparatus shall be in accordance with the regulations on the subject issued by the competent authorities of the territory within whose air space the aircraft is navigating.

Such apparatus shall be used only by such members of the crew as are provided with a special license for the purpose issued by the Government of the territory in which the aircraft is registered.

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

Article 10.

No arms of war, explosives of war, or munitions of war shall be carried by aircraft of either Party above the territory of the other Party or by the crew or passengers, except by permission of the competent authorities of the territory within whose air space the aircraft is navigating.

Article 11.

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

Article 12.

Aerodromes open to public air traffic in the territory of one of the Parties to this arrangement shall in so far as they are under the control of the Party in whose territory they are situated be open to all aircraft of the other Party, which shall also be entitled to the assistance of the meteorological services, the wireless services, the lighting services and the day and night signalling services, in so far as the several classes of services are under the control of the Party in whose territory they respectively are rendered. Any scale of charges made, namely, landing, accommodation or other charge, with respect to the aircraft of each Party in the territory of the other Party, shall in so far as such charges are under the control of the Party in whose territory they are made be the same for the aircraft of both Parties.

Article 13.

All aircraft entering or leaving the territory of either of the Parties to this arrangement shall land at or depart from an aerodrome open to public air traffic and classed as a customs aerodrome at which facilities exist for enforcement of immigration regulations and clearance of aircraft, and no intermediary 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, immigration and clearance facilities have been arranged. The prohibition of any intermediary landing applies also in such cases.

In the event of a forced landing outside the aerodromes, referred to in the first paragraph of this article, the pilot of the aircraft, its crew and the passengers shall conform to the customs and immigration regulations in force in the territory in which the landing has been made.

Aircraft of each Party to this arrangement are accorded the right to enter the territory of the other Party subject to compliance with quarantine regulations in force therein.

The Parties to this arrangement shall exchange lists of the aerodromes in their territories designated by them as ports of entry and departure.

Article 14.

Each of the Parties to this arrangement reserves the right to require that all aircraft crossing the frontiers of its territory shall do so between certain points. Subject to the notification of any such requirements by one Party to the other Party, and to the right to prohibit air traffic over certain areas as stipulated in Article 7, the frontiers of the territories of the Parties to this arrangement may be crossed at any point.

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 unloaded or otherwise discharged in the course of flight unless special permission for such purpose shall have been given by the authorities of the territory in which such unloading or discharge takes place.

Article 17.

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

Article 18.

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

Article 19.

The present arrangement shall be subject to termination by either Party upon sixty days notice given to the other Party or by the enactment by either Party of legislation inconsistent therewith.

I shall be glad to have Your Excellency inform me whether the text of the arrangement herein set forth is as agreed to by your Government. If so, it is suggested that it be understood that the arrangement will come into force on June 1, 1932.

Accept, Excellency, the renewed assurance of my highest consideration.

His Excellency
Dr Heinrich Brüning,
Minister for Foreign Affairs,
Berlin.

Frederic M. SACKETT.

Ich beglaubige hiermit, dass die vorstehende
Abschrift mit dem Original übereinstimmt.

Berlin, den 15. September 1932.

Schultz-Sponholz,
Konsul.

¹ TRADUCTION. — TRANSLATION.

FOREIGN OFFICE
II F. 1049.

I.

BERLIN, *May 27, 1932.*

Mr. Ambassador,

I have the honour to communicate to Your Excellency herewith the text of the arrangement between the German Reich and the United States of America governing air navigation, as it was arrived at in the negotiations between the Embassy of the United States of America and the Foreign Office. It reads :

(See English text of Agreement, Note No. II pages 415 and following of this Volume.)

I would be grateful if Your Excellency would inform me whether the text of the arrangement in the above form meets with the approval of your Government. If so, I venture to assume concurrence that the arrangement shall go into effect on June 1, 1932.

I avail myself of this opportunity to renew to you, Mr. Ambassador, the assurance of my highest consideration.

(Signed) VON BULOW.

His Excellency
M. Sackett,
Ambassador of the United States of America.

² TRADUCTION. — TRANSLATION.

N^o 3078. — ÉCHANGE DE NOTES ENTRE LE GOUVERNEMENT ALLEMAND ET LE GOUVERNEMENT DES ÉTATS-UNIS D'AMÉRIQUE, COMPORTANT UN ARRANGEMENT RELATIF A LA NAVIGATION AÉRIENNE. BERLIN, LES 27, 30 ET 31 MAI 1932.

MINISTÈRE
DES AFFAIRES ÉTRANGÈRES.
II F. 1049.

I.

BERLIN, *le 27 mai 1932.*

MONSIEUR L'AMBASSADEUR,

J'ai l'honneur de communiquer ci-après à Votre Excellence le texte de l'Arrangement entre le Reich Allemand et les Etats-Unis d'Amérique concernant la navigation aérienne tel qu'il a été arrêté au cours des négociations entre l'Ambassade des Etats-Unis d'Amérique et le Ministère des Affaires étrangères. Ce texte est conçu comme suit :

¹ Traduction du Gouvernement des Etats-Unis d'Amérique.

² Traduit par le Secrétariat de la Société des Nations, à titre d'information.

¹ Translation of the Government of the United States of America.

² Translated by the Secretariat of the League of Nations, for information.

Je vous serais obligé de vouloir bien me faire savoir si le texte de l'arrangement tel qu'il est indiqué ci-dessus rencontre l'approbation de votre gouvernement. Dans l'affirmative, il sera entendu que votre Gouvernement accepte que l'arrangement entre en vigueur le 1^{er} juin 1932.

Veillez agréer, etc.

(Signé) Frederic M. SACKETT.

Son Excellence
le Dr Heinrich Brüning,
Ministre des Affaires étrangères,
Berlin.

ÉCHANGE DE NOTES

CONCERNANT L'ENTRÉE EN VIGUEUR DE L'ARRANGEMENT RELATIF A LA NAVIGATION AÉRIENNE ¹ AINSI QUE DE L'ARRANGEMENT RELATIF A LA RECONNAISSANCE RÉCIPROQUE DES CERTIFICATS DE NAVIGABILITÉ DES AÉRONEFS IMPORTÉS D'UN PAYS DANS L'AUTRE COMME MARCHANDISE ². BERLIN, LES 30 ET 31 MAI 1932.

EXCHANGE OF NOTES

CONCERNING THE ENTRY INTO FORCE OF THE ARRANGEMENT REGARDING AIR NAVIGATION AND OF THE ARRANGEMENT RELATING TO THE RECIPROCAL RECOGNITION OF CERTIFICATES OF AIRWORTHINESS FOR AIRCRAFT IMPORTED FROM ONE COUNTRY INTO THE OTHER AS MERCHANDISE ². BERLIN, MAY 30 AND 31, 1932.

I.

TEXTE ALLEMAND. — GERMAN TEXT.

AUSWÄRTIGES AMT.
II F 1269, I.

BERLIN, den 30. Mai 1932.

HERR BOTSCHAFTER !

Ich habe die Ehre, Euerer Excellenz den Empfang der beiden Schreiben vom 27. d. M. — Nr. 797 und 798 — zu bestätigen und mitzuteilen, dass der darin wiedergegebene Wortlaut der Vereinbarungen zwischen Deutschland und den Vereinigten Staaten von Amerika über den Luftverkehr und über die gegenseitige Anerkennung von Lufttüchtigkeitszeugnissen von Luftfahrzeugen, die als Handelsware aus dem anderen Lande eingeführt werden, die Zustimmung der Deutschen Regierung findet. Es besteht Einverständnis darüber, dass die beiden Vereinbarungen mit dem 1. Juni 1932 in Kraft treten.

Gern benutze ich diesen Anlass, um Ihnen, Herr Botschafter, die Versicherung meiner ausgezeichnetsten Hochachtung zu erneuern.

(gez.) VON BÜLOW.

Seiner Excellenz
dem Botschafter der Vereinigten Staaten von Amerika,
Herrn Sackett.

Ich beglaubige hiermit, dass die vorstehende
Abschrift mit dem Original übereinstimmt.

Berlin, den 15. September 1932.

Schultz-Sponholz,
Konsul.

¹ Voir page 409, de ce volume.

² Voir page 427, de ce volume.

¹ See page 409, of this Volume.

² See page 427, of this Volume.

¹ TRADUCTION.

MINISTÈRE
DES
AFFAIRES ÉTRANGÈRES.
II F. 1269, I.

BERLIN, *le 30 mai* 1932.

MONSIEUR L'AMBASSADEUR,

J'ai l'honneur de vous accuser réception des deux lettres du 27 de ce mois, N^o 797 et 798, et de vous informer que le texte — communiqué par ces lettres — des arrangements entre l'Allemagne et les Etats-Unis d'Amérique concernant la navigation aérienne et la reconnaissance réciproque des certificats de navigabilité des aéro-nefs qui sont importés de l'autre pays comme marchandise, rencontre l'approbation du Gouvernement allemand. Il est entendu que les deux arrangements entreront en vigueur le 1^{er} juin 1932.

Veillez agréer, etc.

(*Signé*) VON BÜLOW.

Son Excellence
Monsieur Sackett,
Ambassadeur
des Etats-Unis d'Amérique.

² TRANSLATION.

FOREIGN OFFICE.
II F. 1269, I.

BERLIN, *May 30,* 1932.

Mr AMBASSADOR,

I have the honour to acknowledge the receipt of Your Excellency's two communications of May 27, Nos. 797 and 798 and to state that the text given therein of the arrangements between Germany and the United States of America governing air traffic and the reciprocal acceptance of certificates of airworthiness for aircraft imported from the other country as merchandise, meets with the approval of the German Government. There is agreement in opinion that the two arrangements shall go into effect on June 1st, 1932.

I avail myself of this occasion to renew to you, Mr. Ambassador, the assurance of my highest consideration.

(*Signed*) VON BÜLOW.

His Excellency
M. Sackett,
Ambassador of the United States
of America.

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

² Traduction du Gouvernement des Etats-Unis d'Amérique.

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

² Translation of the Government of the United States of America.

II.

EMBASSY
OF THE UNITED STATES
OF AMERICA.

N° 800.

BERLIN, *May 31, 1932.*

EXCELLENCY,

Adverting to your two Notes, both numbered II F 1049, of May 27, 1932, communicating to me the texts of the arrangements between the United States of America and Germany, on the subjects of air navigation and the acceptance by the one country of certificates of air-worthiness for aircraft imported from the other country as merchandise, I have the honor to advise you that the texts of the arrangements therein set forth are as agreed to by my Government and that it is understood that the arrangements will come into force on June 1, 1932.

Accept, Excellency, the renewed assurance of my highest consideration.

Frederic M. SACKETT.

His Excellency
Dr. Heinrich Brüning,
Minister for Foreign Affairs,
Berlin.

Ich beglaubige hiermit, dass vorstehende
Abschrift mit dem Original übereinstimmt.

Berlin, den 15. September 1932.

Schultz-Sponholz,
Konsul.

II.

¹ TRADUCTION. — TRANSLATION.

AMBASSADE
DES
ETATS-UNIS D'AMÉRIQUE.

N° 800.

BERLIN, *le 31 mai 1932.*

MONSIEUR LE MINISTRE,

Me référant à vos deux notes portant l'une et l'autre le n° II F 1049, en date du 27 mai 1932, par lesquelles vous avez bien voulu me communiquer les textes des arrangements entre les Etats-Unis d'Amérique et l'Allemagne concernant la navigation aérienne et la reconnaissance réciproque des certificats de navigabilité des aéronefs qui sont importés de l'autre pays comme marchandise, j'ai l'honneur de vous informer que les textes des arrangements, tels qu'ils sont indiqués dans ces notes, sont conformes aux textes approuvés par mon gouvernement et qu'il est entendu que les arrangements entreront en vigueur le 1^{er} juin 1932.

Veuillez agréer, etc.

Frederic M. SACKETT.

Son EXCELLENCE
le D^r Heinrich Brüning,
Ministre des Affaires étrangères,
Berlin.

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.