

N° 2905.

BULGARIE ET POLOGNE

Convention relative à l'exploitation
des lignes de communication
aériennes régulières, avec procès-
verbal. Signés à Sofia, le 7 avril
1931.

BULGARIA AND POLAND

Convention regarding the Operation
of Regular Air Lines, with Procès-
Verbal. Signed at Sofia, April 7,
1931.

¹ TRADUCTION. — TRANSLATION.No. 2905. — CONVENTION² BETWEEN BULGARIA AND POLAND REGARDING THE OPERATION OF REGULAR AIR LINES. SIGNED AT SOFIA, APRIL 7, 1931.

French official text communicated by the Chargé d'Affaires a. i. of the Polish Delegation accredited to the League of Nations. The registration of this Convention took place March 3, 1932.

THE PRESIDENT OF THE POLISH REPUBLIC and HIS MAJESTY THE KING OF THE BULGARIANS, being equally desirous of regulating, facilitating and promoting the development of air communications in the two countries on the basis of the Convention³ of October 13, 1919, relating to the regulation of aerial navigation, have decided to conclude a Convention for that purpose and have appointed as their respective Plenipotentiaries :

THE PRESIDENT OF THE POLISH REPUBLIC :

M. Adam TARNOWSKI, Envoy Extraordinary and Minister Plenipotentiary at Sofia ;

HIS MAJESTY THE KING OF THE BULGARIANS :

M. Athanase D. BOUROFF, Minister for Foreign Affairs and Public Worship ;

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 undertakes to promote and facilitate any steps taken by the other Contracting Party to establish and develop the air lines mentioned in Articles 2 and 3 of the present Convention and to co-operate effectively in the measures which will require to be taken in order to obtain the necessary authorisation to fly over the territories of third States.

Article 2.

The Government of the Kingdom of Bulgaria shall grant to a Polish air transport undertaking to be nominated by the Government of the Polish Republic the necessary authorisation to operate the airway.

Salonika-Sofia-Bucharest-Warsaw and vice versa, on Bulgarian territory.

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 Warsaw, January 25, 1932.

³ Vol. XI, page 173 ; Vol. XXIV, page 175 ; Vol. LIX, page 346 ; Vol. LXIII, page 389 ; Vol. LXXVIII, page 438 ; and Vol. CXVII, page 54, of this Series.

The Government of the Polish Republic shall grant to a Bulgarian air transport undertaking to be nominated by the Government of the Kingdom of Bulgaria the necessary authorisation to operate the same air line.

Warsaw-Bucharest-Sofia-Salonika and vice versa, on Polish territory.

The rights and obligations of the two above-mentioned national undertakings shall be based on full reciprocity, without however being exclusive.

Article 3.

Air lines crossing the territories of the two States Parties to this Convention, other than the air lines mentioned in the preceding Article, shall be established under an agreement between the Governments of the High Contracting Parties.

All the provisions of the present Convention shall apply also to such new airways.

Article 4.

The authorisations referred to in Articles 2 and 3 of the present Convention shall be embodied in special agreements to be concluded between the competent Air Administration of either High Contracting Party and the air transport undertaking nominated by the Government of the other Contracting Party.

Article 5.

The air transport undertaking nominated by either High Contracting Party shall enjoy, in the territory of the other Contracting Party, at least the same rights and facilities as are accorded in that territory to the most-favoured foreign air transport undertaking.

Article 6.

The routes of the air lines, the points between which the frontiers may be crossed, and the Customs aerodromes at which the aeroplanes shall be required to land shall be fixed by the High Contracting Parties within forty days after the date of signature of the present Convention.

Article 7.

Each of the High Contracting Parties shall, in its territory, confer the following benefits upon the air transport undertaking of the other Contracting Party :

(a) The use, free of charge and under the same conditions as a national air transport undertaking, of all aerodromes and emergency landing grounds situated on the route of the airways operated, including all equipment and auxiliary services.

(b) The right to construct, under conditions determined by the competent Air Administration, the hangars, work shops and technical and other equipment necessary for air traffic.

(c) Any assistance to which national aeroplanes are entitled in the event of a forced landing or of any other air accident, on reimbursement, however, of the actual expenditure incurred.

Article 8.

Aeroplanes, the engines mounted in such aeroplanes, spare parts (including spare engines), all articles necessary for the equipment or maintenance of aeroplanes and any other material that

the competent Administration may judge necessary for the operation of the air lines mentioned in Articles 2 and 3 shall be admitted free of Customs duty, provided that they are imported for temporary use and are reexported within one year.

This time-limit may be extended by the competent authorities at the request of the undertaking concerned.

The above-mentioned material shall remain under the supervision of the competent Administration and may only be used for the operation of the air lines to which the present Convention refers.

Worn out or damaged material on which no Customs duty was paid on importation must be either re-exported, or cleared through the Customs, or destroyed under official supervision.

When such worn out or damaged material is subsequently 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 Customs duties.

Article 9.

The High Contracting Parties undertake to facilitate the operation of the airways in respect of which an agreement exists by simplifying and reducing all Customs and police formalities to the minimum required under their laws, regulations and decrees.

Article 10.

The air transport undertakings designated by the High Contracting Parties shall be required to comply with the provisions of the Convention relating to the regulation of aerial navigation of October 13, 1919, and its Annexes.

Article 11.

Each of the undertakings designated shall be required to comply, in the other State, with all the laws, regulations, decrees and provisions in force.

Article 12.

The said undertakings shall employ only Bulgarian and Polish nationals in their services in the territory of the other Contracting State.

The employment of nationals of third States shall only be permitted subject to previous authorisation having been granted to the undertaking concerned by the competent Air Administration of the other Contracting Party.

Article 13.

The undertaking designated by the one Contracting Party shall be required to use, in the territory of the other Contracting Party, the language of the last-named Contracting Party for all regulations, notices and advertisements of concern to the public.

Correspondence between the undertakings and any authorities shall be in the language of the country of the latter.

Article 14.

The undertakings of the High Contracting Parties shall be required to carry the air mail under conditions fixed by agreements to be concluded between them and the postal Administrations of the two countries on the basis of a previous arrangement between the two Administrations.

Article 15.

The undertakings designated by the High Contracting Parties may not transfer their rights, either entirely or in part, without the consent of the competent Air Administrations of their States.

Article 16.

Each of the High Contracting Parties reserves the right to recall the undertakings severally designated by them and to replace them by other undertakings.

In such a case, the authorisation granted to the undertaking which is recalled shall cease to be valid, and the new undertaking shall be given a similar authorisation without delay.

In this connection, an undertaking which is recalled by one of the Contracting States shall not be entitled to apply to the other State for compensation of any description.

Article 17.

Should the undertakings in question very seriously infringe the provisions of the present Convention or the provisions of the agreements concluded under Article 4, each Contracting Party shall be entitled to suspend the operation of the guilty undertaking on its territory and to ask the other Contracting Party to nominate another undertaking.

In the event of less serious infringements, each High Contracting Party shall be entitled to request the undertaking of the other Contracting Party to dismiss the guilty employees. This request must be complied with.

In the event of less important infringements by employees of the undertaking of one Contracting Party on the territory of the other, the competent Air Administration of the other Party may inflict fines on the offenders under conditions to be specified in the agreements mentioned in Article 4.

Article 18.

Should either of the Contracting Parties cease to be a party to the Convention relating to the regulation of aerial navigation of October 13, 1919, the present Convention shall remain in force, but it may be revised.

Article 19.

Disputes relating to the application of the present Convention which it may not be possible to settle through the diplomatic channel shall, at the request of one of the Contracting Parties, be submitted for decision to an Arbitral Tribunal to be set up as follows.

One month from the date on which one of the Contracting Parties shall have informed the other of its desire to set up an Arbitral Tribunal, each Contracting State shall appoint an arbitrator. During the month following the arbitrators shall meet to elect their chairman.

Should the arbitrators be unable to reach agreement, each party shall designate a third State and the third States thus designated shall appoint a chairman, either by common consent or by each proposing a name and drawing lots for the final choice.

Decisions of the Arbitral Tribunal shall be binding on both Parties.

The costs of the arbitration shall be fixed by the tribunal and divided equally between the two Parties.

Article 20.

The present Convention shall be ratified and the instruments of ratification shall be exchanged at Warsaw as soon as possible.

It shall come into force on the thirtieth day after the exchange of ratifications and shall remain in force until December 31, 1941. After the expiry of this first period, the Convention shall be renewed by tacit agreement for a period of five years, provided that neither Party has given the other notice of denunciation at least two years before the expiry of the current period.

The present Convention may be revised as from January 31, 1936, at the request of one of the Contracting Parties.

Done in duplicate at Sofia, the seventh day of April one thousand nine hundred and thirty-one.

In faith whereof the Plenipotentiaries of the High Contracting Parties have signed the present Convention and have affixed their seals thereto.

(—) A. TARNOWSKI.

(—) A. D. BOUROFF.

PROCÈS-VERBAL

At the time of signing the Convention between Bulgaria and Poland relating to the operation of regular air lines, the undersigned Plenipotentiaries, being duly authorised, declare that Article 20, paragraph 3, of the above Convention is interpreted as follows :

A request which may be submitted by either Contracting Party as from January 31, 1936, that the said Convention be revised must be agreed to by the other Party.

In the event of a refusal, the Party which has submitted the request for revision reserves the right to denounce the Convention.

In faith whereof the undersigned Plenipotentiaries have drawn up the present Procès-Verbal and have affixed their signatures thereto.

Done in duplicate at Sofia, April 7, 1931.

(—) A. TARNOWSKI.

(—) A. D. BOUROFF.