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## HONGRIE ET ITALIE

Convention concernant la navigation  
aérienne, avec protocole. Signés à  
Rome, le 5 juillet 1932.

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## HUNGARY AND ITALY

Convention regarding Air Naviga-  
tion, and Protocol. Signed at  
Rome, July 5, 1932.

TEXTE HONGROIS. — HUNGARIAN TEXT.

N<sup>o</sup> 3330. — EGYEZMÉNY<sup>1</sup> MAGYARORSZÁG ÉS OLASZORSZÁG KÖZÖTT A LÉGIFORGALOM TÁRGYÁBAN. ALÁIRATOTT RÓMÁBAN 1932 ÉVI JÚLIUS HÓ 5-ÉN.

*Textes officiels hongrois et italien communiqués par le chargé d'Affaires a. i. de la Délégation hongroise auprès de la Société des Nations et le ministre des Affaires étrangères d'Italie. L'enregistrement de cette convention a eu lieu le 10 janvier 1934.*

Ő FŐMÉLTÓSÁGA MAGYARORSZÁG KORMÁNYZÓJA és Ő FELSÉGE OLASZORSZÁG KIRÁLYA egyaránt meggyőződve arról, hogy mind Magyarország mind Olaszországnak kölcsönös érdekében áll légiforgalmukat s általában a nemzetközi légiforgalmat békés szellemben előmozdítani, elhatározták, hogy e célból Egyezményt kötnek és meghatalmazottaikként megnevezték :

Ő FŐMÉLTÓSÁGA MAGYARORSZÁG KORMÁNYZÓJA :

HÓRY András rendkívüli követ és meghatalmazott miniszter urat,

Ő FELSÉGE OLASZORSZÁG KIRÁLYA :

Italo BALBO tábornok úr Őnagyméltóságát, légügyi miniszter, képviselő urat ;

Ákik jó és kellő alakban talált meghatalmazásaik kicserélése után a következőkben állapodtak meg :

I. cikk.

A Magas Szerződő Felek mindegyike a másik Szerződő Fél szabályszerűen lajstromozott légi-

<sup>1</sup> L'échange des ratifications a eu lieu à Budapest, le 28 septembre 1933.

TEXTE ITALIEN. — ITALIAN TEXT.

N<sup>o</sup> 3330. — CONVENZIONE<sup>1</sup> FRA L'ITALIA E L'UNGHERIA RELATIVA ALLA NAVIGAZIONE AEREA. FIRMATA A ROMA, IL 5 LUGLIO 1932.

*Hungarian and Italian official texts communicated by the Chargé d'Affaires a. i. of the Hungarian Delegation accredited to the League of Nations and by the Italian Minister for Foreign Affairs. The registration of this Convention took place January 10, 1934.*

SUA MAESTÀ IL RE D'ITALIA e SUA ALTEZZA SERENISSIMA IL REGGENTE DEL REGNO DI UNGHERIA, ugualmente convinti dell'interesse reciproco che hanno l'Italia e l'Ungheria a facilitare, per fini pacifici, le loro relazioni aeree, e in generale, le relazioni internazionali per via aerea ; hanno risoluto di concludere una Convenzione a questo fine, ed hanno designato per loro Plenipotenziari, rispettivamente :

SUA MAESTÀ IL RE D'ITALIA :

S. E. l'On. Gen. Italo BALBO, Ministro Segretario di Stato per l'Aeronautica, Deputato al Parlamento ;

SUA ALTEZZA SERENISSIMA IL REGGENTE DEL REGNO DI UNGHERIA :

S. E. Andrea DE HÓRY, Inviato straordinario e Ministro Plenipotenziario

I quali, dopo avere scambiato i loro pieni poteri, riconosciuti in buona e debita forma, hanno convenuto quanto segue :

Art. I.

Ciascuna delle Alte Parti contraenti accorderà in tempo di pace agli aeromobili dell'altro

<sup>1</sup> The exchange of ratifications took place at Budapest, September 28, 1933.

## 17. cikk.

Leszállásoknál — különösen veszély esetén — mindkét állam légitársaságjogainak joga van a hazai légitársaságokat megillető segélynyújtást igénybe venni.

A nyílt tengeren szükségbe jutott légitársaságok mentése ellenkező megegyezés hiányában a tengerjog alapelvei szerint történik, amint azt a mindenkor érvényben levő nemzetközi egyezmények, vagy ezek hiányában a mentést eszközölő állam törvényei szabályozzák.

## 18. cikk.

A Szerződő Államok kölcsönösen közlik egymással a saját területükön érvényben levő összes légitársaságok szabályait.

## 19. cikk.

A jelen Egyezmény alkalmazására vonatkozó részleteket, különösen a vámkezelésre vonatkozó alakiságokat, a Szerződő Felek illetékes hatóságai, mindenkor, amikor ez lehetséges lesz, közvetlen érintkezés útján szabályozni.

A Magas Szerződő Felek mindegyike közölni fogja a másik Féllel a másik állam nemzetiségéhez tartozó személyek és vállalatok részéről saját területén netán elkövetett, a jelen Egyezményt sértő cselekményeket.

A jelen Egyezmény végrehajtása körül felmerült azokat a vitás kérdéseket, amelyek a rendes diplomáciai úton barátságosan nem rendezhetők,<sup>1</sup> az 1927. évi április 5-én kelt magyarolasz barátsági, békéltetőeljárás és választott bírósági szerződés rendelkezései szerint fogják rendezni.

## 20. cikk.

Jelen Egyezményt a Magas Szerződő Felek mindegyike egyévi határidőre bármikor felmondhatja.

## Art. 17.

Gli aeromobili appartenenti ai due Stati contraenti avranno diritto, per l'atterraggio, e specialmente in caso di pericolo, agli stessi provvedimenti di assistenza degli aeromobili nazionali.

Il salvataggio degli aeromobili perduti in mare sarà regolato, salvo convenzione contraria, dai principii del diritto marittimo risultante dalle convenzioni internazionali in vigore, o, in mancanza, dalla legge nazionale di chi effettua il salvataggio.

## Art. 18.

Le Alte Parti contraenti si comunicheranno reciprocamente tutte le prescrizioni relative alla navigazione aerea, in vigore nei rispettivi territori.

## Art. 19.

I particolari di applicazione della presente Convenzione saranno regolati, ogni qualvolta ciò sarà possibile, per mezzo di intese dirette fra le Amministrazioni competenti delle due Parti contraenti, specialmente per quanto riguarda le formalità doganali.

Ciascuna delle Alte Parti contraenti comunicherà all'altra Parte tutti gli atti contrari alle disposizioni di questa Convenzione, commessi eventualmente sul suo territorio da persone o da enti che abbiano la nazionalità dell'altro Stato.

Ogni contestazione relativa all'applicazione della presente Convenzione, che non potrà essere regolata amichevolmente per la via diplomatica ordinaria, sarà regolata giusta le disposizioni contenute nel trattato<sup>1</sup> italo-ungherese di conciliazione e di arbitrato del 5 aprile 1927.

## Art. 20.

Ciascuna delle Alte Parti contraenti potrà, in ogni istante, denunciare la presente Convenzione con un preavviso di un anno.

<sup>1</sup> Vol. LXVII, page 399, de ce recueil.

<sup>1</sup> Vol. LXVII, page 399, of this Series.

<sup>1</sup> TRANSLATION.No. 3330. — CONVENTION BETWEEN HUNGARY AND ITALY  
REGARDING AIR NAVIGATION. SIGNED AT ROME, JULY 5, 1932.

HIS MAJESTY THE KING OF ITALY and HIS SERENE HIGHNESS THE REGENT OF THE KINGDOM OF HUNGARY, being equally convinced that it is to the mutual advantage of Italy and Hungary to promote, for peaceful purposes, the development of air navigation between the two countries and of international air navigation in general, have decided to conclude a Convention for that purpose, and have appointed as their Plenipotentiaries :

HIS MAJESTY THE KING OF ITALY :

His Excellency General Italo BALBO, Minister Secretary of State for Air, Member of Parliament ;

HIS SERENE HIGHNESS THE REGENT OF THE KINGDOM OF HUNGARY :

His Excellency M. André DE HÓRY, Envoy Extraordinary and Minister Plenipotentiary ;

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 shall, in time of peace, accord freedom of innocent air passage above its territory to aircraft of the other Contracting Party duly registered therein, provided that the stipulations of the present Convention are observed.

It is, however, understood that the creation and operation of regular air routes (with or without landing), passing over the territory of one of the High Contracting Parties by undertakings belonging to the other High Contracting Party, as well as other regular transport services conducted by air companies for purposes of gain, shall be subject to special agreement between the highest competent air authorities of both States.

Further, subject to the provisions of the foregoing paragraph, each of the High Contracting Parties shall, on condition of reciprocity, grant most-favoured-nation treatment to the other contracting State in all matters of commercial intercourse by air.

For the purposes of the present Convention, the word "territory" shall mean the territory of the mother-country and the colonies, including territorial waters.

For the purposes of the present Convention, the term "aircraft" shall mean private aircraft and Government aircraft which are not used for military, Customs or police purposes.

The term "military aircraft" shall mean aircraft which form part of the equipment of the military forces, or which bear the special distinguishing marks of military aircraft, or which are under the command of persons in military service.

For the purposes of the present Convention, the term "aircraft" shall be deemed to include motor-driven aircraft and free balloons.

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

*Article 2.*

The aircraft of either High Contracting Party, their crews, cargoes and passengers shall, while in the territory of the other State, be subject to the obligations arising from the regulations in force in that State over which they fly at the time, and especially to the regulations governing air traffic generally, provided that these apply to all foreign aircraft without distinction of nationality. They shall also be subject to the regulations concerning Customs duties and other taxes, import and export prohibitions, transport of passengers and goods and public security and order. They shall further be liable to any other obligations arising from the general legislation in force at the time, except as otherwise provided in the present Convention.

The commercial transport of passengers and goods between two points within its own territory may be reserved by a State for national aircraft.

The fuel on board an aircraft shall be admitted free of duty to the amount requisite for completion of the journey as shown by the log.

*Article 3.*

Both the High Contracting Parties may prohibit air traffic over certain areas of their territory, provided that no distinction is made in this respect between national aircraft and the aircraft of the other State. Areas over which air traffic is thus prohibited shall be notified to the other contracting State.

Each of the Contracting Parties further reserves the right, under exceptional circumstances and with immediate effect, in time of peace temporarily to restrict air traffic over its own territory or to prohibit such traffic entirely or partially, provided that no distinction is made in this respect between the aircraft of the other contracting State and those of any other foreign country.

*Article 4.*

An 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 air traffic regulations of the State flown over, and land without delay as near as possible to an aerodrome belonging to the State in question situated outside the prohibited area.

*Article 5.*

Aircraft must be provided with distinctive and clearly visible marks enabling them to be identified during flight (nationality and registration marks). They must also bear the name and address of the owner.

Aircraft must carry certificates of registration and airworthiness and any other documents prescribed in the country to which they belong.

All members of the crew performing duties on board, for the exercise of which a special licence is required in their home country, must hold the certificates there required for air navigation and in particular the prescribed certificates of competency and licences. The other members of the crew must be provided with certificates stating their duties on board, trade or profession, identity and nationality.

Certificates of airworthiness, certificates of competency and licences issued or approved by one of the High Contracting Parties for the aircraft or the crew have the same validity in the other contracting State as the corresponding documents issued or approved by the latter State.

For the purposes of flight within its own territory, each of the High Contracting Parties reserves the right to refuse to recognise certificates of competency and licences issued to its own nationals by the other contracting State.

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

If the airworthiness of an aircraft provided with the requisite certificates shall subsequently be so impaired that the safety of the passengers is endangered, the continuation of the journey of such aircraft over the territory of the other State may be made conditional on the aircraft being so repaired as to ensure its further journey not being interrupted.

*Article 6.*

Aircraft of either Contracting Party may only carry apparatus for the transmission of radiotelegraphic messages in the territory of the other contracting State in so far as this is permitted by both contracting States. Such apparatus may only be used by members of the crew carrying a special licence issued by the State of which the aircraft has nationality.

Both Contracting Parties reserve the right, as a measure of safety, to issue regulations regarding the compulsory equipment of aircraft with wireless telegraph apparatus.

*Article 7.*

Aircraft and their crews and passengers may not carry arms, ammunition, war material, poisonous substances, explosives, carrier-pigeons, or photographic apparatus, except with the permission of the State in whose territory the aircraft happens to be. This provision shall not apply to the members of the crew who are entitled to carry with them on the aircraft signalling apparatus and weapons required for the protection of the passengers and goods transported.

Either contracting State may, as a measure of public safety, restrict or prohibit in its territory the conveyance of other objects in addition to those specified in the preceding paragraph. Such regulations shall be applicable without distinction to the aircraft of both Contracting Parties.

*Article 8.*

Aircraft which carry passengers or goods must be provided with a nominal roll of the passengers and with a manifest of the cargo, specifying the nature and quantity of the goods carried, together with the necessary Customs declarations.

Should it be discovered, on the arrival of an aircraft, that there is a discrepancy between the goods carried and the description thereof in the above documents, the Customs authorities of the aerodrome of arrival shall communicate direct with the competent Customs authorities of the other contracting State with a view to taking such steps as may be required.

The conveyance of mails shall be the subject of special direct arrangements between the postal administrations of the two contracting States.

*Article 9.*

Each of the Contracting States may, in its own territory, cause the aircraft of the other State to be inspected by the competent authorities on arrival or departure, and the prescribed certificates and other documents to be verified.

*Article 10.*

Aerodromes which are open to public air traffic shall be available to the aircraft of either State. Similarly, the meteorological information service and the radiotelegraphic and day and night signalling services shall be at the disposal of such aircraft. All charges (for landing, length of stay, etc.) shall be levied at the same rate on national aircraft as on those of the other State.

*Article 11.*

All aircraft entering or leaving the territory of either of the Contracting States shall land at or depart from an aerodrome open to public air traffic and classed as a Customs aerodrome, at which facilities exist for the 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, where the Customs and passport formalities will be carried out. The prohibition of intermediate landing shall also apply in these special cases.

In case of forced landing outside the aerodromes referred to in the first paragraph, the pilot, the crew and the passengers must observe the relevant regulations in force in the country in question.

Each of the High Contracting Parties shall communicate to the other a schedule of aerodromes open to public air traffic. This schedule shall specially indicate those aerodromes which have Customs offices. Any change in this schedule, and any restriction, even temporary, of the right to utilise any such aerodrome, must be notified immediately to the other Contracting Party.

*Article 12.*

The frontiers of either Contracting State shall only be crossed at the points prescribed by the State concerned.

It is understood that all sections of the frontier over which either Contracting State has granted the right of passage to its own aircraft or to aircraft of another nationality shall, *ipso facto*, be open to the aircraft of the other Contracting State.

*Article 13.*

No ballast other than fine sand or water may be dropped.

*Article 14.*

No article or substance, other than ballast, may be dropped or thrown out during flight unless special permission has been obtained from the State whose territory is flown over.

Where waste materials are thrown from aircraft in flight, the relevant regulations of the State in whose territory this takes place shall be observed.

*Article 15.*

Whenever questions of nationality arise in connection with the execution of this Convention, it is agreed that aircraft shall possess the nationality of the State in which they are duly registered.

No aircraft may be registered in either State unless it is the sole property of nationals of that State. Should the owner be a company or other legal entity, such company or legal entity,

whatever be its form, must fulfil all the requirements of the Italian or Hungarian law in force, in order that it may be considered Italian or Hungarian as the case may be.

*Article 16.*

The High Contracting Parties shall periodically exchange lists of new entries and cancellations made during the preceding period in their respective aircraft registers.

*Article 17.*

Aircraft of either contracting State shall be entitled when landing, and especially in the case of forced landings, to the same assistance as national aircraft.

The salvage of aircraft wrecked on the high seas shall be subject, unless otherwise agreed upon, to the principles of maritime law as embodied in the agreements in force at the time, or, in default, in the laws of the State to which the rescuers belong.

*Article 18.*

The High Contracting Parties shall notify one another of all regulations regarding air traffic in force in their respective territories.

*Article 19.*

Details connected with the execution of this Convention (more particularly in respect of Customs formalities) shall, as far as possible, be settled by direct agreement between the competent departments of both Contracting Parties.

Each of the High Contracting Parties shall notify the other Party of any infringements of the provisions of this Convention committed in its territory by individuals or legal entities belonging to the other State.

Disputes regarding the execution of this Convention which cannot be settled amicably through the usual diplomatic channels shall be settled in accordance with the provisions of the Italo-Hungarian Treaty of Conciliation and Arbitration of April 5, 1927.

*Article 20.*

Either of the High Contracting Parties may at any time denounce the present Convention on giving one year's notice.

*Article 21.*

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

It shall come into force one month after the exchange of the instruments of ratification.

In faith whereof the Plenipotentiaries have signed the present Convention.

Done at Rome on July 5, 1932, in duplicate, in Italian and Hungarian, both texts being equally authentic.

(L. S.) André DE HÓRY, *m. p.*

(L. S.) Italo BALBO, *m. p.*



## ADDITIONAL PROTOCOL.

At the moment of signing the Convention regarding air navigation concluded this day between the Kingdom of Italy and the Kingdom of Hungary, the respective Plenipotentiaries have agreed on the following points :

1. The High Contracting Parties recognise that the most-favoured-nation treatment clause in Article 1, third paragraph, of the said Convention shall not extend to such concessions as one of the Contracting Parties may provide for by means of a Convention with a third State for the special purpose of avoiding double taxation.

2. The provisions of the Convention shall only apply to balloons as far as their special characteristics permit.

This Protocol, which shall form an integral part of the above Convention and which shall in all respects remain in force or not along with the same, is drawn up in duplicate, in Italian and Hungarian, both texts being equally authentic.

Done at Rome on July 5, 1932.

(L. S.) André DE HÓRY, *m. p.*

(L. S.) Italo BALBO, *m. p.*

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