

N° 3629.

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**GRANDE-BRETAGNE  
ET IRLANDE DU NORD  
ET INDE ET ITALIE**

Convention concernant l'établissement de lignes aériennes de transport, et protocole de signature. Signés à Rome, le 7 décembre 1934.

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**GREAT BRITAIN  
AND NORTHERN IRELAND  
AND INDIA AND ITALY**

Convention relating to the Establishment of Air Transport Lines, and Protocol of Signature. Signed at Rome, December 7th, 1934.

No. 3629. — CONVENTION<sup>1</sup> BETWEEN GREAT BRITAIN AND NORTHERN IRELAND AND INDIA AND ITALY RELATING TO THE ESTABLISHMENT OF AIR TRANSPORT LINES. SIGNED AT ROME, DECEMBER 7TH, 1934.

*English and Italian official texts communicated by His Majesty's Secretary of State for Foreign Affairs in Great Britain and by the Italian Minister for Foreign Affairs. The registration of this Convention took place March 23rd, 1935.*

HIS MAJESTY THE KING OF GREAT BRITAIN, IRELAND AND THE BRITISH DOMINIONS BEYOND THE SEAS, EMPEROR OF INDIA, and HIS MAJESTY THE KING OF ITALY, mutually desiring further to develop commercial air lines and having resolved to terminate the Convention<sup>2</sup> concluded for that purpose and signed at Rome on the 16th May, 1931, and to conclude a new Convention in place thereof, have appointed as their Plenipotentiaries :

HIS MAJESTY THE KING OF GREAT BRITAIN, IRELAND AND THE BRITISH DOMINIONS BEYOND THE SEAS, EMPEROR OF INDIA :

FOR GREAT BRITAIN AND NORTHERN IRELAND :

His Excellency the Right Honourable Sir Eric DRUMMOND, G.C.M.G., C.B., His Ambassador Extraordinary and Plenipotentiary at the Court of the Quirinal ;

FOR INDIA :

His Excellency the Right Honourable Sir Eric DRUMMOND, G.C.M.G., C.B., His Ambassador Extraordinary and Plenipotentiary at the Court of the Quirinal ;

HIS MAJESTY THE KING OF ITALY :

S. E. Benito MUSSOLINI, Head of the Government, Prime Minister Secretary of State, Minister Secretary of State for Foreign Affairs ;

Who, having communicated to each other their full powers, found in good and due form, have agreed on the following provisions :

*Article I.*

For the purpose of this Convention the following definitions shall apply :

The term "British Air Services" shall denote the British Air Services operating along the routes specified in Article 3 of this Convention, and the term "British Air

<sup>1</sup> The exchange of ratifications took place at London, December 28th, 1934.

<sup>2</sup> Vol. CXXXVI, page 245, of this Series.

Transport Company (or Companies) ” shall denote the Company (or Companies) for the time being operating the British Air Services.

The term “ Italian Air Services ” shall denote the Italian Air Services operating along the routes referred to in Article 4 of this Convention, and the term “ Italian Air Transport Company (or Companies) ” shall denote the Company (or Companies) operating the Italian Air Services.

“ The Air Services ” shall denote the British and Italian Air Services and the term “ the Air Transport Company (or Companies) ” shall denote the Air Transport Company (or Companies) operating the “ Air Services ”.

The terms “ British Aircraft ” and “ Italian Aircraft ” shall denote aircraft employed in the operating of the British and Italian Air Services respectively.

The term “ landing places ” or “ places ” shall denote any or all of the places specified in Article 3 and all or any of the landing places, to be determined by arrangement between the Italian Air Transport Companies and the Government of the territory concerned, in the territories specified in Article 4 of this Convention, together with any places at which aircraft may land under the provisions of Article 5 (2) of this Convention.

#### *Article 2.*

The provisions of this Convention shall be deemed to apply only to the British and Italian Air Services, Air Transport Companies and Aircraft as defined in Article 1 of this Convention, and shall apply to those Services, Companies and Aircraft only in so far as concerns the working of the routes along which they are or may be permitted to operate by virtue of the provisions of this Convention and for the periods during which those routes may be operated.

#### *Article 3.*

1. The British Air Transport Companies operating the Air Services between London and East and South of Italy shall have the right to fly over Italian territory in accordance with the provisions of the Convention.

2. The British Air Services may, if desired, follow over Italian territory, either with land or marine aircraft (or both), as alternative routes (or any part or parts of them with or without stops) :

(French territory)—Rome (or Ostia)—Naples—(Malta)—Tripoli—Benghazi—Tobruk—  
—and beyond ;

or :

(French territory)—Rome—Naples—Brindisi—and beyond ;

or a combination of these routes.

3. For the purposes of operating the British Air Services, the British Air Transport Companies shall be entitled to use the landing places at Milan, Rimini, Rome, Naples, Tripoli, Benghazi, Brindisi and Rhodes, and the seaplane stations at Lido di Roma (Ostia), Naples, Brindisi, Tripoli, Benghazi, Tobruk, Rhodes and Castellosso.

#### *Article 4.*

1. The Italian Air Transport Companies nominated by the Italian Government shall be entitled to operate regular Air Services to the United Kingdom, Gibraltar, Malta, Cyprus, Aden, British Somaliland and Palestine (including Transjordan), which places may be utilised either as terminal points or as places of transit on more extended air routes. The Italian Air Transport Companies shall be entitled to make use of landing places open to civil aircraft at the points and in the territories specified in this paragraph.

2. Since the Government of the Sudan has agreed that the preceding measures shall be extended to the Sudan, the clauses of the present Convention shall be applied as if the Sudan were included among the territories mentioned in the first paragraph of this Article ; with the reservation, however, that Italian Air Transport Companies shall not be entitled in the Sudan to the exemptions or immunities specified in Article 14 of the present Convention. Italian Air Transport Companies operating in accordance with the terms of the Convention to or over the Sudan shall nevertheless receive, as regards Customs duties, treatment not less favourable than that accorded to British or Egyptian Air Transport Companies operating to or over the Sudan.

*Article 5.*

1. The provisions of the preceding Articles shall not operate so as to confer any right to use military aerodromes or seaplane stations not normally available for civil air traffic.

2. British and Italian aircraft may in case of *force majeure* at all times make use of the aerodromes or seaplane stations along their route.

*Article 6.*

1. Subject to the conditions specified in Article 5 (1) of this Convention, British and Italian aircraft shall be entitled to embark and disembark mail, passengers and goods at any landing place.

2. Nothing in this Convention shall operate so as to affect the rights of either High Contracting Party under Articles 16 and 17 of the Convention<sup>1</sup> relating to the Regulation of Aerial Navigation of the 13th October, 1919.

3. Subject to any conditions required by the laws in force in the territory in which the landing occurs, the crew and passengers carried in British or Italian aircraft shall be entitled to remain, and goods and mail on board such aircraft may be stored, at any landing place.

4. Where a flight is interrupted by an accident or forced landing or otherwise, all necessary facilities shall be accorded for enabling the Air Transport Company concerned to despatch the passengers, goods and mail to their destinations as quickly as possible.

*Article 7.*

The British and Italian Transport Companies shall be constituted so as to entitle them to be registered as owners of aircraft under the provisions of Article 7 of the Convention relating to the Regulation of Aerial Navigation of the 13th October, 1919. In addition, two-thirds at least of the share capital of every such Company shall be held by nationals of one or other High Contracting Party.

*Article 8.*

1. Each High Contracting Party shall have the right to designate his Air Transport Company or Companies, provided that each High Contracting Party shall notify the other of the nomination made within one month after the coming into force of this Convention or one month prior to the opening of the service to be instituted by the Company nominated.

2. Each High Contracting Party shall at any time be entitled to substitute for or add to the Company or Companies originally nominated a new Company or Companies, provided that the other High Contracting Party shall be notified of such substitution or addition one month before operations are commenced by the new Company or Companies.

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<sup>1</sup> Vol. XI, page 173 ; Vol. XXIV, page 175 ; Vol. LIX, page 346 ; Vol. LXIII, page 389 ; Vol. LXXVIII, page 438 ; Vol. CXVII, page 54 ; and Vol. CXLII, page 340, of this Series.

3. A Company from which permission to operate has been withdrawn by the High Contracting Party by which it was nominated shall not by reason of that fact alone be entitled to make any claim against the other High Contracting Party.

*Article 9.*

The Air Transport Companies shall have complete freedom to determine the frequency of their services, time-tables, charges and connexions with other air lines at the different landing places, together with the type of aircraft which they shall employ, on condition that the details concerning the above matters are communicated to the competent Government departments of the High Contracting Parties one month before the institution of any new service, time-table, charges, or the employment of a new type of aircraft.

*Article 10.*

1. The Air Transport Companies shall observe and shall cause to be observed by their employees and by the crew and passengers of aircraft operating the Air Services the laws and regulations in force in the territories over which such aircraft may fly, or at landing places.

2. In the event of repeated breaches of these laws and regulations, the High Contracting Party concerned shall have the right to require the dismissal of any employee of an Air Transport Company who has been found guilty.

3. In case of necessity, the High Contracting Party concerned shall be entitled to require the other High Contracting Party to cancel the nomination of the Air Transport Company responsible for the breaches.

*Article 11.*

1. Each High Contracting Party will so far as possible place at the disposal of the Air Transport Company (or Companies) of the other High Contracting Party, on the same conditions as are applicable to his Civil Aviation undertakings, the hangars for housing aircraft, hoisting installations (cranes or slipways), ground or premises to be used for repair shops, storages and offices and oil and petrol refuelling facilities available.

2. In the event of the air transport installations at an established aerodrome being insufficient, the High Contracting Party concerned will grant to the Air Transport Company (or Companies) of the other High Contracting Party, under the same conditions as are available to the national aircraft of the first-named High Contracting Party (but without making any conditions concerning the minimum extent of such installations), all facilities for the erection or extension of the necessary installations.

*Article 12.*

1. The High Contracting Parties will co-operate for the protection and security of the Air Services and for this purpose will so far as they are able develop to the fullest extent their services of meteorological information, wireless communications and day and night markings and signals. The competent Government departments of the High Contracting Parties will agree together as to the necessary measures of co-ordination.

2. The High Contracting Parties will also facilitate and encourage co-ordinate action on the part of the British and Italian Air Transport Companies, and in particular the making of technical and commercial agreements regarding mutual assistance at the common landing places, and the co-ordination of time-tables. Each High Contracting Party shall have the right to require his own Companies to submit the text of any such agreement or arrangement for the approval of the competent Government departments of that High Contracting Party prior to its conclusion.

*Article 13.*

In the event of the Air Transport Company (or Companies) nominated by either High Contracting Party being unable to handle all the traffic on any route over the territory of the other High Contracting Party operated by such Company or Companies under this Convention, the High Contracting Party who made the nomination will encourage that Company to transfer any surplus traffic to the Air Transport Company (or Companies) nominated by the other High Contracting Party.

*Article 14.*

1. At any of the landing places specified in Article 3 of this Convention, together with any place at which aircraft may land under the provisions of Article 5 (2), British aircraft, engines, and also spare parts and equipment carried and exclusively used on such aircraft, fuel and oil so carried and used, and fuel and oil taken on board such aircraft for the purpose of flying to destinations abroad, shall be exempt from Customs and other duties.

2. Similarly, at the landing places in the territories specified in Article 4 of this Convention together with any place at which aircraft may land under the provisions of Article 5 (2), Italian aircraft, engines and also spare parts and equipment carried and used exclusively on such aircraft, fuel and oil so carried and used, and fuel and oil taken on board such aircraft for the purpose of flying to destinations abroad, shall be exempt from Customs and other duties.

3. Provided that until an Italian Air Transport Company shall operate an air service under the provisions of Article 4 of this Convention, corresponding in importance with those operated by the British Air Transport Companies, the latter shall be liable to pay any duties payable on Italian territory on fuel and oil taken on board British aircraft for flight from any Italian aerodrome.

*Article 15.*

The conveyance of air mails shall be regulated by a direct agreement between *the competent* postal departments of the High Contracting Parties.

*Article 16.*

Aircraft operating the Air Services shall enjoy the same treatment as national aircraft in respect of landing and housing fees at any landing place.

*Article 17.*

The details of the application of this Convention shall so far as possible be arranged by direct agreement between the competent air departments of the High Contracting Parties.

*Article 18.*

1. The Convention relating to the establishment of Air Transport Lines signed at Rome on the 16th May, 1931, shall be terminated as from the date of the entry into force of the present Convention.

2. The present Convention shall remain in force for a period of ten years from the date of exchange of ratifications. Unless denounced by a notice given in each case one year in advance, it shall continue in force for successive periods of five years.

3. Notwithstanding anything in the preceding paragraphs, should the Convention relating to the Regulation of Aerial Navigation of the 13th October, 1919, be denounced in respect of the United Kingdom or of Italy, under the conditions set forth in Article 43 of that Convention, the present Convention shall cease to have effect from the date on which the denunciation of the former Convention takes effect.

*Article 19.*

Notwithstanding anything in the preceding Article, His Majesty the King of Italy reserves the right to denounce the present Convention at any moment if the existence of the British Air Services results in the denunciation of or in a failure to renew any Air Navigation Convention between Italy and any other European country, on the part either of Italy or of that country.

*Article 20.*

The present Convention shall be ratified and shall enter into force on the date of the exchange of ratifications, which shall take place at London as soon as possible.

In witness whereof the above-named Plenipotentiaries have signed the present Convention and have affixed thereto their seals.

Done at Rome in duplicate, in the English and Italian languages, both of which shall have equal force, the 7th day of December, 1934.

(L. S.) ERIC DRUMMOND.

(L. S.) MUSSOLINI.

PROTOCOL OF SIGNATURE.

At the moment of affixing their signatures to the Convention signed to-day, relating to the establishment of Air Transport Lines, the undersigned Plenipotentiaries declare in the name of their respective Governments that they have agreed on the following measures, which form an integral part of the Convention signed to-day :

1. The Convention shall be ratified with the least possible delay. Ratification may not, however, be made after the 31st day of December, 1934.

2. Pending ratification, the Air Services specified in the Convention may be operated by agreement between the air authorities concerned.

ROME, the 7th of December, 1934.

ERIC DRUMMOND.

MUSSOLINI.

<sup>1</sup> TRADUCTION. — TRANSLATION.

N<sup>o</sup> 3629. — CONVENTION ENTRE LA GRANDE-BRETAGNE ET L'IRLANDE DU NORD ET L'INDE ET L'ITALIE CONCERNANT L'ÉTABLISSEMENT DE LIGNES AÉRIENNES DE TRANSPORT. SIGNÉE A ROME, LE 7 DÉCEMBRE 1934.

SA MAJESTÉ LE ROI DE GRANDE-BRETAGNE, D'IRLANDE ET DES DOMINIONS BRITANNIQUES AU DELA DES MERS, EMPEREUR DES INDES, et SA MAJESTÉ LE ROI D'ITALIE, animés du désir de favoriser le développement des lignes commerciales de navigation aérienne et ayant décidé de mettre fin à la Convention conclue à cet effet et signée à Rome le 16 mai 1931 et d'y substituer une nouvelle convention, ont désigné pour leurs plénipotentiaires :

SA MAJESTÉ LE ROI DE GRANDE-BRETAGNE, D'IRLANDE ET DES DOMINIONS BRITANNIQUES AU DELA DES MERS, EMPEREUR DES INDES :

POUR LA GRANDE-BRETAGNE ET L'IRLANDE DU NORD :

Son Excellence le très honorable sir Eric DRUMMOND, G.C.M.G., C.B., son ambassadeur extraordinaire et plénipotentiaire près la Cour du Quirinal ;

POUR L'INDE :

Son Excellence le très honorable sir Eric DRUMMOND, G.C.M.G., C.B., son ambassadeur extraordinaire et plénipotentiaire près la Cour du Quirinal ;

SA MAJESTÉ LE ROI D'ITALIE :

Son Excellence Benito MUSSOLINI, chef du Gouvernement, premier ministre-secrétaire d'Etat, ministre-secrétaire d'Etat aux Affaires étrangères ;

Lesquels, après s'être communiqué leurs pleins pouvoirs, reconnus en bonne et due forme, sont convenus des dispositions suivantes :

*Article premier.*

Aux fins de la présente convention, les expressions ci-après sont définies comme suit :

Par « services aériens britanniques », on entend les services aériens britanniques qui fonctionnent sur les parcours définis à l'article 3 de la présente convention, et par « compagnie (ou compagnies) britannique(s) de transport aérien », on entend la compagnie ou les compagnies qui assurent, au moment donné, les services aériens britanniques.

Par « services aériens italiens », on entend les services aériens italiens qui fonctionnent sur les parcours visés à l'article 4 de la présente convention, et par « compagnie (ou compagnies) italienne(s) de transport aérien », on entend la compagnie ou les compagnies qui assurent les services aériens italiens.

Par « services aériens », on entend les services aériens britanniques et italiens, et par « compagnie (ou compagnies) de transport aérien », on entend la compagnie ou les compagnies qui assurent les « services aériens ».

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

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