

N° 3999.

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**ESTONIE ET FINLANDE**

Convention concernant la navigation  
aérienne. Signée à Helsinki, le  
12 septembre 1936.

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**ESTONIA AND FINLAND**

Convention regarding Air Naviga-  
tion. Signed at Helsinki, Septem-  
ber 12th, 1936.

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

No. 3999. — CONVENTION<sup>2</sup> BETWEEN ESTONIA AND FINLAND  
REGARDING AIR NAVIGATION. SIGNED AT HELSINKI, SEP-  
TEMBER 12TH, 1936.

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*French official text communicated by the Estonian Minister for Foreign Affairs and by the Permanent Delegate a. i. of Finland to the League of Nations. The registration of this Convention took place November 10th, 1936.*

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THE PRESIDENT OF THE REPUBLIC OF ESTONIA and THE PRESIDENT OF THE REPUBLIC OF FINLAND, being desirous of promoting the development of air communications between their respective countries, have decided to conclude a Convention for that purpose and have appointed as their Plenipotentiaries :

THE PRESIDENT OF THE REPUBLIC OF ESTONIA :

M. Hans REBANE, Envoy Extraordinary and Minister Plenipotentiary of Estonia at Helsinki ;

THE PRESIDENT OF THE REPUBLIC OF FINLAND :

M. A. HACKZELL, Minister for Foreign Affairs ;

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

*Article I.*

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

It is understood, however, that the establishment or operation, by an undertaking having the nationality of one of the Contracting Parties, of regular air lines passing over the territory of the other Contracting Party (with or without intermediate landing), shall be subject to special agreements to be concluded between the two Governments.

For the purposes of the present Convention, the term " territory " shall be deemed to mean the national territory, including territorial waters.

For the purposes of the present Convention, the term " aircraft " shall be deemed to mean private aircraft and State aircraft which are used exclusively for commercial or postal services.

All aircraft other than those mentioned above which have the nationality of one of the Contracting Parties shall be provided with a special permit, forwarded through diplomatic channels, whenever they fly over the territory of the other Contracting Party.

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<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.

<sup>2</sup> The exchange of ratifications took place at Tallinn, November 7th, 1936.

*Article 2.*

The aircraft of either Contracting Party and their crews, passengers and cargo shall, while in the territory of the other Contracting Party, be subject to the obligations arising out of the laws in force in the State flown over, and especially to the regulations governing air navigation in general in so far as such regulations apply to all foreign aircraft without distinction of nationality and to those concerning Customs duties and other regular dues, import and export prohibitions, the transport of passengers and goods and public security, order and health. They shall further be subject to any other obligations arising out of the general legislation in force at the time except as otherwise provided in the present Convention.

As regards aircraft used in connection with the operation of regular air services, special agreements in respect of the questions mentioned in the first paragraph of this Article may be concluded between the two Governments.

The commercial transport of passengers and goods between any two points within the territory of either State may be reserved for the aircraft of that State.

On arrival, the fuel and lubricants in the ordinary tanks of the aircraft shall be admitted free of Customs or other duties. No quantity of fuel or lubricants may, however, be unloaded duty free.

*Article 3.*

Each of the Contracting Parties shall have the right to prohibit the aircraft of the other Contracting Party from flying over certain areas of its territory, provided, always, that such prohibition shall also apply to the aircraft of any third State. Each of the Contracting Parties shall notify the other Party of the areas over which air navigation is prohibited.

Each of the Contracting Parties further reserves the right under exceptional circumstances, in time of peace and with immediate effect, temporarily to restrict or prohibit air navigation over its territory, either in part or wholly, provided always that no distinction is made in this respect between aircraft having the nationality of the other Contracting Party and those of any other foreign country.

*Article 4.*

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 by the Rules of the Air of the State flown over, and shall land, or alight on the sea, as soon as possible, outside but as near as possible to the prohibited area, at one of the aerodromes of the State concerned. The same obligation shall apply to any aircraft which has been warned by means of the special regulation signal that it is flying over a prohibited area.

*Article 5.*

All aircraft shall carry distinctive and clearly visible marks whereby they may be recognised during flight (nationality and registration marks). In addition they must bear the name and address of their owner.

All aircraft shall be provided with certificates of registration and of airworthiness with all other documents prescribed for air navigation in their country of origin.

The members of the crew — that is to say, all persons on board the aircraft with the exception of the passengers — who perform duties in an aircraft for which a special licence is required in their home country shall be provided with the certificates required in that country in connection with air transport; the other members of the crew shall be provided with documents showing their duties on board the aircraft, their trade or occupation, identity and nationality.

Documents issued or rendered valid by one of the two Contracting Parties in respect of aircraft and their crews shall have the same validity in the other State as the corresponding documents issued or rendered valid by the latter.

Each of the Contracting Parties reserves the right to refuse to recognise as valid, for purposes of air navigation within its own territory, certificates of competency issued to its nationals by the other Contracting Party.

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

#### *Article 6.*

Aircraft shall not carry any kind of wireless apparatus without a special licence issued by the State whose nationality the aircraft possesses. The use of such apparatus shall be subject, over the territory of each of the Contracting Parties, to the regulations issued for the purpose by the competent authority of the State flown over. Furthermore, such apparatus shall only be used by such members of the crew as are provided with a special licence issued for the purpose by the Government of their country.

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

#### *Article 7.*

No arms, ammunition, poison gas or explosives shall be carried by any aircraft, or by its crew or passengers, either as cargo or otherwise. Carrier pigeons and photographic and cinematographic apparatus shall not be carried over the territory of the Contracting Party whose nationality the aircraft does not possess save in so far as this may be permissible under any future regulations on the subject which may be in force in that territory.

#### *Article 8.*

All aircraft carrying passengers and goods shall be provided with a list of the passengers' names and a manifest showing the nature and quantity of the goods carried, together with the necessary Customs declarations.

If, on the arrival of an aircraft, any discrepancy is noted between the manifest and the goods carried, the Customs officials of the aerodrome or airport of arrival may communicate with the competent Customs officials of the other Contracting Party.

The conveyance of mails may be arranged by special direct agreements between the Postal Departments of the two Contracting Parties.

#### *Article 9.*

Upon the departure or landing of aircraft of the other Party, the competent authorities of each of the Contracting Parties shall, in every case, have the right to search such aircraft and examine the certificates and documents with which they should be provided.

#### *Article 10.*

Every aerodrome open to public air traffic shall be open to the aircraft of both Parties, which shall also be entitled to the assistance of the meteorological services, the wireless services, the day and night signalling services and likewise all other services and installations of the aerodromes in accordance with the regulations in force. Any charges (for landing, accommodation, etc.) shall be the same for the aircraft of the other Party and those of any third State.

As regards aircraft used in connection with the operation of regular air services, special facilities may be arranged between the Governments of the two Parties.

*Article 11.*

All aircraft proceeding to or coming from the territory of either of the Contracting Parties shall, on entering or leaving such territory, land at or depart from an aerodrome open to public air traffic and classed as a Customs aerodrome (with a passport examination service) and shall make no intermediate landing between the frontier and the aerodrome. In special cases the competent authorities may allow aircraft to depart from or land at other aerodromes, at which the Customs clearance operations and examination of passports will be carried out. The prohibition of intermediate landing shall also apply in these special cases.

In the event of a forced landing outside the aerodromes referred to in the first paragraph of this Article, the pilot, the crew and the passengers shall conform to the relevant regulations in force in the country concerned, and the pilot shall be required to notify the Customs aerodrome in the fiscal area in which the landing is made.

The two Contracting Parties shall exchange lists of the aerodromes open to public air traffic. These lists shall expressly state the aerodromes classed as Customs aerodromes. Any modification of the lists and any restriction, even temporary, of the right to use any of these aerodromes, shall be notified to the other Contracting Party without delay.

*Article 12.*

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

It is agreed that any frontier sector over which either of the Contracting Parties has granted the right of passage to its own commercial aircraft or the aircraft of another nationality may *ipso facto* be used for the passage of aircraft of the other Contracting Party.

*Article 13.*

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

*Article 14.*

No article or substance, other than ballast, shall be unloaded or otherwise discharged in the course of flight unless special permission shall have been given by the Party in whose territory such unloading or discharging takes place.

*Article 15.*

Whenever questions of nationality arise in carrying out the present Convention, it is agreed that every aircraft shall be deemed to possess the nationality of the State in which it is duly registered.

No aircraft shall be registered in either of the contracting States unless it is the sole property of nationals of that State. Should the owner be a company of any kind, such company shall fulfil all the conditions laid down by the Estonian or Finnish law in force in order that it may be considered an Estonian or Finnish company as the case may be.

*Article 16.*

The two Contracting Parties shall exchange, monthly, lists of the entries and deletions made in their aircraft registers during the preceding month.

*Article 17.*

Any aircraft passing through, or crossing in transit, the airspace of either of the Contracting Parties and making only such landings and stops as are reasonably necessary, may be exempt from any seizure on the ground of infringement of a patent, design or model, subject to the deposit of security, the amount of which, in default of amicable arrangement, shall be fixed with the least possible delay by the competent authorities of the place of seizure.

*Article 18.*

The aircraft of either of the Contracting Parties shall be entitled when landing in the territory of the other, especially in the case of a forced landing, to the same assistance as the aircraft of the latter.

The salvage of aircraft wrecked on the high seas shall be subject, unless otherwise agreed upon, to the principles of maritime law resulting from the international conventions in force or, in the absence of such conventions, to the law of the State to which the salvors belong.

*Article 19.*

The two Contracting Parties shall communicate to each other all the regulations relative to air traffic in force in their respective territories.

*Article 20.*

The details of the application of the present Convention (especially as regards Customs formalities) shall as far as possible be settled by direct agreement between the various competent authorities of the two Contracting Parties.

The aircraft of each of the Contracting Parties shall be subject to the system of penalties in force in the country in which they may happen to be.

Any dispute regarding the application of the present Convention which cannot be settled amicably through the usual diplomatic channels shall, in the first place, be submitted for consideration to a Conciliation Commission consisting of one member for Estonia, one member for Finland and a president appointed jointly. The members and the president shall be appointed whenever a fresh case renders this necessary. Should the Contracting Parties fail to agree upon the choice of the president, or to accept the solution proposed by the said Commission, the dispute shall be referred to the Permanent Court of International Justice at The Hague.

*Article 21.*

It is understood that no provision of the present Convention shall entitle Finland to the privileges, exceptions and favours which may be granted by Estonia to the aircraft of Latvia or Lithuania.

*Article 22.*

Either of the Contracting Parties may at any time denounce the present Convention by giving twelve months' notice. The Convention shall be deemed to have been denounced, with immediate effect, should both Parties conclude a general air convention with other nations.

*Article 23.*

The present Convention shall be ratified and the ratifications shall be exchanged at Tallinn as soon as possible. It shall come into force on the date of the exchange of the ratifications.

In faith whereof the respective Plenipotentiaries have signed the present Convention and have thereto affixed their seals.

Done at Helsinki, in duplicate, this 12th day of September, 1936.

(L. S.) Hans REBANE.

(L. S.) A. HACKZELL.