

N° 4201.

ALLEMAGNE ET GRÈCE

Convention concernant la navigation
aérienne. Signée à Athènes, le
9 novembre 1936.

GERMANY AND GREECE

Convention regarding Air Navigation.
Signed at Athens, November 9th,
1936.

TEXTE ALLEMAND. — GERMAN TEXT.

N^o 4201. — ABKOMMEN¹ ÜBER DEN LUFTVERKEHR ZWISCHEN DEM DEUTSCHEN REICH UND DEM KÖNIGREICH GRIECHENLAND. GEZEICHNET IN ATHEN, AM 9. NOVEMBER 1936.

Greek and German official texts communicated by the Permanent Delegate of Greece to the League of Nations. The registration of this Convention took place October 15th, 1937.

SEINE MAJESTÄT DER KÖNIG VON GRIECHENLAND und DER DEUTSCHE REICHSKANZLER, in gleicher Weise davon überzeugt, dass es im beiderseitigen Interesse Griechenlands und Deutschlands liegt, die internationalen Luftverkehrsbeziehungen in friedlichem Geiste zu fördern, haben beschlossen, zu diesem Zweck ein Abkommen zu schliessen, und haben zu ihren Bevollmächtigten ernannt :

SEINE MAJESTÄT DER KÖNIG VON GRIECHENLAND :

S. E. Herrn Nicolas MAVROUDIS, Staatssekretär im Ministerium des Äussern, und

S. E. General Michel PASSARIS, Staatssekretär im Luftfahrtministerium ;

DER DEUTSCHE REICHSKANZLER :

Herrn Viktor Prinz zu ERBACH-SCHÖNBERG, ausserordentlicher Gesandter und bevollmächtigter Minister, und

Herrn Albert MÜHLIG-HOFMANN, Ministerialdirigent im Reichsluftfahrtministerium ;

die über folgende Bestimmungen übereingekommen sind :

BEGRIFFSBESTIMMUNGEN.

Artikel 1.

Im Sinne dieses Abkommens sind unter Staatsgebiet auch die Territorialgewässer zu verstehen.

Als Luftfahrzeuge im Sinne dieses Abkommens gelten die privaten Luftfahrzeuge und diejenigen staatlichen Luftfahrzeuge, die nicht als Militär-, Zoll- oder Polizei-Luftfahrzeuge verwendet werden.

¹ The exchange of ratifications took place at Berlin, January 29th, 1937.

¹ TRANSLATION.

No. 4201. — CONVENTION BETWEEN THE GERMAN REICH AND THE KINGDOM OF GREECE REGARDING AIR NAVIGATION. SIGNED AT ATHENS, NOVEMBER 9TH, 1936.

HIS MAJESTY THE KING OF GREECE and THE CHANCELLOR OF THE GERMAN REICH, equally convinced that it is in the mutual interest of Greece and Germany to promote international communications by air in a peaceful spirit, have resolved to conclude a Convention for the purpose, and to that end have appointed as their Plenipotentiaries :

HIS MAJESTY THE KING OF GREECE :

His Excellency Monsieur Nikolas MAVROUDIS, Secretary of State in the Ministry of Foreign Affairs,

His Excellency General Michel PASSARIS, Secretary of State in the Air Ministry ;

THE CHANCELLOR OF THE GERMAN REICH :

Prince Viktor ZU ERBACH-SCHÖNBERG, Envoy Extraordinary and Minister Plenipotentiary,

Monsieur Albert MÜHLIG-HOFMANN, Ministerialdirigent in the German Air Ministry;

Who have agreed on the following provisions :

DEFINITIONS.

Article 1.

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

For the purposes of the present Convention, the term " aircraft " shall be deemed to mean private aircraft together with such Government aircraft as are not used as military, Customs or police aircraft.

RIGHT OF AIR NAVIGATION.

Article 2.

Each of the two Contracting Parties shall, in time of peace, grant the right of air navigation over its territory to such aircraft of the other Contracting Party as are duly registered in the territory of the latter, provided that the stipulations of the present Convention are observed.

The establishment and operation by an air navigation undertaking of either of the Contracting Parties of regular airways across the territory of the other Party (with or without intermediate landing) shall be subject to special agreement between the competent Ministries of the two States.

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

OBSERVANCE OF THE LAWS IN FORCE.

Article 3.

The aircraft of either Contracting Party, their crews, passengers and cargoes, shall be subject, while in the territory of the other State, to the existing obligations arising out of the regulations in force in that State, especially such as concern air navigation in general, in so far as the latter are applicable to all foreign aircraft without distinction of nationality, as also to the regulations concerning Customs and other duties, export and import prohibitions, the carriage of passengers and goods, and public safety and order. They shall furthermore be subject to all other obligations arising out of current legislation, save in so far as otherwise provided in the present Convention.

The transport of mail shall be regulated by special agreements to be concluded direct between the Postal Administration of the two Contracting Parties.

Article 4.

Aircraft intended for the operation of air lines, as well as the engines mounted on such aircraft, including spare parts, may be imported temporarily into the two States free of duty.

Objects and material required for the operation and upkeep of aircraft (with the exception of fuel and lubricants, to which the relevant legislation of the two States shall apply) shall be exempt, provided they are intended for consumption on the spot, from Customs duties and charges in the two countries, on condition that they remain under the surveillance of the Customs authorities and are used solely for the purposes of the operation of the lines.

As regards fuel and lubricants, it is understood that, should either contracting State by a subsequent agreement regarding air lines grant benefits in the matter of Customs duties and charges to an air navigation undertaking of a third State, the same benefits shall be granted to air navigation undertakings of the other contracting State.

The aforesaid exemptions shall extend to the material referred to in the preceding paragraphs of the present Article temporarily imported free of duty in virtue of special permits since the operation of the line was taken over by the Deutsche Lufthansa A. G.

Any reductions or facilities accorded under Customs legislation to nationals shall also be accorded when the said objects and material are cleared through the Customs.

PROHIBITED AREAS.

Article 5.

Each of the two Contracting Parties may prohibit air navigation over particular areas in its territory, provided that no distinction is made in this respect between aircraft of the other Contracting Party and aircraft of other foreign States.

Furthermore, each of the Contracting Parties reserves the right, in exceptional circumstances, temporarily to restrict or prohibit, wholly or partially, with immediate effect, air navigation over its territory in time of peace, provided that no distinction is made between aircraft of the other Contracting Party and aircraft of other foreign States.

Article 6.

Every aircraft which finds itself above a prohibited area shall, as soon as it is aware of the fact, give the signal of distress provided by the air navigation regulations of the State flown over, and shall land as soon as possible at the nearest aerodrome of that State situated outside the prohibited area.

MARKS, CERTIFICATES AND PERMITS.

Article 7.

Aircraft shall be provided with distinctive and clearly visible marks enabling them to be identified in flight (nationality and registration marks).

Aircraft shall carry certificates of registration and airworthiness, and in addition any other documents required for air navigation in their home country.

The members of the crew who perform duties in an aircraft, for the exercise of which a special permit is required in their home country, shall carry the certificates prescribed for air navigation in that country, and in particular the requisite certificates of proficiency and licences. The other members of the crew shall carry certificates stating their duties on board the aircraft and their occupation, identity and nationality.

Certificates of airworthiness, certificates of proficiency and licences, issued or approved by one of the Contracting Parties for aircraft of its own nationality or the crew thereof shall have the same validity in the other contracting State as the corresponding documents (that is to say, certificates of airworthiness, certificates of proficiency and licences) issued or approved in the latter State, so long as such aircraft retains the nationality aforesaid. Exceptions to this rule shall be subject to the approval of the air navigation authorities of the other country.

Each of the two Contracting Parties reserves the right to refuse to recognise as valid for air navigation within its own territory certificates of proficiency and licences issued to its own nationals by the other contracting State.

The crew and passengers shall be provided with the requisite documents in conformity with the regulations relating to international traffic, save in so far as otherwise agreed between the two Parties.

The competent authorities of the two Contracting Parties shall be entitled to prohibit an aircraft from taking off, if in their opinion it is in such a state of upkeep that under the regulations of the State of which it possesses the nationality its certificate of airworthiness would no longer be valid.

Should the certificate of airworthiness of any aircraft possessing the nationality of either Contracting Party have ceased to be valid for any reason while such aircraft is in the territory of the other Party, it shall be authorised by the competent authorities of the latter to return to its country of origin without passengers on the responsibility of the crew.

WIRELESS TRANSMITTING APPARATUS.

Article 8.

Aircraft of the two Contracting Parties may not be provided with wireless transmitting apparatus unless they hold a special permit for the purpose issued by their home country. The employment of this apparatus over the territory of either Contracting Party shall be governed by the relevant regulations in force in the State in question. Further, such apparatus may be used only by members of the crew holding a special licence from their home authorities.

The two contracting States reserve the right on grounds of safety to issue regulations regarding the compulsory equipment of aircraft with wireless transmitting apparatus.

PROHIBITED TRANSPORT.

Article 9.

Aircraft and their crews and passengers may not carry arms, ammunition, implements of war, toxic substances, carrier pigeons or explosives without special permission from the State flown

over. Signalling apparatus and ammunition therefor shall not be deemed to be arms or ammunition for the purpose of this clause.

A special licence shall not be required for the transport of photographic apparatus, if stowed in such a way that it cannot be used during the flight. Otherwise, a special licence shall be required.

Each contracting State may, on grounds of public safety, prohibit the transport within its own territory of articles other than those specified in the first paragraph, provided that no distinction be made in this respect between national aircraft and the aircraft of the other contracting State.

LIST OF PASSENGERS AND MANIFEST.

Article 10.

Aircraft carrying passengers or cargo shall be provided with a list of the passengers' names and a manifest showing the nature and quantity of the cargo, together with the necessary Customs declarations.

If, on the arrival of an aircraft, a discrepancy is noted between the goods carried and the entries in the above-mentioned documents, the Customs authorities shall communicate direct with the Customs authorities of the other contracting State.

EXAMINATION OF PRESCRIBED CERTIFICATES.

Article 11.

Each of the contracting States may, in its own territory, order the aircraft of the other State to be inspected on departure or landing by its competent authorities and the prescribed certificates and other documents to be examined.

UTILISATION OF AERODROMES AND OTHER SERVICES.

Article 12.

Every aerodrome which is open for public air traffic shall be open to the aircraft of either Contracting Party on the same conditions. The meteorological, wireless and information services may also be used by the aircraft of either contracting State.

Any landing charges, charge for stay, etc., shall be the same for national aircraft and the aircraft of the other State.

AERODROMES PROVIDED WITH CUSTOMS OFFICES.

Article 13.

Aircraft making for or coming from either contracting State may only land at or depart from aerodromes open for public air traffic provided with a Customs office and facilities for the inspection of passports; no intermediate landing may be made between the frontier and such aerodromes. In particular cases, the competent authorities may authorise an aircraft to land at, or depart from, other aerodromes where arrangements can be made for Customs and passport formalities to be carried out. The prohibition as regards landing between the frontier and the aerodrome shall apply equally to such special cases.

In the event of a forced landing or of a landing such as is provided for in Article 6, the pilot, crew and passengers shall observe the regulations and provisions in force in the country in which the landing is effected.

The two Contracting Parties shall communicate to one another a list of aerodromes open to public use. The lists shall include particulars as to which aerodromes are Customs aerodromes. Any changes in these lists and any restriction, even temporary, of the right to utilise any of these aerodromes must be notified without delay to the other Contracting Party.

CROSSING OF FRONTIERS.

Article 14.

The common frontiers of the two Contracting Parties may be crossed only between points fixed by the air authorities of the State concerned.

Any zone in which one Contracting Party has authorised its own aircraft or foreign aircraft to cross its frontiers shall also be open to the aircraft of the other Contracting Party.

BALLAST.

Article 15.

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

Article 16.

No articles or substances other than ballast may be dropped or otherwise ejected from an aircraft in flight, unless special permission has been given for the purpose by the State whose territory is affected.

SEIZURE.

Article 17.

Aircraft entering or passing over the territory of either contracting State and making therein only such landings and stoppages as are reasonably necessary shall be exempt from any seizure on the ground of infringement of patent, registered design or trade mark, subject to the deposit of security, the amount of which, in default of amicable agreement, shall be fixed with the least possible delay by the competent authority of the place of seizure.

ASSISTANCE TO AIRCRAFT IN DISTRESS.

Article 18.

The aircraft of either contracting State on landing shall be entitled to the same measures of assistance as national aircraft, particularly in the case of a forced landing.

The salvage of aircraft in distress at sea shall, in the absence of other arrangements, be governed by the principles of maritime law, as laid down in the existing international conventions, or failing such principles, by the national legislation of the country salvaging the aircraft.

EXCHANGE OF REGULATIONS.

Article 19.

The two Contracting Parties shall communicate to one another all regulations concerning air navigation within their respective territories.

EXECUTORY PROVISIONS AND DISPUTES.

Article 20.

Points of detail in connection with the execution of the present Convention shall be settled, wherever possible, by direct agreement between the competent authorities of the two Contracting Parties.

Each of the Contracting Parties shall notify the other of any breaches of the provisions of the present Convention committed within its territory by nationals, whether persons or undertakings, of the other State.

In the event of dispute between the two Contracting Parties in regard to the interpretation or application of the present Convention, any proposal by either Party for the submission of the dispute to the decision of an arbitral tribunal must be accepted by the other Party, including proposals for the reference of the preliminary question whether the dispute admits of such submission to an arbitral tribunal.

The arbitral tribunal shall be constituted for each particular case by the appointment by each Party of one of its own nationals as arbitrator, and the choice by both Parties of a national of a friendly country as third arbitrator.

The two Contracting Parties reserve the right to appoint the third arbitrator in any given dispute by preliminary agreement with one another for a limited period only.

The decision of the arbitrators shall be binding.

Article 21.

Each of the Contracting Parties may reserve for its own aircraft the commercial transport of passengers and goods between two points in its own territory, save in so far as provision is made in the Agreement on Air Navigation Lines, to be concluded as a supplementary Agreement to the present Convention, for joint traffic.

DENUNCIATION.

Article 22.

Either High Contracting Party may denounce the present Convention at any time at twelve months' notice.

RATIFICATION.

Article 23.

The present Convention shall be ratified and the instruments of ratification shall be exchanged as soon as possible in Berlin. The Convention shall come into force on the day on which the instruments of ratification are exchanged.

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

Done at Athens in duplicate, in the Greek and German languages, this 9th day of November, 1936.

(L. S.) (Signed) N. MAVROUDIS.
M. PASSARIS.
Prince Viktor ZU ERBACH-SCHÖNBERG.
Albert MÜHLIG-HOFMANN.