

N° 4357.

BULGARIE ET ROUMANIE

Convention relative à l'exploitation de lignes de communication aérienne régulières, et procès-verbal. Signés à Sofia, le 22 mai 1937.

BULGARIA AND ROUMANIA

Convention regarding the Operation of Regular Air Lines of Communication, and Procès-Verbal. Signed at Sofia, May 22nd, 1937.

¹ TRADUCTION. — TRANSLATION.

No. 4357. — CONVENTION² BETWEEN BULGARIA AND ROUMANIA REGARDING THE OPERATION OF REGULAR AIR LINES OF COMMUNICATION. SIGNED AT SOFIA, MAY 22ND, 1937.

French official text communicated by the Roumanian Envoy Extraordinary and Minister Plenipotentiary to the League of Nations. The registration of this Convention took place May 15th, 1938.

HIS MAJESTY THE KING OF THE BULGARIANS and HIS MAJESTY THE KING OF ROUMANIA, being equally desirous of regulating, facilitating and promoting the development of air communications in the two countries on the basis of the Convention³ relating to the Regulation of Aerial Navigation dated October 13th, 1919, have resolved to conclude a Convention for that purpose and have appointed as their respective Plenipotentiaries :

HIS MAJESTY THE KING OF THE BULGARIANS :

Monsieur Georges KIOSSEIVANOV, President of the Council of Ministers, Minister for Foreign Affairs, Minister of Public Worship ;

HIS MAJESTY THE KING OF ROUMANIA :

Monsieur Radu CRUTZESCO, Envoy Extraordinary and Minister Plenipotentiary at Sofia ;

Who, having communicated to each other 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 action by the other Contracting Party for the establishment and development of air lines as mentioned in Articles 2 and 3 of the present Convention, and to co-operate effectively in all measures required to obtain the necessary authorisation to fly over the territory of third States.

Article 2.

The Government of the Kingdom of Bulgaria shall grant to a Roumanian air navigation undertaking designated by the Government of the Kingdom of Roumania authorisation for the operation within Bulgarian territory of the air line :

Salonika-Sofia-Bucharest-Warsaw and *vice versa*.

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 Bucharest, April 15th, 1938. Came into force May 15th, 1938.

³ Vol. XI, page 173 ; Vol. XXIV, page 175 ; Vol. LIX, page 346 ; Vol. LXIII, page 389 ; Vol. LXXVIII, pages 438 and 441 ; Vol. CXVII, page 54 ; Vol. CXXXVIII, pages 418 and 427 ; Vol. CXLII, page 340 ; Vol. CLXIV, page 355 ; and Vol. CLXXXV, page 371, of this Series.

The Government of the Kingdom of Roumania shall grant to a Bulgarian air navigation undertaking designated by the Government of the Kingdom of Bulgaria authorisation for the operation within Roumanian territory of the same line :

Warsaw-Bucharest-Sofia-Salonika and *vice versa*.

The rights and obligations of the above-mentioned two national undertakings shall be defined on a basis of complete, though not exclusive, reciprocity.

Article 3.

The establishment of air lines crossing the territories of the two States Parties to this Convention, other than that referred to in the preceding Article, shall be effected in virtue of an agreement between the Governments of the High Contracting Parties.

The provisions of the present Convention shall, however, be applicable also to such new air lines.

Article 4.

The authorisations referred to in Articles 2 and 3 of the present Convention and the conditions of operation of the above-mentioned lines shall be the subject of special agreements to be concluded between the competent air administration of one of the High Contracting Parties with the air navigation undertaking designated by the Government of the other Contracting Party.

Article 5.

The air navigation undertaking designated by each of the High Contracting Parties shall enjoy in the territory of the other Contracting Party at least the same rights and facilities as are granted to the most favoured foreign air navigation undertaking.

Article 6.

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

Article 7.

Each of the High Contracting Parties shall, within its territory, grant the following privileges to the air navigation undertaking of the other Contracting Party :

(a) Free use, on the same conditions as apply to a national air navigation undertaking, of all aerodromes and emergency landing-grounds on the itinerary of the lines operated in application of the present Convention and, wherever possible, of all auxiliary installations and services ;

(b) The right to construct, in accordance with conditions laid down by the competent air administration, hangars, workshops and technical and other installations necessary to air traffic ;

(c) All such assistance as national aircraft are entitled to in case of forced landings or other aviation accidents, subject, however, to reimbursement of all actual expenses.

Article 8.

Aircraft, engines mounted in aircraft, spare parts (including spare engines), and all articles necessary for the equipment or maintenance of aircraft, and any other material that the competent administration may judge necessary for the operation of the lines mentioned in Articles 2 and

3 shall be admitted free of Customs duty on condition that they are imported for temporary use and are re-exported within one year.

This period may be extended by the competent authorities at the request of the undertaking concerned.

The above-mentioned material shall remain subject to inspection by the competent administration and may be employed only for the operation of the air lines mentioned in the present Convention.

Disused or damaged material on which Customs duty was not paid on entry shall be either re-exported or cleared through the Customs or destroyed under official supervision.

When disused or damaged material is subsequently cleared through the Customs, all reductions and facilities allowable by the national laws shall be applied.

Passengers, baggage and goods in transit shall be subject to Customs inspection. Such baggage and goods shall not be liable to any Customs duty.

Article 9.

The High Contracting Parties undertake to facilitate the operation of the contractual lines by simplifying and reducing all Customs and police formalities to the minimum permissible by their laws, regulations and ordinances.

Article 10.

The air navigation undertakings designated by the High Contracting Parties shall be compelled to conform to the provisions of the Convention for the Regulation of Aerial Navigation dated October 13th, 1919, and its annexes.

Article 11.

Each of the undertakings shall be obliged to conform, within the other State, to all laws, regulations, ordinances and prescriptions there in force.

Article 12.

For the flying and ground staffs within the territory of the other contracting State, these undertakings shall employ only Bulgarian and Roumanian nationals.

The employment of nationals of other States shall not be permitted unless previous authorisation has been granted to the undertaking concerned by the competent air administration of the other Contracting Party.

Article 13.

The undertakings designated by each Contracting Party shall be compelled to employ, within the territory of the other Contracting Party, the language of the latter for all regulations, notices and announcements intended for the public.

Correspondence between the undertaking and all public authorities shall be in the language of the country of the latter.

Article 14.

The undertakings designated by the High Contracting Parties shall be required to transport air mails 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 those two administrations.

Article 15.

The undertakings designated by the High Contracting Parties may not cede their rights, either wholly 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 withdraw the concession of the undertakings designated by it and to replace them by other undertakings.

In this case, the authorisation granted to the undertaking whose concession has been so withdrawn shall become invalid, and the new undertaking shall without delay be furnished with a similar authorisation.

An undertaking whose concession has been withdrawn by one of the contracting States shall not have the right to claim any damages from the other State.

Article 17.

In case of very serious infringements of the provisions of the present Convention or of the agreements concluded in accordance with Article 4 by the undertakings in question, each Contracting Party shall have the right to suspend the operation of the guilty undertaking within its territory and to require the other Contracting Party to designate another undertaking, and the suspended undertaking shall not have the right to claim any compensation for damage suffered on this account.

In case of less serious infringements, each of the High Contracting Parties shall have the right to request the undertaking of the other Contracting Party to dismiss the guilty employees. Effect must be given to such request for dismissal.

Article 18.

If one of the Contracting Parties ceases to be a party to the Convention relating to the Regulation of Aerial Navigation dated October 13th, 1919, the present Convention shall remain in force, but it may be revised at the request of one of the High Contracting Parties.

Article 19.

Details of application of the present Convention shall be settled by a special agreement to be concluded directly between the competent air authorities of the High Contracting Parties.

The High Contracting Parties agree that their competent air authorities shall settle the application of the provisions laid down by the present Convention by direct correspondence, without recourse to the usual diplomatic channel.

Article 20.

Differences relating to the application of the present Convention which cannot be settled through the diplomatic channel shall be submitted, at the request of one of the Contracting Parties, for decision to an arbitral tribunal to be constituted as follows :

Within one month of the communication by one of the Contracting Parties to the other of its wish to set up an Arbitral Tribunal, each of the contracting States shall appoint

an arbitrator. In the course of the following month, the arbitrators shall meet to choose a referee.

If the arbitrators are unable to agree, each of the Parties shall designate a third State, and the third State thus designated shall proceed to nominate a referee, either by joint agreement or by each proposing one name and then choosing between them by lot.

Decisions of the Arbitral Tribunal shall be binding upon the Parties.

The costs of arbitration shall be fixed by the Tribunal and shall be borne equally by the two Parties.

Article 21.

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

It shall come into force on the thirtieth day following the exchange of ratifications and shall remain in force until June 30th, 1944.

After the expiry of this first period, the Convention shall be renewed by tacit agreement for terms of five years, unless denounced by one of the Contracting Parties not later than two years before the expiry of the term then current.

The present Convention may be revised at any time after July 1st, 1941, at the request of one of the High Contracting Parties, at one year's notice.

A request by one of the High Contracting Parties for revision must be accepted by the other Party.

In case of refusal, the Party putting forward the request for revision shall reserve the right to denounce the Convention.

Done in duplicate at Sofia, this 22nd day of May, 1937.

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

(Signed) G. KIOSSEIVANOV.

(Signed) R. CRUZESCU.

PROCÈS-VERBAL.

At the time of proceeding to sign the Convention between Bulgaria and Roumania regarding the operation of regular air lines, the undersigned duly authorised Plenipotentiaries declare as follows :

1. With regard to the application of Article 7 of the Convention, it is specified that, since Bulgaria has not at present all the necessary hangars available, the Bulgarian Government cannot for the time being place hangars at the disposal of the undertaking designated by the Roumanian Government.

If later the Bulgarian Government adds to the existing number of hangars, or in any other event, the company designated by the Roumanian Government shall have priority over other foreign companies in the right to use new constructions.

In the meantime, the Bulgarian Government agrees that the company designated by the Roumanian Government may use the hangars, installations and auxiliary services which it has already placed at the disposal of the Polish and French undertakings. It will accordingly give its assent to this arrangement as soon as the Roumanian Government

informs it that an agreement to this effect has been concluded between the undertaking designated by the Roumanian Government and one of the above-mentioned undertakings.

2. As regards the application of the first paragraph of Article 12 of the present Convention, it is specified that the air navigation undertaking designated by each of the High Contracting Parties shall employ on its ground, administrative and technical staffs, within the territory of the other Contracting Party, nationals of the latter State to the extent of 80 % of the whole.

The undertaking's representative within the territory of the other Contracting Party shall be excepted from the calculation of this percentage.

In faith whereof the undersigned Plenipotentiaries have drawn up the present Procès-Verbal, which shall form an integral part of the Convention, and have thereto affixed their signatures.

(Signed) G. KIOSSEIVANOV.

(Signed) R. CRUTZESCU.
