

N° 4430.

ITALIE
ET TCHÉCOSLOVAQUIE

Accord relatif à l'établissement et à l'exploitation de lignes aériennes régulières à travers le territoire des deux Etats. Signé à Rome, le 10 mai 1937.

ITALY
AND CZECHOSLOVAKIA

Agreement regarding the Establishment and Operation of Regular Air Lines across the Territories of the Two States. Signed at Rome, May 10th, 1937.

¹ TRANSLATION.

No. 4430. — AGREEMENT BETWEEN ITALY AND CZECHOSLOVAKIA REGARDING THE ESTABLISHMENT AND OPERATION OF REGULAR AIR LINES ACROSS THE TERRITORIES OF THE TWO STATES. SIGNED AT ROME, MAY 10TH, 1937.

HIS MAJESTY THE KING OF ITALY, EMPEROR OF ETHIOPIA,

and

HIS EXCELLENCY THE PRESIDENT OF THE CZECHOSLOVAK REPUBLIC,

Being equally convinced that it is to the mutual advantage of Italy and Czechoslovakia to facilitate the establishment of air navigation lines across the territories of the two States, have decided to modify the Agreement for the establishment and operation of a regular air line Trieste-Prague, signed at Rome on April 28th, 1932, and to conclude a new Agreement for this purpose, and have appointed as their respective Plenipotentiaries :

HIS MAJESTY THE KING OF ITALY, EMPEROR OF ETHIOPIA :

Count Galeazzo CIANO dei Conti di Cortellazzo, His Minister, Secretary of State for Foreign Affairs ;

HIS EXCELLENCY THE PRESIDENT OF THE CZECHOSLOVAK REPUBLIC :

Dr. Francis CHVALKOVSKÝ, Envoy Extraordinary and Minister Plenipotentiary of Czechoslovakia at Rome, and

M. Eugen SYROVÁTKA, Director-General of Civil Aviation in the Czechoslovak Ministry of Public Works ;

Who, having exchanged their full powers, found in good and due form, have agreed as follows :

Article 1.

The Italian Government shall, in so far as Italian territory is concerned, grant to a Czechoslovak air navigation undertaking to be designated by the Czechoslovak Government the necessary authorisations for the operation of an air line Prague-Bratislava-Klagenfurt-Trieste-Venice-Rome, with optional landing at Trieste and with the possibility of a continuous service throughout the whole year.

The Czechoslovak Government shall, on a basis of reciprocity and in so far as Czechoslovak territory is concerned, grant to an Italian air navigation undertaking to be designated by the Italian Government the necessary authorisations for the operation of the following air transport lines :

- (1) Rome-Venice-Trieste-Klagenfurt-Bratislava-Prague, with optional landings at Trieste and at Klagenfurt ;
- (2) Vienna-Budapest, passing over Czechoslovak territory without landing ;
- (3) Venice-Munich-Berlin, passing over Czechoslovak territory without landing ;

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

(4) Rome-Venice-Vienna-Cracow-Warsaw, with or without landing on Czechoslovak territory.

The routes to be followed by the above-mentioned lines shall be determined, in regard to their respective territories, by the highest aeronautical authorities of the two States.

It is understood that the routes and landing-places may be modified by agreement between the highest aeronautical authorities of the two States.

Each of the two undertakings operating the services of the Rome-Prague line shall be entitled to use aircraft of the type which it regards as being most suitable and satisfying the technical requirements as to safety approved by the International Commission for Air Navigation (I. C. A. N.).

Should one of the undertakings designated for the operation of the Rome-Prague line be unable to operate that line, either wholly or in part, the other undertaking may operate the said line alone, with full enjoyment of the advantages specified in the present Agreement.

In respect of every air line operating over his own territory, with or without landings, for which authorisation is given to undertakings of the other High Contracting Party, each of the High Contracting Parties shall be entitled, on the ground of reciprocity, to request authorisation for the operation of a similar air line over the territory of the other High Contracting Party.

Article 2.

The two air navigation undertakings designated for the operation of the Rome-Prague line shall come to an agreement as to the manner of operating the said line. Such agreements shall, in each particular case, be subject to the approval of the aeronautical administrations of the two States.

The High Contracting Parties undertake to ensure complete reciprocity of treatment to the above-mentioned undertakings.

Article 3.

In the operation of the Rome-Prague line, certificates of competency and licences of navigating personnel issued by one of the High Contracting Parties shall be recognised as valid and shall be accepted in practice for the flying of aircraft registered with the other High Contracting Party.

Article 4.

The High Contracting Party respectively concerned shall grant to the Czechoslovak undertaking in Italy and to the Italian undertaking in Czechoslovakia the right to engage in internal transport, that is to say, the right to carry by air, on a commercial basis, passengers, baggage and goods between aerodromes situated, within each State, on the routes of the air lines mentioned in Article 1. The right to engage in internal transport shall be expressly recognised in the concessions to be granted to the two undertakings.

Article 5.

Each of the undertakings designated for the operation of the lines specified in Article 1 shall communicate to the competent authority of the other State, at least four weeks before their coming into force, its time-tables and facilities for connection with other air lines, as well as the frequency of the service, and shall, within the same time-limit, indicate the type of material it intends to use.

Article 6.

The postal administrations of the two States shall arrive at an agreement as to the use of the lines for the conveyance of mail.

Article 7.

Each of the High Contracting Parties shall be entitled at any time to substitute for the operating undertaking another undertaking to be designated by him for the operation of the air transport lines specified in Article 1. The new undertaking shall succeed to the rights of the undertaking which it replaces.

An air undertaking replaced in the operation of an air line shall not be entitled to claim any compensation from the other High Contracting Party.

Article 8.

The undertakings to which concessions are granted shall be under the obligation to observe and to cause to be observed by their own personnel and by passengers the regulations in force in the two States and, in particular, those which concern air navigation in general, in so far as they apply to all foreign aircraft without distinction of nationality, and those regarding Customs duties and other dues, export and import prohibitions, the carriage of persons and goods, safety, public order and health.

If, in the operation of the air lines, repeated infringements of the above-mentioned regulations should occur, the highest competent air navigation authority of the State concerned shall be entitled to require even the removal of the offending employee of the air undertaking.

In cases of more serious infringements of the above-mentioned regulations, the highest air navigation authority concerned shall be entitled to require the cancellation of the concessions granted to the undertaking responsible.

Article 9.

In the event of a forced landing or other accident occurring to the aircraft of the undertakings designated by one of the High Contracting Parties in the territory of the other State, the local authorities shall, subject to reimbursement of actual expenditure, be bound to give such aircraft the same assistance as is provided for by the regulations in force in respect of foreign aircraft.

Article 10.

Each of the High Contracting Parties shall, so far as possible, place at the disposal of the undertaking of the other High Contracting Party, on the same conditions as are applicable to national undertakings, the hangars intended for housing aircraft, aerodrome installations, ground and premises used as repair shops, store houses and aerodrome offices, together with the wireless telegraphy stations and meteorological services, and shall, as far as possible, facilitate petrol refuelling.

Article 11.

Aircraft, engines and spare parts intended for the operation of the air lines specified in Article 1 shall be temporarily admitted to the territories of the High Contracting Parties free of Customs duty. Such articles shall remain subject to the supervision of the Customs administration of the State which gave the authorisation and may be used only for the requirements of the air lines specified in Article 1. Articles which have become unfit for use and on which no Customs duties were paid on entry shall be re-exported unless the said duties have been paid subsequently. The subsequent Customs clearing of articles unfit for use shall be authorised and facilitated in every possible way.

Article 12.

The highest air navigation authorities of the two States shall come to a direct agreement with regard to the execution of the present Agreement.

Article 13.

The present Agreement shall be ratified and the ratifications shall be exchanged at Prague as soon as possible. It shall come into force on the date of the exchange of ratifications and shall remain in force until December 31st, 1942. It shall be renewed by tacit consent for successive periods of five years unless denounced by one of the High Contracting Parties twelve months before the expiration of the current period for which it is in force.

Moreover, should the Convention relating to the Regulation of Aerial Navigation of October 13th, 1919, be denounced by the Kingdom of Italy or by the Czechoslovak Republic, in accordance with the provisions of Article 43 of the said Convention, the present Agreement shall cease to be in force as from the date on which such denunciation of the Convention takes effect.

Article 14.

The Agreement between Italy and Czechoslovakia for the establishment and operation of a regular air line Trieste-Prague, signed at Rome on April 28th, 1932, shall lapse as from the date on which the present Agreement comes into force.

In faith whereof the Plenipotentiaries have signed the present Agreement.

Done at Rome, this 10th day of May, 1937, in duplicate, in the Italian and Czech languages, both texts being authentic.

CIANO.

Dr. CHVALKOVSKÝ.

Ing. Eugen SYROVÁTKA.