

N° 4479.

ALLEMAGNE,
ÉTATS-UNIS D'AMÉRIQUE,
AUTRICHE,
BELGIQUE, BRÉSIL, etc.

Convention pour l'unification de cer-
taines règles relatives à la saisie
conservatoire des aéronefs. Signée
à Rome, le 29 mai 1933.

GERMANY,
UNITED STATES OF AMERICA,
AUSTRIA,
BELGIUM, BRAZIL, etc.

Convention for the Unification of
Certain Rules relating to the Pre-
cautionary Attachment of Aircraft.
Signed at Rome, May 29th, 1933

¹ TRADUCTION. — TRANSLATION.

No. 4479. — CONVENTION ² FOR THE UNIFICATION OF CERTAIN RULES RELATING TO THE PRECAUTIONARY ATTACHMENT OF AIRCRAFT. SIGNED AT ROME, MAY 29TH, 1933.

French official text communicated by the Netherlands Minister for Foreign Affairs. The registration of this Convention took place November 19th, 1938.

HIS MAJESTY THE KING OF ALBANIA, THE PRESIDENT OF THE GERMAN REICH, THE PRESIDENT OF THE UNITED STATES OF AMERICA, THE FEDERAL PRESIDENT OF THE REPUBLIC OF AUSTRIA, HIS MAJESTY THE KING OF THE BELGIANS, THE PRESIDENT OF THE UNITED STATES OF BRAZIL, THE PRESIDENT OF THE REPUBLIC OF CHILE, THE PRESIDENT OF THE NATIONALIST GOVERNMENT OF THE REPUBLIC OF CHINA, THE PRESIDENT OF THE REPUBLIC OF COLOMBIA, THE PRESIDENT OF THE REPUBLIC OF CUBA, HIS MAJESTY THE KING OF DENMARK AND ICELAND, THE PRESIDENT OF THE REPUBLIC OF ECUADOR, THE PRESIDENT OF THE REPUBLIC OF EL SALVADOR, THE PRESIDENT OF THE SPANISH REPUBLIC, THE PRESIDENT OF THE REPUBLIC OF FINLAND, THE PRESIDENT OF THE FRENCH REPUBLIC, HIS MAJESTY THE KING OF GREAT BRITAIN, IRELAND AND THE BRITISH TERRITORIES BEYOND THE SEAS, EMPEROR OF INDIA, THE PRESIDENT OF THE REPUBLIC OF GUATEMALA, THE PRESIDENT OF THE HELLENIC REPUBLIC, THE PRESIDENT OF THE REPUBLIC OF HONDURAS, HIS MOST SERENE HIGHNESS THE REGENT OF THE KINGDOM OF HUNGARY, HIS MAJESTY THE KING OF ITALY, HIS MAJESTY THE EMPEROR OF JAPAN, THE PRESIDENT OF THE REPUBLIC OF LITHUANIA, THE PRESIDENT OF THE UNITED STATES OF MEXICO, THE PRESIDENT OF THE REPUBLIC OF NICARAGUA, HIS MAJESTY THE KING OF NORWAY, HER MAJESTY THE QUEEN OF THE NETHERLANDS, THE PRESIDENT OF THE REPUBLIC OF POLAND, THE PRESIDENT OF THE REPUBLIC OF PORTUGAL, HIS MAJESTY THE KING OF ROUMANIA, THE PRESIDENT OF THE DOMINICAN REPUBLIC, THE CAPTAINS REGENT OF THE MOST SERENE REPUBLIC OF SAN MARINO, HIS HOLINESS THE SOVEREIGN PONTIFF, HIS MAJESTY THE KING OF SWEDEN, THE SWISS FEDERAL COUNCIL, THE

¹ Traduction du Gouvernement des Etats-Unis d'Amérique.

¹ Translation of the Government of the United States of America.

² *Ratifications deposited in Rome :*

SPAIN June 28th, 1934.

The ratification by the Spanish Government of the present Convention applies also to the Spanish Zone of the Protectorate of Morocco. The Spanish colonies are excluded.

GERMANY February 22nd, 1935.

ROUMANIA March 23rd, 1935.

ITALY (including the Italian Colonies and Possessions) September 29th, 1936.

BELGIUM (including the Colony of the Belgian Congo and the Mandated Territories of Ruanda-Urundi) October 14th, 1936.

HUNGARY May 15th, 1937.

POLAND August 31st, 1937.

THE NETHERLANDS (for the Kingdom in Europe) January 28th, 1938.

BRAZIL August 19th, 1938.

Came into force January 12th, 1937.

PRESIDENT OF THE CZECHOSLOVAK REPUBLIC, THE PRESIDENT OF THE REPUBLIC OF TURKEY, THE CENTRAL EXECUTIVE COMMITTEE OF THE UNION OF SOVIET SOCIALIST REPUBLICS, THE PRESIDENT OF THE UNITED STATES OF VENEZUELA, HIS MAJESTY THE KING OF YUGOSLAVIA,

Having recognized the advantage of adopting certain uniform rules concerning the precautionary attachment of aircraft,

Have to this end named their respective Plenipotentiaries,

Who, being thereto duly authorized, have concluded and signed the following Convention :

Article 1.

The High Contracting Parties agree to take the necessary measures to put into force the rules established by the present Convention.

Article 2.

(1) By precautionary attachment within the meaning of the present Convention shall be understood any act, whatever it may be called, whereby an aircraft is seized, in a private interest, through the medium of agents of justice or of the public administration, for the benefit either of a creditor, or of the owner, or of the holder of a lien on the aircraft, where the attaching claimant cannot invoke a judgment and execution, obtained beforehand in the ordinary course of procedure, or an equivalent right of execution.

(2) In case the applicable law gives the creditor who holds the aircraft without the consent of the operator the right of detention, the exercise of this right shall, for the purposes of the present Convention, be the same as precautionary attachment and be governed by the régime contemplated in the present Convention.

Article 3.

(1) The following aircraft shall be exempt from precautionary attachment :

(a) Aircraft assigned exclusively to a Government service, the postal service included, commerce excepted ;

(b) Aircraft actually put in service on a regular line of public transportation and indispensable reserve aircraft ;

(c) Any other aircraft assigned to transportation of persons or property for hire, when it is ready to depart for such transportation, except in a case involving a debt contracted for the trip which it is about to make or a claim arising in the course of the trip.

(2) The provisions of the present Article shall not apply to a precautionary attachment made by the owner of an aircraft who has been dispossessed of the same by an unlawful act.

Article 4.

(1) In case attachment is not prohibited or in case the aircraft is exempt from attachment and the operator does not invoke such exemption, an adequate bond shall prevent the precautionary attachment or give a right to immediate release.

(2) The bond shall be adequate if it covers the amount of the debt and the costs and is assigned exclusively to payment of the creditor, or if it covers the value of the aircraft in case this is less than the amount of the debt and costs.

Article 5.

In every case a judgment shall be rendered on a suit for release of the precautionary attachment in a summary and rapid procedure.

Article 6.

(1) If an aircraft has been attached which is exempt from attachment according to the provisions of the present Convention, or if the debtor has had to furnish bond to prevent the attachment or to obtain the release thereof, the attaching claimant shall be liable in accordance with the law of the forum for the resulting damage to the operator or the owner.

(2) The same rule shall apply in case a precautionary attachment has been made without just cause.

Article 7.

The present Convention shall not apply to precautionary measures prescribed in bankruptcy proceedings, nor to precautionary measures taken in case of violation of customhouse, penal or police regulations.

Article 8.

The present Convention shall not prevent the application of international conventions between the High Contracting Parties which provide for more liberal exemptions from attachment.

Article 9.

(1) The present Convention shall apply on the territory of any one of the High Contracting Parties to any aircraft registered in the territory of another High Contracting Party.

(2) The expression "territory of a High Contracting Party" includes any territory under the sovereign power, suzerainty, protection, mandate or authority of the said High Contracting Party, for which the latter is a Party to the Convention.

Article 10.

The present Convention shall be drawn up in French in one original copy which shall remain deposited in the archives of the Ministry for Foreign Affairs of the Kingdom of Italy, and of which a duly certified copy shall be sent by the Government of the Kingdom of Italy to each of the Governments concerned.

Article 11.

(1) The present Convention shall be ratified. The instruments of ratification shall be deposited in the archives of the Ministry for Foreign Affairs of the Kingdom of Italy, which shall notify each of the Governments concerned of the deposit thereof.

(2) As soon as five ratifications shall have been deposited, the Convention shall come into force between the High Contracting Parties which shall have ratified it, ninety days after the deposit of the fifth ratification. Each ratification which shall be deposited subsequently shall take effect ninety days after such deposit.

(3) It shall be the duty of the Government of the Kingdom of Italy to notify each of the Governments concerned of the date on which the present Convention comes into force.

Article 12.

(1) The present Convention, after its coming into force, shall be open for accession.

(2) The accession shall be effected through a notification addressed to the Government of the Kingdom of Italy, which shall inform each of the Governments concerned.

(3) The accession shall take effect ninety days after the notification made to the Government of the Kingdom of Italy.

Article 13.

(1) Any one of the High Contracting Parties may denounce the present Convention through a notification made to the Government of the Kingdom of Italy, which shall at once notify each of the Governments concerned.

(2) The denunciation shall take effect six months after notification thereof and shall operate only with respect to the Party making the denunciation.

Article 14.

(1) The High Contracting Parties may, at the time of signature, deposit of the ratifications, or accession, declare that the acceptance which they give to the present Convention shall not apply to all or to any part of their colonies, protectorates, overseas territories, mandated territories, or any other territory under their sovereignty, authority or suzerainty.

(2) The High Contracting Parties may subsequently notify the Government of the Kingdom of Italy that they intend to render the present Convention applicable to all or any part of their colonies, protectorates, overseas territories, mandated territories or any other territory under their sovereignty, authority or suzerainty so excluded from their original declaration.

(3) They may, at any time, notify the Government of the Kingdom of Italy that they intend to have the present Convention cease to apply to all or to any part of their colonies, protectorates, overseas territories, mandated territories, or any other territory under their sovereignty, authority or suzerainty.

(4) The Government of the Kingdom of Italy shall inform each of the Governments concerned of the notifications made in accordance with the last two paragraphs.

Article 15.

Any of the High Contracting Parties shall be entitled, not earlier than two years after the coming into force of the present Convention, to call for a meeting of another international conference in order to consider any improvements which might be made in the present Convention. To this end it shall communicate with the Government of the French Republic, which will take the necessary measures in preparation for such conference.

The present Convention, done at Rome, May 29th, 1933, shall remain open for signature until January 1st, 1934.

In testimony whereof, the Plenipotentiaries have signed the present Convention.

For Germany :

Reinhold RICHTER.
Dr. WEGERDT.
Dr. ALBRECHT.
Dr. *Jur.* Otto RIESE.

the United States of America exclusive of the territory of Alaska.

John C. COOPER, Jr.
JAECKEL.
John Jay IDE.

For the United States of America :

The Delegation of the United States of America declares that the Convention shall apply only within the continental limits of

For Austria :

GRUENEBAUM.
STROBELE.

For Belgium :

H. DE VOS.

*For Brazil :*Alcibiades PEÇANHA.
Trajano MEDEIROS DO PAÇO.*For Denmark :*L. INGERSLEV.
Knud GREGERSEN.*For El Salvador :*

A. SANDOVAL.

*For Spain :*Juan F. DE RANERO.
Alejandro ARIAS SALGADO.*For France :*A. DE LAPRADELLE.
George RIPERT.*For Great Britain and Northern Ireland :*A. H. DENNIS.
A. W. BROWN.*For India :*A. H. DENNIS.
A. W. BROWN.*For Guatemala :*J. HERRERA.
Federico G. MURGA.*For Italy :*

A. GIANNINI.

For Lithuania :

V. CARNECKIS.

For Norway :

M. MJOELLNER.

For Poland :

Léon BABINSKI.

*For Roumania :*D. I. GHICA.
Al. Cantacuzino PASCANU.
Et. VERON.*For San Marino :*

GOZI.

*For Switzerland :*F. HESS.
CLERC.*For Czechoslovakia :*SZALATNAY.
Dr. Jur. NETIK.*For Turkey :*

H. VASSIF 8/6/33.

For Yugoslavia :

D. KASSIDOLATZ (9/VIII/1933).

*For Honduras :*Augusto Guglielmo TUCCIMEI
(12/X/1933).*For Hungary :*

André DE HORY (18/XII/1933).

For the Netherlands :

J. PATIJN. (30/XII/1933).