

GRANDE-BRETAGNE
ET IRLANDE DU NORD
ET GRÈCE

Convention relative aux services de transports
aériens et Protocole de signature, signés à
Athènes, le 30 mai 1939, et échange de
notes y relatif de la même date.

Textes officiels anglais et grec de la Convention et du Protocole communiqués par le représentant a. i. de la Grèce près la Société des Nations, et le secrétaire d'Etat aux Affaires étrangères de Sa Majesté en Grande-Bretagne. L'enregistrement a eu lieu le 9 juillet 1940.

Texte officiel français de l'échange de notes communiqué par le secrétaire d'Etat aux Affaires étrangères de Sa Majesté en Grande-Bretagne. L'enregistrement a eu lieu le 16 janvier 1941.

GREAT BRITAIN
AND NORTHERN IRELAND
AND GREECE

Convention respecting Air Transport Services,
and Protocol of Signature, signed at Athens,
May 30th, 1939, and Exchange of Notes
relating thereto of the Same Date.

English and Greek official texts of the Convention and Protocol communicated by the Acting Representative of Greece to the League of Nations, and by His Majesty's Secretary of State for Foreign Affairs in Great Britain. The registration took place July 9th, 1940.

French official text of the Exchange of Notes communicated by His Majesty's Secretary of State for Foreign Affairs in Great Britain. The registration took place January 16th, 1941.

No. 4732. — CONVENTION¹ BETWEEN GREAT BRITAIN AND NORTHERN IRELAND AND GREECE RESPECTING AIR TRANSPORT SERVICES. SIGNED AT ATHENS, MAY 30TH, 1939.

HIS MAJESTY THE KING OF GREAT BRITAIN, IRELAND AND THE BRITISH DOMINIONS BEYOND THE SEAS, EMPEROR OF INDIA ;
and

HIS MAJESTY THE KING OF THE HELLENES ;

Desiring to replace by a new Convention the Convention² signed at Athens on the 17th April, 1931, regarding the Operation of Air Transport Services, which Convention was terminated on the 21st April, 1938 ;

Have appointed as their Plenipotentiaries :

HIS MAJESTY THE KING OF GREAT BRITAIN, IRELAND AND THE BRITISH DOMINIONS BEYOND THE SEAS, EMPEROR OF INDIA :

FOR GREAT BRITAIN AND NORTHERN IRELAND :

Sir Sydney Philip Perigal WATERLOW, K.C.M.G., C.B.E., His Envoy Extraordinary and Minister Plenipotentiary at Athens.

HIS MAJESTY THE KING OF THE HELLENES :

His Excellency Monsieur Nicolas MAVROUDIS, Permanent Under-Secretary of State at the Ministry of Foreign Affairs,

Who, having communicated to each other their full powers found in good and due form, have agreed as follows :

Article 1.

Unless otherwise indicated, the following definitions shall apply for the purposes of the present Convention :

(i) The term " British Air Services " shall denote the air services specified in Article 3 of the present Convention or such other British air services as may be agreed upon under Article 5, and the term " British Air Transport Company (or Companies) " shall denote the company (or companies) operating the British Air Services.

(ii) The term " Greek Air Services " shall denote the air services specified in Article 4 of the present Convention or such other Greek air services as may be agreed upon under Article 5, and the term " Greek Air Transport Company (or Companies) " shall denote the company (or companies) operating the Greek Air Services.

(iii) The term " Air Services " shall denote the British and the Greek Air Services, and the term " Air Transport Companies " shall denote the air transport companies operating the Air Services.

¹ Came into force April 21st, 1938.

² Vol. CXXIX, page 287, of this Series.

(iv) The terms "British aircraft" and "Greek aircraft" shall denote aircraft employed in the operation of the British and the Greek Air Services respectively, and the term "aircraft" shall denote aircraft employed in the operation of the Air Services.

(v) The term "landing place (or places)" shall denote any or all of the landing places at which the Air Transport Companies shall have the right to land in pursuance of Articles 3 and 4 of the present Convention or which may be agreed upon under Article 5, together with any places at which aircraft may land in accordance with the provisions of Article 6 (2).

(vi) The term "territory" or "territories" in relation to one or the other High Contracting Party shall denote the territory or territories of that High Contracting Party flight over which is or may be permitted to aircraft in accordance with the provisions of the present Convention.

(vii) The term "territory" or "territories" includes territorial waters.

Article 2.

The provisions of the present Convention shall apply only to the Air Services, Air Transport Companies and aircraft defined in Article 1 of the Convention; and shall apply to those Services, Companies and aircraft only in so far as concerns the working of the routes the operation of which is or may be permitted in accordance with the provisions of the Convention and for the periods during which those routes may be operated.

Article 3.

1. The British Air Transport Companies operating the air services between the United Kingdom and Africa and Asia shall have the right to fly over Greek territory in accordance with the provisions of the present Convention and with Greek Laws.

2. The routes which the British Air Transport Companies may use over Greek territory are the following:

1. Great Britain-Italy-Greece and beyond.
2. Great Britain-Yugoslavia and/or Bulgaria-Greece and beyond.
3. Great Britain-Malta-Greece and beyond.

On routes 1 and 2 above a landing at Athens will be compulsory, except as provided in paragraphs 6 and 7 of the present Article.

3. On each of the above-mentioned routes the land aircraft or marine aircraft of the British Air Transport Companies will have the right to alight at recognised airports, and to use in case of necessity all emergency landing places along the routes. The previous consent of the Greek Air Ministry will be necessary for any eventual regular use by British land or marine aircraft of other airports in the country as regular places of call.

4. In the event of a British Air Transport Company desiring to operate one of the routes specified in paragraph 2 of this Article instead of or in addition to one of the others, a notification to that effect shall be made to the Greek Government by the Company at least one month before commencing the operation of that route.

5. In order to avoid competition disadvantageous to air navigation in general, the following provision shall apply if and when air services are established by the Greek national company and or by a national company or companies of Bulgaria, Yugoslavia, Turkey, Italy and Egypt working in collaboration with the Greek national company, which carry local traffic between Greece on the one hand and on the other hand any of the above-mentioned countries. During the period of six months commencing from the date on which the Greek Government give notice to the Government of the United Kingdom and to the British Air Transport Company of the establishment of any such air service, the British air transport company and the Greek national company shall endeavour to conclude an agreement, approved by the competent Departments of the Government of the United Kingdom and the Greek Government, with regard to local traffic between Greece and the country with which the air service is established. If such an agreement is not concluded, the British Air Transport Company shall not, after the expiration of the said period of six months, embark in Greece passengers or goods beginning their journey in Greece whose destination is a place in the country with which such an air service has been established. The company also shall not embark in the latter country passengers or goods beginning their journey in that country whose destination is a place in Greece.

6. On days when, according to their respective established time-tables, a flight Athens-Egypt or vice versa is carried out by the Greek Company or by a company working in collaboration with the latter in the operation of the local air services referred to in paragraph 5 above, the British Air Transport Company shall have the right to fly over Greek territory to or from Egypt via Creta without stopping at Athens. The British Air Transport Company shall have the same right in respect of additional flights to or from Egypt on days when one of their aircraft stops at Athens on the journey to or from Egypt.

7. In the event of any meteorological stations announcing, or of the pilot judging, that flight is impossible on any route along which the British Air Transport Companies are or may be permitted to operate, British aircraft may follow the route by Navarino-Suda Bay or the route Sofia-Constantinople-Salonica-Athens, as the case may be.

Article 4.

The Greek Air Transport Company has the right to establish and to operate regular air services between Greece on the one hand and Malta and/or Cyprus on the other and to make use of the airports in Malta and Cyprus open to civil aviation.

Article 5.

The Air Transport Companies shall have the right to operate such other routes and to utilise such other landing places as may from time to time be agreed upon, either instead of or in addition to those specified in the preceding Articles.

Article 6.

1. Nothing in the present Convention shall confer any right to use military air stations (whether aerodromes or seaplane stations) not normally open to civil air traffic.

2. Aircraft may, however, in case of *force majeure* at all times make use of any aerodrome or seaplane station along their route.

3. Nothing in the present convention shall prejudice the right of either High Contracting Party in exceptional circumstances relating to the safety of the State to specify landing places other than those mentioned in or agreed upon under the preceding Articles or to modify the routes mentioned in or agreed upon under those Articles ; or in the event of war completely to suspend the operation of those routes.

Article 7.

1. Subject to the provisions of Articles 3 (5) and 6 (1) of the present Convention, aircraft may embark and disembark mail, passengers and goods at any landing place.

2. Nothing in the present Convention shall affect the rights of either High Contracting Party under Articles 16 and 17 of the Convention¹ for the Regulation of Aerial Navigation of the 13th October, 1919.

Article 8.

1. Subject to any conditions required by the laws in force in the territory in which the landing occurs, the crew and passengers carried in aircraft may remain and goods and mail on board aircraft may be stored, at any landing place.

2. Where a flight is interrupted by an accident or forced landing or otherwise, all necessary facilities shall be accorded for enabling the Air Transport Company concerned to despatch the passengers, goods and mail to their destination as quickly as possible.

Article 9.

The Air Transport Companies shall fulfil the conditions necessary to entitle them to be registered as the owners of aircraft under the provisions of Article 7 of the Convention for the Regulation of Aerial Navigation of the 13th October, 1919.

Article 10.

1. Each High Contracting Party shall have the right to nominate his Air Transport Company or Companies on condition of notifying the other High Contracting Party of the nomination made either within one month after the coming into force of the present Convention or one month prior to the opening of any new service.

2. Each High Contracting Party shall at any time be entitled to substitute for or add to the Company or Companies originally nominated a new British or Greek Company or Companies on condition of notifying the other High Contracting Party of such substitution or addition one month before the opening of any new service.

3. A Company from which permission to operate has been withdrawn by the High Contracting Party by which it was nominated shall not by reason of that fact alone be entitled to make any claim against the other High Contracting Party.

Article 11.

The Air Transport Companies shall have complete freedom to determine the frequency of their services, their time-tables, charges and connexions with other air lines at the different ports of

¹ 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.

call, together with the type of aircraft which they shall employ, provided that notice shall be given to the competent Government Departments of the High Contracting Parties one month before the opening of any new service.

Article 12.

1. Subject to Article 6 (1) of the present Convention, each High Contracting Party will, so far as possible, place at the disposal of the Air Transport Companies of the other, on the same conditions as are applicable to the civil aviation undertakings of the first-named High Contracting Party, all available facilities in regard to hangars for housing aircraft, hoisting installations (cranes or slipways), ground or premises to be used for repair shops, storages and offices, together with oil and petrol refuelling facilities.

2. In the event of the air transport installations at an established air station being insufficient, the High Contracting Party concerned will by special agreement grant to the Air Transport Companies of the other, under conditions not inferior to those which apply in the case of the most favoured foreign company (but without making any reservations concerning the minimum cost of such installations) all available facilities for the erection or extension of the necessary installations.

Article 13.

1. The Air Transport Companies shall enjoy, in respect of their aircraft, treatment at all landing places similar to that granted to national aircraft in regard to landing and housing fees.

2. The British Air Transport Company has the right to be provided free of charge with the reports of Greek official meteorological stations as well as to make use of telephone, telegraph and wireless services in existence at the aerodromes and exclusively concerned with air navigation and safety of flying.

Article 14.

The High Contracting Parties agree to co-operate for the protection and security of the Air Services, and for this purpose they will develop to the fullest extent possible their meteorological and wireless services, together with all other aids to safe aerial navigation. The competent Government Departments of the High Contracting Parties will agree together as to the necessary measures of co-ordination.

Article 15.

1. Pending the establishment by the Greek Government of satisfactory wireless telegraphy services at and between the landing places referred to in Article 3 (3) of the present Convention, or which may be agreed upon under Article 5, the British Air Transport Companies shall be entitled to establish wireless stations in Greek territory by special agreement with the Greek Government, which shall be subject to denunciation at any time by giving one month's notice to that effect. These stations shall be erected at the expense of the Company by which they are established, and shall be worked on that Company's responsibility so as to observe the provisions both of the international radiotelegraphy conventions in force between the High Contracting Parties and the internal radiotelegraph regulations of Greece. The personnel of the above-mentioned wireless stations shall be Greek nationals, and their appointment shall be subject to the approval of the Greek Government.

2. The British Air Transport Companies may establish and make use of wireless stations on board British vessels moored in or passing through Greek territorial waters by special agreement with the Greek Government, which shall be subject to denunciation at any time by giving one month's notice to that effect. The personnel of such stations may consist of British or Greek nationals at the Company's option.

Article 16.

1. Aircraft required for the operation of the routes mentioned in Articles 3 and 4, as well as engines installed in such aircraft, the marine equipment necessary for the services and safety of the routes, spare parts (including spare engines) and fuel and oil on board at the time of entry of the aircraft of the company into the territory of the other High Contracting Party, shall be exempt from all duties and taxes. Fuel and lubricating oil taken on board at one of the airports of either of the High Contracting Parties shall be subject to payment of whatever duties and taxes are chargeable, and entitled to any exemptions which can be claimed under the legislation of the High Contracting Party in force in the territory in which the airport is situated, with the proviso that the quantities taxable under this heading should not in any case exceed those consumed in flying over the territory of that High Contracting Party and shall be defined in each instance from time to time according to the type of aircraft in use by a decision of the Air Ministry of that High Contracting Party. All articles necessary for the handling and safeguarding of aircraft and printed matter strictly necessary for the services shall in each country be exempt from customs duties on condition that all these articles and materials are imported for temporary use, and re-exported or cleared from customs or destroyed under official supervision before the expiry of one year. This period may be extended by the competent authorities at the request of the operating company.

The above-mentioned articles will remain under the control of the Customs administration and can only be used for the operating requirements of the Air Services. Further as regards clearance of these articles and materials from customs, all reductions and facilities permitted by national legislation will be granted.

2. Passengers, baggage and freight in transit will be placed under Customs control. This baggage and freight shall be exempt from all customs duty.

Article 17.

1. In the absence of agreement to the contrary, the Air Transport Companies of each High Contracting Party shall, within the territories of the other, only employ as technical personnel nationals of one or the other High Contracting Party, whether at landing places or during the course of flight over such territories; provided that the Air Transport Companies of each High Contracting Party shall give preference to the engineers and mechanics of the other for service as ground personnel in the territories of the latter if they are considered by the Company concerned to be sufficiently competent for the purpose.

2. In the absence of agreement to the contrary, the Air Transport Companies of each High Contracting Party shall, within the territories of the other, employ nationals of that High Contracting Party for all purposes which require no special training.

3. The Air Transport Company of the one High Contracting Party will be obliged, for purposes of liaison with the competent Authorities of the other High Contracting Party and for the purposes of the general application of the present Convention, to nominate in the capital

or chief town of the territory or territories of the other High Contracting Party a General Representative who shall be a national or a company of the other High Contracting Party. For liaison between the technical service of the Air Transport Companies and the Airport Authorities of the other High Contracting Party at each airport, each Company shall nominate as its representative a person holding suitable technical qualifications of the nationality of the other High Contracting Party, preferably a reserve or retired pilot.

Article 18.

1. The conveyance of air mails shall be regulated by direct agreement between the competent postal services of the two High Contracting Parties within three months from the date of the ratification of the present Convention.

2. The Air Transport Companies of each High Contracting Party will, however, reserve space on board their aircraft for the normal weight of mails coming from, destined for, or in transit across, the territories of the other.

Article 19.

1. The competent authorities of the High Contracting Parties at the landing places shall have the right to verify the number of passengers and the weight of the mails and goods, and also to examine the documents carried by aircraft.

2. The competent authorities of each High Contracting Party shall also have the right to examine the state of the flying material belonging to an Air Transport Company and to prohibit flight on the part of any aircraft judged by those authorities not to be airworthy in accordance with the regulations of the other High Contracting Party.

3. The Air Transport Companies of each of the High Contracting Parties will grant to the competent authorities of the other High Contracting Party six free return tickets each year available for journeys by their respective services between Athens and any first port of call outside Greece.

Article 20.

1. The Air Transport Companies of each High Contracting Party shall observe and shall cause to be observed by their employees the laws and regulations in force in the territories of the other, whether at landing places or in the course of flight over such territories. They will also, so far as possible, cause these laws and regulations to be similarly observed by their passengers and will notify the authorities of the High Contracting Party concerned in the event of any breach.

2. In the event of repeated breaches, the High Contracting Party affected shall have the right to require the dismissal of any employee who has been found guilty.

3. In case of necessity, that High Contracting Party may require the other to cancel the nomination of the Air Transport Company answerable, without thereby becoming liable to claim on the part of the Company.

4. Each High Contracting Party shall have the right to require the recall of any employee of an Air Transport Company whose presence in the territories of that High Contracting Party has been forbidden on grounds of public safety.

Article 21.

The details of the application of the present Convention shall so far as possible be arranged by direct agreement between the competent Government departments of the High Contracting Parties, or between the Air Transport Company and the High Contracting Party concerned.

Article 22.

In the event of any dispute arising between the High Contracting Parties concerning the interpretation or application of the provisions of the present Convention, it shall, at the request of either High Contracting Party, be referred to the Permanent Court of International Justice unless it is agreed to refer it to some other Tribunal.

Article 23.

The present Convention shall be ratified and the instruments of ratification shall be exchanged in London as soon as possible. Upon the exchange of ratifications the Convention shall be deemed to have entered into force as from the 21st April, 1938. It shall remain in force for a period of five years from that date and thereafter for successive periods of two years ; provided that if notice of termination is given in writing by one High Contracting Party to the other at least twelve months before the expiration of any of the said periods of five years or two years the Convention shall terminate at the end of such period.

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

Done at Athens in duplicate in the English and Greek languages, both texts being equally authentic, the thirtieth of May 1939.

SYDNEY WATERLOW.

N. MAVROUDIS.

PROTOCOL OF SIGNATURE.

At the moment of signing the Convention of this day's date relating to the operation of air services, the undersigned Plenipotentiaries declare that, pending the exchange of ratifications, provisional effect shall be given to the terms of the Convention as from the 21st April, 1938, subject to the right of either High Contracting Party to terminate the provisional operation of the Convention at any time before the exchange of ratifications by giving three months' notice to that effect.

Done at Athens in duplicate in the English and Greek languages, both texts being equally authentic, the thirtieth of May, 1939.

SYDNEY WATERLOW.

N. MAVROUDIS.

Pour copie conforme :

*Le Directeur des Affaires conventionnelles et commerciales
au Ministère des Affaires étrangères :*

A. Kyrou.

EXCHANGE OF NOTES.

¹ TRADUCTION. — TRANSLATION.

I. M. MAVROUDIS TO SIR S. WATERLOW.

ROYAL MINISTRY OF FOREIGN AFFAIRS.

SIR,

ATHENS, *May 30th*, 1939.

With the object of defining more closely the meaning of Article 3 of the Convention, signed this day, regarding the establishment of air transport services, I have the honour to declare to you that, in view of the fact that the Convention, once legally ratified, possesses the force of law and, consequently, takes precedence over previous laws, the Greek laws in force at the moment of bringing into force of the Convention will be applied in so far as they do not conflict with its provisions.

N. MAVROUDIS.

II. SIR S. WATERLOW TO M. MAVROUDIS.

BRITISH LEGATION.

YOUR EXCELLENCY,

ATHENS, *May 30th*, 1939.

I have the honour to declare that, in carrying out the terms of Article 17 (3) of the Convention, signed this day, regarding the establishment of air transport services, I undertake to advise British Air Transport Companies that they should, when nominating their representatives for each air port in Greece, as provided by the said Article, give preference to pilots of Greek nationality on the reserve list or in retirement.

SYDNEY WATERLOW.

III. M. MAVROUDIS TO SIR S. WATERLOW.

ROYAL MINISTRY OF FOREIGN AFFAIRS.

SIR,

ATHENS, *May 30th*, 1939.

With reference to Article 16 of the Convention, signed this day, regarding the establishment of air transport services, I have the honour to declare to you that British Air Transport Companies will not be required to pay taxes or duties greater than those to which all other foreign air Companies making regular flights in Greece (with the exception of the Italian Company, "Ala Littoria") are liable, or shall be liable in the future, or greater than those which the said Italian Company shall be required to pay after the expiry of the Convention at present in force between that Company and the Greek Government, that is to say after 13th September, 1941.

N. MAVROUDIS.

IV. SIR S. WATERLOW TO M. MAVROUDIS.

BRITISH LEGATION.

YOUR EXCELLENCY,

ATHENS, *May 30th*, 1939.

You were good enough to address to me this day a note in the following terms :

(As in No. III.)

I have now the honour to declare to you that I fully concur in the terms of the above-mentioned note.

SYDNEY WATERLOW.

¹ Traduction du Foreign Office de Sa Majesté britannique.¹ Translation of His Britannic Majesty's Foreign Office.