

## **Convention for the Unification of Certain Rules relating to the Precautionary Attachment of Aircraft**

His Majesty the King of Albania, the President of the German Reich, [...]

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 customs, 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 2th, 1933, shall remain open for signature until January 1st, 1934.

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