

ACT OF 31st MAY, 1962
AIR NAVIGATION LAW

Section I

GENERAL. PROVISIONS

Chapter I

Introductory provisions

Art. 1. 1. The provisions of the Air Navigation Law apply to the Polish civil aviation as well as, within the scope fixed by the same Law, to foreign civil aviation.

2. Are deemed civil aviation all kinds of aviation, with the exception of the Air Force and of the aviation in the service of the customs authorities and of the public order.

Art. 2. 1. The Polish civil aviation serves the following purposes:

1) The air transport of passengers, luggage, goods and mail;
2) The service of agriculture and forestry as well as that of other branches of the national economy, such as cooperation with the fire service, the fighting of floods, the taking of aerial photographs, etc.;

3) Scientific research;

4) Culture and education;

5) Sports;

6) Training.

2. The several kinds of Polish civil aviation may possess flags, emblems and pennons, whose patterns, description and conditions of use are fixed by the Minister of Transport.

Art. 3. Within the scope fixed by the Air Navigation Law, supervision over the Polish civil aviation, as well as over the activities of foreign civil aviation in Poland, is exercised by the Minister of Transport, without derogation to the rights of other Ministers.

Chapter 2

Sovereignty in air space

Art. 4. The Polish People's Republic possesses entire and exclusive sovereignty over the air space above its land territory, internal waters and territorial seas.

Chapter 3

Applicability of law

Art. 5. During flight in the Polish air space, as well as during their sojourn on Polish territory, all aircraft and their crews, passengers and property on board such aircraft are subject to Polish law, unless the latter should provide otherwise.

Art. 6. During flight outside the boundaries of the Polish air space, as well as during their sojourn in an area not subject to the sovereignty of any State, Polish aircraft and their crews, passengers and property on board such craft are subject to Polish law, unless the latter provides otherwise.

Art. 7. The manoeuvring and flight of an aircraft shall comply with the regulations in force within the boundaries of a given territory, and, in an area not subject to the sovereignty of any State, in accordance with the provisions of international law.

Art. 8. The provisions of Polish criminal law apply both Polish nationals and to foreigners who have committed abroad:

1) a crime or misdemeanour against the Air Navigation Law or regulations issued on its basis, if the perpetrator be the owner, operator, possessor or member of the crew of a Polish aircraft, or else if the deed has been committed on board a Polish aircraft.

2) a crime or misdemeanour against the provisions referred to in art. 7. if the duty to prosecute results from an international agreement to which Poland is a party, or else if the deed has been committed in an area not subject to the sovereignty of any State.

Art. 9. The rights and duties of the members of the crew of an aircraft, arising out of the labour relation, are evaluated in accordance with the law of the State whose nationality the aircraft in question has, unless the parties concerned have availed themselves of the possibility of electing another law.

Art. 10. Property and similar rights on an aircraft and on the goods on board thereof are evaluated according to the law of the State whose nationality the aircraft in question has.

Art. 11.1. The claims for compensation of damage caused in connection with the using of an aircraft, to persons and property situated outside such aircraft, including damage caused by the collision of aircraft, as well as claims for remuneration for assistance extended by an aircraft or to an aircraft, are evaluated according to the law of the State on whose territory the event has occurred; if the latter has taken place in an area not subject to the sovereignty of any State, the law of the Court which considers the dispute is applied.

2. If the parties involved and the aircraft which the dispute concerns all have the same nationality, the law of the State of their nationality is applied, irrespective of the place where the event occurred.

Art. 12. Polish law is applied to contracts for air carriage and other air services, as well as to claims which arise out of damage incurred in connection with the execution of such contracts, if the contract has been concluded, or is to be carried out, in Poland, or is to be carried out by a Polish juridical person, or by a Polish national, or with the use of a Polish aircraft, unless the parties concerned have availed themselves of the possibility of electing some other law.

Art. 13. 1. The law to be applied to the evaluation of the civil-law relations which have arisen, as a result of events on board an aircraft during flight, or while such aircraft was in an area not subject to the sovereignty of any State, is determined in the same way, as if the event in question had occurred in the place where such aircraft was registered.

2. The provisions of § 1 also apply to the evaluation of the form of a legal act.

Art. 14. If, according to the Air Navigation Law or to a contract, the legal relation is subject to foreign law, the latter ought to be applied in Poland, unless it be contrary to the fundamental principles of the legal order in force in Poland.

Chapter 4

The application of international agreements

Art. 15. 1. The provisions of the Air Navigation Law do not affect the international agreements binding upon Poland in the field of civil aviation.

2. The Minister of Transport issues, by way of Order, the necessary regulations for applying in Poland the agreements dealt with in §1.

Section IT

AIRCRAFT AND OTHER AERONAUTICAL EQUIPMENT

Art. 16. 1. An aircraft is a device destined to transport persons or goods in the air space, and able to be supported in the air by the reaction of the latter.

2. The Council of Ministers may, by way of Order, subject to all or some of the provisions of the Air Navigation Law the following devices:

1) those able to be supported in the air space by the reaction of the latter, but not destined to transport persons or goods;

2) those able to be supported in the air space independently of the reaction of air, whether destined or not destined to transport persons or goods.

Art. 17. 1. The nationality of an aircraft is determined according to the State in whose State register it has been entered.

2. If an aircraft figures simultaneously on the registers of various States, that entry which took place the earliest of all is alone recognized.

Art. 18. 1. The Minister of Transport keeps the Polish State Register of Aircraft, subsequently referred to as „the Polish Register”.

2. On the Polish Register are entered the aircraft which are the property of:

1) Polish juridical persons,

2) the State Treasury,

3) Polish nationals.

3. Other aircraft may be entered on the Polish Register on the basis of a permit, granted by the Minister of Transport after hearing the Ministers of National Defence and of Foreign Affairs.

4. An aircraft previously registered abroad may be entered on the Polish Register (§ 1) after the entry in the foreign Register has been cancelled.

5. The entry in the Polish Register comprises data which make it possible to determine the identity of the aircraft, its fundamental technical data, as well as data concerning the owner and user of the aircraft.

6. The entry of an aircraft on the Polish Register is confirmed by the issuance of a certificate of registration of the aircraft.

7. The owner of an aircraft has the duty of communicating to the Polish Register any data concerning the aircraft which are subject to be entered on that Register, as well as any changes in such data.

8. The striking out of an aircraft from the Polish Register takes place upon an application of its owner or ex-officio, if:

1) the aircraft has ceased to be the property of the persons enumerated under § 2,

2) the permit dealt with in § 3 has been withdrawn,

3) the aircraft has been entered on a foreign State Register,

4) the aircraft has been lost and failed to be found within three months,

5) the aircraft has undergone destruction, or permanently lost its airworthiness.

9. The Minister of Transport may, by way of Order, determine cases other than those enumerated in § 8, in which the striking of an aircraft off the Polish Register takes place.

10. Detailed principles of keeping the Polish Register, as well as the conditions on which aircraft are entered on this Register will be determined by the Minister of Transport by an Order.

Art. 19. 1. Only aircraft entered on the State Register and supplied with identification marks and other marks and inscriptions required, may be admitted to flights in the Polish air space.

2. The Minister of Transport shall establish by Order:

1) the identification marks and other marks and inscriptions for aircraft entered on the Polish Register, their description and the manner and place of their display on the aircraft;

2) the cases and conditions, under which flying in the Polish air space may be allowed to aircraft which have not been entered on the State Register, as well as to such as do not possess the marks and inscriptions required.

Art. 20. 1. The airworthiness of aircraft is subject to checking by the State organs of Aircraft Technical Supervision (art. 25) in the course of the construction, repair and operation of such aircraft.

2. The airworthiness of an aircraft is attested by the issuance of a certificate of airworthiness or, where aircraft admitted only to test flights are concerned, of a certificate of inspection of the airship.

3. The validity of a certificate of airworthiness (a certificate of inspection) of an aircraft is fixed for a determined period of time.

4. A certificate of airworthiness (certificate of inspection) of an aircraft is issued by State organs of aircraft technical supervision.

5. The Minister of Transport shall determine:

1) in agreement with the Ministers of Heavy Industry and of National Defence — the technical conditions which should be fulfilled by airworthy aircraft and their parts;

2) by Order — the principles and scope of the checking of the airworthiness of aircraft, the principles of issuing certificates of airworthiness and certificates of inspection of aircraft, as well as patterns of such certificates.

6. The Minister of Transport shall determine the general principles of the operation of aircraft.

Art. 21. 1. It is forbidden to perform flights in an aircraft:

1) which does not possess a valid certificate of airworthiness (or certificate of inspection);

2) contrary to the conditions and limitations stated in the certificate of airworthiness (certificate of inspection);

3) whose technical condition does not correspond to the conditions required during the issuance of a certificate of airworthiness (certificate of inspection), or when extending the validity of such certificates.

2. The provisions of § 1 do not apply to aircraft which carry out test flights required for the issuance or extension of the validity of a certificate of airworthiness (certificate of inspection) of such aircraft.

Art. 22. The Minister of Transport shall define what documents an aircraft should possess, what documents should be on board an aircraft during flight, as well as establish patterns of such documents; as far as documents dealing with communications equipment are concerned, the Minister of Transport shall act jointly with the Minister of Communications.

Art. 23. Documents attesting the airworthiness of an aircraft, issued or confirmed by the appropriate organ of a foreign State may be recognized as being valid in Poland on a footing of equality with similar documents issued by Polish authorities, in cases and on conditions determined, by Order, by the Minister of Transport.

Art. 24. 1. Within the scope and under the conditions stipulated in international agreements to which Poland is a party, foreign aircraft in Poland enjoy exemption from seizure, detention and other legal activities based on an infringement of patent, draught or well as exemption from under precautionary arrest.

2. The provisions of § 1 also apply, on the principle of reciprocity, to aircraft which have the nationality of States which are not parties to the agreements dealt with in § 1.

3. The provisions of § 1 and 2 apply appropriately to the spare parts and the emergency equipment of foreign aircraft.

Art. 25. Supervision over the observance of the provisions of the Air Navigation Law concerning aircraft, as well as of the provisions issued on the basis thereof, is exercised by the State organs of Aircraft Technical Supervision, called into being by the Minister of Transport, who shall determine the scope of their activities.

Art. 26. The Minister of Transport, acting in agreement with the Minister of National Defence, may extend the application of the provisions concerning entries in the Polish

Register, the marking, the testing of the airworthiness of aircraft, their documents, as well as technical supervision over such aircraft, to the component parts, equipment, auxiliary appliances of such aircraft, as well as to other aeronautical equipment.

Section III

AIRFIELDS AND AIR NAVIGATION GROUND FACILITIES

Art. 27. 1. An airfield is a segregated land area of together with the buildings and installations appurtenant to it, destined, entirely or in part, for arrival, departure and manoeuvring of aircraft.

2. Ground facilities are any facilities, whether on land or on water, or connected with land or the surface of the water, or else with structures on land or water, destined for the needs of air traffic and its safety, and not being airfields.

Art. 28. 1. The establishment and liquidation of an airfield, as well as the introduction, on existing airfields, of changes subject to entry on the State Register of civil airfields, require a permission from the Minister of Transport.

2. An airfield may be put in operation, if it has been entered on the State Register of Civil Airfields (art. 29).

3. The Minister of Transport in agreement with the Ministers of National Defence and of Internal Affairs, shall, by Order, determine the conditions and procedure of issuing the permissions mentioned in § 1.

Art. 29. 1. The Minister of Transport keeps the State Register of Civil Airfields.

2. The entering of an airfield on the State Register of Civil Airfields is confirmed by the issuance of a certificate of registration of the airfield.

3. The striking of an airfield off the State Register of Civil Airfields takes place upon the application of the manager of the airfield or ex officio, when the airfield has ceased to comply with the requirements prescribed for it. An airfield may also be struck off the State Register of Civil Airfields on the basis of a decision of the Minister of Transport, issued out of considerations of public interest.

4. The Minister of Transport, in agreement with the Minister of National Defence, shall determine by Order, the detailed principles of keeping the State Register of Civil Airfields.

Art. 30. 1. The State, or social organizations and juridical persons which establish airfields, or which manage or operate airfields, enjoy the right:

1) of constructing or installing aeronautical ground facilities on real property situated outside the boundaries of the airfield;

2) of access to aeronautical ground facilities, situated outside the boundaries of the airfield.

2. In the event of the construction or installation of aeronautical ground facilities on real property placed under the management of a State organization, both the place and the manner of construction or installation of such facilities must be co-ordinated with that organization; the place and manner of construction or installation of such facilities on real property situated within the boundaries of the littoral zone must moreover, be co-ordinated with the appropriate Maritime Office.

3. Permits for the construction and installation of aeronautical ground facilities on real property situated outside the boundaries of an airfield are issued by the appropriate organ of the Presidium of the district (city, town) People's Council; such a permit is at the same time an authorization for making use of the right of access to aeronautical ground facilities.

4. If the construction or installation of aeronautical ground facilities and the operation of such facilities as well as their maintenance causes such real property to cease to be fit for a continued rational exploitation for purposes as heretofore, such real property becomes liable, either to a transfer under the procedure and principles set forth in the regulations concerning the transfer of real property, or else to expropriation, under the procedure and principles set forth in the regulations concerning the expropriation of real property.

5. The compensation for damages or losses incurred as a result of the exercise of the rights mentioned in § 1 is determined by the organ for internal affairs of the Praesidium of the District People's Council, competent because of the location of the real property in question, under the procedure and principles set forth in the regulations on the expropriation of real property.

Art. 31. The Minister of Transport shall determine by Order:

1) in agreement with the Ministers of: National Defence, Internal Affairs, Municipal Economy, Communications and Health and Social Welfare:

- a) the principles of the classification of airfields.
- b) the conditions which airfields should fulfil for reasons of the security of air traffic;

2) in agreement with the Minister of National Defence — the principles of operation of airfields;

3) in agreement with the Minister of National Defence and the Chairman of the Committee of Construction, Town Planning and Architecture — the manner of marking those constructions which may constitute obstacles to air traffic.

Art. 32. 1. The management of an airfield is in the hands of a State or social organization, or of a juridical person, which has received the certificate of registration of the airfield.

2. If the condition of the airfield, or the manner of its operation, does not comply with the regulations concerning airfields, or in any other manner threatens the safety of air traffic, the manager of the airfield has the duty of:

1) closing the airfield to air traffic, or introducing the indispensable restrictions, until such lack of compliance or threat is removed,

2) immediately notifying the organ which keeps the State Register of Civil Airfields of the closing of the airfield, or of the restrictions introduced.

3. Should the manager of an airfield fail to comply with the duty dealt with in § 2, the Minister of Transport may order the closure of the airfield, or the restriction of its operation, for a definite or indefinite period of time.

4. In the event of giving up the operation of an airfield for the needs of air traffic, or of the manager of an airfield coming forward with a motion for the liquidation of the airfield, or else in the event of an order to close the airfield for an indefinite period of time (§ 3) the Minister of Transport may, in agreement with the Minister of National Defence, transfer the management of the airfield to another person.

Art. 33. Staying within the boundaries of an airfield, and in particular the vehicular and pedestrians, traffic as well as the use of the airfield or of its facilities without the permission of the manager of the airfield, are forbidden.

Art. 34. 1. Civil aircraft may take off and land only on airfields entered on the State Register of Civil Airfields, with the exception of the cases enumerated in § 2, and the necessity of forced landing.

2. In cases justified by the needs of the training of aeronautical personnel or of the performing special tasks, such as hospital flights, flights connected with fire-fighting or flood-fighting operations, as well as in other cases to be specified by the Minister of Transport, aircraft may take off from, or land on, places which are not airfields.

3. The conditions to be fulfilled by the places dealt with in § 2, as well as the conditions of aircraft using such places shall be specified by the Minister of Transport.

4. Civil aircraft may take off from, and land on, military airfields with the consent of the appropriate military authorities.

5. Aircraft which do not form part of the civil aviation may take off from, and land on, civil airfields after having previously notified the organs of air traffic (art. 44. §. 5).

Art. 35. The Minister of Transport calls into being the organs authorized to exercise supervision over the observance of the provisions of the Air Navigation Law and of the regulations issued pursuant to the latter, and concerning airfields and aeronautical ground facilities.

Art. 36. The Minister of Transport may, in agreement with the Minister of National Defence, extend the application of the provisions concerning airfields so as to cover, appropriately, also aeronautical ground facilities.

Section IV THE CIVIL AVIATION PERSONNEL

Art. 37. 1. A member of the aviation personnel is a person in possession of a valid licence, and who is entered on the State Register of Civil Aviation Personnel.

2. A valid licence is a certificate of aptitude, stating the possession of the qualifications required for obtaining the licence in question (art. 38 § 1), as well as evidence of being authorized to perform definite aeronautical activities.

3. The Minister of Transport keeps the State Register of Civil Aviation Personnel.

Art. 38. 1. A member of the civil aviation personnel may be only a person possessing the aeronautical qualifications prescribed by the regulations in force, as well as the appropriate moral qualifications.

2. The possessing of the qualifications dealt with in § 1 is checked prior to the issuing of a licence to a candidate for member of the civil aviation personnel.

Art. 39.1. The validity of the licence may be made dependent upon the result of a periodical or occasional checking of the aeronautical qualifications of a member of the aviation personnel.

2. The licence may be withdrawn, or some of the rights which arise from it taken away, suspended or limited, in the event when it has been found that:

1) a member of the aviation personnel has lost his qualifications for performing given aeronautical activities;

2) a member of the aviation personnel has infringed the provisions of the Air Navigation Law;

3) the carrying out, by a member of the aviation personnel, of his aeronautical functions may endanger the safety of air traffic.

Art. 40. It is forbidden:

1) to a person who does not possess a valid licence, to carry out activities for which a valid licence is required;

2) to a member of the aviation personnel to perform aeronautical activities other than those which result from his licence, or in a manner inconsistent with the conditions stipulated in such licence, unless it be a case of the training of aviation personnel, as determined in the provisions issued pursuant to art. 42 § 1 p. 4.

Art. 41. 1. A licence, issued or confirmed by the appropriate organ of a foreign State, may be declared valid in Poland, on a par with a Polish licence, in the cases and under the conditions determined by the Minister of Transport by Order.

2. In cases when this appears justified, the aeronautical qualifications of the member of foreign civil aviation personnel may be verified by the organ authorized by the Minister of Transport.

Art. 42. 1. The Minister of Transport shall determine by Order:

1) the division of the members of the civil aviation personnel into aeronautical categories, the licences appropriate for each of such categories and the rights which flow from the latter, as well as the duties of the members of the civil aviation personnel, connected with the carrying out of aeronautical activities by them;

2) the qualifications concerning age, general education, aeronautical knowledge, skill and experience;

3) the principles of issuing and withdrawing licences and of limiting, suspending and restoring the rights which flow from them, as well as the organs competent in such matters ;

4) the principles of obtaining and checking aeronautical qualifications and the organs authorized to carry out such checking;

5) the principles of keeping the State Register of Aeronautical Personnel.

2. The provisions described in § 1, p. 1, 2, 3 and 5 are issued by the Minister of Transport in agreement with the Minister of National Defence.

3. The qualifications, as to physical and mental fitness, required from candidates for members of the civil aviation personnel and from members of the civil aviation personnel, shall be determined by the Minister of Transport in agreement with the Minister of Health and Social Welfare and the Minister of National Defence.

4. The Minister of Transport shall determine the conditions of the members of the civil aviation personnel exercising the rights which flow from their licences, indispensable for ensuring safety of flights.

5. The Minister of Transport shall determine, in agreement with the Minister of Internal Affairs, by Order, in what cases the possession of Polish citizenship is necessary for obtaining the right of exercising the activities of a member of the civil aviation personnel.

Art. 43.1. Patterns of uniforms, rank badges and other distinctive marks to be worn by the members of the civil aviation personnel, are subject to approval by the Minister of Transport.

2. The Minister of Transport may introduce the duty of wearing uniforms by members of the civil aviation personnel.

Section V

AIR TRAFFIC

Chapter 1

Air Traffic in General

Art. 44. 1. The air traffic of civil aircraft in Poland takes place in the parts of the air space, and on the airfields, designated for such traffic.

2. The air traffic of aircraft in the parts of the air space and airfields mentioned

in paragraph 1, takes place in accordance with the principles of air traffic, defined for these parts of the air space and airfields.

3. The Ministers of Transport and of National Defence shall determine, by Order:

1) the principles of designating parts of the Polish air space and of airfields for the traffic of civilian aircraft;

2) the air traffic rules for aircraft in those parts of the air space and on those airfields;

3) the conditions required for civil aircraft carrying out flights outside such parts of the air space and outside such airfields.

4. The air traffic of aircraft outside the designated parts of the Polish air space and earmarked airfields (§1) takes place in accordance with the principles fixed by the Minister of National Defence.

5. The Minister of Transport shall, in agreement with the Ministers of National Defence and of Internal Affairs, call into being the State organs of management, control and supervision of air traffic (air traffic organs), as well as the organs cooperating in rendering secure and facilitating such traffic, and shall fix the scope and principles of their functioning.

Art. 45. 1. The Minister of National Defence may introduce prohibitions of, and restrictions on, flights over the entire area of the State or over part of it, for considerations of military necessity, and, together with the Minister of Internal Affairs, for considerations of public security.

2. The dimensions and location of the areas over which flights are prohibited or restricted pursuant to provisions issued on the basis of art. 44. § 3, are notified to the public.

Art. 46. 1. The aircraft which are engaged in air traffic are subject to the management, control or supervision of the organs of air traffic.

2. Unless the provisions issued on the basis of art. 44 § 3 determine otherwise, a flight of an aircraft in Polish air space may take place only with the permission of the air traffic services, and in accordance with the conditions of flight fixed by such services.

Art. 47. 1. An aircraft which has, during flight, found itself outside the appropriate part of the air space, or not at the proper altitude, is bound to assume the proper direction or regain the altitude prescribed, as rapidly as possible and without being summoned to do so.

2. The aircraft dealt with in paragraph 1 may be summoned by the air traffic organs to land on a specified airfield, and, should it fail to comply with such summons, may be compelled to land.

3. The provisions of § 2 are appropriately applied to an aircraft which carries out a flight without authorization or contrary to the conditions of such authorization, or in spite of a prohibition or of restrictions introduced pursuant to art. 45. §. 1, or pursuant to the regulations issued on the basis of art. 44. § 3, as well as to an aircraft which has failed to comply with the instructions of the air traffic services.

Art. 48. 1. It is forbidden:

1) for aircraft to carry out test or acrobatic flights over settlements and other agglomerations of the population;

2) to drop anything from aircraft during flight;

3) to take photographs from on board aircraft during flight;

4) to make use of the communications appliances placed on board an aircraft for the purpose of transmitting or receiving information not connected with the task or needs of the flight.

2. Exceptions from the prohibitions enumerated in § 1, p. 1 to 3, shall be determined by the Minister of Transport in agreement with the Minister of National Defence and of Internal Affairs, and those from the prohibitions enumerated in § 1 p. 4, moreover, with the Minister of Communications.

Art. 49. It is forbidden to make use of the signs and signals prescribed for air traffic for purposes not connected with such traffic, as well as to do so in a way which might mislead the air traffic service or the crews of other aircraft.

Art. 50. 1. He who has found an abandoned aircraft or its wreckage, or who has been the witness of an aircraft accident or of the forced landing of an aircraft outside an airfield, is bound immediately to notify of it the nearest organ or unit of civil or military aviation, of the Citizens' Militia, or the nearest organ of the State administration.

2. The Minister of Transport shall, together with the Ministers of National Defence and of Home Affairs, call into being appropriate organs for carrying out search and organizing rescue action in the event of an aircraft being reported missing, or undergoing any other accident, of the safety of an aircraft being threatened, or of the forced landing of an aircraft outside the boundaries of an airfield, as well as the organs authorized to carry

out investigation of the circumstances and causes of air accidents, and also the tasks and mode of procedure of such organs and of the organs co-operating with them (§ 3).

3. Organs of the Armed Forces, the Citizens' Militia and the local organs of the State administration, units of the Health Service and of the Fire Service, as well as units of the socialized economy, are bound to co-operate with the organs enumerated in § 2, as well as to take part in preventive operations, upon being summoned to do so by the Air Traffic services in the case of a threat to the safety of an aircraft having arisen.

4. Every citizen is bound, upon demand of the organs enumerated in § 2, to communicate to them the information and evidence in his possession, and concerning an air accident.

5. Matters of investigation into accidents to aircraft which do not form part of the civil aviation are subject to regulations issued by the Minister of National Defence.

Chapter 2

International flights

Art. 51. 1. An international flight is a flight during which an aircraft crosses the boundary of the Polish People's Republic.

2. The provisions of art. 44. to 50 apply appropriately to international flights, with modifications resulting from the provisions of the present chapter.

Art. 52. 1. The flight of a Polish aircraft across the State boundary of the Polish People's Republic may only take place by permission.

2. The flight of a foreign aircraft in Polish air space may only take place on the basis of a permission, unless an international agreement, to which Poland is a party, stipulates otherwise.

3. The permanent sojourn of a Polish aircraft abroad, as well as the permanent sojourn of a foreign aircraft in Poland, require permission. Are considered permanent sojourns those lasting for longer than one year.

4. The Minister of Transport, in agreement with the Ministers of National Defence, of Internal Affairs, of Foreign Affairs and of Foreign Trade, shall determine, by Order, the principles and conditions of the carrying out of international flights, as well as those of permanent sojourn of Polish aircraft abroad and of foreign aircraft in Poland.

Art. 53. The airfields from which aircraft carrying out international flights may take off, and on which they may land, are designated by the Minister of Transport in agreement with the Ministers of National Defence, of Internal Affairs, of Foreign Trade, and of Health and Social Welfare.

Art. 54. 1. In the event of an accident, or of a forced landing of an aircraft on Polish territory in a place where there are no organs competent for customs and passport clearance, the commander of the aircraft is bound immediately to notify of the fact the nearest organ of the Citizens' Militia or another local organ of the State administration. The undertaking of further flight without the permission of the appropriate customs authorities and the frontier guard authorities is forbidden.

2. Up to the time of the arrival of the customs authorities or of the frontier guard authorities, the organs of the Citizens' Militia, or the local organs of the State administration, as well as the commander of the aircraft, have the duty of applying the indispensable means for the purpose of ensuring the carrying out of the formalities dealt with in § 1.

Art. 55. 1. In the event of a foreign aircraft being reported missing, or having undergone an accident, organs of the State whose nationality the aircraft has, as well as the owner or operator of such aircraft may take part, on Polish territory, in activities aimed at finding the aircraft or extending aid to it.

2. In the event of an accident to a foreign aircraft the State whose nationality such aircraft has may appoint observers, who may be present at the investigations carried out, on Polish territory, by the authorities enumerated in art. 50 § 2.

3. A report made on the basis of such investigations is made available, on demand to the State whose nationality the aircraft in question has.

4. The provisions of § 1 to 3 apply, if such obligations with regard to the State of the nationality of the aircraft flow from an international agreement, to which Poland is a party; in the remaining cases the permission of the Minister of Transport is required.

Art. 56. The technical condition of a foreign aircraft which is sojourning in Poland, as well as the documents of such aircraft, may be checked by Polish State organs of air technical supervision or organs of air traffic.

Chapter 3

The Aircraft Commander

Art. 57. 1. On every aircraft which carries out a flight with a crew on board an aircraft commander must be appointed.

2. If the crew of an aircraft consists of one person, the latter performs the duties of aircraft commander.

Art. 58. The aircraft commander is responsible for carrying out both flights and the tasks of the flights in accordance with the regulations in force, and, in particular, for ensuring the safety of the aircraft and of the persons and cargo on board.

Art. 59. 1. The aircraft commander issues instructions connected with the safety of the flight and the good order on board the aircraft; such instructions are binding with regard to all the persons on board the aircraft.

2. The aircraft commander may, if he considers this to be necessary, order the members of the crew of the airship to perform functions which lie outside the scope of their ordinary functions.

3. The aircraft commander has the right of applying the indispensable means of compulsion with regard to persons who fail to comply with his instructions, or in any other way jeopardize the safety of the flight or good order on board the aircraft, as well as of putting under arrest, until the arrival of the appropriate authorities a person suspected of having committed an offence on board the aircraft.

Art. 60. 1. When the aircraft is menaced with danger, the aircraft commander is bound to undertake any possible means for the purpose of saving the passengers, crew, and ship.

2. In the event of the aircraft being damaged, or of a forced interruption of the flight, the aircraft commander performs, on behalf of the owner or operator of the aircraft and of the owners of the cargo entrusted to him for the purpose of carriage, such activities as he considers necessary for safeguarding their interests.

Art. 61. The aircraft commander who has received a signal of distress threatening another aircraft or a sea vessel or who has noticed an aircraft or sea vessel which has undergone an accident or found herself in danger, or who has noticed another catastrophe or elemental calamity, or else has noticed a person at sea and in danger of loss of life, is bound to extend, to the victims of those in danger, assistance, in so far as he can do so without exposing to danger the aircraft entrusted to him, its passengers, crew or other persons.

Art. 62. In the event of hostile action aimed against the Polish People's Republic or against a Polish aircraft, the commander of the aircraft is bound to undertake all the indispensable means for the purpose of saving from capture the aircraft and the persons, property and documents on board.

Art. 63. The Minister of Transport shall determine, by Order, the manner of appointing the aircraft commander, the period for which he is to exercise his functions, as well as the order in which such functions are passing other members of the crew of the aircraft in the event when the commander of the ship cannot fulfil them himself; the Minister of Transport may also define for the aircraft commander rights and duties other than those established in the Air Navigation Law.

Section VI

AIR CARRIAGE AND OTHER CIVIL AVIATION SERVICES

Chapter 1

Air carriage

Art. 64. 1. Air carriage is the carriage, on board an aircraft, of passengers, luggage, cargo or mail, by an air carrier.

2. An air carrier is an enterprise of air transport, as well as everyone who carries out, on board an aircraft, and against payment the transport, of passengers, luggage, commodities or mail.

Art. 65. 1. Air carriage is carried out by a Polish State enterprise of air transport.

2. Other air carriers may carry out air transport in Poland with the permission of the Minister of Transport and subject to the conditions specified in such permission.

3. The starting of the carrying out of a regular air transport on any particular air route, and, when a Polish air transport enterprise is concerned, also the ceasing of the carrying out of such transport, require the consent of the Minister of Transport.

Art. 66. The Minister of Transport shall, in agreement with the Ministers of Internal Affairs, of Foreign Affairs, of Foreign Trade and of National Defence, issue, by Order, regulations concerning air carriage, which shall regulate, in particular, matters of:

- 1) documents of carriage;
- 2) restrictions, prohibitions and conditions of the transport of passengers, commodities and mail;
- 3) special conditions of the hire of aircraft;
- 4) mixed carriage;
- 5) lodging and handling complaints.

Art. 67. 1. A Polish air carrier may determine, within the framework of the regulations in force, the standard conditions of a contract of air carriage.

2. The conditions dealt with in § 1 are subject to the approval of the Minister of Transport.

3. The application, in air transport from Poland and into Poland, of standard conditions of a contract of air carriage, determined by foreign air carriers, may be made dependent, by the Minister of Transport, upon alterations and supplements being introduced into such conditions.

4. The conditions dealt with in § 1 to 3 ought to be made accessible, by the air carrier, to all who may be concerned.

Art. 68. 1. The Minister of Transport, in agreement with the Minister of Finance, determines, and in cases provided for in international agreements to which Poland is a party, approves:

- 1) the fares and rates for air transport carried out by Polish air carriers on international air routes;
- 2) the fares and rates for regular air transport, beginning or terminating in Poland, carried out by foreign air carriers.

2. The provisions of § 1 also apply to the charges for the carrying out of services incidental to air transport, as well as for the carrying out of services other than air transport, with the help of an aircraft.

« Art. 69. 1. An air carrier is not allowed to refuse carriage to a passenger or consigner who has complied with the provisions in force.

2. The provisions of § 1 do not apply, if:

- 1) carriage is prohibited or restricted by virtue of regulations in force;
- 2) carriage is inadmissible for security reasons;
- 3) the air carrier does not have at his disposal the means necessary for carrying out the transport in question, or if such transport would have to be carried out outside the regular air line services;
- 4) such carriage exceeds the scope of the air carrier's activities.

Art. 70.1. An air carrier has the right to a deposit on the registered luggage and the cargo carried to secure his dues connected with the carriage, so long as such luggage or cargo are in his hands, or in those of a third person who is their detainer on the carrier's behalf.

2. The provisions of § 1 do not apply, if the consignee is a State organization.

Chapter 2

Other civil aviation services

Art. 71. 1. The carrying out of services other than air carriage with the help of an aircraft requires permission from the Minister of Transport.

2. The Minister of Transport shall determine the principles of granting the permissions dealt with in § 1, as well as the conditions of carrying out the services mentioned therein.

Section VII

LIABILITY FOR DAMAGE

Chapter 1

Liability of the persons operating aircraft for damage caused by the traffic of such aircraft

Art. 72. 1. The liability of the persons who operate the aircraft for damage caused by the traffic of such aircraft with the exception of the damage arisen while carrying out air carriage (art. 74 to 77 and art. 86), as well as other services performed with the help of aircraft (art. 88) is subject to the provisions of civil law concerning liability for damage inflicted while making use of mechanical means of transport, driven with the aid of the forces of nature.

2. Compensation is not due, if the damage has resulted from the very fact of the flight

Art. 73. 1. Liability for the damage dealt with in art. 72 is borne by the person who operates the aircraft.

2. Is reputed to be the person who operates the aircraft the person who was using it when the damage was caused.

3. A person who had transferred the right of using an aircraft to another person is considered to be the person who operates such aircraft, if he has preserved the right of decision concerning the carrying out of the flight.

4. Is considered to be the person who operates the aircraft the person who either uses it himself, or else through the intermediary of persons acting on his behalf, even if the latter have exceeded the rights granted to them.

5. The person entered on the appropriate register of aircraft as the owner of the aircraft is considered to be the person operating it and bearing the liability for damage, unless he can prove that the aircraft was operated by another person.

6. Liability for damage is also borne by a person who illegally uses an aircraft; the persons enumerated in § 1 to 5 are jointly and severally responsible with him, unless they can prove that the using of the aircraft has taken place without their consent.

7. The persons owing to whose fault the damage has arisen, are jointly and severally responsible with the persons enumerated in § 1 to 6.

Chapter 2

Liability of the air carrier

Art. 74. The air carrier is liable for damage arisen in the event of death, wounds or any other bodily injury, suffered by a passenger, if the accident which has caused such damage took place on board the aircraft, or in the course of any activities connected with the boarding of the aircraft or with alighting from it.

Art. 75. 1. The air carrier is liable for damage in the case of a total and partial loss or damaging of the registered luggage or cargo, if the occurrence which has caused such damage took place during air carriage.

2. Air carriage comprises the period during which the luggage or goods are placed under the supervision of the air carrier, irrespective of the circumstance of whether they are at the airfield, on board the aircraft or in any other place in the event of a landing outside an airfield.

3. The period of air carriage does not comprise the land, sea or river transport, carried out outside an airfield. If, however, such transport be carried out on the basis of a contract of air carriage for the purpose of loading, delivery or transshipment, it is presumed that any damage has arisen out of the event which has taken place during air carriage.

Art. 76. The air carrier is liable for damages in the event of a total or partial loss of, or damage to, a passenger's hand luggage and the objects for his personal use, if the damage has arisen owing to the carrier's fault.

Art. 77. The air carrier is liable for the damage arisen owing to delay in the air carriage of passengers, registered luggage and cargo, if the time of transport has been expressly stipulated in the contract of air carriage.

Art. 78. The air carrier is not liable, if he can prove that he had undertaken all the possible means to avoid damage.

Art. 79. 1. In the air carriage of passengers the amount of immediate compensation with regard to any passenger (art. 74) cannot exceed the sum of two hundred thousand zlotys. If, instead of immediate compensation, whether in part or in whole, a pension is to be granted, its amount should be calculated in such a manner, that, together with the immediate compensation, it does not exceed the above sum over a period of ten years. A passenger, may, however, fix a higher limit of liability by means of a contract with the air carrier.

2. In the air carriage of registered luggage and of cargo the amount of damages cannot exceed the sum of four hundred zlotys for every kilogramme, unless the consigner has, at the moment of handing over the luggage or cargo to the air carrier for carriage, made a special declaration stipulating a higher amount, and has paid the appropriate additional charge. In such an event the air carrier is bound to pay compensation to the amount of the sum declared, unless such sum should exceed the damage actually sustained.

3. In the event of the loss, damage or delay in the transport of part of the registered luggage or cargo, only the weight of the piece or pieces affected by the damage are taken into consideration in determining the amount of compensation. If, however, the loss, damage or delay in the transport of part of the registered luggage or cargo affects the value of the other pieces covered by the same document of carriage, the total weight of such pieces is taken into consideration in determining the amount of compensation.

4. In the air transport of hand luggage and of articles specified in art. 76, the amount of the compensation cannot exceed the sum of eight thousand zlotys per passenger.

Art. 80. The clauses of contracts aimed at relieving the air carrier of liability, or at determining compensation lower than that provided for in art. 79, are null and void. The nullity of such clauses does not cause the nullity of the contract itself.

Art. 81. The limitations of the amount of compensation do not apply, if the damage has been intentionally caused by the air carrier, or else has resulted from his glaring negligence.

Art. 82. 1. The limitations of the amount of compensation fixed in art. 79 also apply to persons who have caused the damage described in art. 74 to 77 while carrying out activities entrusted to them by an air carrier.

2. In the event of the air carrier and the persons described in § 1 being jointly and severally responsible, the total compensation recoverable from all of them jointly cannot exceed the limits fixed in art. 79.

3. The provisions of art. 1 and 2 do not apply, if the damage has been caused by the persons described in § 1 intentionally or else as a result of their glaring negligence.

Art. 83. In the event of receipt of luggage or cargo by an authorized person without complaint it is presumed that such luggage or cargo have been delivered in a good condition in accordance with the document of carriage.

Art. 84. 1. In the event of air carriage performed, successively; by two or more carriers, a passenger may take action for compensation only against that air carrier, who performed the carriage during which the event which caused the damage took place, unless the first air carrier, in accordance with the contract, has assumed liability for the whole carriage.

2. In the event of the air carriage of luggage and cargo the consigner may take action for compensation against the first air carrier, the consignee entitled to delivery — against the last air carrier, and both of them, moreover against that air carrier who has performed the carriage during which the event which caused the damage took place. The first or last air carrier, as well as the carrier who performed the carriage, are jointly and severally liable.

3. If an air carrier who has made a contract of air carriage, had entrusted the carrying out of the whole or of a part of such carriage to another air carrier, the rights and duties of the actual carrier, in respect of the scope of the carriage performed by him, are the same as the rights and duties of a contractual carrier, specified in the Air Navigation Law.

Art. 85. In the event of failure to perform, whether in total or in part, the air carriage stipulated in a contract the air carrier, independently of liability for damages, described in art. 74 to 77, is bound to reimburse the charge for the carriage not performed, or to meet such other charges for the damaged party's benefit as are determined in the regulations concerning air carriage.

Art. 86. In the event of total or partial loss or damage or delay in the carriage of postal consignments, the air carrier is liable according to the principles specified in the agreement with the postal administration, within the limits to which such administration is liable with regard to its customers.

Art. 87. If carriage by aircraft is performed by a person who is not an air carrier, such a person is liable in accordance with the provisions of civil law.

Chapter 3

Liability in connection with other civil aviation services

Art. 88. In contracts for the performance of services other than air carriage, clauses specifying the liability of the parties may be inserted; such clauses cannot infringe upon rights enjoyed by third persons in accordance with the provisions of art. 72 to 87.

Chapter 4

Action for compensation

Art. 89. 1. The right of taking legal action for compensation against an air carrier whether in arbitration or in judicial procedure, may be exercised only after the course of complaints has been exhausted.

2. Complaints ought to be lodged within the following period of time:

1) in the event of the discovery of damage or partial loss of registered luggage — within three days from the date of the receipt of the luggage;

2) in the event of the discovery of damage or partial loss of cargo — within seven days from the date of the receipt of the commodities;

3) in the event of the discovery of total loss of registered luggage — within one hundred and twenty days from the date when such luggage should have been put at the disposal of the person authorized;

4) in the event of the discovery of total loss of cargo within one hundred and twenty days from the date of the drawing up of the document of carriage;

5) in the event of the discovery of damage to, or of the partial or total loss of a passenger's hand luggage, or of articles of his personal use, of which the passenger takes charge himself — within three days from the date of the termination of air carriage;

6) in the event of a delay in the air carriage of registered luggage or cargo — within fourteen days from the date on which they have been placed at the disposal of the person authorized ;

7) for the reimbursement of charges and other dues for air carriage — within thirty days:

a) in the air carriage of passengers — counting from the date of expiration of the validity of the air ticket;

b) in the carriage of luggage and cargo — counting from the date of payment of the charge for carriage, unless the provisions of p. 3 or 4 should apply.

3. In the event of a complaint not being entered within the time prescribed in § 2 the claims expire, unless the damage has been intentionally caused by the air carrier.

4. The air carrier is bound to examine the complaint and to notify the complainant of the manner of settling it, within the period of three months from the date of entering such complaint.

5. The complainant may bring the matter to arbitration procedure or before a law-court in the event of his complaint having been rejected, even if only in part, or if he has not received a reply to his complaint within the time stated in § 4.

6. The taking of action for compensation based on the damage dealt with in art. 74 does not require a previous exhaustion of the course of complaints.

Art. 90. 1. The claims based on the damage dealt with in art. 72 and 74, become prescribed with in the period of three years from the date of the event which has caused the damage.

2. The claims based on a contract of air carriage become prescribed with in the period of two years from the date when the aircraft arrived, or should have arrived at the place of its destination, or from the date when the air carriage was stopped.

3. The claims arising from the air carriage of mail (art. 86), or from contracts for the performance of air services other than air carriage (art. 88) become prescribed with in the period of one year from the date of the payment becoming due.

4. The course of prescription is suspended for the duration of the period of the complaint procedure.

5. The course of the prescription of claims for the reimbursement of compensation paid in accordance with § 1 to 3 (recourse action) starts from the date of the payment of compensation.

6. The provisions of the present article do not infringe the provisions on State economic arbitration, concerning the preclusion of claims.

Section VIII

PENAL PROVISIONS

Art. 91. 1. He who:

1) contrary to article 21 carries out a flight with the aid of an aircraft whose technical condition no longer complies with the conditions required for the issuance of a certificate of airworthiness (certificate of examination) of that aircraft, or else contrary to the conditions or restrictions specified in the certificate of airworthiness (certificate of examination) :

2) contrary to art. 48:

a) carries out, with the aid of an aircraft, a test or acrobatic flight over a settlement or other agglomeration of the population, or,

b) drops any objects from an aircraft during flight,

3) infringes the prohibitions or restrictions of flight, introduced on the basis of art. 45 § 1, or pursuant to the provisions issued on the basis or art. 44. § 3,

— is liable to a penalty of arrest up to two years, or a fine of up to fifty thousand zlotys.

2. To the same penalties is liable he who, by failing to fulfil a duty incumbent upon him, permits the deeds specified in § 1 to be performed.

Art. 92. 1. He who:

1) transgresses the provisions of art. 18 § 7, art. 19 § 1, art. 21 § 1 p. 1, art. 34 § 1, art. 40, 49, 52 § 1, 2 or 3, art. 54, the provisions issued on the basis of art. 19 § 2, art. 22, 31 p. 3, art. 44 § 3 or 4, art. 52 § 4, art. 66 p. 2, or provisions issued on the basis of art. 59;

2) transgresses the provisions issued on the basis of art. 20 § 6, art. 31 p. 1 letter b), art. 31 p. 2, art. 34 § 3, concerning the good order of air traffic;

3) unintentionally damages or renders unfit for use, an airfield or air navigation facilities whether situated on an airfield or outside it;

4) arbitrarily and contrary to prohibitions or warning given to the public notice by means of warning notice:

— boards, or in any other way, by the manager of the airfield, enters the airfield himself, or drives in domestic animals there;

— is liable to a penalty of arrest of up to three months, or a fine of up to four thousand five hundred zlotys.

2. To the same penalties is liable he who, by failing to fulfil a duty incumbent upon him, permits the offences specified in § 1 to be committed.

3. Jurisdiction in matters specified in § 1 and 2 is exercised in accordance with the regulations on penal-administrative jurisdiction. In such matters the penal-administrative collegia also inflict the penalty of arrest.

Section IX

FINAL PROVISIONS

Art. 93. The provisions of art. 4 to 11, 13, 14, 16, 30, 44 § 2 to 5, of art. 45, 48 § 1 p. 1 and § 2, of art. 49, 50, 52, 72, 73 and 92 § 1 p. 3 and 4, also apply to the Polish Air Force and to the Polish aviation in the service of the customs and in the service of the public order; moreover, to the Polish aviation in the service of customs there also apply the provisions of art. 49 § 1 p. 2 and 3.

Art. 94. In the Law of 22nd March, 1957, concerning changes in the organization and scope of activities of the supreme organs of the State administration in some branches of industry, building and transport (Gazette of Law No 17, item 86), at the end of art. 10 the words of supervision over air sports¹ are cancelled.

Art. 95. 1. Are waived:

1) the President of the Republic's Order of 14th March, 1928, on Air Law (Gazette of Law of 1935, No 69, item 437, and of 1945, No 48, item 273, and No 50, item 282);

2) article 6 of the Organization of Authorities in the field of Transport Act, of 26th February, 1951 (Gazette of Law, No 14, item 108, No 41, item 310 and 1957, No 17, item 86).

2. Up to the time of the issuance of executive provisions based on the present Act, the previous provisions remain in force.

Art. 96. The present Act becomes law on the day of its promulgation.

(Translated by S. Kryński)