

N° 388.

**AUTRICHE
ET TCHÉCOSLOVAQUIE**

Accord commercial signé à Prague
le 4 mai 1921.

**AUSTRIA
AND CZECHOSLOVAKIA**

Commercial Agreement signed at
Prague, May 4, 1921.

TEXTE ALLEMAND. — GERMAN TEXT.

No. 388. — HANDELSÜBEREINKOMMEN¹ ZWISCHEN DER TSSCHECHOSLOWAKISCHEN REPUBLIK UND DER REPUBLIK ÖSTERREICH, GEZEICHNET IN PRAG DEN 4. MAI 1921.

German and Czechoslovak official texts forwarded by the Minister for Foreign Affairs of Czechoslovakia on behalf of the two Contracting Parties. The registration of this Agreement took place on February 27, 1923.

DIE REGIERUNG DER TSSCHECHOSLOWAKISCHEN REPUBLIK und DIE REGIERUNG DER REPUBLIK ÖSTERREICH von dem gleichen Wunsche beseelt, die Entwicklung der Beziehungen zwischen der Tschechoslovakei und Österreich zu fördern, haben beschlossen, zu diesem Behufe bis zum Abschluss eines endgültigen Handelsvertrages folgendes vorläufiges Handelsübereinkommen zu schliessen und zu ihren Bevollmächtigten ernannt :

DIE REGIERUNG DER TSSCHECHOSLOWAKISCHEN REPUBLIK :

Herrn Dr. Rudolf HOTOWETZ, Handelsminister und mit der Führung des Aussenhandelsamtes betrauten Minister, und

Herrn Dr. Wenzel SCHUSTER, ausserordentlichen Gesandten und bevollmächtigten Minister.

DIE REGIERUNG DER REPUBLIK ÖSTERREICH :

Herrn Richard RIEDEL, ausserordentlichen Gesandten und bevollmächtigten Minister

welche, nachdem sie ihre in guter und gehöriger Form befundenen Vollmachten sich mitgeteilt, über folgendes übereingekommen sind :

Artikel 1.

1. Die Angehörigen, die Schiffe und die Waren, Natur- oder Gewerbeerzeugnisse eines der vertragschliessenden Teile werden in den Gebieten des anderen nicht ungünstiger behandelt werden, als die Angehörigen, Schiffe, Waren, Natur- oder Gewerbeerzeugnisse eines dritten Staates.

2. Durch die vorstehende Bestimmung soll den besonderen Gesetzen, Verordnungen und Vorschriften, welche in den Gebieten der vertragschliessenden Teile in Bezug auf Handel, Gewerbe, Polizei und allgemeine Sicherheit bestehen oder in Hinkunft erlassen werden und auf alle Fremden allgemein Anwendung finden, kein Eintrag geschehen.

Artikel 2.

1. Die Angehörigen der vertragschliessenden Teile sollen gegenseitig in Bezug auf den Antritt und den Betrieb von Handel und Gewerbe nicht ungünstiger behandelt werden, als die Angehörigen irgend eines anderen Staates.

¹ The exchange of ratifications took place at Prague, November 4, 1922.

2. Die vertragschliessenden Teile werden dahin wirken, dass den Bedürfnissen des durchgehenden Verkehrs zwischen ihren Gebieten sowie zwischen den Gebieten des einen Teiles und dritten Staaten über die Gebiete des anderen Teiles durch Herstellung günstiger Zugsanschlüsse für den Personen- und Güterverkehr sowie durch tunlichstes Entgegenkommen in verkehrs- und transportdienstlicher Beziehung Rechnung getragen werde.

3. Bei der Wagengestellung wird den Bedürfnissen für den Binnenverkehr und die Ausfuhr nach den Gebieten des anderen vertragschliessenden Teiles für Güter der gleichen Art grundsätzlich gleichmässig Rechnung getragen werden. Dies soll jedoch erst dann in Wirksamkeit treten, sobald mindestens zwei Drittel des gemeinsamen Wagenparkes aufgeteilt sein und den Staatseisenbahnverwaltungen der beiden vertragschliessenden Staaten zur Verfügung stehen werden. Bis dahin wird bei der Gestellung der Wagen für den Ausfuhrverkehr nach den Gebieten des anderen vertragschliessenden Teiles in nicht ungünstigerer Weise vorgegangen werden, als bei der Gestellung der Wagen für den Ausfuhrverkehr nach dritten Staaten.

Artikel 18.

1. Für den Personen- und Güterverkehr, der zwischen Eisenbahnstationen, die in dem Gebiet des einen Teiles gelegen sind, innerhalb dieses Gebietes mittels ununterbrochener Bahnverbindung stattfindet, werden die Tarife in der gesetzlichen Landeswährung dieses Gebietes auch dann aufgestellt werden, wenn die für den Verkehr benutzte Bahnverbindung ganz oder teilweise im Betriebe einer Bahn steht, die in dem Gebiet des anderen Teiles ihren Sitz hat.

2. Im Verkehr zwischen den zunächst der Grenze gelegenen beiderseitigen Abfertigungsstellen dürfen die im Personen- und Güterverkehr zu entrichtenden Gebühren mit den gesetzlichen Zahlungsmitteln jenes Teiles beglichen werden, in dessen Gebiet die Zahlung zu erfolgen hat, auch wenn der Tarif auf die gesetzliche Währung des anderen Teiles lautet; ebenso ist die Begleichung mit den gesetzlichen Zahlungsmitteln des anderen Teiles zulässig, wenn der Tarif auf die Währung des Gebietes lautet, in dem die Zahlung erfolgt.

3. Die hier geregelte Annahme von Zahlungsmitteln soll den Vereinbarungen der beteiligten Eisenbahnverwaltungen über die Abrechnung in keiner Weise vorgreifen.

Artikel 19.

1. Für den Güterverkehr zwischen der Tschechoslowakischen Republik und Oesterreich finden die Bestimmungen des Internationalen Uebereinkommens¹ über den Eisenbahnfrachtverkehr vom 14. Oktober 1890 mit den Aenderungen und Ergänzungen in der Zusatzvereinbarung vom 16. Juli 1895² und in den Zusatzübereinkommen vom 16. Juni 1898³ und vom 19. September 1906 ohne Einschränkung Anwendung.

2. Es soll ferner dahin gestrebt werden, dass die Bestimmungen dieses Internationalen Uebereinkommens auch in den zwischenstaatlichen Güterverkehren mit dritten Staaten, an denen die Tschechoslowakische Republik und die Republik Oesterreich beteiligt sind, möglichst unverändert zur Anwendung gelangen.

¹ British and Foreign State Papers, Vol. 82, page 771.

² British and Foreign State Papers, Vol. 87, page 806.

³ British and Foreign State Papers, Vol. 92, page 433.

Auf diesen Verkehr werden die zwischen den beiden Zollverwaltungen vereinbarten Zollkontrollen angewendet werden. Der Grenzübertritt in diesem Verkehr wird an jenen Punkten zugelassen, über die sich die beiden Zollverwaltungen geeinigt haben.

- t) Die besonderen Abmachungen über den Grenzverkehr zwischen dem March-Thaya-Dreieck und dem daran angrenzenden österreichischen Gebiet sind in dem zu Prag am 10. März 1921 unterzeichneten Uebereinkommen¹ zwischen der Tschechoslowakischen Republik und der Republik Oesterreich betreffend die Führung der tschechoslowakisch-österreichischen Grenze und verschiedene damit zusammenhängende Fragen enthalten.

Anlage b) zu Artikel 12.

UEBEREINKOMMEN

zur gegenseitigen Unterstützung bei der Zollabfertigung, zur Verhütung, Verfolgung und Bestrafung von Uebertretungen der Zollvorschriften und zur gegenseitigen Rechtshilfe in Zollstrafsachen.

§ 1.

1. Die vertragschliessenden Teile werden einander nach den folgenden Bestimmungen bei der Zollabfertigung, sowie bei Verhütung, Verfolgung und Bestrafung von Uebertretungen der Zollvorschriften unterstützen und bei der Durchführung des Zollstrafverfahrens Rechtshilfe leisten

2. Jeder der vertragschliessenden Teile wird seine Zollbehörden und Angestellten verpflichten, die auf das Zollwesen bezüglichen Gesetze und Vorschriften des anderen Teiles einschliesslich der Ein-, Aus- und Durchfuhrverbote, sowie die Vorschriften über die Statistik des Warenverkehrs wahrzunehmen.

I.

WECHSELSEITIGE UNTERSTÜTZUNG BEI DER ZOLLABFERTIGUNG.

§ 2.

1. Die Zollstellen an der gemeinsamen Grenze werden den oberen Beamten der gegenüberliegenden Grenzzollstellen die Einsicht ihrer Bücher über den Warenverkehr nebst Belegen und statistischen Anmeldungen jederzeit an der Amtsstelle gestatten. Ausserdem können die vorgesetzten Behörden zu diesem Zwecke besondere Beamte nach vorheriger Mitteilung entsenden.

2. Über die Kassen- und Buchführung, sowie die Statistik in beiden Zollgebieten werden gegenseitig alle gewünschten Aufklärungen erteilt werden.

§ 3.

1. Jeder der vertragschliessenden Teile ist verpflichtet, Waren in das Gebiet des anderen Teiles nur auf einer Zollstrasse nach einem mit ausreichenden Befugnissen versehenen Eingangsamt und nur zu solchen Tageszeiten austreten zu lassen, dass sie beim jenseitigen Amt voraus sichtlich noch während der Amtsstunden eintreffen.

2. Die Zollstrassen und Amtsstunden werden an der gemeinsamen Grenze im Wege der Vereinbarung übereinstimmend festgesetzt und die hinsichtlich des Grenzübertrittes gewährten Erleichterungen mitgeteilt werden.

¹ Vol. IX, page 357 of this Series.

¹ TRANSLATION.

No. 388. — COMMERCIAL AGREEMENT BETWEEN THE CZECHOSLOVAK REPUBLIC AND THE REPUBLIC OF AUSTRIA, SIGNED AT PRAGUE, MAY 4, 1921.

The GOVERNMENT OF THE CZECHOSLOVAK REPUBLIC and the GOVERNMENT OF THE REPUBLIC OF AUSTRIA, being mutually desirous of encouraging the development of relations between Czechoslovakia and Austria, have decided, for this purpose and until the conclusion of a definite commercial treaty, to conclude the following preliminary trade agreement and have appointed as their Plenipotentiaries :

The GOVERNMENT OF THE CZECHOSLOVAK REPUBLIC :

Dr. Rudolf HOTOWETZ, Minister of Commerce and Minister in Charge of the Department of Overseas Trade, and

Dr. Wenzel SCHUSTER, Envoy Extraordinary and Minister Plenipotentiary ;

The GOVERNMENT OF THE REPUBLIC OF AUSTRIA :

M. Richard RIEDEL, Envoy Extraordinary and Minister Plenipotentiary ;

who, after communicating their full powers found to be in good and due form, have agreed to the following provisions :

Article 1.

(1) The nationals, vessels, merchandise, raw materials or manufactured articles of one of the two Contracting Parties shall not, within the territory of the other, receive less favourable treatment than the nationals, vessels, merchandise, raw materials or manufactured articles of a third State.

(2) The above provision shall not affect any special laws, decrees or regulations in the territories of the Contracting Parties concerning trade, industry, police and public safety which are now in existence or which may be enacted in the future and which apply equally to all foreigners.

Article 2.

(1) The nationals of the Contracting Parties shall not in either State be treated less favourably, as regards the establishment and carrying on of trade and industry, than the nationals of any other State.

(2) When frequenting markets and fairs the nationals of either State shall receive the same treatment as the nationals of the other State, provided that they can produce an identity card, a specimen of which is attached (Annex A), issued by the authorities of the State to which they belong.

(3) The above provisions shall not apply to the pharmaceutical industry, brokerage business and itinerant trading, including hawking.

¹ Translated by the Secretariat of the League of Nations.

(4) The nationals of either of the two Contracting Parties shall not in future receive less favourable treatment in either State as regards their personal legal status, their movable and immovable property or their rights and interests, than the nationals of any third State. They shall be at liberty to carry on their business in the territory of the other Party either personally or through some agent of their own choice without being subjected to any restrictions other than those which are imposed by the general laws and decrees in force in the territory in question.

(5) They shall have free and unrestricted access to all the courts and authorities of the other Party and shall be entitled to employ attorneys or agents of their own choice to protect their interests without being subjected to any restrictions other than such general restrictions as are imposed by the laws and decrees in force in the territory in question, and they shall, in every respect, be treated in the same way as the nationals of any other State.

(6) Joint-Stock companies and other commercial, industrial or financial companies, including insurance companies, which have their headquarters in the territory of either of the Parties and are legally established in accordance with the laws of that country, shall also be entitled to exercise all their rights in the territory of the other Party subject to compliance with the laws and decrees applicable to the matter in that territory, and, in particular, they shall be entitled to conduct actions in the courts either as plaintiffs or defendants.

(7) The nationals of either of the two Parties, including trading companies, co-operative societies and similar associations, shall not be subjected in the carrying on of trade or industry in the territory of the other Party to any taxes, duties or charges different to or higher than those levied on nationals of the country concerned.

(8) In the assessment of charges on every kind of trade and industry the origin of the goods employed in such undertakings shall not, in itself, render them liable to less favourable assessment.

Article 3.

(1) Joint-stock companies which were established prior to October 28, 1918, with their headquarters in the territory of either State, and which, before that date, conducted regular business within the territory of the other State, must, if they have not already made such an application, apply to the competent authority in the other State within three months from the coming into force of the present Agreement, for permission to carry on their trade, failing which they must within the same period, cease to carry on trade in that State. Until a decision has been reached concerning their applications, the companies in question may carry on their business to the same extent as hitherto in virtue of their former rights. Such companies shall only be required to pay registration fees in respect of any increase of their share or debenture capital which may have been effected subsequent to October 28, 1918. Their business transactions shall be subject to the general regulations applicable to all other foreign undertakings of the same nature within the territory of the State in question.

(2) The provisions of the preceding section shall not apply to banks and insurance companies.

(3) In the case of joint-stock companies and other commercial and industrial companies (with the exception of banks and insurance companies) which are legally established in the territory of one of the Parties and after the coming into force of the present Agreement wish to extend their activities to the territory of the other Party, and which require special permission for this purpose, such permission shall be given in accordance with the laws and decrees in force in the territory of the State in question; these companies shall, however, enjoy in this as in all other respects the same rights as those accorded to similar companies of any third State, which are recognised as being legally established.

Article 4.

(1) Trading rights which were acquired before the coming into force of the present Trade Agreement and which have not yet expired shall remain in force.

(2) If an undertaking established in the territory of one of the Parties possessed branch establishments or depositories in the territory of the other Party prior to October 28, 1918, it must, within three months after the coming into force of the present Agreement, apply for the issue of a trading certificate in respect of these branch undertakings or, in the case of "concession" industries, for the grant of the necessary concession. There shall be no refusal in such cases to issue the trading certificate or to grant the concession if the object of the undertaking has not undergone any modification; exemption shall also be accorded from giving proof that the conditions required in connection with the installation of a new undertaking have been fulfilled and from the fees chargeable in respect of such installation.

Article 5.

Each of the Contracting Parties undertakes to comply with the laws and decrees duly notified to it by the competent authorities as being in force in the territory of the other Party, whereby the use of counterchecks for indicating the origin of wines and distilled spirits produced in the territory of the other Party, or the use of local certificates of origin for beer produced in that territory is regulated. The import, export, sale, offering for sale or putting into circulation in any way of products bearing marks which constitute a contravention of such laws and decrees must be prohibited and prevented by suitable means.

Article 6.

(1) The goods and natural and manufactured products of one Party shall not, on being imported into the territory of the other Party, be subjected to Customs duties or charges including all incidental and additional fees higher than or different from those which are levied on the products or goods of any other country.

(2) Articles manufactured in the finishing trade from foreign materials within the territory of one of the contracting Parties shall be regarded as industrial products of that territory.

(3) In the case of exportation to the territory of the other Party, export duties or charges different from or higher than those levied in the case of the export of similar goods to any other State may not be imposed.

(4) Each of the contracting Parties further undertakes not to subject import and export in the course of trade with the other Party to any different or less favourable treatment in every respect than that accorded to any third State. This provision applies in particular to Customs regulations and the manner in which they are applied, the examination and analysis of goods forwarded for import, the conditions for the payment of Customs duties and charges, the classification and interpretation of tariffs and the application of monopolies.

(5) In order to ensure the most favourable treatment of trade between the two Parties and at the same time to prevent any abuse, both Parties may require that the natural and industrial products of the other State, on arriving at the frontier for importation into their customs area, should be accompanied by a certificate of origin.

(6) In the relations between the Contracting Parties the application of the most favourable customs treatment to such articles as are of special economic importance to the exporting country shall only be made dependent upon the production of a certificate of origin if urgent reasons of commercial policy so require.

(7) The provisions of this article shall not apply to any special privileges which neighbouring States may grant for facilitating trade in respect of certain sections of the frontier and the inhabitants of certain districts.

Article 7.

Internal taxes levied within the territory of one of the Contracting Parties, for whosoever advantage they may be levied, and which affect, or which may affect in the future, the manufacture, preparation or employment of any goods, shall not under any pretext be higher or more burdensome in respect of the products of the other Party than in respect of similar native products.

Article 8.

(1) The transit of persons, goods, railway wagons, ships, boats and postal packets out of or into the territory of one of the two States through the territory of the other State shall be free in both directions, by road and rail and also by navigable watercourses and canals.

(2) Transit shall be exempt from all Customs duties and charges and shall not be subjected to any unnecessary delays or restrictions.

(3) The Contracting Parties reserve the right to subject transit to prohibitions or restrictions in the following cases :

(a) for reasons of public safety :

(b) for sanitary or veterinary reasons, especially for the prevention of the spread of animal diseases and for the protection of useful plants, *e.g.* against insects and other vermin, in accordance with the recognised principles of international law and any special agreements existing between them at the time.

(4) In no case shall transit be prohibited or subjected to restrictions which do not simultaneously and in the same manner apply to the transit traffic of all other countries where similar conditions obtain.

(5) The prohibitions or restrictions shall not hinder the traffic to a greater extent than is absolutely necessary to achieve the object of the prohibition.

(6) The provisions concerning freedom of transit shall also apply to transit consignments subject to transshipment, in so far as the carrying out of the measures necessary to ensure that the goods shall not remain in the country is guaranteed.

(7) The necessity for complying with the provisions contained in the customs regulations regarding the treatment of transit consignments, and with the legal enactments regarding the traffic of goods which are subject to an internal duty within the country, or which are the object of a State monopoly, remains unchanged. The transit of such goods may, however, only be made more difficult or restricted in so far as is necessary for ensuring the collection of the internal duty in respect of goods which remain in the country or for the purposes of the monopoly.

(8) The Railway Administrations of the two Contracting Parties shall enter into negotiations to decide whether and under what conditions the goods, when being forwarded, may be accompanied by private persons. The general regulations in force in each of the two States in respect of passenger traffic shall apply to persons accompanying goods.

Article 9.

(1) Trade between the territories of the Contracting Parties shall not be restricted by import or export prohibitions except in the following cases :

(a) in cases in which a transit prohibition is permissible under the terms of Article 8 of this Agreement ;

(b) in respect of goods under State monopoly, or for the purpose of putting into effect such prohibitions or restrictions with regard to foreign goods as are or may subsequently be imposed by internal legislation on the production, sale, carriage or consumption within the country of home produced goods of the same nature ;

(c) in other cases only if such restriction is considered necessary in view of prevailing abnormal conditions and is not precluded by special agreements in this respect.

(2) Import and export prohibitions shall not apply to such trade as is declared exempt from import and export duties in Article 11, paragraph 1, sub-paragraph *a)* and *b)*, and paragraphs 2 and 3, without prejudice however to the customs regulations governing re-import and re-export.

(3) Similarly, samples carried personally by commercial travellers, in accordance with Article 10 of this Agreement, may be imported and exported regardless of existing prohibitions, provided that an adequate deposit is paid as a guarantee that such samples will not be left in the country into which they are imported, but will be re-exported upon the conclusion of the journey.

(4) Luggage and articles carried with them by travellers for their personal use shall, when imported or exported, be passed through the Customs without special licences being required, but without prejudice to the existing customs regulations in this respect.

(5) The Contracting Parties shall not issue or maintain in force in regard to the exchange of imports and exports between the two countries prohibitions or restrictions of any kind which are not equally applicable to the import and export of the same goods under the same conditions from or into any other country. It is, however, agreed that this clause shall not apply to the grant of exemptions and facilities accorded in respect of existing import and export prohibitions to individual applicants, or to agreements in which either of the Contracting Parties grants to a third State in the form of concessions upon terms of reciprocity the benefit of such exemptions or facilities for definite contingents of goods.

Article 10.

(1) Merchants, manufacturers and other traders, who submit a trading certificate duly signed by the competent authorities in their own country, proving that they are entitled to carry on trade or business in the State in which they are domiciled, and that they have paid the lawful taxes and duties in that State, shall be authorised to purchase goods in the territory of the other Contracting Party, either personally or through travellers in their service, from merchants or in open markets or from such persons as produce the goods, or to take orders from merchants or other persons who utilise goods of the kind offered in their businesses, without being obliged to pay a further tax or duty therefor.

(2) Merchants or traders possessing a trading certificate and commercial travellers in their service may take samples of goods with them but not goods.

(3) Trading certificates must be filled in in accordance with the specimen contained in Annex B. They should be filled in by trade officials of Grade I. Both Contracting Parties reserve the right, if they think fit to charge a moderate fee for certificates.

(4) Merchants or traders (or commercial travellers) possessing a trading certificate must not transact business or act as agents for other merchants or traders than those named in the certificate. When travelling they must only solicit orders and make purchases.

(5) With regard to formalities of all kinds with which such merchants or traders (or commercial travellers) may be required to comply in the territory of either Contracting Party, both Contracting Parties undertake to accord to one another treatment which shall not be more unfavourable than that accorded to any other nation.

(6) Both Contracting Parties shall accord freedom from import and export duties in respect of such samples as are carried by commercial travellers or forwarded in advance of or sent after them and which may be dutiable in themselves, provided that the identity of such samples is established at the time of import and again at the time of re-export within a stated period through the Customs House of entry or any other Customs House; in this case certificates of identity issued in the home country shall be accepted in the territory of the other Contracting Party.

(7) In either country the re-export of samples must be guaranteed by a deposit amounting to the Customs duty or other deposit to be made at the time of import.

(8) Commercial travellers need not be present in person at the customs examination, but may cause their trading certificates to be produced by another person.

Article II.

(1) The following articles shall be temporarily exempt from import and export duties, subject to the procedure laid down in the Customs regulations of either Contracting Party for goods under temporary customs control (Vormerkverkehr) ¹:

- (a) articles which are intended to be repaired without any substantial alteration of their nature or trade designation;
- (b) marked returned empty sacks and new wooden casks, which are imported from the territory of the other Contracting Party in order to be filled and re-exported, and packing cases and outer wrappings exported into the territory of the other Contracting Party for packing purposes which would be liable to a separate duty on being re-imported when filled or packed;
- (c) goods (with the exception of commodities for consumption) which are conveyed to markets or fairs or are sent on approval on occasions others than markets or fairs, and cattle taken to market in the territory of the other Contracting Party; provided that all these articles are re-exported unsold within a previously stated period.

(2) The following articles shall be exempt from duty:

Packing cases and outer wrappings normally used in trade for packing goods, provided that they are not liable to a joint duty with the goods contained in them or subject to any other special treatment under the existing Customs Regulations; packing cases and outer wrappings returned empty, which are certified to have been used for exporting goods; marked, used wooden casks, provided that they are declared to be imported for the purpose of being filled and re-exported when full and that there is no doubt as to the purpose for which they are imported.

(3) Goods (with the exception of monopoly articles and commodities for consumption) which are not adapted for use otherwise than as samples or specimens, shall be imported and exported free of duty.

(4) It is agreed that in the relations between the two States neither Contracting Party shall accord less favourable treatment to the other as regards the matters referred to above than it accords in the same connection to any other nation.

Article 12.

The special agreements concluded concerning the following matters shall be regarded as integral parts of the present Trade Agreement and shall remain in force for the same period :

Agreements concerning :

- (a) Increased traffic facilities on the frontier (Annex A) ;
- (b) Co-operation as regards Customs procedure, prevention, prosecution and punishment of offences against the Customs regulations ; mutual assistance in legal proceedings connected with offences against the customs regulations (Annex B.)
- (c) Agreement concerning epizootic diseases (Annex C.) ;
- (d) Mutual recognition of goods identity certificates (Annex D.) ;
- (e) Mutual recognition of proof-marks on small arms (Annex E.)

Article 13.

(1) Nationals of one Contracting Party and also their ships' masters, their cargoes, vessels and barges in all ports and on all inland waterways in the territory of the other Contracting Party shall enjoy in every respect the same treatment as the nationals of the latter, their ships' masters, their cargoes, vessels and barges. The terms on which regular sailing services may be maintained by the vessels of one Contracting Party between ports of the other shall be determined by special arrangements.

(2) In the case of the establishment of a State tug or towing service on natural or artificial waterways or of the grant to private undertakings of the exclusive right to provide a tug or towing service, the vessels and products of one Contracting Party shall receive the same treatment as that accorded to vessels and products of the other Party, in regard to the formalities required and to the rating and collection of towage fees. The Contracting Parties shall further require from enterprises, to which they may in future grant a concession for a tug or towing service, an undertaking to make no distinction between vessels and products of their own territory and those of the other Contracting Party, as regards the rating and collection of towage fees subject to the same conditions.

(3) Special agreements shall be drawn up between the Contracting Parties with regard to reciprocal recognition of tonnage measurement certificates.

Article 14.

(1) The nationals of one Contracting Party shall be permitted, upon the same conditions and on payment of the same charges as nationals of the other Party, to make use of causeways and other roads, canals, locks, ferries, bridges and bridge-openings, ports and landing stages, buoys and lights on waterways, pilot services, cranes and weighing machines, store houses, apparatus for recovery and salvage of cargo and so forth, provided that the above works and apparatus are intended for public use, whether controlled by the State, the Communes, public corporations or private undertakings.

(2) Fees shall only be charged for the actual use of such works and apparatus.

(3) The tolls for traffic crossing the frontier on roads which are used for purposes of communication between the territories of the two Contracting Parties or between the territory of either Contracting Party and that of a foreign State, shall not be higher in proportion to length of the road-section covered than the tolls levied for traffic, within the territory of either State.

Article 15.

(1) No distinction shall be made on the railways between the inhabitants of the territories of the Contracting Parties, as regards passenger or luggage traffic, more particularly in the matter of conditions of despatch, fares, freight prices and State charges connected therewith, subject to the observance of the same conditions.

(2) Goods consigned in Austria for conveyance to the Czechoslovak Republic or through the Czechoslovak Republic to a third State shall not, subject to the observance of identical conditions in each case, be subject to more unfavourable treatment on the railways in the Czechoslovak Republic either in regard to the conditions of despatch or to freight rates or to State charges connected therewith than goods of a similar nature consigned to the Czechoslovak Republic or to a third State which are carried by the same route and in the same direction. The same provision shall apply to goods consigned in the Czechoslovak Republic for conveyance to Austria or through Austria to a third State and carried on the Austrian railways. This rule shall be applicable on terms of reciprocity to goods which are conveyed by other methods of transport across the frontier of one Contracting Party and are there consigned to the railways of the other. The following conditions respecting the application of railway tariffs, rebates on freight prices, or other facilities shall not apply to consignments of goods of the same nature exported from the territory of one of the Contracting Parties into that of the other :

- (a) the condition that the goods should have come from the territory of the Party granting the facilities ; the requirement that goods should bear such a description, which could not be made use of by similar goods coming from the country of the other Contracting Party, shall be regarded as equivalent to this condition.
- (b) the condition regarding delivery on the spot, except in respect of the condition regarding goods delivered by ship ;
- (c) the condition that raw materials or unfinished manufactures intended for the manufacture of goods, in respect of which special facilities are granted, should have been conveyed either entirely or partly on lines within the territory of the Party granting the facilities.

(3) The foregoing provisions shall not apply to tariff rebates granted for charitable or educational purposes and purposes of Social welfare, for the relief of any transitory special emergency for the transport of troops and military baggage of the national army, for persons employed in the public service, in the railway service and in occupations connected therewith and their families, and for articles used by transport undertakings in the home country. It is also agreed that on secondary railways (light railways, local railways, tramways) traffic on which is preponderatingly foreign, rebates on fares may be granted only to persons resident in the adjacent communes.

Article 16.

Through fares and freight rates shall be established for passenger and goods traffic within the limits of actual requirements.

Article 17.

(1) In traffic between the two neighbouring States or in transit, no discrimination shall, as a rule, be made as regards the conveyance of goods, between goods consigned in the one State and goods consigned in the territory of the other.

(2) The Contracting Parties shall make every effort to meet the requirements of through traffic between their respective territories and between the territories of either Party and of third States, through the territory of the other Party, by arranging for suitable train communications both for passenger and goods traffic and by granting all possible facilities in matters of the traffic and transport.

(3) In making up trains, the requirements of the inland goods traffic and those of the export traffic of goods of the same nature into the territory of the other Party shall as a rule be given equal consideration. This provision shall however only come into force when not less than two-thirds of the joint waggon-park has been allocated and placed at the disposal of the State railway administrations of both Contracting States. Until then the export traffic into the territory of the other Contracting Party shall not receive less favourable treatment as regards the waggons allotted to it than the export traffic into any third State.

Article 18.

(1) In respect of passenger and goods traffic operating between railway stations situated in the territory of one Party by means of through railway communication within the territory of that Party, the fares and tariffs shall be fixed in the legal tender of that State, even if the railway communications used for such traffic are wholly or partly operated by a railway company which has its registered offices in the territory of the other Party.

(2) Passenger fares and freight charges in respect of traffic between despatching stations situated near the frontiers in either State shall be paid in the legal currency of the State in which payment is to be made, even if the tariff is fixed in the legal currency of the other State ; similarly payment may be made in the legal currency of the other State, even if the tariff is fixed in the currency of the State in which payment is made.

(3) The foregoing regulations regarding the acceptance of currencies shall in no way affect the agreements of the railway administrations concerned with regard to the settlement of accounts.

Article 19.

(1) The provisions of the International Agreement regarding the transport of goods by rail of October 14, 1890, together with the amendments and supplementary clauses contained in the Supplementary Arrangement of July 16, 1895, and in the Supplementary Agreements of June 16, 1898 and September 19, 1906, shall be applicable, without restriction, to the goods traffic between the Czechoslovak Republic and Austria.

(2) The two Contracting Parties shall further endeavour to make the provisions of the above mentioned International Agreement applicable, so far as possible without modification, to interstate goods traffic between third States and the Czechoslovak Republic and the Austrian Republic respectively.

Article 20.

Special agreements shall be drawn up by the two administrations concerned for the regulation of postal, telegraphic and telephone communications on the model of the relevant international agreements.

Article 21.

Pending further regulations, the two Parties agree that the aircraft of one Party when flying from or to a locality situated in the territory of the other Party shall only depart from, and land in the territory of the other Party, at a customs aerodrome, except in case of emergency. If aircraft carry merchandise, the pilot must be furnished with a manifest of the goods carried. The nearest customs or police authorities must be informed at once in the case of a forced landing.

Article 22.

(1) The Contracting Parties undertake to enquire amicably into the question of the treatment of workers and employees of the one Party residing in the territory of the other with respect to the protection of workers and employees and to social insurance, in order to ensure to these workers and employees by means of suitable arrangements, treatment in either State which shall offer them, so far as possible, equivalent advantages. These arrangements shall be embodied in a separate agreement.

(2) All possible facilities shall be granted by both Contracting Parties to itinerant agricultural labourers travelling in parties (of not less than 3 labourers). Special efforts shall be made to meet the requirements of either State in respect of such labourers. In dealing with this traffic both States shall employ the services of the State or State authorised bureaux set up for this purpose.

(3) Both Parties agree to issue appropriate official regulations regarding the granting to such parties of labourers of the most ample facilities, at least as extensive as those granted hitherto for crossing the frontier, either upon their entry into the country or their return therefrom. Itinerant labourers shall receive similar treatment to that received by native agricultural labourers of the same category, in respect of conditions of labour and more especially in all matters of social policy.

(4) Specific provisions for the engagement and discharge of itinerant agricultural labourers and provisions regarding conditions of labour and wages shall be laid down in agreements to be drawn up by the competent State authorities of both Parties.

(5) Itinerant labourers from third States travelling to the territory of one of the Contracting States who are obliged to cross the territory of the other Contracting State shall be granted the most ample facilities, both as regards the through journey and the crossing of the frontier. The competent central authorities of both Parties shall come to an agreement upon any specific regulations which may be required more especially in regard to health questions and passport control.

Article 23.

(1) The Contracting Parties shall be reciprocally entitled to appoint consuls in all commercial centres in one another's territories in which any third State may be permitted to maintain consuls. All agents commissioned to carry on consular business shall be regarded as consuls.

(2) The consuls of one of the Contracting Parties in the territory of the other Party shall, upon conditions of reciprocity, enjoy all privileges, powers and exemptions which are or may be conferred upon the consuls of any third country.

(3) It is agreed that in regard to the aforesaid condition of reciprocity, the rights, powers and privileges conferred upon consuls of the one Party in the territory of the other in accordance with the most favoured nation clause shall not exceed those conferred upon the consular representatives of the latter Party in the territory of the former.

(4) It is agreed that exemption in matters of direct taxation shall only be granted to professional consuls of either Party provided that they are not nationals of the State in which they perform their duties. In no case shall such exemption exceed that granted to the diplomatic representatives of the Contracting Parties.

Article 24.

(1) The nationals of either Contracting Party shall, in the territory of the other, be exempt from any kind of military service in the armed forces and from any tax in commutation of personal military service ; they shall also be in no way hindered from fulfilling their military duties in the State of which they are nationals.

(2) They shall in peace and war be required to render military services other than those mentioned in paragraph 1 and be subject to military requisitions, only to the same extent and upon the same grounds as the nationals of the Party in whose territory they are residing. Compensation shall however be made in all such cases.

(3) Further, they shall be exempt from any obligation to perform public and legal duties in courts of law, or in matters under the jurisdiction of the State administrative authorities or in autonomous associations, with the exception of the duties of guardian (*Kuratel*) over nationals of their own State.

Article 25.

Any difference of opinion between the Contracting Parties with regard to the interpretation or application of the provisions of this Agreement shall upon application by either of the Contracting Parties be decided by arbitration.

(2) The Court of Arbitration shall in all cases of dispute consist of two suitable persons appointed as arbitrators by each of the Contracting Parties from amongst its own nationals and a national of a third State who shall be chosen as Umpire by the Contracting Parties. The Contracting Parties undertake, after the coming into force of the present Agreement, to come to an agreement beforehand and for a definite period as to the person to be appointed as Umpire in the event of a dispute.

(3) In the first dispute the Court of Arbitration shall sit in the territory of the defendant Contracting Party, in the second it shall sit in that of the other Party and so on alternatively in the territory of either Party. The place in which the Court shall sit shall be determined by the Party in whose territory the Court meets. The latter Party shall make all arrangements for the premises and the Secretariat and other staff required by the Court of Arbitration. The Umpire shall preside over the Court of arbitration. Decisions shall be taken by a majority.

(4) The Contracting Parties shall settle the procedure of the Court of Arbitration by agreement either as each case arises or once for all. In default of an agreement the Court of arbitration shall itself determine its procedure. The proceedings may be conducted by correspondence unless one of the Contracting Parties objects thereto ; in that case, the provisions of the preceding paragraph do not apply.

(5) With regard to the summoning and hearing of witnesses and experts, the authorities of either of the Contracting Parties shall, upon application from the Court of Arbitration to the

Government concerned, give legal assistance in the same manner as if it had been applied for by their on Civil Courts.

Article 26.

(1) The present Agreement shall be ratified as soon as possible. The instruments of ratification shall be exchanged at Prague. The Agreement shall come into force on the tenth day following the exchange of the instruments of ratification and shall remain in force until denounced by one of the two Contracting Parties. In that case it shall expire three months after the day on which notice of denunciation was given to the other Contracting Party.

(2) The Agreement shall be drawn up in the Czechoslovak and the German languages.

In faith whereof the plenipotentiaries have signed the foregoing Agreement and affixed their seal.

Done at Prague on May the Fourth, one thousand nine hundred and twenty-one.

For the Czechoslovak Republic :

(L. S.) Dr. HOTOWETZ.

(L. S.) Dr. V. SCHUSTER.

For the Austrian Republic :

(L. S.) RIEDL.

ANNEX A.

(Specimen).

It is hereby certified that who proposes to exhibit his manufactures (or products) in the fairs and markets

for Czechoslovak nationals : in the Republic of Austria
for Austrian nationals : in the Czechoslovak Republic

and who has applied to the competent authorities for a certificate of identity, is domiciled in... and is liable to pay the special taxes and duties levied on his business.

The present certificate is valid for months.

(Place, date, signature and official stamp of the issuing authority.)

Description and signature of trader.

ANNEX B.

(Specimen)

TRADING CERTIFICATE FOR COMMERCIAL TRAVELLERS.

Year No.

Valid for travelling abroad.

Bearer (Christian names and surname)

(Name of place) (Day, month, year).....

(Seal)

(Authority)

(Signature)

It is hereby certified that the bearer possesses a (description of factory or business) in..... in the service of the firm of and is a commercial traveller in the service of the firm of and, which possesses a (description of factory or business) in the same place.

It is further declared, since the bearer proposes to solicit custom and to make purchases on behalf of this firm and likewise of the following firm(s) (description of factory or business) in... that the legally established taxes must be paid in respect of the business activities of the afore-mentioned firm(s) in this country.

Description of Bearer :

Age :

General appearance :

Hair :

Special characteristics :

N. B. — The bearer is only entitled to solicit custom and to make purchases as a commercial traveller and on behalf of the afore-mentioned firm(s). He may take with him samples of goods but no goods. Further, he must comply with the regulations in force in each State.

FINAL PROTOCOL TO THE COMMERCIAL AGREEMENT BETWEEN THE
CZECHOSLOVAK REPUBLIC AND THE REPUBLIC OF AUSTRIA.

On the occasion of the signing of the present Trade Agreement which has been concluded this day between the Czechoslovak Republic and the Republic of Austria, the undersigned plenipotentiaries have made the following declarations, which are to be regarded as forming an integral part of the Agreement itself :

It is agreed that the Czechoslovak Republic does not, in consequence of the present Agreement including the Final Protocol, renounce such rights and privileges as accrue to her or to her nationals by virtue of the Peace Treaty (" Staatsvertrag ") of St. Germain of September 10, 1919, and exceed in scope the rights and privileges granted by the two Governments to each other or to each other's nationals by the present Agreement including the Final Protocol.

Ad Article 2.

(1) In order to facilitate the application of the national regulations of both States regarding the establishment and carrying on of undertakings by foreigners — regulations which have been drawn up on the basis of strict reciprocity — both Parties undertake to allow each other's nationals to establish and carry on commercial and industrial undertakings on the same conditions as their own nationals. The provision contained in Section 2 of Article 1 of this Agreement shall not be affected hereby.

(2) The despatch of the certificates required under the terms of Section 2 of Article 2 shall be effected by the competent industrial authorities of Grade I.

(3) The provisions of Section 7 of Article 2 do not exclude the levying of fees for granting authorisations to trading companies, co-operative societies and similar associations in one of the two Contracting States to carry on business in the territory of the other, provided that fees of proportionately similar amount are levied in respect of similar national companies on the occasion of their establishment, or of their receiving the grant of a concession or authority to carry on business.

(4) The question as to how nationals of the Contracting Parties who carry on a transport or shipping business between places situated in different States are to be treated in respect of the taxing of these undertakings will be settled by a special Agreement with regard to the cognate question of double taxation which is to be concluded at a later date. Till then, undertakings of this kind shall not be subject to any industrial tax in the territory of one of the Parties in respect of their business in the territory of the other Party.

Ad Article 3.

(1) The provisions of the Agreement of August 2, 1920, between the Czecho-Slovak Republic and the Republic of Austria with regard to the treatment, from a legal point of view, of production and transport undertakings shall not be affected by the provisions of Article 3.

(2) The regulations of both the Contracting Parties by which the conditions of reciprocity with regard to the authorising of limited liability companies to carry on business shall remain in force.

Ad Article 5.

It is agreed that the laws and decrees of one of the Contracting Parties must be complied with by the other Party also in cases in which they prohibit the use of invoices containing information

of an indirectly inaccurate character with regard to the origin of the products mentioned in Article. 5

Ad Article 6.

(1) It is agreed that, as a rule, goods of whatever origin in transit through the territory of one of the Contracting Parties or consigned to free ports or free Customs zones shall not upon entry into the territory of the other Party be subject to any Customs duties or charges different from or higher than those to which they would be liable if imported direct from their land of origin. It is also agreed that this provision shall apply equally to goods in transit subsequent to trans-shipment, repacking or storage, and to goods transported direct. If either of the Contracting Parties considered it necessary in order to encourage their own trade, to take measures conflicting with this rule, the other Contracting Party shall retain the right to take the same or similar measures.

(2) It is agreed that articles manufactured in the finishing trade shall only be regarded as industrial products of the Contracting Party concerned if and in so far as the value of the home produced materials so finished, plus the labour employed upon them, is equivalent to not less than one quarter of the value of the goods. The Contracting Parties reserve the right at any time to withdraw this restriction by common agreement.

(3) It is agreed that no provisions other than those contained in Article 9 shall be applicable in the case of import and export prohibitions in connection with trade between the Contracting Parties.

(4) It is agreed that, so long as either of the Contracting Parties maintains in force export duties or taxes, the Contracting Parties shall from time to time exchange observations regarding the effect of these duties or taxes upon trade relations between the two States, and, should occasion arise, shall notify one another of their desires with regard to a revision of the export duties or taxes which shall then be made the subject of negotiations.

(5) The reciprocal application of the most favoured nation clause with regard to the administration of the monopolies shall not affect any separate agreements which may be concluded regarding the delivery of goods used in any of the State monopolies.

(6) The method of issuing Certificates of Origin, where such certificates are required, shall be determined by agreement between both Parties. In this respect the Contracting Parties shall endeavour to prevent any unnecessary impediments to trade, due either to excessive charges or to formalities in connection with the issue of certificates.

Ad Article 7.

It is agreed that the provisions of Article 7 shall not affect any measures intended to safeguard the payment of taxes on commercial transactions and luxury taxes in cases of native industrial undertakings owned by foreigners.

Ad Article 8.

The exemption from Customs duties and charges granted in paragraph 2 of Article 8 to transit trade shall not affect the collection of statistical charges.

(2) The temporary suspension or restriction for technical reasons of the transport of goods by rail or by ship shall not be regarded as an infringement of the provisions of Article 8, regarding exemptions granted to traffic in transit, provided that such measures apply equally and in the same manner to goods from the country concerned. In case of transit facilities being temporarily suspended owing to accident, the two Contracting Parties shall take steps to ensure that such suspension

is immediately communicated by one Party to the competent authorities of the other, so as to prevent further consignments being despatched in transit during the suspension of transit traffic.

(3) It is agreed that transit consignments which before the coming into force of any prohibition issued in accordance with paragraph 3 of Article 8 have already entered the territory of the State which issued the prohibition, shall not be affected by such prohibition but shall be forwarded to the place of destination. Upon the expiry of the validity of this Agreement, goods delivered to the goods guard before the date of expiry shall be conveyed to the place of destination even in cases in which the actual transit only began after the date of the expiry of the Agreement.

(4) Very perishable goods which are transported through the territory of one of the Contracting Parties and are unloaded or transhipped in transit (im gebrochenen Verkehr), shall only be treated as transit consignments, if they are re-exported within a period to be determined in accordance with the degree of perishability of the goods, but not exceeding two months from the day on which the goods were warehoused. If it is impossible, through no fault of the person entitled to dispose of the goods, to export them within the period of two months, this period may be extended.

(5) Petroleum and petroleum products originating in a country which has conceded a fixed supply (Kontingent) of these goods to one of the Contracting Parties, shall only be accepted as transit consignments and permitted to be unloaded or transhipped in transit, if the country of origin has previously notified its acceptance of the condition that, subject to proof of re-export, such consignments which are unloaded and warehoused in transit shall not be reckoned as part of the fixed supply conceded to the country of transit.

(6) These provisions shall not affect the free transit granted under Article 4 of the Rome Universal Postal Convention to mail bags, and under Article 2 of the Rome Parcels Post Convention to the parcels post.

Ad Article 9.

(1) Being equally desirous of returning as soon as possible to complete freedom of commercial intercourse between the two countries and for this purpose, so far as possible of reducing and gradually abolishing the restrictions which must meanwhile be maintained in view of the prevailing abnormal conditions, the two Contracting Parties are agreed to take into consideration so far as possible the requirements of trade in the application of any import and export prohibitions existing in their countries by granting licences for the import and export of goods subject to prohibitions and to do everything in their power to promote and facilitate by a liberal policy the revival of normal commercial relations and of an active exchange of goods between the two countries.

(2) With a view to ensuring the application of this principle and the observance by both Parties of a mode of procedure compatible with the terms of reciprocity, the two Contracting Parties shall from time to time inform one another of their desires with regard to the granting of import and export licences and shall enter into negotiations regarding the extent to which these desires can be satisfied, whether by granting export and import licences for fixed quantities (Kontingente) of given articles, or by granting individual licences.

(3) Either Party shall grant to the monopoly undertakings of the other the right to purchase freely saccharine, saccharine products and raw materials for the manufacture of saccharine, in so far as these materials are not required by its own monopoly undertakings. The export licences required in this connection shall as a rule be issued immediately upon application for the fixed quantities agreed upon in respect of the articles in question. Exports thereof shall not be subject to the collection of special taxes; exports of saccharine and saccharine products shall further be exempt from handling charges. Further the official wrappers (Banderollen) for sealing monopoly goods shall be free of customs duties and other charges. Neither Party shall place any res-

trictions upon consignments in transit of saccharine and saccharine products used in the monopoly undertakings.

(4) The provisions of Paragraphs 2 and 3 of Article 9 shall not apply to commodities under State monopoly.

(5) The Governments of the two Contracting Parties declare themselves prepared to grant, in so far as the national economic situation permits, exemptions from their existing import and export prohibitions with the object of permitting raw materials and half finished manufactures to be transported from the territory of one Party into that of the other, to be finished or refined there and, upon completion of such finishing or refining process, to be re-exported to the country in which the raw materials or half-finished manufactures originated. They reserve to themselves the right, however, to impose such conditions as may be necessary to safeguard the re-export or re-import of the finished goods and to prevent articles subject to an export prohibition being used as raw materials or auxiliary materials in the production of finished goods and exported therewith while benefiting by the facilities granted to the finishing trade. The provisions of the Customs regulations of either State regarding the granting of exemptions from customs duties for the finishing trade shall not be affected hereby.

(6) New import and export prohibitions shall not apply to goods which were delivered for despatch on the day of publication of these prohibitions.

(7) The respective Governments are prepared to make import and export licences granted in accordance with the existing regulations operative in all respects throughout the period of validity, even if the aforesaid import and export regulations are subsequently modified.

(8) A licence, which has been issued, may be withdrawn :

(a) if it endangers important public interests ;

(b) if it was obtained by means of false statements or by other corrupt means.

(9) Any new export duties introduced, or any rise in existing export duties shall not, for a period of six weeks following their coming into force, affect export licences granted previously and still valid. After the expiry of six weeks any export licence issued shall only be valid, if in each separate case the difference between the new tax and the old tax be paid subsequently in respect of the value of any goods which have not been exported within the above mentioned period.

(10) Both Parties shall give a mutual undertaking that, if for reasons which are admittedly beyond the control of the persons concerned, export licences already issued cannot be utilised either entirely or in part in the time given, the licence may upon application be extended, provided that the conditions upon which the licence was first issued are still subsisting and that the licence cannot be withdrawn for any of the reasons justifying withdrawal. In no case shall extension be refused merely on account of new export regulations which have been introduced meanwhile.

(11) In so far as the question of the issue of export licences is determined by the fluctuations in the prices of the goods exported, contracts concluded before the introduction of regulations regarding prices or of new regulations shall not as a rule be affected hereby, if the regulations regarding prices in force at the time when the contract was concluded were taken into consideration, and subject to one of the following conditions :

(a) If the purchaser has already made payments ; or

(b) if the purveyor has already made deliveries under the contract ; or

(c) if the purchaser has already agreed to a proportional increase in prices.

These general provisions, shall not however apply to contracts concluded before July 15, 1919.

(12) It is agreed that the terms contained in Paragraph 4 of Article 9 shall not apply to sporting guns, ammunition for sporting purposes or typewriters carried with them by travellers, as

long as either of the two States may maintain restrictions in this respect. Provisions carried by travellers for the needs of their journey in quantities appropriate to the length of the journey shall be regarded as articles for their personal use ; in any case passengers may take a supply of provisions sufficient for a three days' journey without a special licence.

Ad Article 10.

(1) The tax on commercial transactions and the luxury tax shall not be regarded as " a further tax or duty " within the meaning of the provisions of Article 10, paragraph 1., provided that neither Party shall tax the nationals of the other Contracting Party at a higher rate than its own nationals.

(2) It is agreed that upon application from the person concerned the period for the re-export of dutiable samples carried with them by commercial travellers or forwarded in advance of or sent after them shall be fixed at one year.

(3) Goods made of precious metals, which are imported subject to the regulations regarding imports under customs control (Eingangsvormerkverfahren) by commercial travellers solely as samples for exhibition purposes against deposit of the customs duties, and accordingly may not be released from custom control, need not, upon application, be hall-marked, if a suitable deposit is paid, which shall be forfeited in case of failure to re-export the sample within the appointed period.

Ad Article 11.

All possible facilities shall be granted by the respective Contracting Parties as regards the clearance through the customs of livestock which is driven to markets in the territory of the other Contracting Party and re-exported thence unsold. A description of the live-stock, giving particulars of breed, number of head and colour, together with any special characteristics shall be regarded as sufficient for purposes of identification.

Ad Article 15.

(Paragraph *b*, sub-paragraph 2).

The two Governments agree that the case of merchandise conveyed in carts, in wagons attached to ordinary trains, (on private sidings), by light railway or upon certain stated railways shall be regarded as analogous to the condition concerning " delivery on the spot ". This provision shall not apply to goods transhipped from ship to rail when conveyed in wagons attached to ordinary trains.

Ad Article 16.

(1) It is understood that, pending the conclusion of other agreements between the railway administrations, the question whether circumstances require the fixing of tariffs for through rates in conformity with the existing tariffs for passenger and goods traffic shall in principle be decided in accordance with the views of either railway administration which shall make a proposal to this effect ; the latter must however give reasons showing that the measure is required.

(2) The respective Governments agree further that in determining through rates, allowance shall be made as far as possible for goods which have to be transhipped in transit.

Ad Article 21.

The Contracting Parties shall enter into negotiations, as soon as possible, with regard to an agreement for regulating air traffic between the two countries.

Ad Article 25.

It is agreed that the Court of Arbitration shall only be convened by the respective Governments and not by subordinate officials or private persons, and that the Court shall only be convened after an attempt has been made, but without success, to reach a friendly settlement of the dispute through diplomatic channels.

Done at Prague on May 4, nineteen hundred and twenty-one.

For the Czechoslovak Republic :

(L. S.) Dr. HOTOWETZ.

(L. S.) Dr. V. SCHUSTER.

For the Republic of Austria :

(L. S.) RIEDL.

Annex A to Article 12.

INCREASED TRAFFIC FACILITIES ON THE FRONTIER.

The following arrangements have been agreed upon for facilitating traffic in the frontier zones :

- (a) The districts situated on both sides of the common customs frontiers shall be regarded as frontier zones. The respective Governments shall be free to issue further orders specifying these districts. No frontier zone shall however exceed 15 kilometres in width.
- (b) The following shall be imported into either country free of duty, subject to any restriction or withdrawal of this concession ordered by the local authorities in case of abuse :
 - Butcher's meat, whether fresh or simply prepared in quantities not exceeding 2 kg. ;
 - Milling products from cereals or legumina, in quantities not exceeding 3 kg. ;
 - Household bread and baker's wares in quantities not exceeding 3 kg., provided that these goods are not imported by post for residents on the frontier.
- (c) Sacks and other packing cases and wrappings, in which goods exchanged in trade between the frontier zones are transported from one frontier zone to the opposite zone and which are thence re-exported empty by the same route, shall be exempt from customs duties.
- (d) Prepared medicines, fetched by residents on the frontier from pharmacies in the vicinity on production of prescriptions by duly qualified doctors in small quantities corresponding to the actual requirements of the purchasers may also be imported free of customs duty without a licence from the Government officials. Further a prescription will not be required in the case of simple drugs used for medicinal purposes and simple pharmaceutical and chemical preparations which have a

accurate and clear description on the wrapper and which may be retailed under the regulations in force in the country in question.

- (e) For the purposes of trade between the respective frontier zones, the following goods, if exempt from customs duties, may be transported across the frontiers on by-roads, provided that local conditions make this measure desirable and feasible, and, if necessary, subject to suitable regulations :
- Natural and artificial fertilisers, flax and hemp on the stalk, green and coarse fodder (feeding herbs, hay, straw, chopped straw) forest litter, moss, rushes, milk, common sand for mortar, flints and pebbles, broken emery, common clay and potter's earth, firewood and coal (these two only for personal use of residents on the frontier) peat, bog earth, raw tinder.
- (f) In the case of agricultural estates or other properties, which are intersected or separated by the frontier line, no difficulties or restrictions of any kind due to the frontier line or any regulations consequent thereon shall be placed in the way of cultivation, which should continue undisturbed. More particularly, farm live stock and agricultural implements belonging to such properties, the necessary supplies of seed for the cultivation of the fields, field produce and stock farming products derived from such properties may be taken free of duty from one part of the property to the other over the frontier separating these parts by the natural approaches.
- (g) Residents on the frontier, who have to carry on agricultural labour in the other frontier zone, in their own or in leased fields or meadows, etc. — but only in the neighbourhood of their domicile — shall be entitled to take over the frontier free of duty all live stock and tools required for such work, all necessary supplies of seed and the field produce derived from lands under cultivation. The above mentioned articles may be taken across the frontier by by-roads, if the circumstances of the case or the kind of labour to be carried out appear to require it, if the Customs control regulations are observed and if the resident on the frontier in question returns home from the opposite frontier zone on the day on which he entered it.
- (h) (1) Live stock driven to pasturages in the other frontier zone or returning therefrom shall be free of duty, provided that they are duly identified. Produce derived from such live stock, e. g., milk, butter, cheese and wool and young live stock reared in the meanwhile, may be re-exported free of duty in appropriate quantities taking into account the number of head of live stock and the duration of the grazing season. The provision contained in the second sentence of paragraph (g) is also applicable in this case, but subject to the further condition that live stock may be imported by by-roads, even if not re-imported on the day of export.
- (2) Similarly, salt, flour and bread taken by residents on the frontier for purposes of consumption during the grazing season to their pasturages situated in the opposite frontier zone shall be free of duty. The respective customs administrations shall fix the quantities of the above articles which may be taken in accordance with the requirements of the case.
- (i) The following shall be free of duty subject to the customs regulations for goods imported under customs control (Vormerk) :

Live stock imported in order to be fattened and for temporary work and agricultural machinery and implements for temporary use.

- (k) (1) Cereals, oil seed, hemp, flax, wood, tanner's bark and similar agricultural products, which are taken into the opposite frontier zone by residents on the frontier to be ground, crushed, bruised, cut up, sawn, powdered or subjected to similar treatment, and are re-exported as finished articles, shall be subject to the conditions regulating the finishing trade, or, if any specially noteworthy local condi-

- derations so require, may be imported and exported free of duty subject to suitable regulations for safeguarding the customs.
- (2) The quantities of such products which may be reimported or must be re-exported in place of the raw materials shall be fixed as required in agreement by the respective customs administrations.
- (*l*) With a view to facilitating travelling by residents on the frontier with articles required for their personal use, which are taken from one frontier zone into the opposite frontier zone for repair or for technical treatment (*handwerksmäßige Bearbeitung*) and re-exported, the respective frontier customs officers shall be authorised to permit such traffic in either direction. Domestic service shall be regarded as being governed by the provisions relating to technical treatment. The dyeing of yarns and textiles shall be considered as analogous to technical treatment. In addition to stuffs used for making up articles of clothing and transported under the terms relating to technical treatment, trimmings used for the same purpose shall also be free of customs duty.
- (*m*)(1) Residents on the frontier who do temporary manual labour in the fields or other agricultural or forestry work in agricultural or forestry establishments situated on the opposite frontier zone — but only in the neighbourhood of their domiciles — upon duly signed contracts may, provided that they regularly return home from the opposite frontier zone not later than six days after entering the place of work and observe the official customs regulations issued for cases of this kind, cross the customs frontiers without hindrance on by-roads as well as main roads and may take over the frontier, free of customs or other duties, any implements or tools required for their work and also any wages whether in money or in kind earned as a result by such work, as well as any articles for their personal use which can be shown to have been supplied to them by their employers as part of their earnings (e. g., shoes and other articles of clothing).
- (2) Food prepared at home for such workers may also be taken over the frontier to them free of duty, provided that the person taking the food returns home on the day on which he entered the opposite frontier zone.
- n*) The exemption from passport and visa regulations granted under special agreements to residents on the frontier for crossing the frontier shall remain in force.
- (*o*) (1) Doctors, veterinary surgeons and midwives, domiciled in one frontier zone, may practise in the opposite frontier zone also. They may for the purpose of their practice, provided that they possess special identity certificates, cross the frontier by by-roads, on bicycles or in motor vehicles, without reporting on every occasion to a custom house and at any time by day or night. Specific orders regarding this privilege will be issued by the respective customs administrations in agreement.
- (2) Medicines carried personally may only be sold or delivered in case of an emergency involving serious danger to life.
- (3) These conditions are to be regarded as temporary arrangements and will be replaced by a definitive agreement permitting persons in the medical professions who are nationals of one country to practise in the territory of the other country.
- (*p*) Existing import and export prohibitions (Art. 9, sub. paragraph 1., paragraph (*c*)) shall not be applicable to traffic permitted under paragraphs *b*, *d*, *f*, *g*, *h*, *i*, *k*, *l* and *m*).
- (*q*) (1) Small quantities of goods in daily use for which a licence is required under ordinary circumstances may be taken over the frontier personally by residents on the frontier, if it may be inferred from the nature of the goods and the position

of the resident that the goods are obviously intended for personal use and not for trade.

- (2) The quantities of the more important foodstuffs governed by this clause will be notified to the custom houses, as required.
- (r) In all other cases the restrictions in force in either State as regards freedom of communication and the ordinances concerning the management by the State of certain products shall not be affected by the regulations for frontier communications. Residents on the frontier, however, who are nationals of one State and who cultivate detached lands in the territory of the other State, shall be under no compulsion upon that account to make deliveries benefiting the latter State.
- (s) The Czechoslovak Republic shall grant any facilities in respect of through train traffic, compatible with the safeguarding of Czechoslovakia's customs interests, to residents of the Austrian communes situated in the immediate vicinity of the territory surrounding Feldsburg ceded to the Czechoslovak Republic under the Treaty of Peace of St. Germain of September 10, 1919. The customs control arrangements agreed upon by the respective customs administrations shall apply to this traffic. The frontier may only be crossed by traffic of this nature at the points upon which the respective customs administrations have agreed.
- (t) The special regulations regarding frontier traffic between the March-Thaya triangle and the Austrian territory adjacent thereto are contained in the Agreement signed at Prague on March 10, 1921, between the Czechoslovak Republic and the Austrian Republic concerning the delimitation of the frontier between Austria and Czechoslovakia and various questions connected therewith.

Annex b to Article 12.

AGREEMENT REGARDING MUTUAL ASSISTANCE TO BE AFFORDED IN MATTERS CONNECTED WITH CUSTOMS INSPECTION WITH A VIEW TO THE PREVENTION, PROSECUTION, AND PUNISHMENT OF INFRINGEMENTS OF THE CUSTOMS REGULATIONS AND REGARDING MUTUAL LEGAL ASSISTANCE TO BE RENDERED IN CRIMINAL CASES CONNECTED WITH SUCH INFRINGEMENTS.

Paragraph 1.

(1) The Contracting Parties shall, in accordance with the following regulations, afford each other legal assistance in matters connected with customs inspection and the prevention, prosecution and punishment of infringements of the customs regulations and shall render each other legal assistance in regard to criminal proceedings for offences against the customs regulations.

(2) Each of the Contracting Parties shall oblige its customs officials and employees to observe the customs laws and regulations of the other Party, including import, export and transit traffic prohibitions and the regulations regarding the statistics of goods traffic.

I.

MUTUAL ASSISTANCE TO BE AFFORDED IN MATTERS CONNECTED WITH CUSTOMS INSPECTION.

Paragraph 2.

(1) The customs authorities on the common frontier shall at all times permit the higher officials of the corresponding frontier customs offices of the other Party to inspect their goods traffic ac-

count books, vouchers and statistical records. Further, the above-mentioned authorities may, on giving notice in advance, send special officials for this purpose.

(2) All information regarding financial procedure, bookkeeping and statistics in both customs areas shall be furnished on request.

Paragraph 3.

(1) Both Contracting Parties shall only allow goods to be sent into the territory of the other Party by customs routes and by rough competent customs entry offices, and only at times when such goods may reasonably be expected to reach the custom office on the other side of the frontier during office hours.

(2) Customs routes and office hours on common frontiers shall be determined by mutual agreement ; each Party shall inform the other of the facilities provided for crossing the frontier.

Paragraph 4.

(1) On railways used for public traffic, passengers, baggage and goods may be conveyed across the frontier both by day and by night.

(2) The railways shall be bound to communicate to the customs offices and branch offices (railway, customs offices) the time-tables of all trains crossing the frontier, and to notify them of any alterations therein at least eight days before such timetables or alterations come into operation. The railway customs offices shall further be notified if any trains are running exceptionally late or have been cancelled, and also if any special trains or light engines are expected.

Paragraph 5.

(1) Both Parties shall take steps to provide that, in railway traffic between their territories, declarations of origin are given for consignments of goods which are to be handed over to the customs office of the other Party.

(2) On the arrival of every train of loaded wagons (except service wagons) the railway conveying the wagons over the customs frontier shall hand to the customs office of the other Party a train schedule modelled on Form (a).

(3) A train-docket, modelled on Form (b), shall be handed to the customs offices situated on the territory of the other Party before the departure of every train of loaded wagons (except service wagons) proceeding to the neighbouring country.

(4) No other customs forms need be filled up by the railway for the purposes of the neighbouring country.

Paragraph 6.

(1) In order to safeguard the customs expenditure each Party shall hand over as such to the customs administration of the other Party any goods which do not originate from free traffic (freier Verkehr) within their territories due note being taken of their country of origin and despatch. In this connection any existing custom house fastenings or seals shall be recognised by each Party as equivalent to that Party's own customs house seals (paragraph 2). In the case of goods to be transmitted to customs houses within the country, the customs houses of both Parties at the frontier

station need only stamp the accompanying declaration. In such cases the accompanying papers shall be dealt with by the office to which the goods are transmitted.

(2) The Contracting Parties shall, at those places on their frontiers where through rail connections exist and where rolling stock is transferred, exempt from unloading and inspection at the frontier, or from separate sealing, goods conveyed in wagons provided with the regulation fastenings and carried in the same wagons to a place within the country at which there is a custom house empowered to inspect the goods, provided that due notice has been given of their despatch.

(3) Goods carried without transshipment in railway wagons provided with the regulation fastenings, and exported through the territory of one of the two Contracting Parties or imported through the territory of one Party to the territory of the other, need not be unloaded or inspected or sealed either within the country or at the frontier, provided that due notice has been given of their passage in transit.

(4) The above exemption shall only be granted provided that the railway administrations concerned undertake that the wagons shall reach the custom office within the country, or the export office, as the case may be, punctually and with their fastenings intact.

(5) Goods which are duty-free need not as a rule be unloaded or weighed at the frontier customs office even for final customs clearance if they can be inspected without unloading.

(6) As an exceptional measure the facilities provided in (2) and (3) shall also be granted and the regular customs inspection need not take place in cases where goods are transhipped (from one railway wagon to another) under customs supervision, and this transshipment is necessitated by a change of gauge or is unavoidable for other reasons.

(7) The exemption from customs inspection agreed upon in (3) in the case of goods in transit by rail shall not apply if information has been received, or if there is good reason to suspect that an infringement of the customs regulations is intended.

(8) Any wider facilities regarding customs inspection granted by one of the two Contracting Parties to third States shall also, on condition of reciprocity, apply to traffic with the other Party.

Paragraph 7.

(1) Only passengers' hand-baggage may be conveyed over the frontier in passenger coaches.

(2) The customs inspection of hand-baggage shall be expedited at the frontier station, so that baggage which is to be inspected by another customs office may also, if possible, be carried on by the connecting train.

(3) Articles sent express or at goods rates, which are carried on passenger trains, shall be subject to the same conditions and formalities as those in force for articles of the same kind carried by goods train.

(4) Perishable goods sent express by passenger train shall be passed through the customs as rapidly as passengers' baggage.

Paragraph 8.

(1) In order to facilitate passenger and goods traffic, the Contracting Parties shall as soon as possible establish their corresponding customs offices and frontier passport offices at one and the same place, if circumstances allow and if this has not already been done.

(2) The provisions agreed upon for this purpose, under pledge of complete reciprocity, are contained in the attached annex.

(3) Further, both Governments shall take steps as soon as possible to remove any hindrance to traffic due to customs inspection and examination of passports at junction stations, and also to facilitate through traffic by allowing baggage to be forwarded direct to a customs office within the territory of the other Party.

Paragraph 9.

As regards the regulations with which wagons for traffic under customs seal must comply, those laid down at the Conference of Berne on May 15, 1886, regarding the construction of wagons capable of being sealed for international traffic, together with any modifications or supplementary regulations thereto shall apply.

Paragraph 10.

(1) In order to allow the immunities granted in the case of goods intended for re-export which have not passed through the customs, and also in order to enable re-exported goods to be exempted from duty or to have duty refunded, each of the Contracting Parties shall upon application from the other Party, confirm the passage of goods over the common frontier into the territory of the other Party.

(2) In such cases the requisite customs certificates must accompany the goods at the time of crossing the common frontier. If the certificates have received the official stamp of the frontier entry office this shall be deemed sufficient proof that they have crossed the frontier. In postal traffic no proof shall be required.

Paragraph 11.

Custom house certificates, fastenings, seals, stamps and any other marks affixed by the custom house authorities, stamps and any other marks affixed to casks and other receptacles by gauging offices, the gauging-stamps and tonnage certificates of river-craft in regard to which special agreements are to be concluded between the two Contracting Parties, as well as the official indication of tare-weight on railway-wagons shall be mutually recognised for customs purposes.

Paragraph 12.

Re-entry free of duty shall be granted by the Customs authorities in the case of goods which were consigned for transport by rail in the territory of one of the Contracting Parties and were forwarded through the territory of the other Party to the territory of origin, if the carriage of such goods was provided for by agreements between the railway authorities of both Parties regarding the allocation and management of traffic.

II.

PREVENTION OF INFRINGEMENTS OF CUSTOMS REGULATIONS.

Paragraph 13.

(1) The revenue officials of both Parties stationed on the common frontier shall afford each other every assistance for the prevention and detection of smuggling into the territory of either

Party, shall communicate their observations to each other without delay and shall maintain friendly relations with each other.

(2) From time to time, and as occasion may require, the higher customs officials of both Parties shall meet with a view to discussing the most effective methods of co-operating in this respect.

Paragraph 14.

The revenue officials of both Parties, whose duty it is to prevent and prosecute infringements of the customs regulations, shall also take all lawful measures in order to prevent infringement of the customs regulations of the other Party. In such cases, the official concerned shall proceed in the same manner as they would do in the case of any infringement of their own national customs regulations.

Paragraph 15.

The revenue officials of the one Party shall immediately inform the competent revenue officials of the other Party of any infringements of that Party's customs regulations which may come to their knowledge, and, on request, shall forward the relevant documents and evidence.

Paragraph 16.

(1) Each of the Contracting Parties shall, at the request of the other Party, place persons under supervision who have given grounds for suspecting that they are professionally or habitually smuggling goods into the territory of that Party.

(2) Should the suspicion arise that stocks of goods exceeding normal requirements are being accumulated within the frontier districts of either Party, for the obvious purpose of smuggling them into the territory of the other Party, such depots shall, upon application, be placed under special supervision.

III.

PROSECUTION AND PUNISHMENT OF INFRINGEMENTS OF CUSTOMS REGULATIONS.

Paragraph 17.

(1) Each Contracting Party shall, upon application from a competent authority of the other Party, have any cases of infringements of the customs regulations of that Party prosecuted and punished by the same Courts and authorities, and according to the same procedure as offences against its own customs regulations, provided :

- (a) that the accused person is a national of the State which is to prosecute and punish him, or
- (b) that, without being a national of that State, he was not only domiciled (even if merely temporarily) in the territory of that State at the time when the offence was committed or used that territory as a starting-point when committing the offence, but also that he can be found in that territory at the time when the application for prosecution is received, or after that date.

(2) If the amount of the fine is fixed in accordance with the amount of the customs duties of which either Party has been defrauded, such fine shall be fixed in accordance with the tariff of the State whose fiscal laws have been infringed.

(3) This provision shall in no way affect the prosecution of any other punishable offences which may have been committed at the same time as the offence against the customs regulations.

Paragraph 18.

Official evidence given by the authorities or officials of either Party shall be recognised by the other Party as possessing the same force as official evidence given by its own authorities or officials.

Paragraph 19.

(1) In the case of prosecutions of offences against the customs regulations of the other Party, the costs and charges arising out of the prosecution and the execution of the sentence shall be determined and allocated according to the principles which apply in the case of prosecutions of similar offences against the prosecuting Party's own customs regulations.

(2) Pending settlement, the expenditure arising out of the case shall be borne by the State in whose territory the prosecution takes place.

(3) Costs and charges arising out of the proceedings and the execution of the sentence which, in the case of offences against a State's own customs regulations, would be borne by that State because they cannot be recovered from the accused, or covered by means paid in by third persons, or by the sale or articles which formed the object of the offences and which have been seized as security, shall be paid by the State whose authorities demanded the prosecution.

Paragraph 20.

(1) Payment of the customs duties which it had been intended to evade shall be imposed in addition to the fine.

(2) Any sums recovered from the accused, or obtained by the sale of the objects of the offence against the customs regulations, shall be applied in the first place to the payment of the costs and charges, in the second place to that of the customs duties of which the other Party had been defrauded and, lastly, to the payment of the fines.

(3) The amount of the fines and the objects seized shall be the property of the State in which the case was tried.

Paragraph 21.

The right to remit or mitigate a sentence belongs to the State in which the sentence was passed.

Paragraph 22.

For the purpose of this agreement the words „infringements of the customs regulations” shall be understood to include infringements of import, export and transit prohibitions.

IV.,

LEGAL ASSISTANCE.

Paragraph 23.

(1) The Courts and revenue authorities of the Contracting Parties shall afford each other legal assistance, within the limits of their competence, in all matters concerning the prosecution of offences against the customs regulations. They shall, if requested to do so, take the deposition on oath of experts and witnesses, carry out official investigations and serve summonses and judgments.

(2) The charges and costs arising out of these official transactions shall be borne by the State which made the application.

Annex to paragraph 8 (2)

PROVISIONS REGARDING THE TEMPORARY ESTABLISHMENT OF JOINT CZECHOSLOVAK AND AUSTRIAN CUSTOM-HOUSES AND OF JOINT FRONTIER STATIONS FOR THE EXAMINATION OF PASSPORTS.

(1) In order to expedite the examination of passengers' luggage and passports in traffic across the frontier by road or rail between the Czechoslovak Republic and the Austrian Republic, the custom-houses and passport examination stations of both States shall, as far as local conditions permit, be united in a single place wherever this has not already been done.

The establishment of common frontier-stations shall be carried out, in the first place, in respect of railway-traffic, and as far as possible, at the stations where the railway staff is changed. The two Departments concerned shall determine, in the case of each individual station, the date on which the arrangement is to be put into effect, and for this purpose shall reach an agreement with the least possible delay. The control of traffic in the intermediate stations between the frontier stations and the actual frontier shall be regulated by special agreements dealing with each individual line.

The establishment of common frontier stations, especially to deal with traffic by road, will, if required, be considered subsequently.

(2) In order to assure unity of action when establishing new custom-houses and frontier stations and when opening new roads for purposes of customs supervision and in order, also, to avoid delay in establishing common customs and frontier-stations to deal with traffic by road or rail, both Parties shall communicate to each other beforehand, and in good time, their intention of establishing new customs and frontier stations or of opening new roads for purposes of customs supervision.

(3) It must be understood that the object of the establishment of common custom-houses and frontier stations is to ensure that the customs formalities should as far as possible be carried out simultaneously by both Parties, and that the examination of passports should be carried out at the same time as the examination of passengers and their hand-luggage, if possible, on board the train in transit between two stations. The official duties and business-hours in the joint stations must, as far as possible, correspond.

(4) In order to avoid friction, the officials of both Parties shall consider it their duty to maintain friendly relations with one another in the simultaneous performance of their official duties and to behave with tact and courtesy both on and off duty. Officials who do not comply with these rules may be transferred at the request of the other Party.

(5) The State in whose territory the joint custom-houses and frontier stations are situated shall be responsible for providing the necessary premises, as well as for providing for the upkeep, cleaning, heating and lighting of these official premises. The neighbouring State shall pay the interest on the cost of the first installation in the currency of the State in whose territory the stations are situated as long as it makes use of the premises and in proportion to the size of the official premises it occupies.

The rate of interest and the schedule according to which the interest paid is to be allotted shall be determined separately in each case.

The cost of administration shall be borne jointly, in proportion to the expenditure of each Party.

As regards premises used by both Parties, both States shall share equally the interest paid and the cost of administration.

The preceding provisions shall in no way affect any agreements which may have been concluded between the railway administrations of both Parties.

(6) Each Party shall take the necessary measures to provide suitable accommodation at the seat of the joint frontier administration for the officials of the neighbouring State, and, if possible, for their families.

As regards the allocation of provisions, the officials of the neighbouring State shall receive the same treatment as those of the State in which the frontier station is situated in so far as officials of one Party residing in the territory of the other Party are concerned. They shall be entitled to obtain from their home country food stuffs in reasonable quantities.

(7) Articles and material for the equipment of the frontier stations established in foreign territory, the furniture and household goods of the officials employed at these stations as well as any of their effects which may be sent to their home country for purposes of repair, cleaning, etc., and which may be returned from there and their uniforms and articles of equipment may be imported and exported duty free on production of a certificate from the authorities.

(8) The officials employed on frontier stations and the higher officials entrusted with their supervision shall at any time be permitted to cross the frontier in either direction on production of an official permit stating their official capacity and the nature of their duties. The State in whose territory the frontier station is situated shall, on request, provide the inspecting staff with free service tickets as far as the frontier station, issued to them by name.

(9) All necessary measures shall be taken to facilitate the collection of customs duties and the dispatch and receipt of official funds and documents at the frontier stations, to ensure that the officials shall be able to carry out their duties without interference and to guarantee the safety of their official documents and funds. At the frontier stations situated in the territory of either Party, the other Party shall have the free and unrestricted right of disposal of any articles seized by its officials in the execution of their duties, and the Party in whose territory the frontier station is situated shall be responsible for their safe storage.

(10) Custom-houses and frontier stations shall be authorised to use their national language for notices and directions and to use their national colours.

The officials of the custom-houses and frontier stations shall be entitled to wear their regulation uniform and arms also in the territory of the other Party.

Custom-house officials, revenue authorities and the officials employed by them, as well as members of the State police-force and frontier guards shall be considered members of the custom-house and frontier station staff.

In the event of resistance against the authorities of one Party in a frontier-station situated in the territory of the other Party, or against any of their decrees, the State in whose territory the station is situated shall provide the necessary means of compulsion to overcome resistance and enforce the execution of official orders.

(11) The nationality, domicile and conditions of service of the officials of either Party shall not be affected in any way by their residence and service in the territory of the other Party. These officials shall remain exclusively subject to the authorities and laws of their own country in the matter of discipline or any offences in connection with their duties or their service.

(12) As regards taxes and imposts, these officials shall be liable to pay all indirect Government taxes and imposts levied in the place where they are employed; they shall, however, be exempt from all direct taxation and imposts levied by the State in whose territory they are exercising their duties, unless they would be liable to such taxation even if they lived in their own country or elsewhere.

Specimen : Annex b) to Article XII.

Railway

SPECIMEN A.

TRAIN SCHEDULE

for train No. which arrived at the frontier station of
on (date)

Entry Number	Mark	Numbers of loaded wagons	Goods : Description	Observations regarding custom-house inspection (to be filled in by custom-house authorities)

Railway Official in charge.

.....

Custom-house stamp.

Note : Only the entries at the top and those framed in thick black lines are to be filled in by the railway authorities.

Railway

SPECIMEN B.

TRAIN DOCKET

Train No.

Mark	Wagon No.	Observation

Annex C to Article 12.

AGREEMENT WITH REGARD TO EPIZOOTIC DISEASES.

Article 1.

The transport of live-stock from the territory of one of the Contracting States into the territory of the other, including poultry, animal, raw materials and articles capable of carrying the germs of infection of epizootic diseases, may be restricted to certain frontier stations and may there be subjected to the veterinary control of the State into whose territory these animals or articles are to be imported.

Article 2.

When importing the animals or articles specified in Article 1 from the territory of one of the Contracting Parties into, or when transporting them through, the territory of the other Party, a certificate of origin shall be required. This certificate must be issued by the local authorities of the place of origin and, in the case of live stock, must be provided with an official statement regarding the health of the animals concerned signed by a veterinary surgeon appointed by the Government or especially authorised for the purpose by the Government authorities. The certificate must clearly show the origin of the animals or articles concerned. The veterinary statement must further certify that at the time of dispatch no notifiable epidemic disease (with the exception of tuberculosis), which might be infectious for the species of animal concerned, was prevalent at the place of origin.

In the case of the export of animals which are liable to cattle-plague (rinderpest), foot and mouth disease, pleuro-pneumonia, sheep-pox, swine fever or swine plague, the certificate must, in addition, contain a statement to the effect that none of these diseases were prevalent at the time of despatch either in the place of origin or its neighbouring districts.

In the case of horses, mules, donkeys and cattle, individual certificates are required; in the case of sheep, goats, pigs and poultry, collective certificates will be sufficient.

These certificates shall be valid for a period of 10 days. Should this period expire before the animals have reached their destination, the period of validity of the certificates can only be prolonged by a further ten days if the animals are again examined by a veterinary surgeon appointed by the Government or specially authorised by the Government authorities; the result of this examination must be entered by him on the certificate.

In the case of transport by ship or rail, the animals must, before they can be shipped, be subjected to a special examination by a veterinary surgeon appointed by the Government or specially authorised by the Government authorities, who must enter the result of his examination on the certificate.

Poultry which is to be transported by ship or rail need only be subjected to a veterinary examination before shipment if the certificate regarding their health was issued more than three days previously.

The certificate for fresh meat must contain a statement to the effect that the animals concerned were found to be in a healthy condition at the time of the official inspection by a veterinary surgeon both before and after slaughtering.

Certificates of origin are not required in the case of tallow and suet, of wool properly washed and packed in closed sacks, of dry or salted tripe, gullets, intestines, bladders, salted feet and muzzles (Flotzmäulern), of dry or salted skins and hides, dry horns, hoofs, claws and bones.

Article 3.

Consignments which do not conform to the conditions laid down above, all animals which the veterinary surgeon of the frontier station declares to be suffering, or suspects of suffering, from

an infectious disease, as well as animals which have been transported together with sick animals or animals suspected of being sick, or which have been in contact with such animals, may be refused entry at the frontier station. The reason for this refusal must be entered on the certificate by the veterinary surgeon of the frontier station and confirmed by his signature.

Refusal of entry, and the reason therefore, must be communicated without delay by the customs authorities to the Government authorities in the frontier district belonging to the Contracting Party from whose territory these consignments were to be exported.

In the event of imported animals only being found to be infected with such a disease after they have crossed the frontier into their country of destination, the fact must be officially established by an authorised veterinary surgeon and placed on record, and a copy of the report must immediately be forwarded to the other Contracting Party.

In all the cases provided for in this Article, a representative of the other Contracting Party (Article 6), who may be appointed by name, must be notified directly and without delay.

Article 4.

In the event of an outbreak of cattle-plague in the territory of one of the Contracting Parties the other Party shall have the right to restrict or prohibit, until the epidemic has completely disappeared, the importation of ruminants, pigs and animal raw materials, as well as of all articles capable of carrying infection.

Article 5.

In the event of a notifiable epizootic disease being introduced by traffic from the territory of one of the Contracting Parties into that of the other, or of such a disease being prevalent in the territory of one of the Parties, the other Party shall have the right, for the duration of the epidemic, to restrict or prohibit the importation from the affected or threatened districts into its own territories of animals liable to infection and of such animal raw materials and articles as are capable of carrying the infection.

Anthrax, symptomatic anthrax, haemorrhagic septicemia in game and cattle rabies, glanders, eruption of vesicles in horses, donkeys, mules and cattle, mange in horses, donkeys, mules, sheep and goats, swine erysipelas, chicken-cholera, chicken-plague and tuberculosis shall not be considered sufficient reasons for the issue of import prohibitions.

The stipulations contained in the legislation of the Contracting Parties regarding infectious diseases to the effect that in the event of an outbreak of infectious animal diseases on, or in the neighbourhood of, the frontier traffic between the frontier districts in both directions, or through a threatened frontier district, may be subjected to special restrictions or prohibitions in order to prevent or check the spread of the epidemic, shall not be affected by the present Agreement.

Article 6.

The two Contracting Parties shall concede to each other the right to send representatives into the other State without previous notification, or to maintain such a representative in the territory of the other State in order to collect information and report on the conditions of health of live stock, the organisation of cattle-fairs, slaughter-houses and establishments for the fattening of cattle, cattle pounds (Viehkontumazanstalten) and other such establishments, as well as on the application of the veterinary regulations in force. Both Parties shall instruct the authorities to give all the assistance and information required to the experts sent by the other Party as soon as they have shown their credentials.

Article 7.

Each of the Contracting Parties shall periodically publish returns regarding animal epidemics in their territory and shall forward them forthwith to the other Contracting Party.

In the event of outbreaks of epidemics in any of the administrative frontier districts, the authorities in these districts shall immediately notify each other of the fact.

In the event of the outbreak of cattle-plague in the territory of one of the Contracting Parties, the Government of the other Party shall immediately be informed by telegram of the outbreak and of its extent.

Article 8.

Railway wagons which have been used for the transport of horses, mules, donkeys, cattle, sheep, goats, pigs or poultry, as well as the appliances therein belonging to the railway administration shall be cleaned and disinfected in accordance with the provisions which were laid down in connection with the agreement on epizootic diseases and are contained in an Annex to that agreement.

The regulation cleaning and disinfecting, as laid down in paragraph 1 of this Article, when carried out in the territory of one of the Contracting Parties, shall be considered as valid for the territory of the other Party also.

Article 9.

The driving of cattle, for grazing-purposes, from the territory of one of the Contracting Parties into that of the other shall be permitted subject to the following conditions :

(a) The owners must, on crossing the frontier, submit a list of the animals they wish to drive to pasture, giving their number and distinguishing marks for purposes of identification (examination and confirmation) ;

(b) The animals will only be allowed to return when their identity has been established

In the event of a dangerous epidemic breaking out during the grazing season among part of the herds, or in a locality at less than 20 kilometres' distance from the pastures, or near the road by which the herds must return to the frontier station, the return of the animals to the territory of the other Party may be prohibited, unless special circumstances (such as lack of fodder, bad weather, etc.) make their return imperative. In such cases, animals which are not yet infected shall only be permitted to return subject to the application of all precautionary measures agreed upon by the competent authorities with a view to preventing the spread of epidemics.

Article 10.

The inhabitants of frontier districts shall be permitted to cross the frontier in either direction with their own draught animals attached to the plough or any vehicle, but only for agricultural purposes, or for purposes of their trade and subject to the existing customs regulations.

The two Contracting Parties may make this privilege dependent upon the following conditions :

(a) Each team which is taken across the frontier for agricultural purposes or in the exercise of a trade must be provided with a certificate from the chief local authority of the district (Gemeinde) in which the animals' stables are situated. This certificate must contain the name of the owner or driver of the team or vehicle, a description of the animals and an indication of the area (in kilometres) of the frontier district within which the team or vehicle is required to work.

(b) When crossing the frontier and returning, a certificate from the local authority of the frontier district from which the team or vehicle comes shall be required, and in case of transit through another district, also a certificate from the latter,

stating that the districts concerned are entirely free from infectious animal diseases and that neither cattle-plague nor pleuropneumonia are prevalent within a radius of 10 kilometres from this district. This certificate must be renewed every 6 days.

Any special measures which may be required for the satisfactory working of agricultural undertakings in the frontier districts shall be provided for by common agreement between the Ministries of Agriculture of both States, with the approval of the Finance Ministries of both States.

Should special circumstances arise necessitating certain temporary restrictions for reasons of veterinary control, as also in accordance with the provisions of the last paragraph of Article 5, the competent authorities in the frontier districts of both Parties shall agree upon the necessary precautionary measures and shall report the matter to their official superiors.

Article II.

Any restrictions or prohibitions which may still exist at the time of the coming into force of the present Agreement and which are incompatible with its provisions shall be repealed.

ANNEX

TO THE AGREEMENT REGARDING EPIZOOTIC DISEASES.

SPECIAL PROVISIONS.

Railway wagons which have been used for the transport of horses, mules, donkeys, cattle, sheep, goats, pigs or poultry, together with the appliances therein belonging to the railway administration shall, before their further use, be cleaned and disinfected in accordance with the following regulations :

(1) Before proceeding to the disinfections proper of the wagons, all remains of litter, manure, feathers, ropes, etc., must be removed and the wagons thoroughly washed with hot water. Where the latter is not procurable in sufficient quantities, the wagons may be squirted with cold water ejected by pressure, but in order to soften the dirt adhering to the wagon the latter must first be rinsed with hot water. The cleaning process can only be considered adequate if all the dirt resulting from the transport of animals has been completely removed; all dirt which may have lodged in joints and fissures in the floor of the wagons must be completely removed, if necessary by means of iron implements with blunt prongs and edges.

(2) Disinfections proper must be applied in all cases, even if the wagon was only partially loaded, to all the parts of the wagon or of the compartments used.

Disinfection must be carried out in the following way :

- (a) Under ordinary circumstances, by washing the floors, walls and ceilings with soda-lye heated to a temperature of at least 50 degrees Celsius, in the preparation of which at least 3 kilogrammes of soda to 100 litres of water must be used. Any other lye which may be considered equally effective by the Government of the State concerned may be used instead of soda-lye. In those stations which are provided with the necessary installation, a thorough treatment of the floors, walls and ceilings with steam may be substituted for the treatment with soda-lye, provided that suitable appliances are used. The steam used must be under a pressure of at least two atmospheres.
- (b) In the event of wagons being infected by cattle-plague, anthrax, symptomatic anthrax, haemorrhagic septicemia of deer and cattle, foot and mouth disease, glanders, swinefever, hog cholera, swine erysipelas, chicken cholera and chicken plague,

or of being seriously suspected of infection by any of these diseases, the wagons must be disinfected by means of one of the two processes prescribed under *a*), and, in addition, the floors, walls and ceilings must be carefully painted with a three per cent. solution of cresol and sulphuric acid or with a two per cent solution of formaldehyde. The cresol and sulphuric acid solution must be prepared by mixing at an ordinary temperature two parts of crude cresol ("cresolum crudum" in the pharmacopoeia of one of the Contracting Parties) with one part of crude sulphuric acid ("acidum sulfuricum crudum" in the pharmacopoeia of one of the Contracting Parties). The three per cent. solution must be used at the earliest 24 hours, at the latest three months, after preparation. The two per cent. solution must be used within 24 hours of its preparation.

Instead of being painted, the wagons may be sprinkled with these solutions by means of an apparatus approved of as adequate by the Government of the State concerned.

(3) The more intensive process of disinfection indicated in paragraph 2 *b* shall, as a rule, only be applied upon the recommendation of the veterinary authorities; it must however be carried out even without a special order from these authorities if the wagons were used for the transport of cloven-footed animals coming from stations situated within a 20 kilometre radius of any place where foot and mouth disease is prevalent or where the epidemic has not been declared at an end. The competent Government authorities may order the more intensive method of disinfection (2 *b*) to be applied in other cases also if they consider it essential to prevent the spread of the epidemics referred to.

(4) If a wagon provided with an inner planking is to be subjected to the more intensive process of disinfection (2 *b*), the planking must be removed and cleaned and disinfected in the same way as the wagon itself. The inner planking need not be removed however if the wagon was used only for the transport of small animals packed in separate receptacles such as cages, crates, etc.

(5) In the case of padded wagons, the padding (which must be removable) must be thoroughly cleaned. If the wagon has been infected by one of the diseases enumerated under 2 *b*, or if there are good grounds for suspecting that the wagon has so been infected, the padding must be burnt. The wagon itself must be treated in the manner indicated under paragraphs 1 to 3.

Foreign wagons (which do not belong to one of the Contracting Parties), the padding of which is not removable, shall not be reloaded.

(6) Subject to the provisions of paragraphs 2 *b* and 3, wagons which have been used for the transport of small animals, (other than poultry) in cases or cages and which have not been soiled by litter, food, excrements, etc. shall be considered as adequately disinfected if the floors, walls and ceilings have been washed with hot water.

Wagons used for the transport of live poultry packed in cages, etc. need only be subjected to the regulation washing and disinfection if they have been soiled by litter, food or excrements.

(7) The two Contracting Parties undertake to affix yellow labels marked "To be disinfected" to both sides of all wagons used for the transport of animals of the kind enumerated in the opening paragraphs: at the time of lading, in the case of wagons belonging to either of the Contracting Parties, upon entry into their territory in the case of wagons coming from a third State. Wagons which are to be subjected to the more intensive process of disinfection (2 *b*, 3) must be labelled with yellow labels bearing a vertical red stripe down the middle and the words "For intensive disinfection" at the station at which the conditions necessitating such disinfection arise or become known. After disinfection these labels must be removed and replaced by white labels marked "Disinfected on the (date..... (hour) at (place)" which should only be removed on reloading the wagon.

Wagons used for the transport of live poultry packed in cages etc. — in so far as disinfection of these wagons is necessary under the terms of paragraph 6, sub-section 2, — shall be labelled on arrival at their place of destination.

Should a wagon in transit from the territory of one Contracting Party into that of the other Party be found not to have been labelled in accordance with the preceding regulations, the officials taking charge at the frontier-station shall affix the necessary labels.

(8) Empty wagons, or wagons loaded with goods other than animals of the kind enumerated in the opening paragraphs, which on arrival in the territory of one of the Contracting Parties show unmistakable signs of having been used for the transport of such animals and of not having been cleaned and disinfected in accordance with the provisions of this Agreement shall, unless they are refused entry, be cleaned and disinfected in accordance with these provisions.

Annex d) to Article 12.

AGREEMENT REGARDING MUTUAL RECOGNITION OF IDENTITY CERTIFICATES IN RESPECT OF GOODS.

(1) Certificates regarding the nature of goods issued by Government authorities or officials, or by duly qualified scientific institutions in the territory of one of the Contracting Parties shall be recognised in the territory of the other Party for purposes of internal taxation, or customs purposes, or for purposes of the application of traffic restrictions. Consignments accompanied by such certificates shall not be subjected to any further examination regarding their nature, provided : that the relevant regulations in force in the territory of the other Party have been complied with by the authorities, officials or scientific institutions referred to, that all the necessary particulars have been entered in the certificate and that there are no valid grounds for doubting the accuracy of the certificate.

(2) Both Parties reserve the right from time to time to take samples of the consignments for the purpose of verifying the accuracy of the certificates.

(3) The Governments of the Contracting Parties shall agree beforehand as to the Government authorities and scientific institutions which shall be authorised to issue such certificates, as to the regulations to be observed and the procedure to be followed in issuing the certificates and carrying out the preliminary investigations, and particularly as regards the correspondence between the actual nature of the goods and their description in the certificate.

Annex e) to Article 12.

AGREEMENT REGARDING RECIPROCAL RECOGNITION OF PROOF-MARKS ON SMALL ARMS.

(1) The two Contracting Parties agree mutually to recognise the proof-marks placed before browning on barrels (single or double, file-smoothed or emery-polished) of guns or rifles for civilian use. Sporting guns or rifles provided with the regulation proof-mark shall in any case only be subjected to a single test by either Party. In this connection the dues provided for by the regulations shall only be collected upon the third test and a single proof-mark applied to the gun or rifle.

(2) The two Contracting Parties shall communicate to each other all particulars regarding the proof-marks (test-stamps) and the institutions authorised to apply these proof-marks in the territory of each of the Contracting Parties.