

N° 549.

ALLEMAGNE ET POLOGNE

Convention en vue de faciliter le
trafic frontrière, signée à Posen le
29 avril 1922.

GERMANY AND POLAND

Agreement concerning frontier traf-
fic facilities, signed at Posen,
April 29, 1922.

TEXTE ALLEMAND. — GERMAN TEXT.

No. 549. — DEUTSCH-POLNISCHES ABKOMMEN¹ ÜBER ERLEICHTERUNGEN DES GRENZVERKEHRS, GEZEICHNET IN POSEN DEN 29. APRIL 1922.

Textes officiels allemand et polonais communiqués par le Consul d'Allemagne à Genève et par le Délégué de la Pologne auprès de la Société des Nations. L'enregistrement de cette convention a eu lieu le 14 janvier 1924.

Um den Verkehr über die deutsch-polnische Grenze für die Bewohner der Grenzkreise zu erleichtern, ist zwischen dem DEUTSCHEN REICH einerseits und der REPUBLIK POLEN anderseits durch die beiderseitigen Bevollmächtigten, nämlich :

für DAS DEUTSCHE REICH :

den Gesandten Dr. Paul ECKARDT,

für DIE REPUBLIK POLEN :

den Grafen Alexander SZEMBEK,

nach Vorlegung und Prüfung ihrer Vollmachten das nachstehende Abkommen getroffen worden :

I. — PERSÖNLICHE ERLEICHTERUNGEN.

Artikel 1.

1. Denjenigen Personen, welche innerhalb der Grenzkreise nicht mehr als 10 Kilometer von der deutsch-polnischen Grenze entfernt wohnen und sich daselbst länger als 3 Monate aufhalten wird, auch ohne dass sie im Besitz eines Reisepasses und eines Sichtvermerks sind, das Überschreiten der Grenze zu Fuss, Pferde, Fahrrad, Wagen, Schlitten oder auf der Eisenbahn und der Aufenthalt jenseits der Grenze nach Massgabe der Bestimmungen der Artikel 2 bis 10 gestattet. Die Benutzung von Kraftfahrzeugen wird lediglich für öffentliche Beamte zu Dienstzwecken sowie für Geistliche, Aerzte, Tierärzte und Hebammen in Ausübung ihres Berufs und ferner bei Hilfeleistung in Feuers- und Wassergefahr zugelassen. Die Benutzung der Eisenbahn ist in Schnellzügen sowie in Zügen, die nicht innerhalb 10 Kilometer von der deutsch-polnischen Grenze entfernt halten, ausgeschlossen.

2. Als Grenzkreise sind die an die deutsch-polnische Grenze angrenzenden Kreise anzusehen. Falls ein besonderes Bedürfnis dafür vorliegt, kann jede der beiden Regierungen als zu einem Grenzkreis im Sinne dieses Abkommens gehörig solche Teile anderer benachbarter Kreise bezeichnen, die nicht mehr als 10 Kilometer von der deutsch-polnischen Grenze entfernt sind ; hiervon ist der Regierung des anderen Teiles Mitteilung zu machen.

¹ L'échange des ratifications a eu lieu à Posen le 15 septembre 1922.

TEXTE POLONAIS. — POLISH TEXT.

No. 549. — UKŁAD¹ ZAWARTY MIĘDZY RZESZĄ, NIEMIECKĄ A RZECZPOSPOLITĄ POLSKĄ W SPRAWIE UŁATWIENÍ DOTYCZĄCYCH RUCHU GRANICZNEGO, PODPISANY W POZNANIU DNIA 29-go KWIETNIA 1922 R.

Official German and Polish texts communicated by the German Consul at Geneva and by the Polish delegate accredited to the League of Nations. The registration of this Convention took place January 14, 1924.

Celem ułatwienia mieszkańcom powiatów granicznych ruchu przez granicę niemiecko-polską, zawarty został układ między RZESZĄ NIEMIECKĄ a RZECZPOSPOLITĄ POLSKĄ przez pełnomocników obu stron, a mianowicie

w imieniu Rzeszy Niemieckiej przez :

p. posła Dra. Pawła ECKARDTA,

w imieniu RZECZPOLITEJ POLSKI przez :

p. Aleksandra SZEMBEKA,

na mocy odnośnych pełnomocnictw, które po ich przedstawieniu zbadano i za ważne uznano w następującem brzmieniu.

I. UŁATWIENIA OSOBISTE

Artykuł I.

1. Osobom, które mieszkają w obrębie powiatów granicznych, lecz nie dalej jak w odległości 10 kilometrowej od granicy niemiecko-polskiej i tamże dłużej niż 3 miesiące przebywają, zezwala się na przekraczanie granicy pieszo, konno, na kole (rowerze), wozem, saniami lub koleją i na przebywanie poza granicą w myśl postanowień artykułów 2—10, a to nawet bez posiadania paszportu i wizy. Posługiwanie się przy tem samochodami dozwala się jedynie urzędnikom publicznym w celach służbowych, dalej księżom, lekarzom, weterynarzom i akuszerkom celem spełniania swych obowiązków zawodowych oraz w wypadkach niesienia pomocy w razie niebezpieczeństwa powodzi i pożaru. Korzystanie z pociągów osobowych i pospiesznych jest dozwolone tylko wtedy, jeżeli dany pociąg zatrzymuje się w obrębie 10 kilom. od granicy niemiecko-polskiej.

2. Powiatami granicznymi są powiaty, przylegające do niemiecko-polskiej granicy. O ile zajdzie nadzwyczajna potrzeba, może każdy z obu zainteresowanych Rządów uznać za obszar należący do powiatu granicznego w myśl niniejszego układu te części innych sąsiednich powiatów, które położone są w odległości nie dalszej jak 10 kilom. od granicy niemiecko-polskiej. O powyższem ma być uwiadomiony Rząd strony przeciwnej.

¹ The exchange of ratifications took place at Posen, September 15, 1922.

¹ TRANSLATION.

No. 549. — AGREEMENT BETWEEN THE GERMAN REICH AND THE POLISH REPUBLIC, CONCERNING FRONTIER TRAFFIC FACILITIES. SIGNED AT POSEN, APRIL 29, 1922.

Having decided to conclude an agreement with a view to affording to the inhabitants of the frontier districts facilities in crossing the German-Polish frontier, Germany, of the one part, and the Polish Republic, of the other part, have appointed for this purpose as their Plenipotentiaries :

THE GERMAN REICH :

Dr. Paul ECKARDT, Minister Plenipotentiary,

THE REPUBLIC OF POLAND :

Count Alexander SZEMBKE,

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

I. FACILITIES FOR INDIVIDUALS.

Article 1.

(1) Persons who reside in the frontier districts at a distance of not more than 10 kilometres from the Polish-German frontier for a period of more than three months shall, even when not provided with a passport or visa, be permitted to cross the frontier on foot, on horseback, on bicycles, in carriages, sleighs, or by rail, and shall be permitted to stay on the other side of the frontier, according to the provisions of Articles 2-10. The use of motor vehicles shall be permitted only in the case of officials in the public services on duty, ministers of religion, doctors, veterinary surgeons and midwives engaged in the execution of their profession and, further, for the purpose of rendering assistance in case of danger from fire or water. The foregoing provisions shall not apply to persons travelling by rail in through-trains or in any trains which do not stop within 10 kilometres of the German-Polish frontier,

(2) All districts bordering on the German-Polish frontier shall be regarded as frontier districts. If special circumstances should require it, each of the two Governments shall be entitled to describe as frontier districts within the meaning of the present Agreement such portions of other districts bordering thereon as are situated at a distance of not more than 10 kilometres from the German-Polish frontier ; the Government of the other Party shall be notified of any such decision.

Article 2.

(1) Any persons who desire to take advantage of the facilities mentioned in Article 1 must be provided with one of the frontier permits specified in Article 3.

¹ Translated by the Secretariat of the League of Nations.

(2) Such frontier permits entitle the holders to cross the frontier and to reside in the district adjoining the district in which the frontier permit has been issued, provided that it is situated at a distance of not more than 10 kilometres from the frontier. If this district borders on several districts situated beyond the frontier, the frontier permit shall entitle the holder to reside in any of these districts. In special cases, the authorities which issue the frontier permit may extend its validity to neighbouring districts on both sides of the frontier.

Article 3.

(1) The frontier permits issued in accordance with the provisions of Article 2 are the following :

- (a) Permits for single journeys ;
- (b) Permanent permits ;
- (c) Emergency permits ;
- (d) Business permits.

(2) Printed forms in German and Polish shall be used for these permits, the pattern and contents of which are determined by special agreement. The following information shall be entered on these forms :

- (a) Name and surname, status or profession, place and date of birth and domicile of the holder ;
- (b) Purpose of the journey ;
- (c) Point at which the frontier may be crossed ;
- (d) Description of district or districts within which the permit is valid ;
- (e) Any restrictions as to length of time and place of residence beyond the frontier which may be imposed in connection with the purpose of the journey or for any other reason ;
- (f) Details regarding any young persons who may be accompanying the holder of the permit (paragraph 5) ;

(3) The permits mentioned under 1 (a), (b) and (d) must also be provided with a photograph of the holder and his signature or sign-manual, which are to be stamped free of charge. In the case of the permits mentioned under 1 (a), no photograph need be provided if the holder can produce any other official or officially authenticated identity certificate to which his photograph is affixed.

(4) In Germany, the permits mentioned under 1 (a), (b) and (d) shall be issued by the "Landräte" (administrative heads of districts) and the police authorities of the municipalities ; in Poland they shall be issued by the administrative authorities of first instance. In Germany the permits mentioned under 1 (c) shall be issued by the local police authorities ; in Poland, by the communal or estate authorities. The local authorities competent to issue permits shall be those of the district in which the applicant resides. The issue of each permit shall immediately be notified by the issuing authorities of the one Contracting Party to the authorities of the other Contracting Party. Further details shall be settled by direct agreement between the competent administrative authorities of both Parties. In the cases provided for in the last sentence of paragraph (2) of Article 2, the notification must take place before the issue of the permit. Any authorities which issue emergency permits must notify their official superiors of the fact.

(5) Permits shall only be granted to persons over twelve years of age. In special cases and as an exceptional measure, permits may also be granted to persons under twelve years of age. As a rule, a child under twelve years of age may only cross the frontier without a permit if accompanied by an adult possessing a permit specially authorising him to take the child in question with him.

(6) On the expiration of their period of validity, all permits must be returned to the authorities which issued them.

Article 4.

(1) Permits for single journeys shall be issued to the persons referred to in paragraph 1, Article 1, who intend to cross the frontier for the purpose of residing temporarily in the territory mentioned in paragraph 2 of Article 2. The validity of such permits shall be limited to a maximum period of fourteen days and the period during which residence is permissible shall not exceed six days.

(2) Except in case of indigence, the fee to be charged for the issue of permits shall be 2 German marks or 24 Polish marks.

(3) Permits for single journeys shall be issued on red forms.

Article 5.

(1) Three-monthly permits shall be issued to any inhabitants of the frontier districts who are obliged, for professional, economic, religious or other reasons, to cross the frontier more frequently. Such persons shall not, however, be authorised to stay on the other side of the frontier for more than six consecutive days.

(2) The fee to be charged for the issue of such permits shall be 5 German or 60 Polish marks. Persons crossing the frontier on their way to or from Divine Service, children attending religious instruction and indigent persons shall be exempted from these charges.

(3) The permits may be renewed for a further three months free of charge.

(4) Three-monthly permits shall be issued on green forms.

Article 6.

(1) Emergency permits shall be issued in cases of special urgency, provided that sufficiently good reasons are adduced, and that the applicant is unable for these reasons to obtain a permit of another kind without defeating the object for which he desires to cross the frontier.

(2) The provisions contained in the second sentence of paragraph 1 of Article 4 and of paragraph 2 of Article 4 shall apply *mutatis mutandis* to emergency permits.

(3) Emergency permits shall, as far as possible, be issued on white forms.

Article 7.

(1) Business permits shall be granted to owners of plots of land for themselves and the persons employed on their estates, if their land or their plots of land forming an economic unit are traversed by the frontier line and cannot be properly cultivated without crossing the frontier. The same provision applies in the case of agricultural undertakings which are administered from a headquarter situated in the territory of the other Party. Other persons entitled, by reason of legal claims of any kind, to utilise such plots of land shall be assimilated to the owners thereof. Business permits shall entitle the holders to cross the frontier and to reside on the other side of the frontier only at the place and for the length of time required for the cultivation and exploitation of the plots of land in question, the boundaries of which must be indicated in the permit.

(2) The provisions of paragraph 1 apply only to plots of land in regard to which the conditions laid down for the issue of business permits existed at the time of the coming into force of the present Agreement.

- (3) Business permits shall be valid for the period of one calendar year, but must immediately be returned when the reason for which they were granted no longer exists.
- (4) The fee to be charged for issuing business permits shall be 5 German or 60 Polish marks.
- (5) Business permits shall be issued on brown forms.

Article 8.

(1) The holders of frontier permits for single journeys, permanent permits and emergency permits shall be entitled to cross the frontier at any of the points designated in the permits. The points at which the frontier may be crossed shall be determined by direct agreement between the competent higher administrative authorities (Verwaltungsbehörden zweiter Instanz) and shall be published.

(2) The holders of business permits shall be entitled to cross the frontier at points other than the recognised crossing points if it is expedient to do so for the purpose of agricultural work. The crossing points shall be determined by the competent Customs authorities of the two Parties in conjunction with the persons concerned, due regard being had to actual agricultural requirements.

Article 9.

(1) The crossing of the frontier with the permits mentioned in Article 3 shall, as a rule, be permitted during the hours of daylight, *i.e.*, from April to September, from 6 a.m. German time (7 a.m. Polish time) till 8 p.m. German time (9 p.m. Polish time), and from October to March from 7 a.m. German time (8 a.m. Polish time) till 6 p.m. German time (7 p.m. Polish time). The local authorities may, by direct agreement, make other provisions as regards the time for the crossing of the frontier. Barriers closing the road shall be opened in good time, and shall not be closed before the hour fixed for the purpose.

(2) Holders of business permits shall be entitled from May to September to cross the frontier from 4 a.m. German time (5 a.m. Polish time) onwards.

(3) Permits granted to ministers of religion and their assistants, doctors, veterinary surgeons and midwives, engaged in the exercise of their profession, shall entitle the holders to cross the frontier during the hours of night also. The same applies to other persons if there should be special grounds of urgency, *e.g.*, to lock-keepers, in the event of danger caused by a rise of the water.

(4) The restrictions as to time set forth in the preceding paragraphs shall not apply to the crossing of the frontier by rail.

Article 10.

The Contracting Parties reserve the right to make alterations in the charges provided for in Articles 4, 5 and 7 by mutual agreement, as circumstances may require.

Article 11.

Members of fire brigades of either of the Contracting Parties which are recognised as such shall have the right, for the purpose of rendering assistance in connection with any fires which may break out in the territory of the other Party, even if they do not possess one of the permits mentioned in Article 3, to cross the frontier at the point which circumstances may dictate, together

with their engines, implements and draught animals, and to remain on the territory of the other Party for the period during which they are rendering assistance, provided that they obey the orders of the authorities who are competent according to the regulations in force in the locality where the fire takes place.

II. FACILITIES FOR MERCHANDISE.

Article 12.

(1) The provisions set out in paragraph 2 (*a to d*) have been devised in order to facilitate the traffic in both directions in the frontier Customs districts. For this purpose those portions of territory situated on both sides of the common Customs frontier shall be recognised as frontier Customs districts, which are designated as such by each of the Contracting Parties in respect of its own territory. The width of the frontier Customs districts shall, however, not exceed 10 kilometres in either direction, without the consent of the other Party.

(2) (*a*) The inhabitants of a frontier Customs district may export and import free of Customs duty or other charges the foodstuffs required for the period of their stay in the Customs frontier district of the other Party, provided that the quantity does not exceed 1 kilogramme, including at most 250 grammes of meat or fat, excluding butter. They may also take with them when they cross the frontier a sum not exceeding 600 German marks or 3,000 Polish marks in paper money per calendar month.

(*b*) Articles for the personal use of the inhabitants of a Customs frontier district which have to be made up machinery, altered or repaired in the frontier Customs district of the other Party, may for this purpose be exported free of Customs duty or other charges and re-imported after repair, etc. The inhabitants of the frontier Customs districts of either of the Contracting Parties who, in connection with agricultural products such as corn, oil-seed, hemp, flax, wood and tanner's bark, are forced for the purpose of grinding, crushing, cutting, grating, etc., to employ mills and other suitable workshops in the frontier Customs district which is directly opposite, may also bring such articles across the frontier for this purpose free of Customs duties or other charges, and may take them back again after they are made up, etc., to an extent or weight corresponding to the quantity of the raw materials employed. These privileges are conditional upon the articles being used for the owner's personal requirements.

(*c*) The inhabitants of the frontier Customs districts of either Party may export and import, free of Customs duties or other charges, from one frontier Customs district for temporary use in the frontier Customs district of the other Party, utensils used for Holy Communion and extreme unction, together with specified books for religious purposes, professional and other implements, instruments and machines. This provision shall not affect export and import prohibitions. Special permission must be obtained from the competent administrative authorities in respect of deeds, designs and engineers' drawings.

(*d*) Owners of land used for purposes of agriculture or forestry which is situated in the frontier Customs district and forms an economic unit — whether it is in a single or in several plots — and which is traversed by the frontier, or the economic unity of which is broken by the frontier, may export and import, free of Customs duties or other charges, the animal and vegetable manure required for their land, seeds and grain, forest plants, implements and carts, together with draught animals, the produce of the land in question, together with other products of the soil, and the following constituents of the soil, *i. e.*, unworked stone, gravel, sand, clay and potters' earth. Wood, osier, and peat may, however, only be transported across the frontier in so far as they are required for the personal use of the person transporting them. Metals, coal and other constituents of the soil extracted by mining, as well as mineral oil, are excluded from these privileges. The above persons shall also be entitled to drive cattle belonging to their estates, free of Customs duties or other charges, to pastures belonging to them on the other side of the frontier, and

to bring them back again. Other persons entitled, on the strength of legal claims of any kind, to utilise the land shall be assimilated to the owners thereof.

(3) In so far as export and import prohibitions exist in respect of the articles mentioned in paragraph 2, *a*, *b* and *d*, no special authorisation is necessary for the export and import of such articles.

Article 13.

(1) The Customs authorities of the two Contracting Parties shall be entitled to adopt all necessary measures of supervision to prevent an improper use of the facilities provided for in Article 12. Should occasion arise, they shall consult with one another with a view to determining the measures to be taken. Measures adopted by the authorities of the one Party shall not take effect until at least one week after they have been communicated to the authorities of the other Party.

(2) The objects mentioned in Article 12, paragraph 2 *b* and *c*, may only be transported across the frontier after notice has been given to one of the Customs houses specified by agreement between the Customs authorities of the two Parties. This restriction shall not apply to manual labourers and workers who cross the frontier with their ordinary tools, such as hammers, saws, spades, axes, etc.

(3) The following conditions must be fulfilled in connection with the transport of machines and live stock.

(*a*) Machines (Article 12, paragraph 2 *c* and *d*).

The owner of the machines must furnish a detailed description of them to the Customs authorities of both Parties and must undertake to send them back again when the work for which they are to be employed has been completed. The deposit of caution money shall not be demanded. The person entrusted with the conveyance of the machines across the frontier must take with him an identity certificate for the machines, which must be produced at the request of the competent authorities.

(*b*) Live Stock. (Article 12, paragraph 2 *d*).

An inventory, duly certified by the local police authorities, of the whole of the live stock of the land-owner concerned, and in the case of several estates, of the live stock of the estate on which the animals are generally kept, must be handed to the Customs authorities of both Parties, together with a declaration to the effect that the owner undertakes to send the animals back. The inventory of the live stock shall, if necessary, be revised every three months. The transport overseer must carry with him, in respect of each animal, a certificate containing an exact description of the animal concerned. In the case of poultry, goats and sheep, a certificate giving the number of the flock is sufficient. Horses must be distinguished by branding or by the attaching of a lead to the mane or tail, while horned beasts and pigs must be branded or ear-ringed. Changes which take place while the animals are on the other side of the frontier as the result of death, compulsory slaughter or natural increase shall be notified as soon as possible by the owner or the transport overseer to the Customs authorities of both Parties. Milk and the products thereof, together with the flesh of animals which have had to be slaughtered, shall be taken back to the country in which the farm from which they came is situated. The Customs authorities may authorise exceptions to this rule on grounds of expediency.

III. GENERAL AND FINAL PROVISIONS.

Article 14.

The present Agreement shall not apply to that portion of the frontier which runs through the Upper Silesian plebiscite area.

Article 15.

Each of the Contracting Parties shall be entitled, as a temporary or permanent measure, to exclude certain towns within its territory from the effects of this Agreement, or to restrict the privileges provided for therein in respect of such towns.

Article 16.

(1) The medical and veterinary control regulations of the two Parties shall not be affected by the provisions of Sections I and II. The Customs regulations shall also not be affected, except in so far as stipulations on the matter are contained in the present Agreement.

(2) The provisions of Sections I and II may, in the event of a general closing of the frontier, be temporarily abrogated on other grounds than those of medical and veterinary control. If such a measure is adopted without due notice being given, persons provided with permits must be allowed to return across the frontier even during the period when it is closed.

Article 17.

(1) In case of special need, facilities other than those provided for in Section I may be granted by direct agreement between the competent authorities of the two Contracting Parties. Such facilities may consist, for instance, in granting authority to issue permits to authorities other than those ordinarily competent in the matter (Article 3, paragraph 4), if their headquarters are more conveniently situated for the persons concerned.

(2) Where, in view of existing economic conditions, it appears desirable or admissible, facilities other than those provided for in Section II may be granted by direct agreement between the competent authorities of the two Contracting Parties in respect of wood which is felled in such a way as to lie on the other side of the frontier, in respect of the carrying away of sand from land on the other side of the frontier owned or rented by the person concerned, or in respect of water required for personal household needs. The provisions of Article 12, paragraph 2 *a* to *c*, may be modified or supplemented in the same way.

Article 18.

(1) Each of the Contracting Parties shall forward to the other Party a list of its communes and agricultural estates, the inhabitants of which are entitled to obtain the permits mentioned in Article 3. The list must be duly corrected if, after it has been drawn up, use is made of the right accorded in Article 15.

(2) The Contracting Parties shall further inform each other which authorities are to be regarded as the competent authorities within the meaning of Article 3, paragraph 4, Article 8, paragraphs 1-2, Article 9, paragraph 1, Article 12, paragraph 2 *c*, Article 13 and Article 17, paragraph 2.

Article 19.

(1) The competent higher administrative authorities ("Regierungspräsidenten" [administrative heads of districts], voivodes, provincial revenue offices, chief Customs authorities) shall, in the event of difficulties arising in connection with the execution of this Agreement, enter into direct negotiations with each other with a view to overcoming such difficulties.

(2) The authorities of the one Party mentioned in Section I must inform the corresponding authorities of the other Party without delay of any modifications of the provisions contained

in Sections I and II of the present Agreement which may have been introduced in their district in accordance with Articles 15 and 16 of the Agreement.

Article 20.

(1) The present Agreement shall be ratified as soon as possible, and shall come into force upon the exchange of the instruments of ratification.

(2) The Agreement shall cease to have effect as from December 31, 1924, unless the Contracting Parties have come to a decision not later than September 30, 1924, with regard to its prolongation. It may be denounced before that date by either of the Contracting Parties at three months' notice, such denunciation to take effect at the end of a calendar quarter.

Drawn up in duplicate in German and Polish at Posen on April 29, 1922.

ECKARDT

SZEMBEK

FINAL PROTOCOL.

TO THE GERMAN-POLISH AGREEMENT REGARDING FRONTIER TRAFFIC FACILITIES.

In connection with the signing to-day of the German-Polish Agreement regarding frontier traffic facilities the Plenipotentiaries of both Parties have further agreed as follows :

I. *With regard to Article 1, paragraph 1.*

In view of the fact that a number of parishes have been cut in two by the German-Polish frontier, ministers of religion whose official headquarters are situated in the territory of one Party and whose official duties within such divided parishes have to be carried out also in the territory of the other Party, together with persons accompanying them in the execution of their duties (sacristans, members of the choir, etc.), shall not be hindered in the execution of their spiritual duties in the territory of the other Party, provided that they are in possession of the permits referred to in Article 3.

II. *With regard to Article 1, paragraphs 1 and 2, Article 2, paragraph 2, and Article 12, paragraph 1.*

Should it be considered desirable to increase the distance from the frontier laid down in Article 1, paragraphs 1 and 2, Article 2, paragraph 2, and Article 12, paragraph 1, from 10 to 15 kilometres, an agreement must be arrived at beforehand between the Contracting Parties.

III. *With regard to Article 3, paragraph 1.*

The provisions of the present Agreement shall not affect the right of the authorities of the two Contracting Parties to refuse to issue the permits mentioned in Article 3 if, in virtue of the passport regulations in force in the country concerned, there are legal objections to the granting of authorisation to travel.

IV. *With regard to Article 5, paragraph 1.*

The privileges provided for in Article 5, paragraph 1, shall be granted to doctors, veterinary surgeons, midwives, ministers of religion and other Church officials, the employees of water-works.

improvement societies and water-supply companies, manual labourers, artisans and Church officials working within their parishes, and also to children for the purpose of attending religious instruction given by the ministers of religion. Should it be considered desirable to extend the foregoing list of persons, an agreement must be arrived at beforehand between the Governments of the two Contracting Parties.

V. *With regard to Article 12, paragraph 2 d.*

The export and import of osiers in quantities exceeding the household requirements of the persons concerned shall, subject to the conditions laid down in Article 12, paragraph 2 d, and provided that the osiers are obtained from beds existing at the time of the coming into force of the present Agreement, be permitted on payment of a duty of 2 % on the quantity to be exported or imported.

VI. *With regard to Article 12, paragraph 2 d.*

A. The Protocol of the Commission for the Delimitation of the German-Polish Frontiers of September 3, 1920 — a list of the rights which have to be determined by Treaty—contains the following provisions :

(1) Under 2, " In the Commune of Rauschendorf "—

" The owners of the buildings attributed to Poland shall have the right, within the next three years, to pull down these buildings and to export the building materials free of duty " ;

and

(2) ¹/₂ Under 3, " For Gr Konarczyn, Zechlau, Hohenkamp and Kupfermühle "—

..... (d) " Facilities shall be granted up to December 31, 1922, to the owner of the estate of Zechlau and the farm of Zossnow in respect of the frontier traffic between the main estate and the farm, in order that he may be able to administer the main estate and the farm in conjunction with each other. This shall include the exchange of livestock, draught animals, and animals used in harness, as well as of corn for sowing, manure and agricultural machines between the main estate and the farm ".

B. The supplementary declaration in connection with the description of the frontier contained in Section B a to B d (Annex to the Protocol of the principal sitting of the Commission for the Delimitation of the German-Polish Frontiers held at Danzig on September 3, 1920) contained the following words :

" The German Delegation recognises that in accordance with the decision of the Frontier Delimitation Commission, the whole of the section of the Kowalle-Sallakowo road which is situated in plot No. 360 belonging to M. Ferdinand Lemke must be incorporated in Poland. It follows from this interpretation of the description of the frontier that the north-eastern section of plot No. 360 b will be cut off from Germany. The Polish Delegation undertakes on its side to take steps to arrange that the owner, M. Lemke, whose property, in consequence of this modification of the frontier, is partly situated in Poland, shall not, for a period of five years, be hindered in the administration of that part of his property which is situated in Poland, and that this agreement shall be confirmed by a Treaty between Germany and Poland. "

C. At the meeting of the Commission for the Delimitation of the German-Polish Frontiers which was held at Graudenz on November 15, 1920, it was decided that :

..... " Plot No. 103/37 belonging to the landowner M. Franz Kasporowitz in Wansen shall nevertheless remain in Germany. A Protocol shall be drawn up in order to authorise M. Kasporowitz to bring his lime free of duty into Poland. "

The privileges set out above under A 1 and C shall be granted even if they exceed the facilities provided for in the present Agreement.

The assurances contained in A 2 and B shall be regarded as having been duly fulfilled by the provisions of Articles 12 and 13 of the present Agreement. The facilities provided for therein shall be accorded to the owner of the Zechlau property until December 1, 1922, and to the landowner, M. Lemke, until September 3, 1925, if the Agreement should cease to have effect before these dates.

VII. *With regard to Article 16, paragraph 1.*

The two Contracting Parties shall make special arrangements with regard to the manner in which their medical and veterinary control regulations are to be carried out, in view of the facilities which are provided for in the Agreement in respect of the frontier districts.

VIII. *With regard to Article 20, paragraph 1.*

A special agreement shall be concluded with regard to the date of the coming into force of the present Agreement in respect of the section running from the point at which the present frontiers of East Prussia, Poland and Lithuania meet to the causeway from Lyck to Grajewo.

IX. The provisions of the present Agreement shall in no way prejudice any provisions which may be incorporated in a commercial treaty between the two Parties.

This Final Protocol shall be regarded as an integral part of the Agreement and shall be ratified at the same time as the Agreement ; it shall have the same validity and duration as the latter.

POSEN, *April 29, 1922.*

ECKARDT.

SZEMBEK.