

N° 1505.

ALLEMAGNE ET POLOGNE

Convention en vue de faciliter le trafic international sur la ligne de chemin de fer Firchau-Chojnice-Tczew-Marienburg, avec protocole final et annexes. Signés à Varsovie, le 26 mars 1927.

GERMANY AND POLAND

Convention to facilitate International Railway Traffic on the Line Firchau-Chojnice-Tczew-Marienburg, with Final Protocol and Annexes. Signed at Warsaw, March 26, 1927.

¹ TRANSLATION.

No. 1505. — CONVENTION BETWEEN GERMANY AND POLAND TO FACILITATE INTERNATIONAL RAILWAY TRAFFIC ON THE LINE FIRCHAU-CHOJNICE-TCZEW-MARIENBURG. SIGNED AT WARSAW, MARCH 26, 1927.

POLAND and GERMANY, being desirous of facilitating the international traffic in passengers, luggage, "express" freight and special fast freight in transit through the territories of the Polish Republic and of the Free City of Danzig on the line Firchau-chojnice-Tczew-Marienburg, have appointed respectively as their Plenipotentiaries :

POLAND :

M. Franciszek MOSKWA, Vice-Director in the Ministry of Transport ; and
M. Felicjan PROCHASKA, Chief of Section in the Finance Ministry,

Who, in accordance with Article 104, paragraph 6, of the Treaty of Versailles of June 28, 1919, also act for the Free City of Danzig in so far as the latter is involved as a Contracting Party ; and

GERMANY :

M. Ulrich RAUSCHER, Envoy Extraordinary and Minister Plenipotentiary of the German Reich at Warsaw, and
M. Carl SCHOLZ, Government Privy Councillor, Managing Director of the Reich Railways.

The Plenipotentiaries, having communicated their full powers found in good and due form, have agreed as follows :

Article 1.

In addition to the regular traffic between East Prussia and the rest of Germany on the line Firchau-chojnice-Tczew-Marienburg, an express train shall be run daily and a "train de luxe" weekly, in each direction, in accordance with a special agreement between the Railway Administrations concerned, to deal with the international traffic in passengers, luggage, "express" freight and special fast freight. If extra trains are required, and run before or after the regular trains, the same conditions shall apply.

Article 2.

The trains mentioned in Article 1 shall traverse the country of transit in the form in which they were made up. Individual wagons may be put on or taken off for technical reasons.

¹ Translated by the Secretariat of the League of Nations.

Article 3.

1. The use of the trains mentioned in Article 1 shall be governed in the country of transit by the following regulations :

(a) Passengers may only enter or leave the train at the stations of Chojnice and Tczew. Passengers intending to continue their journey on the same train shall not, however, be allowed to alight ;

(b) The hand luggage and registered luggage of passengers entering or leaving the train at the stations of Chojnice or Tczew may not be put in or taken out except at the two aforesaid stations. The same applies to " express " freight and special fast freight ;

(c) Subject to the provisions laid down in Articles 21-23 for the Postal service, no other object may be put on or taken off these trains.

2. The country of transit shall take the necessary steps to carry out the above regulations. If, in order to ensure the observance of these regulations, the country of transit causes the trains mentioned in Article 1 to be accompanied by Customs or other officials, such officials shall be allowed to remain on the train on the German sections as far as the stations of Firchau and Marienburg and there to return to their posts.

3. The officials mentioned in paragraph 2, as well as the railway and postal servants who accompany the train in the country of transit, are authorised and bound to enforce the regulations contained in the present Convention.

Article 4.

The trains mentioned in Article 1 may not be used by passengers travelling from Chojnice to Tczew or *vice versa*. The same applies to luggage, " express " freight and special fast freight loaded at these stations.

Article 5.

1. Traffic in transit shall be subject to the laws of the country of transit as regards the maintenance of order and public safety and all public health laws and regulations.

2. Passengers who travel between Firchau and Marienburg in the trains mentioned in Article 1 without breaking their journey will be allowed to pass without hindrance with their luggage unless they have committed a crime or other offence in the territory under the sovereignty of the country of transit during their stay in that country. Passengers must be provided with a through ticket covering at least the Firchau-Marienburg section.

3. On the line between Firchau and Marienburg such travellers and their luggage shall be exempt from all passport and Customs formalities and from all Customs duties or similar charges, other than those imposed to cover the actual expenses of the railway administration. Passengers on this line require no passport or other identity papers.

4. " Express " freight and special fast freight carried in through transit on the trains mentioned in Article 1 on the line between Firchau and Marienburg shall be exempt on that line from all Customs formalities and from all Customs duties and similar charges, other than those imposed to cover the actual expenses of the railway administration.

5. The import and export prohibitions ruling in the countries of transit shall not apply to such luggage " express " freight and special fast freight, nor shall any import, export or transit licences be necessary for such goods. All goods admitted for carriage in inland traffic by the

Contracting Parties may be carried in transit on these trains. Goods carried in accordance with the provisions of the present Convention may not be seized under an administrative order.

6. The German Customs offices of exit are authorised to place in bond during transit such luggage "express" freight and special fast freight by sealing the vehicles in which they are carried. The Customs authorities of the country of transit shall, as a rule, respect and leave untouched leads or seals which have been affixed by the German Customs authorities. This shall not affect the right of the country of transit to affix further Customs marks in addition to such leads or seals.

7. The temporary removal of the Customs seal by the country of transit is only permissible in the cases provided for in the present Agreement or for urgent reasons connected with the railway service; transshipment shall only be allowed for technical reasons connected with the working. In such cases, the Customs formalities shall be completed according to the regulations of the country of transit. The transshipment of luggage or goods, the removal of the Customs seal with reasons therefor and the replacement of the seal, must be recorded in an official minute as well as in all Customs or revenue documents relating to the goods.

8. If a seal is damaged *en route* either intentionally or by accident, or in the case of the theft of wagons or merchandise, the procedure shall be the same as that followed in the case of the temporary removal of seals or transshipment, except that a statement of the facts should be drawn up, if possible with the assistance of the Customs officials. The action taken with the grounds therefor shall be recorded in an official minute as well as in all the Customs or revenue documents relating to the goods.

Article 6.

Passengers entering or leaving the trains mentioned in Article 1 at the stations of Chojnice or Tczew must there undergo a joint German-Polish Customs examination and inspection of passport. Luggage "express" freight and special fast freight loaded or unloaded at these stations shall likewise undergo a joint German-Polish Customs examination.

Article 7.

1. The Customs examination and inspection of passports of passengers entering or leaving the trains at the stations of Chojnice or Tczew, as also the clearance of luggage "express" freight and special fast freight loaded or unloaded at these stations, shall be carried out by the German and Polish Customs and passport authorities jointly in accordance with the provisions of Articles 9-12, in adjoining premises and successively. For this purpose, Poland shall grant Germany the right to proceed to Customs examinations and the inspection of passports at the stations of Chojnice and Tczew.

2. Poland shall place at Germany's disposal free of charge, the necessary accommodation and premises, together with the necessary weighing appliances, and shall arrange free of charge for the suitable installation, lighting, heating and cleaning of the premises.

3. The German Customs offices shall warehouse objects which they hold in bond exclusively under their own Customs seal. For this purpose, Poland shall place at their disposal free of charge at each of the stations of Chojnice and Tczew appropriate and safe bonding premises, equipped with proper locks.

4. Poland shall take the necessaries measures to ensure:

(a) That luggage registered at the stations of Chojnice and Tczew by passengers entering the train there shall be placed in the luggage vans of the trains in question by

the Polish State Railways only after Customs clearance and without alteration of the contents;

(b) That luggage for transit through Germany or for delivery to a German office shall be notified by the Polish State Railways to the outlying German Customs office on luggage schedules made out in triplicate on the model of the annexed Form (A), and that the two copies returned by the German Customs office, after checking and entry in the luggage register, shall be handed over to the proper officials of the German Railways when the transfer of luggage takes place at the station of exchange;

(c) That luggage arriving at the stations of Chojnice and Tczew shall be presented by the Polish State Railways, without alteration of the contents, to the outlying Customs Office for clearance, together with the Customs documents handed over by the German Railways, on the transfer of luggage at the station of exchange;

(d) That "express" freight and special fast freight to be loaded at the stations of Chojnice and Tczew shall be put into the vans of the trains concerned by the Polish State Railways only after Customs clearance, and without alteration of the contents;

(e) That "express" freight and special fast freight for transit through Germany or for delivery to a German Customs Office shall be notified by the Polish State Railways to the German outlying Customs Offices by means of an accompanying certificate made out in triplicate on the model of the annexed Form (B), which shall be presented with the relevant way-bills, and that the two copies returned by the Customs Office, after checking and entry in the register of accompanying certificates, shall be handed over to the proper officials of the German Railways when the transfer of "express" freight and special fast freight takes place at the station of exchange;

(f) That "express" freight and special fast freight arriving at the stations of Chojnice and Tczew shall be submitted by the Polish State Railways, without alteration of the contents, to the outlying Customs Office for inspection, together with the Customs documents handed over by the German Railways, on the transfer of the "express" freight and special fast freight at the station of exchange.

5. The Customs examination of passengers wishing to travel by the trains mentioned in Article 1 from the stations of Chojnice or Tczew shall cease five minutes before the scheduled arrival of the train at those stations. If the train is signalled late, the time for examination shall be extended accordingly. Passengers not presenting themselves for Customs examination in good time shall not be admitted to that train.

6. "Express" freight and special fast freight for conveyance in the trains mentioned in Article 1 must be submitted to the Customs in good time so as to be cleared before the examination of passengers and their luggage begins (Paragraph 5). "Express" freight and special fast freight not submitted in good time will be cleared only provided that the punctual examination of passengers and their luggage is not thereby interfered with.

Article 8.

1. The German offices established in pursuance of Article 7 at the stations of Chojnice and Tczew are outlying offices within the meaning of the present Convention. ("*eksponowane placówki służbowe*" — "*exponierte Dienststellen*");

2. The premises used by the outlying offices (Article 14, paragraph 9) may be indicated to the public by means of sign-boards bearing the arms of the German Reich and Prussia.

Article 9.

1. For the traffic mentioned in Article 7, paragraph 1, the German Customs regulations shall apply, as well as those of the country of transit, to the outlying offices and to the sections between Chojnice and Tczew, on the one hand, and to the German territorial frontiers at Marienburg and Firchau, on the other hand, the regulations of the country of exit taking priority over those of the country of entry.

2. Customs regulations within the meaning of paragraph 1 shall include all export, import and transit prohibitions and restrictions, regulations concerning indirect taxes and similar charges, and any orders issued for the enforcement of such regulations.

Article 10.

1. As regard Customs examination, the German Customs regulations shall apply as well as the Polish Customs regulations, to exports from Germany into the Polish Customs area, until the German exit Customs examination is over; the German regulations shall apply to imports from the Polish Customs area into Germany only as from the beginning of the German entrance Customs examination.

2. Articles brought from Germany into the Polish Customs area and re-entering Germany while still subject to the German Customs regulations shall not be liable to any Polish import or export duty, nor to any Polish import or export prohibition.

3. If the Polish Customs office suspects smuggling in connection with an export from the Polish Customs area and considers it necessary to examine an article which has already been submitted for clearance to the German Customs office but still remains at the station under German Customs custody, the German Customs office shall be bound, on demand, to hand over the article to the Polish Customs office for that purpose. In similar circumstances, the Polish Customs office shall be bound to hand over to the German Customs office an article which was submitted to the Polish Customs office for clearance, but still remains at the station under Polish Customs custody.

4. If the exit Customs Office finds that the article is liable to seizure, the Customs Office of entry shall be bound to hand it over.

5. In the case of articles under the joint custody of the German and Polish Customs Offices, the Service from whose Customs area the export came shall be deemed the sole responsible custodian.

6. In the event of contraventions of the German Customs regulations, the German outlying Customs Offices shall be entitled, under the present Article, to take action in accordance with those regulations, and to convey across the frontier articles seized or kept in bond or persons detained, the latter if necessary under the conduct of officials of the country of transit. Polish nationals may not be so conveyed by the German Offices. The offender may, however, be brought compulsorily before the authorities for the purpose of obtaining evidence of the facts. A Polish police or Customs official must be present at these proceedings. If a Polish national is searched, physical force may not be used except in the presence of one of the aforesaid Polish officials.

Article 11.

In addition to the passport regulations of the country of transit, the German regulations shall apply as regards the outlying Customs Offices, the regulations of the country of exit taking priority.

Article 12.

1. Persons desiring to leave Germany may be turned back by the German passport inspection officials if they are not provided with the proper exit permit.

2. The German outlying passport inspection offices shall be entitled to convey such persons back to their own country, if necessary under the conduct of officials of the country of transit. Polish nationals may not be so conveyed by the German Offices. The offender may, however, be forcibly brought before the authorities for the purpose of obtaining evidence of the facts. A Polish police or Customs official must be present at the proceedings, at the close of which the German Customs Office shall allow the passenger to proceed on his journey.

Article 13.

The German authorities concerned shall communicate to the Polish authorities concerned, within a reasonable time before the entry into force of the present Convention, the names and functions of their employees on duty at the stations of Chojnice and Tczew. A list shall be sent at the beginning of each year. Any changes in the staff which have taken place during the year shall be specially notified.

Article 14.

1. Employees shall be allowed to cross the frontier and to stay in the neighbouring country for the performance of their duties without any passport or visa, on showing a permit issued by the competent authority of the State that sent them. This permit must be made out on the model of Annex B of the Convention on Reciprocal Railway Traffic, signed at Berlin on March 27, 1926, the words of the official form which do not apply to the case in question being struck out. It shall be valid for not more than one year.

2. In order to leave the railway zone of the neighbouring country, a warrant of the Passport Inspection Office of that country will be required, which shall be issued against the deposit of the permit mentioned in paragraph 1 and shall be available only in the area of the commune in which the Passport Inspection Office in question is established.

3. Employees must wear a uniform or some conspicuous badge of service (armlet, cap, etc.).

4. The carrying of arms is permitted only when on service and the carrying of fire-arms only while guarding goods or moneys at night.

5. The use of arms is allowed only in self-defence.

6. During their stay in the neighbouring country the employees shall be exempt from all personal services or material contributions of any kind. They shall pay direct taxes and other public imposts in the neighbouring country only on their immovable property situated within its territory, on claims secured on such property and on undertakings carried on for profit within that territory. Subject to Customs inspection, they shall be entitled to take with them duty-free such effects as are obviously intended for their daily personal use on service and on the journey to and from.

7. Employees shall be considered, in the neighbouring country also, as officials within the meaning of the Penal Code. In the event of insult or bodily injuries, in so far as public action may legitimately be taken in addition to private action by the injured party, the authorities of the

neighbouring country shall exercise their powers in favour of employees of the other State working on their territory to the same extent as in favour of their own officials.

8. During their stay in the neighbouring country, employees shall be amenable to the Law Courts and police of that country. As regards the disciplinary punishment for administrative offences, they shall be under the sole jurisdiction of their own Superiors. As regards punishable offences committed in the performances of their duties in the neighbouring country, provided that nationals of the latter country are not concerned, the right of sentence shall be left to the State that sent them if it so requests. On such request, the accused must be surrendered by the neighbouring country without delay to whatever authority the State that sent him shall designate. The request for the transfer of the case and for the surrender of the accused shall be made by the competent department of the Public Prosecutor's Office in the State employing him to the competent department of the Public Prosecutor's Office in the neighbouring country.

9. The German employees entrusted with Customs examination and passport inspection at the stations of Chojnice and Tczew shall be entitled and in duty bound to maintain order within the premises placed at their disposal for their sole use and to eject private individuals creating a disturbance therein.

10. German employees may enter the official premises and installations of the Polish employees in the performance of their duties, and *vice versa*.

11. The provisions of this Article shall apply to all employees of the Contracting Parties engaged in the application of the present Convention and of the special railway Agreement mentioned in Article 1.

Article 15.

1. The employees of the Contracting Parties shall assist each other in the performance of their official duties, and particularly in the prevention and detection of contraventions.

2. The authorities, offices and employees of each Contracting Party shall afford all the necessary protection to the offices and employees of the other Party working in its territory and shall give the same effect to requests to that end as to similar requests from their own authorities, offices and employees.

Article 16.

1. In connection with the prosecution of offences against the German Customs and passport regulations which are applicable under Articles 9 and 11, the authorities concerned in the country of transit shall, at the direct request of the German authorities concerned, hear accused persons, witnesses and experts, carry out official investigations, enquiries and perquisitions and serve writs and judgments. Authorities who have carried out such official proceedings shall be directly refunded for the actual outlay so incurred.

2. In the event of an interchange of legal assistance under paragraph 1 taking place between the German and Polish Courts, the provisions of the German-Polish Convention of December 16, 1925, on Legal Assistance in Penal Action shall apply *mutatis mutandis*.

Article 17.

1. The German authorities concerned are entitled to have the work of their employees in the country of transit inspected by their own officials.

2. As regards crossing the frontier and temporary stays in the territory of the neighbouring country by the officials mentioned in paragraph 1, the provisions of Article 14, paragraphs 1, 2 and 6 to 10 shall apply *mutatis mutandis*.

Article 18.

Attendants employed in the restaurant and sleeping cars may cross the frontier without passport or visa on showing the permit provided for in Article 27, paragraph 3.

Article 19.

Supplies required for the services situated in foreign territory and employees working there shall be allowed to enter free of all duties, taxes or charges on production of an official warrant of the service concerned and may be taken back into the country from which they came duty free.

Article 20.

1. Official letters, parcels and remittances of money or securities may be carried between an outlying Customs Office and the Customs and passport authorities concerned by the German staff authorised to cross the frontier without the intermediary of the postal administration of the country of transit and free of its postal charges. Such consignments must bear the official stamp of the despatching authority and be described in a special warrant accompanying them, in which case they shall not be subject to inspection.

2. The railway telegraph and telephone system at the stations of Chojnice and Tczew may be used for official communication between the German authorities and their outlying Customs Offices free of charge.

Article 21.

1. Germany may carry mails of every kind in her own mail vans by the express trains provided for in Article 1 according to the exigencies of her mail service.

2. The Polish postal administration may use these mail vans to carry its own mails in the transit area according as room is available.

3. In addition to the German postal staff, whose number must not exceed the actual requirements, a Polish postal official in Polish territory, and a Dantzic postal official in Dantzic territory, may accompany each mail van at the expense of the German postal administration. If the Dantzic postal administration so requests, the Polish postal employee shall undertake this duty in the Dantzic area also.

4. Every mail van must be provided by the German post office concerned with a list showing the number of employees accompanying the van.

5. The letter-boxes in the German mail vans must be kept closed while in the country of transit; further, the German postal officials in the country of transit shall not be allowed to have any dealings either with Polish or Dantzic post offices or with the public.

6. The Polish or Dantzic postal employee accompanying the van shall be entitled to see that the above provision is observed; in the transit area he shall act as intermediary between the German postal officials and the services concerned. The Polish postal official shall be entitled, in the Polish area of transit, to perform his duties in accordance with the Polish internal regulations and to conduct the exchange of mails.

7. The staff required to accompany the German mail van as well as any officials who may be needed for the purpose of inspection shall be carried free of charge.

8. Germany shall be entitled to carry the following mails in these vans :

- (a) Mails from East Prussia to the rest of Germany and *vice versa* ;
- (b) Mails from abroad to Germany (including East Prussia) and *vice versa* ;

(c) Postal matter of every kind in transit from places abroad to other places abroad, after previous arrangement between the German, Polish and Danzig postal administrations.

9. Besides the mails only such objects and articles of food may be carried in the mail vans during passage through the country of transit as are required for the personal use of the accompanying staff.

10. If no mail vans are put on, mail bags may be entrusted to the train officials by arrangement between the postal administrations concerned.

Article 22.

1. In the event of railway accidents, the operating railway administration is responsible for the postal officials, mails and vans to the same extent as for passengers, goods and coaches.

2. The responsibility for the mails carried in the vans accompanied by German officials rests with the German postal administration, in so far as the railway management is not at fault.

3. The railway administration of the country of transit is liable for compensation to the German postal administration, in respect of the mails carried in German mail vans, to the same extent as it is liable for compensation to the postal administration of its own country under its own regulations.

4. If the mails are transhipped in consequence of the German mail van being taken off, together with its staff, the postal administration of the country of transit shall become responsible for the Germany mails if they are forwarded thereafter by the staff of that administration. In such cases, the postal administration of the country of transit shall pay compensation to the same extent, and under the same conditions, as the German postal administration has to pay to the senders.

5. If the German mail van breaks down in transit the administrations of the countries concerned shall render assistance and see that the mails are despatched on their way with all speed.

Article 23.

1. The German Postal Administration shall pay the Polish Postal Administration :

(a) In respect of the conveyance of mail vans with postal packages, for each axle kilometre travelled on the Polish lines by German wagons, the amount computed by the Polish Railway Administration on the basis of working costs ;

(b) In respect of the carriage of mail bags by the train staff, the charges paid by the Postal Administration of the country of transit to the Railway Administration for the carriage of mail bags.

The Polish Postal Administration shall be paid the above charges also for carriage on the Polish Railway lines situated in the territory of the Free City of Danzig. For these sections also the Polish Railway Administration shall assume the liability laid down in Article 22.

2. The German Postal Administration shall pay the Polish and Danzig Postal Administrations :

(a) The costs of having the German mails accompanied by the Polish or Danzig postal staff, to the amount of the actual outlay,

(b) As insurance, 0.015 cents in United States currency for each axle-kilometre of the transit section.

3. In computing the charges per axle-kilometre, fractions of kilometres below one half will not be reckoned, and fractions of over one half will be reckoned as full kilometres.

4. The accounts in respect of the above charges shall be settled at regular intervals simultaneously with the other accounts in respect of mail vans running through the Polish and Danzig area between East Prussia and the rest of Germany.

Article 24.

1. As regards the trains mentioned in Article 1, the liability for accidents and damage occurring in the operation thereof shall be governed by the laws, ordinances and regulations ruling at the place of the accident, in so far as Article 25 does not provide otherwise for luggage, "express" freight and special fast freight.

2. Each of the Contracting Parties shall be liable for its employees and other persons in its service (auxiliary workers) in the transit area.

3. The liability for accidents and damage caused by the bad condition of stations, lines, or engines rests with the administration responsible for the upkeep of the station, line, or engine in question.

4. The liability for accidents and damage caused by the bad condition of wagons or other rolling stock rests with the administration that last took over the material in question.

5. The Railway Administrations are not liable to each other for damage caused by *force majeure*. If the damage is due to some event which cannot be regarded as *force majeure*, the Railway Administration on whose line the damage was incurred is liable.

6. If according to the provisional findings of the operating Administration, the other Administration's responsibility is involved, the further enquiries with a view to finally ascertaining the cause of the accident shall be jointly conducted by representatives of both Administrations.

7. Each Administration has the right of recourse against the other in the event of its being ordered by a judicial decision having the force of law to make compensation for damage for which the other Administration is wholly or partially liable under the above provisions. The right of recourse also exists when two Administrations are agreed that one of them is to pay the compensation claims even though the other Administration is wholly or partially liable for the damage. Agreed settlements, acknowledgments or judgments by default are, however, only binding on the other Administration provided it has accepted them, or has failed to make any reply to them within a reasonable fixed period and after having been duly notified.

8. Without prejudice to the aforesaid right of recourse, the operating Administration shall assume liability towards persons who have suffered any sort of damage through a railway accident.

In the case of registered luggage or "express" freight and special fast freight the reservation contained in paragraph 1 shall apply.

9. The liability for damaged mails is determined in Article 22.

Article 25.

For passenger, luggage, "express" freight and special fast freight traffic, the tariffs and agreements ruling for the traffic concerned shall apply, in so far as the present Convention or the railway Agreements mentioned in Article 1 do not provide otherwise.

Article 26.

The provisions of the Convention on Reciprocal Railway Traffic, signed at Berlin on March 27, 1926, shall apply to the trains mentioned in Article 1, in so far as the present Convention does not provide otherwise.

Article 27.

1. In the event of an European war, or if a state of emergency (*stan wyjątkowy — Ausnahmezustand*) has been declared by the country of transit in the territory traversed by the trains mentioned in Article 1, the country of transit shall have the right, as a provisional measure for the duration of the war or of the state of emergency, to exact :

(a) That the passengers mentioned in Article 5, if they are nationals of the German Reich, must be provided with a permit or visa of the country of transit ;

(b) That the passengers mentioned in Article 5, if they are nationals of other States, shall be subject to the general passport regulations ruling in the country of transit.

2. The Government of the country of transit shall, before applying the aforesaid measures, advise the other Contracting Parties thereof through diplomatic channels. The measure may not be put into effect earlier than ten days after such notification.

3. The permit provided for in paragraph 1 (a) must indicate the name, Christian names, residence and nationality of the holder and must bear the holder's signature and his photograph stamped by the issuing authority' together with the signature and official stamp of that authority. If the holder cannot write, the signature may be replaced by his mark, officially certified by the issuing authority.

4. Any inspection of the permits mentioned in paragraph 1, (a) and (b) must take place in the train between or at the regular stops. In no case will passengers using the trains mentioned in Article 1 be subject to any passport formalities other than those provided for in this Article.

Article 28.

Disputes arising out of the interpretation or application of the present Convention, of the Final Protocol (if any), or of the separate agreement mentioned in Article 1, between the Railway Administrations concerned, shall be decided by an arbitral tribunal the composition of which shall be determined by special arrangement.

The arbitral tribunal shall settle its procedure itself and shall draw up its own standing orders.

Article 29.

1. The present Convention shall be ratified. The instruments of ratification shall be exchanged at Berlin as soon as possible. The Convention shall come into force fifteen days after the exchange of the instruments of ratification. It shall have effect up to May 14, 1928, inclusive. If it is not denounced as from that date at six months notice, it shall be prolonged by tacit agreement for a further six months on the understanding that it may be denounced by either of the Contracting Parties as from November 14 and May 14 of each year at six months' notice.

2. Each of the Contracting Parties shall have the right at any time to apply for a revision of the provisions of the present Convention.

Done at Warsaw on the twenty-sixth day of March, one thousand nine hundred and twenty-seven, in triplicate, in German and Polish texts, each Contracting Party retaining one copy. The German and Polish texts are in complete concordance, and are equally authentic.

(L. S.) Franciszek MOSKWA.

(L. S.) RAUSCHER.

(L. S.) Felicjan PROCHASKA.

(L. S.) SCHOLZ.

FINAL PROTOCOL.

On signing the above Convention the Contracting Parties agreed on the following provisions :

I. *Ad Article 1.*

A. The Contracting Parties reserve the right to arrange between themselves through their respective administrations that on the railway line Firchau-Chojnice-Tczew-Marienburg the provisions of this Convention shall apply to trains other than those mentioned in Article 1.

B. The term "express" freight includes trade parcels (*colis messageries*) which are accepted by third parties for carriage by rail at special rates and on the basis of a special agreement.

C. In the event of the privileged railway traffic between Poland and the Free City of Danzig on the line Deutsch Eylau-Marienburg being resumed, the Contracting Parties agree that in addition to the traffic between Poland and the Free City of Danzig, an express train shall be run daily in each direction to deal with the international railway traffic in passengers, luggage "express" freight and special fast freight on the line Rakowice-Deutsch Eylau-Marienburg-Tczew. In that event, a joint Customs clearance and passport inspection shall be instituted at the stations of Marienburg and Deutsch Eylau for the traffic between Marienburg or Deutsch Eylau and abroad. The use of these trains shall be governed by a special convention, in conformity with the provisions of the present Convention.

II. *Ad Articles 1 and 21.*

Mails may be carried on the train de luxe provided for in Article 1, subject to a special Agreement between the administrations concerned.

III. *Ad Articles 1 and 26.*

The legal position resulting from the Convention of April 21, 1921, between Germany, Poland and the Free City of Danzig concerning freedom of traffic in transit between East Prussia and the rest of Germany shall not be affected by the present Convention. The signing of the present Convention may not be so interpreted as to prejudice either of the Contracting Parties in respect of the interpretation of the Convention of April 21, 1921. The Convention of April 21, 1921, shall not apply to the trains mentioned in Article 1.

IV. *Ad Articles 1 and 29.*

In the event of an interruption of traffic or other difficulties, the respective railway administrations shall be free to arrange for the trains to run by different routes. If it is necessary to select routes not passing the stations of Chojnice or Tczew, the trains shall be run closed ("privileged": *privilegiert* — *uprzywilejowane*) through the transit area until some other arrangement has been agreed upon. If for any reason, particularly the expiration of the present Convention, the express trains mentioned in Article 1 are not run daily, they shall be replaced by express trains run on the same schedule in accordance with the provisions of the Paris Convention of April 21, 1921, in privileged traffic between East Prussia and the rest of Germany.

V. *Ad Article 2.*

No restrictions shall be imposed on restaurant and sleeping-cars in the country of transit.

VI. *Ad Article 5.*

A. To leave the train at the stations of Chojnice or Tczew will be considered as breaking the journey within the meaning of paragraph (2) of this Article.

B. Members of the armed forces serving with the colours will be considered as travellers within the meaning of the present Convention, whether they are in uniform or not. Such persons travelling independently shall carry no weapons other than *armes blanches* (swords, side-arms).

VII. *Ad Article 7, paragraphs 2 and 3.*

The Contracting Parties are agreed that the premises mentioned in the minutes of the negotiations which took place on February 7, 1927, regarding the joint German-Polish Customs examination at the Tczew and Chojnice stations shall be placed at their disposal for the purpose in question. If for technical reasons these premises should not be available, the Polish State railways shall arrange for the preparation of other equally suitable premises in agreement with the German authorities concerned.

VIII. *Ad Articles 10 and 12.*

Under Article 10, paragraph 6, and Article 12, paragraph 2, the Polish Customs and passport authorities must accede to any request made by the German authorities for the conveyance to Germany of a national of any country other than Poland or for attendance at the searching of a Polish national.

IX. *Ad Article 14.*

A. On production of the permit provided for in paragraph 1, the German and Polish railway administrations shall allow the holder to travel free on any passenger or goods trains on the line between the Polish station and the next German station.

B. If it should be found necessary for employees of the outlying Customs offices at the station of Tczew to live there, a special agreement shall be concluded on this matter.

C. If a criminal action is instituted against an employee engaged in the application of the present Convention or of the special railway agreement mentioned in Article 1, on account of an act committed during his official stay in the territory of the neighbouring State, the administrative superiors of the accused person shall be notified immediately.

X. *Ad Article 28.*

The Contracting Parties are agreed that the arbitral tribunal shall be composed of the same persons as the tribunal provided for in the Convention of April 21, 1921, between Germany, Poland and the Free City of Danzig regarding freedom of traffic in transit between East Prussia and the rest of Germany. If the settlement of a case under the jurisdiction of the tribunal is delayed because one of the arbitrators fails to attend the deliberations of the tribunal or to send his deputy in his place, the President shall, at the request of the other regular arbitrator, appoint a substitute for the defaulting arbitrator. The substitute must, whenever possible, be of a different nationality from the arbitrator with whom he is acting. He shall have the same rights and duties as the permanent arbitrator, and shall take part in the deliberations of the tribunal until the regular arbitrator or his representative announces his readiness to attend.

In faith whereof the Plenipotentiaries have signed this Final Protocol.

Done at Warsaw on the twenty-sixth day of March, one thousand nine hundred and twenty-seven, in triplicate, in German and Polish texts, each Contracting Party retaining one copy. The German and Polish texts are in complete concordance and are equally authentic.

(L. S.) Franciszek MOSKWA.

(L. S.) RAUSCHER.

(L. S.) Felicjan PROCHASKA.

(L. S.) SCHOLZ.

ANNEX A.

ad Article 7, paragraph (4), b.

LUGGAGE SCHEDULE

for transit through Germany or for forwarding to a Customs Office within the German Customs area without special inspection and without being sealed.

No.

Office of receipt Office of dispatch

Period for delivery up to 19.....

DECLARATION AND UNDERTAKING OF THE POLISH CARRIER.

The undersigned, being the authorized representative of the Polish State Railways, hereby declares the luggage indicated overleaf for transit through forwarding to a Customs Office in } Germany and undertakes to hand over the said luggage unopened at the station of exchange, before the expiration of the period of delivery to the authorized representative of the German Railways, failing which he renders himself liable for the maximum import duty under the tariff.

..... the 19.....

RECEIPT AND UNDERTAKING OF THE GERMAN CARRIER.

The undersigned being the authorised representative of the German Railways, hereby takes delivery of this luggage schedule and undertakes to present the luggage indicated therein unopened, before the expiration of the period of delivery, to the Office of receipt, failing which he renders himself liable for the maximum import duty under the tariff.

..... the 19.....

Handed to the station official at on 19.....

UNDERTAKING OF THE STATION OFFICIAL.

The undersigned being the authorised representative of the German Railways, hereby undertakes to present luggage indicated overleaf unopened and at latest before noon to-morrow to the Customs Office at failing which he renders himself liable for the maximum import duty under the tariff.

..... the 19.....

PARTICULARS AND OFFICIAL NOTES.

Serial No.	Number of luggage slip	Despatching Station	Station of Destination	Number of Packages	Remarks
1	2	3	4	5	6

..... the 19.....

(Stamp)

German Customs Clearing Office at the station of

.....

Columns 1 to 5 must be filled in by the representative of the Polish State Railways either in German or in French.

ANNEX B.

ad Article 7. Paragraph (4), e.

GERMAN CUSTOMS AREA.

ACCOMPANYING CERTIFICATE I.

No.

Issuing Office	Receiving Office
Period for delivery : up to	Forwarded to
Extended up to	

..... the 19.....

German Customs Clearing Office at the station of :

(Stamp)

.....

DECLARATION AND UNDERTAKING OF THE POLISH CARRIER.

The undersigned, being the authorised representative of the Polish State Railways, hereby declares the goods indicated overleaf and vouches for the correctness of the particulars as to the number and description of the packages. He also certifies that the declaration tallies with the Express freight slip.

Way-bill.

The undersigned requests that these goods be despatched with the accompanying certificate I, and undertakes to hand them over as they stand at the station of exchange, before the expiration of the period for delivery to the representative of the German Railways, failing which he renders himself liable for the maximum import duty payable on the quantities of goods indicated in the declaration.

Certified to tally with the	{	<u>Express freight slip</u>
		Way-bill

..... the 19 ...

(Signature of the German Customs Official)

RECEIPT AND UNDERTAKING OF THE GERMAN CARRIER.

The undersigned, being the authorised representative of the German Railways, hereby takes delivery of this accompanying certificate and assumes the obligations arising therefrom under sections 44 and 46 of the Customs Union Law (*Verzinsollgesetz*).

..... the 19.....

NOTICES AS TO ALTERED DESTINATION OF THE GOODS, ETC.

(Sections 46, 49, 50 and 96 of the *Vereinszollgesetz*.)

1. request that this accompanying certificate be discharged here.
 the 19.....
2. request that this accompanying certificate be forwarded for further despatch of the goods to at
 at the Customs office of and assume the obligations of the taker of said certificate with respect to further carriage of the goods.
 the 19.....

Approved.

. the 19.....

CUSTOMS OFFICE.

Entered under No.: in the accompanying certificates register and forwarded to the Customs Office of
 Available up to

Seal

. the 19.....

CUSTOMS OFFICE.

RECEIPTS.

1. The accompanying certificate was delivered on
2. It was entered in the register under No.
3. Result of inspection :
- (a) as to sealing :
- (b) as to description and quantity of the goods :

Certified correct :

4. Record of exportation across the frontier.¹
- A. The seal having been found intact was broken and the goods mentioned overleaf were
- (a) Loaded in goods wagon No. of the railway and after closing the wagon with padlocks of series were forwarded to the office at
 the 19...
- CUSTOMS OFFICE.
- (b) Loaded on the of and forwarded to the notification office at
 { in the charge of the Customs employee(s).
 { sealed by means of
 the 19....
- CUSTOMS OFFICE.
- (c) Exported across the frontier in our presence.
 the 19....
- CUSTOMS OFFICE.
- B. The seal having been found intact and broken the above-mentioned was
- (a) Handed over to the Customs employee(s) for conveyance across the frontier.
 the 19....
- (b) Exported across the frontier in our presence.
 the 19.....

This accompanying certificate has been drawn up
 the 19.....

CUSTOMS OFFICE

¹ The wording of No. 4 of the receipt (record of exportation across the frontier) may be altered to suit local requirements.