

N° 1779.

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ALLEMAGNE, AUTRICHE,  
BELGIQUE,  
BULGARIE, DANEMARK, etc.

Convention internationale concernant  
le transport des voyageurs et des  
bagages par chemins de fer, avec  
annexes et protocole, signés à  
Berne, le 23 octobre 1924, et  
procès-verbal, signé à Berne, le  
18 octobre 1927.

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GERMANY, AUSTRIA,  
BELGIUM,  
BULGARIA, DENMARK, etc.

International Convention concerning  
the Transport of Passengers and  
Baggage by Rail, with Annexes  
and Protocol, signed at Berne,  
October 23, 1924, and Procès-  
Verbal, signed at Berne, October  
18, 1927.

<sup>1</sup> TRADUCTION. — TRANSLATION.

No. 1779. — INTERNATIONAL CONVENTION<sup>2</sup> CONCERNING THE TRANSPORT OF PASSENGERS AND BAGGAGE BY RAIL (C. I. V.), CONCLUDED BETWEEN GERMANY, AUSTRIA, BELGIUM, BULGARIA, DENMARK, FREE CITY OF DANZIG, SPAIN, ESTONIA, FINLAND, FRANCE, GREECE, HUNGARY, ITALY, LATVIA, LITHUANIA, LUXEMBURG, NORWAY, THE NETHERLANDS, POLAND, PORTUGAL, ROUMANIA, KINGDOM OF THE SERBS, CROATS AND SLOVENES, SWEDEN, SWITZERLAND AND CZECHOSLOVAKIA. SIGNED AT BERNE, OCTOBER 23, 1924.

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*French official text communicated by the Netherlands Minister at Berne and the Swiss Federal Council.  
The registration of this Convention took place July 12, 1928.*

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The Governments of the above-mentioned States, having recognised the desirability of framing a Convention concerning the transport of passengers and baggage,

Have decided to conclude for this purpose a Convention based on the draft which they have caused to be drawn up by agreement and which is contained in the Procès-Verbal signed at Berne on June 8, 1923, and have appointed as their Plenipotentiaries :

*Germany :*

M. Eduard HOFFMANN, Chargé d'Affaires in Switzerland.

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<sup>1</sup> Traduit par le Secrétariat de la Société des Nations. à titre d'information.

<sup>1</sup> Translated by the Secretariat of the League of Nations, for information.

<sup>2</sup> Deposit of ratifications :

Germany, Austria, Belgium, Bulgaria, Denmark, Free City of Danzig, Spain, Finland, France, Hungary, Italy, Latvia, Luxemburg, Norway, The Netherlands, Poland, Roumania, Saar Territory Governing Commission, Sweden, Switzerland and Czechoslovakia, October 18, 1927.

Estonia, June 30, 1928.

Kingdom of the Serbs, Croats and Slovenes, September 22, 1928.

Declaration :

The Government of the Kingdom of the Serbs, Croats and Slovenes considers itself fully bound by the decisions adopted by the Conference of October 18, 1927, with the exception that the time-limit of three months stipulated in the agreement in question for the entry into force of the new Conventions has been reduced, with the unanimous consent of the contracting States, so that the new régime may be applied in Yugoslav territory as from October 1st, 1928.

Portugal, December 1st, 1928.

Declaration :

The Portuguese Government considers itself as fully bound by the decisions adopted by the Conference of October 18, 1927, decisions from which this convention shall enter into force in

*Austria :*

His Excellency M. Leo DI PAULI, Envoy Extraordinary and Minister Plenipotentiary in Switzerland.

*Belgium :*

His Excellency M. Fernand PELTZER, Envoy Extraordinary and Minister Plenipotentiary in Switzerland.

*Bulgaria :*

M. Dimitri MIKOFF, Chargé d'Affaires in Switzerland.

*Denmark :*

His Excellency M. Andreas DE OLDENBURG, Envoy Extraordinary and Minister Plenipotentiary in Switzerland.

*Free City of Danzig :*

His Excellency M. Jean DE MODZELEWSKI, Envoy Extraordinary and Minister Plenipotentiary of Poland in Switzerland.

*Spain :*

His Excellency M. Emilio DE PALACIOS Y FAU, Envoy Extraordinary and Minister Plenipotentiary in Switzerland.

*Estonia :*

M. Karl MENNING, Chargé d'Affaires in Germany and in Switzerland.

*Finland :*

M. Urho TOIVOLA, Director of the Finnish Secretariat accredited to the League of Nations.

*France :*

His Excellency M. Henry ALLIZÉ, Ambassador in Switzerland ;

M. Maurice SIBILLE, Deputy ;

M. Clément COLSON, Vice-President of the Council of State.

*Greece :*

M. Vassili DENDRAMIS, Chargé d'Affaires in Switzerland.

*Hungary :*

M. Félix PARCER DE TERJÉKFALVA, Chargé d'Affaires in Switzerland.

*Italy :*

His Excellency M. Carlo GARBASSO, Envoy Extraordinary and Minister Plenipotentiary in Switzerland.

*Latvia :*

His Excellency M. Oskar VOIT, Envoy Extraordinary and Minister Plenipotentiary in Germany and Switzerland.

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the territory of the Portuguese Republic, three months after the date of the notification by the Swiss Government of the deposit of the instrument of ratification by the Portuguese Government, viz. on March 1st, 1929.

Greece, December 26, 1928.

*Declaration :*

The Hellenic Government considers itself as fully bound by the decisions adopted by the Berne Conference of October 18, 1927, with the exception that, in virtue of a declaration made by the Hellenic Government and approved by all the Contracting Parties, the new Conventions have been put into force on Greek territory as from October 1, 1928.

*Lithuania :*

His Excellency M. Venceslas SIDZIKAUSKAS, Envoy Extraordinary and Minister Plenipotentiary in Germany, Chargé d'Affaires in Switzerland.

*Luxemburg :*

M. Antoine LEFORT, Councillor of State, First Government Commissioner for Railways.

*Norway :*

His Excellency M. Johannes IRGENS, Envoy Extraordinary and Minister Plenipotentiary in Italy and Switzerland.

*The Netherlands :*

His Excellency M. Willem I. DOUDE VAN TROOSTWIJK, Envoy Extraordinary and Minister Plenipotentiary in Switzerland.

*Poland :*

His Excellency M. Jean DE MODZELEWSKI, Envoy Extraordinary and Minister Plenipotentiary in Switzerland.

*Portugal :*

His Excellency M. Antonio M. B. FERREIRA, Envoy Extraordinary and Minister Plenipotentiary in Switzerland.

*Roumania :*

His Excellency M. Nicolas PETRESCO-COMNÈNE, Envoy Extraordinary and Minister Plenipotentiary in Switzerland.

*Kingdom of the Serbs, Croats and Slovenes :*

His Excellency M. Miloutine YOVANOVITCH, Envoy Extraordinary and Minister Plenipotentiary in Switzerland.

*Sweden :*

His Excellency Baron Jonas M. ALSTRÖMER, Envoy Extraordinary and Minister Plenipotentiary in Switzerland.

*Switzerland :*

M. Giuseppe MOTTA, Federal Councillor, Head of the Political Federal Department.

*Czechoslovakia :*

M. Otakar LANKAŠ, Head of Department in the Ministry of Railways,

Who, in the presence and with the participation of M. Jean MORIZE, *Delegate of the Governing Commission of the Saar Territory,*

Having communicated their full powers, found in good and due form, agreed on the following Articles :

## PART I.

## PURPOSE AND SCOPE OF THE CONVENTION.

*Article I.**Railways and traffic to which the Convention shall apply.*

§ 1. The present Convention shall apply to all conveyance of passengers and baggage effected in virtue of international transport documents over the territory of at least two of the Contracting States, and entirely confined to the lines included in the list drawn up in accordance with Article 58 of the present Convention.

§ 2. — The present Convention shall not, however, apply to :

(1) Cases where the despatching and receiving stations are both in the territory of the same State and the traffic only over the territory of another State in transit :

(a) When the lines over which the traffic is carried in transit are operated by a railway of the State from which the goods are despatched ;

(b) When the railways concerned have concluded special agreements in virtue of which such traffic is not to be regarded as international, even if the lines over which the goods are carried in transit are not operated by a railway of the State from which the goods are despatched.

(2) Goods carried between stations of two adjacent States, when the whole of the journey has taken place over the railways of one of those States, provided however that no objection is raised by either State concerned in the conveyance of the goods.

§ 3. — Journeys for which international passenger tickets and baggage registration vouchers are issued shall be indicated in the tariffs.

#### Article 2.

##### *Participation of undertakings other than railways.*

§ 1. — In addition to railways, regular automobile or navigation services which supplement the railway service and carry international traffic under the responsibility of a contracting State of a railway included in the list may also be entered in the list indicated in Article 1.

§ 2. — Such undertakings shall be subject to all the obligations imposed, and be entitled to all the rights conferred on railways by the present Convention subject to any modification necessitated by differences in methods of transport. Such modifications shall not, however, in any way affect the rules as to liability laid down in the present Convention.

§ 3. — Every State desiring to have one of the services referred to in § 1 included in the list must take the necessary steps to have the modifications referred to in § 2 published in the same manner as the tariffs.

#### Article 3.

##### *Combined Tickets.*

§ 1. — The present Convention shall also apply to the conveyance of passengers and baggage from a station which is not entered in an international tariff to a junction station of the same State which is entered in the tariff and thence to a destination entered in the same tariff, such carriage to be effected either on an international ticket or baggage registration voucher in which the charges for the through and junction stages are added together, or on two combined tickets. If two tickets are issued, the second must state the station of original departure.

§ 2. — The railways shall decide whether, and subject to what conditions, these combined tickets may be applied for at certain stations. A list of these stations shall be drawn up and communicated to the other railways concerned.

#### Article 4.

##### *Obligation of railways to effect carriage.*

Where an international tariff exists for a given journey or where combined tickets are admissible under Article 3, carriage may not be refused, provided that :

- (a) The passenger complies with the provisions of the present Convention ;  
 (b) It is possible for the carriage to be effected by the ordinary means of transport ;  
 (c) Traffic has not been suspended in one of the States concerned in virtue of legal measures or to safeguard public order ;  
 (d) Traffic is not prevented by circumstances beyond the control of the railway, and that it was not the duty of the railway to remove the difficulties arising therefrom.

## PART II.

## TRANSPORT CONTRACT.

## CHAPTER I.

## TRANSPORT OF PASSENGERS.

*Article 5.**Right to transport.*

§ 1. — Passengers must be provided with a ticket from the beginning of the journey. Exceptions may be provided for in the tariffs.

§ 2. — Passengers must keep their tickets for the whole duration of the journey. They must show them to the train ticket inspectors when required and give them up on arrival.

*Article 6.**Tickets.*

§ 1. — Tickets issued in virtue of the present international traffic Convention must be provided with the mark **T**.

§ 2. — The tickets shall contain the following particulars :

- (a) The names of the stations of departure and arrival ;  
 (b) The route ; if the passenger has the option of different routes or of different means of transport, the fact must be stated ;  
 (c) The category of train and the class ;  
 (d) The fare ;  
 (e) The first day of validity of the ticket ;  
 (f) The period of validity.

§ 3. — The tariffs or the arrangements concluded between the railways shall specify the language in which the tickets are to be drawn up and filled in as well as their form and wording.

§ 4. — For the purposes of the present Regulations, tickets in the form of booklets containing control sheets and tickets consisting of coupons shall be regarded as single tickets.

Where several tickets are put together in books of coupons by an official or private travel agency, each of such tickets shall constitute a separate transport document and shall be subject to the internal regulations of the respective countries or to the provisions of the present Regulations.

§ 5. — Except where otherwise stated in the tariff, tickets shall only be transferable when they are not made out in the passenger's name and when the journey has not been begun.

The acquisition and reselling of tickets at prices other than those contained in the tariff is governed by the laws and regulations of each country.

*Article 7.**Reduced fares for children.*

§ 1. — Children under four years of age shall be carried free of charge and without a ticket, provided that they do not occupy separate seats.

§ 2. — Children between the ages of four and ten and children under four occupying separate seats shall be carried at a reduced fare not lower than one half of the fare charged for adults.

This reduction is not compulsory in the case of tickets issued at prices below the normal fares.

*Article 8.**Validity of tickets.*

§ 1. — The period of validity of tickets shall be laid down in the tariffs.

§ 2. — The minimum period of validity of tickets shall be as follows :

Single tickets,

Per unit of 150 kms. . . . . 1 day

Return tickets,

For journeys of 50 kms or less . . . . . 2 days

From 51 to 100 kms . . . . . 3 "

For each additional 100 kms . . . . . 1 "

§ 3. — Special tickets at reduced prices may have other periods of validity.

*Article 9.**Allocation of seats and seats booked in advance.*

§ 1. — Seats shall be allocated according to the rules in force on each line.

§ 2. — The tariffs or railway time-tables shall specify whether seats can be booked in advance and if so shall state the conditions of booking on the different trains.

*Article 10.**Breaking of journey at intermediate stations.*

The tariffs shall specify whether passengers are entitled to break their journey at intermediate stations during the period of validity of their tickets and if so under what conditions.

*Article 11.**Change of classes or change of trains.*

Subject to the conditions laid down in the tariffs, a passenger who pays the additional fare in advance shall be entitled to occupy a seat in a carriage or in a train of a higher class than that stated on his ticket.

*Article 12**Travellers without tickets.*

Without prejudice to his liability to prosecution, a passenger who fails to produce a valid ticket shall pay the fare for the distance he has travelled and a supercharge. Such supercharge shall be computed according to the rules in force on the line on which he was required to show his ticket. If no other rule exists on this point it shall be equivalent to the fare for the distance which he has travelled.

*Article 13.**Special conditions of transport concerning certain persons.*

§ 1. — The following shall not be authorised to enter trains or may be ejected therefrom in the course of the journey :

(a) Persons in a state of drunkenness, or whose behaviour is unseemly, or who do not observe the laws and regulations ; such persons shall not be entitled to a refund of their fares or of sums paid for the conveyance of their baggage ;

(b) Persons who by reason of sickness or other cause may clearly be a cause of inconvenience to other passengers, unless a whole compartment has been reserved for them or can be placed at their disposal on payment of the proper charge. Nevertheless, persons who fall ill during the journey shall be conveyed at least as far as the nearest station where they can receive the necessary attention. Their fares and the sums paid by them for conveyance of their baggage shall be refunded to them, less the amount due in respect of the distance travelled.

§ 2. — The carriage of persons suffering from infectious diseases is governed by the international agreements on the subject and, in the absence of such agreements, by the relevant provisions in force in each country.

*Article 14.**Articles which may not be brought into carriages.*

§ 1. — It is forbidden to introduce into passenger carriages as hand baggage any dangerous articles, in particular, loaded fire-arms, explosives, easily inflammable or corrosive materials, or any articles liable to cause discomfort or inconvenience to passengers.

Nevertheless, passengers carrying fire-arms in performance of a public duty, as also sportsmen and marksmen, shall be permitted to carry ammunition with them so long as it does not exceed the lowest limit of weight laid down by the regulations in force in the territories travelled over. Guards accompanying prisoners and travelling with them in special carriages or compartments shall be allowed to carry with them loaded fire-arms.

§ 2. — The railway employees shall be entitled to satisfy themselves in the passenger's presence as to the nature of any articles introduced into a compartment when there is good reason to suspect a breach of the provisions of § 1.

§ 3. — Offenders shall be held answerable for all damages resulting from breaches of the provisions of § 1, and shall further be liable to the penalties provided for in the laws and regulations.

*Article 15.**Introduction of hand-baggage and animals into carriages.*

§ 1. — Passengers shall be authorised to take with them free of charge in railway carriages articles which can be easily carried (hand baggage) provided that the regulations of the Customs,



octroi, fiscal, police or other administrative authorities are not thereby infringed and that these articles are not of such a nature as to damage the compartment. A passenger shall only be entitled to place his hand-baggage in the spaces above and below his seat; the tariffs may provide further restrictions.

§ 2. — Live animals may not be introduced into the carriages. Small dogs and other small domestic animals may however be admitted if the police regulations of the respective States allow it, and if no other passenger objects.

The tariffs or time-tables may prohibit or authorise the admission of animals to certain categories of carriages or trains.

The tariffs shall indicate whether and for what animals a transport charge has to be paid.

§ 3. — Passengers shall be responsible for the supervision of any hand-baggage and animals which they take with them.

#### Article 16.

##### *Delays. Missed connections. Cancellation of trains.*

When, owing to the lateness of a train, the connection with another train is missed, or when a train is cancelled on all or part of its route and a passenger desires to continue his journey, the railway shall be obliged to convey him with his baggage, as far as may be possible, and without extra-charge, in a train proceeding to the same destination by the same line, or by another route belonging to the same administration, which will enable him to reach his destination with the least possible delay. The station-master shall if necessary certify on the ticket that the connection has been missed, or the train cancelled, prolong the validity of the ticket as far as may be necessary, and make it valid for the new route, for a higher class, or for a train subject to higher fares. The railway shall nevertheless be entitled to refuse the utilisation of certain trains by giving notice in the tariff or time-table.

## CHAPTER II.

### TRANSPORT OF BAGGAGE.

#### Article 17.

##### *Definition of baggage. Articles which may not be conveyed.*

§ 1. — Baggage shall only include articles intended for the personal use of the passenger during his journey, and contained in trunks, baskets, suit-cases, hand-bags, hat-boxes, and other similar receptacles.

§ 2. — The following may also be conveyed as baggage on condition that they are for the passenger's use:

- (a) Portable or wheeled invalid chairs;
- (b) Perambulators;
- (c) Trunks containing samples of goods;
- (d) Portable musical instruments in boxes, cases, or other containers;
- (e) Material for public performances, provided that their packing, volume and weight render them easy to load and store rapidly in the vans;
- (f) Surveyors' instruments not exceeding four metres in length, and hand tools;
- (g) Bicycles and motor bicycles with a single seat, provided that they are without accessories and that the petrol tanks are supplied with waste taps and contain no petrol, as well as toboggans with one or two seats, skis and sails for skaters.

§ 3. — Other articles not intended for the personal use of passengers, such as animals enclosed in cages of adequate security, may be accepted as baggage, if allowed by the tariffs.

§ 4. — Articles, the carriage of which is prohibited by the Convention concerning the carriage of goods by rail, or which are only admitted under the said Convention subject to certain conditions, may not be carried as baggage.

#### Article 18.

##### *Responsibility of passengers for their baggage. Extra charges.*

§ 1. — Holders of baggage registration vouchers are responsible for the observance of the provisions of Article 17 ; they shall be liable for all the consequences of a breach of these provisions.

§ 2. — In case of a presumed contravention, the railway authorities shall be entitled to ascertain whether the contents of the baggage are in keeping with the regulations. The holder of the baggage registration vouchers must be present at the inspection ; if he does not appear, or if he cannot be found, and in the absence of other legal provisions or regulations in force in the State in which the inspection takes place, such inspection must be carried out in the presence of two witnesses not connected with the railway. If a breach of the regulations is discovered, the expenses occasioned by the inspection must be paid by the holder of the registration voucher.

§ 3. — In case of a breach of the provisions of § 4 of Article 17, the holder of the baggage registration voucher must pay a supercharge without prejudice to any additional charge that he may have incurred and to compensation for damage if any and legal penalties.

The supercharge shall be at the rate of 15 francs per gross kilogramme of articles rejected for transport, with a minimum of 30 francs if the said articles include matter the carriage of which is prohibited in virtue of Article 3 (4) of the International Convention concerning the carriage of goods by rail<sup>1</sup> or which belong to Classes I and II, Annex I to the International Convention concerning the carriage of goods by rail, and in other cases at the rate of 5 francs per kilogram with a minimum of 10 francs.

If the regulations for inland traffic on the railway on which the offence has been discovered provide for a lower total supercharge, only such lower total shall be payable.

#### Article 19.

##### *Packing and condition of baggage.*

§ 1. — Baggage inadequately packed or in defective condition can be refused. Should such baggage nevertheless be accepted, the railway shall be entitled to make mention of its condition on the baggage registration slip.

§ 2. — Packages must be marked in a sufficiently durable manner with the name and address of the passenger and the station of destination. Packages not so marked may be refused.

§ 3. — Old labels bearing addresses or other marks relating to former journeys must be removed by the passenger.

#### Article 20.

##### *Registration. Baggage Registration Slips.*

§ 1. — Registration of baggage shall only take place on production of tickets valid at least as far as the destination of the baggage.

<sup>1</sup> Vol. LXXVII, page 367, of this Series.

The tariffs shall lay down whether and, if so, under what conditions the baggage may be accepted for transport without a ticket being produced.

§ 2. — When baggage is registered, a registration slip shall be given to the passenger.

§ 3. — Any further formalities with regard to registration of baggage shall be fixed by the regulations in force at the station of despatch.

§ 4. — Baggage registration slips issued for international traffic must be made out in the form given in Annex I to the present Convention.

§ 5. — The following information must be given on the baggage registration slips :

- (a) The names of the stations of despatch and destination ;
- (b) The route ;
- (c) The day on which the baggage was handed in for despatch and the train for which it was handed in ;
- (d) The number of tickets (except in the case provided for in the second paragraph of No. 1) ;
- (e) The number of packages and their weight ;
- (f) The sum due for transport charges and other dues, if any ;
- (g) If necessary, the amount in words of the sum representing interest on delivery, as declared in accordance with Article 35.

§ 6. — The tariffs and agreements between railways shall determine the language in which baggage registration slips are to be printed and filled up.

#### *Article 21.*

##### *Delivery.*

§ 1. — Baggage shall be delivered on production of the baggage registration slip. The railway shall not be bound to verify whether the holder of the baggage registration slip is really entitled to accept delivery.

§ 2. — The holder of the baggage registration slip shall be entitled to claim delivery of the baggage at the office of the station of destination, allowing sufficient time after arrival of the train by which the baggage was registered for the baggage to be put at his disposal and for the carrying out of the formalities, if any, required by Customs, excise, fiscal and other administrative authorities.

§ 3. — Should no baggage registration slip be produced, the railway shall only be obliged to hand over the baggage if the claimant can prove his right thereto ; should the proof seem inadequate the railway may require that a deposit be given.

§ 4. — Baggage shall be handed over at the station to which it was registered. Nevertheless, at the request of the holder of the baggage registration slip, provided that he makes such request in good time, that the circumstances allow, and that the Customs, excise, revenue, police and other administrative regulations do not stand in the way, baggage may be handed back to its owner at the station of despatch or handed over at an intermediary station on production of the baggage registration slip and, further, should the tariff so require, on production of the railway ticket.

§ 5. — Should the baggage not be handed over to the holder of the baggage registration slip under the conditions laid down in § 2 above, he may require that a certificate be given on the baggage registration slip stating the day and hour at which he claimed delivery.

§ 6. — So far as other matters are concerned, delivery shall be subject to the regulations in force on the railway responsible for delivery.

## CHAPTER III.

## PROVISIONS APPLICABLE TO TRANSPORT BOTH OF PASSENGERS AND BAGGAGE.

*Article 22.**Trains, Time-tables. Extracts from Tariffs.*

§ 1. — The regular trains provided for in the time-tables and extra trains run when required shall be available for transport.

§ 2. — The railways shall be obliged to post up in their stations in good time the time-table of the trains of their own lines. These time-tables must indicate the class of train, the class of carriages and the hours of departure of the trains. In the case of sufficiently important transit stations and termini, they must also give times of arrival and the main train connections.

Times-tables no longer in force must be immediately removed.

§ 3. — In each station which is open for international traffic the passenger must have an opportunity of acquainting himself with the tariffs or extracts of tariffs giving the prices of international tickets on sale there and the corresponding charges for baggage.

*Article 23.**Basis on which transport rates are calculated. Tariffs.*

§ 1. — The cost of transport is to be calculated according to the tariffs legally in force and duly published in each State. These tariffs must contain all information necessary for the purpose of calculating cost of carriage and accessory costs and, if necessary, specify the conditions under which account shall be taken of the rate of exchange.

§ 2. — The tariffs shall give information as to all special conditions applying to transport. Tariffs must be applied in a uniform manner to all persons concerned. The conditions laid down therein shall be valid provided that they are not contrary to the present Regulations. Otherwise, they shall be regarded as null and void.

Through international tariffs and modifications in the same shall come into force at the date indicated when they are published; should such tariffs be raised or conditions of transport made more burdensome in any other manner, publication must take place at least eight days before the date fixed for entry into force.

If international tickets or baggage registration slips are issued without there being a through tariff and if a railway modifies its tariff, enforcement of the said modification can only be required from other railways eight days at earliest after the latter have been advised.

Tariffs which are only drawn up on a temporary basis shall cease to be in force on the expiry of the date fixed for their validity.

*Article 24.**Prohibition of private agreements.*

Any private agreement by which a reduction in rates is purported to be given to one or more passengers contrary to the tariffs is forbidden and null and void.

Nevertheless, reductions in rates are permissible if they are duly published and equally accessible to all under the same conditions, and this also applies to those granted either for the railway service or for the service of public administrations, or for charitable, educational or other teaching organisations.

*Article 25.**Formalities required by the Customs, octroi, financial, police and other administrative authorities.*

Passengers shall be obliged to comply with the regulations issued by the Customs, octroi, financial, police and other administrative authorities, both as concerns their persons and also as regards examination of their baggage and hand luggage. The passenger must be present at the said examination save in the case where exceptions are provided for by the regulations. The railway takes no responsibility so far as the passenger is concerned should he not carry out these obligations.

*Article 26.**Refunds.*

§ 1. — When a ticket has not been used, refund of the price paid may be requested, subject to the deductions mentioned in §§ 3 and 4 below.

§ 2. — When a ticket is only partially used as the result of death or sickness or of an accident occurring to the passenger or of any other imperative reason of a similar character, refund shall be made, subject to the deductions mentioned in §§ 3 and 4, of the difference between the total price paid and the charge for the part of the journey over which the passenger actually travelled, the said difference being calculated on the basis of the normal tariff.

§ 3. — No refund may be made of taxation or additional charges paid for reserved seats, for expenses in making up tickets into books and for commissions paid for the sale of tickets.

§ 4. — A duty of 10 % with a minimum of 0 fr. 50, a maximum of 3 frs. per ticket, plus postage if any, shall be deducted from the amount to be refunded.

This deduction shall not be made when a ticket which has not been used is returned on the day of issue to the office which has issued it.

§ 5. — When a passenger has been prevented from continuing his journey in accordance with the time-table, owing to missing a connection on account of the lateness of a train, the cancelling of a train or the interruption of a service, and gives up his journey, he shall have the right to ask for the application of the provisions of paragraph 2, but the railway shall not be entitled to make the deductions provided for in § 4.

§ 6. — In the case of tickets at reduced rates, repayment shall only be made in the cases and subject to the conditions provided for in § 5 ; tickets for children at reduced rates issued in accordance with the first paragraph of § 2 of Article 7 shall not be regarded as tickets at reduced rates within the meaning of the present paragraph.

§ 7. — No repayment shall be made for tickets which have been lost.

§ 8. — Should baggage be withdrawn before leaving the station of despatch, repayment of the charges for carriage of same may be claimed.

Should baggage be withdrawn at any intermediate station, repayment shall only be made in the cases covered by, and in accordance with, the provisions of §§ 2 and 5 above.

In both cases a duty of 0 fr 50 per baggage registration slip and, if necessary, any taxation due, shall be deducted from the amount repaid.

§ 9. — Tariffs may contain different provisions provided that they do not impose any further charges on passengers.

§ 10. — Any claim for repayment based on the provisions of §§ 1, 2, 5, 6 and 8 shall not be valid unless it has been submitted to the railway within six months after the expiry of the validity of the ticket.

§ 11. — In the case of irregular application of the tariff or of an error in the fixing of the transport rates and other charges, the difference one way or the other shall be adjusted.

§ 12. — Excess payments noted by the railway must, if possible, be officially notified to the person concerned when they exceed 0 fr. 50 on each ticket or on each baggage registration slip, and settlement must be made as soon as possible.

§ 13. — In all cases not provided for in the present Article, and in the absence of any special agreement between the railways, the regulations for inland traffic shall apply.

*Article 27.*

*Disputes.*

Disputes between passengers, or between passengers and railway officials, shall be settled provisionally in stations by the railway official in charge, and, during the run of the train, by the head guard of the train.

PART III.

RESPONSIBILITY OF THE RAILWAY : CLAIMS.

CHAPTER I.

RESPONSIBILITY.

*Article 28.*

*Responsibility for carriage of passengers, hand baggage and animals.*

§ 1. — The responsibility of the railway for the death of a passenger or for injuries resulting from an accident to the train, and for damage caused by lateness of the train or its cancellation, or by missing a connection, shall be subject to the laws and regulations of the State in which the event took place. The later Articles of this Part shall not apply to such cases.

§ 2. — In the case of hand baggage and animals which, under Article 15, § 3, have to be looked after by the passenger, the railway shall only be responsible for damage caused by its own fault.

§ 3. — No collective responsibility shall exist in these cases.

*Article 29.*

*Collective responsibility of the railways for baggage.*

§ 1. — The railway which accepted the baggage for transport and issued an international baggage registration slip is liable for through carriage of the baggage throughout the whole journey up to delivery.

§ 2. — Each succeeding railway company, by taking over the baggage, thereby becomes a party to the transport contract, and accepts the obligations resulting therefrom without prejudice to the provisions of Article 42, § 2, concerning the railway on which the station of destination is located.

## Article 30.

*Extent of responsibility.*

§ 1. — The railways shall be liable under the conditions set forth in this Chapter for any damage that has been caused, either through total or partial loss of the baggage and through injury to the same from the time of acceptance for carriage to the time of delivery, or else through delay in delivery.

§ 2. — The railway shall no longer be liable in case of total or partial loss or injury to the baggage if it can prove that the damage was caused by the fault of the passenger, through the nature of the baggage, or through *force majeure*.

The railway shall not be responsible for damage resulting from the special nature of the baggage, from defective packing, or from the fact that articles not accepted for transport have nevertheless been despatched as baggage.

When the actual circumstances are such that the damage might have been caused by a risk due either to the special nature of the baggage or to defective packing or to the fact that it contained articles the carriage of which as baggage is forbidden, it shall be presumed that the damage actually resulted from one of those causes unless the person entitled to the baggage can prove that such is not the case.

§ 3. — The railway shall not be responsible for damage resulting from delay in delivery, if it can prove that the delay was occasioned by circumstances outside its control, or that it was not the duty of the railway to remove the difficulties arising therefrom.

## Article 31.

*Amount of compensation payable in the case of total or partial loss of the baggage.*

When under the present regulations the railway is bound to pay compensation in case of total or partial loss of the baggage, such compensation may be claimed as follows :

(a) If the amount of the damage has been proved :

A sum equal to that amount may be claimed so long as it does not exceed 20 frs. per kg. of gross weight short ;

(b) If the amount of the damage has not been proved :

A lump sum calculated at the rate of 10 frs. per kg of gross weight short.

Carriage charges, Customs duties and other outlays in respect of lost baggage shall also be repaid without any further payment of damages, subject to the exceptions provided for in Articles 35 and 36 below.

## Article 32.

*Presumption of loss of baggage. Cases in which the baggage is once more found.*

§ 1. — Any baggage missing shall be regarded as lost after the expiry of the fourteenth day following the date on which the request for delivery was made.

§ 2. — Should baggage which has been believed to be lost be found during the year following the request for delivery, the railway shall notify the passenger when his domicile is known or can be discovered.

§ 3. — During thirty days after having received such notification the passenger may require that the baggage should be delivered to him free of charge at the station of destination or at the

station of departures as he shall elect, on repayment by him of the sum he received as compensation and reserving all rights of compensation for delay provided for in Article 34 and, if necessary, in Article 35, § 3, below.

§ 4. — If the baggage which has been once more found is not claimed during the period of thirty days provided for in § 3 above, or if it is only found more than a year after the request for delivery, the railway shall be entitled to dispose of it in accordance with the laws and regulations of the State to which it belongs.

*Article 33.*

*Amount of compensation payable in case of damage to baggage.*

In the case of damage to baggage, the railway shall be liable for the amount of depreciation in value of the baggage without being liable for any further damage, subject to the exceptions provided for in Articles 35 and 36.

Nevertheless, the compensation shall not exceed :

(a) If the whole of the consignment is depreciated in value by the damage received, the sum that would have been payable in the case of total loss.

(b) If only part of the baggage has been depreciated in value as a result of damage, the sum that would have been payable in the case of total loss of the part depreciated in value.

*Article 34.*

*Amount of compensation for delay in delivery of baggage.*

§ 1. — In the case of delay in delivery, should the passenger not bring forward proof that he has suffered loss as the result of such delay, the railway shall be obliged to pay compensation fixed at a rate of ten centimes per kg. of gross weight of the baggage delivered late for each complete period of 24 hours dating from the request of delivery with a maximum of fourteen days.

§ 2. — Where proof is adduced of loss resulting from the delay, compensation not exceeding four times the payment provided for in § 1 of this Article shall be paid for such loss.

§ 3. — The compensation provided for in §§ 1 and 2 of the present Article may not be added to that due for total loss of the baggage.

In the case of partial loss it shall be paid, if necessary, for the part of the consignment not lost.

In the case of damage it shall, if necessary, be added to the compensation provided for in Article 33.

*Article 35.*

*Declaration of interest in delivery.*

§ 1. — Declaration of interest in delivery may be made on the baggage registration slip in respect of any consignment of baggage.

Should there be nothing to the contrary in the tariffs, the amount of the interest declared must be stated in the currency of the country from which the baggage is despatched.

§ 2. — An additional charge shall be made of quarter of a unit per thousand units of currency of the sum declared, the journey being reckoned in sections of 10 km. or fractions of 10 km.

This charge may be reduced by the tariff and a minimum charge may be fixed therein.

§ 3. — If a declaration of interest in delivery has been made, the following claims may be made in the case of delay :

(a) Should proof not be adduced of loss resulting from the delay and within the limits of the interest declared, 0.20 frs. per kg. of gross weight of baggage delivered



late, reckoning in periods of 24 hours or fractions of 24 hours from the time of request for delivery, with a maximum of 14 days.

(b) Where proof is adduced of loss from delay, compensation may be claimed up to the full amount of the declared interest.

When the amount of declared interest is less than the compensation provided for in Article 34, such compensation may be claimed in place of the compensation claimed for under (a) and (b).

§ 4. — If proof is adduced that prejudice resulted from total or partial loss of or injury to baggage in respect of which a declaration of interest in delivery has been made, damages may be granted not exceeding the sum declared. Such damage shall be added to the compensation provided for in Articles 31 and 33.

#### Article 36.

*Amount of compensation in the case of wilful default or gross negligence on the part of the railway.*

In any case in which total or partial loss of, injury to, or delay in the transport of baggage is caused by wilful default or gross negligence on the part of the railway, the claimant shall receive full compensation for the loss which he can be proved to have suffered up to double the maximum sums provided for in Articles 31, 33, 34 and 35 according to circumstances.

#### Article 37.

*Interest on compensation.*

The passenger may claim interest at six per cent on the compensation granted on a baggage registration slip when such compensation exceeds ten francs.

Such interest shall be due from the date of the administrative claim provided for in Article 40, or, if no such claim has been made, from the date on which a legal action is brought.

#### Article 38.

*Repayment of compensation.*

Any compensation paid in error must be returned.

In case of fraud, the railway has further the right to payment of a sum equal to that which it paid in error, without in any way prejudicing the possibility of penal measures being taken.

#### Article 39.

*Responsibility of the railway for its employees.*

The railway is responsible for the employees in its service and for any other persons whom it employs in the carriage of baggage entrusted to it.

Nevertheless, if at the request of the passengers, railway employees render other services for which the railway is not responsible, they shall be regarded as acting on behalf of the passengers to whom they render such service.

## CHAPTER II.

## ADMINISTRATIVE CLAIMS. ACTIONS, PROCEDURE AND LIMITATION IN THE CASE OF DISPUTES ARISING OUT OF THE TRANSPORT CONTRACT.

*Article 40.**Administrative Claims.*

§ 1. — Administrative claims based on the transport contract must be made in writing to the railway designated in Article 42.

§ 2. — The persons having the right to proceed against the railway under Article 41 shall have the right to submit such a claim.

§ 3. — Tickets, baggage registration slips and other documents which the person having the right to proceed against the railway thinks fit to attach to his claim, must be produced either in the original or in copies, the latter being duly certified should the railway so request.

When claims are settled, the railway may demand the production of tickets or baggage registration slips.

*Article 41.**Persons having the right to take legal proceedings against the railway.*

An action against the railway arising out of the transport contract can only be brought by the person producing the ticket or baggage registration slip, as the case may be, or who, failing to produce the same, can adduce proof of his rights.

*Article 42.**Railways against which actions may be brought. Jurisdiction.*

§ 1. — An action for return of a sum paid under a transport contract can only be brought against the railway which has received that sum.

§ 2. — Other actions arising out of the transport contract can only be brought against the despatching railway, the railway of destination or the railway on which the event giving rise to the action took place.

Should the railway of destination not have received the baggage, an action can nevertheless be brought against it.

The plaintiff can choose between the said railways; once, however, the action is brought his right of choice ceases.

§ 3. — An action can only be brought before the competent court of the State to which the railway against which the action is brought belongs, unless otherwise decided in agreements between States or in acts granting concessions.

When an undertaking operates autonomous railway systems in different States, each of these railway systems shall be regarded as a separate railway from the point of view of the application of this paragraph.

§ 4. — An action may be brought against a railway other than those designated in §§ 1 and 2 when brought as a counter-claim or as a plea to jurisdiction in respect of a main action based on the same transport contract.

§ 5. — The provisions of this Article shall not apply to recourse of railways against each other as provided for in Chapter III of this Part.

## Article 43.

*Verification of partial loss of, or damage to, baggage.*

§ 1. — When partial loss of, or damage to, baggage is discovered or presumed by the railway or asserted by the passenger, the railway must immediately, and if possible in presence of the said passenger, have a written report drawn up certifying the condition and weight of the baggage, and as far as possible the amount of the damage, the cause, and the time at which it occurred.

A copy of this written certificate must be given to the passenger should he so request.

§ 2. — When the passenger does not accept the statements made in the written certificate, he may require legal verification of the condition and weight of the baggage and of the causes and amount of damage, in accordance with the laws and regulations of the State in which delivery took place.

§ 3. — Should pieces of baggage have been lost, the passenger must give as accurate a description as possible of the pieces of baggage lost, with a view to assisting investigations made by the railway.

## Article 44.

*Discontinuance of proceedings against the railway arising out of the transport contract relating to baggage.*

§ 1. — Acceptance of the baggage puts an end to any proceedings against the railway arising out of the transport contract.

§ 2. — Nevertheless, the action shall not be discontinued :

(1) If the passenger adduces proof that the damage was caused by wilful default or gross negligence on the part of the railway ;

(2) In the case of a claim arising out of delay, when the claim is made against one of the railways designated in Article 42, § 2, within not more than fourteen days not including the day of acceptance ;

(3) In the case of a claim for partial loss of or damage to the baggage :

(a) If the loss or damage was verified before acceptance of the goods by the claimant in accordance with Article 43 ;

(b) If the verification which should have taken place under Article 43 was only omitted through the fault of the railway ;

(4) In the case of a claim for non-apparent damage, the existence of which was verified after acceptance, on condition :

(a) That the railway did not offer the passenger an opportunity to inspect goods at the station of destination ;

(b) That the request for inspection in accordance with Article 43 was made immediately after the damage was discovered, and not more than three days after the acceptance of the goods ;

(c) That the passenger proves that the damage took place in the interval between acceptance of goods for transport and delivery ;

(5) When the object of the action is the return of sums paid.

§ 3. — The passenger may refuse acceptance of the baggage only so long as the examination requested by him with a view to verifying alleged damage has not been carried out.

Any reservation that he may make when removing his baggage shall have no effect unless accepted by the railway.

§ 4. — Should part of the packages mentioned in the baggage registration slip be missing on delivery, the passenger may, before withdrawing the remainder, require the railway to deliver him a certificate to that effect.

§ 5. — Responsibility for total loss shall cease if within six months after the arrival of the train in which they should have been carried the baggage has not been claimed at the station to which it is consigned, regardless of the notice which must at all times be given to the passenger should the baggage be found and bears marks such that address can be ascertained.

#### Article 45.

##### *Limitation of actions arising out of the transport contract.*

§ 1. — An action arising out of a transport contract cannot be brought after one year, provided that the sum due has not already been fixed by an acknowledgment, a compromise or a judgment. Nevertheless, the prescriptive period shall be three years in the case of an action based on a claim for damages arising out of wilful default or gross negligence, or in the case of fraud referred to in Article 38.

§ 2. — The prescriptive period shall run :

(a) In the case of claims for compensation for partial loss, injury or delay in delivery — from the date of delivery ;

(b) In the case of claims for compensation for total loss — from the date on which delivery should have taken place ;

(c) In the case of requests for payment or repayment of charges, accessory expenditure or extra charges, or in the case of requests for readjustment of charges should the tariff have been irregularly applied or an error have been made in calculation — from the date of the payment of the charges, accessory expenditure or extra charges or, if no payment has been made, from the date on which the payments should have been made ;

(d) In the case of claims by the Customs for additional duty — from the date on which the Customs make their claim ;

(e) In the case of other claims connected with transport of passengers — from the date of expiration of the validity of the ticket.

The day given as the date of departure shall in no circumstances be included.

§ 3. — In the case of an administrative claim made in writing to the railway in accordance with Article 40, the prescriptive period shall cease to run. The prescriptive period shall once more begin from the day on which the railway has rejected the claim in writing and returned the documents attached thereto. Proof of the receipt of the claim or of the reply, and that of the return of the documents must be made by the party bringing forward that fact in support of their case.

Further claims do not suspend the prescriptive period.

§ 4. — Subject to the above provisions, suspension and interruption of the prescriptive period shall be regulated by the laws and regulations of the State in which the action is brought.

#### Article 46.

##### *Prohibition of the renewal of actions extinct or discontinued through limitation.*

An action which is extinct or has been discontinued through limitation in accordance with Articles 26, § 10, 44 and 45 cannot be renewed either as a counter or an incidental plea.

## CHAPTER III.

## SETTLEMENT OF ACCOUNTS. RECOURSE OF RAILWAYS AGAINST EACH OTHER.

*Article 47.**Settlement of accounts between railways.*

Every railway shall pay to the other railways concerned the share due to them of carriage charges which it has, or should have, received.

*Article 48.**Recourse in the case of compensation for total or partial loss or damage.*

§ 1. — A railway which has paid compensation for total or partial loss of or for damage to baggage under the provisions of the present Convention shall have a right of recourse against the railways which have taken part in the transport of the baggage in accordance with the following provisions :

(a) The railway which has caused the damage shall alone be responsible ;

(b) When the damage was caused by more than one railway, each of them shall be responsible for the damage that it caused. Should it in practice be impossible to make any distinction, the compensation due shall be divided between them according to the principle laid down under (c) ;

(c) If it cannot be proved that the damage has been caused by the act of one or more railways, the compensation due shall be divided among all the railways having taken part in the transport of the baggage, with the exception of those which can prove that the damage was not caused on their lines. Such division shall be made in proportion to the number of kilometres of line over which the tariffs of each railway are in force.

§ 2. — Should one of the railways be insolvent, the unpaid part due from it shall be divided among all the other railways which have participated in the transport in proportion to the number of kilometres of line over which their tariffs are in force.

*Article 49.**Recourse in the case of compensation for delay in delivery.*

The regulations laid down in Article 48 shall be applied in the case of compensation for delay. Should delay be caused by proven irregularities on more than one railway, the sum payable for compensation shall be divided among these railways in proportion to the length of the delay occurring on their respective lines.

*Article 50.**Procedure in the case of recourse.*

§ 1. — No railway against which recourse is had under Articles 48 and 49 above shall be entitled to contest the regularity of the payment made by the administration exercising its right of recourse, once the amount due for compensation has been fixed by the courts after a summons in due form has been served on the railway and it has had an opportunity of defending the case. The judge who has dealt with the main action shall decide according to the circumstances what time-limit shall be fixed for service of summons and filing of statement of case.

§ 2. — Unless an amicable settlement is arrived at, all the railways concerned are to be proceeded against in one and the same suit ; if this is not done the right of recourse is lost as against those not sued.

§ 3. — The judge must give a decision on all the questions at the same time.

§ 4. — The defendant railways shall have no further right of recourse.

§ 5. — The procedure to be followed in a suit under the right of recourse may not be combined with that proper to the main action for compensation.

#### *Article 51.*

##### *Jurisdiction in respect of recourse.*

§ 1. — All actions on the right of recourse are exclusively justiciable by a judge of the district within which the railway against which proceedings are taken has its chief office.

§ 2. — Where the suit is brought against several railways, the plaintiff line is at liberty to elect which judge among those competent under the preceding paragraph shall try the case.

#### *Article 52.*

##### *Special agreements in respect of recourse.*

The foregoing provisions do not interfere with the power of railways to enter into special agreements, either beforehand for any recourse they might have against each other, or in respect of any particular case.

### CHAPTER IV.

#### MISCELLANEOUS PROVISIONS.

#### *Article 53.*

##### *Application of national law.*

In the absence of any provisions to the contrary in the present Convention, the national laws and regulations concerning transport in each State shall be applied.

#### *Article 54.*

##### *General rules for procedure.*

In the absence of any provisions to the contrary in the present Convention, the procedure to be followed in respect of any disputes arising out of transport to which the present Convention applies shall be that prescribed by the competent judge.

#### *Article 55.*

##### *Execution of judgments ; seizure and security.*

§ 1. — The judgments which have been entered, either after both Parties have been heard or by default, by the judge competent in virtue of the provisions of the present Convention, shall,

when they have become executory in virtue of the laws applied by the competent judge, be declared executory in each of the other Contracting States, as soon as the formalities required in that State have been complied with. No fundamental revision of the question shall be allowed.

This shall not apply to awards which are only provisionally executory, nor to awards granting damages in addition to costs against a plaintiff on account of the loss of his suit.

§ 2. — Claims of one railway against another as the result of transport on an international registration slip when the railway claiming does not belong to the same State as the railway against which the claim is made, shall not justify seizure of property unless the judicial authorities of the State to which the railway whose property is being seized belongs have given judgment to that effect.

§ 3. — The rolling stock of a railway, and the movable objects of any kind belonging to it and contained in the said rolling stock, cannot be seized on territory other than that of the State to which the railway owning the rolling stock belongs, unless judgment to that effect has been given by the judicial authorities of that State.

§ 4. — Security for payment of expenses cannot be required in respect of legal actions based on an international transport contract.

#### Article 56.

##### *Monetary Unit. Rate of conversion or acceptance of foreign currency.*

§ 1. — The sums indicated in francs in the present Convention or Annexes thereto shall be regarded as referring to the gold franc, reckoned at  $\frac{1}{5.18}$  dollars of the United States of America.

§ 2. — The railway shall, either by posting up outside its booking offices, or in any other suitable manner, publish the rates of exchange at which it converts sums expressed in foreign currency which are payable in the money of the country (rate of exchange).

§ 3. — A railway accepting foreign currency in payment shall likewise be obliged to publish the rate at which it accepts it (rate of acceptance).

#### Article 57.

##### *Establishment of a Central Office for International Transport by Rail.*

§ 1. — In order to facilitate and ensure the carrying out of the present Convention, a Central Office for International Transport by Rail shall be established and shall have the following duties :

(a) To receive communications from each of the Contracting States and from each of the railways concerned, and to bring such communications to the notice of other States and railways ;

(b) To collect, collate and publish information of every kind connected with the service of international transport ;

(c) To give awards at the request of the parties concerned regarding any disputes which may arise between railways ;

(d) To facilitate the financial relations between the various railways rendered necessary by the service of international transport and the recovery of debts, and with this object to ensure the continuance of relations between the various railways.

(e) To examine requests for the amendment of the present Convention and, whenever necessary, to propose the convening of the Conferences provided for in Article 60.

§ 2. — Special regulations contained in Annex II of the present Convention shall lay down the seat, composition and organisation of this office, and the means required for the exercise of its activities. These regulations and any amendments to them made by agreements between the various Contracting States shall have the same value and duration of validity as the Convention.

*Article 58.*

*List of lines to which the Convention applies.*

§ 1. — The Central Office provided for under Article 57 shall be entrusted with the duty of drawing up the list of the railways under the present Convention and keeping it up to date. For that purpose, the Office shall receive notifications from the Contracting States regarding the entry on, or removal from, this list of a railway or one of the undertakings mentioned in Article 2.

§ 2. — The entry of a new railway into the International Transport Service shall not take place until one month after the date of the letter from the Central Office notifying its entry to the other States.

§ 3. — The Central Office shall remove a railway from the list immediately it receives from the Contracting State, at whose request the railway in question was entered on the list, a notification to the effect that that railway is no longer in a position to satisfy the obligations imposed on it by the Convention.

§ 4. — The mere receipt of a notice from the Central Office shall be sufficient to entitle each railway immediately to cease to transact international transport business of any kind with the railway which has been struck off the list, except for current traffic already on rail, which must be carried to its destination.

*Article 59.*

*Admission of new States.*

§ 1. — Any State not a signatory to the present Convention, desiring to accede thereto, shall apply to the Swiss Government, which shall communicate its request to all the States parties to the Convention with a note from the Central Office concerning the position from the point of view of international transport of the railways of the State making the request.

§ 2. — If, within six months from the despatch of the notice in question, at least two States have not informed the Swiss Government that they are opposed, the request shall be granted as of right, and the Swiss Government shall notify the State making the request and all States parties to the Convention to that effect.

In the contrary case, the Swiss Government shall notify all States and the State making the request that consideration of the request is postponed.

§ 3. — Admission shall become operative one month after the date of the despatch of the notice by the Swiss Government.

*Article 60.*

*Revision of the Convention.*

A Conference of delegates of the Contracting States for the revision of the Convention shall be convened by the Swiss Government not later than five years after the coming into force of the modifications adopted at the last Conference.

A Conference may be convened before this period at the request of at least one-third of the Contracting States.



## Article 61.

*Supplementary provisions.*

§ 1. — Supplementary provisions which certain Contracting States or certain railways parties to the Convention may think necessary to publish with a view to the carrying out of the Convention shall be communicated by them to the Central Office.

§ 2. — Agreements concluded with a view to the adoption of these provisions may be put into force on the railways which have acceded thereto in the manner provided for in the laws and regulations of each State, without the International Convention being affected thereby. The fact that they are being put into force shall be notified to the Central Office.

## Article 62.

*Duration of the undertaking entered into by accession to the Convention.*

§ 1. — The duration of the present Convention is indefinite. Nevertheless, any State party thereto may withdraw under the following conditions :

The original undertaking shall be valid up to December 31 of the fifth year following the coming into force of the present Convention. Any State desiring to withdraw at the end of that period must give notice to that effect at least one year previously to the Swiss Government, which shall notify all the States parties to the Convention.

Should no notification be given within the prescribed period, the undertaking shall automatically be extended for a period of three years, and again for successive periods of three years unless denounced at least one year before December 31 of the last year of any one of the successive periods of three years.

§ 2. — New States becoming parties to the Convention during the periods of five years, or during one of the periods of three years, are bound until the end of that period, and then until the end of each of the successive periods, unless they have denounced their undertaking at least one year before the expiry of one of these periods.

## Article 63.

*Texts of the Convention and their respective values.*

The present Convention has been concluded and signed in the French language in accordance with the established diplomatic practice.

The German and the Italian texts, which have the value of official translations, are attached to the French text.

Should there be any difference, the French text is authentic.

In faith whereof the above-mentioned Plenipotentiaries and the Representative of the Governing Commission of the Saar Territory have signed the present Convention.

Done at Berne, the twenty-third day of October, one thousand nine hundred and twenty-four, in a single copy, which will remain deposited in the archives of the Swiss Confederation and of which an authenticated copy will be transmitted to each of the signatory Powers.

*For Germany :*

Eduard HOFFMANN.

*For Austria :*

Dr. Leo DI PAULI.

*For Belgium :*

Fernand PELTZER.

*For Bulgaria :*

D. MIKOFF.

- For Denmark :*  
A. OLDENBURG.
- For the Free City of Danzig :*  
J. MODZELEWSKI.
- For Spain :*  
Emilio DE PALACIOS.
- For Estonia :*  
K. MENNING.
- For Finland :*  
Urho TOIVOLA.
- For France :*  
H. ALLIZÉ.  
Maurice SIBILLE.  
C. COLSON.
- For Greece :*  
Vassili DENDRAMIS.
- For Hungary :*  
F. PARCHER DE TERJÉKFALVA.
- For Italy :*  
GARBASSO.
- For Latvia :*  
Dr. O. VOIT.
- For Lithuania :*  
V. SIDZIKAUSKAS.
- For Luxemburg :*  
LEFORT.
- For Norway :*  
J. IRGENS.
- For the Netherlands :*  
W. DOUDE VAN TROOSTWIJK.
- For Poland :*  
J. MODZELEWSKI.
- For Portugal :*  
A. M. BARTOLOMEU FERREIRA.
- For Roumania :*  
N. P. COMNÈNE.
- For the Saar Basin Territory Governing  
Commission :*  
J. MORIZE.
- For the Kingdom of the Serbs, Croats  
and Slovenes :*  
M. JOVANOVITCH.
- For Sweden :*  
ALSTRÖMER.
- For Switzerland :*  
MOTTA.
- For Czechoslovakia :*  
Dr. LANKAŠ.

The form shall consist of three sheets arranged in such a manner that carbon copies can be taken, the text to read as follows :  
1st sheet.

No.....	INTERNATIONAL TRANSPORT OF BAGGAGE.				C
(Name of the railway administration.)					
COUNTERFOIL OF THE BAGGAGE REGISTRATION SLIP.					
from ..... to .....					
via .....					
Date	Number of transport documents	Number of pieces of baggage	Actual weight in kg.	Charges for transport of baggage	
.....				Calculation of rates per unit of 10 kg.	no free allowance of baggage for ..... kg. ... ..
19.....					with free allowance of baggage for ..... kg. ... ..
Train No.				* .....	
Interest on delivery ... ..					
Additional charges ... ..					
Total charges... ..					

110 mm.

150 mm.

2nd sheet.

No.....	INTERNATIONAL TRANSPORT OF BAGGAGE.				C
(Name of the railway administration.)					
SHEET TO ACCOMPANY THE BAGGAGE.					
from ..... to .....					
via .....					
Date	Number of transport documents	Number of pieces of baggage	Actual weight in kg.	Charges for transport of baggage	
.....				Calculation of rates per unit of 10 kg.	no free allowance of baggage for ..... kg. ... ..
19.....					with free allowance of baggage for ..... kg. ... ..
Train No.				* .....	
Interest on delivery... ..					
Additional charges ... ..					
Total charges... ..					

\* The railways may fill this up as required.

3rd sheet, recto.

No.....	INTERNATIONAL TRANSPORT OF BAGGAGE.			Ⓢ									
(Name of the railway administration.)													
REGISTRATION SLIP.													
from ..... to .....													
via .....													
Date	Number of transport documents	Number of pieces of baggage	Actual weight in kg.	Charges for transport of baggage									
.....	.....	.....	.....	Calculation of rates per unit of 10 kg.	<table style="border: none;"> <tr> <td style="font-size: 2em; padding: 0 10px;">{</td> <td style="padding: 0 10px;">no free allowance of baggage for ..... kg. ... ..</td> <td style="width: 20px;"></td> <td style="width: 20px;"></td> </tr> <tr> <td style="font-size: 2em; padding: 0 10px;">}</td> <td style="padding: 0 10px;">with free allowance of baggage for ..... kg. ... ..</td> <td></td> <td></td> </tr> </table>	{	no free allowance of baggage for ..... kg. ... ..			}	with free allowance of baggage for ..... kg. ... ..		
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19.....													
Train No.													
* .....													
Interest on delivery... ..													
Additional charges ... ..													
Total charge ... ..													

3rd sheet, verso.

Transport shall take place under the conditions laid down in the Regulations concerning transport of passengers and baggage and in the tariffs applicable to the present consignment.

The passenger is obliged to be present at the formalities required by the Customs, excise, financial, police and other administrative authorities, save in the case of such exceptions as are authorised by the competent administrations.

The baggage designated on the front of this sheet shall be delivered on production of this registration slip.

Done at Berne, the twenty-third of October, one thousand nine hundred and twenty-four.

*For Germany :*

Eduard HOFFMANN.

*For Austria :*

Dr. Leo DI PAULI.

*For Belgium :*

Fernand PELTZER.

*For Bulgaria :*

D. MIKOFF.

*For Denmark :*

A. OLDENBURG.

*For the Free City of Danzig :*

J. MODZELEWSKI.

*For Spain :*

Emilio DE PALACIOS.

*For Estonia :*

K. MENNING.

*For Finland :*

Urho TOIVOLA.

*For France :*

H. ALLIZÉ,  
Maurice SIBILLE,  
C. COLSON.

*For Greece :*

Vassili DENDRAMIS.

*For Hungary :*

F. PARCHER DE TERJÉKFALVA.

*For Italy :*

GARBASSO.

*For Latvia :*

Dr. O. VOIT.

*For Lithuania :*

V. SIDZIKASKAS.

*For Luxemburg :*

LEFORT.

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*For the Netherlands :*

W. DOUDE VAN TROOSTWIJK.

*For Poland :*

J. MODZELEWSKI.

*For Portugal :*

A. M. BAROLOMEU FERREIRA.

*For Roumania :*

N. P. COMNÈNE.

*For the Saar Basin Territory Governing  
Commission :*

J. MORIZE.

*For the Kingdom of the Serbs, Croats and  
Slovenes :*

M. JOVANOVITCH.

*For Sweden :*

ALSTRÖMER.

*For Switzerland :*

MOTTA.

*For Czechoslovakia :*

Dr. LANKAŠ.

ANNEXE II.  
(Article 57.)

REGULATIONS

REGARDING THE CENTRAL OFFICE FOR INTERNATIONAL TRANSPORT BY RAIL.

*Article 1.*

§ 1. — The Central Office for international transport by rail shall have its headquarters at Berne. The Swiss Federal Council shall be entrusted with the task of organising the said office in the manner laid down in Article 57 of the Convention and shall supervise its work.

§ 2. — The expenses of the Central Office shall be borne by the Contracting States in proportion to the length of the railway lines used or distance over which goods are carried by other undertakings allowed to participate in the carriage of goods under the conditions laid down by the International Convention. Shipping companies shall, however, bear a part of the expenses proportionate to half of the distance over which they carry goods. The contribution of each State shall be not more than 0.80 francs per kilometre. The amount of the sum due yearly per kilometre of railway line shall be fixed for each financial year by the Swiss Federal Council, which shall first consult the Central Office and take account of the circumstances and requirements of the moment. The total sum due shall always be collected. When the actual expenditure of the Office is less than the sum calculated on this basis, the part not spent shall be paid into the Retirement and Pensions Fund, and the interest accruing thereon shall be used for the purpose of making grants or allowances to officials and employees of the Central Office should they be permanently incapacitated from continuing their duties by reason of advanced age, accident or sickness.

When the report on the work of the Office and the annual accounts are submitted to the Contracting States, the Central Office shall invite them to pay their contributions towards the expenditure of the financial year which has just closed. Any State not having paid its contribution by October 1st shall once more be requested to do so. Should this request have no result, the Central Office shall send a further reminder at the beginning of the next year when forwarding the report on the close of the next financial year. If by the following July 1st no account has been taken of this reminder, the State in arrears shall be approached a fourth time and requested to pay the two annual contributions due. Should this step not be successful, the Central Office shall three months later notify the State in question that if the expected payment has not been made by the end of the year, that fact will be interpreted as a tacit manifestation of the desire of that State to withdraw from the Convention. If by December 31, no action has been taken as a result of this last reminder, the Central Office, taking note of the desire to withdraw from the Convention tacitly expressed by the defaulting State, shall remove the lines of that State from the list of the lines accepted for international transport service.

Sums not recovered shall be met as far as possible from the ordinary credits at the disposal of the Central Office, and the payments necessary for this purpose may be spread over four financial years. Any part of a deficit not met in this manner shall be debited in a special account to the other States in proportion to the number of kilometres of railway line under the Convention at the time when the accounts are drawn up, and the amount chargeable to each State shall be estimated in accordance with the extent to which that State during the period of two years previous to the withdrawal of the defaulting State shall have been a party to the Convention with the defaulting State. A State whose lines have been removed from the list under the conditions laid down in the previous paragraph can only obtain their re-acceptance for international transport by previously paying the sums which the said State owes for the years in question with interest at five per cent as from the end of the sixth month from the date on which the Central Office first requested that State to pay the contributions due from it.

*Article 2.*

§ 1. — The Central Office shall publish a monthly bulletin containing all information necessary for applying the Convention, particularly communications relating to the list of railways and other undertakings and with regard to articles excluded from transport or accepted under certain conditions and also such documents concerning law and statistics which it may be thought necessary to insert in the bulletin.

§ 2. — The bulletin shall be drawn up in French and German. A free copy shall be sent to each State and each Administration concerned. Any other copies that may be requested shall be paid for, the price being fixed by the Central Office.

*Article 3.*

§ 1. — Accounts and bills due for international transport which have not been paid may be forwarded by the creditor Administration to the Central Office, which shall assist in recovering the sums due. For this purpose the Central Office shall request the debtor transport undertaking to pay the sum due or to give reasons for refusing to do so.

§ 2. — Should the Central Office consider that the reasons given for refusal are adequate, the Central Office shall send the parties before the judge who is competent to decide on the case.

§ 3. — Should the Central Office be of opinion that all or part of the sum in question is really due, it may, after having consulted an expert, declare that the debtor transport undertaking should be obliged to pay the Central Office all or part of the sum due ; the sum thus paid shall be retained by the Office until the judge competent to deal with the case has decided on the whole matter in dispute.

§ 4. — Should a transport undertaking not have complied with the injunctions of the Central Office within fifteen days, a fresh request shall be made to the said undertaking and it shall be informed of the consequence of refusal.

§ 5. — Ten days after this fresh summons, should there be no result therefrom, the Central Office shall send the State to which the transport undertaking in question belongs, a notice, with a statement of the reasons on which it is based, requesting that State to see what measures can be taken, and particularly to consider whether the debtor transport undertaking should remain on the list of lines.

§ 6. — Should the State to which the debtor transport undertaking belongs declare that in spite of non-payment it does not think that the said undertaking should be removed from the list, or should the State not reply to the communication from the Central Office within six weeks, the said State shall accordingly be regarded as guaranteeing the solvency of the said undertaking in respect of claims arising out of international transport.

Done at Berne, the twenty-third day of October, one thousand nine hundred and twenty-four.

*For Germany :*

Eduard HOFFMANN.

*For Austria :*

Dr. Leo DI PAULI.

*For Belgium :*

Fernand PELTZER.

*For Bulgaria :*

D. MIKOFF.

*For Denmark :*

A. OLDENBURG.

*For the Free City of Danzig :*

J. MODZELEWSKI.

*For Spain :*

Emilio DE PALACIOS.

*For Estonia :*

K. MENNING.

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Urho TOIVOLA.

*For France :*

H. ALLIZÉ,

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C. COLSON.

*For Greece :*

Vassili DENDRAMIS.

*For Hungary :*

F. PARCHER DE TERJÉKFALVA.

*For Italy :*

GARBASSO.

*For Latvia :*

Dr. O. VOIT.

*For Lithuania :*

V. SIDZIKAUSKAS.

*For Luxemburg :*

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*For Poland :*

J. MODZELEWSKI.

*For Portugal :*

A. M. BARTOLOMEU FERREIRA.

*For Roumania :*

N. P. COMNÈNE.

*For the Saar Basin Territory Governing Commission :*

J. MORIZE.

*For the Kingdom of the Serbs, Croats and Slovenes :*

M. JOVANOVITCH.

*For Sweden :*

ALSTRÖMER.

*For Switzerland :*

MOTTA.

*For Czechoslovakia :*

DR. LANKAŠ.

#### PROTOCOL.

On proceeding to sign the Convention concerning the Transport of Passengers and Baggage by Rail, concluded this day, the undersigned Plenipotentiaries in the presence and with the participation of the Representative of the Saar Territory Governing Commission have declared and agreed as follows :

The Convention shall be ratified and the instruments of ratification shall be deposited at Berne as soon as possible ; it shall come into force between such States as have ratified it as soon as an agreement on the matter has been reached between the Governments of the said States.

The present Protocol, which shall be ratified at the same time as the Convention concluded this day, shall be regarded as forming an integral part of that convention, and shall have the same value and remain in force for the same period as the convention.

In faith whereof, the Plenipotentiaries and the representative of the Saar Territory Governing Commission have signed the present Protocol.

Done at Berne on the twenty-third day of October, one thousand nine hundred and twenty-four, in a single copy, which shall remain deposited in the archives of the Swiss Confederation and of which an authenticated copy shall be transmitted to each of the signatory Powers.

*For Germany :*

Eduard HOFFMANN.

*For Austria :*

Dr. Leo DI PAULI.

*For Belgium :*

Fernand PELTZER.

*For Bulgaria :*

D. MIKOFF.

*For Denmark :*

A. OLDENBURG.

*For the Free City of Danzig :*

J. MODZELEWSKI.

*For Spain :*

Emilio DE PALACIOS.

*For Estonia :*

K. MENNING.



- For Finland :*  
Urho TOIVOLA.
- For France :*  
H. ALLIZÉ.  
Maurice SIBILLE.  
C. COLSON.
- For Greece :*  
Vassili DENDRAMIS.
- For Hungary :*  
F. PARCHER DE TERJÉKFALVA.
- For Italy :*  
GARBASSO.
- For Latvia :*  
Dr. O. VOIT.
- For Lithuania :*  
V. SIDZIKAVSKAS.
- For Luxemburg :*  
LEFORT.
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- For the Netherlands :*  
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- For Poland :*  
J. MODZELEWSKI.
- For Portugal :*  
A. M. BARTOLOMEU FERREIRA.
- For Roumania :*  
N. P. COMNÈNE.
- For the Saar Basin Territory Governing Commission :*  
J. MORIZE.
- For the Kingdom of the Serbs, Croats and Slovenes :*  
M. JOVANOVITCH.
- For Sweden :*  
ALSTRÖMER.
- For Switzerland :*  
MOTTA.
- For Czechoslovakia :*  
Dr. LANKAŠ.

PROCES-VERBAL <sup>1</sup>

OF THE DEPOSIT OF THE RATIFICATIONS AND THE PUTTING INTO FORCE OF THE INTERNATIONAL CONVENTION OF OCTOBER 23<sup>rd</sup>, 1924, CONCERNING THE TRANSPORT OF PASSENGERS AND BAGGAGE BY RAIL.

In execution of the Final Protocol of the International Convention of October 23, 1924, concerning the transport of passengers and baggage by rail, concluded between GERMANY, AUSTRIA, BELGIUM, BULGARIA, DENMARK, THE FREE CITY OF DANZIG, SPAIN, ESTONIA, FINLAND, FRANCE, GREECE, HUNGARY, ITALY, LATVIA, LITHUANIA, LUXEMBURG, NORWAY, THE NETHERLANDS, POLAND, PORTUGAL, ROUMANIA, THE KINGDOM OF THE SERBS, CROATS AND SLOVENES, SWEDEN, SWITZERLAND AND CZECHOSLOVAKIA, with the participation of the SAAR TERRITORY GOVERNING COMMISSION, and in pursuance of the invitation addressed by the Swiss Federal Council to the High Contracting Parties, the undersigned Plenipotentiaries met to-day in the Federal Palace at

<sup>1</sup> In virtue of an act decreed by His Serene Highness the Sovereign Prince of Liechtenstein, the Swiss Federal Council has been authorised to declare, on behalf of the Government of the Principality, that the signature by the Swiss representatives of the two conventions in question and the two above procès-verbaux is also valid in respect of the Government of the *Principality of Liechtenstein*, which regards itself as fully bound by the above-mentioned international agreements. This declaration has been approved by the contracting States.

Berne, in the presence and with the participation of M. Pierrotet, Delegate of the Saar Territory Governing Commission, to deposit the ratifications of the aforesaid Convention, which together with its Annexes and its Final Protocol, constitutes a set of four Acts, and to fix the date of the coming into force of this international Act.

After having communicated their full powers, found in good and due form, the undersigned Plenipotentiaries produced their instruments of ratification, done in a single copy for each country; and the said instruments having been found, after examination, accurate and concordant, were entrusted to the Government of the Swiss Confederation to be deposited in its archives, together with the present Procès-Verbal.

According to the Final Protocol of the aforesaid Convention, the latter will come into force as between the countries which have ratified it as soon as an agreement to that effect shall have been concluded between the Governments of those countries.

Accordingly, the undersigned Plenipotentiaries have decided on this day as follows:

The International Convention of October 23, 1924, concerning the transport of passengers and baggage by rail shall enter into force on the first of October, one thousand nine hundred and twenty-eight.

The present Procès-Verbal shall remain open till January 1, 1928, for the signature of any Governments of the contracting States which have not yet been able to sign it. As regards States which deposit their instruments of ratification subsequently to January 1, 1928, the present Convention shall come into force after a period of three months, reckoned from the date of the notification of the deposit by the Swiss Government to the other contracting States, it being understood that the said Convention cannot come into force prior to the first of October, one thousand nine hundred and twenty-eight.

In faith whereof, the undersigned Plenipotentiaries and the Delegate of the Saar Territory Governing Commission have drawn up and signed the present Procès-Verbal.

Done at Berne, this eighteenth day of October, one thousand nine hundred and twenty-seven, in a single copy, a certified true copy of which shall be delivered to each of the Parties.

*For Germany:*

Adolf MÜLLER.

*For Finland:*

Hugo VALVANNE.

*For Austria:*

Dr. Leo DI PAULI.

*For France:*

Pierre GUERLET.

*For Belgium:*

Fernand PELTZER.

*For Hungary:*

Félix PARCHER DE TERJÉKFALVA.

*For Bulgaria:*

D. MIKOFF.

*For Italy:*

P. PIGNATTI.

*For Denmark:*

A. OLDENBURG.

*For Latvia:*

Charles DUZMANS.

*For the Free City of Danzig:*

J. MODZELEWSKI.

*For Luxemburg:*

LEFORT.

*For Spain:*

Mauricio LOPEZ-ROBERTS Y TERRY.

*For Norway:*

Marquis DE LA TORREHERMOSA.

J. IRGENS.

*For the Netherlands :*

W. DOUDE VAN TROOSTWIJK.

*For Poland :*

J. DE MODZELEWSKI.

*For Roumania :*

N. P. COMNÈNE.

*For the Saar Basin Territory Governing  
Commission :*

PIERROTET.

*For Sweden :*

KUMLIN.

*For Switzerland :*

Dr. HAAB.

*For Czechoslovakia :*

Dr. VEVERKA.