

N° 1676.

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## ALLEMAGNE ET POLOGNE

Accord concernant l'administration du secteur frontière de la Warthe et le trafic sur ce secteur, avec dispositions d'exécution et protocole final. Signés à Poznan, le 16 février 1927.

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## GERMANY AND POLAND

Agreement regarding the Administration of the Section of the Warta forming the Frontier, and Traffic on that Section, with Executive Provisions and Final Protocol. Signed at Poznan, February 16, 1927.

<sup>1</sup> TRANSLATION.

No. 1676. — AGREEMENT BETWEEN GERMANY AND POLAND REGARDING THE ADMINISTRATION OF THE SECTION OF THE WARTA FORMING THE FRONTIER, AND TRAFFIC ON THAT SECTION. SIGNED AT POZNAN, FEBRUARY 16, 1927.

POLAND, of the one part, and GERMANY, of the other part, being desirous of regulating the administration of the section of the Warta forming the frontier and the traffic on that section, have decided with this object to conclude an Agreement. The Plenipotentiaries appointed for this purpose, namely,

## For POLAND :

M. Maciej KOCZOROWSKI, Delegate of the Polish Government for Polish-German negotiations concerning frontier questions; and  
M. Bernard ZAKRZEWSKI, Councillor of Voivodeship, Engineer ;

## For GERMANY :

Dr. Paul ECKARDT, Minister Plenipotentiary,

Have agreed on the following provisions :

*Article 1.*

For the purposes mentioned in Articles 2 and 3, the section of the Warta between frontier stones F. 296 and F. 295, which forms the Polish-German frontier (frontier sector), shall be sub-divided into an upper and a lower section at Wiesenkrug, at the point where, on the left bank, the communal boundary between the Striche demesne (*Gutsbezirk*) and the communal district of Striche-Hauland meets the Warta.

*Article 2.*

Should it be necessary to undertake dredging in the frontier section with the object of maintaining an adequate depth in the fairway, or to remove tree-trunks, stones or other obstacles, such work shall be carried out in the upper section by Poland and in the lower section by Germany, regardless of the territorial boundary.

*Article 3.*

1. Shipping and sanitary control shall be exercised over the full width of the river, in the upper section by Poland, in conformity with the Polish regulations, and in the lower section by Germany, in conformity with the German regulations.

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

2. Shipping control shall include the marking of the fairway, of obstacles to navigation and of shallows, by means of marks in the water and on the banks.

*Article 4.*

1. Guarantees in respect of existing rights, concessions and water police permits, as provided for in the legislation of the two States, in regard to the hydraulic system, shall be given in the frontier section by the authorities of the competent State, in agreement with the authorities of the other State; the competent State shall be the one in whose territory the installations to which the guarantee of the existing rights, the concessions or the permits relate, have already been or are to be established. The authorities of the two States shall communicate to each other any applications submitted and any objections duly formulated in this connection.

2. The provisions of paragraph 1 shall apply by analogy to servitudes relating to the flood area.

*Article 5.*

As regards navigation and timber-floating in the frontier section, privately owned vessels and rafts of all kinds and persons and goods carried thereon shall enjoy perfect freedom of movement, irrespective of nationality.

*Article 6.*

1. Within the frontier section, vessels and rafts and persons and goods carried thereon shall be exempted from all Customs and passport formalities, provided that they do not communicate with the shore. Nothing in the present provisions shall prevent Customs and passport formalities from being carried out at a suitable point on the frontier section, but such formalities must not have the effect of impeding navigation.

2. Vessels and rafts may only communicate with the shore subject to compliance with the Customs and passport regulations in force in the riparian State.

3. Marks required for indicating the fairway, obstacles to navigation, and shallows, shall be exempted from all import and export duties when crossing the frontier. The same shall apply, on condition that they are subsequently brought back, to tools and instruments taken across the frontier in pursuance of the present Agreement for the purposes of maintenance work or surveying. The said marks, tools and instruments, after declaration at the competent Customs office, shall be imported and exported under a certificate issued by the Office of Hydraulic Works. They need not be shown at the Customs office.

*Article 7.*

No navigation dues shall be levied within the frontier section.

*Article 8.*

There shall be no settlement of accounts between the two Contracting Parties in respect of receipts and expenditure arising out of the application of the present Agreement.

*Article 9.*

1. Executive provisions for the application of the present Agreement shall be annexed hereto. Further, the competent authorities shall establish uniform rules by agreement and the Contracting Parties shall take such measures as may be required to ensure their observance.

2. Should an extension of works be necessary in the frontier section, the competent authorities shall conclude special agreements for this purpose.

*Article 10.*

Disputes that may arise in regard to the interpretation of the present Agreement or as a result of its application shall be settled by the Mixed Committee provided for in Article 6, paragraph 1, in conjunction with paragraph 2, No. 4, of the Treaty for the Settlement of Frontier Questions, dated January 27, 1926.

*Article 11.*

The present Agreement, drawn up in Polish and German, shall be ratified, together with the Executive Provisions and Final Protocol. The exchange of the instruments of ratification shall take place at Warsaw. The Agreement shall come into force on the thirtieth day following this exchange. It shall be concluded for an indefinite period, but may be denounced by either of the Contracting States before the end of the civil year, with effect as from the end of the following year.

In faith whereof the Plenipotentiaries of the respective States have signed the present Agreement and have affixed their seals thereto.

Done at Poznan, February 16, 1927.

(Signed) Maciez KOCZOROWSKI.

(Signed) Dr. Paul ECKARDT.

(Signed) Bernard ZAKRZEWSKI.

## EXECUTIVE PROVISIONS

RELATING TO THE AGREEMENT BETWEEN GERMANY AND POLAND REGARDING THE ADMINISTRATION OF THE SECTION OF THE WARTA FORMING THE FRONTIER, AND TRAFFIC ON THAT SECTION.

*Paragraph 1.*

1. Negotiations for the settlement of technical questions connected with the Agreement of February 16, 1927, concerning the administration of the section of the Warta forming the frontier, and traffic on that section, may be carried on direct by the Hydraulic Works Administrations of the two States through their local services.

2. With a view to the preparation, execution and inspection of the works mentioned in Article 2 of the Agreement, and in the exercise of shipping and sanitary control in conformity with Article 3 of the Agreement, competent officials and other persons in the service of the authorities of either of the Contracting States, and also contractors commissioned by the competent authorities, shall be authorised to come with their boats alongside the bank of the other State in the frontier section (the Polish bank in the upper section and the German bank in the lower section) and to land at

places other than the official frontier crossing places, provided that they have notified the Customs authorities of the said State three days in advance. The period of three days need not be observed in urgent cases but the Customs office must be notified subsequently. At the request of the competent officials of the other State, the responsible overseer shall present a certificate of employment and a personal identity certificate, together with an official list giving the names of the workers employed.

3. In carrying out survey work, either State may, for purposes of co-ordination, make use of the height points, fixed points and triangulation points determined by the Hydraulic Works Administration of the other State.

4. In application of the provisions of the present Agreement and for the purposes of maintenance works in their own territory, the competent authorities of either State may send their boats and floating apparatus, with the necessary personnel, animals and tools, over the portion of the frontier section which is situated within the national territory of the other State.

5. The boats mentioned in paragraphs 2 and 4 must bear distinctive marks, which the authorities of the two States shall be required to notify to one another.

*Paragraph 2.*

Boats belonging to the police and Customs authorities of either State shall have the right to pass to and fro over the entire frontier section; nevertheless, subject to the provisions of sub-paragraph 2 of paragraph 1, they may not land on the bank of the other State except with the consent of the authorities of that State.

*Paragraph 3.*

1. In order to determine what maintenance work is required in the frontier section, agents commissioned by the competent authorities shall, whenever necessary, but at least once a year, proceed jointly to inspect the frontier section, in agreement with the Hydraulic Works Administrations of the respective States.

2. Reports shall be drawn up regarding the inspections mentioned in paragraph 1.

*Paragraph 4.*

The two Governments shall communicate to each other a list of the competent authorities for the purposes of the present Agreement.

*Paragraph 5.*

The Contracting Parties shall, on application being made, communicate to each other information concerning the water level, the conditions in regard to ice, the depth and amount of the precipitation, and the results of water measurements and soundings which may be of assistance in guarding against the danger of floods and ice, preparing plans for extensions, executing maintenance works and regulating navigation; the States shall, if necessary, refund the costs arising out of the communication of such information. They shall also notify each other of any changes in the position of height points, fixed points and triangulation points.

*Paragraph 6.*

The above Executive Provisions shall form an integral part of the Agreement. Nevertheless, on application being made by either of the Contracting States, the question of any necessary modifications, shall be considered. Such application must be accompanied by a statement of facts and reasons. The other State shall be bound within a period not exceeding two months to give an opinion or to submit a counter-proposal. If necessary, negotiations will then take place between the competent authorities.

Done at Poznan, February 16, 1927.

Maciej KOCZOROWSKI.  
Bernard ZAKRZEWSKI.

Dr. Paul ECKARDT.

## FINAL PROTOCOL.

When signing the Agreement between Germany and Poland concerning the administration of the section of the Warta forming the frontier, and traffic on that section, the Plenipotentiaries of the two Parties agreed that the provisions of the Agreement shall not preclude the possibility of a different settlement in virtue of other agreements between the two States.

Done at Poznan, February 16, 1927.

Maciej KOCZOROWSKI.  
Bernard ZAKRZEWSKI.

Dr. Paul ECKARDT.