

N° 2088.

ALLEMAGNE ET POLOGNE

Convention concernant l'utilisation
et l'entretien de la "Gleboka Sztol-
nia Fryderyka" (Galerie de mine).
Signée à Berlin, le 7 décembre 1927.

GERMANY AND POLAND

Convention regarding the Use and
Upkeep of the "Gleboka Sztolnia
Fryderyka" (Mine Gallery). Signed
at Berlin, December 7, 1927.

¹ TRANSLATION.

No. 2088. — CONVENTION BETWEEN GERMANY AND POLAND REGARDING THE USE AND UPKEEP OF THE "GŁĘBOKA SZTOLNIA FRYDERYKA" (MINE GALLERY). SIGNED AT BERLIN, DECEMBER 7, 1927.

POLAND and GERMANY, being desirous of coming to an understanding, in pursuance of the resolution of the German-Polish Frontier Delimitation Commission, concerning the use and upkeep of the Głęboka Sztolnia Fryderyka (Fryderyk drainage gallery), have resolved to conclude a Convention on the matter and for this purpose have appointed as their Plenipotentiaries :

POLAND :

- M. Maciej KOCZCROWSKI, Representative of the Polish Government at the Polish-German Frontier Negotiations ;
- M. Bernard ZAKRZEWSKI, Voivodship Counsellor ;

GERMANY :

- Dr. Paul ECKARDT, Minister Plenipotentiary ;

Who, having presented their full powers, found in good and due form, have agreed as follows :

Article 1.

1. The Polish Government shall have the right, for the purpose of evacuating the gallery waters, to use the portion of the Głęboka Sztolnia Fryderyka, situated in German territory, from the Polish-German frontier as far as the gallery opening, and also the open drainage trench from that point as far as the point where the said trench opens into the Drama, together with all the installations belonging thereto.

2. No taxes or other charges shall be levied for the use of the gallery or the drainage trench, as provided in paragraph 1.

Article 2.

1. The Polish Government will be responsible for the costs of supervision and upkeep of the gallery, including the gallery opening and the closing device. Germany will guarantee free access to the gallery opening for this purpose.

2. Germany accepts responsibility for damage to the gallery installations due to mischievous or unauthorised acts committed on German territory.

¹ Translated by the Secretariat of the League of Nations, for information.

Article 3.

1. Poland undertakes to refrain from measures which might alter the existing conditions in regard to the discharge of the gallery water, but will give no guarantee in respect of the volume of the discharge water.

2. Germany undertakes as far as possible to prohibit the execution in the neighbourhood of the gallery or drainage trench of works which might disturb the regular discharge of the gallery water, and to prevent unauthorised persons from approaching the gallery opening or the drainage trench.

Article 4.

Poland undertakes to prevent the gallery water from being exposed to contamination other than that arising out of the regular working of the Polish water supply installation.

Article 5.

1. Germany undertakes to grant all possible facilities to Polish officials and workmen responsible for the supervision and upkeep of the gallery, by giving them assistance and protection, and exempting them from the provisions in force concerning passports.

2. The tools and materials necessary for the supervision and upkeep of the gallery may be transported either above ground or under ground, and shall be exempt from Customs duties and other charges, on condition that tools and unused materials shall be taken back to the country of origin.

3. In the event of the frontier being closed, Germany will taken into account as far as possible requirements relating to the upkeep of the gallery.

Article 6.

1. Germany undertakes to ensure that the gallery water is given free passage to the Drama.

2. Poland undertakes to contribute annually towards the cost of enforcing the above-mentioned provision the sum of three hundred Reichsmarks, which shall be paid every year in January into the Chief Government Fund (*Regierungshauptkasse*) at Oppeln.

Article 7.

Of the two keys which lock the gates of the gallery opening, one shall remain in the possession of the Polish State Waterworks Administration and the second in that of the German Customs Bureau at Broslawitz ; the said Customs Office will also affix a special lock on the gates of the gallery opening.

Article 8.

Any disputes that may arise out of the present Convention shall be settled, not by the institution of legal proceedings, but by reference to an arbitral tribunal. Each Government shall appoint one arbitrator, and the two arbitrators shall themselves appoint an umpire. Should the two arbitrators fail to agree concerning the choice of an umpire, the Council of the League of Nations shall be invited to appoint him.

Article 9.

1. The present Convention, which has been drawn up in Polish and in German, shall be ratified. The exchange of the instruments of ratification shall take place as soon as possible at Warsaw.

2. The Convention shall come into force thirty days after the exchange of the instruments of ratification.

3. The Convention is concluded for an unspecified time but can be denounced by either Party with effect from the end of a civil year, subject to three years' notice being given. The right of denunciation shall not be exercised before December 31, 1930.

In faith whereof the Plenipotentiaries of the two Parties have signed the present Convention and have affixed their seals thereto.

Done at Berlin, December the seventh, one thousand nine hundred and twenty-seven.

(L. S.) (Signed) Maciej KOSZOROWSKI.

(L. S.) (Signed) Paul ECKARDT.

(L. S.) (Signed) Bernard ZAKRZEWSKI.