

N° 2546.

ALLEMAGNE ET FRANCE

Convention relative à l'organisation
des gares frontières. Signée à
Paris, le 13 avril 1925.

GERMANY AND FRANCE

Convention regarding the Organisa-
tion of Frontier Stations. Signed
at Paris, April 13, 1925.

¹ TRADUCTION. — TRANSLATION.

No. 2546. — CONVENTION BETWEEN GERMANY AND FRANCE REGARDING THE ORGANISATION OF FRONTIER STATIONS. SIGNED AT PARIS, APRIL 13, 1925.

THE GERMAN GOVERNMENT and THE FRENCH GOVERNMENT, being equally desirous of facilitating frontier operations in connection with railway traffic between the two countries as much as possible by the joint designation and appropriate organisation of frontier-stations have resolved to conclude a Convention for that purpose, and have appointed as their Plenipotentiaries :

THE GERMAN GOVERNMENT :

Baron Werner von GRÜNAU, Counsellor of Legation, Counsellor of the Ministry of Foreign Affairs,

THE FRENCH GOVERNMENT :

M. Raymond BRUGÈRE, Secretary of Embassy of the First Class, Chevalier of the Legion of Honour ;

Who, having exchanged their full powers, have agreed upon the following provisions :

Article 1.

The position of the frontier-stations between Germany and France shall be determined as follows :

A. On the Rhine frontier there shall be on each line a single frontier-station for the joint use of both States, in accordance with Article 67 of the Treaty of Versailles, as follows :

- (1) For the Rastatt-Röschwoog line, the station of Wintersdorf ;
- (2) For the Appenweier-Strasbourg line, the station of Kehl (Kehl station exclusive of Kehl Harbour station) ;
- (3) For the line Breisach-Colmar, the station of Breisach ;
- (4) For the line Müllheim-Mulhouse, the station of Neuenburg ;
- (5) For the line Weil-Leopoldshöhe-Huningue, the station of Palmrain.

B. On the rest of the frontier each of the two Contracting Parties shall organise separate frontier-stations on its own territory for the different lines crossing the frontier.

Their position shall be as follows :

1. For the line Germersheim-Lauterbourg :

(a) German frontier-stations :

The station of Berg for passenger traffic ;

The station of Wörth-am-Rhein for goods traffic ;

¹ Traduit par le Secrétariat de la Société des Nations, à titre d'information.

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

- (b) French frontier-station :
The station of Lauterbourg .
- 2. For the line Landau-Wissembourg ;
 - (a) German frontier-stations :
The station of Winden for fast trains and goods traffic ;
The station of Kapsweyer for slow trains ;
 - (b) French frontier-station :
The station of Wissembourg.
- 3. For the line Trier-Thionville :
 - (a) German frontier-stations :
The station of Pearl for passenger traffic and goods consigned to addresses in Perl ;
The station of Nenning for goods consigned in through traffic ;
 - (b) French frontier-station :
The station of Apach.

Article 2.

Each of the two Contracting Parties reserves the right to alter the position of the separate frontier-stations on its own territory enumerated in paragraph B, of the preceding Article. In the event of such right being exercised, any new measures resulting therefrom shall be communicated to the other Contracting Party through the usual diplomatic channels.

Should the two Governments consider it desirable to combine any two separate frontier-stations in a single frontier station for the joint use of both States on either German or French territory, the position of the new joint station may be determined by exchange of notes between the two Governments.

Article 3.

The provisions of this Convention relative to frontier-stations on the right bank of the Rhine shall apply to such joint stations as may in future be established in virtue of the preceding Article, and in particular in conformity with the principle of reciprocity to such as may be established on French territory. In the latter case, the German Government shall be entitled to set up the same offices in the new frontier-stations as the French Government is entitled to set up, in virtue of this Convention, in the frontier-stations on the right bank of the Rhine. The German officials and employees attached to the offices in question shall enjoy the same powers, rights and privileges as are hereinafter conceded to the French officials and employees.

Article 4.

The frontier-stations shall remain the property of the Railway Administration of the State in whose territory they are situate, and shall be built and maintained by the same.

Article 5.

Each of the two Contracting Parties hereby undertakes on lines where there are no joint frontier-stations to provide all necessary plant and equipment to cope with the requirements of international railway traffic, and in particular the interchange of railway material.

Suitable extensions and improvements to the existing installations shall at all times be effected as and when needed to meet the requirements of international traffic. The Administrations concerned shall communicate to each other all necessary information for the purpose, and shall come to an understanding as far as possible with a view to adapting their respective proposals to these requirements.

Article 6.

The German Government hereby undertakes to take all necessary measures to enable the French offices in the frontier-stations on the right bank of the Rhine to carry out their duties regularly and, in particular, to provide these stations with all necessary movable and immovable equipment for the purpose.

In particular the French Railway Administration shall be enabled :

(a) To carry on all official business arising for the French authorities in connection with the operation of the international transit traffic, and in particular, the interchange of rolling-stock and the recording of the same, the taking and handing over of goods and official papers, and Customs inspections by the French Customs officials ;

(b) To take and hand over local traffic consignments from and to France.

Article 7.

The construction of the joint frontier-stations on the right bank of the Rhine and such changes as may have to be made in their equipment shall be carried out in accordance with plans to be drawn up in agreement with the French Railway Administration.

Article 8.

The frontier-stations, and in particular the joint frontier-stations, shall be administered by the Railway Administrations to which they belong.

The legal time shall be the time of the country in whose territory the frontier-stations are situated.

Article 9.

Traffic on the sections of line between the frontier-stations and the limits of sovereignty of the two States shall be operated by the Railway Administrations by which the frontier-stations in question are owned at their own expense. On the Rhine frontier the operation of traffic on these sections by the German Railway Administration shall not extend beyond the limits of French ownership on the Rhine bridges.

Each Administration shall be entitled to run trains as far as the frontier-stations belonging to the other Administration : any remuneration due for such services from the Administration owning the station shall in principle take the form of equivalent services.

Article 10.

The engines and staff of one of the two neighbouring Railway Administrations shall not proceed beyond the frontier-stations of the other Railway Administration. On the Rhine frontier the exchange of engines and staff shall take place at the joint frontier-stations.

In the event of the traffic requirements entailing exceptions to the principle laid down in the preceding paragraph, each such exception shall be regulated by special agreement between the German and French Railway Administrations.

Article 11.

The German and French tariffs shall be applicable to the German and French sides of the frontier respectively. Nevertheless on the Rhine bridges the French railway tariffs shall be applicable as far as the limits of French ownership.

The local traffic between the joint frontier-stations of the right bank of the Rhine and France shall be regulated by means of an associated German-French railway tariff on the following lines :

The consignments in question may be despatched either with a way-bill of the form fixed by the international agreement on railway freights or with a way-bill of the type in use for consignments inside France, whichever the consignor pleases. They shall be subject to the French tariff regulations for the whole of their journey. For this purpose the French tariff rates shall be increased by an additional charge in French francs for the benefit of the German railway from and to the limits of the French State's ownership on the Rhine bridges. The said charge shall be fixed by the German railway on the basis of the French goods classification, and shall be calculated in such a way as not to exceed the lowest freight permissible under the German normal tariffs for the goods in question on the sections between the joint frontier-stations and the limit of the French State's ownership. In the case of Kehl station, the German charge may not exceed the tariff charge applicable to the same distance between Kehl Harbour and the frontier referred to : but this provision shall not necessarily imply the retention of the reduced rates at present applicable between Kehl Harbour and France.

Article 12.

The rent of the plant and buildings for the French or joint German-French operation of traffic in the joint frontier-stations on the right bank of the Rhine shall be calculated on the basis of the costs of construction. The amount of such rent shall be fixed in gold marks in the relation to the actual capital expenditure incurred and the current rates of interest by direct agreement between the two Railway Administrations.

The costs of operation, upkeep and renewal of the joint frontier-stations shall be borne jointly where they are in connection with both the German and French services, and by the French service where they are in connection with the French service alone and are expressly excluded from the joint account.

Should the two Railway Administrations be unable to agree as to the calculation of the rent or the distribution of the costs for joint account, they shall request the President of the International Railway Union to appoint an expert to decide between them : in the event of the President of the International Railway Union being a German or a Frenchman, the President of the Central Office for International Transports at Berne shall be requested to appoint the expert.

Article 13

The German and French Customs regulations shall be simultaneously in force in the joint frontier-stations on the right bank of the Rhine and on the sections of line between the said stations and the national frontiers, so far as passenger traffic and the import and export of goods are concerned. It is agreed that the French Customs authorities may exercise the control and supervision required for the protection of their interests both inside the stations and on the sections of line in question.

Article 14.

The French Customs regulations shall be applicable in the joint frontier-station on the right bank of the Rhine :

- (1) In the case of entry into France, to goods from the moment they are declared to the French Customs authorities or from the moment an attempt is made to evade

French Customs control, and to passengers from the moment the French Customs inspection begins or from the moment a traveller endeavours to evade such inspection :

(2) In the case of exit from France, to goods down to the moment their export is recorded, and to passengers down to the moment of the completion of the Customs inspection. Furthermore, the French Customs regulations may be applied to goods or passengers who have not been subjected to the French Customs inspection until such time as the German Customs inspection in the station is completed.

Infringements of the French Customs regulations shall be ascertained by the French Customs authorities under the same conditions of time and place.

The Customs officials of each State shall only apply the regulations of the State to which they belong.

In the frontier-station on the right bank of the Rhine goods coming from France which are returned to France before the French Customs regulations have ceased to be applicable to them shall not be subject to any German impost on imports or exports or to any German import or export prohibition.

Where in a frontier-station on the right bank of the Rhine the application of the Customs legislation of both States involves the retention or confiscation of goods, the Customs authority of the exporting country shall have a prior claim.

Should the German Customs authority consider the examination of goods which are already subject to the supervision of the French Customs authority to be necessary before their export from Germany, the French Customs authority shall place them at its disposal for the purpose. On the other hand, the French Customs authority shall be entitled to demand the placing at its disposal of goods which have passed out of its control, if the said goods are still at the frontier-station in the custody of the German Customs authority.

If the exporting State finds that the goods ought to be confiscated, the importing State must surrender them to the exporting State

Article 15.

Subject to the conditions laid down in Article 14, the French Customs authority shall be entitled to conduct an enquiry into any infringement of the Customs or other regulations applicable by the French Customs authority which may be found to have occurred on German territory. The French Customs authority shall be entitled to establish the commission of the infringements in question in accordance with the French penal regulations, and to cause sentence to be passed on them in France, and further to retain as security or, if necessary, confiscate all objects connected with such infringements, with the exception of the offender's own implements of work.

Similarly the French Customs authority shall be entitled either to remove to France, or to put up for sale on the spot, in accordance with the French regulations, objects confiscated or retained as security on German territory

If in the course of Customs supervision or control, or in connection with the ascertainment of infringements of the regulations, the French Customs authority should require to have recourse to physical compulsion in relation to a passenger or person making a Customs declaration who is under obligation to submit to Customs inspection, the French Customs authority must apply to the German police or Customs officials. The French officials shall not be entitled to make an arrest.

Article 16.

Where goods are held in the joint custody of the Customs authorities of both States, the Customs authority of the exporting State shall be considered to have the sole public responsibility for the safe-keeping of the goods. The liability of the Railway Administration to the owners or recipients of the goods in question for the safe-keeping thereof shall not be affected by this provision.

Article 17

The German and French Customs authorities shall give their respective offices in the joint frontier-station on the right bank of the Rhine all the powers found necessary in view of traffic requirements for the purposes of import and export clearing. In particular they shall take steps to ensure that such powers are so far as possible identical, and that the clearing operations of the two Customs offices follow immediately upon one another. The Customs formalities to which passengers and their baggage are liable shall take place on the departure and arrival of the trains.

Article 18

The regulations applicable under French law by the French Customs authority in respect of export, import or transit prohibitions or restrictions, or the collection of indirect taxes or dues of any kind, or statistics of goods traffic, shall be considered as being equivalent to the actual Customs regulations in so far as the frontier-stations on the right bank of the Rhine are concerned.

Article 19.

The higher German Customs officials and the local German Customs receivers shall have access to the French warehouses and silos in the joint frontier-stations on the right bank of the Rhine in order to ascertain whether they contain goods which have escaped German export control. They shall not be entitled to make such visits of inspection except at reasonable intervals or whenever there are grounds for suspecting evasion of Customs, and they shall be accompanied by a French Customs official. Similarly the higher French Customs officials and the local French Customs receivers shall have access to German warehouses and silos accompanied by a German Customs official at regular intervals or whenever there are grounds for suspecting evasion of Customs, in order to ascertain whether they contain goods imported from France and still under German Customs supervision, which have escaped French control and are still subject to the French Customs regulations in accordance with Article 14, paragraph 1, number 2.

Article 20.

The French control of passports or other identification papers with which travellers are required to be provided on entering or leaving France shall be effected at the joint frontier-stations on the right bank of the Rhine by a single police-inspector and at Kehl station by two police-inspectors.

Travellers proceeding to France, who are not in a position to prove their identity by means of papers valid for the entry into France, and persons who are refused access to French soil as a result of administrative or judicial action, shall be requested by the French inspector not to continue their journey. Should they refuse to comply, the inspector shall have recourse to the assistance of the German police or Customs officials.

Further, the French inspectors shall be entitled to call upon passengers coming from France to show their passes or other identification papers, it being understood that the passengers in question shall not be subject to any further consequences on the ground that their papers are not found in order by the French authorities. The German Police and Customs officials shall render assistance to the French inspectors in the event of a passenger refusing to submit to such control.

The French police-inspectors on duty at the joint frontier-stations on the right bank of the Rhine shall be entitled to call upon travellers proceeding to France to show the printed papers, periodicals or books which they have with them, in order to ascertain whether they include papers, periodicals or books which it is forbidden to import into France. Should a traveller not comply with such a demand, or decline to part with forbidden papers, periodicals or books in his possession, the French inspector shall be entitled to draw his attention to the consequences which the importation of such writings into France may involve for him.

The French police-inspectors shall not be entitled either to exercise physical compulsion or to make arrests on German soil. They shall carry out their duties in civilian dress, with an arm-band of one colour with a distinctive mark thereon to indicate their official capacity.

The Special Commissioners, under whose orders the above-mentioned police-inspectors work, shall not have access to the joint frontier-stations on the right bank of the Rhine except for the sole purpose of supervising the police-inspectors' performance of their duties.

Article 21.

The German and French police officials in the joint or separate frontier-stations enumerated in Article 1 of this Convention shall give each other all such information as is calculated to facilitate proceedings in connection with crimes and offences and in particular to accelerate the arrest of persons whose extradition may be subsequently requested by one of the Contracting Parties.

Article 22.

The measures in the interest of public health to be taken by the French veterinary police in connection with the import of meat, meat products or livestock from Germany into France or from France into Germany shall be determined in each of the joint frontier-stations on the right bank of the Rhine by a chief veterinary officer to be appointed specially for the purpose by the French Administration concerned. The German and French Administrations shall be entitled to restrict such measures by common agreement to particular joint frontier-stations, having regard to the available plant and economic requirements. The French chief veterinary officers shall exercise their official functions in civilian dress.

The French veterinary supervision in the case of meat and meat products in transit through Germany to France shall take place in the frontier-stations indicated in the preceding paragraph, and in the case of livestock in France.

All requisite precautions must be taken in connection with these veterinary measures to limit the danger of infection as far as possible.

◊ The German and French veterinary officers on duty in the joint frontier-stations on the right bank of the Rhine shall keep each other informed as to epidemics or infectious diseases found or suspected in the course of their examinations

Article 23.

The French offices installed in the joint frontier-stations on the right bank of the Rhine shall be indicated by an inscription in both languages, without the addition of any emblem of sovereignty of any kind.

Article 24.

The French officials and employees on duty in the joint frontier-stations on the right bank of the Rhine, and the higher inspecting officials to whom they are subordinate, shall be supplied by the French authorities with identification papers of which a pattern should be submitted to the German authorities. They shall be required at all times when on duty to carry such identification papers on their person : and shall be entitled when in possession thereof to free transit between the frontier stations and France without requiring a special passport or frontier card.

The names and official position of French officials and employees permanently employed in the joint frontier-stations on the right bank of the Rhine must further be notified to the Head Office of the German Railways at Karlsruhe.

Article 25.

Save in so far as otherwise provided in the special cases covered by Articles 20 and 22, the French officials and employees in the joint frontier-stations on the right bank of the Rhine when on duty must wear uniform or an official badge according to the regulations of the French Administrations to which they belong.

Customs officials at the frontiers may carry arms when on duty, but not fire-arms except when accompanying trains to and from the frontier or guarding sections of line between frontier-stations and the frontier or guarding warehouses and silos by night. The use of arms shall not be permitted except for the purpose of legitimate self-defence.

Article 26.

In the joint frontier-stations on the right bank of the Rhine, the French officials shall be entitled to maintain order on the premises assigned to them for their exclusive use and to expel disorderly persons from such premises.

German officials shall be entitled, if occasion arises in connection with the performance of their duties, to enter the premises reserved to the French offices, at any time during the service hours of the latter, on giving proof of their official capacity. The special provisions of Article 19 of this Convention shall not be affected by this paragraph.

Article 27.

Official correspondence between the French Administrations and their officials in the frontier-stations on the right bank of the Rhine may be sent or received direct by railway postal cars or by officials (guards, etc.) in charge of mails proceeding to such stations.

Article 28.

The French offices shall be entitled to use the railway telegraph and railway telephone systems in the joint frontier-stations on the right bank of the Rhine for their official communications, whether *en clair* or in cypher, free of charge. No use shall be made thereof for private communications with France other than such as would be allowed exceptionally under the regulations in force on the German and French railway telegraph and railway telephone systems.

Immediately after the signature of this Agreement, the German and French Postal Administrations shall concert together with a view to an agreement as to the establishment, if found desirable, of special telephone rates to meet the requirements of local traffic and international through transit traffic.

Article 29.

Officials of the two Contracting Parties employed in the frontier-stations on the right bank of the Rhine shall lend each other assistance in the performance of their duties, in particular in connection with the prevention and detection of offences.

Article 30.

In order as occasion requires to assist proceedings in connection with offences against the French Customs and railway regulations committed on German territory, the competent German authorities on the direct application of the French authorities concerned shall take the depositions of accused persons, witnesses or experts, undertake official verifications, enquiries, or searches, and issue notices of summons or sentences.

The expenditure incurred as a result of such official action shall be refunded direct to the German authorities responsible.

Article 31.

The German authorities shall lend assistance to the French officials and employees on duty in the joint frontier-stations on the right bank of the Rhine, and treat their requests for assistance as they would treat similar requests from German officials. This shall apply in particular to the case of insults or bodily injuries in so far as German law allows of public prosecution at the request of an injured party.

Should the French offices in the joint frontier-stations on the right bank of the Rhine cease work owing to the closing of the frontier or for any other cause, the French officials and employees on duty there shall be entitled to return to France with their families without let or hindrance.

Article 32.

Subject to the customary inspection, all objects from France for the use of the French offices in the joint frontier-stations on the right bank of the Rhine may be imported into Germany, or exported from Germany, free of duty or tax and without let or hindrance of any kind.

Article 33.

The French officials and employees on duty in the joint frontier-stations on the right bank of the Rhine shall be subject to the German criminal law and police regulations and to the jurisdiction of the German Courts.

Should the German authorities, in the course of proceedings in connection with an offence or crime which comes under the jurisdiction of the German Courts, place one of the French officials or employees on duty in the joint frontier-stations under arrest with a view to judicial enquiry, the French authority to which such official or employee is subordinate shall be notified without delay and given all requisite information with regard to the facts or grounds of suspicion on which the charge is based.

The French Government undertakes to transfer elsewhere any official or employee belonging to a French office in a joint frontier-station on the right bank of the Rhine, whose conduct or record in respect of the criminal law affords grounds for reasonable complaint by the German authorities.

Article 34.

For all purposes of duty or discipline the officials and employees of French Administrations in the joint frontier-stations on the right bank of the Rhine shall be subject to the French authorities alone.

Article 35.

The officials or employees of the French Customs or railway services on duty in the joint frontier-stations on the right bank of the Rhine shall be permitted to live with their families in the places in which the stations are situate or in their immediate neighbourhood. Such permission shall not constitute any privileged position in relation to the regulations with regard to the settlement of French nationals in Germany.

Should the remoteness of the stations or the exigencies of the service make it appear desirable for the above-mentioned officials or employees to live on German territory, their French superior officers shall be entitled to refer the matter to the German authorities with a view to the latter making such arrangements as may be possible to enable them to do so.

Article 36.

The French officials and employees belonging to the French offices in one of the joint frontier-stations on the right bank of the Rhine, who do not live on German territory, shall be entitled on showing the identification papers specified in Article 24 to proceed without let or hindrance between French territory and the station by the usual routes (rail or road) and by any means of transport.

They shall further be entitled, subject to the same conditions, to move freely about the place in which the frontier-station is situated or, if there is no means in the place in question of their providing themselves with the necessities of everyday life, to proceed for the purpose to the nearest place in the neighbourhood.

Article 37.

The officials and employees of French nationality belonging to the French offices of the joint frontier-stations on the right bank of the Rhine shall not be subject to any taxation by reason of their official position, nor shall they be compelled to perform any personal service for the German Reich or any other German public body.

Nevertheless, the German fiscal legislation shall be applicable in its entirety to such officials or employees if they live on German territory : but they may not under any circumstances be compelled to pay higher taxes than the other inhabitants of the place in which they live.

The said officials and employees, whether living on German territory or not, shall enjoy complete immunity from Customs for objects from France for their own consumption or use or for the consumption or use of their families, it being understood that such immunity shall not extend to internal German taxes or dues. Such objects shall enjoy the same immunity on being sent back to France. No import or export prohibitions, except such as relate to public order or the health of men, animals or plants, shall apply to the said objects.

The exemptions for which provision is made in the preceding paragraph shall be accorded, after the usual exhibition to the competent Customs authority and inspection by the same, without further question on presentation of a certificate by the French authorities to which the applicant is subordinate. Nevertheless the right to have recourse to further measures of control in the event of abuses occurring is reserved.

Article 38.

German and French forwarding agents who maintain Customs agencies, storehouses or warehouses in places where there is a frontier-station, and their staff, shall be entitled to visit such places without let or hindrance as well as the frontier-station situated on the other territory opposite. For this purpose their national passports shall be *visés* free of charge with permanent visas valid in each case for one year. Any system of local frontier traffic permits which may in future be established shall apply to them *ipso facto*.

Forwarding agents shall be entitled to employ either German or French specialised staff (clerks or packers), irrespective of any existing or future special legislation to safeguard the home labour market.

In the exercise of their professional activities, German and French forwarding agents shall be treated by the Customs authorities of both States on a footing of complete equality.

Article 39.

Details of the service of the various offices and of the joint use of the buildings and equipment of the frontier stations on the right bank of the Rhine shall be settled as required by direct agreement between the German and French authorities concerned. Details of the technical operation of the railways on the stretches of line specified in Article 9 shall be settled by similar agreement.

Article 40.

The two Contracting Parties reserve the right to come to an agreement, merely by the interchange of diplomatic correspondence, with regard to such changes in this Convention as they may consider desirable in the light of experience. This shall apply in particular to the case of both Parties finding it desirable to establish a French Public Health service in the frontier-stations on the right bank of the Rhine.

Article 41.

Subject always to the special provisions of Article 12, paragraph 3, disputes between the Contracting Parties with regard to the interpretation or application of this Convention, which cannot be settled by friendly agreement, shall be submitted to a court of arbitration to be composed as follows :

Each Party shall appoint an arbitrator : both Parties shall jointly appoint a chairman to be chosen from the nationals of a third country. If they are unable to agree, the President of the Swiss Confederation shall be requested to appoint the chairman.

Unless otherwise agreed, the procedure of the court shall be that laid down in the Hague Agreement for the Pacific Settlement of International Disputes of October 18, 1907, each Party being under obligation to give the court the assistance prescribed in Articles 23 and 75 of the said Agreement.

Article 42.

The present Convention shall take the place of the Provisional Agreement signed at Baden-Baden on Decembre 18, 1919, and shall be concluded for a period of five years. If not denounced one year before the lapse of such period, it shall continue to be binding until one of the Contracting Parties gives the other one year's notice, of its termination. The same applies, unless otherwise agreed, to the agreements and arrangements made in execution of this Convention between the German and the French Administrations.

Article 43.

This Convention shall be ratified, and the instruments of ratification shall be exchanged as soon as possible in Paris. It shall come into force one month after the exchange of the said instruments of ratification.

In faith whereof the Plenipotentiaries have signed this Convention and affixed their seals thereto.

Done in duplicate in Paris, April 13, 1925.

(Signed) Baron VON GRÜNAU.

(Signed) Raymond BRUGÈRE.
