

N° 2799.

AUTRICHE ET HONGRIE

Traité concernant la réglementation des conditions de transit et de raccordement dans le trafic ferroviaire entre les deux pays, avec protocole final. Signés à Budapest, le 30 juin 1930.

AUSTRIA AND HUNGARY

Treaty for the Regulation of Conditions of Transit and Connections in the Railway Traffic between the two Countries, with Final Protocol. Signed at Budapest, June 30, 1930.

TEXTE ALLEMAND. — GERMAN TEXT.

N^o 2799. — STAATSVERTRAG¹ ZWISCHEN DEM KÖNIGREICH UNGARN UND DER REPUBLIK ÖSTERREICH ÜBER DIE REGELUNG DER BEIDERSEITIGEN ÜBERGANGS- UND ANSCHLUSSVERHÄLTNISSE IM EISENBAHNVERKEHR. GEZEICHNET IN BUDAPEST, AM 30. JUNI 1930.

German and Hungarian official texts communicated by the Resident Minister, Head of the Hungarian Delegation accredited to the League of Nations. The registration of this Treaty took place September 1st, 1931.

SEINE DURCHLAUCHT DER REICHSVERWESER VON UNGARN und DER BUNDESPRÄSIDENT DER REPUBLIK ÖSTERREICH von dem gleichen Wunsche geleitet, den Eisenbahnverkehr zwischen den beiden Staaaten zu fördern und zu erleichtern, haben beschlossen, eine Übereinkunft zur Regelung der beiderseitigen Übergangs- und Anschlussverhältnisse im Eisenbahnverkehr zu schliessen und zu diesem Zwecke zu Bevollmächtigten ernannt und zwar :

SEINE DURCHLAUCHT DER REICHSVERWESER VON UNGARN :

Herrn Staatssekretär Dr. GÉZA Tormay von Nádudvar ;

DER BUNDESPRÄSIDENT DER REPUBLIK ÖSTERREICH :

Herrn Sektionschef Dr. Anton PÖSCHMANN.

Diese Bevollmächtigten sind nach gegenseitiger Mitteilung ihrer richtig befundenen Vollmachten übereingekommen wie folgt :

Artikel I.

1. Der Eisenbahnanschluss- und Übergangsdienst, sowie der beiderseitige Grenzpolizei- und Zolldienst werden auf den nachstehend angeführten Eisenbahnlinien in je einem gemeinschaftlichen Grenzbahnhoft durchgeföhrt.

2. Als gemeinschaftliche Grenzbahnhoft, die im Nachfolgenden kurz Grenzbahnhoft genannt sind, werden einvernehmlich festgestellt :

- a) auf der Linie Budapest—Wien... *Hegyesalom,*
- b) auf der Linie Szombathely—Graz... *Szentgotthárd,*
- c) auf der Linie Sopron—Közseg... *Sopron Gy. S. E. V. u. Közseg,*
und für den Übergang mit der Donau—Save—Adria Eisenbahngesellschaft (vormals Südbahngesellschaft) — *Harka-Kópháza,*
- d) auf der Linie Sopron—Vulkaprodersdorf.. *Sopron Gy. S. E. V.,*
- e) auf der Linie Eszterháza—Neusiedl am See... *Pamhagen,*
- f) auf der Linie Bük—Oberloisdorf... *Lutzmannsburg,*
- g) auf der Linie Szombathely—Pinkafeld... *Rechnitz,*
- h) auf der Linie Körmend—Güssing... *Strem.*

¹ The exchange of ratifications took place at Vienna, July 14, 1931.

¹ TRANSLATION.

No. 2799. — TREATY BETWEEN THE REPUBLIC OF AUSTRIA AND THE KINGDOM OF HUNGARY FOR THE REGULATION OF CONDITIONS OF TRANSIT AND CONNECTIONS IN THE RAILWAY TRAFFIC BETWEEN THE TWO COUNTRIES. SIGNED AT BUDAPEST, JUNE 30, 1930.

HIS HIGHNESS THE REGENT OF HUNGARY and THE FEDERAL PRESIDENT OF THE REPUBLIC OF AUSTRIA, equally desirous of developing and facilitating the railway communications between the two countries, have decided to conclude an agreement to regulate conditions of transit and connections in the railway traffic between the two countries and have for this purposes appointed as their Plenipotentiaries :

HIS HIGHNESS THE REGENT OF HUNGARY :

Dr. GÉZA Tormay de Nádudvar, Secretary of State.

THE FEDERAL PRESIDENT OF THE REPUBLIC OF AUSTRIA :

Dr. Anton PÖSCHMANN, Head of Department ;

Who, having communicated to one another their full powers, found in good and due form, have agreed upon the following provisions.

Article I.

1. The railway connections and transit service and the frontier police and Customs services of the two countries shall be ensured, for each of the lines enumerated below, at a common frontier station.

2. It is agreed that the common frontier stations, hereinafter called " frontier stations " shall be the following :

- | | | |
|-----|---|---------------------------------------|
| (a) | On the Budapest-Vienna line | <i>Hegyeshalom ;</i> |
| (b) | On the Szombathely-Graz line | <i>Szengotthard ;</i> |
| (c) | On the Sopron-Kőszeg line | <i>Sopron Gy S. E. V. and Kőszeg.</i> |
| | and for the junction with the Danube-Save-Adriatic Railway (formerly the Southern Railway Company) | <i>Harka-Kópháza ;</i> |
| (d) | On the Sopron-Vulkaprodersdorf line | <i>Sopron Gy S. E. V.</i> |
| (e) | On the Eszterháza-Neusiedl-am-See line | <i>Pamhagen ;</i> |
| (f) | On the Bük-Oberloisdorf line | <i>Lutzmannsburg ;</i> |
| (g) | On the Szombathely-Pinkafeld line | <i>Rechnitz ;</i> |
| (h) | On the Körmend-Güssing line | <i>Strem.</i> |

3. On the Nagykanizsa-Wiener-Neustadt, the common station within the meaning of Part IV of the Convention for the Regulation of Transit and Communications on the system of the Danube-

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

Save-Adriatic Railway Company (formerly Southern Railway Company) shall be that of Sopron D. V. The provisions of the present Treaty shall only apply to this transit in so far as they are not incompatible with the said Convention. In particular, in order to facilitate the application of the provisions of Article 35 (1) of the said Convention, the tariffs shall be calculated to the frontier and from the frontier.

Article 2.

1. The administration of the railways of the neighbouring State (connecting line) shall ensure the public railway service beyond the frontier to the frontier station. When the sections of lines linking up the frontier with the frontier station (frontier section) do not belong to the connecting line or are not utilised jointly by it and the other railway and no special settlement is provided for in paragraphs 2-5, the owning State shall take the necessary steps to ensure that the frontier sections are kept open for connecting traffic.

2. The haulage and driving of trains connecting the frontier near Agfalva with Sopron D. V. shall be governed by a special arrangement to be concluded between the railway administrations concerned.

3. As regards the Sopron-Kőszeg local line, the rules to be applied shall be those of the Protocol relating to the transfer of this line.

4. As long as the Eszterháza Neusiedl-am-See local line is worked over its whole length by the Győr-Sopron-Ebenfurt Railway, it shall be governed by the working agreement in force at the time.

5. The section linking up the frontier near Lutzmannsburg with Lutzmannsburg, the frontier near Rechnitz with Rechnitz and the frontier near Strem with Strem shall be worked by the Hungarian State Railways on the same conditions as the sections of the local railways in question situated in Hungarian territory.

Article 3.

The owning State, or the railway company which has been granted the concession, as the case may be, shall be authorised to use the frontier station as far as may be necessary in order to ensure the social service of the connecting line and the common service of connections and transit.

Article 4.

1. On the Bük-Lutzmannsburg section of the "Dunántúli helyiérdekű vasút részvénytársaság" (Western Hungarian Local Railway Company Limited) and on the Szombathely-Rechnitz line of the Steinamang-Pinkafeld Local Railway Company Limited, whenever the Hungarian Railway administration working this section requests, the administration working the Austrian section shall undertake the haulage and driving of trains, against payment of compensation to be determined by agreement between the two railway administrations.

2. On the Strem-Güssing section of the Körmend-Németújvár Local Railway Company Limited, whenever the Austrian railway administration working this line requests, the administration working the Hungarian section shall undertake the haulage and driving of trains against payment of compensation to be determined by agreement between the two railway administrations.

Article 5.

1. Any adjustments on the frontier sections and in frontier stations necessitated by the fusion of the connecting and transit services, as also the erection of any dwellings which may be absolutely necessary to meet the requirements of the common service shall be determined by agreement between the railway administrations concerned. The same shall apply to any fresh constructional work, enlargements or alterations which enhance the value of the plant in the frontier stations and on the frontier sections not belonging to the connecting line, when such work affects the common service or the service of the connecting line.

2. All constructional work carried out in the frontier stations and on the frontier sections shall be for the account of and a charge upon the administration owning the line and shall remain its property.

The Administration working the connecting line shall pay compensation to the administration owning the line for the common use of frontier stations and of any dwellings not exclusively reserved for the services of the owning administration, as also for the use of the frontier sections not belonging to the connecting line, with the exception of the frontier section linking up the frontier near Hegyeshalom with Hegyeshalom.

This compensation shall consist of the railway plant devoted to the special service of the connecting line and, in the case of the frontier sections, of the service of interest of the whole of the original capital sunk in such plant and, in the case of the plant and dwellings devoted to the common services, of the service of interest of the part of the original capital sunk in such plant falling to the connecting railway, calculated according to the extent of the calls made upon the common service.

The same principles shall also apply to fresh constructional work, enlargements or alterations which enhance the value of the plant, in the frontier stations and on the frontier sections.

The original capital, the service of interest on which must be ensured either exclusively by one of the two administrations or jointly by both, shall be so fixed as to obviate as far as possible any disadvantages arising out of possible currency fluctuations.

3. The value of existing railway plant, the extent of the use made of particular railway installations and dwellings for the common service or for the particular service of each of the two administrations, the amount of interest and the formula for the calculation of the share of the connecting line in the service of interest of the railway plant and dwellings used for the common service shall be fixed by agreement between the railway administrations concerned.

4. The Railway administration of the owning State is required to assist the neighbouring State as far as possible in acquiring the necessary dwelling accommodation for officials on duty at the frontier stations and their families, in so far as it does not itself make the necessary arrangements.

5. Should, as a result of the denunciation or expiry of the present Treaty, one or other of the transit stations specified in Article 1 cease to be a common station or if a change in general conditions should involve a change in the proportions of the common service, the Contracting Parties shall conclude special agreements in good time for the regulation of the transit service and shall, when so doing, take due account both of the capital sunk in the frontier station in question and of the question which of the Contracting Parties has been responsible for such change, as also of the extent to which the plant in question can be taken over for the exclusive use of the Administration owning the line.

Article 6.

Each railway administration shall supervise and maintain the whole plant of its own frontier stations. The cost of supervision and maintenance of the plant of the frontier stations reserved

for the special use of the administration of the connecting line shall be borne exclusively by that administration. The cost of supervision and maintenance of the plant used for the common service shall be shared by both administrations in a proportion to be laid down in the Convention on the function of the Railways.

The supervision and maintenance of the frontier sections, with the exception of the frontier section from the frontier near Hegyeshalom to Hegyeshalom shall be carried out by the railway administrations working the sections, at their own expense.

Article 7.

1. The service in the frontier stations shall, in principle, be carried out by the railway administration of the State in which the frontier stations are situated, save in so far as it may be necessary or desirable to entrust particular duties such as listing and inspection of trucks, transit of goods, railway Customs etc., to the agents of each of the two administrations.

2. Further, the administration of the connecting line may set up a body in the frontier stations to represent it and to safe-guard its service interests.

3. Foreign staff shall always be restricted to the indispensable minimum.

Article 8.

1. In the frontier sections and frontier stations, the service of the railway of the neighbouring State shall be ensured in accordance with the regulations of that railway and the language used shall be that of the said State. Similarly, service telegrams and written communications of the other executive authorities of the two countries which are transmitted through the frontier stations shall be translated and forwarded by the administration running the service into the official language of the neighbouring State.

2. Correspondence between the frontier stations and the authorities of the neighbouring State shall be in the language of the latter. Service communications relating to railway traffic which affect both administrations shall be accepted by the officials stationed in frontier stations in either of the two languages.

3. The above-mentioned provisions shall not apply to communications which merely pass through the territory of either State or of both of them or to the telegraphic or written correspondence of the higher authorities (Ministries, General Managements, Managements and Local Managements).

4. Service communications of the railway administrations of the two countries shall be received in the frontier stations by the administration of the neighbouring country, which shall forward them to their destination.

5. With regard to the naming of frontier stations and the displaying of notices indicating the names of frontier stations, the rules to be applied shall be those of the State on whose territory the stations are situated. The notices displayed in the offices of the agents of the neighbouring State shall be in both languages; that of the State to which these services belong coming first. The frontier stations are required to display in suitable places any notices relating to the railway service and intended for the information of users of the railways, which they may receive from the administration of the neighbouring country (time-tables, etc.).

Article 9.

1. The railway administrations shall draw up such regulations for connecting and through trains as shall not entail any greater delay to passengers or goods than that necessitated by the

railway Customs and passport services. To this end, connections shall, on request, be established, as far as possible, by trains of the same category.

2. The transit of coaches and waggons shall be effected on the basis of the arrangements in force between the railway administrations governing the reciprocal use of coaches, luggage-vans and good waggons.

Article 10.

1. In so far as the provisions of paragraphs 3 and 4 of this Article do not otherwise provide, the calculation of the transport rates on the frontier sections shall be governed by the following rules :

(a) Transport fees and fees chargeable for supplementary services (supplementary fees) shall be fixed for the sections linking up the frontier with the frontier stations by the railway administrations working these sections in accordance with the regulations of the State in which such administrations have their seat ;

(b) The receipts derived from transports effected from the frontier to the frontier station shall fall entirely to the administration working the section ; which must however bear the total operating costs, the transport taxes and the other public imposts connected with transport and assume entire responsibility for running the section and for any loss or damage to goods conveyed or late delivery of goods.

(c) On the sections linking up the frontier with the frontier stations, the transport rates must not be calculated on any other basis than that on which are calculated the rates for the contiguous sections of the railway which is working the frontier section.

(d) The tariffs applicable to the section up to the frontier must be approved by the State whose railway administration ensures the continuance of the traffic beyond the frontier.

(e) The special tariff provisions relating exclusively to the traffic on the frontier section or a part thereof or to the traffic between the station nearest to the frontier on the territory of one of the Parties, and the frontier station on the territory of the other Party must also be approved by the supervisory authority of the State on whose territory the frontier station is situated.

(f) The yield of the railway transport taxes and of all public imports connected with transport shall be borne by each of the two Contracting States in respect of the amounts levied on charges made for transports effected within its territory. In order to simplify the fixing, collection and calculation of these transport taxes and other public imposts, they shall as far as possible be made the subject of a lump sum arrangement.

2. The two Governments undertake, within the meaning of Article 1, § 2, of the International Convention on Railway Goods Transport of October 23, 1924, not to place any obstacle in the way of consignments between the stations situated in the other State, on the one hand and the frontier stations and stations on the frontier sections, on the other hand, being exempted from the application of the International Convention on Railway Transport when the consignor by choosing the form of a bill of lading (*lettre de voiture*), requests the application of the service regulations of the railway by which the transport is effected over the whole section.

3. When the transport of passengers, luggage and express goods is effected via the common frontier station of Hegyeshalom, the Royal Hungarian State Railways and the Austrian Federal Railways shall include in the calculation of the direct tariffs in force at the time for the transport of passengers, luggage and express goods between Hungary and Austria and beyond, the transport duties arrived at on the basis of the tariff kilometres to and from the frontier near Hegyeshalom. In such a case, the receipts derived from tariffs to and from the frontier shall fall to the railway administration of the State on whose territory the section in question is situated ; the railway

administration which receives these receipts shall bear the cost of the transport taxes and other public imposts connected with transports, due on such receipts.

The Austrian Federal Railways shall separately indicate, within the limits of their inland tariff rates, the distances (calculated in kilometres) for Hegyeshalom *loco*, which shall be so calculated as to ensure that the passenger fares charged for these distances on slow trains are not more advantageous than the direct tariffs charged for transports of the same nature between Austria and Hungary and beyond the frontiers of the two States.

On the request of the Royal Hungarian State Railways, the Austrian Federal Railways shall introduce into their internal goods tariffs, for the transport of goods to be described in detail and handed over for transport at Hegyeshalom, special transport rates established on the basis of the actual length in kilometres of the frontier section.

For the transport of goods beyond the common frontier station of Hegyeshalom, the Royal Hungarian State Railways and the Austrian Federal Railways shall fix, within the limits of their inland goods tariffs, special goods rates based on the tariff kilometres to the frontier and from the frontier.

As regards the section linking up the frontier near Hegyeshalom with Hegyeshalom, the Royal Hungarian State Railways shall reimburse to the Austrian Federal Railways the cost of the services effected by the latter on that section, plus a reasonable premium to cover risks incurred (paragraph 1 (b)); the two railway administrations shall conclude an arrangement to this effect in the Convention concerning the junction of the Railways. Surplus receipts in respect of the frontier section in the traffic with Hegyeshalom *loco* shall be deducted from this amount.

4. With regard to the calculation of the tariffs on the section Sopron D. V. — frontier near Agfalva, see Article 1, paragraph 3 of the present Treaty.

Article II.

1. The necessary steps shall be taken to ensure that the officials on the territory of the other Contracting Party are not hindered in the execution of their duty, that the despatch and receipt of objects of value, sums of money and other articles connected with the service are facilitated and that the safety of these consignments is in no way jeopardised.

2. In order that the service may be carried on smoothly, executive officials of both Parties shall be required to maintain good neighbourly relations in all their official acts and to behave tactfully both while on duty and at other times. Employees found guilty of offences of this nature shall, on the request of the other Party, be withdrawn.

The same shall apply to foreign officials employed in the territory of the neighbouring State or arriving at the frontier station, who in any way give cause for complaint and in particular indulge in political or national propaganda on such foreign territory or who are charged with a crime or offence connected with smuggling or other serious fiscal infringements against the law of the neighbouring State or have been reasonably suspected of abusing their position and their stay in foreign territory by committing acts prejudicial to the safety of the owning State.

In exceptional cases, a request may be made for the recall of an official without any reason being given.

3. During their presence on duty in the frontier station, members of the train staff of the administration of the neighbouring country shall, within the limits of the obligations arising out of the junction agreements concluded between the Customs administrations and the service regulations established on the basis of such agreements, be subject to the service regulations of the owning administration.

4. Railway officials shall be entitled to wear uniform both when on duty and at other times, in the neighbourhood of the place where their duties are performed or in the area of the line on which they are employed in the territory of the other Contracting Party.

5. Military shall not be employed in the foreign State. In the event of resistance being offered to agents of the railway services on foreign territory or to the rules established by them in conformity with the regulations in force in the owning State, the latter shall provide the necessary means of coercion in order to overcome such resistance and to ensure the accomplishment of the duty in question.

6. Legislative or other restrictions which may be placed upon the residence of foreigners in one of the Contracting States shall not apply to railway officials who in the execution of their duty are permanently or temporarily in the territory of the other State or to the members of the families of those officials living with them, when these are obliged, for reasons connected with the service, to live in the territory of the State in question.

Article 12.

1. The position of officials of the two railway administrations in the matter of nationality, domicile and service shall undergo no change as a result of the fact that they are living in the other State and are officially employed then. The officials shall be responsible to their home administration for any offences connected with their duties or against discipline.

2. The officials of the two administrations and the members of their families who keep their original nationality shall be exempt in the territories of the other Contracting Party from any obligation to perform public functions in Courts or in State or other administrative bodies.

3. The railway officials employed in the services situated in the territory of the neighbouring State and the members of their families living with them shall enjoy the same protection as nationals of the owning State. On the other hand, they shall be required to observe the laws and police regulations of the State in which they have their domicile and shall in this respect be subject to the jurisdiction of the authorities of the said State.

4. The social insurance of railway officials working temporarily or permanently on frontier sections and in frontier stations situated in the territory of the other State shall be governed by the legislative provisions of the Contracting Party in whose territory the seat of the administration under which such officials come as regards their service, is situated.

The competent supreme administrative authorities of the two Contracting Parties may, by mutual agreement, make exceptions to the rules provided for above.

The application of the laws of one of the Contracting Parties in accordance with the above provisions of this paragraph (4) shall also imply that the insurance institutions of that Party are entitled to undertake social insurance and that its administrative authorities and Courts are competent to settle disputes connected therewith.

In accordance with the provisions of the present paragraph (4), insurances effected in the territory of the other Contracting Party shall have, as regards the civil responsibility of the railway administration and of third parties, the same legal force as insurances effected in the country itself; the foreign railway administration in whose area such an official has an accident shall be regarded as being on the same footing as the administration to which the official belongs.

Article 13.

The settlement of the details of the common service and of the conditions for the junction of the two railway services, the bearing of the costs arising out of responsibility for the death of or injuries to passengers and other accidents occurring in the frontier stations and for material damage shall remain to be settled by means of junction agreements relating to the use of the particular railway stations, to be concluded within six months. Such agreements shall provide, in the case

of all services performed by the railway administrations participating in the work of ensuring the traffic — where possible after prior compensation in kind — for the re-imbursement of costs incurred, including the supplements applied by the administration establishing the accounts. As regards the common services, the expenditure shall be shared according to a formula established by common agreement.

Article 14.

1. Full national sovereignty including control by the supreme administrative authorities of the railway administration and the exercise of judicial and police powers in the frontier stations and on the frontier sections, shall be enjoyed by the Government of the State on whose territory those stations and sections are situated.

2. The duties of the railway police shall in each territory be carried out by officials of the railway administration working the section in question, in accordance with the regulations applicable in that territory. The Government of the owning State shall accord the fullest possible measure of support to officials when engaged in the work of supervising and policing the railway.

3. When haulage stock (locomotives, rail motor cars, etc.) and their staff (engine drivers, stokers, rail motor car drivers, etc.) have passed in their own countries the tests laid down by the regulations in force there and have been authorised to circulate or carry out their duties on public railways, these measures shall, as regards the use of such haulage stock and staff on sections of the line situated in the neighbouring State under the terms of the present Treaty, have the same effect as if they had been taken by administrative departments of the owning State in accordance with the regulations in force in that State.

Article 15.

The exchange of mails shall, unless the postal administrations of the two countries have concluded other arrangements in agreement with the railway administrations concerned, be effected in the frontier stations. Detailed arrangements shall be made by the two postal administrations.

Article 16.

1. The right to use telegraph lines running along the frontier sections shall be reserved, as far as the frontier, for the owning State.

2. The two railway administrations and their agents shall be entitled to use the service telegraphs and telephones of the other administration free of charge for telegraphic and telephonic communications connected with the railway service. The acceptance and transmission of other telegrams shall be effected in accordance with the regulations of the railway administration under which the telephone office where the telegrams are handed in comes.

3. The owner State shall be responsible for the upkeep of the signals and telegraph and telephone communications along the frontier sections and the connecting lines, whether these communications are ensured by wires running along the line or by serial wires, regardless of whether these lines are used for the railway or for the State telegraph service. No costs shall be borne by the other State.

4. The work of joining up wires and installing fresh plant shall be carried out, up to the frontier, for the account of and at the expense of each owning State and no part of the cost shall be borne by the other State.

Article 17.

1. Passengers, luggage, express goods and goods despatched by *grande vitesse* or *petite vitesse* from one of the two States to the other shall be subject, in the frontier station and on the frontier sections, to the Customs supervision of the finance (Customs) authorities of the two States.

2. Customs, passports and control of foreigners shall be governed by the conventions relating to these questions, concluded in virtue of Article XI of the Commercial Agreement of February 8, 1922, between the Kingdom of Hungary and the Republic of Austria or of any subsequent arrangements designed to replace or to amplify such conventions.

Further, the provisions of Article 7, paragraph 3, Article 11, paragraphs 2, 5 and 6, and Article 12, paragraphs 2 and 3, shall apply *mutatis mutandis* to the staff of the finance and Customs administration (including the Customs supervisors and the Royal Hungarian Customs turnover tax controllers), the State police and gendarmerie and the postal service, who are on the territory of the foreign State, for the purpose of carrying out these services.

3. The national arms and relevant inscriptions shall be affixed to the offices of the neighbouring State established in the frontier stations.

4. The following may be imported and re-exported free of Customs dues and supplementary fees : implements and material for the equipment, upkeep and working of the railway offices and plant existing or to be erected on foreign territory, and in particular building and working materials, implements, rolling stock, spare parts thereof, etc., required by one of the two railway administrations for the equipment, repair and working of the lines and plant exploited by it on the territory of the foreign State ; and (on the attestation of the head of the service) the furniture and effects brought by the staff of the railway services established on the territory of the foreign State and by the members of their families or sent home by them to be repaired, cleaned, etc., and returned.

5. Postal, Customs, passports and railway officials who, in the execution of the frontier service, are called upon to cross the frontier or to stay in the territory of the neighbouring State, as also officials entrusted with the duty of inspecting such service, shall be authorised at all times to cross the frontier in order to enter the country or to leave it, on production of a certificate issued by the authorities or the railway administration and containing a photograph and attesting their official position and duties. The same facilities shall be accorded to the members of the families and households of officials sent into the frontier zone of the neighbouring State.

6. A list of the names of the above-mentioned foreign officials shall be communicated to the stationmaster of the frontier station for transmission to the competent authority. This authority shall be entitled to object to the employment of particular officials and shall be advised in advance of any change made in the staff. In exceptional cases, and in particular in cases where it may, for urgent reasons, be necessary immediately to detail an official for a duty, and there is not sufficient time to advise the competent authority as provided for above, such change of staff shall be communicated after the event and without delay to the stationmaster of the frontier station in question. The staff on duty and the officials entrusted with the supervision of the service may be subjected to Customs inspection.

Officials arriving at the stations in the execution of their duty and persons permanently employed there, as also the members of the families of the latter, shall receive an identity card from the police at the frontier station which shall entitle them to the same freedom of travel as that enjoyed by the holders of a passport issued in a regular manner.

Article 18.

The payments to be effected under the terms of the present Treaty shall be calculated and made in the currency of the State on whose territory the administration establishing the accounts has its seat.

Article 19.

The above provisions shall not imply any deviation from the provisions of the Convention for the Regulation of Transit and Communications on the System of the Danube-Save-Adriatic Railway Company (formerly the Southern Railway Company), signed at Rome on March 29, 1923.

Article 20.

1. In the event of any dispute arising between the Contracting Parties concerning the interpretation or application of the present Treaty, which cannot be settled by negotiations, it shall, in accordance with the provisions of the Agreement of April 10, 1923, between Hungary and Austria relating to Compulsory Arbitration in their mutual relations, be submitted for decision to a Court of Arbitration. This Court of Arbitration shall decide the issue in accordance with the provisions of the said Agreement and of the present Treaty and of the general principles of law and equity. In appropriate cases, it shall also be responsible for assessing the damages payable to the Party which has suffered loss by the Party held responsible for an infringement of the present Treaty.

2. The Court of Arbitration shall, for each dispute, consist of two judges, one of whom shall be nominated by Hungary and the other by Austria, and of a Chairman appointed by agreement between the Governments of the two countries.

3. The Contracting Parties undertake, after the coming into force of the present Treaty, to agree in advance and for a fixed period as to the Chairman to be appointed, if the need should arise.

4. Each Government shall nominate one or more substitutes for the judge appointed by it.

5. Each Government may be represented before the Court of Arbitration by an agent. In this case, all communications of the Court to that Government shall be sent to its agent.

6. Each Government shall pay the fees due to the judge appointed by it, his substitute and the agent nominated by it.

7. The fees due to the Chairman shall be fixed by a special agreement between the Governments; such fees and the general fees of the Court of Arbitration shall be payable in equal proportions by the two Parties.

8. In so far as the procedure of the Court of Arbitration is not laid down in the Agreement of April 10, 1923, or in the present Treaty, it shall be determined by the Court itself.

9. The Court of Arbitration shall take its decisions by a majority vote.

Article 21.

The present Treaty shall be drawn up in two originals, in Hungarian and German, both texts being authentic.

The Treaty shall be ratified as soon as possible by the two Parties and the instruments of ratification exchanged at Vienna.

Article 22.

1. The Treaty shall come into force fourteen days after the exchange of ratifications and shall remain in force for ten years and thereafter as long as it has not been denounced by one of the Contracting Parties.

2. If it is denounced, it shall cease to have effect after the expiry of the whole calendar year following the date of denunciation. Nevertheless the two Contracting Parties shall take steps to ensure that an agreement for the regulation of the use of frontier stations is concluded before the expiry of the present Treaty.

In faith whereof, the Plenipotentiaries have signed the present Treaty and have affixed their seals thereto.

Done at Budapest, June 30, 1930.

Tormay GÉZA, *m. p.*

PÖSCHMANN, *m. p.*

FINAL PROTOCOL

TO THE TREATY BETWEEN THE KINGDOM OF HUNGARY AND THE REPUBLIC OF AUSTRIA FOR THE REGULATION OF CONDITIONS OF TRANSIT AND CONNECTIONS IN THE RAILWAY TRAFFIC BETWEEN THE TWO COUNTRIES.

At the moment of signing the present Treaty, the Plenipotentiaries of the two Parties made the following declarations, which shall form an integral part of the Treaty itself :

Ad Articles 1 and 2.

1. The transit service between the two countries shall function until the coming into force of the regulations provided for in Articles 1 and 2, in accordance with the provisional arrangements in force hitherto.

2. It is understood that the provisions applicable to the police and frontier service and to its agents shall apply *mutatis mutandis* to the frontier veterinary service and the agents of that service, in accordance with the agreements and regulations in force.

Ad Article 2, paragraphs 4 and 5.

The regulations contained in Article 2, paragraphs 4 and 5, shall remain in force as long as the private local railways referred to in those regulations have not become the property of the State

Ad Article 5.

When one of the Contracting Parties proposes to electrify a railway line running into a frontier station, the Contracting Parties shall conclude the necessary special agreements ; the ownership of the plant and the bearing of the costs of the building, up-keep and renewal of plant on this electrified line may be made the subject of an arrangement other than that provided for in Article 5.

Ad Article 5, paragraph 2.

The Contracting Parties agree that the rate of interest shall not include any sinking fund.

In the event of the buying-up of the Austrian lines of the " Dunántúli helyiérdeku vasút részvénytársaság " (West Hungarian Local Railway Company Limited), the Steinamang-Pinkafeld

Local Railway Company Limited, and the Körmend-Németújvár Local Railway Company Limited, the conventions to be concluded with the Austrian Government shall fix the capital sum required to produce the interest to be paid by the said local railways for the use of the frontier section and the frontier station.

Ad Article 5, paragraph 4.

The railway administration of the owning State shall make available for the Head of the agency of the administration of the connecting railway and for his family, suitable dwellings against payment of a reasonable sum to be fixed by agreement between the two administrations, provided that such application be made at least a year before the time when the premises are actually required for use.

Ad Article 6.

Each of the two Governments undertakes to authorise the agents entrusted with the supervision and up-keep of the frontier section of the foreign administration working the line to make any surveys or take any measurements, etc. on the line which may be necessitated by the work of up-keep and renewal.

Ad Article 10.

1. Should the direct passenger tariffs be so much higher than those for the journey broken at Hegyeshalom *loco* as to entail an appreciable decrease in the receipts of the Hungarian State Railways, these railways and the Austrian Federal Railways shall jointly take any measures necessary to prevent the Hungarian Railways from suffering loss.

2. As regards the transport of agricultural articles to be specified by the Hungarian State Railways, when these articles are to be exported from Hungary to Austria or in transit through Austria, the Austrian Federal Railways shall concede, when establishing the direct tariffs for goods despatched via the point of junction of Szentgotthárd, the tariff reductions which were applied to the same category of goods up to May 1, 1929. The same shall apply when these agricultural articles do not actually pass through Szentgotthárd but pass through another point on the Austro-Hungarian frontier, in accordance with the traffic regulations of the railway administration.

3. As regards categories of goods other than those mentioned in paragraph 2, the Austrian Federal Railways shall, on the request of the Hungarian State Railways, make the same concession, on condition that these two railway administrations conclude an agreement fixing suitable compensation for the transport on these goods of the Szentgotthárd frontier section.

Ad Article 11, paragraph 2.

It is understood that the agents of the foreign connecting railway permanently stationed in a frontier station shall, in so far as they have dealings with the public, be required to learn the official language of the country.

If it is found, in the case of individual officials, that, in spite of the fact that they have been employed for a long period, they do not know the language in question, these employees shall be withdrawn in agreement between the two Governments.

Withdrawals asked for by one of the Contracting Parties shall be effected with the least possible delay.

Ad Article 13.

In view of the fact that the transit service between the Kingdom of Hungary and the Republic of Austria was opened before the coming into force of the Treaty and that the common service of the frontier stations had already commenced in varying degrees, the agreements relating to the connecting-up of the systems shall contain temporary provisions ensuring payment for services rendered on both sides during the period from the commencement of the various categories of traffic to the date of the coming into force of the present Treaty, regard being had to the particular circumstances of the case. The principles of this Treaty shall apply *mutatis mutandis* to this point.

It is understood that, as regards the treatment accorded to the Hungarian State Railways in Austria and that accorded to the Austrian Federal Railways in the Kingdom of Hungary, no distinction shall be made between cases where these State (Federal) Railways are worked by the State (Confederation) direct and those in which they are worked through special State undertakings, whether or no the latter enjoy public law standing or not.

The two Contracting Parties agree that the Protocol concluded at Vienna on January 19, 1922, concerning the provisional settlement of certain questions relating to Railway Junction traffic between Hungary and Austria, shall cease to be valid on the coming into force of the present Treaty. Nevertheless, the relevant provisions of this Protocol shall continue to be provisionally applicable until the conclusion, provided for in Article 13, of the Agreements relating to Junction traffic.

BUDAPEST, *June 30, 1930.*

Tormay GÉZA, *m. p.*

PÖSCHMANN, *m. p.*