

N° 2812.

POLOGNE ET ROUMANIE

Convention sur la liberté du transit ferroviaire de Pologne en Pologne à travers le territoire roumain entre Zaleszczyki et Jasienów Polny. Signée à Bucarest, le 30 octobre 1929.

POLAND AND ROUMANIA

Convention on Freedom of Transit by Rail from one part of Polish Territory to another through Roumanian Territory, between Zaleszczyki and Jasienów Polny. Signed at Bucharest, October 30, 1929.

¹ TRADUCTION. — TRANSLATION.

No. 2812. — CONVENTION² BETWEEN THE POLISH REPUBLIC AND THE KINGDOM OF ROUMANIA ON FREEDOM OF TRANSIT BY RAIL FROM ONE PART OF POLISH TERRITORY TO ANOTHER THROUGH ROUMANIAN TERRITORY BETWEEN ZALESZCZYKI AND JASIEŃÓW POLNY. SIGNED AT BUCHAREST, OCTOBER 30, 1929.

French official text communicated by the Polish Delegate accredited to the League of Nations. The registration of this Convention took place September 10, 1931.

THE POLISH REPUBLIC and THE KINGDOM OF ROUMANIA, being desirous of settling questions connected with traffic in transit through Roumanian territory over the railway between Zaleszczyki and Jasieńów Polny, have decided to conclude a convention.

The Plenipotentiaries appointed for that purpose, namely :

IN THE NAME OF THE POLISH REPUBLIC :

M. François MOSKWA, Vice-Director of Department at the Ministry of Communications,
and

IN THE NAME OF THE KINGDOM OF ROUMANIA :

M. César MEREUȚĂ, Assistant Director-General of the Roumanian Railways,

After having exchanged their full powers, found in good and due form, have agreed on the following provisions :

CHAPTER I.

GENERAL CLAUSES.

Article I.

1. Roumania shall grant Poland freedom of transit in accordance with the provisions of the present Convention in respect of passengers, baggage, parcels traffic, goods, including livestock, mails and railway rolling stock in transit from one part of Poland to another through Roumanian territory over the section of railway situated between the national frontier near the station of Zaleszczyki and the national frontier near the station of Jasieńów Polny.

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.

² The exchange of ratifications took place at Warsaw, July 15, 1931.

2. The provisions of the Agreement¹ on traffic by rail between the Polish Republic and the Kingdom of Roumania in force for the time being shall apply to the traffic in question in so far as the said provisions are applicable by analogy and are not contrary to the present Convention.

Article 2.

Baggage and goods carried in transit shall be exempt from all Customs duties or other similar charges.

Article 3.

Unless otherwise specially provided in the present Convention, no account shall be taken in the case of transit either of the nationality of the passengers or of the origin of the goods or of the nationality of the consignor or consignee.

Article 4.

1. Transit traffic shall be carried as "privileged transit traffic".
2. Transport both individual and collective of civil or military passengers and all goods and military effects in privileged transit shall be carried out by privileged trains specially allotted for the purpose.
3. No one shall be allowed to leave or enter the trains allotted for privileged transit in Roumanian territory. Persons allowed to use such trains shall also be forbidden to hand over or receive any articles while in the above-mentioned territory.
4. Either the whole train or the privileged part of the train can be regarded as a privileged train.

Article 5.

Transit traffic through Roumanian territory shall be subject to the Roumanian laws concerning the maintenance of public order and security and to the Roumanian laws and regulations concerning health. Nevertheless, the application of such laws shall never involve the prevention of transit traffic contrary to the provisions of the present Convention. Transit traffic may only be interrupted or delayed in cases of extreme necessity and urgency.

Article 6.

1. Persons entitled to privileged transit and their baggage shall be allowed to pass through freely in transit, unless during their stay in Roumania such persons have committed a crime, a misdemeanor or an offence directed against property or constituting a breach of the regulations concerning public order and security or the Customs and health regulations.
2. The Roumanian Government shall take the necessary steps to afford passengers using privileged trains every assistance and protection in order that their personal and material rights may not be subject to any unlawful restriction.

Article 7.

1. Prohibitions concerning import, export and transport of goods published in Roumania shall not apply to transit traffic within the meaning of the present Convention.

¹ Volume CXXI, page 167, of this Series.

2. No export, import or transit certificate for goods shall be demanded by Roumania.
3. Baggage and goods transported in accordance with provisions of the present Convention cannot be seized by the administrative or judicial authorities.

Article 8.

In case of war the provisions of the present Convention shall not become *ipso facto* null and void.

CHAPTER II.

RAILWAYS.

Article 9.

1. Poland undertakes to transport all consignments passing in transit within the meaning of the present Convention by the use of the means of haulage of the Polish railways.

2. Should the transit trains not be used under an agreement between the railway administrations concerned in traffic between Poland and Roumania, the traffic shall pass over Roumanian territory without stopping save in cases in which a halt is necessary for technical reasons or for reasons connected with the Customs (see Article 24.).

Article 10.

The Roumanian railways shall be responsible for the normal maintenance of the railway lines intended for the use of privileged traffic.

Article 11.

The time-tables of trains allotted for transit traffic shall be decided upon by the railway administrations of the two Contracting Parties.

Article 12.

Whenever it is necessary to introduce special transit traffic, *e. g.* duplicated passenger trains, special trains at certain seasons, and in general extra trains of all kinds not provided for in the time-tables, the Polish and Roumanian railway authorities shall agree together in each individual case as to the measures to be taken to arrange for such traffic.

Article 13.

Dining cars and sleeping cars may be run on the trains allotted for privileged transit.

Article 14.

The railway administrations of the two Parties shall fix the method of procedure in the case of deterioration of wagons which have become unfit for use on the line used for transit (owing to hot boxes, etc.) and also with regard to assistance in the case of engine trouble.

Article 15.

The Polish railway administration shall be obliged on application to give the Roumanian railway administration the necessary assistance in the case of accidents, interruption of traffic, damage to permanent way, etc., on the line used for transit, subject to repayment of actual outlay.

Article 16.

1. Responsibility for damage and railway accidents shall be determined by the laws, ordinances and regulations in force relating to railways in the place at which the accident occurred. An exception to this rule shall be made in the case of damage to and total or partial loss of goods and baggage, which shall fall under the provisions of the Polish or international law on transport applicable to the traffic in question (see Article 18).

2. Each of the Contracting Parties shall assume responsibility for the officials and other persons whom it employs in transit traffic.

3. Furthermore, the relevant clauses in force contained in the Agreement on Railway Traffic between the Republic of Poland and the Kingdom of Roumania shall apply as may be suitable. In the case of damage to rolling stock occasioned by the Roumanian railways or by their personnel, the relevant provisions of the International Conventions on the reciprocal use of passenger stock, brake vans and wagons shall apply (R.I.C. and R.I.V.).

Article 17.

1. The Roumanian railway administration shall place at the disposal of the Polish railways for their exclusive use special wires for the railway telegraph and telephone service, subject to repayment of expense of maintenance of such wires. No charges shall be made in respect of service telegrams and telephone conversations.

2. The use of the wires in question shall further be reserved for post offices, Customs, police and military offices when they have messages to send relating to questions connected with transit traffic.

Article 18.

Passengers' baggage, parcels traffic and goods sent by fast train ("*grande vitesse*") or by ordinary goods train ("*petite vitesse*") shall be forwarded direct on the basis of the Polish or international regulations governing transport and of the railway tariffs which are compulsory for the traffic in question.

CHAPTER III.

POSTS.

Article 19.

1. Poland shall have the right to carry postal consignments of all kinds on privileged transit trains, in special Polish wagons or in special compartments of passenger carriages, accompanied by her own postal personnel without transit charges of any kind.

2. Postal consignments may also be carried by the Polish railway personnel in railway wagons.

3. A previous agreement shall be arrived at between the Polish and Roumanian postal administrations with regard to the carriage in travelling post offices of consignments in transit of all kinds coming from foreign countries or consigned to foreign countries.

Article 20.

1. The letter boxes on Polish wagons must remain closed while they are on Roumanian territory. Polish postal officials shall not have the right to communicate with the public on Roumanian territory and shall be forbidden, unless there is some urgent reason connected with the service, to leave the wagons during their stay on Roumanian territory or to receive or hand over articles of any kind.

2. Postal consignments sent from the administration of one Contracting Party to that of the other shall be exchanged on the basis of a special agreement between the postal administrations of the two Parties.

Article 21.

The charges to be levied in respect of the transport through Roumanian territory of Polish postal wagons in transit shall be settled between the Polish and Roumanian administrations (Chapter VI, ad Article 18).

Article 22.

1. The Polish postal administration shall be responsible for postal consignments carried in Polish wagons and conveyed by Polish postal employees, save in cases in which the blame falls on the Roumanian railway administration. In this latter case the Roumanian railway administration shall be responsible to the Polish postal administration for the postal wagons to the same extent as for railway wagons, and so far as concerns the postal consignments it takes over the responsibility towards the senders of the said consignments, which falls on the Polish administration.

2. The Roumanian railway administration shall not be obliged to pay compensation in the case of loss or robbery of letter bags carried by Polish railway officials.

3. In the case of transshipment of Polish postal consignments, as the result of a Polish postal wagon being uncoupled on Roumanian territory, the responsibility for the Polish postal consignments shall fall on the railway or postal administration whether Polish or Roumanian which took over the supervision of the same.

CHAPTER IV.

CUSTOMS PROVISIONS.

Article 23.

Traffic in transit shall be subject to the general Roumanian Customs regulations whenever not otherwise provided for in the present Convention.

Article 24.

1. Persons, baggage, parcels traffic and goods carried in transit shall be exempt from all Customs formalities.

2. Passenger trains shall be convoyed by Customs officials and by the Roumanian police between the stations of Schit and Stefănești, at which stations the said officials and police shall enter and leave the trains. No charge shall be made for such convoy duty.

3. Goods trains shall stop at the stations of Schit and Stefănești long enough for it to be possible to inspect the seals and hand over a train list. The said train list shall be made out in duplicate and shall state the numbers of the wagons and give a general description of what they contain.

4. The Customs seals affixed by Poland shall be accepted by the Roumanian authorities. No other rule shall be applicable in this connection.

Article 25.

If passengers be obliged to leave the train as the result of an accident they shall remain under the supervision of the Roumanian Customs authorities.

Article 26.

1. Customs seals affixed to wagons may not be broken on Roumanian territory save when it is absolutely necessary for the railway to do so. New seals shall be affixed by the Roumanian Customs authorities in place of the seals which have been broken.

2. Goods may not be loaded or unloaded on Roumanian territory. Transshipment is only allowed in the case of breakdown of wagons and shall be carried out under the supervision of the Roumanian Customs authorities.

3. In the case of a change in the composition of the train as the result of wagons being not in running order, and of the breaking or affixing of Customs seals, and transshipment of loads, a report to the Polish Customs office shall be drawn up by the Polish officials in agreement with the Roumanian Customs officials. This report shall give the reasons for the measures which have been taken.

Article 27.

The Customs and railway authorities of the two Contracting Parties shall assist each other in all questions connected with transit. Correspondence resulting therefrom shall be exchanged direct between the Administrations concerned.

CHAPTER V.

PASSPORTS.

Article 28.

Passengers in trains allotted to privileged transit shall be exempt from all passport formalities.

CHAPTER VI.

EXECUTORY CLAUSES.

Ad Articles 9 and 10.

1. If necessary, the Roumanian railways shall organise a night service in order to run privileged trains in transit, if requested to do so by the Polish railways.
2. Trains in transit through Roumanian territory shall be handled by Polish personnel.
3. The Roumanian railways shall not be called on to pay the tax imposed on wagons passing in transit.
4. Polish officials passing through Roumanian territory on duty must be provided with the identity documents required in railway traffic between Poland and Roumania.
5. Non-official convoyers of goods (live stock, vehicles, etc.) must be provided with identity documents issued by the Polish authorities similar to those provided for in Article 18 of the agreement on railway traffic between Poland and Roumania dated October 30, 1929.
6. The provisions of Article 4 concerning the behaviour of passengers allowed to travel by privileged trains during their passage through Roumanian territory shall apply to persons on duty in such trains, save for the fact that they shall not be forbidden to enter or leave the trains, should they be required to do so for reason connected with their official duties.

Ad Article 16.

In the case of railway or postal personnel on duty in a transit train meeting with an accident, the obligations of the Roumanian railways shall be similar to those provided for in Articles 14, 15 and 20 of the agreement concerning railway traffic between the Polish Republic and the Kingdom of Roumania dated October 30, 1929. In the case of the personnel of sleeping cars and dining cars, the agreements between the respective railway Administrations and the International Sleeping Car Company shall be valid on the territory of each of the said Administrations.

Ad Article 17.

1. Roumania shall place at the disposal of Poland telegraph wires and a double telephone circuit to be agreed upon between the railway Administrations; the wires and circuits in question shall be linked up with the wires of the Polish system.
2. Furthermore, along the line to be used for transit traffic, a free space sufficiently large to allow of the laying, at the expense of the Polish railways, of a telegraph wire and of a double telephone line on the existing telegraph poles shall be placed free of charge at Poland's disposal.
3. If necessary, the Administrations concerned shall, by mutual agreement, change the above-mentioned wires.
4. The railway Administrations concerned shall agree together with regard to the establishment of posts for the control of the regular working of telegraphs and telephones and with regard to the sum necessary for the maintenance of the above-mentioned lines. The sum in question shall include the expenses of maintenance, reconstruction and renewal of the lines in question and the interest on the capital invested in the said lines. The amount agreed on for such maintenance may be changed by mutual agreement at the request of one of the Administrations of the Contracting Parties.
5. Should a telegraphic or telephonic circuit be out of order, the railway Administrations concerned shall be obliged to put it in order as soon as possible.

Ad Article 18.

1. Transport of passengers, baggage, parcels traffic, goods and postal consignments through Roumanian territory shall be effected without any charge whatsoever being made by the Roumanian railways. In respect of maintenance of the Roumanian railways and use of track and other Roumanian railway equipment and for other charges (tolls), the Polish railways shall pay the Roumanian railways a special remuneration calculated by axle-kilometres of wagons hauled, not including locomotives. The amount of this charge shall be fixed by mutual agreement between the central railway Administrations of the two Contracting Parties and as and when necessary shall be reconsidered by them not more than once a year.

2. Claims arising out of transport rights concerning tickets, baggage and parcels traffic, and also goods, must not be addressed to the Roumanian railway Administration (see Article 16).

CHAPTER VII.

FINAL PROVISIONS.

Article 29.

The executory provisions of the present Convention are laid down in Chapter VI and constitute an integral part of the said Convention. These provisions may be altered by general agreement between the Polish and Roumanian railway Administrations with the assent of the respective authorities concerned.

Article 30.

Arrangements between the railway Administrations which may be necessary under the text of Article 14 of the executory clauses ad Articles 17, 18 and 21 shall be embodied in a single agreement concluded by the railway Administrations of the two Parties with a view to the carrying out of the present Convention.

Article 31.

Disputes in connection with the present Convention shall be referred, if necessary, to the Arbitral Tribunal provided in Article 41 of the agreement on railway traffic between Poland and Roumania dated 30 October 1929.

Article 32.

1. The present Convention shall be ratified as soon as possible ; the instruments of ratification shall be exchanged at Warsaw.

2. The present Convention shall come into force on the thirtieth day after the exchange of the instruments of ratification and shall remain valid so long as it has not been denounced, six months' notice being given.

3. Done in duplicate in French, one copy for each of the two Contracting Parties.

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

Done at Bucharest, October the thirtieth, one thousand nine hundred and twenty-nine.

(—) C. MEREUTĂ.

(—) F. MOSKWA.