

POLOGNE, ROUMANIE
ET TCHÉCOSLOVAQUIE

Convention sur la liberté du transit ferroviaire de Roumanie en Roumanie par le territoire polonais et tchécoslovaque sur les voies ferrées, entre les gares Grigore Ghica Vodă - Śniatyn - Załucze - Woronienka - Jasiņa et Valea Visaului, avec procès-verbal final. Signés à Praha, le 9 novembre 1929.

POLAND, ROUMANIA
AND CZECHOSLOVAKIA

Convention regarding Freedom of Railway Transit from Roumania, through Polish and Czechoslovak Territory, to Roumania, on the Railway Lines, between the Stations Grigore Ghica Vodă - Śniatyn - Załucze - Woronienka - Jasiņa and Valea Visaului, with Final Procès-verbal. Signed at Prague, November 9, 1929.

¹ TRADUCTION. — TRANSLATION.

No. 2855. — CONVENTION² BETWEEN THE REPUBLIC OF POLAND, THE KINGDOM OF ROUMANIA AND THE CZECHOSLOVAK REPUBLIC REGARDING FREEDOM OF TRANSIT BY RAIL FROM ROUMANIA THROUGH POLISH AND CZECHOSLOVAK TERRITORY TO ROUMANIA ON THE RAILWAY LINES BETWEEN THE STATIONS OF GRIGORE GHICA VODĂ — ŚNIATYN — ZAŁUCZE — WORONIENKA — JASIŃA AND VALEA VISAULUI. SIGNED AT PRAGUE, NOVEMBER 9, 1929.

French official text communicated by the Polish Delegate accredited to the League of Nations. The registration of this Convention took place November 27, 1931.

THE GOVERNMENTS OF THE REPUBLIC OF POLAND, THE KINGDOM OF ROUMANIA and THE CZECHOSLOVAK REPUBLIC, being desirous of settling the questions concerning transit traffic through Polish and Czechoslovak territory by railway between the stations of Grigore Chica Vodă—Śniatyn—Załuźce — Woronienka — JasiŃa and Valea Visaului, have decided to conclude a Convention and have appointed as their Plenipotentiaries for that purpose the following :

ON BEHALF OF THE REPUBLIC OF POLAND :

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

ON BEHALF OF THE KINGDOM OF ROUMANIA :

M. César MEREUȚA, Sub-Director General of the Roumanian Railways ; and

ON BEHALF OF THE CZECHOSLOVAK REPUBLIC :

M. Jaroslav OUŘEDNÍČEK, Doctor of Laws, Ministerial Counsellor at the Czechoslovak Ministry of Railways ;

Who, having communicated to each other their full powers, found in good and due form, have agreed on the following provisions :

CHAPTER I.

GENERAL PROVISIONS.

Article I.

1. In accordance with the provisions of the present Convention, Poland and Czechoslovakia shall grant to Roumania facilities for the special transit of passengers, luggage, parcel mails, goods

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, October 22, 1931.

(including livestock) and letter mails in transit from Roumania to Roumania, that is to say, as regards Poland, through Polish territory over the section of railway between the state frontier near Sniatyn-Zafucze station and the state frontier near Woronienka station, and as regards Czechoslovakia, through Czechoslovak territory over the section of railway between the state frontier near Jasiña station and the state frontier near Trebušany station.

2. Such traffic shall be subject to the provisions of the Polish-Roumanian Agreement on Railway Traffic between the Republic of Poland and the Kingdom of Roumania, and of the Roumanian-Czechoslovak Agreement on Railway Traffic between the Kingdom of Roumania and the Czechoslovak Republic, and also to the provisions of the Polish-Czechoslovak Convention on Railway Traffic between the Republic of Poland and the Czechoslovak Republic, as and when such agreements are in force, and in so far as they are applicable and are not contrary to the present Convention.

Article 2.

Subject to the special provisions of this Convention, no discrimination in course of transit shall be exercised in respect of the nationality of passengers, the origin of goods, or the nationality of the sender or that of the recipient.

Article 3.

1. The transit traffic governed by the provisions of the present Convention shall be carried on by means of "special transit".

2. Passengers in this "special transit" shall be conveyed in corridor trains reserved for the purpose.

3. Registered luggage and parcel mails shall be conveyed in the luggage van or in a compartment of the luggage van under Customs seal and in accordance with the arrangements of the railway authorities; it shall also be in the charge of a Roumanian luggage-guard.

4. Each train in "special transit" shall be accompanied through Czechoslovak territory by two escorts. Supplementary escorts in the proportion of one guard for every four carriages may be added by Czechoslovakia if it considers such a measure necessary. Roumania undertakes to refund to Czechoslovakia the cost of such escort in accordance with the special arrangement between the administrations concerned.

5. No person shall be permitted while on Polish or Czechoslovak territory to leave or enter trains engaged on this transit traffic, nor shall anything be delivered or received by passengers travelling in such trains through the territories mentioned above. No food or beverages shall be supplied to passengers without the permission of the Customs escort.

6. The trains mentioned in paragraph 2 shall be escorted by Customs officials and, if required, also by the police of the transit country. The administrative and Customs authorities of the Contracting Parties shall arrange with each other at what frontier stations the escorts shall join and leave the trains.

7. The costs of the escort over Czechoslovak territory shall be borne by Roumania.

8. A "special transit train" (goods or passenger) shall be taken to mean either a complete train or a portion of a train forming a complete unit (see also Final Declaration).

Article 4.

1. When on Polish or Czechoslovak territory, special transit traffic shall be subject to the laws of the transit country regarding the maintenance of order and public security, and to the laws and regulations of the Customs, public health (veterinary), railway and other authorities, in force in the country of transit. None of the provisions of these laws shall, however, be used in contravention of the provisions of this Convention to stop the circulation of transit traffic.

2. Live animals in transit shall undergo veterinary inspection before being entrained in Roumania. The necessary steps shall be taken to prevent straw and manure from falling from wagons employed on this traffic. Wagons used for the transport of cattle shall not be available for transport until they have been disinfected.

3. When railway traffic requirements necessitate the transshipment of cattle, such transshipment must take place under the supervision of the competent veterinary authority ; the unloaded wagons shall be disinfected.

4. Transit traffic shall not be suspended except in case of extreme and urgent necessity, and the principles governing such traffic shall in all circumstances be strictly adhered to (see also Final Declaration).

Article 5.

1. The Governments of the countries of special transit shall accord to passengers making use of transit trains all assistance and protection necessary to secure their personal and material rights against unlawful restriction.

2. Roumania shall not refuse admittance to persons who on grounds of sickness or for any other reason have been excluded from special transit trains in the transit countries.

Article 6.

1. Import, export, transport and transit prohibitions issued in the transit countries, other than those issued for reasons of order and public security, shall not apply to the special transit traffic dealt with by this Convention.

2. Transit certificates, other than those required for certain goods in the transit State for reasons of order and public security, shall not be required for transit traffic.

3. Luggage and goods conveyed in accordance with the provisions of the present Convention shall be exempt from seizure by the administrative or judicial authorities. They may, however, be seized for purposes of criminal procedure.

Article 7.

The competent administrations of the Contracting Parties shall render one another assistance in all transit questions and shall communicate with one another direct for such purposes (see also Final Declaration).

CHAPTER II.

RAILWAYS.

Article 8.

1. Poland and Czechoslovakia shall employ their own locomotives and staff for all transit traffic coming under the provisions of this Convention.

2. Luggage-guards, sleeping-car attendants, women attendants, dining-car attendants, persons in charge of dead locomotives and mail-van escorts from the country of despatch, when on duty in special transit trains, may remain in the train during the journey across the transit countries ; the brake of the dead locomotive shall be operated in the transit country by an employee of the

railway of that country. The staff mentioned above must be provided with officially stamped certificates giving particulars of their duties in connection with the transit traffic. These documents and permits authorising the holder to cross the frontier on the business of the railway traffic between the neighbouring countries, shall be made out in the prescribed form in Roumanian and in the language of the transit country.

3. The provisions of Article 3 regarding the conduct of passengers in special transit trains when crossing the transit country shall apply also to the transit train staff, except that that staff shall be permitted to enter or leave the train whenever the needs of the service require them to do so.

Article 9.

The time-tables of such transit trains reserved for and the provision of emergency trains shall be decided upon by agreement between the railways administrations of the Contracting Parties.

Article 10.

Restaurant cars and sleeping cars may be attached to special transit trains, if the undertaking working such cars is authorised to operate them in the territory of the Contracting Parties.

Article 11.

The railway authorities of the Contracting Parties shall jointly decide as to the character and number of the vehicles to be employed on special transit trains, the amount payable for hire of passenger and goods stock payments due in respect of the haulage of empty vehicles in excess of the number of loaded vehicles, and charges payable in respect of sleeping-car and restaurant-car traffic (see also Final Declaration, ad Article 13).

Article 12.

1. Liability in respect of damage and railway accidents shall be governed by the laws, orders and regulations in force applicable to the railways in the place where the accident occurs. This provision shall not apply to damage to or to total or partial loss of goods or luggage, which are governed by the provisions of the transport law applicable to the traffic concerned (see Article 13).

2. Each of the Contracting Parties shall assume liability in respect of its own employees and of such other persons as they may severally employ in transit traffic.

3. The cost of compensation for accidents occurring to Roumanian train or postal staff on special transit duty in Polish or Czechoslovak territory shall be borne by the Roumanian Autonomous Railway Administration.

4. The relevant provisions in force of the Agreements (Conventions) on railway traffic mentioned in Article 1, paragraph 2, shall also be applicable.

5. The relevant provisions of the International Conventions on the reciprocal use of passenger stock, luggage vans and goods wagons (R.I.C. and R. I. V.) shall be applicable in cases of damage to rolling-stock caused by the Polish or Czechoslovak railways or by their staff.

Article 13.

1. Passengers, luggage and goods sent by fast or slow trains (*grande, petite vitesse*) shall be forwarded directly, in accordance with the transport arrangements and at the through railway rates

agreed upon for this transit traffic by the railway administrations of the two Contracting Parties, on the basis of the two Berne International Conventions regarding railway transport (C. I. V. and C. I. M.).

2. The parcel mails shall be carried in accordance with the tariff agreements also concluded between the railway administrations concerned (see Final Declaration).

Article 14.

If in application of the present Convention the Czechoslovak Railway Administration should be involved in an additional outlay of capital and if the transit traffic carried under this Convention should decrease to such an extent that such capital cannot be paid off, the Contracting Parties shall come to an amicable agreement as to whether and how far the Roumanian railways should refund the expenditure entailed by the outlay of capital. The Czechoslovak railways shall communicate to the Roumanian railways for information particulars of such outlay.

CHAPTER III.

POSTAL ARRANGEMENTS.

Article 15.

1. Poland and Czechoslovakia shall grant to Roumania the right to carry, free of the transit charges provided for in the Universal Postal Convention and the special postal arrangements, postal mails of all kinds in Roumanian vehicles (mail vans, luggage vans or other railway wagons) on the lines referred to in Article 1 (see Final Declaration, ad Articles 15 and 21).

2. The Roumanian Postal Administration shall be entitled to attach to each special transit train its own mail-van, staffed by Roumanian officials. The Polish Postal Administration shall in such cases be entitled to use the Roumanian mail-vans in Polish territory for the conveyance of its own postal mails (see also Article 20).

3. A preliminary agreement shall be concluded between the railway and postal administrations of the Contracting Parties to arrange for the conveyance of Roumanian mail-vans on a special transit train. The Parties shall at the same time jointly decide to what extent the vehicles of each Party shall be used in common. The Roumanian Postal Administration shall refund to the Polish Postal Administration and to the Czechoslovak Railway Administration the costs of conveying Roumanian mail-vans, luggage vans and any other railway vehicles. The cost of conveying Roumanian post office staff shall be included in the calculation of such expense.

Article 16.

1. Each mail-van in which Roumanian postal officials are employed may be escorted over Polish territory by a Polish postal official, who shall represent the Roumanian postal staff in its relations with the Polish offices and authorities and shall act as an intermediary in the transfer of postal mails between the Roumanian staff and the Polish post offices. The escort shall also be free to carry out his own postal duties. He shall not, however, be entitled to interfere in the internal affairs of the Roumanian postal service.

2. The Polish postal official on duty in the Roumanian mail van shall enter and leave it at the stations agreed upon. On entering the van he must produce to the Roumanian staff a certificate

in Polish and Roumanian bearing the seal of his department. If he does not wear uniform, he must wear a distinctive sign (armlet or official cap) identifying him as a postal official.

Article 17.

1. Roumanian post office inspectors may travel in mail-vans crossing the transit territory for purposes of inspecting the Roumanian postal service. They must carry an official identity certificate authorising them to carry out such inspection.

2. Subject to the same conditions, Polish post office inspectors shall be entitled to make use of Roumanian mail-vans in transit through Polish territory in order to inspect the Polish postal staff.

Article 18.

1. The letter-boxes on Roumanian mail vans must remain closed in Polish and Czechoslovak territory.

2. Roumanian postal officials shall not be allowed to communicate with the public while in the transit territory, and they shall be forbidden to leave the van when in the transit territory, except for urgent official purposes, or to receive or deliver articles of any kind.

3. Roumanian employees may take with them food and other articles required only for their own personal use while crossing the transit territory.

Article 19.

The Roumanian postal staff employed on mail vans must be supplied with a certificate from their office, drawn up in Roumanian, Polish and Czechoslovak, stating the number of authorised employees engaged on special transit duties.

Article 20.

The Polish and Czechoslovak Railway Administrations shall transport, in accordance with their respective general railway regulations the closed railway vans containing postal mails received from the Roumanian Railway Administration and sealed by the Roumanian postal and Customs authorities (see also Final Declaration).

Article 21.

1. Postal mails of every kind :

- (a) Coming from Roumania and proceeding to Roumania ;
- (b) Coming from Roumania and proceeding to foreign countries ;
- (c) Coming from foreign countries and proceeding to Roumania,

shall be conveyed in Roumanian mail vans crossing the transit territory.

2. Postal mails of every kind coming from and proceeding to foreign countries shall be accepted for conveyance by special transit in accordance with a previous agreement between the Polish, Roumanian and Czechoslovak Postal Administrations (see also Final Declaration on Articles 15 and 21).

Article 22.

If a transit train contains neither a Roumanian mail-van nor a Roumanian postal official, the conveyance of the mailbags may be undertaken by the railway staff, subject to the reservation mentioned in Article 24.

Article 23.

1. Payment, composed on the basis of the expenses incurred by the Polish Administration, shall be made by the Roumanian Postal Administration to the Polish Postal Administration in respect of the escorting of Roumanian mail vans.

2. Payment of charges for the escort of mails shall be made quarterly in Polish currency, on the basis of accounts presented to the Roumanian Postal Administration by the Polish Postal Administration. Payment shall be made within one month of presentation of the account, after which date interest shall accrue at the rate of 7 % per annum. This arrangement may be modified by mutual agreement between the administrations concerned.

3. In cases where they have to take charge of Polish or Czechoslovak staff Roumanian mails, the Roumanian Postal Administration shall also refund the resultant expenses incurred by the Polish or Czechoslovak Postal Administrations.

Article 24.

1. The Roumanian Postal Administration shall be liable for the safe transport of mails conveyed in Roumanian vehicles in the charge of Roumanian postal officials, unless negligence can be proved against the Polish or Czechoslovak Railway Administration. In the latter case, the Polish or Czechoslovak Railway Administration shall be held liable to the Roumanian Railway Administration in respect of the mail vans to the same extent as for ordinary railway vehicles, and as regards postal mails, they shall assume the same liability to the Roumanian Postal Administration as the latter to the senders of the mails.

2. The Polish and Czechoslovak Railway Administrations shall not be liable to pay compensation for the loss or rifling of letter mail bags transported by employees of the Polish or Czechoslovak Railways.

3. In the case of the transshipment of Roumanian postal mails in Polish or Czechoslovak territory, liability for such mails shall lie with whichever railway or postal administration — Polish, Roumanian or Czechoslovak — is exercising surveillance over such mails.

4. All non-escorted railway vehicles containing postal mails shall be accompanied by a list, drawn up by the Roumanian Postal Administration, stating the contents of such vehicles.

CHAPTER IV.

CUSTOMS PROVISIONS.

Article 25.

1. Special transit traffic shall be subject to Customs inspection by the country of transit.

2. Goods in covered wagons shall be secured by the fixing of a Customs seal to the van ; in the case of open wagons and covered wagons to which a Customs seal cannot be affixed, the goods shall be secured in such manner as the Customs office of the transit country shall decide.

3. The Roumanian Railway Administration shall draw up for every train and every Customs office of entry, in the two transit countries, a train list in accordance with specimen A in triplicate for each of the two countries. A freight list, also in triplicate for each of the two transit countries, shall be added to the train list for each wagon containing loads of packages forming a single consignment. A list of parcels mails conveyed by passenger train shall be made out in duplicate by the Roumanian Railways, one copy for the Customs office of entry in each of the two transit countries. This list shall be made out in accordance with the form shown as specimen A referred to above. Entries on these forms, which shall be drawn up in Roumanian, Polish and Czechoslovak, must be written clearly. The number of copies of these documents required for railway purposes shall also be fixed by joint agreement among the railway administrations of the countries concerned.

4. Goods wagons attached to "omnibus" trains shall be subject to the same Customs treatment as wagons of goods trains.

5. If for railway service requirements a vehicle has been uncoupled, a notice to that effect, giving the reason for the uncoupling, shall appear in the train list. Should it be necessary to remove the Roumanian Customs seal, a Customs seal of the transit country shall be affixed in its place. Any removal or substitution of Customs seals, and any transshipment of freight, shall be officially advised by the Customs and railway officials of the transit country as the Roumanian Customs office may require. Similar advices shall be given in cases of intentional or accidental breakage of seals, or of theft of goods. In Czechoslovakia the lead seals used by the railway shall be accepted as Customs seals.

6. The Roumanian Customs seals shall be recognised by the transit countries.

Article 26.

1. Passengers and their luggage, when conveyed in special transit passenger trains, shall be exempt from all Customs formalities.

2. Should passengers be compelled to leave the train in consequence of an accident or for other reasons connected with the operation of the railway, they shall remain under the surveillance of the Customs authorities of the transit country.

Article 27.

The unloading or additional loading of special transit vehicles shall be forbidden in the transit countries. The transshipment of goods shall not be permitted except for reasons connected with the operation of the railway.

CHAPTER V.

PASSPORTS.

Article 28.

1. Passengers on special transit trains shall not be required to provide themselves with passports or identity certificates of any kind and shall be exempt from all passport formalities.

2. Persons other than officials accompanying consignments of goods shall be required to possess identification papers stating the surname, personal name, domicile and nationality of the holder. Such documents must contain the holder's signature or, in the case of illiterate persons, a mark certified as authentic by the office of issue. Such non-official persons must report themselves on entering or leaving each transit country, in order that it may be duly noted on the documents in question that they have crossed the frontier.

CHAPTER VI.

FINAL PROVISIONS.

Article 29.

1. Any dispute which may arise out of the application of the present Convention, and which cannot be settled by the Governments concerned, shall be submitted to arbitration. In the case of a dispute between two of the Contracting Parties the arbitration proceedings shall take place before the tribunals provided for in the Agreements concerning railway traffic between adjacent countries. If a dispute involves the interests of all three Contracting Parties, it shall be submitted to a tribunal composed of three judges selected respectively by the three Contracting Parties, and two judges (one of which shall be appointed Chairman) chosen by agreement between the three Governments. If the Governments cannot agree on the choice of the two judges, the President of the Swiss Federal Railways shall be requested to select two competent judges, who shall be nationals of third States, and to nominate one of them as Chairman.

2. If in the case of a dispute between two Contracting Parties, which would fall to be decided by a bilateral tribunal, the third Contracting Party regards its interests as involved, such dispute shall be referred, on the mere request of the third Party, to the tripartite tribunal.

Article 30.

1. The present Convention shall be ratified as soon as possible and 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 in force until its denunciation by any one of the Contracting Parties at one year's notice.

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

Done at Prague, November the ninth, one thousand nine hundred and twenty-nine, in triplicate, one copy for each of the Contracting Parties.

(L. S.) Fr. MOSKWA, *m. p.*

(L. S.) C. MEREUȚA, *m. p.*

(L. S.) Dr. Jaroslav OUŘEDNÍČEK, *m. p.*

FINAL DECLARATION.

When proceeding to the signature of the present Convention, the Plenipotentiaries of the Contracting Parties have agreed as follows :

Ad Article 3.

Soldiers travelling alone shall be deemed to be passengers.

Ad Article 4.

In so far as the healthy condition of livestock in Roumania or in parts of Roumania permits, the Polish Government shall give every facility for the transport of Roumanian livestock in special transit, and shall exempt it from any veterinary inspection at the frontier station. The Polish Government reserves the right to withdraw these facilities at any time. It is understood that the Polish Government does not renounce the right to demand such licences for the transit of livestock and animal products as are generally required.

Ad Article 7.

The railway administrations shall mutually guarantee the payment of sums due by other departments performing services relating to the traffic in question, and shall act as intermediaries in regard to such payment.

Ad Article 13.

1. For the transport of passengers, luggage and parcel mails, the Polish and Czechoslovak Railways shall consider the application of a charge at a flat rate in place of the proportional tariffs. This rate shall be calculated per axle and per kilometre, with a minimum amount payable to the transporting railway for each train. The sums payable for the transport of sleeping cars and restaurant cars shall be fixed in accordance with the same principles.

2. The home country's tariffs, including reductions, shall serve as a basis for the charges payable for the transport of goods. The despatching charge shall be subject to the normal reduction.

Ad Article 20.

Closed wagons containing postal mails shall be handed over to the railway staff at forwarding stations accompanied by a forwarding note in duplicate, drawn up in Roumanian, Polish and Czechoslovak, and indicating the mark and number of the wagons, the number of axles, and the stations of despatch and destination.

Ad Articles 15 and 21.

In Czechoslovak territory exemption from transit dues shall apply only to consignments in transit in either direction between Valea Visaului and Grigore Ghica Vodă.

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

Prague, November the ninth, one thousand nine hundred and twenty-nine.

(L. S.) FR. MOSKWA, *m. p.*

(L. S.) C. MEREUȚA, *m. p.*

(L. S.) Dr. Jaroslav OUŘEDNÍČEK, *m. p.*

1 TRANSLATION.

SPECIMEN A (Article 25)

Train list No 1 Departure from the at h m
 Train No Arrival at the at h m
 * Serial No. of the month and according to instructions.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
No.	Wagons				Consignments				Way Bill				Packages sent to the Station of destination			Annexed documents	Observations
	Owners' marks	Series	Number of lead seals		Station of despatch	Station of destination	Num-ber of pack-ages	Con-tents	Weight	Way Bill		Date	By train No.	In wagons			
			Railway seals	Customs seals						No.	Date			sealed	unsealed		

Notes by the Customs Authorities regarding the handing in of the Packages.

Serial No.	Serial No.
Customs Office of entry	Customs Office of clearance outwards
Date of entry	Date of clearance
Signature	Signature
Seal	Seal
Handed over by	Received by
Observations regarding the removal or affixing of lead seals must be entered on the back.	

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

Observations regarding the removal or affixing of Railway and Customs Lead Seals.						
Station	Wagon No. and marks	Nos. and number of seals removed		Nos. and number of lead seals affixed		Reason for removing or affixing of seals
		Railway seals	Customs seals	Railway seals	Customs seals	

The undersigned, accredited railway representative, requests that the goods mentioned in the present list be sent to the Customs Office of arrival at He undertakes also to hand them over intact to the said office within the period fixed by the Customs Regulations.

Station of, the

Signature.

Seal.