

N° 4457.

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**LITHUANIE ET POLOGNE**

Convention relative aux communications ferroviaires, avec protocole final et annexes. Signés à Varsovie, le 25 mai 1938.

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**LITHUANIA AND POLAND**

Convention concerning Railway Traffic, with Final Protocol and Annexes. Signed at Warsaw, May 25th, 1938.

TEXTE POLONAIS. — POLISH TEXT.

N<sup>o</sup> 4457. — UMOWA<sup>1</sup> MIĘDZY REPUBLIKĄ LITEWSKĄ A RZECZĄ-  
POSPOLITĄ POLSKĄ O KOMUNIKACJI KOLEJOWEJ, PODPISANA  
W WARSZAWIE, DNIA 25 MAJA, 1938.

*Lithuanian and Polish official texts communicated by the Chargé d'Affaires a. i. of the Permanent Delegation of Lithuania to the League of Nations. The registration of this Convention took place October 8th, 1938.*

PREZYDENT REPUBLIKI LITEWSKIEJ i PREZYDENT RZECZYPOSPOLITEJ POLSKIEJ dążąc do uregulowania komunikacji kolejowej między Litwą a Polską postanowili zawrzeć odpowiednią umowę i mianowali w tym celu swymi Pełnomocnikami :

PREZYDENT REPUBLIKI LITEWSKIEJ :

Pana Kazysa ŠKIRPĘ, Posła Republiki Litewskiej w Warszawie,

PREZYDENT RZECZYPOSPOLITEJ POLSKIEJ :

Pana Jana SZEMBEKA, Podsekretarza Stanu w Ministerstwie Spraw Zagranicznych,

Którzy, po wymianie swych pełnomocnictw, uznanych za dobre i w należytej formie, zgodzili się na następujące postanowienia :

*Artykuł 1.*

USTAWY I PRZEPISY.

1. W komunikacji kolejowej między Litwą z jednej strony, a Polską z drugiej strony, obowiązują ustawy i przepisy każdego Państwa, jeżeli niniejsza Umowa nie zawiera postanowień odrębnych. Ponadto należy stosować postanowienia tych obecnych i przyszłych międzynarodowych konwencji, do których przystąpiły lub przystąpią obie Umawiające się Strony.

2. W razie wypowiedzenia przez jedną z Umawiających się Stron konwencji, wymienionych w punkcie 1) lub nieprzystąpienia jednej z Umawiających się Stron do zmian tych konwencji, Rządy obu Umawiających się Stron porozumieją się zawczasu co do tego czy mają być stosowane jednak w komunikacji między Litwą a Polską, lub jakie przepisy mają je zastąpić.

3. W bezpośredniej komunikacji kolejowej osobowej, bagażowej, ekspresowej i towarowej między Litwą z jednej strony, a Polską z drugiej strony, stosowane będą aż do czasu przystąpienia Litwy do Międzynarodowych Konwencji o przewozie osób, bagażu i towarów kolejami żelaznymi z dnia 23 listopada 1933 r., postanowienia artykułów 1—56 i 63 Międzynarodowych Konwencji o przewozie osób, bagażu i towarów kolejami żelaznymi (KMO<sup>2</sup> i KMT<sup>3</sup>) z dnia 23 października 1924 wraz z ujednostajnionymi postanowieniami dodatkowymi.

4. Taryfy dla bezpośredniej komunikacji i przepisy służbowe dla nich oraz inne postanowienia, dotyczące przewozu osób, bagażu, przesyłek ekspresowych i towarów kolejami obu Umawiających się Stron, będą osobno uzgodnione.

<sup>1</sup> The exchange of ratifications took place at Kaunas, June 28th, 1938.

<sup>2</sup> Vol. LXXVIII, page 17 ; and Vol. C, page 248, of this Series.

<sup>3</sup> Vol. LXXVII, page 367 ; Vol. C, page 248 ; Vol. CXVII, pages 186 and 187 ; and Vol. CLII, page 296, of this Series.

<sup>1</sup> TRANSLATION.

No. 4457. — CONVENTION BETWEEN THE REPUBLIC OF LITHUANIA AND THE REPUBLIC OF POLAND CONCERNING RAILWAY TRAFFIC. SIGNED AT WARSAW, MAY 25TH, 1938.

THE PRESIDENT OF THE LITHUANIAN REPUBLIC and THE PRESIDENT OF THE POLISH REPUBLIC, being desirous of regulating railway communications between Lithuania and Poland, have resolved to conclude a Convention with this object and have appointed as their Plenipotentiaries for the purpose :

THE PRESIDENT OF THE REPUBLIC OF LITHUANIA :

M. Kazys ŠKIRPA, Minister of the Republic of Lithuania in Warsaw;

THE PRESIDENT OF THE REPUBLIC OF POLAND :

M. Jan SZEMBEK, Under-Secretary of State at the Ministry of Foreign Affairs;

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

*Article I.*

LAWS AND REGULATIONS.

1. The laws and regulations of each State shall apply to railway communications between Lithuania of the one part and Poland of the other part, unless otherwise provided for in the present Convention. Furthermore, the provisions of any present or future international conventions to which both the Contracting Parties have acceded, or may in future accede, shall be similarly applicable.

2. Should one of the Contracting Parties denounce the conventions referred to in 1, or should one of the Contracting Parties not accede to amendments to such conventions, the Governments of both Contracting Parties shall decide in due course whether they shall nevertheless be applied in communications between Lithuania and Poland, or what regulations shall replace them.

3. Through passenger, baggage, express and goods traffic by rail between Lithuania on the one hand and Poland on the other hand shall, pending Lithuania's accession to the International Conventions concerning the Transport of Passengers, Baggage and Goods by Rail, dated November 23rd, 1933, be governed by the provisions of Articles 1 to 56 and 63 of the International Conventions concerning the transport of Passengers, Baggage and Goods by Rail (C.I.V. and C.I.M.) of October 23rd, 1924, together with the uniform additional regulations.

4. The tariffs for through communications and the service regulations therefor and other provisions concerning the transport of passengers, baggage, express parcels and goods by the railways of the two contracting States shall form the subject of special agreements.

<sup>1</sup> Translated by the Secretariat of the League of Nations, for information.

5. The railway service consignments of the two Contracting Parties shall be conveyed in conformity with the regulations laid down for the transport of service communications by the International Railway Union.

*Article 2.*

POSITION OF THIRD PARTIES IN REGARD TO THE PRESENT CONVENTION.

The present Convention shall confer no rights on third parties (see Article 22, 1).

*Article 3.*

CONVENTIONAL REGULATIONS FOR THE HANDING-OVER AND ACCEPTANCE OF PASSENGER CARRIAGES, LUGGAGE VANS, SLEEPING AND RESTAURANT CARS AND MAIL VANS.

1. The acceptance and handing-over of passenger carriages and luggage vans shall be governed by the Convention on the Reciprocal Use of Passenger Carriages and Luggage Vans in International Communications (R.I.V.) and by the special agreements concluded on the subject between the railway administrations concerned.

2. The movement of sleeping and dining-cars shall, where necessary, be regulated by a special agreement.

3. The mail vans of the two Contracting Parties used for postal traffic between the two countries shall be brought up to the exchange station. The railway and postal administrations of the two Contracting Parties shall, if necessary, agree upon other regulations for the movement of mail vans.

*Article 4.*

CONVENTIONAL REGULATIONS FOR THE HANDING-OVER, ACCEPTANCE AND UTILISATION OF GOODS WAGONS.

The acceptance, handing-over and utilisation of goods wagons, tarpaulins and other loading devices shall be governed by the Convention on the Reciprocal Use of Goods Wagons in International Traffic (R.I.V.) and also by the special agreements concluded on the subject between the railway administrations concerned.

*Article 5.*

FREIGHT TARIFFS AND DOCUMENTS.

1. The railway transport rates of each administration for freight conveyed in pursuance of the present Convention may not be higher than the transport rates under the internal tariffs of the State in question, applicable under the same conditions, for the same distance and in the same direction.

2. Tickets, baggage registration slips, freight specifications, train lists and consignment lists issued for through traffic, and all other documents issued by a station of the neighbouring administration, shall be printed in the Lithuanian and Polish languages, but waybills must, in addition, be printed in French; manuscript annotations of the issuing railway shall be made in the national language of the administration of that railway and translated by it into the national language of the railway of destination.

3. The railway administrations of the Contracting Parties shall agree upon specimen forms for the above-mentioned documents.

*Article 6.*

## TRAFFIC ORGANISATION.

1. The Contracting Parties shall take steps to see that railway communications operate so as to satisfy the requirements of frontier and transit rail traffic.

2. Both the Contracting Parties undertake, in particular, to arrange time-tables as regards times and routes and to convey mails and carry out Customs, fiscal and passport formalities in such a way as thereby to stimulate passenger, baggage and goods traffic between the two States, and also transit traffic.

3. Both the Contracting Parties shall pay due regard to the requirements of railway traffic at time-table conferences. They shall, in particular, co-ordinate the times of arrival and departure of trains at exchange stations and their halts.

4. Due notice of all alterations in time-tables must be given to the postal, Customs and general administrative authorities.

*Article 7.*

## RAILWAY CROSSING-POINTS AND EXCHANGE STATIONS.

1. The Vievis-Zawiasy crossing shall be used for railway traffic between Lithuania and Poland.

At this crossing the following exchange stations shall be used alternately :

Vievis on the Lithuanian side,  
Zawiasy on the Polish side.

2. A decision shall be taken at time-table conferences as to which of the stations specified in 1 shall be used as an exchange station for particular trains and travel routes throughout each time-table period.

3. Pending the rebuilding of the Vievis-Zawiasy station, and until May 15th, 1940, at the latest, the Landwarów station shall be used as an exchange station.

*Article 8.*

## USE AND UPKEEP OF BUILDINGS AND INSTALLATIONS.

1. The Lithuanian and Polish railway administrations shall allow each other the use of the buildings and installations necessary for railway traffic within the meaning of the present Convention.

2. Each administration shall be responsible in its own district for maintaining in the condition required by the regulations all buildings and installations at the exchange station and on the section of line between the exchange station and the point of junction of the two railway systems.

3. Detailed provisions, and particularly any changes that may be necessary in regard to buildings and installations, shall be jointly determined in a local additional agreement (Article 10).

4. Notice of any intention to undertake works at the point of junction of the two systems must be given to the competent local authority of the general administration of the other Contracting Party.

5. The railway administrations concerned shall agree as to work which exceeds the limits of current upkeep.

*Article 9.*

## PROPERTY RIGHTS IN RAILWAY INSTALLATIONS.

All buildings and installations used for railway traffic shall remain the property of the State on whose territory they are situated.

*Article 10.*

## LOCAL ADDITIONAL AGREEMENTS.

1. The railway administrations of the two Contracting Parties shall conclude additional agreements regulating the special conditions obtaining at exchange stations and on the section between the said stations and the point of junction of the two systems (local additional agreements).

2. Horizontal sections of the line from the point of junction of the two systems to the exchange stations, and plans of the said stations, showing in colours the buildings and installations for joint use and those reserved for the exclusive use of the neighbouring administration, shall be annexed to the additional agreements. The plans shall be completed by schedules of the buildings and installations which are to be used jointly and those which are transferred to the neighbouring administration for its exclusive use.

*Article 11.*

## LANGUAGE QUESTIONS.

1. Official communications, both verbal and in writing, at the exchange station and on the section of line between the latter and the point of junction of the two systems shall in principle be conducted in the language which is the official language there, but the use of a third language is also admissible (see Final Protocol and Article 28).

2. Officials of one and the same State may, however, in the neighbouring State communicate with one another in their own language even for official purposes.

3. Official correspondence in writing or by telegraph between the central administrations of the Parties on questions connected with the present Convention shall be carried on in French.

4. Correspondence in writing and by telegraph between the stations and offices of the Contracting Parties shall be conducted in the official language of the country sending the message, and shall be handed over by one railway to the other. The railway receiving correspondence shall translate it if necessary.

5. The railway administrations concerned shall introduce bilingual forms, mutually agreed upon, for communications which recur regularly in railway traffic.

6. The official premises reserved at the exchange stations for the exclusive use of the neighbouring administration shall be provided with notices in two languages, the inscription in the official language of the local administration being placed first.

*Article 12.*

## EMPLOYEES OF THE NEIGHBOURING STATE ON DUTY AT THE EXCHANGE STATION AND ON THE LINE BETWEEN THAT STATION AND THE JUNCTION OF THE TWO SYSTEMS.

1. The neighbouring administration may use its own personnel for the performance at the exchange station and on the line between that station and the junction of the two systems of special

duties which, by their nature, require to be carried out by each administration's own personnel. These employees must carry out their duties in accordance with the laws and regulations applicable in the administration which sends them.

2. Employees may be sent to the neighbouring State only in the numbers strictly necessary.

3. The personnel employed at the nearest exchange station situated on the other side and on the section between the junction of the two systems and the exchange station must be acquainted with the relevant service rules and regulations, and must, when on duty at the exchange station of the neighbouring administration, be able to make themselves understood in service matters in the official language of the neighbouring State (see Article 11, 1).

4. The qualifications of the personnel employed in the neighbouring State shall be assessed in accordance with the regulations and tests of the administration to which the said personnel belongs.

5. Personnel on duty in the neighbouring State shall, in the performance of their duties, be subject to the orders of the competent authorities of the neighbouring administration, provided that, under the provisions of the local additional agreement, they are entitled to issue such orders.

6. Personnel on duty in the neighbouring State may, in exceptional cases, also be called upon to perform services for the neighbouring State, so far as their duties under their own administration permit.

7. The railway administrations of the two Contracting Parties shall notify one another at regular intervals of the names of the employees who will be on duty in the neighbouring State.

8. The question whether and which employees are to reside in the neighbouring State shall be decided in the local additional agreement.

9. If the competent administration so requests, the neighbouring administration shall be bound to withdraw any of its employees from service in the neighbouring State.

#### *Article 13.*

#### ASSISTANCE WHILE ON DUTY.

1. The offices and employees of the Contracting Parties operating at the exchange station and on the railway line between that station and the junction of the two systems shall give one another mutual assistance in the discharge of their duties, particularly for the purpose of preventing or detecting breaches of the regulations.

2. The authorities and offices of one Contracting Party shall give all needful assistance to the offices and employees of the other Contracting Party on duty in the territory mentioned in paragraph 1, and shall comply with notifications from them in this connection in the same way as with similar notifications from their own offices or employees.

3. On direct application from the offices of the other Party, the competent offices of the Parties participating in railway traffic shall make an appropriate investigation of the actual state of affairs as regards breaches of the regulations of that Party in the railway, Customs, passport, or service spheres in the territory referred to in paragraph 1 of this Article, and shall also transmit the notifications necessary for the institution and conduct of the disciplinary enquiry.

4. The cash expenditure entailed in respect of such notifications shall be repaid direct to the office notified by the office sending the notification.

*Article 14.*

## SUPERVISORY OFFICIALS.

1. Each of the administrations concerned shall be entitled to exercise through its officials supervision over the work of its own employees in the neighbouring State.
2. Such officials must abstain from any interference with the working of the railway.
3. The provisions of Article 18 shall apply, *mutatis mutandis*, to the crossing of the point of junction of the two systems and to temporary residence, in the case of such officials in the neighbouring State.
4. The neighbouring administrations shall notify one another of the names of these officials.

*Article 15.*

## OFFENCES CONNECTED WITH OFFICIAL DUTIES.

In the case of offences connected with traffic by rail, the railway administration in whose area the offence has been committed shall conduct an enquiry into the facts of the case, if necessary, in agreement with and assisted by the administration of the neighbouring State. The railway administration shall notify the findings to the neighbouring administration, which shall immediately take further steps and notify the other administration of the result of such action. Employees insufficiently acquainted, on their own admission, with the official language of the neighbouring State shall, if they so request, be heard in the official language of the State which sent them.

*Article 16.*

## SOCIAL INSURANCE AND INSURANCE AGAINST ACCIDENTS.

1. For the social insurance and insurance against accidents of railway employees temporarily or permanently on duty in the neighbouring State, only the legal provisions of the State where the head offices of the administration which appointed the said employees are situated shall apply. This shall hold good even where the personnel of one administration is employed by the other administration for the performance of official duties.
2. The insurance company, the administrative authorities or the courts of the State whose legal provisions are applicable under the foregoing paragraph shall be competent in respect of social insurance and insurance against accidents and also for the settlement of disputes.
3. The benefits awarded under the above provisions in accordance with the legal regulations of the other State shall have the same legal effect in regard to the employer's liability under civil law as benefits granted under the State's own legal provisions. Any appeal made may only be lodged by one railway administration against the other.

*Article 17.*

## ASSISTANCE IN CASE OF SICKNESS.

1. In case of sickness or other emergency, the personnel of the neighbouring administration and members of their families living in their households and supported by them shall be treated with the same consideration as the administration's own personnel and members of their families.
2. The expenditure thereby entailed shall be refunded by the administration to which the personnel belongs to the administration granting assistance.



3. To secure a refund of the expenditure referred to in 2, a certificate from the doctor consulted must be produced confirming that medical assistance was necessary and was such as the sickness or injury required.

*Article 18.*

TEMPORARY RESIDENCE IN THE NEIGHBOURING STATE.

1. Employees of both the Contracting Parties on duty at the railway-crossing point between Lithuania on the one hand and Poland on the other hand shall, on the strength of a permit issued by the competent administration, be allowed to remain temporarily in the railway zone situated in the territory of the neighbouring State while on duty or during intervals therein. The permit shall be issued in accordance with a model agreed upon and for a period of time suited to the circumstances of each particular case, but in no event for longer than one year. In order to move outside the railway zone, employees must have a permit from the local representative of the general administrative authorities.

2. In the case of railway guards and engine crews, the mention of their names on the train sheet shall be sufficient warrant for crossing the junction of the two systems, without need for the permit referred to in paragraph 1 of this Article.

3. Personnel must in the territory of the other State wear service uniform or distinctive badges, if required to do so by the regulations of the State despatching them, or if their duties in the neighbouring State bring them into contact with the public. Arms must, before the employee leaves the railway zone, be deposited in the place indicated in the local additional agreement.

4. Subject to Customs examination, personnel may take with them free of Customs duty articles obviously intended for personal use during the day's duty and during their journey to and from work.

5. Personnel on duty at the railway-crossings shall, on the strength of a permit, and guards and engine crews, on the basis of an entry in the train sheet, be conveyed free of charge between the exchange station and the point of junction of the two systems.

*Annex A.*

6. A model of the permit referred to in paragraph 1 of the present Article is shown in Annex A. The administrations of both Parties shall notify one another of the offices authorised to issue such permits.

*Article 19.*

PERMANENT RESIDENCE IN THE NEIGHBOURING STATE.

*Annexes B and C.*

1. On production of an identity card containing the visa of the competent authority of the general administrative authorities of the neighbouring State, issued by the employee's superior authority according to the model shown in Annexes B and C, employees on duty in the neighbouring State and residing in that State and also members of their families and servants belonging to their household shall be allowed to cross the point of junction of the two systems and to reside in the place where their duties are performed. This shall be held to mean the area of the locality in which the exchange station is situated as specified in greater detail in the local additional agreement.

2. The provisions of paragraphs 3 and 5 of Article 18 shall apply, *mutatis mutandis*, to the said employees.

*Article 20.*

## PROTECTION OF THE EMPLOYEES OF THE NEIGHBOURING STATE.

1. Adequate protection shall be afforded to the persons specified in Articles 18 and 19 while residing in the neighbouring State. Employees shall also be regarded in the neighbouring State as officials within the meaning of the Penal Code. If in cases of insult or physical injury it is permissible for the Public Prosecutor to bring a charge in addition to that entered by the private plaintiff, each of the Contracting Parties shall in such case avail itself of this possibility on behalf of the employees of the neighbouring administration on duty in its territory as freely as it would on behalf of its own employees.

2. Employees on official duty in the neighbouring State shall, during their residence in the neighbouring State and in virtue of their official status, be exempt :

(a) From all liabilities under public law for personal or material services ;

(b) From all public charges there levied, to the same degree as they would be entitled if they were neither domiciled nor resident in the neighbouring State.

3. Employees on duty in the neighbouring State shall, as regards disciplinary punishment for service offences, be amenable only to the disciplinary authority of their own superiors in the State of origin.

*Article 21.*

## SPECIAL CUSTOMS CLAUSES.

1. Without prejudice to the rights derived from the legal provisions currently in force in their own State, and unless there is presumptive evidence of fraud, the Customs authorities of each Contracting Party shall recognise and leave intact the lead and other seals affixed by the Customs offices of the other State on goods despatched under Customs supervision. They shall, however, be entitled to supplement the lead and other seals by affixing fresh Customs marks.

2. Articles used for official purposes by offices situated in the neighbouring State and by employees on duty there may be imported and re-exported to the country of origin, free of Customs duties, charges and payments, provided an official certificate of the competent authority is produced.

3. The same shall apply to household articles, provided they are no longer new and are intended for the sole use of employees and members of their families and servants belonging to their household.

4. Spare parts for damaged rolling-stock which are applied for from the foreign railway administration under international conventions on the reciprocal use of wagons and also damaged parts returned shall be exempt from Customs duties, charges and payments, provided an official statement is produced from the administration despatching them, certifying the purpose for which they are intended.

*Article 22.*

## RESPONSIBILITY FOR DAMAGE.

1. Responsibility for damage caused by a breach of the law or negligence on the part of the personnel on duty in this traffic shall rest with the railway administration of the State which supplied the personnel. Exceptions shall be the subject of special agreements (see Article 1, paragraph 4).

2. Responsibility for the damage referred to in paragraph 1 shall be determined by the laws and regulations in force in the place in which the damage or accident occurred.

3. In the event of the death of or serious injury to individuals, or the destruction of the means of locomotion or railway installations at the exchange station or on the section of the line between the point of junction of the two systems and the exchange station, due to non-observance of the traffic and signalling regulations in force, responsibility shall rest with the administration whose employees have not complied with the relevant regulations. Responsibility for the personnel of one administration used by the other administration for the performance of service operations shall rest, however, with the other administration. If the damage has been caused by the employees of both Contracting Parties or if it is impossible to ascertain who caused the damage, the two administrations shall share the responsibility equally.

4. The investigations which have to be instituted shall be conducted by representatives of the two Contracting Parties except where the second Party, after being duly notified, fails to send representatives to the place appointed at the proper time. When the damage has been ascertained, the second Contracting Party must be notified as soon as possible thereof. In the event of damage to postal consignments conveyed by rail, a representative of the Postal Administration shall be invited to take part in the investigation.

5. Responsibility for accidents due to the defective condition of stations, permanent way or locomotives shall rest with the administration responsible for the upkeep of the station, permanent way or locomotive.

6. Responsibility for accidents due to the bad condition of wagons shall rest with the administration which, from the technical standpoint, last received the wagon.

7. The railways shall not be responsible to one another for damage suffered in cases of *force majeure*. If the damage has occurred as the result of an accident which is not considered *force majeure*, responsibility shall rest with the railway administration on whose section of line the damage took place. Nevertheless, each railway administration shall be solely responsible for damage to its own personnel and rolling-stock due to such an accident during the passage of a train between the point of junction of the two systems and the exchange station.

8. Each Contracting Party shall have a right of appeal against the other Contracting Party if, by a court judgment which has acquired the force of law, it is required to pay compensation for damage the total or partial responsibility for which devolves, under the above provisions, on the other Party. The right of appeal may also be exercised when both Contracting Parties have agreed that one of them shall settle compensation claims for damage, even though the other Contracting Party is wholly or partly responsible for the damage.

9. Friendly agreements, acceptance of liability or judgments by default shall only bind an administration by its own consent, or if, after being reminded, it fails to submit a declaration by the date fixed.

#### *Article 23.*

#### CUSTOMS EXAMINATION AND PASSPORT CONTROL.

1. Customs examination and foreign currency and passport control shall be carried out in the territory of the respective States.

2. For the purposes of Customs examination and foreign currency and passport control the Vievis station on the Vievis-Zawiasy railway-crossing shall be designated on the Lithuanian side, and the Zawiasy station (and pending its adaptation the Landwarów station) on the Polish side.

3. On prior notice being given in good time to the other Contracting Party, other stations, in addition to those above mentioned, may be designated for Customs examination and foreign currency and passport control.

4. Each Contracting Party shall be entitled to send its employees in trains crossing the point of junction of the two systems to the nearest station at which the train stops in the neighbouring State and back, for the purpose of exercising Customs supervision and control of foreign currency and passports in its own State up to the point of junction of the two systems. The provisions of Article 18 shall apply *mutatis mutandis* to such employees.

*Article 24.*

OPERATION OF TRAIN SERVICE BETWEEN THE POINT OF JUNCTION OF THE TWO SYSTEMS  
AND THE EXCHANGE STATION AND IN THE LATTER.

1. The neighbouring administration shall be responsible, subject to repayment of the haulage costs, for the movement of trains used for reciprocal railway communications between the point of junction of the two systems and the exchange station (see Article 33).

2. Furthermore, in principle, the local administration shall operate the services on the section of line between the point of junction of the two systems and the exchange station and all the services at that station. An exception shall be made in respect of operations connected with the handing-over of wagons and goods and, if specially agreed upon, in respect of the administrative services (see Article 12).

3. The marshalling, cleaning, lighting and heating of trains shall be dealt with on the basis of an agreement between the railway administrations concerned.

4. Marshalling operations shall be governed by the traffic regulations of the administration responsible for hauling the train.

5. The local additional agreement shall settle questions of detail concerning the use of the exchange station, as regards traffic and the handing-over and acceptance of wagons, baggage and goods, shunting operations and the employment of foreign staff, as well as the detailed provisions for train services on the line between the point of junction of the two systems and the exchange station and at the exchange station itself. The drawing up and use of freight documents (train sheets, freight specifications, consignment lists, baggage and goods sheets, etc.) shall form the subject of separate agreements.

6. The extent to which, as an exception, the train locomotives of the neighbouring administration may be used for shunting wagons in the exchange station shall be settled in the local additional agreement.

7. The locomotives to be used on the other Party's railway must be adapted to the technical installations of the said railway. Should locomotives of the other Party require minor repairs, assistance shall be given by the exchange station (see Article 34).

8. The railway administrations shall communicate to one another, free of charge and in good time, the regulations, circulars and manuals necessary for traffic operations on the frontier railway. In urgent cases, the station master of the exchange station may make direct application in this connection to the station master of the neighbouring station of the other administration.

9. The neighbouring administration shall be given timely notice of all alterations affecting the operation of traffic on the frontier railway in such a way as to enable it to instruct its personnel. Notice shall be given more particularly of changes in traffic regulations and of changes in the installations at the exchange station and on the line between that station and the point of junction of the two systems when such changes are of importance for the operation of traffic.

*Article 25.*

## HEATING, CLEANING AND LIGHTING OF BUILDINGS AND INSTALLATIONS.

1. The local administration shall be responsible for the heating, cleaning, lighting, etc., of the buildings and other installations used for traffic between the two countries.
2. Exceptions to this clause shall be provided for in the local additional agreement.

*Article 26.*

## STOPPAGES OF TRAFFIC AND TRANSPORT.

1. The railway administrations concerned shall keep one another informed of all obstructions to traffic and transport which would hamper traffic over the frontier or render it impossible. They shall come to an agreement, if necessary, as to how these obstructions shall be removed.
2. The offices of the neighbouring administration responsible, in the event of traffic obstructions, for sending out the prescribed notices shall be designated in the local additional agreement.

*Article 27.*

## ASSISTANCE IN THE CASE OF ACCIDENTS OR INTERRUPTION OF TRAFFIC.

1. The railway administrations shall assist one another when requested in the case of railway accidents or traffic interruptions on their respective lines or at stations.
2. Breakdown trains and their crews may cross the point of junction of the two systems without Customs or passport formalities on the strength of an entry in the train sheet, but must stop at the point of junction of the two systems to take on an escort ; they must return as soon as assistance has been given.
3. The railway administrations concerned shall specify, in the local additional agreement, the point up to which they will give one another assistance, and shall settle further details connected with such assistance.
4. The breakdown train shall as a rule be accompanied to the place of the accident by an official of the administration in whose area the accident has occurred. If delay threatens to be dangerous, the train may also be accompanied by an official of the administration providing assistance. This official will be responsible for the observance of the traffic safety regulations ; in this connection, it is the duty of the crew of the breakdown train to obey his official orders.
5. The head of the breakdown gang shall, in the rescue work and clearing of the track, comply with the instructions of the employee in charge of the rescue work at the place of the accident.
6. A locomotive of the neighbouring administration may be used by the local administration for rendering assistance only when this can be done without prejudice to the train traffic of the neighbouring administration.

*Article 28.*

## SIGNALLING OF TRAINS.

1. The signalling of trains between signal cabins situated on different sides of the point of junction of the two systems, to be specified in the local additional agreement, shall be carried out in accordance with the regulations of the administration operating the traffic and in its official language. The same shall apply to the issue of written instructions and orders to train crews.
2. Exceptions to the above shall be provided for in the local additional agreement.

*Article 29.*

## TELEGRAPH, TELEPHONE AND BLOCK SYSTEM LINES.

1. All railway telephone, telegraph and similar lines shall terminate at the exchange station or at the nearest station situated on the other side of the point of junction.

2. The personnel of the neighbouring administration on duty at the exchange station shall be entitled, between the exchange station and the nearest station on the other side of the point of junction, to use for official purposes, free of charge, the railway telegraph and telephone installations for communications passing over the railway crossings.

3. In principle, there shall be established between the nearest stations situated on either side of the point of junction of the two systems :

(a) A telegraph line for the general exchange of official telegrams ;

(b) A line for the signalling of trains ;

(c) If necessary, a telephone line connecting stations, an electric bell line and, where a block system is in use, lines for block system messages. Exceptions may be specified in the local additional agreement.

4. The local additional agreement shall define the hours during which the telegraph and telephone apparatus will be in operation and the procedure for the transmission of service telegrams and for notifying and eliminating interruptions in the operation of the lines.

*Article 30.*

## SERVICE PREMISES, PREMISES FOR OFFICIALS ON DUTY, SLEEPING QUARTERS, LOCOMOTIVE SHEDS.

1. The local railway shall place at the disposal of the foreign administration the service premises, premises for officials on duty and the sleeping quarters necessary for accommodating the personnel of that administration and also the sheds required for locomotives. These premises shall be suitably lighted, heated and furnished and be such as to safeguard the health of the inmates.

2. The personnel shall have at its disposal, either in the living quarters or in their vicinity, facilities for cooking and washing.

3. Detailed arrangements shall be included in local additional agreements.

*Article 31.*

## OFFICIAL HOURS FOR EXCHANGE OF TRAFFIC.

1. At the exchange station the official hours for handing-over and accepting goods trains shall be adjusted in accordance with traffic requirements, the capacity of the railway installations and the railway time-table.

2. Goods trains shall not be handed over or accepted on any of the following holidays : New Year's Day, the first two days of Easter, Whit Sunday or Christmas Day, or on May 3rd and November 11th, which are national holidays in Poland, or on February 16th and September 8th, which are national holidays in Lithuania.

3. Exceptions to the above provision and also the question of goods train traffic on Sundays and other holidays shall be settled in accordance with requirements by the neighbouring administrations.

*Article 32.*

## DESPATCH OF OFFICIAL RAILWAY CORRESPONDENCE.

1. Official railway correspondence (by telegraph, telephone or letter) and also printed matter (tickets, tariff schedules, etc.) exchanged between the two administrations shall be conveyed free of charge, if railway installations are used for the purpose. The same shall apply to official funds paid in at the exchange stations and conveyed on behalf of one or other of the neighbouring administrations.

2. The official correspondence of one or other railway administration shall be accepted by the neighbouring administration at the exchange station on the basis of an exchange docket and reforwarded.

*Article 33.*

## COMPENSATION FOR SERVICES RENDERED IN CONNECTION WITH THE RUNNING OF TRAINS.

1. Unless the railway administrations of both the Contracting Parties agree to a settlement in kind, the local administration shall pay the neighbouring administration compensation for services rendered in connection with the running of trains on a train-kilometre basis.

2. The charges per train-kilometre for trains shall be agreed upon between the central railway administrations and shall, if necessary, be revised annually.

3. The calculation of the number of train-kilometres shall be based on the length of the line between the point of junction of the two systems and the centre of the exchange station.

4. The number of train-kilometres worked by breakdown trains and wagons, pilot engines and snow-ploughs shall be reckoned separately (see Article 27).

5. The cost of a breakdown train shall be borne by the administration whose officials applied for such a train. The sum to be paid shall comprise the actual expenditure, together with the cost of the material used for assistance and for the breakdown gang during the period from the departure of the train from its home station until its return to that station, with an additional 10% for administrative charges. The same shall apply to pilot engines and snow-ploughs.

*Article 34.*

## CHARGES FOR THE USE OF THE INSTALLATIONS OF AND SPECIAL SERVICES RENDERED BY THE NEIGHBOURING ADMINISTRATION.

1. The neighbouring administration shall only be required to pay compensation for the use of installations at the exchange station which are reserved for its exclusive use. The same shall apply to compensation for personal services. The rates for such compensation shall be settled in the local additional agreement and revised, if necessary, annually.

2. An administrative charge of 10% shall be added to the cost price of lighting, heating and cleaning supplied for the exclusive use of the neighbouring administration.

3. If minor repairs to the locomotives and tools of the neighbouring administration are carried out at the exchange station by the latter's administration, the neighbouring administration shall be charged the cost price plus an administrative charge of 10% on the cost of the materials used and 100% on the cost of labour.

4. The local additional agreement shall specify whether and on what conditions the neighbouring administration shall be supplied at the exchange station with working supplies (fuel, lighting material, lubricants, etc.). The charge made shall be the cost price plus a 10% administrative charge.

*Article 35.*

## EXPENSES IN THE CASE OF INTERRUPTION OF TRAFFIC.

A temporary interruption of railway traffic shall not suspend the obligation to pay any expenses incurred during the period of interruption.

*Article 36.*

## COMPENSATION FOR OTHER SERVICES.

1. The neighbouring administration shall refund to the local administration the actual cost to the latter of the services rendered by it to the first-named administration which are not specified in the present Convention.

2. Where the payment of a supplementary administrative charge is not expressly provided for in the present Convention, the two Contracting Parties hereby waive their right to such payment.

*Article 37.*

## NEW BUILDINGS AND INSTALLATIONS.

1. The railway administrations of the Contracting Parties shall from time to time decide by agreement on the erection of the new buildings and installations necessary for railway traffic between the two countries and also on the alterations in, additions to or extensions of existing buildings, together with their equipment, required by the neighbouring administration for its exclusive use.

2. An agreement shall simultaneously be concluded regarding the rent. The cost of construction shall in every case be borne by the local administration.

*Article 38.*

## SETTLEMENT OF ACCOUNTS.

1. Accounts for sums payable under the present Convention shall be reciprocally rendered for each quarter, not later than the middle of the quarter following (see Articles 33 and 39). Payment shall be made within thirty days from receipt of the account. In the event of delay in payment, 6% interest for delay shall be paid.

2. Payment may not be delayed because of a dispute regarding accounts. Any debits or credits resulting from the contesting of an account shall be settled in the next account. Payment of an account shall not be regarded as an admission of its correctness. The right shall be reserved to inspect on the spot the documents annexed to the accounts and to lodge further claims. A report shall be drawn up in regard to such inspection and signed by representatives of the two railway administrations.

3. The right to verify an account shall lapse at the end of six months from the date on which the debtor administration receives the account. The higher authorities of the two administrations shall retain the right to submit claims even after that period.

4. The railway administrations shall guarantee the payment of sums due by other offices performing services on the railway crossings and shall act as intermediaries for the discharge of such obligations.



5. Balances due in respect of current accounts must be paid in the currency of the creditor, unless otherwise agreed between the central railway administrations.

6. The central railway administrations of the two Contracting Parties shall, if necessary, arrange that payments shall as far as possible be independent of any currency fluctuations that may occur.

*Article 39.*

SETTLEMENT OF SUMS RECEIVED IN RESPECT OF TRAFFIC, WAGON AND OTHER CHARGES.

Settlements in respect of traffic receipts, charges for wagons or other services for which special agreements have been or may hereafter be concluded shall be effected on the basis of separate agreements between the railway administrations concerned.

*Article 40.*

SETTLEMENT OF AMOUNTS RECIPROCALLY DUE.

Only amounts connected with railway traffic on Lithuanian or Polish lines may be included in the reciprocal settlement of claims arising out of this or other forms of communication shared in by Lithuania and Poland. The inclusion of other amounts is not allowed.

*Article 41.*

ARBITRAL TRIBUNAL.

1. Disputes arising out of the present Convention or the local additional agreements shall be settled by an arbitral tribunal, if such disputes cannot be arranged by correspondence or at joint conferences. The arbitral tribunal shall consist of a President appointed by the Governments of the two Contracting Parties and of two judges, one appointed by each of the Contracting Parties. The arbitral tribunal shall meet only as occasion arises, at the request of one of the Contracting Parties. Should the Governments of the Contracting Parties be unable to agree on a President, they shall ask the President of the Swiss Federal Railways to appoint a competent President who shall be a national of a third State.

2. Each Contracting Party shall pay the sums due to the judge whom it has appointed. The emoluments of the President and the general expenses of the arbitral tribunal shall be shared equally between the two Contracting Parties.

3. The arbitral tribunal shall decide on its procedure and on the place where it will hold its sessions ; in the event of disagreement on this subject, the President shall decide.

*Article 42.*

REVISION AND AMENDMENT OF THE CONVENTION.

1. Each of the Contracting Parties may once in every calendar year submit to the other Contracting Party a proposal for the revision of the present Convention.

2. The Party which has applied for the amendment shall submit a proposal to this effect to the other Party. The other Party must define its attitude to the proposal within a period of two months and may submit a counter-proposal. Negotiations shall thereupon be set on foot.

*Article 43.*

## LANGUAGE OF THE CONVENTION.

The present Convention has been drawn up in duplicate in the Lithuanian and Polish languages, each Contracting Party receiving one copy each in the Lithuanian and Polish languages. The Lithuanian and Polish texts shall be equally authentic.

*Article 44.*

## ENTRY INTO FORCE AND DURATION OF VALIDITY OF THE CONVENTION.

The present Convention shall be ratified. The instruments of ratification shall be exchanged as soon as possible at Kaunas. The Convention shall come into force on the first day of the month following the exchange of the instruments of ratification and shall remain in force until the expiry of six months after the date on which one of the Contracting Parties denounces it.

In faith whereof the above-mentioned Plenipotentiaries have signed the present Convention and have thereto affixed their seals.

WARSAW, *the 25th day of May, one thousand nine hundred and thirty-eight.*

K. ŠKIRPA.

J. SZEMBEK.

## FINAL PROTOCOL.

On signing the present Convention, the Plenipotentiaries of the two Contracting Parties have agreed on the following provisions :

*A. Ad Article 2.*

Each of the Contracting Parties shall endeavour to see that the present Convention is carried out by the administrations of the private railways participating in railway traffic between Lithuania and Poland. The said railway administrations shall have a direct claim on one another in respect of the rights granted to the railways under the present Convention.

In the event of a change in the management of the railways, the Party on whose side the change has occurred shall oblige the legal successors to carry out the provisions of the present Convention.

*B. Ad Article 7.*

(a) The frontier railway-crossing which is to be opened in virtue of Article 7 shall, in pursuance of the present Convention, be opened for railway traffic as soon as the local additional agreement has been concluded (see Article 10).

(b) Should the Zawiasy station be adapted for exchange traffic operations before May 15th, 1940, it may be used for such purpose even though the Vievis station has not by that time been rebuilt.

*C. Ad Article 11.*

The use of a third language shall not interfere with the operation of the train services.

*D. Ad Article 20.*

The two Parties agree that :

(a) Exemption from public taxation shall not extend to Customs duties (see Articles 18 and 21), monopoly dues or other taxes on consumption ;

(b) Breaches of Customs, revenue or foreign exchange regulations or of passport regulations or the regulations concerning import and export prohibitions or restrictions shall not be deemed to have been committed in the exercise of official duties ;

(c) The institution of criminal proceedings against an employee carrying out duties in the neighbouring State must be immediately notified to his superior authority.

*E. Ad Article 22.*

The official record of joint investigations must be signed by representatives of both Parties.

*F. Ad Article 24.*

Each of the railway administrations shall take steps to see that in reciprocal railway communications goods consignments are accompanied by Customs documents which must be handed over to the Customs authorities of the neighbouring State. Unless other arrangements are made by the Customs authorities of the two Contracting Parties regarding such documents, goods consignments must be accompanied by two copies of the consignor's Customs declaration (original declaration).

In addition, the railway operating traffic across the point of junction between the two systems shall, on the arrival of each train containing in addition to a service wagon at least one loaded wagon, hand to the Customs authority of the other State one copy of the exchange sheet and one copy of the freight list of each wagon containing miscellaneous freight.

Notification of baggage shall be given to the Customs authorities by communicating one copy of the baggage consignment list.

*G. Ad Article 40.*

The railway administrations of the two Contracting Parties shall jointly agree to set up a clearing office which shall be used for settling amounts reciprocally due by or to the Parties.

WARSAW, *the 25th day of May, one thousand nine hundred and thirty-eight.*

K. ŠKIRPA.

J. SZEMBEK.

ANNEX A  
to Article 18.

Face.

PERMIT No. ....

Valid until ..... 193...

M.....  
(Name) (Official duties)

is officially employed in frontier traffic between Lithuania and Poland on the line  
..... and at the station of .....

..... the ..... 193...

Office .....

.....  
Signature of official issuing permit.

.....  
Signature of holder

Office stamp

Back.

NOTE

This permit must be returned to the office which issued it when the holder ceases to be officially employed in frontier traffic and when the duration of validity of the permit expires.

*Note :* The permit must be of cardboard and bronze in colour.

ANNEX B  
to Article 19.

Face.

National colours		IDENTITY CARD No. ....		
		Valid until ..... 193...		
<div style="border: 1px solid black; width: 100px; height: 100px; margin: 0 auto; display: flex; align-items: center; justify-content: center;"> <div style="border: 1px solid black; width: 60px; height: 60px; margin-right: 10px;"></div> <div style="border: 1px solid black; width: 60px; height: 60px; margin-right: 10px;"></div> </div> <p style="text-align: center; margin-top: 10px;">Photograph</p>	Office stamp	M. ....	.....	
			(Official duties)	(Name)
			residing at .....	
			is officially employed as .....	
			at the station of .....	
	Office stamp	..... the ..... 193...		
.....		Office .....	.....	
Signature of holder			Signature of official issuing identity card.	

Back.

Date of birth ..... Place of birth ..... Height ..... Hair ..... Eyes ..... Face ..... Distinctive characteristics ..... .....	<p>NOTE</p> <p>This identity card must be returned to the office which issued it when the holder is no longer officially domiciled in the neighbouring State and when the duration of validity of the card expires.</p>
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*Note* : The identity card must be of cardboard and green in colour.

## ANNEXE C à l'article 19. — ANNEX C to Article 19.

Recto — Face.

<i>Couleurs nationales</i> <i>National colours</i>		CARTE D'IDENTITÉ N° ..... — IDENTITY CARD No .....	
Photographie Photograph	Cachet du Bureau Office stamp	Valable jusqu'au/Valid until .....	193...
		Pour/For M .....	
		(femme, fils, fille, serviteur, servante *) (wife, son, daughter, man-servant, maid-servant) *	
		de/of M.....	
		(Fonctions — Official duties)	(Nom — Name)
		en service en qualité de ..... à la gare de .....	
		officially employed as ..... at the station of .....	
		..... le/the .....	
		Bureau/Office .....	193...
		.....	
Signature du titulaire Signature of holder	Cachet du Bureau Office stamp	Signature du fonctionnaire délivrant la carte d'identité. Signature of official issuing identity card.	
* Biffer les indications qui ne conviennent pas. — Cross out what does not apply.			

Verso — Back.

Date de naissance Date of birth .....	<b>OBSERVATION</b>  La présente carte d'identité doit être retournée immédiatement au bureau qui l'a établie si l'agent avec lequel vit le titulaire de la carte n'est plus domicilié pour raison de service sur le territoire de l'Etat limitrophe, ou si le titulaire de la carte cesse de vivre au foyer de cet agent; elle devra également être retournée à l'expiration de la validité de la carte.  <b>NOTE</b>  This identity card must be returned immediately to the Office which issued it when the official with whom the holder of the card lives is no longer officially domiciled in the neighbouring State, or when the holder ceases to reside with the said official, and when the duration of validity of the card expires.
Lieu de naissance Place of birth .....	
Taille Height .....	
Cheveux Hair .....	
Yeux Eyes .....	
Visage Face .....	
Signes particuliers Distinctive characteristics .....	
Domicilié à Address .....	

*Note* : La carte d'identité sera établie sur un carton de couleur verte.  
This identity card must be of cardboard and green in colour.