

N° 4456.

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**LITHUANIE ET POLOGNE**

Convention relative à la navigation  
et au flottage, avec annexe, proto-  
cole final et protocole de signature.  
Signés à Kaunas, le 14 mai 1938.

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**LITHUANIA AND POLAND**

Convention regarding Navigation and  
Timber - Floating, with Annex,  
Final Protocol and Protocol of  
Signature. Signed at Kaunas, May  
14th, 1938.

<sup>1</sup> TRADUCTION. — TRANSLATION.

No. 4456. — CONVENTION <sup>2</sup> BETWEEN THE REPUBLIC OF LITHUANIA AND THE REPUBLIC OF POLAND REGARDING NAVIGATION AND TIMBER-FLOATING. SIGNED AT KAUNAS, MAY 14TH, 1938.

*French official text 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.*

THE PRESIDENT OF THE REPUBLIC OF LITHUANIA and  
THE PRESIDENT OF THE REPUBLIC OF POLAND,

Being equally desirous of settling in the common interest of the two States questions of waterway navigation and timber-floating, have resolved to conclude a Convention on that subject and have appointed for the purpose their respective Plenipotentiaries, namely :

THE PRESIDENT OF THE REPUBLIC OF LITHUANIA :

Monsieur Jonas NORKAITIS, Director of the Economic Department at the Ministry of Foreign Affairs ;

THE PRESIDENT OF THE REPUBLIC OF POLAND :

Dr. Michał POTULICKI, Assistant Head of the Legal Division at the Ministry of Foreign Affairs ;

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

*Article 1.*

The two Contracting Parties recognise each other's right of timber-floating and navigation on the following waterways : the Nemunas (Niemen), with all its branches and the William Canal, the Neris (Wilia), the Žeimena (Żejmiana) with its tributaries, the Merkis (Mereczanka), and the Pripetė (Prypeć) with the Oginski canal system.

Each of the two Contracting Parties reserves for its national flag, however, the right of cabotage on the respective waterways mentioned in the preceding paragraph.

*Article 2.*

The two Contracting Parties recognise each other's right to free ordinary river transit and to free combined transit, that is to say, transit by water and by rail, for passengers, luggage, goods (including floated timber), and instruments of transport.

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

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

<sup>2</sup> The exchange of ratifications took place at Warsaw, July 1st, 1938.

*Article 3.*

The following shall be considered as being in transit : passengers, luggage, goods (including floated timber), and instruments of transport, whose journey across the State through which transit takes place is only a portion of the whole journey, begun and to be terminated outside that State. Transhipment, storage, breaking bulk, and change in the mode of transport are allowed during transit.

When the mode or instruments of transport are changed, the means of transport of the country in which the change takes place shall be used.

*Article 4.*

Subject to the other provisions of the present Convention, the measures of control and execution adopted by the two Contracting Parties in connection with transport carried out across their territories shall facilitate free ordinary river transit and the free combined transit mentioned above on the routes in use suitable for such transit. No distinction shall be made on the ground of the nationality of passengers or the flag of the boats or vessels belonging to the two Contracting Parties, or of the rafts, or of the points of origin or departure, entry, exit, or destination, or of any consideration relating to the ownership of the goods.

*Article 5.*

When transport takes place in traffic between the two Contracting Parties, the transport terms, dues and taxes shall be the same as those applied to the transport of their own respective nationals, goods and instruments of transport. Those terms, dues and taxes shall not be less favourable as regards transit.

*Article 6.*

Consignments in transit shall not be subject to any special dues or taxes by reason of their transit. It shall, however, be permissible to levy, on consignments in transit, dues or taxes intended solely to cover the expenses of supervision and administration entailed by such transit.

*Article 7.*

Neither of the Contracting Parties shall be bound by the present Convention to allow the transit of travellers whose entry into its territory is prohibited, or of goods of a category the importation of which is forbidden, whether for reasons of public health or safety or as a precaution against diseases of animals or plants.

Each Party shall have the right to take the necessary steps to satisfy itself that passengers, goods (especially goods subject to a monopoly), boats, vessels or other instruments of transport are really in transit, and to satisfy itself that passengers in transit are in a position to complete their journey, and to prevent the safety of the channels and means of communication from being endangered.

*Article 8.*

The two Contracting Parties agree that timber transported in transit across the territory of one of the Parties may be sawn or otherwise worked there in sawmills and other establishments working for the export trade.

*Article 9.*

Transport in direct traffic and in transit shall be subject to the laws and regulations of the Contracting Party in whose territory it takes place, except as may be otherwise provided in the

present Convention. With regard to the floating of timber, account shall also be taken, as far as possible, of local custom.

*Article 10.*

The nationals and legal entities of each of the two Contracting Parties shall enjoy navigation and timber-floating rights on the common waters, subject to the conditions laid down in Articles 11 to 23 of the present Convention.

*Article 11.*

No due or tax shall be levied for the use of the common waters.

*Article 12.*

The nationals and legal entities of each of the two Contracting Parties shall engage in navigation and timber-floating on the common waters in accordance with their national laws and the provisions of the present Convention.

Should one of the two Contracting Parties intend to issue new regulations, or to amend those in force, in such a way that navigation or timber-floating on the common waters would be affected, it shall inform the other Party, so that the latter may take suitable steps.

Each of the two Contracting Parties undertakes not to introduce without the assent of the other Party special regulations applying to the common waters and differing from the national regulations applying to their inland waters of a like degree of importance.

*Article 13.*

Boats, vessels, and rafts of every kind navigating on the common waters and their crews must be provided with the navigation and timber-floating documents required by the law of the Contracting Party of which the persons engaged in the navigation or floating are nationals.

Further, the crew and all persons on the means of transport must carry identity papers with photographs attached.

*Article 14.*

As a rule, navigation and timber-floating on the common waters shall take place only by day.

During the night, the boats, vessels and rafts, bearing signal lights, must stop and remain stationary at places, specified in advance, on the shore of the Contracting Party of which the persons engaged in navigation or floating are nationals.

Exceptionally, if the local authorities agree, navigation and floating may also take place at night.

*Article 15.*

Timber floated on the common waters must be in rafts. The rafts shall transport timber only.

In special cases, if all the local authorities concerned have given their permission, the floating of separate logs may be allowed. In such cases, the local authorities must indicate the tow-paths on which the persons engaged in that kind of timber-floating will be admitted, and they shall inform each other of them.

*Article 16.*

On the common waters, boats and vessels (with their crews and goods) and rafts shall not be subject to passport, Customs or currency control formalities, if they do not touch at the shore

of the other State and if the persons concerned do not land. The competent local authorities shall, nevertheless, have the right to inspect navigation and timber-floating documents and identity papers. For that purpose, the persons in charge of the boats, vessels or rafts shall give facilities for the representatives of such authorities to board and to return to land.

Boats, vessels and rafts which put in to the shore of the other Contracting Party shall be subject to the latter's Customs, passport and administrative regulations. This rule shall not apply, however, to the cases mentioned in the second paragraph of Article 15, provided the staff engaged in floating separate logs do not depart from the prescribed tow-paths.

*Article 17.*

In case of danger, boats, vessels and rafts may put in to the shore of the other Party, and their crews shall be allowed to land. In such cases, the person in charge of the means of transport shall be bound to notify the nearest police station immediately, while his companions must remain where they are until the arrival of a representative of the police authorities.

If necessary for safety, the cargo of the boat, vessel or raft may also be landed.

In the cases provided for in the present Article, the local authorities of the two Contracting Parties must agree as quickly as possible on the means of repairing the damage and enabling the floating or navigation to continue.

*Article 18.*

Engineering works on the common waters can only be constructed with the consent of the competent authorities of both Parties.

*Article 19.*

In case of damage to the works mentioned in Article 18 or to land along the banks, the local authorities of the two Contracting Parties shall agree on a common estimate of the extent of such damage and the amount of compensation.

The same shall apply in the case of any damage which may be caused by the use of the tow-paths mentioned in the second paragraph of Article 15.

*Article 20.*

The loading and unloading of timber floated on the common waters must not cause congestion nor change the present condition of the watercourse.

The local authorities of the two Contracting Parties shall notify each other of the places appointed for loading and unloading.

The depositing of timber on the banks must be carried out with the necessary care in order to avoid damage in periods of flood or when the ice is breaking up.

*Article 21.*

The transport of goods in canoes or other light craft on the common waters shall not be allowed.

*Article 22.*

The local authority of one of the two Contracting Parties shall be bound to withdraw any undesirable person engaged in navigation or timber-floating on the common waters, if so requested by the authority of the other Party for reasons of public safety or order.

*Article 23.*

The two Contracting Parties shall indicate the authorities competent to control navigation and timber-floating on the common waters, and shall inform each other of the names and addresses of such authorities.

The authorities mentioned in the above paragraph shall settle between themselves all questions capable of being settled in common, and in particular those connected with facilitating and improving navigation and timber-floating conditions on the said waters.

*Article 24.*

The local authorities shall have power to investigate incidents connected with navigation and timber-floating, and shall have the right to make decisions in accordance with a procedure which they will decide on provisionally between themselves.

*Article 25.*

Each of the two Contracting Parties shall designate the necessary points of control for the examination of passports and Customs and currency formalities, and shall inform the other Party of them.

*Article 26.*

The timber-floating staff of one of the Contracting Parties shall be entitled to land at the points of control of the other Party, and to return from them, if they are in possession of identity papers with photographs attached, issued by the authorities of their country, and if their names appear on the nominal rolls drawn up in accordance with the form annexed to the present Convention.

The nominal rolls, drawn up in duplicate in the Lithuanian and Polish languages, shall be presented at the point of control of the other Contracting Party, who shall keep the first copy, the second copy being returned with a free visa to the persons concerned.

The nominal rolls, with visas attached, shall give the persons whose names appear on them the right, while the visas are valid, to return to their country by the route indicated to them.

*Article 27.*

Navigating personnel and persons engaged in timber-floating who go through the points of control provided at the entrance to the inland waterways of the other Contracting Party must be in possession of passports for travel abroad, with visas attached.

*Article 28.*

Each of the two Contracting Parties agrees, as regards the timber-floating staff coming from the territory of the other Party, to admit to its own territory the person in charge of the transport and his conveying officer.

Those persons, however, shall not be authorised to work as timber-floaters in the territory of the other Party.

*Article 29.*

The local authorities of the two Contracting Parties shall communicate to each other the names of persons engaged in navigation and timber-floating whom the other Party does not propose to admit.

Article 30.

The present Convention is concluded for two years.

On the expiry of that period, it shall remain in force until one of the two Contracting Parties, giving six months' notice in advance, informs the other Party of its intention to terminate it.

Article 31.

The present Convention, drawn up in duplicate, shall be ratified and the instruments of ratification shall be exchanged at Warsaw as soon as possible.

It shall come into force on the fifteenth day from the date on which the instruments of ratification are exchanged.

In faith whereof the undersigned, duly authorised for the purpose, have signed the present Convention and have thereto affixed their seals.

Done at Kaunas, this 14th day of May, one thousand nine hundred and thirty-eight.

J. NORKAITIS.

POTULICKI.

FORM A-I  
White.

Name of authority.

NOMINAL ROLL No.....

of the personnel (crew) of raft No. ....  
floated on the river ..... as far as the (\*) point of  
control at.....

Serial No.	Surname and Christian Name	Occupation	Number of Identity Card, and Authority issuing it

The above-named persons are authorised to pass the point of control .....  
and to return at a crossing-place until.....  
....., the ....., 19.....

(Seal)

Signature

(\*) " Polish " or " Lithuanian ".

J. NORKAITIS.

POTULICKI.

FORM A-II  
of control visa  
No. ....

Name of authority.

The following persons have permission to remain in (\*) .....  
until .....  
and must return to (\*\*) .....  
at a crossing-place at ..... on ..... 19 .....

Seal.

.....  
Signature

(\*) "Poland" or "Lithuania".  
(\*\*) "Poland" or "Lithuania".

J. NORKAITIS.

POTULICKI.

#### FINAL PROTOCOL.

When signing the Convention concerning navigation and timber-floating concluded this day between the Republic of Lithuania and the Republic of Poland, the Plenipotentiaries of the two Parties have made the following declarations, which shall form an integral part of the present Convention.

##### *Ad Article 1.*

Regular navigation for transport with a lucrative object will require a special arrangement which will be concluded in due course.

##### *Ad Article 2.*

It is agreed that the provisions of this Article relating to transit traffic with Lithuania or Poland as the country of destination shall in no way prejudice or infringe the transit relations of the two Contracting Parties with third States under agreements or arrangements to which they are parties.

##### *Ad Article 3, Second Paragraph.*

This provision applies only to inland transport, and not to cases in which previous and subsequent transport takes place by sea.

##### *Ad Article 10.*

For the purposes of the present Convention, common waters shall be deemed to mean unbroken stretches of neighbouring waterways situated between the inland waters of the Contracting Parties, together with dead waters belonging partly to one and partly to the other Party.

##### *Ad Articles 12 to 14.*

Timber coming from Lithuania floated on the Žeimena (Žejmiana), its tributaries and the Neris (Wilia) towards Lithuania shall be considered, while floated on common waters, as being tended by Polish nationals, even if the person in charge of the transport and his convoying officer are Lithuanian nationals.

*Ad Article 16.*

The control of navigation and timber-floating documents and identity papers shall not hinder navigation or timber-floating, and must be confined to the immediate vicinity of the shore of the Contracting Party to which the control service belongs ; in the case of light vessels, canoes and tourist craft, it shall only exercise its activities when strictly necessary.

*Ad Article 28.*

When a consignment is of exceptional size, the number of convoying officers may be increased in agreement with the authorities of the points of control at the entry to the country.

Done at Kaunas, this 14th day of May, one thousand nine hundred and thirty-eight.

J. NORKAITIS.

POTULICKI.

## PROTOCOL OF SIGNATURE.

Whereas the application of certain provisions of the aforesaid Convention (in particular, Article 24) requires that the powers of the local authorities be defined, the two Governments agree that negotiations on the subject shall take place shortly.

It is agreed, further, that Article 6 does not prejudice the right of each Contracting Party to levy, apart from the dues or taxes provided for in that Article, the ordinary dues and taxes referred to in Article 5.

Done at Kaunas, this 14th day of May, 1938.

J. NORKAITIS.

POTULICKI.