

N° 4483.

**ALLEMAGNE, AUTRICHE,
BELGIQUE,
BULGARIE, DANEMARK, etc.**

**Convention internationale concernant
le transport des voyageurs et des
bagages par chemins de fer (C.I.V.),
avec annexes, signée à Rome, le
23 novembre 1933, et procès-verbal
relatif à la mise en vigueur de la
convention, signé à Berne, le
17 novembre 1937.**

**GERMANY, AUSTRIA,
BELGIUM,
BULGARIA, DENMARK, etc.**

**International Convention concerning
the Transport of Passengers and
Baggage by Rail (C.I.V.), with
Annexes, signed at Rome, Novem-
ber 23rd, 1933, and Procès-Verbal
relating to the Coming into Force
of the Convention, signed at Berne,
November 17th, 1937.**

¹ TRADUCTION. — TRANSLATION.

No. 4483. — INTERNATIONAL CONVENTION ² CONCERNING THE
TRANSPORT OF PASSENGERS AND BAGGAGE BY RAIL (C. I. V.).
SIGNED AT ROME, NOVEMBER 23RD, 1933.

French official text communicated by the Swiss Federal Council and by the Netherlands Minister for Foreign Affairs. The registration of this Convention took place November 29th, 1938.

GERMANY, AUSTRIA, BELGIUM, BULGARIA, DENMARK, THE FREE CITY OF DANZIG, SPAIN, ESTONIA, FINLAND, FRANCE, GREECE, HUNGARY, ITALY, LATVIA, LIECHTENSTEIN, LUXEMBURG, NORWAY, THE NETHERLANDS, POLAND, ROUMANIA, SWEDEN, SWITZERLAND, CZECHOSLOVAKIA, TURKEY AND YUGOSLAVIA,

With the participation of the Delegates of the GOVERNING COMMISSION OF THE SAAR TERRITORY,

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 Ratifications deposited at Berne :

AUSTRIA	November 9th, 1934.
SWEDEN	April 11th, 1935.
GERMANY	July 12th, 1935.
NORWAY	July 22nd, 1935.
HUNGARY	September 10th, 1935.
ITALY	October 30th, 1935.
DENMARK	November 13th, 1935.
POLAND	February 11th, 1936.
FREE CITY OF DANZIG	February 11th, 1936.
LUXEMBURG	February 29th, 1936.
FRANCE	March 2nd, 1936.
ESTONIA	March 12th, 1936.
THE NETHERLANDS	March 20th, 1936.
BELGIUM	June 17th, 1936.
LATVIA	April 28th, 1937.
SWITZERLAND	May 29th, 1937.
CZECHOSLOVAKIA	July 2nd, 1937.
YUGOSLAVIA	November 10th, 1937.
ROUMANIA	November 13th, 1937.
LIECHTENSTEIN	July 28th, 1938.
BULGARIA	August 23rd, 1938.
GREECE	October 14th, 1938.

Accession :

PORTUGAL June 14th, 1938.

Came into force October 1st, 1938.

Having recognised the necessity of revising the International Convention¹ concerning the Transport of Passengers and Baggage, signed at Berne on October 23rd, 1924, in accordance with Article 60 of that Convention, have, to that end, resolved to conclude a new Convention and have agreed upon the following Articles :

PART I.

PURPOSE AND SCOPE OF THE CONVENTION.

Article 1.

RAILWAYS AND TRAFFIC TO BE GOVERNED BY THE CONVENTION.

§ 1. The present Convention shall apply to all transport of passengers and baggage effected in virtue of international transport documents over the territory of at least two of the contracting States, and entirely confined to lines included in the list drawn up in accordance with Article 58 of the present Convention.

§ 2. The present Convention shall not, however, apply to :

(1) Cases in which the stations of departure and arrival are both in the territory of the same State, the territory of another State only being crossed in transit :

(a) When the lines over which transit is effected are operated by a railway of the State of departure ;

(b) When the railways concerned have concluded special agreements in virtue of which such transport is not to be regarded as international, even if the lines over which transit is effected are not operated by a railway of the State of departure.

(2) Transport between stations of two adjacent States, if the whole of the journey has taken place over the railways of one of those States and neither State objects thereto.

§ 3. Journeys for which international passenger tickets and baggage registration vouchers are issued shall be indicated in the tariffs.

Article 2.

PROVISIONS CONCERNING COMBINED TRANSPORT.

§ 1. On the list referred to in Article 1 may be entered, in addition to railways, regular motor transport or boat services which are complementary to railway services and carry international traffic under the responsibility of a contracting State or of a railway included in the list.

§ 2. Such undertakings shall be subject to all the obligations and shall be entitled to all the rights imposed or conferred on railways by the present Convention, subject to any modification necessitated by differences in methods of transport. Such modifications shall not, however, in any way affect the rules as to liability laid down in the present Convention.

§ 3. Any State desiring to have one of the services referred to in § 1 included in the list shall take the necessary steps to have the modifications contemplated in § 2 published in the same manner as the tariffs.

§ 4. For international traffic utilising both railways and transport services other than those defined in § 1 above, the railways may, in conjunction with the transport undertakings concerned, lay down tariff conditions differing, in their legal bearings, from those of the present Convention, so as to allow for the peculiarities of each mode of transport. They may, in that event, provide for the use of a transport document other than that prescribed by the present Convention.

¹ Vol. LXXVIII, page 17 ; and Vol. C, page 248, of this Series.

Article 3.

COMBINED RAILWAY TICKETS.

§ 1. The present Convention shall also apply to the transport of passengers and baggage from a station which is not included in an international tariff to a junction station of the same State which is included in the tariff and thence to a destination included in the same tariff, either on an international ticket or baggage registration voucher in which the charges for the through and junction stages are added together, or on two combined tickets. If two tickets are issued, the second must state the station of original departure.

§ 2. The railways shall decide at what stations, and subject to what conditions, such combined tickets may be obtained. A list of these stations shall be drawn up and communicated to the other railways concerned.

Article 4.

OBLIGATION OF RAILWAYS TO TRANSPORT.

Where an international tariff exists or where combined tickets are obtainable in accordance with Article 3, transport may not be refused, provided that :

- (a) The passenger complies with the provisions of the present Convention ;
- (b) Carriage is possible by the ordinary means of transport ;
- (c) Traffic has not been suspended in one of the States concerned in virtue of legal measures or to safeguard public order ;
- (d) Traffic is not prevented by circumstances beyond the control of the railway, and that it is not in the power of the railway to remedy.

PART II.

TRANSPORT CONTRACT.

CHAPTER I.

TRANSPORT OF PASSENGERS.

Article 5.


RIGHT TO CONVEYANCE.

§ 1. Each passenger must be provided with a ticket from the beginning of the journey. Exceptions to this rule may be provided for in the tariffs.

§ 2. Passengers must keep their tickets for the whole duration of the journey. They must show them to ticket inspectors whenever required and give them up on arrival.

Article 6.

TICKETS.

§ 1. Tickets for international transport under the present Convention shall bear the mark .

§ 2. The tickets shall state the following particulars :

- (a) The names of the stations of departure and arrival ;
- (b) The route ; if the passenger has the option of different routes or of different means of transport, the fact must be stated ;
- (c) The category of train and the class of carriage ;
- (d) The fare ;
- (e) The first day of validity of the ticket ;
- (f) The period of validity.

§ 3. The tariffs or the agreements concluded between the railways shall specify in what language the tickets are to be printed and filled in, as well as their form and wording.

§ 4. For the purposes of the present Convention, tickets in the form of booklets made up of separate leaves for each portion of the journey (*billets-livrets*) and tickets consisting of a combination of coupons issued by the railway administrations shall be regarded as single transport documents.

Where several tickets are put together under the same cover by an official or private travel agency, each of such tickets shall constitute a separate transport document and shall be subject, according to the circumstances, to the internal regulations of the respective countries or to the provisions of the present Convention.

§ 5. Except where otherwise stated in the tariff, tickets shall be transferable only when they are not made out in the passenger's name and before the journey has been begun.

Ticket-speculating and the re-sale of tickets at prices other than those set out in the tariff shall be subject, in each State, to the laws and regulations of such State.

Article 7.

REDUCED FARES FOR CHILDREN.

§ 1. Children of not more than four years of age shall be carried free of charge and without tickets, provided that no claim is made that they should be allowed to occupy separate seats.

§ 2. Children over the age of four but not over the age of ten and children under four for whom separate seats are claimed shall be carried at a reduced fare not exceeding one half of the fare charged for adults, without prejudice to the rounding-off of fares in accordance with the regulations of the administration issuing the ticket.

This reduction shall not be compulsory in the case of tickets issued at prices below the normal single fares.

Article 8.

VALIDITY OF TICKETS.

§ 1. The period of validity of tickets shall be laid down in the tariffs.

§ 2. The minimum validity of tickets shall be as follows :

Single tickets :

Per complete unit of 100 kms., 1 day.

The period of validity of tickets shall not, however, be less than two days ;

Return tickets :

Per complete unit of 50 kms., 1 day.

The period of validity of tickets shall not, however, be less than four days.

§ 3. Special tickets at reduced prices may be assigned other periods of validity.

§ 4. The first day of the period of validity of the ticket shall count as a full day. The passenger may begin his journey on any day included in the period of validity of his ticket ; except where

otherwise provided in the tariffs, he must complete the journey in a train due, according to the time-table, to arrive at the station of destination at not later than 12 p.m. on the last day of validity.

Article 9.

ALLOCATION AND BOOKING OF SEATS.

§ 1. A passenger may, on boarding a train, mark a seat which is still available for himself or for other persons travelling with him whose tickets he is able to produce. A passenger leaving his seat without marking it clearly shall lose his right to occupy it. Otherwise, seats shall be allocated according to the rules in force on each line.

§ 2. Tariffs or time-tables shall specify whether and, if so, under what conditions seats on the different trains can be booked in advance.

Article 10.

BREAKING OF JOURNEY AT INTERMEDIATE STATIONS.

§ 1. The tariffs shall specify whether passengers are entitled to break their journey at intermediate stations during the period of validity of their tickets and, if so, under what conditions.

§ 2. Passengers availing themselves of the right to break their journey at intermediate stations shall not thereby be entitled to any extension of the period of validity as laid down in the tariffs.

§ 3. Should the passenger's ticket be available on only one route, the broken journey may also be resumed from any station on the same line which is nearer to the station of destination.

§ 4. Should a passenger break his journey when travelling on a ticket valid for several alternative routes, he may only resume such journey at the station at which he stopped or at a station nearer to the station of destination on the route taken at departure.

§ 5. The period during which a journey may be broken shall only be limited by the period of validity of the ticket.

Article 11.

CHANGE OF CLASS OF CARRIAGE OR TRAIN.

Subject to the conditions laid down in the tariffs, a passenger who pays the proper additional fare shall be entitled to occupy a seat in a carriage, or to travel in a train, of a higher class than that stated on his ticket.

Article 12.

PASSENGERS WITHOUT VALID TICKETS.

§ 1. Any passenger who fails to produce a valid ticket shall pay the fare for the distance he has travelled together with a surcharge and this without prejudice to his liability to prosecution. Such surcharge shall be computed according to the rules in force on the line on which payment thereof is required. Failing any other rule in the matter, it shall be equal in amount to the fare for the distance travelled.

§ 2. Tickets altered without authority shall be deemed to be invalid and shall be withdrawn by the staff on duty.

§ 3. A passenger who refuses to make immediate payment of his fare or of the surcharge may be required to leave the train. Such passenger shall not be entitled to require the return of his baggage at any station other than the station of destination.

Article 13.

PERSONS TO WHOM TRANSPORT SHALL OR MAY BE REFUSED.

§ 1. The following shall not be authorised to enter trains or may be required to leave *en route* :

(a) Persons in a state of intoxication, or whose behaviour is improper, or who infringe the laws and regulations ; such persons shall not be entitled to a refund of their fares or of sums paid for the transport of their baggage ;

(b) Persons who, by reason of sickness or other cause, would seem likely to inconvenience other passengers, unless a whole compartment has been reserved for them or can be placed at their disposal on payment of the proper charge ; nevertheless, persons who fall ill during the journey shall be conveyed at least as far as the nearest station where they can receive the necessary attention. Their fares, and the charges paid by them for transport of their baggage, shall be refunded, as specified in Article 26, less the amount due in respect of the distance travelled.

§ 2. The transport of persons suffering from infectious diseases shall be governed by the international conventions in force or, in the absence of such agreements, by the provisions in force in each country.

Article 14.

ARTICLES NOT TO BE INTRODUCED INTO PASSENGER COMPARTMENTS.

§ 1. It shall be forbidden to introduce into passenger compartments any dangerous articles, in particular, loaded fire-arms, explosives, easily inflammable or corrosive materials or any articles liable to cause discomfort or inconvenience to passengers.

Nevertheless, passengers carrying fire-arms in performance of a public duty, as also sportsmen and marksmen, shall be permitted to carry ammunition, provided that the quantity does not exceed the lowest limit laid down by the regulations in force in the territories travelled over. Guards escorting prisoners and travelling with them in special carriages or compartments shall be permitted to carry loaded fire-arms.

§ 2. Railway employees shall be entitled to satisfy themselves in the passenger's presence as to the nature of any articles introduced into a compartment when there is good reason to suspect a breach of the provisions of § 1.

§ 3. Any person infringing the provisions of § 1 shall be held responsible for all damage resulting therefrom, and shall further be liable to the penalties provided for in the laws and regulations.

Article 15.

INTRODUCTION OF HAND BAGGAGE AND ANIMALS INTO PASSENGER COMPARTMENTS.

§ 1. Passengers shall be permitted to take articles which can be easily carried (hand baggage) into their compartments free of charge, provided that the regulations of the Customs, octroi, fiscal, police or other administrative authorities are not thereby infringed and that the articles are not of such a nature as to damage the compartment. A passenger shall only be entitled to place his hand baggage in the spaces above and below his seat.

§ 2. Live animals shall not be introduced into passenger compartments. Small tame animals confined in cages, boxes, baskets or other appropriate receptacles, and small dogs, even when not so confined, shall, however, be admitted, provided that this is not contrary to the police regulations of the respective States, that no other passenger objects, and that the animals may be held on the knees or disposed of like hand baggage.

The tariffs or time-tables may prohibit or authorise the admission of animals to certain categories of carriages or trains.

The tariffs shall indicate whether, and for what animals, a transport charge is payable.

§ 3. Passengers shall themselves be responsible for the care of any hand baggage and animals which they take with them.

Article 16.

DELAYS. MISSED CONNECTIONS. CANCELLATION OF TRAINS.

When, owing to the lateness of a train, the connection with another train is missed, or when the running of a train is cancelled on all or part of its route, and a passenger desires to continue his journey, the railway shall be obliged to convey him with his baggage, as far as may be possible and without extra charge, in a train proceeding towards the same destination by the same line or by another route belonging to the administrations participating in the route by which the passenger was originally travelling, which will enable him to reach his destination with less delay. The station-master shall, if necessary, certify on the ticket that the connection has been missed or the train cancelled, prolong the validity of the ticket as far as may be required, and make it valid for the new route, for a higher class, or for a train subject to higher fares. Railways shall nevertheless be entitled to refuse to permit the utilisation of certain trains, provided this is stated in the tariff or time-table.

CHAPTER II.

TRANSPORT OF BAGGAGE.

Article 17.

DEFINITION OF BAGGAGE. ARTICLES NOT ACCEPTED FOR TRANSPORT AS SUCH.

§ 1. Baggage shall only include articles for the passenger's own use contained in trunks, baskets, suitcases, travelling bags, hat-boxes, and other similar receptacles.

§ 2. The following shall also be accepted for transport as baggage, even though unpacked, except in the case specified in (*d*) :

- (*a*) Portable or wheeled invalid chairs, wheeled invalid chairs propelled by the patients themselves, with or without an auxiliary engine, rest chairs (*couches*) ;
- (*b*) Perambulators ;
- (*c*) Trunks containing samples of goods ;
- (*d*) Portable musical instruments in boxes, cases or other receptacles ;
- (*e*) Performers' properties, provided that their packing, volume and weight are such that they can be rapidly loaded and stowed in the vans ;
- (*f*) Surveyors' instruments not exceeding four metres in length, and hand tools ;
- (*g*) Small sledges and toboggans to seat one or two persons, skis, sails for skaters, and boats not exceeding 3 metres in length ;
- (*h*) Bicycles, with or without an auxiliary engine, motor bicycles to seat one person, with or without a pillion seat, provided that all detachable accessories are removed.

The tanks of motor vehicles may contain petrol, provided that the petrol feed to the carburetter is closed and that the latter is emptied by running the engine.

The tariffs may limit the number, volume and weight of the above-mentioned articles to be accepted for transport as baggage.

§ 3. Other articles not intended for the passengers' own use, such as animals enclosed in cages of adequate security, may be accepted as baggage, if allowed by the tariffs.

§ 4. Articles which may not be accepted for transport under the International Convention concerning the Transport of Goods by Rail (C.I.M.) shall not be accepted for transport as baggage. Similarly, goods the transport of which is, under that Convention, made subject to certain conditions shall not be accepted for transport as baggage.

Nevertheless, films packed in accordance with the provisions of the International Convention concerning the Transport of Goods by Rail (C.I.M.) shall be accepted for transport as baggage.

Article 18.

LIABILITY OF PASSENGERS IN RESPECT OF THEIR BAGGAGE. SURCHARGES.

§ 1. Holders of baggage registration vouchers shall be responsible for the observance of the provisions of Article 17 ; they shall be liable for all the consequences of an infringement of those provisions.

§ 2. In case of a presumed infringement, the railway authorities shall be entitled to ascertain whether the contents of the baggage are in keeping with the regulations. The holder of the baggage registration voucher must be present at the examination ; should he fail to attend, or if he cannot be found, and in the absence of other legal provisions or regulations in the State in which examination takes place, such examination shall be carried out in the presence of two witnesses not connected with the railway. Should an infringement be established, the expenses occasioned by the examination shall be paid by the holder of the registration voucher.

§ 3. In case of an infringement of the provisions of Article 17, § 4, the holder of the baggage registration voucher shall be required to pay a surcharge, without prejudice to any additional charge incurred, to the compensation due for any damage caused and to any criminal penalties to which he may have laid himself open.

The surcharge shall be at the rate of 15 francs per gross kg. for all articles not accepted for transport, with a minimum of 30 francs, if such articles include any of the substances mentioned in Article 3, § 4, of the International Convention concerning the Transport of Goods by Rail or belong to Classes I and II in Annex I to that Convention, and in other cases at the rate of 5 francs, with a minimum of 10 francs.

If the inland traffic regulations of the railway on which the infringement is discovered provide for a lower total surcharge, only such lower total shall be payable.

Article 19.

PACKING AND CONDITION OF BAGGAGE.

§ 1. Baggage which is inadequately packed or in imperfect condition, or which shows obvious signs of damage, may be refused by the railway. Should such baggage nevertheless be accepted, the railway shall be entitled to make mention of its condition on the baggage registration voucher. Acceptance by the passenger of a registration voucher making such mention shall be regarded as an acknowledgment that the condition of the baggage is as described.

§ 2. Packages shall be marked, in a reasonably durable manner, with the name and address of the passenger and the station of destination. Packages not so marked may be refused.

§ 3. Old labels, addresses or other marks relating to previous journeys shall be removed or rendered illegible by the passenger.

Article 20.

REGISTRATION AND DESPATCH OF BAGGAGE. BAGGAGE REGISTRATION VOUCHERS.

§ 1. Baggage shall be registered only on production of tickets valid at least as far as the destination of the baggage and by the route indicated on such tickets.

Should the ticket be valid for more than one route, or should the place of destination be served by more than one station, the passenger shall indicate the exact route to be followed or the station to which the baggage is to be registered. The railway shall take no responsibility for the consequences of the passenger's failure to comply with this injunction.

The tariffs shall indicate whether and, if so, under what conditions baggage may be accepted for transport by a route other than that indicated on the ticket produced, or without production of a ticket. When the tariffs provide that baggage may be accepted for transport without production of a ticket, the provisions of the present Convention stating the rights and obligations of passengers accompanied by their baggage shall apply to persons despatching registered baggage without producing tickets.

Should the tariffs so provide, a passenger may, during the period of validity of his ticket, register his baggage either direct for the complete journey from the station of departure to the station of destination, or for any part thereof, provided always that no part of the distance is covered more than once.

§ 2. When baggage is registered, a registration voucher shall be issued to the passenger. On receipt of such voucher, the passenger shall ascertain that it has been drawn up in accordance with his instructions. The charge for the transport of baggage shall be paid on registration.

§ 3. In all other matters, the formalities with regard to the registration of baggage shall be determined by the regulations in force at the station of departure.

§ 4. Baggage registration vouchers for international transport shall be made out on the form constituting Annex I to the present Convention.

§ 5. Baggage registration vouchers shall always give the following particulars :

- (a) The names of the stations of departure and destination ;
- (b) The route ;
- (c) The day on which the baggage is handed in for despatch and the train for which it is intended ;
- (d) The number of tickets, unless the baggage is handed in for transport without a ticket being produced ;
- (e) The number of pieces of baggage and their weight ;
- (f) The amount of the transport charge and any other dues ;
- (g) The amount, in words, of the sum representing interest in delivery should such have been declared in accordance with Article 35.

§ 6. The language in which baggage registration vouchers are to be printed and filled in shall be determined by the tariffs or by agreement between the railways.

§ 7. The tariffs may contain special provisions regarding the transport of bicycles and sports gear.

§ 8. The passenger may, subject to the rules in force at the station of departure, indicate on what train his baggage is to be despatched. Should he not avail himself of this possibility, the baggage shall be despatched by the first appropriate train.

In the event of transfer from one train to another at a junction station, the baggage shall be forwarded by the train effecting the connection, if such train may be used for the transport of baggage and if there is time for transhipment. Otherwise, the baggage shall be forwarded by the first appropriate train.

Baggage shall only be forwarded in the manner set out above if the formalities required on departure or *en route* by the Customs, octroi, fiscal, police and other administrative authorities permit.

Railways shall have the right not to permit or to limit the transport of baggage in certain trains or certain categories of trains.

Article 21.

DELIVERY.

§ 1. Baggage shall be delivered on production of the baggage registration voucher. The railway shall not be required to verify whether the holder of the voucher is really entitled to take delivery.

§ 2. The holder of the baggage registration voucher shall be entitled to require delivery of the baggage at the office of the station of destination, as soon as sufficient time has elapsed since the arrival of the train by which the baggage should have been carried for it to be put at his disposal and for the completion of the formalities, if any, required by Customs, octroi, fiscal, police and other administrative authorities.

§ 3. Failing production of the baggage registration voucher, the railway shall only be obliged to hand over baggage if the claimant can prove his right thereto; should the proof seem inadequate, the railway may require the deposit of security.

§ 4. Baggage shall be delivered at the station to which it was registered. Nevertheless, at the request of the holder of the registration voucher, provided that such request is made in good time, that the circumstances allow, and that there is nothing to the contrary in the Customs, octroi, fiscal, police and other administrative regulations, baggage may be returned at the station of departure or delivered at an intermediary station on production of the registration voucher and, should the tariff so require, of the railway ticket.

§ 5. Failing delivery of baggage to the holder of the registration voucher, as provided in § 2 above, he may require the endorsement on the voucher of the day and hour at which he claimed delivery.

§ 6. Otherwise, delivery shall be subject to the regulations in force on the railway responsible for delivery.

CHAPTER III.

PROVISIONS APPLICABLE TO TRANSPORT BOTH OF PASSENGERS AND BAGGAGE.

Article 22.

TRAINS. TIME-TABLES. EXTRACTS FROM TARIFFS.

§ 1. The regular trains provided for in the time-tables and extra trains run when required shall be available for such transport.

§ 2. The railways shall be obliged to post up in their stations, in good time, the time-tables of the trains of their own lines. These time-tables shall indicate the category of trains, the class of carriages and the times of departure of trains; they shall also give the times of arrival at the principal intermediate stations and termini and the main train connections.

Time-tables no longer in force shall be immediately removed.

§ 3. In each station which is open for international traffic, the passenger shall be able to acquaint himself with the tariffs, or extracts therefrom, giving the prices of international tickets obtainable there and the corresponding charges for baggage.

Article 23.

CALCULATION OF TRANSPORT CHARGES. TARIFFS.

§ 1. Transport charges shall be calculated according to the tariffs legally in force and duly published in each State. Such tariffs shall contain all necessary information for the calculation

of transport charges and subsidiary charges and specify to what, if any, extent allowance is to be made for rates of exchange.

Nevertheless, the publication of international tariffs shall only be compulsory in the States whose railways are concerned in such tariffs as lines of departure or arrival.

§ 2. The tariffs shall give information as to all special conditions applying to transport.

Tariffs shall be uniformly applied to all persons concerned; the conditions laid down therein shall be valid unless contrary to the present Convention, in which case they shall be regarded as null and void.

Through international tariffs and modifications therein shall come into force at the date indicated on publication; should such tariffs be raised or conditions of transport made more onerous in any other manner, publication shall take place at least eight days before the date fixed for entry into force.

If international tickets or baggage registration vouchers are issued without there being a through tariff, application of any modification introduced by a railway in its tariff can only be required of other railways eight days at earliest after the latter have been advised.

Tariffs introduced on a temporary basis only shall cease to apply on the expiry of the period fixed for their validity.

Article 24.

PROHIBITION OF PRIVATE AGREEMENTS.

Any private agreement purporting to grant a reduction in the tariff rates to one or more passengers is strictly forbidden and shall be null and void.

Nevertheless, reductions in rates are permissible if duly published and equally open to all; reductions may likewise be made to railway employees, public servants or charitable and educational organisations.

Article 25.

FORMALITIES REQUIRED BY THE CUSTOMS, OCTROI, FISCAL, POLICE AND OTHER ADMINISTRATIVE AUTHORITIES.

Passengers shall be required to comply with the regulations issued by the Customs, octroi, fiscal, police and other administrative authorities, both as concerns their persons and also as regards examination of their baggage and hand luggage. The passenger shall be present at such examination, unless otherwise provided in the regulations. The railway shall accept no responsibility as towards passengers disregarding these obligations.

Article 26.

REFUNDS.

§ 1. The cost of an unused ticket may be refunded on application, subject to the deductions mentioned in §§ 3 and 4 below.

§ 2. When a ticket is only partially used as the result of death or illness or of an accident to the passenger or of any other such major cause, the difference between the total cost and the fare for the part of the journey actually travelled shall, subject to the deductions mentioned in §§ 3 and 4, be refunded, such difference being calculated on the basis of the normal tariff.

§ 3. No refund shall be made of taxes, additional charges for reserved seats, the cost of making up tickets into books or commission on the sale of tickets.

§ 4. A fee of 10 %, with a minimum of 0 fr. 50 and a maximum of 3 frs. per ticket, plus postage if any, shall be deducted from the amount refunded.

This deduction shall not be made when an unused ticket is returned on the day of issue to the office which issued it.

§ 5. When a passenger has been prevented from continuing his journey in accordance with the time-table by missing a connection through the late arrival of a train, the cancelling of a train or the interruption of a service, and abandons his journey, his case shall, on application, be dealt with under the provisions of § 2, except that the railway shall not be entitled to make the deductions provided for in § 4.

§ 6. As regards tickets at reduced rates, refunds shall only be made in the cases and subject to the conditions provided for in § 5 ; children's tickets issued at reduced rates in accordance with the first paragraph of Article 7, § 2, shall not be regarded as tickets at reduced rates within the meaning of the present paragraph.

§ 7. No refunds shall be made for the loss of tickets.

§ 8. Should baggage be withdrawn before leaving the station of departure, the transport charges shall be refunded on application.

Should baggage be withdrawn at any intermediate station, refunds shall only be made in the cases contemplated by, and in accordance with, the provisions of §§ 2 and 5 above.

In both cases, a fee of 0 fr. 50 per baggage registration voucher and charges in respect of taxes shall be deducted from the amount refunded.

§ 9. Different rules may be laid down in the tariffs, provided that such rules are no less favourable to passengers.

§ 10. No claim for a refund under the provisions of §§ 1, 2, 5, 6 and 8 of the present Article or of Article 13 shall be maintainable unless submitted to the railway within six months as from, in the case of tickets, the date of expiry of their validity and, in the case of registration vouchers, the date of issue.

§ 11. In the case of error in the application of the tariff or in the calculation of transport and other charges, the excess or deficiency shall be adjusted.

§ 12. Should the railway discover that an over-charge exceeding 0 fr. 50 has been made on any ticket or baggage registration voucher, it shall at once take steps to notify the person concerned and the excess shall be refunded with the least possible delay.

§ 13. In all cases not provided for in the present Article, and in the absence of any special agreement between the railways, the regulations for inland traffic shall apply.

Article 27.

DISPUTES.

Disputes between passengers, or between passengers and railway officials, shall be provisionally settled in stations by the station-master and between stations by the guard of the train.

PART III.

LIABILITY OF THE RAILWAYS. LEGAL PROCEEDINGS.

CHAPTER I.

LIABILITY.

Article 28.

LIABILITY ARISING OUT OF TRANSPORT OF PASSENGERS, HAND BAGGAGE AND ANIMALS.

§ 1. The liability of the railway for the death of a passenger or for injuries resulting from an accident to the train, and for loss caused by the late arrival of a train or its cancellation or by the

loss of a connection, shall be subject to the laws and regulations of the State in which the material facts occurred. The remaining Articles of this Part shall not apply to such cases.

§ 2. As regards hand baggage and animals for the care of which passengers are, under Article 15, § 3, themselves responsible, the railway shall only be liable for damage caused by its fault.

§ 3. No joint liability shall exist in such cases.

Article 29.

JOINT LIABILITY OF THE RAILWAYS FOR BAGGAGE.

§ 1. The railway which accepts baggage for transport and issues an international baggage registration voucher shall be responsible for the proper transport of the baggage throughout the whole journey up to delivery.

§ 2. Each succeeding railway taking over the baggage shall thereby become a party to the transport contract and accept the obligations resulting therefrom, without prejudice to the provisions of Article 42, § 2, concerning the railway on which the station of destination is located.

Article 30.

EXTENT OF LIABILITY.

§ 1. The railway shall be liable, under the conditions set forth in the present Chapter, for any delay in delivery, any prejudice caused through total or partial loss of the baggage and any damage thereto, from the time of acceptance for transport to the time of delivery.

§ 2. The railway shall be relieved of all liability in case of the total or partial loss of the baggage or of damage thereto if it can prove that the prejudice was caused by the fault of the passenger, through the defective condition of the baggage, or through *force majeure*.

The railway shall not be liable for loss resulting from the special nature of the baggage, from defective packing, or from the fact that articles not accepted for transport have nevertheless been despatched as baggage.

When the circumstances are such that the loss may have been caused by a risk inherent either in the special nature of the baggage or in the defective state of the packing or in the fact that it contained articles the transport of which as baggage is forbidden, there shall be a presumption that the loss actually resulted from one of those causes, failing proof of the contrary by the claimant.

§ 3. The railway shall further be relieved of all liability for any delay in delivery if it can prove that the delay was occasioned by circumstances outside its control or that it was not within its power to remedy.

Article 31.

AMOUNT OF COMPENSATION PAYABLE IN THE CASE OF TOTAL OR PARTIAL LOSS OF BAGGAGE.

When, under the provisions of the present Convention, the railway is liable for compensation in the case of total or partial loss of baggage, the compensation payable shall be as follows :

(a) If the amount of the loss is proved :

A sum equal to such amount up to but not exceeding 40 frs. per kg. of gross weight short ;

(b) If the amount of the loss is not proved :

A gross sum calculated at the rate of 20 frs. per kg. of gross weight short.

The transport charge, Customs duties and any other disbursements in respect of the transport of the lost baggage shall also be refunded without, however, any payment of damages.

Higher compensation shall only be payable if a declaration of interest in delivery has been made in accordance with Article 35, § 4, and, in cases of wilful misconduct or gross negligence on the part of the railway, within the meaning of Article 36.

Article 32.

PRESUMPTION OF LOSS OF BAGGAGE. CASES IN WHICH BAGGAGE IS RECOVERED.

§ 1. Any missing baggage shall be regarded as lost after the expiry of the fourteenth day following the date on which delivery was applied for.

§ 2. Should baggage believed to be lost be recovered during the year following the application for delivery, the railway shall notify the passenger, if his address is known or can be ascertained.

§ 3. During a period of thirty days after the receipt of such notification, the passenger may require the baggage to be delivered to him at any station on the route, on payment of the cost of transport from the station of despatch to the place of delivery and repayment of the sum received by him as compensation, less the cost of transport if included therein, but without prejudice to any claim he may have to compensation for delay under Article 34 and Article 35, § 3.

§ 4. If the baggage recovered is not claimed during the period of thirty days provided for in § 3 above, or if such baggage is not recovered until more than a year after the application for delivery, the railway shall be entitled to dispose of it in accordance with the laws and regulations of the State to which it belongs.

Article 33.

AMOUNT OF COMPENSATION PAYABLE IN CASE OF DAMAGE TO BAGGAGE.

In the case of damage to baggage, the railway shall be liable for the amount of the depreciation in the value of the baggage but not for any further damages. Higher compensation may only be claimed in the event of a declaration of interest in delivery, in accordance with Article 35, § 4, and in cases of wilful misconduct or gross negligence on the part of the railway, within the meaning of Article 36.

Nevertheless, the compensation shall not exceed :

(a) If the value of the whole of the baggage is depreciated by the damage sustained, the sum that would have been payable in the case of total loss ;

(b) If the value of only part of the baggage has been depreciated by the damage, the sum that would have been payable in case of the loss of the part deteriorated.

Article 34.

AMOUNT OF COMPENSATION FOR DELAY IN DELIVERY OF BAGGAGE.

§ 1. In the case of delay in delivery, failing proof by the passenger that he has suffered loss as the result of such delay, the railway shall pay compensation at the rate of twenty centimes per kg. of gross weight of the baggage delivered late, for each complete period of 24 hours dating from the application for delivery, with a maximum of fourteen days.

§ 2. Should it be proved that loss has in fact resulted from the delay, compensation not exceeding four times the payment provided for in § 1 of the present Article shall be payable in respect of such loss.

§ 3. The compensation provided for in the two preceding paragraphs shall not be additional to that due for total loss of baggage.

In the case of partial loss, it shall only be payable, if at all, in respect of such part of the baggage as has not been lost.

In the case of damage, it may, in appropriate cases, be additional to the compensation provided for in Article 33.

In any case, compensation under §§ 1 and 2, plus that provided for in Articles 31 and 33, shall not exceed the amount payable for the total loss of baggage.

Article 35.

DECLARATION OF INTEREST IN DELIVERY.

§ 1. A declaration of interest in delivery may be made in respect of any baggage accepted for transport and shall be endorsed on the registration voucher.

Unless otherwise provided in the tariffs, the amount declared shall be stated in the currency of the country of departure.

§ 2. In such cases, an additional charge shall be made of one tenth per mille of the sum declared per unit of 10 kilometres, such unit being indivisible.

A lower rate may be introduced by the tariffs and a minimum charge fixed.

§ 3. Should a declaration of interest in delivery be made, the following compensation shall be payable in case of delay :

(a) Failing proof that loss has resulted from the delay and within the limits of the interest declared, 0.40 fr. per kg. of gross weight of baggage delivered late, for each complete period of 24 hours from the time of application for delivery, with a maximum of 14 days ;

(b) If it is proved that loss has, in fact, resulted from the delay, compensation up to the full amount of the interest declared.

When the amount of the interest declared is less than the compensation provided for in Article 34, such compensation may be claimed in place of compensation under (a) and (b) above.

§ 4. In cases of total or partial loss of baggage in respect of which a declaration of interest in delivery has been made, or of damage to such baggage, the following compensation shall be payable :

(a) Compensation under Articles 31 and 33 and, in addition,

(b) Compensation for any additional loss proved, up to an amount not exceeding that of the interest declared.

§ 5. In the event of damage to or partial loss of baggage, together with delay in delivery, the compensation due under §§ 3 and 4 (b) shall only be payable up to the amount of the declared interest in delivery.

Article 36.

COMPENSATION IN THE CASE OF WILFUL MISCONDUCT OR GROSS NEGLIGENCE ON THE PART OF THE RAILWAY.

In any case in which total or partial loss of, damage to, or delay in the delivery of baggage is due to wilful misconduct or gross negligence on the part of the railway, the passenger shall receive full compensation for such prejudice as he can be proved to have suffered, up to twice the maximum amounts provided for in Articles 31, 33, 34 and 35.

Article 37.

INTEREST ON COMPENSATION.

The passenger shall be entitled to interest at six per cent on the compensation granted on a baggage registration voucher, whenever such compensation exceeds ten francs.

Such interest shall accrue from the date of the administrative claim provided for in Article 40, or, if no such claim is made, from the date on which legal proceedings are instituted.

Article 38.

REPAYMENT OF COMPENSATION.

Any compensation unwarrantably obtained shall be returned.

In case of fraud, the railway shall further be entitled to the payment of a sum equal to that unwarrantably obtained, without prejudice to the institution of criminal proceedings.

Article 39.

LIABILITY OF THE RAILWAY IN RESPECT OF THE ACTS OF ITS AGENTS.

The railway shall be liable in respect of the officials in its service and for any other persons whom it employs for transport purposes.

Nevertheless, if at the request of a passenger railway officials render services which the railway is under no obligation to perform, they shall be regarded as acting on behalf of the passenger to whom they render such service.

CHAPTER II.

ADMINISTRATIVE CLAIMS. ACTIONS, PROCEDURE AND LIMITATION IN THE CASE OF DISPUTES ARISING OUT OF THE TRANSPORT CONTRACT.

Article 40.

ADMINISTRATIVE CLAIMS.

§ 1. Administrative claims based on the transport contract shall be made in writing to the railway designated in Article 42.

§ 2. Such a claim may be made by any of the persons having a right of action against the railway under Article 41.

§ 3. Tickets, baggage registration vouchers and other documents which a claimant thinks fit to attach to his claim shall be produced either in the original or in copies, the latter being duly certified should the railway so request.

On the settlement of a claim, the railway may require the surrender of tickets or baggage registration vouchers.

Article 41.

PERSONS HAVING A RIGHT OF ACTION AGAINST THE RAILWAY.

An action against the railway arising out of the transport contract can only be brought by a person producing a ticket or baggage registration voucher, as the case may be, or who, failing this, is able to furnish other proof of his right.

Article 42.

RAILWAYS AGAINST WHICH ACTIONS MAY BE BROUGHT. JURISDICTION.

§ 1. An action to recover sums paid under a transport contract shall lie against the railway to which the payment was made or against the railway on whose behalf the payment was unwarrantably taken.

§ 2. Other actions arising out of the transport contract shall only lie against the railway of departure, the railway of destination, or the railway on which the cause of action occurred.

An action will lie against the railway of destination, even though the baggage has never reached it.

The plaintiff shall be free to bring the action against whichever of the railways he prefers, but once proceedings have been instituted his right of option ceases.

§ 3. An action may be brought only in the competent court of the State to which the defendant railway belongs, unless otherwise provided in agreements between States or in the instruments granting concessions.

When an undertaking operates independent railway systems in different States, each such system shall be regarded as a separate railway for the purposes of the present paragraph.

§ 4. Proceedings may be taken against a railway other than those designated in §§ 1 and 2 when brought as a counterclaim or other mode of defence in a main action based on the same transport contract.

§ 5. The provisions of the present Article shall not apply to claims of the railways against each other, which are dealt with in Chapter III of this Part.

Article 43.

VERIFICATION OF PARTIAL LOSS OF OR DAMAGE TO BAGGAGE.

§ 1. When partial loss of or damage to baggage is discovered or presumed by the railway or asserted by the passenger, the railway shall immediately, and if possible in presence of the passenger concerned, have a formal report drawn up certifying the condition and weight of the baggage and, as far as possible, the amount of the damage, the cause, and the time at which it occurred.

A copy of the report shall, on request, be supplied to the passenger free of charge.

§ 2. Should the passenger not accept the terms of the report, he may require judicial verification of the condition and weight of the baggage and of the cause and amount of the damage, in accordance with the laws and regulations of the State in which such verification takes place.

§ 3. Should pieces of baggage have been lost, the passenger shall give as accurate a description as possible of the baggage lost, with a view to assisting the railway in its investigations.

Article 44.

ACCEPTANCE OF BAGGAGE A BAR TO ACTIONS AGAINST THE RAILWAY ON THE CONTRACT FOR THE TRANSPORT OF BAGGAGE.

§ 1. Acceptance of the baggage shall bar any proceedings against the railway arising out of the transport contract.

§ 2. An action shall, nevertheless, be maintainable :

(1) If the passenger proves that the prejudice he has suffered was caused by wilful misconduct or gross negligence on the part of the railway ;

(2) In the case of a claim arising out of delay, when the claim is made against one of the railways designated in Article 42, § 2, within a period of twenty-one days not including the day on which the baggage is accepted ;

(3) In the case of a claim for partial loss of or damage to the baggage :

(a) If the loss or damage was verified before acceptance of the baggage by the passenger in accordance with Article 43 ;

(b) If the verification which should have taken place under Article 43 was only omitted through the fault of the railway ;

(4) In the case of a claim for non-apparent damage the existence of which is discovered after acceptance, provided always :

(a) That the railway did not offer the passenger an opportunity to inspect the baggage at the station of destination ;

(b) That the request for verification in accordance with Article 43 is made immediately after discovery of the loss or damage, and not more than three days after receipt of the goods ;

(c) That the passenger proves that the loss or damage took place in the interval between acceptance of the baggage for transport and delivery ;

(5) When the object of the proceedings is the recovery of sums paid.

§ 3. The passenger may only refuse acceptance of the baggage until such time as his request for the verification of the alleged loss or damage has been complied with.

Any reservations he may make when withdrawing his baggage shall be without effect unless accepted by the railway.

§ 4. If, on delivery, any of the packages mentioned in the baggage registration voucher should be found to be missing the passenger may, before withdrawing the remainder, require the railway to deliver him a certificate to that effect.

§ 5. Liability for total loss shall cease if, within six months after the arrival of the train in which it should have been transported, the baggage has not been claimed at the station of destination, without prejudice, however, to the railway's duty to notify the passenger whenever his baggage may be recovered, provided it is so marked that his address can be ascertained.

Article 45.

LIMITATION OF ACTIONS ARISING OUT OF THE TRANSPORT CONTRACT.

§ 1. An action on a transport contract shall not be maintainable after the expiry of a period of one year, unless the sum due has already been fixed by acknowledgment, compromise or judgment.

Nevertheless, the period of limitation shall be three years in the case of an action in respect of loss or damage due to wilful misconduct or in the case of fraud referred to in Article 38.

§ 2. The period of limitation shall commence to run :

(a) In the case of claims for compensation for partial loss, damage or delay in delivery : from the date of delivery ;

(b) In the case of claims for compensation for total loss : from the date on which delivery should have taken place ;

(c) In the case of claims for payment or repayment of charges, subsidiary charges or surcharges, or for readjustment of charges in the event of error in the application of the tariff or in calculation : from the date of the payment of the charges, subsidiary charges or surcharges or, if no payment has been made, from the date on which it should have been made ;

(d) In the case of claims for the payment of additional duty demanded by the Customs authorities : from the date on which such demand is made ;

(e) In the case of other claims connected with transport of passengers : from the date of expiry of the validity of the ticket.

The dates indicated as the beginning of the period of limitation are in no case to be included in such period.

§ 3. Should an administrative claim be made in writing to the railway in accordance with Article 40, the period of limitation shall cease to run. The period of limitation shall continue to run from the day on which the railway rejects the written claim and returns the documents attached thereto. The burden of proof of the receipt of the claim or of the reply and of the return of the documents shall rest on the party relying thereon.

Further claims in the same connection shall not suspend the period of limitation.

§ 4. Subject to the foregoing provisions, suspension and interruption of the period of limitation shall be regulated by the laws and regulations of the State in which the action is brought.

Article 46.

NON-REVIVAL OF RIGHTS OF ACTION BARRED UNDER PREVIOUS ARTICLES.

A right of action barred, whether through lapse of time or otherwise under Article 26, § 10, and Articles 44 and 45, cannot be revived either as a counterclaim or other mode of defence in another action.

CHAPTER III.

SETTLEMENT OF ACCOUNTS AND CLAIMS OF RAILWAYS AGAINST EACH OTHER.

Article 47.

SETTLEMENT OF ACCOUNTS BETWEEN RAILWAYS.

Every railway shall pay to the other railways concerned the share due to them of transport charges which it has or should have collected.

Article 48.

CLAIMS IN RESPECT OF COMPENSATION FOR TOTAL OR PARTIAL LOSS OR DAMAGE.

§ 1. A railway which has paid compensation for total or partial loss of or for damage to baggage under the provisions of the present Convention shall be entitled to claim against the railways associated in the transport of the baggage, in accordance with the following provisions :

(a) The railways through which the loss or damage was caused shall be solely liable ;

(b) When the loss or damage was caused by the act of more than one railway, each railway shall be liable for the loss or damage that it caused. If, in any case, such a distinction cannot be established, liability for the compensation due shall be shared between them according to the principles laid down under (c) ;

(c) If it cannot be proved that the loss or damage was caused by the act of one or more railways, liability for the compensation due shall be divided among all the railways associated in the transport of the baggage, with the exception of those which can prove that the loss or damage was not caused on their lines. Such division of liability shall be in proportion to the number of kilometres travelled under the tariffs.

§ 2. In the event of the insolvency of any one of the railways, the unpaid share due from it shall be divided among all the other railways which have participated in the transport in proportion to the number of kilometres travelled under the tariffs.

Article 49.

CLAIMS IN RESPECT OF COMPENSATION FOR DELAY IN DELIVERY.

The rules laid down in Article 48 shall be applied in the case of the payment of compensation for delay. Should the delay have been caused by proved irregularities on more than one railway, liability for compensation shall be divided among such railways in proportion to the length of the delay occurring on their respective lines.

Article 50.

PROCEDURE IN RESPECT OF CLAIMS.

§ 1. No railway against which a claim is brought under Articles 48 and 49 above shall be entitled to contest the regularity of the payment made by the administration making the claim, if the amount of the compensation was fixed by a court of law after the said railway had been duly notified of the proceedings and afforded an opportunity of entering an appearance. The court trying the main action shall decide, according to the circumstances, what time shall be allowed for notification of the proceedings and the entering of an appearance.

§ 2. A railway desiring to take proceedings to enforce its claims shall join all the other railways concerned with which it has been unable to reach a settlement in the same action, failing which its right of action against any railway not so joined shall cease.

§ 3. The court shall, in one and the same decision, pass upon all the claims brought before it.

§ 4. The decision shall not be subject to appeal on the part of the defendant railways.

§ 5. Claims against other liable parties shall not be raised in the main action to recover compensation.

Article 51.

JURISDICTION IN RESPECT OF CLAIMS.

§ 1. Exclusive jurisdiction in the matter of claims between railways shall rest with the courts of the domicile of the defendant railway.

§ 2. Where the suit is brought against several railways, the plaintiff railway shall be free to elect in which of the courts competent under the preceding paragraph proceedings shall be instituted.

Article 52.

SPECIAL AGREEMENTS IN RESPECT OF CLAIMS.

The foregoing provisions shall not affect any special agreements concluded between railways either in advance, in respect of any claims which may arise between them, or for a special case.

PART IV.

MISCELLANEOUS PROVISIONS.

Article 53.

APPLICATION OF NATIONAL LAW.

Unless otherwise provided in the present Convention, the national laws and regulations concerning transport in each State shall apply.

Article 54.

GENERAL RULES OF PROCEDURE.

Unless otherwise provided in the present Convention, the procedure to be followed in respect of any disputes arising out of transport governed by the present Convention shall be that of the competent court.

Article 55.

ENFORCEMENT OF JUDGMENTS. SEIZURE AND SECURITY.

§ 1. Judgments entered, either after both parties have been heard or in default, by the court competent under the provisions of the present Convention shall, when enforceable under the laws applied by the competent court, become enforceable in each of the other contracting States, as soon as the formalities required in that State have been complied with. The merits of the dispute may not be made the subject of any further proceedings.

This shall not apply to awards which are only provisionally enforceable, nor to awards granting damages in addition to costs, against a plaintiff who fails in his suit.

§ 2. Debts arising out of international transport, owing to one railway by another not belonging to the same State, shall not give rise to seizure unless under a decision of a judicial authority of the State of the creditor railway.

§ 3. The rolling-stock of a railway, and any movable property belonging to it contained in such rolling-stock, shall not be seized in territory other than that of the State to which the said railway belongs, save under a judgment rendered by the judicial authorities of that State.

§ 4. Security for costs shall not be required in legal proceedings based on an international transport contract.

Article 56.

MONETARY UNIT. RATE OF CONVERSION OR ACCEPTANCE OF FOREIGN CURRENCY.

§ 1. The amounts stated in francs in the present Convention or the Annexes thereto shall be regarded as referring to the gold franc weighing 10/31 grammes of gold 900 fine.

§ 2. The railway shall, either by posting up outside its booking offices or in any other suitable manner, publish the rates at which it converts amounts stated in foreign currency which are payable in the money of the country (rate of conversion).

§ 3. A railway accepting foreign currency in payment shall likewise publish the rate at which it accepts such currency (rate of acceptance).

Article 57.

ESTABLISHMENT OF A CENTRAL OFFICE FOR INTERNATIONAL TRANSPORT BY RAIL.

§ 1. To facilitate and ensure the application of the present convention, a Central Office for International Transport by Rail shall be established with the following duties :

(a) To receive communications from the various contracting States and railways concerned and bring them to the notice of other States and railways ;

(b) To collect, collate and publish information of every kind connected with international transport services ;

(c) To render, at the request of the parties, awards in any disputes which may arise between railways ;

(d) To facilitate the financial relations between the various railways arising out of international transport services and the recovery of outstanding debts, and with this object to ensure the continuance of proper relations between the various railways ;

(e) To examine requests for the amendment of the present Convention and, whenever necessary, to propose the convening of the Conferences provided for in Article 60.

§ 2. The seat, composition and organisation of the Office and its means of action shall be as defined in the special Regulations forming Annex II to the present Convention. The Regulations and any amendments made in them by agreements between the various contracting States shall have the same validity and duration as the Convention.

Article 58.

LIST OF LINES SUBJECT TO THE CONVENTION.

§ 1. The Central Office provided for under Article 57 shall compile and keep up to date a list of the lines subject to the present Convention. For that purpose, the Office shall receive notifications from the contracting States regarding the lines of any railway or any undertaking within the meaning of Article 2 to be entered on the list or removed therefrom.

§ 2. The entry of a new line into the international transport system shall not take place until one month after the date of the letter from the Central Office notifying the other States of its inclusion in the list.

§ 3. The Central Office shall remove a line from the list immediately on receipt from the contracting State, at whose request it was entered on the list, of a notification to the effect that the line is no longer in a position to satisfy the obligations imposed on it by the Convention.

§ 4. The receipt of an advice from the Central Office shall be sufficient to entitle each railway immediately to discontinue all international transport relations with a line struck off the list, except for traffic already *en route*, which must be carried to its destination.

Article 59.

ADMISSION OF NEW STATES.

§ 1. Any State not a signatory of the present Convention, desiring to accede thereto, shall apply to the Swiss Government, which shall communicate its request to all the States Parties to the Convention with a note from the Central Office concerning the position, from the point of view of international transport, of the railways of the State making the request.

§ 2. Unless, within six months from the despatch of the above-mentioned communication, at least two States inform the Swiss Government that they are opposed thereto, the request shall be deemed to have been accepted and the Swiss Government shall notify the State making the request and all States Parties to the Convention to that effect.

In the contrary case, the Swiss Government shall notify all the States Parties to the Convention and the State concerned that consideration of its request will be postponed.

§ 3. Admission shall become operative one month after the date of the despatch of the communication by the Swiss Government.

Article 60.

REVISION OF THE CONVENTION.

§ 1. A Conference of delegates of the contracting States for the revision of the Convention shall be convened to meet by the Swiss Government not later than five years after the entry into force of the modifications adopted at the last Conference.

A Conference shall be convened earlier at the request of at least one-third of the contracting States.

§ 2. The entry into force of the new Convention concluded as a result of a Revision Conference shall have the effect of abrogating the previous Convention, even as regards such Contracting Parties as may not ratify the new Convention.

Article 61.

SUPPLEMENTARY PROVISIONS.

§ 1. Any supplementary provisions which contracting States or participating railways may deem necessary to publish with a view to the application of the Convention shall be communicated by them to the Central Office.

§ 2. Agreements for the adoption of such provisions may be put into force on the railways which have acceded thereto in the manner provided for in the laws and regulations of each State, without, however, the International Convention being affected thereby.

Their entry into force shall be notified to the Central Office.

Article 62.

DURATION OF THE UNDERTAKING ENTERED INTO BY STATES PARTIES TO THE CONVENTION.

§ 1. The duration of the present Convention shall be unlimited. Nevertheless, any State Party thereto may withdraw under the following conditions :

The original undertaking shall be valid up to December 31st of the fifth year following the entry into force of the present Convention. Any State desiring to withdraw at the end of that period shall give notice to that effect at least one year previously to the Swiss Government, which shall notify all the States Parties to the Convention.

Failing notice of withdrawal within the prescribed period, the undertaking shall be automatically extended for a period of three years, and thereafter for successive periods of three years, unless denounced at least one year before December 31st of the last year of any one of the successive three-year periods.

§ 2. States accepted as Parties to the Convention during the period of five years, or during one of the periods of three years, shall be bound until the end of such period, and thereafter until the end of each of the succeeding periods, unless their undertaking be denounced at least one year before the expiry of one of them.

Article 63.

RATIFICATIONS.

The present Convention shall be ratified and the instruments of ratification shall be deposited as soon as possible with the Swiss Government.

When the Convention shall have been ratified by fifteen States, the Swiss Government may communicate with the Governments concerned for the purpose of examining with them the possibility of bringing it into force.

Article 64.

TEXTS OF THE CONVENTION. OFFICIAL TRANSLATIONS.

The present Convention has been concluded and signed in the French language in accordance with the established diplomatic practice.

German and Italian texts, having the value of official translations, are attached to the French text.

In case of disagreement, the French text shall be taken as authentic.

In faith whereof the Plenipotentiaries of the States hereinafter mentioned and the Delegates of the Governing Commission of the Saar Territory have signed the present Convention.

Done at Rome, this 23rd day of November, 1933, in two copies, of which one shall remain deposited in the archives of the Ministry of Foreign Affairs of the Kingdom of Italy and the other shall be transmitted by the Italian Government to the Swiss Government to be deposited in its archives. A certified true copy of the present Convention shall be transmitted by the Italian Government to all the States represented at the Conference and to the Portuguese Government.

- | | |
|-------------------------------|-------------------------------------|
| For Germany : | A. LANDRA. |
| Ulrich VON HASSEL. | Salvatore MALTESE. |
| Heinrich NIEMACK. | LA VALLE. |
| Johannes KOFFKA. | Luca PIETROMARCHI. |
| For Austria : | A. FILONI. |
| Dr. Ant. RINTELEN. | S. SCOCCIANTI. |
| For Belgium : | For Latvia : |
| Prince Albert DE LIGNE. | Dr. A. SPEKKE. |
| For Bulgaria : | For Liechtenstein : |
| General Ivan VOLKOFF. | HUNZIKER. |
| For Denmark : | For Luxemburg : |
| J. C. W. KRUSE. | DUMONT. |
| For the Free City of Danzig : | For Norway : |
| Alfred WYSOCKI. | J. IRGENS. |
| For Spain : | For the Netherlands : |
| G. DE OJEDA. | J. PATIJN. |
| For Estonia : | For Poland : |
| A. SCHMIDT. | Alfred WYSOCKI. |
| For Finland : | For Roumania : |
| Pontus ARTTI. | J. LUGOSIANU. |
| For France : | For Sweden : |
| Charles DE CHAMBRUN. | Erik SJOBORG. |
| For Greece : | For Switzerland : |
| M. C. MÉLAS. | HUNZIKER. |
| For Hungary : | For Czechoslovakia : |
| Frédéric VILLANI. | F. CHVALKOVSKÝ. |
| For Italy : | For Turkey : |
| Lodovico LUCIOLLI. | Zeki NEBIL. |
| A. GIANNINI. | For Yugoslavia : |
| Luigi MACCALLINI. | Y. DOUTCHITCH. |
| Ludovico BELMONTE. | For the Governing Commission of the |
| Massimo CHIESA. | Saar Territory : |
| P. QUARONI. | L. D'EHRNROOTH. |

3rd sheet, front.

No.	International Transport of Baggage.			Ⓢ	
..... (Name of the railway administration.)					
BAGGAGE REGISTRATION VOUCHER					
from to					
via					
.....					
Date 19...	Number of transport documents	Number of pieces of baggage	Actual weight in kg.	Charge for transport of baggage	
				Charge cal- culated per unit of 10 kg. }	excluding free allowance of baggage on ... kg. ...
				*	free allowance of baggage ... kg.
				*
Train No.				Interest in delivery
Subsidiary charges
Total charge

See other side.

3rd sheet, back.

Transport shall be subject to the conditions laid down in the International Convention concerning the Transport of Passengers and Baggage and in the relevant tariffs.

The passenger must be present at the formalities required by the Customs, octroi, fiscal, police and other administrative authorities, unless otherwise provided by the competent administrations.

The baggage described overleaf will be delivered on production of this voucher.

* This space is available for any additional particulars required by the railways.

ANNEX II.

*(Article 57).*REGULATIONS REGARDING THE CENTRAL OFFICE FOR INTERNATIONAL
TRANSPORT BY RAIL.*Article 1.*

§ 1. The Central Office for International Transport by Rail shall be established at Berne. The Swiss Federal Council shall be entrusted with the task of organising the Office in accordance with Article 57 of the Convention and with the supervision of its activities.

§ 2. The expenses of the Central Office shall be borne by the contracting States in proportion to the length of the railway lines or of the routes served by other undertakings admitted to participation in transport under the International Convention. Water transport undertakings shall, however, contribute in proportion to one-half only of the length of the routes they serve. The contribution of each State shall be not more than 0.80 francs par kilometre. The amount of the annual contribution per kilometre of railway line shall be fixed for each financial year by the Swiss Federal Council, after consultation with the Central Office, due regard being had to the circumstances and to current requirements. The total sum fixed shall always be collected. When the actual expenditure of the Office is less than the sum thus calculated, the amount not spent shall be paid into the Retirement and Pensions Fund, the interest accruing on which is to be used for the purpose of making grants or allowances to officials and employees of the Central Office who by reason of age, accident or sickness are no longer able to perform their duties.

On submitting its annual report and accounts to the contracting States, the Central Office shall invite them to pay their contributions towards the expenditure of the past financial year. Any State not having paid its contribution by October 1st shall once more be requested to do so. Should this request have no effect, the Central Office shall send a further reminder at the beginning of the next year when forwarding the report on the next financial year. If by the following July 1st this reminder has elicited no response, the State in arrears shall be approached a fourth time and requested to pay the two annual contributions due. Failing receipt of a satisfactory reply within three months, the Central Office shall notify the State in question that if the expected payment is not made by the end of the year, the fact shall be interpreted as a tacit manifestation of its desire to withdraw from the Convention. If by December 31st these last representations have produced no result, the Central Office, taking note of the desire to withdraw from the Convention tacitly expressed by the defaulting State, shall remove the lines of that State from the list of the lines admitted to participation in international transport.

Sums not paid in shall, as far as possible, be covered out of the ordinary credits at the disposal of the Central Office, if necessary, over four financial years. Any part of a deficit not met in this manner shall be debited in a special account to the other States in proportion to the number of kilometres of railway line subject to the Convention at the date of the opening of the account in so far as each State shall, during the two-year period preceding the withdrawal of the defaulting State, have been, with it, a Party to the Convention. A State whose lines have been removed from the list under the conditions laid down in the previous paragraph can only obtain their re-admission to participation in international transport by first paying the sums which the said State owes for the material years, with interest at five per cent as from the end of the sixth month from the date on which the Central Office first requested that State to pay the contributions due from it.

Article 2.

§ 1. The Central Office shall publish a monthly Bulletin containing all information necessary for the application of the Convention, more particularly communications relating to the list of

railway lines and other undertakings and to articles not accepted for transport or only accepted on certain conditions, together with such law reports and statistics as it may think fit to insert.

§ 2. The Bulletin shall be issued in French and German. A free copy shall be sent to each State and each Administration concerned. Other copies may be supplied, on application, at the price fixed by the Central Office.

Article 3.

§ 1. Over-due bills and accounts in respect of international transport may be forwarded by the creditor Administration to the Central Office with a request for its assistance in securing payment. The Central Office shall then formally call on the debtor transport undertaking to pay the sum due or to state the grounds for its refusal to do so.

§ 2. Should the Central Office consider that the grounds stated are adequate, it shall advise the parties to have recourse to the competent court.

§ 3. Should the Central Office consider that all or part of the sum in question is really due, it may, after taking expert opinion, call upon the debtor transport undertaking to pay in the whole or part of the debt to the Office ; the sum thus paid in shall be held by the Office until the competent court has decided on the whole matter in dispute.

§ 4. Failing compliance with the injunctions of the Central Office within fifteen days, a further demand shall be addressed to the transport undertaking concerned and its attention shall be drawn to the consequences of default.

§ 5. Ten days after such further demand, should it remain without effect, the Central Office shall notify the State to which the undertaking belongs of the action taken and the grounds therefor, requesting the State to consider what is to be done in the matter and particularly whether the debtor transport undertaking is to remain on the list of lines.

§ 6. Should the State to which the debtor undertaking belongs intimate that, the default notwithstanding, it is not prepared to have the lines of the undertaking removed from the list, or should it fail to reply to the Central Office's communication within a period of six weeks, it shall be deemed to have agreed to guarantee the solvency of the undertaking as regards debts arising out of international transport.

PROCÈS-VERBAL

OF THE DIPLOMATIC CONFERENCE TO DETERMINE THE DATE OF THE ENTRY INTO FORCE OF THE INTERNATIONAL CONVENTION OF NOVEMBER 23RD, 1933, CONCERNING THE TRANSPORT OF PASSENGERS AND BAGGAGE BY RAIL (C. I. V.). SIGNED AT BERNE, NOVEMBER 17TH, 1937.

In accordance with Chapter II, paragraph (*b*), of the Final Act, signed at Rome on November 23rd, 1933, of the International Convention of that date concerning the Transport of Passengers and Baggage by Rail (C. I. V.) between :

Germany, Austria, Belgium, Bulgaria, Denmark, Free City of Danzig, Spain, Estonia, Finland, France, Greece, Hungary, Italy, Latvia, Liechtenstein, Luxemburg, Norway, the Netherlands, Poland, Roumania, Sweden, Switzerland, Czechoslovakia, Turkey and Yugoslavia,

And in pursuance of the invitation addressed by the Swiss Federal Council to the High Contracting Parties, the undersigned Plenipotentiaries met to-day in the Palais Fédéral at Berne to determine the date of the entry into force of the International Convention of November 23rd, 1933, concerning the Transport of Passengers and Baggage by Rail which, with its Annexes and its Final Act, comprises in all four documents.

After having communicated their full powers, found in good and due form, the Plenipotentiaries took note of the declaration of the Swiss Government to the effect that the instruments of ratification,

found, after examination, to be in order and concordant, had been deposited with the Government of the Swiss Federation by the following States on the dates indicated :

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|--|--------------------------------------|
| 1. Austria, November 9th, 1934. | 11. France, March 2nd, 1936. |
| 2. Sweden, April 11th, 1935. | 12. Estonia, March 12th, 1936. |
| 3. Germany, July 12th, 1935. | 13. Netherlands, March 20th, 1936. |
| 4. Norway, July 22nd, 1935. | 14. Belgium, June 17th, 1936. |
| 5. Hungary, September 10th, 1935. | 15. Latvia, April 28th, 1937. |
| 6. Italy, October 30th, 1935. | 16. Switzerland, May 29th, 1937. |
| 7. Denmark, November 13th, 1935. | 17. Czechoslovakia, July 2nd, 1937. |
| 8. Poland, February 11th, 1936. | 18. Yugoslavia, November 10th, 1937. |
| 9. Free City of Danzig, February 11th, 1936. | 19. Roumania, November 13th, 1937. |
| 10. Luxemburg, February 29th, 1936. | |

In view of the number of States having already deposited their instruments of ratification with the Swiss Government,

The undersigned Plenipotentiaries decided to determine forthwith the date of the entry into force of the present Convention and agreed upon the following :

1. The provisions of the International Convention of November 23rd, 1933, concerning the Transport of Passengers and Baggage by Rail shall come into force on October 1st, 1938.

2. From that date, the International Convention of October 23rd, 1924, concerning the Transport of Passengers and Baggage by Rail, including the Final Protocol, of October 23rd, 1924, shall be abrogated and replaced by the aforesaid Convention of November 23rd, 1933.

3. Portugal, being a State Party to the C. I. V. of 1924 but not having signed the C. I. V. of 1933, shall be requested to accede to the new Convention and also to sign the present Procès-Verbal.

The present Procès-Verbal shall remain open until August 1st, 1938, for the signature of the Governments of contracting States which have been unable to sign it this day. In the case of States not signatories of the present Procès-Verbal which deposit their instruments of ratification after August 1st, 1938, the Convention shall be applicable as from the first day of the second month after the month in which the Swiss Government shall notify the Governments of the contracting States that such deposit has taken place.

In faith whereof the undersigned Plenipotentiaries have drawn up and signed the present Procès-Verbal.

Done at Berne, this seventeenth day of November, one thousand nine hundred and thirty-seven, in two copies, of which one shall remain deposited in the archives of the Swiss Confederation and the other shall be transmitted by the Swiss Government to the Italian Government to be deposited in that Government's archives.

A certified true copy of the present Procès-Verbal shall be transmitted by the Swiss Government to each of the High Contracting Parties and to the Portuguese Government.

For Germany :
Otto KÖCHER.
Dr. Kurt FRIEBE.

For Austria :
ENGERTH.
Dr. F. JELINEK.

For Belgium :
Comte Louis d'URSEL.

For Bulgaria :

For Denmark :
E. H. SCHACK.

- For the Free City of Danzig :
December 31st, 1937.
J. DE MODZELEWSKI.
- For Spain :
July 27th, 1938.
A. FABRA RIBAS.
- For Estonia :
March 10th, 1938.
J. KÖDAR.
- For Finland :
- For France :
ALPHAND.
E. CHARLOT.
- For Greece :
C. PSAROUDAS.
- For Hungary :
VELICS.
- For Italy :
TAMARO.
A. FILONI.
- For Latvia :
J. FELDMANS.
- For Liechtenstein :
PILET-GOLAZ.
- For Luxemburg :
ELTER.
- For Norway :
January 24th, 1938.
J. IRGENS.
- For the Netherlands :
A. LOUDON.
- For Poland :
J. DE MODZELEWSKI.
- For Portugal :
July 26th, 1938.
Manoel DE SANTOS SILVA MACHADO.
- For Roumania :
S. MICLESCU.
J. COZACHEVICI.
- For Sweden :
K. J. WESTMAN.
- For Switzerland :
PILET-GOLAZ.
- For Czechoslovakia :
KÜNZL-JIZERSKY.
- For Turkey :
Vasfi MENTEŞ.
- For Yugoslavia :
Zor. DRAGUTINOVITCH.
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