

N° 4621.

BULGARIE ET ROUMANIE

Convention concernant le règlement des communications ferroviaires réciproques entre les deux pays *via* Boteni-Oborischté, et protocole final. Signés à Varna, le 26 juillet 1935.

Texte officiel français communiqué par le délégué permanent de la Roumanie près la Société des Nations. L'enregistrement a eu lieu le 12 août 1939.

BULGARIA AND ROUMANIA

Convention regulating the Reciprocal Railway Communications between the Two Countries *via* Boteni-Oborischté, and Final Protocol, Signed at Varna, July 26th, 1935.

French official text communicated by the Permanent Delegate of Roumania to the League of Nations. The registration took place August 12th, 1939.

TRADUCTION. — TRANSLATION.

No. 4621. — CONVENTION¹ REGULATING THE RECIPROCAL RAILWAY COMMUNICATIONS BETWEEN THE KINGDOM OF BULGARIA AND THE KINGDOM OF ROUMANIA VIA BOTENI-OBORISCHTÉ. SIGNED AT VARNA, JULY 26TH, 1935.

THE KINGDOM OF ROUMANIA of the one part and THE KINGDOM OF BULGARIA of the other part, hereinafter designated as the Contracting Parties, desirous of improving railway communications between the two States, have resolved to conclude a Convention regarding the railway service on the Oborischté-Bazargic line and the transit service at the frontier stations of Boteni on the one hand and Oborischté on the other hand.

The Plenipotentiaries appointed for the purpose, namely :

FOR THE KINGDOM OF ROUMANIA :

M. Georges PANAITOPOUL, Engineer, Central Director of the Roumanian Railways ;

FOR THE KINGDOM OF BULGARIA :

M. Georges SGOUREFF, Engineer, Assistant Director of the Bulgarian Railways ;

Having communicated their full powers, found in good and due form, have agreed on the following provisions :

Article 1. — CONVENTIONAL PROVISIONS, LAWS AND REGULATIONS.

Railway communications between the two Contracting Parties shall be regulated in accordance with the provisions of the present Convention. There shall be applicable further, save in so far as otherwise provided by the present Convention, the provisions of the arrangements and tariffs concluded between the Contracting Parties or their respective Railway Administrations, the provisions of international conventions or agreements to which the two Contracting Parties or their respective Railway Administrations have acceded, and the current laws and regulations in force within the territory of either State (see Final Protocol).

Article 2. — TRAFFIC ORGANISATION.

1. The two Contracting Parties shall take steps to enable the railway communications between their respective territories to operate with sufficient elasticity to meet the requirements of frontier and transit traffic. In particular, the railway, postal, Customs, police and other services shall be so organised as to ensure the utmost possible dispatch in the transport of passengers, luggage, parcels and goods (see Final Protocol).

2. The Administrations shall give consideration at their periodical conferences on the subject of time-tables to the requirements of frontier and transit traffic. In particular, they shall concert together as to the times of departure and arrival of trains and the co-ordination of train movements at exchange stations, while at the same time giving consideration to the requirements of Customs examination and passport control.

3. Particulars of postal exchanges, in cases where postal traffic passes through the frontier posts to which Article 3 relates, shall be determined in connection with the local service arrangements for which Article 4 provides.

¹ The exchange of ratifications took place at Bucharest, July 13th, 1939.
Came into force August 12th, 1939.

Article 3. — EXCHANGE STATION.

1. Railway traffic between the two Contracting Parties shall pass through the frontier points hereinafter specified to the exchange station hereinafter specified :

Frontier points :

Oborischté Boteni

Exchange station :

Oborischté.

2. The joint railway, Customs, police, sanitary, veterinary, phytopathological and postal services shall all be located at the exchange station aforesaid.

For the Customs and police services, see Article 23 below.

3. Pending the equipment of Boteni station as a frontier station, the above services shall continue as at present.

4. The Governments of the two Contracting Parties may by joint agreement designate another exchange station in lieu of the above.

Article 4. — LOCAL SERVICE ARRANGEMENT.

1. The Railway Administrations, in conjunction with the other services concerned, shall conclude a local service arrangement, as may be required, in execution of the present Convention and in accordance with the provisions thereof. Special consideration shall be given in this connection to local circumstances and conditions peculiar to particular services.

2. The said local service arrangement shall include a horizontal section of the line between the frontier and the exchange station, together with a plan of the latter showing existing buildings and installations, whether in joint use or reserved for the exclusive use of the neighbouring Administration, in colours. A schedule of the buildings and installations to be used in the manner provided in Article 7 shall be appended as a supplement to the plan.

The horizontal section, plan and schedule shall be supplied by the Administration within whose territory the exchange station is situated.

Article 5. — SOVEREIGN RIGHTS.

Save in so far as otherwise provided in the present Convention or in other international conventions, each of the Contracting Parties shall exercise its sovereign rights over the territory within which the exchange station and the section of line between the exchange station and the frontier are situated.

Article 6. — PROPERTY RIGHTS.

All buildings and installations within the precincts of the exchange station and on the section of line between the exchange station and the frontier shall be the property of the Administration within whose territory they are situated.

Article 7. — USE AND UPKEEP OF BUILDINGS AND INSTALLATIONS.

1. The Railway Administrations of the two Contracting Parties shall concert together, in accordance with the terms of the present Convention, as to the use of buildings and installations required for the purpose of railway communications.

2. Each Railway Administration shall be responsible for the upkeep within its own territory, in conformity with the current regulations in force, of all buildings and installations at the exchange station or frontier, as also of the section of line between the exchange station and the frontier and the buildings and installations therein situated.

3. Detailed regulations shall be determined by common accord in the local service arrangement.

Article 8. — BUILDINGS AND INSTALLATIONS INTERSECTED BY THE FRONTIER.

1. Buildings such as railway bridges and viaducts, including pillars and abutments, and installations which are intersected by the frontier, shall be under the sole supervision, and their

upkeep shall be in the sole care, of one of the Administrations concerned (see paragraph 3 below) acting in accordance with its own regulations, provided always that nothing in this provision shall affect the property rights of the other Administration.

2. The Administration responsible for their upkeep shall receive payment therefor from the other Administration : the amount of such payment shall be determined in the local service arrangement.

3. A list of buildings and installations intersected by the frontier, with an indication in each case of the Administration responsible for their upkeep, is contained in Annex A.

4. The Railway Administrations concerned shall concert together as to works of a more extensive character than are involved in current upkeep and as to renewals, as required, of the buildings and installations concerned. In case of urgency or danger, the Administration responsible for their upkeep shall carry out the necessary work and notify the other Administration accordingly without delay.

Article 9. — PROVISIONS REGARDING LANGUAGES.

1. Service communications, whether by word of mouth or in writing, at the exchange station and on the section of line between the exchange station and the frontier shall be conducted in the official language of the State within whose territory the exchange station is situated or in French (see also Article 29).

2. The despatch of trains at the exchange station for the neighbouring Administration shall be effected in accordance with the regulations, and in the service language, of the local Administration or in French (see also Article 29). Provision may be made in the local service arrangement for detailed arrangements and modifications, as required.

3. The service premises reserved at the exchange station for the exclusive use of the neighbouring Administration, as also premises in joint use, shall be indicated by notices bearing the official description : the said notices shall be in the official languages of both countries and in French. The description in the official language of the neighbouring Administration shall always come first in the case of service premises reserved for the exclusive use of that Administration or of parts of service premises so reserved. Descriptions in the official language of the State within whose territory the exchange station is situated, and in French, shall follow. Other public notices shall be in the service languages of both Administrations and in French, the text in the service language of the local Administration coming first.

4. The exchange station and the frontier stations must display such time-tables and important official notices concerning traffic through the respective frontier points as may be communicated to them by the other Administration in the official language in the places set apart for the purpose (see Final Protocol).

Article 10. — FLAGS.

Offices of one State situate within the territory of the other State shall not be required to fly their national flag over the buildings and premises used by them. Should they do so of their own accord, they must at the same time fly the flag of the State within whose territory they are situated.

Article 11.

Customs and police services of either State, situate within the territory of the other State, shall be entitled to display official shields bearing their own State emblems on their service premises.

Article 12. — AGENTS OF THE NEIGHBOURING STATE ON SERVICE AT THE EXCHANGE STATION AND ON THE SECTION OF LINE BETWEEN THE EXCHANGE STATION AND THE FRONTIER.

1. The neighbouring Administration shall be entitled to use its own agents for the performance at the exchange station and on the section of line between the exchange station and the frontier of duties in connection with service requirements. The said agents must comply in the performance

of their service duties with the laws and regulations of the Administration by which they are appointed. Their relations with the Administration by which they are employed shall be governed exclusively by the laws and regulations of the State to which the latter is subject.

2. Furthermore, the neighbouring Railway Administration shall be entitled, with a view to the efficient operation of the train service and the defence of its own interests, to establish an office to represent it at the exchange station. The relations of the said office with the local Administration shall be regulated in the local service arrangement.

3. No military units may be employed within the territory of the other State, other than frontier guards under the orders of the Finance Ministries of the two countries employed exclusively on Customs duties. The following may also not be employed for service within the territory of the other State :

(a) Persons who have committed acts directed against the security or existence of the other contracting State ;

(b) Persons convicted by a criminal court without further possibility of appeal, where the sentence entails incapacity to exercise a public office or service function, for such time as the operation of the sentence may last, or for the probationary period in the case of a suspended sentence ;

(c) Persons sentenced for smuggling or for any other offence against Customs laws or regulations.

4. The number of agents which either Administration may appoint for service within the neighbouring State may not exceed the number strictly required for the performance of the service concerned.

5. Railway agents on service at the exchange station or on the section of line between the exchange station and the frontier must acquaint themselves with the provisions and regulations governing the performance of their service at the said station or on the said section of line.

6. The capacity and qualifications required for the performance of their service by agents employed within the territory of the neighbouring State shall be determined in accordance with the regulations and tests of the Administration by which such agents are employed.

7. Agents of one Railway Administration on service within the territory of the neighbouring State shall be subject for the purpose of their service to the orders of the competent authorities of the local Railway Administration, in so far as the latter are empowered to give the orders in question under the local service arrangement.

Article 13. — LEGAL STATUS OF AGENTS OF THE NEIGHBOURING STATE.

1. The fact of residence, domicile or performance of service within the territory of one State by agents of the other State shall not affect the nationality of such agents. In like manner, in the case of members of the families of such agents and of domestic servants forming part of their households within the territory of the neighbouring State, neither domicile, residence nor birth shall involve acquisition of the nationality of the neighbouring State.

2. All needful protection shall be accorded to the parties to whom paragraph 1 above relates throughout their period of residence, whether temporary or permanent, within the territory of the other State (see also Articles 21 and 22). Reciprocally, agents on service within the territory of the other State shall be deemed therein to be officials within the meaning of the Criminal Code for the purposes of their judicial protection in matters criminal. In the case of injuries or overt acts of violence, the public authorities shall be bound to institute proceedings, where such proceedings can lie, irrespective of any pleas made by the victim. The benefit of such judicial facilities shall be available to each Contracting Party in respect of its agents within the territory of the other Contracting Party in the same measure in which it would be available for its agents within its own territory.

3. Agents and members of their families forming part of their households, being nationals of the State by which they are appointed, shall be exempted in the place of their residence within

the territory of the other State from all direct taxes which are or may hereafter be imposed therein for the benefit of the State, and from all other public imposts other than imposts to which they would have been liable in the State whose nationals they are, had they been domiciled or resident within its territory. The said exemption shall further be applicable to all other contributions or services in person or in kind which are or may hereafter be required by public law (see Final Protocol).

4. Agents of one State appointed for service within the territory of the other State, together with members of their families and domestic servants forming part of their households, being nationals of the State by which they are appointed, shall be exempted within the territory of the other State from any form of active military service or contribution or service in lieu thereof. Their liability in respect of other military obligations or requisitions shall not be greater than that of nationals of the country concerned or other than that for which the law of the country concerned provides.

5. They shall further be exempted within the territory of the other State from any and every liability for public service in courts of law, or on public bodies or self-governing corporations, communes and the like, save only service in the capacity of guardian (or curator) for nationals of their own State.

6. Children of the parties to whom paragraph 1 above relates shall be exempted within the territory of the other State from the obligation to attend school.

Article 14. — GENERAL DUTIES AND RECALL OF AGENTS.

1. The relations between agents of the two Contracting Parties shall be of an amicable and tactful character. Agents neglectful of duty shall be replaced, if request to that effect with reasons stated is made by the competent authority of the other Contracting Party.

2. In like manner, agents against whom charges are brought on other grounds, as, for example, on the ground of political activities, or agents in whose case there is conclusive evidence of complicity in smuggling or other violation of Customs regulations or action involving loss of revenue to the other Contracting Party, shall be replaced, if request to that effect with reasons stated is made by the competent authority of the latter.

3. In case of need, either Contracting Party may request the replacement of an agent through the diplomatic channel with or without statement of reasons.

4. Action in pursuance of the requests for the replacement of agents to which paragraphs 1 to 3 above relate shall be taken without delay.

*Article 15. — CRIMINAL RESPONSIBILITY OF AGENTS ON SERVICE
WITHIN THE TERRITORY OF THE OTHER STATE.*

1. The agents to whom Article 13, paragraph 1, relates must conform for the period of their residence within the territory of the other State to the current laws and regulations of the latter, and shall to that extent be subject to the latter's sovereignty. In the event of criminal proceedings of whatever kind being instituted by an authority of the other State against such agents, direct notice shall be given immediately by such authority to the authority responsible for the agent in question.

2. Criminal proceedings instituted against agents of one State on service within the territory of the other State shall be conducted with the utmost despatch; and direct notice of the issue of such proceedings shall be given to the authority responsible for the agent in question together with a copy of the final sentence.

3. Any steps which may be taken to secure the person of any of the parties to whom the foregoing paragraph relates shall not, so far as possible, be of such a character as to impede the operation of the service concerned. In the event of arrest of any such party, direct notice shall be given immediately to the head of the service to which the said party belongs.

Article 16. — SERVICE OFFENCES.

1. Disciplinary powers for all purposes of penalties for service offences by agents on service within the territory of the other State shall rest entirely in the hands of the authorities of the State by whom the agents in question are appointed.

2. In the case of service offences affecting railway communications within the meaning of the present Convention, the Administration within whose territory the offence has been committed shall conduct an enquiry into the facts of the case, in concert (wherever possible) with the Administration of the neighbouring State and with the co-operation of the latter. The issue of such enquiry shall be notified to the neighbouring Administration, which shall thereupon take the requisite action and notify the Administration conducting the enquiry accordingly. Agents insufficiently acquainted with the official language of the Administration conducting the enquiry may claim to be heard in the official language of their own State.

Article 17. — AID AND ASSISTANCE TO AGENTS ON SERVICE.

1. Agents and offices of the Contracting Parties on service at the exchange station and on the section of line between the exchange station and the frontier shall render aid and assistance to one another in the performance of their duties, particularly for the purpose of preventing or detecting breaches of the regulations.

2. Agents and offices of one Contracting Party shall render all needful assistance, as requested, to agents and offices of the other Contracting Party on service within the territory to which paragraph 1 above relates: they shall comply with requests for assistance to the same extent as if such requests had been made by their own agents or offices.

3. The Contracting Parties undertake to grant to the offices of the neighbouring Administration and its agents within their respective territories facilities for the unhindered performance of their duties, particularly in connection with the receipt and despatch of monies of the said offices and currency or securities of the neighbouring Administration, together with service notes and documents, and to provide for their safety to the same extent as if their own services were concerned. In the event of opposition to the activities of agents of one Administration on service within the territory of the other State, or to their service arrangements, the latter State shall take all needful steps through the intermediary of its own authorities to put an end to such opposition, and to allow of the unhindered performance of the service in question. Like aid and assistance shall be rendered in the exercise of control of the railway and railway police services.

Article 18. — CONTROL AUTHORITIES.

1. Each of the Administrations concerned shall control the service of its own agents within the territory of the other State.

2. The control authorities must abstain from any direct interference with the operation of the railways; but this provision shall not extend to service action by agents of the Administration by which they are appointed for the exclusive account of the latter.

3. The provisions of Article 21 shall be applicable to passage of the frontier and temporary residence of the control authorities within the territory of the other State.

Article 19. — SOCIAL INSURANCE.

1. For the purpose of the social insurance of agents temporarily or permanently appointed for service within the territory of the other State, the law of the State to which the said agents are subject shall alone be applicable.

2. The competent authorities for the purpose of the application of social insurance, as also for the settlement of disputes, shall be the insurers and the authorities and courts of the State whose law is applicable under paragraph 1 above.

3. Benefits in virtue of the above provisions, which are accorded to nationals of one contracting State under the law of the other contracting State, shall have the same legal effect, in

the matter of the civil law liability of the employer or of third parties, as benefits accorded under the law of the State of which the beneficiaries are nationals. There shall be no appeal by either Railway Administration against the other.

Article 20. — ASSISTANCE IN CASE OF SICKNESS.

1. Where an agent of one Contracting Party on service within the territory of the other Party, or a member of his family forming part of his household, falls sick or stands in need of medical assistance under other circumstances of similar urgency, the local Administration shall provide assistance to the same extent as if one of its own agents was concerned.

2. The expenditure thereby entailed shall be refunded to the Administration by which it has been incurred.

Article 21. — PASSAGE OF THE FRONTIER AND TEMPORARY RESIDENCE
WITHIN THE OTHER STATE.

1. Agents of either Contracting Party appointed for service at the exchange station or on the section of line between the exchange station and the frontier shall be entitled, on production of a permit issued by the competent authority, to cross the frontier in the performance of their service and to reside within the territory of the other State in the neighbourhood of the railway, both during their periods of service and in the intervals between such periods, without passports or visas. Permits shall be issued in an agreed form (see Annex B). The Administrations concerned shall communicate to one another the names of the authorities empowered to issue such permits. The period of validity of permits shall depend upon the circumstances of each case, but shall in no case exceed one year.

2. In the case of railway agents on service in trains or locomotives, entry of their names on the train sheet shall be sufficient authority for passage of the frontier without permits. In like manner, in the case of postal agents on service in postal cars, entry of their names on the service sheet of the postal service concerned shall be sufficient, provided always that all such agents, whether railway or postal, must be provided with a valid identity card, with a photograph, issued by their respective Administrations.

A full list of the names of all agents crossing the frontier in such connections must be delivered through the intermediary of the station-master of the frontier station to the police station at the frontier point.

3. Where the safety of train movements so requires owing to the breakdown of telegraphic and/or telephonic communications, messengers bearing official written messages relating to the operation of the railways shall be entitled to cross the frontier on production of such messages, and to recross it on their return on production of a copy of the message in question certified by the recipient.

4. Agents on service within the territory of the other State shall be entitled to wear the uniform or insignia of their service, whether on or off duty. They shall be bound to do so in so far as the regulations of their own Administration so require, or their service brings them into contact with the public. The carriage of arms is not authorised save in so far as the arms form part of the service equipment, and is authorised in such case only within the neighbourhood of the railway. Arms may not be used except for purposes of legitimate self defence. Railway agents are not entitled to carry arms.

5. Agents crossing the frontier in the course of their service or for the purpose of performing their service shall be entitled, subject to Customs examination, to take with them articles manifestly intended for their personal consumption during one day's duty (including the time taken on the journey in both directions) without being liable to the payment of Customs duties or other dues or taxes.

6. The agents to whom paragraph 1 above relates, on production of the permits to which the said paragraph refers, shall be conveyed free of charge over the section of line between the exchange station and the frontier (see Final Protocol).

Article 22. — PASSAGE OF THE FRONTIER AND PERMANENT RESIDENCE
WITHIN THE NEIGHBOURING STATE.

1. On production of an identity card of the agreed model (see Annexes C and D), agents on service within the territory of the other State shall be entitled, together with the members of their families and domestic servants forming part of their households, to reside in the place of their service. The place of their service shall be deemed to mean the neighbourhood of the exchange station. They shall be entitled, being nationals of one of the contracting States, to cross the frontier in either direction, on production of their identity cards, by rail.

2. The provisions of Article 21, paragraphs 4 and 6, shall be applicable as appropriate to the agents to whom the foregoing paragraph relates, provided always that the latter shall not be entitled to carry arms except when proceeding to, or returning from, the place of their service by rail.

Article 23. — CUSTOMS AND OTHER SPECIAL PROVISIONS.

1. At the frontier stations and on the sections of line between the frontier stations and the frontier the relevant regulations of both States shall be applicable to passenger, baggage and goods traffic crossing the frontier, with precedence for the regulations of the State from which the traffic comes.

2. With a view to expediting proceedings at frontier stations, Customs and police agents shall be entitled to make all needful service inspections at the exchange station and on the section of line between the exchange station and the frontier while the train is in movement ; but such Customs and police proceedings shall not begin before the passage of the frontier (see Article 3).

3. Nationals of one State may not be arrested and brought against their will from the territory within which the exchange station is situate into the State of which they are nationals. Should they have committed a breach of the regulations to which paragraphs 1 and 2 above relate, they may be held, at the request of agents of the State of which they are nationals, by the Customs or police agents of the State within whose territory the exchange station is situated, for the purpose of establishing the facts. On the completion of the proceedings, they shall be free to pursue their journey.

4. Agents of either Contracting Party employed on Customs, police or postal service within the meaning of the present Convention, including the accompanying of trains, shall be conveyed free of charge in both directions as far as the exchange station or the first station at which the train halts within the territory of the other State. They shall have the benefit of the same facilities for the passage of the frontier as are provided in Article 21.

5. Articles used for service purposes by offices situate within the territory of the neighbouring State, and uniforms and equipment of agents on service in such offices, may be conveyed, imported and exported free of Customs duties, dues and taxes of whatever kind, on production of a certificate signed by the head of the competent service. The same shall apply in the case of removals to used articles enumerated in an inventory attached to the official certificate, provided such articles are intended for the use of the agents removing or the members of their families or domestic servants forming part of their households, as also to articles belonging to them which are sent by them into their own country for repair, cleaning or the like. Import and export prohibitions of an economic character shall not be applicable to such articles.

6. Rail motor vehicles and other means of transport by rail used by agents, including control authorities crossing the frontier for service at the exchange station, shall be exempted from all charges, Customs duties, taxes and cautionary deposits, subject always to Customs proceedings ; but this provision shall not be applicable to the agents to whom Article 22 relates.

7. Spare parts for damaged rolling-stock which are applied for from the neighbouring Administration under the terms of international conventions regarding reciprocity in the use of

wagons, as also the damaged parts themselves, shall be conveyed free of Customs duties, taxes and charges of whatever kind, on presentation of an official certificate, signed by the head of the competent service of the Administration despatching them, indicating the place of destination (see Final Protocol).

Article 24. — RESPONSIBILITY FOR DAMAGE AND ACCIDENTS.

1. Save in so far as otherwise provided by the present Convention, responsibility for damage and accidents occurring in connection with railway communications between the frontier and the exchange station, including the latter, not being responsibility for damage covered by the terms of transport contracts, shall be determined in accordance with the current laws and regulations in force at the spot where the damage or accident occurs.

2. Responsibility for damage due to breaches of the law or negligence on the part of the staff on service shall rest with the Administration by which the said staff are employed. Where one Administration employs staff of the other Administration (see Article 28, paragraph 6, and Article 31, paragraph 4, of the present Convention), the former shall be responsible. Where the damage has been caused by agents of both Parties, or where the identity of the agents responsible cannot be established, the two Administrations shall share the responsibility in equal proportions.

3. Responsibility for accidents due to defective upkeep of stations, permanent way, locomotives in current use and rail-motors shall rest with the Administration responsible for their upkeep.

4. Responsibility for accidents due to the defective condition of wagons or other rolling-stock not referred to in paragraph 3 above shall rest with the Administration which last received the vehicle concerned and passed it as free of defects.

5. The two Administrations shall be released from all liability to one another in the case of damage due to *force majeure*. In the case of damage due to circumstances which cannot be ascribed to *force majeure* but are nevertheless such that neither Administration could have avoided them or have taken action to remedy them, the responsibility shall be shared equally between the two Administrations, provided always that each Administration shall remain solely responsible for damage and accidents sustained by its own staff and for damage to its own material occurring between the frontier and the exchange station.

6. Each Administration shall be entitled to claim from the other where, in pursuance of a final judgment of a court without possibility of appeal, it is liable to make good to a third party damage, the responsibility for which rests in whole or in part with the other Administration in virtue of the foregoing provisions. Claim may also be made where the two Administrations have agreed that one of them shall settle claims, even where the responsibility rests in whole or in part with the other. Amicable arrangements concluded by one Administration, or judgments by default against it, shall not be binding on the other Administration, save where it itself consents thereto or, being reminded, fails to make the requisite disclaimer in time.

7. Enquiries into damage and accidents within the meaning of the foregoing paragraphs shall be made by the Administration on whose permanent way, or at whose station, the accident or damage occurs. Where it appears on a cursory inspection that the responsibility of the other Administration may be involved in whole or in part, notice shall at once be given to the latter.

Further enquiry into the causes of the accident or damage shall in such case be conducted in concert by representatives of both Administrations. In the case of enquiries into damage to mails conveyed in postal cars or goods wagons, the postal authorities shall be invited to take part in the enquiry without prejudice to the final settlement of the amount of compensation.

8. The foregoing provisions shall in no way affect the application of the provisions in regard to the payment of compensation for damage covered by transport contracts under the regulations concerning railway transport.

Article 25. — POINTS OF JUNCTION FOR RAILWAY TARIFF PURPOSES. OPERATION OF TRAIN SERVICES BETWEEN THE FRONTIER AND THE EXCHANGE STATION AND IN THE LATTER.

1. The point of junction for railway tariff purposes shall be at the frontier. Railway receipts on the sections of line between the exchange station and the frontier shall go to the Administration to whom the section in question belongs.

2. The movement of trains operating in the frontier traffic between the frontier and the exchange station shall be regulated in accordance with the local service arrangement.

3. The marshalling of trains shall be regulated in accordance with the rules of the Administration responsible for their movements.

4. Particular questions arising in connection with the use of the exchange station, whether in regard to the movement or despatch of wagons, baggage, postal packets, goods or mails, as also questions arising in connection with shunting operations or the train services on the section of line between the frontier and the exchange station and at the exchange station itself, shall be regulated in accordance with the local service arrangement. The composition and use of freight documents (train-sheets, freight specifications, baggage and goods consignment sheets) may also be regulated by special arrangement between the two Railway Administrations.

5. Locomotives circulating on the permanent way of the neighbouring Administration must be suitable for use in connection with the technical installations of the latter. The rules and tests applicable in this connection by either Administration shall be recognised as valid by the other Administration.

6. The Railway Administrations shall communicate to one another free of charge and in good time all regulations, circulars and instructions relating to traffic across the frontier point. In urgent cases, the station-master of the exchange station may concert direct with the authorities of the other Administration designated for the purpose in the local service arrangement.

7. The neighbouring Administration shall be given timely notice of all alterations affecting the operation of traffic at the frontier point in such a way as to enable it to give the necessary instructions to its staff. In particular, notice shall be given of all changes in traffic regulations or in the installations at the exchange station or on the section of line between the exchange station and the frontier, where such changes have any appreciable bearing on the operation of the railways.

Article 26. — HEATING, CLEANING, LIGHTING AND THE LIKE OF BUILDINGS AND INSTALLATIONS.

The local Administration shall be responsible for the heating, cleaning, lighting and the like of the buildings, installations and other equipment in use in connection with traffic over the specified frontier points. The additional Arrangement may provide for exceptions to this provision.

Article 27. — INTERRUPTION OF TRAFFIC OR TRANSPORT.

1. The Administrations concerned shall keep one another informed of all obstructions to traffic, and shall render one another aid in the event of obstacles to traffic or transport through the frontier points. They shall concert together, as may be required, in regard to the removal of such obstacles. The offices of the neighbouring Administration, which are responsible in the event of traffic obstructions for sending out the prescribed notices, shall be designated in the local service arrangement.

2. At each new seasonal period of the time-table, the Administrations concerned shall concert together as to measures to avoid congestion of their respective permanent ways in the event of obstruction to, or stoppage of, train movements.

Article 28. — ASSISTANCE IN THE EVENT OF ACCIDENTS OR TRAFFIC OBSTRUCTIONS.

1. The two Railway Administrations shall render one another assistance, as requested, in the event of railway accidents or traffic obstructions on their respective permanent ways or at their respective stations.

2. Breakdown trains and their crews shall be subject on passage of the frontier to Customs and police control, but shall be exempted from Customs and passport proceedings. The passage of the frontier must be notified to the Customs and police offices at the exchange station. Breakdown trains and their crews must return as soon as assistance has been rendered.

3. The Administrations concerned shall determine in the local service arrangement the area within which they propose to render one another assistance, and shall concert together as to all further particulars in connection with such assistance.

4. In general, the local Administration may not use a locomotive belonging to the neighbouring Administration for the purpose of rendering assistance without the latter's consent.

5. Assistance rendered by breakdown trains and snowploughs shall be at the charge of the Administration whose agents ask for it. The manner of determining the cost of such assistance shall be fixed by the two Railway Administrations by common accord (see also Article 25).

Article 29. — SIGNALLING OF TRAINS.

The signalling of trains between signal cabins (to be designated in the local service arrangement) on both sides of the frontier shall be regulated in accordance with the rules of the Administration operating the traffic: the said rules shall be in French. Similarly with the issue of written orders and instructions to train crews.

Article 30. — TELEGRAPH AND TELEPHONE LINES.

1. Agents of the neighbouring Administration on service at the exchange station shall be entitled to the free use for service purposes of the railway telegraph and telephone installations between the exchange station and the stations of their Administration which are specified in the local service arrangement.

2. In general, there shall be established between the said stations :

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

(b) A line reserved for the signalling of trains ;

(c) A telephone line connecting the stations, an electric bell line and, where a block system is in use, lines for block system messages.

Provision may be made for exceptions to the above stipulations in the local service arrangement.

3. Particulars of the hours during which the telegraph and telephone apparatus will be in operation, the procedure for the transmission of service telegrams, and the method of notifying disturbances in the movement of trains and the resumption of communications shall be specified in the local service arrangement.

Article 31. — SERVICE PREMISES. LOCOMOTIVE SHEDS.

1. The local Administration shall take steps by concerted arrangement with the neighbouring Administration, as provided in Article 26, to place premises and service sites, installations, sleeping quarters and accommodation for the agents of the neighbouring Administration at the exclusive or joint disposal of the offices of the latter.

2. The said premises, sites and sleeping quarters shall be properly lighted, heated and furnished in accordance with hygienic requirements. The staff shall have washing and cooking facilities at its disposal, either on the premises or in their vicinity. Latrines shall also be provided.

Further particulars of the said premises and furniture shall be specified in the local service arrangement.

3. Until such time as the arrangements indicated have been made at the exchange station, the existing services shall continue as at present.

Article 32. — OFFICIAL HOURS FOR THE DESPATCH OF TRAINS.

1. The hours for the despatch of goods trains at the exchange station shall be determined by common accord between the Administrations concerned with due regard to traffic requirements, the capacity of the railway installations and the time-tables.

2. With due regard to traffic requirements, the Administrations concerned of the two Contracting Parties shall concert together as to the operation of the railways and the despatch of trains on Sundays, feast days and other holidays for each frontier point, without prejudice always to the provisions of the International Convention concerning Reciprocity in the Use of Goods Wagons in International Traffic (C. I. V.).

Article 33. — DESPATCH OF WAGONS.

The despatch of wagons shall be effected in accordance with the provisions of current conventions concerning reciprocity in the use of passenger cars, baggage vans and goods wagons in international traffic, or alternatively in accordance with provisions to be inserted by the Railway Administrations of the two Contracting Parties in the local service arrangement.

Article 34. — SERVICE CORRESPONDENCE.

1. The exchange of service correspondence in writing, by telegraph or telephone and the conveyance of printed matter, tickets, tariffs and the like shall be effected free of charge, where the railway installations only are used for the purpose. Similarly with remittances to the neighbouring Administration of cash receipts from the exchange stations.

2. The delivery of the service correspondence of the two Administrations shall be organised on the basis of an exchange of dockets.

3. Service letters, parcels, sums of money and other valuables passing between the railway offices of the Customs and police authorities in the State of origin and the offices of the same State within the territory of the other State, and all other like exchanges between the said offices themselves, may be conveyed by service agents entitled to cross the frontier, and shall be exempt from all postal charges.

Article 35. — CHARGES FOR THE USE OF SERVICE PREMISES AND SITES AND OTHER INSTALLATIONS BY THE NEIGHBOURING ADMINISTRATION, AND CHARGES FOR SPECIAL SERVICES RENDERED TO THE LATTER.

1. The neighbouring Administration must pay for the use at the exchange station of the service premises and sites, locomotive sheds, installations and sleeping and living quarters for which Article 31, paragraph 1, provides (see Articles 4 and 37).

2. Similarly in the case of personal or other services, where no provision is contained in the present Convention as to the charge to be made therefor.

3. The charges to which paragraph 1 of the present Article relates shall take the form of rent. The rates thereof shall be determined by common accord between the Administrations concerned of the Contracting Parties. The said Administrations shall further concert together as to the charges to be made for the services to which paragraph 2 relates.

4. The Railway Administrations shall further concert together as to the charges to be made for running repairs to locomotives and equipment belonging to the neighbouring Administration which are effected for it by the local Administration.

Article 36. — CHARGES IN THE EVENT OF INTERRUPTION OF TRAFFIC.

Interruption of railway traffic at the frontier point shall not involve any interruption of payment of the charges for which Article 35, paragraph 1, provides.

Article 37. — NEW AND EXISTING BUILDINGS AND INSTALLATIONS.

1. The Administrations concerned of the Contracting Parties shall concert together in each particular case as to new buildings and installations, and as to the alteration, enlargement and improvement of existing buildings and installations required by one Administration for its exclusive or joint use.

2. The cost of construction shall be met by the local Administration. Property rights are determined by Article 6.

Article 38. — SETTLEMENT OF CLAIMS.

1. The settlement of claims arising in connection with the present Convention shall be effected on the basis of accounts to be communicated by the two Administrations to one another quarterly, and at the latest during the first half of the quarter following the quarter to which the account relates. Payment shall be made within thirty days of receipt of the account. In the event of delay, penal interest shall be charged at the rate of 6 per cent per annum.

2. The foregoing provision shall not be applicable to the settlement of claims in respect of rolling-stock or transport or other claims of whatever kind for which separate provision is, or may hereafter be, made.

3. The fact of an account being disputed shall not constitute a ground for delaying payment. The debit and credit balances arising in connection with disputed accounts shall be carried forward to subsequent accounts. The fact of an account being settled shall not preclude subsequent dispute of the same. The two Administrations reserve the right to check the documents attached to accounts and to put forward claims on the basis of such checks. After each check of accounts, a report shall be drawn up, signed by the representatives of both Administrations.

4. The right of check shall lapse at the end of two years from the date on which the Administration in debit receives the account. The higher authorities of the two Administrations must submit their claims not later than three years from the date on which the Administration in debit receives the account.

5. The Railway Administrations shall guarantee to one another the payment of sums due by other offices performing services in connection with frontier traffic, and shall act as intermediaries for the discharge of such obligations (see Final Protocol).

Article 39. — SETTLEMENT IN THE CASE OF TRAFFIC RECEIPTS.

Settlement in the case of traffic receipts shall be effected on the basis of the local service arrangement concluded between the Railway Administrations.

Article 40. — REFUND OF CREDIT BALANCES.

1. All sums due for payment under the terms of the present Convention, unless expressed in gold francs 10/31 grammes in weight and 0.900 fine, shall be calculated and paid in the currency of the State within whose territory the Administration presenting the account has its headquarters.

2. The refund of balances due by either Contracting Party to the other shall be effected in accordance with principles to be determined by the Central Railway Administrations of the two Contracting Parties, who shall concert together, as may be required, as to measures to avoid losses due to exchange fluctuations (see Final Protocol).

Article 41. — DUES AND TAXES.

Dues and taxes upon installations reserved for the exclusive use of the neighbouring Administration shall be refunded in full to the local Administration, plus 10 per cent for administrative expenses.

Article 42. — AMENDMENT OF THE CONVENTION.

1. The Government of either Contracting Party shall be entitled to make application to the Government of the other Party for amendment of the present Convention.

2. The Party applying for amendment of the Convention must make a definite proposal to that effect. The other Party shall thereupon state its attitude in regard to the proposal as soon as possible, and may put forward a counter-proposal, should it see fit, with a view to negotiation.

Article 43. — ARBITRAL TRIBUNAL.

1. Any dispute arising between the Contracting Parties in regard to the interpretation or application of the provisions of the present Convention, which cannot be settled amicably or through the diplomatic channel, shall be referred to an Arbitral Tribunal to be constituted *ad hoc* for the purpose of each such dispute. The Arbitral Tribunal shall consist of three members, of whom one shall be nominated by each of the Contracting Parties and the third selected from among the nationals of a third State. The last named shall act as Chairman of the Tribunal, and shall be appointed by common accord between the two Contracting Parties or, failing such accord, by the President of the Permanent Court of International Justice at The Hague.

2. The Arbitral Tribunal shall be constituted within a maximum period three months from the date upon which the dispute is notified. The place in which it is to sit shall be determined by the Chairman.

3. The Tribunal thus constituted shall establish its own procedure. Its decision shall be final and binding upon both Parties.

4. Before the Arbitral Tribunal is constituted, the two Contracting Parties shall agree as to the emoluments to be paid to the Chairman and members. The two Governments shall be responsible in the first instance for the payment of the emoluments of the members of the Arbitral Tribunal nominated by themselves respectively, and furthermore for the payment of one-half each of the emoluments of the Chairman, and one-half each of the remaining expenditure of the Tribunal, material and personal. The said payments shall form part of the costs of the proceedings. The Arbitral Tribunal in its decision shall make an order as to the payment of the costs of the proceedings by either Contracting Party to the other, and shall determine the amount of such costs.

Article 44. — LANGUAGE OF THE CONVENTION.

The present Convention is done in duplicate in French, each Contracting Party receiving one original copy.

Article 45. — ENTRY INTO FORCE AND PERIOD OF VALIDITY OF THE CONVENTION.

1. The present Convention shall be ratified. The instruments of ratification shall be exchanged as soon as possible at Bucharest. The Convention shall come into force on the thirtieth day after the exchange of the instruments of ratification, and shall remain in force until the expiry of six months after the date on which either of the Contracting Parties gives notice of denunciation.

2. As regards the various frontier points, the present Convention shall be applied as from the fifteenth of the current month, or the first of the month following after the date on which the relevant local service arrangement has been approved, but shall be applied, in so far as services are concerned, from the date of its entry into force as provided in paragraph 1 above.

3. As from the dates for which paragraph 2 above provides, all conventions and arrangements entered into by the Administrations of the Contracting Parties for the regulation of their respective railway communications to which the present Convention relates shall cease to be applicable.

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

Done at Varna, this 26th day of July, 1935.

GH. PANAITOPOL.

SGOUREFF.

FINAL PROTOCOL.

In proceeding to sign the present Convention, the Plenipotentiaries of the two Contracting Parties are agreed as follows :

In general : For the purposes of the present Convention, the expression "agent" shall be deemed throughout to mean staff of whatever category employed by the several Administrations of the Contracting Parties.

Ad Article 1 :

(a) The authorities of the two Contracting Parties shall take steps to ensure observance of the present Convention by private railways engaging in railway traffic between the two Contracting Parties. The said private railways shall be entitled to claim from one another the benefit of the rights accorded to the railways of the Contracting Parties under the present Convention.

(b) Nothing in the present Convention shall affect rights of the Contracting Parties under the terms of the concessions of the said private railways.

Ad Article 2, paragraph 1.

It is agreed that passport inspections in the case of passengers and their baggage shall take place at the same time as Customs proceedings and, where circumstances permit, on the train itself.

Ad Article 3.

(a) The operation of railway traffic through the frontier points specified in Article 3 in accordance with the provisions of the present Convention shall begin as soon as the local service arrangement to govern special local conditions is concluded (see Article 4).

(b) Negotiations with a view to the conclusion of the local service arrangement shall be instituted immediately after the signing of the present Convention.

(c) Over and above the frontier points specified in Article 3, paragraph 1, new frontier points may be opened by concerted arrangement between the Governments of the two Contracting Parties.

(d) The laws of the two countries shall be applicable to the veterinary service.

Ad Article 9.

It is clearly understood that officials of one State may converse with one another in their own language in the territory of the other State for service as for other purposes.

Ad Article 13.

It is understood that exemption from public taxation does not cover Customs duties (see in this connection Article 23), monopoly dues, indirect taxes on consumption or charges having the character of special payments made in return for special benefits or services accorded by the State or other public bodies or by institutions or undertakings of the State or other public bodies.

Ad Article 15.

It is clearly understood that the provisions of the Extradition Convention¹ and of the Judicial Convention² signed by the two States at Bucharest on April 19th, 1924, are to remain in force save in so far as otherwise provided by the present Convention.

Ad Article 21.

The provisions of Article 21 shall be applicable equally to upkeep of the buildings and installations to which Article 8 relates in such a manner as to enable the work to be carried out by one of the Contracting Parties within the territory of the other without let or hindrance. Materials and tools required for such work may be conveyed across the frontier free of Customs duties, charges or taxes of whatever kind, on condition that they are brought back after the completion of the work. Before the work is undertaken, warning shall be given to the frontier control services (Customs and police offices), with particulars of the date on which the work is to be begun and of the materials and tools required for conveyance across the frontier.

Ad Article 23.

(a) The Customs seals of one Contracting Party shall be recognised by the other as valid for the purpose of all Customs proceedings.

(b) The two Railway Administrations shall take steps to ensure that goods transported by rail between them are accompanied by the documents required by the Customs or other administrative authorities. All consignments of goods must be accompanied by the requisite transport documents. Furthermore, the Railway Administration effecting the transport across the frontier shall be responsible, on the arrival of any train including at least one loaded wagon over and above the service van, for the delivery to the Customs office of the other State of a train-sheet and a separate load-schedule for every wagon containing parcels. Models of such train-sheets and separate load-schedules shall be drawn up by special arrangement between the Administrations concerned.

Ad Articles 38 and 40.

The Railway Administrations of the Contracting Parties shall concert together as to the office to which refunds of credit balances on the accounts between the two Contracting Parties are to be paid.

Done at Varna, this 26th day of July, 1935.

GH. PANAITOPOL.

SGOUREFF.

¹ Vol. XXXIII, page 221, of this Series.

² Vol. XXXIII, page 209, of this Series.

ANNEX A (to Article 8).

LIST OF BUILDINGS AND INSTALLATIONS INTERSECTED BY THE FRONTIER.

1. The advanced signal covering Boteni station in the direction of Oborischté, for the upkeep of which Boteni station is responsible.

ANNEX B (to Article 21).

Obverse.

National colours

IDENTITY CARD No.

Valid until 19.....

Mr.

(service function) (name)

is employed on service in connection with traffic between Roumania and Bulgaria on the Boteni-Oborischté line, at the station of

Service

Signature of holder :

Signature of issuer :

Reverse.

NOTICE.

This identity card shall be returned to the issuing authority as soon as the holder ceases to be employed on service in connection with traffic between Bulgaria and Roumania, and in any event upon expiry.

ANNEX C (to Article 22).

Obverse.

<p style="text-align: center;"><i>National colours</i></p> <div style="border: 1px solid black; width: 100px; height: 100px; margin: 20px auto;"></div> <p style="text-align: center;"><i>Signature of holder :</i></p>	<p style="text-align: center;">IDENTITY CARD No.</p> <p style="text-align: center;">Valid until 19.....</p> <p>Mr.</p> <p>(service function) (name)</p> <p>is employed as.....</p> <p>at the station of</p> <p>Given at</p> <p>on..... 19.....</p> <div style="border: 1px solid black; width: 100px; height: 80px; margin: 20px auto;"></div> <p style="text-align: right;"><i>Signature of issuer :</i></p>
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Reverse.

<p>Date of birth</p> <p>Place of birth</p> <p>Height</p> <p>Hair</p> <p>Eyes</p> <p>Face</p> <p>Special features</p>	<p style="text-align: center;">NOTICE.</p> <p style="text-align: center;">This identity card is to be returned to the issuing authority as soon as the holder ceases to be officially resident in the neighbouring State, and in any event upon expiry.</p>
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ANNEX D (to Article 22).

Obverse.

IDENTITY CARD No.

Valid until

for the wife, son, daughter, male servant, female servant (s)
of mr.
(service function) (name)
employed as
at the station of

Service

Signature of holder :

.....

Official seal

Signature of issuer :

.....

Reverse.

<p>Date of birth</p> <p>Place of birth</p> <p>Height</p> <p>Hair</p> <p>Eyes</p> <p>Face</p> <p>Special features</p> <p>Residing at</p> <p>.....</p>	<p>NOTICE.</p> <p>This identity card is to be returned to the issuing authority as soon as the holder ceases to be officially resident in the neighbouring State, and in any event upon expiry.</p>
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