

N° 4728.

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## HONGRIE ET ROUMANIE

Convention concernant le règlement du trafic ferroviaire en péage de Roumanie en Roumanie à travers le territoire hongrois, et de Hongrie en Hongrie à travers le territoire roumain. Signée à Bucarest, le 19 octobre 1939.

*Texte officiel français communiqué par le délégué permanent de la Roumanie près la Société des Nations. L'enregistrement a eu lieu le 17 juin 1940*

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## HUNGARY AND ROUMANIA

Convention concerning the Regulation of Toll-paying Railway Traffic from one part of Roumania to another, through Hungarian Territory, and from one part of Hungary to another, through Roumanian Territory. Signed at Bucharest, October 19th, 1939.

*French official text communicated by the Permanent Delegate of Roumania to the League of Nations. The registration took place June 17th, 1940.*

## TRANSLATION. — TRANSLATION.

No. 4728. — CONVENTION<sup>1</sup> BETWEEN THE KINGDOM OF HUNGARY AND THE KINGDOM OF ROUMANIA CONCERNING THE REGULATION OF TOLL-PAYING RAILWAY TRAFFIC FROM ONE PART OF ROUMANIA TO ANOTHER, THROUGH HUNGARIAN TERRITORY, AND FROM ONE PART OF HUNGARY TO ANOTHER, THROUGH ROUMANIAN TERRITORY. SIGNED AT BUCHAREST, OCTOBER 19TH, 1939.

HIS MAJESTY THE KING OF ROUMANIA and HIS SERENE HIGHNESS THE REGENT OF THE KINGDOM OF HUNGARY,

Being equally desirous of settling, as far as possible, questions relating to toll-paying railway traffic from one part of Roumania to another, through Hungarian territory, and from one part of Hungary to another, through Roumanian territory,

Have decided to conclude a Convention for that purpose and have appointed as their Plenipotentiaries :

Monsieur Mihail GHELMEGEANU, Minister of Public Works and Communications ;  
Monsieur Georges PANAITOPOL, Engineer, Inspector-General, Assistant Director-General of the C. F. R. ; and

His Excellency M. LÁSZLÓ DE BÁRDOSY, Envoy Extraordinary and Minister Plenipotentiary of Hungary at Bucharest ;

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

## CHAPTER I. — GENERAL PROVISIONS.

*Article I.*

1. The two Contracting Parties shall grant each other the right, in accordance with the provisions of the present Convention, to utilise the railway lines of the other State for the conveyance of passengers, luggage, parcel consignments and goods by means of their own trains, engines, and staffs (toll-paying), — that is to say, Hungary shall grant the said right to Roumania in respect of transit traffic from one part of Roumania to another over Hungarian railway lines, between points at the frontier situated near the stations of Nevetlenfalú and Taracköz and Roumania shall grant the said right to Hungary in respect of transit traffic from one part of Hungary to another over Roumanian railway lines, between points at the frontier situated near the stations of Câmpulung pe Tisa, Camara Sighet, Bacicoiul and Valea Vişeuului, and between points at the frontier situated near the station of Acna Slatina and near the station of Camara Sighet and a point at the frontier situated near the station of Nagybocksó and near the station of Bacicoiul.

2. In so far as the present Convention contains no provision to the contrary, the provisions of paragraph 1 above shall apply also to the conveyance of officials of the two railway administrations belonging to the constructional maintenance service and using railway vehicles devised for that purpose (trucks, draisines, etc.) and to the conveyance, by means of the said vehicles, of the material necessary for that service. The railway administration of each Contracting Party

<sup>1</sup> The exchange of ratifications took place at Budapest, May 22nd, 1940.

shall make possible and shall arrange for the passage of vehicles of that character belonging to the railway administration of the other Contracting Party, in the same way as for its own vehicles.

*Article 2.*

Luggage, parcel consignments and goods conveyed by toll-paying trains shall be exempt, on the territory of the other State, from all Customs duties and from all other duties and charges of whatever description.

*Article 3.*

In the course of toll-paying transport, in accordance with the provisions of the present Convention, no account shall be taken of the nationality of passengers, or of the origin or destination of luggage, parcel consignments and goods, or of the nationality of the consignor or consignee.

*Article 4.*

1. Toll-paying trains of either State may be accompanied on the territory of the other State by armed officials, frontier-guards and gendarmes.

Seats shall be reserved in the vehicles for such staff.

2. In such toll-paying trains, each Administration may reserve a vehicle for members of the armed forces travelling alone, numbering up to 50 (fifty) persons; this number may be made up by the admission of civilians.

Frontier-guards and gendarmes shall be deemed to be members of the armed forces.

3. Members of the armed forces may bear only a side-arm (sword or bayonet).

4. It shall be absolutely prohibited for members of the armed forces and civilians to carry with them fire-arms, ammunition, hand-grenades or any other kind of armament or implements of war.

5. Military units, whether armed or unarmed, shall not be conveyed.

6. War materials — armaments, ammunition, explosives, aeroplanes, armoured cars, materials for the manufacture of war gases and all other kinds of war material — shall not be conveyed.

7. The passage of armoured trains through toll territory shall be absolutely prohibited.

8. The conveyance of members of the armed forces more than 50 in number shall not take place except with the permission of both Ministries of National Defence.

9. The same permission shall be absolutely necessary for the conveyance of any kind of armament specified under 6 above.

10. The transports mentioned under 8 and 9 above shall be supervised as specified under 1 above.

11. Should officials of either State possess information to the effect that there are in the toll-paying train (of the other State) vehicles loaded with prohibited goods, they shall stop such vehicles at the frontier station, shall request the presence of representatives of the Customs and police (frontier-guards) of the other State, and shall constitute a Committee which shall open the vehicle in question in order to check the contents thereof and shall sign a report.

All these operations must be completed within 24 hours.

The Committee shall decide whether the vehicle shall proceed on its journey or whether it shall be sent back.

In the event of a difference of opinion, the vehicle shall be sent back.

If there are more than 50 members of the armed forces in the special vehicle for members of the armed forces, those in excess of that number shall alight when the train stops at the frontier line.

*Article 5.*

1. In so far as the present Convention does not provide otherwise, toll-paying traffic shall be subject, in the territory of the other State, to the laws and regulations of that State.

Nevertheless, the application of such laws and regulations shall not, in contravention of the provisions of the present Convention, prevent toll-paying traffic.

2. Toll-paying traffic shall not be interrupted or delayed except in case of necessity or of extreme urgency.

3. In regard to veterinary sanitary conditions relating to the reciprocal toll-paying transit of animals, the provisions of the Veterinary Agreement<sup>1</sup> between the Kingdom of Roumania and the Kingdom of Hungary, concluded on August 12th, 1931, shall apply.

#### Article 6.

1. Each of the two Contracting Parties shall take the necessary measures to afford, in the territory of his own State, to passengers conveyed in toll-paying trains all assistance and protection so that their personal and material rights may not be subject to any unlawful restriction.

2. The Contracting Parties shall not refuse to accept any passengers who have been excluded from toll-paying trains in the territory of the other State for reasons of illness, or who have left such trains contrary to the provisions of Article 32, paragraph 1.

#### Article 7.

1. With the exception of measures of prohibition taken for reasons of order or public security, prohibitions in respect of the importation, exportation, transit and transport of goods decreed by either Contracting Party shall not apply to the toll-paying traffic of the other Contracting Party.

2. The Contracting Parties shall not require, in respect of toll-paying traffic, any export, import, transit or transport certificate, with the exception of certificates issued for reasons of order or public security; further, they shall not require, in respect of the said traffic, any certificate of origin of goods. The foregoing provisions shall in no way prejudice the provisions of the Veterinary Agreement referred to in Article 5, paragraph 3, of the present Convention.

3. Luggage, parcel consignments and goods conveyed by toll-paying trains shall be exempt from seizure in the territory of the other State, whether by Courts or by administrative authorities. Seizure shall nevertheless be permissible for the purposes of criminal procedure of any kind.

#### Article 8.

1. In so far as the present Convention does not provide otherwise, officials on duty in the territory of the other State shall, by analogy, be subject to the provisions of Articles 5, 7, 8, 9, 10, 11, 14, 15, 16, 17, 19, 20 and 21 of the Convention between the Kingdom of Roumania and the Kingdom of Hungary relating to the organisation of frontier stations, concluded at Bucharest on September 28th, 1932.

The administrations concerned of the Contracting Parties shall afford each other mutual assistance in everything relating to toll-paying traffic. Any correspondence in connection therewith shall be exchanged direct between the said administrations.

### CHAPTER II. — RAILWAYS.

#### Article 9.

1. In regard to the conveyance of passengers, luggage and parcel consignments, none but complete trains shall be deemed to be toll-paying trains. Even engines travelling without trains, draisines, motor railway coaches, etc., shall be deemed to be complete trains.

<sup>1</sup> Vol. CLXXXVI, page 365, of this Series.

2. Toll-paying transport, effected by complete trains, shall pass without any stops through the territory of the other State, unless any stop is necessary for technical railway or Customs reasons.

3. Should circumstances make it necessary, the railway administrations of the Contracting Parties shall establish a night service on their lines specified in Article 1, paragraph 1, in order to allow the traffic of toll-paying trains to be effected in conformity with the request of the railway administration of the other Contracting Party.

#### *Article 10.*

1. The railway administrations of the Contracting Parties shall be required to maintain the lines specified in Article 1, paragraph 1, in a state of normal upkeep.

2. As regards the bridges over the Camara Sighet, Aknaszlatina and Bacicoiul Mare-Nagybocskó railway lines, these bridges shall be maintained entirely by the Hungarian State Railways Administration at its own cost.

3. For this purpose, the Roumanian railways shall, on the dates specified in the C. F. R. Regulations, carry out the maintenance work on the bridges situated in the section of Roumanian territory, but shall subsequently charge such work to the Hungarian State Railway Administration, at cost price.

#### *Article 11.*

1. The administrations concerned of the Contracting Parties shall, by common agreement, determine the time-tables of toll-paying trains.

2. On each occasion when it is necessary to arrange for special toll-paying transport, such as duplicate passenger trains, seasonal trains, or trains of any kind not provided for in the time-tables, the administrations concerned of the Contracting Parties shall, in each individual case, agree on the measures to be taken in order to effect such transport.

#### *Article 12.*

Toll-paying trains may include dining-cars and sleeping-cars, provided the undertaking operating such cars is entitled to operate in the territories of the Contracting Parties.

#### *Article 13.*

1. In the event of railway accidents, damage to rolling-stock, damage to the track, obstacles to traffic, etc., the railway administrations of the Contracting Parties shall render each other reciprocal assistance, should one of the administrations so request. The said administrations shall agree on the details of the manner in which such assistance shall be rendered and, in particular, on the principles to be followed for determining the payment to be made in respect of the assistance rendered.

2. Otherwise, as regards the rendering of assistance, the provisions of Article 12 of the Convention between the Kingdom of Roumania and the Kingdom of Hungary relating to the organisation of frontier stations, concluded at Bucharest on September 28th, 1932, shall apply by analogy.

#### *Article 14.*

1. In cases of damage or accidents caused by the operation of toll-paying trains, the railway administration operating the trains concerned shall be responsible towards third parties.

2. With the exception of responsibility for damages covered by the transport contract (Article 16), responsibility for damage and accidents shall be determined in accordance with the laws and regulations in force in the country in which the damage or accident occurred. Responsibility for damages in respect of wounds or fatal injuries received by passengers conveyed in toll-paying trains shall be determined by the laws and regulations of the State in which the railway administration operating the said toll-paying trains has its seat.

3. Should employees on duty in the territory of the other State be victims of an accident therein, the provisions of Article 20 of the Convention concluded on September 28th, 1932, between Roumania and Hungary relating to the organisation of frontier stations shall apply by analogy.

4. In the relations between the two railway administrations, responsibility and right of recourse shall be determined in accordance with the provisions of Article 19 of the above-mentioned Convention.

*Article 15.*

Telegrams and telephonic conversations in the course of duty shall be exempt from charges of all kinds.

*Article 16.*

Passengers, luggage, parcel consignments and goods shall be conveyed in accordance with the transport and tariff regulations of the railway administration operating the toll-paying trains, or in accordance with international transport and tariff regulations.

*Article 17.*

1. Tariff receipts in respect of transport effected by toll-paying trains shall belong entirely to the railway administration operating the trains in question. As regards the determination of tariffs for such transport, the said railway administration shall be subject only to the regulations and the supervision of the State in which it has its seat.

2. The payment to be made for the utilisation of lines and for the services of the local railway administration, in respect of the traffic of toll-paying trains belonging to the other administration, shall be determined by the annexed Additional Agreement.

*Article 18.*

The railway administration operating toll-paying trains shall be exempt from all taxes in respect of the traffic of the said trains in the territory of the other State.

*Article 19.*

1. Railway officials on duty in the territory of the other State shall be subject, in matters relating to the running of the trains, to the orders of the competent organs of the local railway administration.

2. The exercise of supervision and the discharge of railway police duties in toll-paying trains shall be effected by the officials of the railway administration operating such trains.

*Article 20.*

1. The running of toll-paying trains shall, in the territory of the other State, take place in conformity with the service regulations of the local railway administration, and the language used shall be that used in the service of that administration; details shall be settled in accordance with the provisions of Articles 5 and 7 of the Convention concluded on September 28th, 1932, between the Kingdom of Roumania and the Kingdom of Hungary, relating to the organisation of frontier stations.

2. The reciprocal transmission of regulations, circulars and instructions necessary for the service, and the reciprocal notification of all changes that have occurred in the operation of the service shall, with regard to the running of toll-paying trains, be governed, by analogy, by the provisions of Articles 5, 7, 9 and 11 of the above-mentioned Convention.

*Article 21.*

1. Rolling-stock used in toll-paying trains on the lines of the other railway administration shall comply with the technical conditions in force on those lines; as regards engines and other rolling-stock, regulations relating thereto and efficiency tests shall be reciprocally recognised as valid.

2. Rolling-stock of toll-paying trains, as well as stores necessary for the traffic of such trains — fuel, lighting material, lubricants, etc. — shall be exempt, in the territory of the other State,

from Customs duties and all other dues, deposits and prohibitions, and from import, export or transit certificates. The provisions of the first sentence of Article 7, paragraph 3, of the present Convention shall apply thereto by analogy.

3. The provisions of paragraph 2 above shall apply also to spare parts intended for repairs to rolling-stock which, as a result of damage, has been uncoupled from toll-paying trains in the territory of the other State, provided that a certificate specifying the use to be made of such parts is presented by the despatching administration.

*Article 22.*

The railway administrations of the Contracting Parties shall, in case of need, lend each other the operating material necessary for the traffic of toll-paying trains (fuel, lighting material, lubricants, water, etc.). The amount of the payment due in respect of the operating material thus furnished, and the manner in which such payment shall be made, shall be determined in accordance with the provisions of Article 7 of the Convention concluded on September 28th, 1932.

*Article 23.*

1. The supervisory staff of the railway administration of either Contracting Party shall be authorised to use, free of charge, toll-paying trains and engines of the other railway administration, in so far as this is necessary for the performance of their duty in their own territory.

2. Members of the said staff shall be authorised, in the territory of both States, to enter toll-paying trains and engines and to leave them. They shall also be authorised, on the basis of the identity card provided for in Article 17 of the Convention concluded at Bucharest on September 28th, 1932, to cross the frontier and to remain in the frontier station of the other State, in accordance with the provisions of Articles 16 and 17 of the above-mentioned Convention, the length of their stay being limited by the requirements of the service.

CHAPTER III. — POSTAL TRAFFIC.

*Article 24.*

1. The Contracting Parties shall grant each other the right to have postal consignments of all kinds conveyed, by their own officials and with their own supervisory staff, in toll-paying trains, through the territory of the other State, without paying any transit charge.

2. Letter boxes on mail-vans shall remain closed in the territory of the other State. In the territory of the other State, postal officials shall not come into contact with the public or leave the trains or hand over or receive articles of any kind.

*Article 25.*

The railway administrations of the Contracting Parties shall be authorised to have their service letters, parcels, sums of money and consignments of value conveyed by their own officials, in toll-paying trains, through the territory of the other State, free of all transit charges.

CHAPTER IV. — PROVISIONS CONCERNING CUSTOMS AND POLICE.

*Article 26.*

In so far as the present Convention does not provide otherwise, the traffic of toll-paying trains shall be subject, in the territory of the other State, to the Customs regulations of that State.

*Article 27.*

Passengers with hand luggage conveyed in toll-paying trains shall not be required to hold either passports or other identity documents and shall be exempt, in the territory of the other State, from all Customs and passport formalities and, in general, from all administrative formalities.

*Article 28.*

1. The running of toll-paying trains shall be subject, in the territory of the other State, to the external supervision of the Customs and police of that State. For this reason, the two Contracting Parties reserve the right to have toll-paying trains of the other railway administration accompanied, in their own territory, by their own Customs and police officials.

2. The Customs administrations of the two Contracting Parties shall, further, be authorised to have toll-paying trains accompanied, in the territory of the other State, by their own Customs officials, who shall exercise internal supervision in the train.

3. The provisions of Article 15, paragraphs 2, 3, 4 and 5, of the Convention concluded on September 28th, 1932, between the Kingdom of Roumania and the Kingdom of Hungary, relating to the organisation of frontier stations shall apply by analogy.

4. Customs and police officials accompanying toll-paying trains of the other State shall be conveyed free of charge. For this purpose, seats shall be reserved in the trains concerned. The administrations concerned of the Contracting Parties shall agree as to the points at which these officials shall enter toll-paying trains and the points at which they shall leave them.

*Article 29.*

For the conveyance of luggage, parcel consignments and miscellaneous goods through the territory of the other State, in toll-paying trains, no Customs documents shall be required. For the transport of goods in full vehicles, the railway operating toll-paying transport shall be required to present, at the entry to the Customs territory of the other State and at the exit from it, at the "incoming" Customs office and at the "outgoing" Customs office of the other State, the original memorandum of vehicles, drawn up according to an agreed model, specifying the loads carried in the various vehicles. The "incoming" Customs office shall affix its seal to this document.

*Article 30.*

The Customs offices of either State shall recognise the Customs seals of the other State, including railway seals, if the latter are used in place of Customs seals.

This shall in no wise prevent officials of the two States from affixing also their own Customs seals.

*Article 31.*

Customs seals affixed to vehicles in the territory of the other State shall not be removed unless technical railway traffic reasons make it necessary. Should a vehicle in which consignments specified in Article 29 are being conveyed be uncoupled from a toll-paying train, or should a vehicle containing such a load be coupled to a toll-paying train, the railway authority operating the toll-paying traffic shall be required to draw up a brief report specifying, in particular, the number of the vehicle, the owner's mark, and the nature of the load. The same authority shall also be required, when the train leaves the Customs territory of the other State, to hand this report to the Customs office of that State.

*Article 32.*

1. Passengers travelling in toll-paying trains shall neither leave them nor enter them in the territory of the other State.

2. Should passengers be compelled, in case of absolute necessity, to leave a toll-paying train while in the territory of the other State, they shall remain under the supervision of the Customs and police officials of that State. They shall, however, be entitled to return to their own country in another toll-paying train.

3. Passengers travelling in toll-paying trains shall not, while in the territory of the other State, hand from the train or receive into the train any articles whatsoever, with the exception of beverages, which may be served to passengers through the windows of the train.

4. The provisions contained in the preceding paragraphs shall apply, by analogy, to officials who are passing on duty through the territory of the other State in toll-paying trains, save in



regard to the prohibition to enter or leave toll-paying trains, should it be necessary for them to do so in the discharge of their duties.

*Article 33.*

Consignments conveyed by toll-paying trains shall not be unloaded on the territory of the other State, and other consignments, of whatever nature, shall not be loaded in such trains. Consignments shall not be transferred from one train to another except in case of absolute necessity for technical railway traffic reasons and under the supervision of Customs officials of the other State.

*Article 34.*

Officials who are passing on duty through the territory of the other State in toll-paying trains shall be exempt from any obligation to possess a passport and shall not be subject to any formalities in regard to passports. The same shall apply to railway officials employed in the constructional maintenance service referred to in Article 1, paragraph 2. Such officials shall, however, be required, on crossing the frontier, to present a permit similar to that provided for in Article 17 of the Convention concluded on September 28th, 1932. The supervisory staff of the railway administrations also shall carry such permits if they are on duty in the territory of the other State and are not in toll-paying trains of the railway administration to which they belong.

CHAPTER V. — FINAL PROVISIONS.

*Article 35.*

The agreements between the administrations concerned of the Contracting Parties, which are to be concluded in accordance with the provisions of Article 13, paragraph 1, Article 14, paragraph 4, Article 17, paragraph 2, Article 20, paragraph 1, Article 22, Article 23, paragraph 1, and Article 28, paragraph 2, of the present Convention, shall each be embodied in a separate document.

*Article 36.*

Any disputes concerning the present Convention shall, if necessary, be submitted to the arbitral tribunal mentioned in Article 43 of the Convention concluded on September 28th, 1932, between the Kingdom of Roumania and the Kingdom of Hungary, relating to the organisation of frontier stations.

*Article 37.*

1. The present Convention shall be ratified as soon as possible and the instruments of ratification shall be exchanged at Budapest.

2. The present Convention shall enter into force thirty days after the exchange of the instruments of ratification and shall remain in force until it is denounced with six months' notice.

3. As soon as the present Convention and the Agreements which are to be concluded in accordance with the provisions of Article 35 enter into force, all other Agreements and Conventions previously concluded between the administrations of the Contracting Parties regulating the traffic of toll-paying trains on the same sections of railway line shall cease to be in force.

Done at Bucharest, this 19th day of October, 1939, in the French language, in duplicate originals, of which each Contracting Party shall receive a copy.

(Signed) M. GHELMEGEANU.

(Signed) BÁRDOSY LÁSZLÓ.

(Signed) G. PANAITOPOL.