

N° 158.

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## ALLEMAGNE ET POLOGNE

Protocole par application de l'article 268, paragraphe "b" du Traité de Versailles, en ce qui concerne l'Allemagne, signé à Berlin le 10 avril 1921.

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## GERMANY AND POLAND

Protocol relating to the carrying out of the provisions of article 268, paragraph "b" of the Treaty of Versailles, as between Germany and Poland, signed at Berlin April 10, 1921.

<sup>1</sup> TRANSLATION.

No. 158. — PROTOCOL RELATING TO THE CARRYING OUT OF THE PROVISIONS OF ARTICLE 268, PARAGRAPH *B* OF THE TREATY OF VERSAILLES, AS BETWEEN GERMANY AND POLAND, SIGNED AT BERLIN. APRIL 10, 1921.

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The undersigned Plenipotentiaries, namely :

FOR THE GERMAN GOVERNMENT :

M. BEHRENDT, Permanent Under Secretary for Foreign Affairs (Ministerialdirektor), and  
M. WINDEL, Councillor (Legationsrat) in the Ministry of Foreign Affairs.

FOR THE POLISH GOVERNMENT :

M. CZAPLA, Permanent Under Secretary (Ministerialdirektor) in the Ministry for the partitioned Territory formerly belonging to Prussia,

having conferred at the Foreign Office at Berlin from April 4 to 9, 1921, regarding the carrying out of the provisions of the Treaty of Peace of Versailles as between Germany and Poland, and having exchanged their Full Powers found in good and due form, have agreed in the name of their Governments, as follows :

*Article I.*

As regards goods the import of which into Germany is prohibited, the German Government shall grant import licenses for such goods as originate in and come from the parts of Poland belonging prior to the war to Germany, and which in virtue of Article 268 *b* of the Treaty of Peace of Versailles are " on import into German customs territory exempt from all customs duty ".

Exceptions may be made only in the following cases :

(*a*) on grounds of public health or for the protection of animals or useful plants against diseases or parasites, if the existence of such parasitic or other diseases has been clearly established by the competent Polish authorities ;

(*b*) in the case of goods which in Germany constitute a State monopoly, or are subject to dispositions similar to a State monopoly or are placed under a central management.

As regards such goods, the Polish Government shall endeavour to arrange that producers and merchants of the territories ceded to Poland shall offer such goods as they may wish to sell in Germany, to the German administration of monopolies or to the central managing boards. The German Government shall instruct the administration of monopolies or central managing boards concerned to accept such goods up to the amount fixed in the Polish free-lists provided that they are offered at reasonable prices. Should any German authority refuse such goods, it must state the reasons for this refusal. Should differences of opinion arise regarding the justice of such a refusal, the case shall be examined by a representative of the competent authorities of the two Governments. Should such representatives fail to reach an agreement the matter shall form the subject of an exchange of views between the two Governments.

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

*Article 2.*

Germany shall treat such goods as are imported into Germany under the provisions of Article 268 *b* of the Treaty of Peace of Versailles in accordance with the principles of the most favoured nation clause.

*Article 3.*

In order to prove that the goods in question originate in and come from the territory ceded to Poland a certificate of origin shall be required, which shall be printed on coloured paper in conformity with the pattern shown in Annex 1 and shall be issued by a Polish Chamber of Commerce or Board of Agriculture and shall be countersigned by the Ministry for the partitioned territory formerly belonging to Prussia (Ministry of Commerce and Industry) at Posen.

Certificates of origin shall not be transferable and shall be valid only for a period of three months from the date of issue at most until the close of the current rationing-year. They shall be issued in a single copy only. The Ministry for the partitioned territory formerly belonging to Prussia (Department of Commerce and Industry) at Posen shall communicate to the Imperial Statistical Bureau at Berlin a monthly list of the certificates of origin issued during the preceding calendar-month.

The Polish Government shall immediately communicate to the German Government the names of the Chambers of Commerce or Boards of Agriculture, entrusted with the issue of certificates of origin as well as the serial letters which these Chambers or Boards shall add to the current numbers on the certificates of origin. Further, the Polish Government shall communicate to the German Government the names of the persons entrusted with the issue of the certificates of origin together with copies of their signatures, and the stamps of the various Chambers or Boards.

*Article 4.*

The Polish Government shall distribute the quantities authorised by the free lists among the various Chambers of Commerce and Boards of Agriculture. These shall, as far as possible, issue certificates of origin only to firms, which sent similar goods to Germany during the years 1911 to 1913.

*Article 5.*

The Polish Government shall impose penalties (in particular the refusal of any further certificates of origin), on all persons, who make false declarations in order unlawfully to obtain certificates of origin or who transfer, unlawfully use or forge certificates of origin, as well as on all persons who make use of false or forged certificates of origin.

*Article 6.*

Goods, of which the import into Germany is not prohibited, shall be admitted by the German Customs Authorities free of duty and without any special import license on production of the certificates of origin provided for under Article 3.

*Article 7.*

If the import into Germany of the goods in question is prohibited, the Ministry for the partitioned territory formerly belonging to Prussia (Department of Commerce and Industry) at Posen shall hand over the certificates of origin through the competent Polish Customs Officer to the Ger-

man Customs Office at Schneidemühl, in exchange for a formal receipt. The latter Customs Office shall deal with the certificates of origin in accordance with the foregoing provisions concerning the granting of import licenses (Article 1) and shall take all necessary action in regard to them, free of cost, within 48 hours of their receipt through the Polish Customs office, and shall hold them at the disposal of that office

*Article 8.*

The German Commissioner for the issue of export and import licenses shall inform the Ministry for the partitioned territory formerly belonging to Prussia (Department of Commerce and Industry) at Posen, which goods on the Polish free-list are exempt from import duties, and which goods on this list constitute a State monopoly, or are subject to dispositions similar to a State monopoly, or are placed under a central management. Any changes with regard to these points must similarly be notified.

*Article 9.*

It is agreed that the rationing year 1920 shall be considered by both parties as having terminated, and that the rationing year 1921 shall be reckoned as from January 11, 1921, to January 10, 1922. In determining the class and quantity of goods which are to be admitted into Germany free of duty in the rationing year 1921, the list in Annex 2 shall be considered authoritative. This list has been drawn up in the course of the present negotiations in accordance with the Polish free-list, which was communicated on January 14, 1921.

*Article 10.*

The provisions agreed upon in this Protocol (of which the German and Polish texts are both authentic), shall come into force immediately for the period up to January 10, 1922. The period of validity shall be prolonged until January 10, 1923 unless the Agreement is denounced by one of the two Governments before November 15, 1921.

Done in duplicate.

BERLIN, *April 10, 1921.*

(Signed) BEHRENDT.

(Signed) WINDEL.

(Signed) CZAPLA.

ANNEX I.

Imports into Germany from Polish territory belonging to Germany before the war which, in accordance with Article 268 b of the Treaty of Peace of Versailles, are exempt from customs duties.

CERTIFICATE OF ORIGIN. No. . . . .

In accordance with the declarations of the firm of . . . . .  
(Consignor) . . . . .  
of. . . . .  
which have been examined and found correct, the Chamber of . . . . .  
at . . . . . hereby certifies that the undermentioned goods con-  
signed to the firm of (Consignee) . . . . .  
at . . . . .  
were produced or manufactured in Polish territory which before the war belonged to Germany.

These goods will be reckoned as part of the amount of imports allowed to Poland, free of all customs duties, in accordance with Article 268 b of the Treaty of Peace of Versailles .

(No. on the Polish Free List . . . . .)

Number of Article and method of packing	Marks and numbers	Gross weight in kilograms	Net weight in kilograms	Nature of contents
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. . . . . 1921.

By Order of the Chamber of . . . . . at . . . . . Passed by the  
Ministry for the partitioned territory formerly belonging to Prussia on . . . . .  
1921. (No. . . . .)

By order of . . . . .

N. B. This certificate of origin is not transferable. It is valid for three months from the date of issue, but under no circumstances beyond January 10, 1922.

Any false declaration for the purpose of obtaining a certificate of origin or any abuse of such certificate of origin renders the offender liable to prosecution under . . . . . and will in particular result in the temporary or permanent withdrawal of the right to import goods into Germany free of customs duties.

## Annex 2.

## POLISH FREE-LIST.

(List of products which, in accordance with Article 268 *b* of the Treaty of Peace of Versailles, are granted exemption from customs duties on importation into Germany.)

## REMARKS :

1.	Rye . . . . .	222,735 tons	The Polish Government will ascertain and supply particulars with regard to the quantities of grain required for seed purposes.
2.	Wheat . . . . .	78,759 "	
3.	Barley . . . . .	225,630 "	
4.	Oats . . . . .	97,746 "	
5.	Peas . . . . .	30,716 "	
6.	Vetch seed . . . . .	15,000 "	
7.	Seradella seed . . . . .	10,025 "	
8.	Clover seed . . . . .	3,015 "	
9.	Peluschke . . . . .	83 "	
10.	Lentils . . . . .	15 "	
11.	Lupins . . . . .	645 "	
12.	Seeds and grains not included in Nos. I-11	1,000 "	
13.	Husked wheat, coarse ground wheat and wheat groats . . . . .	95,679 "	The amount will be fixed later.
14.	Wheat flour . . . . .	1,355 "	
15.	Rye flour . . . . .	9,032 "	
16.	Groats from wheat or pulse . . . . .	185,000 "	
17.	Starch . . . . .	269 "	
18.	Bran . . . . .	2,453 "	
19.	Potatoes . . . . .	19,244 "	
20.	Potato meal . . . . .	3,450 "	
21.	Distiller's wash . . . . .	1,200 "	
22.	Prepared spirits (Liqueurs, brandy and other spirits) . . . . .		
23.	Crude spirit (raw spirit and alcohol) . . . . .		
	(a) rendered undrinkable . . . . .		
	(b) not rendered undrinkable . . . . .		
24.	Beer . . . . .	38,000 "	
25.	Cigars . . . . .		
26.	Cigarettes . . . . . (number: 28,000,000)		
27.	Manufactured tobacco (Snuff, chewing tobacco and pipe tobacco) . . . . .		
28.	Tobacco pipes . . . . . (number: 24,000)		
29.	Milk . . . . .	50,000 tons	
30.	Butter . . . . .	103 "	
31.	Cheese . . . . .	94 "	
32.	Preserves . . . . .	200 "	
33.	Mustard . . . . .	116 "	
34.	Gingerbread . . . . .	372 "	
35.	Long timber (rough or split lengthwise) . . . . .	420,000 cubic meters	
36.	Cigar boxes . . . . . (number: 5,200,000)		Weight will be communicated later.

## REMARKS :

37.	Alder wood rollers (cut crosswise only) . . .	6,800 cubic meters	
38.	Railway-sleepers of soft wood not creosoted (number : 700,000)		The quantity of creosoted sleepers will be communicated later.
39.	Non-creosoted oak sleepers . . . (number : 50,000)		
40.	Junction sleepers of soft or hard wood not creosoted . . . . . (number : 15,000)		
41.	Oak timber, unworked or split lengthwise	10,000 cubic meters	
42.	Wooden spokes . . . . . (number : 360,000)		Weight will be communicated later.
43.	Wood for picture frames and cornices of gilt wood . . . . .	1,300 tons	The position with regard to this item is still being investi- gated by Poland. The result will be communicated later.
44.	Furniture . . . . .	7,000 articles	Weight and information re- garding the nature of the ar- ticles will be communicated later.
45.	Windows and doors . . . . .	1,000 tons	
46.	Planks and deals . . . . .	330,000 cubic- meters	
47.	Wood shavings . . . . .		Weight will be communicated later.
48.	Wooden goods (staves for casks) . . . . .	1,026 tons	Information will be given later whether other goods be- sides staves for casks are in- cluded under this heading.
49.	Sleighs and waggons . . . . . (number : 360)		
50.	Small laths for tiled roofs . . . . .	900 tons	
51.	Wooden outside venetian blinds (number : 5,000)		Weight will be communi- cated later.
52.	Wooden roller blinds . . . . . ( „ 2,000)		„ „
53.	Mouldings . . . . .	2,000 tons	
54.	Cask hoops stripped of bark . . . . .	1,533 „	
55.	Cask hoops not-stripped of bark . . . . .	700 „	
56.	Willow staves (stripped) . . . . .	2,342 „	
57.	Willow staves (unstripped) . . . . .	1,350 „	
58.	Willow twigs (stripped) . . . . .	688 „	
59.	Willow twigs (unstripped) . . . . .	2,350 „	
60.	Mineral salt		
	(a) Cooking salt . . . . .	14,394 „	
	(b) Cattle salt . . . . .	862 „	
	(c) Salt for industrial purposes) . . . . .	60 „	
61.	Soda . . . . .	31,900 „	
62.	Plaster of Paris . . . . .	7,300 „	
63.	Slaked lime . . . . .	50,000 „	
64.	Unslaked lime . . . . .	40,000 „	
65.	Artificial stone and artificial stone goods	1,750 „	
66.	Bricks . . . . . (number : 6,000,000)		Weight will be communicated later.
67.	Tiles . . . . . ( „ 8,000,000)		„ „
68.	Drain pipes . . . . .	7,390 tons	
69.	Stone goods . . . . .	3,000 „	

		REMARKS :	
70.	Clinker bricks of all kinds and clay goods not named under 66 to 69 . . . . .	6,000 tons	Further particulars with detailed statement of various commodities will be communicated later.
71.	Glass bottles . . . . . (number :	5,300,000)	Weight will be communicated later.
72.	Graphite for retorts . . . . .	18 tons	
73.	Coke . . . . .	212 "	
74.	Soft soap . . . . .	175 "	
75.	Hard soap . . . . .	97 "	
76.	Ferrosilicium . . . . .	1,086 "	
77.	Calcium carbide . . . . .	643 "	
78.	Machinery and apparatus :		
	(a) for manufacture of cement . . . . .	1,000 "	
	(b) spare parts for above . . . . .	1,100 "	
	(c) for sugar manufacture . . . . .	350 "	
	(d) spare parts for above . . . . .	100 "	
	(e) for wood working . . . . .	1,600 "	
	(f) for brick works, breweries, distilleries, starch factories (including pumps and transmission apparatus) . . . . .	1,416 "	
	(g) for bakeries . . . . .	10 "	
	(h) for heavy transport . . . . .	500 "	
79.	Railway points and signals . . . . .	800 "	
80.	Cast iron and tin plate manufactured goods (stoves grates, boilers, articles employed in building, enamelled kitchen utensils, cast drain pipes, sanitary utensils etc.) . . . . .	8,600 "	
81.	Iron parts used in building (including lock-gates) . . . . .	700 "	
82.	Pipes, mouldings and other articles for drainage made of cast iron . . . . .	1,767 "	
83.	Railway frames, spare parts for locomotives, spark catchers . . . . .	1,103 "	
84.	Implements and tools used in forestry . . . . .	38 "	
85.	Hand tools and files . . . . .	40 "	
86.	Ovens for bakeries . . . . . (number :	50 "	Weight will be communicated later.
87.	Brass and bronze goods not gilded . . . . .	17 "	
88.	Gold and silver goods and gold or silver plated goods . . . . .	100 kilog.	
89.	Leather and leather goods :		
	(a) Sole-leather . . . . .	1,424 tons	
	(b) Buckskin . . . . .	179 "	
	(c) Sleeked leather . . . . .	129 "	
	(d) Russian leather . . . . .	31 "	
	(e) Whip thongs of tanned leather (number :	105,427)	Weight will be communicated later.
90.	Leather clippings and glue leather . . . . .	864 "	
91.	Ox-tails . . . . . (number :	31,100)	Weight will be communicated later.
92.	Horns and hoofs . . . . .	48 tons	
93.	Foot gear made of leather and felt . . . . .	(775,000 pairs)	
94.	Brushes . . . . .	620 tons	

## REMARKS :

95.	Horse hair cloth . . . . .	100 tons	
96.	Hemp webbing for furniture . . . . .	100 "	
97.	Cardboard . . . . .	504 "	
98.	Wool . . . . .	52 "	
99.	Raw sugar . . . . .	11,568 "	
100.	Molasses . . . . .	1,263 "	
101.	Cut beetroot . . . . .	324 "	
102.	Agricultural implements :		
	(a) Potato cropping machines . . . . .	2,920 "	
	(b) Beetroot cropping machines . . . . .	8 "	
	(c) Ploughs with one or more blades . . . . .	300 "	
	(d) Hay rakes . . . . .	300 "	
	(e) Thrashing machines . . . . .	76 "	
	(f) Rollers (Scheibenwalzen) . . . . .	300 "	
	(g) Potato planting machines . . . . .	148 "	
	(h) Potato covering machines . . . . .	48 "	
	(i) Subsoil packers . . . . .	118 "	
	(k) Machines for scattering Chile salt-petre . . . . .	72 "	
	(l) Machines for scattering manure . . . . .	116 "	
	(m) Machines for grading potatoes . . . . .	48 "	
	(n) Front parts of carts . . . . .	56 "	
	(o) Harrows and cylindrical harrows (Scheibeneggen) . . . . .	76 "	
	(p) Manure machines, ridgeploughs and weeders . . . . .	80 "	
	(q) Potato and beetroot washers . . . . .	52 "	
	(r) Iron rollers . . . . .	350 "	
	(s) Drum chaff cutters. Beetroot slicers. Transmission cranes. Road levelers and field levelling ploughs. Winding machines. Straw elevators, Mould carriers. Cleaning machines (Reinigungsmaschinen). Potato steamers. Mowing machines	1776 "	
103.	Gas motors . . . . . (number :	12)	
104.	Railway waggons . . . . . ( " "	150)	
105.	Vinegar 5 <sup>0</sup> / <sub>0</sub> . . . . .	16,000 litres	
106.	Wicker goods . . . . .	42 tons	
107.	Candle holders for Christmas trees and Christmas tree decorations . . . . .	40 "	
108.	Bottle stoppers . . . . . (number: 2,000,000)		Weight will be communicated later.
109.	Porcelain goods (with the exception of high grade porcelain) . . . . .	1,500 "	Weight will be communicated later.
110.	Chemical-technical products . . . . .		Detailed information will be communicated later.
111.	Sedge-matting . . . . .	3,000 "	
112.	Tarred roofing-felt . . . . .	900 "	
113.	Mineral tar . . . . .	200 "	
114.	Cement . . . . .	8,200 "	
115.	Potash manure . . . . .	7,500 "	
116.	Appliances used in bee-keeping . . . . .		Weight will be communicated later.