

**AUTRICHE, HONGRIE,  
ITALIE  
ET ROYAUME DES SERBES,  
CROATES ET SLOVÈNES**

Convention pour le règlement du transit et des communications sur le réseau de la Compagnie des chemins de fer Danube-Save-Adriatique (Ancienne Compagnie des chemins de fer du Sud), signée à Rome le 29 mars 1923.

---

**AUSTRIA, HUNGARY,  
ITALY AND  
KINGDOM OF THE SERBS,  
CROATS AND SLOVENES**

Convention for the Regulation of Transit and Communications on the System of the Danube-Save-Adriatic Railway Company (formerly the Southern Railway Company), signed at Rome, March 29, 1923.

## TEXTE ITALIEN. — ITALIAN TEXT.

No. 594. — CONVENZIONE<sup>1</sup> FRA L'AUSTRIA, L'UNGHERIA, L'ITALIA ED IL REGNO DEI SERBI, CROATI E SLOVENI, PER IL REGOLAMENTO DEL TRANSITO E DELLE COMUNICAZIONI SULLA RETE DELLA COMPAGNIA DELLE FERROVIE DANUBIO-SAVA-ADRIATICO (GIÀ COMPAGNIA DELLE FERROVIE MERIDIONALI), FIRMATO A ROMA, 29 MARZO 1923.

*French and Italian official texts communicated by the Director of the Royal Hungarian Secretariat accredited to the League of Nations. The registration of this Convention took place March 28, 1924.*

IL GOVERNO DELLA REPUBBLICA D'AUSTRIA, IL GOVERNO DEL REGNO D'UNGHERIA, IL GOVERNO DEL REGNO D'ITALIA, IL GOVERNO DEL REGNO DEI SERBI, CROATI E SLOVENI,

Considerato che la convenzione generale prevista dagli articoli 311 del trattato di San Ger-  
mano e 294 del trattato del Trianon non è stata ancora conclusa ;

Che in forza di dette disposizioni, le condizioni dell' esercizio della facoltà di transito e le  
modalità con cui dovranno essere utilizzate le strade ferrate saranno determinate da convenzioni  
particolari fra gli Stati interessati ;

E che per assicurare la regolarità dell'esercizio delle strade ferrate della Compagnia delle Ferro-  
vie Danubio-Sava-Adriatico (già Compagnia delle Ferrovie Meridionali), la cui riorganizzazione  
amministrativa e tecnica è stata regolata dall'accordo firmato a Roma il 29 marzo 1923, le con-  
venzioni suddette sono indispensabili ;

Hanno stabilito di cercare di comune accordo i mezzi la cui applicazione sia la più rapida  
e la più immediata per arrivare a questo scopo, ed a questo effetto essi hanno designato come  
loro plenipotenziari :

IL GOVERNO DELLA REPUBBLICA d'AUSTRIA :

il signor Dr. Ottone MULLER MARTINI, Capo sezione al Ministero Federale delle Commu-  
nicazioni ;

il Signor Dr. Carlo POLLAK, Capo sezione al Ministero Federale delle Finanze ;

IL GOVERNO DEL REGNO D'UNGHERIA :

Sua Eccellenza Giovanni TELESZKY, già Ministro delle Finanze ;

IL GOVERNO DEL REGNO D'ITALIA :

Sua Eccellenza il Marchese Guglielmo IMPERIALI DI FRANCAVILLA, Senatore del Regno,  
Ambasciatore onorario ;

IL GOVERNO DEL REGNO DEI SERBI, CROATI E SLOVENI :

il Signor Ing. Ranislav M. AVRAMOVITCH, sottosegretario di Stato al Ministero delle Com-  
municazioni ;

i quali, avendo scambiato i loro pieni poteri, riconosciuti in buona e debita forma, hanno  
concordato le disposizioni seguenti :

<sup>1</sup> The deposits of the instruments of ratification took place at the following dates: by Italy, August 20, 1923 ; by the Kingdom of the Serbs, Croats and Slovenes, August 24, 1923 ; by Hungary October 10, 1923 ; by Austria, October 16, 1923.

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

No. 594. — CONVENTION BETWEEN AUSTRIA, HUNGARY, ITALY AND THE KINGDOM OF THE SERBS, CROATS AND SLOVENES FOR THE REGULATION OF TRANSIT AND COMMUNICATIONS ON THE SYSTEM OF THE DANUBE-SAVE-ADRIATIC RAILWAY COMPANY (FORMERLY THE SOUTHERN RAILWAY COMPANY), SIGNED AT ROME, MARCH 29, 1923.

The GOVERNMENT OF THE REPUBLIC OF AUSTRIA, the GOVERNMENT OF THE KINGDOM OF HUNGARY, the GOVERNMENT OF THE KINGDOM OF ITALY and the GOVERNMENT OF THE KINGDOM OF THE SERBS, CROATS AND SLOVENES :

Whereas the General Convention mentioned in articles 311 of the Treaty of Saint-Germain and 294 of the Treaty of Trianon has not yet been concluded ;

Whereas, under the terms of the foregoing Articles, special Conventions between the States concerned will lay down the conditions for the exercise of the right of transit and will settle the method of using the railways ;

And whereas the above-mentioned Conventions are indispensable in order to ensure the regular working of the railways of the Danube-Save-Adriatic Railway Company (formerly the Southern Railway Company), the administrative and technical re-organisation of which was regulated by the Agreement signed at Rome on March 29, 1923 ;

Have agreed to consider in common the methods which may be most speedily and promptly applied for attaining this object and for this purpose have appointed as their Plenipotentiaries :

The GOVERNMENT OF THE REPUBLIC OF AUSTRIA :

Dr. Otto MULLER-MARTINI, Head of Department in the Federal Ministry of Communications, and

Dr. Carl POLLÁK, Head of Department in the Federal Ministry of Finance ;

The GOVERNMENT OF THE KINGDOM OF HUNGARY :

H. E. M. János TELESZKY, former Minister of Finance ;

The GOVERNMENT OF THE KINGDOM OF ITALY :

H. E. the Marquis Guglielmo IMPERIALI DI FRANCAVILLA, Senator and Honorary Ambassador ;

The GOVERNMENT OF THE KINGDOM OF THE SERBS, CROATS AND SLOVENES :

M. RANISLAV M. AVRAMOVITCH, Engineer, Under-Secretary of State in the Ministry of Communications ;

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

<sup>1</sup> Traduit par le Secrétariat de la Société des Nations.

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

## I. TRAFFIC IN TRANSIT.

*Article 1.*

(1) Persons, baggage and goods, coaching and goods stock, and other means of transport conveyed on the railways of the Südbahn shall be deemed to be in transit across territory under the sovereignty or authority of one of the Contracting States, when the passage across such territory is only a portion of a complete journey, beginning and terminating beyond the frontier of the State across whose territory the transit takes place.

(2) Traffic of this nature is termed "traffic in transit."

*Article 2.*

Subject to the other provisions of this Convention, the measures taken by Contracting States for regulating and forwarding traffic across territory under their sovereignty or authority shall facilitate free transit by rail. No distinction shall be made which is based on the nationality of persons, the place of origin, departure, entry, exit or destination, or on any circumstances relating to the ownership of goods, coaching or goods stock or other means of transport.

*Article 3.*

Traffic in transit shall not be subject to any special dues in respect of transit (including entry and exit). Nevertheless, on such traffic in transit there may be levied dues intended solely to defray expenses of supervision and administration entailed by such transit. The rates of any such dues must correspond as nearly as possible with the expenses which they are intended to cover, and the dues must be imposed under the conditions of equality laid down in the preceding Article, except that on certain routes such dues may be reduced or even abolished on account of differences in the cost of supervision.

*Article 4.*

The tariffs shall be so fixed as to facilitate through-traffic and traffic in transit as much as possible. No charges, facilities or restrictions shall depend, directly or indirectly, on the nationality, character, or ownership of the traffic in transit or other means of transport on which any part of the complete journey has been or is to be accomplished.

*Article 5.*

(1) No Contracting State shall be bound by this Convention to afford transit for passengers whose admission into its territories is forbidden, or for goods of a kind of which the importation is prohibited, either on grounds of public health or security, or as a precaution against diseases of animals or plants.

(2) Each Contracting State shall be entitled to take reasonable precautions to ensure that persons, baggage and goods, particularly goods which are the subject of a monopoly, and also coaching and goods stock and other means of transport, are really in transit, as well as to ensure that passengers in transit are in a position to complete their journey, and to prevent the safety of the routes and means of communication being endangered. The exercise of this right must not, however, be such as to hinder such traffic or cause additional delays.

(3) Nothing in this Convention shall affect the measures which one of the Contracting States may feel called upon to take in pursuance of general international Conventions to which it is a party, or which may be concluded hereafter, particularly Conventions concluded under the auspices of the League of Nations, relating to the transit, export or import of particular kinds of articles, such as opium or other dangerous drugs, arms or the produce of fisheries, or in pursuance of general Conventions intended to prevent any infringement of industrial, literary or artistic property, or relating to false marks, false indications of origin, or other methods of unfair competition.

*Article 6.*

The measures of a general or particular character which a Contracting State is obliged to take in case of an emergency affecting the safety of the State or the vital interests of the country may in exceptional cases, and for as short a period as possible, involve a deviation from the provisions of the above Articles ; it being understood that such State shall permit the exercise of the right of transit to the utmost possible extent.

*Article 7.*

This Convention does not prescribe the rights and duties of belligerents and neutrals in time of war. The Convention shall, however, continue in force in time of war so far as such rights and duties permit.

II. CUSTOMS.

A. GOODS.

*Article 8.*

(1) Goods trains may cross the frontier at any time by day or by night, including Sundays and statutory holidays, provided that the goods in question are not subject to regulations prohibiting their importation, exportation or transit.

(2) The necessary Customs formalities shall be effected at the same time.

(3) All goods trains arriving from another country must be advised in accordance with the Customs regulations to the frontier Customs office and all documents required by the Customs regulations shall be produced at the same time to the said office.

*Article 9.*

(1) The railways administrations shall notify to the Customs offices in railway stations and to the Customs bureaux (railway Customs offices) the time-tables of all trains crossing the frontier and connecting trains, together with all changes in the above-mentioned time-tables not less than eight days before their coming into force.

(2) The railway Customs offices shall also be informed as early as possible of any considerable delays, of the cancelling of trains and of the passage of special trains or light engines.

*Article 10.*

(1) Goods, the passage of which has been notified in accordance with the regulations and which are loaded in a waggon which is sealed in accordance with the regulations and consigned

without transshipment to a station in the interior of the country at which a Customs office competent to deal with them is situated, shall be exempted from unloading and examination at the frontier, and from sealing of packages.

(2) Goods which are loaded in the above-mentioned manner in waggons sealed in accordance with the regulations and which pass over the territory of one of the Contracting Parties, shall, if notified as in transit in accordance with the regulations, be exempted, both in the interior of the country and at the frontiers, from unloading and Customs examination and from sealing of packages.

(3) The application of the provisions contained in paragraphs 1 and 2 is subject to the condition that the railway administrations concerned are responsible for the arrival of the waggons at the competent Customs houses in the interior or at the frontier within the time laid down and with seals intact.

(4) Further, goods exempted from Customs duties arriving at frontier Customs offices to be subjected to Customs formalities shall be exempt from unloading and weighing, if it is practicable for the said formalities to be carried out without unloading. In estimating the weight of goods, the Customs authorities shall, as a general rule, accept the tare of the waggon marked on it.

(5) The foregoing exemptions from Customs examination and sealing of packages shall, as an exceptional measure, be applicable even should goods be transhipped (from one waggon to another) under Customs supervision, without it being necessary to carry out the regulation Customs formalities when the transshipment of the goods has become unavoidable owing to any reason arising from railway conditions.

(6) The facilities provided under this Article will not be granted in cases of suspicion of fraud or for legitimate reasons affecting the vital interests of the country in which the goods are in transit.

#### *Article 11.*

(1) The Customs administrations of all the Contracting Parties shall recognise as sufficient the Customs seals affixed by the administration of any one of the Contracting Parties, provided that the said administrations are satisfied that such seals have been affixed in conformity with the regulations in force in their own Customs territories in respect of the sealing of waggons to be forwarded to Customs offices subject to the conditions laid down in paragraph 6 of the foregoing Article.

(2) The provisions of Customs seals established by the Berne Conference of May 16, 1886, together with all subsequent modifications and additions, shall be recognised as the regulations for this purpose.

#### *Article 12.*

(1) Should the goods not constitute an entire waggon-load, they may nevertheless be granted the above-mentioned facilities. They must be forwarded in compartments which can be securely fastened, in waggons with permanent roofs conforming to all the regulations laid down by the Customs for fastening waggons, or in portable cases or baskets approved by the Customs authorities and conveyed in this manner under Customs fastenings.

(2) For the purpose of ensuring the security of waggons forming part of trains, the parties concerned may be permitted to affix a special fastening to the waggons, provided that such fastening causes no damage to the rolling-stock.

(3) If for any reason the waggons must be opened at the frontier for verification, the competent railway employees will be responsible for removing the seals.

(4) Should the authorities of a Contracting State effect Customs operations in the territory of another Contracting State, the Customs administration of the latter shall be entitled to decide in what manner through trains and waggons are to be escorted from or to the frontier.

(5) Officials forming an escort shall be entitled to travel free of charge in the trains under their supervision and will be given such accommodation as will enable them to perform their duties ;

they shall also be entitled to accommodation for the return journey in passenger trains in accordance with their official position, subject, however, to the conditions laid down in Article 51, paragraph 3.

*Article 13.*

The High Contracting Parties make a special declaration that they are agreed that goods may be forwarded on their lines in "through" trains or waggons between any two States concerned, even when such goods cross the territory of a third State.

*Article 14.*

(1) In order to reduce the halt at the frontier the production of import permits will not, as a rule, be demanded at the frontier station ; they may be shown subsequently at the Customs office in the station of destination.

(2) Should such papers prove to be missing or imperfect, transport may be refused, the reasons therefor being noted on all bills of lading (*lettres de voiture*) and on the way bill (*feuille de route*), together with the date and the signature of the official refusing transport.

(3) In the case of legitimate refusal, the costs of sending back the goods to the frontier station of the State in which the consigning station is situated shall be borne by the owner of the goods.

(4) If the aforesaid papers are found to be missing or imperfect at the station where the frontier is crossed on the line on which the station of destination is situated, the authorities at the former station may themselves ask for them by telegram sent to the point of transit through which the goods were imported.

(5) In cases of claims against the railway administrations, it will be for the Governments concerned to come to an understanding on the legal questions relating to the administration of the railways in their territory.

B. TRAVELLERS AND BAGGAGE.

*Article 15.*

Passenger trains shall be granted all facilities accorded to goods trains in Articles 8 in respect of days and times for crossing the frontier.

*Article 16.*

Only hand baggage may be taken in passenger coaches at the time of crossing the frontier.

*Article 17.*

Passengers' registered and hand baggage shall, in principle, be examined by the Customs authorities at the frontier Customs office. Facilities will, however, be granted in accordance with the exigencies of passenger traffic. More especially, every endeavour will be made to take the necessary measures for the examination of registered baggage at the Customs office in the place of destination and, if practicable, for the examination of baggage on departure from a country at the Customs office in the place of departure. The Customs administration shall, moreover, as far as

possible, issue instructions for the examination in the train of baggage belonging to passengers travelling in through-carriages.

*Article 18.*

Customs formalities at frontier stations shall in all cases be completed in time to permit all baggage, and more especially baggage in transit, to continue the journey by the connecting train.

*Article 19.*

(1) Goods despatched by “grande vitesse” and “petite vitesse” and carried by passenger train shall be subject to the same conditions and formalities as similar goods transported by goods trains.

(2) Perishable goods, however, despatched by “grande vitesse” in passenger trains shall be forwarded by the same accelerated procedure as the one employed in the case of baggage.

*Article 20.*

The examination of the passports of passengers travelling in through-trains or through-carriages shall be effected in the train concurrently with the Customs examination.

### III. CIRCULATION OF TRAINS.

*Article 21.*

Fully loaded waggons shall make only short stops at intermediate stations and especially at frontier stations. No stop shall exceed the time strictly necessary for the completion of the formalities relating to such waggons, account being had to the nature of the goods transported and to traffic conditions.

*Article 22.*

Through waggons must be provided with suitable labels showing the country of destination and route. These labels will, so far as possible, be those adopted by the European Union for the reciprocal use of waggons in international traffic.

*Article 23.*

Through waggons detached from trains at intermediate stations on account of damage must be forwarded, as soon as repaired, with the earliest possible train.

*Article 24.*

The foregoing provisions for fully loaded through waggons shall be applicable to waggons with combined loads (groupage) consisting of packages forwarded by the same route.



*Article 25.*

(1) Traffic for the maritime ports of any of the High Contracting Parties, at which such traffic may be subjected to Customs formalities upon entry or exit by the authorities of the State whose frontiers are crossed by the goods in transit, shall enjoy at the frontiers of such State the treatment specified in Article 10 (paragraphs 1 and 2), subject to the conditions mentioned in paragraph 6 of that article.

(2) Such traffic shall enjoy the advantages accorded to goods forwarded by the aforementioned through waggons or trains, even if dues, e.g., under Article 3, may be levied in respect of transit.

*Article 26.*

Only traffic subject to Customs formalities before passing the frontier or forwarded to the place of destination under Customs seal shall be imported in through trains or waggons. Transport documents accompanying such goods will contain a statement by the Customs authorities certifying that the Customs formalities have been completed and mentioning that the goods in question are in transit to a specified country.

*Article 27.*

The Governments of the High Contracting Parties undertake to prevent railway tracks and rolling-stock being altered in such a manner as to hinder the free passage of coaches belonging to the railways of one State to the railways of another. Any alterations required for the adoption of new methods will form the subject of a special Agreement.

*Article 28.*

(1) The stipulations contained in the regulations for the use of rolling-stock in international traffic shall be applicable to the consequences of the reciprocal use of such rolling-stock.

(2) Rolling-stock continuing its journey beyond common stations shall be handled in accordance with the regulations for the reciprocal use of passenger coaches and brake vans and also of waggons in international traffic.

## IV. COMMON STATIONS.

*Article 29.*

Common stations with combined offices shall be established at such places on the frontiers as may be determined under arrangements to be concluded by the various administrations.

*Article 30.*

(1) With a view to accelerating the crossing of the frontier and in order to simplify the formalities relating thereto, all frontier services shall, so far as circumstances permit, be combined in a single common station.

(2) In this event the Contracting Party in whose territory the common station is situated, shall permit the other Contracting Party to establish a railway office there.

(3) The Contracting Party in whose territory the station is situated shall place at the disposal of the administration of the other Contracting Party the equipment required for the despatching office at the point of junction.

*Article 31.*

(1) All work for the erection, enlargement, electrification or adaptation of common stations and of the railway tracks between the frontier and the common station shall be decided upon by agreement between the two railway administrations and carried out by the administration on whose line the common station is situated.

The above-mentioned work shall be submitted for approval and the execution thereof in respect of the railway service shall be supervised by the administration authorities of the State in whose territory the station is situated.

(2) Schemes for the combined and common services established on behalf of the States concerned will be submitted to the Governments in question for approval.

*Article 32.*

(1) The railway administrations shall be obliged to construct and maintain the necessary equipment for the services of both administrations, as also such buildings as are required in common stations for the combined offices, the housing of employees and installation of the financial services and police officials and, in addition, for all public services, more especially the sanitary and veterinary services. The conditions governing, and the limits of, these obligations, and the terms for supplying furniture for the offices and providing for the upkeep, lighting, heating and cleaning of the premises in question and, where necessary, for finding housing accommodation for employees, shall be determined by the Government departments of the interested parties.

(2) The State on whose territory the combined offices are situated will take the necessary steps to ensure that the obligations incumbent upon the railway administrations by virtue of this article are duly carried out by them.

(3) The Governments concerned will by common agreement determine what proportion of the amount due as compensation to the railway administrations for the execution of the said obligations, and also of those mentioned in the preceding article, is to be borne by each State.

*Article 33.*

The choice of premises for Customs offices in common stations and for the combined services of the respective Customs authorities, and the sanitary and veterinary police, will be determined by negotiations to be conducted in accordance with the foregoing stipulations between the railway administrations, which must also obtain the assent of the Customs administrations of the States concerned.

*Article 34.*

(1) The following provisions shall apply as regards the use of the section of the railway situated between the frontier and the common station and the joint use of the necessary sites for railway traffic in the said stations.

(2) Trains shall be driven as far as the common station by the locomotive crew belonging to one State. The same rule shall hold good for staff accompanying the train.

(3) The names of the persons to be employed in this service shall be notified to the administration of the adjacent State eight days in advance.

(4) The latter administration shall be entitled to object for legitimate reasons to any specified individual.

(5) Such objections shall be given due consideration.

(6) Suitable accommodation will be provided at the common station where the railway traffic is handled for members of the staff not continuing the journey.

(7) The railway administrations concerned shall come to an agreement regarding the details of the system adopted for the circulation of trains.

#### *Article 35.*

(1) Each of the two administrations shall be entitled to the receipts of its own railways as far as the frontier of the State to which it belongs.

(2) The railway administrations concerned shall draw up a special agreement concerning the traction and driving of trains between the frontier and the common station and concerning the organisation of the railway services in the common station.

#### *Article 36.*

The Government in whose territory the common station or interchange station is situated shall have full authority in all political and judicial matters within the precincts of the station and on the railway between such station and the frontier.

#### *Article 37.*

Subject to the condition stipulated in Article 34, the administration of the other State shall have the right to appoint the officials and all members of the staff employed exclusively for its own services in the common station.

#### *Article 38.*

(1) The Governments of the High Contracting Parties undertake to prevent persons who have been convicted of smuggling or of other serious breaches of the finance laws from being appointed for service in a station situated in the territory of the other State, either as employees or as members of locomotive crews employed by the railway administrations concerned.

(2) No employee or Customs official whom the Customs administration of the State in whose territory a common station is situated may have grounds for excluding shall carry out any formalities in connection with imports, exports or transit in such station.

(3) Should an official or agent of one State, who has received permission, for the purpose of discharging his duties, to reside in or enter the other State, be proved guilty of a crime or offence, whether civil or political, or of a simple misdemeanour or of a breach of the finance laws, the Government of the State on whose behalf he is employed or whose agent he is shall immediately take steps to replace him.

#### *Article 39.*

The foregoing provisions shall not be regarded as in any way modifying the law in each State in respect of the statutory penalties for fraud, smuggling and breaches of the Customs regulations or in respect of import, export or transit prohibitions or restrictions.

*Article 40.*

(1) Supplies required in the common station situated in one State for the railway services, and furniture, stationery, registers and other supplies of all kinds necessary for the use of the railway, Customs, police, sanitary or veterinary offices of the other State, shall be specified in a list and imported free of all import duties, in conformity with such regulations as may be drawn up by the two Governments.

(2) Spare parts and materials required for the repair of rolling-stock which has crossed the frontier shall be transported beyond the frontier free of duty. Such spare parts and materials will be accompanied by a list giving full particulars.

*Article 41.*

(1) The Government on whose territory the common station is situated shall not require the railway administration of the other State to pay stamp duties or other revenue charges on the books, passenger tickets or other documents relating to the railway services in respect of the work carried on in the station or on the line between the station and the frontier.

(2) Nevertheless, civil documents, contracts and other judicial papers drawn up by the said railway administration shall not be exempted from such duties and charges. The said documents, contracts and papers shall accordingly be liable to stamp duties and to the other charges prescribed by the laws in force.

*Article 42.*

The national arms and relevant inscriptions shall be affixed to the offices of the neighbouring State established in the territory of the State in which the common station is situated.

*Article 43.*

The railway administrations shall adhere to the time-tables for connecting trains in such a manner as to ensure that passengers and goods stop at the frontier station only so long as is necessary for the purposes of the railway services and of the completion of Customs and police formalities.

*Article 44.*

(1) The service in the common railway station and the supervision of the line between such station and the frontier of the two States shall be under the jurisdiction of the authorities of the State in whose territory the station is situated.

(2) For this purpose the Customs officials and officials of the revenue collection office of the said State shall be authorised :

- (a) to have access to the premises placed at the disposal of the authorities of the other State for the purpose of such official inspections as they may deem necessary ;
- (b) to examine bonded goods ;
- (c) to ask permission to inspect the relevant registers and documents ;
- (d) they shall further assist the railway officials in the performance of the duties connected with the common service.

(3) The Customs administration of each of the High Contracting Parties shall be competent to inspect goods and to perform all other formalities at the frontier offices in cases where there are good grounds for suspecting attempts to commit fraud or to smuggle goods.

(4) If inspections are to be conducted on the premises placed at the disposal of the other State, they must invariably be carried out in the presence of an employee of the latter State and of the competent department possessing powers of control.

*Article 45.*

(1) The officials of one State serving in the territory of the other State shall be authorised to perform their duties according to the customs and regulations in force in the State to which they belong.

(2) They shall accordingly be entitled to wear uniform and to carry the arms prescribed by their national regulations, and in the cases stipulated by the law of their own country, to seize goods in respect of which an offence has been committed and to take the necessary steps for the arrest of persons who may be charged with offences, with a view to a decision as to their temporary detention being taken by the authorities of the territory in which the common station is situated ; the latter authorities shall possess the sole right to take measures restricting the personal liberty of individuals in their territory.

*Article 46.*

The officials of the two States shall, in common stations, apply the laws of their own country in matters affecting the Customs and in cases of contravention.

The line between the common station and the frontier shall for all purposes be considered as under Customs control and in respect of contraventions as an extension of the common stations.

*Article 47.*

(1) In case of the illegal loading, unloading or transport of goods or of an incomplete or false declaration, the State to which the goods are consigned or from which they are despatched shall sentence the offenders to the penalties which would have been applicable if the railway station or line had been situated in its own territory.

For this purpose the officials of the Customs office situated in the territory of the other State shall be empowered to report the offenders to the courts of their own State, which will try them in accordance with the laws of their own country.

No judicial action shall be taken against railway officials except with the previous consent of the competent head of department.

(2) The said agents shall also be empowered to adjust matters with persons committing offences, confiscate the articles in respect of which the offence was committed, or dispose, if necessary, of confiscated goods, either on the basis of an arrangement with the person charged, if he surrenders the goods to the Customs, or of a final judgment delivered by a court ordering confiscation of the goods to the Customs.

(3) The said agents shall also be entitled to retain goods and baggage as security for fines, except when security is paid pending consideration of the case.

*Article 48.*

(1) Customs officials of either State employed in joint offices shall be authorised to be present when Customs formalities are carried out by the officials employed in the office of the other State and at the loading of goods in waggons on departure.

(2) The higher Customs officials of one State may examine and take copies of and extracts from all Customs registers in the offices of the other State.

(3) The offices of the two States shall advise one another as promptly as possible of anything which may have come to their notice likely to injure the finances of either State or to constitute breaches of import, export or transit prohibitions.

*Article 49.*

(1) The Customs officials of the two States in common stations shall carry out together, and shall assist one another in their duties in regard to the prevention or detection of attempts to commit fraud or to smuggle goods within the precincts of the station or in other buildings or premises appertaining to the station. They shall advise one another of anything affecting their common duties.

(2) Relations between them shall be maintained on a basis of complete equality and loyalty. When on duty they shall, in direct communications, adopt the attitude towards one another customary among officials holding an equivalent rank in the same State.

*Article 50.*

(1) In regard to contraventions of the laws and customs regulations committed in common stations, the competent authorities of the State in which the station is situated shall, upon application by the authorities of the other State, undertake to hear witnesses, make enquiries, collect information and intimate the result thereof to the authorities making the application.

(2) If summonses or notifications have to be served on accused persons or witnesses in the State in whose territory the common station is situated, the document emanating from the courts or other authorities of the other State shall be transmitted direct to the authority which under the laws of the State concerned has jurisdiction in the place where the said accused persons or witnesses are resident. A copy shall be forwarded to the Ministry of Foreign Affairs through diplomatic channels. The aforementioned document shall, upon application, be delivered personally by a competent official. The Public Prosecutor will return to the magistrates making the application the original duly signed by him in proof of service, which will then have the same effect as if the document had been served in the country from which it emanated and in which judgment will be delivered.

*Article 51.*

(1) The authorities of the State in whose territory the common station is situated shall afford the officials of the other State the same protection and assistance in the performance of their duty as they afford to the employees of their own State.

(2) Officials employed in the offices of the neighbouring State on duty in the territory of the State in which the common station is situated, and the members of their family living with the said officials shall be afforded by the State in which the common station is situated the same protection as is afforded by the latter States to its own nationals. Such officials and their families shall, if transferred, enjoy exemption from Customs duties for such furniture and effects as they may desire to remove, provided that these articles have served for their personal use, and for their uniforms and arms intended for their personal use.

(3) The officials of one State appointed to the common station shall be exempted from passport formalities when entering the other State. Higher officials proceeding on special duty to the offices of their own State in the said station shall also be exempted from such formalities. In both the above cases, the instructions issued to such officials by their superior officers shall be accepted by the competent authorities of the State whose territory they enter as sufficient proof of their status. The form in which such instructions will be drawn up shall be determined by agreement between the administrations concerned.

(4) The members of the families of these officials of all grades shall also be exempted from passport formalities ; they shall, however, be subject to all regulations concerning frontier traffic.

*Article 52.*

(1) In all matters affecting their duties and in questions of discipline the officials of the neighbouring State on duty in the territory of the State in which the common station is situated shall be answerable solely to the authority of the State to which they belong. They shall, however, be subject to the criminal laws and police regulations of the State in which they are temporarily domiciled and for this purpose shall be subject to the jurisdiction of that State. They shall be exempted from taxes and personal services imposed by the State in which they are domiciled and shall not be required to pay taxes on movable property, income or annuities. They shall not, moreover, be called upon to serve in the army or National Guard or on juries or as members of self-governing local bodies.

(2) The said officials shall, nevertheless, pay taxes on immovable property owned by them in the State in which the common station is situated on the same terms as the subjects of that State, and also Customs duties and other indirect taxes.

*Article 53.*

The State which possesses an office in the territory of the other State may appoint higher officials (inspectors) and officials of the revenue collection office to visit and inspect such offices ; the above officials may carry arms (see Articles 45, 48 and 51).

*Article 54.*

Correspondence addressed to an administrative authority in any of the common stations shall be exempted from all Customs formalities.

*Article 55.*

(1) The administrations of the various public services appointed by the Government of either State to serve in the common station situated in the territory of the other State shall be entitled to despatch and receive official telegrams by the railway telegraph lines under the same conditions as Government telegrams, without applying to the State telegraph offices.

(2) All other Government and private telegrams for transmission from one country to another must be sent from the common station to the public Office of the State in which the station is situated. The latter office is the only office competent to transmit such telegrams by the public telegraph lines to an office belonging to the other Contracting Party. This provision shall not apply to official railway telegrams.

(3) The telegrams mentioned in the first paragraph and official railway telegrams will not be entered in the international accounts.

*Article 56.*

(1) Persons residing in the neighbourhood of the frontier shall be granted the right of crossing and recrossing the frontier for the purpose of using the nearest station, subject to the following conditions :

(2) Persons who intend to avail themselves of this right will, upon application, receive a "Frontier Card", which will be valid in lieu of a passport, but solely for the purpose of facilitating access to the station mentioned in it.

(3) Holders of "Frontier Cards" desiring to use trains departing from the station in question and to travel in the territory of the other State must also be in possession of the documents ordinarily prescribed.

(4) The "Card" must contain the photograph, name and particulars of the date of birth, residence and occupation of the holder and a declaration that he is ordinarily domiciled in a place near the frontier.

(5) The "Card" will be valid for two years. It will be issued and, if necessary, renewed by the political authorities of the district in which the station is situated, provided the accuracy of the particulars given therein is certified by a declaration to the same effect made by the political authorities of the country of which the applicant is a national.

(6) "Cards" will be issued and visaed gratis.

(7) A list of all "Cards" issued and renewed will be communicated to the frontier police offices of both States.

(8) "Cards" will not be required for children under 12 years of age, if accompanied by an adult in possession of a "Card".

(9) For purposes of identification and of police and Customs control, holders of "Cards" must produce them at the frontier guard posts and must follow the route prescribed for going to and from the station.

(10) Goods and baggage may only be registered or recovered and Customs formalities will only be completed during the hours of daylight. The time-table regulations to be determined and published must be strictly complied with.

(11) "Cards" may be suspended or cancelled for reasons of public interest or public safety by the issuing authority or by the authority who granted a visa; advice of such action will be sent to the competent authority of the other State.

(12) "Frontier Cards" will also be issued upon application by the police or Customs authorities.

(13) Persons failing to produce a "Card" will be treated as foreigners secretly entering the territory in question.

(14) Persons in possession of "Cards" who are arrested outside the prescribed zone will forfeit their cards and will be liable to the same treatment.

## V. CONDITIONS OF TRANSPORT AND TARIFFS.

### *Article 57.*

(1) The transport of goods by rail between the Contracting Parties shall be carried on in conformity with the regime of the International Convention on the Transport of Goods by Rail concluded at Berne on October 14, 1890, as modified and supplemented by the additional Arrangements of July 16, 1895, and the additional Conventions of June 16, 1898, and September 19, 1906, of the common supplementary provisions, of the five uniform Conventions drawn up by the International Railway Transport Committee and of any arrangements, conventions or agreements which may be concluded at a later date and to which the signatory States may adhere. Should a new international convention be substituted for the Berne Convention at present in force, and should the Contracting States adhere thereto, it shall be adopted by them in place of the said Berne Convention.



(2) Nevertheless, in view of the difficulties of a technical and economic nature still experienced in certain branches of traffic, the railway administrations shall be empowered to conclude agreements providing for modifications of the said Conventions.

(3) These agreements must be submitted to the Governments concerned for ratification.

(4) Similar agreements providing for modifications may also be concluded when through-tariffs are established and may be specifically mentioned in such tariffs.

(5) Such modifications shall, in no case, be concluded for a longer period than is strictly necessary.

(6) The Contracting Parties agree that such modifications shall not relieve the railways of responsibility for loss of, or damage to, goods, or for delays in delivery.

#### *Article 58.*

(1) The Contracting Parties agree to take all suitable measures to remove special obstacles hindering regular passenger and goods traffic, more particularly as regards international traffic on the systems belonging to the High Contracting Parties.

(2) For this purpose they undertake more particularly to open large frontier stations as soon as possible for international traffic in respect of passengers, goods, parcels and fully loaded waggons.

(3) Further, no legal measures shall be put into execution in the territory of one Contracting Party against the property and appurtenances situated in that territory and belonging to a railway of another Contracting Party, more especially against permanent installations or rolling-stock, or against cash balances or credits arising out of the traffic between the two countries.

#### *Article 59.*

(1) Should train services be suspended or restricted on account of obstacles to traffic, the railway administrations on whose system such obstacles arise shall, as soon as possible, come to an agreement with the railway administration of the other State concerned, as to the conditions under which the service may be maintained from and to the territory of the Contracting Parties.

(2) The railway administrations shall make every endeavour to remove any interruption of traffic by such means as are available and by applying, in case of emergency, for aid and assistance to the railways of the other Contracting Party concerned.

(3) Should traffic be restricted in the interior of the country, traffic between the Contracting States and traffic in transit from the territory of one Contracting Party shall not be subjected by any other Contracting Party to more onerous restrictions than those laid down for its own traffic, or for traffic in transit to the same country of destination.

#### *Article 60.*

The Contracting Parties will endeavour to make allowance for the needs of international "through" traffic on the railway lines in their territory by making satisfactory arrangements in regard to train connections for passengers and goods and by aiding and seconding one another's efforts so far as possible.

#### *Article 61.*

(1) Goods consigned for transport in the home country shall not, in principle, receive more favourable treatment in regard to transport conditions than goods consigned for transport in the territory of any other Contracting Party.

(2) Nevertheless, goods which are of vital interest to a country, including goods consigned for transport in the interior and imports and exports, may, as an exceptional measure, temporarily enjoy priority over goods of less economic importance.

(3) If in abnormal circumstances traffic to certain districts is limited under specified conditions as to the type and quantity of rolling-stock entering and leaving such district and as to tonnage in transit, the conditions of limitation assigned for each country shall be based upon what is actually required, due allowance being made for the traffic of all the Contracting Parties consigned to such district.

*Article 62.*

(1) Traffic communications shall be assured, so far as possible, more especially by means of good connections, by the introduction of time-tables with connecting trains for passenger and goods services, by the through passage and transit of passenger coaching stock and, in general, by the Contracting Parties making every possible provision for the requirements for the service, circulation and traffic.

(2) No discrimination shall be made in regard to the rolling-stock made available by the railway administrations between the requirements of internal traffic and those of traffic consigned to the territory of the other High Contracting Parties.

*Article 63.*

(1) In so far as concerns the transport of passengers and baggage by rail, no discrimination shall be made, *cæteris paribus*, in regard to the despatch, transport rates or other incidental public transport charges between the nationals of the Contracting Parties.

(2) Goods consigned in the territory of one Contracting Party for transport to a destination in the territory of another Contracting Party, or in transit across such territory to a destination in the territory of another Contracting Party, shall not, *cæteris paribus*, receive less favourable treatment in all matters relating to the conditions of despatch, rates and conditions of transport and other incidental public charges than similar goods consigned for transport in the countries of destination or in the country crossed in transit and to be despatched in the same direction and on the same railway lines.

(3) This principle shall also apply, upon terms of reciprocity, to consignments of goods which cross the frontier by other means of transport and enter the territory of another Contracting Party to be consigned for transport by rail.

(4) The foregoing provisions shall not affect reduced tariffs granted to public educational or charitable organisations or introduced to meet an abnormal and temporary emergency, or for the transport of men and goods belonging to the national armies or granted to persons enjoying the status of public officials or the members of their families or to consignments on behalf of national transport undertakings.

*Article 64.*

The Governments of the Contracting Parties shall, each in its own territory, take the necessary measures to ensure that goods forwarded by the railways on their respective territories to a destination in the territory of any other Contracting Party shall not be subjected to higher tariffs or to higher incidental public transport charges or to more unfavourable conditions than similar goods forwarded to a destination in the territory of another Contracting Party of a third State.

*Article 65.*

All tariffs, changes of tariffs and reductions of internal and cumulative tariff rates must be duly published before coming into force.

The Contracting Parties will notify one another of the rules and provisions applicable to the publication of tariffs and changes in tariffs.

The railway administrations concerned shall communicate to each other their respective tariffs.

*Article 66.*

(1) When through tariffs are drawn up, the charges for handling and transshipping goods laid down in the national tariffs shall be applicable in the case of through traffic.

(2) The Contracting States agree that it is extremely desirable, in framing through tariffs, that the transport rates should be fixed in a single uniform currency unit, such as gold, or a unit approximating as nearly as possible to gold parity, and that there should be established for the purposes of tariffs subject to such international tariffs an international railway clearing office which will as far as possible set off the debts and claims of the railways shown in the accounts in respect of goods forwarded under international tariffs. This office will also determine the balance to be paid.

*Article 67.*

The Contracting Parties will take measures for the conclusion of the earliest possible date of agreements between the railway administrations for the opening of current accounts.

*Article 68.*

The present Convention shall not affect the individual rights conferred upon the High Contracting Parties under the terms of existing treaties.

*Article 69.*

(1) Any dispute which may arise as to the interpretation or application of the present Convention on Transit which is not settled directly between the Parties themselves shall be decided by arbitration. Each State shall designate an arbitrator.

(2) When selected, the arbitrators shall then nominate a Chairman.

(3) If a State has not selected an arbitrator within 30 days, or if the arbitrators selected are unable to agree upon a Chairman within 30 days, the Central Office mentioned in Article 57 of the Berne Convention shall nominate the arbitrator and the Chairman, neither of whom shall be one of the persons selected as arbitrators by the States in question.

(4) The Chairman of the Arbitral Tribunal thus formed shall determine the place of meeting and the procedure for the Arbitral Tribunal.

(5) There shall be no appeal from the decisions of the Arbitral Tribunal.

*Article 70.*

The present Convention shall remain in force pending the conclusion of a general Convention between the signatory Powers of the Treaties of St. Germain and Trianon or of a final Convention in conformity with Article 311 of the Treaty of St. Germain and Article 294 of the Treaty of Trianon between the signatory States of the present special Convention.

The High Contracting Parties undertake to make every effort to ensure the conclusion of such a general Convention with the other Powers mentioned above within two years from the coming into force of the present Convention.

If the general Convention referred to, or other similar Convention, be not concluded within the period of two years, any of the High Contracting Parties shall be entitled to demand the revision of the present Convention. In this case, however, the provisions of the present Convention — which shall remain in force without modification — shall only be amended or supplemented by virtue of an agreement between the Governments of the High Contracting Parties. Moreover, in the absence of such agreement, no fresh request for revision may be made until after a further period of two years, and so on, every two years, until such time as agreement has been reached upon the necessary modifications.

*Article 71.*

The present Convention shall be ratified as soon as possible. Each State shall forward its instrument of ratification to the Italian Government, which shall advise the other signatory States thereof. The instruments of ratification shall be deposited and kept in the archives of the Government of H. M. the King of Italy.

The present Convention shall come into force in all the signatory States from the date on which the last ratification has been deposited.

In witness whereof the Plenipotentiaries have affixed their signatures.

Done at Rome on March 29th, 1923, in a single copy in French and Italian, which will be deposited and kept in the archives of the Government of the Kingdom of Italy and certified true copies of which will be forwarded to the Governments of all Powers represented at the Conference. The Italian translation has been made by the Government of the Kingdom of Italy.

(Signed) MUELLER-MARTINI.

(Signed) POLLAK.

For the Austrian Republic.

(Signed) TELESZKY.

For the Kingdom of Hungary.

(Signed) IMPERIALI.

For the Kingdom of Italy.

(Signed) RAN. M. AVRAMOVITCH, *Eng.*

For the Kingdom of the Serbs, Croats and Slovenes.