

N° 2790.

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## POLOGNE ET ROUMANIE

Convention sur la liberté du transit ferroviaire de Pologne en Pologne à travers le territoire roumain sur les voies ferrées entre les gares Kutty-Vijnita-Śniatyn-Załucze, ainsi qu'entre les gares Kutty-Vijnita-Ştefăneşti-Zaleszczyki, avec procès-verbal final et annexes. Signés à Bucarest, le 30 octobre 1929.

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## POLAND AND ROUMANIA

Convention regarding Freedom of Railway Transit from one part of Poland to another through Roumanian Territory over the Railway Lines between the Stations of Kutty-Vijnita-Śniatyn-Załucze, and between the Stations of Kutty-Vijnita-Ştefăneşti-Zaleszczyki, with Final Procès-Verbal and Annexes. Signed at Bucharest, October 30, 1929.

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

No. 2790. — CONVENTION<sup>2</sup> BETWEEN THE POLISH REPUBLIC AND THE KINGDOM OF ROUMANIA REGARDING FREEDOM OF RAILWAY TRANSIT FROM ONE PART OF POLAND TO ANOTHER THROUGH ROUMANIAN TERRITORY OVER THE RAILWAY LINES BETWEEN THE STATIONS OF KUTY - VIJNITA - ŚNIATYN - ZAŁUÇZE, AND BETWEEN THE STATIONS OF KUTY - VIJNITA - ȘTEFANEȘTI - ZALESZCZYKI. SIGNED AT BUCHAREST, OCTOBER 30, 1929.

*French, Polish and Roumanian official texts communicated by the Polish Delegate accredited to the League of Nations. The registration of this Convention took place August 28, 1931.*

THE POLISH REPUBLIC and THE KINGDOM OF ROUMANIA desirous of settling questions connected with traffic in transit through Roumanian territory over the railway lines between the stations of Kutý— Vijnita — Śniatyn — Załucze, and between the stations of Kutý — Vijnita — Ștefânești — Zaleszczyki, have decided to conclude a convention.

The Plenipotentiaries appointed for that purpose, namely :

In the name of THE POLISH REPUBLIC :

M. François MOSKWA, Vice-Director of the Ministry of Communications, and

In the name of THE KINGDOM OF ROUMANIA :

M. César MEREUȚĂ, Assistant Director-General of the Roumanian Railways ;

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

## CHAPTER I.

## GENERAL CLAUSES.

*Article 1.*

1. Roumania shall grant Poland freedom of transit in accordance with the provisions of the present Convention in respect of passengers, baggage, parcels traffic, goods (including livestock) and mails in transit from one part of Poland to another through Roumanian territory over the

<sup>1</sup> Traduit par le Secrétariat de la Société des Nations, à titre d'information.

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

<sup>2</sup> The exchange of ratifications took place at Warsaw, July 3, 1931.

section of railway situated between the frontier of the State near the station of Vijnîța and the frontier of the State near the station of Grigore Ghica Vodă and also over the section of railway between the frontier of the State near the above-mentioned station of Vijnîța and the frontier near the station of Schit.

2. The provisions of the Polish-Roumanian agreement<sup>1</sup> on traffic by rail between the Polish Republic and the Kingdom of Roumania in force at the time when the present Convention comes into force shall apply to the traffic in question in so far as the said provisions are applicable by analogy and are not contrary to the present Convention.

*Article 2.*

Baggage, parcels traffic and goods carried in transit shall be entitled to all the advantages granted by the Barcelona Transit Convention<sup>2</sup>.

No charge shall be made for expenditure on supervision and administration with the exception of statistical charges.

*Article 3.*

Unless otherwise specially provided in the present Convention, no account shall, in the case of transit, be taken either of the nationality of the passengers or the origin of the goods or of the nationality of the consignor or consignee.

*Article 4.*

1. Transit traffic shall be carried as " privileged transit traffic ".

2. Passengers in privileged transit shall be carried in trains specially allotted for the purpose, composed of corridor carriages.

3. Registered baggage and parcels traffic shall be carried in the guards-vans or in a compartment of the same under Customs seal and, if specially agreed between the railway administrations, also under the supervision of a Polish baggage guard.

4. No person may leave or enter the trains allotted for privileged transit in Roumanian territory. Persons allowed to use such trains shall also be forbidden to hand over or receive any articles while in the above-mentioned territory.

5. The trains or a part of the trains mentioned in paragraph 2 shall be convoyed by Customs officials and, if necessary, by police belonging to the country of transit.

6. Either the whole train or the privileged part of the train shall be regarded as a privileged train.

7. Goods in privileged transit shall be carried by trains or by groups of waggons forming a separate part of the train forwarded through as one single consignment.

*Article 5.*

1. Transit traffic through Roumanian territory shall be subject to the Roumanian laws concerning the maintenance of public order and security and to the Customs and Health (Veterinary) laws and

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<sup>1</sup> See page 167, of this Volume.

<sup>2</sup> Vol. VII, page 11 ; Vol. XI, page 407 ; Vol. XV, page 305 ; Vol. XIX, page 279 ; Vol. XXIV, page 155 ; Vol. XXXI, page 245 ; Vol. XXXV, page 299 ; Vol. XXXIX, page 166 ; Vol. LIX, page 344 ; Vol. LXIX, page 70 ; Vol. LXXXIII, page 373 ; Vol. XCII, page 363 ; Vol. XCVI, page 181 ; and Vol. CIV, page 495, of this Series.

regulations which may apply. Nevertheless, the application of such laws shall in no case amount to the prevention of transit traffic contrary to the provisions of the present Convention.

2. Transit traffic may only be interrupted in case of extreme necessity and urgency.

*Article 6.*

1. Passengers entitled to privileged transit, and their baggage, shall be allowed to pass through freely in transit, unless such persons have committed a crime, misdemeanor or an offence against property during their stay in Roumania or an offence constituting a breach of the regulations concerning public order and security or the Customs and sanitary regulations.

2. The Roumanian Government shall take the necessary steps to afford passengers using privileged trains every assistance and protection in order that their personal and material rights may not be subject to any unlawful restriction.

*Article 7.*

1. Prohibitions concerning import, export, transport and transit of goods published in Roumania shall not apply to transit traffic within the meaning of the present Convention save in the case of prohibitions decreed for reasons of public order and security.

2. No export, import or transit certificate for such goods shall be required by Roumania.

3. Baggage, parcels traffic and goods transported in accordance with the provisions of the present Convention cannot be seized by the administrative or judicial authorities.

*Article 8.*

In case of war the provisions of the present Convention shall not become *ipso facto* null and void.

CHAPTER II.

RAILWAYS.

*Article 9.*

Roumania shall transport all consignments in transit within the meaning of the present Convention by means of its own engines and staff.

*Article 10.*

The time-tables of trains allotted for transit traffic and the running of special trains shall be decided on by the railway administrations of the Contracting Parties.

*Article 11.*

Dining-cars and sleeping-cars shall be allowed to run in the trains allotted for privileged transit, provided the operating company possesses the right to operate such cars in Roumanian territory.

*Article 12.*

1. Responsibility for damage and railway accidents shall be determined by the laws, ordinances and regulations in force relating to railways in the place at which the accident took place. An exception to this rule shall be made in the case of damage to, or total or partial loss of goods and baggage, which shall come within the provisions of the transport law applicable to the traffic in question (see Article 13).

2. Each of the Contracting Parties shall assume responsibility for the officials and other persons which it employs in respect of transit traffic.

3. Furthermore the relevant clauses in force in the Polish-Roumanian Agreement on railway traffic shall be duly applied.

4. In the case of damage to rolling-stock occasioned by the Roumanian Railways or by their personnel, the relevant provisions of the international conventions on the reciprocal use of passenger stock, brake vans and wagons shall apply (R. I. C. and R. I. V.).

*Article 13.*

Passengers' baggage, parcels traffic and goods sent by fast train (*grande vitesse*) or by ordinary goods train shall be forwarded direct and on the basis of the regulations governing transport and of through railway tariffs agreed on by the railway administrations of the Contracting Parties for the transit traffic in question.

## CHAPTER III.

## POSTAL TRAFFIC.

*Article 14.*

1. Roumania grants Poland the right to carry postal consignments of all kinds in Polish wagons (postal wagons, vans and other railway wagons) over the lines enumerated in Article 1 without transit charges of any kind.

2. The Polish postal administration shall have the right to place its own postal wagons served by Polish employees in each privileged train. In such cases the Roumanian postal administration shall have the right to use the Polish postal wagons for the carriage and transport of its postal consignments in its own territory (see also Article 18).

*Article 15.*

Any postal wagon in which Polish postal employees are carrying on their duties may be conveyed by a Roumanian postal employee whose duty it shall be to represent the Polish postal staff in their relations with Roumanian offices and authorities and to act as intermediary, so far as concerns the exchange of postal consignments, between the Polish postal staff and the Roumanian post offices. The conveying employee shall also be allowed to carry his own mails. The Roumanian employee shall, not, however, be authorised to interfere with the internal affairs of the Polish service.

*Article 16.*

1. The letter boxes on Polish postal wagons must remain closed while they are on Roumanian territory.

2. Polish postal officials shall not have the right to communicate with the public on Roumanian territory and shall be forbidden, unless there is some urgent reason connected with the service, to leave the wagon during their stay on Roumanian territory or to receive or hand over articles of any kind.

*Article 17.*

The Polish postal staff on duty in a postal wagon must be provided with a certificate from the office to which they belong drawn up in the Polish and Roumanian languages and stating the number of officials authorized to pass through the territory in transit. The said staff shall be carried free of charge.

*Article 18.*

The Roumanian railway administration shall be obliged, in accordance with its general railway instructions, to provide for the transport of closed railway wagons containing postal consignments which have been received from the Polish railway administration and sealed by the Polish post offices and Customs officials.

*Article 19.*

1. The following postal consignments shall be carried in Polish postal wagons passing through Roumania in transit :

- (a) Those coming from Poland and consigned to Poland ;
- (b) Those coming from Poland and consigned to foreign countries ;
- (c) Those coming from foreign countries and consigned to Poland.

2. The transport of postal consignments to and from foreign countries shall be allowed after an agreement has been reached between the Polish and Roumanian postal administrations.

*Article 20.*

In privileged trains to which the Polish postal wagons have been attached, letter bags may be carried by railway officials subject to the reservations mentioned in Article 22.

*Article 21.*

1. Fees calculated according to the actual outlay of the Roumanian administration shall be paid to the Roumanian postal administration by the Polish postal administration in respect of the conveying of Polish postal wagons by Roumanian personnel.

2. Should the Roumanian personnel be obliged to be responsible for the safeguarding of Polish postal consignments, the Polish postal administration shall furthermore be obliged to provide for expenditure by the Roumanian postal administration in connection with such safeguarding.

*Article 22.*

1. The Polish postal administration shall be responsible for postal consignments carried in Polish wagons and conveyed by Polish postal employees, save in cases in which the blame may be imputed to the Roumanian railway administration. In the latter case, the Roumanian railway administration shall be responsible to the Polish postal administration for the postal wagons to the

same extent as for railway wagons, and so far as concerns the postal consignments, it takes over the responsibility towards the senders of the said consignments which falls on the Polish administration.

2. The Roumanian railway administration shall not be obliged to pay compensation in the case of loss or robbery of letter bags carried by Roumanian railway officials.

3. In the case of transhipment of Polish postal consignments, as the result of a Polish postal wagon being uncoupled on Roumanian territory, the responsibility for the Polish postal consignments shall fall on the railway or postal administration, whether Polish or Roumanian, which took over the supervision of the same.

#### CHAPTER IV.

##### CUSTOMS PROVISIONS.

###### *Article 23.*

1. Persons carried with their baggage in privileged trains shall be exempt from all Customs formalities.

2. If, in the case of accident or for other technical railway reasons, the passengers are obliged to leave the train, they shall remain under the supervision of the Roumanian Customs authorities.

###### *Article 24.*

The contents of wagons may not be unloaded and their loading may not be completed in privileged transit in Roumania ; transhipment may, however, be carried out for technical railway reasons.

###### *Article 25.*

1. Transport traffic shall be subject to the supervision of the Roumanian Customs.

2. The Polish Customs seal shall be recognised by the Roumanian authorities.

###### *Article 26.*

The Customs and railway administrations of the Contracting Parties shall assist each other in all questions connected with transit. Correspondence in respect of this shall be exchanged direct between the administrations concerned.

#### CHAPTER V.

##### PASSPORTS.

###### *Article 27.*

1. Passengers on trains allotted for privileged traffic shall not be obliged to provide themselves either with passports or with any identity documents and shall be exempt from all passport formalities.

2. Non-official convoyers of consignments of goods must be provided with identity documents showing the name, Christian name, domicile and nationality of the bearer. These documents must bear the signature of the holder ; illiterate persons must make their mark certified as authentic by the office issuing such documents. Convoyers are obliged to report on entering and leaving the country, so that a note may be made on such documents certifying that they have crossed the frontier.

## CHAPTER VI.

### EXECUTORY CLAUSES.

#### *Ad Article 4.*

1. Members of the armed forces travelling alone shall be regarded as passengers.
2. Food and drink shall only be given to passengers with the consent of the Customs convoyer.

#### *Ad Article 9.*

1. Baggage guards, sleeping-car conductors, attendants, the personnel of dining-cars, men in charge of engines not under steam, and Polish convoyers of postal wagons carrying out their duties in privileged trains shall be allowed to remain on the train while it passes through Roumania ; the brakes of the engine not under steam shall be worked while in Roumania by an employee of the Roumanian railway. The above-mentioned officials must be provided with a certificate stamped by the authority under which they are employed attesting their duties in the transit traffic. These certificates, and the permits authorising them to cross the frontier on duty, shall be made out in the Polish and Roumanian languages.

2. The railway administrations of the Contracting Parties shall agree together with regard to the nature and number of the wagons on the privileged train, on the amount to be paid for hire of carriages and wagons, on the amount of compensation to be paid for the transport of goods not loaded, the number of which exceeds that of the wagons loaded, and of the amount of compensation to be paid for the passage of the sleeping-cars.

3. The provisions of Article 4 relating to the behaviour of passengers allowed to travel on privileged trains during their passage through Roumania shall apply to persons exercising their official duties in privileged trains, with the exception of the fact that they shall be allowed to enter and leave the train in so far as the service may require.

#### *Ad Article 12.*

In the case of railway or postal personnel meeting with a railway accident in the privileged train, the obligations of the Roumanian railways shall be similar to those provided for in Articles 14, 15 and 20 of the Agreement concerning railway traffic between Poland and Roumania dated October 30, 1929.

#### *Ad Article 13.*

1. The tariffs for transport of passengers shall take into account the compensation paid to Roumanian railways per axle-kilometre, and at the same time shall fix the minimum railway receipts per train for the railway transporting the same.

2. The local tariffs shall serve as a basis for the tariffs for transport of goods, and all possible reductions of charges shall be made.



3. Costs of consignment shall not be charged.

4. Special reductions of transport charges shall be made in respect of transport of goods intended for the use of the Polish railways.

*Ad Article 14.*

A previous agreement shall be arrived at between the postal and railway administrations of the Contracting Parties with regard to the running of the Polish postal wagon in the privileged train and as to the extent to which these administrations can use the wagon jointly. The Polish postal administration shall be obliged to repay the expense of running the Polish postal wagons and vans and any other railway wagons they may have direct to the Roumanian postal administration.

*Ad Article 15.*

The Roumanian postal employee on duty in the Polish postal wagon must enter this wagon and leave it at the stations agreed upon. When he enters the wagon he shall be obliged to present to the Polish employees a certificate bearing the seal of his office and made out in the Roumanian and Polish languages. Should he not be in uniform, he shall be obliged to bear a distinctive sign showing that he is a postal employee (armlet or official cap).

*Ad Article 16.*

While passing through the territory in transit, Polish employees may carry with them such articles and foodstuffs as are necessary exclusively for their personal use.

*Ad Article 17.*

1. Polish postal inspectors shall be allowed to use the postal wagons on Roumanian territory for the purpose of supervising the Polish postal service. They shall be entitled to travel free and must be in possession of an official identity card authorising them to carry out their duties of supervision.

2. Roumanian postal inspectors shall be allowed to make use of Polish postal wagons in transit on Roumanian territory under the same conditions for the purpose of supervising their postal employees.

*Ad Article 18.*

Closed wagons containing postal consignments shall be handed over to the railway staff in the exchange stations with an accompanying waybill in duplicate showing the marking and number of the wagon, the number of axles and the stations from which and to which the wagon has been consigned. The said waybills must be made out both in Polish and in Roumanian.

*Ad Article 21.*

The fees for conveying posts shall be paid quarterly in Roumanian currency on the basis of accounts sent in to the Polish postal administration by the Roumanian postal administration. Payment shall be made during the month following the receipt of the account. Once that time is past interest shall be charged on the sum due at the rate of 7<sup>0</sup>/<sub>10</sub> per annum.

*Ad Article 25.*

1. In the case of covered wagons, provision shall be made for the safeguarding of goods by the affixing of a Customs seal to the wagons ; in the case of open wagons and when it is not possible to affix the Customs seal to covered wagons, the Roumanian Customs Office shall decide what measures must be taken.

2. The Polish railway administration shall prepare a train list in triplicate in accordance with model A for each train and present the same to the Roumanian Customs Office. In the case of every wagon containing mixed consignments of goods, the train list shall be accompanied by a bill of lading, which shall also be in triplicate. The information given under the various headings in these documents shall be in Polish and Roumanian and must be written legibly. The railway administrations of the countries concerned shall further agree as to the number of copies of the above-mentioned documents which are necessary for railway purposes.

3. Should goods wagons be coupled on to slow passenger trains, the said wagons shall be subject to the same treatment in respect of Customs as wagons hauled by a goods train.

4. Should a wagon be uncoupled from the train as a result of the requirements of the railway service, mention of the fact must be made on the train list, indicating the reason for which the wagon was uncoupled. Such wagons should be sent forward on the next train. Should it be necessary to remove the Polish Customs seal, a Roumanian Customs seal shall be affixed in its place.

The Roumanian Customs and railway officials shall draw up a report for the Polish Customs Office concerning the removal of the Customs seal, its replacement and the transhipment of the load.

Such a report shall also be made in cases in which the seal is broken either intentionally or accidentally or when goods have been stolen.

CHAPTER VII.

FINAL PROVISIONS.

*Article 28.*

The executory provisions of the present Convention are laid down in Chapter VI and constitute an integral part of the said Convention. These provisions may be altered by joint agreement between the Polish and Roumanian Governments.

*Article 29.*

Disputes in connection with the present Agreement, which the Governments have not been able to settle, shall be submitted to a procedure of arbitration. This procedure shall be carried out before the tribunal provided for in the Agreement concerning railway traffic between Poland and Roumania.

*Article 30.*

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

2. The present Convention shall come into force on the thirtieth day after the exchange of the instruments of ratification and shall continue to be valid so long as it has not been denounced, six months notice being given.

Done in duplicate in French, one copy for each of the Contracting Parties.

In faith whereof the Plenipotentiaries of the two Contracting Parties have signed the present Convention and have thereto affixed their seals.

Done at Bucharest on October the thirtieth, one thousand nine hundred and twenty-nine.

(L. S.) C. MEREUȚĂ, *m. p.*

(L. S.) Fr. MOSKWA, *m. p.*

#### FINAL PROCÈS-VERBAL.

When proceeding to the signature of the present Convention, the Plenipotentiaries of the Contracting Parties have agreed as follows :

##### *Ad Article 5.*

Provided that favourable conditions in respect of the health of animals in Poland or in parts of Poland allow, the Roumanian Government shall give every possible facility to shipments of Polish animals in privileged transit and shall, if necessary, exempt them from veterinary examination at the station of entry. The Roumanian Government reserves the right at any time to cancel the facilities that have been granted. It is understood that the Roumanian Government does not renounce the right to require permits for transit of animals and animal products in so far as such permits are generally required.

##### *Ad Article 6.*

Poland shall not refuse to accept passengers from privileged trains who have been detained in Roumania by reason of illness or other causes.

##### *Ad Article 13.*

When the term " a train " is used, a distinction should be made between a train the running of which is optional (that is to say, occasional) and a regular train which is required mainly to meet the needs of privileged traffic.

The tariff shall fix the minimum receipts for these two kinds of trains.

##### *Ad Article 25.*

The administrations of the two parties concerned may amend the text of the list in model A by joint agreement.

In faith whereof the Plenipotentiaries of the Contracting Parties have signed the present Final Procès-Verbal, which constitutes an integral part of the Convention.

Done at Bucharest, October the thirtieth, one thousand nine hundred and twenty-nine.

C. MEREUȚĂ, *m. p.*

Fr. MOSKWA, *m. p.*

<sup>1</sup>TRANSLATION.

SPECIFICATION

No.....\*)

Model A. - Art. 22  
of the Convention

Train No..... Left the station of ..... the ..... 19 ... at ..... hrs ..... mins

Arrived at the station of ..... the ..... 19 ... at ..... hrs ..... mins

\*) Number of the month, as per instructions

1	2	3	4	5	6	7	8	9	10	11	12	13	14
Wagon					Consignments					Waybill		Documents annexed	Observations
No.	Marks of ownership	Series	Number of seals		Station from which consigned	Station to which consigned	Number of packages	Contents	Weight	Waybill			
			Rail-way	Cus-toms						No.	Date		
15					Notes by the Customs.								16
Registry No.						Registry No.							
Customs office of entry .....						Customs office of exit .....							
Date of entry.....						Date of exit .....							
Seal			Signature			Seal			Signature				

Issued by : | The notes concerning the removal or affixing of seals should be | Received by :  
made on the back of the document.

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

## 17 Indications concerning the removal or affixing of seals of the railway and Customs.

Station	Wagon Number and Mark	Quantity and numbers of seals removed		Quantity and numbers of seals affixed		Reasons for removal or affixing of such seals
		Railway	Customs	Railway	Customs	

The undersigned, representing the railway, requests that the consignments specified in the above list be sent to the exit Customs station of ..... and at the same time undertakes to submit them to the said Customs office within the time-limit laid down by the Customs regulations.

Station of..... date .....

Seal

Signature

## 18. OBSERVATIONS