

N° 3799.

**POLOGNE
ET UNION DES RÉPUBLIQUES
SOVIÉTIQUES SOCIALISTES**

Protocole modifiant certaines dispositions de la Convention conclue à Varsovie le 24 avril 1924 entre les deux pays sur le trafic direct par voie ferrée des voyageurs et des marchandises, protocole final et annexes. Signés à Moscou, le 26 juillet 1934.

**POLAND AND UNION OF SOVIET
SOCIALIST REPUBLICS**

Protocol modifying Certain Provisions of the Warsaw Convention concluded on April 24th, 1924, between the Two Countries relating to the Through Transport of Passengers and Goods by Rail, Final Protocol and Annexes. Signed at Moscow, July 26th, 1934.

TEXTE POLONAIS. — POLISH TEXT.

N^o 3799. — PROTOKÓŁ¹ ZMENIAJĄCY NIEKTÓRE POSTANOWIENIA KONWENCJI, PODPISANEJ W WARSZAWIE DNIA 24 KWIETNIA 1924 ROKU, MIĘDZY ZWIĄZKIEM SOCJALISTYCZNYCH REPUBLIK RAD A RZECZĄPOSPOLITA POLSKĄ O BEZPÓŚREDNIEJ OSOBOWEJ I TOWAROWEJ KOMUNIKACJI KOLEJOWEJ. PODPISANY W MOSKWIE DNIA 26-go LIPCA 1934 R.

Polish and Russian official texts communicated by the People's Commissary for Foreign Affairs of the Union of Soviet Socialist Republics. The registration of this Protocol took place January 2nd, 1936.

CENTRALNY KOMITET WYKONAWCZY ZWIĄZKU SOCJALISTYCZNYCH REPUBLIK RAD z jednej strony i

PRZYDENT RZECZYPOSPOLITEJ POLSKIEJ z drugiej strony,
pragnąc zmienić niektóre postanowienia Konwencji między Związkiem Socjalistycznych Republik Rad a Rzeczpospolitą Polską o bezpośredniej osobowej i towarowej komunikacji kolejowej, podpisanej w Warszawie dnia 24 kwietnia 1924² roku, mianowali w tym celu Swymi Pełnomocnikami :

CENTRALNY KOMITET WYKONAWCZY ZWIĄZKU SOCJALISTYCZNYCH REPUBLIK RAD :

Maksyma LITWINOWA, Członka Centralnego Komitetu Wykonawczego Związku Socjalistycznych Republik Rad, Komisarza Ludowego Spraw Zagranicznych ;

PRESYDENT RZECZYPOSPOLITEJ POLSKIEJ :

Juljusza ŁUKASIEWICZA, Ambasadora Nadzwyczajnego i Pełnomocnego w Moskwie,

którzy, po okazaniu swych pełnomocnictw, uznanych za sporządzone w dobrej i należytej formie, zgodzili się na następujące postanowienia :

Artykuł 1.

Do stacyj zdawczo-odbiorczych, wymienionych w artykule 1 Konwencji z dnia 24 kwietnia 1924 roku, dodaje się pod pozycją VI stację sowiecką : Radoszkowiczy i stację polską : Olechnowicze, przez które ruch kolejowy odbywa się od 1926 roku.

¹ The exchange of ratifications took place at Warsaw, June 21st, 1935.

² Vol. XXXVII, page 33, of this Series.

szlakach pogranicznych, obie Umawiające się Strony korzystają bezpłatnie, o ile nie zostały im udzielone do wyłącznego używania i jako takie nie mają kompensaty w naturze.

Za korzystanie z innych pomieszczeń służbowych oraz wypoczynkowych i mieszkalnych, które zostały oddane drugiej Umawiającej się Stronie do wyłącznego używania, należy się czynsz, uzgodnić się mający w Umowie granicznej (stacyjnej), (p. A, art. 2), o ile niema kompensaty w naturze. »

Artykuł 4.

Tekst artykułu 13 Konwencji z 24 kwietnia 1924 roku otrzymuje następujące brzmienie :

« Przewóz podróжных, bagażu, w tem i przesyłek ekspresowych, odbywa się w niniejszej komunikacji na podstawie osobnych przepisów, ustalanych zgodnie przez Centralne Zarządy Kolejowe obu Umawiających się Stron.

Przewóz towarów odbywa się na podstawie przepisów Konwencji Międzynarodowej o przewozie towarów kolejami żelaznymi (K. M. T.) z dnia 23 października 1924¹ roku, wraz z ujednostajnionemi postanowieniami dodatkowemi Międzynarodowego Komitetu Przewozów Kolejami Żelaznymi, oraz z odchyleniami, jakie ustalają Władze Komunikacyjne obu Umawiających się Stron we wzajemnem porozumieniu.

W razie zastąpienia wymienionej Konwencji Międzynarodowej inną międzynarodową umową, Władze Komunikacyjne obu Umawiających się Stron są uprawnione, po wzajemnem porozumieniu użyć tej ostatniej za podstawę prawną do uregulowania komunikacji, o jakiej mowa. »

Artykuł 5.

Do ustępu z artykułu 16 Konwencji z 24 kwietnia 1924 roku dodaje się po zdaniu pierwszym nowe zdanie o następującem brzmieniu :

« Na zjazdach mogą być także rozważane sprawy dotyczące zmian i uzupełnień Umowy granicznej (stacyjnej), umów o używaniu wagonów w komunikacji bezprzeładunkowej (przestawczej) oraz uzgadniane projekty tych zmian i uzupełnień. »

Artykuł 6.

Załącznik 1 do Konwencji z 24 kwietnia 1924 roku będzie obowiązywał do czasu uzgodnienia i wprowadzenia w życie przepisów wymienionych w art. 4 niniejszego Protokołu (ustęp 1 art. 13 Konwencji z 24 kwietnia 1924 roku), poczem traci swą moc obowiązującą.

Załącznik 2 do Konwencji z 24 kwietnia 1925 roku traci swą ważność z chwilą wejścia w życie postanowień niniejszego Protokołu.

¹ Vol. LXXVII, page 367; Vol. C, page 248; Vol. CXVII, page 187; and Vol. CLII, page 296, of this Series.

¹ TRANSLATION.

No. 3799. — PROTOCOL MODIFYING CERTAIN PROVISIONS OF THE WARSAW CONVENTION CONCLUDED ON APRIL 24TH, 1924, BETWEEN THE REPUBLIC OF POLAND AND THE UNION OF SOVIET SOCIALIST REPUBLICS RELATING TO THE THROUGH TRANSPORT OF PASSENGERS AND GOODS BY RAIL. SIGNED AT MOSCOW, JULY 26TH, 1934.

THE CENTRAL EXECUTIVE COMMITTEE OF THE UNION OF SOVIET SOCIALIST REPUBLICS, of the one part, and THE PRESIDENT OF THE POLISH REPUBLIC, of the other part,

Being desirous of modifying certain provisions of the Convention between the Union of Soviet Socialist Republics and the Republic of Poland relating to the through transport of passengers and goods, signed at Warsaw on April 24th, 1924,

Have appointed for this purpose as their Plenipotentiaries :

THE CENTRAL EXECUTIVE COMMITTEE OF THE UNION OF SOVIET SOCIALIST REPUBLICS :

Maxime Maximovitch LITVINOFF, member of the Central Executive Committee of the Union of Soviet Socialist Republics, People's Commissary for Foreign Affairs ;

THE PRESIDENT OF THE REPUBLIC OF POLAND :

Monsieur Juljusz ŁUKASIEWICZ, Ambassador Extraordinary and Plenipotentiary at Moscow ;

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

Article 1.

The Soviet station of Radochkovitchi and the Polish station of Olechnowicze through which railway traffic has passed since 1926 shall be added as a sixth item to the list of junction stations included in Article 1 of the Convention of April 24th, 1924.

Article 2.

The text of Article 5 of the Convention of April 24th, 1924, is amended as follows :

“ With a view to supplementing the present Convention, the communications and transport administrations of the two Contracting Parties shall conclude the following agreements :

“ A. An agreement relating to frontier station traffic for the purpose of regulating railway communications at all the junction stations and on the junction lines between those stations, with the participation of the other administrations concerned ; this agreement, apart from the questions which must be dealt with therein under other Articles of the present Convention, shall cover the following points :

¹ Translated by the Secretariat of the League of Nations, for information.

1. Changing of trains by passengers, handing over of articles and goods and carrying out of the formalities connected with those operations ; it shall be emphasised in the agreement that the production of the railway and Customs documents required by the existing railway and Customs regulations is compulsory ;

" 2. Regulation of traffic in the junction stations and on the junction lines, utilisation of the rolling-stock and technical operations of handing-over and taking-over such rolling-stock ;

" 3. Utilisation of the railway telegraphs and telephones for official requirements, despatch and translation of service correspondence and translation of waybills, and determination of the language to be used by the administrations of the frontier stations and junction stations on their reciprocal official relations ;

" 4. Regulations concerning the utilisation of railway buildings, premises and installations at the frontier stations and junction stations (Article 1), charges payable for their use in the absence of compensation in kind (Article 6), regulations concerning supplies (water, coal, lubricants, etc.) and the settlement of accounts in respect thereof and payment for the mutual assistance rendered at the junction stations and on the junction lines mentioned above (Article 2) ;

" 5. Amount payable for the use of locomotives belonging to one of the Contracting Parties to draw trains on the junction lines between the frontier and the junction station of the other Contracting Party.

" B. Agreements laying down the conditions under which wagons may be utilised by either Party for through traffic where there is a change of gauge."

The conditions under which railwaymen, postal employees and other officials may cross the frontier and stay in the territory of the other Contracting Party are specified in the Annex to the present Protocol, which forms an integral part thereof.

Article 3.

The text of Article 6 of the Convention of April 24th, 1924, is amended as follows :

" The two Contracting Parties shall utilise, free of charge, at the frontier stations and junction stations (Article 1) and on the junction lines, such railway buildings, premises and installations as are essential for the working of the frontier traffic, in so far as the said buildings, premises and installations are not utilised exclusively by them, and compensation in kind is not due under this head.

" For the utilisation of the other official premises and the rest-rooms and living accommodation which the other Contracting Party has the sole right to use, payment shall be made, the amount of which shall be fixed in the agreement relating to frontier station traffic (Point A of Article 2), unless compensation is furnished in kind."

Article 4.

The text of Article 13 of the Convention of April 24th, 1924, is amended as follows :

" The transport of passengers and luggage, including express mail bags, shall be effected, as regards the present services, in accordance with special regulations to be drawn up by common agreement by the Communications Administrations (Central Railways Administrations) of the two Contracting Parties.

" The transport of goods shall be effected in accordance with the provisions of the International Convention concerning the Transport of Goods by Rail (C. I. M.) of

October 23rd, 1924, the codified additional decisions of the International Transport Committee, and the exceptions allowed by common agreement by the railway authorities of the two Contracting Parties.

“ Should any amendments be made to the said International Convention by means of a new international agreement, the authorities shall have the right, by common consent, to accept such amendments as the legal basis for the regulation of a given service. ”

Article 5.

The following sentence shall be inserted in the second paragraph of Article 16 of the Convention of April 24th, 1924, after the first sentence :

“ These meetings may likewise examine questions concerning amendments and additions to the agreement relating to frontier station traffic and the agreements concerning the utilisation of wagons for through traffic, and may draw up the drafts of such amendments and additions. ”

Article 6.

Annex 1 to the Convention of April 24th, 1924, shall remain in force until the provisions referred to in Article 4 of the present Protocol (paragraph 1 of Article 13 of the Convention of April 24th, 1924) have been drawn up and brought into operation, after which the said Annex shall cease to have effect.

Annex 2 to the Convention of April 24th, 1924, shall cease to have effect as soon as the provisions of the present Protocol come into force.

Article 7.

The first part of the additional Protocol to the Convention of April 24th, 1924, shall be supplemented by a new Point D, reading as follows :

“ Each of the Contracting Parties shall see that in its territory, near the frontier, within a zone of one hundred metres, nothing is done which might endanger the working of the railways of the other Contracting Party.

“ Each of the Contracting Parties shall also take, in accordance with its own laws and regulations, such measures as may be necessary to protect the track and ensure the safety of the traffic. ”

Article 8.

The present Protocol shall be ratified. The instruments of ratification shall be exchanged at Warsaw. The Protocol shall come into force thirty days after the exchange of the instruments of ratification. As soon as it comes into operation, the present Protocol shall form an integral part of the Convention of April 24th, 1924 ; it shall remain in force for the same period as that Convention and may be revised under the same conditions as the Convention itself.

Done and signed at Moscow, this 26th day of July, 1934, in two copies, each in the Russian and Polish languages, both texts being equally authentic.

(L. S.) (Signed) M. LITVINOFF.

(L. S.) (Signed) J. ŁUKASIEWICZ.

FINAL PROTOCOL.

On proceeding to sign this day the Protocol amending certain provisions of the Convention between the Union of Soviet Socialist Republics and the Republic of Poland relating to the through transport of passengers and goods by rail, signed at Warsaw on April 24th, 1924, the Plenipotentiaries of the Union of Soviet Socialist Republics and of the Republic of Poland have agreed as follows :

1. Article 4 of the Protocol signed this day (paragraph 2 of Article 13 of the Convention of April 24th, 1924) shall come into force on November 15th, 1929.

2. The draft amendments and additions to the agreement relating to frontier station traffic and to the agreements concerning the utilisation of wagons for through traffic when there is a change of gauge, referred to in Article 5 of the Protocol signed this day (paragraph 2 of Article 16 of the Convention of April 24th, 1924) shall constitute separate texts subject to ratification by the railway authorities of the two Contracting Parties.

3. The term " Central Railways Administration " in the Polish text corresponds to the term " Communications Administration " in the Russian text.

4. The term " agreements relating to frontier station traffic " used in the Convention of April 24th, 1924, shall henceforward relate, in accordance with Article 2 of the Protocol signed this day (paragraph A of Article 5 of the Convention of April 24th, 1924) to a single agreement regarding frontier station traffic.

The present Final Protocol shall form an integral part of the Protocol signed this day.

Done and signed at Moscow, this 26th day of July, 1934, in two copies, in the Russian and Polish languages, both texts being equally authentic.

(L. S.) (Signed) M. LITVINOFF. (L. S.) (Signed) J. ŁUKASIEWICZ.

REGULATIONS

RELATING TO THE CROSSING OF THE FRONTIER BY RAILWAY, POSTAL AND OTHER EMPLOYEES AND THEIR STAY IN THE TERRITORY OF THE OTHER CONTRACTING PARTY.

§ 1.

In the case of the employees of each of the Contracting Parties operating the frontier traffic between the stations enumerated in Article 1 of the Convention of April 24th, 1924, and between the stations of Radochkovitchi and Olechnowicze, the formalities relating to the crossing of the frontier shall be simplified.

§ 2.

The employees of each of the Contracting Parties shall have the right to cross the frontier in order to enter the territory of the other State and to return to the territory of their own State on production of the following documents :

(1) The train, engine and mail-van personnel shall be allowed to cross the frontier between the junction stations on production of identity cards and the general nominal lists drawn up in accordance with Form No. 1 by the junction station of departure in the case of railway employees, and by the competent postal administration in the case of postal employees ;

(2) The remainder of the railway and postal officials employed in the territory of the other Party shall be allowed to cross the frontier between the junction stations on production of passports and visas valid for one or several crossings of the frontier ; visas valid for several crossings shall be issued for a period not exceeding six months ; during their period of validity passports and visas issued as provided for in the present paragraph shall only entitle the holders to stay on the junction line between the frontier and the corresponding junction station of the other Contracting Party and, in this latter station, within the limits of the expropriated area ; an exception to the present stipulation is provided for in point 2 of § 9 of the present Regulations ;

(3) The crews of auxiliary trains and snow ploughs shall be allowed to cross the frontier in virtue of a special nominal list drawn up at the junction station of departure, in accordance with Form No. 1, and of an entry in the train sheet ; this entry shall only entitle them to stay on the junction line between the frontier and the corresponding junction station of the other Contracting Party and, in this latter station, within the limits of the expropriated area ;

(4) Private employees on duty on the sleeping-cars of the Compagnie internationale des wagons-lits et grands express européens shall be allowed to cross the frontier on production of their identity cards and of certificates drawn up in accordance with Form No. 2 and issued by the Regional Directorate of State Railways at Warsaw ; certificates drawn up in accordance with Form No. 2 shall be issued for a period not exceeding six months ; these certificates, during their period of validity, shall only entitle the holders to cross the frontier for the purpose of carrying out their official duties in the sleeping-cars ; the identity cards of the employees mentioned in the present paragraph must bear the photograph and autograph signature of the holder.

§ 3.

The identity cards, certificates and nominal lists, made out as provided for in §§ 2 and 11 of the present Regulations, shall be drawn up in the two languages, Russian and Polish.

§ 4.

Railway and postal employees and also sleeping-car employees shall be required, as soon as they reach the territory of the other Party, to present their documents for registration purposes to the Customs authorities, either direct or through the station-master.

§ 5.

Railway employees while on duty in the territory of the other Contracting Party shall wear on their left arm an armlet which shall be clearly visible, bearing the corresponding distinguishing mark. Railway employees of the Union of Soviet Socialist Republics shall wear a red armlet with the railway badge and the letters " CCCP " ; Polish railway employees shall wear a red and white armlet with the letters " PKP ".

Railway and postal employees, and also sleeping-car employees, may cross the frontier in their regulation uniform.

§ 6.

The employees mentioned in § 2 of the present Regulations shall be entitled to bring across the frontier duty free such articles and foodstuffs as are essential for their personal use while on duty, and also such articles as are essential for the performance of their duties. These articles and products shall, however, be subject to Customs inspection.

§ 7.

In cases where smuggling is suspected, the persons mentioned in § 2 of the present Regulations shall be searched in accordance with the procedure laid down by the existing regulations, in the presence of the representative of the railway by which they are employed. Persons on whom contraband goods are found, and also persons who have assisted the smugglers, shall forfeit the right to be employed on the frontier line, and judicial proceedings may also be taken against them for smuggling. In such a case, when smuggling is discovered, an official report shall be drawn up in the presence of the railway representative and signed by him.

§ 8.

The period during which the employees of one of the Contracting Parties on duty at the junction station of the other Contracting Party may remain in the territory of that State shall depend :

(1) In the case of the persons mentioned in points (1), (3) and (4) of § 2 of the present Regulations, upon the time required for the performance of their duties ;

(2) In the case of the persons mentioned in point (2) of § 2 of the present Regulations, upon the period of validity of the visa.

§ 9.

The railway employees of either of the Contracting Parties permanently on duty at the junction station of the other Contracting Party (Article 11 of the Convention of April 24th, 1924) shall be allowed to cross the frontier in accordance with the provisions of point (2) of § 2 of the present Regulations.

The persons referred to in the present paragraph shall, as soon as they arrive at the junction station of the other Contracting Party, present their documents for registration purposes to the frontier authorities, either direct or through the station-master ; this registration shall be valid for one month as from the date of arrival and shall thereafter be renewed each month. The said person shall have the right to move about freely within the limits of the town (built-up area) in the vicinity of which the junction station is situated.

§ 10.

The competent railway or postal administration (directorate) shall be required to remove from the frontier traffic service any employee in respect of whom a request to this effect is made by the frontier authorities of the other Contracting Party.

The frontier authorities shall transmit requests for the recall of an employee through the railway or postal administration (directorate) of their own State.

§ 11.

The employees mentioned in points (1), (3) and (4) of § 2 of the present Regulations arriving in the territory of the other Contracting Party shall not be allowed, without special permission from the frontier authorities, to go beyond the limits of the expropriated area of the junction station or to leave the wagons and engines on the stretch of line between the frontier and the said station unless this is necessary to ensure the safety of the traffic. The whole of the said employees must return to their own territory. Exceptions may be allowed for justifiable reasons, with the permission in each case of the station-master of the junction station, given after he has consulted the frontier authorities. In such a case, the station-master shall issue a new nominal list stating the reason for which the employees in question are allowed to cross the frontier.

§ 12.

The passports, identity cards, nominal lists and certificates mentioned in the present Regulations shall be presented on request to the security or frontier-guard officials.

§ 13.

The passports, nominal lists and certificates mentioned in the present Regulations shall entitle employees operating the frontier traffic to free transport between the junction stations open to such traffic.

§ 14.

For the purposes of the present Regulations, the term " frontier authorities " shall mean, in the case of the Union of Soviet Socialist Republics, the frontier guard, and, in the case of the Polish Republic, the competent district authorities of the general administration.

FORM No. 1

NOMINAL LIST No.

of the crew of train No. sent to the station
of on at

No.	Surname and christian name	Age	Duties	Number of identity card and authority by whom it was issued

Date
(seal)

The station-master of
The chief of the postal administration of

FORM No. 2

CERTIFICATE No.

Surname
Christian name
Nationality
Employed by the Compagnie internationale des wagons-lits et grands express européens as
On line

(seal)

Valid until
Warsaw,
Signature of the Regional Directorate
of Polish State Railways, Warsaw :
.....