

N° 4733.

BULGARIE ET ROUMANIE

Convention concernant le règlement des communications par ferry-boat entre les deux pays par les points Roussé-Port et Giurgiu-Port et en sens inverse. Signée à Varna, le 20 juillet 1937.

Texte officiel français communiqué par le délégué permanent de la Roumanie près la Société des Nations. L'enregistrement a eu lieu le 11 juillet 1940.

BULGARIA AND ROUMANIA

Convention concerning the Regulation of Ferry-boat Communications between the Two Countries, through the Points Russe-Harbour and Giurgiu-Harbour and vice versa. Signed at Varna, July 20th, 1937.

French official text communicated by the Permanent Delegate of Roumania to the League of Nations. The registration took place July 11th, 1940.

TRADUCTION. — TRANSLATION.

No. 4733. — CONVENTION¹ CONCERNING THE REGULATION OF FERRY-BOAT COMMUNICATIONS BETWEEN THE KINGDOM OF BULGARIA AND THE KINGDOM OF ROUMANIA THROUGH THE POINTS RUSSE-HARBOUR AND GIURGIU-HARBOUR AND *VICE VERSA*. SIGNED AT VARNA, JULY 20TH, 1937.

THE KINGDOM OF BULGARIA, of the one part, and THE KINGDOM OF ROUMANIA, of the other part, being desirous of establishing through ferry-boat communications across the Danube between the points Russe-Harbour and Giurgiu-Harbour, have resolved to conclude a Convention concerning the regulation of ferry-boat communications between Russe-Harbour and Giurgiu-Harbour and have agreed on the following Articles :

Article 1. — GENERAL PROVISIONS.

1. Through conveyance for passengers, baggage and goods shall be provided between Giurgiu-Harbour and Russe-Harbour and *vice versa* by means of two ferry-boats, one belonging to the Roumanian railways and the other to the Bulgarian railways.

Each ferry-boat shall be deemed to constitute a prolongation of the respective line of the administration owning the ferry-boat.

2. All costs in respect of the operation and upkeep of the ferry-boats and of the equipment on the river-banks shall be borne by the respective owner.

3. The two ferry-boats (Roumanian and Bulgarian) shall make the same number of journeys annually.

Should one of the ferry-boats be out of order or, for any other reason, be prevented from running, arrangements for the service shall be made by the Joint Committee, regard being had to the principle of equality embodied in the first sub-section of the present paragraph. For this purpose, the other ferry-boat shall be utilised.

4. A Joint Committee, which shall be responsible for the operation of the ferry-boats, shall be composed of equal numbers of delegates of the two administrations belonging respectively to

the Traffic Department ;
the Locomotive and Vehicle Department ;
the Harbours and Shipping Department.

Delegates and their substitutes shall be appointed for a term of three years.

There shall, further, be a Chairman of the Committee and a deputy for the Chairman. They shall be appointed for a term of one year by the respective directorate of each of the two Contracting Parties, and shall be of the rank at least of Head of Service. The chairmanship shall be allotted alternately to the administration of each country for a period of one year.

The decisions of the Committee shall be taken by a majority vote. In the case of equal voting, the Chairman shall have a casting vote.

The Committee shall be convened by the Chairman at least once a month and shall meet on the date and at the place notified by him.

Article 2. — POWERS OF THE JOINT COMMITTEE.

5. The duties of the Joint Committee shall be as specified hereunder :

(a) To take decisions and to give opinions on such questions as may be submitted to it by either of the two railway administrations ;

¹ The exchange of ratifications took place at Bucharest, June 15th, 1940.

(b) To arrange for the regular conveyance of coaches, vans and trucks, so that they may be despatched with the connecting trains ;

(c) In the event of the freezing of the Danube, or of transport by ferry-boat being prevented for any other reason, to give to the two railway directorates timely notification of the suspension of shipping.

Nevertheless, if circumstances permit, the Committee may, during such suspension as is referred to above, authorise arrangements for the conveyance of passengers, registered baggage and goods ;

(d) To ascertain the causes that have led to any damage to staff, passengers, material or goods during the operations of embarking coaches, vans and trucks on ferry-boats or disembarking them from ferry-boats, or during the periods when the ferry-boats are berthed in the neighbouring harbours ;

To ascertain the facts and circumstances of such events and to determine the amount of the relevant damages ;

(e) To determine the period, during the slack season, from December 1st to April 1st, during which running repairs shall be carried out on each of the ferry-boats in turn.

Article 3. — TIME-TABLES AND TRAIN CONNECTIONS.

6. The time-table of obligatory journeys of the ferry-boats, the train connections, and the duration of the period of waiting to be observed in the event of trains being late, shall be settled by preliminary agreement or by the International Time-Tables Conferences.

Questions relating to optional journeys of the ferry-boats shall be settled by the Joint Committee (Article 1, paragraph 3).

Article 4. — EXCHANGE OF COACHES, VANS AND TRUCKS.

7. The passage of coaches, vans and trucks from one system to the other shall be governed by the provisions embodied in the regulations for the reciprocal use of coaches and wagons in international traffic. (R.I.C. and R.I.V.)

Article 5. — RAILWAY OFFICIALS ON DUTY IN THE NEIGHBOURING HARBOUR-STATION.

8. An official of the Commercial Department and an inspector of rolling-stock belonging to each administration shall be admitted to the harbour-station of the neighbouring administration for the purpose of effecting the transmission of registered baggage and goods and of inspecting rolling-stock.

Article 6. — LEGAL STATUS OF OFFICIALS OF THE NEIGHBOURING STATE.

9. Sojourn, residence and discharge of duties within the territory of the other State shall in no way affect the nationality of officials of one State on duty within the territory of the other. The same shall be true of the members of their families and of their domestic servants living in their households within the territory of the other State. In such circumstances, neither residence or sojourn nor birth shall involve the acquisition of the nationality of the State in question.

10. The necessary protection shall be provided for the aforementioned persons throughout the period of their temporary or permanent sojourn within the territory of the other State. Subject to reciprocity, officials on duty within the territory of the other State shall, for the purposes of their legal protection in criminal matters, be deemed therein to be officials within the meaning of the Criminal Code. In the event of any such official being insulted or assaulted, the public authorities shall be required to institute proceedings on their own behalf, provided they are entitled to do so, in addition to the proceedings instituted by the victim. The Contracting Parties shall utilise such possibilities in favour of officials of the other State to the same extent as in respect of their own officials.

11. Officials, and the members of their families living in their households, shall, provided they are nationals of the State in whose service they are, be exempt, in the place of their sojourn within

the territory of the other State, from all such direct taxes as may therein be levied for the benefit of the State and from all other public dues except those to which they would have been liable in the State of which they are nationals if they were domiciled or resided therein. Such exemption shall apply also to all other dues, whether personal or in kind, prescribed by public law.

12. Officials despatched on duty to the territory of the other State, and also the members of their families and their domestic servants living in their households, shall, within the territory of that State, provided they are nationals of the State in whose service they are, be exempt from all kinds of military service in the active army and from all dues levied in lieu of such service. In regard to military dues other than those aforementioned, and in regard to military requisitions, they shall not be liable to a greater extent than the nationals of the country and they shall be liable thereto only in accordance with the relevant legal provisions in force.

13. They shall, further, be entirely exempt, within the territory of the other State, from the obligation to discharge any duties of a public character in connection with the Courts, public authorities or autonomous bodies, communes, etc., except those of guardian (or administrator) in respect of nationals of the State to which they belong.

14. The children of the persons referred to in paragraph 9 shall, in the territory of the other State, be exempt from the obligation to attend school.

Article 7. — GENERAL OBLIGATIONS OF OFFICIALS AND THEIR RECALL.

15. The officials of both Contracting Parties shall, in their mutual relations, be required to conduct themselves in a friendly and tactful manner. Any officials who neglect their duties shall be replaced at the request, supported by reasons, of the competent administration of the other Contracting Party.

16. Similarly, any officials against whom complaints have been brought for other reasons, in particular on the grounds of political agitation, or in respect of whom there exist obvious proofs that they have been engaged in smuggling or have in any other way infringed the Customs regulations or have been guilty of actions to the detriment of the revenue of the other State, shall be replaced at the request, supported by reasons, of the competent administration of the other Contracting Party.

17. In case of need, and even without giving any reasons, either Contracting Party may, through the diplomatic channel, request the other to replace an official.

18. Requests for the replacing of officials, as provided for in the preceding paragraphs, shall be complied with promptly.

Article 8. — CRIMINAL LIABILITY OF OFFICIALS ON DUTY WITHIN THE TERRITORY OF THE OTHER STATE.

19. The officials referred to above shall be required, during their sojourn within the territory of the other State, to observe the laws and regulations in force therein and shall, in this respect, be subject to the sovereignty of that State. Should any authority of the said State institute proceedings of any kind whatsoever against one of the said officials, the said authority shall immediately give notification thereof direct to the competent authority under which the official in question serves.

20. Any criminal proceedings that may be instituted against an official of one State on duty within the territory of the other State shall be conducted with the greatest rapidity. Notification of the result of such criminal proceedings shall, by means of the transmission of a copy of the final judgment, be given direct to the authority under which the official is serving.

21. Any measures which may have to be taken for the purpose of apprehending any such person as is referred to in the preceding paragraph shall, as far as possible, be taken in such a way as not to disturb the operation of the service and, in the event of the arrest of any such person, notification thereof shall, at the same time, be given direct to the head of the service to which such person belongs.

Article 9. — INSPECTION STAFF.

22. Each of the administrations concerned shall be entitled to inspect the way in which its officials discharge their duties within the territory of the other State.

23. Members of the inspection staff shall refrain from any direct interference in the operation of the service. An exception shall be made in respect of duties performed by officials exclusively on behalf of the administration by which they have been despatched.

24. In regard to the crossing of the frontier and the temporary sojourn of inspection staff within the territory of the other State, the provisions of Article II shall apply.

Article 10. — ASSISTANCE IN CASE OF ILLNESS.

25. Should an official of either Contracting Party, on duty within the territory of the other Party, or one of the members of his family, living in his household, fall ill or, in other circumstances equally urgent, be in need of medical assistance, the local administration shall furnish him with such assistance to the same extent as to its own officials.

26. The amount of the expenditure entailed by such medical assistance shall be refunded to the administration which advanced the said amount.

Article 11. — CROSSING OF THE FRONTIER OF THE STATE AND TEMPORARY SOJOURN
IN THE OTHER STATE.

27. Members of the Joint Committee and the officials of either Contracting Party appointed for the discharge of duties in the neighbouring harbour-station, or on the ferry-boats, shall, in virtue of permits issued by the competent office, and without passports or visas, be entitled to cross the frontier for the purpose of discharging their duties and to sojourn, within the territory of the other State, in the railway zone, both during the periods when they are on duty and during the intervals between such periods. The said permits shall be issued in accordance with an agreed model. The administrations concerned shall notify each other of the names of the offices authorised to issue the said permits. The periods during which the permits shall be valid shall be appropriate to the circumstances of the different cases. Such periods shall, however, not exceed one year.

28. In the case of railway officials on duty on the ferry-boats, it shall be sufficient, for the purpose of crossing the frontier, if, instead of their holding permits, their names are recorded in the log-book of the ferry-boat. Each such official must, however, be provided with a valid identity card bearing his photograph, issued by his own administration.

A complete list, giving the names of the officials crossing the frontier by ferry-boat in such circumstances, shall be transmitted, through the intermediary of the respective harbour-station-masters, to the frontier police stations.

29. Officials serving within the territory of the other State shall, when on duty and when off duty, be authorised to wear the uniform or badges appropriate to their duties. They shall be bound to wear such uniform or badges in so far as the regulations of their administration require them to do so and as their duties bring them into contact with the public.

30. Officials who cross the frontier in the course of their duty, or for the purpose of discharging their duties, shall, subject to examination by the Customs authorities, be entitled, without paying Customs duties or other dues or taxes, to carry with them such articles as are obviously intended for their personal consumption during one day's duty, including the period required for the journey in both directions.

31. The officials referred to above shall, in virtue of the permits mentioned, be conveyed free of charge on the ferry-boats.

Article 12. — CROSSING OF THE FRONTIER OF THE STATE AND PERMANENT RESIDENCE
IN THE OTHER STATE.

32. In virtue of an identity card issued in accordance with the agreed model, officials on duty within the territory of the other State, and also the members of their families and the domestic servants living in their households, shall be entitled to reside in the place in which they discharge their duties. The place in which they discharge their duties shall be deemed to be the territory of the harbour-station. Such persons shall, provided that they are nationals of one of the Contracting States, be entitled to cross the frontier (by way of entry or by way of exit) on presentation of the said card.

Article 13. — LIABILITY DURING THE OPERATIONS OF EMBARKING AND DISEMBARKING COACHES, VANS AND TRUCKS AND DURING THE TIME WHEN FERRY-BOATS ARE BERTHED IN THE NEIGHBOURING HARBOURS.

33. In respect of damage, occasioned by the fault of members of the staff or through a defect in material, occurring during the operations of embarking coaches, vans and trucks on the ferry-boats or disembarking them from the ferry-boats, or during the time when the said ferry-boats are berthed in the neighbouring harbours, liability shall devolve on the administration to which the members of the staff who are at fault, or the material which has been the cause of the damage, belong.

34. In the case of a fault being common to the staffs of the two administrations, or if it has not been possible to ascertain the cause to which the damage is due, the compensation due shall be paid, in equal shares, by the two administrations.

35. Should damage be due to a fault on the part of the staff belonging to one administration but employed by the other administration, the administration which employed the said staff shall be liable therefor.

Article 14. — CONVEYANCE OF PASSENGERS, REGISTERED BAGGAGE AND GOODS.

36. — The conveyance of passengers, registered baggage and goods shall be governed by the Berne Conventions (C. I. V¹. and C. I. M².), revised at Rome on November 23rd, 1933, the supplementary uniform provisions of the International Transport Committee (D. C. V. and D. C. M.), the uniform convention between railway administrations relating to the international conveyance of goods by rail (C. T. M.), of April 1st, 1932, and the provisions for despatch in international traffic (P. I. V. and P. I. M.).

37. In regard to the liability of railways provided for in Part III of the C. I. V. and C. I. M., each ferry-boat shall be deemed to constitute a prolongation of the respective railway line of the administration owning the ferry-boat.

Article 15. — TRANSMISSION OF REGISTERED BAGGAGE AND OF GOODS.

38. The transmission of registered baggage and of goods to the neighbouring administration shall be effected, at Giurgiu-Harbour and Russe-Harbour respectively, jointly by the officials of the two railway administrations.

39. Further, in respect of the transmission of registered baggage and of goods, the common provisions relating to despatch in international traffic (P. I. V. and P. I. M.) shall apply.

Article 16. — DETERMINATION OF CROSSING CHARGES BETWEEN GIURGIU-HARBOUR AND RUSSE-HARBOUR.

40. The crossing charges for passengers, registered baggage and goods, which shall be uniform for both ferry-boats (Roumanian and Bulgarian), shall be determined by agreement between the Roumanian and Bulgarian railways, regard being had to the exigencies of the traffic. The said charges shall be so fixed as to facilitate traffic between and through the two countries.

For this purpose, the basis adopted shall be the cost of the operation and upkeep of the ferry-boats and the value of the goods.

41. The crossing charges, which shall be added to existing tariffs, or to those that may be fixed in the future, shall be shown separately in the accounts, and the total receipts of the two administrations shall be divided equally between the said administrations.

Article 17. — CALCULATION OF TRANSPORT CHARGES AND SUBSIDIARY CHARGES.

42. The calculation of transport charges shall be based on existing through tariffs or on the inland tariffs of each administration as far as Giurgiu-Harbour and Russe-Harbour respectively, in accordance with the request of the consignor.

¹ Vol. CXCII, page 327, of this Series.

² *Ibid.*, page 389.

43. The despatching station shall be responsible for the accuracy of transport charges and subsidiary charges, calculated on the basis of inland tariffs, in respect of charges applied as far as the frontier, and the station of destination shall be responsible for those applied beyond the frontier of the country of departure.

In respect of subsidiary charges arising during the journey, the station of destination shall be responsible.

44. Responsibility for the accuracy of transport charges and subsidiary charges, calculated on the basis of through tariffs, shall be determined by the relevant provisions of the Berne Convention (C. I. M.), revised at Rome on November 23rd, 1933, or by special agreements.

45. Charges for local transport between Russe-Harbour and Giurgiu-Harbour and *vice versa* shall be calculated in accordance with the tariff that shall be fixed for the crossing by the ferry-boats.

Article 18. — COMPLETION OF WAY-BILLS.

46. In respect of each consignment despatched in trans-frontier traffic between Roumania and Bulgaria with an international way-bill and charged for at the rate fixed in the inland tariffs, a way-bill, drawn up specially for such traffic and drafted in the same manner as for consignments despatched in trans-frontier traffic between Roumania and Bulgaria via Boteni-Oborichté, shall be completed.

Further, the special Convention¹ between the Bulgarian State railways and the Roumanian railways, in force as from April 1st, 1936, shall apply.

Article 19. — ACCOUNTS.

47. Accounts relating to trans-frontier traffic via Giurgiu-Harbour and Russe-Harbour and *vice versa* shall be drawn up in the same way as accounts relating to traffic via Boteni-Oborichté.

Article 20. — DELIVERY PERIODS.

48. To the delivery periods prescribed in Article 11 of the C. I. M. there shall be added, in respect of the transport of goods between Russe-Harbour and Giurgiu-Harbour and *vice versa*, the supplementary period prescribed in the tariff applicable to the ferry-boat.

Article 21. — CIRCUMSTANCES PREVENTING TRANSPORT.

49. In the event of the Danube freezing at a date earlier than that prescribed for the suspension of shipping, and in the event of transport by the ferry-boats being prevented for any other reason, consignments then *en route* shall be dealt with in accordance with the provisions of Article 23 of the C. I. M.

Article 22. — ACCOMPLISHMENT OF CUSTOMS AND POLICE FORMALITIES.

50. Customs examination of hand-baggage and the examination of passports shall be effected by the Roumanian authorities at Giurgiu-Harbour and by the Bulgarian authorities at Russe-Harbour.

51. Costs occasioned by the accomplishment of Customs formalities in respect of the transport of goods shall be entered on the relevant way-bills as in the case of transport via Boteni-Oborichté.

Article 23. — SERVICE LANGUAGE AND CORRESPONDENCE.

52. Service correspondence shall be conducted in the French language.

53. Members of the staff on duty on the ferry-boats must possess a sufficient knowledge of the French language or of the language of the neighbouring country.

Article 24. — SERVICE REGULATIONS.

54. Details relating to the application of the present Convention shall be settled, by agreement between the two railway administrations, in service regulations that shall be drawn up later.

¹ Vol. CXCVIII, page 9, of this Series.

55. Each administration shall be required to give to members of the staff attached to the ferry-boat service such instructions as are necessary for the operation of that service.

Article 25. — ARBITRAL TRIBUNAL.

56. Any dispute which may arise between the Contracting Parties regarding the interpretation or the application of the provisions of the present Convention and which it has not been possible to settle by friendly negotiation or through the diplomatic channel shall be submitted to an Arbitral Tribunal which shall be specially constituted for each such dispute that may arise between the two Contracting Parties. The said Arbitral Tribunal shall be composed of three members, one of whom shall be appointed by each Contracting Party, the third member being chosen from amongst the nationals of a third State. The last-mentioned member shall discharge the duties of Chairman of the said Tribunal and shall be appointed by agreement between the two Contracting Parties or, failing such agreement, by the President of the Permanent Court of International Justice at The Hague.

The Arbitral Tribunal shall be constituted within a period of not more than three months as from the date of the notification of the dispute.

The place at which the Tribunal shall meet shall be determined by the Chairman.

The Tribunal thus constituted shall determine its own rules of procedure. Its decision shall be final and shall be binding on both Parties.

Prior to the constitution of the Arbitral Tribunal, the two Contracting Parties shall agree on the amount of the remuneration to be paid to the Chairman and to the members of the Arbitral Tribunal.

Each of the two Governments shall, in the first place, pay the remuneration due to the member of the Arbitral Tribunal whom it has appointed and one-half of the remuneration due to the Chairman and of the other expenses incurred by the Tribunal in respect of material and of staff. These sums shall constitute one part of the costs of the procedure. The Arbitral Tribunal shall also decide in its award whether one of the Contracting Parties shall be required to refund the costs of the procedure to the other Party and the amount thereof.

Article 26. — AMENDMENT OF THE CONVENTION.

57. Each of the Governments of the Contracting Parties shall be authorised to transmit to the Government of the other Party requests for the revision of the present Convention.

The Party requesting the amendment of the Convention shall be required to submit a draft of the amendment proposed. The other Party shall, in the shortest possible time, reach a decision in regard thereto and shall, if it so desires, be entitled to submit a counter-proposal, whereupon negotiations shall be started in regard thereto.

Article 27. — TERM AND RATIFICATION OF THE CONVENTION.

58. The present Convention is concluded for an unlimited period and may not be denounced except with notice of at least one year.

59. The Convention shall be ratified by the two Governments.

60. The exchange of the instruments of ratification shall take place at Bucharest.

61. The Convention shall enter into force on the day on which the ferry-boats are put into operation.

Article 28. — LANGUAGE OF THE CONVENTION.

62. The present Convention is drawn up in French in duplicate originals of which each Contracting Party shall receive one.

Done at Varna, July 20th, 1937.

(Signed) IV. KARAMINKOFF.

(Signed) M. CHIRÎTESCU.