

N° 1250.

ALLEMAGNE ET POLOGNE

Arrangement relatif à l'octroi de facilités dans le petit trafic frontalier.
Signé à Dantzig, le 30 décembre
1924.

GERMANY AND POLAND

Agreement relative to the Granting of Facilities in Minor Frontier Traffic. Signed at Danzig, December 30, 1924.

TEXTE POLONAIS. — POLISH TEXT.

No. 1250. — KONWENCJA¹ MIĘDZY NIEMCAMI A POLSKĄ O UŁATWIENIACH W MAŁYM RUCHU GRANICZNYM, PODPISANA W GDAŃSKU DNIA 30 GRUDNIA, 1924 R.

German and Polish official texts communicated by the German Consul-General at Geneva² and by the Polish Delegate accredited to the League of Nations. The registration of this Arrangement took place August 3, 1926.

NIEMCY z jednej strony a POLSKA z drugiej zważywszy, że w Konwencji³, podpisanej w Poznaniu, 29 kwietnia 1922 o ułatwieniach w ruchu granicznym i w Konwencji⁴, podpisanej w Warszawie, 23. lutego 1924, o górnośląskim pasie granicznym, przewidziane jest wygaśnięcie każdej z tych Konwencji dnia 31 grudnia 1924, ożywione pragnieniem zapewnić i po tym czasie mieszkańcom pogranicza ułatwienia w ruchu granicznym, zamianowały w celu zawarcia odpowiedniej konwencji jako pełnomocników :

NIEMCY :

Posła Dr. Paul ECKARDT,

POLSKA :

Kierownika Komitetu Tranzytowego w Ministerjum Spraw Zagranicznych, p. Jerzego BOGORZA-KURZENIECKIEGO,

którzy po wymianie i sprawdzeniu swych pełnomocnictw, uznanych za dobre i sporządzone we właściwej formie, uzgodnili następujące postanowienia :

I. UŁATWIENIA OSOBISTE.

Artykuł 1.

1. Osoby, zamieszkałe w obrębie powiatów granicznych, lecz nie dalej, niż w odległości 10 kilometrów od granicy niemiecko-polskiej, i przebywające tam przynajmniej od trzech miesięcy, mogą na podstawie przepustek granicznych i podług postanowień następnych artykułów przekraczać granicę i przebywać po jej drugiej stronie. Urzędnicy korzystają z tego udogodnienia od dnia rozpoczęcia służby.

2. Za powiaty graniczne uważa się powiaty, przelegające do niemiecko-polskiej granicy. W razie szczególnej potrzeby może każdy z obu Rządów uznać za powiaty graniczne, w rozumieniu

¹ The exchange of ratifications took place at Warsaw, June 22, 1926.

² Vol. II, page 60 (foot-note), of this Series.

³ Vol. XXI, page 391, of this Series.

⁴ Vol. XLI, page 197, of this Series.

¹ TRANSLATION.No. 1250. — AGREEMENT BETWEEN GERMANY AND POLAND
CONCERNING THE GRANTING OF FACILITIES IN MINOR
FRONTIER TRAFFIC. SIGNED AT DANZIG, DECEMBER 30, 1924.

Whereas in the Agreement concerning Frontier Traffic Facilities, signed at Posen, April 29, 1922, and the Agreement relating to the Frontier Zone of Upper Silesia, signed at Warsaw, February 23, 1924, both provide that the said Agreements shall expire on December 31, 1924;

GERMANY, of the one part, and POLAND, of the other part, being desirous of providing frontier traffic facilities for persons inhabiting the frontier district after that date, have appointed as their Plenipotentiaries for the purpose of concluding an agreement with that object :

GERMANY :

Dr. Paul ECKARDT, Minister Plenipotentiary ;

POLAND :

M. Jerzy BOGORVA-KURZENIECKI, Director of the Transit Committee in the Ministry of Foreign Affairs ;

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

I. FACILITIES FOR PERSONS.

Article 1.

1. Persons who reside in the frontier districts at a distance of not more than ten kilometres from the German-Polish frontier and who remain there for a period of more than three months shall be allowed, under the conditions laid down in the following Articles, to cross the frontier and to stay on the other side of the frontier if they are provided with a frontier permit (*Grenzausweis*). Officials shall be entitled to this privilege as from the date of their entering on their duties.

2. All districts adjoining the German-Polish frontier shall be regarded as frontier districts. If special circumstances so require, each of the two Governments shall be entitled to declare as frontier districts within the meaning of the present Agreement such portions of other districts bordering thereon as are situated at a distance of not more than ten kilometres from the German-Polish frontier ; the Government of the other Party shall be notified of any such decision.

Article 2.

The frontier permit shall entitle the holder :

(a) To cross the frontier at given points on foot, on horseback, by bicycle, in carriages, in sleighs, in motor-cars or by rail ;

(b) To reside at a distance of not more than ten kilometres from the frontier in the district situated on the other side of the frontier and adjoining the district in which the

¹ Translated by the Secretariat of the League of Nations.

frontier permit has been issued. If this district borders on several districts situated beyond the frontier, the frontier permit shall entitle the holder to reside in any of these districts. In special cases the authorities which issue the frontier permit may extend its validity to neighbouring districts on both sides of the frontier.

Article 3.

1. Frontier permits shall be issued :

- (a) As permits for a single journey — colour, red ;
- (b) Permanent permits — colour, green ;
- (c) Business permits — colour, brown.

2. Frontier permits shall be issued on forms printed in German and Polish, as laid down in the Agreement of April 29, 1922, save that the reproduction of the provisions of the said Agreement shall be altered as made necessary by the present Agreement.

3. The permits must show :

- (a) The name and surname, status or profession, place and date of birth and domicile of the holder ;
- (b) Purpose of the journey ;
- (c) Point at which the frontier may be crossed ;
- (d) Districts within which the permit is valid ;
- (e) Any restrictions as to length of time and place of residence beyond the frontier which may be imposed in connection with the purpose of the journey or for any other reason ;
- (f) Details regarding any young persons who may be accompanying the holder of the permit (Article 5).

4. The permits must be provided with a photograph bearing an official stamp and with the signature or mark of the holder. The photograph shall not be required if the holder carries on his person any other official or officially authenticated identity certificate to which his photograph is affixed.

Article 4.

1. In Germany, the permits shall be issued by the *Landräte* (administrative heads of districts) and the police authorities of the municipalities ; in Poland, they shall be issued by the administrative authorities of first instance.

2. Should it appear on good grounds that there is urgent need for a single journey being made, and should it not be possible to obtain a permit in time from the competent authorities as laid down in paragraph 1, then the said permit may be issued, in Germany, by the local police, and in Poland, by the district commissioners or other authorities to be designated in the future ; the names of these authorities shall, if necessary, be communicated to the German Government.

3. The territorially competent authority shall be that in whose district the person applying for a permit is domiciled.

Article 5.

A permit may only be granted to persons over twelve years of age. In special cases and as an exceptional measure permits may also be granted to children under twelve years of age. In all other cases, a child under twelve may only cross the frontier without a permit if accompanied by an adult, and the adult's permit must authorise him to take the child in question with him.

Article 6.

Permits for a single journey shall be issued for not more than fourteen days reckoned from the date of issue. They shall entitle the holder to stay not more than three days on the other side of the frontier, it being understood that the day on which he first crosses the frontier shall not be counted.

Article 7.

Subject to the provisions of Article 9, permanent permits valid for three months shall be issued to persons who are obliged for professional, business, religious or other special reasons to cross the frontier frequently. Article 6 shall apply to each period of residence on the other side of the frontier.

Article 8.

1. Owners of land, members of their families and persons employed on their estates shall, subject to the provisions of Article 9, receive business permits if their land or their plots of land forming an economic unit are cut by the frontier line. The same provision shall apply in cases in which one or more plots of land of the kind referred to cannot be properly cultivated unless the frontier is crossed. Other persons entitled on any legal grounds to the use of land shall be placed on the same footing as owners. Business permits shall entitle the holders to cross the frontier and to stay on the other side of the frontier only at the place and for the length of time required for the cultivation and working of the land. The position of the plots of land must be indicated in the permit.

2. The provisions of paragraph 1 shall only apply to those plots of land which satisfied the conditions laid down for the issue of business permits on September 15, 1922. In the case of that part of the frontier to which the German-Polish Agreement of May 15, 1922, concerning Upper Silesia applies, January 1, 1922, shall be taken instead of the above-mentioned date.

3. Business permits shall be valid for one calendar year.

Article 9.

1. The authorities referred to in Article 4 shall notify the competent authorities of the other Party of applications made to them for the issue of permanent and business permits (Articles 7 and 8), should they intend to grant the said applications. Such notification must give the name and domicile of the person applying for a permit and particulars furnished by him explaining why the permit should be issued and the purpose of crossing the frontier.

2. The permit will be refused if, within ten days of the despatch of the notification, the authority of the other Party makes objection and shows that the conditions required for the issue of the permit have not been fulfilled, or that there are legal obstacles arising out of the passport regulations of the country that the applicant desires to enter which prevent authorisation being given to cross the frontier, or that such a permit, if in the hands of the applicant, would constitute a danger to public security and order in the country which the applicant desires to enter.

3. Should the authority responsible for issuing the permit not regard the objection as justified, then the higher authorities can call upon the corresponding authority of the other Party to re-examine the grounds of the objection.

4. The issue of every permanent and business permit shall be notified immediately by the issuing authority to the competent authority of the other Party. The competent administrative authorities on both sides shall arrange the details of this procedure by means of a direct Agreement.

Article 10.

1. The holders of frontier permits other than business permits shall be entitled to cross the frontier at the points which are named in the permits and are recognised for the purpose by both Contracting Parties. Unless there is any special reason to the contrary, no frontier crossing point shall be designated in the permit other than that which is the nearest to the domicile of the holder of the permit.

2. The holders of business permits shall be entitled to cross the frontier at points other than the recognised crossing points if this is necessary for the purpose of their work. These points shall be determined by the competent Customs authorities of the two Parties after hearing the persons concerned, due regard being had to actual business requirements.

Article 11.

1. Holders of frontier permits shall as a rule only be permitted to cross the frontier during the hours of daylight, *i. e.*, between 6 a.m. and 8 p.m. from April 1 till September 30, and between 7 a.m. and 6 p.m. from October 1 till March 31. Barriers closing the road shall be opened in good time and shall not be closed before the hour fixed for the purpose.

2. From May 1 to September 30 holders of business permits shall be entitled to cross the frontier after 4 a.m.

3. Should local conditions seem to require it, the administrative and Customs authorities of first instance may make other provisions by mutual agreement regarding the hours at which the frontier may be crossed, such provisions to be applicable generally, or only in individual cases.

4. Ministers of religion and their assistants, doctors, veterinary surgeons and midwives may, when engaged in the exercise of their profession, also cross the frontier by night. The same applies to other persons should there be special grounds of urgency, *e. g.*, to lock-keepers and members of fire brigades.

5. The frontier may be crossed by rail at any hour.

Article 12.

1. The following charges shall be made for a :

	Reichsmark	or	Zloty
Permit for a single journey	0.50	or	0.50
Permanent permit	2	or	3
Business permit	3	or	4

2. No charges other than those laid down in paragraph 1 shall be levied for the issue of the permit, including the application.

3. The rates may, if necessary, be altered by mutual agreement between the Governments.

Article 13.

Members of fire brigades, mining salvage corps and ambulance corps of one Party, if clearly recognisable as such, shall have the right, for the purpose of rendering assistance, to cross the frontier without permits at the most suitable points, and to remain in the territory of the other Party for the period during which they are rendering assistance, provided that they act under the orders of the person who is competent under the regulations in force at the place where the disaster has occurred.

Article 14.

All permits shall be returned after use to the authority which issued them, and in any case on the expiration of their period of validity.

Article 15.

1. The Contracting Parties shall, if necessary, enact penal measures to ensure the prosecution of persons who have obtained frontier permits by making false statements, or who have been guilty of a misuse of frontier permits, particularly by going outside the area for which their permit is valid.

2. In the event of repeated misuse, a frontier permit may be withdrawn even before its period of validity has expired. A permit which has been wrongly issued shall be immediately withdrawn.

3. Permits which are withdrawn shall be returned to the authority which issued them.

Article 16.

Either Contracting Party may, in the case of the repeated misuse of permits, expel from its territory persons who are not its own nationals.

II. FACILITIES FOR GOODS.

Article 17.

1. Owners and other persons having legal rights to the use of land employed for purposes of agriculture or forestry and situated in the frontier Customs district of one of the two Contracting Parties, whose dwellings or places of work are separated by the frontier from the plots of land appertaining thereto, shall, in so far as their property forms an economic unit, be entitled :

(a) To convey across the frontier free of duty articles required for the normal working of their land, particularly manure, seed, plants for nurseries, products of the soil, unworked stone, brick, sand, clay, argillaceous earth, trees, osiers, peat, implements commonly employed in agriculture, and forestry and fishing gear. Fishing gear must be brought back over the frontier after being used. The above facilities shall not extend to metals, coal and other products of mining, or to mineral oil ;

(b) To convey across the frontier, free of duty, the crops or produce of their land, so far as their nature and amount correspond to the nature and extent of the undertaking. The products in question shall include milk and produce derived from milk, dead poultry, mutton, veal and pork, dead game and live and dead fish ;

(c) To drive their livestock free of duty across the frontier for pasture to their grazing land situated on the other side of the frontier and to bring it back free of duty, together with any young which may have been born on the other side of the frontier.

Such livestock, including the flesh of animals slaughtered on the other side of the frontier, the milk obtained from the livestock and the produce prepared from the milk, must be brought back to the territory in which the undertaking is situated. The Customs authorities may agree to admit certain exceptions to this rule.

2. Draught animals, including their harness and blankets, and all means of transport used in an ordinary agricultural undertaking of the kind referred to in paragraph 1 shall also be admitted free of duty, provided that they are brought back.

3. Persons to whom the above-mentioned facilities are granted may only make use of them at such periods and for such length of time as may be fixed by local custom for agricultural and forestry work.

Article 18.

The inhabitants of a frontier Customs district may bring with them free of duty into the territory on the other side of the Customs frontier food supplies for one day, provided that the quantity does not exceed one kilogramme. Alcoholic beverages are expressly excluded. Food supplies shall be held to mean only prepared food, and not the raw material which serves for its preparation.

Article 19.

Articles for the personal use of the inhabitants of a Customs frontier district which have to be made up, altered or repaired in the Customs frontier district of the other Party, may for this purpose be exported free of Customs duty or other charges and reimported after the making up, repair, etc. The inhabitants of the Customs frontier district of one of the Contracting Parties who, in connection with agricultural products such as corn, oil seed, hemp, flax, wood and tanner's bark, are obliged for the purpose of grinding, crushing, cutting, etc., to make use of mills and workshops in the frontier Customs district situated directly opposite, may also bring such articles across the frontier for this purpose free of duty and may take them back again. The quantity or weight of the products reimported must, however, correspond to that of the raw materials exported. These privileges are conditional upon the articles being used for the owners' personal requirements.

Article 20.

Artisans and workers living in the frontier Customs zone of either State shall be entitled, for the purpose of carrying on their trade (*Gewerbe*) in the other State within the frontier Customs zone, to take with them free of duty the tools and implements necessary for their trade, provided that they bring them back after their work is completed. In the exercise of their trade in the territory of the other country they shall comply with the laws and regulations of that country.

Article 21.

1. Ministers of religion, doctors, veterinary surgeons and midwives may take with them free of duty the articles and instruments necessary for the exercise of their profession, provided that they bring them back on their return. When exercising their profession in the district on the other side of the frontier, they must comply with the regulations in force therein.

2. Similarly, articles necessary for ritual purposes, for mass, communion, confirmation or extreme unction, such as chalices, pyxes, books, religious banners, candles, etc., may be taken over the frontier free of duty.

In the case of funerals, similar facilities shall be granted, particularly for the conveyance of corpses, the transport of articles used in funeral ceremonies, the putting in order and ornamentation of graves, and the permanent ornamentation and upkeep of graves and cemeteries.

3. The personnel of fire brigades, mining salvage brigades and ambulance corps crossing the frontier to render assistance in the case of fires or accidents shall not be subject to any Customs formalities should they take with them the appliances and teams of horses which they require.

4. The exemption from Customs duty provided for in this Article shall also apply to the necessary means of transport and to draught animals, including their harness and blankets.

Drugs not carried by doctors and disinfectants not carried by midwives shall not be admitted free of duty. No drugs may be brought into the country if their importation is prohibited in that country.

Article 22.

In order to ensure effectively that machines, vehicles, agricultural and forestry implements, fishing gear and livestock are duly re-exported whenever the privileges provided for in Section II of this Agreement are conditional upon re-importation, the following regulations shall be observed :

(a) The owner of the machines, vehicles, means of transport or implements must give the Customs authorities of both Parties a written declaration, accompanied by a description of the objects in question, to the effect that they will be brought back and that he accepts liability in the event of this not being done. Persons entrusted with the conveyance of the objects in question across the frontier must carry a Customs document containing a complete list of the said objects and must produce it whenever called upon to do so by the competent Customs authorities. These provisions shall not apply to tools which have already been used, such as hammers, saws, shovels, axes, etc., which workmen may carry with them.

(b) The landowner in the frontier Customs district who claims the facilities referred to must provide the Customs authorities of both Parties with a list, certified correct by the local police, indicating the number of head of livestock, and a written undertaking to bring the livestock back over the frontier or to accept liability if they are not so brought back. If he possesses more than one agricultural undertaking in the frontier Customs zone, separate lists must be furnished for each. When any changes in the lists become necessary, these must be made within a fortnight. Horses must be branded, and cattle and swine must be branded or ear-ringed. The person in charge of the animals must carry with him a Customs document containing a description of each animal and must show it whenever required to do so by the Customs authorities. In the case of poultry, sheep and goats, particulars as to the number shall be sufficient.

(c) If the written undertaking referred to in (a) and (b) is given, no charges or deposit for security may be demanded.

Article 23.

The exemption from Customs duties provided for in Section II includes both freedom from import and export duties and freedom from all other duties and taxes. Apart from the provisions of Article 21, No. 4, paragraph 2, freedom from Customs duties also means exemption from any of the import and export prohibitions in force. Should agricultural or forestry products in either territory at present be, or in future become, subject to a centralised economic regime, the restrictions resulting therefrom shall not apply to the minor frontier traffic.

III. GENERAL AND FINAL PROVISIONS.

Article 24.

The present Agreement shall apply to the entire German-Polish frontier, subject, however, to the following provisions :

I. (1) The provisions of Article 1 of the Agreement of February 23, 1924, relating to the Upper Silesian frontier zone shall be maintained. As regards the part of the frontier referred to in the Convention of May 15, 1922, concerning Upper Silesia, the special frontier zone shall replace the frontier Customs zone mentioned in Section II of the present Agreement.

(2) The facilities provided for in Article 17 shall also be granted if the property in question does not form an economic unit, but is nevertheless situated in the special frontier zone (No. 1). In such cases a certificate from the competent administrative authorities must be presented in every case to the effect that the articles for which freedom from Customs duty is claimed actually come from a property situated in this zone.

(3) Artisans and workers living in the special frontier zone of one of the Contracting Parties may take with them free of duty for purposes of repair articles or parts of articles from the frontier zone of the other State, provided, however, that they bring such articles back. Similarly, they may take with them free of duty small quantities of repairing materials corresponding to the requirements of artisans or small tradesmen and such as they themselves can carry without using any means of transport. Persons entitled to these privileges may only cross and recross the frontier once in each day with materials of this kind. These materials may not be used to make any new articles, and any materials not used must be brought back.

(4) Workers who live in the special frontier zone on the other side of the frontier from the place at which they work may, when going to their work, take with them, free of duty :

(a) Their victuals for the day to an amount not exceeding that laid down in Article 18. Workers who have to remain for several days at work at the same place may take victuals with them in quantities proportionate to the number of days they are to work, and also the raw ingredients for the preparation of their food ;

(b) Their tools, provided they bring them back on their return.

(5) The facilities provided for under 4 (a) shall also be granted to the artisans and workers referred to in No. 3.

(6) Workers and employees whose dwellings in the frontier zone are separated by the frontier from the place at which they work may also bring home with them free of duty any payments in kind which they have received from their employers.

II. The provisions of the Convention of May 15, 1922, concerning Upper Silesia with regard to travelling permits shall not be affected by the present Agreement.

Article 25.

I. The provisions of the present Agreement shall not affect the right of the authorities of the two Contracting Parties to refuse to issue frontier permits if, in virtue of the passport regulations in force in the country concerned, there are legal objections to authorising the journey.

2. The facilities provided for in the present Agreement shall not be granted to persons who have been expelled from the territory of one of the two Contracting Parties.

Article 26.

1. The Contracting Parties reserve the right temporarily or permanently to exclude individual localities within their frontier districts from the provisions of this Agreement or to restrict the facilities provided for in the said Agreement in respect of such localities.

2. The measures referred to in paragraph 1 shall, if taken by one Party, immediately be notified to the other Party.

Article 27.

1. The provisions of Sections I and II shall not affect Customs regulations, in so far as the latter are not modified by the present Agreement, police regulations in regard to notification of residence and other provisions affecting foreigners, measures for protection against diseases of plants and sanitary and veterinary police regulations. The Agreement, provided for under No. VII of the Final Protocol to the Convention of April 29, 1922, in respect of the carrying-out of veterinary control regulations, which has been embodied in the Protocol of June 4, 1923, shall also remain in operation on the expiration of the above-mentioned Agreement.

2. The provisions of Sections I and II may, in the event of a general closing of the frontier, be temporarily abrogated even if this closing of the frontier be decided upon on other grounds than those of medical and veterinary control. The facilities provided for in Article 18 and Article 24, No. 4 (a) may also be temporarily restricted in the event of exceptional economic necessity.

Article 28.

1. If specially desirable, facilities other than those provided for in Section I may be granted by agreement between the competent authorities of the two Contracting Parties. Such facilities may consist, for instance, in giving authorities other than those ordinarily competent in the matter (Article 4) power to issue permits if the offices of the former are more conveniently situated for the persons concerned.

2. Where it appears desirable and possible in view of existing economic conditions, facilities other than those provided for in Section II may be granted by agreement between the competent authorities of the two Contracting Parties in respect of felled timber which happens to lie on the other side of the frontier, the removal of sand from ground owned or leased on the other side of the frontier or the taking of water required for the special needs of the undertaking. The provisions of Articles 18 to 21 may be similarly modified or supplemented.

Article 29.

The competent administrative authorities shall, in the event of difficulties arising in connection with the execution of this Agreement, enter into direct negotiations with each other with a view to overcoming such difficulties. They must immediately inform each other of any modifications of the provisions contained in Sections I and II of the present Agreement which may have been introduced in their district in accordance with Article 26 and Article 27, paragraph 2, of the present Agreement.

Article 30.

The Contracting Parties shall notify each other of the authorities which are to be regarded as competent authorities for the purposes of the present Agreement.

Article 31.

1. The present Agreement shall be ratified and the exchange of ratifications shall take place in Warsaw. It shall come into force fourteen days after the exchange of the instruments of ratification.

2. This Agreement shall cease to have effect as from January 1, 1926, unless the Contracting Parties have agreed by September 30, 1926, to prolong it. It may be denounced before that date by either of the Contracting Parties giving three months' notice, such denunciation to take effect at the end of the calendar quarter.

In faith whereof, the Contracting Parties have signed the present Agreement and have thereto affixed their seals.

Done in duplicate in German and Polish, both texts being authentic.

DANZIG, *December 30, 1924.*

(Signed) Paul ECKARDT.

(Signed) Jerzy BOGORYA-KURZENIECKI.