

N° 1129.

ALLEMAGNE, AUTRICHE,
BELGIQUE, BRÉSIL,
EMPIRE BRITANNIQUE, etc.

Convention et Statut sur le régime
international des voies ferrées, et
protocole de signature, signés à
Genève, le 9 décembre 1923.

GERMANY, AUSTRIA,
BELGIUM,
BRAZIL, BRITISH EMPIRE, etc.

Convention and Statute on the In-
ternational Regime of Railways
and Protocol of Signature, signed
at Geneva, December 9, 1923.

No. 1129 — CONVENTION ¹ ON THE INTERNATIONAL REGIME OF RAILWAYS, SIGNED AT GENEVA, DECEMBER 9, 1923.

English and French official texts. The Convention and the Protocol were registered with the Secretariat, in accordance with Article 6 of the Convention, March 23, 1926, date of its entry into force.

GERMANY, AUSTRIA, BELGIUM, BRAZIL, THE BRITISH EMPIRE (with NEW ZEALAND and INDIA), BULGARIA, CHILE, DENMARK, THE FREE CITY OF DANZIG, SPAIN, ESTHONIA, FINLAND, FRANCE, GREECE, HUNGARY, ITALY, JAPAN, LATVIA, LITHUANIA, NORWAY, THE NETHERLANDS, POLAND, PORTUGAL, ROUMANIA, SALVADOR, KINGDOM OF THE SERBS, CROATS AND SLOVENES, SIAM, SWEDEN, SWITZERLAND, CZECHOSLOVAKIA AND URUGUAY ;

Desirous of making provision to secure and maintain freedom of communications and transit, and of promoting for that purpose international co-operation in the organisation and working of railway traffic ;

Being also desirous of ensuring the application of the principle of the equitable treatment of commerce to the international regime of railways ;

Considering that the best method of achieving their present purpose is by means of a general convention to which the greatest possible number of States can later accede ;

Recognising that international agreement in respect of railway transport has already been the subject of many special conventions between States and between railway administrations, and that it is precisely by means of such special conventions that international co-operation in this domain can make the most effective progress in the practical application of principles established by a general convention ;

¹ Deposit of ratifications : British Empire, August 29, 1924 ; New Zealand, April 1, 1925 ; India, April 1, 1925 ; Siam, January 9, 1925 ; Roumania, December 23, 1925 ; Norway, February 24, 1926 ; Denmark, April 27, 1926 ; Japon, September 30, 1926 ; Switzerland, October 23, 1926.

ADHESIONS :

By His Britannic Majesty, as from April 23, 1925, for Southern Rhodesia and Newfoundland, and as from September 22, 1925, for the following Colonies, Protectorates and Mandated Territories :

British Guiana,	Malay States (Unfederated) :
British Honduras,	Johore,
Brunei,	Kedah,
Federated Malay States :	Perlis,
Perak	Kelantan,
Selangor,	Trengganu,
Negri Sembilan,	Nigeria,
Pahang,	Northern Rhodesia,
Gambia,	Nyasaland,
Gold Coast,	Palestine,
Hong-Kong,	Sierra Leone,
	Straits Settlements,
	Tanganyika Territory.

By China, January 21, 1925. This adhesion is given for the Convention only and subject to ratification.

By Panama, July 31, 1925 (*ad referendum*).

Considering, however, that, so far from limiting the effect and scope of such special conventions or interfering with direct relations and negotiations between railway administrations, or in any way affecting the rights of sovereignty or authority of States, it is, on the contrary, by a concise and systematic codification of recognised international obligations in respect of international railway traffic that the principles already established between certain States or certain administrations can be given the widest possible extension, and that in the future the conclusion of new special conventions, to suit the requirements and developments of international traffic, can be facilitated in the greatest possible measure ;

And whereas the Conference which met at Barcelona on March 10, 1921, on the invitation of the League of Nations, recommended that a General Convention on the International Regime of Railways should be concluded within a period of two years ; and whereas the Conference which met at Genoa on April 10, 1922, requested, in a resolution which was transmitted to the competent organisations of the League of Nations with the approval of the Council and the Assembly of the League, that the International Conventions relating to the Regime of Communications contemplated by the Treaties of Peace should be concluded and put into operation as soon as possible ; and whereas Article 379 of the Treaty of Versailles and the corresponding articles of the other Treaties provided for the preparation of a General Convention on the International Regime of Railways ;

Having accepted the invitation of the League of Nations to take part in the Conference which met at Geneva on November 15, 1923 ;

Anxious to bring into force the provisions of the Statute relating to the International Regime of Railways adopted thereat and to conclude a General Convention for this purpose :

The High Contracting Parties have appointed as their plenipotentiaries :

THE PRESIDENT OF THE GERMAN REICH :

- Dr. SEELIGER, Envoy Extraordinary and Minister Plenipotentiary, Delegate at the Second General Conference on Communications and Transit, and
- M. Paul WOLF, Ministerial Counsellor in the Ministry of Communications, Delegate at the Second General Conference on Communications and Transit ;

THE PRESIDENT OF THE AUSTRIAN REPUBLIC :

- M. Emerich PFLÜGL, Resident Minister, Representative of the Federal Government accredited to the League of Nations, Delegate at the Second General Conference on Communications and Transit ;

HIS MAJESTY THE KING OF THE BELGIANS :

- M. Xavier NEUJEAN, Minister of Railways, Mercantile Marine, Posts, Telegraphs and Telephones of Belgium, Delegate at the Second General Conference on Communications and Transit ;

THE PRESIDENT OF THE REPUBLIC OF THE UNITED STATES OF BRAZIL :

- Commandant-Major E. LEITÃO DE CARVALHO, Staff Officer, Professor of the Staff College at Rio de Janeiro, Delegate at the Second General Conference on Communications and Transit, and
- M. Eliseu DA FONSECA MONTARROYOS, Member of the Advisory and Technical Committee for Communications and Transit, Delegate at the Second General Conference on Communications and Transit ;

HIS MAJESTY THE KING OF THE UNITED KINGDOM OF GREAT BRITAIN AND IRELAND AND OF THE BRITISH DOMINIONS BEYOND THE SEAS, EMPEROR OF INDIA :

- Sir Hubert LLEWELLYN SMITH, G.C.B., Chief Economic Adviser of the British Government, Delegate at the Second General Conference on Communications and Transit ;

FOR THE DOMINION OF NEW ZEALAND :

- The Honourable Sir James ALLEN, K.C.B., High Commissioner for New Zealand in the United Kingdom ;

FOR INDIA :

The Hon. Lord HARDINGE OF PENSHURST, K.G., G.C.B., G.C.S.I., G.C.M.G., G.C.I.E., G.C.V.O., I.S.O., Privy Councillor, former Viceroy, former Ambassador ;

HIS MAJESTY THE KING OF THE BULGARIANS :

M. D. MIKOFF, Chargé d'Affaires at Berne ;

THE PRESIDENT OF THE REPUBLIC OF CHILE :

M. FRANCISCO RIVAS VICUÑA, Envoy Extraordinary and Minister Plenipotentiary to the Swiss Federal Council, to the President of the Czechoslovak Republic, to the President of the Austrian Republic and to His Serene Highness the Governor of Hungary, Delegate at the Second General Conference on Communications and Transit ;

HIS MAJESTY THE KING OF DENMARK :

M. P. A. HOLCK-COLDING, Director of Section at the Ministry of Public Works, Member of the Advisory and Technical Committee for Communications and Transit, Delegate at the Second General Conference on Communications and Transit ;

THE PRESIDENT OF THE POLISH REPUBLIC,

FOR THE FREE CITY OF DANZIG :

Professor Bohdan WINIARSKI, Vice-Chairman of the Advisory and Technical Committee for Communications and Transit, Delegate at the Second General Conference on Communications and Transit ;

HIS MAJESTY THE KING OF SPAIN :

M. GUILLERMO BROCKMANN Y ABARZUZA, Inspector-General of Roads, Canals and Ports, Member of the Advisory and Technical Committee for Communications and Transit, Delegate at the Second General Conference on Communications and Transit ;

THE PRESIDENT OF THE ESTHONIAN REPUBLIC :

M. CHARLES ROBERT PUSTA, Envoy Extraordinary and Minister Plenipotentiary to the President of the French Republic, Member of the Advisory and Technical Committee for Communications and Transit, Delegate at the Second General Conference on Communications and Transit ;

THE PRESIDENT OF THE REPUBLIC OF FINLAND :

M. URHO TOIVOLA, Secretary at the Finnish Legation in Paris, Delegate at the Second General Conference on Communications and Transit ;

THE PRESIDENT OF THE FRENCH REPUBLIC :

M. MAURICE SIBILLE, Member of Parliament, Member of the Advisory and Technical Committee for Communications and Transit, Delegate at the Second General Conference on Communications and Transit ;

HIS MAJESTY THE KING OF THE HELLENES :

M. A. POLITIS, Technical Representative of the Hellenic Government in Paris, Delegate at the Second General Conference on Communications and Transit, and
M. DEMETRE G. PHOCAS, Captain in the Hellenic Navy, Delegate at the Second General Conference on Communications and Transit ;

HIS SERENE HIGHNESS THE GOVERNOR OF HUNGARY :

M. EMILE DE WALTER, Ministerial Counsellor at the Royal Hungarian Ministry for Foreign Affairs, Delegate at the Second General Conference on Communications and Transit ;

HIS MAJESTY THE KING OF ITALY :

M. Paolo BIGNAMI, former Under-Secretary of State, former Member of the Chamber of Deputies, Delegate at the Second General Conference on Communications and Transit ;

HIS MAJESTY THE EMPEROR OF JAPAN :

M. S. OKUYAMA, Counsellor of Embassy, Assistant Head of the Japanese League of Nations Office in Paris, Delegate at the Second General Conference on Communications and Transit ;

THE PRESIDENT OF THE REPUBLIC OF LATVIA :

Dr. M. WALTERS, Envoy Extraordinary and Minister Plenipotentiary to His Majesty the King of Italy, Delegate at the Second General Conference on Communications and Transit ;

THE PRESIDENT OF THE REPUBLIC OF LITHUANIA :

M. C. DOBKEVICIUS, Counsellor at the Lithuanian Legation in Paris, Delegate at the Second General Conference on Communications and Transit ;

HIS MAJESTY THE KING OF NORWAY :

M. Gabriel SMITH, Delegate at the Second General Conference on Communications and Transit ;

HER MAJESTY THE QUEEN OF THE NETHERLANDS :

Jonkheer W. J. M. VAN EYSINGA, Professor at the University of Leyden, Member of the Advisory and Technical Committee for Communications and Transit, Delegate at the Second General Conference on Communications and Transit ;

THE PRESIDENT OF THE POLISH REPUBLIC :

Professor Bohdan WINIARSKI, Vice-Chairman of the Advisory and Technical Committee for Communications and Transit, Delegate at the Second General Conference on Communications and Transit ;

THE PRESIDENT OF THE PORTUGUESE REPUBLIC :

M. A. Bartholomeu FERREIRA, Envoy Extraordinary and Minister Plenipotentiary of the Portuguese Republic to the Swiss Federal Council ;

HIS MAJESTY THE KING OF ROUMANIA :

Professor Georges POPESCO, Inspector-General, Director-General of Ports and Waterways, Delegate at the Second General Conference on Communications and Transit ;

THE PRESIDENT OF THE REPUBLIC OF SALVADOR :

M. J. G. GUERRERO, Envoy Extraordinary and Minister Plenipotentiary to the President of the French Republic and to His Majesty the King of Italy, Delegate at the Second General Conference on Communications and Transit ;

HIS MAJESTY THE KING OF THE SERBS, CROATS AND SLOVENES :

M. B. VOUKOVITCH, Director of the State Railways, Delegate at the Second General Conference on Communications and Transit ;

HIS MAJESTY THE KING OF SIAM :

M. Phya SANPAKITCH PREECHA, Envoy Extraordinary and Minister Plenipotentiary to His Majesty the King of Spain and to His Majesty the King of Italy, Delegate at the Second General Conference on Communications and Transit ;

HIS MAJESTY THE KING OF SWEDEN :

Baron ALSTRÖMER, Envoy Extraordinary and Minister Plenipotentiary to the Swiss Federal Council ;

THE SWISS FEDERAL COUNCIL :

Dr. Robert HEROLD, Director of the Railway Division of the Federal Department of Posts and Railways, Member of the Advisory and Technical Committee for Communications and Transit, Delegate at the Second General Conference on Communications and Transit ;

THE PRESIDENT OF THE CZECHOSLOVAK REPUBLIC :

Dr. Robert FLIEDER, Envoy Extraordinary and Minister Plenipotentiary to the Swiss Federal Council, and

Dr. Frederic ZADNIK, Ministerial Counsellor at the Ministry of Railways, Delegate at the Second General Conference on Communications and Transit ;

THE PRESIDENT OF THE REPUBLIC OF URUGUAY :

M. Benjamin FERNANDEZ Y MEDINA, Envoy Extraordinary and Minister Plenipotentiary to His Majesty the King of Spain, Chairman of the Advisory and Technical Committee for Communications and Transit ;

who, after communicating their full powers, found in good and due form, have agreed as follows :

Article 1.

The Contracting States declare that they accept the Statute on the International Regime of Railways annexed hereto adopted by the Second General Conference on Communications and Transit which met at Geneva on November 15, 1923.

This Statute shall be deemed to constitute an integral part of the present Convention.

Consequently, they hereby declare that they accept the obligations and undertakings of the said Statute in conformity with the terms and in accordance with the conditions set out therein.

Article 2.

The present Convention does not in any way affect the rights and obligations arising out of the provisions of the Treaty of Peace signed at Versailles on June 28, 1919, or out of the provisions of the other corresponding Treaties, in so far as they concern the Powers which have signed, or which benefit by, such Treaties.

Article 3.

The present Convention, of which the French and English texts are both authentic, shall bear this day's date, and shall be open for signature until October 31, 1924, by any State represented at the Conference of Geneva, by any Member of the League of Nations, and by any States to which the Council of the League of Nations shall have communicated a copy of the Convention for this purpose.

Article 4.

The present Convention is subject to ratification. The instruments of ratification shall be deposited with the Secretary-General of the League of Nations, who shall notify their receipt to every State signatory of or acceding to the Convention.

Article 5.

On and after November 1, 1924, the present Convention may be acceded to by any State represented at the Conference referred to in Article 1, by any Member of the League of Nations, or by any State to which the Council of the League of Nations shall have communicated a copy of the Convention for this purpose.

Accession shall be effected by an instrument communicated to the Secretary-General of the League of Nations to be deposited in the Archives of the Secretariat. The Secretary-General shall at once notify such deposit to every State signatory of or acceding to the Convention.

Article 6.

The present Convention will not come into force until it has been ratified in the name of five States. The date of its coming into force shall be the ninetieth day after the receipt by the Secretary-General of the League of Nations of the fifth ratification. Thereafter, the present Convention will take effect in the case of each Party ninety days after the receipt of its ratification or of the notification of its accession.

In compliance with the provisions of Article 18 of the Covenant of the League of Nations, the Secretary-General will register the present Convention upon the day of its coming into force.

Article 7.

A special record shall be kept by the Secretary-General of the League of Nations showing, with due regard to the provisions of Article 9, which of the Parties have signed, ratified, acceded to or denounced the present Convention. This record shall be open to the Members of the League at all times; it shall be published as often as possible, in accordance with the directions of the Council.

Article 8.

Subject to the provisions of Article 2 above, the present Convention may be denounced by any Party thereto after the expiration of five years from the date when it came into force in respect of that Party. Denunciation shall be effected by notification in writing addressed to the Secretary-General of the League of Nations. Copies of such notification shall be transmitted forthwith by him to all the other Parties, informing them of the date on which it was received.

A denunciation shall take effect one year after the date on which the notification thereof was received by the Secretary-General, and shall operate only in respect of the notifying State.

Article 9.

Any State signing or adhering to the present Convention may declare, at the moment either of its signature, ratification or accession, that its acceptance of the present Convention does not include any or all of its colonies, overseas possessions, protectorates or overseas territories under its sovereignty or authority and may subsequently adhere, in conformity with the provisions of Article 5, on behalf of any such colony, overseas possession, protectorate or territory excluded by such declaration.

Denunciation may also be made separately in respect of any such colony, overseas possession, protectorate or territory, and the provisions of Article 8 shall apply to any such denunciation.

Article 10.

On the expiration of each period of five years after the coming into force of the present Convention, its revision may be demanded by five Contracting States. At all other times revision of the present Convention may be demanded by one-third of the Contracting States.

En foi de quoi les plénipotentiaires sus-nommés ont signé la présente convention.

Fait à Genève, le neuf décembre mil neuf cent vingt-trois, en un seul exemplaire qui restera déposé dans les archives du Secrétariat de la Société des Nations.

In faith whereof the above-named plenipotentiaries have signed the present Convention.

Done at Geneva the ninth day of December, one thousand nine hundred and twenty-three, in a single copy which shall remain deposited in the Archives of the Secretariat of the League of Nations.

ALLEMAGNE	SEELIGER P. WOLF	GERMANY
AUTRICHE	EMERICH PFLÜGL	AUSTRIA
BELGIQUE	XAVIER NEUJEAN	BELGIUM
BRÉSIL	E. LEITÃO DE CARVALHO. E. MONTARROYOS	BRAZIL
EMPIRE BRITANNIQUE	H. LLEWELLYN SMITH	BRITISH EMPIRE
NOUVELLE-ZÉLANDE	J. ALLEN.	NEW ZEALAND
INDE	HARDINGE OF PENSHURST.	INDIA
BULGARIE	D. MIKOFF	BULGARIA
CHILI	FRANCISCO RIVAS VICUÑA	CHILE
DANEMARK	A. HOLCK-COLDING	DENMARK
VILLE LIBRE DE DANTZIG	BOHDAN WINIARSKI	FREE CITY OF DANZIG
ESPAGNE	GMO. BROCKMANN	SPAIN
ESTHONIE	C. R. PUSTA	ESTHONIA
FINLANDE	URHO TOIVOLA	FINLAND

Sous la réserve prévue à l'article 9 de la présente Convention que ses dispositions n'engagent pas l'ensemble des Protectorats, Colonies, Possessions ou Territoires d'outre-mer soumis à la Souveraineté de la République française ou à son autorité ¹

Translation :

¹ Subject to the reservation contained in Article 9 of the present Convention to the effect that its provisions do not apply to the various protectorates, colonies, possessions or overseas territories under the sovereignty or authority of the French Republic.

FRANCE	MAURICE SIBILLE	FRANCE
GRÈCE	A. POLITIS D. G. PHOCAS	GREECE
HONGRIE	WALTER	HUNGARY
ITALIE	PAOLO BIGNAMI	ITALY
JAPON	S. OKUYAMA	JAPAN
LETTONIE	D ^r . M. WALTERS	LATVIA
LITHUANIE	DOBKEVICIUS	LITHUANIA
NORVÈGE	GABRIEL SMITH.	NORWAY
PAYS-BAS	v. EYSINGA, à l'exception des territoires d'outre-mer, Indes néerlandaises, Surinam et Curaçao ¹ .	NETHERLANDS
POLOGNE	BOHDAN WINIARSKI	POLAND
PORTUGAL	A. M. BARTHOLOMEU FERREIRA	PORTUGAL
ROUMANIE	G. POPESCO	ROUMANIA
SALVADOR	J. GUSTAVO GUERRERO	SALVADOR
ROYAUME DES SERBES, CROATES ET SLOVÈNES	B. VOUKOVITCH	KINGDOM OF THE SERBS, CROATS AND SLOVENES
SIAM	PHYA SANPAKITCH PREECHA	SIAM
SUÈDE	ALSTRÖMER	SWEDEN
SUISSE	HEROLD	SWITZERLAND
TCHÉCOSLOVAQUIE	D ^r ROBERT FLIEDER D ^r ŽADNIK	CZECHOSLOVAKIA
URUGUAY	B. FERNANDEZ Y MEDINA	URUGUAY

Translation :

¹ With the exception of the overseas territories, Netherlands Indies, Surinam and Curaçao.

STATUTE.

PART I.

INTERCHANGE OF INTERNATIONAL TRAFFIC BY RAIL.

CHAPTER I. — JUNCTION OF INTERNATIONAL LINES.

Article 1.

With a view to establishing such connections between their railway systems as are demanded by the requirements of international traffic, the Contracting States undertake :

In cases where the said railway systems are already in contact, to provide for a through service connecting the existing lines wherever the needs of international traffic so require ;

In cases where the existing connections are not sufficient to meet the requirements of the said traffic, to communicate to each other without delay, and to examine together, in a friendly spirit, their schemes for the reinforcing of existing lines or the construction of new lines the junction of which with the railway systems of one or more Contracting States, or the extension of which on to the territory of one or more Contracting States, would meet such requirements.

The foregoing provisions do not involve any obligation affecting lines constructed in the interests of particular localities or of national defence.

Article 2.

In view of the general importance to users of railways, and in particular to passengers, of performance of the various exit and entry formalities at the same place, those States which do not feel themselves prevented from doing so by considerations of another nature shall endeavour to secure this object either by establishing common frontier stations, or at least common stations for traffic in each direction, or by any other suitable means.

The State on whose territory the common frontier station is situated shall afford to the other State every facility for establishing and working the offices necessary for the services indispensable to international traffic.

Article 3.

The State on whose territory the junction lines or frontier stations are situated shall, without prejudice to its rights of sovereignty or authority, which shall remain intact, afford to the State officials or railway employees of the other State support and assistance in the exercise of their duties with a view to facilitating international traffic.

CHAPTER II. — WORKING ARRANGEMENTS FOR INTERNATIONAL TRAFFIC.

Article 4.

Recognising the necessity of granting sufficient elasticity in the operation of railways to allow the complex needs of traffic to be met, it is the intention of the Contracting States to maintain

unimpaired full freedom of operation while ensuring that such freedom is exercised without detriment to international traffic.

They undertake to give reasonable facilities to international traffic and to refrain from all discrimination of an unfair nature directed against the other Contracting States, their nationals or their vessels.

The benefit of the provisions of the present article is not confined to traffic governed by a single contract ; it extends also to the traffic dealt with in Articles 21 and 22 of the present Statute subject to the conditions specified in the said articles.

Article 5.

As regards the facilities to be afforded to international passenger and baggage traffic, services shall be so organised that the time-tables shall be more favourable and the conditions of speed and comfort shall be better, in accordance with the greater importance of the traffic movements with which such services deal.

The States shall encourage the establishment of through trains or, failing through trains, the running of through carriages on the main international traffic routes, and all other measures calculated to make travel on the said routes particularly speedy and comfortable.

Article 6.

As regards the facilities to be afforded to international goods traffic, services shall be organised in such a manner as to ensure conditions of speed and regularity in accordance with the importance of the traffic carried.

The States shall encourage technical measures of all kinds calculated to ensure an exceptionally efficient service on the routes by which international traffic of exceptional importance passes.

Article 7.

In the event of international traffic being temporarily suspended or restricted on a given route, the administrations working lines on that route, in so far as it is within their province to take remedial measures, shall endeavour to re-establish a normal service as soon as possible, and, in the meantime, to send the traffic by another route, if necessary with the aid of the administrations of other States which may be in a position to give assistance over their systems.

Article 8.

The Contracting States shall so regulate their Customs and police formalities as to subject international traffic to the least possible hindrance and delay. The same obligation shall apply to passport formalities in so far as such are required.

The Contracting States shall specially encourage measures calculated to restrict the formalities at frontier stations, and particularly agreements concerning the fastening of wagons and the sealing of baggage passing through under Customs control, and also arrangements allowing Customs formalities to be carried out in the interior of a country.

PART II.

RECIPROCITY IN THE USE OF ROLLING-STOCK : TECHNICAL UNIFORMITY.

Article 9.

So far as circumstances reasonably permit, the Contracting States shall urge the railway administrations under their sovereignty or authority, whose lines form a continuous system of the same gauge, to enter into agreements with each other providing for all such measures as are calculated to allow or facilitate the exchange and reciprocal use of rolling-stock.

Such agreements may also provide for giving assistance by the supply of empty wagons in cases where such assistance is necessary to meet the needs of international traffic.

Measures which would entail modifications in the essential characteristics of a railway system or rolling-stock are not included among the measures to be dealt with in the above-mentioned agreements.

Nevertheless, in cases where such modifications appear specially desirable owing to the intensity of the traffic and the comparatively small extent of the adaptation required, the Contracting States concerned agree to communicate to each other without delay any proposal as to such modifications and to examine such proposals together in a friendly spirit.

Article 10.

With a view to facilitating the reciprocal use of rolling-stock, the Contracting States shall facilitate the conclusion of agreements for technical uniformity of railways, particularly in respect of the construction and maintenance of rolling-stock, and the loading of wagons, in so far as such agreements may be advantageous for the proper carriage of international traffic.

With a view to affording international traffic all the facilities and security desirable, such agreements may, particularly in the case of groups of contiguous countries, provide for the standardisation of conditions of construction and of railway equipment of a technical nature.

Article 11.

Special agreements may also provide for assistance by the supply of locomotives and, should the international traffic concerned justify it, by the supply of fuel or electric power.

Article 12.

Special agreements between States may provide that the rolling-stock of any administration, including locomotives and all movable property forming part of and contained in such rolling-stock, shall be immune from seizure on the territory of a State other than that to which the owning administration belongs, except in virtue of a judgment of the courts of the latter State.

Article 13.

The use and the circulation in international traffic of wagons of private persons, or organisations other than railway administrations, shall be dealt with by special agreements.

PART III.

RELATIONS BETWEEN THE RAILWAY AND ITS USERS.

Article 14.

In the interests of international traffic, the Contracting States shall, so far as circumstances reasonably permit, facilitate the conclusion of agreements permitting the use of a single contract to cover an entire journey ; in such agreements an effort will be made to attain the greatest possible measure of uniformity in the conditions governing the execution of the through contract by each of the various administrations taking part in the carrying of the traffic.

Article 15.

Failing a single transport contract, reasonable facilities shall be afforded for the carriage on successive contracts of traffic passing over the railways of two or more Contracting States

Article 16.

The principal matters to be dealt with by the special agreements relating to the single transport contract for passengers and baggage are the following :

- (a) The conditions under which the railway is obliged to accept, or is at liberty to reject, the transport contract ;
- (b) The conditions governing the conclusion of the transport contract and the drawing up of the document containing the terms of the contract ;
- (c) The obligations and regulations with which the passenger is obliged to comply ;
- (d) The passenger's obligations as regards the compliance with other formalities (such as Customs formalities) connected with the journey and necessary for its completion ;
- (e) The conditions of delivery of baggage ;
- (f) The provisions applicable in the case of interruption of service or other hindrances to the completion of the journey ;
- (g) The responsibility assumed by the railways under the transport contract ;
- (h) Rights of action arising out of the transport contract and the enforcement of judgments.

Article 17.

The principal matters to be dealt with by the special agreements relating to the single transport contract for goods are the following :

- (a) The conditions under which the railway is obliged to accept, or is at liberty to reject, the transport contract ;
- (b) The conditions governing the conclusion of the transport contract and the drawing up of the document containing the terms of the contract ;
- (c) Definition of the obligations and responsibilities of the various parties concerned in the contract concluded with the railway ;
- (d) Provisions relating to the route to be followed and to the time-limit, if any, within which the transport should be completed ;

- (e) The conditions regulating compliance during the journey with other formalities (such as Customs formalities) connected with and necessary for the carriage of the goods ;
- (f) The conditions governing the delivery of the goods, and the conditions of payment of the railway charges ;
- (g) The guarantees given to the railway for the payment of its charges ;
- (h) The measures to be taken in case of obstacles preventing carriage or delivery ;
- (i) The responsibility assumed by the railway under the transport contract ;
- (j) Rights of action arising out of the transport contract and the enforcement of judgments.

PART IV.

TARIFFS.

Article 18.

The tariffs in force in accordance with national laws and duly published before coming into force shall fix :

In respect of passengers and baggage, the rates for carriage, including incidental charges, if any, and the conditions under which they shall be applied ;

In respect of goods, the rates for carriage, including incidental charges, the classification of goods to which these rates are applicable and the conditions to which such application shall be subject.

The railways shall be obliged to grant to any traffic the tariff applicable to it, provided that the traffic fulfils the conditions of the tariff.

Article 19.

As regards international traffic, the railways may not levy, over and above the charges fixed in the tariffs applicable to any particular traffic, any charges other than those which constitute an equitable remuneration for services which are not covered by the charges fixed in the tariffs.

Article 20.

The Contracting States, recognising the necessity in general of leaving tariffs sufficient flexibility to permit of their being adapted as closely as possible to the complex needs of trade and commercial competition, retain full freedom to frame their tariffs in accordance with the principles accepted by their own legislation, provided that this freedom is exercised without detriment to international traffic.

They undertake to apply to international traffic tariffs which are reasonable both as regards their amounts and the conditions of their application, and undertake to refrain from all discrimination of an unfair nature directed against the other Contracting States, their nationals or their vessels.

These provisions shall not prevent the establishment of combined rail and sea tariffs which comply with the principles laid down in the previous paragraphs.

Article 21.

The benefit of the provisions of Article 20 shall not be confined to transport based on single contracts. It shall extend equally to transport made up of successive stages by rail, by sea or

by any other mode of transport traversing the territory of more than one Contracting State and regulated by separate contracts, subject to the fulfilment of the following conditions :

Each of the successive contracts must specify the initial source and final destination of the consignment ; during the whole duration of carriage the goods must remain under the supervision of the carriers and must be forwarded by each carrier to his successor direct and without delay other than that necessary for the completion of the transport operations and the Customs, octroi, police or other administrative formalities.

Article 22.

The provisions of Article 20 shall be equally applicable to internal, as well as to international, traffic by rail as regards goods which remain temporarily at the port without regard to the flag under which they have been imported or will be exported.

Article 23.

The Contracting States shall endeavour to promote the establishment of international tariffs to meet all the needs of international traffic which they can reasonably satisfy. They shall also facilitate the adoption of all measures tending, even apart from international tariffs, to make possible the ready calculation of the transport charges as regards the more important movements of traffic.

Article 24.

The Contracting States shall endeavour to obtain uniformity in the mode of presentation of both international and national tariffs, particularly in respect of groups of contiguous territories, with a view to facilitating the application of such tariffs in respect of international traffic.

PART V.

FINANCIAL ARRANGEMENTS BETWEEN RAILWAY ADMINISTRATIONS IN THE INTEREST OF INTERNATIONAL TRAFFIC.

Article 25.

The financial arrangements between railway administrations shall be such as not to hamper the working of international traffic and particularly the application of single transport contracts.

Article 26.

As regards railway receipts, the matters to be dealt with by these arrangements are, more particularly, the following :

- (a) Regulations respecting the right of each administration to receive its share of the sums due to the railways ;
- (b) Regulations respecting the responsibility of an administration which fails to collect a sum for the collection of which it is responsible ;

- (c) Arrangements to be made to ensure the accuracy of accounts where administrations entrust such accountancy work to other administrations ;
- (d) Arrangements for reducing, so far as circumstances permit, the actual transfer of funds necessitated by financial settlements between administrations.

Article 27.

As regards sums which a railway has paid to its users, the matters to be dealt with in arrangements between railway administrations are, more particularly, the following :

- (a) Regulations regarding the right of recourse of an administration which has paid compensation against other administrations taking part in the carriage ;
- (b) Provisions determining the responsibilities of the different administrations or the responsibilities which they agree to share ;
- (c) Provisions dealing with the recourse of administrations against each other in the case of one of them deciding to refund a sum levied in excess of the amount due to the railway (overcharge) ;
- (d) Rules as to the recognition by the administrations of a judgment which has been given against one of them obliging it to make a payment.

Article 28.

Where, as the result of the state of the exchanges, difficulties arise constituting a serious hindrance to international traffic, measures shall be taken to reduce such inconveniences to a minimum.

Any railway administration which is subject to the risk of appreciable loss on currency exchange in the settlement of accounts may protect itself by adding to its through transport charges such a premium as may be reasonably sufficient to cover such risk. The arrangements between the railway administrations may provide for fixed rates of exchange subject to periodical revision.

Measures shall be taken to prevent as far as possible any improper speculations being made by intermediaries in the course of the transactions necessitated by the state of the exchanges.

PART VI.

GENERAL REGULATIONS.

Article 29.

Measures of a general or particular character which a Contracting State is obliged to take in case of an emergency affecting the safety of the State or the vital interests of the country may, in exceptional cases, and for as short a period as possible, involve a deviation from the provisions of the above articles, it being understood that the principles of the present Statute must be observed to the utmost possible extent.

Article 30.

No Contracting State shall be bound by this Statute to ensure the transit of passengers whose admission into its territories is forbidden, or of goods of a kind of which the importation is prohibited, either on grounds of public health or security or as a precaution against diseases of animals or plants. As regards traffic other than traffic in transit, no Contracting State shall be bound by this Statute to ensure the transport of passengers whose admission to its territory is prohibited, or of goods of which the import or export is prohibited by its national laws.

Each Contracting State shall be entitled to take the necessary precautionary measures in respect of the transport of dangerous goods or goods of a similar character, it being understood that such measures must not result in any discrimination contrary to the principles of the present Statute, and also to enforce general police measures, including police measures in connection with emigration traffic.

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

Article 31.

The provisions of this Statute do not of themselves impose on any Contracting States any new obligation to facilitate the transport of nationals of a non-contracting State, or their baggage, or of goods, carriages, or wagons coming from or destined to a non-contracting State.

Article 32.

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

Article 33.

This Statute does not entail in any way the withdrawal of facilities which are greater than those provided for in the Statute and which have been granted to international traffic by rail under conditions consistent with its principles. This Statute also entails no prohibition of such grant of greater facilities in the future.

Article 34.

In conformity with Article 23 (*e*) of the Covenant of the League of Nations, any Contracting State which can establish a good case against the application of any provision of this Statute, in part or all of its territory, on the ground of the grave economic situation arising out of the acts of devastation perpetrated on its soil during the war 1914-1918, shall be deemed to be relieved temporarily of the obligations arising from the application of such provision, it being understood that the principles of this Statute must be observed to the utmost possible extent.

Article 35.

Should a dispute arise between two or more Contracting States as to the interpretation or the application of the present Statute, and should it prove impossible to settle such dispute either directly between the Parties or by any other method of amicable settlement, the Parties to the dispute may, before resorting to any procedure of arbitration or to a judicial settlement, submit the dispute for an advisory opinion to the body established by the League of Nations as the advisory and technical organisation of Members of the League for matters of communications and transit. In urgent cases, a preliminary opinion may be given recommending temporary measures, including measures to restore the facilities for international traffic which existed before the act or occurrence which gave rise to the dispute.

Should it prove impossible to settle the dispute by any of the methods of procedure enumerated in the preceding paragraph, the Contracting States shall submit their dispute to arbitration unless they have decided, or shall decide, under an agreement between them, to bring it before the Permanent Court of International Justice¹.

Article 36.

If the case is submitted to the Permanent Court of International Justice, it shall be heard and determined under the conditions laid down in Article 27 of the Statute of the Court.

If arbitration is resorted to, and unless the Parties decide otherwise, each Party shall appoint an arbitrator, and a third member of the arbitral tribunal shall be elected by the arbitrators, or, in case the latter are unable to agree, shall be selected by the Council of the League of Nations from the list of assessors for communications and transit cases mentioned in Article 27 of the Statute of the Permanent Court of International Justice; in such latter case the third arbitrator shall be selected in accordance with the provisions of the penultimate paragraph of Article 4 and the first paragraph of Article 5 of the Covenant of the League.

The arbitral tribunal shall judge the case on the basis of the terms of reference mutually agreed upon between the Parties. If the Parties have failed to reach an agreement, the arbitral tribunal acting unanimously shall itself draw up terms of reference after considering the claims formulated by the Parties; if unanimity cannot be obtained, the Council of the League of Nations shall decide the terms of reference under the conditions laid down in the preceding paragraph. If the procedure is not determined by the terms of reference, it shall be settled by the arbitral tribunal.

During the course of the arbitration the Parties, in the absence of any contrary provision in the terms of reference, are bound to submit to the Permanent Court of International Justice any question of international law or question as to the legal meaning of this Statute the solution of which the arbitral tribunal, at the request of one of the Parties, pronounces to be a necessary preliminary to the settlement of the dispute.

Article 37.

The Contracting States shall facilitate the conclusion of special agreements for the purpose of putting the provisions of the present Statute into force in cases where existing agreements are not adequate for this purpose.

Article 38.

The provisions of this present Statute may be extended by special conventions to transport undertakings operating means of transport other than railways, particularly where such undertakings are ancillary to railway transport.

¹ Vol. VI, page 379; Vol. XI, page 404; Vol. XV, page 304; Vol. XXIV, page 152; Vol. XXVII, page 146; Vol. XXXIX, page 165 and Vol. XLV, page 96, of this Series.

Such undertakings shall thereupon be subject to all the obligations imposed and shall be entitled to all the rights conferred upon railways by the present Statute.

Nevertheless, the special conventions referred to in first paragraph may allow of any exceptions to the present Statute which may be necessary owing to the difference in the methods of transport. In particular, in the case of contracts relating to international traffic carried partly by rail and partly by sea, such exceptions may provide for the application of maritime law to the sea journey.

Article 39.

Should special conventions as provided for in Article 38 not be applicable, reasonable facilities shall be afforded for the movement of traffic by rail and a different means of transport, such as transport by sea.

Article 40.

The Contracting States undertake to introduce into those existing conventions which contravene the provisions of this Statute, so soon as circumstances permit and in any case on the expiry of such conventions, the modifications required to bring them into harmony with such provisions, so far as the geographical, economic or technical circumstances of the countries or areas concerned allow.

Article 41.

Without prejudice to the application of Article 24 of the Covenant of the League of Nations, all offices or bureaux which have been, or may be, set up by international conventions to facilitate the settlement between States of questions concerning transport by rail shall be regarded as animated by the same spirit as the organisations of the League of Nations, and — for the purposes of the execution of the present Statute — as extending, within their particular sphere, the action of these organisations; they will therefore exchange with the competent organisations of the League all relevant information concerning the fulfilment of their function of international co-operation.

Article 42.

The Contracting States shall take all necessary steps to communicate to the League of Nations all information likely to assist the organisations of the League in carrying out the tasks which fall to them with a view to the application of the present Convention.

Article 43.

It is understood that this Statute must not be interpreted as regulating in any way rights and obligations *inter se* of territories forming part of or placed under the protection of the same sovereign State, whether or not these territories are individually Contracting States.

Article 44.

Nothing in the preceding Articles is to be construed as affecting in any way the rights or duties of a Contracting State as Member of the League of Nations.

PROTOCOLE DE SIGNATURE DE LA CONVENTION
SUR LE RÉGIME INTERNATIONAL DES VOIES FERRÉES.

PROTOCOL OF SIGNATURE
TO THE CONVENTION ON THE INTERNATIONAL REGIME OF RAILWAYS.

Au moment de procéder à la signature de la Convention sur le régime international des voies ferrées, conclue à la date de ce jour, les sous-signés, dûment autorisés, sont convenus de ce qui suit :

1^o Il est entendu que toute différence de traitement entre pavillons, fondée exclusivement sur la considération du pavillon, doit être considérée comme discrimination de caractère malveillant au sens des articles 4 et 20 du Statut sur le régime international des voies ferrées.

2^o Dans le cas où un Etat ou territoire auquel la convention ne s'applique pas aurait même pavillon ou même nationalité qu'un Etat contractant, cet Etat ou ce territoire ne pourra se prévaloir d'aucun droit assuré par le présent statut au pavillon ou aux nationaux des Etats contractants.

Le présent protocole aura les mêmes force, valeur et durée que le statut conclu à la date de ce jour et dont il doit être considéré comme faisant partie intégrante.

Fait à Genève, le neuf décembre mil neuf cent vingt-trois.

At the moment of signing the Convention of to-day's date relating to the International Regime of Railways, the undersigned, duly authorised, have agreed as follows :

(1) It is understood that any differential treatment of flags based solely on the consideration of the flag should be considered as discrimination of an unfair nature in the sense of Articles 4 and 20 of the Statute on the International Regime of Railways.

(2) In the event of the flag or nationality of a Contracting State being identical with the flag or nationality of a State or territory which is outside the Convention, no claim can be advanced on behalf of the latter State or territory to participate in the benefits assured by this Statute to the flag or nationals of Contracting States.

The present Protocol will have the same force, effect and duration as the Statute of to-day's date, of which it is to be considered as an integral part.

Done at Geneva, the ninth day of December one thousand nine hundred and twenty-three.

[Suivent les mêmes signatures que celles figurant à la fin de la convention.]

[Here follow the same signatures as those appearing at the end of the Convention.]