

N° 1537.

ALLEMAGNE ET POLOGNE

Accord concernant l'utilisation par la Pologne de trois bâtiments situés à Korzeniowo (Kurzebrack) et l'accès à ces bâtiments, avec protocole final. Signés à Posen, le 23 juin 1923.

GERMANY AND POLAND

Agreement regarding the Utilisation by Poland of three Buildings at Korzeniowo (Kurzebrack) and Access to those Buildings, with Final Protocol. Signed at Posen, June 23, 1923.

TEXTE ALLEMAND. — GERMAN TEXT.

N^o 1537. — POLNISCH-DEUTSCHES ABKOMMEN ¹ ÜBER DIE BENUTZUNG VON BAULICHKEITEN IN KURZEBRACK DURCH POLEN UND ÜBER DEN ZUGANG ZU DIESEN BAULICHKEITEN, GEZEICHNET IN POSEN, AM 23. JUNI, 1923.

*German and Polish official texts communicated by the Polish Delegate accredited to the League of Nations.
The registration of this Agreement took place September 27, 1927.*

Nachdem die Kommission zur Festsetzung der polnisch-deutschen Grenzen in ihrer Sitzung vom 13. März 1922 den unterm 15. September 1921 gemachten Vorschlag des italienischen und des japanischen Mitgliedes der Kommission zum Beschluss erhoben hat, wonach zum Zwecke der Ausnutzung des Hafens von Kurzebrack das Eigentum an drei zu den Hafenanlagen gehörigen Baulichkeiten auf dem deutsch verbliebenen Gebiete ohne Übergang der Staatshoheit Polen zuerkannt und der Zugang dazu für Polen sichergestellt werden sollte, sind POLEN und DEUTSCHLAND übereingekommen, zur Durchführung dieses Beschlusses ein Abkommen zu schliessen, und haben zu diesem Zwecke zu ihren Bevollmächtigten ernannt :

POLEN :

den Liquidationskommissar Mathias VON KOCZOROWSKI ;

DEUTSCHLAND :

den Gesandten Dr. Paul ECKARDT.

Die Bevollmächtigten haben sich, nachdem sie einander ihre Vollmachten mitgeteilt und diese in guter und gehöriger Form befunden haben, über folgende Bestimmungen geeinigt :

Artikel 1.

Der Umfang des Gebiets, das auf Grund des Beschlusses der Kommission zur Festsetzung der polnisch-deutschen Grenzen vom 13. März 1922 im Dorfe Kurzebrack (Korzeniowo) im Kreise Marienwerder (Kwidzyn) Polen als Eigentum zufallen soll, bestimmt sich nach der anliegenden, von der Grenzfestsetzungskommission auf Grund der Vermessungsarbeiten der beiderseitigen Techniker aufgestellten Karte, in der dieses Gebiet mit 1, 2 und 3 bezeichnet ist. Das Gebiet setzt sich danach zusammen aus :

1. dem sogenannten Kommissionshaus ;
2. dem Lagerschuppen ;
3. dem sogenannten Strommeistergehöft ;

nebst Nebenbaulichkeiten und den die Gebäude umgebenden Geländestreifen.

¹ The exchange of ratifications took place at Warsaw, July 5, 1927.

¹ TRANSLATION.

No. 1537. — AGREEMENT BETWEEN GERMANY AND POLAND REGARDING THE UTILISATION BY POLAND OF THREE BUILDINGS AT KORZENIOWO (KURZEBRACK) AND ACCESS TO THOSE BUILDINGS. SIGNED AT POSEN, JUNE 23, 1923.

The Polish-German Boundary Commission having at its meeting of March 13, 1922, adopted a proposal submitted by the Italian and Japanese members of the Commission on September 15th, 1921, whereby the ownership of three buildings belonging to the port installations on territory remaining German is attributed to Poland, without transfer of sovereignty, in order that Poland may have the use of the port of Kurzebrack, and whereby access to those buildings is guaranteed to Poland, Poland and Germany have resolved to conclude an agreement in execution of this decision, and for this purpose have appointed as Plenipotentiaries :

POLAND :

M. Maciej KOCZOROWSKI, Liquidation Commissioner ;

GERMANY :

Dr. Paul ECKARDT, Minister Plenipotentiary ;

Who, having communicated their full powers found in good and due form, have agreed as follows :

Article 1.

The area of the territory, the ownership of which is, in virtue of the decision of the Polish-German Boundary Commission, dated March 13, 1922, to be attributed to Poland and which is situated in the village of Kurzebrack (Korzeniowo) in the Kreis of Marienwerder (Kwidzyn), is defined in the sketch annexed to the present Agreement, prepared by the Boundary Commission on the basis of surveys made by the Polish and German experts. On this sketch the territory in question is indicated by Nos 1, 2 and 3, and thus includes :

(1) The house known as the « *Kommissionshaus* » ;

(2) The shed for the storage of material ;

(3) The house known as the « *Strommeistergehöft* »,

together with the adjoining buildings and strips of land surrounding the buildings.

Article 2.

The German Government will take the necessary measures to see that the Polish Treasury is entered in the German land register as the owner of the territory mentioned in Article 1, without any charges or obligations, and to see that the said territory is transferred to the Polish autho-

¹ Translated by the Secretariat of the League of Nations.

rities, if it has not already been transferred, with a view to its use by the latter in accordance with Article 3. This territory shall not be alienated by Poland to others than Poles, without the consent of the German Government.

Article 3.

1. The Polish Government is authorised, with a view to the use of the port of Kurzebrack (Korzeniowo), to employ the territory mentioned in Article 1 in any way compatible with German law. In particular, the Polish Government may convert or construct buildings in accordance with plans of its own on the territory recognised as being in Polish ownership. The officials entrusted with the supervision of buildings shall, in the exercise of such supervision, take full account of Polish requirements for which the Boundary Commission has given a guarantee. The Polish Government shall issue orders to Polish officials and employees occupying the buildings mentioned in Article 1 or discharging their duties therein to obey German laws. If a Polish official or employee infringes German laws, the Polish Government shall take the necessary steps to counteract such infringement and, on a subsequent offence, shall dismiss the official or employee, if the German Government so requests.

2. Poland undertakes :

(a) In accordance with the decision of the Boundary Commission, not to make use of the *Strommeistergehöft* for the accommodation of persons or animals suffering from infectious diseases, and to extend this provision to the other buildings ;

(b) Not to store in the buildings or on the adjoining land arms, ammunition or explosives, except the weapons to be carried by Polish officials in the exercise of their functions (Article 8).

Article 4.

Germany authorises the occupants of the « *Kommissionshaus* » to make joint use of that part of the ground on which the house is built not attributed Poland.

Article 5.

1. The German Government shall authorise the occupants of the buildings mentioned in Article 1 and persons employed there, to cross the frontier between Poland and Germany making use of the road which passes through the embankment cutting and along the slope leading up to the embankment, north of the « *Strommeistergehöft* ».

2. The German Government shall also grant to the persons mentioned in paragraph 1 full and complete freedom of movement over the ground mentioned in paragraph 3 and within the buildings and over the strips of ground mentioned in Article 1 as well as over the strip of ground specified in Article 4. This authorisation shall also be extended to an area not exceeding one acre (Morgan), which may be leased by the Polish Government or by the inhabitants of the three buildings in the immediate proximity of these buildings or strips of ground for use as gardens or for other cultivation.

3. The ground referred to in paragraph 2 comprises the following :

The top of the embankment from the point situated west of the « *Kommissionshaus* », where the Polish-German frontier curves westward, as far as the point where the slope joins the road along the embankment north-west of the « *Strommeistergehöft* »; the embankment cutting and the road leading to the « *Kommissionshaus* », including the slope round the grass-covered space in front of it ; the road which follows the embankment from the cutting as far as the slope ; the roads leading to the side entrances to the shed for the storage of material, passing by the two wooden bridges ; the road leading to the « *Strommeister-*

gehöft », passing through the carriage gate, keys for which shall be handed over by the German authorities ; finally, the carriage-way surrounding the shed for the storage of material, provided that this way is only used in connection with building work at the shed and that notification has been made to the German Customs authorities.

4. Should a flood or the breaking-up of ice make it impossible or dangerous to cross the Vistula at Kurzebrack, the German authorities shall authorise persons concerned, if necessary, and under conditions to be determined by the police of the two countries, to make use of the top of the German embankment between the Munsterwalde bridge and Johannisdorf.

Article 6.

1. Germany retains her sovereignty over the territory mentioned in Article 1 and over the roads leading to that territory, without prejudice to the provisions of the present Agreement which constitute exceptions to this rule.

2. In the absence of agreement to the contrary, only German officials shall have power to intervene officially in the event of punishable offences committed on the said territory and on the roads leading to it, Polish officials only having such right to intervene as is granted to private persons.

Article 7.

Polish officials and employees, for as long as they remain on the territory mentioned in Article 1, shall be subject to German jurisdiction and police regulations. As concerns the discharge of their duties, however, they shall be subject only to Polish laws and Polish authorities. If they are guilty of punishable offences in the performance of their duties, they shall be handed over to their own authorities, at the request of those authorities.

Article 8.

Polish officials making use of the right of access under Article 5 are authorised to wear uniform and to carry their service arms. On German territory, however, they may only make use of these arms in self-defence.

Article 9.

The German authorities shall grant the necessary protection to Polish authorities and officials discharging their duties on the territory mentioned in Article 1, and shall comply with requests for such protection submitted by the latter in the same way as if they were made by German authorities and officials.

Article 10.

Polish nationals inhabiting the territory mentioned in Article 1 shall retain their nationality.

Article 11.

Polish officials and employees inhabiting the territory mentioned in Article 1, and members of their families and servants living with them, shall enjoy the following privileges :

- (a) Exemption from all contributions under public law in the form of personal services and articles ;
- (b) Exemption from all public taxes levied in Germany, as if such persons had no domicile or residence there ;
- (c) Exemption from import duties for all articles intended for their use or personal consumption, or for their official requirements, and exemption from export duties for such of those articles as they take back to Poland after having made use of them. Similarly, these articles shall be exempt from German import and export prohibitions. The articles for which these privileges are claimed shall be admitted through the German Customs Office, which includes Kurzebrack in its sphere of administration, upon the production of a certificate issued by the immediate superior of the official or employee submitting the request and applying to himself and to persons living with him.

Article 12.

1. Persons not possessing German nationality who :

(a) Inhabit the territory mentioned in Article 1,

or

(b) Make use of the right of access to that territory as laid down in Article 5, must be provided with an official identity card containing personal particulars and a photograph.

2. Polish officials and employees inhabiting the territory mentioned in Article 1, or discharging their duties therein, shall receive from their official superiors an identity card of the kind valid in Upper Silesia for officials carrying out duties in German territory.

3. The names of all persons inhabiting, or who may in future inhabit, the territory mentioned in Article 1 must be regularly communicated to the competent German services.

4. The Polish nationals referred to in paragraph 3 shall be authorised to enter German territory situated outside the ground mentioned in Article 5, under the conditions laid down in Article 5 of the Agreement of April 29, 1922, concerning facilities granted to frontier traffic. The identity cards shall be issued by the " Starost " of Gniew (Mewe).

Article 13.

Articles imported for the requirements of the Polish services from Poland into the territory referred to in Article 1 shall be exempt from all Customs duties and other charges in force in Germany, both on importation and in the event of re-exportation.

Article 14.

1. Building and other materials imported from Poland for the needs of the port of Kurzebrack and warehoused in the shed mentioned in Article 1, shall be exempt from all import and export duties and from import and export prohibitions, provided that they are conveyed to the shed by the roads specified in paragraph 3 of Article 5 under German Customs supervision, that they are

warehoused under the joint control of the two Customs administrations and that they are re-exported to Poland by the same route under German Customs supervision. The German Government shall take the necessary measures to allow of their immediate removal from bond if occasion arises.

2. The Polish Government undertakes to fit up and maintain the shed or parts of the shed required to store the building materials mentioned in paragraph 1, in such a way that the shed and the parts thereof may be safely used as a bonded store.

Article 15.

1. The present Agreement shall be ratified and the instruments of ratification shall be exchanged as soon as possible.

2. The Agreement shall enter into force at the time of the exchange of the instruments of ratification.

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

Done in duplicate, in Polish and German, at Posen on June 23, 1923.

(Signed) Maciej KOCZOROWSKI.

(Signed) Paul ECKARDT.

PROTOCOL OF SIGNATURE.

When signing the Polish-German Agreement concerning the use by Poland of buildings at Kurzebrack and access to these buildings, the Plenipotentiaries have agreed upon the following provisions :

1. The officials of the Polish administration of the port of Kurzebrack shall be permitted to enter the German portion of the top of the embankment, south of the cutting, in order to ascertain the level of the water on water-gauge in the basin reserved for that purpose, and with that intention to cross the Polish-German frontier. The provisions of Article 8 and of paragraph 2, Article 12 of the Agreement shall then be applicable *mutatis mutandis*.

2. The Polish services shall keep the German police at Kurzebrack informed of the level of the water as shown on the water-gauge in the basin in question.

3. The foregoing provisions form an integral part of the above Agreement, and shall enter into force at the same time.

POSEN, *June 23, 1923.*

(Signed) Maciej KOCZOROWSKI.

(Signed) Paul ECKARDT.