

N° 1877.

**ITALIE
ET ROYAUME DES SERBES,
CROATES ET SLOVÈNES**

Convention pour le règlement des communications et du transit par chemins de fer. Signée à Belgrade, le 14 juillet 1924.

**ITALY AND
KINGDOM OF THE SERBS,
CROATS AND SLOVENES**

Convention regulating Railway Communications and Transit. Signed at Belgrade, July 14, 1924.

¹ TRADUCTION. — TRANSLATION.

No. 1877. — CONVENTION² BETWEEN THE KINGDOM OF ITALY AND THE KINGDOM OF THE SERBS, CROATS AND SLOVENES REGULATING RAILWAY COMMUNICATIONS AND TRANSIT. SIGNED AT BELGRADE, JULY 14, 1924.

French official text communicated by the Italian Minister for Foreign Affairs and the Permanent Delegate of the Kingdom of the Serbs, Croats and Slovenes accredited to the League of Nations. The registration of this Convention took place December 19, 1928.

HIS MAJESTY THE KING OF ITALY and HIS MAJESTY THE KING OF THE SERBS, CROATS AND SLOVENES, being desirous of establishing by mutual agreement the rules to be followed in regard to railway communications and transit between their States, in order to ensure a regular transport service pending the conclusion of a General Convention in application of Article 311 of the Treaty of Saint-Germain, have resolved to conclude a Convention for this purpose, and have appointed as their Plenipotentiaries :

HIS MAJESTY THE KING OF ITALY :

- His Excellency General Alessandro BODRERO, Grand Cross of the Order of the Crown of Italy, Officer of the Order of Saints-Maurice and Lazarus, Grand Cross of the Order of St. Sava and Commander of the White Eagle with Swords, Envoy Extraordinary and Minister Plenipotentiary at the Court of His Majesty the King of the Serbs, Croats and Slovenes ;
- M. Lodovico LUCIOLLI, Grand Cross of the Orders of Saints-Maurice and Lazarus and of the Crown of Italy, Grand Cross of the Order of St. Sava, Councillor of State ;
- and

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

- His Excellency Dr. Svetislav POPOVITCH, Grand Officer of the Order of St. Sava, Knight of the Order of the White Eagle, Minister for Communications ;
- M. Sava KOUKITCH, Grand Officer of the Order of St. Sava and Grand Officer of the Order of the Crown of Italy, former Director-General of Customs ;

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

¹ Traduit par le Secrétariat de la Société des Nations, à titre d'information.

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

² The exchange of ratifications took place at Rome, November 14, 1928.

I.

GENERAL PROVISIONS.

Article 1.

Railway goods traffic between the Contracting Parties shall be governed by the International Convention¹ on the Transport of Goods by Rail, concluded at Berne on October 14, 1890, as amended and supplemented by the Additional Agreements² of July 16, 1895, and the Additional Conventions of June 16, 1898³, and September 19, 1906; also by the common Supplementary rules and the five uniform Conventions drawn up by the International Committee on Transport by Rail, and by any arrangements, conventions and regulations which may be concluded hereafter and to which the High Contracting Parties may adhere. Should the Berne Convention now in force be replaced by a new international convention to which the High Contracting Parties adhere, this new convention shall be adopted by the said High Contracting Parties in place of the Berne Convention.

Nevertheless, in view of the technical and economic difficulties which still exist in certain branches of traffic, the railway administrations shall be empowered to conclude agreements providing for certain exceptions to the said Conventions.

Such agreements must be submitted to the respective Governments for ratification.

Similar agreements providing for exceptions may also be concluded when through tariffs are established, and they may be specifically mentioned in such tariffs.

In every case, exceptions shall be confined to such periods of time and within such limits as are strictly necessary.

The High Contracting Parties agree that such exceptions shall not relieve the railways of responsibility for loss or damage to goods or for delays in delivery.

Article 2.

The High Contracting Parties agree to take all suitable measures to remove the special obstacles impeding regular passenger and goods traffic, more especially international traffic carried over their lines.

For this purpose, they undertake in particular to open large frontier stations as soon as possible for international traffic consisting of passengers, baggage, packages and fully loaded wagons.

Further, no legal measures shall be put into execution in the territory of one Contracting Party against the property and appurtenances in that territory belonging to a railway of the other Contracting Party, more especially against permanent installations or rolling stock or against cash balances or credits arising out of traffic between the two countries.

Article 3.

Should train services be suspended or restricted on account of traffic difficulties, the railway administrations on whose system such difficulties occur shall, as soon as possible, come to an

¹ *British and Foreign State Papers*, Vol. 82, page 771.

² *British and Foreign State Papers*, Vol. 87, page 806.

³ *British and Foreign State Papers*, Vol. 92, page 433.

agreement with the railway administrations of the other State as to the conditions under which the service may be maintained from and to the territory of the High Contracting Parties.

The railway administrations of each of the High Contracting Parties shall endeavour to put an end to any interruption of traffic by all the means in their power and, when necessary, they shall apply for aid and assistance to the railways of the other Contracting Party.

Should any restrictions be placed upon internal traffic, traffic between the High Contracting Parties and traffic in transit from the territory of one of the High Contracting Parties shall not be subjected by either of the High Contracting Parties to more onerous restrictions than those laid down for its own traffic or for traffic in transit to the same country of destination.

Article 4.

The High Contracting Parties shall endeavour to take into account the requirements of through international traffic over railways in their territories, by establishing good train connections for passenger and goods traffic, and by lending each other all possible assistance. Through accelerated goods trains shall likewise be run for the transport of cattle, fresh fruit, flowers and meat and other perishable foodstuffs and goods.

They undertake to ensure that through rates for the carriage of passengers, baggage and goods, and also commercial and tariff regulations, shall be drawn up by agreement between the respective Railway Administrations.

Should one of the High Contracting Parties be obliged to conclude with a third State agreements relating to through railway carriage rates between its own territory and that of the said State, passing through the territory of the other High Contracting Party, the latter shall be bound to assist in fixing the through rates in question.

Article 5.

In principle, goods handed over for transport in the home country shall not be treated by either of the High Contracting Parties more favourably as regards carriage than goods handed over for transport in the territory of the other Contracting Party.

Nevertheless, goods which are of vital importance to a country, including goods consigned for transport in the interior and imports or exports may as an exception be temporarily accorded priority over traffic of less economic importance.

If, in abnormal circumstances, in the case of traffic to certain districts, the type and quantity of rolling-stock entering and leaving such districts and the tonnage in transit should be restricted to a certain quota, account shall be taken of the traffic of the two High Contracting Parties to these districts when allocating the quota, regard being had to actual requirements.

Article 6.

Each of the two High Contracting Parties reserves the right to draw up its own railway tariffs.

Nevertheless, as regards the application of the carriage rates for passengers, their baggage and goods, no distinction shall be made between the nationals of either High Contracting Party in respect of fares or rates, duration of transport and method of conveyance.

Goods dispatched from Italy to any station situated in the territory of the Kingdom of the Serbs, Croats and Slovenes, or goods passing in transit through the territory of that Kingdom, shall not be subject on the railways of the Kingdom of the Serbs, Croats and Slovenes to higher

rates than those applicable under the same conditions, in the same direction and for the same route, to the products of the said Kingdom or of any other State.

This rule shall likewise hold good for Italian railways in the case of goods dispatched from the Kingdom of the Serbs, Croats and Slovenes to any Italian station, or passing in transit through Italian territory.

Article 7.

The two High Contracting Parties undertake to accord each other the railway carriage rates applying to the traffic of any third State.

Nevertheless, reduced rates in respect of Adriatic traffic (Adriatic tariffs), established between one of the High Contracting Parties and a third State, shall only apply to the traffic of the other High Contracting Party by virtue of special agreements concluded for this purpose.

Each of the High Contracting Parties shall facilitate in its own territory the transit of foodstuffs, fresh flowers, coal, mineral oil and timber, including wooden sleepers coming from the territory of the other Contracting Party, and shall grant them the lowest rates fixed in the internal tariffs for the like traffic.

Article 8.

Traffic communications shall be assured as far as possible by means of good connections, by the introduction of time-tables with connecting trains for passenger and goods services, by the through passage and transit of passenger trains and, in general, by the Contracting Parties' making every possible provision for the requirements of the service, traffic and transport.

As regards the furnishing of rolling stock, account shall be taken of the requirements of internal traffic and of exportation to the territory of the High Contracting Parties on terms of perfect equality.

II.

TRAFFIC IN TRANSIT.

Article 9.

Passengers, baggage and goods, coaching and goods stock or other means of transport shall be deemed to be in transit across territory under the sovereignty or authority of the High Contracting Parties when the passage across such territory is only a portion of a complete journey, beginning and terminating beyond the frontier of the State across whose territory the transit takes place.

Traffic of this nature shall be termed "Traffic in transit".

Article 10.

Subject to the other provisions of the present Convention, the measures taken by the High Contracting Parties for regulating and forwarding traffic across territory under their sovereignty or authority shall facilitate free transit by rail. No distinction shall be made which is based on the nationality of persons, the place of origin, departure, entry, exit or destination or on any other

circumstances relating to the ownership of the goods, coaching or goods stock or other means of railway transport.

In this connection, it is also understood that the provisions laid down in the first paragraph likewise refer to carriage charges ; consequently, such charges may not be imposed, on products of foreign origin imported into the Kingdom of the Serbs, Croats and Slovenes after passing in transit through Italian territory or imported into Italy after passing in transit through the territory of the said Kingdom (whether they are intended for consumption, re-export or are in transit), in a different manner or under more onerous conditions merely because the products arrived after passing in transit through the territory of the other High Contracting Party instead of through the territory of any third State, or because they are consigned in transit to the other High Party instead of to a third State.

Article 11.

Tariffs shall be drawn up in such a way as to facilitate through traffic and traffic in transit as much as possible. No charges, facilities or restrictions shall depend directly or indirectly on the nationality or character of the owner or other means of railway transport on which any part of the complete journey has been or is to be accomplished.

Article 12.

Neither of the High Contracting Parties shall be bound by the present Convention to afford transit for passengers whose admission into its territory is forbidden or for 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.

Each of the High Contracting Parties shall have the right to take the necessary precautions to ensure that passengers, baggage and goods, particularly goods constituting a monopoly, and also coaching and goods stock or other means of railway transport are actually in transit, to make certain that passengers in transit are in a position to complete their journey and to prevent the safety of the tracks and means of communication from being endangered. The exercise of this right must not, however, involve any interference with traffic or be the cause of additional delay

Nothing in the present Convention 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 rights, or relating to false marks, false indications of origin or other methods of unfair competition.

Article 13.

Measures of a general or particular character which either of the Contracting Parties 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 departure from the provisions of the preceding Articles concerning transit, it being understood that the exercise of the right of transit shall be allowed to the fullest possible extent.

Article 14.

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

III.

CUSTOMS.

A). *Goods.**Article 15.*

Goods trains may cross the Customs frontiers at any time, Sundays and holidays included, by day or by night, provided the import, export, or transit of the goods is not prohibited by the regulations.

The necessary Customs formalities shall be carried out at the same time.

The arrival of all goods trains from other countries must be notified, in accordance with the Customs regulations, to the frontier Customs Office, to which the documents required by the Customs regulations shall at the same time be submitted.

Article 16.

The Railway Administrations shall be bound to communicate to the Customs offices at the stations and to the Customs agencies (railway Customs offices) the time tables of all trains crossing the frontier and the times of connections, together with any changes in these time tables, at least eight days before they come into force.

The railway Customs offices shall also be informed as soon as possible of any considerable delays, of the cancelling of trains and of the passing of any special trains or single locomotives.

Article 17.

Goods the passage of which has been duly notified and which are loaded in a wagon sealed in accordance with the regulations, and are to be consigned without transshipment to a station within the country with a Customs office competent to deal with them, shall be exempted from unloading and examination at the frontier and from the sealing of packages.

Goods which are loaded in the above-mentioned manner in wagons sealed in accordance with the regulations and which pass over the territory of one of the High Contracting Parties shall, if duly notified as being in transit, be exempted both within the country and at the frontiers from unloading and Customs examination and from the sealing of packages.

The application of the provisions contained in the two preceding paragraphs is subject to the condition that the railway administrations concerned are responsible for the arrival of the wagons with unbroken seals at the competent Customs offices in the interior or at the frontier, within the specified period.

Further, goods exempt from Customs duties arriving at frontier Customs offices to be subjected to Customs formalities shall, in principle, be exempted from unloading and weighing, if it is practicable for the said formalities to be carried out without unloading. In estimating the weight of goods, the Customs authorities shall as a general rule accept the tare of the wagon marked on it.

The foregoing exemptions from Customs examination and sealing of packages shall, as an exceptional measure, be allowed even should goods be transhipped (from one wagon to another) under Customs supervision, without the necessity of carrying out the regulation Customs formalities when the transshipment of the goods has become unavoidable owing to some reason arising from railway conditions.

The facilities provided under this Article shall not be granted in cases where fraud is suspected or where the vital interests of the country through which the goods pass in transit are genuinely affected.

Article 18.

Subject to the reservations laid down in the last paragraph of the foregoing Article, the Customs authorities of each of the two High Contracting Parties shall recognise as adequate the Customs seals affixed by the authorities of the other Contracting Party, provided that the said authorities are satisfied that such seals have been affixed in accordance with the regulations in force in their own Customs territory, in respect of the sealing of wagons to be forwarded to Customs offices.

For this purpose, the provisions concerning Customs seals laid down by the Berne Conference of May 16, 1886, and of all subsequent amendments and additions shall be applied.

Article 19.

Should the goods not constitute a complete wagon-load, they may nevertheless be granted the above-mentioned facilities. They must, however, be forwarded in compartments which can be securely fastened, in wagons with permanent roofs conforming to all the regulations laid down by the Customs for fastening wagons, or in portable cases or baskets approved by the Customs authorities and conveyed in this manner under Customs fastenings.

If, for any reason, the wagons are to be opened for examination by the authorities of the State to whose railway the goods are handed over for transport, the said railway must be responsible for removing the railway seals.

Should the authorities of one of the High Contracting Parties effect Customs operations in the territory of the other, the Customs administration of the latter shall be entitled to decide in what manner through trains and wagons are to be escorted from or to the frontier.

Officials forming an escort shall be entitled to travel free of charge in the trains under their supervision, and shall be given such accommodation as will enable them to perform their duties; on the return journey, they shall also be entitled to accommodation in passenger trains, in accordance with their official position.

The officials forming the escort shall be exempted from passport formalities; the instructions issued to such officials by their superior officers shall be accepted by the competent authorities of the State in question as sufficient proof of their status. The form in which such instructions will be drawn up shall be determined by agreement between the respective administrations.

Article 20.

The High Contracting Parties desire to state in particular that they are agreed that goods may be conveyed by "through" trains or wagons between their respective territories, even if they cross the territory of a third State.

Article 21.

In order to reduce the halt at the frontier, the production of the import licence in the case of goods subject to this formality shall not as a rule be required at the frontier station; it may be shown subsequently at the Customs office at the station of destination.

Should these documents prove to be missing or incomplete, transport may be refused, the reason therefor being indicated on all the waybills and on the train-sheet, together with the date and signature of the official refusing transport.

In the case of legitimate refusal, the cost of sending back the goods to the frontier station of the State in which the consigning station is situated shall be borne by the owner of the goods.

Should the said documents be found to be missing or incomplete at the station where the frontier was crossed on the line on which the station of destination is situated, the authorities at the former station may telegraph for the documents to the point of transit through which the goods were imported.

Should a claim be made against the railway administrations, the Governments of the two High Contracting Parties shall come to an understanding on the legal questions which concern the railway administration in their territory.

B. Passengers — Baggage.

Article 22.

Passenger trains shall be granted the same facilities as are accorded to goods trains under Article 13 in respect of days and times for crossing the frontier.

Article 23.

When crossing the frontier, passenger coaches may contain only hand baggage.

Article 24.

Passengers' registered and hand baggage shall in principle be examined by the Customs authorities at the frontier Customs office. Facilities shall, however, be granted in accordance with the requirements of passenger traffic. In particular, efforts shall be made to adopt the necessary measures for the examination of registered baggage at the Customs office in the station of destination and, if practicable, for the examination of baggage on departure from a country at the Customs office in the place of departure. The Customs authorities shall also as far as possible arrange for the examination in the train of baggage belonging to passengers travelling in through carriages.

Article 25.

Customs formalities at frontier stations shall in all cases be completed in time to permit all baggage and more especially baggage in transit to continue the journey by the scheduled connection.

Article 26.

Goods despatched by "grande" and "petite vitesse" and conveyed by passenger train shall be subject to the same conditions and formalities as like goods carried by goods train.

Nevertheless, perishable goods despatched by "grande vitesse", which can be conveyed by passenger train, shall be forwarded with the same despatch as baggage.

Article 27.

The passports of passengers travelling by through trains or by through carriages shall be examined in the train at the same time as the Customs examination takes place.

IV.

RUNNING OF TRAINS.

Article 28.

Fully loaded wagons shall make only short stops at intermediate stations and especially at frontier stations. No stop shall exceed the time strictly necessary for the completion of the formalities relating to such wagons, regard being had to the nature of the goods transported and to traffic conditions.

Article 29.

Through wagons must bear appropriate labels indicating the country of destination and route. These labels shall be those adopted by the European Union R. I. V. (*Règlement international véhicules*) for the reciprocal use of wagons in international traffic.

Article 30.

Through wagons detached from trains at intermediate stations on account of damage must be forwarded as soon as repaired by the first available train.

Article 31.

The foregoing provisions for fully loaded through wagons shall likewise be applicable to through wagons with combined loads (*groupage*) consisting of sundry packages forwarded by the same route.

Article 32.

Only consignments subject to Customs formalities before crossing the frontier or forwarded to their destination under Customs seal shall be accepted for transport by through trains or wagons. The transport documents accompanying such goods shall contain a statement by the Customs authorities certifying that the Customs formalities have been carried out and mentioning that the goods in question are in transit to a specified country.

Article 33.

The Governments of the High Contracting Parties undertake to prevent railway tracks and rolling-stock being altered in such a manner as to hinder the free passage of coaches belonging to the railways of one State to the railways of the other. Any alterations required for the adoption of new systems of working shall form the subject of a special agreement.

Article 34.

The provisions contained in the regulations for the use of wagons in international traffic (R. I. V.) shall be applicable to the reciprocal use of such wagons.

Rolling stock continuing its journey beyond the common stations shall be handled in accordance with the regulations for the reciprocal use of brake vans and passenger coaches in international traffic — R. I. C. (*Règlement international carrosses*).

V.

FINAL PROVISIONS.

Article 35.

Any dispute arising between the two High Contracting Parties with regard to the interpretation or application of the present Convention shall be settled by arbitration.

Each of the High Contracting Parties shall appoint an arbitrator.

The two arbitrators selected shall in their turn appoint a Chairman.

If at the end of thirty days either of the said High Contracting Parties has not selected its arbitrator, or if the arbitrators selected have failed to agree upon the choice of a Chairman, the Central Office mentioned in Article 57 of the Berne Convention shall appoint the arbitrator or, as the case may be, the Chairman, either of whom shall be one of the persons selected as arbitrators by the States in question.

The Chairman of the Court of Arbitration thus constituted shall fix the seat of the Court and the procedure to be followed.

The decisions of the Court of Arbitration shall be final.

Article 36.

The present Convention shall not modify in any way the provisions of the Convention¹ of Transit and Communications on the Danube-Save-Adriatic Railway Company's System (formerly the Southern Railway Company). Neither shall it affect the provisions of the Agreement² of January 27, 1924, concerning Fiume and the provisions of the Treaties of Peace.

Article 37.

The present Convention shall be ratified and the ratifications shall be exchanged at Belgrade as soon as possible.

It shall come into force on the date of the exchange of ratifications and shall remain in force for a period of five years from that date. At the end of that period, should the Treaty of Commerce and Navigation concluded this day between the two High Contracting Parties still be in force, the present Convention shall remain in operation for the whole period of validity of the said Treaty.

Should the Treaty of Commerce have been denounced and neither of the High Contracting Parties have denounced the present Convention six months before the expiry of five years or if, after the expiry of that period, it is not denounced at the same time as the Treaty, it shall remain in force by tacit agreement until two years after the date on which either of the High Contracting Parties has denounced it.

Should the High Contracting Parties adhere to general conventions regarding freedom of transit or the international régime of railways, the provisions thereof shall be substituted for those of the present Convention dealing with the question.

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

Done at Belgrade, in duplicate on July 14, 1924.

(L. S.) (*Signed*) BODRERO.

(L. S.) (*Signed*) Svetislav POPOVITCH.

(L. S.) (*Signed*) L. LUCIOLLI.

(L. S.) (*Signed*) S. R. KOUKITCH.

¹ Vol. XXIII, page 377, of this Series.

² Vol. XXIV, page 31, of this Series.