

N° 4344.

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ALLEMAGNE  
ET TCHÉCOSLOVAQUIE

Traité réglant les conditions du trafic ferroviaire à travers la frontière entre les deux pays, et protocole final. Signés à Praha, le 25 juillet 1931.

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GERMANY  
AND CZECHOSLOVAKIA

Treaty regulating the Conditions of Railway Traffic across the Frontier between the Two Countries, and Final Protocol. Signed at Prague, July 25th, 1931.

<sup>1</sup> TRANSLATION.

No. 4344. — TREATY BETWEEN THE GERMAN REICH AND THE CZECHOSLOVAK REPUBLIC REGULATING THE CONDITIONS OF RAILWAY TRAFFIC ACROSS THE FRONTIER BETWEEN THE TWO COUNTRIES. SIGNED AT PRAGUE, JULY 25<sup>TH</sup>, 1931.

THE PRESIDENT OF THE GERMAN REICH, of the one part, and  
THE PRESIDENT OF THE CZECHOSLOVAK REPUBLIC, of the other part,  
Desirous of establishing new regulations for railway traffic across the Germano-Czechoslovak frontier, have resolved to conclude agreements in the matter and have for this purpose appointed as their Plenipotentiaries :

THE PRESIDENT OF THE GERMAN REICH :

Dr. Paul ECKARDT, Minister Plenipotentiary in the Ministry of Foreign Affairs, Berlin ;

THE PRESIDENT OF THE CZECHOSLOVAK REPUBLIC :

Dr. Kamil KROFTA, Envoy Extraordinary and Minister Plenipotentiary in the Ministry of Foreign Affairs, Prague ;

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

PART I.

GENERAL PROVISIONS.

*Article 1.*

Railway traffic between the German Reich, on the one hand, and the Czechoslovak Republic, on the other, shall be governed by the provisions of the present Treaty. Furthermore, unless otherwise provided in the present Treaty, the provisions applicable shall be those now existing in agreements concluded and tariffs agreed on between the Contracting Parties or between the German and Czechoslovak railway administrations, the provisions of international conventions to which the Contracting Parties have acceded and, lastly, the laws and regulations of each State in its own territory.

*Article 2.*

1. The Reichenberg-Grottau section, the property of the German Reich, shall be transferred to the Czechoslovak Republic by sale as far as the political frontier near Zittau. A special treaty shall be concluded in the matter.

2. Unless otherwise provided in the present Treaty, no modification shall be made, on the entry into force of this instrument, in the present property rights over the exchange stations mentioned in Article 12 or over sections of the railway between those stations and the political frontier.

<sup>1</sup> Translated by the Secretariat of the League of Nations, for information.

*Article 3.*

1. Unless otherwise provided in the present Treaty or in other treaties, the rights of sovereignty over the exchange stations mentioned in Article 12 and over sections of the railway between those stations and the political frontier shall be retained by the State in whose territory the said stations and sections are situated (territorial State).

2. The railway services of either Contracting Party in the political territory of the other shall be placed under the supervisory control of the railway administration of the territorial State, without prejudice to the provisions of Part II.

3. Neither Contracting Party shall have the right to employ armed force in the territory of the other. This shall apply also to foreign security organs, unless otherwise provided in the present Treaty or in other treaties.

*Article 4.*

1. The policing of the railways, save in matters relating to personnel, shall be governed by the provisions of the territorial State. It will be carried out in each of the national territories under the supervision of the competent authorities by agents of the administration operating the railway. The competent authorities in the territory concerned will assist the foreign administration operating the line in the execution of duties connected with the policing of the railway.

2. The qualifications for appointments to the railway police shall be determined according to the provisions of the State in which the railway administration appointing the agent has its headquarters (State of origin).

3. It shall be the duty of the administration operating the railway to swear in agents appointed to the railway police service in foreign territory. No further swearing in by organs of the foreign State shall be necessary.

*Article 5.*

Each Contracting Party shall accord to the other, for the operation of its railways in foreign territory, a right of expropriation in conformity with the expropriation laws in force in the territory in question.

*Article 6.*

1. Each Contracting Party shall consent to the linking up of other railways for public traffic with sections belonging to or operated by it and covered by the present Treaty, in conformity with the laws in force in the territorial State.

2. Furthermore, the foreign administration operating the railway shall have the right to authorise the linking up of private lines, private industrial railways and similar concerns with the lines which it uses itself, if the conditions of operation and traffic conditions permit of so doing. The foregoing shall not affect the provisions in force in the territorial State stipulating authorisation by the said State for private installations of this kind.

*Article 7.*

1. The Contracting Parties will ensure that the operation of the railways and railway traffic between their territories is conducted in conformity with the requirements of exchange and transit traffic. In particular, the railway, postal, Customs and passport services will be so organised as

to permit of the rapid conveyance of persons and goods. Time-tables shall be drawn up so as to enable Customs and passport inspection to be carried out in a regular manner.

2. Each Contracting Party will take into account, as far as possible, any further requirements of the other in the matter of the operation of the railways and railway traffic.

*Article 8.*

1. The railway tariffs will be established and calculated as far as the exchange station by the administration operating the railway (sectional tariff : exchange station). The transport rates for passengers and consignors of goods on sections operated in the territory of the foreign State shall not be less favourable than on sections situated in the national territory.

2. Railway tariffs shall be approved by the Contracting Party in whose territory the administration operating the railway has its headquarters.

3. Every possible facility shall be given, as may be required, for the use of direct transport documents in railway traffic between the two countries.

*Article 9.*

No taxes, charges, etc., other or higher than those applicable to the State railways (in the German Reich : the Deutsche Reichsbahn) in the national territory shall be levied in the territory of the other Contracting Party by the State, communes, or other autonomous administrative bodies on the operation of the railways or railway traffic, or on ground or plant (including dwelling-houses and roads of access) used for railway purposes.

*Article 10.*

1. Civil responsibility for damage and accidents, not including civil responsibility under transport contracts, shall be determined, unless otherwise provided in the present Treaty, in accordance with the laws and regulations in force in the place where the damage or accident occurs.

2. In relations between the railway administrations, civil responsibility and damages, and likewise the right of appeal, shall, unless otherwise provided in international agreements, be settled by agreement between the railway administrations concerned (Article 14).

*Article 11.*

In the case of services and deliveries effected by one of the railway administrations on behalf of the other under the present Treaty, only actual expenditure shall, in principle, be counted, that is to say, expenditure proper, with such additional amounts as may be agreed upon by the railway administrations for outlay of which details cannot be given.

PART II.

REGULATIONS REGARDING RAILWAY CONNECTIONS AND TRANSIT TRAFFIC  
BETWEEN THE TWO COUNTRIES.

*Article 12.*

Operations connected with railway connections and transit traffic over the general connecting sections enumerated hereunder shall be effected at the common exchange stations mentioned below :

Sections	Exchange stations
1. Wallern-Haidmühle on the one side, and Haidmühle-Waldkirchen (Lower Bavaria) on the other . . . . .	Haidmühle (Germany).
2. Neuern-Eisenstein on the one side, and Eisenstein-Zwiesel on the other . . . . .	Eisenstein
3. Taus-Furth i. Wald on the one side, and Furth i. Wald-Schwandorf on the other . . . . .	Furth i. Wald (Germany)
4. Marienbad-Eger and Carlsbad-Eger on the one side, and (a) Wiesau (Upper Palatinate)-Eger, (b) Marktredwitz-Eger, (c) Hof Central Station-Asch (Bohemia)-Eger, (d) Adorf (Vogtland)-Voitersreuth-Eger on the other . . . . .	Eger (Czechoslovakia)
5. Asch (Bohemia)-Rossbach-Adorf (Vogtland) on the one side, and Hof (Central Station)-Asch (Bohemia)-Eger on the other . . . . .	Asch (Bohemia) (Czechoslovakia)
6. Asch (Bohemia)-Rossbach-Adorf (Vogtland) on the one side, and Eger-Adorf (Vogtland)-Plauen (Vogtland) Upper Station and Adorf (Vogtland)-Zwotental on the other . . . . .	Adorf (Vogtland) (Germany)
7. Tirschnitz-Franzensbad on the one side, and Hof Central Station-Asch (Bohemia)-Eger and Adorf (Vogtland)-Voitersreuth-Eger on the other . . . . .	Franzensbad (Czechoslovakia)
8. Falkenau a. d. Eger-Klingenthal on the one side, and Klingenthal-Zwotental on the other . . . . .	Klingenthal (Germany)
9. Carlsbad-Johanngeorgenstadt on the one side, and Johanngeorgenstadt-Schwarzenberg on the other . . . . .	Johanngeorgenstadt (Germany)
10. Komotau-Weipert on the one side, and Weipert-Annaberg (Erzgebirge) on the other . . . . .	Weipert (Czechoslovakia)
11. Kríma=Neudorf-Reitzenhain on the one side, and Reitzenhain-Pockau-Lengfeld on the other . . . . .	Reitzenhain (Germany)
12. Wiese=Ober Leutensdorf-Moldau on the one side, and Moldau-Bienenmühle on the other . . . . .	Moldau (Czechoslovakia)
13. Aussig-Bodenbach, Tellnitz-Bodenbach and Bensen-Bodenbach on the one side, and Bodenbach-Bad Schandau on the other . . . . .	Bodenbach (Czechoslovakia)
14. Schreckenstein-Tetschen and Bensen-Tetschen on the one side, and Tetschen-Bad Schandau on the other . . . . .	Tetschen (Czechoslovakia)
15. Nieder Einsiedel-Sebnitz (Saxony) on the one side, and Sebnitz (Saxony)-Bad Schandau and Sebnitz (Saxony)-Neustadt (Saxony) on the other . . . . .	Sebnitz (Saxony) (Germany)
16. Rumburg-Ebersbach (Saxony) on the one side, and Ebersbach (Saxony)-Löbau (Saxony), Ebersbach (Saxony)-Neukirch (Laus) and Ebersbach (Saxony)-Oberoderwitz on the other . . . . .	Ebersbach (Saxony) (Germany)
17. Kreibitz-Teichstatt-Warnsdorf on the one side, and Warnsdorf-Eibau and Warnsdorf-Mittelherwigsdorf (Saxony) on the other . . . . .	Warnsdorf (Czechoslovakia)
18. Reichenberg-Grottau on the one side, and Grottau-Zittau on the other . . . . .	Grottau (Czechoslovakia)
19. Friedland-Hermsdorf b. Friedland on the one side, and Hermsdorf b. Friedland-Zittau on the other . . . . .	Hermsdorf b. Friedland (Czechoslovakia)
20. Raspenau-Friedland-Seidenberg on the one side, and Seidenberg-Görlitz on the other . . . . .	Seidenberg (Germany)

Sections	Exchange stations
21. Friedland-Heinersdorf (Tafelfichte) on the one side, and Heinersdorf (Tafelfichte)-Greiffenberg (Silesia) on the other	Heinersdorf (Tafelfichte) (Czechoslovakia)
22. Tannwald-Polaun on the one side, and Polaun-Hirschberg (Silesia) Central Station on the other . . . . .	Polaun (Czechoslovakia)
23. Königshau-Liebau (Silesia) on the one side, and Liebau (Silesia)-Ruhbank on the other . . . . .	Liebau (Silesia) (Germany)
24. Braunau-Halbstadt and Wekelsdorf-Halbstadt on the one side, and Halbstadt-Nieder Salzbrunn on the other . . . . .	Halbstadt (Czechoslovakia)
25. Braunau-Mittelsteine on the one side, and Mittelsteine-Glatz Central Station and Dittersbach-Mittelsteine on the other	Mittelsteine (Germany)
26. Lichtenau-Mittelwalde on the one side, and Mittelwalde-Glatz Central Station on the other . . . . .	Mittelwalde (Germany)
27. Barzdorf bei Jauernig-Heinersdorf (Upper Silesia) on the one side, and Heinersdorf (Upper Silesia)-Ottmachau on the other . . . . .	Heinersdorf (Upper Silesia) (Germany)
28. Haugsdorf (Silesia)-Weidenau on the one side, and Weidenau Neisse (Neisser Kreisbahn A. G., Neisse) on the other side	Weidenau (Czechoslovakia)
29. Hannsdorf-Ziegenhals Central Station and Jägerndorf-Ziegenhals Central Station on the one side, and Ziegenhals Bad-Ziegenhals Central Station and Ziegenhals Central Station-Deutsch=Wette on the other . . . . .	Ziegenhals Central Station (Germany)
30. Röwersdorf-Jägerndorf, Troppau-Jägerndorf and Freudenthal-Jägerndorf on the one side, and Jägerndorf-Leobschütz on the other . . . . .	Jägerndorf (Czechoslovakia)
31. Troppau East Station-Troppau (West Station) and Jägerndorf-Troppau (West Station) on the one side, and Troppau (West Station)-Bauerwitz on the other . . . . .	Troppau (West Station) (Czechoslovakia)
32. Krawarn-Kuchelna on the one side, and Kuchelna-Ratibor on the other . . . . .	Kuchelna (Czechoslovakia)
33. Mährisch-Ostrau=Oderfurt-Oderberg and Petrowitz bei Oderberg-Oderberg on the one side, and Oderberg-Annaberg (Upper Silesia) on the other . . . . .	Oderberg (Czechoslovakia).

#### Article 13.

1. The Contracting Parties guarantee one another the right to operate the railway beyond the political frontier as far as the exchange stations mentioned in Article 12 in their own name and on their own account and to use the exchange stations as may be necessary. As regards construction and operation between the political frontier and the exchange stations, the provisions and arrangements of the railway administration responsible for operation shall be applicable. The same holds good also for those parts of the exchange stations which are intended exclusively for the use of the foreign administration operating the railway. Furthermore, the agreements required for the individual exchange stations and dealing with regulations and installations regarding construction and operation will form the subject of the local arrangements referred to in Article 14. Nevertheless, the regulations of the territorial State shall be applicable as regards fencing, safety appliances, and barriers at level crossings and junctions with other railways.

2. If the section between the political frontier and the exchange station is not the property of the administration operating the railway, the conditions concerning tenure and other conditions of use laid down in earlier agreements shall remain unchanged. This shall apply also to the common

use of the exchange stations mentioned in Article 12 and to the regulations governing the organisation and execution of the service in those stations. Modifications may be introduced only with the consent of both railway administrations.

3. The duration of the operating rights agreed on in paragraphs 1 and 2 shall be unlimited, unless otherwise provided, for individual lines, in Part III of the present Treaty.

#### *Article 14.*

1. For each of the exchange stations mentioned in Article 12, and for the sections connecting these with the frontier, the railway administrations shall, with due regard to the relevant provisions of the present Treaty and of the Final Protocol, conclude an agreement determining the special conditions for the crossing of the frontier. These agreements must be approved by the central railway authorities.

2. The agreements mentioned in paragraph 1 shall specify in detail the position regarding the ownership and use of the connecting sections and of the exchange station, and these particulars, which must be strictly in conformity with the facts, shall be shown with all necessary explanations in the plans of the railway station and sections. Arrangements shall also be made concerning the upkeep, renewal, and improvement of the installations in question (including stores) and responsibility in case of damage.

#### *Article 15.*

1. The railway administrations will communicate to one another punctually and free of charge the service regulations, instructions, tariffs and all information concerning connections and transit traffic. In case of need, the exchange station may get into touch direct with the other railway administration on these matters.

2. The railway administrations of the two Contracting Parties will also inform one another punctually of all measures and modifications relating to connections and transit service, in order that the railway administration concerned may give the necessary instructions to its personnel.

3. The transmission of service telegrams, telephone communications and correspondence, and the conveyance of service material and printed matter between the railway administrations of the two Contracting Parties shall, so far as use is made of installations intended for railway purposes, be effected free of charge by each railway administration over its own section. In relations between the two administrations, documents and other communications connected with the service shall be handed over at the exchange stations and shall, if necessary, be accompanied by an official list.

4. Letters, packets, money, and articles of value connected with the service may, in relations between the headquarters of one of the administrations and its railway, Customs and police services situated in foreign territory, and in relations between these various services themselves, be conveyed by personnel authorised to cross the frontier, without passing through the postal administration and without paying postage. Letters and packets despatched by the Customs and police services shall not be examined if they bear the official seal of the despatching authority and are mentioned in a special slip, which must accompany them.

#### *Article 16.*

1. The railway administrations will inform one another of all disturbances in the service that may restrict, impede or prevent regular traffic between the two States. If necessary, the railway administrations will consult one another as to measures that may be necessary to avoid these disturbances.

2. In case of disturbances or difficulties connected with the service, in order to prevent any interruption of traffic on the lines of either of the railway administrations, the latter shall consult one another as to measures that it may be necessary to take for the period covered by each new time-table.

3. In the case of accidents to and disturbances of the service (including snowdrifts), the railway administrations will, on request, so far as is compatible with the proper operation of their own service, place personnel and material at one another's disposal, subject to the refund of actual expenditure, including expenditure arising out of accidents to personnel.

4. When crossing the frontier, relief trains and personnel shall be liable to Customs and passport inspection, but shall be exempt from Customs and passport formalities. They must return directly their relief work is over. Their arrival at the frontier station must be notified to the Customs and passport authorities.

*Article 17.*

1. The exchange of rolling-stock shall be carried out in conformity with the agreements in force concerning the use of wagons for the conveyance of passengers, baggage and goods by either Party.

2. If engines, tenders, electric and motor railway engines, and locomotive and train personnel have been inspected in their country of origin in accordance with the regulations in force there, and have been passed for use or authorised to serve on the public railways, such authorisation shall be valid also in the foreign State and shall have the same effect as if it had been granted by the competent organs of the foreign State in virtue of the regulations in force there; nevertheless, this shall be subject to the proviso that vehicles must be adapted to the technical requirements of the sections concerned.

*Article 18.*

Customs and police administration services abroad shall be authorised to affix to official premises situated in foreign territory official name-plates bearing the emblem of sovereignty of their country of origin.

*Article 19.*

Services situated abroad are not required to display flags on the buildings or premises used by them in the territory of the foreign State. If they themselves decide to do so, only the colours of the territorial State may be displayed.

*Article 20.*

1. In railway traffic, Customs clearing operations shall, as a general rule, be carried out by the Customs administrations of the two States together at a frontier station (frontier station with common Customs clearing service).

2. The exchange stations mentioned in Article 12 shall rank as frontier stations with a common Customs clearing service (with the exception of Franzensbad, *cf.* (a) and (b) hereunder). Nevertheless, for traffic over the sections named hereunder, the joint Customs clearing operations shall be carried out at the following stations :

Sections :	Frontier station with common Customs clearing service :
(a) Hof Central Station - Selb=Plösberg - Asch (Bohemia) - Eger	Asch (Bohemia) (Czechoslovakia).
(b) Adorf (Vogtland) - Schönberg b. Brambach - Voitersreuth - Eger	Voitersreuth (Czechoslovakia).
(c) Adorf (Vogtland) - Freiberg - Rossbach - Asch (Bohemia)	Rossbach (Czechoslovakia).
(d) Neustadt (Saxony) - Sebnitz (Saxony) - Nieder Einsiedel and Bad Schandau - Sebnitz (Saxony) - Nieder Einsiedel	Nieder Einsiedel (Czechoslovakia).



3. It shall be left to the Customs and railway administrations of the two countries to decide, in consultation, whether it is necessary to do away with or to establish frontier stations with common Customs clearing services and to carry out Customs clearing operations while the train is in motion in foreign territory.

4. Passport inspection shall, as a rule, be carried out at frontier stations with a common Customs clearing service. It shall be left to the higher administrative authorities and railway administrations of the two Parties, in consultation, to decide whether passport inspection shall be carried out while the train is in motion in foreign territory. Furthermore, the Contracting Parties shall retain the right to carry out passport inspection in their own national territory.

5. Each Contracting Party shall have the right, for purposes of Customs and passport inspection, to arrange for its agents to travel free of charge in trains crossing the frontier to and from the nearest frontier station with a common Customs clearing service or Customs clearing and passport service or, if there is no such station, to and from the nearest stopping place in the territory of the other Contracting Party.

#### *Article 21.*

1. The legal provisions in force in each of the two States concerning goods and passenger traffic crossing the frontier shall apply also at frontier stations with a common Customs clearing service or Customs clearing and passport service and over the sections connecting the said frontier stations and the political frontier, on the understanding that the legal provisions of the State of origin shall take precedence.

2. At frontier stations with a common Customs clearing or Customs clearing and passport service and over the sections connecting the said frontier stations and the political frontier, Customs and passport officials of the foreign State shall be authorised to carry out all official acts in execution of the legal provisions of their State mentioned in paragraph 1, in the same way, to the same extent, and with the same effects as in their own State.

3. It shall be prohibited to apprehend or convey by force into the foreign State nationals of the State in which the frontier station with a common Customs clearing or Customs clearing and passport service is situated. On the other hand, any person guilty of an offence can be brought by force before the competent authority, in order that the facts may be officially placed on record. An official of the State in whose territory the frontier station with a common Customs clearing or Customs clearing and passport office is situated shall be present when such record is established. When this has been drawn up, the person guilty of the offence shall be allowed to continue his journey. Further, such an official shall also be present when physical force is used in the course of official action against nationals of the State in whose territory the frontier station with a common Customs clearing service or Customs clearing and passport service is situated.

#### *Article 22.*

If the Customs authority of the exporting State considers it necessary to inspect an object already presented for inspection to the Customs authorities of the importing State, the latter shall, on request, place the said object, provided that it is still under its control and in the territory of the exporting State, at the disposal of the Customs authority of the exporting State for the purposes of further inspection. If the Customs authority of the exporting State finds that there is reason to confiscate the object in question, the Customs authorities of the importing State shall hand over the said object to the exporting State.

*Article 23.*

The competent authorities of one of the Contracting Parties will, at the direct request of the competent authorities of the other and in conformity with the legal provisions of the first-named Contracting Party, perform the acts enumerated hereunder, in the case of any offence against the provisions of the other Contracting Party mentioned in Article 21, committed at the frontier stations with a common Customs clearing service or Customs clearing and passport service named in Article 20 or on sections of the railway between the said frontier stations and the political frontier :

- (a) They will examine witnesses and experts ;
- (b) They will carry out official inspections and draw up a report ;
- (c) They will deliver official communications and decisions.

The cost of legal assistance will not be refunded, except in the case of expenditure incurred on account of experts.

*Article 24.*

1. Each railway administration shall supply to the Customs authorities and passport authorities of its own State in foreign territory, in so far as concerns premises for the service, for office work and for inspection, and premises for Customs clearing and storage of goods, everything that it is required to furnish under the provisions of its own State.

2. The foregoing provisions shall not prevent the conclusion between the two railway administrations of an arrangement for the setting-off of costs.

3. At the stations at Asch (Bohemia), Voitersreuth, Rossbach and Nieder-Einsiedel, the administration responsible for operating the railway shall place at the disposal of the foreign Customs and passport inspection services the premises mentioned in paragraph 1 ; at the stations at Asch (Bohemia) and Voitersreuth, it shall comply in this respect with the Czechoslovak legal provisions and at the stations at Rossbach and Nieder-Einsiedel with the terms of special agreements to be concluded in the matter.

*Article 25.*

1. For plant and material for the construction, equipment, upkeep and operation of sections of the railway situated in foreign territory — including exchange stations and frontier stations — and for the services situated abroad on those lines, and likewise for the postal service there, import and re-export with exemption from Customs duties and charges shall be guaranteed on presentation of an official certificate from the competent service, stating the destination of the objects in question and declaring them to be necessary. On production of a similar certificate, spare parts required by the foreign railway administration in conformity with the international conventions concerning the reciprocal use of railway wagons for the repair of damaged rolling-stock shall be exempt from Customs duties and charges, as shall damaged parts sent back to their country of origin.

2. All articles for official use imported from the State of origin by agents employed in services situated in foreign territory and in the postal service or sent to them from that country shall be exempt from import duties and charges and from export charges in case of re-export. Economic import and export prohibitions shall not apply to such objects. This privilege shall be accorded only on condition that the chief of the service concerned certifies that the import or export of the articles is necessary.

3. Motor-cars and other means of transport used by the inspection organs and personnel responsible for maintenance, when travelling on duty between their own State and the services situated in foreign territory, shall be exempt from payment of all charges and security.

*Article 26.*

1. On sections of the railways of one of the Contracting Parties leading to the territory of the other, taxes and other charges levied on railway traffic between the political frontier and the common exchange stations mentioned in Article 12 shall be levied exclusively by the State to which the administration operating the railway belongs, in conformity with the laws of that State. For the lines mentioned in Part III, Article 50 shall be applicable.

2. On sections of the railways of one of the Contracting Parties which begin and end in the territory of the latter but which likewise pass through the territory of the other Contracting State, taxes and other charges levied on railway traffic shall be levied exclusively by the State to which the administration operating the railway belongs, in conformity with the laws of that State.

*Article 27.*

If postal traffic between the two States is carried on over the connecting sections mentioned in Article 12, the details relating to such exchange shall be settled by agreement between the two postal administrations. Each railway administration shall be paid, for the conveyance of postal matter, by the postal administration of its own State, irrespective of the territory over which the traffic passes, and the means of transport employed. Starting from the principle that each State shall defray the cost of the conveyance of postal matter within its own territory, the postal administrations of the two countries will conclude an agreement regarding the method of settling accounts.

*Article 28.*

1. For all overhead and underground telegraph and telephone lines belonging to the German Reichspost and the Czechoslovak postal and telegraph administration which already exist or which may later be established near frontier sections of the railway, the political frontier shall henceforth constitute the property limit.

2. Each postal and telegraph administration shall have the right to establish and operate telegraph and telephone lines for its own use on the permanent way of the sections operated by the foreign administration and to carry them across such sections, in so far as they are compatible with the operational requirements of the railway.

3. The foreign railway administration may employ, on the lines which it operates, telegraphic and telephonic apparatus and safety apparatus required for its own service.

4. Detailed conditions concerning the application of paragraphs 1 to 3 shall form the subject of a special agreement between the two administrations.

*Article 29.*

1. The provisions and tariffs of either State applicable to the transport of members of the forces and material for military purposes shall apply also over sections of the railway operated in the territory of that State by the foreign administration.

2. Furthermore, all existing provisions or provisions which may in future be issued concerning the military railway service and military measures of security within the limits of the territorial State shall apply over the sections mentioned in paragraph 1.

*Article 30.*

1. The selection of personnel and their assignment to duties, even in the territory of the foreign State, shall rest exclusively with the administrations of the State of origin.

2. The following may not be assigned to duties in the territory of the foreign State :

(a) Persons guilty of acts directed against the security or existence of the foreign State.

(b) Persons on whom judicial sentences have been passed which have acquired the force of *res judicata*, if such conviction entails the loss of capacity to hold public office, as long as the effects of the sentence persist and, in the case of a conditional sentence, during the period for which punishment is suspended.

(c) Persons sentenced for smuggling or any other offence against the Customs regulations.

#### Article 31.

The nationality of agents assigned from the territory of one of the Contracting Parties to duties in the territory of the other shall not be affected by the fact that they have to stay, or are domiciled, or have to perform duties in the territory of the foreign State.

#### Article 32.

1. The conditions of service of all agents of one of the Contracting Parties employed permanently or temporarily in the territory of the other shall be governed by the laws and regulations of the State whose administration has engaged them.

2. Each of the Contracting Parties guarantees to the agents mentioned in paragraph 1 and to members of their family and servants living under their roof the legal protection which it guarantees to its own agents. In particular, the agents mentioned in paragraph 1, provided that they possess the status of officials or public organs, shall also be accorded in the neighbouring State, in the event of the application of the Penal Code, the protection accorded to officials or public organs of that State. In the case of insult or physical injury, when proceedings can also be instituted direct by the Public Prosecutor independently of the private action open to the injured party, the Contracting Parties will avail themselves of this possibility in favour of agents of the neighbouring administrations employed in their territory to the same extent as they would in favour of their own agents.

3. The agents mentioned in paragraph 1 shall be bound, while staying in the territory of the foreign State, to comply with the general legal provisions, more particularly the penal laws and administrative police provisions, of the foreign State, and shall be subject in this respect to the jurisdiction of the authorities of that State. If an authority of the said State institutes penal proceedings of any kind against one of these agents, the competent service of the State to which the agent belongs shall be informed immediately.

4. The hearing of punishable offences committed in the exercise of their duties in the territorial State by one of the agents mentioned in paragraph 1 shall, unless the agent is a national of the territorial State and unless it would be contrary to the interests of that State, be left entirely to the authorities of the country of origin, at their request, except in cases in which a penal sentence (penal order) has already been pronounced. Applications for the transfer of the case shall be transmitted by the national authority of the accused which is competent in the matter of penal proceedings to the corresponding authority of the territorial State. If the request is granted, the accused shall be handed over immediately by the territorial State to the authority of the country of origin mentioned in the request.

5. The service of writs in criminal cases and of summonses on agents mentioned in paragraph 1 shall, in principle, go through the service to which the agent belongs. If this service is in the foreign country, the request for service may be addressed to it direct.

#### Article 33.

Personnel and the officials responsible for the inspection of personnel shall have the right and shall be required in foreign territory to wear uniform or visible service badges in conformity with

the provisions in force in the State of origin. Weapons (fire-arms) may be carried only by agents responsible for guarding goods and money. Weapons may be used only for purposes of self-defence.

*Article 34.*

1. Services and agents of the Contracting Parties established or employed at exchange stations and on sections of the railway situated between the latter and the political frontier will assist one another in the performance of their duties.

2. The authorities and services of either Contracting Party will grant the necessary protection to the services and agents of the other employed in the territories mentioned in paragraph 1 in the performance of their duties, and will act on their requests for protection as they would act on requests from their own services or agents.

*Article 35.*

1. Agents sent on service into the territory of the foreign State and members of their family and servants living under their roof shall, if they are nationals of the State of origin, be exempt, in the territory of the foreign State, from all military service with the armed forces and from all contributions in lieu of service ; furthermore, they shall not be prevented from fulfilling their military obligations in the State of which they are nationals. They shall not be required in time of peace or in time of war to perform other military duties or to comply with military requisitions greater than those demanded of inhabitants of the country, the principles applied being the same as in the case of the latter.

2. Furthermore, they shall be exempt, in the territory of the foreign State, from any obligation to hold public law functions under the courts, the administrative authorities of the State or autonomous bodies (communes), with the exception of guardianship (curatorship) over nationals of their own State.

3. In the matter of direct taxes, the liability of agents, members of their family and servants living under their roof, who are nationals of one of the Contracting Parties, shall be governed by the rules of law which have been or may be agreed upon between the two Contracting States for the prevention of double taxation.

*Article 36.*

1. Children and other members of the family of agents employed in services situated in foreign territory shall be authorised, if the agents in question are nationals of the State of origin, to attend schools and vocational training courses in the foreign State on the same terms as nationals of that country.

2. Such children may not be required to attend schools in the foreign State if school attendance is compulsory there, provided it is shown that they have already complied with, or are still complying with, the obligations in respect of school attendance in their country of origin. In such cases, the persons mentioned in paragraph 1 may not be required to attend schools in the foreign State, even if the laws of the latter stipulate a longer period of school attendance.

3. Persons attending schools and vocational training courses in their country of origin must be given the necessary facilities for so doing, more particularly for crossing the frontier.

*Article 37.*

1. Descendants of agents employed in services situated in foreign territory shall be given permission (authorisation) to engage, until they have attained their majority, in an occupation in the territory of the territorial State, as long as they are living under the roof of the said agents.

2. Similarly, permission (authorisation) to employ servants of their country of origin shall be granted to agents employed in services situated in foreign territory.

*Article 38.*

Each of the administrations concerned in the connections and exchange service and in the Customs and passport service shall have the right to allow its own organs to supervise the work of its agents in the territory of the foreign State.

*Article 39.*

Questions relating to the social insurance of agents of services situated in foreign territory shall be settled by means of a general convention concerning social insurance.

*Article 40.*

1. In case of sickness or other emergency, personnel belonging to services of the foreign State shall, if those services are not in a position to assist them, be entitled to the same assistance as personnel of the territorial State. In case of sickness, agents employed in services situated in foreign territory, members of their family and their servants may not be refused admission to the district hospital, and the fees for medical treatment and nursing shall not be higher than for nationals of the country.

2. Any expenditure incurred shall be repaid to the administration which has given assistance by the administration to which such personnel belongs.

3. A necessary condition for the repayment of the expenditure mentioned in paragraph 2 shall be a certificate from the doctor in charge of the case stating that the medical attendance was necessary and in keeping with the nature of the illness or injury and with the situation of the patient.

*Article 41.*

1. Agents of one of the Contracting Parties employed in the territory of the other, and living there, and likewise members of their family and their servants living under their roof, and agents who have to cross the frontier in the exercise or for the performance of their duties (including agents of the inspection service) shall, when crossing the frontier or staying in the foreign State, be accorded the facilities laid down in the special agreements concluded between the two Contracting Parties concerning the passport régime for frontier traffic between Germany and Czechoslovakia.

2. Agents crossing the frontier in the exercise or for the performance of their duties (including agents of the inspection service) shall further, subject to Customs inspection, be authorised to take with them across the frontier, free of duty, articles obviously intended for their personal daily use while on duty or while travelling to or returning from their posts.

*Article 42.*

The German Reich and the administration of the Deutsche Reichsbahn, on the one hand, and the Czechoslovak Republic and the administration of the Czechoslovak State railways, on the other, may appoint as officials (titular agents) in the railway service persons possessing the nationality of the foreign State, without such persons being required to change their nationality.

*Article 43.*

Station personnel of the railway administration of either Contracting Party who, in the course of their duties in the territory of the other Contracting Party, come into contact with users of the

railways, shall, so far as is necessary for traffic requirements, possess sufficient knowledge of the official language of the territorial State to enable them to carry out their duties.

*Article 44.*

The question of identity cards for employees of restaurant and sleeping-cars will form the subject of special regulations.

PART III.

SPECIAL PROVISIONS FOR THE RAILWAY LINES EGER-ASCH (BOHEMIA)-POLITICAL FRONTIER, EGER-VOITERSREUTH-POLITICAL FRONTIER, AND ADORF (VOGTLAND)-POLITICAL FRONTIER NEAR ROSSBACH.

*Article 45.*

1. In virtue of the Treaty of July 17th, 1863, between the former Austrian Empire and the former Kingdom of Bavaria and of the Treaty of November 30th, 1864, between the former Empire of Austria and the former Kingdom of Saxony, the railway lines Eger-Asch (Bohemia)-political frontier and Eger-Voiteursreuth-political frontier, which are now in Czechoslovak territory, were built and operated by the former Bavarian and Saxon State Railways.

2. In virtue of the Treaty of November 27th, 1898, between the former Austro-Hungarian Monarchy and the former Kingdom of Saxony, the railway line built in the territory of the German Reich from the political frontier near Rossbach as far as Adorf (Vogtland) was acquired and operated by the former Austrian State Railways.

3. The above-mentioned Treaties are hereby declared invalid in so far as they have not already become inoperative.

*Article 46.*

1. The Czechoslovak Republic agrees that the German Reich shall operate in the territory of the Czechoslovak Republic the railway lines mentioned in paragraph 1 of Article 45 from the political frontier as far as the exchange station at Eger.

2. The German Reich agrees that the Czechoslovak Republic shall operate in the territory of the German State the railway lines mentioned in paragraph 2 of Article 45 from the political frontier near Rossbach as far as the exchange station at Adorf (Vogtland).

3. The provisions of Parts I and II of the present Treaty shall apply to the operation of the lines mentioned in paragraphs 1 and 2, unless otherwise stipulated in Part III.

*Article 47.*

1. The operating rights granted under paragraphs 1 and 2 of Article 46 shall lapse on December 31st, 1998.

2. On January 1st, 1999, the ownership of the railway lines Eger-Asch (Bohemia)-political frontier and Eger-Voiteursreuth-political frontier and the fixed installations for the operation of those lines, together with their ideal share in the joint ownership of the stations at Eger and Franzensbad, shall be transferred direct and without payment to the Czechoslovak Republic.

3. On the date mentioned in paragraph 2, the ownership of the railway line Adorf (Vogtland)-political frontier near Rossbach and the fixed installations for the operation of this line shall be transferred direct and without payment to the German Reich.

4. Nevertheless, the German Reich and the Czechoslovak Republic shall each be bound to refund in full to the other Contracting Party the outlay shown to have been expended on the extension of the installations during the ten years preceding the reversion of property rights. Such payment shall be due on the day of reversion.

*Article 48.*

1. After the reversion stipulated in Article 47, the exchange service shall, unless otherwise agreed between the Contracting Parties, be carried on at the stations at Asch (Bohemia) and Voitersreuth, so far as concerns the lines Eger-Asch (Bohemia)-political frontier and Eger-Voitersreuth-political frontier. If, by reason of the transfer of the exchange service, it should be necessary to extend or rebuild these stations, the cost shall be borne by the Czechoslovak Republic. The German Reich shall retain for an unlimited period the right to operate the line from the political frontier as far as the new exchange stations and the right to the joint use of the latter in conformity with the provisions of Article 13. Compensation shall be paid for the use of the foreign installations, the amount to be fixed by agreement between the two railway administrations on the basis of the principles governing the use of exchange stations by both Parties.

2. After the reversion to the German Reich of the line Adorf (Vogtland)-political frontier near Rossbach, the exchange service shall, unless otherwise agreed between the Contracting Parties, be carried on at the station at Rossbach. If, by reason of the transfer of the exchange service, it should be necessary to extend or rebuild that station, the cost shall be borne by the Czechoslovak Republic. The German Reich shall retain for an unlimited period the right to operate the line from the political frontier as far as the station at Rossbach and the right to the joint use of that station in conformity with the provisions of Article 13. The question of compensation shall be governed by the provisions laid down in paragraph 1 above.

*Article 49.*

1. The two Governments shall have the right, even before the date mentioned in Article 47, to buy back the railway lines mentioned in Article 45, including the fixed installations for the operation of those lines and also, on the lines Eger-Asch (Bohemia)-political frontier and Eger-Voitersreuth-political frontier, their ideal share in the joint ownership of the stations at Eger and Franzensbad, in conformity with the provisions of the present Treaty. This right of redemption shall apply for either Party at earliest on January 1st, 1965. It shall be conditional on two years' previous notice being given, the notice to take effect at the end of a calendar year.

2. In case of redemption, the provisions of Article 48 concerning the transfer of the exchange service shall be applicable.

3. The purchase price of the lines and shares of stations mentioned in Articles 45 and 47 shall, unless otherwise agreed, be fixed at the amount of the initial capital actually expended on them. There shall be a deduction of 1.25 % of such initial capital for each year from January 1st, 1919, to the date of purchase.

4. Any outlay shown to have been expended on the extension of the installations during the ten years preceding purchase shall be repaid in full. Such extension of the installations shall not be taken into account when calculating the purchase price mentioned in paragraph 3.

5. The purchaser shall have the right and shall be required to take over the operation of the lines on the day of purchase. The purchase price shall be due on that date. If payment is effected later, the amount of the purchase price shall bear interest as from the due date, at the rate of 2 % above the discount rate of the German Reichsbank if the Czechoslovak Republic is the purchaser, and at 2 % above the discount rate of the Czechoslovak National Bank if the German Reich is the purchaser.



*Article 50.*

When paragraph 1 of Article 26 becomes applicable, the common exchange stations mentioned in Article 12 shall be replaced by the following stations :

- (1) On the line Eger-Asch (Bohemia)-political frontier : the station at Asch (Bohemia).
- (2) On the line Eger-Voiteersreuth-political frontier : the station at Voiteersreuth.
- (3) On the line Rossbach-political frontier-Adorf (Vogtland) : the station at Freiberg (Vogtland).

*Article 51.*

The Czechoslovak postal administration agrees that the German postal administration shall continue to be responsible for the conveyance of postal matter over the lines Eger-Asch (Bohemia)-political frontier and Eger-Voiteersreuth-political frontier during the validity of the operating right granted under paragraph 1 of Article 46. No change shall be made in the arrangements for the conveyance of postal matter during the validity of the operating right except by agreement beforehand.

*Article 52.*

In case of reversion in virtue of Article 47 and of redemption in virtue of Article 49, the railway administration which becomes responsible for operating the line shall be under an obligation to employ the agents hitherto employed by the other administration on the said line and at the exchange station, on condition that they are prepared to accept such transfer and that they already possess or acquire the nationality of the State which becomes responsible for operation. Agents thus transferred shall not be treated less favourably than agents belonging to the same category and possessing the same seniority of service in the administration which becomes responsible for operation.

*Article 53.*

1. Together with the officials to be taken over in virtue of Article 52, the administration concerned shall take over without compensation their reversionary rights to old age pensions or to pensions for their dependants (provision for pensions).

2. On the occasion of reversion in virtue of Article 47 and redemption in virtue of Article 49, the Contracting Parties shall conclude special agreements to decide whether the administration concerned shall also take over for agents and more particularly for officials who have retired or been pensioned off and for dependants of such persons, personal liabilities, including liabilities in respect of accidents and, if so, to what extent, unless the question has already been settled under the agreement concerning social insurance mentioned in Article 39.

*Article 54.*

Posts of railway agents employed exclusively in the territory of the foreign State shall, as far as possible, be filled by nationals of the foreign State. This provision shall not apply to heads of services, more particularly stationmasters and other officials of like rank, or to heads of train services, inspectors or telegraphists, nor shall it apply to officials in the forwarding service, the Customs declarations service of the goods service, or to agents responsible for the collection and administration of funds, or, lastly, to deputies of the aforesaid agents.

*Article 55.*

On every passenger train running between stations in the territory of the foreign State, including the exchange station, the administration responsible for operating the line shall post at least one agent with sufficient knowledge of the official language of the territorial State to ensure the necessary contact with passengers. As regards station personnel, Article 43 shall be applicable.

## PART IV.

## TRANSIT SECTIONS, LINES PASSING OUTSIDE THE NATIONAL TERRITORY.

*Article 56.*

1. If the railway lines of one of the Contracting Parties pass through the territory of the other and there is no exchange station situated in that section in the territory of the foreign State (transit lines), the two Contracting Parties shall accord one another full and unrestricted operating rights in the sense that, in the operation of such transit lines, the regulations for connecting sections operated by the administration in the national territory shall be generally applicable. Nevertheless, the State through whose territory the transit line passes shall retain full sovereignty and the right of technical supervision in conformity with the provisions of Parts I and II. As regards the policing of the railways, Article 4 shall be applicable, and for the levying of railway taxes and other charges paragraph 2 of Article 26 shall apply.

2. As regards the personnel employed in the operation of transit lines and the use of locomotives and other rolling-stock, the relevant provisions of Parts I and II shall be applicable.

3. Passengers travelling over transit lines without breaking their journey shall, as regards Customs and passport inspection and the regulations applicable to foreigners, be exempt in both countries from entrance, transit and exit formalities. Such exemption shall not, however, apply to inspection, while the train is in motion, by the Customs personnel and passport service agents travelling on the train.

4. Should there be a station on the transit line where no change of service takes place, the provisions laid down in Part II shall apply in the matter of Customs and passport inspection and the regulations applicable to foreigners.

*Article 57.*

If the railway lines at a station close to the frontier pass over into the territory of the foreign State (lines passing outside the national territory), the conditions for the use of these lines by the State shall be decided by the two railway administrations in agreement with the frontier posts of the Customs services of the two countries, with due reference to local conditions.

## PART V.

## FINAL PROVISIONS.

*Article 58.*

1. The assessment and settlement of all payments and compensation stipulated in the present Treaty or in other agreements based on it shall be effected, as a general rule, in the currency of the State in which the creditor administration has its headquarters. Nevertheless, in the case of expenditure incurred in another currency, more particularly the currency of the other State, the account shall be established and settled in that currency.

2. The railway administrations of the two countries shall retain the right, in case of need, to conclude agreements constituting exceptions to the provisions of paragraph 1, more particularly with the object, as far as possible, of preventing currency fluctuations from affecting the settlement of specific claims.

*Article 59.*

1. Disputes that may arise between the Contracting Parties concerning the present Treaty shall, at the request of one of them, be settled in the last resort by an arbitral tribunal, to the exclusion of judicial means of settlement.

2. The arbitral tribunal shall be constituted as required. It shall consist of a president and two assessors.

Each of the Contracting Parties shall appoint one assessor within a period of two months. The assessors shall together elect the president. Should they fail to reach agreement, the two Governments shall apply to the President of the Permanent Court of International Justice at The Hague and shall request him to appoint the president or to take over the post of president himself.

3. The arbitrators shall themselves decide in their discretion what procedure shall be followed by the arbitral tribunal. The arbitral award shall be given by a majority vote.

4. Before the constitution of the arbitral tribunal, the Contracting Parties will come to an understanding as to the emoluments of members of the tribunal. The arbitral tribunal shall decide who is to bear the cost of the proceedings, including the emoluments of the arbitrators.

*Article 60.*

The present Treaty has been drawn up in duplicate, in the German and Czechoslovak languages. Both texts shall be equally authentic.

*Article 61.*

1. The present Treaty, together with the Final Protocol, shall be ratified. The instruments of ratification shall be exchanged at Berlin as soon as possible.

2. The Treaty shall come into force on the fifteenth day after the exchange of the instruments of ratification and can only be modified or abrogated by agreement between the two Parties.

3. With the entry into force of the present Treaty, previous treaties and agreements concerning the regulation of the railway connections and transit traffic of the two Parties at the Germano-Czechoslovak frontier shall cease to be effective.

4. Nevertheless, the Treaty concluded on March 25th, 1927, between the German Reich and the Czechoslovak Republic, concerning the building and operation of a railway line through the Schweinitztal, shall remain in force, with the exception of Article 4, paragraph 1 of Article 5 and Article 6, for which the provisions of the present Treaty dealing with the same subject shall be substituted. Sections of the Schweinitztal railway situated in the territory of the Czechoslovak Republic shall be treated as transit lines within the meaning of Article 56 of the present Treaty.

In faith whereof the Plenipotentiaries of the two countries have signed the present Treaty.

PRAGUE, *July twenty-fifth, one thousand nine hundred and thirty-one.*

(L. S.) Dr. Paul ECKARDT.

(L. S.) Dr. Kamil KROFTA.

## FINAL PROTOCOL

TO THE TREATY BETWEEN THE GERMAN REICH AND THE CZECHOSLOVAK REPUBLIC REGULATING THE CONDITIONS OF RAILWAY TRAFFIC ACROSS THE FRONTIER BETWEEN THE TWO COUNTRIES.

When signing the Treaty between the German Reich and the Czechoslovak Republic regulating the conditions of railway traffic across the frontier between the two countries, the Plenipotentiaries noted that the High Contracting Parties were agreed on the following points :

## AD PART I.

## Ad Article 1.

## I.

By "State", within the meaning of the Treaty and of the present Final Protocol, is meant, for Germany, in addition to the German Reich, the several Provinces concerned.

## II.

Within the limits of the Law concerning the Deutsche Reichsbahn-Gesellschaft (Reichsbahn Law) of August 30th, 1924, of the Law of March 13th, 1930, amending the Reichsbahn Law and of the Ordinance of May 19th, 1930, concerning the entry into force of the Law amending the Reichsbahn Law, the German Reichsbahn administration shall take the place of the German Reich as regards the rights and obligations resulting from the present Treaty for the German Reich.

## Ad Article 2.

## I.

1. So far as concerns sections of the railway situated in the Czechoslovak Republic, of which the German Reich is the owner, the immovable property in question and the rights over it are still entered at present in the railway registers and land registers in the name of the Provinces or provincial administrations which were the owners of the said railway sections before April 1st, 1930.

2. So far as concerns sections of the railway situated in the German Reich of which the Czechoslovak Republic is the owner, the immovable property in question and the rights over it are still entered at present in the land registers in the name of the Austrian Empire or of the Austro-Hungarian Monarchy.

3. The formalities prescribed in the German Reich or the Czechoslovak Republic shall not apply in the cases mentioned in paragraphs 1 and 2, for entry in the land registers or registration of the present property rights in the public registers referred to in those paragraphs. It will be sufficient to address to the authorities responsible for keeping the said books a written request specifying the property and property rights which have been transferred to the German Reich or the Czechoslovak Republic. The public registers shall be amended accordingly. Such requests shall be made out in the form of authentic deeds, in the case of Germany by the German Reichsbahn administration jointly with the Province owning the line in question before April 1st, 1920, and, in the case of Czechoslovakia, by the State railway administration of the Czechoslovak Republic.

## II.

On the occasion of the transfer of ownership mentioned in the foregoing paragraphs and of the entry in the land register or the registration of the property, no taxes, rates, charges, duties,

stamp duties, fees or other costs shall be levied in the German Reich or the Czechoslovak Republic, by the German Reich, or the Czechoslovak Republic or by any other organs entitled to levy taxes (Provinces, districts, autonomous associations, communes, etc.).

*Ad Article 3.*

I.

Should the behaviour of an agent of the foreign administration justify intervention by the higher supervisory authority of the territorial State, the authority (administration) to which the agent is subordinate shall call the guilty individual to account if a complaint is lodged by the supervisory authorities of the territorial State. If, contrary to expectation, the authority applied to does not take action on the complaint, the central authority to which the authority applied to is subordinate shall take the necessary steps.

II.

Until some other final settlement of the question has been reached, passengers who cross the frontier at the station at Eisenstein or by the road leading to it and return by one of these crossing points into the territory of the State from which they have come, shall be regarded by the frontier authorities as not having crossed the frontier, unless, while in the territory of the foreign State, they commit an offence against the laws or regulations of that State.

*Ad Article 7.*

I.

In the exchange stations, connections shall, as far as possible, be effected by trains of the same category.

II.

Neither passenger nor goods traffic may be permanently suspended at any of the crossing points mentioned in Article 12, except by agreement between the two Contracting Parties.

III.

*Ad Paragraph 1.*

The provision concerning the Customs and passport service shall apply also to the health, veterinary and other police inspection services.

*Ad Article 8.*

I.

For the lines mentioned in Part III, the rates for traffic between the stations on these lines and the rates for traffic using other railways of the State in whose territory they are situated shall be established in the currency of the said State.

II.

Having regard to the economic requirements of the industrial district of Asch, and with a view to eliminating as far as possible difficulties which might arise owing to the dual operation of the lines Eger - Asch (Bohemia) - political frontier, Eger - Voitersreuth - political frontier on the one hand and Asch (Bohemia) - political frontier near Rossbach and of the Czechoslovak connecting lines from Eger and Franzensbad on the other, as regards the conveyance of passengers, baggage, express goods and ordinary goods traffic, the railway administrations of the two countries will consult one another as to the measures that may be necessary in the matter of rates and forwarding. Provision shall be made more particularly to ensure direct forwarding without breaking of bulk and re-routing or other similar formalities.

## III.

*Ad Paragraph 1.*

This provision shall not affect the tariff measures agreed upon on the transfer of the operating rights over the section Oderberg - political frontier.

*Ad Article 9.*

## I.

The finance administrations of the two countries will settle the details relating to the application of this provision in consultation with the railway administrations.

## II.

This provision shall apply also to claims in respect of taxes and charges dating from before the entry into force of the Treaty, unless the procedure for the investigation and assessment of the tax or charge, including the procedure on appeal, has been finally closed or the tax or charge has been paid by July 12th, 1929.

## AD PART II.

*Ad Article 12, No. 18.*

Pending the transfer of the section Reichenberg - political frontier to the Czechoslovak State, railway administration in conformity with Article 2 of the present Treaty and the operation of this line by the Czechoslovak State railway administration, the section Reichenberg - political frontier shall be operated by the Deutsche Reichsbahn-Gesellschaft in accordance with the provisions of the present Treaty. Similarly, until that date, the operation of the railway shall change over at the station at Reichenberg, which shall be used jointly by the Deutsche Reichsbahn-Gesellschaft on the same conditions as before. Customs inspection — Article 20 of the Treaty — shall also be carried out as at present in the stations at Reichenberg and Zittau, pending the transfer of the section Reichenberg - political frontier. In conformity with paragraph 1 of Article 26, the station at Grottau shall be used as a common exchange station, even before the transfer of the section in question.

*Ad Article 12, No. 28.*

As regards the Neisser Kreisbahn connection (exchange station : Weidenau) referred to here, the provisions of the Concession Deed of August 4th, 1911, shall be applicable (Austrian Legal Gazette, 1911, No. 160, page 509).

*Ad Article 13.*

## I.

The administration responsible for operating the railway shall be authorised to develop and extend the installations in its possession to meet operational and traffic requirements.

## II.

1. In exchange stations where one administration ensures the service for the other, the first-named administration shall be authorised to organise at its discretion and at its own cost a booking-office and a service for the registration of baggage and the forwarding of goods (including storage), even if, at present, the other administration is responsible for the services in question.

2. Furthermore, each administration shall be free at its discretion to appoint at its own expense, at the exchange station, a representative to watch over its interests and in particular to be responsible for the connections and exchange services. The duties of this agent and his relations with the other administration shall be established in the special agreements to be concluded between the railway administrations in conformity with Article 14 of the Treaty.

### III.

After the entry into force of the present Treaty, contrary to the present situation, the service at the exchange station at Eger will be regulated as follows between the two railway administrations :

1. At the passenger and goods stations the service in common shall continue as before, except for the baggage registration and forwarding service. This will be divided into two services, for which the two administrations will be separately responsible. There will be no changes in the special services now existing.

2. The service in common shall be so arranged that the Czechoslovak State railways shall have entire responsibility at the passenger station and the Deutsche Reichsbahn at the goods station. The following principles shall be applied in the matter :

(a) The direction of traffic will be in the hands of the Czechoslovak State railways for all movements of trains and shunting operations not carried out at the goods station. The traffic directorate of the Czechoslovak State railways will also be responsible for the operation and supervision of the points used both by passenger trains and by goods trains.

(b) The direction of traffic will be in the hands of the Deutsche Reichsbahn for all movements of trains and shunting operations carried out at the goods station. The Deutsche Reichsbahn will also be responsible for the operation and supervision of the points used exclusively by goods trains or by shunting sections employed for goods traffic.

(c) At the passenger station, agents of the Deutsche Reichsbahn will be responsible for the service of German passenger trains on arrival and departure, for making up such trains and for announcing arrivals and departures over the German sections. The organs of the Czechoslovak State railways will be similarly responsible for the service at the goods station in the case of Czechoslovak goods trains and over the Czechoslovak sections unless these services come already within the sphere of the traffic directorate in virtue of the provisions of paragraph (a) ; furthermore, the above-mentioned organs will continue as in the past to deal in the case of Czechoslovak goods trains with all questions connected with the commercial service (more particularly the handing over and taking over of way-bills).

3. The Deutsche Reichsbahn will be responsible at the passenger and goods station in general for the maintenance of the common installations and premises, such service to be regarded as a common service. Nevertheless, this shall not include the maintenance of the principal building of the operating service, for which the Czechoslovak State Railways will be responsible on account of both Parties.

4. For all common services entrusted to one or other of the two administrations, representation vis-à-vis third parties will be left to the administration concerned. From the point of view of internal affairs, the administration responsible for operation will take duly into account the interests of the other Party.

5. The Czechoslovak State railway administration will recruit the personnel required for the services transferred from the Deutsche Reichsbahn administration to the Czechoslovak State railways from the personnel of the Deutsche Reichsbahn administration at the station at Eger, if, owing to the reorganisation of the common service at that

station, such agents are found to exceed in number the requirements of the Deutsche Reichsbahn administration and if they possess or are prepared to acquire Czechoslovak nationality.

6. Further details will be settled by an agreement to be concluded between the two railway administrations in conformity with Article 14 of the Treaty.

#### IV.

##### *Ad Paragraph 1.*

1. This will not affect the provisions of Article 4 concerning the policing of the railways.

2. Among these agreements are included those that may be necessary if electric traction is introduced or different systems of electric current meet at the exchange stations.

##### *Ad Article 16, Paragraph 3.*

This provision shall not apply to industrial disputes.

##### *Ad Articles 18, 19, 21 to 23, 25, 30 to 38, 40 and 41.*

The provisions of the above-mentioned Articles shall apply by analogy to the other Customs or passport inspection posts of either country situated in foreign territory at the Germano-Czechoslovak frontier (Customs posts on highways, etc.) and on the Customs roads leading to them, whether the services in question exist already or are created subsequently.

##### *Ad Article 20, Paragraph 2.*

#### I.

On the section Falkenau-Klingenthal-Zwotental (Article 12, No. 8), the German Customs inspection shall take place at Klingenthal and the Czechoslovak Customs inspection at Graslitz.

#### II.

On the section Krawarn-Kuchelna-Ratibor (Article 12, No. 32), the German Customs inspection shall take place for passengers and baggage at the Kranowitz halt, and for goods at Ratibor, and the Czechoslovak Customs inspection at Kuchelna.

##### *Ad Articles 21 and 22.*

#### I.

The provisions of these Articles shall apply by analogy to cases in which Customs or passport inspection takes place on foreign territory while the train is in motion.

#### II.

In the matter of penal proceedings, execution of sentence or surrender affecting a person brought before the authorities in virtue of paragraph 3 of Article 21 for offences other than infringement of the Customs and passport regulations, Article 12 of the Germano-Czechoslovak Extradition Convention of May 8th, 1922, or any other agreement replacing that Article, shall apply. Failing an agreement, the rules of international law generally recognised as governing the particular principle involved shall be applicable.



## III.

As soon as the outgoing passport inspection formalities are concluded, the passport regulations of the State of entry and the police regulations concerning foreigners in that State shall become applicable in their entirety.

*Ad Article 23.*

The Contracting Parties will inform one another which authorities are competent to receive applications for judicial assistance.

*Ad Article 24.*

Having regard to the Customs legislation now in force in Czechoslovakia, these provisions shall apply by analogy to cases in which the railway administration is required to provide living accommodation for Customs agents.

*Ad Article 25, Paragraph 1.*

Coal and electric power shall also be regarded as material, provided that they are not used for the lighting or heating of service premises and are not supplied to agents.

*Ad Articles 26, 50 and 56.*

The following shall now be included in the taxes and other charges levied on railway traffic within the meaning of these articles : in the German Reich, the transport tax, in conformity with the Transport Tax Law of June 29th, 1926 (Reichsgezetzsblatt, Part I, page 357) ; in the Czechoslovak Republic, the traffic taxes, in conformity with the Law of June 30th, 1921 (Collection of Laws and Decrees of the Czechoslovak State, 1921, No. 242), as amended by the law of December 21st, 1923 (Collection 1923, No. 261), and the tax on railway tickets, in conformity with the Law of December 22nd, 1924 (Collection 1924, No. 287).

*Ad Article 28.*

## I.

*Ad Paragraph 2.*

The right stipulated here shall be confined to telegraph and telephone lines connecting postal and telegraph offices with one another. In the case of telephone subscribers' connecting lines, the permanent way shall be used only in exceptional cases and subject to the special consent of the railway administration.

## II.

*Ad Paragraph 3.*

Telegraph and telephone apparatus and safety apparatus within the meaning of paragraph 3 will be described hereunder as telegraph lines. The following provisions shall apply to these telegraph lines :

(a) If the foreign railway administration establishes for its own use underground or overhead telegraph lines, the said lines shall, by agreement with the competent postal administration, be established and maintained by the foreign railway administration at the cost of the latter. The foreign railway administration will be responsible for repairing any defects in its lines.

(b) If the foreign railway administration shares the use of poles and cables belonging to the postal and railway administration of the other country, such poles, together with the wires and cables, shall be placed at its disposal by the administration which owns them and shall be maintained by the latter; the compensation to be paid by the foreign railway administration on this account shall be fixed by the administration which owns the poles and the cables. The foreign railway administration shall be responsible for repairing defects in its overhead lines, and, in the case of cables used by both States, this responsibility shall rest with the administration which owns them.

*Ad Article 30, Paragraph 2.*

By the term "offence" shall be understood, in the case of Germany, contraventions of the German Customs provisions, and in the case of Czechoslovakia, infractions of the Czechoslovak Customs provisions (Customs infractions and not mere irregularities).

*Ad Article 32.*

I.

*Ad Paragraph 1.*

This provision shall apply primarily to matters relating to the status of officials, including the disciplinary code for officials and the labour code, together with the provisions concerning hours of work. Consequently, all labour disputes coming within the jurisdiction of the courts or governed by conciliation procedure that may arise between the railway administrations, on the one hand, and their agents or associations of agents, on the other, shall be settled by the courts or conciliation organs of the State whose railways administration has engaged the agents concerned. Unless otherwise provided in collective contracts, those labour courts or conciliation organs shall be competent which would have been competent if the employees concerned had been working at the headquarters of the railway administration to which they belong or had been domiciled in that place, or if the dispute had arisen there.

II.

*Ad Paragraph 4.*

1. By the term "punishable offences committed in the exercise of their duties" shall be meant acts or omissions of which officials may have been guilty in that they have executed or failed to execute, in a punishable manner, the official duties devolving upon them. Infractions of the Customs and fiscal laws and of import or export prohibitions or restrictions shall never be deemed to be offences committed by agents in the exercise of their duties.

2. The two Parties reserve the right to grant asylum in conformity with the general principles of law.

3. The procedure for the examination of requests for the surrender of accused persons and decisions in regard to such requests shall be governed by the domestic law of the Contracting Parties.

*Ad Article 34.*

The organs responsible for the connections and exchange service shall be required to show courtesy and tact in the exercise of their functions and the discharge of their duties.

Ad Article 35.

I.

Ad Paragraph 2.

Such exemption shall apply also to personal contributions and obligations imposed by the communes on their members and inhabitants, provided that such contributions and obligations are not based on the ownership of property or the exercise of a profession.

II.

Ad Paragraph 3.

1. The persons mentioned in this paragraph are at present subject to direct taxes in virtue of the provisions of the Treaty of December 31st, 1921, for the adjustment of taxation at home and abroad, in particular, for the prevention of double taxation in the field of direct taxation. As regards the taxation of the estates of such persons, the provisions of the Treaty of March 18th, 1922, for the purpose of preventing double taxation in respect of death duties, shall be applicable during the period of validity of that Treaty, as if, at the time of his death, the deceased had been domiciled exclusively in the country of origin.

2. The provisions of the Treaty of December 31st, 1921, mentioned under 1 shall, during the period of validity of that Treaty, be applicable to the persons mentioned in paragraph 3 of Article 35 as regards direct communal charges not dealt with in the present Treaty, provided that such charges do not represent the counterpart of special services rendered by the communes or their establishments or undertakings. In case of doubt as to the scope of the foregoing provision, the question shall be settled, in conformity with point A 1 of the Final Protocol to the Treaty of December 31st, 1921, by agreement between the higher authorities of the financial administrations of the two Contracting Parties.

Ad Article 37.

I.

This shall be without prejudice to the explicit provisions concerning the protection of the home labour market. The Contracting Parties will see that the necessary labour permits are granted as rapidly as possible.

II.

Ad Paragraph 1.

1. This provision shall apply also to employment as an apprentice.

2. Authorisation (permission) shall be granted also to descendants of full age of agents employed in services situated in foreign territory, provided that they are living under the roof of such agents and provided that refusal would, in the individual case under consideration, involve special hardship.

Ad Article 44.

Employees engaged in "Mitropa" restaurant cars and sleeping-cars may carry, instead of a passport, an identity card issued by the local police in the district in which their domicile is situated. Such identity cards must give the name, Christian name, domicile and nationality of the holder, and must bear his signature and his photograph, officially stamped, together with the seal or stamp and the signature of the issuing authority, and also a certificate from the competent directorate of the German Reichsbahn, stating the nature of the post held by the employee in the restaurant and sleeping-car service. The visa of the foreign State will not be required.

## AD PART III.

*Ad Articles 47 and 49.*

## I.

On the occasion of reversion and redemption, the administration responsible for operating the railway shall take the necessary steps to enable the administration taking over to obtain possession of the installations on the due dates. The administration responsible for operating the railway shall also be required to place at the disposal of the other administration the documents and information necessary for the latter to obtain possession and continue operation.

## II.

*Ad Article 47, Paragraphs 2 and 3, and ad Article 49, Paragraph 1.*

Together with the property, there shall be transferred all rights and obligations attaching thereto and all contractual or legal rights and undertakings arising directly or indirectly out of construction, operation or traffic and regular administration, excluding, however, mortgage claims and debts in respect of loans.

## III.

*Ad Article 47, Paragraph 4.*

In the case of expenditure to be repaid on account of the extension of installations, the two railway administrations will conclude an agreement in each particular case. In the case of installations that may be necessary in the interests of operation or traffic, it will be sufficient for one of the railway administrations to address a communication to the other.

*Ad Article 51.*

The administration of the Deutsche Reichsbahn will continue to place at the disposal of the Czechoslovak postal administration, for the same purposes, the offices and living premises which the latter now has at its disposal on the lines in question. The Czechoslovak postal administration will pay adequate compensation for the use of such premises.

*Ad Article 53, Paragraph 1.*

By "officials" are meant agents who are not covered by the Convention concerning social insurance mentioned in Article 39.

## AD PART IV.

*Ad Article 56.*

The establishment, maintenance and operation of safety apparatus, telephonic and telegraphic warning apparatus and high tension plant already installed or which may subsequently be installed on the transit sections, and likewise of service lines belonging to electric railways, shall devolve exclusively on the railway administration responsible for operation.

## AD PART V.

*Ad Article 61.*

The two Contracting Parties pledge themselves to take punctually any legislative or administrative measures that may be necessary for the execution of the present Treaty.

PRAGUE, *July twenty-fifth, one thousand nine hundred and thirty-one.*

Dr. Paul ECKHARDT.

Dr. Kamil KROFTA.