

No. 402

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**LUXEMBOURG, BELGIUM  
and  
FRANCE**

**Convention respecting the Luxembourg railways, with Additional Protocol, signed at Luxembourg, on 17 April 1946, and a Supplementary Agreement modifying the said Convention, signed at Luxembourg, on 26 June 1946**

*French official text communicated by the Minister of Foreign Affairs of Luxembourg. The registration took place on 11 April 1949.*

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**LUXEMBOURG, BELGIQUE  
et  
FRANCE**

**Convention au sujet des chemins de fer luxembourgeois, avec un Protocole additionnel, signés à Luxembourg, le 17 avril 1946, et Avenant portant modification de cette Convention, signé à Luxembourg, le 26 juin 1946**

*Texte officiel français communiqué par le Ministre des affaires étrangères du Luxembourg. L'enregistrement a eu lieu le 11 avril 1949.*

## TRANSLATION — TRADUCTION

No. 402. CONVENTION<sup>1</sup> BETWEEN THE GOVERNMENTS OF BELGIUM, FRANCE AND LUXEMBOURG RESPECTING THE LUXEMBOURG RAILWAYS, WITH ADDITIONAL PROTOCOL<sup>1</sup>, SIGNED AT LUXEMBOURG, ON 17 APRIL 1946, AND A SUPPLEMENTARY AGREEMENT MODIFYING THE SAID CONVENTION, SIGNED AT LUXEMBOURG, ON 26 JUNE 1946

## CONVENTION

HER ROYAL HIGHNESS THE GRAND DUCHESS OF LUXEMBOURG,

HIS ROYAL HIGHNESS THE PRINCE REGENT, ON BEHALF OF HIS MAJESTY THE KING OF THE BELGIANS,

HIS EXCELLENCY THE PRESIDENT OF THE PROVISIONAL GOVERNMENT OF THE FRENCH REPUBLIC,

Resolved to contribute jointly to the operation of the Luxembourg railways and desirous of ensuring the normal course of traffic to and from the Grand Duchy and beyond,

Considering, in particular, that the provisions of the Treaty of Economic Union between Belgium and Luxembourg require the establishment of guarantees with regard to railway traffic in the Grand Duchy, in order to facilitate the execution of the said Treaty,

Desirous, moreover, of avoiding diversion of traffic to the detriment of Luxembourg,

have appointed as their Plenipotentiaries:

Her Royal Highness the Grand Duchess of Luxembourg:

Mr. Pierre *Dupong*, Minister of State, President of the Government, and

Mr. Victor *Bodson*, Minister of Transport, Justice and Public Works;

His Royal Highness the Prince Regent of Belgium:

Viscount Joseph *Berryer*, Belgian Minister to Luxembourg and

Mr. Ernest *Rongvaux*, Minister of Communications;

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<sup>1</sup> Came into force on 1 March 1949, upon the deposit on that date of the instruments of ratification with the Ministry of Foreign Affairs of Luxembourg by all three signatory Governments, in accordance with article 13.

The President of the Provisional Government of the French Republic:  
Mr. Armand Blanquet du *Chayla*, French Minister to Luxembourg, and

Mr. Jules *Moch*, Minister of Public Works and Transport;

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

#### *Article 1*

With a view to making provision for the management of all the Luxembourg railways, the High Contracting Parties shall establish a Luxembourg company, the capital of which shall be subscribed by them at the rate of 24.5 per cent by Belgium, 24.5 per cent by France and 51 per cent by Luxembourg.

#### *Article 2*

The company shall be established for a term of 99 years reckoned from 1 June 1945. Two years before the expiry of this time-limit, the High Contracting Parties shall consult with each other concerning the methods of winding up the company or the establishment of a new company.

#### *Article 3*

The instruments of constitution of the company shall be drawn up by joint agreement between the High Contracting Parties and shall be approved by a Grand Ducal law.

#### *Article 4*

The existence of a unified Luxembourg railway system shall not give rise to measures resulting in the diversion of the traffic from the course it would follow if that system formed an integral part of the Belgian or the French system.

Neither the Belgian nor the French railway administration shall adopt any measures likely to divert the traffic which would in the natural course be carried by the Grand Ducal railway system.

#### *Article 5*

The Belgian graduated rates shall be extended to the Luxembourg railways for the transportation of goods in transit over the Belgian, French and Luxembourg systems.

#### *Article 6*

The Luxembourg railways shall at all times provide rolling stock and equipment and maintain a technical organization sufficient to ensure that

traffic in transit on the Luxembourg system shall not be subjected to any delay and shall benefit by the same facilities that it would enjoy if the Luxembourg system formed an integral part of the Belgian system or the French system.

*Article 7*

The joint stations at present existing on the lines connecting the Belgian or French railways with the Luxembourg railways and any stations which may hereafter be set up there shall be deemed, from the Customs point of view, to be international stations. From the railway point of view, they shall be deemed to be the starting and terminal points of the Belgian or French and Luxembourg railways.

*Article 8*

The Government of the Grand Duchy shall enter into all the rights and obligations of Belgium, France and the former operators of the Guillaume-Luxembourg and Prince Henri systems arising out of treaties, conventions and agreements and the operation of these systems.

*Article 9*

The reciprocal debts and credits of the Luxembourg Government and the Société nationale des Chemins de fer français were settled on 2 January 1946.

*Article 10*

The Government of the Grand Duchy shall reserve the right to intervene in all instruments relating to the organization of the Luxembourg railways, in order to ensure the application of the clauses of the present Convention.

For this purpose, it shall modify or supplement, if necessary, any instruments drawn up before the entry into force of the present Convention.

*Article 11*

If, in order to promote exclusively Luxembourg interests, the Government of the Grand Duchy takes measures which are not compatible with the sound industrial and commercial management of the railways, the resulting costs shall be borne entirely by the State of Luxembourg.

*Article 12*

Failing agreement on another mode of procedure, the High Contracting Parties agree to submit to the International Court of Justice, in pursuance of a unilateral request, any dispute concerning the execution of the above provisions.

*Article 13*

The present Convention shall be ratified; the instruments of ratification shall be deposited in the archives of the Ministry of Foreign Affairs at Luxembourg as soon as possible. The Convention shall enter into force on the date of the deposition of the ratifications.

DONE in triplicate at Luxembourg on the seventeenth day of April, one thousand nine hundred and forty-six.

Pierre DUPONG  
Victor BODSON  
Joseph BERRYER  
Ernest RONGVAUX  
Armand Blanquet du CHAYLA  
Jules MOCH

## ADDITIONAL PROTOCOL

With a view to giving effect to articles 4, 5 and 7 of the Convention, the High Contracting Parties have agreed upon the following provisions, which shall be deemed to be an integral part of the said Convention:

*Ad Article 4.* — Complete trains from the Audun-le-Tiche region to Thionville and beyond, and vice versa, may continue as in the past to proceed via Esch-sur-Alzette-Bettembourg.

The establishments situated in Belgian or French territory and linked to the Luxembourg system or served by that system shall, from the point of view of transport conditions and rates, be treated on that system in the same manner as similar establishments situated in Luxembourg territory.

*Ad Articles 4 and 5.* — The rates applicable on transit routes by the Luxembourg system where such routes are not preceded or followed by a Belgian route shall be fixed by agreement between the French and Luxembourg Governments.

The rates applicable on transit routes by the Luxembourg system when such routes are not preceded or followed by a French route shall be fixed by agreement between the Belgian and Luxembourg Governments.

*Ad Article 7.* — The joint frontier stations shall be as follows:  
—Bettembourg (in Luxembourg territory, on the Luxembourg-Thionville line)  
—Audun-le-Tiche (in French territory, on the Rédange-Bettembourg line)

- Longwy (in French territory, on the Longwy-Luxembourg line)  
—Athus (in Belgian territory, on the Athus-Esch line).

Agreements shall be concluded between the Belgian and Luxembourg railways or the French and Luxembourg railways, to fix the conditions for the operation of the joint stations and the sections of track between the Belgian-Luxembourg or French-Luxembourg frontiers and the joint frontier stations, and the procedure applicable to the establishments linked to the joint stations.

Notwithstanding the provisions of article 7, the operation of the line between Longwy and the Luxembourg frontier by the Luxembourg railways shall be limited to transport from or to Luxembourg and beyond it.

DONE in triplicate at Luxembourg, on 17 April 1946.

Pierre DUPONG  
Victor BODSON  
Joseph BERRYER  
Ernest RONGVAUX  
Armand Blanquet du CHAYLA  
Jules MOCH

#### SUPPLEMENTARY AGREEMENT

Her Royal Highness the Grand Duchess of Luxembourg,

His Royal Highness the Prince Regent, on behalf of His Majesty the King of the Belgians,

His Excellency the President of the Provisional Government of the French Republic,

Having agreed to substitute a new text for article 8 of the Convention between Belgium, France and Luxembourg regulating the operation of the Luxembourg railways, signed at Luxembourg on 17 April 1946,

Have appointed as their plenipotentiaries:

Her Royal Highness the Grand Duchess of Luxembourg:  
Mr. Victor *Bodson*, Minister of Transport, Justice and Public Works;

His Royal Highness the Prince Regent of Belgium:  
Viscount Joseph *Berryer*, Belgian Minister to Luxembourg;

The President of the Provisional Government of the French Republic:  
Mr. Jean-Louis *Toffin*, French Chargé d'Affaires in Luxembourg;

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

*Article 8 (new):*

The Government of the Grand Duchy shall enter into all the rights and obligations of Belgium, France and the former operators of the Guillaume-Luxembourg system (formerly administered by the Chemins de fer d'Alsace et de Lorraine and the Société Nationale des Chemins de fer français) and of the Prince Henri system, arising out of treaties, conventions and agreements and the operation of these systems.

DONE in triplicate at Luxembourg, on 26 June 1946.

VICTOR BODSON  
JOSEPH BERRYER  
JEAN-LOUIS TOFFIN