

**No. 3708**

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**POLAND  
and  
CZECHOSLOVAKIA**

**Agreement (with Protocol of signature) on privileged  
rail transit from Poland to Poland through Broumov-  
Meziměstí. Signed at Prague, on 2 July 1949**

*Official texts: Polish and Czech.*

*Registered by Poland on 11 February 1957.*

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**POLOGNE  
et  
TCHÉCOSLOVAQUIE**

**Accord (avec Protocole de signature) relatif au transit  
ferroviaire privilégié de Pologne en Pologne par  
Broumov-Meziměstí. Signé à Prague, le 2 juillet  
1949**

*Textes officiels polonais et tchèque.*

*Enregistré par la Pologne le 11 février 1957.*

[TRANSLATION — TRADUCTION]

No. 3708. AGREEMENT<sup>1</sup> BETWEEN POLAND AND CZECHOSLOVAKIA ON PRIVILEGED RAIL TRANSIT FROM POLAND TO POLAND THROUGH BROUMOV-MEZIMĚSTÍ. SIGNED AT PRAGUE, ON 2 JULY 1949

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The President of the Polish Republic and the President of the Czechoslovak Republic, being desirous of regulating the privileged rail transit traffic from Poland to Poland through Broumov-Meziměstí, have decided to conclude an appropriate agreement, and have appointed for that purpose as their plenipotentiaries :

The President of the Polish Republic :

Mr. Leonard Borkowicz, Ambassador of the Polish Republic at Prague,

The President of the Czechoslovak Republic :

Mr. Alois Petr, Minister of Communications of the Czechoslovak Republic, who, having exchanged their full powers, found in good and due form, have agreed on the following provisions :

PART I

GENERAL PROVISIONS

*Article 1*

1. Czechoslovakia shall grant to Poland freedom of transit in conformity with the provisions of this Agreement for goods and rolling-stock in transit from Poland to Poland through Czechoslovak territory over the section of railway between the State frontier near Tłumaczów-Broumov and the State frontier near Meziměstí-Mieroszów.

2. Save as otherwise provided in this Agreement, such traffic shall be subject *mutatis mutandis* to the provisions of the Convention between the Polish Republic and the Czechoslovak Republic for the regulation of railway traffic between the two countries.

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<sup>1</sup> Came into force on 15 May 1951, as from the date of the exchange of the instruments of ratification at Warsaw, in accordance with article 25.

*Article 2*

Subject to the special provisions of this Agreement, no discrimination in course of transit shall be exercised in respect of the origin of goods or rolling stock or the nationality of the consigners or consignees.

*Article 3*

1. Transit traffic shall be conducted in accordance with the privileged transit rules laid down in this Agreement.

2. Privileged transit traffic shall be effected by privileged trains, which may be either complete trains or parts of trains assigned for privileged transit.

3. Privileged trains shall be used to convey goods and rolling-stock.

4. No person shall be permitted to leave or board a privileged train in Czechoslovak territory. This provision shall not apply to train crews discharging their duties in connexion with the privileged train traffic.

*Article 4*

The privileged transit traffic shall be subject in Czechoslovak territory to Czechoslovak law, particularly in so far as it concerns the maintenance of order and public security and the observance of health and fiscal regulations.

*Article 5*

Goods and rolling-stock conveyed under the terms of this Agreement shall be exempt on Czechoslovak territory from seizure by the judicial or administrative authorities.

## PART II

## RAILWAYS

*Article 6*

1. The privileged transit traffic shall be effected during the hours of daylight by locomotives (steam, electric, motor, etc.) and crews of Polish railways.

2. Privileged trains shall not stop in Czechoslovak territory save in the cases specified in this Agreement or when necessary for technical or customs reasons.

*Article 7*

The Czechoslovak railways shall be required to maintain the railway track designated for privileged transit in a state of normal repair.

*Article 8*

1. The time-tables of trains using the transit route shall be decided on by agreement between the railway administrations of the Contracting Parties.

2. Should it become necessary to run privileged trains not provided for in the time-table, the railway administrations of the two Contracting Parties shall agree in each case as to the ways and means.

*Article 9*

1. The rolling-stock of privileged trains must be fit for use. Responsibility for the technical maintenance of such rolling-stock shall rest with the administration of the Polish railways.

2. Privileged trains shall not be subject to taking-over or handing-over by the Czechoslovak railways.

3. The railway administrations of the two Contracting Parties shall decide on the procedure to be followed and the assistance to be given in cases in which the rolling-stock of privileged trains is found to be unfit for traffic on the transit route.

*Article 10*

The administration of the Polish railways shall give the administration of the Czechoslovak railways, at its request, any necessary assistance in the event of accident, interruption of traffic, damage to rolling-stock, etc., on the transit route, subject to reimbursement of the costs.

*Article 11*

1. Liability for injuries caused to third persons on Czechoslovak territory in connexion with the privileged train traffic shall rest with the administration of the Polish railways.

2. With the exception of liability for damages covered by a transport contract, liability for damages and accidents caused by the privileged train traffic shall be governed by Czechoslovak laws and regulations.

3. As between the railway administrations of the two Contracting Parties, liability shall be determined as follows :

(a) Liability for damages and accidents caused by the fault of employees shall rest with the employing administration. If the damage or accident was due to the fault of employees of both administrations, or if it is not possible to determine

which employees caused the damage, liability shall be borne equally by both administrations ;

(b) Liability for damages and accidents due to improper maintenance of constructions and installations allocated to the transit traffic, or to improper maintenance of rolling-stock, shall be borne by the administration responsible for maintaining the installations or rolling-stock ;

(c) Each administration shall have the right to claim against the other administration if it is compelled by a valid judicial decision to pay compensation in respect of damages for which the other administration is wholly or partly liable under the terms of the above provisions. The right shall likewise be available where the two administrations have agreed that one of them will settle a claim for compensation, although the other administration is wholly or partly liable for the damages. A settlement, an admission or a judgement by default shall however only be binding on that other administration if it concurred in the said settlement, admission or judgement, or if, on being consulted by the administration which settled the claim for compensation, it fails, even after a reminder, to reply within the specified time-limit.

4. Enquiries concerning the damages and accidents referred to in the foregoing provisions shall be conducted, and their causes determined, jointly by representatives of the railway administrations of the two Contracting Parties.

#### *Article 12*

Service tel grams and telephone calls shall be free of all charges and shall be made in conformity with the provisions of the Convention referred to in article 1, paragraph 2 of this Agreement.

#### *Article 13*

1. Goods shall be forwarded direct in conformity with Polish or international transports regulation, at the rates in force on the railway lines in use.

2. Fares and charges for transport in privileged trains shall be payable entirely to the administration of the Polish railways.

#### *Article 14*

The railway administrations of the two Contracting Parties shall jointly decide on the compensation payable to the Czechoslovak railways by the Polish railways for the use of Czechoslovak railway line, and for Czechoslovak railway services connected with the privileged transit traffic.

## PART III

## CUSTOMS PROVISIONS

*Article 15*

Save as otherwise provided in this Agreement, the privileged transit traffic shall be subject to Czechoslovak customs regulations.

*Article 16*

Goods and rolling-stock conveyed in the privileged transit traffic shall be exempt from all customs formalities and all customs and other charges.

*Article 17*

Import, transit and export prohibitions in force in Czechoslovakia shall not apply to the privileged transit traffic within the meaning of this Agreement.

*Article 18*

1. Privileged trains may be escorted while in Czechoslovak territory by an officer of the Czechoslovak National Security Corps. The costs of such escort service shall be determined in accordance with the Czechoslovak customs regulations and shall be defrayed by the administration of the Polish railways. Trains may in addition be escorted by officers of the Polish Frontier Guard or by a Polish customs officer.

2. After entering and before leaving Czechoslovak customs territory, privileged trains shall halt at designated spots where the Czechoslovak escort officer may board or leave the train.

*Article 19*

Privileged trains shall halt at stations for the time necessary to allow their seals to be inspected and the train list, the form and number of copies of which shall be determined by the railway administrations of the two Contracting Parties, to be handed over.

*Article 20*

1. Customs seals affixed by the Polish authorities shall be recognized by the Czechoslovak customs authorities.

2. Polish customs seals affixed to trucks may be broken in Czechoslovak territory only in case of absolute necessity, which shall be decided by the officer of the Czechoslovak railway administration in consultation with the Polish train

guard, or, if the train is between stations, by the officer of the Polish railway administration in consultation with the officer of the Czechoslovak National Security Corps. New seals must be affixed by the Czechoslovak customs authorities in place of the broken seals, where circumstances permit.

*Article 21*

1. The unloading or additional loading of goods shall be prohibited in Czechoslovak territory. Trans-shipment of goods shall be permitted only in the event of damage to trucks, and shall be effected under the supervision of Czechoslovak customs authorities.

2. Special charges for the supervision by Czechoslovak customs authorities of goods trans-shipments necessitated by damage to trucks, or for the escorting of trains by customs authorities, should the need arise, shall be defrayed by the administration of the Polish railways.

*Article 22*

Where trucks are uncoupled from trains, freights are trans-shipped or customs seals broken and new seals affixed, a report must be drawn up by the Polish railway officials jointly with the Czechoslovak customs officials. A copy of the report shall be transmitted to the Czechoslovak customs authorities.

PART IV

EXECUTORY REGULATIONS

*Article 23*

Any detailed regulations necessary for the application of this Agreement shall be decided in agreement by the competent authorities of the two Contracting Parties.

PART V

FINAL PROVISIONS

*Article 24*

All disputes arising in connexion with the application of the provisions of this Agreement or of any arrangements concluded under the terms thereof shall be settled in accordance with the procedure laid down in the Protocol of Mediation and Arbitration Procedure annexed to the Convention between the Polish Republic

and the Czechoslovak Republic for ensuring economic co-operation, signed at Prague on 4 July 1947.<sup>1</sup>

*Article 25*

1. The present Agreement shall be ratified as soon as possible and shall come into force on the day of the exchange of instruments of ratification, which shall take place at Warsaw.

2. The present Agreement is concluded for the period of one year ; it may be extended at the request of Poland, if circumstances so require, for a period to be agreed upon by the Contracting Parties.

3. The present Agreement is drawn up in two copies, each in Polish and Czech, both texts being equally authentic.

IN WITNESS WHEREOF the aforesaid plenipotentiaries of the two Contracting Parties have signed this Agreement and have thereto affixed their seals.

DONE at Prague, 2 July 1949.

L. BORKOWICZ  
A. PETR

PROTOCOL OF SIGNATURE

On proceeding to sign this Agreement, the two Contracting Parties have agreed that transit traffic by privileged trains shall come into operation forthwith.

The two Contracting Parties have agreed that the terms of this Agreement may be provisionally applied before ratification, as from the date of its signature.

This Protocol forms an integral part of the Agreement.

Prague, 2 July 1949.

L. BORKOWICZ  
A. PETR

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<sup>1</sup> United Nations, *Treaty Series*, Vol. 85, p. 62.