

No. 6214

**POLAND
and
CZECHOSLOVAKIA**

**Agreement (with annex and Protocol) concerning rail
traffic between the two countries. Signed at Prague, on
31 January 1958**

Official texts: Polish and Czech.

Registered by Poland on 10 July 1962.

**POLOGNE
et
TCHÉCOSLOVAQUIE**

**Accord (avec annexe et Protocole) relatif au trafic ferro-
viaire entre les deux pays. Signé à Prague, le 31 janvier
1958**

Textes officiels polonais et tchèque.

Enregistré par la Pologne le 10 juillet 1962.

[TRANSLATION — TRADUCTION]

No. 6214. AGREEMENT¹ BETWEEN THE POLISH PEOPLE'S REPUBLIC AND THE CZECHOSLOVAK REPUBLIC CONCERNING RAIL TRAFFIC BETWEEN THE TWO COUNTRIES. SIGNED AT PRAGUE, ON 31 JANUARY 1958

With a view to developing Polish-Czechoslovak co-operation in all matters relating to rail traffic, the Council of State of the Polish People's Republic and the President of the Czechoslovak Republic have decided to replace the Convention between the Polish Republic and the Czechoslovak Republic for the regulation of railway traffic between the two countries, signed at Prague on 30 May 1927,² by a new Agreement adapted to the present-day requirements of the two States and for that purpose have appointed as their plenipotentiaries :

The Council of State of the Polish People's Republic :

Ryszard Strzelecki, Minister for Transport;

The President of the Czechoslovak Republic :

Dr. František Vlasák, Minister for Transport,

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. Rail traffic between the Polish People's Republic and the Czechoslovak Republic shall proceed by way of the rail crossings open for such traffic.

2. One of the frontier stations at each rail crossing shall serve as an interchange station at which the railway employees of the Contracting Parties shall jointly perform the operations of handing and taking over.

3. The railway administrations of the Contracting Parties shall designate by separate agreement and with the concurrence of the competent authorities :

- (a) The rail crossings and the type of traffic which is to use them;
- (b) The interchange stations.

¹ Came into force on 31 May 1958, the date of the exchange of the instruments of ratification at Warsaw, in accordance with article 25.

² League of Nations, *Treaty Series*, Vol. XCVIII, p. 233.

In designating the interchange stations, care shall be taken to ensure that the services performed by the Contracting Parties are as nearly equal as possible.

4. The Contracting Parties may perform jointly at the interchange station, in addition to the railway operations of handing and taking over, operations connected with passport, customs, veterinary and phytopathological control and such other operations as may be necessary.

5. The competent authorities of the Contracting Parties shall determine by separate agreements the interchange stations at which, and the extent to which, operations connected with passport, customs, veterinary and phytopathological control and other operations shall be performed jointly.

Article 2

Transport operations on the section of railway line between the interchange station and the State frontier (the frontier section) shall be conducted by the railway administration of the Contracting Party in whose territory the said section is situated. However, locomotives and train crews for trains on that section shall be furnished, subject to reimbursement of the cost, by the railway administration of the other Contracting Party. The method of computing the cost shall be determined by the railway administrations of the Contracting Parties.

Article 3

1. The interested administrations of the Contracting Parties and their employees shall use their own official languages in written and oral communications with one another. Exceptions to this rule may be specified in executory agreements.

2. Each Contracting Party shall endeavour to ensure that its employees serving at interchange stations and non frontier sections in the territory of the other Contracting Party know the official language of the State in whose territory the interchange station is situated, at least well enough to reach an understanding with the employees of that State in the latter's official language.

Article 4

1. Each Contracting Party shall be entitled to mark its official premises at interchange stations in the territory of the other Contracting Party with inscriptions in its official language and the coat-of-arms and colours of its own State. The inscriptions on such official premises must be so set out that the

text in the official language of the State whose employees occupy the premises precedes that in the official language of the other State.

2. Each Contracting Party shall be entitled to fly its State flag at official premises occupied in the territory of the other Contracting Party and to decorate such premises.

Article 5

1. The nationality and employment status of employees of one Contracting Party shall not be affected by their assignment to duty in the territory of the other Contracting Party.

2. The employees of each Contracting Party shall be responsible solely to their own authorities for service offences subject to administrative or disciplinary punishment which are committed in the territory of the other Contracting Party.

3. Employees of one Contracting Party serving in the territory of the other Contracting Party shall perform their duties in accordance with the laws and regulations of their own State. Their official acts shall have the same legal effects as if they had performed the said acts in the territory of their own State.

4. The railway employees of the Contracting Parties shall, however, be bound to comply with the provisions of international railway agreements to which both Contracting Parties subscribe.

5. Save as otherwise provided in this Agreement, employees of one Contracting Party serving in the territory of the other Contracting Party shall be bound to comply with the laws and regulations in force in that territory and with the orders of local authorities.

6. Employees of one Contracting Party serving in the territory of the other Contracting Party shall be exempt from all direct taxes, charges and fees levied in that territory and from all forms of public service of a personal or material nature, with the exception of those unconnected with their official employment in the territory of the other Contracting Party.

Article 6

1. Each Contracting Party undertakes to ensure that employees of the other Contracting Party at interchange stations or on frontier sections are able to perform their duties without hindrance. In the event of any action directed against such employees, the local authorities shall be bound to render any necessary assistance at their request.

2. Employees of one Contracting Party serving in the territory of the other Contracting Party shall be accorded the same legal protection as employees of the latter Party.

Article 7

1. Employees of the Contracting Parties serving at interchange stations or on frontier sections shall be required, in the interests of efficient service, to act in a manner consistent with the friendly relations existing between the two socialist States and to conduct themselves properly both on and off duty.

2. Each Contracting Party shall be bound to recall forthwith, at the request of the competent authorities of the other Contracting Party, any of its employees serving in the territory of the latter Party. A request for recall shall require no explanation.

3. Where an employee of one Contracting Party serving in the territory of the other Contracting Party is provisionally taken into custody in that territory, the authority employing him must be so informed forthwith. In such a case, the Contracting Party whose authorities made the arrest shall take the necessary steps to protect the interests of the other Contracting Party and shall, in particular, ensure that the continuity of service is not affected.

Article 8

1. Employees of one Contracting Party serving in the territory of the other Contracting Party shall be covered by social insurance in accordance with the laws of their own State. Competence in respect of such social insurance shall vest in the insurance carriers, courts and administrative authorities of that State.

2. An employee of one Contracting Party who is suddenly taken ill or meets with an accident while serving in the territory of the other Contracting Party shall be given first aid free of charge by the Party in whose territory the case has arisen.

Article 9

Employees of one Contracting Party serving in the territory of the other Contracting Party shall be entitled to wear their uniforms or service badges in that territory, both on and off duty. Such employees shall also be entitled to carry service weapons if their service regulations so provide.

Article 10

Each Contracting Party shall assign to duty in the territory of the other Contracting Party the number of employees strictly necessary to maintain service.

Article 11

1. The Contracting Parties shall endeavour to ensure that rail traffic routed from either country to or through the other is carried on as efficiently as possible, without hindrance or delay.

2. The railway administrations of the Contracting Parties shall so schedule the frontier train services as to ensure that passengers and goods are not kept waiting for connexions at frontier stations any longer than is strictly necessary for railway, frontier and customs service purposes.

3. The railway administration of each Contracting Party shall inform the railway administration of the other Contracting Party of any obstruction to traffic which might adversely affect the rail traffic of the latter Party.

4. The removal of traffic obstructions at interchange stations or on frontier sections shall be the responsibility of the railway administration in whose territory the obstructions have arisen. The railway administrations of the Contracting Parties shall afford each other on request, subject to reimbursement, all possible assistance with personnel, equipment, rolling stock and supplies.

Article 12

The competent authorities of the Contracting Parties shall conclude separate executory agreements with a view to the application of particular provisions of this Agreement.

Article 13

The Contracting Parties shall, at the appropriate time, consider a new system for the regulation of rail traffic between the two countries on the basis of joint frontier stations.

Article 14

1. The Contracting Parties shall, where the special circumstances of their railway systems so warrant, grant each other freedom of transit on their respective frontier railway lines, in accordance with the rules of privileged transit, for passengers, luggage, express parcels, goods, postal matter and rolling stock.

2. The Contracting Parties shall conclude, in specific cases, separate agreements on privileged transit.

PART II

THE RAILWAY AND POSTAL TRAFFIC

Article 15

1. The railway administration of the Contracting Party in whose territory an interchange station is to be situated shall provide at its own expense the buildings and installations for such station, including the premises and areas required for the frontier control services of the Contracting Parties. In building and equipping an interchange station, the said railway administration shall take into account any valid requests made by the other Contracting Party, as well as the requirements of railway service between the two countries.

2. The railway administrations of the Contracting Parties shall determine, by separate agreement, the services performed at interchange stations for which charges are to be made and the method of computation and payment.

3. The railway administration of the Contracting Party in whose territory an interchange station is situated shall provide comfortable rest accommodation and sleeping quarters for the railway employees of the other Contracting Party.

Article 16

1. The inspection of frontier sections and interchange stations and the upkeep and reconstruction of railway installations shall be the responsibility of the railway administration of the Contracting Party in whose territory the interchange station in question is situated.

2. The railway administrations of the Contracting Parties shall conclude separate agreements with regard to the inspection, upkeep and reconstruction of railway buildings and installations which are intersected by the State frontier.

Article 17

1. The railway administrations of the Contracting Parties shall fix their own tariffs for traffic to and from the State frontier.

2. Tariff revenue from traffic on a frontier section shall accrue to the railway administration of the Contracting Party in whose territory the frontier section is situated.

3. Official consignments shall be carried free of charge on the frontier section for authorities of the adjoining State serving at an interchange station.

Article 18

1. The railway administrations of the Contracting Parties shall be bound to install and keep in good condition in the territory of their respective States the

communications and rail traffic control equipment required to maintain railway service between frontier stations.

2. Telegraph and telephone lines connecting the frontier stations of the Contracting Parties must end at those stations and must not be connected with the domestic network.

3. The railway administrations of the Contracting Parties may, where necessary, install telecommunications between other railway service units of the two Contracting Parties.

4. Employees of either Contracting Party serving at interchange stations or on frontier sections shall be entitled to use the railway telecommunication facilities of the other Contracting Party free of charge for official purposes.

Article 19

1. The exchange of postal consignments carried by rail shall be effected in accordance with the regulations of the Universal Postal Union and on the basis of the agreements concluded between the postal administrations of the Contracting Parties.

2. The postal administrations of the Contracting Parties shall designate, in agreement with the railway administrations, the stations at which postal consignments are to be exchanged. The places at which postal consignments are exchanged must as a rule be situated at interchange stations.

Article 20

1. Railway safety services at interchange stations and on frontier sections shall be rendered, in accordance with their own regulations, by the competent authorities of the Contracting Party in whose territory the stations and sections are situated.

2. Railway safety services on trains within the frontier sections shall be rendered by the crews of such trains in accordance with the regulations of the Contracting Party in whose territory the sections are situated. The competent local authorities shall afford the said train crews every assistance and protection.

Article 21

1. Liability to third persons for damage sustained or accidents occurring in rail traffic at interchange stations or on frontier sections shall rest with the railway administration of the Contracting Party in whose territory the damage was sustained or the accident occurred.

2. Liability and the right of recovery as between the railway administrations of the Contracting Parties shall be regulated by agreement between the said railway administrations.

3. Liability for damage arising out of a contract of carriage shall be regulated by separate agreements.

PART III

FRONTIER AND CUSTOMS REGULATIONS

Article 22

1. The frontier and customs examination of passengers, luggage, express parcels and goods at rail crossings may be carried out by day or night.

2. In preparing the time-tables of trains which cross the State frontier, the railway administrations of the Contracting Parties shall take into account the length of time for which the trains must halt at the frontier stations for frontier and customs examination. The time-tables of regular trains must be communicated to the competent frontier and customs authorities not later than fifteen days before they take effect. Changes in the time-tables and information on delays, on the cancellation of regular trains and on the running of extra trains must be communicated to the said authorities forthwith.

3. The conduct of joint control operations (article 1, paragraph 5) shall be governed by the principle that the examination shall be made first by the authorities of the State which the train is leaving and then by the authorities of the State which it is entering.

4. The control authorities of one Contracting Party proceeding on duty to interchange or frontier stations in the territory of the other Contracting Party shall be entitled to travel free of charge on trains running between those stations.

5. The control authorities of one Contracting Party shall be entitled to escort trains on the section of railway line between the interchange station and the frontier station of the other Contracting Party.

6. The railway administration of each Contracting Party shall provide the frontier and customs authorities of the other Contracting Party with suitable official premises at those interchange stations where joint control operations are to be performed (article 1, paragraph 5) and shall, if they so request, permit them to install their own telephone lines along the strip of land under railway jurisdiction to the territory of their State.

Article 23

1. Employees of one Contracting Party serving at interchange stations or on frontier sections in the territory of the other Contracting Party may proceed

on duty across the State frontier on production of a pass. A model pass is shown in the annex¹ to this Agreement.

2. The authorities entitled to issue passes and the procedure for the issue thereof shall be determined by the domestic regulations of each Contracting Party.

3. In special cases, where the delay involved in obtaining a pass might cause an interruption of service, an employee may be sent to an interchange station or frontier section in the territory of the other Contracting Party, for such length of time as is strictly necessary, without the pass referred to in paragraph 1. In such cases, however, permission must be obtained from the local frontier guard authorities, which shall notify the frontier guard authorities of the other Contracting Party accordingly.

4. The personnel of breakdown trains and show-ploughs proceeding to the territory of the other Contracting Party for the purpose of providing assistance may cross the State frontier on the basis of an appropriate entry in the journey report.

5. Employees serving at interchange stations or on frontier sections shall be bound to report to the local frontier guard authorities immediately on arrival in the territory of the other Contracting Party.

6. No one shall be permitted to leave a train while it is on a frontier section, save in case of operational necessity. This provision shall not apply to frontier guard and customs authorities.

7. The regulations of the Contracting Parties relating to the residence of aliens in their territory shall not apply to employees serving at interchange stations or on frontier sections.

8. Employees of one Contracting Party whose duties take them further into the territory of the other Contracting Party than the interchange stations or frontier sections must produce a valid passport in order to cross the State frontier.

Article 24

1. Employees of one Contracting Party serving at interchange stations or on frontier sections in the territory of the other Contracting Party shall be subject to customs and currency examination each time they cross the State frontier. In addition, save as provided by paragraph 4, all articles imported to or exported from interchange stations shall be subject to customs examination.

¹ See p. 148 of this volume.

2. Employees of one Contracting Party serving at interchange stations or on frontier sections in the territory of the other Contracting Party may import and export without a licence, and free of customs duties and other charges, personal effects and food, beverages and other provisions in amounts corresponding to their period of duty in the territory of the other Contracting Party. The import and export of currency shall be governed by the regulations of each Contracting Party.

3. Equipment for official premises, articles required for official purposes, and tools and supplies required for the repair and maintenance of installations at interchange stations in the territory of the other Contracting Party may be imported and exported without a special licence and free of customs duties and other charges.

4. Official documents, as well as articles, currency and other valuables which have been accepted for safekeeping, detained or confiscated by the control authorities of one Contracting Party at interchange stations or on frontier sections in the territory of the other Contracting Party, and sums collected in payment of customs duties and other charges may be exported from interchange stations or frontier sections and imported to interchange stations without licence or restriction, free of customs duties and other charges, and without examination.

PART IV

FINAL PROVISIONS

Article 25

This Agreement shall be ratified and shall enter into force on the date of the exchange of the instruments of ratification, which shall take place at Warsaw.

Article 26

This Agreement is concluded for a term of five years from the date of its entry into force. It shall be extended automatically for successive terms of five years unless it is denounced by one of the Contracting Parties not later than one year before the expiry of the current term.

Article 27

On the date of entry into force of this Agreement, the Convention between the Polish Republic and the Czechoslovak Republic for the regulation of railway traffic between the two countries, signed at Prague on 30 May 1927, and the Protocols between the two Contracting Parties, signed at Prague on 18 June

1930¹ and 17 February 1933,² amending or supplementing the said Convention, shall cease to have effect.

This Agreement was done at Prague on 31 January 1958, in duplicate in the Polish and Czech languages, both texts being equally authentic.

IN WITNESS WHEREOF the aforementioned plenipotentiaries have signed this Agreement and have thereto affixed their seals.

For the Polish People's
Republic :
R. STRZELECKI

For the Czechoslovak
Republic :
F. VLASÁK

ANNEX TO THE AGREEMENT BETWEEN THE POLISH PEOPLE'S REPUBLIC
AND THE CZECHOSLOVAK REPUBLIC CONCERNING RAIL TRAFFIC
BETWEEN THE TWO COUNTRIES³

Page 1

POLISH PEOPLE'S REPUBLIC
[CZECHOSLOVAK REPUBLIC]
P A S S

entitling the holder to cross the State frontier between the Polish People's Republic and the Czechoslovak Republic [between the Czechoslovak Republic and the Polish People's Republic]

No. of pass

(Stamp of issuing authority)

Page 2

Surname

Given name

Date and place of birth

Occupation (official position)

Place of permanent residence

Photograph 4 × 4 cm

Personal description :

Height

Facial characteristics

Hair

Eyes

Distinguishing marks

Signature of holder

¹ League of Nations, *Treaty Series*, Vol. CXXXVII, p. 137.

² League of Nations, *Treaty Series*, Vol. CXLIII, p. 167.

³ See p. 128 of this volume.

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The holder of this pass is entitled to cross the State frontier for the purpose of

at _____ on section _____

and to stay at _____

Period of validity of pass :

Stamp and signature of issuing authority :

Date of issue :

Visa of authorities of other country*

At _____ On (date) _____

Stamp

Signature

* No visa is required in the case of persons employed in the Polish-Czechoslovak [Czechoslovak-Polish] railway service at interchange stations or on frontier sections.

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OFFICIAL REMARKS

Page 5

NOTICE

1. The holder of this pass is required :

- (a) To comply with the regulations in force in the State in whose territory he is;
- (b) To leave the territory of the other State as soon as he finishes work;
- (c) To proceed to and from his place of work by the shortest route;
- (d) To notify the competent frontier guard authorities each time he crosses the State frontier and to comply strictly with their instructions;
- (e) To report the loss or destruction of this pass to the nearest frontier guard authorities within twenty-four hours;
- (f) To hand in this pass at his place of employment within three days after completing the work for which it was issued;
- (g) To hand in this pass at his place of employment in the event that his work is interrupted for a relatively long period.

2. On crossing the State frontier, the holder of this pass is entitled to take with him the following articles, without an export or import licence and free of customs duties and other charges :

- (a) Articles needed for his work, provided that they are used up or taken back;
 - (b) Food and tobacco for his own use, in quantities not exceeding his genuine requirements, and personal effects.
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Renewals

PROTOCOL ON THE NEGOTIATIONS HELD IN CONNEXION WITH THE CONCLUSION OF THE AGREEMENT BETWEEN THE POLISH PEOPLE'S REPUBLIC AND THE CZECHOSLOVAK REPUBLIC CONCERNING RAIL TRAFFIC BETWEEN THE TWO COUNTRIES¹

As a result of the negotiations, agreement was reached with regard to the application of the new Polish-Czechoslovak State Agreement concerning rail traffic between the two countries.

In particular :

1. It was deemed advisable on operational grounds that :
 - (a) The Agreement between the Polish People's Republic and the Czechoslovak Republic concerning rail traffic between the two countries,¹
 - (b) The executory agreement between the Ministry of Transport of the Polish People's Republic and the Ministry of Transport of the Czechoslovak Republic, and
 - (c) Local frontier agreements between the frontier departments of the Polish State Railways and the Czechoslovak State Railways on the individual rail crossingsshould enter into force simultaneously, i.e., on the date of the exchange of the instruments of ratification of the State Agreement (sub-paragraph 1 (a)).
2. It would be desirable that the date of entry into force of the agreements referred to in paragraph 1 should coincide with the date of entry into force of the new train time-table for 1958, i.e. 1 June 1958.

¹ See p. 128 of this volume.

3. It was agreed that the Ministry of Transport of the Polish People's Republic should prepare and transmit to the Ministry of Transport of the Czechoslovak Republic before 15 January 1958 a draft executory agreement between the Ministry of Transport of the Polish People's Republic and the Ministry of Transport of the Czechoslovak Republic, and that negotiations concerning the conclusion of the said agreement should take place at Warsaw between 15 and 28 February 1958.

4. It was agreed that negotiations between the frontier departments of the Polish State Railways and the Czechoslovak State Railways concerning the conclusion of local frontier agreements on the individual rail crossings should take place between 1 and 30 April 1958. The places and dates of the negotiations are to be fixed by agreement between the interested frontier departments of the two Parties.

This Protocol has been done in duplicate in the Polish and Czech languages. Each Party shall receive one copy of the Protocol.

Prague, 31 January 1958.

Head of the Polish
Delegation :
R. STRZELECKI

Head of the Czechoslovak
Delegation :
F. VLASÁK