

No. 11880

**POLAND
and
GERMAN DEMOCRATIC REPUBLIC**

**Agreement concerning co-operation in the field of transport.
Signed at Berlin on 16 July 1971**

Authentic texts: Polish and German.

Registered by Poland on 18 July 1972.

**POLOGNE
et
RÉPUBLIQUE DÉMOCRATIQUE ALLEMANDE**

**Accord sur la coopération en matière de communications. Signé à
Berlin 16 juillet 1971**

Textes authentiques: polonais et allemand.

Enregistré par la Pologne le 18 juillet 1972.

[TRANSLATION — TRADUCTION]

AGREEMENT¹ BETWEEN THE POLISH PEOPLE'S REPUBLIC
AND THE GERMAN DEMOCRATIC REPUBLIC CON-
CERNING CO-OPERATION IN THE FIELD OF TRANS-
PORT

The State Council of the Polish People's Republic and the State Council of the German Democratic Republic,

Desiring to expand and intensify socialist co-operation between the two States in the field of transport in conformity with the principles of co-operation of the States members of the Council for Mutual Economic Assistance,

Endeavouring to achieve more efficient and economical transport of passengers and goods between the two countries and in transit through them,

Striving for the further development of transport operations utilizing all modes of transport,

Have decided to conclude this Agreement and have for that purpose appointed as their Plenipotentiaries :

The State Council of the Polish People's Republic :

Piotr Jaroszewicz, President of the Council of Ministers of the Polish People's Republic;

The State Council of the German Democratic Republic :

Willi Stoph, President of the Council of Ministers of the German Democratic Republic,

who have agreed as follows :

CHAPTER I

GENERAL PRINCIPLES

Article 1

1. The Contracting Parties shall maintain and develop rail, motor, air, maritime and inland-waterway transport as well as co-operation with regard to seaports and shall, to that end, render assistance to each other.

2. The Contracting Parties shall maintain and, in so far as possible, improve in their respective territories the facilities required for transport operations between the two countries and in transit through them.

¹ Came into force on 11 January 1972 by the exchange of the instruments of ratification, which took place at Warsaw, in accordance with article 20.

3. Carriers of one Contracting Party may utilize transport facilities in the territory of the other Contracting Party.

4. The competent authorities of the Contracting Parties shall designate frontier crossing points which ensure the most favorable possible conditions for various types of transport between the two countries and in transit through them.

Article 2

1. The Contracting Parties shall grant each other free transit for all means of transport proceeding from or to third States.

2. The Contracting Parties shall regard West Berlin as a separate political entity and shall be guided by that principle in conducting transport operations.

Article 3

All means of transport licensed and registered in the territory of either Contracting Party may engage in transport operations between the two countries and in transit through them.

Article 4

The competent authorities of the Contracting Parties shall determine by agreement between them which carriers are to draw up agreed plans for transport between the two countries and in transit through them as well as the content of the plans, methods of co-ordinating them and the periods to be covered by the plans.

Article 5

The Contracting Parties shall intensify co-operation with a view to the further development of transport and shall in particular :

1. Give special attention to the main trends of technological development in the field of transport and to increasing the efficiency of the various types of transport used in operations between the two countries and in transit through them;
2. Facilitate the use of the most effective types of transport and the most rational routes in transport operations between the two countries and in transit through them with a view to ensuring a high level of economic efficiency for the two Contracting Parties and achieving specialization in international transport on the basis of the division of labour;

3. Take far-reaching measures to facilitate and simplify transport across the frontier;
4. Promote direct co-operation between transport organizations and enterprises.

Article 6

1. Carriers, passengers and means of transport, together with crews and cargoes, of one Contracting Party shall be accorded most-favored-nation treatment in the territory of the other Contracting Party.

2. Paragraph 1 of this article shall not apply to the port facilities and privileges granted to land-locked States.

Article 7

1. Each Contracting Party reserves the right to transport passengers and goods in cases where the transport operation is carried out wholly within its territory or begins and ends in its territory.

2. The competent authorities of the Contracting Parties may agree to use means of transport and transport facilities of one Contracting Party for transport operations and services connected therewith in the territory of the other Contracting Party.

3. Where a vessel of one Contracting Party proceeds from a port of the other Contracting Party to another port of the latter Contracting Party for the purpose of discharging cargo from a third State in that port or taking on cargo destined for a third State, this shall not be regarded as a transport operation within the meaning of paragraph 1 of this article.

CHAPTER II

PRINCIPLES APPLICABLE TO VARIOUS TYPES OF TRANSPORT

Article 8

The Contracting Parties shall take the necessary measures to facilitate rail transport between the two countries and in transit through them to the greatest possible extent, to ensure fast, efficient transport of passengers and goods and to ensure that passengers travel in comfort.

Article 9

Each Contracting Party shall grant individuals and bodies corporate permanently resident or established in the territory of the other Contracting Party the right to transport passengers and goods in motor vehicles in its territory.

Article 10

In the sphere of air transport, the Contracting Parties shall grant each other the right :

- To make unrestricted overflights without landing;
- To make technical, i.e. non-commercial, landings;
- To pick up or set down passengers, postal matter and cargo of one Contracting Party in the territory of the other Contracting Party;
- To pick up passengers, postal matter and cargo destined for a third State and to set down passengers, postal matter and cargo proceeding from a third State.

Article 11

The Contracting Parties shall recognize the nationality of each other's vessels on the basis of documents issued by the competent authorities of the Contracting Parties and carried on board the said vessels.

CHAPTER III

PRINCIPLES GOVERNING FRONTIER, CUSTOMS, VETERINARY
AND PHYTOSANITARY CONTROL OF PASSENGERS, GOODS
AND MEANS OF TRANSPORT*Article 12*

Frontier, customs, veterinary and phytosanitary control of passengers, goods and means of transport crossing the frontier between the Polish People's Republic and the German Democratic Republic in rail, road and inland-waterway transport—hereinafter referred to as "control"—may be effected jointly by the competent authorities of the two Contracting Parties.

Article 13

1. In the case of rail transport, control shall be effected at specified stations in the territory of one of the Contracting Parties or on trains travelling on specified sections of route in the territory of the two Contracting Parties.

2. In the case of road transport, control shall be effected at specified points in the territory of one or both of the Contracting Parties.

3. In the case of inland-waterway transport, control shall be effected at specified landing places in the territory of one Contracting Party or on sections of waterways in the territory of one or both of the Contracting Parties.

Article 14

1. Save as otherwise provided by this Agreement, the control authorities of each Contracting Party shall exercise their control functions in the territory of the other Contracting Party in accordance with the law of their own State and with the same legal effects as if they were exercising the said functions in the territory of their own State.

2. Control shall be effected first by the authorities of the Contracting Party whose territory the passengers, goods and means of transport are leaving. The law of that Contracting Party shall cease to apply when its authorities announce that the control measures have been completed, save where the need for additional such measures arises in particular cases.

3. The Contracting Party in whose territory control is effected shall ensure that the control authorities of the other Contracting Party are able to exercise their control functions without hindrance and are accorded the same legal protection as the authorities of the first-mentioned Contracting Party.

4. Authorities of one Contracting Party which effect control in the territory of the other Contracting Party may, in accordance with the law of their own State, interrupt the travel of a person who crosses the State frontier, turn him back or return him to the territory of their State. A national of the State in whose territory control is effected may be turned back or returned only with the consent of the passport control authorities of that State. Such consent shall not be required where the said national is not entitled to cross the frontier or has committed an offence which is punishable by deprivation of liberty.

5. In order to ensure the implementation of measures taken by control authorities of one Contracting Party in the territory of the other Contracting Party, particularly in so far as relates to the interruption of travel, the turning back or return of persons, the confiscation of articles and the safeguarding of

evidence, the competent control authorities of the latter Party shall provide assistance to the authorities which took the said measures.

6. Goods or currency left in deposit, goods or currency held for safe-keeping or confiscated by the authorities of one Contracting Party in the territory of the other Contracting Party, and customs and other duties collected by the said authorities may be exported from the said territory without authorization or restrictions, free of customs duty and without being subject to customs control.

7. Where the control authorities of one Contracting Party discover goods or currency which have been imported in violation of the law of the other Contracting Party, they shall so inform the control authorities of the latter Contracting Party and shall permit them to take the measures prescribed by their law, provided that the goods or currency in question are not subject to confiscation under the law of the Contracting Party whose authorities discovered them.

Article 15

1. Officials of the control authorities of one Contracting Party performing duties in the territory of the other Contracting Party may wear uniforms and official emblems. They shall also be entitled to carry service weapons in accordance with the regulations of their State. Such weapons may be used only in self-defence.

2. Save as otherwise provided by this Agreement, officials of control authorities of one Contracting Party present in the territory of the other Contracting Party for the purpose of exercising control functions shall be required to comply with the legal provisions in force in that territory.

3. Officials of control authorities who cross the State frontier in the performance of their duties shall be exempt from customs and other duties in respect of means of transport and articles intended for use in the performance of their duties and in respect of their personal effects. They shall also be exempt from taxes and other charges, personal services and material obligations. The official papers of control authorities shall be inviolable.

4. Officials of the control authorities of one Contracting Party shall be responsible only to their superiors in respect of service offences which they commit in the territory of the other Contracting Party.

5. Officials of the control authorities of one Contracting Party shall be recalled upon submission of a request to that effect, with a statement of grounds, by the competent authorities of the other Contracting Party.

Article 16

The control authorities of one Contracting Party may affix inscriptions in their own language as well as the coat-of-arms and flag of their State to buildings and offices placed at their disposal in the territory of the other Contracting Party.

Article 17

1. The Contracting Parties shall bear on the basis of reciprocity, in their respective territories, the costs of constructing or improving buildings, installations and facilities intended for use in the joint control of passengers, goods and means of transport.

2. The competent authorities of the Contracting Parties may conclude separate agreements concerning the construction, improvement and fitting out of particular buildings, installations and facilities intended for use in connexion with control measures.

CHAPTER IV

PRINCIPLES APPLICABLE TO OTHER AUTHORITIES PERFORMING
OFFICIAL FUNCTIONS IN THE TERRITORY OF THE OTHER
CONTRACTING PARTY*Article 18*

The provisions of article 14, paragraphs 1, 3 and 6, article 15, article 16 and article 17 of this Agreement shall apply as appropriate to authorities of one Contracting Party other than control authorities, and their employees, performing functions in the territory of the other Contracting Party in connexion with transport across the frontier.

CHAPTER V

FINAL PROVISIONS

Article 19

The Governments of the Contracting Parties shall conclude appropriate agreements in application of this Agreement.

Article 20

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

Article 21

This Agreement is concluded for a term of five years. It shall be extended for successive five-year terms unless one of the Contracting Parties denounces it not later than one year before the expiry of the current five-year term.

DONE at Berlin on 16 July 1971, in duplicate in the Polish and German languages, both texts being equally authentic.

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

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

For the State Council
of the German Democratic Republic :

P. JAROSZEWICZ

W. STOPH
