

N° 947.

**POLOGNE ET
UNION DES RÉPUBLIQUES
SOVIÉTISTES SOCIALISTES**

**Convention sur le trafic direct des
voyageurs et des marchandises avec
Protocole additionnel et Annexes
I et II, signés à Varsovie, le 24
avril 1924.**

**POLAND
AND UNION OF SOCIALIST
SOVIET REPUBLICS**

**Convention relating to the Through
Traffic of Travellers and Goods,
with Additional Protocol and An-
nexes I and II, signed at Warsaw,
April 24, 1924.**

¹ TRANSLATION.

No. 947. — CONVENTION BETWEEN THE POLISH REPUBLIC AND THE UNION OF SOVIET SOCIALIST REPUBLICS RELATING TO THE THROUGH TRAFFIC OF TRAVELLERS AND GOODS, SIGNED AT WARSAW, APRIL 24, 1924.

THE POLISH REPUBLIC, of the one part, and THE UNION OF SOVIET SOCIALIST REPUBLICS, of the other part, being desirous of concluding a convention with regard to the through transport of passengers and goods by rail from Poland to Russia and *vice versa*, have appointed as their Plenipotentiaries :

THE POLISH REPUBLIC :

Bronislaw CHODKIEWICZ,
Franciska MOSKWA, and
Kazimierz TYSZYŃSKI ;

THE UNION OF SOVIET SOCIALIST REPUBLICS :

Georges BESEDOVSKI,
Ivan MIRONOV,
Peter ORLOV, and
Constantin MIASKOV ;

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

Article 1.

The railways of the Union of Soviet Socialist Republics and the railways of the Polish Republic shall establish through railway services for passengers and goods.

To this end the two Contracting Parties undertake to maintain the normal railway traffic passing through the following junction stations :

STATIONS OF THE UNION :

Farinovo
Negoreloie
Jitkovitchi,
Chepetovka,
Volotchisk.

POLISH STATIONS :

Zahacie,
Stolpce,
Mikaszewicze,
Zdolbunowo,
Podwołoczyska.

The railway administrations concerned shall be entitled to open, by common agreement, communications by rail through junction stations other than those mentioned above.

Each of the two Contracting Parties may, after notifying the other Party, transfer the technical operations of handing over and taking over trains to stations closer to the international frontier than the junction stations mentioned above.

¹ Translated by the Secretariat of the League of Nations.

Goods shall be carried between all railway stations belonging to the Contracting Parties which accept goods for through inland transport. The through transport of passengers and luggage shall take place between specified stations, a list of which shall be drawn up at the meetings of the railway administrations (Article 16, and I of the Additional Protocol).

Article 2.

The junction stations of the two Parties (Article 1) and the railway lines connecting them shall be so arranged that trains leaving the handing-over station can proceed as far as the taking-over station.

Unless contrary arrangements are provided for in special agreements concluded between junction stations (Article 5), all goods and luggage shall be handed over, and passengers shall change trains, at the taking-over station (Article 1).

The Contracting Parties undertake so to organise the junction stations that they can meet the exigencies of the traffic.

The Contracting Parties undertake, moreover, to allow each other the use of the station installations as and when the frontier traffic so requires, and to render each other any assistance which may be necessary in this connection and, if possible, to allow the personnel of the other country's railways working permanently or temporarily at the handing-over station to employ the premises established at the taking-over station.

Article 3.

In the case of accidents or other interruptions of operation supervening on the lines or at the frontier stations, each of the two Contracting Parties undertakes to assist the other. The special agreements to be concluded between the respective railway lines shall specify the territory to which the present stipulation applies and shall determine the extent of such assistance.

Article 4.

Railway traffic between the frontier stations shall be organised in conformity with time-tables drawn up periodically and by common agreement between the administrations of the respective railway lines, taking into account the movements of international through passenger trains, the requirements of postal communications and the volume of traffic.

Article 5.

With a view to completing the present Convention special agreements shall be concluded between the railway administrations in consultation with the other authorities concerned. Apart from the questions dealt with in the other articles of the present Convention, these agreements shall refer to the following points :

(1) Changing of trains by passengers, handing over of luggage and goods and execution of the formalities attending these operations, the production of the documents required by the administrative regulations of the railways and Customs being obligatory ;

(2) Traffic at the junction stations and on the junction lines, utilisation of rolling-stock and technical operations of handing-over and taking-over such rolling-stock ;

(3) Utilisation of the railway telegraphs and telephones for official requirements, handing over of official correspondence and determination of the language to be used in official relations by the administrations of the frontier stations and junction stations (Article 1) ;

(4) Utilisation of railway buildings, premises and installations at the frontier stations and junction stations (Article 1) and indemnity due for their utilisation in the absence of compensation in kind (Article 6), supplies (water, fuel, grease, etc.), rendering of mutual assistance at the stations mentioned and on the junction lines and keeping of accounts in this connection ;

(5) Payments to be made for the use of locomotives belonging to one Party to draw trains on the junction lines between the frontier and the junction stations of the other Party ;

(6) Determination of the conditions under which railway, postal and other employees may cross the frontier and stay in the territory of the other Party.

Article 6.

The two Parties may utilise free of charge such railway buildings, situated in the junction stations and on the junction lines, and such premises and installations as are indispensable for the good working of frontier traffic.

Article 7.

The upkeep of the permanent way and of the superstructures, buildings and all other installations for the use of frontier traffic, and the remuneration of the personnel attached thereto, shall be provided for by the railway administration of the territory in which they are situated.

The upkeep of frontier bridges shall be settled by special agreements between the administrations of the junction stations (Article 5 and IV, Additional Protocol).

Article 8.

Except when arrangements to the contrary are provided for in the special agreements between the junction stations, the transference of goods from the broad-gauge line to the normal European gauge line and *vice versa* shall be carried out by the administration of the railway taking over the goods, the weight and condition of the goods being checked by the two Parties jointly both on handing over and on taking over.

Article 9.

The competent authorities of each Party shall be responsible for the application of Customs formalities and passport examination on their respective territories (V, Additional Protocol).

Article 10.

Subject to any provisions to the contrary which may be contained in the articles of the present Convention or in the special agreements between the junction stations (Article 5), frontier traffic shall be carried on in the territory of each of the two Contracting Parties in conformity with the laws and regulations in force in that territory.

The regulations concerning traffic and signals on the lines connecting two neighbouring frontier stations shall be specially agreed upon between the junction stations (Article 5), which shall also draw up the time-tables for these lines.

Article 11.

The railway administrations of each of the two Contracting Parties shall be entitled to send to the frontier stations of the other Party the necessary number of employees to perform the technical operations of taking over and handing over trains. The personnel of each of the Contracting Parties in performance of their official duties in the territory of the other Party shall be subordinate to the local railway authorities whose official orders they shall obey; for disciplinary purposes, however, this personnel shall be under the exclusive authority of its own administration.

Article 12.

The railway administrations of each Party shall be responsible for the actions of their employees and personnel in the discharge of their duties and for any negligence of which they may be guilty in the performance of their tasks.

In the case of damage suffered by the railway administration of the other Party as a result of the acts or negligence of permanent or temporary staff, the railway administration which engaged this staff shall be responsible.

The responsibility incurred in respect of the damage mentioned in the present article shall be determined by the laws and regulations in force at the place where the damage was done.

Special provisions (Article 13) shall apply to goods and luggage and to passengers, except as regards accidents occurring to the latter.

If accidents to persons or the complete destruction or the deterioration of rolling-stock or means of transport and of railway installations occur at the handing-over station or on the sector between that station and the frontier, and are due to the non-observance of the regulations concerning traffic or signals (Article 10), the railway administration whose employees have failed to observe the regulations in question shall be held responsible. If the damage is caused by the fault of the employees of both Parties or if it is impossible to assign the responsibility, the cost of the damage shall be borne by the two administrations in equal shares.

All accidents of a nature to involve the other Party in civil liabilities shall immediately be notified to the latter. An enquiry shall be opened by the representatives of the railway administrations of the two Parties to determine the extent of the damage. If the damage to be determined concerns postal consignments sent in postal or goods wagons, representatives of the postal administration shall also take part in the enquiry (VI. A. Additional Protocol).

The responsibility for damage caused by defects in the condition of the permanent way, the locomotives or the railway installations at the stations or on the lines shall be borne by the railway administration responsible for the upkeep of the said installations, locomotives and permanent way.

The damage caused by defects in the condition of the wagons shall be borne by the railway administration whose employees last accepted the said wagons after technical inspection.

The railway administrations shall not be responsible for damage due to "*force majeure*" (VI. B. Additional Protocol).

Each of the two Parties may appeal against the other Party in the event of a judgment which has acquired legal force sentencing it to pay damages in consequence of an accident for which the other Party is wholly or partly responsible in conformity with the present stipulations. A similar appeal may be lodged in the event of the two Parties having agreed that claims for damages made against one of the Parties should be settled out of court even if the other Party is wholly or partly responsible for the damage.

Article 13.

As regards the transport of passengers and luggage, including express mail bags, special provisions shall be applicable (Annex I).

The provisions of the International Berne Convention for the transport of goods by rail, including the subsequent modifications and additions contained in the edition of December 22, 1908, shall apply to the traffic in goods, subject to the modifications agreed upon by the two Contracting Parties (Annex II) and to the additional provisions of the International Transport Committee adopted by the two Contracting Parties.

Any modifications which may be made in the provisions concerning the transport of passengers and luggage (Annex I), and in the exceptions to the International Berne Convention (Annex II) with a view to replacing these provisions in whole or in part by the provisions of the Berne Convention or to adapt for the purposes of the present Convention the modifications and additions which may be inserted in future in the Berne Convention, shall only come into force when an agreement with regard to them has been approved by the Communications Departments of the two Contracting Parties.

Article 14.

Transport charges and additional taxes in respect of the transport of passengers, luggage and goods in through traffic on the railways of the U.S.S.R. and Poland, shall be based on the ordinary tariff. In the event of this tariff not having been established, and in the case of the transport of goods arriving or proceeding in transit on the railways of the other Party, the inland tariff in force on the railways of Poland and the U.S.S.R. shall be applied.

The transport charges due under this head to the railways of Poland and the U.S.S.R. shall be calculated on the basis of the distance travelled to or from the frontier line.

Should through passengers' tickets and luggage registration tickets not be delivered for such transport, passengers' tickets and luggage registration tickets shall be delivered as far as the frontier and passengers shall pay at the junction station (Annex I) of the other line the price of the ticket and luggage registration tickets from the frontier to the junction station. Special agreements between the junction stations (Article 5) shall determine the mode of calculating these charges. The Communications Departments of the two Contracting Parties shall be entitled to modify by common agreement the present stipulations regarding passengers' tickets, luggage registration tickets and transport taxes.

Article 15.

The principles and provisions of the present agreement specifying the rights or obligations of the railways with regard to third persons shall, before being put into force, be published in the official publications of the two Parties in their respective official languages and in conformity with the rules of publication in force in the two States, the text of this publication to be previously agreed upon by the Communications Departments of the two Parties.

Article 16.

With a view to developing and improving through traffic, the representatives of the railways concerned in the present agreement shall meet at least once in every year; the number of representatives of each Party shall not exceed six. Each Party may send experts to these meetings in an advisory capacity.

The purpose of these meetings shall be to consider questions concerning the arrangements and tariffs relating to through traffic, and the complaints and disputes which may arise between the railway administrations with regard to the present agreement, should such complaints or disputes not have been previously settled by direct negotiations between the railway administrations concerned. The meetings may also be called upon to prepare drafts concerning the through tariffs provided for in the present agreement.

At the request of either of the two Contracting Parties, extraordinary meetings may be called (VII. Additional Protocol).

The conclusions adopted by the meetings shall be submitted to the Communications Departments of the two Contracting Parties for approval.

The first meeting shall take place immediately after the exchange of the instruments of ratification of the present Convention.

The dates and places of meetings shall be fixed by common agreement between the Communications Departments of the two Contracting Parties.

Article 17.

The two Contracting Parties shall instruct their railway administrations to notify each other immediately of measures relating to the suspension or limitation of traffic and to the introduction or withdrawal of import prohibitions or of restrictions on transit from the U.S.S.R. through Poland or *vice versa* from Poland through the U.S.S.R.

Article 18.

Correspondence between the railway administrations, stations and other establishments of the Contracting Parties shall be in the official language of the Party making the communication (Article 5, paragraph 3).

Article 19.

The use of the railway telegraphs and telephones for service requirements and the despatch of official correspondence shall be free of charge, the despatch of packets containing printed matter or service instructions shall also be free of charge as far as the junction station (Article 1) of the other railway system.

Article 20.

Disputes which may arise in the course of the application of the present Convention and disputes regarding complaints of every kind resulting from the present agreement shall be brought before a court of arbitration if an agreement cannot be reached at the meetings referred to in Article 16. In this eventuality each of the Contracting Parties shall appoint an arbitrator and the two arbitrators shall choose a chairman. If the two arbitrators cannot agree on the choice of a chairman, the Governments of the two Contracting Parties shall decide by common agreement on the procedure to be followed in appointing the chairman.

Article 21.

The present Convention is concluded for an indefinite period. Each of the Contracting Parties shall be entitled to denounce the present Convention by giving the other Party six months' notice of its intention to do so.

The two Contracting Parties shall be entitled to propose the revision of the articles of the present Convention. The Party wishing to avail itself of this right shall submit a draft to the other Party. The other Party shall, within a maximum period of two months, submit its observations or a counter-draft, after which the Contracting Parties or their competent departments shall, if necessary, enter into negotiations.

Article 22.

The present Convention shall be ratified as soon as possible and the instruments of ratification shall be exchanged at Warsaw.

The Convention shall enter into force fifteen days after the exchange of the instruments of ratification (VIII. Additional Protocol).

Done and signed in duplicate in Polish and German texts, both of which are equally authentic, at Warsaw on April 24, 1924.

(—) CHODKIEWICZ.

(—) FR. MOSKWA.

(—) K. TYSZYŃSKI.

(—) GR. BESEDOVSKI.

(—) I. MIRONOV.

(—) P. ORLOV.

(—) K. MIASKOV.

ADDITIONAL PROTOCOL.

With a view to completing and explaining the provisions of the Convention, the Plenipotentiaries of the two Contracting Parties have, at the moment of signing the Convention agreed to the following provisions :

I.

Article 1 of the Convention.

A. By " services for passengers " is meant the transport of passengers, hand luggage, and other luggage, including express mail packets and postal consignments ; by " services for goods " is meant the transport of goods of all kinds.

B. The stipulations of the present Convention relating to the transport of postal matter shall not apply until the entry into force of the Convention concerning the settlement of postal and telegraphic relations, signed at Moscow on May 24, 1923.

C. With a view to promoting the development of traffic in transit, each of the two Contracting Parties declares its willingness to establish through communications as far as may be practicable with the States whose traffic is of importance to the other Party.

II.

Article 2 of the Convention.

The station premises and quarters shall be provided with heating and lighting appliances.

III.

Article 3 of the Convention.

Relief trains shall stop at the frontier in order to receive the escort under the supervision of which they are to continue their journey. As soon as they have performed their tasks these

trains shall return immediately to their starting point with all their personnel. The Customs and administrative authorities must be notified in advance of the return of the train.

IV.

Article 7 of the Convention.

Questions concerning the repairing and rebuilding of frontier bridges shall be settled by special agreements concluded between the railway administrations.

V.

Article 9 of the Convention.

If local circumstances require it, exceptions may be made to the stipulations of this article by special agreements.

VI.

Article 12 of the Convention.

A. The participation of the postal administration in enquiries undertaken with a view to settling the damage suffered by postal consignments shall in no way influence the fixing of the amount of damages to be paid to the postal administration by the railway administration.

B. All accidents which cannot be prevented by the means at the disposal of the railways (unavoidable accidents) shall be regarded as due to "force majeure" (*vis major*).

VII.

Article 16 of the Convention.

The first meeting of the representatives of the railway administrations shall draw up the rules of procedure of these meetings, establish independently of the latter the regulations essential to the application of the present Convention, fix the rules governing accounts, and examine the questions of through passenger traffic.

VIII.

Article 22 of the Convention.

The application of the provisions of the present Convention shall be ordered by the Communications Department of each of the two Parties as from the 15th or 1st day of the month following notification by the Communications Departments of the two Parties of their approval of the regulations (VII) and of the special agreements between junction stations (Article 5). As from this date the provisional agreements respecting frontier traffic shall cease to be valid.

The present Protocol was done and signed at Warsaw on April 24, 1924. It forms an integral part of the Convention and has the same legal force as the latter.

(—) CHODKIEWICZ.
 (—) FR. MOSKWA.
 (—) K. TYSZYŃSKI.

(—) GR. BESEDOVSKI.
 (—) I. MIRONOV.
 (—) P. ORLOV.
 (—) K. MIASKOV.

ANNEX I.

ANNEX REGARDING THE THROUGH TRANSPORT OF PASSENGERS BETWEEN THE UNION OF SOVIET SOCIALIST REPUBLICS AND POLAND.

§ 1. The present Annex shall be applicable to the transport of passengers and their luggage, travelling with through tickets and luggage tickets issued by the station of departure, for the whole journey over the railways of the two Contracting Parties.

§ 2. The through transport of passengers and luggage between the Union of Soviet Socialist Republics and Poland shall take place through the stations mentioned in the through communications tariffs.

§ 3. As regards the acceptance and transport of passengers and luggage, the internal regulations of each Party shall be applied within the territory of that Party.

A.

PASSENGERS.

§ 4. Every ticket must give the following particulars :

- (a) Series number of the ticket.
- (b) Category of train and class of carriage or nature of carriage (soft or hard seats).
- (c) Name of the station of departure and of the station of destination, as well as the itinerary to be followed.
- (d) Price.
- (e) Duration of validity.
- (f) Day, month and year of issue.

The ticket must be printed in Russian and Polish.

§ 5. The duration of the validity of a ticket shall be calculated by adding together the periods of validity fixed by the internal tariffs of the two Contracting Parties as from midnight on the day of issue.

§ 6. A journey may be broken within the limits of the period of the ticket's validity provided that, both when the journey is broken and when it is resumed, the ticket be presented for stamping to the station master of the station at which the journey is broken or resumed.

Any traveller breaking the journey at an intermediate station may resume it at another intermediate station provided the latter be nearer to the station of destination than the station at which the traveller broke his journey.

§ 7. Children under four years of age accompanied by adults — one child to each adult — shall be transported free of charge provided they do not occupy separate seats.

Children aged from 4 to 10 and children under 4 years of age occupying seats shall pay half the adult rates.

HAND LUGGAGE.

§ 8. Passengers shall be entitled to take with them into the carriage effects which can easily be carried (light luggage), unless there exist Customs or other administrative regulations to the contrary.

Passengers may deposit their light luggage only in the places reserved for this purpose above or below the seats which they occupy. Passengers may not transport dangerous packages in passenger carriages, particularly loaded firearms, explosive, inflammable, corrosive or evil smelling substances, etc.

Passengers shall themselves be responsible for the care of their light luggage. The railway shall not be responsible for the safety and condition of light luggage.

REFUND OF SUMS CHARGED IN ERROR.

§ 9. Claims connected with the repayment of excess charges arising out of the erroneous application of a rate or an error in calculation, paid by a passenger for a ticket or for the transport of luggage, must be addressed to the railway administration which issued the ticket or accepted the luggage for transport.

Any claimant may, however, apply to the railway administration of destination, which shall transmit the claim to the railway administration of departure and shall inform the claimant of the fact.

§ 10. Any passenger who, as a result of the delay or cancellation of a train, or an interruption of the service, is unable to commence or continue his journey within a period of 12 hours, shall be entitled to claim the repayment of the sum paid for the journey which he was prevented from undertaking.

B.

LUGGAGE.

§ 11. The only bulky luggage to be admitted in passenger trains shall be articles indispensable to passengers during their journey and packed in boxes, trunks, baskets, portmanteaux, hat boxes, light crates, etc.

Luggage must, moreover be recognisable as such by its outward appearance, and its size must be such that it can be taken into the luggage vans.

No single article of luggage must exceed 100 kilogrammes in weight and 1 m³. in volume, even when a number of passenger tickets are shown to cover the forwarding of a single package.

Every ticket shall entitle the holder to forward not more than three articles of luggage.

§ 12. The following articles shall also be admitted as luggage: samples carried by merchants, perambulators, portable invalid beds, bicycles, musical instruments (intended for personal use), either in crates or packed in any other recognised manner.

§ 13. The following articles shall not be accepted as luggage:

- (a) Articles intended for sale (merchandise).
- (b) Arms and all articles liable to spontaneous combustion or explosion, corrosive acids, and luggage containing liquids or other articles, the transport of which in wagons is contrary to the regulations or is subject to special conditions.
- (c) Gold and silver ingots, platinum, securities and currency, money, documents, precious stones, natural pearls and gold, silver or platinum objects either separately or as part of the mounting of precious stones and pearls.

§ 14. The luggage shall be transported in luggage vans and shall be sent from the Union of Soviet Socialist Republics to Poland in the train the number of which is shown on the luggage ticket, and from Poland to the Union of Soviet Socialist Republics in the train carrying the passenger, as fixed at the time of forwarding the luggage.

PACKAGE.

§ 15. Luggage must be securely packed. Unpacked luggage or luggage which is not properly packed shall not be accepted.

§ 16. Every article of luggage must bear a label firmly affixed to or gummed upon the luggage, showing the passenger's exact address (name and address) as well as the stations of departure and destination, failing which the luggage will not be accepted.

§ 17. Marks, labels and all inscriptions placed on luggage on former journeys must be removed.

REGISTRATION AND TRANSPORT OF LUGGAGE.

§ 18. Luggage shall not be registered unless the passenger shows his ticket.

§ 19. If the ticket entitles the holder to select one of several routes, the luggage shall be forwarded by the route chosen by the passenger. The passenger must indicate this route when the luggage is being registered.

§ 20. Transport charges shall be calculated on the basis of units of 10 kg., and provisionally, 25 lbs., on the railways of the Union of Soviet Socialist Republics, every fraction under 10 kg. (25 lbs.) being counted as a whole unit.

§ 21. The luggage transport charges shall be shown in the tariff for the through passenger service between Poland and the Union of the Soviet Socialist Republics.

§ 22. The railway authorities shall have the right to verify the contents of any luggage forwarded if they have good reason to suspect that the packages contain articles the transport of which is prohibited.

§ 23. The luggage tickets issued to passengers shall be drawn up in conformity with a special model in two languages (Russian and Polish).

§ 24. The luggage ticket must contain the following details: series number, date of forwarding and number of train, names of the stations of origin and destination, route, number of packages, weight, charges made, number of passengers' tickets shown when the luggage was registered and the series numbers of these tickets. The luggage ticket must also bear the stamp of the station of origin.

CUSTOMS FORMALITIES AND OTHER ADMINISTRATIVE FORMALITIES

§ 25. Passengers must be present when the Customs or other administrative formalities are carried out at the railway stations or Customs offices where the luggage is examined.

THE DELIVERY OF LUGGAGE.

§ 26. Luggage shall be delivered only on presentation of the luggage ticket. The railway officials shall not be bound to satisfy themselves as to the *bona fides* of the person presenting the ticket.

§ 27. On the arrival of the train in which the luggage has been sent and immediately after it has been unloaded and, if necessary, after the carrying out of the Customs and other formalities, the holder of the luggage ticket shall be entitled to require delivery of the luggage at the place appointed for this purpose in the station of destination.

§ 28. The luggage shall be delivered at the station of destination. If, however, the passenger so requests and hands over his luggage ticket, the luggage may be delivered at the sending off station or any intermediate station along the route which has a luggage department, provided the train stops at the station long enough to allow of such procedure and that there exist no Customs or other administrative regulations to the contrary. In such cases the passengers shall not be entitled to claim the repayment of transport charges.

§ 29. If the person requesting the delivery of the luggage has lost the luggage ticket, the luggage shall only be handed over if the person can satisfactorily prove that he is entitled to take delivery. The railway authorities may in addition require him to deposit an appropriate security.

In such a case the railway authorities shall hand over the luggage in exchange for a receipt which must contain: a detailed description of the luggage, together with the name and address of the person to whom the luggage has been delivered.

§ 30. Any passenger who has not received his luggage within the regulation period shall be entitled to request that the day and hour when he came to claim his luggage shall be entered on the luggage ticket.

RESPONSIBILITY OF THE RAILWAY AUTHORITIES IN CASES OF DAMAGE, OR TOTAL OR PARTIAL LOSS OF THE LUGGAGE.

§ 31. The railway authorities of the Contracting Parties shall be responsible in case of theft, loss or damage, total or partial, as follows: The despatching authorities from the sending off station up to the junction station (Article 1 of the Convention) and the receiving authorities from the latter station up to the station of destination. Claims concerning the transport of luggage may, however, be sent at the claimant's own choice either to the forwarding or the receiving authorities.

§ 32. Any railway which has, in conformity with its undertaking, paid compensation to third parties shall have the right to lay a claim against the railway responsible for the damage (§ 31).

§ 33. Luggage transported in conformity with the present Agreement may not be insured against risk of delay in delivery.

§ 34. Luggage which has not reached the station of destination within two weeks as from the date on which the passenger claimed delivery (§ 27) shall be regarded as lost.

§ 35. From the time of registration up to the delivery of the luggage the railways shall be responsible for any prejudice which might be occasioned by the total or partial loss or damage of the luggage.

§ 36. The railways shall not be responsible for the total or partial loss of, or damage to, luggage :

- (a) If they can prove that the damage was due to the fault of the passenger ;
- (b) If the damage is a result of the nature of the luggage or of improper packing, or if articles the transport of which is prohibited have been registered as luggage without the knowledge of the railway administration ;
- (c) If the damage is due to circumstances beyond human control (VI, Additional Protocol).

AMOUNT OF COMPENSATION.

§ 37. If the responsibility of the railway authorities is proved the following compensation shall be paid :

A. For the total or partial loss of luggage :

(a) If the claimant can prove the value of the loss incurred, the actual value up to a maximum of four dollars (U.S.A.) for each kilogramme missing from the gross weight of the luggage ;

(b) If the value of the loss cannot be proved, 1 dollar (U.S.A.) for each kilogramme missing from the gross weight of the luggage.

B. In cases of damage, compensation shall be calculated on the basis of the reduction in the value of the luggage :

(a) In the case of damage to all the luggage, up to a maximum not exceeding the sum which would have been paid for the loss of the luggage ;

(b) In the case of damage to part of the luggage, up to a maximum not exceeding the sum which would have been paid for the loss of the damaged portion.

The compensation thus fixed shall be paid by the railways in the currency of the country at current rates.

DELAY IN THE DELIVERY OF LUGGAGE.

§ 38. The railways shall not be responsible for delay in the delivery of luggage.

EXPRESS PARCELS.

§ 39. Provisionally, express parcels shall not be accepted for through transport.

TRANSPORT OF DOGS.

§ 40. Dogs shall not be accepted for through transport.

§ 41. Provisional list of the stations between which through transport as referred to in the present Agreement shall be permitted :

In the Union of Soviet Socialist Republics : Leningrad, Moscow, Kharkov, Tiflis, Minsk, Kieff and Odessa.

In Poland : Bialystok, Danzig, Katowice, Cracow, Lwów, Łódz, Poznań, Warsaw and Vilna.

ANNEX II.

AMENDMENTS AND ADDITIONS TO THE INTERNATIONAL BERNE CONVENTION ON THE TRANSPORT OF GOODS BY RAIL. (I. C.)

Article 1 of the I. C.

Goods may be transported between the stations given in the list at the end of Article 1 of the present Convention.

Article 3 of the I. C.

In addition to the articles mentioned in § 1 of the Executive Regulations of the International Berne Convention, the following may not be carried on a through international way-bill :

(a) Gold and silver in the form of bars or dust, gold or silver articles, platinum, specie or paper money, coin, securities, documents, precious stones, real pearls, jewels and other valuables ; articles of artistic value, such as pictures, bronzes, antiquities, etc.

(b) Carriage of corpses.

The attendants provided for in the tariff regulation, and recognised by the railways of the despatching country shall also be recognised by the railways of the country of destination. Attendants shall be subject to the general Regulations regarding Customs and passports, and they shall pay their fares at the rates in force on the railways on which they travel.

Article 6 of the I. C.

The transport of goods shall be effected by means of an international through way-bill printed in Polish and Russian. The reference in the way-bill to the International Berne Convention shall in future be replaced by a reference to the Convention between the U.S.S.R. and Poland on through transport. Pending the printing of these new way-bills, the old form of international way-bill may be used, with the above-mentioned alterations inserted by hand.

The railway of the U.S.S.R. handing over the consignment shall be responsible for the translation into Polish of the particulars entered in the way-bill by the sender, and the Polish railway handing over the consignment shall be responsible for the translation of such particulars into Russian.

Article 7 of the I. C.

In the case of an inaccurate statement of the contents or weight of a consignment, or the overloading of a wagon loaded by the sender, the supplementary payment will be exacted in accordance with the internal rates of the railways conveying the consignment. The supplementary payment shall accrue to the railway which discovers the irregularity. If, however, both railways discover the irregularity, each shall receive a part of the surcharge corresponding to the distance the consignment was carried on its own lines, and calculated in accordance with its internal rates.

Article 10 of the I. C.

In addition to the documents enumerated in the first paragraph of the present article, the sender shall be required, where necessary, to attach to the way-bill an import, export or transit permit.

If the internal regulations of the countries concerned require these documents to be deposited at the frontier station at which the Customs Office is situated, mention of such deposit must be made in the way-bill.

If, for Customs or other reasons, goods are refused acceptance, such refusal must be confirmed on all copies of the transfer document, and must be accompanied by the stamp and signature of the authority which refuses to accept the goods ; the date on which the goods were refused must also be given.

Article 11 of the I. C.

Costs of transport and additional expenses shall be computed either in accordance with the internal rates of the two Parties or in accordance with the through rates, if any.

In the case of transport on a through way-bill, the cost of transport and additional expenses for the part of the journey beyond the frontier shall be computed in accordance with the rates in force on the date when the goods were received for transport.

Articles 12 and 23 of the I. C.

The cost of transport, additional charges, Customs duties and cash expenses paid out by the railway for the transport of goods from the despatching station to the frontier shall be borne by the sender.

Similar costs of transport incurred between the frontier and the arrival station shall be borne by the consignee.

Expenses incurred in course of transport as far as the frontier shall be refunded by the sender.

When through rates have been established, the present modifications shall no longer apply to the through carriage of goods.

Article 13 of the I. C.

Payments in advance from the company to the consignor and the charging up [of goods, when despatched, to the extent of their value payable on delivery, are prohibited.

Article 14 of the I. C.

The periods allowed for delivery, under the Executive Regulations of the I. C. shall be extended so as to include the additional periods temporarily in force on the railways of the Contracting Parties. The two Parties shall notify each other of the arrangements made regarding these periods.

Article 15 of the I. C.

The sender may not claim to have a consignment returned if it has passed the frontier, unless the railways ask to have it returned (Articles 18 and 24 of the I. C.).

Further, the consignment may not be sent to a third country by means of a change in the address given in the original way-bill.

The procedure to be followed in cases where the sender is allowed to change or add to his instructions regarding the transport of goods, and the method of fixing the cost of transport and additional charges in such cases, shall be those laid down in the regulations and scales of rates in force on the railways carrying the goods.

Article 18 of the I. C.

If, in the cases referred to in the first paragraph of Article 18 of the I. C., the consignee gives no instructions regarding the goods, they shall be dealt with in accordance with the rules referred to in Article 24 of the I. C. regarding undelivered goods.

Should the transport of a consignment be interrupted, warehousing dues and demurrage shall be charged in accordance with the regulations of the railway on which the interruption took place.

Article 23 of the I. C.

Same exception as under Article 12 of the I. C.

Article 26 of the I. C.

Requests of the refund of excess charges may only be presented by the person who has paid the excess and must be sent to the railway which collected it.

Articles 38 and 40 of the I. C.

Articles may not be insured against the risk of delay in delivery, nor may the value be declared.

Article 44 of the I. C.

(a) If the railway assents to any reservations made on accepting the goods (Paragraph 3 of the I. C.), the fact must be stated in writing or confirmed by the stamp of the station.

(b) If part of a consignment of goods is missing, the consignee must, on receiving the consignment, pay all the charges entered in the way-bill for the whole consignment, but may apply for recovery in accordance with the provisions of the I. C.

Articles 57 and 61 of the I. C.

The provisions of these articles shall not be applicable.