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No. 7597

**CZECHOSLOVAKIA
and
POLAND**

Agreement concerning Czechoslovak transit traffic through the territory of the Polish People's Republic on the section of railway line between the stations of Hrádek nad Nisou and Zittau. Signed at Prague, on 16 November 1962

Official texts: Czech and Polish.

Registered by Czechoslovakia on 23 February 1965.

**TCHÉCOSLOVAQUIE
et
POLOGNE**

Accord relatif au trafic tchécoslovaque en transit à travers le territoire de la République populaire de Pologne sur la section de voie ferrée comprise entre les gares de Hrádek nad Nisou et de Zittau. Signé à Prague, le 16 novembre 1962

Textes officiels tchèque et polonais.

Enregistré par la Tchécoslovaquie le 23 février 1965.

[TRANSLATION — TRADUCTION]

No. 7597. AGREEMENT¹ BETWEEN THE CZECHOSLOVAK SOCIALIST REPUBLIC AND THE POLISH PEOPLE'S REPUBLIC CONCERNING CZECHOSLOVAK TRANSIT TRAFFIC THROUGH THE TERRITORY OF THE POLISH PEOPLE'S REPUBLIC ON THE SECTION OF RAILWAY LINE BETWEEN THE STATIONS OF HRÁDEK NAD NISOU AND ZITTAU. SIGNED AT PRAGUE, ON 16 NOVEMBER 1962

The President of the Czechoslovak Socialist Republic and the Council of State of the Polish People's Republic, desiring to regulate Czechoslovak transit traffic through the territory of the Polish People's Republic on the section of railway line between the stations of Hrádek nad Nisou and Zittau, have decided to conclude this Agreement and have for that purpose appointed as their plenipotentiaries :

The President of the Czechoslovak Socialist Republic :

Emil Vrtiak, First Deputy Minister of Transport and Communications;

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

Donat Tarantowicz, Under-Secretary of State in the Ministry of 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. The Polish People's Republic shall grant to the Czechoslovak Socialist Republic, under the conditions laid down in this Agreement, the right to carry on privileged transit rail traffic through the territory of the Polish People's Republic on the section of railway line between the stations of Hrádek nad Nisou and Zittau and, in connexion therewith, the right to include the said section in the tariff distances of the Czechoslovak State Railways.

2. The privileged transit rail traffic mentioned in paragraph 1 shall hereafter be referred to in the text of this Agreement as "transit traffic".

¹ Came into force on 22 September 1964, the date of the exchange of the instruments of ratification at Warsaw in accordance with article 26 (1).

3. In matters not regulated by this Agreement, transit traffic shall be governed by the provisions of the Agreement between the Czechoslovak Republic and the Polish People's Republic concerning rail traffic between the two countries, signed at Prague on 31 January 1958.¹

Article 2

In transit traffic no discrimination shall be exercised in respect of the nationality of passengers, the origin of unaccompanied luggage, express parcels, goods or mails, the nationality of the consignor or consignee, or the ownership of rolling-stock.

Article 3

Transit traffic shall be carried on by the Czechoslovak State Railways with their own trains and train crews.

Article 4

Transit traffic shall be subject, in Polish State territory, to the Polish regulations concerning law and order, public security and health protection.

Article 5

1. In the event that persons travelling on trains in transit traffic commit a criminal offence in Polish State territory, the competent Polish authorities shall be entitled to conduct an investigation on the trains in transit traffic, and Czechoslovak employees serving on such trains shall be required to lend every assistance in apprehending the offenders.

2. The Polish authorities competent to give effect to this Agreement shall, where necessary, afford assistance and protection to the passengers and crews of trains in transit traffic.

Article 6

Passengers' hand luggage, unaccompanied luggage, express parcels, goods, mails and rolling-stock conveyed in transit traffic shall be exempt from seizure by the Polish authorities except in a case connected with the commission of a criminal offence as described in article 5, paragraph 1.

¹ United Nations, *Treaty Series*, Vol. 431, p. 99

PART II

OPERATIONAL PROVISIONS

Article 7

1. Trains in transit traffic shall travel through Polish State territory without stopping, except in cases where a stop is necessary for operational reasons, for reasons of State frontier security or for customs purposes.

2. Trains in transit traffic shall not travel through Polish State territory at a speed less than that specified by the time-table except in cases where, owing to the condition of the track or for operational reasons, a lower speed is ordered.

Article 8

1. Transit traffic may be carried on without restriction day and night, in accordance with the time-table.

2. The time-tables of trains in transit traffic shall be worked out by the Czechoslovak State Railways and transmitted to the Polish State Railways for approval.

3. The Polish State Railways and the Polish State frontier guard authorities shall be given advance notice of the running of any train not provided for in the time-table.

4. The detailed procedure for dealing with the matters referred to in paragraphs 2 and 3 shall be agreed upon by the railway administrations of the Contracting Parties.

Article 9

1. Passengers and consignments shall be accepted for carriage in transit traffic in accordance with the regulations and tariffs in force on the Czechoslovak State Railways.

2. Tariff revenues from carriage in transit traffic shall accrue in their entirety to the Czechoslovak State Railways.

3. Rolling-stock and consignments shall not be subject to handing-over or taking-over in transit traffic.

Article 10

1. The movement of trains in transit traffic through Polish State territory shall be governed by the traffic and signalling regulations of the Polish State Railways, save as otherwise determined by agreement between the railway administrations of the Contracting Parties.

2. For the information of employees of the Czechoslovak State Railways, the Polish State Railways shall supply the Czechoslovak State Railways with the necessary regulations free of charge.

Article 11

1. The Czechoslovak State Railways shall be responsible for ensuring that the rolling-stock used in transit traffic is in working order.

2. The railway administrations of the Contracting Parties shall determine by agreement the procedure to be followed in the event that rolling-stock is damaged in Polish State territory.

Article 12

The exercise of supervision and the maintenance of law and order on trains in transit traffic shall be the responsibility of the Czechoslovak authorities.

Article 13

1. The Polish State Railways shall be required to maintain at their own expense the section of railway line and the railway installations serving transit traffic in such a condition as to ensure punctual and safe service.

2. The details arising out of the provisions of paragraph 1 and the scope of mutual obligations with regard to installations intersected by the State frontiers shall be settled by agreement between the railway administrations of the Contracting Parties.

3. The railway administrations of the Contracting Parties shall settle by agreement matters relating to the construction and maintenance of communications facilities and safety installations on the line used for transit traffic. Telecommunication circuits must not be connected with the domestic network.

Article 14

1. The railway administrations of the Contracting Parties shall notify each other of any obstruction to traffic and of any action taken or incident occurring which might adversely affect transit traffic.

2. The removal of the obstructions referred to in paragraph 1 shall be the responsibility of the railway administration of the Contracting Party on whose section of railway line the obstructions have arisen.

3. In the event of an accident, an interruption of traffic or damage to rolling-stock in Polish State territory, the Czechoslovak State Railways shall, in agreement with the Polish State Railways and, in urgent cases, with the local Polish