

CONVENTION BETWEEN THE CZECHOSLOVAK REPUBLIC AND THE POLISH PEOPLE'S REPUBLIC CONCERNING MINOR FRONTIER TRAFFIC. SIGNED AT PRAGUE, ON 4 JULY 1959

The President of the Czechoslovak Republic and the Council of State of the Polish People's Republic, being desirous of strengthening further the close and lasting friendship existing between the peoples of the two Socialist States, have decided to conclude a convention concerning minor frontier traffic and have for this purpose appointed as their plenipotentiaries:

The President of the Czechoslovak Republic:
Jindrich Kotal, Deputy Minister of Internal Affairs;

The Council of State of the Polish People's Republic:
Juliusz Hibner, Under-Secretary of State in the Ministry of Internal Affairs,

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

Article 1

The Contracting Parties agree to introduce reciprocal measures, in accordance with the principles laid down in this Convention, designed to facilitate the crossing of the State frontier by persons having their place of residence in minor frontier traffic zones.

Article 2

1. For the purposes of this Convention, minor frontier traffic zones shall be deemed to be the areas within the strip extending fifteen kilometres on either side of the common State frontier. If a minor frontier traffic zone thus drawn divides on the territory of either Contracting Party the area of a commune (town), the remaining part of such commune (town) shall be included in the zone.

2. The competent authorities of the Contracting Parties may by mutual agreement:

(a) Include in a minor frontier traffic zone certain communes (towns) situated more than fifteen kilometres from the State frontier, whenever they recognize that such inclusion is necessary by reason of the economic or other important interests of the population in the frontier areas of the Contracting Parties;

(b) Exclude certain communes (towns) from the minor frontier traffic zone, either permanently or as a transitional measure.

3. The competent authorities of the Contracting Parties shall jointly draw up and keep up-to-date schedules of communes (towns) included in the minor frontier traffic zones in accordance with the provisions of paragraphs 1 and 2 of this article.

Article 3

1. Minor frontier traffic may only take place between corresponding sectors of minor frontier traffic zones.

2. A corresponding sector within the meaning of paragraph 1 of this article shall be deemed to be the sector of a minor frontier traffic zone of the other Contracting Party situated within a radius of approximately forty kilometres from the point on the State frontier nearest to the place of residence of the holder of the pass.

Article 4

1. Persons resident in a minor frontier traffic zone may receive passes authorizing them to cross the State frontier and to stay in a minor frontier traffic zone of the other Contracting Party, whenever this is justified by family considerations or for reasons of employment or agricultural activity, or on other serious grounds.

2. Children under the age of fifteen years may cross the State frontier and stay in a minor frontier traffic zone of the other Contracting Party without a pass, provided that they are accompanied by a parent or guardian and are entered on his pass.

Article 5

1. Passes may be valid for a single crossing or may be permanent.

2. The forms of passes shall be drawn up in the languages of both Contracting Parties. Passes shall be completed in the language of the Contracting Party whose authority issues the pass. The names of localities, however, shall be entered in the language of the Contracting Party on whose territory the locality is situated. Official entries on the pass shall be made in the language of the Contracting Party whose authority makes the entry.

3. Passes must bear the signature and official seal of the issuing authority and the signature and photograph of the holder. A photograph shall not be necessary if the holder of the pass is also carrying an identity card or other official identity document bearing a photograph.

4. Specimen passes shall be established by the competent authorities of the Contracting Parties by mutual agreement.

Article 6

1. Passes valid for a single crossing may be issued for family or other substantial reasons.

2. Passes issued for a single crossing shall be valid for a period not exceeding fourteen days and shall entitle the holder to stay in the minor frontier traffic zone of the other Contracting Party for a period of three days, not including the day of the crossing of the State frontier.

Article 7

1. Permanent passes may be issued:

(a) To persons employed or performing service functions in a minor frontier traffic zone of the other Contracting Party;

(b) To persons engaged in agriculture in a minor frontier traffic zone of the other Contracting Party;

(c) For other exceptionally serious reasons.

2. Pursuant to an agreement between the competent authorities of the Contracting Parties, permanent passes may also be issued in exceptional circumstances to persons resident outside the minor frontier traffic zone or to localities situated outside such zone. Such agreement may also authorize exceptional departures from the principles laid down in article 3, paragraph 1, of this Convention.

3. Permanent passes shall be valid for a period not exceeding twelve months and shall entitle the holder to remain on each occasion in the minor frontier traffic zone of the other Contracting Party for a period of seven days, not including the first day of the crossing of the State frontier. In justified circumstances, the authorities issuing the pass may authorize an extension of the stay to two months. Permanent passes issued to persons engaged in agriculture shall entitle the holder to remain on each occasion in the minor frontier traffic zone of the other Contracting Party for a period of one calendar day; the said pass shall entitle the holder to stay for a longer period in connexion with urgent and seasonal agricultural work and in other circumstances agreed upon by the competent authorities of the Contracting Parties.

Article 8

1. Passes shall be issued by the competent authorities of the Contracting Parties.

2. Authorities issuing passes shall notify the competent authorities of the other Contracting Party of each application for a permanent pass which they intend to approve. Such notification shall state the first name and family name, date and place of birth and place of residence of the applicant, as well as the reasons justifying the issue of the pass. The pass shall not be issued if, within a period of fourteen days from the date of such notification, the competent authorities of the other Contracting Party declare that they object to the issue of the pass and state the grounds for their objection.

3. If the authority issuing the pass considers the grounds of objection inadequate, its superior authority may require the competent authority of the other Contracting Party to reconsider the matter.

4. The competent authorities of each Contracting Party shall at the request of the competent authorities of the other Contracting Party cancel a pass or refuse its reissue.

5. The authority which issued a pass shall cancel the same whenever it is discovered that any of the conditions justifying the issue thereof have not been fulfilled.

6. The method of co-operation between the authorities in carrying into effect the provisions of paragraphs 2, 3 and 4 of this article shall be determined by mutual agreement of the competent authorities of the Contracting Parties.

Article 9

1. Passes shall entitle the holders to cross the State frontier solely at the frontier crossings specified therein and to stay in the localities or communes named in the pass.

2. The number of frontier crossings, their nature and distribution, and the times at which the State frontier may be crossed at any given frontier crossing shall be determined by mutual agreement by the competent authorities of the Contracting Parties with due regard for the needs of the population.

3. Persons crossing the State frontier on the basis of a pass shall be subject to frontier and customs control.

Article 10

1. Residents in a minor frontier traffic zone who cultivate land situated in the minor traffic zone of the other Contracting Party may convey with them, without export or import permit and free of customs duties and other charges, such agricultural implements, fertilizers, seeds and other articles as may be necessary to exploit their agricultural undertaking, as well as the produce of such undertaking. The aforesaid exemptions shall also apply to draught animals, vehicles and agricultural machinery (tractors, combines, sowers and the like), provided that the same are registered and taken back across the frontier.

2. Residents in a minor frontier traffic zone who exploit forests in the minor frontier traffic zone of the other Contracting Party may, without export permit and free of customs duties and other charges, convey across the frontier wood and other forest produce obtained from those forests, subject to compliance with the local forestry regulations.

3. Where local conditions permit, no export or import permit shall be required and no customs duties or other charges shall be payable for driving domestic cattle to pasture or water in the minor frontier traffic zone of the other Contracting Party, provided that such animals are driven back across the frontier and that in the localities from which they come and in the localities to which they are driven there are no restrictions arising from provisions relating to the control of contagious animal diseases. Such animals shall be registered, and the competent authorities of the Contracting Parties may require the introduction of, or themselves introduce, suitable means of identifying such animals.

4. Products derived from, and the young of, animals present in a minor frontier traffic zone of the other Contracting Party in accordance with paragraph 3 of this article, may be exported without export permit and free of customs duties and all other charges.

5. The competent authorities of the Contracting Parties may by agreement stipulate, in case of absolute necessity, that persons bringing animals and products of plant or animal origin across the frontier must carry the proper veterinary or plant health certificates.

Article 11

The conveyance of mortal remains due to be buried in a cemetery within a minor frontier traffic zone of the other Contracting Party shall take place on the basis of a medical certificate, no other documents being necessary except in cases where death occurred in consequence of a contagious disease.

Article 12

1. The emergency services of each of the Contracting Parties may in the event of a natural disaster in a minor frontier traffic zone of the other Contracting Party cross the State frontier without a pass, provided that the authorities of the other Contracting Party have requested their assistance. A request for such assistance shall be made through the frontier authorities. In the event of a forest fire on the State frontier, if delay is liable to prove dangerous, fire-fighting detachments may intervene even if their assistance has not been requested.

2. The State frontier may also be crossed without a pass by workers of the health or veterinary services whose assistance has been requested in circumstances involving danger to the life or health of persons or animals.

3. The persons specified in paragraphs 1 and 2 of this article may cross the State frontier at any convenient place and shall be entitled to remain in the minor frontier traffic zone of the other Contracting Party as long as they may be needed. Such persons shall return across the frontier at the nearest frontier crossing.

4. In the event of flood, fire or other serious occurrence, the residents of a minor frontier traffic zone may, for the protection of their life or health, cross the State frontier without a pass at any convenient place. They must, however, report to the local authorities of the other Contracting Party.

Article 13

1. Persons crossing the State frontier on the basis of this Convention may take with them, without export or import permit and free of customs duties and other charges, the necessary quantity of food, tobacco products and medical supplies, and also, on condition that they are taken back across the frontier, objects necessary for the performance of their functions in the territory of the other Contracting Party.

2. The persons specified in paragraph 1 of this article may take with them to the territory of the other Contracting Party, without export or import permit and free of customs duties and other charges, bicycles, automobiles and other vehicles, provided that the same are taken back across the frontier, and the fuel or animal feed necessary for the duration of their stay in that territory. Vehicles shall be subject to registration without deposit of customs security.

3. Exemption from customs duties and from all customs formalities shall be granted in respect of all means of transport and emergency equipment introduced across the State frontier in conformity with article 12 of this Convention, provided that the same are taken back across the frontier, and also in respect of the necessary fuel or animal feed.

4. All benefits in kind received by residents of the minor frontier traffic zone in connexion with their employment in the minor frontier traffic zone of the other Contracting Party shall be exempt from the requirement of an export permit and from customs duties and other charges, provided that an appropriate certificate is produced from their employer.

5. The procedure applicable to the registration referred to in paragraph 2 of this article and in paragraph 1 and 3 of article 10 of this Convention, as well as the detailed regulations regarding the quantity and kind of objects conveyed across the State frontier on the basis of this Convention, shall be determined by agreement between the competent authorities of the Contracting Parties.

Article 14

Each of the Contracting Parties may, in case of absolute necessity arising from health, veterinary or plant-protection considerations, temporarily restrict the facilities extended under this Convention. All restrictions so introduced shall be immediately notified to the competent authorities of the other Contracting Party.

Article 15

The Contracting Parties shall keep each other informed through the diplomatic channel of the authorities which are to be deemed competent for the purposes of this Convention.

Article 16

1. This Convention shall be ratified and shall enter into force upon the expiry of one month from the date of the exchange of instruments of ratification, which shall take place at Warsaw.
2. This Convention may be denounced by either Contracting Party and shall cease to have effect upon the expiry of one year from the date of receipt by the other Contracting Party of notice of denunciation.
3. On the date of the entry into force of this Convention, the Convention between Czechoslovakia and Poland concerning the facilitation of minor frontier traffic, signed at Prague on 30 May 1925, and the Protocol of execution of the Convention between Czechoslovakia and Poland of 30 May 1925 concerning the facilitation of minor frontier traffic, signed at Prague on 7 December 1926, shall cease to have effect.

DONE at Prague on 4 July 1959, in duplicate, in the Czech and Polish languages, both texts being equally authentic.

IN FAITH WHEREOF the aforesaid plenipotentiaries have signed this Convention and have affixed thereto their seals.

For the President
of the Czechoslovak Republic:
J. KOTAL

For the Council of State
of the Polish People's Republic:
J. HIBNER

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