

EUROPEAN CENTRAL INLAND TRANSPORT ORGANIZATION

Agreement and protocols signed at London September 27, 1945

Entered into force September 27, 1945

Terminated September 27, 1947¹

59 Stat. 1740; Executive Agreement Series 494

AGREEMENT CONCERNING THE ESTABLISHMENT OF AN EUROPEAN CENTRAL INLAND TRANSPORT ORGANISATION

Whereas, upon the liberation of the territories of the United Nations in Europe, and upon the occupation of the territories of the enemy in Europe, it is expedient for the fulfilment of the common military needs of the United Nations and in the interests of the social and economic progress of Europe, to provide for co-ordination both in the movement of traffic and in the allocation of transport equipment and material with a view to ensuring the best possible movement of supplies both for military forces and the civil population and the speedy repatriation of displaced persons, and also with a view to creating conditions in which the normal movement of traffic can be more rapidly resumed;

The Governments whose duly authorised representatives have signed the present Agreement

Have agreed as follows:

ARTICLE I

There is hereby established the European Central Inland Transport Organisation, hereinafter called "the Organisation," which shall act in accordance with the provisions of the following Articles. The Organisation is established as a co-ordinating and consultative organ. Having regard to the successful completion of the war, it shall co-ordinate efforts to utilise all means of trans-

¹ ECITO faced a financial crisis in the spring of 1947 because of the failure of several member governments to meet their obligations. On the basis of recommendations made by the Executive Board and Director General of ECITO, the newly created United Nations Economic Commission for Europe approved a resolution on May 15, 1947, regarding the termination of ECITO not later than Sept. 27, 1947, and the transfer of its functions to the Economic Commission for Europe.

port for the improvement of communications so as to provide for the restoration of normal conditions of economic life. It shall also provide assistance to the Allied Commanders-in-Chief and to the Occupation Authorities set up by Governments of the United Nations to maintain and improve the carrying capacity of transport.

ARTICLE II. Membership

The members of the Organisation shall be the Governments signatory hereto and such other Governments as may be admitted thereto by the Council.

ARTICLE III. Constitution

1. The Organisation shall consist of a Council and an Executive Board with the necessary headquarters, regional and local staff. The Organisation shall concert arrangements for the establishment of regional and local offices with the Member Governments in whose territory the offices are situated and/or in appropriate cases in agreement with the Allied Commander-in-Chief concerned.

The Council

2. Each member Government shall name one representative and such alternates as may be necessary upon the Council. The Council shall, for each of its sessions, select one of its members to preside. The Council shall determine its own rules of procedure. Unless otherwise provided in this Agreement or by action of the Council, the Council shall vote by simple majority.

3. The Council shall be convened in regular session not less than twice a year by the Executive Board. It may be convened in special session whenever the Executive Board shall deem necessary and shall be convened within thirty days after request by one-third of the members of the Council.

4. The Council shall perform the functions assigned to it under this Agreement and review the work of the Organisation generally to ensure its conformity with the broad policies determined by the Council.

The Executive Board

5. The Executive Board shall consist of seven members who shall be appointed by the Council. These seven members shall include one member nominated by each of the following Governments: the Provisional Government of the French Republic and the Governments of the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America. Each member of the Executive Board shall be provided with an alternate similarly selected, who shall act only in the absence of the member of the Executive for whom he is the alternate. The members and their alternates shall be appointed for not longer than one year.

The Executive Board shall choose its own Chairman, subject to confirmation by the Council.

6. The Executive Board shall perform the executive functions assigned to the Organisation within the framework of the broad policies determined by the Council. It shall act in accordance with the ruling of the majority of its members. It shall present to the Council such reports on the performance of its functions as the Council may require.

7. The Executive Board shall appoint a chief officer who shall direct under its supervision the technical and administrative work of the Organisation in conformity with the policies of the Council and the Executive Board as determined by their decisions. This officer shall appoint the staff at headquarters and at regional and local offices, subject to the approval of the Executive Board, taking into account the exigencies of the various branches of transport concerned. The responsibilities of the chief officer and staff shall be exclusively international in character.

8. Each member Government shall appoint one or more representatives for the purpose of consultation and communication with the Executive Board, and with the Chief Officer. Such representatives shall be fully informed by the Board and by the Chief Officer of all activities of the Organisation. Each time that any important question concerning the interests of a member Government is discussed by the Board, the representatives of that Government shall be entitled to take part in the discussions without the right of vote.

ARTICLE IV

1. The Organisation shall have the capacity to perform any legal act appropriate to its object and purposes, including the power to acquire, hold and convey property, to enter into contracts and undertake obligations, to designate or create subordinate organs and to review their activity. The Organisation shall not, however, have power to own transport equipment and material other than for its own internal or demonstration purposes, except with the unanimous consent of the Council.

2. These powers are vested in the Council. Subject to the provisions of paragraph 2 of Article V, the Council may delegate such of these powers as it may deem necessary to the Executive Board, including the power of sub-delegation. The Executive Board shall be responsible to the Council for the upkeep and administration of any property owned by the Organisation.

ARTICLE V. Finance

1. The Executive Board shall submit to the Council an initial budget and from time to time such supplementary budgets as may be required, covering the administrative expenses of the Organisation. Upon approval of a budget by the Council, the total amount approved shall be raised in such manner, or be allocated between member Governments in such proportions, as these Gov-

ernments may agree. Each member Government undertakes, subject to the requirements of its constitutional procedure, promptly to contribute to the Organisation, in such currency or currencies as may be agreed by such Government with the Executive Board, its share of these expenses. Each member Government shall also provide such facilities as are required for the transfer into other currencies of sums so contributed and held by the Organisation in that Government's own currency.

2. The Organisation shall not incur any expenses, other than administrative expenses, except under the authority of the Council. Proposals for such expenses shall be submitted by the Executive Board to the Council and, when approved by the Council, such expenses shall be met by contributions which one or more member Governments may agree to make or in such other manner as may be agreed between member Governments. However, the obligation of transfer into foreign currencies, as defined in paragraph 1 of this Article, does not apply to these contributions.

3. Nothing in this Agreement shall require any member Government or transport administration under its authority to perform services without remuneration.

ARTICLE VI. Scope of the Organisation

1. The Organisation shall, after giving notice of its intention, exercise its functions in any territory in Continental Europe, upon the acceptance of this Agreement by the Government of that territory and/or, in appropriate cases, provided that the Allied Commander-in-Chief concerned is satisfied that military exigencies permit and subject to such conditions as he may deem necessary.

2. In respect of any territory in Continental Europe in which any Allied Commander-in-Chief retains responsibility for the direction of the transport system, the Organisation shall on request give advice or assistance to the Allied Commander-in-Chief, and, in consultation with him, to any member Government or to other appropriate authorities of the United Nations, on any question with which it is empowered to deal under Article VII.

3. The Organisation shall treat with any of the Occupation Authorities set up by Governments of the United Nations in respect of any territory in Continental Europe in which such Occupation Authorities are exercising authority.

ARTICLE VII. Executive Functions of the Organisation

Introductory

1. The Organisation shall carry out thorough studies of the technical and economic conditions affecting traffic of an international character and shall give to the Governments concerned with such traffic technical advice and recommendations directed to restoring and increasing the carrying capacity

of the transport systems in Continental Europe and to co-ordinating the movement of traffic of common concern on these systems.

2. In case any member Government meets with difficulties in carrying out these recommendations owing to reasons of a material or economic character, the Organisation shall investigate with member Governments concerned means of practical help.

Information of Transport Equipment and Material

3. The Organisation shall receive and collect information concerning the requirements of transport equipment and material for Continental Europe.

Realisation of Requirements for Transport Equipment and material

4. The Organisation shall assist the realisation of requirements of any member Government in Continental Europe for transport equipment and material.

Allocation and Distribution for Use of Transport Equipment and Material

5. The Organisation shall, within the framework of the priorities determined by the appropriate authorities of the United Nations, determine the allocation, or distribution for use, to Governments in Continental Europe, on such conditions as it may deem necessary, of such transport equipment and material as may be made available for this purpose by the Allied Commanders-in-Chief, by Occupation Authorities, or by agencies of any one or more of the United Nations. To enable the Organisation to carry out this function effectively, it may consult with the Governments concerned on their export possibilities of, and import needs of, transport equipment and material for Continental Europe and will receive from such Governments notification of all arrangements made in respect thereto of which they have notice.

Arrangements to make Mobile Transport Equipment and Material available

6. In cases where temporary emergency requirements of mobile transport equipment for carrying traffic of common concern arise and the usual arrangements for the interchange of such mobile transport equipment are inadequate, the Organization shall arrange with member Governments concerned to make available mobile transport equipment for the purpose of meeting such requirements. Such mobile transport equipment shall be made available under arrangements made between the member Governments concerned, with the assistance of the Organisation.

Census of Transport Equipment and Material

7. The Organisation shall at the earliest practicable time arrange through the member Governments for a census of rolling-stock in Continental

Europe and of such other transport equipment and material there as may appear necessary for the proper discharge of its functions.

Identification and Restoration of Transport Equipment and Material

8. The Organisation shall arrange, as soon as practicable, to restore to any member Government transport equipment and material belonging to it or to its nationals, found outside the territories under its authority and outside its control. Should any difficulties of identification arise, the Organisation shall arrange immediately for such special measures to be taken as may be necessary to meet them. Where such restoration would unduly prejudice the operation of essential transport, the Organisation shall work out agreements with the Governments concerned for the temporary use of transport equipment pending its restoration. The arrangements for restoration shall be made on the basis of the ownership of the property which existed before any territorial changes in Europe, resulting from Axis policy, and in accordance with any general policies which may be determined by the appropriate authorities of the United Nations regarding restoration and restitution of the property removed by the enemy.

Traffic

9. The Organisation may make such recommendations to the appropriate authorities as it deems necessary with respect to the method of carrying out projected movements of traffic of common concern, having regard to the transport facilities available for the movement of such traffic.

10. The Organisation shall make recommendations to the Governments concerned in order to ensure the movement of traffic of common concern on all routes of transport in Continental Europe in accordance with the priorities determined by the appropriate authorities of the United Nations. In respect of traffic of military importance sponsored by the Allied Commanders-in-Chief, the appropriate authority for this purpose will be the Allied Commander-in-Chief concerned.

Charges

11. The Organisation may work out the unification of tariffs, terms and conditions of transport and the like, applicable to traffic of an international character. It shall recommend to the Governments concerned the principles by which reasonable transport charges for traffic of common concern in Continental Europe should be fixed by them in accordance with the provisions of paragraph 9 of Article VIII. This paragraph shall not apply to military traffic under the control of any Allied Commander-in-Chief except at his request.

Rehabilitation of Transport Systems

12. The Organisation may study the conditions of transport affecting traffic of an international character in individual countries and make recom-

mendations to the Governments concerned as to technical measures directed to the quickest restoration of transport facilities and their most effective use, and as to the priority in which works or projects in respect of the restoration or improvement of transport facilities shall be carried out.

Operation of Transport

13. While it remains the task of each member Government to provide for the efficient operation of the transport systems in Continental Europe for which it is responsible, the Organisation may exceptionally, at the request of any member Government, give any assistance in its power in the rehabilitation or operation of transport in any territory in Continental Europe under the authority of such Government on such conditions as may be agreed between it and the Organisation, having due regard to the rights of other member Governments.

Co-ordination of European Transport

14. The Organisation shall work out and co-ordinate common action to secure the inauguration, maintenance, modification, resumption or, where appropriate, suppression, of international arrangements for through working of railways and exchange of rolling-stock of the Continental European countries for carrying out international transport. In particular, it shall ensure a unified clearing system for traffic operations between the different countries in Continental Europe. In general, it shall promote where necessary the establishment of appropriate machinery for co-operation between railway administrations.

15. The Organisation shall place its services at the disposal of member Governments and make recommendations with a view to ensuring the most efficient movement of international traffic on waterways. It shall not, however, make recommendations with regard to questions concerning the régimes of the international inland waterways of Continental Europe.

16. The Organisation shall take through the Governments concerned such steps as may be practicable to facilitate international traffic of common concern in lorries and other road vehicles and the co-ordination of road and other means of transport with a view to ensuring the movement of international traffic.

17. In carrying out the functions mentioned in paragraphs 14 and 16 of this Article and in placing its services at the disposal of member Governments as described in paragraph 15 of this Article, the Organisation shall make use, to the extent practicable, of conventions in force between member Governments so as to obtain the greatest benefit therefrom for the fulfilment of this task, provided that the Organisation shall act—

- (a) in accordance with any general policies which may be determined by the appropriate authorities of the United Nations; and
- (b) with due respect for existing rights and obligations.

18. The Organisation shall make recommendations to the Governments concerned designed to promote adequate co-ordination of all European transport for the fulfilment of the common military needs of the United Nations or in the interests of traffic of an international character.

Relations with other Agencies

19. The Organisation shall co-operate as may be required with the appropriate authorities and agencies of any one or more of the United Nations and with international organisations.

20. The Organisation shall provide all possible assistance to the Allied Commanders-in-Chief in meeting their needs for transport facilities and improving the use of these facilities for the successful fulfilment of military requirements.

21. The Organisation shall arrange for consultation, through appropriate machinery, with representatives of persons employed in inland transport on international questions of mutual concern to the Organisation and such representatives within the field of the Organisation's activities.

Miscellaneous

22. The Organisation may advise the Governments concerned and the appropriate authorities of the United Nations on the priority to be given, in the interests of the rehabilitation of European transport, to the repatriation of displaced transport personnel and to workers required for the production, maintenance or repair of transport equipment and material.

23. The Organisation shall give all practicable assistance through the appropriate authorities to any member Government at its request in obtaining supplies of fuel, power and lubricants to meet the needs of traffic of common concern, in order that that Government may fulfil its obligations under paragraph 7 of Article VIII.

ARTICLE VIII. Obligations of Member Governments

Information

1. Every member Government, in respect of any territory which is under its authority and in the field of activity of the Organisation, shall, upon request of the Organisation, provide it with such information as is essential for the performance of its functions.

Census of Transport Equipment and Material

2. Every member Government undertakes to co-operate fully with the Organisation in arranging any census for which provision is made in paragraph 7 of Article VII.

Identification and Restoration of Transport Equipment and Material

3. Every member Government, in respect of any territory which is under its authority and in the field of activity of the Organisation, undertakes that—

- (i) It will facilitate the execution of paragraph 8 of Article VII.
- (ii) It will not seize:

(a) transport equipment and material in Continental Europe found outside the territories under its authority, even though such equipment and material may belong to it or to any of its nationals;

(b) transport equipment and material found within territory under its authority but not belonging to it or any of its nationals;

(c) transport equipment and material coming within territory under its authority as the result of arrangements made under the auspices of the Organisation for the movement of traffic of common concern;

provided, however:

(i) that every member Government shall be permitted to use equipment defined under (b) and (c) above subject to the provisions of paragraphs 5 and 8 of Articles VII and, in the case of enemy or ex-enemy transport equipment and material, without prejudice to its ultimate disposal by the appropriate authorities of the United Nations; and

(ii) that nothing in this paragraph shall debar any member Government or any of its nationals from continuing the management of its or his own inland vessels.

4. The provisions of paragraph 3 of this Article shall not affect the rights of the Allied Commanders-in-Chief within any territory in respect of which the Organisation has not begun to exercise its functions under Article VII.

Traffic

5. Every member Government undertakes to ensure by any means in its power the best possible movement of traffic of common concern in accordance with the recommendations made by the Organisation under paragraph 10 of Article VII.

6. Every member Government undertakes to provide inland vessels under its control in Continental Europe required for traffic of common concern,

(i) in accordance with the recommendations of the Organisation generally, and

(ii) if signatory to the Annex to this Agreement, in accordance with its terms.

Provision of Fuel, Power and Lubricants

7. Every member Government shall take all measures necessary and practicable to ensure, in respect of the territory in Continental Europe under its authority, that adequate supplies of fuel, power and lubricants are available for traffic of common concern, provided that the Organisation has made suitable arrangements with the Government concerned.

Charges

8. Every member Government undertakes not to levy or permit the levy of customs duties or other charges, other than transport charges, and admissible transit charges on traffic of common concern in transit through territories in Continental Europe under its authority. No discrimination shall be made in respect of import duties levied on goods of common concern, dependent on the route the goods have traveled prior to importation into the country concerned.

9. Every member Government undertakes to secure that transport charges made within territories in Continental Europe under its authority on traffic of common concern, including such traffic in transit through such territories, shall be as low and simple and as uniform with those in other territories, to which this Agreement applies, as is practicable. Every member Government shall give the fullest consideration to recommendations made by the Organisation in accordance with paragraph 11 of Article VII and report to the Organisation on the action taken.

Miscellaneous

10. Every member Government undertakes to co-operate with the Organisation in the exercise of its functions under paragraphs 14 and 16 of Article VII.

11. Every member Government shall use its best endeavours in its relations with any other international organisations, agencies or authorities to give effect to the provisions of this Agreement.

12. Every member Government shall give the fullest consideration to any recommendations made by the Organisation in accordance with paragraphs 12, 15 and 18 of Article VII and report to the Organisation on the action taken.

13. Every member Government shall recognise the international personality and legal capacity which the Organisation possesses.

14. Every member Government shall respect the exclusively international character of the members of the Executive Board, the Chief Officer and the staff of the Organisation.

15. Every member Government shall accord to the Organisation the privileges, immunities and facilities which they grant to each other, including in particular—

- (a) immunity from every form of legal process;
- (b) exemption from taxation and customs duties; and
- (c) inviolability of premises occupied by, and of the archives and communications of the Organisation.

16. Every member Government shall accord diplomatic privileges and immunities to persons appointed by other members as their representatives in or to the Organisation, to the members of the Executive Board, and to the higher officials of the Organisation not being their own nationals.

17. Every member Government shall accord to all officials and employees of the Organisation—

- (a) immunity from suit and legal process relating to acts performed by them in their official capacity;
- (b) all such facilities for their movement, and for the execution of their functions, as are deemed necessary by the Organisation for the speedy and effective fulfilment of their official duties; and
- (c) except in the case of their own nationals, exemption from taxation of their official salaries and emoluments.

18. Every member Government shall in territory under its authority take all steps in its power to facilitate the exercise by the Organisation of any of the powers referred to in Article IV.

ARTICLE IX

The Organisation shall be related to any general international organisation to which may be entrusted the co-ordination of the activities of international organisations with specialised responsibilities.

ARTICLE X

1. The functions of the Organisation shall relate to all forms of transport by road, rail or waterway, within the territories of the Continent of Europe in which the Organisation operates, but not to sea-going shipping, except that the provisions of paragraph 10 of Article VII and paragraph 5 of Article VIII shall apply in respect of such shipping when employed in Continental Europe on inland waterways.

2. In regard to the handling of traffic in ports where sea-going vessels are discharged or loaded, the Organisation shall co-operate with the appropriate authorities of the member Government concerned and any shipping organisation set up by them to ensure—

- (i) the rapid turn-round of ships;
- (ii) the efficient use of port facilities in the best interests of the prompt clearance of cargo of common concern.

ARTICLE XI

In the event of there being any direct inconsistency between the provisions of this Agreement and the provisions of any agreement already existing between any of the member Governments, the provisions of this Agreement shall, as between such member Governments, be deemed to prevail, due respect being had to the provisions of paragraph 17 of Article VII, provided, however, that nothing in this Article shall be construed to prevent member Governments from entering into agreements to facilitate the working of traffic across national frontiers.

ARTICLE XII. Definitions

1. For the purpose of this Agreement and its Annex, the definitions given in this Article have been adopted.

2. The term "inland transport" shall include all forms of transport as referred to in Article X of this Agreement.

3. The term "Continental Europe" shall mean all territories in Europe under the authority or control of member Governments, but shall not extend to territory of the United Kingdom or of the Union of Soviet Socialist Republics.

4. The term "territory under the authority of a member Government" shall be construed to mean territory in Continental Europe either under the sovereignty of a member Government or territory over which a member Government or member Governments is or are exercising authority or control.

5. The term "transport equipment and material" shall include, so far as the Executive Board deems it necessary for the execution of the functions of the Organisation:

(i) any items of fixed and mobile equipment, stores (other than fuel), plant and spares and accessories of all kinds specifically intended and required for use of transport undertakings, including equipment required for use in ports, whether ashore or float;

(ii) equipment and material specifically intended and required for the rehabilitation, maintenance or construction of roads, railways, bridges, ports and inland waterways;

(iii) major plant and tools specifically required for the repair of transport equipment and material for use by transport authorities.

6. The term "traffic of common concern" shall include—

(i) personnel, stores, supplies or other traffic to be moved in accordance with the requirements of the Allied Commanders-in-Chief;

(ii) displaced and other persons to be moved in accordance with the priorities determined by the appropriate United Nations authorities;

(iii) supplies for civil needs to be moved in Continental Europe in accordance with the priorities determined by the appropriate United Nations authorities;

(iv) property removed by the enemy.

7. The term "transport charges" shall include, in addition to freight or conveyance charges, any other incidental charges, such as tolls, port charges, charges for warehousing and handling goods in transit which may affect the cost of transport.

8. The term "admissible transit charges" means dues intended solely to defray expenses of supervision and administration entailed by the transit traffic concerned.

9. The term "Allied Commander-in-Chief" shall mean any Commander-in-Chief designated for commands on the Continent of Europe by the appropriate authorities of any of the following:

The French Republic

The Union of Soviet Socialist Republics

The United Kingdom of Great Britain and Northern Ireland

The United States of America.

10. The term "Government" includes any Provisional Government.

ARTICLE XIII

Until the expiry of the period of two years from this day's date, the provisions of this Agreement may be amended, suspended or terminated only by a unanimous vote of the Council. At any time after that date any provision of this Agreement may be amended, suspended or terminated by a two-thirds majority of the Council, provided that no alteration shall be made in the provisions of this Agreement so as to extend the obligations or financial liability of any member Government without that Government's consent.

ARTICLE XIV

1. This Agreement shall come into force for each member Government on the date of signature on its behalf or of its admission to the Organisation under Article II.

2. It shall remain in force for two years from this day's date. It shall thereafter remain in force, subject to the right of any member Government, after the expiry of eighteen months from this day's date, to give six months' notice in writing to the Council of its intention to withdraw from this Agreement.

In witness whereof the undersigned, duly authorised by their respective Governments, have signed the present Agreement.

Done in London on the 27th day of September, 1945, in English, French and Russian, all three texts being equally authentic, in a single copy which shall be deposited in the archives of the Government of the United Kingdom of Great Britain and Northern Ireland, by whom certified copies shall be transmitted to all Signatory Governments.

For the Government of the United States of America: JOHN G. WINANT	For the Government of the Netherlands: C. C. GISCHLER
For the Government of Belgium: OBERT DE THIEUSIES	For the Government of Norway: ERIK COLBAN <i>Subject to approval by the Storting</i> ²
For the Government of Czechoslovakia: BARÁČEK-JACQUIER	For the Government of the Polish Republic: HENRYK STRASBURGER
For the Provisional Government of the French Republic: R. MASSIGLI	For the Government of the Union of Soviet Socialist Republics: F. S. BADULIN
For the Government of the United Kingdom of Great Britain and Northern Ireland: PHILIP NOEL-BAKER	For the Yugoslav Government: DR. LJUBO LEONTIĆ
For the Royal Hellenic Government: TH. AGHNIDES	For the Royal Danish Government: E. REVENTLOW
For the Government of the Grand Duchy of Luxembourg: A. ALS	

ANNEX

PROTOCOL RELATING TO TRAFFIC ON INLAND WATERWAYS

PREAMBLE

With a view to fulfilling, in respect of traffic on inland waterways, the obligations assumed by the member Governments under the Agreement concerning the establishment of an European Central Inland Transport Organisation (hereinafter referred to as the Agreement), and subject to the conditions set out therein, the Governments signatory hereto have agreed as follows:

ARTICLE I

Every Government signatory hereto undertakes to establish appropriate machinery necessary for the application of all the obligations assumed in paragraphs 5 and 6 of Article VIII of the Agreement to traffic on Inland Waterways and to appoint persons or organisations entitled to treat with the Organisation on questions of this nature.

ARTICLE II

The Governments signatory hereto, taking into account the geographical,

² Approved Dec. 11, 1946.

technical and other peculiarities connected with traffic on inland waterways and the needs of each of them in these respects, will nominate experts to be consulted by the Organisation on questions of traffic on inland waterways within the various areas of such traffic.

ARTICLE III

For each waterways traffic area in Continental Europe, the allocation of inland shipping and, if necessary, shipping space for carrying traffic of common concern in accordance with approved programmes will be determined from time to time by the Organisation in agreement with the Governments concerned. In determining this allocation, due account shall be taken of the particulars of the vessel, its equipment and crew and of its normal traffic.

ARTICLE IV

The terms of remuneration to be paid by the users of inland vessels for traffic of common concern shall be worked out by the Organisation in agreement with the Governments and/or the authorities concerned on a fair and reasonable basis in such a manner as to give effect to the following two principles:

(i) inland vessels of all flags performing the same services should receive the same freights;

(ii) freights with reference to paragraph 11 of Article VII shall be calculated so as to include, after providing for depreciation of the ship, a reasonable margin of profit.

ARTICLE V

1. This Protocol shall remain open for signature in London on behalf of any member Government of the European Central Inland Transport Organisation.

2. This Protocol shall come into force for each Government signatory thereto as from the date of signature on its behalf. Any Government when signing the present Protocol may declare that its signature shall not become effective until this Protocol has been signed by certain other specified Governments.

3. This protocol shall remain in force for two years from this day's date. It shall thereafter remain in force subject to the right of any signatory Government, after the expiry of eighteen months from this day's date, to give six months' notice in writing to the Council of the European Central Inland Transport Organisation of its intention to withdraw from this Protocol.

In witness whereof the undersigned, duly authorised by their respective Governments, have signed the present Protocol.

Done in London on the 27th day of September, 1945, in English, French

and Russian, all three texts being equally authentic in a single copy which shall be deposited in the archives of the Government of the United Kingdom of Great Britain and Northern Ireland, by whom certified copies shall be transmitted to all signatory Governments.

For the Government of the United States of America: JOHN G. WINANT	For the Government of the Grand-Duchy of Luxembourg: A. ALS
For the Government of Belgium: OBERT DE THIEUSIES	For the Government of the Netherlands: C. C. GISCHLER
For the Government of Czechoslovakia:	For the Government of Norway:
For the Provisional Government of the French Republic:	For the Government of the Polish Republic: HENRYK STRASBURGER
For the Government of the United Kingdom of Great Britain and Northern Ireland: PHILIP NOEL-BAKER	For the Government of the Union of Soviet Socialist Republics: F. S. BADULIN
For all the Royal Hellenic Government: TH. AGHNIDES	For the Yugoslav Government: DR. LJUBO LEONTI
	For the Royal Danish Government: E. REVENTLOW

PROTOCOL RELATING TO THE TRANSFER FROM THE PROVISIONAL ORGANISATION FOR EUROPEAN INLAND TRANSPORT TO THE EUROPEAN CENTRAL INLAND TRANSPORT ORGANISATION

The Governments on whose behalf the present Protocol is signed:

Having regard to Article V of the Agreement concerning a Provisional Organisation for European Inland Transport (hereinafter referred to as "the Provisional Organisation") of the 8th May 1945,³ which provides that "this Agreement shall, in any case, cease to have effect from the date when the Organisation provided for in the Draft Agreement is established",

And being desirous to provide for the transfer to the European Central Inland Transport Organisation (hereinafter referred to as "the Definitive Organisation") of the records, assets and liabilities of the Provisional Organisation,

And comprising the members of the Provisional Organisation and all the signatories of the Agreement establishing the Definitive Organisation,
Have agreed as follows:

ARTICLE I

1. The records, assets and liabilities of the Provisional Organisation shall

³ EAS 458, *ante*, p. 1125.

be transferred to the Definitive Organisation in accordance with the following provisions:

(a) The Provisional Organisation shall make available, and, where desired, transfer, to the Definitive Organisation in such a manner as may be convenient, all the records, proceedings and accounts of the Provisional Organisation;

(b) The Provisional Organisation shall transfer at cost all its assets in the form of motor cars, furniture and office equipment and the benefits of payments, made in advance in respect of rent, insurance etc., to the Definitive Organisation;

(c) The Provisional Organisation shall transfer to the Definitive Organisation all liabilities in respect of obligations to the staff, such as contributions payable to the proposed Provident Fund, gratuities in respect of services rendered, payment of salaries for periods of leave which have already been earned and other benefits intended to accrue to the staff on completion of their service:

(d) In so far as members of the staff of the Provisional Organisation are re-engaged as members of the staff of the Definitive Organisation, the respective Councils of the Provisional and Definitive Organisations shall make such regulations as are appropriate to the matters referred to in (c) above.

2. The Council, Executive and Staff of the Provisional Organisation shall continue their respective functions for such period as is necessary to give effect to the provisions of Paragraph 1 above and all the detailed arrangements of transfer shall be agreed between the Council of the Provisional Organisation and the Council of the Definitive Organisation.

ARTICLE II

The surplus of the funds available to the Provisional Organisation, after settlement of all liabilities other than those referred to in Article I, Paragraph 1(c) shall be ascertained and credited to member Governments of the Provisional Organisation, in the same proportions as their respective financial contributions to the Provisional Organisation bear to the total contributions paid to that Organisation, as advances against contributions which these Governments may hereafter agree to make towards the administrative expenses of the Definitive Organisation in accordance with Article V of the Agreement establishing the European Central Inland Transport Organisation.

In witness whereof the undersigned, duly authorised by their respective Governments, have signed the present Protocol.

Done in London on the 27th day of September, 1945, in English, French and Russian, all three texts being equally authentic, in a single copy which shall remain deposited in the archives of the Government of the United King-

dom of Great Britain and Northern Ireland, by whom certified copies shall be transmitted to all Signatory Governments.

For the Government of the United States of America: JOHN G. WINANT	For the Government of the Grand-Duchy of Luxembourg: A. ALS
For the Government of Belgium: OBERT DE THIEUSIES	For the Government of the Netherlands: C. C. GISCHLER
For the Government of Czechoslovakia: BARÁČEK JACQUIER	For the Government of Norway: ERIK COLBAN
For the Provisional Government of the French Republic: R. MASSIGLI	For the Government of the Polish Republic: HENRYK STRASBURGER
For the Government of the United Kingdom of Great Britain and Northern Ireland: PHILIP NOEL-BAKER	For the Government of the Union of Soviet Socialist Republics: F. S. BADULIN
For the Royal Hellenic Government: TH. AGHNIDES	For the Yugoslav Government: DR. LJUBO LEONTIĆ
	For the Royal Danish Government: E. REVENTLOW