

Austria-Germany (Federal Republic of)

AGREEMENT¹ BETWEEN THE AUSTRIAN FEDERAL GOVERNMENT AND THE BAVARIAN STATE GOVERNMENT CONCERNING THE DIVERSION OF WATER IN THE RISSBACH, DURRACH AND WALCHEN DISTRICTS, REACHED ON 29 JUNE 1948 AND CONCLUDED ON 16 OCTOBER 1950²

1. Austria agrees to waive without compensation the right to lead off any waters of the Rissbach and its tributaries.
2. Bavaria agrees to the leading –off without compensation of :
 - (a) The Dürrach in Austria with a drainage area of fifty-five square kilometers;
 - (b) The Kesselbach with a drainage area of four square kilometers;
 - (c) The Blaserbach with a drainage area of four square kilometers;
 - (d) The Dollmannbach with a drainage area of six square kilometers, on the condition that Austria shall allow all the water of the streams named under (a) to (d) to flow into the Isar for a period of not less than fifty days in the months of October to March, inclusive, and of not less than twenty- five days in the months of August and September at the request of , and for the length of time desired by, Bavaria in order to ensure the maintenance of a sufficient volume of water in the Isar bed.
3. Austria's obligation under paragraph 2 shall continue until provision, if any, is made through storage basins to ensure the maintenance of a sufficient volume of water in the upper Isar. If such storage basins are constructed, Austria shall, on conditions to be agreed on in greater detail, permit a partial backing-up of the dam, and the consequences thereof, on Austrian territory.
4. Notwithstanding the provisions of this Agreement, Austria and Bavaria maintain their respective positions regarding the legal principles governing international waters.
5. The date on which this Agreement enters into force shall be fixed by an exchange of notes between the two Governments.

¹ came into force on 1 May 1951.

² Edmund Hartig, *Internationale Wasservirtschaft und internationales Recht*, 1955, Annex 8, p.64 (Translated from German by the Secretariat of the United Nations).