

CZECHOSLOVAKIA
and
HUNGARY

Agreement concerning the establishment of a River Administration in the Rajka-Gönyü sector of the Danube (with exchange of letters). Signed at Prague, on 27 February 1968

*Official texts: Slovak and Hungarian.
Registered by Czechoslovakia on 15 July 1968.*

[TRANSLATION-TRADUCITON]

No. 9154. AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE CZECHOSLOVAK SOCIALIST REPUBLIC AND THE GOVERNMENT OF THE HUNGARIAN PEOPLE'S REPUBLIC CONCERNING THE ESTABLISHMENT OF A RIVER ADMINISTRATION IN THE RAJKA-GÖNYÜ SECTOR OF THE DANUBE. SIGNED AT PRAGUE, ON 27 FEBRUARY 1968

The Government of the Czechoslovak Socialist Republic and the Government of the Hungarian People's Republic, considering the Convention regarding the régime of navigation on the Danube, signed at Belgrade on 18 August 1948, and the resolution adopted by the Danube Commission at its third session, held from 10 to 15 December 1950 at Galatz, have agreed, in the interests of safeguarding and improving the conditions for navigation in the Czechoslovak-Hungarian frontier sector of the Danube, to conclude an agreement concerning the establishment of a River Administration in the Rajka-Gönyü sector of the Danube.

They have for this purpose appointed as their plenipotentiaries:
The Government of the Czechoslovak Socialist Republic:
Josef Smrkovský, Minister of Forest and Water Resources;

The Government of the Hungarian People's Republic:
Imre Dégen, Chief of the General Water Resources Administration of the State,
who, having exchanged their full powers, found in good and due form, have agreed as follows :

Article I

¹ Came into force on 27 February 1968 by signature, in accordance with article 22.

PURPOSE AND TITLE OF THE RIVER ADMINISTRATION

(1) The Contracting Parties shall establish a River Administration (hereinafter referred to as "the Administration ") in the joint Czechoslovak-Hungarian sector of the Danube between Rajka and Gönyü for the purpose of ensuring that the hydraulic works necessary for maintaining and improving the fairway are carried out and for the purpose of regulating navigation conditions.

(2) The Administration shall be designated
" Riečna administrácia v úseku Dunaja Rajka-Gönyü" in the Slovak language;
"Rajka- Gönyüi Dunaszakasz Folyami Igazgatóság " in the Hungarian language.

Article 2

HEADQUARTERS OF THE ADMINISTRATION

The headquarters of the Administration shall be at Komárno in the Czechoslovak Socialist Republic.

Article 3

JURISDICTION OF THE ADMINISTRATION

The jurisdiction of the Administration shall comprise that sector of the Danube river-bed (hereinafter referred to as " the sector ") extending from Rajka to Gönyü between km 1850 and km 1791.

Article 4

LEGAL STATUS AND PRIVILEGES OF THE ADMINISTRATION

(1) The Administration, as a joint Czechoslovak-Hungarian organization, shall be a body corporate.

(2) The Administration shall consist of a Council (with ten members) and of a secretariat, headed by a director.

(3) The legal status and privileges of the Administration shall be governed the Convention on the legal status and privileges of international organisations concerned with economic co-operation, signed at Warsaw on 9 September 1966.

Article 5

OFFICIAL LANGUAGES, SEAL AND FLAG OF THE ADMINISTRATION

- (1) The official languages of the Administration shall be Czech, Slovak and Hungarian.
- (2) The official seal and flag of the Administration shall be decided upon by the Council.

Article 6

FUNCTIONS OF THE ADMINISTRATION

- (1) The functions of the Administration shall specifically include
 - (a) The making of provisions for studies, investigations and research, for preparatory and project documentation and for the contracting for and supervision and acceptance of hydraulic works to be carried out in the sector;
 - (b) The safeguarding of navigation conditions, the establishment of navigation regulations for the sector and supervision to ensure compliance therewith;
 - (c) Determination of the amount and method of collection of navigation charges;
 - (d) The collection of navigation charges;
 - (e) The conduct of the technical, economic, administrative, legal and financial business connected with its activities.
- (2) The functions of the Administration shall extend to water-management activities outside the fairway in so far as such activities have a bearing on the maintenance of the fairway and the improvement of navigation conditions; they shall not extend to flood-control or ice-control activities or the maintenance of ports and dikes.

Article 7

EXECUTION OF HYDRAULIC WORKS

- (1) For the purposes of article 6, paragraph 1 (a), the term “hydraulic works” means all activities, including maintenance and dredging operations, intended to establish suitable dimensions for the fairway and to ensure the regular flow of high, mean and low water and the unimpeded movement of ice along the river-bed.
- (2) The Administration shall provide for the execution of the hydraulic works in such a way that the relevant contracts are given to the competent organizations of the two States.

(3) The works for which they have been given contracts shall ordinarily be carried out by the organizations of the two States in the territory of their own States. This provision shall not apply to dredging operations or to the supply and transport of construction materials.

(4) Provision for the buoyage of the fairway and for a signal service in the sector shall be made by the Administration by means, as a rule, of its own staff resources and resources.

Article 8

STUDIES AND SURVEYS

The Contracting Parties shall make available to the Administration the results of previous studies and surveys which relate to the fairway and are needed by the Administration, including existing documentation on completed construction and project documentation on construction in progress or being planned. The Administration shall inform the competent organizations of the two States of the results of surveys and studies and of work carried out in the sector.

Article 9

NAVIGATION REGULATIONS

(1) The special regulations governing navigation and the safety of vessels in sector (article 6, paragraph I (b)) must take account of the special nature of the sector and be in harmony with the recommendations of the Danube Commission concerning navigation.

(2) Temporary measures shall be taken by the Administration as required safe and orderly navigation or the execution of hydraulic works. A navigation notice shall be issued by the Administration concerning such measures.

Article 10

THE COUNCIL

The activities of the Administration shall be directed by a Council, which shall be composed of a representative of the Government of the Czechoslovak Socialist Republic and a representative of the Government of the Hungarian People's Republic, who shall be appointed in accordance with the Agreement force between the two States concerning the regulation of water-management questions relating to frontier waters.

Article 11

FUNCTIONS OF THE COUNCIL

The functions of the Council shall specifically include :

- (a) The direction and supervision of the activities of the Administration;
- (b) Approval of the staffing arrangements and wage schedules for the staff of the Administration;

- (c) Approval of the annual plan of works to be carried out in the sector as part of the comprehensive annual plan of works for the entire joint Czechoslovak- Hungarian sector of the Danube, and approval of the budget of the Administration;

- (d) Approval of the preparatory and project documentation for hydraulic works and of the acceptance of completed works;

- (e) Supervision of the management of the management of the Administration and approval of the annual report and accounts;

- (f) The appointment and recall of the director and his deputy;

- (g) Consideration of the reports and proposals of the director and the taking of appropriate action on the basis thereof;

- (h) Supervision of measures relating to the improvement of navigation conditions in the sector, and approval of regulations concerning the regime of navigation;

- (i) Approval of the amount and method of collection of navigation charges;

- (j) Approval of the organizational statute of the secretariat and amendments thereto;

- (k) Settlement of disputes arising out of the application of this Agreement.

Article 12

- (1) The council shall hold regular and special sessions.
- (2) Regular sessions shall as a rule be held once a year, and special sessions as necessary. A special session shall be held on the proposal of one of the representatives and shall be convened within one month.
- (3) The regular sessions of the Council shall be held alternately in the territories of the two States, and the special sessions at the headquarters of Administration.
- (4) The session shall be convened by the representative of the Contracting Party in whose territory the session is to be held.
- (5) The agenda shall be agreed upon by the representatives before the session; it may be modified in the course of the session by mutual agreement.

- (6) The session of the Council shall also be attended by deputy representatives designated in accordance with the Agreement in force between the Contracting Parties concerning the regulation of water- management questions relating to frontier waters. The deputy representatives shall carry out the duties of the representatives in the Council when the representatives are unable to discharge their functions or when they delegate their functions to the deputy representatives.
- (7) The representatives may, where necessary, call in expert advisers to attend a session of the Council.

Article 13

RULES OF PROCEDURE OF THE COUNCIL

(1) Regular sessions of the Council shall be presided over by the representative of the Contracting Party in whose territory the session is held. In the case of special sessions, the representatives shall alternate as chairmen.

(2) The decisions of the Council shall be adopted unanimously. The Council shall keep minutes of its meetings.

(3) Detailed rules of procedure shall be drawn up by the Council.

Article 14

ORGANIZATION OF THE SECRETARIAT

The organization of the secretariat, the legal status of the director and of his deputy and the contractual relations of the employees shall be governed by the organizational statute.

Article 15

COSTS CONNECTED WITH THE ACTIVITIES OF THE ADMINISTRATION

(1) The hydraulic works to be carried out in the sector shall be apportioned between the Contracting Parties in physical units on an equal basis. Provision for the costs of such works shall be made by the Contracting Parties in their budgets. The Administration shall keep a record of completed hydraulic works in physical units and of the expenditure by the Contracting Parties on such works.

(2) Any balance in connexion with the hydraulic works contracted for by the Administration which remains in favour of one Contracting Party at the end of the year shall be settled by the other Contracting Party in physical units during the following year. If settlement cannot be

effected in this manner within five years, the balance shall be settled within the framework of the payments agreement in force between the two States.

(3) Detailed regulations concerning the method of apportioning hydraulic works and settling balances shall be made by the Council.

(4) The funds required to cover the expenditure estimates in the budget of the Administration (wages of staff, rent of office premises, buoyage of the fairway and so on) shall be provided by the Contracting parties to the Administration in equal shares. Settlements between the two States in respect of such funds shall be effected through the accounts for non-commercial payments.

(5) The material costs of regular sessions of the Council shall be borne by the receiving Party, and those of special sessions shall be borne by the Administration. Travel and *per diem* shall be paid by the sending authorities.

Article 16

DISTRIBUTION AND USE OF INCOME OF THE ADMINISTRATION

Navigation charges shall be apportioned equally between the Contracting Parties in the currency in which they were collected. They shall be used for the payment of costs connected with the activities of the Administration and with hydraulic works carried out in the sector.

Article 17

CROSSING OF THE STATE FRONTIERS

The crossing of the State frontiers by staff of the Administration shall be effected in accordance with the frontier-traffic agreements in force between the two States.

Article 18

PROVISION OF BUILDINGS AND ACCOMMODATION

The Contracting Party in whose territory the Administration has its headquarters shall, in return for payment of the rent, provide for the office and working premises of the Administration and for the accommodation of its staff.

Article 19

RELATIONS BETWEEN THE ADMINISTRATION AND THE DANUBE COMMISSION

Relations between the Administration and the Danube Commission shall be governed by the provisions of the Convention regarding the régime of navigation on the Danube, signed at Belgrade on 18 August 1948.

Article 20

RELATIONS BETWEEN THE ADMINISTRATION AND THE MIXED
CZECHOSLOVAK-HUNGARIAN TECHNICAL COMMISSION

(1) Save as otherwise provided in the present Agreement, the provisions of the Agreement in force between the two States concerning the regulation of water- management questions relating to frontier waters shall apply to water- management questions affecting the sector. Accordingly, the Mixed Czechoslovak- Hungarian Technical Commission shall continue to be responsible for the regulation of all water-management questions affecting the sector other than those directly connected with the maintenance of the fairway and the improvement of navigation conditions.

(2) The comprehensive annual plan of hydraulic works in the joint Czechoslovak- Hungarian sector of the Danube, including the Administration sector, shall be discussed and co-ordinated by the Mixed Technical Commission in accordance with the proposals of the competent water- management agencies of the two States and of the Administration. In making its proposals for the annual plan, the secretariat shall be guided by the principle that the amount of works in the sector shall, in so far as possible, be equal on both sides. A decision by the Council shall be required in the case of any exceptions to this principle. The plan of the Administration must be approved by the Council.

Article 21.

Any disputes arising out of the application of this Agreement which are not settled by the Council shall be referred to the Contracting Parties for a decision.

Article 22.

- (1) This agreement shall enter into force on the date of its signature.
- (2) The date on which the Administration shall commence operations shall be determined by the Council
- (3) The agreement shall remain in force for a period of fifteen years and, unless denounced by one of the Contracting Parties, shall continue in force for an additional fifteen- year period.

- (4) The agreement may not be denounced until seven years have elapsed from the commencement of operations by the Administration. After the expiry of that period, it may be denounced in writing at any time, with effect from 31 December of the year following notification of the denunciation to the other contracting Party.
- (5) The liquidation of the Administration shall be effected on a basis of mutual agreement by representatives of the Contracting Parties especially appointed for that purpose.

IN WITNESS WHEREOF the Plenipotentiaries of the Contracting Parties have signed the present Agreement and have thereto affixed their seals.

DONE at Prague on 27 February 1968 in duplicate in the Slovak and Hungarian languages, both texts being equally authentic.

For the Government
of the Czechoslovak
Socialist Republic
J. SMAROKBSKÝ

For the Government
of the Hungarian
People's Republic
DÉGEN Imre

EXCHANGE OF LETTERS

I

Prague, 27 February 1968

Dear Comrade,

On the occasion of the signing of the Agreement between the Government of the Czechoslovak Socialist Republic and the Government of the Hungarian People's Republic concerning the establishment of a River Administration in the Rajka- Gönyü sector of the Danube, I have the honour to inform you that in the course of the discussions relating to the conclusion of this Agreement the government delegations reached agreement on the following basic questions

1. The Administration shall commence operations in the sector on 1 April 1968, by which date its technical status will have been registered.
2. The budget estimates of the Administration for the year 1968 are Kcs 2,008,000, of which Kcs 690,000 are allocated to the wage fund.
3. Under the manning table which has been agreed upon, the secretariat will have a staff of twenty-five persons in the year 1968.

4. On the basis of the principles accepted by both Parties for the calculation of navigation charges, the charges for the year 1968 will be 0.127 transferable roubles or \$US 0. 141 per ton of capacity.

With comradely greetings,

J. SMAROKBSKÝ

Comrade Dégen Imre
Chief, General Water Resources
Administration

II

Prague, 27 Februry 1968

Dear Comrade,

[See Letter I]

DÉGEN Imre

Comrade Josef Smarkovský
Minister of Forest and Water Resoruces