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TRANSLATION - TRADUCTION

No. 518. CONVENTION¹ REGARDING THE REGIME OF NAVIGATION ON
THE DANUBE.

SIGNED AT BELGRADE, ON 18 AUGUST 1948

The union of Soviet Socialist Republics, the People's Republic of Bulgaria, the Hungarian Republic, the People's Republic of Romania, the Ukrainian Soviet Socialist Republic, the Republic of Czechoslovakia and the Federal People's Republic of Yugoslavia,

Whereas the Council of Foreign Ministers on 12 December 1946 decided to convene a conference, composed of representatives of the States mentioned, to work out a new convention regarding the regime of navigation on the Danube, and

Desirous of providing for free navigation on the Danube in accordance with the interests and sovereign rights of the Danubian States and in order to strengthen the economic and cultural relations of the Danubian States among themselves and with other nations,

Have resolved to conclude a convention regarding the regime of navigation on the Danube and for that purpose have appointed the undersigned plenipotentiaries who, after presentation of their full powers, found in good and due form, have agreed on the following:

¹Came into force on 11 May 1949, date of deposit of the sixth instrument of ratification with the Government of the Federal People's Republic of Yugoslavia, in accordance with article 47.

Dates on which the instrument of ratification was deposited by each of the signatory states:

Bulgaria.....22 February 1949

Czechoslovakia23 February 1949

Yugoslavia.....23 February 1949

Romania.....5 March 1949

Hungary.....14 March 1949

Union of Soviet Socialist Republic.....11 May 1949

Ukrainian Soviet Socialist Republic.....4 May 1949

CHAPTER 1

GENERAL PROVISIONS

Article 1

Navigation on the Danube shall be free and open for the nationals, vessels of commerce and goods of all States, on a footing of equality in regard to port and navigation charges and conditions for merchant shipping. The foregoing shall not apply to traffic between port of the same State.

Article 2

The regime established by this Convention shall apply to the navigable part of the Danube River between Ulm and the Black Sea through the Sulina arm, with outlet to the sea through the Sulina channel.

Article 3

The Danubian States undertake to maintain their sections of the Danube in a navigable condition for river-going and, on the appropriate sections, for sea-going vessels, to carry out the works necessary for the maintenance and improvement , of navigation conditions and not to obstruct or hinder navigation on the navigable channels of the Danube. The Danubian States shall consult the Danube Commission (art. 5) on matters referred to in this article.

The riparian States may within their own jurisdiction undertake works for the maintenance of navigation, the execution Of which is necessitated by urgent and unforeseen circumstances. The States shall inform the Commission of the reasons which have necessitated the works, and shall furnish a summary description thereof.

Article 4

Should a Danubian State be unable itself to undertake works within its own territorial jurisdiction which are necessary for the maintenance of normal navigation it shall be bound to allow the Danube Commission (art, 5) to carry them out under conditions determined by the Commission, which may not entrust the execution of such works to another State unless the section in question of the waterway forms the frontier of such state. In the latter case the Commission shall decide the conditions on which the works shall be carried out.

The Danubian States agree to afford the Commission or the State executing the said works all necessary assistance,

CHAPTER II

ADMINISTRATIVE PROVISIONS

Section 1. The Danube Commission

Article 5

There shall be established a Danube Commission, hereinafter called "the Commission", to consist of one representative of each Danubian State.

Article 6

The Commission shall elect from among its members a chairman, a vice-chairman and a secretary for a term of three years.

Article 7

The commission shall determine the times of its meetings and its own rules of procedure.

The first meeting of the Commission shall be held within six months after the entry into force of the present Convention.

Article 8

The jurisdiction of the Commission shall extend to the Danube as defined in article 2.

The functions of the Commission shall be:

- (a) to supervise the implementation of the provisions of this Convention;
- (b) to prepare a general plan of the principal works called for in the interests of navigation on the basis of proposals and-projects presented by the Danubian States and the Special River Administrations (articles 20 and 21), and likewise to draw up a general budget in connexion with such works;
- (c) to execute the works in the cases provided for in article 4;

- (d) to consult with, and make recommendations to the Danubian States in respect of the execution of the works referred to in paragraph (b) of this article, with due consideration for the technical and economic interests, plans and possibilities of the respective States;
- (e) to consult with, and make recommendations to the Special River Administrations (articles 20 and 21), and to exchange information with them;
- (f) to establish a uniform system of traffic regulations on the whole navigable portion of the Danube and also to lay down the basic provisions-governing navigation on the Danube, including those governing the pilot service, with due consideration for the specific conditions obtaining on particular sections;
- (g) to unify the regulations governing river inspection;
- (h) to co-ordinate the hydro-meteorological services on the Danube, and to publish a single hydrological bulletin and short-term and long-term hydrological forecasts for the Danube;
- (i) to produce statistics on aspects of navigation on the Danube, within the competence of the Commission;
- (j) to publish reference works, sailing directions, navigational charts and atlases for purposes of navigation;
- (k) to prepare and approve the budget Of the Commission and to fix and levy the charges provided for in article 10.

Article 9

In order to carry out the tasks referred to in the foregoing article, the commission shall have its own secretariat and the necessary office services, the staff of which shall be recruited from nationals of the Danubian States.

The organization of the secretariat and services shall be determined by the Commission itself.

Article 10

The Commission shall draw up its budget and approve it by a majority vote of all its members. The budget shall provide for the expenses for the maintenance of the Commission and its services, to be met by equal contributions of the Danubian States payable annually.

In order to defray the cost of executing special works for the maintenance or improvement of navigability, the Commission may establish special charges.

Article 11

The Commission's decisions shall be taken by a majority of the members present, unless otherwise specifically provided for in this Convention (articles 10, 12 and 13).

Five members of the commission shall constitute a quorum.

Article 12

The Commission's decisions on matters provided for in article 8, paragraphs (b), (c), (f) and (g) shall be taken by a majority vote of all members of the Commission but without outvoting the State of the territory on which the works are to be carried out.

Article 13

The seat of the Commission shall be at Galatz.

The commission may, however, by a decision of a majority of all members change the seat of the Commission.

Article 14

The Commission shall have the rights of a legal entity in accordance with the laws of the State in which the commission has its seat.

Article 15

The official languages of the Commission shall be Russian and French.

Article 16

Members of the Commission and officers authorized by it shall enjoy diplomatic immunity. its official buildings, archives and documents of all kinds shall be inviolable.

Article 17

Officers of the Commission holding the proper credentials shall inform the competent authorities of the Danubian states of breaches of the navigation, sanitation and river inspection regulations which have come to the commission's knowledge. The competent authorities must in turn inform the commission of the stops taken in connexion with any breaches reported as aforesaid.

Article 18

The Commission shall have its own seal and flag, which it may fly on its official buildings and vessels.

Article 19

The Danubian States shall afford the Commission, its officers and its staff the assistance necessary to enable them to carry out their duties under this Convention.

Such officers and staff shall, subject to compliance with national law, have the right of free movement while carrying out their official duties on the river and in ports within the jurisdiction of the Commission.

Section II. Special River Administrations

Article 20

There shall be established a Special River Administration in the lower Danube (between the mouth of the Sulina channel and Braila inclusive) for the execution of hydraulic engineering works and the regulation of navigation, such Administration to consist of the representatives of the adjacent riparian States (People's Republic of Romania and the union of Soviet Socialist Republics).

The Administration shall act on the basis of an agreement between the Governments of the countries members of the Administration.

The seat of the Administration shall be at Galatz.

Article 20

There shall be established a Special River Administration of the Iron Gates in the Iron Gates section (between Vince and Kostol on the right bank and between Moldova-Veche and Turnu-Severin on the left bank of the Danube) for the execution of hydraulic engineering works and the regulation of navigation in the said area, such Administration to consist of the representatives of the People's Republic of Romania and the Federal People's Republic of Yugoslavia.

The Administration shall act on the basis of an agreement between the Governments of the countries members of the Administration.

The seat of the Administration shall be at Orsova and Tekija.

Article 22

The Commission shall be notified of the agreements on Special River Administrations (hereinafter called "the Administrations") referred to in articles 20 and 21.

CHAPTER III REGIME OF NAVIGATION

Section I. Navigation

Article 23

Navigation on the lower part of the Danube and in the Iron Gates section shall be carried out in accordance with the regulations on navigation established by the Administrations of the respective sections. Navigation on other parts of the Danube shall be carried out in accordance with the regulations established by the respective Danubian States through whose territory the Danube flows, and in those sections where the banks of the Danube belong to two different States, in accordance with the regulations established by agreement between such States.

In establishing regulations on navigation the Danubian states and Administrations shall have regard to the basic provisions governing navigation on the Danube established by the Commission.

Article 24

Vessels navigating the Danube shall have the right, subject to compliance with the regulations established by the Danubian States concerned, to enter ports, to load and discharge, to embark and disembark passengers, to refuel, to take on supplies, etc.

Article 25

Vessels flying foreign flags may not engage in local passenger and freight traffic or traffic between ports of the same Danubian State, save in accordance with the national regulations of that State.

Article 26

Sanitary and police regulations in force on the Danube shall be administered without discrimination as regards the nationality of vessels, points of departure and destination, or on any other grounds.

The functions of customs, sanitary, and river inspection on the Danube shall be discharged by the Danubian States,

which shall communicate to the Commission the regulations issued by them, in order that the Commission may be able to promote the unification of customs and sanitary regulations and to unify the regulations governing river inspection (Article 8 (g)).

Customs, sanitary and police regulations shall be such not to impede navigation.

Article 27

When both banks of the Danube belong to the same State, the latter shall have the right to place goods in transit under seal or in charge of the customs officers. Such State shall also be entitled to require the master or owner of a vessel to make a written declaration stating only whether or not he is carrying goods the importation of which is prohibited by that State but shall not be entitled to prohibit the transit of such goods. These formalities shall not entail an inspection of the cargo or delay its transit. The master or owner of a vessel making a false declaration shall be liable under the law of the State to which the declaration was made.

When the river Danube forms the frontier between two States, vessels, rafts, passengers and goods in transit shall be exempt, while afloat, from all customs formalities.

Article 28

Vessels employed by Danubian States for river inspection (police) work must fly their national flag and, in addition, bear a distinctive and uniform mark; the descriptions and number of such vessels shall be communicated to the Commission. Such vessels, and the customs vessels of all Danubian States, may navigate the Danube only within the frontiers of the respective States whose flags they fly, and beyond such frontiers only with the consent of the Danubian States concerned.

Article 29

Ships on the Danube shall be allowed to use, for purposes of navigation, ships' wireless sets and shore communication facilities.

Article 30

Navigation of the Danube by the naval vessels of any non-Danubian country shall be prohibited.

The naval vessels of Danubian States may not navigate the Danube beyond the frontiers of the respective countries whose flags they fly save by arrangement between the Danubian States concerned.

Section II. Pilot service

Article 31

On the lower Danube and in the Iron Gates section there shall be established corps of pilots under the Administrations concerned (art. 22).

The regulations of the pilot service shall be established by the Administrations in accordance with the basic provisions governing navigation on the Danube (art. 8 W) and shall be communicated to the commission.

Article 32

Pilotage of vessels on the lower Danube and in the Iron Gates section shall be carried out by pilots from the appropriate corps of pilots or by pilots who have passed an examination set by the authorities of the competent River Administration and who are licensed by such Administration to pilot vessels.

Article 33

The corps of pilots shall be recruited from nationals of the Danubian countries members of the Administrations concerned. The procedure for recruiting the corps shall be determined by special agreements between the aforesaid members of such Administrations (articles 20 and-21).

CHAPTER IV

PROCEDURE FOR DEFRAYING THE COST OF MAINTENANCE OF NAVIGATION

Article 34

Hydraulic-engineering works on the Danube carried out by Danubian States in accordance with article 3 of this Convention shall be financed by the Danubian States concerned.

The works referred to in article 8,' paragraph (c), shall be financed by the Commission.

Article 35

In order to defray the cost of the maintenance of navigation the Danubian States may, by agreement with the Commission, levy on vessels navigation charges the scale of which

shall be fixed in relation to the cost of maintenance of equipment and the cost of the works referred to in art. 34.

Article 36

In order to defray the cost of the maintenance of navigation and of works carried out by the Administrations, the latter shall fix special charges to be levied on vessels passing through the sections between the mouth of the Sulina channel and Braila and between Vince and Kostol on the right bank and between Moldova-Veche and Turnu-Severin on the left bank of the Danube.

The Administrations shall notify the Commission of the special charges fixed by the Administrations and of the procedure for levying them.

Article 37

The extraordinary, navigation and special charges levied by the Commission, the Danubian States and the Administrations must not be a source of profit.

Article 38

The procedure for levying the extraordinary navigation and special charges shall be laid down in instructions drawn up by

the Commission, the Danubian States or the Administrations respectively. The instructions issued by the Danubian State and the Administrations shall be drawn up in agreement with the commission.

Charges shall be calculated on the basis of the ships' tonnage.

Article 39

The execution of works on sections of the Danube forming inter-State frontiers and the apportionment of expenditure therefor shall be settled by agreement between the adjoining States concerned.

Article 40

Port dues levied on vessels shall be collected by the authorities of the Danubian States concerned..In doing so no discrimination shall be shown as regards the nationality of vessels, points of departure and destination, or on any other grounds.

Article 41

Vessels entering ports for loading or unloading shall be entitled to use loading and unloading machinery, equipment, warehouses, storage space, etc., according to agreements concluded with the appropriate transportation and forwarding agencies.

There shall be no discrimination in determining the amount charged for services rendered.

Reductions granted in accordance with commercial usage on the basis of the volume of services rendered or the nature of the cargo shall not be regarded as discrimination.

Article 42

No charges shall be levied on vessels, rafts, passengers and goods in respect merely of transit.

Article 43

Schedules of pilotage fees in the lower Danube and in the Iron Gates section shall be fixed and communicated to the Commission by the Administrations concerned.

CHAPTER V
FINAL PROVISIONS

Article 44

The expression "Danubian State" or "Danubian country" in this convention shall be taken to mean a State situated on a bank or banks Of the Danube as defined in article 2.

Article 45

Any dispute between the parties to this convention regarding the application or interpretation of the Convention which cannot be resolved by direct negotiation shall, at the request of either party to the dispute, be referred for settlement to a conciliation commission composed of one representative of each party to the dispute and one representative appointed by the Chairman of the Danube Commission from among the nationals of a State not a party to the dispute, or, if the Chairman of the commission is a national of a State party to the dispute, then by the Danube Commission.

The decision of the conciliation commission shall be accepted by the parties to the dispute as final and binding.

Article 46

The present Convention may be revised at the request of the majority of the signatory States. This request shall be addressed to the Government of the Federal People's Republic of Yugoslavia, which shall as soon as possible convene a conference of all the States signatories to the present Convention. The revised provisions shall come into force only after instruments of ratification have been deposited by six of the States signatories to the present Convention.

Article 47

The present Convention and its annexes, of which the Russian and French texts are authentic, shall be subject to

ratification and shall come into force upon the deposit of six instruments of ratification. Instruments of ratification shall be deposited with the Government of the Federal People's Republic of Yugoslavia, in the archives of which shall be kept the original of the present Convention.

The Government of the Federal People's Republic of Yugoslavia shall furnish certified copies of the original Convention to all the signatories to the Convention and shall inform them of the deposit of instruments of ratification as these are received.

LIST OF ANNEXES

Annex I. The admission of Austria to the Danube Commission

Annex II. The Gabčíkovo-Gonyu sector

ANNEX I

THE ADMISSION OF AUSTRIA TO THE DANUBE COMMISSION

1. A representative of Austria shall be admitted to the Danube Commission after the question of a treaty with Austria has been settled.

2. The present annex shall come into force simultaneously with the Convention regarding the regime of navigation on the Danube and shall be an integral part thereof.

ANNEX II
THE GABCIKOVO-GONYU SECTOR

Regarding the works necessary to ensure normal conditions of navigation in the Gabcikovo-Gonyu sector (from km 1821 to km 1791), the Contracting Parties agree that it is in the general interest to maintain this sector in good navigable condition and that the works necessary for this purpose far exceed those which could reasonably be required of the riparian States concerned.

It is accordingly agreed that the Danube Commission shall discuss the question and decide whether, for this purpose, it would be appropriate to set up for this sector a special river administration similar to those provided for in articles 20 and 21, or whether it would be sufficient to apply to this sector the provisions of articles 4 and 34, paragraph 2, of the present Convention.

Regulations similar to those of article 20 of the present Convention, of which this annex is an integral part, shall be applied if such an administration is set up.

IN WITNESS WHEREOF, the undersigned plenipotentiaries have signed¹ the present Convention and have affixed their seals thereto.

DONE in the city of Belgrade, this 18th day of August nineteen hundred and forty-eight.

For the Union of Soviet Socialist Republics

For the People's Republic of Bulgaria:

For the Hungarian Republic:

For the People's Republic of Romania:

For the Ukrainian Soviet Socialist Republic:

For the Republic of Czechoslovakia:

For the Federal People's Republic of Yugoslavia:

1. Signatures on opposite page.

SUPPLEMENTARY PROTOCOL
TO THE CONVENTION REGARDING THE REGIME OF
NAVIGATION ON THE DANUBE

SIGNED AT BELGRADE, ON 18 AUGUST 1948

1. It is noted that the former regime of navigation on the Danube and the instruments providing for the establishment of that regime, in particular the Convention signed in Paris on 23 July 1921¹, are no longer in force.

2. All property owned by the former European Danube Commission shall be transferred to the Special River Administration of the lower Danube established under article 20 of the Convention, to which the present protocol refers.

3. It is agreed that all obligations of the former European Danube Commission to repay credits granted to it by Great Britain, France, Russia or other States shall be considered cancelled.

4. The obligations of the former international Danube commission, the obligations of the former Administration of the Iron Gates and Cataracts, and the guarantees securing those obligations shall be considered cancelled.

5. Unliquidated property of the former International Danube Commission shall be transferred to the Danube Commission provided for in article 5 of the Convention to

which the present protocol refers. The part of the property of the' former International Danube Commission transferred to the former Administration of the Iron Gates and Cataracts, and all the property of the former Administration of the Iron Gates and Cataracts shall be transferred to the Special River Administration of the Iron Gates established in accordance with article 21 of the Convention, to which the present protocol refers.

1. League of Nations, Treaty Series, Volume XXVI, page 173

DONE at Belgrade, this 18th day of August 1948.

For the Union of Soviet Socialist Republics:

For the People's Republic of Bulgaria:

For the Hungarian Republic:

For the People's Republic of Romania:

For the Ukrainian Soviet Socialist Republic:

For the Republic of Czechoslovakia:

For the Federal People's Republic of Yugoslavia: