

N° 1393.

FRANCE,
GRANDE-BRETAGNE, ITALIE
ET ROUMANIE

Arrangement relatif à la compétence
de la Commission européenne du
Danube. Signé à Genève, le 18
septembre 1926.

FRANCE,
GREAT BRITAIN, ITALY
AND ROUMANIA

Agreement concerning the Compe-
tence of the European Commission
of the Danube. Signed at Geneva,
September 18, 1926.

No. 1393. — AGREEMENT BETWEEN FRANCE, GREAT BRITAIN, ITALY AND ROUMANIA, CONCERNING THE COMPETENCE OF THE EUROPEAN COMMISSION OF THE DANUBE. SIGNED AT GENEVA, SEPTEMBER 18, 1926.

English and French official texts communicated by the Chairman of the Advisory and Technical Committee for Communications and Transit. The registration of this Agreement took place December 31, 1926.

The undersigned, M. CHARLES-ROUX, Mr. BALDWIN, M. ROSSETTI and M. CONTZESCO, Representatives of FRANCE, GREAT BRITAIN, ITALY and ROUMANIA, duly authorised by their Governments, have noted that difficulties have arisen between France, Great Britain and Italy on the one hand, and Roumania on the other, in connection with the competence of the European Commission of the Danube, and that the British Government has been of opinion that these difficulties constitute a dispute bearing upon the application of Articles 346, 348 and 349 of the Treaty of Versailles, and has laid the matter before the Advisory and Technical Committee for Communications and Transit of the League of Nations by a letter dated September 6, 1924, according to the procedure provided for in Article 7 of the Rules for Organisation adopted at Barcelona on April 6, 1921, and basing its action on Article 376 of the Treaty of Versailles, and on the resolution of the Assembly of the League of Nations dated December 19, 1920, and that the Governments of France and Italy have associated themselves with Great Britain in this procedure.

They have noted, on the other hand, that the Roumanian Government has disputed the fact that these difficulties constitute a dispute which could bring into operation the said procedure and has denied the competence of the Advisory and Technical Committee as laid down in the above-mentioned texts, but has made no objection to an examination of the difficulties which have arisen or to any attempt at conciliation through the Advisory Committee.

The report of the Special Committee which was instructed by the Advisory and Technical Committee to examine the question has been laid before the undersigned Representatives in accordance with a resolution of the Advisory and Technical Committee, dated July 28, 1925.

They are desirous of removing the difficulties which have arisen between their Governments.

Accordingly, in view of Part X of the said Report, and without prejudice to the negotiations at present proceeding between them for that purpose, the undersigned Representatives agree to the following single Article :

Single Article :

The Governments of France, Great Britain, Italy and Roumania request the Council of the League of Nations to submit the following three questions to the Permanent Court of International Justice for an opinion :

(1) Under the law at present in force, has the European Commission of the Danube the same powers on the Maritime sector of the Danube from Galatz to Braila as on the sector below Galatz ? If it has not the same powers, does it possess powers of any kind ? If so, what are their powers ? How far upstream do they extend ?

(2) Should the European Commission of the Danube possess either the same powers on the Galatz-Braila sector as on the sector below Galatz, or certain powers, do those powers extend over one or more zones, territorially defined and corresponding to all or part of the navigable channel to the exclusion of other zones territorially defined, and corresponding to harbour zones subject to the exclusive competence of the Roumanian authorities? If so, according to what criteria, shall the line of demarcation be fixed as between territorial zones placed under the competence of the European Commission and zones placed under the competence of the Roumanian authorities? If the contrary is the case, on what non-territorial basis is the exact dividing line between the respective competences of the European Commission of the Danube and of the Roumanian authorities to be fixed?

(3) Should the reply given to No. 1 be to the effect that the European Commission either has no powers in the Galatz-Braila Section, or has not in that sector the same powers as in the sector below Galatz, at what exact point shall the line of demarcation between the two régimes be fixed.

Done at Geneva, September eighteen, One thousand nine hundred and twenty-six, in a single copy which shall be deposited in the Archives of the League of Nations.

(Signed) F. CHARLES-ROUX.

(Signed) John BALDWIN.

(Signed) Const. CONTZESCO.

(Signed) Carlo ROSSETTI.

PROTOCOL.

The undersigned, MM. CHARLES-ROUX, BALDWIN, ROSSETTI and CONTZESCO, FRENCH, BRITISH, ITALIAN and ROUMANIAN Delegates on the European Commission of the Danube, after signing the Agreement of this date concerning the jurisdiction of the European Commission of the Danube, make the following declaration :

If, within a period of six months as from the date on which the Permanent Court of International Justice shall have given its opinion, the procedure of conciliation adopted in virtue of paragraph 3 of the Resolution of the Advisory and Technical Committee for Communications and Transit of the League of Nations, dated July 30, 1925, has led to no result, the procedure shall be considered as closed.

Done at Geneva, September eighteen, One thousand nine hundred and twenty-six.

(Signed) F. CHARLES-ROUX.

(Signed) Const. CONTZESCO.

(Signed) John BALDWIN.

(Signed) Carlo ROSSETTI.