

N° 2301.

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**POLOGNE  
ET TCHÉCOSLOVAQUIE**

Convention concernant l'aménagement des cours d'eau Olša et Petrůvka. Signée à Katowice, le 18 février 1928.

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**POLAND  
AND CZECHOSLOVAKIA**

Convention concerning the Improvement of the Rivers Olša and Petrůvka. Signed at Katowice, February 18, 1928.

## TEXTE POLONAIS. — POLISH TEXT.

No. 2301. — UMOWA<sup>1</sup> MIĘDZY REPUBLIKĄ CZESKOSŁOWACKĄ A RZECZĄ-  
POSPOLITĄ POLSKĄ O REGULACJI RZEKI OLSZY I POTOKU PIOTRÓWKI.  
PODPISANA W KATOWICACH, DNIA 18. LUTEGO 1928 R.

*Polish and Czechoslovak official texts communicated by the Permanent Delegate of the Czechoslovak Republic accredited to the League of Nations and the Chargé d'Affaires a. i. of the Polish Delegation accredited to the League of Nations. The registration of this Convention took place March 19, 1930.*

REPUBLIKA CZESKOSŁOWACKA i RZECZPOSPOLITA POLSKA w zamiarze zapewnienia regulacji rzeki Olszy i potoku Piotrówki, postanowiły zawrzeć umowę i zamianowały w tym celu swymi pełnomocnikami :

PREZYDENT REPUBLIKI CZESKOSŁOWACKIEJ :

Wacława ROUBÍKA, Inżyniera, Dyrektora Departamentu w Ministerstwie Robót Publicznych,

PRESYDENT RZECZYPOSPOLITEJ POLSKIEJ :

Profesora Doktora Walerego GOETLA, Delegata Rządu Rzeczypospolitej do rokowań granicznych polsko czeskosłowackich i  
Inżyniera Alfreda KONOPKĘ, Naczelnika Wydziału w Ministerstwie Robót Publicznych,

Którzy, po zbadaniu swych pełnomocnictw i uznaniu ich za dobre i sporządzone we właściwej i ormie, zgodzili się na następujące postanowienia :

*Artykuł 1.*

Umawiające się Państwa przeprowadzą systematyczną regulację rzeki Olszy na odcinku od ujścia jej do Odry, aż do miejsca gdzie granica państwowa ostatecznie opuszcza jej koryto, to jest przy głównych kamieniach granicy państwowej numer 87/XXVIII i numer 88/XXVIII, jak również potoku Piotrówki od jego ujścia do Olszy, aż do miejsca gdzie granica państwowa ostatecznie opuszcza jego koryto, to jest przy głównym kamieniu granicy państwowej numer 13/XXX.

*Artykuł 2.*

1. Projekt ogólny systematycznej regulacji łącznie z robotami ochronnymi opracują właściwe organa czeskosłowackie w porozumieniu z właściwymi organami polskimi według następujących zasad :

a) Na dolnym odcinku Olszy, to jest od jej ujścia do Odry aż do ujścia Piotrówki oraz na potoku Piotrówka (Artykuł 1.) zostaną wykonane roboty regulacyjne i ochronne z uwzględnieniem zabezpieczenia przed wylewami, odpowiedniego do potrzeb miejscowych ;

<sup>1</sup> The exchange of ratifications took place at Prague, January 22, 1930.

<sup>1</sup> TRANSLATION.

No. 2301. — CONVENTION BETWEEN THE POLISH REPUBLIC AND THE CZECHOSLOVAK REPUBLIC CONCERNING THE IMPROVEMENT OF THE RIVERS OLŠA AND PETRŮVKA. SIGNED AT KATOWICE, FEBRUARY 18, 1928.

THE CZECHOSLOVAK REPUBLIC and THE POLISH REPUBLIC, being desirous of providing for the regulation of the river Olša and the stream Petrůvka, have resolved to conclude a Convention, and have appointed as Plenipotentiaries for this purpose :

THE PRESIDENT OF THE CZECHOSLOVAK REPUBLIC :

Monsieur Václav ROUBÍK, Engineer, Departmental Head in the Ministry of Public Works :

THE PRESIDENT OF THE POLISH REPUBLIC :

Professor Dr. Waléry GOETEL, Delegate of the Government of the Polish Republic for Czechoslovak and Polish frontier questions, and

Monsieur Alfred KONOPKA, Engineer, Chief of Section of the Ministry of Public Work,

Who, having communicated their full powers, found in due and good form, have agreed upon the following provisions.

*Article 1.*

The Contracting States shall provide for the systematic regulation of the River Olša in the reaches from its confluence with the Oder to the point at which the State frontier ceases to follow its channel, namely, at the chief boundary-marks of the State frontier No. 87/XXVIII and No. 88/XXVIII, and likewise for the systematic regulation of the stream Petrůvka from its confluence with the Olša to the point at which the State frontier ceases to follow its channel, namely, at the chief boundary-mark of the State frontier No. 13/XXX.

*Article 2.*

1. The general scheme for the systematic regulation of all conservancy works shall be drawn up by the competent Czechoslovak authorities, in agreement with the competent Polish authorities, according to the following principles :

*a)* On the lower reaches of the Olša, namely from its confluence with the Oder to the mouth of the Petrůvka, and on the stream Petrůvka (Article 1), regulation and conservancy works shall be executed with a view to the prevention of floods, as may be locally required.

*b)* On the middle reaches of the Olša, situated in the Czechoslovak Republic, namely, from the mouth of the Petrůvka to the chief boundary-mark of the State frontier No. 28/XXIX, and on the upper reaches of the Olša, namely, from the boundary-mark

<sup>1</sup> Translated by the Secretariat of the League of Nations, for information.

of the State frontier No. 28/XXIX to the chief boundary-marks of the State frontier Nos. 87/XXVIII and 88/XXVIII, the object of regulation and conservancy works shall be the fixing of the river-bed, the prevention of shifting gravel, and the upkeep of the banks ; regulation shall also provide for the protection of bridges and highways from the harmful effects of the waters and, as may be locally required, protection from floods.

*c)* Regulation and conservancy works shall be planned in such a manner as to facilitate the improvement of the adjacent land.

2. The aforesaid plan shall, after consideration by the joint technical commission provided for in Article 9, be submitted to the competent central authorities of the Contracting States for their approval. The general plan, when approved, shall form the basis of detailed plans.

### Article 3.

1. Detailed plans for regulation and conservancy works shall be drawn up by the competent technical organs of the State which is to execute such works. The detailed plans relating to the lower and upper reaches of the Olša (Article 2, paragraph 1, *a*) et *b*) and to the Petrůvka (Article 1) shall be drawn up in agreement with the competent organs of the other State.

2. The detailed plans which, in conformity with the preceding paragraph, are to be drawn up by the competent organs of the one State in agreement with the competent organs of the other State, shall require the approval of the competent central authorities of both States before being put into execution.

3. The detailed plans concerning the middle reaches of the Olša (Article 2, paragraph 1 *b*) shall, at the request of the Polish Plenipotentiary on the joint technical commission (Article 9, paragraph 1), be forwarded to the competent central Polish authorities for their information.

4. The Contracting States shall take the necessary steps to ensure that the works provided for in the detailed plans drawn up by the aforementioned methods are carried out as soon as possible after approval by the competent central authorities.

### Article 4.

1. The costs of drawing up the general plan referred to in Article 2 shall be borne equally by the two States.

2. The costs of drawing up the detailed plans referred to in Article 3 shall be borne by the State whose representatives prepared the plans.

3. The costs of regulation and conservancy works shall be borne as follows :

*a)* For the lower reaches of the Olša (Article 2, paragraph 1*a*) and for the Petrůvka (Article 1), and also for the upper reaches of the Olša (Article 2, paragraph 1 *b*), by the two Contracting States in equal shares ;

*b)* For the middle reaches of the Olša (Article 2, paragraph 1 *b*), by the Czechoslovak Republic, the Polish Republic contributing thereto twelve and a half per cent of the costs, the amount of such contribution not to exceed 1,100,000 Czechoslovak crowns.

### Article 5.

The costs specified in Article 4, paragraph 3, and in Article 8, shall not include expenditure due to the activities of building authorities or to other official business connected with the work

referred to in the aforementioned articles ; such expenditure shall be borne by each State out of its own resources.

*Article 6.*

1. The approved detailed plans for the reaches mentioned in Article 4, paragraph 3 *a*), shall be executed in such a manner that over the same periods each Contracting State shall incur as far as possible equivalent expenditure.

2. The works programme shall be so framed that each State shall, on the completion of all the operations on the reaches mentioned in Article 4, paragraph 3 *a*), have executed work of approximately equal value.

3. The work shall be executed in construction sectors which shall as a rule embrace both banks. In the course of work on the lower reaches of the Olša (Article 2, paragraph 1 *a*) and on the Petrůvka (Article 1), arrangements shall similarly be made for the construction sectors to be limited as far as possible to the territory of one State.

4. The official inspection and the regulation and conservancy works executed in virtue of the present Convention shall be effected jointly.

*Article 7.*

1. In the case of the Olša and Petrůvka reaches mentioned in Article 4, paragraph 3 *a*), should the cost of work carried out by the one State on the construction sectors specified in a construction programme be less than the costs of work carried out by the other State under the same programme on corresponding construction sectors, the former State shall pay the latter one half of the difference in expenditure. After the work in the aforementioned construction sectors has been jointly inspected and passed, payment shall be effected within two months of the accounts being approved, in the currency of that State in whose favour the payment is to be made.

2. The Polish contribution referred to in Article 4, paragraph 3 *b*), shall be paid in the following manner: after the work specified in the construction programme has been jointly inspected and passed and the certificate to that effect has been approved by the competent central authorities of the two States, the Polish Republic shall pay the Czechoslovak Republic its quota in Czechoslovak currency within two months of the date on which the inspection certificate was approved.

3. The accounts referred to in paragraph 1, as well as the inspection certificate referred to in paragraph 2, shall be approved within the financial year following that in which the inspection took place.

*Article 8.*

1. Regulation and conservancy works on the river Olša from its confluence with the Oder to the chief boundary-marks of the State frontier Nos. 87/XXVIII and 88/XXVIII, and on the stream Petrůvka from its point of junction with the Olša to the chief boundary-mark of the State frontier No. 13/XXX, including regulation and conservancy works carried out in the said reaches prior to the conclusion of the present Convention, shall be maintained by that State which executed the work in question. The costs of such maintenance shall be borne by both States in accordance with the schedule given in Article 4, with the proviso that in the case of the middle reaches of the Olša (Article 4, paragraph 3 *b*) the total contribution of the Polish Republic to the expenses of construction and maintenance shall not exceed 1,100,000 Czechoslovak crowns.

2. The accounts for expenditure on maintenance work shall be reciprocally settled every two years at least. Such settlements shall be approved by the competent central authorities of

the two States within the financial year following that in which the accounts were submitted. The adjustment of any difference, and likewise the payment of the twelve and a half per cent Polish contribution towards maintenance costs on the middle reaches of the Olša (Article 4, paragraph 3 *b*), shall be effected within two months of the date on which the accounts are approved by the competent authorities of the two States.

3. Upon the completion of the systematic work of regulation, that State within whose territory the aforesaid constructional work is located shall carry out maintenance work at its own expense.

*Article 9.*

1. In order to facilitate agreement in the matters dealt with in the present Convention, a joint technical commission shall be established, to which each State shall appoint its plenipotentiary and his deputy; the deputy shall perform the duties of the plenipotentiary if the latter is unable to perform them himself. Each of the Contracting States may assign to its plenipotentiary the requisite number of advisers. The plenipotentiary and his deputy shall be appointed by the competent central authority of their State.

2. The duty of the Commission shall be :

*a*) To appraise the general plan referred to in Article 2, together with the estimates, before they are finally approved ;

*b*) To draw up a works schedule, particularly for the coming building seasons ;

*c*) To appraise the detailed plans, including the estimates ;

*d*) To make proposals concerning the method of executing the work, to judge the results of public tenders, and to supervise the entire work and control the expenditure thereon ;

*e*) To inspect and pass the work from the technical and economic point of view, unless the central authorities entrust this task to special organs.

3. During the first calendar year lots shall be drawn to decide which of the plenipotentiaries is to be chairman of the commission. In subsequent calendar years the plenipotentiaries shall occupy the chair alternately, always as from the beginning of each year.

4. The joint technical commission shall, as a rule, meet alternately in the territory of the two States.

5. The chairman shall convene the commission when necessary, or at the request of one of the Contracting States, but at least once a year. Minutes of each meeting shall be drawn up in duplicate in the language of each State, and shall be submitted to the competent central authorities of the two Contracting States.

6. Resolutions of the commission which receive the assent of both plenipotentiaries shall be held to be adopted. The adopted resolutions shall be binding on the Contracting States only after endorsement by their competent central authorities.

7. Each State shall defray the expenses of the persons who represent it on the commission.

*Article 10.*

The plenipotentiaries of the Contracting States on the joint technical commission, their deputies, and the advisers assigned to them, as well as persons in charge of the constructional work and their subordinates, may, in case of need, cross the frontier in the performance of their duties. For this purpose they shall be afforded the necessary facilities by agreement between the competent authorities, until this is settled in another convention. The same procedure shall be followed

n the case of contractors executing regulation, conservancy and maintenance works, and of their personnel and workmen, when crossing the frontier for the purpose of executing such works.

*Article 11.*

1. In the event of one of the Contracting States executing works under the terms of the present Convention in the territory of the other State, the building materials allocated for such works shall be exempt from Customs duties and other imposts with the exception of statistical dues. The same shall apply to instruments, tools, vehicles and draught animals used for the aforesaid work, provided that they are reexported on the completion of the work.

2. The exemptions under paragraph 1 shall be granted by the competent Customs authorities of the second instance. The said authorities of the two States shall draw up in concert the conditions governing the conveyance across the Customs frontier of the objects mentioned in paragraph 1. In principle, transport across the frontier shall be permitted at the places most suitable for that purpose.

3. Import and export restrictions shall not apply to the objects mentioned in paragraph 1.

4. The facilities described in paragraphs 1, 2 and 3 shall not apply in the case of the middle reaches of the Olša (Article 2, paragraph 1 *b*).

*Article 12.*

The Contracting States shall communicate to one another the names of the authorities responsible for the application of the provisions of the present Convention. The said authorities, as well as the plenipotentiaries referred to in Article 9, may correspond with one another direct in matters bearing upon the present Convention.

*Article 13.*

The present Convention shall be ratified, and the instruments of ratification shall be exchanged at Prague. The Convention shall come into force on the thirtieth day after the exchange of the instruments of ratification, and shall remain in force until the completion of all the regulation and conservancy works referred to in the present Convention, and likewise until all obligations devolving upon the two States in consequence thereof have been settled in full. The two States reserve to themselves the right to put forward proposals for the revision of the Convention if required.

The present Convention has been drawn up in two copies of like tenor in the Czechoslovak and Polish languages ; both texts are authentic.

In faith whereof the Plenipotentiaries have signed the present Convention and have affixed their seals thereto.

Done at Katowice, February the eighteenth, in the year one thousand nine hundred and twenty-eight.

*On behalf of the Czechoslovak Republic :*

(L. S.) Václav ROUBÍK, Engineer.

*On behalf of the Polish Republic :*

(L. S.) Dr. Walery GOETEL.  
Alfred KONOPKA.

## FINAL PROTOCOL.

On signing the present Convention, the undersigned Plenipotentiaries have agreed as follows :

1. Where mention is made in the present Convention of costs to be borne by the State, the provision of such costs by any imposition on bodies other than the State itself shall be regarded as a matter of internal administration.

2. Until the general plan mentioned in Article 2 of the present Convention has been approved by the competent central authorities of the two States, urgent local regulation, conservancy and maintenance works may be undertaken in the territory of the two States. In regard to the framing of the plans, the procedure in connection therewith, and their approval, and likewise in regard to the payment of the cost thereof, the provisions of the present Convention shall in general apply, with the exception of the provisions of Article 6, paragraphs 1 and 3.

The present Final Protocol shall constitute an integral part of the Convention, and shall not require separate ratification.

Done at Katowice, February 18, 1928.

*On behalf of the Czechoslovak Republic :*

Václav ROUBÍK, Engineer.

*On behalf of the Polish Republic :*

Dr. Walery GOETEL.

Alfred KONOPKA.