

N° 3106.

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## ROUMANIE ET YOUGOSLAVIE

Accord concernant la répartition et le transfert des biens, droits et intérêts de l'ancienne « Association pour la régularisation des eaux de la vallée Temes-Bega », ainsi que le fonctionnement du système hydro-technique de ladite association. Signé à Belgrade, le 14 décembre 1931.

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## ROUMANIA AND YUGOSLAVIA

Agreement concerning the Distribution and Transfer of the Property, Rights and Interests of the former " Association for the Regulation of the Waters of the Temes Bega Valley ", and the Working of the Hydrotechnical System of that Association. Signed at Belgrade, December 14, 1931.

<sup>1</sup> TRADUCTION. — TRANSLATION.

No. 3106. — AGREEMENT<sup>2</sup> BETWEEN ROUMANIA AND YUGOSLAVIA CONCERNING THE DISTRIBUTION AND TRANSFER OF THE PROPERTY, RIGHTS AND INTERESTS OF THE FORMER "ASSOCIATION FOR THE REGULATION OF THE WATERS OF THE TEMES-BEGA VALLEY" AND THE WORKING OF THE HYDRO-TECHNICAL SYSTEM OF THAT ASSOCIATION. SIGNED AT BELGRADE, DECEMBER 14, 1931.

*French official text communicated by the Permanent Delegate of the Kingdom of Yugoslavia accredited to the League of Nations. The registration of this Agreement took place December 15, 1932.*

HIS MAJESTY THE KING OF YUGOSLAVIA and HIS MAJESTY THE KING OF ROUMANIA,

Equally desirous of complying with the provisions of Articles 292 and 293 of the Treaty of Trianon and the provisions of the General Convention<sup>3</sup> concerning the hydraulic system, concluded between the two States ;

Taking into consideration the fact that the territory of the former " Association for the Regulation of the Waters of the Temes-Bega Valley " has been divided by the lines of the new frontier between Yugoslavia and Roumania and that therefore the former single management of the above-mentioned hydrotechnical system has in practice ceased to exist and that the two parts of this system are at present managed by two new hydraulic organisations, that is to say, in Yugoslavia, " Tamiš-Begejska Vodna Zadruga ", of Vršac, and in Roumania, " Sindicatul Timis-Bega, " of Timisoara ;

And in view of the necessity, on the one hand, for distributing the property, rights and interests of the former " Association for the Regulation of the Waters of the Temes-Bega Valley " and the transfer of the same to the two new organisations in Yugoslavia and in Roumania, and, on the other hand, for providing for the unchanged working of the above-mentioned system in accordance with its original purposes so as to safeguard interests and acquired rights on the particular territories of the two States,

Have decided to conclude an agreement on the subject, and

Have appointed for that purpose as their respective Plenipotentiaries :

HIS MAJESTY THE KING OF YUGOSLAVIA :

His Excellency M. Voyislav MARINKOVITCH, Doctor of Laws, His Minister for Foreign Affairs, and

HIS MAJESTY THE KING OF ROUMANIA :

His Excellency M. Constantin CONTZESCO, Minister Plenipotentiary, His Delegate on the Danube Commissions ;

<sup>1</sup> Traduit par le Secrétariat de la Société des Nations, à titre d'information.

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

<sup>2</sup> The exchange of ratifications took place at Bucharest, October 14, 1932.

<sup>3</sup> See page 31 of this Volume.

Who, having communicated to each other their full powers, found in good and due form, have agreed on the following provisions :

#### PART ONE.

##### DISTRIBUTION AND TRANSFER OF THE PROPERTY, RIGHTS AND INTERESTS OF THE FORMER TEMES-BEGA ASSOCIATION.

###### *Article 1.*

The two Governments agree formally and finally to terminate the former " Association for the Regulation of the Waters of the Temes-Bega Valley ". They further agree to distribute and transfer the property, rights and interests of the said Association to the two new organisations, that is to say, in Yugoslavia, " Tamiš-Begejska Vodna Zadruga ", of Vršac, and in Roumania, " Sindicatul Timis-Bega ", of Timisoara.

The said distribution and transfer shall be carried out in accordance with the provisions of the following Articles.

###### *Article 2.*

The property, rights and interests of the former Association for the Regulation of the Waters of the " Temes-Bega " Valley which are to be distributed shall be divided between the two new organisations in the proportion of 45.743 % for " Tamiš-Begejska Vodna Zadruga " of Vršac and 54.257 % for " Sindicatul Timis-Bega " of Timisoara.

###### *Article 3.*

All the movable and immovable property mentioned in Article 43 of the above-mentioned General Convention, except the houses of the sectional engineers, shall become the property of the respective new organisations without their being chargeable for any compensation.

###### *Article 4.*

The furniture, instruments and other material recorded in the inventory of the central directorate and the material stored at the central depot of the directorate of the former " Temes-Bega " Association, which are at the present moment in the possession of " Vodna Zadruga " of Vršac shall themselves be divided between the two organisations, or, should the new organisation at Vršac desire to retain the ownership of them, their value shall be assessed and the amount divided between the two new organisations in accordance with the rules set forth above.

The proceeds obtained by the new organisation at Vršac from the sale of the dredger shall also be divided between the two new organisations.

###### *Article 5.*

The main premises of the former " Temes-Bega " Association, with all its grounds and subsidiary premises, shall be put up for sale by public auction in accordance with the procedure laid down in Article 46 of the General Convention and the proceeds of the sale shall be divided between the two new organisations in the proportions fixed in Article 2 above.

Nevertheless, should one of the two organisations find that the moment is not favourable to offer the said premises for sale, the sale shall be postponed and the premises shall be managed by the directorate of "Sindicatul Timis-Bega", and the revenues shall be divided yearly between the two organisations in the proportions fixed in Article 2 of the present Agreement.

In such case "Sindicatul Timis-Bega" shall also pay rent for the rooms that it occupies.

*Article 6.*

The three houses of the sectional engineers, which are situated on Yugoslav territory at Vršac, Jaša Tomić and Kanak, shall remain the property of "Vodna Zadruga" of Vršac. The value of these premises shall be assessed in accordance with the provisions of Article 46 of the General Convention and divided between the two new organisations in the proportions fixed in Article 2 above.

The proceeds of the sale of the sectional engineers' house at Buziaş shall likewise be divided between the two new organisations in the same proportions.

*Article 7.*

The revenues of the central premises and the expenses of upkeep of the said premises from July 31, 1919, up to the date of the putting into force of the present Agreement, shall be divided between the two new organisations in accordance with the principle laid down in Article 45 of the General Convention.

No interest shall be calculated in respect of the sums derived either from the sale of the dredger of the former Association or from the sale of the sectional engineers' house at Buziaş. Nor shall rent be charged for the buildings of the former Association which are used by the technical services of "Vodna Zadruga" of Vršac, or for the central building of the former Association at Timisoara, which is used as an office and for housing the officials of the Roumanian organisation.

*Article 8.*

All claims and charges arising out of the debts and liabilities of the former Association contracted before July 31, 1919, shall be settled in accordance with the provisions of Articles 47-50 of the General Convention and divided between the two new organisations in the proportions mentioned above.

*Article 9.*

The settlement in respect of the loan of 38,800,000 Austro-Hungarian paper crowns of the former "Temes-Bega" Association, and the settlement of the funds relating to the said loan, shall be carried out in accordance with the provisions of the Special Convention concluded for that purpose between the two States on the same date as the present Agreement.

*Article 10.*

The settlement of accounts between the two new organisations in respect of revenues or payments prior to July 31, 1919, which are to be distributed between or restored to the two new organisations shall be carried out in their respective national currencies.

No interest shall be charged on sums passing in the settlement of accounts.

*Article 11.*

Debts and claims arising out of the settlement of lawsuits brought by or against the former Association, as referred to in Article 52 of the General Convention, shall be allocated in accordance with the principle laid down in Article 47 of the said General Convention and in the proportions mentioned in Article 2 of the present Agreement.

*Article 12.*

The exchange of records and of other written matter of the former Association at present in the possession of either of the new organisations shall be carried out in accordance with the provisions of Articles 53-60 of the General Convention.

*Article 13.*

In view of the fact that the employees of the former Association were members of the Pensions Institute of the Associations for Protection against Floods, of Budapest, the debts and claims of the former "Temes-Bega" Association and of its employees and pensioners in respect of that Institute and other questions connected therewith shall be settled in accordance with the provisions of Articles 61, 62 and 63 of the General Convention.

*Article 14.*

All questions connected with payments to pensioners and employees of the former "Temes-Bega" Association shall be settled in accordance with the provisions of Articles 64-68 of the General Convention, the joint charges mentioned therein being divided in the proportions indicated in Article 2 above.

*Article 15.*

The sums paid to pensioners after December 31, 1919, by each of the two new organisations shall be divided among them in the currency in which payment was actually made and in the proportions indicated above.

*Article 16.*

Up to December 31, 1931, the two new organisations shall pay to pensioners at present residing in Yugoslavia or in Roumania the same sums as those which they receive at present; as from January 31, 1932, these pensions shall be paid on the basis of a common régime to be established in accordance with the provisions of Article 64 of the General Convention.

*Article 17.*

All deposits and security, judicial or other, once released, shall likewise be allocated in the proportions fixed above, and payment shall be made in the currency of the country in question.

*Article 18.*

The security deposited at the Directorate of the former "Temes-Bega" Association when contracts were awarded for the cutting of hay on the dams, such security being at present held by the

Directorate of "Sindicatul Timis-Bega" of Timisoara and being the property of Yugoslav nationals, shall be surrendered to the new Directorate at Vršac, in order to be returned to the respective depositors or to the claimants thereto on their behalf.

*Article 19.*

The advances made by the former Association to those of its employees who after July 31, 1919, passed into the service of "Vodna Zadruga" of Vršac, shall be verified and charged to the Directorate of the said "Zadruga".

*Article 20.*

The sums paid by the Directorate of "Sindicatul Timis-Bega" after July 31, 1919, to officials of the new organisation of Vršac as wages for the months of August and September, 1919, shall be refunded to it by "Vodna Zadruga" of Vršac.

*Article 21.*

The distribution of all other property, rights and interests not mentioned in the present Agreement, and their transfer to the two new organisations, shall be carried out in accordance with the temporary provisions of the General Convention.

*Article 22.*

The settlement of all questions of a material and financial character provided for in this Agreement and exclusively concerning the two new organisations shall be carried out within six months from the date of the entry into force of the present Agreement.

*Article 23.*

The provisions of Part I of the present Agreement shall be put into force in accordance with the procedure provided for in Articles 69-76 of the General Convention.

PART II.

HYDRAULIC SYSTEM.

*Article 24.*

The two States undertake to ensure that the hydraulic works (dams, canals, locks, etc.) situated in the territory of the two new organisations and in any way connected with the unified conservancy of the system in question shall be maintained in a good state of preservation and in good working order under the conditions and for the purposes for which they were executed.

The costs of such work of maintenance shall be borne by each of the new organisations in respect of its own territory.

*Article 25.*

If certain maintenance work in the territory of one organisation necessitates the execution of measures or works in the territory of the other organisation, the organisation concerned shall communicate the scheme and programme of execution of such works or measures to the directorate of the other organisation, in order that they may reach agreement as to the measures to be taken or the works to be executed.

*Article 26.*

In the absence of any preliminary agreement, both organisations shall abstain from any alteration of the existing installations or works and from any measures or operations liable to modify the hydraulic system and so affect the interests and acquired rights of the other organisation.

*Articles 27.*

If one of the new organisations contemplates new works liable to change the hydraulic system or to affect in any way the territory of the other State, such work may be carried out only as the outcome of an agreement to be concluded on the subject.

*Article 28.*

In view of the common interest of the two new organisations in the effective execution of measures for defence against floods, direct telephonic communication shall be provided between the two organisations by the re-establishment of the former telephone line which is interrupted along the Timis-Tamis dam.

*Article 29.*

The communication to each other of hydrometrical and pluviometrical observations shall as a rule be effected by the two new organisations in conformity with the principles adopted by the C. R. E. D. for the operation of the hydrometrical services and for flood warnings.

In case of need and at the request of one of the organisations, the Vršac and Timisoara directorates shall communicate to each other, by telephone or telegraph or by such other means as may be most expeditious, hydrometrical, pluviometrical or any other observations which may be of interest to the other organisation.

The two new organisations shall once a year exchange hydrometrical, pluviometrical or other data relating to the conservancy of this system.

At the request of either organisation, the other organisation shall, in accordance with the provisions of Article 10 of the General Convention, supply it with the document and any information and data relating to the hydraulic system and the services connected therewith.

*Article 30.*

The technical experts of both States and the personnel of the two organisations, appointed in accordance with the provisions of Article 35 of the General Convention, shall be provided with an identity card enabling them to establish direct and personal contact with each other on the territory of either State; in case of danger of flood they may cross the frontier along the dams of Stari Begej (Bega-Beregsau), Tamis (Timis) and Brzava (Barzava), in order to make joint arrangements regarding any urgent matters.

*Article 31.*

The two States agree in recognising that the Statute of the former Temes-Bega Association is not suited to the present conditions. They consider it necessary that the new organisations shall each draw up a new Statute, which they shall communicate to each other. The parts of the new Statutes which concern both organisations shall be prepared by mutual agreement.

The regulations of the two new organisations in respect of the defence service against floods, the telephone service, the hydrometrical and other services, the allocation of technical personnel, the movement from one place to another of workers and material for defence, and in general everything concerning the organisation for defence against floods, shall be drawn up by mutual agreement.

*Article 32.*

Each of the two new organisations shall have its own administrative and financial management independent of the other organisation.

All work which is contemplated and all measures to be taken in the territory of one of the two new organisations shall be carried out by the personnel of that organisation in its own territory.

The two organisations shall communicate yearly to each other, for information, their budgets and their technical reports.

*Article 33.*

In accordance with Article 7 of the General Convention, each of the two Governments shall appoint a technical expert ; these experts, assisted by the chief engineers of the new organisations, shall proceed to the spot in order to inspect the present condition of the works and installations of the whole hydraulic system, and shall, on the basis of their joint observations, prepare a general technical programme for the maintenance works to be carried out by the two organisations over a future period.

These technical experts may also make proposals with regard to improvement work of concern to either organisation or to both.

*Article 34.*

Apart from the general programme provided for in the previous Article, the two new organisations shall communicate to each other not later than September 30, every year their complete programme of works (maintenance, improvement and new works) to be executed during the following year. On the basis of this communication, and at the request of either of the technical experts, the latter, accompanied by the chief engineers of the two new organisations, shall inspect on the spot, if possible before October 31, the work executed during the current year, and shall jointly draw up a programme of measures to be taken and work to be executed during the ensuing budgetary year.

*Article 35.*

The two States undertake to ensure that the work provided for in the technical programmes referred to in Articles 33 and 34 above shall be executed. For that purpose they also undertake to ensure the timeous provision of the financial resources necessary for the execution of such works.

*Article 36.*

Unless otherwise provided in Part II of the present Agreement, the settlement of all other questions shall, where necessary, be carried out in conformity with the provisions of the General Convention concerning the hydraulic system.



*Article 37.*

Any dispute arising out of the application of Part II of the present Agreement shall be referred to the delegates of the two States accredited to the Permanent Technical Hydraulic System Commission of the Danube (C. R. E. D.).

If the two delegates are unable to reach agreement, the Governments of the two States shall note such disagreement.

Either State shall thereupon be at liberty, after having given the other State one month's notice of its intention, to have recourse to the intervention of the C. R. E. D., in accordance with its Regulations.

*Article 38.*

On the expiry of a period of five years from its coming into force, Part II of the present Agreement (Hydraulic System) may be revised at the request of either State, such request being made to the other State six months before the expiry of the said period.

It is agreed that as regards the method of such revision, the two States shall comply with the provisions of Chapter XI of the General Convention concerning the hydraulic system.

Should no request for revision be made, the present Agreement shall automatically remain in force for a further period of five years.

*Article 39.*

The present Agreement shall be ratified and the ratifications thereof shall be exchanged at Bucharest.

It shall come into force eight days after the date of the minute recording the exchange of the instruments of ratification.

In faith whereof, the above-mentioned Plenipotentiaries have signed the present Agreement and have thereto affixed their seals.

Done, in duplicate, at Belgrade, the fourteenth day of December, one thousand nine hundred and thirty-one.

(L. S.) DR. V. MARINKOVITCH, *m. p.*

(L. S.) CONST. CONTZESCO, *m. p.*