

N° 3979.

**HONGRIE
ET TCHÉCOSLOVAQUIE**

Accord concernant la fixation d'une période générale uniforme de protection des poissons, ainsi que les conditions d'autorisation de la pêche de nuit dans les cours d'eau frontières tchécoslovaquo-hongrois. Signé à Budapest, le 8 juin 1934.

**HUNGARY
AND CZECHOSLOVAKIA**

Agreement concerning the fixing of a Uniform General Close Season for Fishing and the Conditions for the Authorisation of Night Fishing in the Czechoslovak-Hungarian Frontier Watercourses. Signed at Budapest, June 8th, 1934.

¹ TRADUCTION. — TRANSLATION.

No. 3979. — AGREEMENT² BETWEEN THE KINGDOM OF HUNGARY AND THE CZECHOSLOVAK REPUBLIC CONCERNING THE FIXING OF A UNIFORM GENERAL CLOSE SEASON FOR FISHING AND THE CONDITIONS FOR THE AUTHORISATION OF NIGHT FISHING IN THE CZECHOSLOVAK - HUNGARIAN FRONTIER WATERCOURSES. SIGNED AT BUDAPEST, JUNE 8TH, 1934.

French official text communicated by the Permanent Delegate of the Czechoslovak Republic to the League of Nations and by the Head of the Royal Hungarian Delegation to the League of Nations. The registration of this Agreement took place October 8th, 1936.

Whereas it is provided in Articles 45 and 46 of the Frontier Statute concluded between the Czechoslovak Republic and the Kingdom of Hungary that an agreement shall be reached between the States concerned to safeguard the close season for fishing and to regulate night fishing in the frontier watercourses,

THE CZECHOSLOVAK REPUBLIC and THE KINGDOM OF HUNGARY, desirous of complying with the provisions of the above-mentioned Articles of the Frontier Statute, have decided to conclude an Agreement with that object and have appointed as their Plenipotentiaries :

THE PRESIDENT OF THE CZECHOSLOVAK REPUBLIC :

Monsieur Miloš KOBR, Envoy Extraordinary and Minister Plenipotentiary of the Czechoslovak Republic at Budapest ;

HIS SERENE HIGHNESS THE REGENT OF HUNGARY :

Monsieur André DE HÓRY, Envoy Extraordinary and Minister Plenipotentiary, Permanent Deputy of the Royal Hungarian Minister for Foreign Affairs ;

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

Article 1.

1. In virtue of Article 45 of the Convention³ relating to the settlement of questions arising out of the delimitation of the frontier between the Czechoslovak Republic and the Kingdom of Hungary, signed on November 14th, 1928, the two Contracting Parties have agreed to fix in a uniform manner from April 1st to May 30th inclusive the general close season during which fishing shall be prohibited in the frontier watercourses.

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

¹ Translated by the Secretariat of the League of Nations, for information.

² The exchange of ratifications took place at Prague, September 12th, 1936.

³ Vol. CX, page 425, of this Series.

2. By the provision laid down in the foregoing paragraph, the provision of Article 9 of Annex C to the said Convention is amended.

Article 2.

In execution of Article 46 of the Convention referred to in Article 1, the Contracting Parties have agreed to make night fishing — that is to say, fishing between sunset and sunrise — subject to the following conditions :

(1) Night fishing shall be permitted only to a fisherman domiciled in a riparian commune who possesses the right to fish, who fishes professionally, who has no judicial convictions, and who is of trustworthy character, provided there is no reason to apprehend that he may abuse the permission granted.

(2) Apart from the prohibitions and provisions concerning the regulation of fishing in the frontier watercourses, embodied in the Convention mentioned in Article 1 — more particularly in Articles 48, 49, 50, 52 and 53 of the said Convention — it shall be prohibited during night fishing :

- (a) To employ a bright light to dazzle the fish ;
- (b) To fish within 30 metres above or below dams, locks, sluices, or other works ;
- (c) To divert or catch in the meadows, altogether or partially, water containing fish.

(3) The use of fishing-tackle, such as nets, baskets, and traps, shall also be permitted in night fishing, even if the meshes measure less than four centimetres each way after immersion.

(4) Permission to fish at night shall be granted only quite exceptionally and only from May 31st to September 30th ; in addition to the conditions laid down in Section 2 of this Article, it may also be subjected to such other conditions as the competent authority may deem necessary by reason of local circumstances, in the interests of fish-breeding and navigation.

(5) Permission shall be given by the administrative authority of the first instance ; nevertheless, permission valid for the Danube shall be granted, after previous advice, by the competent authority for river navigation. The administrative authority of the second instance shall be required to inform the competent authority of the other State, at the end of each year, of the number of permits for night fishing issued during the year.

(6) A fisherman who possesses the right to fish and who has obtained permission to exercise it at night shall be required, whenever he intends to engage in night fishing, to notify beforehand and in good time the Customs guard post (in Czechoslovakia) or the frontier guard headquarter post (in Hungary) in the immediate vicinity of the place where he wishes to fish ; in the case of a permit valid for the Danube, he shall also be required to advise the competent navigation authority ; he must state exactly the hour and length of time, the place of the fishing, the number of persons engaged in it, and the kind of craft and tackle employed.

Persons not holding fishing permits may not take part in night fishing or be present at it.

(7) A fisherman authorised to engage in night fishing may not come alongside the bank of the State in which he is domiciled, except at points at which this is permitted by the provisions in force in that State.

It is prohibited to come alongside the bank of the other State or to land there.

Article 3.

The present Agreement shall be ratified and the ratifications shall be exchanged at Prague. It shall come into force two weeks after the exchange of ratifications.

The Contracting Parties shall be bound, when five years have elapsed since the entry into force of the present Agreement, to enter into negotiations concerning the revision of the Agreement, at the request of either Party. Should the two Parties fail to agree, within a year, concerning such revision, the present Agreement may be denounced. In that case, it shall cease to have effect twelve months after notice of denunciation has been given.

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

Done in duplicate at Budapest, this 8th day of June, 1934.

For the Czechoslovak Republic :

(L. S.) KOBR, *m. p.*

For the Kingdom of Hungary :

(L. S.) HÓRY, *m. p.*