

N° 649.

ALLEMAGNE, BELGIQUE,
GRANDE-BRETAGNE,
FRANCE, ITALIE
ET TCHÉCOSLOVAQUIE

Acte de navigation de l'Elbe avec
protocole de signature, signés à
Dresde, le 22 février 1922.

GERMANY, BELGIUM,
GREAT BRITAIN, FRANCE,
ITALY,
AND CZECHOSLOVAKIA

Convention instituting the Statute of
Navigation of the Elbe, with Pro-
tocol of signature, signed at
Dresden, February 22, 1922.

¹ TRADUCTION. — ¹ TRANSLATION.

No. 649. — CONVENTION² INSTITUTING THE STATUTE OF NAVIGATION
OF THE ELBE, SIGNED AT DRESDEN, FEBRUARY 22, 1922.

French official text communicated by the German Consul at Geneva, and the « Service français » of the League of Nations. The registration of this Convention took place July 18, 1924.

With a view to settle by common agreement, in accordance with the stipulations of the Treaty of Versailles of the 28th June, 1919, the regulations respecting navigation over the international system of the Elbe, GERMANY, acting on her own behalf and on behalf of the German States bordering on the Elbe, BELGIUM, FRANCE, GREAT BRITAIN, ITALY and CZECHOSLOVAKIA, have appointed as their plenipotentiaries :

THE PRESIDENT OF THE GERMAN REICH :

M. Arthur SEELIGER, Minister Plenipotentiary ;
M. Max PETERS, Secretary of State, Privy Councillor ;
M. Hans Gottfried VON NOSTITZ-DRZEWIECKI, formerly Minister Plenipotentiary, Privy Councillor ;
M. Johann Daniel KRÖNIG, Councillor of State.

HIS MAJESTY THE KING OF THE BELGIANS :

M. Jules BRUNET, Minister Plenipotentiary.

THE PRESIDENT OF THE FRENCH REPUBLIC :

M. André CHARGUÉRAUD, President of the Central Commission of the Rhine.

HIS MAJESTY THE KING OF THE UNITED KINGDOM OF GREAT BRITAIN AND IRELAND AND OF THE
BRITISH DOMINIONS BEYOND THE SEAS, EMPEROR OF INDIA :

Mr. John Grey BALDWIN.

HIS MAJESTY THE KING OF ITALY :

Marquis Renier PAULUCCI DE CALBOLI, Honorary Ambassador.

THE PRESIDENT OF THE REPUBLIC OF CZECHOSLOVAKIA :

M. Bohuslav MÜLLER, Minister Plenipotentiary, Secretary of State to the Ministry of Public Works ;
M. Antonin KLIR, Professor at the Czech Polytechnic High School of Prague ;

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

¹ Communiquée par le Ministère des Affaires étrangères de Sa Majesté Britannique.

¹ Communicated by His Britannic Majesty's Foreign Office.

² The closure of the procès-verbal of deposit of the instruments of ratification by all the Contracting Parties having taken place June 30, 1923, the Convention came into force October 1, 1923.

CHAPTER I.

INTERNATIONAL SYSTEM.

Article 1.

The international system of the Elbe, hereinafter designated by the name of the Elbe, comprises the Elbe from its confluence with the Vltava (Moldau) as far as the open sea and the Vltava from Prague to its confluence with the Elbe.

This system may be extended by the decision of the riparian State or States territorially interested, subject to the unanimous consent of the Commission mentioned in article 2.

CHAPTER II.

POWERS AND ORGANISATION OF THE INTERNATIONAL COMMISSION OF THE ELBE.

Article 2.

The Commission set up by the Treaty of Versailles and composed, according to the terms of article 340 of that treaty, of :

- 4 representatives of the German States bordering on the Elbe,
- 2 representatives of the Czechoslovak State,
- 1 representative of Great Britain,
- 1 representative of France,
- 1 representative of Italy,
- 1 representative of Belgium,

is charged :

- (a) To supervise the conservation of the freedom of navigation, the maintenance in good order of the navigable channel and the improvement of that channel ;
- (b) To pronounce upon complaints arising out of the application of the present Convention and likewise of the regulations which it contemplates ;
- (c) To decide whether the tariffs applied are in accordance with the conditions laid down by the present Convention ;
- (d) To pronounce upon the claims preferred in appeal before it ;
- (e) And, in general, to exercise the powers arising out of the provisions of the present Convention.

The Commission will secure that all enquiries and inspections which it judges useful are carried out by the persons appointed by it for that purpose. It must provide for the participation of the authorities of the riparian States in all inspections and journeys carried out by itself or by persons appointed by it.

Article 3.

The statutory seat of the Commission is fixed at Dresden.

Article 4.

The presidency will be held by each of the members in turn as laid down by the Commission, from the beginning of one ordinary obligatory session until the opening of the next ordinary obligatory session.

Article 5.

The Commission will normally hold two ordinary sessions a year, each as far as possible in the same month, whereof one will be obligatory and the other optional. It shall, further, assemble in an extraordinary session, either on the initiative of its President or in response to a demand put forward by at least two delegations.

The summons to the sessions must be addressed to the members at least three weeks ahead.

Article 6.

The deliberations of the Commission will only be valid if four delegations, representing at least six votes, are present or represented.

The decisions of the Commission will be taken by a majority of votes, save in the cases mentioned in the present Convention where a special majority is required.

The President has no casting vote when the votes are equally divided.

Whatever the number of its members present, each delegation shall have a number of votes equal to that of the representatives to which it is entitled.

Article 7.

A secretariat shall be set up at the seat of the Commission, comprising a Secretary-General and an Assistant Secretary-General, aided by the necessary staff.

The members of the secretariat shall be appointed, paid and dismissed by the Commission. The Secretary-General and the Assistant Secretary-General shall be chosen by the unanimous vote of the Commission. They may not belong to the same nationality.

The Secretary-General is in particular entrusted :

- (a) With the custody of the archives ;
- (b) With the despatch of the current business of the Commission ;
- (c) With the submission to the Commission of an annual report on the shipping situation and on the navigable state of the river.

The Assistant Secretary-General will take part in the preparation of all the business, and in the absence of the Secretary-General will take his place.

Article 8.

The delegates, the Secretary-General and his assistant will enjoy the usual diplomatic privileges. They, and the persons appointed by the Commission, will receive from the riparian States all facilities necessary for the execution of their duties.

Article 9.

The French Text is valid for the interpretation of the Statutes of the Commission.

Article 10.

The expenses and emoluments of the delegates will be borne by the Governments which they represent.

The general expenses of the Commission will be distributed among the States represented in proportion to the number of delegates to which they are entitled, in so far as they are not covered by other resources which the Commission may decide to establish.

Article 11.

The Commission will fix by domestic regulation the details of the provisions regarding its procedure and its organisation.

CHAPTER III.

REGIME REGARDING NAVIGATION.

§ 1. *Freedom of Navigation and Equality of Treatment.**Article 12.*

Navigation on the Elbe is open without restriction to the ships, boats and rafts of all nations, provided they comply with the stipulations of the present Convention.

Article 13.

The nationals, goods and flags of all nations shall be treated in all respects on a footing of complete equality, so that no distinction shall be made prejudicial to the nationals, goods and flag of any one Power in relation to the nationals, goods and flag of the riparian State itself, or of the State whose nationals, goods and flag enjoy the most favourable treatment.

§ 2. *Duties and Charges.**Article 14.*

Apart from customs duties, local dues and taxes on consumption and likewise taxes mentioned in the present Convention, no duty, impost, charge or toll of any kind directly affecting navigation shall be collected.

§ 3. *Transit.**Article 15.*

Transit on the Elbe is free, whether it is carried out directly or after transshipment or after storage in bond.

No duty shall be collected in respect of such transit.

§ 4. *Customs Formalities.*

(A) DIRECT TRANSIT.

Article 16.

The master, owner or raftsman crossing in direct transit the territory lying within the customs frontiers of a riparian State has the right to continue his voyage without any previous verification of his cargo, on condition either of closing the apertures giving access to the hold which are not

already closed, or of admitting on board official watchers, or finally, of submitting to both these customs formalities together. The watchers are only entitled to free lodging, fire, light and food.

At departure, the customs are entitled to proceed to verify the seals.

The riparian States reciprocally recognise their customs seals. The enjoyment of this provision will be extended to the other States whose seals are affixed under similar conditions.

Except in cases where a legitimate suspicion of smuggling founded upon proved facts can be alleged or where the customs seals have been broken, the authorities of the State through which transit takes place cannot demand the production of the manifest (article 35) of the ship or boat which has already been sealed. This manifest, drawn up in duplicate, must be signed by the authority affixing the seals. One copy will be handed to that authority: the other must be retained on board.

Article 17.

When exceptional circumstances or some accident calculated to compromise the safety either of the ship or boat or of the cargo compel a master or owner to reopen the apertures giving access to the hold, he will, for that purpose, apply to the officials of the nearest custom-house and await their arrival. If the danger is imminent and he cannot wait, he must inform the nearest local authority, who will proceed to open the hold, and draw up a report upon the fact.

When a master or owner has taken measures upon his own responsibility without demanding or awaiting intervention by the officials of the customs or of the local authority, he must prove in a satisfactory manner that the safety either of the ship or boat or of the cargo depended upon it, or that he was compelled to act in this way in order to avoid a pressing danger. In such a case he must, immediately after the danger has been averted, inform the officials of the nearest custom-house, or if he cannot find them, the nearest authority whom he can find so that he may place the matter upon record.

He must take similar action in the event of the seals being accidentally broken.

Article 18.

In cases where, owing to the circumstances indicated in the preceding article, a master, owner or raftsman is obliged to put in to places other than those mentioned in article 24, paragraph 1, he must comply with the following conditions:

(1) If he puts in to a place where there is a customs-office, he is bound to present himself there and to carry out the instructions which he will receive.

(2) If there be no customs-office in the place where he puts in, he must at once notify his arrival to the local authority, who will draw up a report of the circumstances which have compelled him to put in, and inform the nearest customs-office in the same territory.

(3) If, to avoid exposing the goods to other risks, it is considered expedient to unload the ship, boat or raft, the master, owner or raftsman is bound to submit to all legal measures designed to prevent clandestine importation. The goods which he reloads to continue his voyage will not be subjected to any import or export duty.

The provisions of article 17, paragraph 2, are applicable to a master, owner or raftsman in the event of his acting upon his own authority without demanding intervention by the officials of the local customs or of the local authority.

Article 19.

When a master, owner or raftsman is convicted of having attempted smuggling, he cannot invoke the freedom of navigation of the Elbe to secure either his person or the goods which he

desired fraudulently to import or export against proceedings directed against him by the custom officials, under the pain of the seizure of the rest of the cargo founded upon such an attempt, or, in general, of the institution against him of more rigorous proceedings than those prescribed by the legislation in force in the riparian State where the act of smuggling has been established.

If the customs offices of a State discover a discrepancy between the cargo and the manifest, the laws in force in the country against false declarations shall be applied against the master, owner or raftsman.

(B) TRANSIT WITH TRANSHIPMENT OR LIGHTERING.

Article 20.

The provisions of articles 16 to 19 are also applicable to transit with transhipment or lightering, subject to the following conditions :

The master or owner who desires to tranship the whole or a part of his cargo or to lighter his ship or boat will notify his intention to the competent authority of the riparian State, who will remove the seals, supervise the transhipment or lightering operations and, if necessary, affix new seals. That authority will check the list of goods discharged and deliver a copy thereof to the master or owner to be annexed to the manifest. The latter will then, if necessary, be authorised to pursue his voyage, subject to the same conditions as before.

A manifest signed by the competent authority will be prepared of the goods discharged and reshipped on the Elbe upon another ship or boat. That authority is likewise entitled to affix seals upon this ship or boat.

All the other goods are subject to the provisions of article 22.

Article 21.

At places on the Elbe where the transhipment of goods or the lightering of ships or boats generally takes place, the necessary services must be instituted and organised in order that the formalities mentioned in article 20 can be carried out in accordance with the needs of navigation.

The list of these places will be drawn up by the riparian States and approved by the Commission.

(C) IMPORT, EXPORT, TRANSIT WITH A CHANGE IN THE METHOD OF TRANSPORT,
WAREHOUSING IN BOND.

Article 22.

As regards goods for import, export or in transit with a change in the method of transport and likewise goods warehoused in bond, the customs formalities will be regulated in accordance with the general legislation of the riparian State on whose territory these operations are carried out.

§ 5. *General Provisions.*

Article 23.

All facilities which may be granted by any one of the riparian States on other routes by land or water for import, export or transit effected under the same conditions will also be granted for import, export and transit on the Elbe.

Import and export duties on goods in ports situated on this waterway may not be higher than those imposed on goods of the same kind, the same origin and the same destination entering or leaving by any other frontier.

§ 6. *Régime of Ports.*

Article 24.

Each of the riparian States will notify to the Commission all public ports and places, throughout the extent of its territory, where masters, owners and raftsmen are allowed to discharge or embark cargo or to take shelter. The same procedure shall be observed in the case of private ports and landing stages.

As regards the utilisation of public ports and places and of their equipment, and particularly the assignment of fixed quay berths, the nationals, goods and flags of all nations shall be treated in all respects on a footing of perfect equality, so that no distinction is made prejudicial to the nationals, goods and flag of any Power whatever in its relation with the nationals, goods and flag of the riparian State itself or with the State whose nationals, goods and flag enjoy the most favourable treatment.

Article 25.

The riparian States will secure that in the public ports and places mentioned in article 24 all necessary measures are taken in accordance with traffic requirements to facilitate loading, unloading and warehousing of merchandise in bond, and in general, that the equipment is maintained in good condition.

The assignment of fixed quay berths and other installations in the public ports can only be made within reasonable limits, fully compatible with unfettered carrying on of navigation.

The riparian States will further place at the disposal of navigation the accommodation necessary for carrying on the operations mentioned in article 21.

Article 26.

The utilisation of the works and installations in public ports and places of embarkation and disembarkation may give rise to the collection of reasonable dues and charges, on a footing of equality for all flags. The tariffs will be communicated to the Commission and posted in the ports.

Dues and charges may only be levied in so far as the works and installations for the use of which they have been fixed are put to effectual use.

§ 7. *Public Services.*

Article 27.

Every public service established in the interests of navigation upon the Elbe or in a port situated on that waterway must be subject to public tariffs uniformly applied and so adjusted as not to exceed the cost of the service rendered. These tariffs will be communicated to the Commission.

These provisions will apply in particular to the pilotage services both up-stream to and down-stream from Hamburg and Harburg. Above these ports, pilotage is not compulsory.

§ 8. *Conditions requisite for Navigation.*

Article 28.

No ship, boat or raft may navigate the Elbe without having on board the holder of a navigation permit responsible for the management of the ship, boat or raft, assisted by the crew prescribed by the regulations of the river police, save for the exceptions provided by these regulations.

Article 29.

The navigation permit is granted under the conditions fixed by the regulation mentioned in article 30 :

(1) To candidates who have a fixed residence in one of the riparian States, by the authorities of that State ;

(2) To candidates who do not have a fixed residence in one of the riparian States, either by the authorities of one of the riparian States or by the Commission.

Article 30.

To obtain a permit, it is necessary to have been engaged in navigation on the Elbe and to have successfully submitted to a test of capacity. The conditions to be satisfied and the scope of the test will be determined by a regulation established in the manner mentioned in article 37 for the regulations of the river police.

Article 31.

Each navigation permit will enumerate the types of engines afloat which the holder of the permit is authorised to drive, and the section of the waterway over which he has navigation rights. The permit is valid whatever be the nationality of the ship, boat or raft steered by the holder.

Article 32.

The authority who granted the permit alone has the right to withdraw it.

The Commission may, however, demand the withdrawal of a permit, the holder of which has given proof of a degree of incompetence involving danger to navigation.

The permit must be withdrawn from the holder who has been convicted of serious and repeated offences against the regulations regarding the safety of navigation and the river police, or of repeated acts of smuggling or of offences against property.

Article 33.

Every member of the crew of a ship sailing upon the Elbe must be provided with identity papers (" carnet de route ") issued subject to the conditions fixed in article 29 and in accordance with a form laid down by the Commission.

Article 34.

Every ship or boat sailing upon the Elbe must be provided with a certificate testifying that it has in all respects satisfied the conditions of security necessary for navigation on the part of the river which it traverses, such conditions being fixed in a regulation laid down in the manner indicated in article 37 for the regulations of the river police.

The certificate of navigability is issued by the competent authorities of the riparian States in the cases of ships and boats belonging to their nationals. Each of the contracting States may propose for acceptance by the Commission organised bodies specially qualified for the issue of this certificate.

If a riparian State deems it necessary at its own expense to check the statements contained in the certificate, such control may, in the case of laden vessels, only extend to the external dimensions of the boat.

Rafts must conform with the conditions fixed by a regulation, laid down in the manner mentioned in paragraph 1.

Article 35.

Every ship, boat or raft sailing on the Elbe must have on board a list of the crew and, if necessary, a manifest specifying the weight and nature of the goods carried, the number and nature of the packages and marks borne by them and likewise their places of loading and unloading. In the case of rafts, the manifest will specify the number, kind and weight of the timber floated.

Article 36.

The provisions of articles 28 to 35 are not applicable either to ocean-going ships sailing between the open sea and Hamburg and Harburg, or to boats normally used for inland navigation over this section.

When ocean-going ships sail above the ports mentioned in the foregoing paragraph, the members of the crew will not be subject to the provisions of article 33.

*§ 9. Police Regulations.**Article 37.*

The riparian States will submit drafts of regulations for the river police to the Commission, which will fix the definitive text of these regulations. These latter must be as uniform as possible, and will be put in force in each of these States by legislative or administrative action on the part of the State called upon to secure their application.

The riparian States will communicate to the Commission the regulations which they issue respecting the policing and use of the ports.

Article 38.

The riparian States will communicate to the Commission the legislative and administrative measures respecting the police in general and all other matters calculated to be of interest to navigation. These measures must not, either by reason of their tenor or in their application, hinder, except for adequate reasons, the free exercise of navigation.

CHAPTER IV.

WORKS AND INSTALLATIONS.

Article 39.

Each riparian State is bound to carry out at its own expense the works for the maintenance of the channel and towing-paths in use and installations to ensure the running of such works and likewise lighting and buoys, to adopt the measures necessary to remove any obstacles or dangers to navigation and generally to maintain navigation in good order.

If, while ensuring the maintenance mentioned in the preceding paragraph, a riparian State effects improvements, it must also bear the cost of all current work thereby entailed.

Article 40.

On the section constituting a frontier between Germany and Czechoslovakia, the two riparian States will determine by common accord the mode of execution of the works mentioned in article 39,

and also the apportioning of expenditure between them. Failing such an understanding, the decision will be with the Commission.

Article 41.

The riparian States will furnish the Commission with a summary description of all works other than those mentioned in article 39 which they propose to execute or authorise on the Elbe. This provision is alike applicable to works of improvement executed in the interests of navigation and to all other works, such, in particular, as defence works against inundations and likewise works affecting irrigation and the use of hydraulic energy.

The Commission may only prohibit the execution of such works in so far as they might entail consequences prejudicial to navigation. In its decisions the Commission must take into consideration all the interests of the riparian State proposing to execute or authorise these works.

If within a period of two months from the date of the communication the Commission has drawn up no observations, the execution of the said works may without further formalities be taken in hand. In the contrary event the Commission must come to a definite decision as speedily as possible, and at the latest within the four months following the expiration of the first period.

Article 42.

The Commission may, on the ground of exceptional circumstances, decide that the expenditure on the carrying out of large improvement works and eventually the supplementary costs of maintenance entailed by such works or the running expenses of the installations the construction of which they may entail, may be covered wholly or partly by dues fixed at moderate rates. The proposed tariff, containing in particular the date proposed for the inception of the collection, must be submitted to the Commission with the plan of the works. No dues may be fixed or collected without the express approval of the Commission, whose vote is only valid if it expresses the opinions of at least seven delegates. The Commission has the power to impose a definite limit upon the period during which the dues may be collected. These dues may only be levied on the classes of ships, boats and rafts for which navigation has been made possible or facilitated by the works. They must not in any case exceed, for each of the various classes of ships, boats and rafts, the cost of the service rendered. The yield of the dues must be exclusively devoted to the works which led to their institution.

Article 43.

On the basis of the proposals of a riparian State, the Commission may settle a programme of improvement works of which the execution would be a matter of primary interest.

Save where there is reasonable ground of opposition on the part of one of the riparian States, founded either upon the actual conditions of navigability within its own territory, or upon other interests, such, for example, as the maintenance of the normal regulation of the water, the needs of irrigation, the use of hydraulic energy or the need for the construction of other and more advantageous means of communication, a riparian State may not refuse to execute the works included in the said programme, on condition that it is not bound to assume a direct share of the expenses.

These works, however, may not be undertaken in the event of the State upon whose territory they are to be executed opposing them on the score of vital interest.

CHAPTER V.

TRIBUNALS.

Article 44.

The riparian States will inform the Commission of the headquarters and scope of jurisdiction of the tribunals called upon to adjudicate upon contraventions of the provisions laid down by the

regulations for river police, and also other matters affecting navigation, which will be specified in a subsequent convention. The seat of these tribunals must be situated in localities as near the river as possible.

Article 45.

The procedure of the tribunals mentioned in article 44 will be regulated by the legislation of each riparian State.

It must be as simple and prompt as possible.

Article 46.

Appeals from sentences pronounced by the said tribunals may be brought, at the desire of the parties, either before the court of the country in which the sentence was pronounced or before the Commission deciding disputed points.

Article 47.

The procedure for appeal before the Commission and also the details of the provisions of the present chapter will be settled by the convention mentioned in article 44. This convention, supplementary to the present Convention, will be elaborated and concluded in the same conditions as the latter.

CHAPTER VI.

MISCELLANEOUS PROVISIONS.

I. Unification of Regulations applicable in regard to Commerce and Navigation upon the Elbe.

Article 48.

The Commission will provide, particularly by drawing up draft conventions for submission to the interested States, for the unification of the law and regulations applicable as regards commerce and navigation upon the Elbe and also of the general conditions governing the labour of the personnel employed in inland navigation upon that waterway.

§ 2. Application of the Convention in War Time.

Article 49.

The provisions of the present Convention continue valid in time of war to the fullest extent compatible with the rights and duties of belligerents and neutrals.

If occurrences in time of war compel Germany to take measures calculated to hinder Czechoslovakia from free transit upon the Elbe, Germany undertakes to place at the disposal of Czechoslovakia, save in the case of physical impossibility, another route, as nearly as possible equivalent, subject to the observance of the measures of military security which would be required.

§ 3. Ferries.

Article 50.

The provisions of the present Convention do not apply either to ferries or to other means of passage from one bank to the other.

§ 4. *Previous Statutes.**Article 51.*

The treaties, conventions, statutes and agreements relative to the Elbe remain in force as regards all their clauses which are not contrary to the provisions of the present Convention.

§ 5. *Settlement of Disputes.**Article 52.*

The Commission will decide all questions regarding the interpretation and application of the present Convention.

In the event of a dispute arising out of its decisions on the ground of incompetence or of violation of the Convention, each of the contracting States may refer it to the League of Nations, according to the procedure laid down for the regulation of disputes, the Commission having first reported that it has exhausted all means of conciliation. On all other grounds, the appeal for a settlement of the dispute may only be presented by the State territorially interested.

§ 6. *Ratification and Enforcement.**Article 53.*

The ratifications of the present Convention will be deposited with the Secretariat-General of the Commission within as brief an interval as possible and, at the latest, by the 31st March, 1923.

The Convention will come into force three months after the closure of the *procès-verbal* of the deposit of ratifications.

In faith whereof the above-named plenipotentiaries have signed the present Convention, drawn up in a single copy, which will be deposited in the archives of the International Commission of the Elbe, and of which an authenticated copy will be despatched to each of the signatory Powers.

Done at Dresden, the 22nd February, 1922.

(L. S.) SEELIGER.
(L. S.) PETERS.
(L. S.) VON NOSTITZ.
(L. S.) KRÖNIG.
(L. S.) J. BRUNET.
(L. S.) A. CHARGUERAUD.
(L. S.) JOHN BALDWIN.
(L. S.) PAULUCCI DI CALBOLI.
(L. S.) BOHUSLAV MÜLLER, Engineer.
(L. S.) DR. KLIR, Engineer.

FINAL PROTOCOL

At the moment of proceeding to the signature of the Statute of Navigation of the Elbe and for the purpose of defining its intent, the undersigned plenipotentiaries are agreed as follows :

Ad Article 1.

It is understood that the Commission will be called upon to fix in a definite manner the extreme point up-stream of the international system of the Vltava.

Ad Article 3.

It is understood that the Commission may hold sessions away from its seat when it judges it expedient.

Ad Article 4.

It is understood that two delegates of the same nationality may not immediately succeed one another in the presidency, and that the same delegate may be president only once in a period of ten years.

Ad Article 10.

It is understood that, with a view to the application of article 10, the provisions of article 26 do not exclude the collection by instalment of the dues mentioned in the latter article.

Ad Article 15.

1. It is understood that the prohibition mentioned in paragraph 2 of article 15 does not apply to dues collected by the customs authorities when their services are enlisted outside the hours when the offices are open or away from the fixed places where the customs formalities should be carried out. The staff employed on these operations must not exceed that which is strictly necessary.

2. Germany undertakes to permit the Czechoslovak postal administration to effect the transport upon the Elbe in transit, without transshipment, in sealed holds, of postal packages proceeding from or destined for the Czechoslovak Republic. It is understood that the postal packages in question may not contain the objects enumerated in article 2 of the Universal Postal Convention of Madrid of the 30th November, 1920. Germany undertakes not to subject this transit to any postal transit dues or charges. The formalities regulating the execution of this undertaking will form the subject of a special agreement between the two States, which will come into force on the same date as the Statute of Navigation.

Ad Article 32.

It is understood that the provisions of article 32 entail no infringement of the right legally belonging to the holder of a permit to appeal against the decision to withdraw it.

Ad Article 39.

It is understood that the measure of navigability of the Elbe which must be maintained by the works mentioned in article 39 must not be inferior to that existing in 1914.

Ad Article 42.

It is understood that the provisions of article 42 entail no infringement of the rights and obligations arising out of paragraph 53 of the Additional Act of the 13th, April 1844, and likewise out of article 1 of the treaty¹ of the 22nd June, 1870, in its bearing upon the said paragraph 53.

Ad Articles 44 to 47.

It is understood that the tribunals mentioned in articles 44 to 47 also include the administrative authorities called upon to inflict penalties in the case of contraventions of regulations of the river police.

Ad Article 47.

It is understood that the provisions of article 47 do not prejudice the rights and obligations arising out of the Treaty of Versailles.

Ad Article 49.

1. It is understood that the use of the new route mentioned in article 49 may be brought into complete harmony with the rights and duties of belligerents and neutrals.

2. In the case mentioned in paragraph 2 of article 49 where, in consequence of physical impossibility, a route as nearly as is possible equivalent to the Elbe would not be afforded to Czechoslovakia, the signatory States will endeavour to provide the latter with other means of communication with the sea.

It is further understood that, for the application of all articles of the Statute of Navigation of the Elbe, where there is allusion to riparian States and States territorially concerned, the reference includes Germany.

In faith whereof, the undersigned have drawn up the present protocol, which will have the same force and duration as the Statute to which it relates.

Done at Dresden, the 22nd February, 1922.

SEELIGER.
PETERS.
VON NOSTITZ.
KRÖNIG.
J. BRUNET.
A. CHARGUERAUD.
JOHN BALDWIN.
PAULUCCI DI CALBOLI.
BOHUSLAV MÜLLER, Engineer.
DR. KLIR, Engineer.

¹ British and Foreign State papers, vol. 63, page 594.