

N° 3104.

**ROUMANIE
ET YOUGOSLAVIE**

Convention concernant la navigation
et le système hydrotechnique du
canal et de la rivière Bega (Begej-
Begheu). Signée à Belgrade, le 14
décembre 1931.

**ROUMANIA
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Convention concerning the Naviga-
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tem of the Bega (Begej-Begheu)
Canal and River. Signed at Bel-
grade, December 14, 1931.

¹ TRADUCTION. — TRANSLATION.

No. 3104. — CONVENTION ² BETWEEN ROUMANIA AND YUGOSLAVIA,
 CONCERNING THE NAVIGATION AND THE HYDROTECHNICAL
 SYSTEM OF THE BEGA (BEGEJ-BEGHEU) CANAL AND RIVER.
 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 Convention took place December 15, 1932.

HIS MAJESTY THE KING OF YUGOSLAVIA and HIS MAJESTY THE KING OF ROUMANIA,
 Being desirous to make final the provisional Agreement signed at Paris on May 10, 1921,
 by their respective Plenipotentiaries at the Conference concerning the Statute of the Danube,
 as regards both navigation conditions on the Bega river and canal and the works essential to ensure
 that the hydrotechnical system of this navigable waterway continues to operate as before, and to
 meet the needs for which it was originally designed, so as to protect, in accordance with Articles 292
 and 293 of the Treaty of Trianon, the interests and acquired rights of the two States,

Have decided to conclude a Convention and

To this end have appointed as their Plenipotentiaries :

HIS MAJESTY THE KING OF YUGOSLAVIA :

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

HIS MAJESTY THE KING OF ROUMANIA :

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

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

PART I.

NAVIGATION.

Article I.

The canalised river Bega and the navigable canal proper shall be open for navigation subject
 to the conditions laid down by the present Convention.

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 Bucharest, October 14, 1932.

Article 2.

Vessels belonging to the river shipping of either of the Contracting States — including those belonging to the civil authorities and intended for employment in the Government services or for the surveillance of navigation — together with the goods, property and nationals transported thereon, shall receive in that portion of the Bega which is within the territory of the other State equal treatment to that granted by the latter State to its own vessels, goods, property and nationals.

The transport of mazout and mineral oil in tank vessels or in casks, and the transport of alcohol, paraffin oil, petrol or ether in casks or in hermetically sealed tins, and also the conveyance of matches in closed packing shall, when coming from the contracting countries, be regarded as belonging to the category of ordinary goods transport.

The regulations applicable to navigation shall be drawn up so as not to interfere in any way with the freedom to enter or leave the canal or to pass from one part of it to another.

Article 3.

The transport of goods, property or passengers between the ports or the places of loading and discharge in one State and the ports or the places of loading or discharge in the other shall, subject to reciprocity, be free and open to vessels or tugs flying the flag of either State, subject to compliance with the respective national laws and regulations governing navigation.

The two Governments shall come to an agreement regarding the conditions under which the transport, of goods, property or passengers may be effected by a vessel of either State between the ports or the places of loading and discharge of the other State.

Article 4.

Subject to reciprocity, vessels flying the flag of either of the co-riparian States shall enjoy on the portion of the Bega situated within the territory of the other State all such facilities for the use of ports and places of loading or discharge, and of their equipment and installations, as are granted by the other State to vessels flying its own flag.

Article 5.

Vessels belonging to the river shipping of a third State, proceeding to or from a port or place of loading or discharge situated on the Roumanian part of the Bega navigable canal shall enjoy freedom to enter or leave the mouth of the Bega and freedom of passage from one part of the canal to the other, subject to compliance with the laws and regulations of the two co-riparian States applicable to shipping on that waterway.

The use by such vessels of ports and places for loading and discharge within the territory of either of the co-riparian States shall however be allowed only upon previous authorisation from the Government concerned.

Article 6.

Transit with or without transshipment of goods or passengers shall be free throughout the navigable channel, and no Customs or other special duty based solely on such transit shall be levied either on property, goods or passengers or upon the vessels transporting them.

With a view to the prevention of smuggling and without prejudice to the respective administrative and Customs regulations, the said property and goods in transit may be sealed or padlocked or placed under escort, as circumstances may require or allow.

Article 7.

Towage by tugs, motor-boats or any other vessels capable of employment for towage purposes shall be exclusively reserved over the whole extent of the Bega navigable waterway to the tugs and other vessels used as such belonging to the river shipping of one or other of the two Contracting States.

Tugs, motor-boats and other vessels capable of employment for towage purposes and belonging to the river shipping of a third State may, whether loaded or empty, proceed freely over the whole extent of the navigable waterway of the Bega, subject to the provisions contained in Article 5 above; they shall not however be permitted to engage in towage operations unless, in quite exceptional circumstances, and in individual cases, one of the two States grants them permission to do so within its own territory.

Article 8.

Towage by animal or by tractor shall be exclusively reserved to the teams or tractors belonging to the nationals of the co-riparian State within whose territory the towage takes place.

Article 9.

Manual hauling shall also be exclusively reserved to nationals of the State in whose territory it takes place, save that in the event of accident it may be undertaken by the crew of the towed vessel on any part of the navigable waterway.

Article 10.

The two Contracting States undertake to apply the Navigation Regulations and the administrative Customs and other regulations—particularly the sanitary and veterinary regulations—in such manner as not to inflict any unjustifiable hindrance on navigation or transit.

Article 11.

The competent authorities of each State shall police the part of the Bega navigable waterway situated in its own territory.

The part of the navigable waterway forming the frontier between the two States shall be policed by each of them alternately, beginning with Roumania, for a period of one year as from January 1st at noon.

The dimensions of the vessels employed by the navigation police shall be such as not to cause any damage to the bed of the canal or the installations or works, or any hindrance to navigation.

II. NAVIGATION AND TOWAGE DUES.

Article 12.

No dues based solely on the act of navigation itself shall be levied by the co-riparian States.

Nevertheless, in view of the special character of this artificially navigable waterway, the cost of works and administration may be recovered by means of dues leviable by each of the two States in its own territory.

The assessment and the amount of these dues shall be settled by agreement between the two Governments and may be periodically revised by mutual arrangement.

This agreement shall also provide as far as possible for the equalisation of the amount of the dues to be levied for the use of ports and of places of loading or discharge and their equipment situated on the parts of the waterway belonging to the respective States.

Article 13.

It is agreed that the two Governments shall ensure that towage dues leviable in their respective territories are calculated at the same rate and on the same basis.

Article 14.

In the event of any disagreement arising out of the application of Part I of the present Convention the two States agree to submit the matter to the arbitration of their titular delegates on the International Commission of the Danube.

Should the delegates disagree, they shall appeal to further arbitration chosen by mutual agreement.

PART II.

HYDRAULIC SYSTEM.

Article 15.

The two States undertake to ensure that all the hydraulic works and equipment of the Bega hydrotechnical system which are situated in their respective territories and are in any way connected with the unified conservancy of this system 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 installed.

Article 16.

Any work to be done or measures to be taken on the part of the system situated in the territory of one of the two States shall be performed by the competent service of that State.

The competent service in Yugoslavia shall be " *Technički odeljak*", of Veliki Bečkerek, and in Roumania, " *Serviciul Apelor Regiunea VII-a* ", of Timisoara.

Should the competent services be changed, the two Governments shall inform each other of such change.

Article 17.

Each State shall bear the costs of any works to be carried out or measures to be taken in the part of the system situated in its own territory. The current dredging required in the part of the navigable waterway which forms the frontier shall be carried out by mutual agreement, the costs to be borne in equal parts by the two States.

Article 18.

If the execution of certain maintenance work in the territory of either State necessitates certain measures or the execution of certain works in the territory of the other State, the first State shall

communicate the scheme and programme of execution of such work to the other State, in order that they may reach agreement as to the steps to be taken or the works to be executed.

Article 19.

In the absence of any preliminary agreement, both States shall abstain from any alteration of the existing installations and works and from any measures or operations liable to modify the conservancy of the system in the territory of the other State and so affect its interests or acquired rights.

Article 20.

Should either State contemplate 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 21.

The two Governments agree to restore and keep in good condition the telephone line which formerly existed along the canal and to connect up the two parts of that line, with a view to meeting the administrative requirements of the system.

Article 22.

The two States agree, when reconstructing bridges or building new bridges, to allow a clearance of at least 5 m 70 cm. above the normal water-level of the canal as retained by the barrages.

Article 23.

The technical experts and the heads of the competent services of the two States shall be entitled to communicate with each other directly in writing, by telephone or by telegraph.

They shall also be entitled, after previous notice, to establish personal contact in the territory of either State, and to cross the frontier along the canal, being provided for that purpose with a special identity card.

Article 24.

The two Governments undertake to proceed by common agreement to the preparation of regulations for the operation of the technical services for the whole system, viz :

- (a) Protection against floods ;
- (b) Technical regulations for navigation in the canal and in the locks ;
- (c) The dredging of the canal and the locks ;
- (d) The upkeep of barrages and locks ;
- (e) The working of the locks and barrages ;
- (f) The hydrometrical and telephone services ;
- (g) The regulations for the construction of bridges over the canal ;
- (h) The other regulations for the operation of this system and the services connected therewith.

Article 25.

In accordance with Article 7 of the General Convention¹ concerning the hydraulic System, each of the two Governments shall appoint a technical expert ; these experts, assisted by the heads of the competent services of the two States, shall examine on the spot the condition of the works and installations of the whole system and shall, on the basis of their joint observations, prepare a general technical programme of maintenance works to be carried out by the two States over a future period.

These experts may also make proposals for improvement works of concern to either State or to both.

Article 26.

Apart from the general programme provided for in the previous Article, the technical experts shall communicate to each other not later than September 30th 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 them, the experts, accompanied by the heads of the competent services, shall inspect on the spot, if possible before the end of October, 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 27.

The two States undertake to ensure that the works provided for in the technical programmes referred to in Articles 25 and 26 above shall be executed. For that purpose they also undertake to ensure the timely provision of the financial resources necessary for the execution of such works.

Article 28.

As the existing material for dredging and for removing the lock gates is inadequate for the satisfactory maintenance of the system as a whole, the two Governments undertake to obtain as soon as possible the material required for the maintenance of their respective sectors.

Pending the acquisition of the material referred to, the two Governments agree that the existing material which is in the possession of the Yugoslav Government, shall be used on both parts of the canal at the expense of the respective States, in accordance with the provisions laid down by the experts of the two States when drawing up the programme of work provided for in Article 26 above.

Article 29.

In the event of any accident to the canal installations, the chief of service concerned mentioned in Article 16 above shall notify to the other chief of service by the speediest method available the extent of the accident, so that the latter may be in a position to take all necessary steps for the avoidance of any risk of damage or of disaster.

Article 30.

The two services mentioned in Article 16 shall as a rule communicate hydrometrical and pluviometrical observations to each other in conformity with the principles adopted by the C. R. E. D. for the operation of the hydrometrical service and for flood warnings.

¹ See page 31 of this Volume.

In case of need, and at the request of one of them, the services shall communicate to each other by telegraph or telephone or by such other means as may be most expeditious, hydrometrical and pluviometrical and any other observations of interest to the other service.

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

At the request of either service, the other shall supply all documentary information and data relating to the hydraulic system and the services connected therewith.

Article 31.

The two Governments undertake to exchange within a period of six months from the coming into force of the present Convention the records and written matter of the former Agricultural Improvement Service, the former River Service, and the former Bega Canal Service at Timisoara.

This exchange shall take place in accordance with the provisions of Chapter XII of the General Convention concerning the hydraulic system.

The existing furniture and instruments of the services referred to which are still in the possession of a service of one of the two countries shall be divided between the two States in kind, in equal parts, account being taken of their inventoried value.

Article 32.

With the exception of the provisions contained in Part II of this Convention, the settlement of all other questions with regard to this system shall be made, as necessity arises, in accordance with the provisions of the General Convention.

Article 33.

Any dispute arising out of the application of Part II of the present Convention shall be referred to the Delegates of the two States accredited to the 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.

FINAL PROVISIONS.

Article 34.

On the expiration of a period of six years from its coming into force, the present Convention may be revised at the request of either of the Contracting Parties, such request being addressed to the other Party six months before the expiration of the said period. In the absence of any such request for revision the present Convention shall automatically remain in force for a further period of six years, and so on.

It is agreed that any amendments to the provisions of the present Convention shall in no way affect the principles laid down in the Paris Agreement of May 10, 1921.

It is also agreed that the request for revision may cover both Parts of the Convention or only one ; in the latter case, the unrevised part shall remain in force subject to the conditions mentioned in paragraph 1 above.

It is also agreed that as regards the revision of Part II (Hydraulic System) the two States shall comply with the provisions of Chapter XI of the General Convention concerning the Hydraulic System.

Article 35.

The present Convention 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 exchange of instruments of ratification.

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

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

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

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