

No. 4152

**UNION OF SOVIET SOCIALIST REPUBLICS
and
AUSTRIA**

Agreement concerning the settlement of technical and commercial questions relating to navigation on the Danube. Signed at Moscow, on 14 June 1957

Official texts : Russian and German.

Registered by the Union of Soviet Socialist Republics on 8 January 1958.

**UNION DES RÉPUBLIQUES SOCIALISTES
SOVIÉTIQUES
et
AUTRICHE**

Accord concernant le règlement de certaines questions techniques et commerciales relatives à la navigation sur le Danube. Signé à Moscou, le 14 juin 1957

Textes officiels russe et allemand.

Enregistré par l'Union des Républiques socialistes soviétiques le 8 janvier 1958.

[TRANSLATION — TRADUCTION]

No. 4152. AGREEMENT¹ BETWEEN THE UNION OF SOVIET SOCIALIST REPUBLICS AND THE REPUBLIC OF AUSTRIA CONCERNING THE SETTLEMENT OF TECHNICAL AND COMMERCIAL QUESTIONS RELATING TO NAVIGATION ON THE DANUBE. SIGNED AT MOSCOW, ON 14 JUNE 1957

The Union of Soviet Socialist Republics and the Republic of Austria, desirous of developing trade and navigation between the two States, and on the basis of the principle of free navigation, have agreed as follows :

Article 1

Navigation on the river Danube being free and open to the nationals, merchant ships and goods of all States on a footing of equality with regard to port and navigation charges and conditions for merchant shipping, both Contracting Parties shall, on a basis of reciprocity, take measures to ensure that on their sections of the river Danube free navigation shall be possible at all times, without interruption, for the ships of the other Contracting Party.

The provisions of this Agreement shall not apply to traffic between ports of the same State.

Article 2

The Contracting Parties shall grant each other most-favoured-nation treatment in all matters relating to merchant shipping on the river Danube, in particular with regard to the entry into ports of ships of the other Contracting Party, the transaction of port operations (including loading and unloading), the use of port installations and warehouses, the replenishing of ships' fuel and supplies, the levying of dues and also, when necessary, the provision of medical assistance.

Merchant ships of one of the Contracting Parties when navigating in the other Party's section of the river Danube shall not be obliged to use the services of pilots. All measures shall, however, be taken to ensure that the request of a master for the service of pilot shall be met as expeditiously as possible.

¹ Came into force on 6 November 1957, as from the date of the exchange of the instruments of ratification at Vienna, in accordance with article 17.

Article 3

The merchant ships of both Contracting Parties, in navigating on the river Danube, shall observe the laws and regulations of the riparian States concerned and shall also apply the generally accepted basic provisions governing navigation on the Danube and the river inspection rules in so far as they do not conflict with the laws and regulations of the riparian State concerned.

The two Contracting Parties shall take steps to co-ordinate their hydro-meteorological services on the Danube.

Each Contracting Party shall recognize the regulations of the other Contracting Party concerning the construction and outfitting of ships, and concerning ship's papers and the recruitment of ship's crews.

Article 4

Both Contracting Parties shall, within the framework of their existing laws, take steps to ensure that the administration of customs, sanitary and other regulations, both in ports and at the frontier, shall be as speedy and simple as possible.

Article 5

Merchant ships of either Contracting Party and their cargoes shall be exempt from customs dues and other charges when in transit on the Danube through the territory of the other Contracting Party. The customs authorities of the State through which transit is being effected shall have the right, in accordance with the laws in force in that State, to exercise customs supervision over goods in transit.

Article 6

Merchant ships of one Contracting Party temporarily entering the ports of the other Contracting Party, not for the purpose of loading or unloading but to replenish ship's supplies, shall not be subject to customs formalities and shall be exempt from customs dues and other charges; they shall, however, until their departure, be subject to the supervision of the customs authorities.

Article 7

Merchant ships of one Contracting Party, the furniture and appurtenances belonging thereto and the spare parts carried in them shall, on entering the territory of the other Contracting Party on a temporary visit, in particular for loading and unloading operations, and on leaving that territory, be exempt from customs dues and other charges and also from the requirement of import and export permits.

Ship's supplies carried in ships for the use of the crew and passengers and for the operation and maintenance of the ships shall be exempt from customs dues and other charges both on importation and on exportation and also from the requirement of import and export permits ; however, the customs inspection regulations of the Contracting Party whose waters they have entered shall be observed.

Ship's supplies in excess of ordinary needs shall, during the presence of the ships of one Contracting Party in the waters of the other Party, be subject to customs inspection but not to customs dues or other charges, or to the requirement to produce import and export permits.

Ship's supplies necessary for the ship's crew and passengers and for the operation and maintenance of the ship, which are warehoused in the charge of the customs officers in the territory of the other Contracting Party, shall be exempt from customs dues and other charges and also from the requirement of import and export permits.

All goods other than those specified in the preceding paragraphs of this article shall be subject to the appropriate customs regulations in force in the State whose waters the ships have entered.

Article 8

Each Contracting Party shall recognize the identification papers of members of ship's crews issued by the competent authorities of the other Contracting Party. Those identification papers shall be, for members of crews of Soviet ships, the "USSR seaman's passport" and, for members of crews of Austrian ships, the "Danube seaman's identity card" (*Donauschifferausweis*).

If the wives and children of members of a ship's crew are also carried in the ship, children over 15 years of age and wives must hold separate identification papers, while children of 15 years and under must be included in the identification paper of the father or the mother.

All members of a ship's crew and their wives and children who are also carried in the ship must be entered in the ship's crew list.

Article 9

The identification papers referred to in article 8 above shall entitle the persons specified in them who are on board a ship of one Contracting Party to cross the State frontier of the other Contracting Party in both directions without a passport for travel abroad or a visa, provided that their names have been entered in the ship's crew list.

Persons holding identification papers issued by one Contracting Party shall have the right to go ashore within the area of the port of the other Contracting

Party and to move freely within that area while the ship is in port. All persons going ashore shall undergo the passport and customs examination prescribed at that port. Such persons may not go beyond the limits of the port area without the permission of the competent authorities.

Article 10

Persons holding identification papers issued by one Contracting Party may, in case of need, cross the land frontier of the other Contracting Party if the identification paper bears the visa of that Party. In such a case the persons concerned shall proceed to their destination and shall not remain in the territory of the other Party without due cause.

Visas on identification papers shall be issued as speedily as possible, with due regard to the laws of the State concerned.

Article 11

Employees of the shipping concerns and undertakings of one Contracting Party must possess regular passports for travel abroad, with the necessary visas, in order to cross the State frontier of the other Party for official purposes.

Each Contracting Party shall take steps to ensure that the requisite visas are issued to the persons specified in the preceding paragraph of this article with all possible speed and that, where necessary, permission is granted to such persons to visit Danube ports and ships.

Article 12

A member of a ship's crew of one Contracting Party who flagrantly or repeatedly violates the laws or regulations of the other Party, upon the submission of a request by the authorities of that Party setting out the reasons therefor, shall not subsequently be permitted to serve on ships navigating in the waters of the State whose laws or regulations have been violated.

Article 13

No ship of either Contracting Party may make fast or stand at anchor outside the limits of a port area in the other Contracting Party's section of the river without special permission from the competent authorities of that Party, save in the event of *force majeure* or of incapacity to proceed further. In such circumstances the crew shall remain on board the ship and shall not leave it without the permission of the appropriate shore authorities. Two or three members of the ship's crew may, if necessary, at the orders of the ship's master, proceed ashore in order to communicate with the nearest shore authorities.

If the lives of members of the crew are in danger, they may go ashore. They may not, however, leave their place of landing until the arrival of the official authorities, whom they shall summon. Members of the crew must comply with the lawful demands of these authorities.

Article 14

Shipments of goods to be transported on the Danube in Soviet-Austrian trade, in either direction, shall be allocated between the shipping concerns of the two Contracting Parties equitably and with due regard to the interests of these concerns, so that an adequate share in Danube shipping operations is assured to both sides.

The shipping concerns of the two Parties may, with the agreement of the competent authorities, negotiate with each other on technical and commercial questions, in particular, on a suitable allocation of shipments of goods on the Danube, and shall conclude an appropriate agreement on the basis of these negotiations as speedily as possible.

Article 15

Shipping agencies shall be established and operated in conformity with the laws and regulations of the Contracting Party on whose territory they are to be set up.

Article 16

The Danube shipping concerns of each Contracting Party shall be liable to taxation and shall pay taxes directly connected with their activities in the conveyance and delivery of passengers and cargo only in the State in which their headquarters (administration) is situated.

Article 17

This Agreement shall be subject to ratification. It shall come into force on the date of exchange of the instruments of ratification, which shall take place at Vienna. The Agreement shall remain in force until such time as it is denounced by one of the Contracting Parties, notice having been given at least three months before the end of the current calendar year.

DONE at Moscow, on 14 June 1957, in duplicate, in the Russian and German languages, both texts being equally authentic.

For the Presidium
of the Supreme Soviet of the Union
of Soviet Socialist Republics :

V. G. BAKAEV

For the Federal President
of the Republic of Austria :

BISCHOFF