

No. 5694

**YUGOSLAVIA
and
AUSTRIA**

Protocol to the Agreement concerning water economy questions in respect of the frontier sector of the Mura and the frontier waters of the Mura (the Mura Agreement). Signed at Vienna, on 27 November 1954

Agreement (with annexes) concerning water economy questions in respect of the frontier sector of the Mura and the frontier waters of the Mura (the Mura Agreement). Signed at Vienna, on 16 December 1954

Official texts: Serbo-Croat and German.

Registered by Yugoslavia on 26 May 1961.

**YOUGOSLAVIE
et
AUTRICHE**

Protocole à l'Accord concernant les questions hydrotechniques du secteur frontalier de la rivière Moura et de ses eaux frontalières (Accord de Moura). Signé à Vienne, le 27 novembre 1954

Accord (avec annexes) concernant les questions hydrotechniques du secteur frontalier de la rivière Moura et de ses eaux frontalières (Accord de Moura). Signé à Vienne, le 16 décembre 1954

Textes officiels serbo-croate et allemand.

Enregistrés par la Yougoslavie le 26 mai 1961.

[TRANSLATION — TRADUCTION]

No. 5694. PROTOCOL¹ TO THE AGREEMENT BETWEEN THE FEDERAL PEOPLE'S REPUBLIC OF YUGOSLAVIA AND THE REPUBLIC OF AUSTRIA CONCERNING WATER ECONOMY QUESTIONS IN RESPECT OF THE FRONTIER SECTOR OF THE MURA AND THE FRONTIER WATERS OF THE MURA (THE MURA AGREEMENT).² SIGNED AT VIENNA, ON 27 NOVEMBER 1954

On the instructions of the Government of the Federal People's Republic of Yugoslavia and the Federal Government of the Republic of Austria, delegations of the two countries met in Vienna from 15 to 27 November 1954 for negotiations concerning the settlement of water economy questions in respect of the frontier sector of the Mura and the frontier waters of the Mura.

The following persons took part in the negotiations :

- As Yugoslav delegates : Dr. Fedor Bazala, Judge of the Federal Supreme court ; Milan Gagić, Engineer, Adviser to the Federal Water Economy Commission ; Lojze Kerin, Engineer, Director of the Water Economy Administration of the Slovenian People's Republic and Dr. Ivo Murko, Head of the Legal Department of the State Secretariat of National Economy of the Slovenian People's Republic ;
- As Austrian delegates : Dr. Bernhard Ramsauer, Engineer, Head of Section in the Federal Ministry of Agriculture and Forestry, Edmund Hartig, Section Head in the Federal Ministry of Agriculture and Forestry ; Dr. Arpad Knapitsch, Adviser in the Federal Ministry of Agriculture and Forestry ; Dr. Josef Huber, Adviser in the Federal Ministry of Communications and Nationalized Undertakings (Office of Water Transport) ; Dr. Rudolf Kirschläger, *Land* Court Judge, Office of the Federal Chancellery for Foreign Affairs ; Karl Fante, Engineer, Acting Counsellor in the Styria *Land* Government Office ;

As Austrian experts : Theodor Mitteregger, Engineer, Ministerial Secretary in the Federal Ministry of Agriculture and Forestry ; Dr. Alois Groiss, *Land* Government in the Federal Ministry of Agriculture and Forestry ; Dr. Herbert Moosbrugger, Senior Construction Adviser in the Styrian *Land* Government Office, Josef Velkaverh, Senior Construction Adviser, Director of the Leibnitz District Construction Office ; and, in addition, Franz Baumann, Engineer, Ministerial Adviser ad interim in the Federal Ministry of Agriculture and Forest-

¹ Came into force on 27 November 1954 by signature.

² See p. 100 of this volume.

ry, Paul Hazmuka, Acting Adviser, *Land* Construction Director in the Styrian *Land* Government Office.

Dr. Fedor Bazala, Judge of the Federal Supreme Court, alternated with Dr. Bernhard Ramsauer, Section Head, and Dr. Arpad Knapitsch, Ministerial Adviser, as Chairman.

The negotiations were concerned with the conclusion of an agreement on water economy questions in respect of the frontier section of the Mura and the frontier waters of the Mura, as the sole item on the agenda.

The two delegations carefully examined the plans and other material presented by the Yugoslav and Austrian sides and agreed to recommend to their countries the conclusion of an agreement¹ with two annexes,² the text of which is attached to this Protocol.

The two delegations recommended that after the entry into force of the Agreement a survey should be made of existing works in the frontier sector of the Mura and of the general situation in the frontier waters of the Mura.

It was also recommended that the quality of the water of the Mura at the beginning and the end of the frontier sector should be ascertained.

Lastly, in conformity with article 4 of the Statute, the delegations proposed that that the first meeting of the Mixed Commission for the Mura should be held in Yugoslavia in the spring of 1955.

This Protocol is done in the Serbo-Croat and German languages. Both texts are authentic.

Vienna, 27 November 1954.

For the delegation
of the Federal Republic
of Yugoslavia :

(Signed) Dr. Fedor BAZALA

For the delegation
of the Republic of Austria :

(Signed) Dr. Arpad KNAPITSCH

¹ See p. 100 of this volume.

² See pp. 108 and 112 of this volume.

AGREEMENT¹ BETWEEN THE FEDERAL PEOPLE'S REPUBLIC OF YUGOSLAVIA AND THE REPUBLIC OF AUSTRIA CONCERNING WATER ECONOMY QUESTIONS IN RESPECT OF THE FRONTIER SECTOR OF THE MURA AND THE FRONTIER WATERS OF THE MURA (THE MURA AGREEMENT). SIGNED AT VIENNA, ON 16 DECEMBER 1954

The Federal People's Republic of Yugoslavia and the Republic of Austria, in order to settle water economy questions in respect of the frontier sector of the Mura and the frontier waters of the Mura, have agreed as follows :

Article 1

1. Water economy questions, measures and works on the frontier sector of the Mura, and substantial effects brought about on that frontier sector by the diversion of water from the Mura basin or by pollution, which are considered to be of interest to both Contracting States, shall be dealt with by a Permanent Yugoslav-Austrian Commission for the Mura (the Mixed Commission for the Mura). The same shall apply to all tributaries of the Mura which form or intersect the frontier between the Contracting States (frontier waters of the Mura).

2. The terms of reference of the Commission shall accordingly comprise, in particular, regulation, the erection of high-water embankments, protection against flooding and ice, the utilization of water power, changes in the régime of the river, the reclamation of riparian areas, water supply, pollution by effluents, ferries and bridges.

3. The detailed terms of reference, the composition and the procedure of this Commission shall be as laid down in the Statute which is appended as annex I² to this Agreement.

Article 2

1. The two Contracting States undertake to maintain in their existing condition, and where necessary to improve the condition of, the water installations on the frontier sector of the Mura.

2. Each Contracting State shall bear the cost of such regulation and maintenance works as are carried out in its territory. Where joint works (e.g. ditching or dredging) are carried out, the Commission shall determine the apportionment of expenses.

¹ Came into force on 9 February 1956 by the exchange of the instruments of ratification at Belgrade, in accordance with article 11.

² See p. 108 of this volume.

3. The same principles shall apply to the frontier waters of the Mura unless the Commission decides otherwise.

Article 3

1. Construction materials and fuel transferred from the territory of one Contracting State to the territory of the other Contracting State for the execution of works under this Agreement shall be unconditionally exempt from all import and export taxes. Such construction materials and fuel shall not be subject to any import or export restrictions.

2. Equipment (machinery, vehicles, tools and the like) shall be provisionally exempt from taxes pursuant to paragraph (1) provided that the articles concerned are declared to the customs for identification and are returned within the time-limit laid down by the customs. The deposit of security for the taxes due shall not be required. Taxes be payable in respect of any articles not returned within the prescribed time-limit. Any such article which is completely worn out and thus unusable, and which is consequently returned, shall be exempted from taxes.

3. The two Contracting States guarantee to facilitate for each other the customs procedure for the transit of construction materials, fuel and equipment which are exempt from taxes.

4. Construction materials, fuel and equipment imported and exported shall be subject to customs supervision by the Contracting State concerned.

Article 4

1. The extraction of gravel and sand from sandbanks between the regulation lines for river engineering purposes shall be permitted in the frontier sector regardless of the position of such banks in the river bed, subject to prior agreement between the two engineering administrations.

2. The consent of the Commission shall be required for extraction for other purposes.

Article 5

Topographical marks on the two banks, such as triangulation marks, permanent benchmarks, and kilometre and hectometre marks, and installed water gauges shall be retained, maintained and, where necessary, augmented or renewed. Each of the two engineering administrations may use these facilities at any time. If this entails entering the territory of the other Contracting State, the engineering administration and the customs authorities must be notified in advance.

Article 6

1. For the purpose of giving effect to the provisions of this Agreement, the frontier authorities of the Contracting States shall issue, and shall visa for each other, frontier cards with which members of the Commission, officials of the water economy agencies, and the strictly necessary number of officials and workmen employed on works in the frontier sector may cross the State frontier.

2. Frontier cards shall be issued to the persons referred to in paragraph (1) with an indication of the frontier crossing point, the area of movement and the period of validity, with due regard for the official status of the person concerned and the nature of his functions.

3. The model for this card in two languages is appended as annex II¹ to the Agreement.

4. All other matters relating to the procedure for frontier crossing shall be governed by the provisions concerning the regulation of frontier traffic between the Contracting States which are in force at the time.

Article 7

The local authorities of the Contracting States shall advise each other, by the quickest possible means, of any danger from high water or ice and of any other impending danger which comes to their notice in connexion with the Mura. The same shall apply to the frontier waters of the Mura where such dangers come to the notice of the local authorities.

Article 8

The two Contracting States shall endeavour to facilitate the application of this Agreement and the activity of the Commission, having due regard to the interests of both sides.

Article 9

Questions on which the Commission fails to reach agreement shall be submitted to the Governments of the Contracting States.

Article 10

1. If the two Governments fail to agree on the interpretation or application of any provision of this Agreement, the question at issue shall be referred to a court of arbitration for decision.

¹ See p. 112 of this volume.

2. Each Government shall appoint one member to the said court of arbitration. The Chairman, who must not be a national of either Contracting State, shall be appointed by agreement between the two Governments.

3. The court of arbitration shall begin work at the request of either Contracting State not later than three months after the submission of such request. If not all the members of the court of arbitration have been appointed within that time, the remainder shall, at the request of either Contracting State, be appointed by the Executive Secretary of the United Nations Economic Commission for Europe (ECE).

4. Unless otherwise agreed, the procedure followed before the court of arbitration shall be that laid down in the Convention for the Pacific Settlement of International Disputes signed at the Hague on 18 October 1907.¹

Article 11

1. This Agreement shall be ratified and the instruments of ratification shall be exchanged at Belgrade.

2. The Agreement shall enter into force on the date of the exchange of the instruments of ratification and may not be denounced for a period of five years. The Agreement shall continue in force thereafter unless it is denounced by either Contracting Party. Denunciation shall take effect at the end of the calendar year following the year in which it is notified.

IN WITNESS WHEREOF the plenipotentiaries of the two Contracting States have signed this Agreement and have thereto affixed their seals.

DONE at Vienna in two originals in the Serbo-Croat and German languages, both texts being authentic.

Vienna, 16 December 1954

For the Federal People's Republic
of Yugoslavia :

(Signed) Dr. Milan BARTOS
(Signed) Dr. Fedor BAZALA

For the Republic
of Austria :

(Signed) Dr. B. RAMSAUER

¹ *British and Foreign State Papers*, Vol. 100, p. 298 ; and League of Nations, *Treaty Series*, Vol. LIV, p. 435, and Vol. CXXXIV, p. 453.

ANNEX I

STATUTE OF THE PERMANENT YUGOSLAV-AUSTRIAN COMMISSION
FOR THE MURA (MIXED COMMISSION FOR THE MURA)*Article 1*

1. The function of the Commission shall be to deal jointly with water economy questions, measures and works on the frontier sector of the Mura, and with substantial effects brought about on that frontier sector by the diversion of water from the Mura basin or by pollution, which are considered to be of interest to both Contracting States.

2. This function shall extend to all tributaries of the Mura which form or intersect the frontier between the Contracting States (frontier waters of the Mura).

Article 2

1. The terms of reference of the Commission shall comprise, within the limits of article 1, in particular : regulation, the erection of high water embankments, protection against flooding and ice, the utilization of water power, changes in the régime of the river, the reclamation of riparian areas, water supply, pollution by effluents, ferries and bridges.

2. To this end it shall be the Commission's task, in particular :

- (a) To exchange information on proposed water economy measures and works ;
- (b) To define and prepare for joint measures and works ;
- (c) To make an expert evaluation of projects proposed for this purpose and take decisions concerning their execution ;
- (d) To supervise and accept joint measures and works ;
- (e) To carry out inspections and all necessary stock-taking ;
- (f) To discuss measures and works which are not carried out by the engineering administrations themselves ;
- (g) To grant permits for the extraction of gravel and sand in the frontier sector of the Mura for purposes other than river engineering ;
- (h) To discuss measures and works undertaken on the frontier sector of the Mura or frontier waters of the Mura in the territory of one State only ;
- (i) To discuss plans to divert water from the Mura basin and to introduce effluents, for which authorization under the water laws is under serious consideration ;
- (j) To deal with questions concerning timber floating or navigation, having regard to the existing condition of the river, and concerning ferries and bridges, and to forward proposals which relate to such questions but which go beyond the Commission's terms of reference ;
- (k) To regulate the exchange of water economy experience and of hydrographical data ;

- (l) To settle amicably questions in dispute which relate to these subjects ;
- (m) To transmit to the two Governments proposals on the subject-matter of the foregoing sub-paragraphs.

3. The two Governments may also deal directly with matters within the Commission's terms of reference.

Article 3

1. The Commission shall consist of eight members. Each Contracting State shall appoint as its delegation four members of the Commission and an alternate for each member. In addition each side may use experts in the Commission's work as required.

2. Each Contracting State shall appoint one member of its delegation as Chairman.

Article 4

1. The Commission shall meet in regular session once a year, as a rule in the autumn. In addition the Chairmen of the delegations may convene special sessions by agreement.

2. Unless otherwise agreed, the Commission shall meet in each of the two States alternately.

3. Each session shall be convened by the Chairman of the delegation of the Contracting State in which the session is to be held, in agreement with the Chairman of the delegation of the other Contracting State.

Article 5

1. The Chairmen of the two delegations shall confirm the agenda by prior agreement.

2. The agenda may be supplemented by agreement during the meetings.

Article 6

1. The meetings shall be presided over by the Chairman of the delegation of the Contracting State in whose territory the session is held.

2. The working languages of the Commission shall be Slovene or Serbo-Croat and German.

Article 7

1. The adoption of a conclusion by the Commission shall require the assent of at least three members of each delegation.

2. A record of the meetings shall be drawn up in two copies and signed by both Chairmen. The record shall be submitted to the Governments for approval.

Article 8

The conclusions of the Commission shall not affect the right of the Governments to take decisions. No conclusion of the Commission may be put into effect if either Government raises an objection. If no objection to a conclusion is raised by either Government within three months after its adoption by the Commission, the conclusion shall be regarded as approved by both Governments.

Article 9

The Chairmen of the delegations may also communicate with each other directly.

Article 10

Each Contracting State shall defray the expenses of its own delegation. Unless otherwise agreed, each Contracting State shall bear one-half of all other expenses.

Article 11

The Commission shall adopt its own rules of procedure in conformity with this Statute.

A N N E X II

Office :

No.

FRONTIER CARD

Name

Date of birth

Residence

Occupation

Identity card No.

Is hereby authorized to cross the State frontier into and from the neighbouring frontier zone at

(Frontier crossing points)

and to stay in the vicinity of the Mura and the frontier waters of the Mura in the communes of

This frontier card is valid until

Place and date of issue

[L.S.]

.....
(Signature)

Visaed by :
 At :
 Date :

[L.S.]

.....
 (Signature)

The validity of this frontier card is extended until
 Place and date :

Visaed by :
 At :
 Date :

[L.S.]

[L.S.]

.....
 (Signature)

.....
 (Signature)

NOTICE

1. The holder of a frontier card may cross the State frontier and return only at the frontier crossing points specified in the pass.

2. The holder of a frontier card may remain in the neighbouring frontier zone only within the area specified in the frontier card.

3. The holder of a frontier card must declare without delay to the authority which issued the card any change in the particulars shown in the frontier card.

4. All other matters shall be governed by the frontier traffic regulations in force between the Federal People's Republic of Yugoslavia and the Republic of Austria.

