

No. 14721

**AUSTRIA
and
SWITZERLAND**

**Agreement concerning navigation on the Old Rhine. Signed
on Lake Constance on 1 June 1973**

Authentic text: German.

Registered by Austria on 21 April 1976.

**AUTRICHE
et
SUISSE**

**Accord relatif à la navigation sur le Vieux Rhin. Signé sur
le lac de Constance le 1^{er} juin 1973**

Texte authentique : allemand.

Enregistré par l'Autriche le 21 avril 1976.

[TRANSLATION — TRADUCTION]

AGREEMENT¹ CONCERNING NAVIGATION ON THE OLD RHINE

The Republic of Austria and the Swiss Confederation,
Desiring, with respect to article 1, paragraph 3, of the Convention concerning navigation on Lake Constance of 1 June 1973,² to regulate navigation on the Old Rhine by means of an agreement and uniform shipping regulations,
Have agreed as follows:

SECTION I. GENERAL PROVISIONS

Article 1. This Agreement shall regulate navigation on the Old Rhine from its mouth to the Rheineck-Gaissau road bridge.

Article 2. (1) Subject to the provisions of this Agreement and of the regulations in force under article 5, navigation shall be open to all persons.

(2) The Contracting States shall accord equal treatment to all vessels which are entitled to operate under this Agreement and the regulations in force under article 5.

Article 3. At harbours and landing-stages open to general traffic, the simple docking of a vessel shall be free of charge. However, subject to the provisions of article 2, paragraph 2, charges may be imposed for special services rendered at such harbours or landing-stages.

Article 4. (1) The Contracting States shall ensure that navigation is not impeded by buildings and other artificial structures, or in any other way, to a greater extent than is unavoidable for the protection of other public interests. They shall inform each other concerning plans for new buildings and structures and the measures to be taken in connexion with their execution.

(2) The Contracting States shall jointly take the necessary measures to mark the fairway. The resulting costs shall be borne equally by the Contracting States.

SECTION II. UNIFORM SHIPPING REGULATIONS

Article 5. The Contracting States shall apply the regulations issued pursuant to the Convention concerning navigation on Lake Constance (shipping regulations). They may, where special local conditions so require, issue special regulations in application, *mutatis mutandis*, of article 5 of the Convention (special shipping regulations).

Article 6. Unless otherwise provided in the special shipping regulations, vessels which are allowed to operate on Lake Constance shall also be entitled to operate on the Old Rhine.

¹ Came into force on 1 January 1976, i.e., the first day of the second month following the month of the exchange of the instruments of ratification, which took place at Bern on 19 November 1975, in accordance with article 12 (1).

² See p. 51 of this volume.

Article 7. Unless otherwise provided in the special shipping regulations, any person who is allowed to operate a vessel on Lake Constance shall also be entitled to do so on the Old Rhine.

Article 8. Each Contracting Party may, in addition to the provisions of this section, issue special regulations for commercial shipping.

SECTION III. IMPLEMENTATION OF THE AGREEMENT

Article 9. (1) Each Contracting State shall enforce this Agreement, and the regulations in force under article 5, within its territory.

(2) Without prejudice to the provisions of paragraph 1, the agents of a Contracting State shall be entitled, on the stretch of the Rhine specified in article 1, to ascertain the facts and take other urgent action even in the territory of the other Contracting State if, especially in connexion with an accident, they observe occurrences which occasion strong suspicion of a serious infraction of shipping regulations, or in hot pursuit of a vessel involved in such an infraction. The arrest of persons shall not be permissible.

SECTION IV. FINAL PROVISIONS

Article 10. The Additional Protocol to the Convention concerning navigation on Lake Constance shall apply as a supplement to the provisions of this Agreement.

Article 11. This Agreement shall be ratified. The instruments of ratification shall be exchanged at Bern.

Article 12. (1) This Agreement is concluded for an indefinite period. It shall enter into force on the first day of the second month following the month in which the instruments of ratification are exchanged.

(2) This Agreement may be denounced in writing through the diplomatic channel. The denunciation shall take effect at the end of the following calendar year.

(3) In the event of denunciation of the Agreement, the Contracting States shall immediately enter into negotiations with a view to a new arrangement concerning navigation on the Old Rhine.

Pending the entry into force of a new arrangement, this Agreement shall continue to be applied.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto, have signed this Agreement.

DONE on Lake Constance on 1 June 1973, in two original copies in the German language.

For the Republic of Austria:

Dr. KARL FISCHER
Dr. ELMAR GRABHERR

For the Swiss Confederation:

DIEZ
