

No. 14868

FEDERAL REPUBLIC OF GERMANY
and
SWITZERLAND

**Treaty concerning navigation on the Untersee and the Rhine
between Konstanz and Schaffhausen. Signed on Lake
Constance on 1 June 1973**

Authentic text: German.

Registered by the Federal Republic of Germany on 21 July 1976.

RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE
et
SUISSE

**Accord relatif à la navigation sur le lac Inférieur et le Rhin
entre Constance et Schaffhouse. Signé au lac de Cons-
tance le 1^{er} juin 1973**

Texte authentique : allemand.

Enregistré par la République fédérale d'Allemagne le 21 juillet 1976.

[TRANSLATION — TRADUCTION]

**TREATY¹ BETWEEN THE FEDERAL REPUBLIC OF GERMANY AND
THE SWISS CONFEDERATION CONCERNING NAVIGATION
ON THE UNTERSEE AND THE RHINE BETWEEN KONSTANZ
AND SCHAFFHAUSEN**

The Federal Republic of Germany and the Swiss Confederation,

Desiring, bearing in mind article 1, paragraph 3, of the Convention of 1 June 1973² concerning navigation on Lake Constance, to replace the Treaty of 28 September 1867 between the Grand Duchy of Baden and Switzerland concerning navigation and harbour regulations for the Untersee and the Rhine between Konstanz and Schaffhausen by a new Treaty and uniform navigation regulations,

Have agreed as follows:

PART I. GENERAL PROVISIONS

Article 1. This Treaty shall govern navigation on the Untersee and the Rhine between Konstanz (road and railway bridges) and Schaffhausen (road bridge between Schaffhausen and Feuerthalen).

Article 2. (1) Subject to the provisions of this Treaty and the regulations in force under article 6, navigation shall be free for all.

(2) The Contracting States shall accord equal treatment to all vessels entitled to engage in navigation under this Treaty and the regulations in force under article 6.

Article 3. No charge shall be made for the mooring of a vessel at harbours and landing places designated for general navigation. However, fees shall be established for special services provided at such harbours and landing places, subject to the provisions of article 2, paragraph 2.

Article 4. The Contracting States shall ensure that navigation is impeded by structures and other installations or in any other way only to the extent unavoidable for the protection of other public interests. They shall keep each other informed concerning the planning of harbour and water works on and in the Rhine and shall reach agreement before the works are executed if the structures may impede navigation.

Article 5. The Contracting States shall jointly take the necessary measures to mark reaches in which the shipping channels are unstable. Each Contracting State shall bear half the cost of marking those stretches of water which form the frontier.

**PART II. UNIFORM NAVIGATION
REGULATIONS**

Article 6. The Contracting States shall adopt the regulations issued in pursuance of the Agreement concerning navigation on Lake Constance (navigation regula-

¹ Came into force on 1 January 1976, i.e., the first day of the second month following the month in which the instruments of ratification were exchanged (20 November 1975, at Bern), in accordance with article 15(1).

² United Nations, *Treaty Series*, vol. 1003, p. 51.

tions). They may, to the extent that specific local conditions so require, adopt special regulations (special navigation regulations) in application of the relevant provisions of article 5 of the Agreement.

Article 7. (1) Vessels shall be required, to the extent provided for by the regulations applicable under article 6, to hold an operating licence issued by the Contracting State competent under paragraph 2.

(2) The competent Contracting State for the issue of an operating licence for a vessel shall be that in which the vessel's usual home port is situated. If the vessel's home port is in neither of the Contracting States, the competent Contracting State shall be that in which the owner of the vessel has his normal residence. If neither of these conditions applies, either Contracting State shall be competent. The Contracting State which has issued the licence shall also be competent to amend or withdraw it.

(3) Each Contracting State may make the issue of an operating licence for a vessel conditional on the holding of liability insurance.

Article 8. (1) In so far as the regulations applicable under article 6 so provide, the master of a vessel shall be required to hold a licence issued by the Contracting State competent under paragraph 2.

(2) The competent Contracting State for the issue of a master's licence shall be that in which the applicant has his normal place of residence. If the applicant's normal place of residence is in neither Contracting State, either Contracting State shall be competent to issue the licence. The Contracting State which has issued the licence shall also be competent to amend or withdraw it.

Article 9. Operating licences for vessels, master's licences and other licences to be issued pursuant to the Agreement concerning navigation on Lake Constance and the navigation regulations of either of the States Parties to the Agreement shall also be valid for the purposes of this Treaty, unless otherwise provided for in the special navigation regulations.

Article 10. Each Contracting State may enact, in addition to the provisions of this Part, special regulations for the professional practice of navigation.

PART III. IMPLEMENTATION OF THE TREATY

Article 11. (1) Each Contracting State shall implement this Treaty and the regulations applicable, in accordance with article 6, to its territory.

(2) Notwithstanding paragraph 1, the authorities of each Contracting State shall have the right, on the parts of the stretch of the Rhine between Konstanz and Schaffhausen that form the frontier, to ascertain the facts concerning an event and take other urgent measures in the territory of the other Contracting State if, especially in connexion with an accident, circumstances provide good reasons for suspecting a serious violation of navigation regulations, and to pursue a vessel involved in such a violation. The arrest of persons shall not be permitted.

(3) The authorities of a Contracting State shall also have the right to take the measures referred to in paragraph 2 on Lake Constance if designated in a request by the other Contracting State on its territory, particularly for the purpose of traffic control or in connexion with special events.

PART IV. FINAL PROVISIONS

Article 12. The Additional Protocol to the Agreement concerning navigation on Lake Constance shall supplement the provisions of this Treaty.

Article 13. This Treaty shall apply also to the *Land Berlin*, unless the Government of the Federal Republic of Germany declares otherwise to the Government of the Swiss Confederation within three months of the entry into force of the Treaty.

Article 14. This Treaty shall be subject to ratification. The instruments of ratification shall be exchanged at Bern.

Article 15. (1) This Treaty 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 Treaty may be denounced in writing through the diplomatic channel. The notice of denunciation shall take effect on the expiry of the calendar year following its issue.

(3) In the event of denunciation of the Treaty the Contracting States shall immediately enter into negotiations concerning new regulations for navigation on the Untersee and the stretches of the Rhine between Konstanz and Schaffhausen. This Treaty shall continue to apply until the new regulations enter into force.

Article 16. (1) On the entry into force of this Treaty all earlier agreements, protocols and other arrangements concerning the regulation of navigation on the Untersee and the stretches of the Rhine between Konstanz and Schaffhausen shall cease to have effect, particularly the Treaty of 28 September 1867 between the Grand Duchy of Baden and Switzerland concerning navigation and harbour regulations for the Untersee and the Rhine between Konstanz and Schaffhausen, the Schaffhausen Protocol of 13 May 1893 and the further Arrangements of 10 November 1899, 6 January 1900, 16/18 June 1915, 26/27 April 1927 and 8 December 1933.

(2) The Contracting States shall continue, until such time as the navigation regulations enter into force but no longer than three years after the entry into force of this Treaty, to apply existing navigation regulations adopted in pursuance of the agreements, protocols and arrangements referred to in paragraph 1, and the agreements, protocols and arrangements themselves, to the extent that they embody navigation regulations.

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

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

For the Federal Republic of Germany:

FRANK

For the Swiss Confederation:

DIEZ