

No. 29499

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**FEDERAL REPUBLIC OF GERMANY  
and  
HUNGARY**

**Agreement concerning inland navigation (with protocol  
signed at Budapest on 12 December 1986). Signed at  
Budapest on 15 January 1988**

*Authentic texts: German and Hungarian.*

*Registered by Germany on 28 January 1993.*

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**RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE  
et  
HONGRIE**

**Accord relatif à la navigation intérieure (avec protocole signé  
à Budapest le 12 décembre 1986). Signé à Budapest le  
15 janvier 1988**

*Textes authentiques : allemand et hongrois.*

*Enregistré par l'Allemagne le 28 janvier 1993.*

## [TRANSLATION — TRADUCTION]

AGREEMENT<sup>1</sup> BETWEEN THE GOVERNMENT OF THE FEDERAL  
REPUBLIC OF GERMANY AND THE GOVERNMENT OF THE  
HUNGARIAN PEOPLE'S REPUBLIC CONCERNING INLAND  
NAVIGATION

The Government of the Federal Republic of Germany and the Government of the Hungarian People's Republic,

Desiring to further develop reciprocal inland shipping,

Mindful of the Final Act of the Conference on Security and Cooperation in Europe,<sup>2</sup> particularly its provisions on the development of transport,

Have agreed as follows:

*Article 1*

For the purposes of this Agreement:

(a) "Vessels" means, within the purview of this Agreement, officially registered inland vessels that may be operated as a passenger or freight carrier service where they are registered, without special authorization;

(b) "Carrier-ship lighters" means vessels under the provisions of paragraph (a), which are unmanned and non-motorized lighters;

(c) "Shipping lines" means shipping enterprises or entrepreneurs whose permanent establishments or headquarters fall within the purview of this Agreement;

(d) "Competent authorities" means, in the case of the Federal Republic of Germany, the Federal Minister of Transport and, in the case of the Hungarian People's Republic, the Minister of Transport, unless they inform one another that other authorities are competent;

(e) "Ports" means officially authorized ports and transshipment points within the purview of this Agreement.

*Article 2*

Within the purview of this Agreement, vessels may use the inland waterways, ports and officially authorized stopover sites in accordance with articles 3 to 6. This shall also apply, *mutatis mutandis*, for the transport of floating apparatuses and equipment as well as recently constructed vessels.

*Article 3*

(1) The vessels of the two sides may transport passengers and/or freight through the territory of the other side on the sectors of the waterways agreed upon by the competent authorities on the basis of a proposal from the Joint Committee (article 14) (transit traffic).

<sup>1</sup> Came into force on 31 January 1990, the date on which the Contracting Parties notified each other (on 16 January 1989 and 31 January 1990) of the completion of the domestic requirements, in accordance with article 18 (2).

<sup>2</sup> *International Legal Materials*, vol. XIV (1975), p. 1292 (American Society of International Law).

(2) If one of the sides requests, the competent authorities may, on the basis of a proposal by the Joint Committee, agree upon proportional participation by the shipping lines of the two sides in freight transport in accordance with paragraph 1. This shall be done in particular if the vessels of one side are excluded from such freight transport.

(3) After consultation in the Joint Committee, each side may, in exceptional cases for technical reasons or reasons relating to security of navigation, establish maximum quotas of runs for transit traffic on their waterways.

#### *Article 4*

(1) The vessels of the two sides may carry passengers and/or freight between ports of one side and ports of the other side and vice versa on the inland waterways that link them (reciprocal traffic).

Hungarian vessels may carry passengers and/or freight only between a Hungarian port and one of the following ports of the other side or vice versa:

(a) A seaport;

(b) A port situated on the direct route to a seaport;

(c) A port which has been designated by the competent authorities pursuant to a proposal by the Joint Committee.

(2) After consultation in the Joint Committee, each side may, in exceptional cases for technical reasons or for reasons relating to security of navigation, establish maximum quotas of runs for reciprocal traffic on their waterways.

(3) In respect of reciprocal traffic, the shipping lines of the two sides shall on a regular basis over the course of the year, each take on one half of the cargo load. Apportionment shall be based on tonnage. If the shipping lines of one side are unable to transport their share, they shall then offer that amount to the shipping lines of the other side for transport without including it in the latter's quota.

(4) Notwithstanding paragraph 3, another apportionment of the cargo load between the shipping lines of the two sides may be carried out for Hungarian overseas export and import traffic through seaports of the Federal Republic of Germany.

(5) Upon the request of one of the sides, the competent authorities of the two sides shall, taking into account the proposal by the Joint Committee, reach an agreement binding on the two sides concerning economically appropriate minimum/maximum freight tariffs and related terms.

(6) Participation by vessels from third countries in traffic between the ports of the two sides shall be included in the quota of the supplying side.

#### *Article 5*

The vessels of the two sides may transport passengers and/or freight between a port of the other side and a port in a third country (third-country traffic) and vice versa only on the basis of special authorization by the competent authority.

#### *Article 6*

The transport of passengers and/or freight between ports of the other side (coastal shipping) shall be permitted only on the basis of special authorization by the competent authority.

### Article 7

(1) Vessels, their crews, passengers and cargoes shall be subject to the legislation of the side whose inland waterways are being navigated. The following exceptions shall apply:

(a) On the Danube, the certification of competency for the crew (including the captain) issued at the time by the other side and the vessel's certificate shall be recognized;

(b) For navigation on the other inland waterways — with the exception of the Rhine, the Mosel and sea navigation lanes — the competent authorities shall issue the documents and certificates prescribed in their country upon presentation of the documents and certificates acquired in the territory of the other side for the vessel and its crew and cargo (e.g. the vessel's certificate and the shipmaster's certificate), it being understood that the documents and certificates shall be issued in the territory of one side under conditions that are compatible with the regulations in force in the territory of the other side.

(2) Vessels may transport hazardous freight only if they are in possession of the prescribed valid admission certificate for the waterway in question.

### Article 8

When vessels of the other side avail themselves of the traffic rights granted to them under articles 2 and 6, they shall be treated by the Contracting Parties in the same manner as vessels of their own side, particularly with regard to:

(a) The levying of public shipping and port charges;

(b) The use of public port installations, berths, locks and similar navigation facilities;

(c) Clearance by the competent authorities;

(d) The provision of fuel and lubricants.

### Article 9

The Contracting Parties shall accord the same treatment to the vessels of the other side in respect of the customs clearance of food supplies and ship provisions transported on board as that accorded to vessels of their own side. This shall also apply to the fuel and lubricants to be used on the vessels.

### Article 10

(1) The shipping lines of the two sides may establish agencies to look after vessels and crews in the territory of the other side in accordance with the legislation in force there and with the authorization of the competent authority on the basis of reciprocity.

(2) The shipping lines of the two sides may conclude agreements with one another on operational, technical and commercial cooperation in order to enhance the economic efficiency of their trade.

### Article 11

Each Contracting Party shall accord the shipping lines of the other side the right to transfer freely and to transmit free of duty to the headquarters of such enterprises

the balance between the income and expenditures of their operations. The transfer shall be carried out on the basis of the official exchange rates within the customary period of time.

#### *Article 12*

(1) The crew members of vessels of the two sides shall require a travel document and a residence permit in the form of a visa in order to cross the frontier.

(2) Freight vessels may carry only crew members. The spouses and unmarried under-age children of crew members may enter and leave the territory of the other side together with them if they have in their possession one of the documents referred to in paragraph 1 and a visa. The names of children under the age of 16 may be entered on the travel document of one of their parents.

(3) On the Danube, crew members of vessels of the two sides shall not require a visa in order to cross the frontier and reside on board and in the port areas of ports situated on the Danube if they have in their possession a Danube sailor's identity card or a sailor's official passport and are registered on the list of crew members. The same shall also apply for family members of crew members whose names are entered on the Danube sailor's identity card or sailor's official passports.

(4) All the persons on board referred to in paragraphs 1 to 3 shall be registered on a list of the vessel's crew.

(5) The two sides shall exchange samples of the documents indicated in paragraphs 1 and 3.

(6) If the legislation of either side concerning the entry and residence of aliens contains more favourable regulations, such regulations shall take precedence.

#### *Article 13*

(1) The vessels of the two sides may stop at the following places day or night:

- (a) Loading and unloading ports;
- (b) Ports situated en route, including frontier ports;
- (c) Places en route authorized under traffic regulations.

(2) In case of damage, an accident, a serious illness affecting a person on board or for other reasons which make it impossible to continue the journey, vessels may stop at any suitable place. In such cases, the vessel's captain or a person authorized by him shall immediately inform the nearest frontier, customs or police authority.

(3) The competent authorities of the two sides shall provide immediate assistance in cases of damage or accidents in which vessels or persons of the other side are involved. This shall also apply to illnesses which require immediate medical assistance.

(4) In cases of serious damage or accidents involving vessels or persons of one side in the territory of the other side, the side in whose territory the incident takes place shall immediately notify the other side about it, take the necessary steps to investigate the causes of the incident and inform the other side about the results of the investigation, and transmit the reports that are necessary for settlement of claims.

### Article 14

(1) In order to carry out and monitor the implementation of this Agreement, a Joint Committee shall be established, which shall meet at least once annually, alternately in the territory of one of the sides. The competent authorities shall send three members to serve on the Committee. Experts may be called in to its deliberations. The Joint Committee shall establish its own rules of procedure. The competent authorities of the two sides shall alternately assume chairmanship of the Committee.

(2) It shall be the task of the Joint Committee, in particular, to:

(a) Submit proposals to the competent authorities for:

- Establishing transit waterways (art. 3, para. 1),
- Ensuring proportional participation (art. 3, para. 2),
- Identifying inland ports (art. 4, para. 1 (c)),
- Fixing minimum/maximum freight tariffs and related terms (art. 4, para. 5),
- Adapting this Agreement to the development of inland navigation and dealing with all questions that arise from its implementation,
- Authorizing vessels from third countries to engage in reciprocal traffic;

(b) Conduct consultations on possibilities for establishing maximum quotas of runs for transit traffic (art. 3, para. 3) and in reciprocal traffic (art. 4, para. 2);

(c) Conduct statistical surveys of the traffic engaged in by the vessels of the two sides;

(d) Monitor compliance with agreements concluded under article 14, paragraph 2 (a), and the implementation of articles 8, 9 and 10; and

(e) Apportion, if necessary, freight among the shipping lines of the two sides in accordance with article 4, paragraphs 3 and 4, and supervise the apportionment of cargoes.

(3) The minimum/maximum freight tariffs and related terms, on which the Joint Committee has agreed, shall be submitted by the Committee to the competent authorities for approval. The competent authorities shall agree on the implementation of decisions by the Joint Committee and shall promptly inform each other when they enter into force under domestic legislation.

(4) The agreements provided for on the basis of proposals made in accordance with paragraphs 2 (a) and 3 of this article shall enter into force when the competent authorities notify each other within two weeks of their acceptance of the proposals submitted to them by the Joint Committee.

(5) If agreement cannot be reached in the Joint Committee, the representatives of the competent authorities shall, at the request of either Contracting Party, meet within four weeks to hold consultations.

### Article 15

The competent authorities shall transmit to the Joint Committee, upon its request, the documents that it requires in order to discharge its functions under article 14.

*Article 16*

Sports boats of the two sides may use the inland waterways within the scope of this Agreement in accordance with the applicable domestic legislation.

*Article 17*

Pursuant to the Quadripartite Agreement of 3 September 1971,<sup>1</sup> this Agreement shall also apply to Berlin (West) in accordance with established procedures.

*Article 18*

(1) This Agreement shall be concluded for an indefinite period.

(2) This Agreement shall enter into force as soon as the Contracting Parties inform each other in writing through the diplomatic channel that the domestic requirements for the entry into force of the Agreement have been fulfilled.

(3) This Agreement may be denounced by either Contracting Party in writing through the diplomatic channel six months prior to the end of a calendar year. In that case, it shall cease to have effect at the end of such calendar year.

DONE at Budapest, on 15 January 1988, in two originals, in the German and Hungarian languages, both texts being equally authentic.

For the Government  
of the Federal Republic of Germany:

Dr. H. C. STEGER

JÜRGEN WARNKE

For the Government  
of the Hungarian People's Republic:

URBAN LAJOS

<sup>1</sup>United Nations, *Treaty Series*, vol. 880, p. 115.

## PROTOCOL

On the occasion of the conclusion of negotiations on the Agreement between the Government of the Federal Republic of Germany and the Government of the Hungarian People's Republic concerning inland navigation, the delegations of the Federal Republic of Germany and the Hungarian People's Republic declare:

1. *Traffic rights*

In order to ensure consistent implementation of the Agreement, the two sides have agreed to proceed on the basis of the following substantive understanding concerning traffic rights:

(1) Reciprocal traffic means the transport of passengers and/or freight by a vessel of one side from the territory of that side into the territory of the other side only on those inland waterways which link the two sides.

(2) Transit traffic means the transport of passengers and/or freight by a vessel of one side on inland waterways through the territory of the other side without receiving or discharging passengers or loading or unloading freight along the way.

(3) Third-country traffic means the transport of passengers and/or freight by a vessel of one side from a third country into the territory of the other side or vice versa.

(4) Coastal shipping means the transport of passengers and/or freight by a vessel of one side between loading and unloading wharfs on the inland waterways of the other side.

In determining which traffic right is in question, the transport service being provided by the vessel involved, not the origin or destination of the freight, shall be the decisive criterion.

2. Both sides agree that the Joint Committee, in its proposals for establishing the sectors of the waterways in accordance with article 3, paragraph 1, shall take care to ensure that transit traffic can be conducted as economically as possible.

3. There is agreement that, with regard to the transport of transit freight — originating or terminating in ports of one side — the particular economic interests of the side whose vessels are engaged in the transport shall be taken into consideration.

4. For transit traffic which neither begins nor ends in the territory of the two sides, proportional participation by shipping lines of the two sides shall be agreed on upon the request of one of the sides and on the basis of a proposal by the Joint Committee.

5. In respect of article 4, paragraph 4, of the Agreement, the two sides agree that the Joint Committee, in undertaking this task, may carry out a more favourable apportionment of the cargo load taking into the account the interests of the Hungarian side as a landlocked country.

6. In respect of the limits provided for under article 3, paragraph 3, and article 4, paragraph 2, there is agreement that, with regard to freight and passenger traffic, all shipping involved in such traffic shall be dealt with according to the same criteria. Any restrictions shall be announced as promptly as possible.



7. The two sides declare: the status of waterways in Berlin (West) is not a subject of the Agreement. The Government of the Hungarian People's Republic confirms in this connection that the provisions of this Agreement shall apply to Hungarian vessels in Berlin (West).

Budapest, 12 December 1986.

For the Delegation  
of the Federal Republic of Germany:

PH. NAU

For the Delegation  
of the Hungarian People's Republic:

BÁNHALMI

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