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No. 6315

HUNGARY
and
AUSTRIA

Treaty (with annexes) concerning the regulation of water economy questions in the frontier region. Signed at Vienna, on 9 April 1956

Official texts: Hungarian and German.

Registered by Hungary on 27 September 1962.

HONGRIE
et
AUTRICHE

Convention (avec annexes) réglementant les questions d'hydro-économie dans la zone frontière. Signée à Vienne, le 9 avril 1956

Textes officiels hongrois et allemand.

Enregistrée par la Hongrie le 27 septembre 1962.

[TRANSLATION — TRADUCTION]

No. 6315. TREATY¹ BETWEEN THE HUNGARIAN PEOPLE'S REPUBLIC AND THE REPUBLIC OF AUSTRIA CONCERNING THE REGULATION OF WATER ECONOMY QUESTIONS IN THE FRONTIER REGION. SIGNED AT VIENNA, ON 9 APRIL 1956

The Presidential Council of the Hungarian People's Republic and the Federal President of the Republic of Austria have decided to regulate water economy questions in the frontier region which concern both countries—in particular the planning and construction of hydraulic works, including their maintenance, on the waters of the frontier region—and to conclude a Treaty for that purpose.

They have appointed as their plenipotentiaries :

The Presidential Council of the Hungarian People's Republic :

Mr. Imre Dégen, Director of the National Water Administration;

The Federal President of the Republic of Austria :

Mr. Edmund Hartig, Head of Section in the Federal Ministry of Agriculture and Forestry,

who, having exchanged their full powers, found in good and due form, have concluded the following Treaty :

Article 1

SCOPE OF THE TREATY

The Treaty shall apply to :

1. Frontier waters, i.e. :
 - (a) Those sectors of bodies of water which form the frontier between Hungary and Austria or along which the frontier runs (frontier waters in the restricted sense);
 - (b) Bodies of water which intersect the frontier and those situated in the frontier region, i.e., in the territory of either country within six kilometres of the frontier.
2. Hydraulic structures and installations situated in the frontier region (sub-paragraph 1).

¹ Came into force on 31 July 1956 by the exchange of the instruments of ratification at Budapest, in accordance with article 22.

3. Those sectors of watercourses and those hydraulic structures and installations which are enumerated in annex I¹ of this Treaty or are designated at some future time by the Hungarian-Austrian Water Commission (article 12).

Article 2

GENERAL OBLIGATIONS

1. Each Contracting Party undertakes to refrain from unilaterally—without the consent of the other Contracting Party—carrying out any measures or works on frontier waters (article 1, sub-paragraph 1) which would adversely affect water conditions in the territory of the other Contracting Party. Consent may be refused only if the grounds for such refusal are duly set forth.

2. The obligations defined in the preceding paragraph shall not, however, apply to measures or works of local significance which have no adverse effects in the territory of the other Contracting Party.

3. The obligation defined in paragraph 1 shall also apply to the sectors of watercourses and the hydraulic structures and installations specified in article 1, sub-paragraphs 2 and 3.

4. The Contracting Parties further undertake to discuss in the Commission (article 12), before instituting a proceeding for the grant of water rights, any measures or works which it is intended to carry out on waters situated near the frontier but outside the region defined in article 1. The Commission shall, wherever possible, bring about agreement on such matters. Where no agreement is reached, the procedure described in article 16, paragraph 2, shall be followed.

5. The Contracting Parties shall have the use—without prejudice to acquired rights—of half of the natural water yield, not increased by artificial means, of frontier waters in the restricted sense (article 1, sub-paragraph 1 (*a*)).

6. The State situated upstream on a watercourse which intersects the frontier shall not be entitled to decrease the natural minimum water flow into the territory of the other State, as determined by the Commission, by more than one-third.

7. In order to prevent the pollution of frontier waters, the Contracting Parties shall endeavour to ensure that factories, mines, industrial plants and similar installations, as well as residential communities, drain waste water into the said waters only after suitable purification. When new installations of that nature are built, they shall be required to take appropriate measures to purify waste water.

¹ See p. 166 of this volume.

Article 3

MAINTENANCE REQUIREMENT

The Contracting Parties undertake to maintain in good condition the waters, hydraulic structures and installations specified in article 1 and to make any necessary repairs or improvements in them.

Article 4

PERFORMANCE OF MAINTENANCE WORK

1. Each Contracting Party shall be responsible for the maintenance of frontier waters situated in its territory and of their regulatory installations and other hydraulic structures.

2. Each Contracting Party shall also be responsible for the maintenance of hydraulic structures, watercourses and canals situated in its territory which serve the interests of the other Contracting Party and have been constructed on the basis of a grant of water rights or by separate agreement.

3. The cleaning of the beds and banks of frontier waters, to be carried out annually as necessary, shall as a general rule be carried out by each Contracting Party in its own territory. The Commission shall establish joint procedures for the execution of such works, especially in frontier sectors, and shall determine each year whether cleaning is necessary.

Article 5

PLANNING

1. Plans for hydraulic construction work shall be prepared on the basis of general directives to be established by the Commission.

2. The Contracting Party concerned shall prepare the plans for hydraulic construction work to be executed in its own territory. Plans for hydraulic construction work to be executed in the territory of both Contracting Parties shall be prepared by the Contracting Party designated by the Commission.

3. The Commission shall ensure that the Contracting Parties provide each other with any data required for planning or that the co-operation necessary for planning takes place in some other suitable manner.

Article 6

EXECUTION OF WORKS

1. Regulatory and other hydraulic works shall, as a general rule, be executed by each Contracting Party in its own territory.

2. Decisions concerning the execution of works—including major maintenance work—whose cost is to be borne in part by the other Contracting Party shall be made by the Commission.

3. In the case of works which are to be executed in the territory of both Contracting Parties but which for technical or economic reasons cannot be executed independently by the Contracting Parties, the method of execution shall be determined by the Commission.

Article 7

COSTS

1. Each Contracting Party shall bear the costs of the planning and execution of regulatory and other hydraulic works which are to be executed in its territory for its exclusive benefit.

2. The costs of the planning and execution of hydraulic works from which both Contracting Parties are to derive benefit shall be borne by the Contracting Parties in proportion to the benefit each is to derive therefrom, regardless of whether the works are executed in the territory of only one Contracting Party or in the territory of both.

3. All costs connected with the planning and execution of hydraulic works which are to be executed in the territory of one Contracting Party for the exclusive benefit of the other Contracting Party shall be borne by the latter Contracting Party.

4. Costs of execution shall include costs of surveying, transport of materials and management of construction.

5. The provisions of paragraphs 1-3 shall also apply in respect of costs connected with maintenance and operation of hydraulic installations.

6. Liability for costs whose apportionment is not otherwise regulated shall be determined by the Commission in accordance with the basic principles established in the preceding paragraphs.

7. Liability for the costs of work done on the watercourse and installations enumerated in annex II¹ of this Treaty shall be governed by the apportionment ratios specified in that annex, provided that the said ratios do not conflict with the basic principles established in paragraphs 1-3 and that there has been no essential change in existing water conditions.

Article 8

REFUNDING OF COSTS

1. Accounts concerning the cost of hydraulic works executed for the benefit of both Contracting Parties or executed by one Contracting Party exclusively

¹ See p. 166 of this volume.