

No. 7811

**CZECHOSLOVAKIA
and
POLAND**

Agreement concerning the use of water resources in frontier waters (with annex). Signed at Prague, on 21 March 1958

Official texts: Czech and Polish.

Registered by Czechoslovakia on 11 June 1965.

**TCHÉCOSLOVAQUIE
et
POLOGNE**

Accord relatif à l'hydro-économie des eaux frontières (avec annexe). Signé à Prague, le 21 mars 1958

Textes officiels tchèque et polonais.

Enregistré par la Tchécoslovaquie le 11 juin 1965.

[TRANSLATION—TRADUCTION]

No. 7811. AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE CZECHOSLOVAK REPUBLIC AND THE GOVERNMENT OF THE POLISH PEOPLE'S REPUBLIC CONCERNING THE USE OF WATER RESOURCES IN FRONTIER WATERS. SIGNED AT PRAGUE, ON 21 MARCH 1958

The Government of the Czechoslovak Republic and the Government of the Polish People's Republic, endeavouring to strengthen friendly co-operation and mutual assistance between the two States still further, have decided to conclude this Agreement and have for that purpose appointed as their plenipotentiaries :

The Government of the Czechoslovak Republic :

Dr. Čestmír Štoll, Chairman of the Central Water Resources Administration;

The Government of the Polish People's Republic :

Mr. Janusz Grochulski, Under-Secretary of State in the Ministry of Shipping and Water Resources,

who, having exchanged their full powers found in good and due form, have agreed on the following provisions :

Article 1

This Agreement shall govern questions relating to the use of water resources in frontier waters.

Article 2

(1) For the purposes of this Agreement, the term " frontier waters " means :

- (a) Sections of watercourses along which the frontier between the two States runs and bodies of standing water intersected by the State frontier;
- (b) Surface and ground waters flowing from the territory of one State to the territory of the other, at those places where they are intersected by the State frontier.

(2) For the purposes of this Agreement, the term " questions relating to the use of water resources " refers, in particular to :

¹ Came into force on 7 August 1958, by an exchange of diplomatic notes signifying the approval of the Agreement by both Contracting Parties pursuant to their legislation, in accordance with article 14.

- (a) Technical and economic measures which bring about any change in the water régime, such as the regulation of watercourses and the building-up of vegetation cover, construction of reservoirs and flood-control dams, land reclamation and improvement affecting water resources, provision of water supply, utilization of hydraulic energy and construction relating to shipping and floating;
- (b) Discharge of flood waters, drifting of ice, pollution abatement, and conservation of natural resources in relation to the water economy.

Article 3

(1) Neither Contracting Party may, without the consent of the other Contracting Party, carry out any works in frontier waters which may affect the latter Party's water economy.

(2) The Contracting Parties shall come to agreement on the amount of water to be taken from frontier waters for domestic, industrial, power generation and agricultural requirements and on the discharge of waste water.

(3) The Contracting Parties shall come to an agreement in each particular case on what runoff ratios are to be preserved in frontier waters.

(4) The Contracting Parties have agreed to abate the pollution of frontier waters and to keep them clean to such extent as is specifically determined in each particular case in accordance with the economic and technical possibilities and requirements of the Contracting Parties.

(5) When installations discharging polluted water into frontier waters are constructed or reconstructed, treatment of the waste water shall be required.

Article 4

The Contracting Parties shall co-operate with and assist each other in drawing up joint comprehensive plans for water resources development in areas where the interests of the two States in such development coincide or interact.

Article 5

(1) The Contracting Parties shall come to agreement, within the framework of their economic plans, on the terms, type and method of financing of river training works and water-use structures and facilities on frontier waters, and on the operation and maintenance of such works, structures and facilities and their protection against floods.

(2) The Contracting Parties shall come to agreement on the manner in which projected works are to be carried out. The execution of works or portions thereof, including the preparation of plans and cost estimates, and the supply of materials, equipment and labour may be entrusted to one or both of the Contracting Parties. The Contracting Parties may also come to agreement on the manner in which the work is to be supervised. Where necessary, the Contracting Parties shall make construction site areas available to each other.

Article 6

(1) The Contracting Parties may utilize the entire width of frontier water-courses for the floating of timber.

(2) The floating of timber must not cause any damage to the water-use structures and facilities or to other structures of the other Contracting Party.

Article 7

Permission for the use of frontier waters and for the extraction of sand, gravel, stone or other materials from the beds of frontier watercourses shall be granted by the Contracting Parties in accordance with their legal provisions and under conditions agreed upon between them.

Article 8

(1) The Contracting Parties shall :

- (a) Exercise control over work carried out under this Agreement, over the diversion of water and over the extraction of material from stream beds, and shall inspect the quality of the water;
- (b) Provide each other, to the extent agreed upon, with information on observations that have been made, on the results of hydrographic measurements and on relevant hydrological research;
- (c) Provide each other with reports on high water, drifting ice and other hazards, and notify each other of water-level forecasts based on water gauges specified by agreement between them;
- (d) Exchange the texts of important legal provisions relating to the use of water resources.

(2) The Contracting Parties shall, where necessary, come to agreement on what joint steps are to be taken for the elimination or reduction of danger in the event of floods or drifting ice and on how the costs thereby incurred are to be met.

Article 9

(1) In order that the tasks arising out of the provisions of this Agreement may be carried out, each Contracting Party shall appoint a plenipotentiary and

his deputy. The plenipotentiaries may also agree on special arrangements for giving effect to this Agreement (article 3, paragraphs (2) to (4); article 5; article 7; and article 8, paragraphs (1) (c) and (2)).

(2) Meetings of the plenipotentiaries shall be held alternately in the Czechoslovak Republic and in the Polish People's Republic as a rule once a year.

(3) Meetings shall be convened and conducted by the plenipotentiary of the Contracting Party in whose territory they are held.

(4) The plenipotentiaries or their deputies may call in advisers to take part in the meetings.

(5) Proposals adopted by the plenipotentiaries and the special arrangements referred to in paragraph (1) shall not be binding until they have been approved in accordance with the law of each Contracting Party. The plenipotentiaries shall notify each other of such approval.

(6) A record of each meeting shall be prepared in duplicate in the languages of the Contracting Parties.

(7) The costs incurred in holding a meeting shall be met by the Contracting Party in whose territory the meeting is held, and the personal expenses of the participants in a meeting shall, as a rule, be met by each Contracting Party in respect of its representatives.

Article 10

The Contracting Parties shall inform each other concerning the authorities competent to carry out the tasks arising out of this Agreement. The said authorities may communicate with each other directly in giving effect to this Agreement; each authority shall use its own language in written communications.

Article 11

(1) Persons engaged in river-training work, in the maintenance and supervision of water-use structures and facilities, in measurement activities and in other activities provided for in this Agreement may cross the State frontier, subject to the conditions specified in the annex to this Agreement.

(2) Building materials, tools and instruments required for work on frontier waters and items for the personal use of the workers shall be exempt when transported across the State frontier from import and export permit requirements and from customs duties and other charges.

(3) The tools and instruments and any unused building materials and unconsumed items of personal use shall be brought back after the work is completed.

Article 12

The Contracting Parties may use the entire width of the frontier sections of the Dunajec and Poprad rivers for the transport of tourists, subject to the conditions specified in the annex to this Agreement.

Article 13

(1) Upon the entry into force of this Agreement, the Convention between the Czechoslovak Republic and the Polish Republic concerning the improvement of the rivers Olsa and Petruvka, signed at Katowice on 18 February 1928,¹ shall cease to have effect. Its provisions shall, however, apply in respect of the execution of joint works on the Olsa and Petruvka rivers until 31 December 1958.

(2) Financial and other obligations arising out of works carried out under the Convention referred to in paragraph (1) shall be liquidated not later than 31 December 1959.

Article 14

This Agreement shall be subject to approval in accordance with the law of each Contracting Party. It shall enter into force on the date of the exchange of notes stating that it has been approved.

Article 15

This Agreement is concluded for a period of five years. It shall be extended for additional periods of five years unless it is denounced by either Contracting Party not less than six months before the expiry of the current five-year period.

DONE at Prague, on 21 March 1958, in duplicate in the Czech and Polish languages, both texts being equally authentic.

For the Government
of the Czechoslovak Republic :
ŠTOLL

For the Government
of the Polish People's Republic :
GROCHULSKI

¹ League of Nations, *Treaty Series*, Vol. C, p. 273.

A N N E X

Article 1

(1) Persons engaged in river-training work, in the maintenance and supervision of water-use structures and facilities, in measurement activities or in any other activity pursuant to the Agreement may, for the purpose of performing their official duties, cross the State frontier on the basis of a pass conforming to the attached model.

(2) The authorities competent to issue passes and the procedure for the issuance thereof shall be determined by the law of each Contracting Party.

(3) Passes shall be issued for the duration of the work, but only for a period not exceeding six months.

Article 2

(1) A pass shall entitle the holder to be present in the territory of the other Contracting Party within a distance, as a rule, of 500 metres from the frontier line. This distance may be modified in justifiable cases.

(2) The holders of passes shall not ordinarily be permitted to be present in the territory of the other Contracting Party at night. If work must be done at night, this fact must be notified to the local frontier authorities.

Article 3

(1) The persons referred to in article 1 shall, at each crossing of the State frontier, produce their passes to the frontier authorities of both Contracting Parties for purposes of verification.

(2) If the State frontier is crossed several times during a single day, verification shall be effected only on the occasion of the first and the last crossing.

Article 4

Loss of a pass shall be notified to the frontier authorities of the Contracting Parties without delay. A lost pass shall become invalid. The competent frontier authorities shall so notify the frontier authorities of the other Contracting Party.

Article 5

Before any work or other activity in frontier waters is begun, the authorities conducting such work or activity shall inform the competent frontier authorities concerning the place, time of commencement and time of completion of such work or activity. The competent frontier authorities shall forthwith transmit such information to the frontier authorities of the other Contracting Party.

Article 6

The entire width of the frontier sections of the Dunajec and Poprad rivers may be used for the transport of tourists, subject to the following conditions :

- (a) Such transport may be effected only during the day; trips may begin and end only at the places designated by the frontier authorities;
- (b) Landing on the other Contracting Party's bank shall, as a rule, be prohibited; the frontier plenipotentiaries of the Contracting Parties may, however, designate places at which landing on the other Contracting Party's bank shall be permitted.

Article 7

Landing on the other Contracting Party's bank shall be permitted in case of imminent danger. In such event, however, the nearest frontier authorities shall be notified at once.

Article 8

(1) Persons engaged in the business of transporting tourists must possess a pass as provided in article 1.

(2) Such persons may navigate their vessels in the territory of the other Contracting Party, subject to the provisions of articles 2 and 3.

(3) The frontier plenipotentiaries of the Contracting Parties shall designate the routes along which the vessels are to be navigated.

MODEL

Page 1

CZECHOSLOVAK REPUBLIC
(POLISH PEOPLE'S REPUBLIC)

P A S S

for crossing the State frontier between the Czechoslovak Republic
and the Polish People's Republic

Pass number

[SEAL OF THE AUTHORITY ISSUING THE PASS]

Page 2

Surname :

Given name :

Date and place of birth :

Occupation (function) :

Permanent address :

Description

[PHOTOGRAPH, 4 × 4 cm]

Height :
 Complexion :
 Hair :
 Eyes :
 Distinguishing features :

Signature of holder

.....

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The holder of this pass is authorized to cross the State frontier

For the purpose of :

At the following point or in the following section :

And is entitled to be present at or in :

Period of validity of pass :

Seal and signature of authority issuing the pass :

Date of issue :

Visaed by the authorities of the other Party :

On (date) :

[SEAL]

Signature

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Official remarks :

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Instructions

1. The holder of this pass is required :

- (a) To observe the laws in force in the State in whose territory he is present;
- (b) To leave the territory of the other State without delay upon completion of the work;
- (c) To travel to the place of work and back by the shortest route;
- (d) To notify the competent frontier authorities each time he crosses the State frontier and to abide strictly by their instructions;

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- (e) To notify the nearest frontier authorities within twenty-four hours if the pass is lost or destroyed;
 - (f) To return the pass within three days to his place of employment upon completion of the work in connexion with which the pass was issued;
 - (g) To deposit the pass at his place of employment if the work is interrupted for a fairly long period.
2. The holder of this pass is authorized, when he crosses the State frontier, to take with him the following items, which shall be exempt from export and import permit requirements and from customs duties and other charges :
- (a) Items necessary for the performance of the work, on condition that they are used up or brought back;
 - (b) Food items and tobacco products for his own use, in quantities not exceeding actual requirements, and personal effects.
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Extension of the period of validity of the pass :