

N° 1515.

ALLEMAGNE ET POLOGNE

Convention concernant l'administration du tronçon de l'Oder constituant la frontière entre les deux États, avec règlement d'exécution et protocole final. Signés à Koźle, le 19 août 1926.

GERMANY AND POLAND

Convention concerning the Administration of the Portion of the Oder constituting the Frontier between the two States, with Detailed Regulations and Final Protocol. Signed at Koźle, August 19, 1926.

¹ TRANSLATION.

No. 1515. — CONVENTION BETWEEN GERMANY AND POLAND CONCERNING THE ADMINISTRATION OF THE PORTION OF THE ODER CONSTITUTING THE FRONTIER BETWEEN THE TWO STATES. SIGNED AT KOZLE, AUGUST 19, 1926.

POLAND, of the one part, and GERMANY, of the other part, have decided to conclude a Convention with the object of regulating the administration of the portion of the Oder constituting the frontier. The Plenipotentiaries appointed for this purpose, namely :

For POLAND :

M. Maciej KOCZOROWSKI, Polish Government Delegate for the Polish-German Frontier Negotiations, and
M. Alfred KONOPKA, Head of Section in the Ministry of Public Works,

And for GERMANY :

Dr. Paul ECKHARDT, Minister Plenipotentiary,

Have agreed upon the following provisions :

Article 1.

With a view to maintaining a regular flow of water, the portion of the Oder which constitutes the frontier between Poland and Germany, namely the portion of the river lying between Kilometre 27.47 above the mouth of the Olsa (Olsza) and Kilometre 42.55 below Nieboczowy (Niebotschau) shall be administered in accordance with rules to be laid down by mutual agreement between the competent authorities.

Article 2.

1. Each State shall police the section of river situated within its own national frontiers.
2. On the portion of the Oder which constitutes the frontier the confirmation of existing rights or concessions and of permits issued by the river police in accordance with the conservancy laws of the respective Parties shall be granted by the authorities of the competent State, acting in agreement with the authorities of the other State. The competent State shall be understood to be the State in whose territory the installations which are the subject of the request for confirmation of existing rights or for concessions or permits, are situated or are to be constructed. The authorities of the two Contracting Parties shall inform each other regarding any such requests and also regarding any objections lodged against them in proper form.
3. Permits for the removal of sand or gravel from the river bed shall not be granted except with the consent of both Parties.
4. The provisions of paragraph 2 shall also apply to measures for the drainage of food-water from land subject to inundation.

¹ Translated by the Secretariat of the League of Nations.

The authorities of both Contracting States shall take steps to ensure that the opening in the bridges in the portion of the Oder which constitutes the frontier are permanently maintained in such a state as will allow flood water to run off. The dimensions of these openings shall be determined by agreement between the Parties.

Article 3.

1. Materials which are required for maintenance works on the portion of the Oder constituting the frontier and which are transported from the territory of one Contracting Party to that of the other Party shall be exempt from all charges, such as import and export duties when taken across the frontier. Such goods shall be admitted for import or export subject to previous declaration at the competent Customs Office and to subject the production of a certificate issued by the River Works Office which is responsible for the maintenance of the portion of the waterway in question. It shall not be necessary to produce the materials themselves at the Customs Office. When such materials are taken into the territory of one of the Contracting Parties they may be warehoused therein pending their utilisation. The Customs authorities of the State concerned will take any measures of supervision that are required, if necessary by agreement with the Customs authorities of the other Party.

2. Similar rules shall apply to any stores, implements or animals and also to survey instruments and apparatus which may be taken across the frontier in connection with the upkeep of the waterway, provided, however, that such articles are taken back again.

Article 4.

In cases in which the Contracting Parties are jointly responsible for any service in connection with the maintenance of the portion of the river which constitutes the frontier they shall afford each other mutual assistance in the performance of such service.

Article 5.

Executive regulations which provide for the carrying out of the present Convention are annexed hereto.

Article 6.

The present Convention of which the original text has been drawn up in the Polish and German languages shall be ratified at the same time as the Executive Regulations and the Final Protocol. The instruments of ratification shall be exchanged at Berlin. The Convention shall come into force on the thirtieth day after the exchange of the instruments of ratification. The Convention is concluded for an indefinite period. It may, however, be denounced by either Contracting State before the expiration of any calendar year with effect from the end of the succeeding calendar year.

In faith whereof the Plenipotentiaries of the two Parties have signed the present Convention and have thereto affixed their seals.

Done at Cosel (Kozle) August 19, 1926.

(Signed) Maciej KOCZOROWSKI.

(Signed) Alfred KONOPKA.

(Signed) Dr. Paul ECKHARDT.

EXECUTIVE REGULATIONS

TO THE POLISH-GERMAN CONVENTION CONCERNING THE ADMINISTRATION OF THE PORTION OF THE ODER CONSTITUTING THE FRONTIER BETWEEN THE TWO STATES.

Paragraph 1.

1. In questions connected with the carrying out of the Convention concerning the administration of the portion of the Oder constituting the frontier the competent authorities of the two Contracting Parties may deal directly with one another.

2. Officials and other persons who have been instructed by the competent authorities of either Contracting Party to fetch materials intended for maintenance works on the portion of the river constituting the frontier or to carry out topographical or hydrographical surveys may, subject to previous agreement with the competent authorities of the other Party, lay their boats alongside the opposite bank and land thereon at points other than those which are authorised as crossing-places, and may cross bridges situated on the aforesaid portion of the river. On such occasions they may take with them across the frontier the tools and implements required for their work without being obliged to produce them at the Customs Office, provided, however, that they are taken back again to the territory of the other Party. The competent Customs Office of the other Contracting Party must be informed at least three days prior to the beginning of such work that the said officials or persons intend to cross the frontier. Notifications must be given at the same time of the exact hour and place of the intended crossing of the frontier, the site of the proposed works and the probable duration of the work, together with the number of persons detailed to carry it out; a list of the tools and implements which are to be taken by the party for their work shall accompany the notification. The person in charge of the work must be provided with an official warrant and a personal certificate of identity and also with a nominal roll of the men employed on the work, certified by the director of the competent River Works Office, and he must produce such documents if required to do so.

Paragraph 2.

Material and tools and implements required for the maintenance of the portion of the river constituting the frontier may be transported in boats on the said portion of the river by either Contracting Party. Such materials and implements shall be exempt from Customs formalities, unless the boats in which they are carried hold communication with the other shore. These boats must bear distinguishing marks of which the competent authorities of both Parties shall inform each other.

Paragraph 3.

1. Joint inspection of the portion of the river constituting the frontier shall be undertaken each year, as a rule in spring and autumn, by agreement between the competent authorities of the two Parties, with a view to determining the works necessary for its maintenance.

2. Inspections may also be carried out at other times when special circumstances render them necessary.

Paragraph 4.

The Governments of the two Contracting Parties shall inform each other as to the authorities which are competent for carrying out the present Convention.

Paragraph 5.

Paragraph 2 of Article 2 shall also apply in cases in which it is necessary to grant concessions for the removal of sub-soil water owing to the level of the Oder being altered to such an extent that other persons are thereby prejudiced in the exercise of their rights upon the Oder.

Paragraph 6.

Subject to reimbursement for telegraph and telephone expenses, the authorities of the two Parties shall give each other such information regarding the level of the river, ice conditions, amount of rainfall, and volume of water flowing into the river as may be useful for the prevention of dangers arising from floods and ice, for the preparation of plans for future works and for the carrying out of all works necessary for the maintenance of the portion of the Oder constituting the frontier. They shall also communicate to each other, subject to the repayment of expenses, any results of topographical and hydrographical surveys which may be of use for similar purposes.

Paragraph 7.

The above Executive Regulations shall form an integral part of the Convention. The desirability of amending the said Regulations on any points shall be taken into consideration should either of the Contracting Parties so request. The amendments shall be effected by agreement between the competent authorities of the two Contracting Parties.

Done at Cosel (Kozle), August 19, 1926.

(Signed) Maciej KOCZOROWSKI.

(Signed) Dr. Paul ECKHARDT.

(Signed) Alfred KONOPKA.

FINAL PROTOCOL.

When proceeding to sign the Convention between Poland and Germany concerning the administration of the portion of the Oder which constitutes the frontier, the Plenipotentiaries of the two Contracting Parties are agreed in declaring that nothing in the provisions of the present Convention shall prevent this question from being settled in a different manner, as a result of further agreements between the two Parties.

Done at Cosel (Kozle), August 19, 1926.

(Signed) Maciej KOCZOROWSKI.

(Signed) Dr. Paul ECKHARDT.

(Signed) Alfred KONOPKA.