

N° 2758.

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**POLOGNE  
ET TCHÉCOSLOVAQUIE**

Convention relative à la pêche et à la protection du poisson dans les eaux de frontière et dans les eaux du bassin de ces dernières. Signée à Katowice, le 18 février 1928.

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**POLAND  
AND CZECHOSLOVAKIA**

Convention regarding Fishing and the Preservation of Fish in Frontier Waters and in the Waters of their Basins. Signed at Kattowitz, February 18, 1928.

## TEXTE POLONAIS. — POLISH TEXT.

N<sup>o</sup> 2758. — UMOWA<sup>1</sup> MIĘDZY REPUBLIKĄ CZESKOSŁOWACKĄ A RZECZĄ-  
POSPOLITĄ POLSKĄ O RYBOŁÓWSTWIE I OCHRONIE RYB NA WODACH  
GRANICZNYCH I NA WODACH ICH ZLEWISK. PODPISANA W KATO-  
WICACH DNIA 18 LUTEGO 1928 R.

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*Polish and Czechoslovak official texts communicated by the Permanent Delegate of the Czechoslovak Republic accredited to the League of Nations and the Chargé d'Affaires a. i. of the Polish Delegation accredited to the League of Nations. The registration of this Convention took place July 12, 1931.*

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REPUBLIKA CZESKOSŁOWACKA i RZECZPOSPOLITA POLSKA, powodowane życzeniem jednolitego uregulowania rybołówstwa na wodach granicznych i na wodach ich zlewisk przy szczególnem uwzględnieniu ochrony ryb wędrownych, postanowiły zawrzeć umowę i zamianowały w tym celu swymi pełnomocnikami :

PREZYDENT REPUBLIKI CZESKOSŁOWACKIEJ :

Wacława ROUBÍKA, Inżyniera, Dyrektora Departamentu w Ministerstwie Robót Publicznych :

PREZYDENT RZECZYPOSPOLITEJ POLSKIEJ :

Profesora Doktora Walerego GOETLA, Delegata Rządu Polskiego do rokowań granicznych polsko-czeskosłowackich ;

Którzy, po zbadaniu swych pełnomocnictw i uznaniu ich za dobre i sporządzone we właściwej formie, zgodzili się na następujące postanowienia :

*Artykuł 1.*

Za wody graniczne w rozumieniu niniejszej Umowy uważa się wody tworzące nieprzerwany odcinek tego samego biegu wodnego między miejscem, w którym granica państwowa wkracza do tego biegu, a miejscem, w którym ten bieg ostatecznie opuszcza.

*Artykuł 2.*

Umawiające się Państwa wydadzą przepisy, na mocy których na wodach granicznych będzie zakazane używanie do połowu ryb :

a) jakichkolwiek stałych urządzeń do łowienia ryb, jak przegród, odjazek i tym podobnych ;

b) samolówek z pręcia, drutu i tym podobnych, których otwory wynoszą mniej, niż 40 mm w kwadrat ;

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<sup>1</sup> The exchange of ratifications took place at Prague, June 12, 1931.

<sup>1</sup> TRANSLATION.

No. 2758. — CONVENTION BETWEEN THE POLISH REPUBLIC AND THE CZECHOSLOVAK REPUBLIC REGARDING FISHING AND THE PRESERVATION OF FISH IN FRONTIER WATERS AND IN THE WATERS OF THEIR BASINS. SIGNED AT KATTOWITZ, FEBRUARY 18, 1928.

THE CZECHOSLOVAK REPUBLIC and THE POLISH REPUBLIC, being desirous of regulating in a uniform manner fishing in frontier waters and the waters of their basins, with particular regard to the protection of migratory fish, have decided to conclude a Convention and have appointed for this purpose as their Plenipotentiaries :

THE PRESIDENT OF THE CZECHOSLOVAK REPUBLIC :

M. Václav ROUBÍK, Engineer, Director of Department at the Ministry of Public Works ;

THE PRESIDENT OF THE POLISH REPUBLIC :

Professor Dr. Walery GOETEL, Polish Government Delegate for Frontier Questions between Poland and Czechoslovakia,

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

*Article 1.*

For the purposes of the present Convention, " frontier waters " shall be taken to mean waters forming an uninterrupted section of one and the same watercourse from the point at which the State frontier reaches such watercourse to the point where it finally leaves it.

*Article 2.*

The Contracting States shall enact regulations forbidding the use in frontier waters for fishing purposes of :

- (a) Any fixed appliances for taking fish such as barriers, hedge-baulks and the like ;
- (b) Creels made of wicker, wire and the like, the apertures of which are smaller than 40 square millimetres ;
- (c) Nets, drag-nets and hoop-nets, the mesh of which when wet is less than 25 square millimetres ;
- (d) Appliances which dam the watercourse across more than a half of its width ;
- (e) Appliances which dam the watercourse across less than a half of its width, if disposed in large numbers at intervals of less than 100 metres ;
- (f) Explosive, poisonous and narcotic substances ;

<sup>1</sup> Translated by the Secretariat of the League of Nations, for information.

(g) Any appliances which mutilate fish, such as spears, harpoons, forks and the like, firearms and lines connected with the bank or the bed of the stream ; angling and line fishing are not covered by the above prohibition.

#### Article 3.

The Contracting States shall issue regulations forbidding in frontier waters :

- (a) The catching of fish at night, that is between sunset and sunrise ;
- (b) The catching of fish by any tackle other than rod and line at a distance of less than thirty metres above and below the passages for fish and the installations for damming water, such as weirs, sluices and the like ;
- (c) The partial or complete drainage of water from the bed of the stream for the purpose of catching the fish therein contained.

#### Article 4.

1. In frontier waters in which salmon (*Salmo salar* and *Salmo trutta*) spawn, the Contracting States shall permit (in addition to fishing by amateurs) the taking of fish by means of nets and drag-nets, between March 15 and July 15 ; at other periods and in the close season (Article 6) salmon may be taken by sporting methods only, *i. e.* by means of rod and line.

2. The regulations in the preceding paragraph shall not exclude the possibility of further restrictions being imposed on salmon fishing, by joint agreement between the two States, as for instance by the formation of a salmon preserve.

#### Article 5.

1. When concessions are granted for the utilisation of frontier waters for industrial purposes, or when urban sewage is discharged into such waters, or when regulation or conservancy works are carried out on frontier waters, the Contracting States will take steps to ensure that :

- (a) As far as possible the passage of fish to the spawning grounds is not obstructed ;
- (b) The necessary provisions are enacted, in accordance with the regulations in force, to protect fishing from damage, particularly by the pollution of frontier waters by sewage, sawdust and the like ;
- (c) Industrial undertakings already established keep in good repair and make proper use of all technical installations for the purification of sewage.

2. For the reasons referred to in the preceding paragraph, the steeping of flax and hemp in frontier waters shall not be permitted.

#### Article 6.

The following close seasons shall be established by the Contracting States in the frontier waters :

- (a) For salmon (*Salmo salar* and *Salmo trutta*), from September 15 to March 15.
- (b) For river trout (*Salmo fario*), from September 15 to March 15.

- (c) For grayling (*Thymallus vulgaris*), from March 1 to May 31.  
 (d) For broad-snout (*Chondrostoma nasus*), from April 1 to May 15.  
 (e) For barbel (*Barbus fluviatilis*), from April 1 to June 30.  
 (f) For crayfish (*Astacus fluviatilis*), male, from October 1 to May 15 and female, from October 1 to July 31.

#### Article 7.

1. The minimum lengths of the fish and crayfish which may be taken in frontier waters shall be as follows :

(a) Salmon ( <i>Salmo salar</i> and <i>Salmo trutta</i> ) . . . . .	50 cm.
(b) River trout ( <i>Salmo fario</i> ) . . . . .	20 cm.
(c) Grayling ( <i>Thymallus vulgaris</i> ) . . . . .	25 cm.
(d) Broad-snout ( <i>Chondrostoma nasus</i> ) . . . . .	20 cm.
(e) Barbel ( <i>Barbus fluviatilis</i> ) . . . . .	30 cm.
(f) Crayfish ( <i>Astacus fluviatilis</i> ) . . . . .	8 cm.

2. The lengths given in paragraph 1 shall be measured in the case of fish from the tip of the head to the extremity of the caudal fin, and in the case of crayfish from the eye to the tip of the outspread tail.

#### Article 8.

1. The Contracting States shall oblige fishing proprietors or lessees to stock frontier waters with fish.

2. Detailed measures in execution of this obligation shall be determined by joint agreement in particular cases between the relevant departments of both States : these departments shall also issue regulations for controlling the proper execution of this obligation.

3. Frontier waters may not be restocked with species of fish foreign to such waters except by joint agreement between the Contracting States.

#### Article 9.

The licence for fishing in frontier waters must contain a photograph of the holder.

#### Article 10.

Exceptions from the prohibitions and restrictions contained in Article 2 (a), (b), (c), (d), (e) Article 3 (b), Article 4, paragraph 1, Article 6 and Article 7, paragraph 1, shall be permitted solely for breeding purposes (for instance the taking of breeders for artificial hatcheries, the capture of diseased fish, the regulation of the quality and quantity of the stock of fish) or for scientific purposes, but only on the basis of a permit issued jointly by the competent authorities of both States in the case of frontier waters, or of a permit issued by the competent authority of one particular State in the case of the water systems referred to in Article 12. As regards the water systems referred to in Article 12, exceptions may also be made to the prohibition contained in Article 3 (a) for the purposes above-mentioned.

#### Article 11.

The present Convention shall not exclude the right of the Contracting States to issue even stricter regulations for the preservation of fish in frontier waters, so far as concerns the sections situated in their respective territories.

*Article 12.*

Effect shall be given by both States to the provisions of Articles 2, 3, 4, 5, 6, 7, paragraph 1, 8, paragraphs 1 and 3, and 10 of the present Convention. In respect also of the water system of the whole basin of frontier waters above the point at which the State frontier finally leaves the frontier waters.

*Article 13.*

The provisions of the present Convention shall not apply to fish ponds or fish hatcheries situated in the basins of the waters, to which the Convention relates.

*Article 14.*

The Contracting States shall notify one another of the departments competent to give effect to the provisions of this Convention. These departments may communicate direct with one another on questions referring to the Convention.

*Article 15.*

The present Convention shall be ratified and the instruments of ratification shall be exchanged at Prague. The Convention shall come into force on the thirtieth day following the exchange of ratifications and shall remain in force for a period of ten years. If not denounced by either of the Contracting States one year before the expiry of the said period, its validity shall be prolonged automatically from year to year.

The present Convention has been drawn up in two identical copies in Polish and Czech, both texts being equally authentic.

In faith whereof the above-mentioned Plenipotentiaries have signed the present Convention and have attached their seals thereto.

Done at Kattowitz, February 18, 1928.

*On behalf of the Czechoslovak Republic :*

(L. S.) Ing. Václav ROUBÍK.

*On behalf of the Polish Republic :*

(L. S.) Dr. Walery GOETHEL