

ROUMANIE ET YOUGOSLAVIE

Accord concernant la répartition des biens, droits et intérêts de l'ancienne « Association pour la régularisation des eaux de la vallée de Tamisacz » et le transfert de ces biens, droits et intérêts sur les deux nouvelles organisations hydrauliques, c'est-à-dire en Yougoslavie à la « Zadruga za odvodnjavanje Tamišac » à Ninčičevo et, en Roumanie, au « Sindicatul Tamisat » à Foeni. Signé à Belgrade, le 14 décembre 1931.

ROUMANIA AND YUGOSLAVIA

Agreement concerning the Distribution of the Property, Rights and Interests of the former " Association for the Regulation of the Waters in the Tamisacz Valley " and the Transfer of its Property, Rights and Interests to the two new Hydraulic Organisations, that is to say, in Yugoslavia to the " Zadruga za Odvodnjavanje Tamišac " at Ninčičevo, and in Roumania, to the " Sindicatul Tamisat " at Foeni. Signed at Belgrade, December 14, 1931.

¹ TRADUCTION. — TRANSLATION.

No. 3107. — AGREEMENT² BETWEEN ROUMANIA AND YUGOSLAVIA CONCERNING THE DISTRIBUTION OF THE PROPERTY, RIGHTS AND INTERESTS OF THE FORMER "ASSOCIATION FOR THE REGULATIONS OF THE WATERS OF THE TAMISACZ VALLEY" AND THE TRANSFER OF ITS PROPERTY, RIGHTS AND INTERESTS TO THE TWO NEW HYDRAULIC ORGANISATIONS, THAT IS TO SAY, IN YUGOSLAVIA, TO THE "ZADRUGA ZA ODVODNJAVANJE TAMISAC", AT NINČICEVO, AND IN ROUMANIA TO THE "SINDICATUL TAMISAT", AT FOENI. SIGNED AT BELGRADE, DECEMBER 14, 1931.

French official text communicated by the Permanent Delegate of the Kingdom of Yugoslavia accredited to the League of Nations. The registration of this Agreement took place December 15, 1932.

HIS MAJESTY THE KING OF YUGOSLAVIA and HIS MAJESTY THE KING OF ROUMANIA,
Equally desirous of complying with the provisions of Articles 292 and 293 of the Treaty of Trianon and with the provisions of the General Convention³ concerning the hydraulic system which has been concluded between the two States ;

Taking into consideration the fact that the territory of the former Association for the Regulation of the Waters of the Tamisacz Valley has been divided by the line of the new frontier between Yugoslavia and Roumania and that therefore the former single management of the above-mentioned hydrotechnical system has in fact ceased to exist and that the two parts of that system are at present managed by two new hydraulic organisations, that is to say, in Yugoslavia, "Zadruga za odvodnjavanje Tamišac", of Ninčicevo, and in Roumania, "Sindicatul Tamisat", of Foeni ;

In view of the necessity for the distribution of the property, rights and interests of the former Association for the regulation of the waters of the Tamisacz Valley and their transfer to the two new organisations in Yugoslavia and in Roumania, and in view of the necessity for providing for the unchanged working of the above-mentioned system in accordance with its original purposes so as to safeguard the interests and acquired rights of the respective territories of the two States,

Have decided to conclude an agreement on the subject, and

Have appointed for that purpose as their respective Plenipotentiaries :

HIS MAJESTY THE KING OF YUGOSLAVIA :

His Excellency M. Voyislav MARINKOVITCH, Doctor of Laws, His Minister for Foreign Affairs, and

¹ Traduit par le Secrétariat de la Société des Nations, à titre d'information.

¹ Translated by the Secretariat of the League of Nations, for information.

² The exchange of ratifications took place at Bucharest, October 14, 1932.

³ See page 31 of this Volume.

HIS MAJESTY THE KING OF ROUMANIA :

His Excellency M. Constantin CONTZESCO, Minister Plenipotentiary, His Delegate on the Danube Commissions ;

Who, having communicated to each other their full powers, found in good and due form, have agreed on the following provisions :

PART I.

DISTRIBUTION AND TRANSFER OF THE PROPERTY, RIGHTS AND INTERESTS OF THE FORMER TAMISACZ ASSOCIATION.

Article 1.

The two Governments agree formally and finally to terminate the former Association for the Regulation of the Waters of the Tamisacz Valley. They further agree to distribute and transfer the property, rights and interests of the said Association to the two new organisations, that is to say, in Yugoslavia, "Zadruga za odvodnjavanje Tamišac", of Ninčičevo, and in Roumania, "Sindicatul Tamisat", of Foeni.

Such distribution and transfer shall be carried out in accordance with the provisions of the following Articles.

Article 2.

The property, rights and interests of the former Association for the Regulation of the Waters of the Tamisacz Valley which are to be distributed shall be divided between the two new organisations in the proportion of 36.053 % for "Zadruga za odvodnjavanje Tamišac" of Ninčičevo and 63.947% for "Sindicatul Tamisat" of Foeni.

The calculations for fixing this percentage shall be revised in accordance with the procedure provided for in Article 72 of the said General Convention, and the proportions shall if necessary be altered in accordance with the results of such examination.

Article 3.

All the moveable and immoveable property mentioned in Article 43 of the General Convention shall become the property of the respective new organisations without any compensation.

Article 4.

The main premises of the former "Tamisacz Association" remaining the property of "Zadruga za odvodnjavanje" of Ninčičevo, the value of those premises, with all land and subsidiary premises belonging thereto shall be assessed in accordance with the provisions of Article 46 of the General Convention and divided between the two new organisations in the proportions indicated in Article 2 of the present Agreement.

Article 5.

No rent shall be charged for the main premises of the former "Tamisacz Association", which are used by the management of "Zadruga za odvodnjavanje" of Ninčičevo as an office and for housing its officials.

Article 6.

The furniture, instruments and other material recorded in the inventory of the Central Directorate of the former "Tamisacs Association" which are at the present moment either at Ninčičevo or at Foeni shall be divided in kind between the two new organisations, or, should the organisations desire to retain ownership of certain articles, the value of such articles shall be assessed and divided between the organisations in the proportions indicated in Article 2 above.

Article 7.

All claims and charges arising out of the debts and liabilities of the former "Tamisacz Association" contracted before April 4, 1924, shall be settled in accordance with the provisions of Articles 47-50 of the General Convention and divided between the two new organisations in the proportions indicated above.

Article 8.

The settlement of accounts between the two new organisations in respect of revenues or payments prior to April 4, 1924, which are to be distributed between or restored to the two new organisations shall be carried out in their respective national currencies.

No interest shall be charged on sums passing in the settlement of accounts.

Article 9.

The exchange of records and of other written matter of the former Association at present in the possession of either of the new organisations shall be carried out in accordance with the provisions of Articles 53-60 of the General Convention.

Article 10.

In view of the fact that the employees of the former Association were members of the Pensions Institute of the Associations for Protection against Flood, of Budapest, the debts and claims of the former "Tamisacz Association" and of its employees and pensioners in respect of that Institute and other questions connected therewith shall be settled in accordance with the provisions of Articles 61, 62 and 63 of the General Convention.

Article 11.

All questions connected with payments to pensioners and employees of the former "Tamisacz Association" shall be settled in accordance with the provisions of Articles 64-68 of the General Convention, the charges mentioned therein being divided in the proportions indicated in Article 2 above.

Article 12.

The sums paid to pensioners after April 4, 1924, by the respective new organisations shall be divided among them in the currency in which payment was actually made and in the proportions indicated above.

Article 13.

Up to December 31, 1931, the two new organisations shall pay to pensioners at present residing in Yugoslavia or in Roumania the same sums as those which they receive at the present time ; as from January 31, 1932, these pensions shall be paid on the basis of a common régime to be established in accordance with the provisions of Article 64 of the General Convention.

Article 14.

The distribution of all other property, rights and interests not mentioned in the present Agreement and their transfer to the two new organisations shall be carried out in accordance with the temporary provisions of the General Convention.

Article 15.

The settlement of all questions of a material and financial character provided for in this Agreement and exclusively concerning the two new organisations shall be carried out within six months from the date of the entry into force of the present Agreement.

Article 16.

The provisions of Part I of the present Agreement shall be put into force in accordance with the procedure provided for in Articles 69-76 of the General Convention.

PART II.

HYDRAULIC SYSTEM.

Article 17.

The two States undertake to ensure that the hydraulic works (dams, canals, locks, etc.) situated in the territory of the two new organisations and in any way connected with the unified conservancy of the system in question shall be maintained in a good state of preservation and in good working order under the conditions and for the purposes for which they were executed.

The cost of such work of maintenance shall be borne by each of the new organisations in respect of its own territory.

Article 18.

It is hereby recognised that the present system of development of the "Tamisacz" valley is not satisfactory as regards the economic interests of the territories of the two organisations and that therefore, should economic and financial conditions permit, a pump shall be set up at the mouth of the "Tamisacz" under a special agreement to be concluded for that purpose between the two States.

Article 19.

If certain maintenance work in the territory of one organisation necessitates the execution of measures or works in the territory of the other organisation, the organisation concerned shall

communicate the scheme and programme of execution of such measures or works to the directorate of the other organisation in order that they may come to an agreement as to the measures to be taken or the work to be executed.

Article 20.

In the absence of any preliminary agreement, both organisations shall abstain from any alteration of the existing installations or works and from any measures or operations liable to modify the hydraulic system and so affect the interests and acquired rights of the other organisation.

Article 21.

If one of the new organisations contemplates new works liable to change the hydraulic system or to affect in any way the territory of the other State, such work may be carried out only as the outcome of an agreement to be concluded on the subject.

Article 22.

In view of the common interests of the two new organisations in the effective execution of measures for defence against floods, and should other conditions permit, direct telephonic communication shall be established between the directorates of Ninčičevo and Foeni.

In view of the measures to be taken in case of floods, a watchman or some other person of the Ninčičevo Association shall be given a special permit allowing him to cross the frontier along the canal for the purpose of notifying to the services of the Foeni Association the level of the Tamiš at the mouth of the Tamišac and the measures taken with regard to the working of the lock. On receipt of such information, the Foeni directorate shall proceed to close the canals in accordance with the regulations on the subject.

In time of flood the Foeni Association shall engage a person to receive near the frontier information from the organisations of the Yugoslav Association and to transmit them to the directorate.

Article 23.

In case of need and at the request of one of the organisations, the Ninčičevo and Foeni directorates shall communicate to each other by telephone or telegraph or by such other means as may be most expeditious, hydrometrical, pluviometrical or any other observations of interest to the other organisation.

The two new organisations shall once a year exchange hydrometrical, pluviometrical or other data relating to the conservancy of this system.

At the request of either organisation, the other organisation shall, in accordance with the provisions of Article 10 of the General Convention, supply it with the documentary information and data relating to the hydraulic system and the services connected therewith.

Article 24.

The technical experts of both States and the personnel of the two organisations, appointed in accordance with the provisions of Article 35 of the General Convention, shall be provided with an identity card enabling them to establish direct and personal contact with each other in the territory of either State ; in the case of danger of flood they may cross the frontier along the dams of the Tamišac, in order to make joint arrangements in regard to all urgent matters.

Article 25.

The two States agree that the Statute of the former Tamisacz Association is not suited to the present situation. They consider it necessary that the new organisations shall each prepare a new Statute, which they shall communicate to each other. The parts of the new Statutes which concern both organisations shall be prepared by mutual agreement.

The regulations of the two new organisations in respect of the defence service against floods, the telephone service, the hydrometrical and other services, the allocation of technical personnel, the movement from one place to another of workers and material for defence, and in general everything concerning the organisation for defence against floods, shall be drawn up by mutual agreement.

Article 26.

Each of the two new organisations shall have its own administrative and financial management independent of the other organisation.

All work which is contemplated and all measures to be taken on the territory of one of the two new organisations shall be carried out by the personnel of that organisation in its own territory.

The two organisations shall communicate yearly to each other, for information, their budgets and their technical reports.

Article 27.

In accordance with Article 7 of the General Convention, each of the two Governments shall appoint a technical expert ; these experts, assisted by the chief engineers of the new organisations, shall proceed to the spot in order to examine the present condition of the works and installations of the whole hydraulic system and shall, on the basis of their joint observations, prepare a general technical programme for the maintenance works to be carried out by the two organisations over a future period.

These technical experts may also make proposals with regard to improvement work of concern to either organisation or both.

Article 28.

Apart from the general programme provided for in the previous Article, the two new organisations shall communicate to each other not later than September 30 every year the complete programme of work (maintenance, improvement and new works) to be executed during the following year. On the basis of this communication and at the request of either of the technical experts, the latter, accompanied by the chief engineers of the two new organisations, shall inspect on the spot, if possible before October 31, the work executed during the current year and shall jointly draw up a programme of measures to be taken and work to be executed during the ensuing budgetary year.

Article 29.

The two States undertake to ensure that the work provided for in the technical programmes referred to in Articles 27 and 28 above shall be executed. For that purpose they also undertake to ensure the timely provision of the financial resources necessary for the execution of such work.

Article 30.

When not otherwise provided in Part II of the present Agreement, the settlement of all other questions shall, if necessary, be carried out in conformity with the provisions of the General Convention concerning the hydraulic system.

Article 31.

Any dispute arising out of the application of Part II of the present Agreement shall be referred to the delegates of the two States accredited to the Permanent Technical Hydraulic System Commission of the Danube (C. R. E. D.).

If the two delegates are unable to reach agreement, the Governments of the two States shall note such disagreement.

Either State shall thereupon be at liberty after having given the other State one month notice of its intention, to have recourse to the intervention of the C. R. E. D., in accordance with its Regulations.

Article 32.

On the expiry of a period of five years from its coming into force, Part II of the present Agreement (hydraulic system) may be revised at the request of either State, such request being made to the other State six months before the expiry of the said period.

It is agreed that as regards the method of such revision, the two States shall comply with the provisions of Chapter XI of the General Convention concerning the hydraulic system.

Should no request for revision be made, the present Agreement shall automatically remain in force for a further period of five years.

Article 33.

The present Agreement shall be ratified and the ratifications thereof shall be exchanged at Bucharest.

It shall come into force eight days after the date of the minute recording the exchange of the instruments of ratification.

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

Done, in duplicate, at Belgrade, the fourteenth day of December, one thousand, nine hundred and thirty-one.

(L. S.) Dr V. MARINKOVITCH, *m. p.*

(L. S.) Const. CONTZESCO, *m. p.*