

**ALLEMAGNE,  
GRANDE-BRETAGNE ET IRLANDE DU NORD,  
FRANCE, ITALIE ET ROUMANIE**

Arrangement entre les Gouvernements de la Grande-Bretagne et de l'Irlande du Nord, de la France et de la Roumanie relatif à l'exercice des pouvoirs de la Commission européenne du Danube, et protocole final, signés à Sinaïa, le 18 août 1938, et

Accord relatif à l'entrée de l'Allemagne dans la Commission européenne du Danube, à l'adhésion des Gouvernements du Reich allemand et de l'Italie à l'Arrangement signé à Sinaïa le 18 août 1938 entre les Gouvernements de la Grande-Bretagne et de l'Irlande du Nord, de la France et de la Roumanie, et à la modification des articles 4 et 23 dudit arrangement, signé à Bucarest, le 1<sup>er</sup> mars 1939.

*Texte officiel français communiqué par le délégué permanent de la Roumanie près la Société des Nations. L'enregistrement a eu lieu le 29 mai 1939.*

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**GERMANY,  
GREAT BRITAIN AND NORTHERN IRELAND,  
FRANCE, ITALY AND ROUMANIA**

Arrangement between the Governments of Great Britain and Northern Ireland, of France and of Roumania relative to the Exercise of the Powers of the European Commission of the Danube, and Final Protocol, signed at Sinaia, August 18th, 1938, and

Agreement relative to the Entry of Germany into the European Commission of the Danube, the Accession of the Governments of Germany and Italy to the Arrangement signed at Sinaia on August 18th, 1938, between the Governments of Great Britain and Northern Ireland, France and Roumania, and the Amendment of Articles 4 and 23 of that Arrangement, signed at Bucharest, March 1st, 1939.

*French official text communicated by the Permanent Delegate of Roumania to the League of Nations. The registration took place May 29th, 1939.*

<sup>1</sup> TRADUCTION. — TRANSLATION.

No. 4574. — ARRANGEMENT<sup>2</sup> BETWEEN THE GOVERNMENTS OF GREAT BRITAIN AND NORTHERN IRELAND, FRANCE AND ROUMANIA RELATIVE TO THE EXERCISE OF THE POWERS OF THE EUROPEAN COMMISSION OF THE DANUBE, SIGNED AT SINAIA, AUGUST 18TH, 1938.

THE GOVERNMENT OF THE FRENCH REPUBLIC,  
HIS MAJESTY'S GOVERNMENT IN THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND,

THE GOVERNMENT OF HIS MAJESTY THE KING OF ROUMANIA,  
Being desirous of introducing in the powers exercised by the European Commission of the Danube on the basis of the Treaties, Conventions, Public Acts, Arrangements and Regulations in force, the modifications rendered necessary by present circumstances,

Have nominated as their Plenipotentiaries :

THE GOVERNMENT OF THE FRENCH REPUBLIC :

M. Jean DU SAULT, Minister Plenipotentiary, Delegate on the European and International Commissions of the Danube ; and

M. Paul CHARGUERAUD, Legal Adviser to the Ministry for Foreign Affairs ;

HIS MAJESTY'S GOVERNMENT IN THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND :

Mr. Douglas William KEANE, British Commissioner Plenipotentiary on the International Rivers Commissions ;

THE GOVERNMENT OF HIS MAJESTY THE KING OF ROUMANIA :

M. Constantin CONTZESCO, Minister Plenipotentiary, Delegate on the European and International Commissions of the Danube ;

Who, having exchanged their full powers, found in good and due form, have agreed as follows :

*Article 1.*

The European Commission of the Danube and its officials (inspectors, superintendents of navigation and pilots) shall cease to exercise the powers conferred upon them as regards navigation, in particular by Articles 8, 9 and 10 of the Public Act<sup>3</sup> of the 2nd November, 1865, Article 2 of the Additional Act<sup>4</sup> of the 28th May, 1881, and Articles 1 and 119 of the Navigation Regulations.

*Article 2.*

The European Commission and its officials shall cease to exercise in the port and roadstead of Sulina the special powers conferred upon them, in particular by Articles 4, 6, 8, 9, 10, 21 of the Public Act, Article 2 of the Additional Act, and Articles 1, 4, 112 of the Navigation Regulations.

<sup>1</sup> Traduction du Foreign Office de Sa Majesté britannique.

<sup>1</sup> Translation of His Britannic Majesty's Foreign Office.

<sup>2</sup> *Ratifications deposited at Bucharest :*

ROUMANIA . . . . .	April 1st, 1939.
FRANCE . . . . .	April 6th, 1939.
GREAT BRITAIN . . . . .	April 26th, 1939.
GERMANY . . . . .	May 9th, 1939.
ITALY . . . . .	May 9th, 1939.

The *Procès-verbal* of deposit of the above-mentioned ratifications was drawn up on May 11th, 1939. Came into force May 13th, 1939.

<sup>3</sup> *British and Foreign State Papers*, Vol. 55, page 93.

<sup>4</sup> *British and Foreign State Papers*, Vol. 72, page 7.

*Article 3.*

The European Commission shall draw up, on the basis of proposals presented by the Roumanian Government, the Navigation and Police Regulations applicable to the maritime Danube and its Mouths.

The Roumanian Government shall put these Regulations into force and be responsible for their application.

The Commission and its officials shall, in consequence, cease to exercise the powers conferred upon them by Articles 7, 9, 11 and 12 of the Public Act, paragraph 2 of Article 9 of the Additional Act, as regards the enactment of regulations relating to navigation.

*Article 4.*

All the present personnel of the Corps of Pilots shall become subject to the control of the competent Roumanian authorities.

Pilots of non-Roumanian nationality will be replaced, as vacancies occur resulting from death, resignation and retirement, by Roumanian pilots until the proportion of the latter in relation to the total number of pilots reaches 60 per cent.

The remaining 40 per cent. shall be appointed by the Roumanian authorities upon the recommendation of the Delegates on the European Commission of the Powers other than Roumania in the same manner as in the past.

The Chief Pilot shall be chosen and appointed by the Roumanian authorities from a list of three candidates presented by the Commission without distinction of nationality.

*Article 5.*

The Roumanian Government shall set up an autonomous service with the title "Maritime Danube Board" ("Direction du Danube maritime").

This Board shall be responsible for the preparation and execution of plans for works on the maritime Danube and at the Mouths, for levying dues and for disposing of the yield thereof.

The European Commission shall cease to exercise the powers conferred upon it in these matters, in particular by Article 16 of the Treaty<sup>1</sup> of Paris of the 30th March, 1856, Article 4 of the Treaty<sup>2</sup> of London of the 13th March, 1871, Article 24 of the Public Act, and Articles 3 and 4 of the Additional Act.

*Article 6.*

The Autonomous Board shall submit to the European Commission the plans for works of improvement and upkeep to be undertaken in the interests of navigation, and these plans shall be prepared in co-operation with the Committee of Consulting Engineers set up by the Commission.

In the light of the report of this Committee, the Commission shall consider whether the said plans respond to the requirements of navigation. The Commission may modify the plans if it deems expedient.

The decisions of the Commission in this matter shall be taken by majority vote, but the vote of the Roumanian Delegate must form part of the majority. In taking these decisions the Commission will take account of the technical, economic and financial interests of Roumania.

*Article 7.*

The Autonomous Board shall have the right to undertake, without first obtaining the approval of the Commission, works rendered necessary by unforeseen and urgent circumstances. It shall, however, inform the Commission without delay of the reasons for these works, and furnish a summary description of them.

*Article 8.*

The Autonomous Board or any other competent Roumanian authority shall communicate to the Commission a summary description of all works on the maritime Danube or at the Mouths,

<sup>1</sup> *British and Foreign State Papers*, Vol. 46, page 8.

<sup>2</sup> *British and Foreign State Papers*, Vol. 61, page 7.

which are necessary to the economic development of Roumania, including, in particular, works for protection against floods and for irrigation.

The Commission may only veto such works in so far as they are likely to impair navigability.

The Commission must give its decision, on the basis of the report of the Committee of Consulting Engineers, within four months after the communication of the description of the works.

*Article 9.*

The Committee of Consulting Engineers shall maintain contact with the Autonomous Board for the purpose of obtaining by correspondence or by inspection any information which it may deem useful for the discharge of the functions defined in Articles 6 and 8 and for the purpose of acquainting itself with the progress of the works.

It may for this purpose be represented by one of its members.

*Article 10.*

Navigation dues shall be at a moderate rate and shall be equal for ships of all flags.

The Autonomous Board shall propose the tariff of dues to the Commission which shall settle it by majority vote, but the vote of the Roumanian Delegate must form part of the majority.

The proceeds of the navigation dues shall be paid into the account of the Autonomous Board. The funds in this account shall be devoted exclusively to the carrying out of works and to the other charges provided for in the present Convention.

*Article 11.*

The Autonomous Board shall communicate monthly to the Commission returns of vessels entering and leaving the Danube, showing their flags and tonnages, and the amount of the dues levied in respect of each vessel. It shall also communicate to the Commission all useful information regarding the allocation of the proceeds of the dues.

The accountant of the Commission shall maintain contact with the Autonomous Board for the purpose of obtaining any additional information with regard to the collection and allocation of the dues.

The Commission shall satisfy itself by means of the documents and information tendered to it or obtained in response to its request that the collection and the allocation of the dues is in conformity with the terms of the Treaties, Conventions and Acts in force and with the tariff of dues.

Masters or owners of ships may address to the Commission any complaint which they may have to make regarding the dues levied upon them.

*Article 12.*

The European Commission and its officials shall cease to exercise the special powers conferred upon them in sanitary matters by Articles 18, 19 and 20 of the Public Act, and by Articles 6 and 7 of the Additional Act.

The sanitary dues levied by the Roumanian authorities shall be equal for ships of all flags and shall be at a moderate rate ; they shall not exceed 1.5 per cent. of the highest navigation due at present in force (3.70 gold francs).

*Article 13.*

The European Commission shall determine, in conformity with the terms of the present Arrangement, which of its personnel shall be retained in its service. The conditions of employment of the personnel retained shall be those at present in force, or any other conditions which the Commission may substitute for these without violating the provisions of the service agreements.

Members of the personnel on the present normal establishment and of the minor personnel engaged on a permanent basis leaving the service of the Commission in consequence of the suppression of their posts as a result of the present Arrangement who do not come within the category mentioned

in paragraph 3 below, shall receive the retiring indemnity provided for in this case under the present regulations and an additional indemnity of three times their present annual salary.

The Roumanian Government will, without prejudice to the application of Article 4, re-engage 50 per cent. of the Roumanian members of the personnel mentioned in paragraph 2 of this Article above. Members thus re-engaged shall receive, in addition to their retiring indemnity, an indemnity of eighteen months' salary.

The Roumanian Government will provide the Commission with a list of the foreign personnel whom it desires to employ for the maximum period of one year, to be counted from the entry into force of the present Arrangement. This employment may be terminated by either side, notice being given three months in advance.

#### *Article 14.*

The retiring indemnities and the indemnities to be paid to the personnel of the Commission in virtue of Article 13 shall rank as a first charge on the funds of the Commission in the following order: ordinary funds, special funds other than sinking funds, sinking funds. The Commission shall retain amounts represented by the retiring indemnities which have accrued at the date of the entry into force of the present Arrangement, to members of the personnel remaining in its service.

The sums remaining in the sinking fund after meeting the charges provided for in the previous paragraph shall continue to be allocated to the repayment of the loans advanced to the Commission in 1929 by France, Great Britain and Italy.

Out of the total of the remaining funds, a sum of 200,000 gold francs will be retained by the Commission as a reserve fund.

Any sums remaining in the special funds after the various charges provided for above have been met shall be handed over to the Autonomous Board to be devoted to the purposes to which they are at present allocated.

#### *Article 15.*

The European Commission shall continue to be responsible for the repayment, under the conditions already laid down by it, of the war-time advances made to it and the service (interest and sinking fund) of the loans advanced in 1929 by France, Great Britain and Italy. The Autonomous Board will remit to the Commission the amounts which the Commission shall indicate to it as being necessary for this purpose, which shall be the first payments to be made out of the proceeds of the navigation dues, the advances and loans mentioned above enjoying a first charge on these proceeds.

The sums necessary to meet the expenses provided for in the budget of the Commission shall be paid to the Commission by the Autonomous Board as the second payments to be made out of the proceeds of the navigation dues immediately after those referred to in paragraph 1 above, the Commission's claims in this respect enjoying a second charge on these proceeds.

The arrangements for the service of the loan advanced to the Commission in 1929 by Roumania will be determined by the Roumanian Government, account being taken of the above-mentioned arrangements and in such a way that the service of this loan cannot be made a charge on the yield of the navigation dues.

#### *Article 16.*

The Commission will make arrangements with the Roumanian Government with regard to contracts concluded by the Commission and still in force on the date of the entry into force of the present Arrangement.

#### *Article 17.*

The European Commission shall place at the disposal of the competent Roumanian authorities and of the Autonomous Board, as the case may be, its movable and immovable property, in particular its mechanical craft, apparatus, stocks, quarries, the hospitals at Sulina and the lighthouses on the Island of Serpents, at Sulina and St. George to be used at the discretion of the Board for the purpose for which they were designed in the interests of navigation. The Commission shall,

however, retain the use of the Administrative buildings at Galatz and the Administrative building at Sulina ; the ground floor of the latter shall be available for use free of charge by the Roumanian authorities and the Autonomous Board.

The inspection vessel *Carolus Primus* shall be taken over by the Roumanian Government, who will place it, free of charge, at the disposition of the Commission for its plenary sessions and for the needs of its consulting engineers.

*Article 18.*

The Roumanian Government shall appoint the authorities who shall have jurisdiction to try, in the first instance, offences against the navigation and police regulations.

Proceedings before these authorities shall be as simple and expeditious as possible.

Appeals against the decisions of the said authorities shall lie to the Court of Appeal at Galatz, whose decisions shall not be subject to any further appeal. These cases shall be heard as matters of extreme urgency and take precedence over all cases on the list.

No judicial fees shall be charged in connexion with these cases before the Court.

The European Commission and its officials shall cease to exercise the jurisdictional rights conferred upon them, in particular by Article 8 of the Public Act, Article 2 of the Additional Act, Articles 109, 190, 192 and 193 of the Navigation Regulations.

*Article 19.*

The European Commission enjoys in respect of its property as well as of the person of its members (Delegates, Deputy Delegates and Delegation staffs) the privileges and immunities accorded in time of peace and war to diplomatic missions.

The privileges and immunities of the employees of the Commission shall be those provided for in the agreement concluded this day between the Commission and the Roumanian Government. This agreement may be modified by agreement between the same parties.

*Article 20.*

The privilege of free use of postal, telegraphic and telephonic services which the European Commission enjoys at present is renounced.

*Article 21.*

Disputes between the States Parties to the present Arrangement, relating to the interpretation and the application of this Arrangement, and of any other treaty provisions applicable to the maritime Danube and its Mouths, which the European Commission has not succeeded in settling within a reasonable period, shall be submitted to an arbitral tribunal constituted as hereinafter provided.

On the entry into force of the present Arrangement, the contracting States shall each appoint one arbitrator and one deputy arbitrator. They shall also nominate by agreement five persons being nationals of non-contracting States to discharge the functions of umpire, or, in the case mentioned in paragraph 4 below, to act as a member of the arbitral tribunal. The Commission shall be notified of the names of the persons so nominated, and shall draw up the list of arbitrators and that of the umpires. The Commission shall communicate these lists to the delegates and keep them up to date.

In the event of a dispute between two States, the tribunal shall consist of the arbitrators appointed by these States, or, if necessary, by their deputies, and an umpire chosen in agreement by these arbitrators from the second list mentioned in paragraph 2 above. In the event of the arbitrators being unable to agree on the choice of the umpire, the persons whose names appear on the second list shall choose one of themselves by a majority vote.

In the event of a dispute between more than two States, the States which are parties in the same interest shall appoint, in agreement, an arbitrator who may be chosen outside the first list. In the absence of such agreement, the persons whose names appear on the second list shall choose one of themselves by majority vote. Steps shall then be taken to appoint the umpire in accordance with the procedure laid down in paragraph 3 above.

Cases shall be brought before the arbitral tribunal by means of an agreement containing the terms of reference. If the terms of reference have not been agreed within three months of the request for arbitration the tribunal shall proceed to draw up the terms of reference.

In the event of one of the parties considering that in drawing up the terms of reference the arbitral tribunal has exceeded its powers, that party may bring the matter before the Permanent Court of International Justice by written application. If the Court considers that the tribunal has exceeded its powers, the Court may, at the request of either party to the dispute, assume jurisdiction to deal, in accordance with its ordinary procedure, with the merits of the dispute.

Subject to what is provided above, the procedure before the arbitral tribunal shall be that laid down by the Hague Convention<sup>1</sup> of the 18th October, 1907, for the pacific settlement of international disputes.

*Article 22.*

Any State represented on the European Commission or which may be represented thereon in the future may accede to the present Arrangement.

*Article 23.*

The present Arrangement shall be ratified as soon as possible.

The instruments of ratification and accession shall be deposited in the archives of the Roumanian Government, who will furnish certified true copies to all signatory or acceding States, and who will draw up a *Procès-verbal* of the deposit of the said instruments.

This *Procès-verbal* shall be closed as soon as the instruments of ratification or accession have been deposited on behalf of all the States represented on the European Commission at the time. The Arrangement will enter into force three months after the closing of the said *Procès-verbal*.

The Roumanian Government will furnish to all signatory or acceding States certified true copies of any instruments of accession which may be deposited subsequently.

In faith whereof the above-mentioned Plenipotentiaries have signed the present Arrangement, in a single copy, which shall be deposited in the archives of the Royal Roumanian Government and of which a certified true copy shall be forwarded to all signatory or acceding States.

Done at Sinaia, this 18th day of August, 1938.

Jean DU SAULT.  
Paul CHARGUERAUD.

Douglas W. KEANE.  
Const. CONTZESCO.

FINAL PROTOCOL.

At the time of signing the Arrangement relative to the exercise of the powers of the European Commission of the Danube, and in order to render its sense more clear, the undersigned Plenipotentiaries have agreed as follows :

*Ad Article 5.*

It is understood that the autonomous service provided for in Article 5 may be constituted within the framework of the Commercial Administration of Ports and Waterways (P.C.A.).

*Ad Article 13.*

It is understood that in applying paragraph 3 of Article 13 the Roumanian Government will arrange to take back into their service a number of officials whose present aggregate salaries shall represent as far as possible 50 per cent. of the total of the salaries at present payable to the personnel of Roumanian nationality.

<sup>1</sup> *British and Foreign State Papers*, Vol. 100, page 298.

*Ad Article 17.*

(a) It is understood as regards the application of paragraph 1 of Article 17 that the European Commission will not take over the articles mentioned in this paragraph without the consent of the Roumanian Government.

(b) The Roumanian Plenipotentiary has declared that the crews of seagoing and river vessels and the personnel of the Commission shall be admitted to, and receive treatment in, the hospitals at Sulina free of charge.

In faith whereof the undersigned have drawn up the present Protocol, which shall be operative in the same manner and for the same period as the Arrangement to which it refers.

Done at Sinaia, this 18th day of August, 1938.

Jean DU SAULT.  
Paul CHARGUERAUD.

Douglas W. KEANE.  
Const. CONTZESCO.

<sup>1</sup> TRADUCTION. — TRANSLATION.

## AGREEMENT

RELATIVE TO THE ENTRY OF GERMANY INTO THE EUROPEAN COMMISSION OF THE DANUBE, THE ACCESSION OF THE GOVERNMENTS OF GERMANY AND ITALY TO THE ARRANGEMENT SIGNED AT SINAIA ON AUGUST 18TH, 1938, BETWEEN THE GOVERNMENTS OF GREAT BRITAIN AND NORTHERN IRELAND, FRANCE AND ROUMANIA, AND THE AMENDMENT OF ARTICLES 4 AND 23 OF THAT ARRANGEMENT. SIGNED AT BUCHAREST, MARCH 1ST, 1939.

THE GOVERNMENT OF THE GERMAN REICH,  
THE GOVERNMENT OF THE FRENCH REPUBLIC,  
HIS MAJESTY'S GOVERNMENT IN THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND,

THE GOVERNMENT OF HIS MAJESTY THE KING OF ITALY, EMPEROR OF ABYSSINIA,  
THE GOVERNMENT OF HIS MAJESTY THE KING OF ROUMANIA, having reached agreement on the subject of the entry of Germany into the European Commission of the Danube and of the entry into force of the Arrangement relative to the exercise of the powers of the said Commission on the maritime Danube, signed at Sinaia on the 18th August, 1938,

Have nominated as their Plenipotentiaries :

THE GOVERNMENT OF THE GERMAN REICH :

His Excellency Dr. Wilhelm FABRICIUS, Envoy Extraordinary and Minister Plenipotentiary ;

THE GOVERNMENT OF THE FRENCH REPUBLIC :

His Excellency M. Adrien THIERRY, Envoy Extraordinary and Minister Plenipotentiary ;

HIS MAJESTY'S GOVERNMENT IN THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND :

His Excellency Sir Reginald H. HOARE, Envoy Extraordinary and Minister Plenipotentiary ;

THE GOVERNMENT OF HIS MAJESTY THE KING OF ITALY, EMPEROR OF ABYSSINIA ;

His Excellency M. Pellegrino GHIGI, Envoy Extraordinary and Minister Plenipotentiary ;

THE GOVERNMENT OF HIS MAJESTY THE KING OF ROUMANIA :

His Excellency M. Grégoire GAFENCO, Minister for Foreign Affairs,

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

<sup>1</sup> Traduction du Foreign Office de Sa Majesté britannique.

<sup>1</sup> Translation of His Britannic Majesty's Foreign Office.



Who, having examined their respective full powers and found them in good and due form, have unanimously agreed as follows :

*Article 1.*

The Government of the German Reich enters the European Commission of the Danube on a basis of complete equality with those States who are already represented thereon.

*Article 2.*

The Governments of the German Reich and of His Majesty the King of Italy, Emperor of Abyssinia, declare their accession to the Arrangement " relative to the exercise of the powers of the European Commission of the Danube ", signed at Sinaia on the 18th August 1938, by the Plenipotentiaries of the Government of the French Republic, His Majesty's Government in the United Kingdom of Great Britain and Northern Ireland, and the Government of His Majesty the King of Roumania.

*Article 3.*

Article 4 of the Sinaia Arrangement is amended as follows :

" All the present personnel of the Corps of Pilots become subject to the orders of the competent Roumanian authorities.

Pilots of non-Roumanian nationality shall be replaced, as vacancies occur resulting from death, resignation and retirement, by Roumanian pilots until the proportion of the latter in relation to the total number of pilots reaches two-thirds.

The remaining third shall be appointed by the Roumanian authorities upon the recommendation of the delegates on the European Commission of the Danube of the Powers other than Roumania in the same manner as in the past.

The chief pilot shall be chosen and appointed by the Roumanian authorities from a list of three candidates presented by the Commission, without distinction of nationality.

The material conditions of service of pilots irrespective of nationality (pay, conditions of payment, compensation, pensions), shall remain the same as heretofore, and shall be entrusted by the competent Roumanian authorities to the European Commission of the Danube, which shall include in its annual budget a special section financed by the said Roumanian authorities on the yield of taxation on shipping. "

*Article 4.*

The third paragraph of Article 23 of the Sinaia Arrangement is amended as follows :

" This *procès-verbal* shall be closed as soon as the instruments of ratification and accession have been deposited on behalf of all the States represented on the European Commission of the Danube at the time. The Arrangement shall enter into force at the moment of opening of the next ordinary session which follows the closing of the said *procès-verbal*. "

The present Agreement shall be ratified at the same time as the Sinaia Arrangement, and shall have the same force and value. It shall enter into force on the same date.

In witness whereof the aforementioned Plenipotentiaries have signed the present Agreement.

Done at Bucharest, this 1st day of March, 1939, in a single copy, which shall be deposited in the archives of the Royal Roumanian Government, and of which a certified true copy shall be forwarded to all signatory or acceding States.

Dr. Wilhelm FABRICIUS.  
Adrien THIERRY.  
Reginald H. HOARE.

Pellegrino GHIGI.  
Gregoire GAFENCO.  
Constantin CONTZESCO.