

No. 29499

**FEDERAL REPUBLIC OF GERMANY
and
HUNGARY**

**Agreement concerning inland navigation (with protocol
signed at Budapest on 12 December 1986). Signed at
Budapest on 15 January 1988**

Authentic texts: German and Hungarian.

Registered by Germany on 28 January 1993.

**RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE
et
HONGRIE**

**Accord relatif à la navigation intérieure (avec protocole signé
à Budapest le 12 décembre 1986). Signé à Budapest le
15 janvier 1988**

Textes authentiques : allemand et hongrois.

Enregistré par l'Allemagne le 28 janvier 1993.

[TRANSLATION — TRADUCTION]

AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE FEDERAL
REPUBLIC OF GERMANY AND THE GOVERNMENT OF THE
HUNGARIAN PEOPLE'S REPUBLIC CONCERNING INLAND
NAVIGATION

The Government of the Federal Republic of Germany and the Government of the Hungarian People's Republic,

Desiring to further develop reciprocal inland shipping,

Mindful of the Final Act of the Conference on Security and Cooperation in Europe,² particularly its provisions on the development of transport,

Have agreed as follows:

Article 1

For the purposes of this Agreement:

(a) "Vessels" means, within the purview of this Agreement, officially registered inland vessels that may be operated as a passenger or freight carrier service where they are registered, without special authorization;

(b) "Carrier-ship lighters" means vessels under the provisions of paragraph (a), which are unmanned and non-motorized lighters;

(c) "Shipping lines" means shipping enterprises or entrepreneurs whose permanent establishments or headquarters fall within the purview of this Agreement;

(d) "Competent authorities" means, in the case of the Federal Republic of Germany, the Federal Minister of Transport and, in the case of the Hungarian People's Republic, the Minister of Transport, unless they inform one another that other authorities are competent;

(e) "Ports" means officially authorized ports and transshipment points within the purview of this Agreement.

Article 2

Within the purview of this Agreement, vessels may use the inland waterways, ports and officially authorized stopover sites in accordance with articles 3 to 6. This shall also apply, *mutatis mutandis*, for the transport of floating apparatuses and equipment as well as recently constructed vessels.

Article 3

(1) The vessels of the two sides may transport passengers and/or freight through the territory of the other side on the sectors of the waterways agreed upon by the competent authorities on the basis of a proposal from the Joint Committee (article 14) (transit traffic).

¹ Came into force on 31 January 1990, the date on which the Contracting Parties notified each other (on 16 January 1989 and 31 January 1990) of the completion of the domestic requirements, in accordance with article 18 (2).

² *International Legal Materials*, vol. XIV (1975), p. 1292 (American Society of International Law).

(2) If one of the sides requests, the competent authorities may, on the basis of a proposal by the Joint Committee, agree upon proportional participation by the shipping lines of the two sides in freight transport in accordance with paragraph 1. This shall be done in particular if the vessels of one side are excluded from such freight transport.

(3) After consultation in the Joint Committee, each side may, in exceptional cases for technical reasons or reasons relating to security of navigation, establish maximum quotas of runs for transit traffic on their waterways.

Article 4

(1) The vessels of the two sides may carry passengers and/or freight between ports of one side and ports of the other side and vice versa on the inland waterways that link them (reciprocal traffic).

Hungarian vessels may carry passengers and/or freight only between a Hungarian port and one of the following ports of the other side or vice versa:

(a) A seaport;

(b) A port situated on the direct route to a seaport;

(c) A port which has been designated by the competent authorities pursuant to a proposal by the Joint Committee.

(2) After consultation in the Joint Committee, each side may, in exceptional cases for technical reasons or for reasons relating to security of navigation, establish maximum quotas of runs for reciprocal traffic on their waterways.

(3) In respect of reciprocal traffic, the shipping lines of the two sides shall on a regular basis over the course of the year, each take on one half of the cargo load. Apportionment shall be based on tonnage. If the shipping lines of one side are unable to transport their share, they shall then offer that amount to the shipping lines of the other side for transport without including it in the latter's quota.

(4) Notwithstanding paragraph 3, another apportionment of the cargo load between the shipping lines of the two sides may be carried out for Hungarian overseas export and import traffic through seaports of the Federal Republic of Germany.

(5) Upon the request of one of the sides, the competent authorities of the two sides shall, taking into account the proposal by the Joint Committee, reach an agreement binding on the two sides concerning economically appropriate minimum/maximum freight tariffs and related terms.

(6) Participation by vessels from third countries in traffic between the ports of the two sides shall be included in the quota of the supplying side.

Article 5

The vessels of the two sides may transport passengers and/or freight between a port of the other side and a port in a third country (third-country traffic) and vice versa only on the basis of special authorization by the competent authority.

Article 6

The transport of passengers and/or freight between ports of the other side (coastal shipping) shall be permitted only on the basis of special authorization by the competent authority.

Article 7

(1) Vessels, their crews, passengers and cargoes shall be subject to the legislation of the side whose inland waterways are being navigated. The following exceptions shall apply:

(a) On the Danube, the certification of competency for the crew (including the captain) issued at the time by the other side and the vessel's certificate shall be recognized;

(b) For navigation on the other inland waterways — with the exception of the Rhine, the Mosel and sea navigation lanes — the competent authorities shall issue the documents and certificates prescribed in their country upon presentation of the documents and certificates acquired in the territory of the other side for the vessel and its crew and cargo (e.g. the vessel's certificate and the shipmaster's certificate), it being understood that the documents and certificates shall be issued in the territory of one side under conditions that are compatible with the regulations in force in the territory of the other side.

(2) Vessels may transport hazardous freight only if they are in possession of the prescribed valid admission certificate for the waterway in question.

Article 8

When vessels of the other side avail themselves of the traffic rights granted to them under articles 2 and 6, they shall be treated by the Contracting Parties in the same manner as vessels of their own side, particularly with regard to:

(a) The levying of public shipping and port charges;

(b) The use of public port installations, berths, locks and similar navigation facilities;

(c) Clearance by the competent authorities;

(d) The provision of fuel and lubricants.

Article 9

The Contracting Parties shall accord the same treatment to the vessels of the other side in respect of the customs clearance of food supplies and ship provisions transported on board as that accorded to vessels of their own side. This shall also apply to the fuel and lubricants to be used on the vessels.

Article 10

(1) The shipping lines of the two sides may establish agencies to look after vessels and crews in the territory of the other side in accordance with the legislation in force there and with the authorization of the competent authority on the basis of reciprocity.

(2) The shipping lines of the two sides may conclude agreements with one another on operational, technical and commercial cooperation in order to enhance the economic efficiency of their trade.

Article 11

Each Contracting Party shall accord the shipping lines of the other side the right to transfer freely and to transmit free of duty to the headquarters of such enterprises