REVISED CONVENTION FOR RHINE NAVIGATION

of 17 October 1868 as set out in the text of 20 November 1963

(Unofficial consolidated text)

[*This English text has not been updated to reflect the 2018 revision of the French, German and Dutch consolidated versions; the French, German and Dutch texts should be consulted for the current consolidated text of the Convention.]*

1. Preliminary remarks

This new publication, the purpose of which is exclusively practical, includes the following texts:

- Revised Convention for Rhine Navigation, signed at Mannheim on 17 October 1868, between France, Grand Duchy of Baden, Bavaria, Grand Duchy of Hessen, Netherlands and Prussia;

- Convention of 14 December 1922 regarding Rhine Boatmasters' Certificates;

- Strasbourg Convention of 20 November 1963 amending the Revised Convention for Rhine Navigation signed at Mannheim on 17 October 1868, brought into force on 14 April 1967;

- Additional Protocol No. 1 to the Revised Convention for Rhine Navigation, signed at Strasbourg on 25 October 1972, entering into force on 27 February 1975 and repealing the Additional Protocol of 18 September 1895 (see annex 1).

- Additional Protocol No. 2 to the Revised Convention for Rhine Navigation, signed at Strasbourg on 17 October 1979, and entering into force on 1 February 1985 (see annex 2).

- Additional Protocol No. 3 to the Revised Convention for Rhine Navigation, signed at Strasbourg on 17 October 1979, and entering into force on 1 September 1982 (see annex 3).

- Additional Protocol No. 4 to the Revised Convention for Rhine Navigation, signed at Strasbourg on 25 April 1989, and entering into force on 1 August 1991 (see annex 4).

I. Revised Convention for Rhine Navigation, signed at Mannheim on 17 October 1868

As set out in articles I, II and III of the amending Convention of 20 November 1963 (see II), as amended by Additional Protocols Nos. 1, 2, 3 and 4.

Article 1 (2)

The navigation of the Rhine and its estuaries from Basel to the open sea either down or upstream shall be free to the vessels of all nations for the transport of merchandise and persons, provided that they conform to the provisions contained in this Convention and to the measures prescribed for the maintenance of general safety.

Apart from these regulations no obstacle of any kind shall be offered to free navigation.

The Leck and the Waal are considered as being part of the Rhine.

Article 2

The vessels belonging to Rhine navigation and the timber rafts or floats coming from the Rhine shall have the right to choose the waterway they prefer when traversing the Netherlands on the way to or from the open sea or Belgium.

If as a result of natural causes or engineering works one of the navigable waterways connecting the open sea with the Rhine through Dordrecht, Rotterdam, Hellevoetsluis and Brielle becomes impassable to navigation, the navigable waterway indicated to Dutch shipping as replacing the interrupted channel shall be equally open to the shipping of the other riparian States.

Any vessel shall be deemed to belong to Rhine navigation if it has the right to fly the flag of one of the Contracting States and can substantiate this right by means of a document issued by the competent authority. (1).

Article 3 (2)

No duty based solely on navigation may be levied on vessels or their cargoes or on rafts navigating on the Rhine or its tributaries, in so far as they are in the territory of the High Contracting Parties or on the navigable waterways mentioned in article 2.

The levying of dues for buoyage or marking of the navigable waterways mentioned in the preceding paragraph above Rotterdam and Dordrecht shall also be prohibited.

Article 4 (2)

Vessels belonging to Rhine navigation shall be authorized to transport merchandise and persons between two points situated on the inland waterways referred to in the first paragraph of article 3. Other vessels shall be authorized to carry out such transport only under conditions laid down by the Central Commission.

---

(1) This provision is supplemented by the provisions of paragraphs 1, 2 and 3 of the Protocol of signature of Additional Protocol No. 2 to the Revised Convention for Rhine Navigation and by the Swiss declaration annexed to that Additional Protocol (annex 2).

(2) The Mannheim Convention and articles 1, 3 and 4 in particular, should be interpreted taking into account the provisions of Additional Protocol No. 4 to the Revised Convention for Rhine Navigation (annex 4).

The conditions for the transport of merchandise and persons by vessels not belonging to Rhine navigation, between a point situated on the above-mentioned inland waterways and a point situated in the territory of a third State shall be laid down in agreements to be concluded between the two Parties concerned. The Central Commission shall be consulted before the conclusion of such agreements.

With regard to the above-mentioned inland waterways, the same treatment in every respect as for nationals shall be given to vessels belonging to Rhine navigation and their cargoes.

Article 5

Boatmasters shall not, on any of the navigable waterways mentioned in article 3, be compelled to unload either in part or whole, or to transship their cargoes.

Any dues for putting into port or tying-up shall be abolished and shall remain so.

Article 6

Merchandise may not under any circumstances be subjected on the Rhine to import or export duties greater than those to which such merchandise would be subjected on entry or exit by land frontier.

Article 7

The transit of any merchandise shall be unrestricted on the Rhine from Basel to the open sea unless health measures make exceptions necessary.

The riparian States shall not collect any dues on such transit either directly, after transshipment or after warehousing.

Article 8

The free ports at present open to Rhine trade shall be maintained. The High Contracting Parties reserve the right to increase their number.

The merchandise placed in bond in these free ports shall not be subjected to any import or export duty unless it is subsequently released for trade in the riparian State where stored or into the territory of the Customs and taxation system of which such State is part.

Article 9

If a boatmaster passes straight through the territory of one or more States belonging to the same Customs system with no change of cargo, he shall be allowed to continue his voyage without prior verification of his cargo, on condition that he agrees, as requested by the Customs, either to keep the hatches which give access to the hold closed or to take on board official guards or both. In this case, he shall in addition present to the Customs office a manifest in accordance with the model prescribed by the Central Commission.

On exit he shall stop at the frontier control point in order to have the seals or Customs padlocks examined and removed or to have the guards taken off.

Otherwise he may not be stopped en route for any Customs' enquiry purposes except in the case of contraband (art. 12).

The guards placed on board vessels shall have no other right than to watch those vessels and their cargoes to prevent fraud. They shall partake free of charge of the food provided for the crew. The boatmaster shall furnish at his own expense the necessary fire and light, but the guards may not demand or accept any remuneration.

If, as a result of natural causes or other accidents of force majeure, the boatmaster finds it necessary to shift his cargo either wholly or in part and it needs for this purpose to reopen the hatches giving access to the hold, he shall notify the officials of the nearest Customs to this effect and shall await their arrival. If the case is one of imminent peril and he cannot wait, he shall so advise the nearest local authority which shall open the hold and draw up a report on the matter.

If the boatmaster takes steps on his own initiative without requesting or awaiting the presence of the officials of the Customs or local authority, he must prove in a satisfactory manner that the safety of the vessel or of the cargo was at stake or that he had so to act to avoid an imminent danger. In such cases, he must, as soon as the danger has been averted, inform the officials of the nearest Customs or, if he cannot find them, the nearest local authority to have the facts ascertained.

Article 10

With regard to merchandise entering by the Rhine and intended for internal consumption, or for export, or in transit after transshipment or after being placed in bond in the free ports or elsewhere, the Customs formalities shall he in accordance with the general legislation of the riparian State at whose frontier the entry, exit or transit takes place.

Article 11

Each of the riparian States shall designate for the whole of its territory the ports and unloading places where, apart from the free ports (art. 8), boatmasters shall have the right to discharge or to load a cargo.

The boatmaster shall not load or unload at other places without special permission from the competent authority unless natural causes or an accident prevent him from continuing his journey or endanger the safety of the vessel or its cargo.

If, in such a case, he ties up in a place where a Customs office is located, he shall report to it and comply with the instructions he receives.

If no Customs office exists where he ties up, he shall immediately inform the local authority of his arrival and the latter shall verify by a report the circumstances which led him to tie up and shall advise the nearest Customs office of that territory.

If in order not to expose the cargo to further dangers, it is considered necessary to unload the vessel, the boatmaster shall be required to comply with all legal measures intended to prevent any illicit import. The cargo which he reloads in order to continue his journey shall not be subject to any import or export duty.

If the boatmaster acts on his own initiative without requesting the presence of officials of the Customs office or local authority, the provisions of article 9, paragraph 6 shall apply.

Article 12

When a boatmaster is convicted of having attempted to smuggle he may not invoke freedom of navigation on the Rhine to claim immunity either for himself or for the merchandise which he had attempted to import or export fraudulently, from proceedings begun against him by Customs officials, except that no such action may give rise to seizure of the remaining cargo, or in general to proceedings against the boatmaster more severe than laid down by the legislation in force in the riparian State where the contraband was detected.

If the Customs office at the frontier of a riparian State discovers a difference between the cargo and the manifest, the laws against false declaration in force in the country shall be applied to the boatmaster.

Article 13

When several States are united in a common Customs or taxation system, the frontier of the Union shall be considered to be the territorial frontier for the application of articles 6 to 12.

Article 14

All the facilities which are granted by the High Contracting Parties on other land routes or waterways for the import, export or transit of merchandise shall also be granted to import, export or transit on the Rhine.

Articles 15 - 21

Articles 15 to 21 were repealed and replaced by the provisions of the Convention of 14 December 1922 regarding Rhine boatmasters' certificates reproduced below:

"Article 1

Only the holder of a Rhine boatmaster's certificate issued by the competent authority of one of the Contracting States shall have the right to operate a vessel on the Rhine upstream from the Duisburg-Hochfeld bridge.

Article 2

The certificate shall be issued for all of the Rhine or for specific sections.

It shall specify the sections of the waterway covered by the authorization and the categories of vessel which the holder is permitted to operate. It shall confer the right to operate any vessel in the categories referred to in the certificate, whatever the State to which it belongs.

Article 3

The conditions under which the authorities referred to in article 1 are required to issue a boatmaster's certificate shall be set out in regulations drawn up by mutual agreement.

Article 4

Any certificate holder who, by any means whatsoever, allows the certificate issued to him to pass into the possession of a person not holding such a document, so that he can engage in navigation on the Rhine by virtue of the said certificate, shall be liable, depending on the circumstances, to the temporary or permanent withdrawal of the certificate.

Any person who does not possess a certificate of his own, but engages in navigation on the Rhine using a certificate issued to another person, may not, during a period to be determined according to the circumstances, obtain a navigation certificate.

Article 5

The certificate shall be withdrawn by the State which issued it from any holder who has demonstrated an incapacity constituting a danger for navigation or who has been sentenced either for repeated Customs fraud or for serious damage to property. The withdrawal of the certificate may be temporary. The authorities competent to issue certificates shall be so informed."

Article 22

Before a vessel makes its first voyage on the Rhine, the owner or steersman must obtain a certificate stating that the vessel has the structural strength and equipment necessary for navigation on that part of the river for which it is intended.

This certificate or licence for the vessel shall be issued, after an inspection by experts, by the competent authorities of one of the riparian States.

The name of the vessel and its greatest permitted draught shall be marked on the vessel and indicated in the licence.

This inspection shall be renewed after every repair or each important alteration. It shall also be carried out at the request of the charterer. The result shall be recorded in the licence.

Any riparian State may order an inspection, if it deems advisable, which shall take place at its expense.

The vessel's licence must always be carried on board during a voyage. It must be presented to port and police officials on request.

Article 23 **(3)**

The Central Commission shall lay down in regulations made pursuant to article 22 of this Convention and to the Convention of 14 December 1922 regarding Rhine boatmasters' certificates, the categories of vessel totally or partially excluded from the scope of the said regulations.

Article 24

The provisions of this Convention shall not apply to transport from one bank to the other, with the exception of the clause mentioned in article 32.

Article 25

Raftsmen shall be in possession, for each timber raft or float with which they are navigating on the Rhine, of a certificate from the competent authority of the country, in accordance with Model B attached hereto, bearing the number, the type and weight of the floated timber.

This raft certificate shall take the place of the manifest required by article 9. It must be shown on demand to the officials of the police, port, Customs and the hydraulics service as well as to the commissions set up for the inspection of timber floats.

The provisions of articles 9 and 14 shall also apply to timber floats and the persons in charge thereof.

---

(3) Text of Additional Protocol No. 3 to the Revised Convention for Rhine Navigation of 17 October 1979.

Article 26

The provisions concerning pilot and warning services and the fees to be paid to them by boatmasters shall be at the discretion of each riparian State.

No boatmaster or raftsman may be compelled to take on a pilot. He shall not be required to pay a fee for this purpose unless he has actually made use of the services of a pilot on board his vessel.

Article 27

The Governments of the riparian States will ensure that in the free ports, as in all other ports of the Rhine, all necessary measures are taken to facilitate loading, unloading and warehousing of merchandise and that the premises and equipment allocated to them are maintained in good order.

To meet the necessary costs of maintenance and supervision, an appropriate fee may be levied. Should the revenue from this fee exceed the amount of expenditure in question, the rate of said fee shall be reduced proportionally.

However, this fee may be collected only when use has been made of the premises and equipment mentioned above.

Article 28

The High Contracting Parties undertake, as in the past, each for the area of its territory, to put into good order and to maintain the existing towpaths as well as the Rhine channel. This stipulation shall also apply to the navigable waterways between Corinchem, Krimpen, Dordrecht and Rotterdam.

The riparian State whose territory includes those parts of the river which have not yet been sufficiently rectified and where consequently the channel varies, shall mark the channel by conspicuously located buoys.

If such parts of the river lie between two States situated opposite each other, each shall bear half the cost of setting and maintaining such buoys.

Article 29

The Governments of adjacent riparian States or States which are opposite each other shall exchange information on hydraulic projects, the execution of which might have a direct influence on the part of the river or its banks belonging to them in order to carry out such schemes in the manner most acceptable to both. They shall consult on matters which may arise from the execution of such works.

Article 30

The riparian Governments shall take all necessary steps to see that navigation on the Rhine is not obstructed by either mills or other factories established on the river, or by bridges or other structures. They shall see to it in particular that passage under bridges does not cause any delay to river traffic. It shall be prohibited to make and charge for opening or closing bridges.

No permission may be granted in future for the establishment of new floating mills.

Article 31

From time to time hydraulics engineers delegated by the Governments of all the riparian States shall conduct surveys to examine the state of the river, to observe the results of measures taken for its improvement and to note new obstacles which impede navigation.

The Central Commission (art. 43) shall designate the time and the parts of the river where these surveys are to be made. The engineers shall report to it on the results.

Article 32 **(3)**

Offences against the police regulations in regard to navigation on the Rhine decided on by common agreement of the Governments of the riparian States shall be punishable by a fine equivalent to not less than 3 and not more than 2,500 special drawing rights on the International Monetary Fund converted into the national currency of the State to which the authority imposing the penalty or the court seized of the case belongs.

The value, in special drawing rights, of the national currency of a State which is a member of the International Monetary Fund shall be calculated in accordance with the evaluation method applied by the International Monetary Fund for its own operations and transactions. For a State which is not a member of the International Monetary Fund, this value shall be calculated in accordance with a method determined by that State, but in such a way that the resulting amounts, expressed in national currency, correspond as far as possible to the same real value as that expressed in special drawing rights.

Article 33

Tribunals empowered to hear all cases mentioned in article 34 shall be set up in suitable plates situated on or in proximity to the Rhine.

The Governments of the riparian States shall exchange information relating to the setting up on their territories of tribunals for Rhine navigation and to such changes as may be made to the number, location and jurisdiction of these tribunals.

---

(3) see bottom note (3) on page 7

Article 34

The Rhine navigation tribunals shall have jurisdiction:

I. in criminal matters, to investigate and judge all infringements of regulations regarding navigation and river police;

II. in civil matters, to hand down summary judgement in disputes concerning;

a) the payment and amount of dues for pilotage, cranage, weighing, port and wharfage;

b) obstructions caused by individuals to the use of tow-paths;

c) damage caused by boatmasters or raftsmen during a voyage or in a collision;

d) complaints against owners of draught-horses employed in towing vessels upstream for damage caused to property.

Article 34 bis

The Rhine navigation tribunals shall also have jurisdiction, in accordance with article 34 II c), if the parties are bound by a contract, notwithstanding article 35 ter; their jurisdiction shall not, however, extend to actions arising out of a contract and directed against a vessel for damage caused by it to persons or property on board.

Article 35

Jurisdiction in criminal matters (art. 34 I) shall lie with the Rhine navigation tribunal of the area in which the offence is alleged to have been committed and in civil matters with the tribunal of the area in which payment should have been made (art. 34 II a)) or where the damage is alleged to have occurred (art. 34 II b), c), d)).

Article 35 bis

When, in the case of article 34 II c), the damage took place on the territories of two riparian States or when it is impossible to determine on what territory the damage took place, jurisdiction shall lie with the tribunal which is the only one before which the case is brought or is the first one before which the case is brought.

When a tribunal of one of the States has decided that it has no jurisdiction in the matter, the tribunal of the other State shall be regarded as having jurisdiction.

Article 35 ter

In a civil action, the parties may agree to take their case before a Rhine navigation tribunal other than the one whose jurisdiction is provided for by articles 35 and 35 bis, or, if national legislation does not prohibit this, another jurisdiction or court.

Article 36

The procedure of Rhine navigation tribunals shall be as simple and expeditious as possible; no security shall be required from foreigners by reason of their nationality.

The judgement shall enumerate the facts which give rise to the case, the questions to be decided in accordance with the result of the investigation and the reasoning on which it is based.

The steersman or raftsman may not be prevented from continuing his voyage on account of proceedings begun against him when he has furnished the security stipulated by the judge.

Article 37 (3)

When the case involves an amount greater than 20 special drawing rights as defined in article 32 of this Convention, the parties may lodge an appeal and have recourse for this purpose either to the Central Commission (art. 43) or to the High Court of the country in which the judgement has been given (art. 38).

If an appeal is to be made to the Central Commission, it shall be notified to the tribunal which heard the case in the first instance, within 30 days of the judgement being legally published according to the official practice in use in each State. This notification shall be accompanied by a specific declaration that it is intended to place the matter before the Central Commission. This notification shall also be forwarded to the other party in the dispute at the domicile elected in the first hearing or, in the absence of such domicile, at the tribunal. The notification to the tribunal shall be in accordance with the legal practice required by the law of the land.

Within 30 days from the date of notification of appeal, the appellant shall present to the tribunal which rendered the first judgement a memorandum setting forth the reasons for this appeal to a higher court. The tribunal shall communicate this memorandum to the other party, who shall be required to reply within the time-limit which shall be stipulated for this purpose. These documents, together with the report of the proceedings at the first hearing shall be transmitted to the Central Commission (art. 43).

If the appellant fails to comply with the formalities prescribed in this article, the appeal shall be considered null and void.

In the event that an appeal is to be made to the Central Commission, the tribunal may, at the request of the successful party in the case, order the provisional execution of the original judgement, deciding, however, according to the law of the land, whether the plaintiff should furnish security beforehand.

Article 37 bis

When in a single litigation the plaintiff and the defendant have both appealed within the legal time allowed, one to the Central Commission and the other to the higher national court, the court which first received an appeal shall hear both appeals.

---

(3) see bottom note (3) on page 7

The appeal which is brought before the Central Commission shall be regarded as lodged as soon as it has been notified, in the form and under the conditions provided for in paragraph 2 of article 37, to the tribunal which rendered judgement in the first instance. If the two appeals were lodged on the same day, the court before which the defendant has made his appeal shall hear the appeals.

Each appeal court shall ascertain whether an appeal has already been lodged with the other appeal court.

The appeal court which is not competent within the terms of paragraph 1 shall refer the case, at the request of the appellant, to the court which is competent to hear the appeals within the terms of the aforementioned paragraph. When the appeal to the court which is not competent is lodged within the prescribed period, the period of appeal shall be regarded as having been observed also as far as the other appeal court is concerned.

The costs of the appeals shall also include such costs as, according to the legislation of the court which is not deemed to be competent, have been incurred by the appeal procedure undertaken.

Article 38

Each riparian State shall designate once and for all the higher court to which appeal may be made against judgements given on its territory by the tribunals of first instance for Rhine navigation.

This court must be located in a town situated on or not too distant from the Rhine.

If an appeal is lodged with this court, the procedure to be followed shall be in accordance with the legislation in force in that country.

Article 39

Proceedings connected with Rhine navigation shall not require the use of stamped paper or the payment of fees to judges or clerks of the court. The parties shall have no costs to bear other than those of witnesses or experts and their summons together with those of notification, postage, etc., in accordance with the normal tariffs for court proceedings.

Article 40

Judgements by the Rhine navigation tribunals in each of the riparian States shall be enforceable in all the other States with due observance of the procedure prescribed by the laws of the land in which they are enforced.

Judgements and other decisions, writs of summons and notices of adjournment in cases pending before the Rhine navigation tribunals shall be considered in each of the States, for the purpose of notification, as having been issued by the authorities of that State.

With regard to persons having a known domicile in one of the riparian States, writs and notices in the above cases shall be served at that domicile.

Article 40 bis

1. Each Contracting State shall undertake to make punishable the infringements referred to in article 32 of the Convention either:

   a) by the procedure laid down in articles 32 to 40 of the Convention;

   or

   b) by a particular judicial procedure or by an appropriate administrative procedure.

2. A Contracting State which has recourse to the procedures referred to in paragraph 1.b) shall be required to ensure that:

   a) territorial jurisdiction belongs to the authority of the area in which the infringement has been committed;

   b) the decisions impose fines only within the limits laid down in article 32 of the Convention;

   c) the said decisions are not put into force until at least one week has elapsed after notification of the person concerned;

   d) the person concerned has the opportunity of lodging an appeal within that period and of obtaining by this means examination and trial of the case by the Rhine navigation tribunal of the area in which the infringement was committed.

3. The provision of the first and third paragraphs of article 36, article 39 and the second paragraph of article 40 and the assurance of notification at the domicile laid down in the third paragraph of article 40 shall be equally applicable to the procedures laid down in paragraph 1.b).

4. The method of appeal against decisions taken as a result of the procedures referred to in paragraph 1.b) to the higher court of the Contracting State by virtue of article 37 of the Convention may be replaced by another appropriate means of appeal to another higher judicial body of the same State, without prejudice to the possibility of making an appeal to the Central Commission.

5. Executive decisions taken as a result of the procedures referred to in paragraph 1.b) shall have the same validity in law as the judgements and other decisions of the Rhine navigation tribunals, and shall be enforced in the other Contracting States by the authorities responsible for enforcing the decisions of the Rhine navigation tribunals.

Articles 41 and 42
(have been repealed)

Article 43

Each of the Contracting States shall delegate from one to four commissioners to take part in joint conferences on matters concerning the navigation of the Rhine. These commissioners shall form the Central Commission, which shall have its headquarters in Strasbourg.

Each Contracting State may appoint two or more alternates to replace commissioners unable to attend, or to take part in the discussions of the working bodies set up by the Central Commission.

Article 44

The Commission shall be chaired by a commissioner, appointed for a period of two years by each of the Contracting States in turn according to the French alphabetical order of the States.

The State with which the cycle begins shall be chosen by lot.

The State next in alphabetical order shall appoint the commissioner to act as Vice-Chairman. The Vice-Chairman shall become Chairman on the expiry of the two-year period referred to in the first paragraph above.

Any State may decline the office of Chairman or Vice-Chairman.

Article 44 bis

The Chairman shall direct the proceedings of the sessions. He shall represent the Central Commission, be responsible for the execution of its decisions and, in general, for the proper working of its services.

The Vice-Chairman shall deputize for the Chairman when the latter cannot attend or, if the Chair is vacant, until such time as a new Chairman is appointed.

Article 44 ter

The Central Commission shall decide on the organization of its work and its secretariat.

It shall hold two sessions annually; special sessions may be convened by the Chairman at the request of a Commissioner.

It shall establish, either permanently or temporarily, the working bodies which are necessary for its activities. These shall be chaired by a Commissioner or a Deputy Commissioner according to a two-yearly rotation among the Contracting States.

Article 44 quater

German, English, French and Dutch shall be official languages of the Central Commission.

Article 44 quinquies

The Central Commission shall decide on the relations to be established with other international or European organizations.

Article 45

The terms of reference for the Central Commission shall be :

a) to examine all complaints arising from the application of this Convention as well as the enforcement of regulations drawn up by the riparian Governments and the measures which they have adopted by common agreement ;

b) to deliberate on the proposals made by riparian Governments concerning the prosperity of Rhine navigation, and in particular those which are designed to add to or to amend this Convention and the regulations jointly drawn up ;

c) to render judgement in cases of appeal brought before the Commission against the judgements of Rhine navigation tribunals of first instance (art. 37).

The Central Commission shall prepare each year an annual report on the State of Rhine navigation.

Article 45 bis

The powers of the Central Commission provided for in article 45 c) shall be exercised by a Chamber of Appeal consisting of one judge and one deputy for each Contracting State.

The Central Commission shall appoint for a period of six years judges and deputies from among the persons proposed for this purpose by each of the Contracting States, who must possess legal training or experience of Rhine navigation.

Any State may decline for a period of not less than one year to propose a judge and a deputy for the Chamber of Appeal.

A member of the Chamber of Appeal may not be dismissed except by a unanimous decision of the Central Commission. The members of the Chamber of Appeal shall carry out their duties in full independence and shall not be bound by any instructions. They may not take part in a case of which they have already had cognizance in another capacity.

The deputy shall deputize for the appointed judge when he cannot attend or in case of vacancy or objection.

The Chamber of Appeal shall elect its Chairman from among the members with legal training. His appointment shall be for three years and may be renewed.

Article 45 ter

The Central Commission shall establish the procedural rules of the Chamber of Appeal.

Article 46

Each Contracting State shall have one vote in the Central Commission. A vote may be made subject to subsequent confirmation.

Resolutions adopted unanimously shall be binding, unless within one month one of the Contracting States informs the Central Commission that it refuses its approval or that it can give it only with the agreement of its legislative bodies.

Resolutions adopted by a majority shall constitute recommendations. The same shall apply to resolutions adopted unanimously in the event of a State's refusal to approve them in the circumstances provided for in the previous paragraph.

All resolutions concerning the Central Commission's internal affairs shall be validly adopted by a majority of votes.

Abstentions shall not be included when the votes are counted.

Article 47

Each of the Contracting States shall meet the expenses of its own Commissioners and of members of the Chamber of Appeals whose appointment it proposed. The Central Commission shall fix in advance its budget for the following year and the Contracting States shall contribute to the amount of these expenses in equal shares.

Article 48

This Convention is intended to replace the Convention regarding Rhine navigation of 31 March 1831, the supplementary and additional articles to that Convention, as well as all other resolutions concerning matters upon which rulings have been given in that Convention. It shall become effective on 1 July 1869. It shall be ratified and the ratifications shall be exchanged at Mannheim within six months.

Annex A has been repealed.

Annex B concerning the rafting certificate has not been reproduced since timber rafting is no longer practised.

Final Protocol

Prior to signing the revised Convention for Rhine Navigation drawn up between them in virtue of their full powers, the undersigned hereby made the following reservations and statements :

1) Concerning article 1 of the Convention

It is agreed that the right of free navigation on the Rhine and its estuaries is not extended to the privileges which are granted only to vessels belonging to Rhine navigation or to those assimilated thereto.

2) Concerning article 3 of the Convention

A. It was unanimously agreed that the stipulations of the first subparagraph of this article do not apply to the fees for opening or closing bridges which are charged on navigable waterways other than the Rhine or to duties charged for the use of artificial waterways or engineering structures such as locks, etc.

B. The Plenipotentiary of Prussia drew attention to the fact that on the Ruhr a small navigation charge is still levied which his Government intends to abolish within a short time, but that he must reserve his Government's right to select the date when this charge may be abolished.

The Plenipotentiary of the Netherlands declared that the officials in charge of the buoys on a part of the Meuse in the Limburg Duchy still impose small buoy charges which cannot be abolished without the cooperation of the Belgian Government and that, for this reason, he must reserve his Government's right to execute the provisions of the second subparagraph of article 3 concerning that part of the Meuse.

The other Plenipotentiaries raised no objections to these reservations.

3) Concerning article 8 of the Convention

The free ports existing at present are the following:

In France :	Strasbourg;
In Baden :	Kehl, Maxau, Leopoldshafen, Mannheim;
In Bavaria :	Neuburg, Spire, Ludwigshafen;
In Hessen :	Mainz;
In Prussia :	Biebrich, Oberlahnstein, Coblenz, Cologne, Neuss, Düsseldorf, Uerdingen, Duisburg, Ruhrort, Wesel, Emmerich;
In the Netherlands :	Amsterdam, Rotterdam and Dordrecht.

4) Concerning article 15 of the Convention

The declaration concerning article 15 of the Convention has become null and void; see articles 15 to 21 above.

5) Concerning article 22 of the Convention

A. It is agreed that the present method of indicating the extreme limit of the deepest permitted draught by means of iron staples shall be continued.

B. The renewal of the sides of a vessel shall be considered as an important change or repair.

C. As the stipulations in article 17 of the Convention of 31 March 1831 concerning the tonnage of vessels belonging to Rhine navigation are based exclusively on the levying of recognition dues and as these dues are now abolished, the renewal of those stipulations are superfluous. However, the High Contracting Parties shall ensure that in future there will always be opportunities to verify in their territory the capacity of vessels according to the method of measurement previously agreed between them.

6) Concerning article 23 of the Convention

Point 6) was repealed by Additional Protocol No. 3, signed on 17 October 1979, which came into force on 1 September 1982 (see under V).

7) Concerning article 30 of the Convention

The Plenipotentiary of the Netherlands declared that, in the event of bridges being thrown over the waterways which lead from the Rhine to the sea via Dordrecht, Rotterdam, Hellevoetsluis and Brielle and to which the provisions of article 30 are not applicable, his Government will ensure that vessels and rafts are able to pass those bridges freely and without obstruction by suitable channels and that the facilities accorded during and after construction to Dutch boatmasters and raftsmen shall be extended in the same manner to the boatmasters and raftsmen of the other riparian States.

It is understood that this declaration is without prejudice to the provisions contained in the second subparagraph of article 2.

The other Plenipotentiaries gave their adherence to this declaration.

8) Concerning article 32 of the Convention

The Plenipotentiary of France pointed out that, in the opinion of his Government, the provisions of this article in no way restrict the right of the riparian States to enforce police penalties for offences not referred to in the regulations drawn up by the High Contracting Parties.

This opinion was accepted by common agreement.

9) Concerning article 47 of the Convention

A. This declaration has been repealed.

B. In matters of urgency, the members of the Central Commission may take resolutions by correspondence with the authorization of their Governments.

C. This declaration has been repealed.

II. Convention signed at Strasbourg on 20 November 1963, amending the Revised Convention for Rhine Navigation signed at Mannheim on 17 October 1868

(Closure of the deposit of the instruments of ratification on 13 April 1967)

The Federal Republic of Germany,

The Kingdom of Belgium,

The French Republic,

The United Kingdom of Great Britain and Northern Ireland,

The Kingdom of the Netherlands,

The Swiss Confederation,

Having resolved partially to amend the Revised Convention on Rhine Navigation signed at Mannheim on 17 October 1868 and subsequent amendments, so as to bring the organization and operation of the Central Commission into line with the present circumstances of its activities in the interests of international collaboration, on the understanding that this limited revision will not adversely affect the fundamental principles of the Rhine regime,

Have agreed mutually to make the following amendments and additions to the Revised Convention on Rhine Navigation of 17 October 1868 and subsequent amendments to it:

Articles I and II are included under I above.

Article III

The following have been repealed :

1) This has been included under I above.

2) This has been included under I above.

3) The MODUS VIVENDI of 4 May 1936 and its annex for those Contracting States on which it is still binding.

Article IV

The Governments of the Contracting States shall agree on how a third State which participated in the Central Commission up to the date of entry into force of this Convention can continue to participate in the Central Commission with rights similar to those it exercised previously and obligations comparable to those previously incumbent on it.

This third State shall have the rights and obligations of a Contracting State, as agreed with the Governments and Contracting States.

Article V

Provided that they are still in force and have not been repealed or amended by this Convention, the provisions of the Mannheim Convention shall be an integral part of this Convention.

Article VI

This Convention shall be subject to ratification.

The instruments of ratification shall be deposited with the Secretariat of the Central Commission for preservation in its archives.

A report on the deposit of the instruments of ratification shall be made by the Secretary-General who shall transmit to each of the signatory States a certified true copy of the instruments of ratification together with the report of deposit.

Article VII

This Convention shall enter into force the day after the deposit of the sixth instrument of ratification with the Secretariat of the Central Commission which shall inform the other signatory States thereof.

Article VIII

This Convention, drawn up in a single original in German, French and Dutch, the French text being authentic in the event of divergences, shall remain deposited in the archives of the Central Commission,

A copy certified as true by the Secretary-General shall be transmitted to each of the Contracting States.