

**AGREEMENT<sup>1</sup> BETWEEN THE GOVERNMENT OF THE SOCIALIST REPUBLIC OF ROMANIA AND THE GOVERNMENT OF THE UNION OF SOVIET SOCIALIST REPUBLICS ON THE JOINT CONSTRUCTION OF THE STINCA-COSTESTI HYDRAULIC ENGINEERING SCHEME ON THE RIVER PRUT AND THE ESTABLISHMENT OF THE CONDITIONS FOR ITS OPERATION (WITH PROTOCOL), SIGNED AT BUCHAREST ON 16 DECEMBER 1971<sup>2</sup>**

The Government of the Socialist Republic of Romania and the Government of the Union of Soviet Socialist Republics,

In the interests of both countries,

For the purpose of joint utilization of the water resources of the river Prut and protection of the flood-plain of the river Prut against floods,

Have agreed as follows:

*Article 1.* The Parties shall undertake to construct jointly and to operate in accordance with the conditions set forth in this Agreement a hydraulic engineering scheme on the river Prut, situated in the region of the localities of Stinca, in the Socialist Republic of Romania, and Kostashty, in the Union of Soviet Socialist Republics.

The purpose of the Stinca-Costashty hydraulic engineering scheme on the river Prut, hereinafter referred to as "the hydraulic engineering scheme", shall be:

- to regulate the flow of the river Prut for purposes of irrigation and the supply of water to population centres and industrial enterprises;
- to control the flood waters of the river Prut in order to combat floods;
- to produce electrical energy;
- to ensure as far as possible that the waters of the river Prut below the hydraulic engineering scheme are maintained at the levels necessary for navigation, within the stretch of waterway established by the Parties.

*Article 2.* The hydraulic engineering scheme shall consist of a main earth dam, a storage lake, a floodwater spillway, two hydroelectric power stations and other installations and structures, a detailed list of which is given in the preliminary design for the hydraulic engineering scheme drawn up and approved by the Parties.

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<sup>1</sup> Came into force on 15 March 1973

<sup>2</sup> United Nations, Treaty Series, vol.890,p3

*Article 3.....*

The aforesaid cost also includes compensation for damage caused by flooding from the storage lake and for expropriations for structures.

If, in the course of construction or preparation of the construction designs, the question of the need to adjust the cost of constructing the hydraulic engineering scheme and its installations should arise, the Parties shall hold further discussions concerning that question.

*Article 4.* The Parties shall share, in equal parts, the cost of constructing the hydraulic engineering scheme and of compensation for damage caused by flooding from the storage lake and for expropriations for structures.

*Article 5.* Each Party shall construct the installations and execute the various works for the hydraulic engineering scheme in accordance with the scheme of apportionment included in the preliminary design for the hydraulic engineering scheme approved by the parties.

Each Party shall finance the installations it constructs and the works it executes, regardless of the territory in which such installations or works are situated.

*Article 6.* The Parties have agreed that the duration of the construction of the hydraulic engineering scheme on the river Prut shall be five years, and that construction shall begin in 1973.

*Article 7.* For the purpose of implementing the provisions of the Agreement and the Protocols thereto and in order to ensure the co-ordination of general activities and the solution of problems relating to the construction and operation of the hydraulic engineering scheme, the Parties shall establish a Mixed Romanian-Soviet Commission for the Stinca-Costesti Hydraulic Engineering Scheme on the river Prut, hereinafter referred to as "the Mixed Commission".

The organization and work of the Mixed Commission and its organs shall be governed by a statute to be drawn up by the Parties within six months after the entry into force of this Agreement and subject to approval by the two Parties in accordance with the law of each country.

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*Article 9.* In connexion with the construction of the hydraulic engineering scheme, the Parties have agreed to appoint a special Romanian-Soviet Mixed Commission for the establishment and demarcation of the State frontier line *in situ*.

In the establishment of the new State frontier line by the dam and the storage lake, account shall be taken of the solutions contained in the preliminary design for the hydraulic engineering

scheme, it being understood that of the two hydroelectric power stations with water intakes that form part of the hydraulic engineering scheme one is to be situated in the territory of the Socialist Republic of Romania and the other in the territory of the Union of Soviet Socialist Republics, and subject to the condition that the territorial areas of one Party which are transferred to the territory of the other Party, and vice versa, are of equal size; during that process, the normal operation of the structures of the hydraulic engineering scheme must be ensured by the Parties.

Below the energy dissipators, up to a distance of 80 metres from the power station building, the State frontier along the river Prut shall remain unchanged.

Agreement on the new State frontier line shall be formalized by the signing of a Protocol between the Parties. The date of the entry into force of the new frontier line shall be established in such Protocol.

The Mixed Commission instituted in accordance with the provisions of this article shall demarcate the new State frontier line prior to the filling of the storage lake and shall draw up new demarcation documents which, after their approval by the Governments of the two countries, shall replace the demarcation documents drawn up for that section of the frontier in the years 1948 to 1949 and 1962.

*Article 10.* The installations and structures built in Romanian territory on the basis of this Agreement shall be the property of the Socialist Republic of Romania, and the installations and structures built in Soviet territory shall be the property of the Union of Soviet Socialist Republics. Each Party shall have ownership of the part of the central dam up to the point of intersection with the State frontier line.

*Article 11.* The Parties shall establish a special intergovernmental Romanian-Soviet Commission for the final acceptance of the hydraulic engineering scheme.

The hydraulic engineering scheme shall be considered to have been put into permanent operation from the date of signature of the Act of final acceptance of the hydraulic engineering scheme by the Special Intergovernmental Romanian-Soviet Commission.

*Article 12.* The design, construction, acceptance and mutual accounting of the works for the hydraulic engineering scheme shall be governed by the Protocol on the design, construction and mutual accounting of the works for the Stinca-Costesti hydraulic engineering scheme on the river Prut.

*Article 13.* The Parties have agreed to use the regulated volume of water at all levels of the storage lake and the electrical energy, in equal parts throughout the period of existence of the hydraulic engineering scheme, beginning from the date of entry into operation.

The storage lake may also be used for pisciculture and navigation or for other purposes on the basis of understanding to be concluded between the Parties.

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*Article 16.* Each Party shall ensure that measures are taken in its territory to prevent and combat pollution of the waters of the river Prut.

The Parties shall inform each other of measures for the regulation and use of the water resources of the river Prut above the dam forming part of the hydraulic engineering scheme.

*Article 17.* Any disputes that may arise in connexion with the interpretation and application of this Agreement and of the Protocols relating to the hydraulic engineering scheme, and any other controversies regarding the construction and operation of the hydraulic engineering scheme shall be settled by the Mixed Commission.

If the Mixed Commission fails to reach agreement, the aforesaid disputes and controversies shall be submitted to the Government of the Socialist Republic of Romania and the Government of the Union of Soviet Socialist Republics for settlement.

*Article 18.* The Protocol on the design, construction and mutual accounting of the works for the Stinca-Costesti hydraulic engineering scheme on the river Prut, and the Protocol on the regulation of access to and sojourn in the construction zone of the Stinca-Costesti hydraulic engineering scheme on the river Prut and crossing of the Romanian-Soviet State frontier outside the construction zone in connexion with the construction of the hydraulic engineering scheme shall form an integral part of this Agreement.

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**PROTOCOL**

**ON THE OPERATION OF THE STINCA-COSTESTI HYDRAULIC ENGINEERING SCHEME ON THE RIVER PRUT**

The Government of the Socialist Republic of Romania and the Government of the Union of Soviet Socialist Republics, having regard to the Romanian-Soviet Agreement on the joint construction of the Stinca-Costesti hydraulic engineering scheme on the river Prut and the establishment of the conditions for its operation, have concluded this Protocol on the following matters:

*Article 1.* The Parties undertake to ensure the normal operation of the Stinca-Costesti hydraulic engineering scheme on the river Prut, hereinafter referred to as "the hydraulic engineering scheme", which shall be governed by this protocol.

*Article 2.* Each Party shall be required to operate and maintain the structures and installations of the hydraulic engineering scheme in such a condition as to ensure its normal functioning as a

whole, and must also refrain from any action that might impede or interfere with the normal operation of the hydraulic engineering scheme.

*Article 3.* Co-ordination and the settlement of problems connected with the operation and maintenance of the hydraulic engineering scheme shall be effected by the Mixed Romanian-Soviet Commission for the Stinca-Costesti hydraulic engineering scheme on the river Prut, hereinafter referred to as "the Mixed Commission" in accordance with the provision of article 7 of the Romanian-Soviet Agreement on the joint construction of the Stinca-Costesti hydraulic engineering scheme on the river Prut and the establishment of the conditions for its operation.

The functions of the Mixed Commission with respect to co-ordination of the activities of the organizations of the two Parties responsible for the operation and maintenance of the structures of the hydraulic engineering scheme shall be defined in the rules for the operation and maintenance of the structures of the hydraulic engineering scheme to be approved by the Parties.

*Article 4.* The hydraulic engineering scheme shall be operated in such a way as to ensure the utilization of the regulated volume of water at all levels of the storage lake and the electrical energy, in equal parts, throughout the period of existence of the hydraulic engineering scheme, and control of the flood waters of the river Prut in order to prevent floods.

The storage lake may also be used for pisciculture and navigation or for other purposes on the basis of understandings to be concluded between the Parties.

*Article 5. 1.* The regulation of the flow of the river Prut by means of the storage lake shall be effected in accordance with the provisions of article 4 of this Protocol on the basis of the operational schedules prepared for the various periods of the year.

The operational schedules shall be approved by the Mixed Commission.

2. If in a particular period one of the Parties is unable to fully utilize its share of the regulated discharges, it may, by mutual agreement, transfer the unused quantity of water to the other Party on a loan basis.

The quantities of water that have been transferred on loan shall be restored under the conditions established by the Mixed Commission.

3. Each Party shall be obliged to ensure, in accordance with the health requirements, a permanent minimum discharge of 2.5 cubic metres per second below the hydraulic engineering scheme.

*Article 6. 1.* The measurement of the inflow from the river Prut into the storage lake and of the regulated discharges shall be effected jointly. Forecasts concerning the hydrological regime of the river Prut shall also be made jointly on the basis of a mutual exchange of hydrometeorological data.

2. The discharges of water taken and returned by each Party shall be measured by flow gauges having the same degree of precision.

3. The Parties shall inform the Mixed Commission of the location of and maximum flow at the inlet and outlet points.

*Article 7.* The flood-relieving capacity of the storage lake may be used for the purposes of regulating discharges, water utilization and for ensuring navigation on the river Prut in accordance with the decisions of the Mixed Commission.

*Article 8.* 1. The Parties shall not carry out works or take measures which would cause any deterioration in the water quality of the river Prut existing on the date of conclusion of this Protocol.

2. The direct discharge into the storage lake of waste water and of matter or substances that could pollute the water shall be prohibited. In special cases it may be effected, solely with the approval of the Mixed Commission.

*Article 9.* The measurement of the water power potential utilized shall be effected by means of instruments installed in accordance with the design. Equalization of the difference in electrical energy produced shall be effected under the conditions established in the rules for the operation and maintenance of the structures of the hydraulic engineering scheme.

*Article 10.* 1. The maintenance of the structures in working order by each Party in its own territory shall be carried out in accordance with plans prepared by the Mixed Commission on the basis of the technical conditions established in the rules for the operation and maintenance of the structures of the hydraulic engineering scheme.

2. In the event that one Party allows loss of water or a reduction in pressure beyond the permissible limits established in the rules for the operation and maintenance of the structures of the hydraulic engineering scheme, it shall be required to restore to the other Party the amount of water or electrical energy lost.

The procedure for restitution shall be established by the Mixed Commission.

*Article 11.* 1. When putting the hydraulic engineering scheme into operation, the Mixed Commission shall establish the standard working life of the individual structures essential to the normal functioning of the hydraulic engineering scheme.

On the expiry of the standard working life of each structure or item of work, the Mixed Commission shall determine the need to restore or rebuild the structure or item of work, and also the time-limit for completion of the restoration or reconstruction.

2. The restoration or reconstruction of such structures or items of work shall be carried out by the party in whose territory the structures or items of work are situated.

3. By agreement with the Mixed Commission, the Parties may, in the restoration or reconstruction of the structures or items of work, apply technical solutions different from those provided for in the design.

4. The provisions of this article shall also apply in the event that such structures are damaged or destroyed by reason of *force majeure*.

For the purposes of this article, the term "*force majeure*" shall refer to natural disasters. Floods and earthquakes shall be deemed to constitute *force majeure* if they occur on a scale exceeding the maximum figures set for the installation concerned in the design for the hydraulic engineering scheme.

*Article 12.* Liability for damage occasioned to third parties in the course of the operation of the hydraulic engineering scheme by the organizations of the Parties responsible for the operation and maintenance of the structures of the hydraulic engineering scheme shall rest with the organization which caused such damage.

The liability of the organization which is responsible for the operation and maintenance of the structures of the hydraulic engineering scheme and whose activities occasioned damage to a third party shall be established on the basis of the law in force in the country in whose territory the damage occurred.

*Article 13.* Cases of liability for damage occasioned in the course of the operation of the hydraulic engineering scheme by the organizations of one Party which are responsible for the operation and maintenance of the structures of the hydraulic engineering scheme to the corresponding organization of the other Party which is responsible for the operation and maintenance of the structures of the hydraulic engineering scheme shall be considered and settled in accordance with the procedure specified in article 14 of this Protocol.

*Article 14.* Any disputes that may arise in connexion with the application of the provision of this Protocol shall be settled in accordance with article 17 of the Romanian-Soviet Agreement on the joint construction of the Stinca-Costesti hydraulic engineering scheme on the river Prut and the establishment of the conditions for its operation.

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1/ Came into force on 15 March 1973.

2/ United Nations, *Treaty Series*, vol. 890, p. 3.