

The Mannheim Act and the freedom of navigation

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The Rhine is one of the oldest international rivers in the legal sense. In 1815 the Congress of Vienna proclaimed the principle of freedom of navigation on the rivers that separate or cross several states. It also established the Central Commission for the Navigation of the Rhine to supervise its application. The details were settled in the Convention of Mainz of 1831, which abolished many of the old staple rights and tolls that the riparian cities had levied for centuries.¹ The decisive instrument came in 1868. The Revised Convention for Rhine Navigation, signed in Mannheim on 17 October 1868 and known as the Mannheim Act (*Mannheimer Akte*), remains the legal foundation of navigation on the river to this day.²

The Mannheim Act guarantees the freedom of navigation on the Rhine and its outlets from Basel to the open sea for vessels of all nations carrying goods and passengers. It prohibits navigation dues levied solely on the basis of navigation, a principle that excludes tolls on the use of the river itself. It requires the riparian states to maintain the navigable channel and towpaths, establishes the equal treatment of vessels and crews, and provides for special Rhine navigation courts with appeal to the Central Commission or to the national appellate courts.³ Basel is named in the Act as the upstream end of the conventional Rhine, which is why the city's ports benefit from the full regime of freedom of navigation even though Switzerland was not a party to the original convention of 1868.

The prohibition of navigation dues has practical significance in recent debates. Proposals in Germany to finance the maintenance of the waterway through charges on users have repeatedly run into the limits that the Mannheim Act sets. Port dues and charges for the use of specific installations such as port facilities remain admissible, while a general toll on traffic on the river would conflict with the treaty.⁴

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The Rhine navigation courts form a peculiarity of the regime. Disputes concerning navigation police offences, collisions and certain damage claims on the Rhine fall within their jurisdiction, and the parties may choose to appeal either to the national court of appeal or to the Chamber of Appeals of the Central Commission in Strasbourg. In Switzerland, the function of the Rhine navigation court is exercised by the competent court in Basel, which gives the city a small but distinctive judicial competence in international transport law.⁵

1 Notes

1. Final Act of the Congress of Vienna of 9 June 1815, Articles 108–117 and Annex 16B on the navigation of the Rhine; Convention of Mainz of 31 March 1831 on the navigation of the Rhine. See the historical publications of the CCNR. To be verified. ↩
2. Revised Convention for Rhine Navigation of 17 October 1868 (Mannheim Act), as amended, in particular by the Strasbourg Convention of 20 November 1963 and the Additional Protocols of 1972, 1979 and 1989; Swiss text in SR 0.747.224.101. To be verified. ↩
3. On the principles of the Mannheim Act, in particular the freedom of navigation (Art. 1), the prohibition of navigation dues (Art. 3), the duty of maintenance and the system of Rhine navigation courts (Art. 32 ff.), see the commentaries on Rhine navigation law and the publications of the CCNR. Article numbers to be verified. ↩
4. On the debate in Germany about charges for the use of federal waterways and the restrictions resulting from the Mannheim Act for the Rhine, see the publications of the German Federal Ministry for Digital and Transport and the literature on inland waterway law. To be verified. ↩
5. On the jurisdiction of the Rhine navigation courts under Articles 34 ff. of the Mannheim Act, the Chamber of Appeals of the CCNR and the designation of the competent Swiss courts in Basel, see the CCNR's publications and the cantonal court organisation of Basel-Stadt. To be verified. ↩

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