

No. 2364

NETHERLANDS
and
FEDERAL REPUBLIC OF GERMANY

Treaty (with map) fixing a mining boundary between the coalfields situated to the east of the Netherlands-German frontier. Signed at Bonn, on 18 January 1952

D: see article VI

Official texts: Dutch and German.

Registered by the Netherlands on 12 November 1953.

PAYS-BAS
et
RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE

Traité (avec carte) portant fixation d'une limite d'exploitation pour les houillères situées à l'est de la frontière germano-hollandaise. Signé à Bonn, le 18 janvier 1952

D: cf. article VI

Textes officiels néerlandais et allemand.

Enregistré par les Pays-Bas le 12 novembre 1953.

[TRANSLATION — TRADUCTION]

No. 2364. TREATY¹ BETWEEN THE KINGDOM OF THE NETHERLANDS AND THE FEDERAL REPUBLIC OF GERMANY FIXING A MINING BOUNDARY BETWEEN THE COALFIELDS SITUATED TO THE EAST OF THE NETHERLANDS-GERMAN FRONTIER. SIGNED AT BONN, ON 18 JANUARY 1952

Her Majesty the Queen of the Netherlands and the President of the Federal Republic of Germany,

Desirous of facilitating the mining of coal by the Netherlands in certain coalfields lying to the east of the Netherlands-German frontier,

Have appointed as their plenipotentiaries for the purpose of concluding a treaty :

Her Majesty the Queen of the Netherlands :

His Excellency Professor Dr. J. R. M. van den Brink, Minister of Economic Affairs,

The President of the Federal Republic of Germany :

His Excellency Professor Dr. Ludwig Erhard, Federal Minister of Economic Affairs,

Oberberggrat Dr. von Schlütter,

Who, having exchanged their full powers, found to be in due and good form, have agreed on the following provisions :

Article I

This Treaty shall apply to :

(a) The sectors of coalfields hatched in blue and bounded by points 3a, 4, 5, 6, 6a, 12 and 3a on the map hereto annexed,² and

(b) The coalfields hatched in green on the map and situated between the Netherlands-German frontier and the line linking frontier points 213 and 227a as shown on the said map, which shall form an integral part of this Treaty.

¹ Came into force on 30 July 1953 by the exchange of the instruments of ratification, in accordance with article VI.

² See insert between page 164 and page 165 of this volume.

The sectors referred to in (a) shall not extend below a depth of -280 metres (new Amsterdam level). The Treaty shall also apply to the part of the still unmined deposits lying between these sectors but shall only become effective when an appropriate mining concession is granted for that part.

For mining operations within these coalfields or sectors thereof there shall be established a new mining boundary irrespective of the frontier and of the mining boundary laid down by the Netherlands-German Treaty of 17 May 1939.¹ It shall consist of the new line running to the east of the frontier or of the old 1939 boundary as shown on the attached map.

Article II

That sector of the barrier wall referred to in the Netherlands-German Treaty of 17 May 1939¹ lying within the boundaries demarcated by article I hereof shall be abolished. Instead there shall be left intact on either side of the new boundary a barrier wall ten metres in thickness measured perpendicularly thereto. This barrier wall shall not be pierced, reduced in thickness or removed without leave of the mining authorities of both Parties.

Article III

The following provisions shall apply to the coalfields or sectors of coalfields specified in article I :

(1) From the Netherlands side all coal mining shall be carried out underground. Shafts or other surface installations may not be erected on German territory. Police supervision of underground mining west of the boundary shall be governed by Netherlands statutes, orders and other provisions of law. If the German mining authority considers that special operating measures are necessary for the protection of the surface in the interest of personal safety and public communications in the area designated in article I, the Netherlands mining authority shall carry out such measures in co-operation with the German mining authority in accordance with the directives applying to similar cases in the Aachen area.

(2) The Netherlands mining authority shall be empowered to supervise operations underground. The German mining authority and duly licensed German mining surveyors may for proper reason descend the shaft situated on

¹ League of Nations, *Treaty Series*, Vol. CXCIX, p. 239.

Netherlands territory and take check measurements underground in the coal-fields and parts of coalfields hereby placed within the powers of the Netherlands mining authority. Representatives of the Netherlands mining authority shall be permitted to take surface measurements in the area designated in article 1.

(3) Underground workers and officials shall be governed by Netherlands law.

(4) Acts of commission or omission in underground operations, including those governed by penal or civil law, shall be deemed to have been done in the Kingdom of the Netherlands.

(5) Legal consequences of the relation between the ownership of a mine and the German ownership of a parcel of land situated on German territory together with the rights *in rem* pertaining thereto, and in particular claims for compensation for damage caused by mining operations, shall be governed exclusively by German law and triable by the German courts. Payments in compensation for such damage made by a Netherlands debtor to a German creditor shall be transferred to the territory of the Federal Republic of Germany.

(6) For the purposes of import and export duties, prohibitions and restrictions, the coal shall be deemed to have been mined in the Kingdom of the Netherlands.

Article IV

The Netherlands and German mining authorities respectively shall be bound to permit operations along the new mining boundary only if the mining galleries extending 500 metres on the far side of the new mining boundary are recorded on their own maps. For this purpose the two mining authorities shall at half-yearly intervals exchange relevant maps, which shall be compiled by duly licensed or recognized mining surveyors and regularly brought up to date as long as operations are carried on in the area. The Netherlands mining authority shall also provide the German mining authority with copies of maps, similarly prepared and brought up to date, showing all mining galleries situated below German territory. The authorities and courts of the country provided with the maps shall determine, in accordance with their own rules of law, whether the maps are to be made available to third parties.

Article V

This Treaty shall be ratified and the instruments of ratification shall be exchanged as soon as possible at Bonn.

Article VI

This Treaty shall enter into force on the date of exchange of the instruments of ratification. In respect of the coalfields designated in article 1 (*a*) the Treaty shall remain in force until 21 December 1965 and may be prolonged at any time if required. In respect of the coalfields designated in article 1 (*b*), the Treaty shall remain in force indefinitely.

IN WITNESS WHEREOF the aforesaid plenipotentiaries have signed this Treaty and have affixed thereto their seals.

DONE in duplicate at Bonn on 18 January 1952 in Dutch and German, both texts being equally authentic.

(Signed) VAN DEN BRINK

(Signed) Ludwig ERHARD
(Signed) VON SCHLÜTTER