

876

No. 6084

**BELGIUM
and
NETHERLANDS**

**Treaty (with annexes) concerning the improvement of the
Terneuzen and Ghent Canal and the settlement of
various related matters. Signed at Brussels, on 20 June
1960**

Official texts: French and Dutch.

Registered by Belgium on 19 February 1962.

**BELGIQUE
et
PAYS-BAS**

**Traité (avec annexes) au sujet de l'amélioration du canal de
Terneuzen à Gand et du règlement de quelques
questions connexes. Signé à Bruxelles, le 20 juin 1960**

Textes officiels français et néerlandais.

Enregistré par la Belgique le 19 février 1962.

[TRANSLATION — TRADUCTION]

No. 6084. TREATY¹ BETWEEN THE KINGDOM OF BELGIUM AND THE KINGDOM OF THE NETHERLANDS CONCERNING THE IMPROVEMENT OF THE TERNEUZEN AND GHENT CANAL AND THE SETTLEMENT OF VARIOUS RELATED MATTERS. SIGNED AT BRUSSELS, ON 20 JUNE 1960

His Majesty the King of the Belgians, and
Her Majesty the Queen of the Netherlands,
Desiring to improve the Terneuzen and Ghent Canal and, at the same time,
to settle various related matters,

Have decided to conclude a treaty for that purpose and have appointed as their plenipotentiaries :

His Majesty the King of the Belgians :

His Excellency Mr. P. Wigny, Minister for Foreign Affairs;

Her Majesty the Queen of the Netherlands :

His Excellency Mr. J. M. A. H. Luns, Minister for Foreign Affairs;

Who, having communicated to each other their full powers, found in good and due form, have agreed as follows :

CHAPTER A

IMPROVEMENT OF THE TERNEUZEN AND GHENT CANAL

TITLE I

WORK TO BE UNDERTAKEN

Article 1

For the purpose of improving the Terneuzen and Ghent Canal in Netherlands territory and of carrying out certain related measures, the following work shall be undertaken :

- (a) Construction of a new maritime lock and of a new inland navigation lock to the west and east, respectively, of the present west lock (Westsluis) at Terneuzen, and construction of road bridges over the new locks;

¹ Came into force on 21 December 1961, the day following the exchange of the instruments of ratification at The Hague, in accordance with article 54.

- (b) Demolition of the present east lock (Oostsluis) and central lock (Middensluis) at Terneuzen and, in connexion therewith, alteration of the water-storage works;
- (c) Construction of two outer holding basins intended, respectively, for the new maritime lock and the existing west lock (Westsluis) and for the new inland navigation lock;
- (d) Widening and deepening of the canal over its entire length in Netherlands territory and alteration of the canal bed at Terneuzen, at Sluiskil and between Sas van Gent and the Belgian-Netherlands frontier, including the filling of certain parts of the bed that is to be abandoned, and demolition of the locks at Sas van Gent and of the bridges at Sluiskil and Sas van Gent;
- (e) Relocation of the drainage ditch on the west side of the canal, and construction for that purpose of a new drainage sluice;
- (f) Construction of road bridges over the canal north of Sluiskil and at Sas van Gent, and establishment of a ferry at Sluiskil, including construction of the ferry-boat, of the necessary boarding facilities and of approach roads;
- (g) Construction of new sections of Netherlands State Road No. 61 (Terneuzen-Belgian frontier) and new service roads;
- (h) Construction of a railway bridge north of Sluiskil and modification of railway lines;
- (i) Such temporary or permanent ancillary works or arrangements as may prove necessary or desirable in connexion with or as a result of the execution of the above-mentioned works, with a view to their effective and economic operation and use and to the adaptation of the existing facilities to the new.

Article 2

The works mentioned in article 1 shall be carried out in accordance with the specifications and plan annexed to this Treaty (annexes I¹ and II²). No deviation from the said specifications and plan shall be permitted except as provided in articles 5, 7 and 8.

TITLE II

PLANNING AND EXECUTION OF THE WORKS

Article 3

The Netherlands Government shall be responsible for the planning and execution of the works mentioned in article 1, including the preparation of plans and invitations for tenders, the acquisition of the necessary immovable property, the disposal of excavated material, the purchase of materials and the allocation

¹ See p. 71 of this volume.

² See insert between pp. 76 and 77 of this volume.

of contracts, all these operations to be performed in accordance with the procedures in force in the Netherlands for carrying out similar works on behalf of the State.

Article 4

The Netherlands Minister responsible for Public Works shall communicate to the Belgian Minister responsible for the Administration of Bridges and Roads (Administration of Waterways) the name of the senior Netherlands official whom he has made responsible for managing and supervising the planning and execution of the works. This senior official and a senior official appointed for the purpose by the above-mentioned Belgian Minister shall consult with each other regularly concerning any question of mutual interest which might arise in connexion with the planning and execution of the works. The said senior officials shall each be given the powers necessary for effective consultation and normal progress of the work.

Article 5

The Netherlands Minister aforesaid shall submit for approval to the Belgian Minister aforesaid all draft specifications and draft contracts relating to the execution of the works. The said Ministers may in these documents deviate from the specifications referred to in article 2. The said Belgian Minister shall receive a copy of all contracts awarded.

Article 6

(1) Contracts for the supply of materials and the execution of the works shall be awarded, after a call for public bids, in accordance with the provisions in force in the Netherlands.

(2) The bidding may be restricted where a call for public bids is impossible or undesirable either because of the special nature or the urgency of materials to be supplied or of a work to be executed or because of the financial interests of the two countries.

(3) Restricted bidding shall take place only after consultation between the Ministers aforesaid except for supplies or work not exceeding an estimate of 75,000 guilders. The selection of the prospective suppliers or contractors shall also be dealt with in the course of such consultation.

Article 7

(1) Such modifications, deviations or additions in the documents approved by virtue of article 5 as appear necessary or desirable in the course of the operations shall be submitted by the senior Netherlands official aforesaid to the corresponding senior Belgian official for approval.

(2) In the event that such modifications, deviations or additions entail either a deviation from the specifications referred to in article 2 or a total increase of more than 10 per cent in the amount of the tender, the approval of the Ministers aforesaid shall be required; provided that their approval shall not be required for deviations of less than 50,000 guilders and shall in every case be required for deviations of more than 500,000 guilders.

Article 8

If unanticipated work or measures become urgently necessary, the same may be carried out or taken even though the approval on the part of Belgium as referred to in article 7 has not been obtained. In such case the senior Netherlands official aforesaid shall inform the corresponding senior Belgian official as soon as possible.

Article 9

The primary purpose of the measures to be taken by the Netherlands Government regarding the disposal of excavated material and the choice of sites to be used for that purpose shall not be to fill the land immediately alongside the canal, but rather to keep the cost of the work as low as possible and to reduce to the minimum any impairment of the agricultural value of the land used for such deposit.

Article 10

Completed work shall be certified only after consultation with the senior Belgian official aforesaid.

TITLE III

SHARING OF COSTS

Article 11

Subject to the provisions of articles 12 to 16, inclusive, 80 per cent of all costs relating to the planning and execution of the works referred to in article 1 shall be borne by Belgium and 20 per cent thereof shall be borne by the Netherlands.

Article 12

The costs referred to in article 11 shall include :

- (a) The purchase price or compensation payable to third parties for the purchase or expropriation of immovable property as well as other purchase or expropriation costs, it being understood that the Netherlands shall reimburse to Belgium that country's share of the net market value of land purchased for the deposit of excavated material as soon as such land has been resold to or has again been made available to third parties;

- (b) Reimbursement of costs incurred by the Netherlands State or by third parties by reason of the occupation of land belonging to the Netherlands State on 1 January 1959, and in particular by reason of the cancellation of a long-term or regular lease, the granting of superfiiciary rights, depreciation in value of unoccupied parts of a plot, damage caused by division of land, damage to buidings, loss of income, alterations in the event of the substitution of buildings, reinvestment or the like, it being understood that the net market value of such land shall not be computed for purposes of allocation;
- (c) Reimbursement of costs incurred by the Netherlands State or by third parties by reason of the execution of the works referred to in article 1, and in particular by reason of the removal, installation, repair, replacement or relocation of cables, culverts or other works situated in or in the vicinity of the canal;
- (d) Reimbursement of the higher traction costs as computed by the Netherlands Railways in similar cases, and in the present instance by reason of the fact that the railway bridge referred to in article 1, paragraph (h), will not be situated in the same site as the existing railway bridge;
- (e) Compensation for any other damage resulting from the execution of the works referred to in article 1, being compensation for which the Netherlands State is liable in respect of third parties;
- (f) Costs relating to advice, laboratory tests or any other assistance provided by persons or services not under the jurisdiction of the Netherlands Ministry of Public Works;
- (g) Accessory expenses for administration, preparation of plans and invitations for tenders, supervision of operations, etc.

Article 13

Upon the request of Belgium, the senior officials aforesaid shall confer with each other concerning the purchase prices, compensation and reimbursement referred to in article 12, paragraphs (a), (b), (c), (d) and (e).

Article 14

In so far as the reimbursement referred to in article 12, paragraphs (b) and (c), is due to the Netherlands State or to third parties which the Netherlands State is not obliged to reimburse, it shall, subject to the provisions of article 13, be determined by the Netherlands Minister aforesaid, in accordance with the principles of equity and sound administration.

Article 15

If the Netherlands Railways requires the railway bridge referred to in article 1, paragraph (h), to meet more stringent strength specifications than those of the existing bridge, the resulting additional costs shall be borne exclusively by the Netherlands.

Article 16

Where the expenses referred to in article 12, paragraph (g), are incurred by the Netherlands Ministry of Public Works, they shall, for the purpose of determining the Belgian share thereof, be deemed to constitute $2\frac{1}{2}$ per cent of all the other costs relating to the preparation and execution of the works.

Article 17

- (1) The provisions of articles 3 to 16, inclusive, shall also apply to :
- (a) Such ancillary works or arrangements referred to in article 1, paragraph (i), as appear necessary or desirable only after the other works have been completed or put into use;
 - (b) Such special maintenance operations and measures as are to be regarded as forming part of the execution of the works.
- (2) The provisions of the first paragraph of this article shall apply only to the extent that the works in question are considered to be necessary or desirable within a period of three years after the works which they are regarded as continuing or supplementing have been initially approved.

Article 18

The Belgian Government may not claim any title to ownership of the works executed in the past or in accordance with the provisions of this Treaty, nor may it do so with respect to movable or immovable property which the Netherlands Government has purchased, expropriated or made available for the purpose of executing such works.

TITLE IV

PAYMENTS

Article 19

The Netherlands Government shall advance the costs referred to in articles 11, 12 and 17, and, as necessary, shall pay them directly to third parties.

Article 20

- (1) Upon the expiry of each calendar month, the Netherlands Minister aforesaid shall cause to be transmitted to the Belgian Minister aforesaid a statement indicating the Belgian share of the payments made during that month;
- (2) Compensation payable for the use of land or materials made available by the Netherlands Government shall, in so far as it is not payable to third parties, be set out in a statement upon the expiry of the month during which such land or materials were made available for the execution of the works.

Article 21

The expenses referred to in article 12, paragraph (g), shall be charged by increasing the amount of the monthly statements in conformity with the provision of article 16.

Article 22

The Belgian Government undertakes to make payment within six weeks of receipt of the statements referred to in article 21. Payment shall be in guilders.

Article 23

(1) If the Belgian Minister aforesaid has any objection concerning the amounts shown in a statement, he shall so inform the Netherlands Minister aforesaid before expiry of the period prescribed in article 22. The senior officials aforesaid and, where appropriate, the said Ministers shall consult with each other as soon as possible concerning such amounts.

(2) The Belgian Government undertakes to pay whatever amounts may thus be agreed upon as soon as possible after such agreement has been reached.

(3) The provisions of article 22 shall apply without limitation to amounts concerning which no objection has been raised within the prescribed time-limit.

Article 24

(1) If payment is not made within the time-limit prescribed by article 22, the Belgian Government shall be liable for simple interest at the rate of 6 per cent per annum for any period exceeding that time-limit.

(2) In the case of amounts concerning which objections have been raised in accordance with article 23, paragraph (1), interest as aforesaid on the amounts agreed upon as provided in the said paragraph shall likewise be computed for the period exceeding the time-limit prescribed by article 22, that is to say, six weeks from the date of receipt of the original statement.

TITLE V

MAINTENANCE AND OPERATION OF THE WORKS

Article 25

The Netherlands Government shall ensure the maintenance and operation of the canal and engineering works which, pursuant to this Treaty, have been constructed or improved in Netherlands territory in order to meet the needs of navigation, and the maintenance and operation of the connexions between the banks of the Netherlands section of the canal. Save as provided in article 17 and article 55, paragraph (1), the costs hereby entailed shall be borne by the Netherlands.

Article 26

If either High Contracting Party informs the other that it regards as desirable either the renewal of all the locks or bridges or any considerable proportion thereof, or the construction of new locks or bridges, the two Governments shall consult with each other regarding this matter.

TITLE VI

POLLUTION OF THE WATERS OF THE CANAL

Article 27

Without prejudice to any obligations arising from multilateral conventions, the High Contracting Parties shall ensure that the waters of the canal in the vicinity of the Belgian-Netherlands frontier meet the standards of quality set forth in annex III¹ to this Treaty.

Article 28

Pursuant to the provisions of paragraph (I) (d), of annex III to this Treaty, the Belgian and Netherlands Ministers aforesaid shall determine the permissible concentration of chemical substances. The Ministers may by agreement modify the standards of quality set forth in the said annex.

Article 29

The two Governments shall supply each other with all such particulars concerning existing or future installations that discharge liquid and/or solid radioactive waste into the section of the canal situated in their territory as are needed to determine the extent to which the waters of the canal have become radioactive as the result of such discharge. The said particulars shall include a detailed account of the nature and quantity of the radioactive substances discharged or to be discharged as well as the place and conditions of discharge.

Article 30

If in the light of the standards laid down for international waterways by virtue of the Treaty establishing the European Atomic Energy Community (EURATOM), concluded at Rome on 25 March 1957², or by virtue of any other agreement binding upon the two Governments, or in the light of the results of analyses, it becomes necessary to do so, the Ministers aforesaid shall by agreement undertake a revision of the standards of quality laid down with regard to radioactivity.

¹ See p. 74 of this volume.

² United Nations, *Treaty Series*, vol. 298, p. 167.

Article 31

The Belgian and Netherlands technical services shall carry out regularly, and at least four times a year, joint observations to determine the state of the waters of the canal at the Belgian-Netherlands frontier and shall submit a joint report thereon to the Belgian and Netherlands Governments.

TITLE VII

SALINITY AND WATER WITHDRAWAL

Article 32

The two Governments shall, in their respective territories, take the necessary measures to ensure that the quantity of fresh water provided by the Belgian section of the canal to feed the Netherlands section and the quantity of salt water entering through the Terneuzen locks are mutually adjusted in such a manner that at Terneuzen, 2,200 metres south of the west lock (Westsluis), the chlorine ion content shall not exceed 3.5 grammes per litre, averaged over the entire depth of the canal. To that end, the technical services of the two countries shall maintain regular contacts and shall take no special measures without first consulting one another.

Article 33

The measures referred to in article 32 shall also have as their objective the maintenance of the water-level of the canal, so far as possible, at 2.13 metres + N.A.P. (Standard Amsterdam Level) or (+ 4.45) E.M. (Belgian Staff Ordnance Survey), and the avoidance of deviations exceeding 0.25 metres. As soon as the water-level of the canal reaches 2.38 metres + N.A.P. or (+ 4.70) E.M., the Belgian authorities, at the first request of the Netherlands authorities, shall completely cut off the supply of water to the canal until further notice.

Article 34

Third parties shall be authorized to take water from the Netherlands section of the canal only on condition that they restore to the canal the amounts removed.

Article 35

The provisions of article 34 shall not apply to any withdrawal of water that was authorized at the time when this Treaty came into force. However, the quantity of water withdrawn may not exceed 1.4 cubic metres per second.

TITLE VIII

ROADS

Article 36

The Belgian Government shall ensure that, as regards the line followed, distance from the canal, cross-section, surface and anti-dazzle planting, the new sections of Belgian National Road No. 58 *bis* satisfy at least the conditions prescribed for the new sections of road mentioned in article 1, paragraph (g).

Article 37

(1) The two Governments foresee the possibility of constructing a road between Terneuzen and Ghent, to the east of the canal.

(2) The Belgian section of the said road shall be constructed progressively to meet the needs of such industries as are set up on the eastern bank of the canal in Belgian territory; provided that the Belgian Government is, in principle, prepared to advance the completion of the Belgian section of the road if the Netherlands Government expresses a wish to that effect and also ensures that the Netherlands section of the road is constructed.

CHAPTER B

SETTLEMENT OF QUESTIONS RELATING TO THE IMPROVEMENT OF THE
TERNEUZEN AND GHENT CANAL*Article 38*

In this chapter :

- (a) The expression " Terneuzen port area " means the Terneuzen roadstead, the holding basins, the Netherlands section of the Terneuzen and Ghent Canal and all ports situated thereon, and the branch canal to Axelsche Sassing;
- (b) The expression " Terneuzen roadstead " means the part of the Westerschelde extending, south of the main channel, two sea miles west and two sea miles east of the eastern outer holding basin (Oostbuitenhaven) at Terneuzen;
- (c) The expression " Ghent port area " means the port of Ghent and the Belgian section of the Terneuzen and Ghent Canal and all ports situated thereon.

TITLE I

RAIL TRAFFIC

Article 39

(1) The network of the former Malines and Terneuzen International Railway Company shall continue to be operated for international traffic. The

section of the said network in Netherlands Territory shall be operated by the Netherlands Railways, and the section in Belgian Territory shall be operated by the Belgian National Railways.

(2) The said network shall be operated in accordance with the provisions of this title and the provisions of annex IV.¹

Article 40

For the purposes of the operation of the said railway, the tariffs for the transport of goods not coming within the scope of the Treaty instituting the European Coal and Steel Community, signed in Paris on 18 April 1951,² shall be calculated as though the network of the former Malines and Terneuzen International Railway Company formed part of the network of the Belgian National Railways. In all matters relating to tariffs, the network of the former Malines and Terneuzen International Railway Company shall be administered exclusively by the Belgian National Railways. For such purposes, the provisions of articles 41, 42 and 43 shall be given particular consideration in the case of the goods referred to in this article.

Article 41

Where goods are transported by rail between Zeeuwsch-Vlaanderen, on the one hand, and Belgium, the remainder of the Netherlands and outside countries, on the other, the Belgian tariff schedules shall apply to the part of the route situated in Belgium and Zeeuwsch-Vlaanderen.

Article 42

The Terneuzen port area shall, in so far as the loading and unloading operations therein are carried out under customs supervision, be treated as a Belgian port for the purposes of transport charges, and more particularly as regards the validity of the domestic and international rail tariffs applicable generally in respect of imports and exports by sea and the introduction of tariffs likely to promote the transport by rail of specific goods along specific routes.

Article 43

Goods transported by rail between Zeeuwsch-Vlaanderen and Belgian seaports shall be subject, *mutatis mutandis*, to the Belgian tariffs for imports and exports by sea which apply to the transport to and from such seaports of goods coming from or bound for the Belgo-Luxembourg Economic Union.

¹ See p. 75 of this volume.

² United Nations, *Treaty Series*, vol. 261, p. 140.

TITLE II

PORT CHARGES

Article 44

In the Terneuzen port area, excluding the roadstead, port charges shall be payable in respect of the loading and unloading of sea-going and inland waterway vessels, irrespective of the nationality of the vessel, or the origin or destination of the cargo.

Article 45

The port charges shall be collected under a scheme corresponding to the systems applied for that purpose in the Netherlands. The rates of such charges shall conform to the Netherlands scheme but shall approximate as closely as possible to the level of the Belgian port charges.

Article 46

Notwithstanding the provisions of article 44, vessels which, for the purposes of loading or unloading, use the private berths of undertakings already established along the waters belonging to the Terneuzen port area at the date on which this Treaty is signed may be exempted from the obligation to pay port charges.

Article 47

In the scheme referred to in article 45, provision may be made for a reduced scale of charges for vessels which, for the purposes of loading or unloading, use the private berths of undertakings that are established along the waters belonging to the Terneuzen port area after the signature of this Treaty; the reduction to be applied shall not exceed 50 per cent.

Article 48

If the Belgian Government notifies the Netherlands Government that port charges will also have to be collected in respect of loading and unloading operations effected in the Terneuzen roadstead, the Netherlands Government shall take such measures as are necessary for that purpose.

Article 49

In the Ghent port area, port charges shall be payable in respect of the loading and unloading of sea-going and inland waterway vessels, irrespective of the nationality of the vessel, or the origin or destination of the cargo.

Article 50

No port charges shall be payable either in the Terneuzen port area or in the Ghent port area in respect of vessels in transit.

TITLE III

INLAND NAVIGATION FREIGHT CHARGES

Article 51

If serious inconvenience results from differences between the inland navigation freight charges in respect of goods transported from the Terneuzen port area to localities situated in the territory of the Belgo-Luxembourg Economic Union, on the one hand, and goods transported from Belgian seaports to the same localities, on the other, the Governments shall consult each other as to the measures to be taken to rectify the situation.

Article 52

The Netherlands Government shall ensure that a statement of the inland navigation freight charges in respect of goods transported from the Terneuzen port area to the territory of the Belgo-Luxembourg Economic Union is communicated to the competent Belgian service every two months. The Belgian Government shall likewise ensure that a statement of the inland navigation freight charges in respect of goods transported to the same territory from the Belgian seaports is communicated to the competent Netherlands service every two months.

CHAPTER C

FINAL PROVISIONS

Article 53

This Treaty shall be ratified, and the instruments of ratification shall be exchanged at The Hague.

Article 54

This Treaty shall come into force on the day following the exchange of the instruments of ratification; provided that articles 42 to 52, inclusive, shall come into force on the date, not earlier than 1 January 1961, when work on the Netherlands part of the canal and the construction of the maritime lock referred to in article 1, paragraph (a), shall have commenced.

Article 55

(1) The sum of 94,500 guilders payable each year by the Belgian Government to the Netherlands Government under article 1, paragraph (f), of the Agreement concluded between Belgium and the Netherlands at The Hague on 8 March 1902 to amend the Agreement of 29 June 1895 respecting the improvement of the Terneuzen and Ghent Canal shall be raised to 100,000 guilders with effect from 1 January 1961.

The new *inland navigation lock* will comprise a lock-chamber with an intermediate gate:

Usable length of entire chamber	240 m
Usable length of larger partial chamber	135 m
Usable length of smaller partial chamber	105 m
Horizontal clearance in chamber and at gates	24 m
Level of outer sill	6.50 m — N.A.P. or (— 4.18) E.M.
Level of intermediate sill	6.50 m — N.A.P. or (— 4.18) E.M.
Level of inner sill	6.50 m — N.A.P. or (— 4.18) E.M.

With a view to reducing the penetration of salt water, an additional sill will be constructed near the inner sill to the level of 2.27 m — N.A.P. or (+ 0.05) E.M.

Storage level of outer, intermediate and inner gates 6.00 m + N.A.P. or (+ 8.32) E.M.

The *bridges* over the outer and the inner gates will be movable and will have the following dimensions:

Vertical clearance	unlimited
Horizontal clearance	24 m
Width of roadway	8 m
Width of cycle paths	3 m
Width of pavements	1.50 m

The total discharging capacity of the filling and emptying installations of the new complex of locks and the culvert for the removal of salt water will be at least 100 m³/sec (average for the tide).

(b) The demolition of a structure will ordinarily comprise the removal of all its parts except those situated more than two metres beneath the surface of the ground or of the bottom or the banks of the canal. Whenever a structure is demolished, a detailed study of the particular case will be undertaken with a view to ensuring that no hollow spaces are created or left below ground level and that nothing likely to hamper the construction of later works is allowed to remain.

(c) The *outer holding basin* of the *new maritime lock* and of the *west lock* (Westsluis) will be approximately 1,500 m in length (as measured between the line passing through the jetties and the outer gate of the new maritime lock), and the bottom will be at the level of 13.00 m — N.A.P. or (— 10.68) E.M. At the entrance to the basin, the bottom will be at the level of 13.00 m — N.A.P. or (— 10.68) E.M. and will be approximately 250 m in width. These dimensions will serve as a guide for the model tests and are therefore subject to slight alterations in the light of the expected flow patterns, wave movement and silting.

Approximately 1,000 m of waiting berths will be constructed.

The *outer holding basin* of the *new inland navigation lock* will be approximately 700 m in length, and the bottom will be at the level of 7.50 m — N.A.P. or (— 5.18) E.M. At the entrance to the basin, the bottom will be at the level of 7.50 m — N.A.P. or (— 5.18) E.M. and will be approximately 100 m in width; these dimensions are likewise only a guide for the model tests and are therefore subject to alteration.

Approximately 1,000 m of waiting berths will be constructed.

The top of the jetties of the *two outer holding basins* will be at the level of 8.00 m + N.A.P. or (+ 10.32) E.M., and the outer face of each jetty will have a gradient of 1 : 4.

(d) The canal will follow the line shown in the plan attached to this Treaty (annex II). Subject to the following provisions, the bottom of the canal will be at the level of 10.37 m — N.A.P. or (— 8.05) E.M. and will be 72 m in width.

At bends in the canal, the bottom width will be increased by $\frac{20,000}{R}$, R being the radius of the bend expressed in metres.

Near the new maritime lock a salt-water collecting basin will be constructed by deepening the canal to the level of 13.37 m — N.A.P. or (— 11.05) E.M. for an area approximately 800 m long by between 50 m and 270 m wide.

Approximately 1,000 m of waiting berths will also be constructed at the same place. Waiting berths will also be constructed near the new inland navigation lock. Their aggregate length will be 1,000 m.

(e) The line to be followed by the new *drainage ditch* is indicated in the plan. It will have the same cross-section as the existing ditch. The level of the sill of the new drainage sluice will be 3.75 m — N.A.P. or (— 1.43) E.M.; the width of the opening will be 4.00 m; and the sluice will comprise two sets of stop gates and one sluice gate. A storage basin, the dimensions of which are to be fixed later, will be constructed in the drainage ditch near the drainage sluice.

(f) The *road bridges* over the canal will be movable bridges having the following dimensions :

Horizontal clearance	60	m
Vertical clearance in closed position	7 m at a canal level of 2.38 m +	
	N.A.P. or (+ 4.70) E.M.	
Vertical clearance in open position	at least 60	m
Width of roadway	8	m
Width of cycle paths	3	m
Width of pavements	1.50	m

The existing road connexions will be linked with the bridges.

The approach ramps of the bridges will have a gradient of 1 : 50. The ramps will incorporate such underpasses as are necessary.

The ferry at Sluiskil will be designed for slow traffic and will have a deck area of 40 m². Passenger shelters will be constructed in the immediate vicinity of the landing stages.

(g) The Sluiskil — Sas van Gent section of *Netherlands National Road No. 61* will remain in use. The Terneuzen — Sluiskil and Sas van Gent — Zelzate sections (the latter belonging partly to *Belgian National Road No. 58bis*) will be torn up to the extent made necessary by the widening of the canal and will be reconstructed along the widened canal.

The new sections of the aforementioned national roads will, as regards the route to be followed, the cross-section, the surface and junctions, conform to the standards currently in force in the Netherlands for modern dual-carriageway roads.

The axis of the surface of the new sections of the national roads will be situated not less than 20 m from the canal.

Service roads will be constructed at all places along the banks of the canal and the banks of the port areas where no road already exists. Where such roads are constructed

on the crown of the canal dike, the bed will be 20 m in width; elsewhere the width of the bed will vary according to the nature of the site and the local circumstances. The surface will be 4 m in width.

Suitable measures will be taken to provide alternative facilities when road and other communications are interrupted as a result of the execution of the works.

ANNEX II

[See insert between pp. 76 and 77 of this volume —
Voir hors-texte entre les p. 76 et 77 de ce volume]

ANNEX III

STANDARDS OF QUALITY REFERRED TO IN ARTICLES 27 AND 28

(I) No substances may be discharged directly or indirectly into the canal if this would :

- (a) Raise the temperature of the water to more than 30° C;
- (b) Raise the pH of the water to more than 8.7 or reduce it to less than 6.5;
- (c) (1) Reduce the dissolved oxygen content of the water, as determined by the Winkler method, to less than 3 mg/l;
- (2) Raise the yearly average of the biochemical oxygen consumption of the water, as calculated over five days at 20° C, to more than 7 mg/l, it being understood that the maximum reading may not exceed 15 mg/l;
- (3) Raise the yearly average of the ammonia nitrogen content of the water to more than 10 mg/l, it being understood that the maximum reading may not exceed 15 mg/l;
- (4) Raise the yearly average of the phenols and other aromatic compounds comprising hydroxyl groups to more than 200 microgrammes per litre, it being understood that the maximum reading may not exceed 500 microgrammes per litre;
- (d) Increase the concentration of any chemical substance whatever, in so far as no provision in this respect is contained in (c), to an extent rendering the water unfit for the use to which it is put by industry and shipping;
- (e) Raise the quarterly average of the concentration of radio-active substances contained in the water to more than 5×10^{-6} microcuries per millilitre or the momentary maximum concentration of such substances to more than 10^{-5} microcuries per millilitre; provided that in either case the proportion of beta and/or gamma rays may not exceed 10 per cent.

(II) If the International Commission on Radiological Protection increases or reduces the maximum permissible concentration of radio-activity (the maximum permissible concentration fixed by the Commission being, at the date on which this Treaty¹ is concluded, 10^{-7} microcuries per millilitre for any mixture of substances contained in water and emitting alpha, beta and gamma rays (other than Ra 226), the concentrations specified in paragraph (I) (e) will be increased or reduced accordingly.

¹ See p. 58 of this volume.

(III) If the International Commission on Radiological Protection increases or reduces the maximum permissible concentration of the radio-activity of radium 226 (the said concentration being, at the date on which this Treaty is concluded, 4×10^{-8} microcuries per millilitre), the coefficient specified in paragraph (IV) (a) will be increased or reduced accordingly.

(IV) For the purposes of paragraph (I) (e) and paragraph (II), the concentration of radio-active substances will be calculated by expressing in microcuries per millilitre of water and adding together :

- (a) The concentration of radium, multiplied by 2,500;
- (b) The concentration, multiplied by 420, of substances other than radium which emit alpha rays;
- (c) The concentration of radio-active strontium, multiplied by 50;
- (d) The concentration, multiplied by 1, of substances other than radio-active strontium which emit beta and/or gamma rays.

ANNEX IV

OPERATION OF THE NETWORK OF THE FORMER MALINES AND TERNEUZEN INTERNATIONAL RAILWAY COMPANY (CHAPTER B, TITLE I)

(I) The apportionment of the freight revenue derived from international traffic to and from Zeeuwsch-Vlaanderen shall, so far as the provisions of articles 40 to 43, inclusive, apply, be effected as follows :

The Netherlands Railways shall receive 25 per cent, and the Belgian National Railways 75 per cent, of the terminal charge. The remainder of the freight revenue shall be shared by the two companies in proportion to each company's kilometric ratio of the tariff distance.

(II) The provisions of the International Convention concerning the Carriage of Goods by Rail (C.I.M.)¹ and the International Convention concerning the Carriage of Passengers and Luggage by Rail (C.I.V.)² shall apply to international traffic between Zeeuwsch-Vlaanderen, on the one hand, and Belgium, the remainder of the Netherlands and outside countries, on the other.

(III) The Belgian National Railways shall, to the extent that its resources permit, provide the rolling-stock needed in Zeeuwsch-Vlaanderen. The rolling-stock shall be supplied at the request of the Netherlands Railways, with due regard for the provisions of the Regulations governing the reciprocal use of wagons in international traffic (R.I.V.) and the Convention on the joint use of goods wagons (Europ Convention).³

(IV) If either railway company wishes to ensure the transport of passengers by means of a motorbus service, it shall notify the other company six months in advance so that joint arrangements can be made.

¹ United Nations, *Treaty Series*, Vol. 241, p. 336; Vol. 242, p. 5; Vol. 247, p. 478; Vol. 257, p. 385; Vol. 300, p. 380; Vol. 329, p. 175, and Vol. 375, pp. 345 and 367.

² United Nations, *Treaty Series*, Vol. 242, p. 355; Vol. 247, p. 478; Vol. 257, p. 385; Vol. 300, p. 380, and Vol. 375, p. 363.

³ United Nations, *Treaty Series*, Vol. 383, p. 229.