

No. 6525

NETHERLANDS
and
FEDERAL REPUBLIC OF GERMANY

Treaty concerning the mining of coal in the Netherlands-German frontier area west of Wegberg-Brüggen (with annex and exchange of notes). Signed at Bonn, on 28 January 1958

Official texts: Dutch and German.

Registered by the Netherlands on 18 February 1963.

PAYS-BAS
et
RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE

Traité concernant l'exploitation des charbonnages dans la région frontière germano-néerlandaise située à l'ouest de Wegberg-Brüggen (avec annexe et échange de notes). Signé à Bonn, le 28 janvier 1958

Textes officiels néerlandais et allemand.

Enregistré par les Pays-Bas le 18 février 1963.

[TRANSLATION — TRADUCTION]

No. 6525. TREATY¹ BETWEEN THE KINGDOM OF THE NETHERLANDS AND THE FEDERAL REPUBLIC OF GERMANY CONCERNING THE MINING OF COAL IN THE NETHERLANDS-GERMAN FRONTIER AREA WEST OF WEGBERG-BRÜGGEN. SIGNED AT BONN, ON 28 JANUARY 1958

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

desiring to apply the special regulation referred to in annex C to the Treaty between the Netherlands and German Governments concerning credit and coal of 11 May 1920² and to facilitate a rational development of coal production in the Netherlands-German frontier area, have agreed to conclude a treaty to this end and have appointed, for this purpose, as their plenipotentiaries :

Her Majesty the Queen of the Netherlands :

His Excellency Arnold Theodor Lamping, Her Majesty's Ambassador Extraordinary and Plenipotentiary at Bonn,

The President of the Federal Republic of Germany :

Dr. Heinrich von Brentano, Federal Minister for Foreign Affairs, who, having exchanged their full powers, found to be in good and due form, have agreed as follows :

Article 1

- (1) The Treaty shall apply to the treaty area.
- (2) The treaty area shall comprise
 - (a) the coalfield which is hatched in grey in the accompanying map³ and is bounded by lines joining points 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29 and 1 (Sophia-Jacoba B field) ;

¹ Came into force on 24 October 1959, one month after the exchange of the instruments of ratification which took place at The Hague on 24 September 1959, in accordance with article 22.

² League of Nations, *Treaty Series*, Vol. III, p. 153.

³ See insert between pp. 220 and 221 of this volume.

- (b) the coalfields which are hatched in blue on the accompanying map and are bounded by the lines joining points 3, 30, 31, 32, 6, 5, 4, and 3 (Brüggen fields 1, 2 and 3) ;
- (c) the concession-free area, which on the accompanying map is hatched in green and is bounded by the Netherlands-German international frontier and the lines joining points 33, 34, 8, 7, 6, 32, 31, 30, 3, 2, 1, 29, 28, 27, 26, 25, 24, 23, 22, 21, 20, 19, 18, 17, 16, 15 and 35.
- (3) The map referred to in (2) forms part of this Treaty.

Article 2

The Treaty, together with the licences required under the Prussian law concerning mining operations by foreign corporate bodies and the operations of mining companies not domiciled in Prussia, dated 23 June 1909 (*Gesetzsammlung*, page 619) shall be applicable to the coalfields referred to in article 1, (2) (b), and the concession-free area referred to in (c).

Article 3

The mining of coal in the treaty area shall be carried out by a mining enterprise under Netherlands law, which is domiciled in the Netherlands and is engaged in the mining of coal in the adjacent Netherlands area under its own concession (Netherlands mining enterprise).

Article 4

(1) A mining boundary shall be agreed without prejudice to the Netherlands-German international frontier for the purposes of mining in the treaty area. This boundary shall be formed on the surface by the lines joining points 33, 34, 8, 9, 10, 11, 12, 13, 14, 15 and 35 and shown on the accompanying map in red.

(2) There shall be left intact on both sides of the mining boundary a barrier wall ten metres in thickness measured perpendicularly thereto. This barrier wall shall not be pierced, reduced in thickness or removed without the permission of the mining authorities of the country concerned. Such permission may not be given until the mining authority of the other country has agreed.

Article 5

Shafts and associated surface installations may be constructed in the coalfield referred to in article 1, (2) (a), but not in the remainder of the treaty area.

Article 6

(1) Netherlands legal and administrative provisions shall apply to the supervision of underground mining operations in the treaty area.

(2) The Netherlands mining authority is authorized to exercise supervision of the underground mining operations in the treaty area.

(3) If the German mining authority considers that special operating measures are necessary in the treaty area in order to protect the surface in the interest of personal safety and public communications or in order to protect other mineral deposits, the Netherlands mining authority, in co-operation with the German mining authority, shall take such measures in accordance with the regulations normally applicable in similar cases in the Federal Republic of Germany. For this purpose the Netherlands mining authority shall, upon request, supply all necessary information to the German mining authority.

Article 7

(1) The supervision of shafts and associated surface installations in the treaty area shall be governed by German legislative and administrative provisions, which, as far as reasonably possible, shall be in agreement with the relevant Netherlands provisions.

(2) The German mining authority is empowered to carry out supervision of shafts and associated surface installations in the treaty area.

Article 8

(1) The German mining authority and officially licensed German mining surveyors authorized by it may, for valid reasons visit underground workings situated in the treaty area and make measurements therein. Shafts on Netherlands or German territory may be used for access.

(2) The Netherlands mining enterprise may carry out surface measurements in the treaty area and in the area outside it which is subject to the effects of mining.

(3) The Netherlands mining concern may, within the treaty area and in its vicinity, have borings and geophysical tests made where appropriate in order to establish the geological structure and the location of the coal deposits in the treaty area.

Article 9

The Netherlands mining authority shall at all times make available to the German mining authority the work plans required under the Netherlands mining regulations, covering projected operations in the treaty area.

Article 10

(1) The Netherlands and German mining authorities will permit mining along the mining boundary only on condition that the mining enterprises show the mining galleries extending 500 metres on the far side of the mining boundary on their mine maps. For this purpose the Netherlands and German mining authorities shall at half-yearly intervals exchange relevant maps, which shall be prepared by licensed Netherlands, or officially licensed German, mine surveyors, and regularly brought up to date as long as the area concerned is worked.

(2) Furthermore, the Netherlands mining authority shall make available to the German mining authority one copy of mining maps similarly prepared and brought up to date, showing all mining operations in the treaty area.

(3) Access to these mining maps by third parties shall be subject to the decision of the authorities and judicial bodies in the country to which the mining maps are made available, in accordance with the relevant regulations.

Article 11

Explosives brought from the Netherlands to the treaty area above ground or conveyed through that area for the purpose of underground mining operations in the treaty area shall be subject to German safety regulations.

Article 12

Acts of commission or omission in underground operations within the treaty area shall be treated in criminal and civil law as having been done in the Netherlands.

Article 13

(1) For legal purposes the effects on the surface of mining operations underground shall be governed by the law and be subject to the jurisdiction of the State on whose territory these effects were produced on the surface. This shall apply in particular to compensation for all kinds of damage, both to persons and to property, occurring above ground as a result of underground operations.

(2) Payments in compensation to a German creditor shall be transferred to the territory of the Federal Republic of Germany.

Article 14

With respect to labour legislation and social security, the position of employees engaged in mining work in the treaty area shall be governed by Netherlands law.

With respect to social security, the international agreements in force at any time between the Netherlands and the Federal Republic of Germany shall also be applicable.

Article 15

(1) Mining concessions held by the Netherlands mining enterprise in the treaty area and the income derived therefrom shall not be subject to property tax or income tax in the Federal Republic of Germany.

(2) Mining installations of the Netherlands mining enterprise which are constructed in the treaty area and income derived therefrom shall not be subject to property tax or income tax in the Federal Republic of Germany, unless the enterprise maintains in use in the treaty area a shaft for the transport of coal (hoisting shaft).

Article 16

Work performed in a non-self-employed capacity by persons employed by the Netherlands mining concern in the mining installations constructed in the treaty area shall be deemed, for purposes of taxation of employees, to be performed in the Netherlands. Where this provision affects the taxation of employees who have their domicile in the Federal Republic of Germany and are employed above ground in the treaty area or regularly go down a shaft situated in the treaty area, it may be denounced with effect from 1 January upon giving six months' notice.

Article 17

(1) The Federal Republic of Germany grants the following facilities for the mining installations in the treaty area :

- (a) Articles intended for the installation or operation of the underground mining installations, in particular, building materials, pit props, steel supports, rails, tubing, piping, machines, tools, parts, lubricants and filling material, may be brought free of import and export duties, prohibitions and restrictions, both via shafts situated on Netherlands territory and via shafts in the treaty area, into the underground mineworkings situated in that area, and re-exported therefrom. Such articles shall not be subject to customs examination underground.
- (b) Articles intended for use in the mining installations above ground may be introduced temporarily into the treaty area and re-exported therefrom, free of import and export duties, prohibitions and restrictions and without provision of security. However, articles intended for use in the mining installations above ground

shall be subject to German prohibitions and restrictions on imports and exports, as well as to German customs regulations.

- (c) Coal produced in the treaty area may be exported to the Netherlands by the Netherlands mining enterprise free of export duty and of prohibitions and restrictions on exports ; the regulations governing export bounties shall not apply to such coal.
- (d) Electric power, compressed air, gas and water conveyed by the works mains of the Netherlands mining enterprise to and from the mining installations situated in the treaty area below and above ground shall be free of import and export duties and shall not be subject to any prohibition or restriction.

(2) The provisions of paragraph (1) shall not exclude the possibility of a charge being made for special services rendered by the German customs service.

(3) The German customs service may take customs precautions in order to prevent irregular use of the articles listed in paragraph (1) which are imported or re-exported free of duty. In carrying out its supervisory duties it shall take into account as far as possible the interest of both Parties in smooth clearance of traffic across the frontier to and from the mining installations.

(4) Within the limits of their jurisdiction, the authorities of the two Contracting Parties shall co-operate with each other in the implementation of this article, particularly with a view to preventing or detecting punishable acts.

Article 18

The Act to promote the construction of miners' dwellings in the coal-mining industry of 23 October 1951 (*Bundesgesetzblatt I*, page 865) and the Act concerning supplementary pay for miners of 20 December 1956 (*Bundesgesetzblatt I*, page 927), and any amendments thereto, shall not apply to mining in the treaty area.

Article 19

(1) Coal mined in the treaty area shall be counted for economic purposes as part of the coal production of the Netherlands.

(2) The Netherlands shall be entitled to dispose of the coal produced in the treaty area in the same manner as coal produced inside Netherlands territory.

Article 20

(1) The provisions of annex C to the Treaty between the German and the Netherlands Governments concerning credit and coal of 11 May 1920 shall remain in force unless otherwise provided under the present Treaty.

(2) The provisions of annex D to the Treaty referred to in paragraph (1) shall apply to the present Treaty where relevant.

Article 21

The competent Netherlands and German ministers shall make such arrangements as are required for the implementation of this Treaty or in connexion therewith. Such arrangements shall be confirmed and put into effect by exchange of notes through the diplomatic channel.

Article 22

(1) The Treaty shall be ratified. The instruments of ratification shall be exchanged as soon as possible at The Hague.

(2) The Treaty shall enter into force one month after the exchange of the instruments of ratification.

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

DONE in duplicate at Bonn on 28 January 1958 in Dutch and German, both texts being equally authentic.

For the Kingdom
of the Netherlands :

(Signed) LAMPING

For the Federal Republic
of Germany :

(Signed) v. BRENTANO

EXCHANGE OF NOTES

I

THE FEDERAL MINISTER FOR FOREIGN AFFAIRS

Bonn, 28 January 1958

Your Excellency,

With reference to the Treaty signed today¹ between the Federal Republic of Germany and the Kingdom of the Netherlands concerning the mining of coal in the German-Netherlands frontier area west of Wegberg-Brüggen, I have the honour to inform you as follows :

The Government of the Federal Republic of Germany, in agreement with the Senate of Berlin, wishes to include *Land Berlin* in the Treaty between the Federal Republic of Germany and the Kingdom of the Netherlands concerning the mining of coal in the German-Netherlands frontier area west of Wegberg-Brüggen and consequently proposes to the Government of the Kingdom of the Netherlands the conclusion of the following agreement :

“The Treaty shall also apply to *Land Berlin* unless the Government of the Federal Republic of Germany informs the Government of the Kingdom of the Netherlands to the contrary within three months from the entry into force of the Treaty.”

If the Government of the Kingdom of the Netherlands agrees to the foregoing, I would propose that this note and your reply should be regarded as constituting an agreement between our two Governments which will form an integral part of the Treaty signed today between the Federal Republic of Germany and the Kingdom of the Netherlands concerning the mining of coal in the German-Netherlands frontier area west of Wegberg-Brüggen.

I have the honour to be, etc.

(Signed) V. BRENTANO

His Excellency Arnold Theodor Lamping
Her Majesty's Ambassador Extraordinary and Plenipotentiary
Bonn

¹ See p. 200 of this volume.

II

EMBASSY OF THE NETHERLANDS

Bonn, 28 January 1958

Sir,

I have the honour hereby to acknowledge your note of today's date in the following terms :

[See note I]

I have the honour to inform you that the Government of the Kingdom of the Netherlands is prepared to accede to the wish of the Government of the Federal Republic of Germany, and that it regards your note and my reply as constituting an agreement between our two Governments which forms an integral part of the Treaty signed today concerning the mining of coal in the German-Netherlands frontier area west of Wegberg-Brüggen.

I have the honour to be, etc.

(Signed) LAMPING

His Excellency Dr. Heinrich von Brentano
Federal Minister for Foreign Affairs of the Federal Republic
of Germany
Bonn

LIST OF POINTS ON THE CONCESSION
BOUNDARYLISTE DES POINTS-FRONTIÈRE DE
LA LIMITE DE CONCESSION

(1) DEFINED BY CO-ORDINATES

1) DÉFINIS PAR DES COORDONNÉES

*Gauss-Krüger System**Système Gauss-Krüger*

<i>Point</i>	<i>Ordinates</i>	<i>Abscissae</i>	<i>Points</i>	<i>Ordonnées</i>	<i>Abscisses</i>
1	**07230.52	**70823.87	1	**07 230,52	**70 823,87
2	05807.30	76299.69	2	05 807,30	76 299,69
3	06211.96	76377.08	3	06 211,96	76 377,08
4	09499.50	77005.82	4	09 499,50	77 005,82
5	10708.61	77235.22	5	10 708,61	77 235,22
6	13536.52	77771.74	6	13 536,52	77 771,74
7	12937.41	72490.03	7	12 937,41	72 490,03
8	15671.97	73850.11	8	15 671,97	73 850,11
9	16055.04	73071.61	9	16 055,04	73 071,61
10	16549.94	72499.55	10	16 549,94	72 499,55
11	17310.83	71606.10	11	17 310,83	71 606,10
12	18087.29	70703.57	12	18 087,29	70 703,57
13	18235.03	70540.15	13	18 235,03	70 540,15
14	14643.00	68542.00	14	14 643,00	68 542,00
15	11504.95	68264.08	15	11 504,95	68 264,08
16	11478.62	68589.57	16	11 478,62	68 589,57
17	11951.39	68905.43	17	11 951,39	68 905,43
18	12206.51	69131.43	18	12 206,51	69 131,43
19	12349.86	69297.00	19	12 349,86	69 297,00
20	09833.34	70947.12	20	09 833,34	70 947,12
21	11240.58	71652.66	21	11 240,58	71 652,66
22	11859.35	71965.10	22	11 859,35	71 965,10
23	12707.73	72378.44	23	12 707,73	72 378,44
24	12145.93	72840.23	24	12 145,93	72 840,23
25	11573.90	73353.99	25	11 573,90	73 353,99
26	09078.60	72154.17	26	09 078,60	72 154,17
27	08597.68	71878.77	27	08 597,68	71 878,77
28	08150.12	71510.53	28	08 150,12	71 510,53
29	07885.38	71189.45	29	07 885,38	71 189,45
30	08205.68	77966.71	30	08 205,68	77 966,71
31	09499.90	78428.40	31	09 499,90	78 428,40
32	10252.84	78696.92	32	10 252,84	78 696,92
34	13562.87	77786.09	34	13 562,87	77 786,09

(2) NOT DEFINED BY CO-ORDINATES

2) NON DÉFINIS PAR DES COORDONNÉES

Point 33 is the point of intersection of the line 8-34 when prolonged and the Netherlands-German frontier.

Le point 33 est le point d'intersection du prolongement de la ligne reliant les points 8 et 34 avec la frontière germano-néerlandaise.

Point 35 is the point of intersection of the line 14-15 when prolonged and the Netherlands-German frontier.

Le point 35 est le point d'intersection du prolongement de la ligne reliant les points 14 et 15 avec la frontière germano-néerlandaise.