

NETHERLANDS  
and  
FEDERAL REPUBLIC OF GERMANY

p. 16 (20) *General Treaty for the settlement of frontier questions and other problems outstanding between the two countries (Treaty of Settlement). Signed at The Hague, on 8 April 1960*

Treaty concerning the course of the common frontier, the boundary waters, real property situated near the frontier, traffic crossing the frontier on land and via inland waters, and other frontier questions (Frontier Treaty) (with annexes, Final Protocol and exchange of notes). Signed at The Hague, on 8 April 1960

Treaty concerning arrangements for co-operation in the Ems Estuary (Ems-Dollard Treaty) (with annexes, Final Protocol and exchange of notes). Signed at The Hague, on 8 April 1960<sup>1</sup>

Supplementary Agreement to the above-mentioned Ems-Dollard Treaty (with annex, Final Protocol and exchange of notes). Signed at Bennekom, on 14 May 1962<sup>1</sup>

Treaty concerning the settlement of financial questions and concerning payments for the benefit of Netherlands victims of National Socialist persecution (Financial Treaty) (with Final Protocol and exchange of notes). Signed at The Hague, on 8 April 1960<sup>1</sup>

Supplementary Agreement to the above-mentioned Financial Treaty. Signed at Bennekom, on 14 May 1962<sup>1</sup>

Agreement to accept the compulsory jurisdiction of the International Court of Justice in disputes concerning the interpretation or application of the Revised Convention on Rhine Navigation, 1868 (Convention of Mannheim). Signed at The Hague, on 8 April 1960<sup>1</sup>

Agreement concerning Netherlands war graves in the Federal Republic of Germany (War Graves Agreement). Signed at The Hague, on 8 April 1960<sup>1</sup>

*Official texts : Dutch and German.*

*Registered by the Netherlands on 3 September 1964.*

<sup>1</sup> Published in volume 509.

[TRANSLATION — TRADUCTION]

No. 7404. GENERAL TREATY<sup>1</sup> BETWEEN THE KINGDOM OF THE NETHERLANDS AND THE FEDERAL REPUBLIC OF GERMANY FOR THE SETTLEMENT OF FRONTIER QUESTIONS AND OTHER PROBLEMS OUTSTANDING BETWEEN THE TWO COUNTRIES (TREATY OF SETTLEMENT). SIGNED AT THE HAGUE, ON 8 APRIL 1960

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

Desiring to further the friendly relations between the two countries and to create the most favourable conditions possible for the policy of Western co-operation and European integration pursued by both States,

Have agreed to settle by treaty, so far as their laws permit, disputes outstanding between their two countries,

And for that purpose have appointed as their plenipotentiaries :

Her Majesty the Queen of the Netherlands :

Mr. J. M. A. H. Luns, Minister for Foreign Affairs, and

Mr. H. R. van Houten, Minister of State for Foreign Affairs,

The President of the Federal Republic of Germany :

Mr. Heinrich von Brentano, Federal Minister for Foreign Affairs, and

Mr. Rolf Lahr, Ambassador Extraordinary and Plenipotentiary,

Who, having exchanged their full powers, found in good and due form, have agreed as follows :

### *Article 1*

With a view to regulating matters relating to the course of the common frontier, the boundary waters, real property situated near the frontier, traffic crossing the

<sup>1</sup> The General Treaty, together with the treaties and agreements published on page 148 of this volume and pp. 64, 140, 194, 238, 246 and 258 of volume 509 of the United Nations *Treaty Series*, which form an integral part of the General Treaty (see articles 1 and 2), came into force on 1 August 1963, one month after the exchange of the instruments of ratification, which took place at Bonn on 1 July 1963, in accordance with article 4 of the General Treaty, article 15 of the Supplementary Agreement to the Ems-Dollard Treaty and article 4 of the Supplementary Agreement to the Financial Treaty.

So far as the Netherlands is concerned, the above-mentioned instruments apply to the Kingdom in Europe, Surinam and the Netherlands Antilles, except for the Financial Treaty and the Additional Agreement thereto, which apply only to the Kingdom in Europe. So far as the Federal Republic of Germany is concerned, the above-mentioned instruments apply also to *Land Berlin*.

frontier on land and via inland waters, and other frontier questions, a Frontier Treaty<sup>1</sup> is hereby concluded.

With a view to regulating arrangements for co-operation in the Ems Estuary, the Ems-Dollard Treaty<sup>2</sup> is hereby concluded.

With respect to the settlement of financial questions and to payments for the benefit of Netherlands victims of National Socialist persecution, a Financial Treaty<sup>3</sup> is hereby concluded.

With a view to the settlement of disputes concerning the interpretation or application of the Revised Convention on Rhine Navigation, 1868 (Convention of Mannheim), an Agreement<sup>4</sup> to accept the compulsory jurisdiction of the International Court of Justice is hereby concluded.

With respect to Netherlands war graves in the Federal Republic of Germany, a War Graves Agreement<sup>5</sup> is hereby concluded.

#### *Article 2*

The Treaties and Agreements mentioned in article 1 form part of this Treaty.

#### *Article 3*

This Treaty shall also apply to *Land Berlin*, unless the Government of the Federal Republic of Germany makes a declaration to the contrary to the Government of the Kingdom of the Netherlands within three months after the entry into force of this Treaty.

#### *Article 4*

This Treaty shall be subject to ratification ; the instruments of ratification shall be exchanged as soon as possible at Bonn.

This Treaty, together with its parts mentioned in article 1, shall enter into force one month after the exchange of the instruments of ratification.

IN WITNESS WHEREOF the plenipotentiaries of the High Contracting Parties have signed this Treaty and have hereto affixed their seals.

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<sup>1</sup> See p. 148 of this volume.

<sup>2</sup> United Nations, *Treaty Series*, Vol. 509, p. 64.

<sup>3</sup> United Nations, *Treaty Series*, Vol. 509, p. 194.

<sup>4</sup> United Nations, *Treaty Series*, Vol. 509, p. 246.

<sup>5</sup> United Nations, *Treaty Series*, Vol. 509, p. 258.

DONE at The Hague, on 8 April 1960, in two original copies, each in the Dutch and German languages, both texts being equally authentic.

For the Kingdom of the Netherlands :

(Signed) J. LUNS

(Signed) H. R. VAN HOUTEN

For the Federal Republic of Germany :

(Signed) VON BRENTANO

(Signed) LAHR

[TRANSLATION — TRADUCTION]

TREATY<sup>1</sup> BETWEEN THE KINGDOM OF THE NETHERLANDS AND THE FEDERAL REPUBLIC OF GERMANY CONCERNING THE COURSE OF THE COMMON FRONTIER, THE BOUNDARY WATERS, REAL PROPERTY SITUATED NEAR THE FRONTIER, TRAFFIC CROSSING THE FRONTIER ON LAND AND VIA INLAND WATERS, AND OTHER FRONTIER QUESTIONS (FRONTIER TREATY). SIGNED AT THE HAGUE, ON 8 APRIL 1960

The Kingdom of the Netherlands and the Federal Republic of Germany have agreed on the following provisions :

CHAPTER I

COURSE OF THE FRONTIER

*Article 1*

The course of the frontier between the Kingdom of the Netherlands and the Federal Republic of Germany shall be as specified in the Boundary Treaties between the Kingdom of Prussia and the Kingdom of the Netherlands signed at Aachen on 26 June 1816 and at Cleves on 7 October 1816, in the Frontier Treaty between the Kingdom of Hanover and the Kingdom of the Netherlands signed at Meppen on 2 July 1824, and in the Agreements concluded for the purposes of implementing, revising and supplementing those Treaties, to the extent that such Treaties and Agreements were in force between the Kingdom of the Netherlands and the German Reich on 31 December 1937<sup>2</sup>, and in the provisions derogating therefrom which are set out in annex A<sup>3</sup> to this Treaty.

<sup>1</sup> Came into force on 1 August 1963 ; see footnote 1, p. 20 of this volume.

<sup>2</sup> According to the information provided by the Netherlands Government, these Agreements are as follows :

(a) Agreements implementing, revising and supplementing the provisions of the Boundary Treaty of 26 June 1816 relating to the course of the frontier :

[TRANSLATION — TRADUCTION]

- (i) General Record drawn up between the Kingdom of the Netherlands and the Kingdom of Prussia concerning the frontier lines ; Emmerich, 23 September 1818.
- (ii) Treaty between the Kingdom of the Netherlands and the Kingdom of Prussia concerning the

<sup>3</sup> See p. 212 of this volume.

(Continued on p. 150)

## Article 2

After the regulation of the following boundary streams :

- (a) The Anselderbeek (Amstelbach)—Bleyerheiderbeek (Bleyerheider Bach),
- (b) The Molenbeek (Jonge Worm) (Mühlenbach (Junge Wurm)),
- (c) The Roode Beek (near Vlodrop) (Rothenbach),
- (d) The Rammelbeek (Rammelbach),

regulated in accordance with the provisions of sections 2 to 5 of annex B<sup>1</sup> to this Treaty, the frontier between the Federal Republic of Germany and the Kingdom of the Netherlands shall follow the course specified in those provisions. Each rectification of the frontier shall become effective at such time as shall be determined by an exchange of notes between the Governments of the Contracting Parties after the completion of the works.

(Footnote 2 continued from p. 148)

frontier line between the two States at several points between the province of Limburg and the district of Aachen ; Aachen, 11 December 1868.

(b) Agreements implementing, revising and supplementing the provisions of the Boundary Treaty of 7 October 1816 relating to the course of the frontier :

## [TRANSLATION — TRADUCTION]

- (i) As under No. (a) (i) above.
- (ii) Instruments between the Kingdom of the Netherlands and the Kingdom of Prussia concerning abolition of the right of pasturage in fallow land (*jus compascui*) ; Münster, 30 October 1823.
- (iii) Further Agreement between the Kingdom of the Netherlands and the Kingdom of Prussia modifying the partial frontier along Gelderland fixed by the Agreement of 30 October 1823 and abolishing the right of pasturage in fallow land ; 11 April 1827.
- (iv) Final Protocol, with annexes, between the Kingdom of the Netherlands and the Kingdom of Prussia fixing the frontier line between Netterden and Vrasselt ; Emmerich, 23 June 1843.
- (v) Agreement between the Kingdom of the Netherlands and the Kingdom of Prussia defining the frontier line between the Netherlands commune of Dinxperlo and the Prussian commune of Süderwick ; Dinxperlo, 12 August 1872.
- (vi) Agreement between the Kingdom of the Netherlands and the Kingdom of Prussia concerning the frontier line between the two States at the Netherlands commune of Winterswijk and the Prussian commune of Barlo ; Winterswijk, 22 August 1879.
- (vii) Agreement between the Kingdom of the Netherlands and the Kingdom of Prussia defining the frontier between Eibergen and Ammeloe ; Eibergen, 12 May 1880.
- (viii) Agreement between the Kingdom of the Netherlands and the Kingdom of Prussia adjusting the frontier between Eibergen and Ammeloe ; Bentheim, 16 August 1883.

(c) Agreements implementing, revising and supplementing the provisions of the Frontier Treaty of 2 July 1824 relating to the course of the frontier :

## [TRANSLATION — TRADUCTION]

- (i) Instrument between the Kingdom of the Netherlands and the Kingdom of Hanover defining the frontiers ; 12 September 1825.
- (ii) Exchange of declarations between the Netherlands and Hanoverian Governments fixing the frontier line in the Dollard ; The Hague/Hanover, 14/19 March 1863.
- (iii) Agreement between the Kingdom of the Netherlands and the Kingdom of Prussia fixing the State frontier at and in the section of the Buiten Aa lying between boundary stones No. 202 and 202a, which has been abandoned and filled in as a result of the construction in Netherlands territory of the Nieuwe Statenzijl [New State Dikey-lock] ; Aurich/Groningen, 1/31 August 1882 ; with Additional Declaration, Aurich/Groningen, 27 April/29 May 1883.

<sup>1</sup> See p. 254 of this volume.

*Article 3*

1. Where the frontier defined in articles 1 and 2 deviates from the Netherlands-German frontier as it existed on 31 December 1937, its exact course shall be determined *in situ* by a Frontier Commission composed of representatives of the Governments of the Contracting Parties. The costs of demarcation shall be borne by the Contracting Parties equally.

2. The Frontier Commission may also be charged with the task of inspecting and, where necessary, renewing the demarcation of the frontier where it coincides with the Netherlands-German frontier as it existed on 31 December 1937, and of resurveying and mapping the entire frontier. Where the existing course of the frontier gives rise to substantial inconveniences, the Frontier Commission may propose minor adjustments of the frontier.

## CHAPTER 2

## QUESTIONS RELATING TO THE TRANSFER OF FRONTIER AREAS

*Article 4*

The Kingdom of the Netherlands renounces the rights transferred to it following the Second World War with respect to areas forming part of the German Reich on 31 December 1937 in which the Kingdom claimed such rights, and which under the terms of article 1 form part of the Federal Republic of Germany.

*Article 5*

The Kingdom of the Netherlands renounces its rights with respect to areas forming part of the Kingdom of the Netherlands on 31 December 1937 which under the terms of article 1 form part of the Federal Republic of Germany.

*Article 6*

The Federal Republic of Germany renounces its rights with respect to areas forming part of the German Reich on 31 December 1937 which under the terms of article 1 form part of the Kingdom of the Netherlands.

*Article 7*

1. Public property, with all rights, encumbrances and liabilities, in the areas referred to in articles 4 and 5 shall vest in the Federal Republic of Germany or in the relevant public corporations in the Federal Republic.

2. Public property, with all rights, encumbrances and liabilities, in the areas referred to in article 6 shall vest in the Kingdom of the Netherlands or in the relevant public corporations in the Kingdom.

*Article 8*

1. The competent authorities of the Contracting Parties shall, by agreement and, so far as is possible, within a period of six months following the entry into force of this Treaty, make arrangements concerning administrative matters relating to the transfer of the areas referred to in articles 4 to 6 such as the handing over of documents, deeds and archives.

2. Where it is impossible to hand over registers of births, marriages and deaths, land registers, cadastral documents or papers relating thereto, certified copies shall be furnished.

*Article 9*

1. Netherlands who on 30 June 1959 were domiciled or normally resident in the areas referred to in article 4 shall be granted, free of payment, the authorization required for unlimited residence in the Federal Republic of Germany.

2. Germans who on 23 February 1948 and on 23 April 1949 were domiciled or normally resident in the areas referred to in article 4 and who on 30 June 1959 were domiciled or normally resident in the Netherlands shall be granted, free of payment, the authorization required for unlimited residence in the Netherlands.

3. If the Netherlands or Germans referred to in paragraphs 1 and 2 transfer their domicile, within a period of two years following the entry into force of this Treaty, to the Netherlands or the Federal Republic of Germany respectively, they shall be entitled also to transfer their movable property and the proceeds of the disposal of immovable property to the Netherlands or the Federal Republic of Germany respectively, free of import and export prohibitions and restrictions and free of import and export duties and other charges. If they do not dispose of their immovable property, they shall continue to be entitled to transfer the fruits thereof, such as crops and rentals, to the Netherlands or the Federal Republic of Germany respectively, free of import and export prohibitions and restrictions.

*Article 10*

1. Netherlands who on 30 June 1959 were domiciled or normally resident in the areas referred to in article 4 and who at that time were, and at the time of the entry into force of this Treaty still are, self-employed or gainfully employed there, shall be entitled to continue to pursue their profession or occupation in those areas and shall be granted such permits as may be necessary for that purpose. In their pursuit of such profession or occupation they shall be subject to the laws and regulations in force in the Federal Republic of Germany.

2. Germans who on 23 February 1948 and on 23 April 1949 were domiciled or normally resident in the areas referred to in article 4 and who on 30 June 1959 were domiciled or normally resident in the Netherlands and at that time were, and at the



time of the entry into force of this Treaty still are, self-employed or gainfully employed there, shall be entitled to continue to pursue their profession or occupation in the Netherlands and shall be granted such permits as may be necessary for that purpose. In their pursuit of such profession or occupation they shall be subject to the laws and regulations in force in the Netherlands.

3. Where the persons referred to in paragraph 1 are self-employed, they shall be entitled for a period of ten years following the entry into force of this Treaty to import raw materials and semi-manufactures across the Netherlands-German frontier free of import prohibitions and restrictions and free of import duties and other charges, provided that the products prepared from them are exported across the Netherlands-German frontier. This concession shall apply with respect to raw materials and semi-manufactures of the same kind as were imported before the entry into force of this Treaty, and for a yearly quantity not exceeding 120 per cent of the average of the quantities imported in the last three years before the entry into force of this Treaty. Observance of the conditions for exemption from duties and charges shall be under Customs supervision in accordance with German Customs regulations relating to the privileged transit trade. The export of the products across the Netherlands-German frontier shall not be subject to export duties or other charges for a period of ten years following the entry into force of this Treaty. In the computation of turnover-tax export rebates, account shall be taken of the fact that the raw materials and semi-manufactures were imported free of duties and charges. The foregoing shall not preclude the granting of more far-reaching exemptions, or of exemptions in respect of other raw materials and semi-manufactures, where such exemptions are permissible under German Customs regulations relating to the privileged transit trade.

4. The terms of paragraphs 1 to 3 shall apply *mutatis mutandis* to companies which on 30 June 1959 had their registered offices in the areas in question and to branches and permanent establishments maintained in those areas. The term "companies" means companies under civil or commercial law, including co-operative societies, and other public or private corporations, with the exception of non-profit-making corporations.

#### Article 11

1. Germans who on 30 June 1959 were, and at the time of the entry into force of this Treaty still are, domiciled in the areas referred to in article 6 may, within a period of two years following the entry into force of this Treaty, opt for Netherlands nationality in accordance with the terms of paragraph 2, provided that at the time of exercising such option they are not under eighteen years of age and are domiciled in the Kingdom of the Netherlands.

2. The option shall be exercised by means of a declaration made before the competent Netherlands authorities. Its effect shall be the acquisition of Netherlands nationality from the moment when the declaration is made. The same effect shall extend to :

- (a) The wife, if she so agrees,
- (b) The children under eighteen years of age ;  
a declaration of option made by a woman shall not extend to her children unless the father is deceased or is legally unknown.

3. Any person who acquires Netherlands nationality under the terms of paragraph 2 shall thereby cease to be a German. The foregoing shall not, however, apply in the case of an optant's legitimate child who under German law is subject to the conjoint parental authority of his mother, unless the mother has given her consent. In the absence of the mother's consent, the Netherlands Minister of Justice may rule the father's declaration of option ineffective with regard to the child or void *in toto*.

4. The Government of the Kingdom of the Netherlands shall communicate to the Government of the Federal Republic of Germany the names and particulars of persons who have acquired Netherlands nationality by option.

5. Germans who on 30 June 1959 were, and at the time of the entry into force of this Treaty still are, domiciled in the areas referred to in article 6 shall enjoy the rights set forth in article 9, paragraph 2, and article 10, paragraph 2. If such persons, not having acquired Netherlands nationality, transfer their domicile to the Federal Republic of Germany within a period of two years following the entry into force of this Treaty, the provisions of article 9, paragraph 3, of this Treaty shall apply *mutatis mutandis*.

#### Article 12

1. In the case of Netherlands who on 30 June 1959 were, and at the time of the entry into force of this Treaty still are, self-employed or gainfully employed in the areas referred to in article 4 but who are domiciled or resident in the Netherlands, the German legislative and administrative provisions relating to the crossing of the frontier, the surveillance of aliens, and self-employment or gainful employment shall be so applied as not to impede them in the pursuit of their profession or occupation, save as may be required for reasons of public health, safety, order or decency.

2. In the case of Germans who on 30 June 1959 were, and at the time of the entry into force of this Treaty still are, self-employed or gainfully employed in the Netherlands but who are domiciled or resident in the areas referred to in article 4, the Netherlands legislative and administrative provisions relating to the crossing of the frontier, the surveillance of aliens, and self-employment or gainful employment shall be so applied as not to impede them in the pursuit of their profession or occupation, save as may be required for reasons of public health, safety, order or decency.

*Article 13*

This Treaty shall be without prejudice to the acquired rights of Netherlanders who and Netherlands companies which on 30 June 1959 were domiciled or normally resident or had their registered offices in the Netherlands with respect to the extraction of clay, sand or gravel in the areas referred to in article 4. Clay, sand and gravel extracted may be exported to the Netherlands free of export and import prohibitions and restrictions and free of export and import duties and other charges. Tools needed for extraction purposes and vehicles may be taken from the Netherlands to the areas referred to in article 4 and re-exported to the Netherlands free of import and export prohibitions and restrictions and free of import and export duties and other charges. The Federal Republic of Germany shall not grant any turnover-tax export rebates with respect to the export of such clay, sand, gravel, tools and vehicles.

*Article 14*

Passenger transport enterprises which have their registered offices in the Netherlands and which on 30 June 1959 were licensed to operate in the areas referred to in article 4 shall be granted licences under German law. The licences shall be in such form as will enable the enterprises to continue to operate the lines and other services which they operated at the time of the entry into force of this Treaty on the same scale and for at least the same length of time as was specified in their former Netherlands licences. Prohibitions on the taking up or setting down of passengers imposed on German enterprises by Netherlands authorities need not be maintained in the areas referred to in article 4.

*Article 15*

1. Insurance enterprises having their registered offices in the Netherlands may continue the insurance activities in which they are engaged at the time of the entry into force of this Treaty in the areas referred to in article 4 with respect to persons resident and risks situated there, save as concerns liability insurance for motor vehicles.

2. The security required to cover liabilities must be maintained in the Federal Republic of Germany at the prescribed level, in accordance with the principles laid down in German insurance law.

3. The insurance enterprises shall appoint a responsible representative resident in the Federal Republic of Germany whose responsibilities shall include the fulfilment of the obligations arising out of paragraph 2.

*Article 16*

Persons who at the time of the entry into force of this Treaty are employed in the areas referred to in article 4 in the Netherlands public service or in the service of the

Netherlands Railways shall be transferred to the German public service. The same shall apply with respect to public employees possessing German nationality.

#### Article 17

1. Netherlands individuals who and Netherlands corporations which on 21 June 1948 were domiciled or resident in the areas referred to in article 4 shall not be liable to the capital tax (*Vermögensabgabe*) established by the German Equalization of Burdens Act of 14 August 1952 in respect of assets situated outside the Federal Republic of Germany, including *Land* Berlin. The assets of such individuals or corporations in the areas referred to in article 4 shall likewise be exempt from the German capital tax. Netherlands individuals who and Netherlands corporations which on 21 June 1948 were liable to the German capital tax at a reduced rate shall not be liable to the German capital tax in respect of assets in the areas referred to in article 4.

2. Profits in respect of immovable property and businesses situated in the areas referred to in article 4 accruing to Netherlands individuals and corporations in consequence of the German currency reform shall be subject neither to the tax on mortgage profits (*Hypothekengewinnabgabe*) nor to the tax on credit profits (*Kreditgewinnabgabe*) established by the German Equalization of Burdens Act of 14 August 1952.

#### Article 18

1. The Contracting Parties shall render to each other reciprocal administrative and legal assistance in the assessment and collection of taxes, including surcharges, interest and costs, and in the recovery of penalties in respect of such taxes imposed by the tax authorities with final effect, including penalties in the form of surcharges, wherever such taxes and penalties :

- (a) Are payable by individuals who and corporations which at the time of the entry into force of this Treaty are domiciled or resident in the areas referred to in article 4, and
- (b) Relate to a period comprising the year in which the date of the entry into force of this Treaty falls and the two complete calendar years before and the two complete calendar years after that year.

2. For the purpose of this article, the term "taxes" does not include Customs and excise duties, but includes the Netherlands turnover tax.

#### Article 19

1. The competent authorities of the Contracting Parties shall provide each other with such information as is necessary for carrying out the provisions of article 18,

wherever such information is at their disposal or may be obtained under their legislation. Such information shall be treated as confidential and shall be disclosed only to persons statutorily concerned with the assessment and collection of taxes.

2. In no case shall paragraph 1 be so construed as to impose upon either Contracting Party the obligation :

- (a) To take administrative measures at variance with the regulations or practice of either of the two Contracting Parties ; or
- (b) To supply particulars the disclosure of which cannot be required under the legislation of either of the two Contracting Parties.

3. No information may be given which would disclose a business or professional secret.

4. Information may be refused for reasons of public policy.

#### *Article 20*

1. Requests for recovery under the terms of article 18 shall be accompanied by :

- (a) Such documents as are required, under the laws of the requesting Contracting Party, in order to establish that the sums to be collected are finally due ;
- (b) A declaration by the competent authority confirming the finality of the claim-

2. Service of documents shall be effected and measures for recovery shall be taken in the territory of the requested Contracting Party in accordance with the laws governing the service of documents and the recovery of its own taxes. The claims to be recovered shall not be deemed to enjoy priority in the territory of the requested Contracting Party.

3. The requested Contracting Party shall not be obliged to apply a method of recovery not provided for in the legislation of the requesting Contracting Party.

4. If the request for recovery is not drawn up in the language of the requested Contracting Party, a translation shall be attached. A translation of that part of the judgement which includes the enforceable order and of the declaration required under paragraph 1 shall in every case be attached.

5. Costs and disbursements resulting from the execution of requests for administrative and legal assistance shall not be reimbursable as between the Contracting Parties.

#### *Article 21*

1. The transition from Netherlands law to German law in the areas referred to in article 4 shall be governed by the provisions of articles 22 to 31.

2. The foregoing shall be without prejudice to the application of Netherlands law to Netherlands in cases where under German private international law the national legislation of the parties is applicable.

#### Article 22

Save as otherwise provided in articles 23 to 29, the transition from Netherlands law to German law in the areas referred to in article 4 shall in principle be without prejudice to civil rights acquired before the entry into force of this Treaty.

#### Article 23

The formal validity of any act-in-the-law done in conformity with Netherlands procedural requirements before the entry into force of this Treaty shall be recognized in the Federal Republic of Germany.

#### Article 24

Liabilities which arose under Netherlands law before the entry into force of this Treaty shall continue to be governed by Netherlands legislation, subject, however, to the following exceptions and derogations :

- (a) Perpetual leases of land shall be subject to German law as from the entry into force of this Treaty. Leases of land for a specific term shall continue to be subject to Netherlands law only for the duration of the current lease. The provisions of the Netherlands Leaseholds Act (*Pachtwet*) relating to the renewal of leases shall not apply. The powers which under the Netherlands Leaseholds Act are vested in the land courts (*grondkamers*) and leasehold courts (*pachtkamers*) shall be exercised by the courts having jurisdiction under German law.
- (b) Leases of residential and business premises, leases of land not covered by the terms of sub-paragraph (a), leases of hunting rights and contracts of employment shall be subject to German law as from the entry into force of this Treaty.
- (c) In the case of other leases and service contracts, liabilities for annuity payments and other continuing liabilities, the legislation in force in the Federal Republic of Germany shall apply to such extent as may result from the application *mutatis mutandis* of the relevant transitional provisions of German law, particularly the transitional provisions of the Act introducing the Civil Code.

#### Article 25

Tax claims enjoying priority under German law shall take precedence over mortgages created under Netherlands law only where such claims relate to payment of the land tax.

*Article 26*

Decrees of judicial separation pronounced by Netherlands courts shall be recognized as valid in the Federal Republic of Germany.

*Article 27*

Marriage contracts which were concluded and recorded before the entry into force of this Treaty in the Netherlands register prescribed for the purpose may be asserted against third parties in accordance with Netherlands law within a period of one year following the entry into force of this Treaty.

*Article 28*

Legal relationships between a legitimate or illegitimate child and his parents, and statutory maintenance obligations, shall be adjudicated according to German law as from the entry into force of this Treaty.

*Article 29*

1. A joint-stock company under Netherlands law which at the time of the entry into force of this Treaty has its registered offices in the areas referred to in article 4 shall continue after the entry into force of this Treaty to be subject to Netherlands company law, until such time as the company has adapted its articles of association to German company law, has computed its capital in Deutsche Marks, and has caused the requisite amendments to the articles of association to be recorded in the commercial register. If the requisite amendments to the articles of association are not recorded in the commercial register within a period of two years following the entry into force of this Treaty, the company shall be dissolved upon the expiration of that period ; it shall be liquidated in accordance with Netherlands company law.

2. A joint-stock company under Netherlands law may, however, transfer its registered office to the Netherlands within the period specified in the second sentence of paragraph 1, and such transfer shall not result in the dissolution of the company.

3. A joint-stock company which transfers its registered office to the Netherlands in accordance with the terms of paragraph 2 shall be subject *mutatis mutandis* to the provisions of article 9, paragraph 3.

4. The foregoing provisions shall apply *mutatis mutandis* to other corporations.

*Article 30*

1. ~~Judgements of Netherlands courts~~ Judgements of Netherlands courts which were rendered in civil actions before the entry into force of this Treaty and which became final before or after that time shall be recognized in the Federal Republic of Germany and shall be enforced

after issue of the enforcement order in the same way as domestic judgements, provided that the debtor was domiciled or normally resident in the areas referred to in article 4 at the time when the proceedings were instituted against him. The same shall apply with respect to judgements which are rendered and become final only after the entry into force of this Treaty, provided that the proceedings were already pending before a Netherlands court of first instance before the entry into force of this Treaty. The foregoing shall be without prejudice to the terms of article 26.

2. Paragraph 1 shall apply *mutatis mutandis* to the enforcement of instruments relating to claims under civil law which were drawn up in due form in the Netherlands before the entry into force of this Treaty.

3. The clerk of the district court (*Amtsgericht*) within the jurisdiction of which the relevant area referred to in article 4 is situated shall issue the enforcement order, reading as follows : "The above copy is delivered to... for the purpose of enforcement in the Federal Republic of Germany." Applications for issue of the enforcement order, and rulings on objections relating to the substance of the claim to be enforced, shall be within the jurisdiction of the court in the Federal Republic of Germany to whose jurisdiction the debtor is subject under the terms of the German Code of Civil Procedure, or the court before which a suit may be brought against the debtor under article 23 of the German Code of Civil Procedure.

4. Where a civil action which was brought before a Netherlands court and in which no enforceable judgement was obtained before the entry into force of this Treaty is brought before a German court within a period of one year following the entry into force of this Treaty, the period of prescription or limitation shall be deemed to be suspended as from the date on which the action was brought before the Netherlands court.

### Article 31

1. German criminal law shall apply to offences which were committed in the areas referred to in article 4 before the entry into force of this Treaty only where such offences are punishable under German law as well as under Netherlands law. The maximum penalty prescribed in the Netherlands for such offences may not be exceeded by the German courts.

2. If, at the time of the entry into force of this Treaty, criminal proceedings relating to a punishable offence referred to in paragraph 1 have been instituted by the Netherlands authorities but have not yet been concluded, such proceedings may be continued by the Netherlands authorities only if the accused :

(a) Is under detention in the Kingdom of the Netherlands at the time of the entry into force of this Treaty ;



- (b) Is normally resident there ;
- (c) Is a Netherlander ;
- (d) Has committed an offence against the security of the Netherlands State or against the dignity of the Crown ; or
- (e) Has committed an offence which is punishable under Netherlands law but not under German law.

3. If an offender was acquitted or discharged in proceedings which were instituted with respect to an offence committed before the entry into force of this Treaty, and if the judgement has become final, he may not be prosecuted by the German authorities again for the same offence. The same shall apply if a sentence of a Netherlands court has become enforceable and has been or is being executed or has been remitted. Where remission of the sentence was conditional, the German authorities may prosecute if the remission is revoked by the Netherlands authorities. Otherwise, prosecution by the German authorities for an offence which has been adjudicated by the Netherlands courts shall be permissible only if a substantial public interest is involved.

4. In the execution of a sentence for an offence committed before the entry into force of this Treaty, allowance shall be made for any sentence for the same offence executed by the authorities of the other Contracting Party.

### CHAPTER 3

#### SPECIAL PROVISIONS RELATING TO SPECIFIED FRONTIER AREAS

##### *Article 32*

Special provisions relating to specified frontier areas are set forth in articles 33 to 53 (transit traffic on the Schinveld-Koningsbosch road and via Elten, the Herzogenrath bypass), in article 54 (high-tension, gas, water and telephone lines), in article 55 (mining) and, wherever they relate directly to the determination of the course of specified sections of the frontier, in annexes A and B.

##### *Article 33*

The Federal Republic of Germany shall permit persons and goods to pass on foot or by vehicle from the Netherlands to the Netherlands, in accordance with the terms of articles 34 to 49, along the following roads :

- (a) Schinveld-Koningsbosch,
- (b) Lobith-Elten-Beek,
- (c) Lobith-Elten-Babberich,
- (d) Lobith-Elten-Netherlands via Motorway E 36,
- (e) Spijk (boundary-stone 660)-Elten-Beek,

- (f) Spijk (boundary-stone 660)-Elten-Babberich,  
(g) Spijk (boundary-stone 660)-Elten-Netherlands via Motorway E 36,  
where such roads cross the territory of the Federal Republic of Germany (transit traffic).

#### *Article 34*

Transit traffic shall be permitted irrespective of the nationality of persons or the place of origin or destination of goods and vehicles.

#### *Article 35*

Deviations from the sections of road prescribed for transit traffic, stopping, the taking up or setting down of passengers, and the loading, unloading or trans-shipment of goods shall be prohibited during transit.

#### *Article 36*

1. The provisions of German road-traffic legislation relating to the prohibition of Sunday driving shall not apply with respect to transit traffic.

2. Vehicles and trailers in transit traffic must conform to the German or Netherlands construction and licensing regulations.

3. Drivers of motor vehicles or cycles with auxiliary engine which are licensed in the Kingdom of the Netherlands shall require no driving permits other than those prescribed in the Kingdom.

#### *Article 37*

1. The German regulations concerning liability insurance for foreign motor vehicles, cycles with auxiliary engine and trailers shall not apply with respect to transit traffic on the roads mentioned in article 33.

2. The Kingdom of the Netherlands guarantees that claims arising under German law as a result of damage caused in transit traffic or in unauthorized deviations from the transit roads will be met up to the amount of the minimum insurance payments provided for in the Federal Republic of Germany. Payments shall be made in the currency of the Federal Republic of Germany, if the claimant is a resident of the Federal Republic for exchange control purposes.

3. Paragraph 2 shall apply only if the claimant is domiciled or normally resident or has his registered office outside the Kingdom of the Netherlands and if the competent Netherlands authority is notified of the claim in sufficient time to enable it to participate in the court proceedings.

4. The Kingdom of the Netherlands shall recognize final judgements of German courts relating to claims guaranteed, under the terms of paragraph 2, by the Kingdom. The same shall apply to amicable settlements, whether in or out of court, provided that the Kingdom of the Netherlands has consented or consents thereto.

5. Where the Kingdom of the Netherlands meets a claim under the terms of paragraph 2, the Kingdom shall automatically be subrogated for the claimant vis-à-vis the persons liable.

6. If a vehicle of the Netherlands State is involved in the incident resulting in damage, the Kingdom of the Netherlands shall submit to the jurisdiction of the German courts with respect to claims arising out of such damage.

#### *Article 38*

Netherlands police, frontier control and Customs officers may use the Schinveld-Koningsbosch road while on duty. They shall be entitled when so doing, to wear their uniform or an official badge visibly and to take with them their service weapons, vehicles, official equipment and police dogs. They may not, however, perform any official acts.

#### *Article 39*

1. A valid Netherlands residence permit for aliens, bearing a photograph, shall be accepted as a frontier crossing paper for the purpose of transit traffic. Holders of such permits shall be exempted from German visa requirements.

2. Drivers of goods vehicles and their assistants may be allowed to travel over the roads referred to in article 33, sub-paragraphs (b) to (g), without recognized frontier crossing papers, if they identify themselves by means of an official document bearing a photograph.

#### *Article 40*

1. Individuals may be barred from transit traffic for reasons of public security.

2. Prisoners may be conveyed in transit traffic only with the consent of the competent German authorities.

#### *Article 41*

The Kingdom of the Netherlands shall without formality accept delivery of any person who entered the Federal Republic of Germany in transit traffic within one year following the date on which he crossed the frontier, unless he has been granted an unlimited residence permit. If subsequent investigation by the Netherlands authorities shows that the person concerned did not enter the Federal Republic of Germany

in transit traffic or that he has been granted an unlimited residence permit, the Federal Republic of Germany shall without formality accept his return.

#### *Article 42*

1. The Federal Republic of Germany shall with respect to transit traffic waive the collection of import and export duties and other import and export charges and the requirements concerning the deposit of securities, if the prescribed procedure is followed. If that procedure is not followed, the duties and charges due shall be payable, unless proof is shown that the goods or vehicles were returned to the Netherlands in their original condition.

2. The Federal Republic of Germany shall with respect to transit traffic waive the collection of the motor vehicles tax and the transport tax (*Beförderungssteuer*) and of any similar taxes which may be imposed in the future.

#### *Article 43*

1. Clearance of goods and vehicles in transit traffic shall be effected by means of a transit certificate, which shall be used in common by the Customs authorities of the Contracting Parties.

2. The form of the transit certificate, the clearance procedure for transit traffic and the hours during which transit traffic is permitted shall be determined by agreement between the Customs administrations of the Contracting Parties. The clearance of goods and vehicles shall be subject on the German side to the customary security arrangements. The two Customs administrations shall endeavour, in the interest of expediting transit traffic, to simplify the clearance procedure and security arrangements as much as possible.

3. The Customs and police authorities of the Contracting Parties shall assist each other in investigating the whereabouts of goods and vehicles in transit traffic and in detecting contraventions of the terms of article 35.

#### *Article 44*

No transit certificate shall be required for goods exempt from import and export duties and other import and export charges, with the exception of animals and animal parts and products, for used cycles, or for vehicles which may be taken across the frontier without Customs papers.

#### *Article 45*

The competent Customs authorities may refuse passage in transit if there is reason to suspect any irregularity.

*Article 46*

1. Animals infected or suspected of being infected with communicable diseases, parts of and products derived from such animals and objects of any kind which, in the light of the circumstances, must be assumed to be carriers of infection may not be conveyed in transit traffic.

2. Phytosanitary certificates shall not be required for plants and parts thereof in transit traffic. Phytosanitary frontier clearance shall not be effected except on grounds of special danger. The competent agencies of the two Contracting Parties shall notify each other of the existence of such danger.

*Article 47*

Explosives, weapons of war and ammunition may be conveyed in transit traffic only with the consent of the competent German authorities.

*Article 48*

1. Until such time as the construction works referred to in article 49, paragraph 1, have been carried out, frontier clearance on the Schinveld-Koningsbosch road shall be subject to the special provisions set forth below.

2. Occupants of motor vehicles who do not produce a recognized frontier crossing paper shall be allowed to pass in transit, if the driver of the vehicle identifies himself by means of an official document bearing a photograph. In such cases, a pass shall be issued indicating the name and address of the driver, the registration number of the vehicle, and the number of passengers. Occupants of vehicles bearing the medallion referred to in paragraph 6 shall be allowed to pass freely in transit.

3. The transit certificate referred to in article 43 shall not be required for vehicles of the Limburg State Mines (Staatsmijnen in Limburg) and their loads. The Netherlands Customs administration shall forward a list of such vehicles to the German Customs administration and shall at all times keep the list up to date.

4. The transit certificate referred to in article 43 shall likewise not be required for vehicles conveying personnel or loads of the Limburg State Mines or for vehicles conveying persons or loads on behalf of the State Mines, Limburg. The same shall apply with respect to the loads referred to in the preceding sentence. The Netherlands Customs administration shall forward a list of such vehicles to the German Customs administration and shall at all times keep the list up to date. The German Customs administration may, upon suspicion of any irregularity, demand the removal of specified vehicles from the list and their consequent forfeiture of this privilege.

5. Other vehicles which must regularly use the aforementioned road may likewise be exempted from the requirement of a transit certificate. Such vehicles

shall be designated by the Netherlands Customs administration, in agreement with the German Customs administration.

6. In order to render the vehicles referred to in paragraphs 3 to 5 externally recognizable as such, the Netherlands Customs administration shall furnish them with a clearly visible medallion, the model of which shall be determined by agreement between the Customs administrations of the Contracting Parties.

#### *Article 49*

1. The Government of the Kingdom of the Netherlands shall as soon as possible and at its own expense construct in agreement with the competent German authorities the following underpasses and overpasses on the Schinveld-Koningsbosch road :

- (a) An underpass for an agricultural service road, approximately midway between the southern frontier crossing point and Federal Highway 56 ;
- (b) An underpass for Federal Highway 56, with cycle track on each side ;
- (c) An underpass, approximately 500 metres north of Federal Highway 56, for a road to be used as an agricultural service road and as a link between the localities of Susterseel and Hastenrath ;
- (d) An overpass for an agricultural service road, approximately midway between Federal Highway 56 and the Hastenrath-Höngen district road ;
- (e) An overpass for the Hastenrath-Höngen district road ;
- (f) An underpass for cattle and for use as a school road, approximately midway between the district road and First-Class Highway No. 228 ;
- (g) An overpass for First-Class Highway No. 228.

2. When the construction works referred to in paragraph 1 have been completed, only motor vehicles, with or without trailer, and cycles with auxiliary engine shall be permitted to pass along the Schinveld-Koningsbosch road. The Federal Republic of Germany shall from that moment waive all frontier clearance on that road. Frontier crossing papers shall no longer be required in any circumstances. Article 40, paragraph 1, shall no longer apply.

3. The competent German authorities shall from that moment impose traffic restrictions on the Schinveld-Koningsbosch road only by agreement with the Netherlands Department of Public Works (Rijkswaterstaat).

4. Such measures as may be necessary in order to separate traffic on the Schinveld-Koningsbosch road from German internal traffic in a manner satisfactory to the Customs administrations shall be carried out by the German authorities at their own expense and in consultation with the Netherlands Department of Public Works.

5. For the purpose of exercising traffic control and frontier control on the Schinveld-Koningsbosch road, the competent German police, frontier control and Customs officers may pass through Netherlands territory. The second and third sentences of article 38 shall apply *mutatis mutandis*.

#### Article 50

1. The Schinveld-Koningsbosch road shall be maintained and repaired where it lies within the Federal Republic of Germany, by or on behalf of the Netherlands Department of Public Works in agreement with the competent German authorities. The Netherlands Department of Public Works may widen the road, within the existing limits of the road-bed, and provide it with cycle tracks. Tools and materials required for such works and for the maintenance and repair of the road may be imported into the Federal Republic of Germany and, if the occasion arises, re-exported to the Netherlands free of import and export restrictions and prohibitions and free of import and export duties and other charges.

2. The German authorities shall carry out or permit works affecting the Schinveld-Koningsbosch road only in agreement with the Netherlands Department of Public Works. Activities which might impede transit traffic or endanger traffic, and the sale of goods and provision of services, shall be permitted by the German authorities only with the consent of the Netherlands Department of Public Works. Permits required, under building or other regulations, for building works or installations of any kind within a distance of 100 metres from the edges of the carriageway shall be granted only with the consent of the Netherlands Department of Public Works.

3. The roads mentioned in article 33, sub-paragraphs (b) to (g), shall, wherever they lie within the Federal Republic of Germany, be properly maintained by the competent German authorities in a manner commensurate with normal traffic requirements.

#### Article 51

1. The Federal Republic of Germany shall be entitled, within a period of ten years following the entry into force of this Treaty, to construct the proposed bypass to the west of Herzogenrath in the portion of Netherlands territory bounded by :

- (a) The Netherlands-German frontier along the Kloosterlindenweg (Kloosterlindenweg) ;
- (b) The Netherlands-German frontier along the Herzogenrath-Eygelshoven road as far as the northernmost bend in that frontier section ;
- (c) A prolongation, for approximately 270 metres in a south-westerly direction, of the section of the frontier north-west of the northernmost settling-pond of Vereinigte Glaswerke Herzogenrath ;

(d) A line connecting the end of the prolongation referred to in sub-paragraph (c) and the frontier point near boundary-stone 235.

2. The Kingdom of the Netherlands shall ensure that during the period referred to no building works or installations of any kind which would impede the work of constructing the bypass are erected in the area indicated in paragraph 1 or in a strip 20 metres in breadth to the west of the boundary lines indicated in paragraph 1, sub-paragraphs (c) and (d). The foregoing shall not apply with respect to a strip 250 metres in length and 40 metres in breadth north of boundary-stone 236; the breadth of 40 metres shall be calculated from the building-line on the western side of the Herzogenrath-Eygelshoven road.

3. The road between boundary-stones 235 and 236 and the road running from boundary-stone 236 northwards shall be bridged when the bypass is being constructed.

4. The construction plans for the bypass and the overpasses shall be prepared in agreement with the Netherlands Department of Public Works. The competent Netherlands authorities shall assist the competent German authorities, at their request, in the acquisition of land and in the construction work. The construction costs shall be borne by the Federal Republic of Germany.

#### Article 52

Transit traffic on the bypass referred to in article 51, wherever it passes through the territory of the Kingdom of the Netherlands, shall be subject *mutatis mutandis* to the provisions relating to transit traffic on the Schinveld-Koningsbosch road after completion of the construction works referred to in article 49, paragraph 1.

#### Article 53

In the application of this Treaty, the Governments of the Contracting Parties may, if necessary, enter into agreements derogating from the provisions of article 49, paragraph 1, and article 51, paragraphs 2 and 3, provided that such agreements are not at variance with the sense and the purpose of those provisions.

#### Article 54

1. The Federal Republic of Germany shall permit the installation and operation of one high-tension line, one gas main, one water main and one telephone line connecting South Limburg and Central Limburg via the relevant area referred to in article 4. The applicable German legislation shall be complied with.

2. The lines shall be installed along routes to be determined in agreement with the competent German authorities. The telephone line and, wherever technically



feasible, the gas and water mains shall be laid in the verge of the Schinveld-Koningsbosch road.

3. The lines may be maintained and repaired by the Netherlands owners. After completion of the works, the construction areas shall be restored to their original condition. If any alteration is caused in the Schinveld-Koningsbosch road or in any road or watercourse which crosses it, the costs of such relocation of the lines as may thereby be rendered necessary shall be borne by the Netherlands owners.

4. The lines may be used without the consent of the authorities responsible for supervision under German law only for the purpose of through transmission, but not for the supply of services within the Federal Republic of Germany.

5. The Netherlands authorities and enterprises shall be entitled to import the tools and materials required for the installation, maintenance and repair of the lines mentioned in paragraph 1 into the Federal Republic of Germany and, if the occasion arises, to re-export them to the Netherlands free of import and export prohibitions and restrictions and free of import and export duties and others charges. The transmission of electricity, gas and water through the lines in question shall not be subject to the turnover tax or the transport tax or to any similar taxes which may be imposed in the future.

#### *Article 55*

1. This Treaty shall be without prejudice to existing rights in the areas referred to in articles 4 to 6 under mining concessions granted in the past. The Contracting Parties are prepared, if necessary, to enter into special arrangements permitting the fields in question to be worked from the territory of the Federal Republic of Germany or from the territory of the Kingdom of the Netherlands.

2. The Federal Republic of Germany declares its willingness, as soon as a Netherlands mining company shall have acquired the right to exploit the Hillensberg I, II, III and Wehr I, II, III coal-fields, to enter into a special arrangement permitting those coal-fields to be worked from the territory of the Kingdom of the Netherlands, along similar lines to the arrangements entered into in earlier Agreements between the Kingdom of the Netherlands and the Federal Republic of Germany concerning coal-fields situated in the frontier area.

### CHAPTER 4

#### BOUNDARY WATERS

#### *Article 56*

1. Boundary waters within the meaning of this chapter are surface waters, including their banks, which cross or, in some of their sections, form the frontier between the Netherlands and Germany.

2. The provisions of this chapter shall not apply to the Rhine, the Ems, and the Dollard.

3. Corporations within the meaning of this chapter are the provinces, municipalities and associations of public law which have jurisdiction *ratione loci* in matters relating to the boundary waters in the territories of the Contracting Parties.

#### Article 57

The Contracting Parties agree to conduct regular consultations on all questions relating to the use and management of water resources in so far as they affect the boundary waters within the territory of the neighbouring State, with a view to solving such questions in a manner satisfactory to both Contracting Parties. Such consultations shall be held in the Permanent Boundary Waters Commission referred to in article 64 and its sub-commissions.

#### Article 58

1. The Contracting Parties undertake to give due regard, in the performance of their tasks in the field of water management, to the neighbouring State's interests in the boundary waters. To that end, they agree to take or to support all measures required to establish and to maintain within the sections of the boundary waters situated in their respective territories such orderly conditions as will mutually safeguard their interests, and they shall neither take nor tolerate any measures causing substantial prejudice to the neighbouring State.

2. In performing the obligations undertaken in paragraph 1, the Contracting Parties shall in particular take or support, within an appropriate period of time, all measures required :

- (a) To secure and maintain the adequate drainage of the boundary waters, to the extent required in the interest of the neighbouring State ;
- (b) To prevent inundations and other damage resulting from the inadequate servicing of sluices and weirs ;
- (c) To prevent such diversion of water as may cause substantial prejudice to the neighbouring State ;
- (d) To prevent the excessive extraction of sand and other solid substances liable to cause substantial prejudice to the neighbouring State ;
- (e) To prevent such excessive pollution of the boundary waters as may substantially impair the customary use of the waters by the neighbouring State.

3. In addition, the Contracting Parties shall endeavour, within the limits of their financial resources, to effect such improvements in the use and management of the boundary waters within their respective territories as will serve their mutual

interests, and to participate financially, where such participation is equitable, in measures taken in respect of the boundary waters within the territory of the neighbouring State.

#### Article 59

1. For the purpose of implementing the provisions laid down in this chapter, the Contracting Parties agree to conclude such special agreements in respect of individual boundary waters as may be required. Agreements of this kind may also be concluded between the Kingdom of the Netherlands, on the one hand, and, subject to the approval of the Government of the Federal Republic of Germany, *Länder* Lower Saxony and North Rhine-Westphalia, on the other hand.

2. Agreements of the type designated in paragraph 1 may also be concluded, subject to the approval of the Governments of the Contracting Parties, by corporations.

3. Existing agreements, in so far as they concern boundary waters, shall continue in effect, until such time as they are amended or supplemented, even if they are at variance with the provisions of this chapter.

#### Article 60

1. If it is intended to carry into effect, within the territory of one of the Contracting Parties, any measures which may substantially affect the use and management of water resources in the territory of the other Contracting Party, or to allow such measures to be carried into effect, the Permanent Boundary Waters Commission shall be notified thereof as soon as possible.

2. The Contracting Parties shall notify each other of the authorities or corporations within its territory which are competent to make the notification referred to in paragraph 1.

#### Article 61

Each of the Contracting Parties may within a reasonable period of time present to the Permanent Boundary Waters Commission its objections to any measures, whether proposed or already under way, or to any cases of non-performance of an obligation on the part of the other Contracting Party which are liable to cause, or have already caused, substantial damage ; such objections must be founded on the fact or the expectation of a violation of obligations entered into.

#### Article 62

1. Each of the Contracting Parties shall be obligated, pending the conclusion of the deliberations of the Permanent Boundary Waters Commission or, as the case may be, of the deliberations between the two Governments, to suspend the execution of

any measures planned by it to which objections have been raised by the other Party, unless the other Contracting Party consents to some other arrangement.

2. Paragraph 1 shall not apply if a Party to this Treaty cannot suspend the execution of the measures objected to without seriously endangering its interests. The rights of the other Contracting Party shall not be affected thereby.

#### *Article 63*

1. If one of the Contracting Parties, notwithstanding the objections raised by the other Party under the terms of article 61, acts in violation of its obligations under this chapter or arising under any of the special agreements to be concluded as provided in article 59, thereby causing damage within the territory of the other Contracting Party, it shall be liable for damages.

2. Liability for damages shall arise in respect only of such damage as was sustained after the objections were raised.

#### *Article 64*

For the purpose of promoting good-neighbourly co-operation in matters relating to boundary waters, the Contracting Parties establish a Permanent-Netherlands-German Boundary Waters Commission.

#### *Article 65*

1. Each Government shall appoint three expert members of the Commission, each group including one chairman, and their deputies. The first members of the Commission shall be appointed within a period of three months following the entry into force of this Treaty.

2. The Commission shall meet at least once every year and may, either at its discretion or upon the proposal of one of the two chairmen, hold additional meetings. The meetings shall be held in the two States alternately. Additional experts may be invited to attend the meetings of the Commission.

3. The two chairmen may communicate direct with each other on questions relating to the boundary waters.

4. The Commission may adopt rules of procedure to govern the conduct of its business.

#### *Article 66*

1. It shall be the function of the Commission to deliberate jointly on all questions which may arise in the application of the provisions of this chapter and thereby to promote the implementation of the provisions of this chapter through mutual information and exchange of experience.

2. The Commission shall receive the notifications provided for in article 60, paragraph 1.

3. It shall consider suggestions, complaints and objections under article 61. It shall direct its efforts towards bringing about the amicable settlement of disputes by the Parties concerned.

4. It shall consider forthwith how far existing agreements relating to matters within its jurisdiction are in need of amendment or supplementation and shall make recommendations for the modification of existing and the conclusion of new agreements.

5. It shall discuss the question of contributions by one Contracting Party towards the costs of measures carried out by the other Party.

6. It shall be authorized to inspect boundary waters. It shall, through the intermediary of its chairmen, receive from the authorities of both Contracting Parties such information as it may require in the exercise of its powers and the discharge of its functions.

7. It shall be authorized, within its terms of reference, to make recommendations to Governments and corporations.

8. It shall, in particular, seek to formulate recommendations in cases in which objections are submitted by the Contracting Parties in accordance with the provisions of article 61.

#### *Article 67*

1. If, in a case covered by article 66, paragraph 8, the commission fails to reach agreement on a recommendation, the two Governments shall endeavour to come to an agreement.

2. If such attempt fails, or if the Governments are unable to reach an agreement despite a recommendation of the Commission, either Government may bring the matter before the arbitral tribunal.

#### *Article 68*

1. The Commission shall decide to establish sub-commissions for individual boundary waters if the need therefor arises ; the members of the sub-commission shall be appointed on a basis of parity.

2. The sub-commissions shall include representatives of the local authorities and corporations.

3. The sub-commissions shall, within their respective jurisdictions, exercise the same functions as the Commission ; they shall report to the latter on their activities. The right to receive and to consider objections and the right of recommendation shall be reserved to the Commission.

*Article 69*

An arbitral tribunal having jurisdiction, to the exclusion of all other contractual provisions for the settlement of disputes, shall be established for the settlement of all disputes between the Contracting Parties which involve the interpretation or application of the provisions of this chapter and of the special agreements to be concluded pursuant to article 59.

*Article 70*

1. The arbitral tribunal shall be composed of a permanent umpire and two arbitrators appointed for each individual case. If the umpire ceases to discharge his functions or is prevented from discharging them, they shall be performed by a deputy.

2. Neither the umpire nor his deputy shall be a national of either Contracting Party. They shall not be persons having their ordinary residence in the territory of either Contracting Party or persons in the service of such Party.

3. The Governments of the Contracting Parties shall appoint the umpire and his deputy by mutual agreement, choosing them from among persons who possess the qualifications required in their respective countries for appointment to judicial offices or are otherwise qualified to discharge these functions by virtue of their special competence as jurisconsults.

4. The terms of office of the umpire and his deputy shall be five years, save in the case of the first deputy umpire to be appointed after the entry into force of this Treaty, who shall be so appointed for a term of six years. Thereafter, the terms of office shall be deemed extended successively by five-year periods unless the Government of one of the Contracting Parties notifies the Government of the other Party before the expiration of such term of office of its wish for the appointment of another umpire or deputy umpire.

5. If no agreement is reached by the Governments on the choice of an umpire or his deputy within three months after the entry into force of this Treaty, the President of the International Court of Justice at The Hague may be requested by the two Governments jointly, or by one of them, to appoint an umpire or his deputy. If the President is prevented from acting or if he is a national of one of the Contracting Parties, the appointment shall be made by the Vice-President, and if the latter is also prevented or is a national of one of the Contracting Parties, the appointment shall be made by the senior member of the International Court of Justice not prevented from acting who is not a national of either Contracting Party. The same method shall be applied if, after the expiration of the terms of office, no agreement is reached by the Governments on the appointment of a new umpire or deputy umpire.

6. If, before the expiration of their terms of office, the umpire or his deputy cease to fulfil the conditions laid down in paragraph 2 above, or in the case of their separation for some other reason, a successor, who shall be a person fulfilling the conditions laid down in paragraphs 2 and 3, shall be appointed for the unexpired por-

tion of the term. The appointment procedure shall be subject *mutatis mutandis* to paragraph 5 ; any extension of the successor's term of office shall be governed by the second sentence of paragraph 4.

7. As soon as the umpire addresses to the Governments the communication provided for in article 71, paragraph 3, each of the Governments shall appoint an arbitrator. If a Government fails to appoint an arbitrator within one month after the date of the communication provided for in article 71, paragraph 3, the other Government may request the President of the International Court of Justice to appoint an arbitrator for the vacant seat. The second sentence of paragraph 5 shall apply *mutatis mutandis*.

8. In the event of an arbitrator's separation from the arbitral tribunal, the vacancy shall be filled by the application *mutatis mutandis* of the procedure laid down in paragraph 7.

9. The arbitral tribunal shall itself determine the place of its meetings. It shall be assisted by two secretaries ; each Government shall appoint one of these secretaries.

#### Article 71

1. If the Government of one of the Contracting Parties wishes to refer a dispute to the arbitral tribunal for adjudication, it shall submit to the umpire a statement of claim, at the same time sending a copy of such statement to the other Contracting Party.

2. If the Governments of the two Contracting Parties, availing themselves of the provisions of article 69, wish to refer a dispute to the arbitral tribunal by mutual agreement, they shall file with the umpire an arbitration agreement (*compromis*) in which they have formulated the point at issue.

3. The umpire shall first discuss the difference with the two Governments with a view to bringing about a settlement. If he considers his efforts to have failed he shall inform the two Governments accordingly.

#### Article 72

1. In deciding upon a case, the arbitral tribunal shall apply the provisions of this chapter and of the special agreements to be concluded pursuant to article 59, and the general principles of international law.

2. The procedure before the arbitral tribunal shall be governed by the provisions of articles 63 to 82 of the Hague Convention for the Pacific Settlement of International Disputes of 18 October 1907,<sup>1</sup> to the extent to which they are applicable.

3. In urgent cases, the umpire may, upon the motion of one of the two Governments, order interim measures to be taken even before the appointment of the

<sup>1</sup> J. B. Scott, *The Hague Peace Conferences of 1899 and 1907*, Vol. 2, Documents, p. 309 ; and League of Nations, *Treaty Series*, Vol. LIV, p. 435, and Vol. CXXXIV, p. 453.

arbitrators. Upon the motion of one of the two Governments, the arbitral tribunal shall decide whether the interim measure ordered by the umpire shall be revoked. The arbitral tribunal shall be authorized to order interim measures to be taken after hearing the Parties.

#### *Article 73*

The costs of the office of umpire of the arbitral tribunal and of his deputy shall be borne in equal shares by the two Contracting Parties. Each Party shall be responsible for the costs of the office of the arbitrator appointed by it and of the secretary appointed by it, as well as the costs of its representation before the arbitral tribunal. All other expenses involved in the functioning of the arbitral tribunal shall be borne by the Contracting Parties in equal shares.

### CHAPTER 5

#### REAL PROPERTY SITUATED NEAR THE FRONTIER

#### *Article 74*

In the interest of friendly relations in the Netherlands-German frontier area, the arrangements set forth below shall be entered into.

#### *Article 75*

The Kingdom of the Netherlands undertakes, on the terms set forth in articles 76 to 79, to transfer to persons to be named in accordance with the terms of article 77 by Deutsche Bauernsiedlung GmbH, Düsseldorf, the ownership of parcels of land of specified situation, size and valuation, having a total area of 960.26.03 hectares, together with all rights and encumbrances pertaining thereto.

#### *Article 76*

Deutsche Bauernsiedlung GmbH shall pay to the Kingdom of the Netherlands, within a period of six months following the entry into force of this Treaty, a purchase price of 2,578,355.96 guilders for the parcels of land thus transferred.

#### *Article 77*

1. Deutsche Bauernsiedlung GmbH shall communicate to the Netherlands Custodian of Enemy Property (Beheersinstituut) or the Netherlands Forestry Administration (Staatsbosbeheer), within a period of one year following the entry into force of this Treaty, the names and addresses of the persons to whom the parcels of land are to be transferred.



2. Where the Deutsche Bauernsiedlung GmbH does not name the former German owner or his heirs, the tenant having the first option to purchase under article 9 *a* of the Netherlands Act concerning the Alienation of Agricultural Properties shall, at his request, be named.

3. Where Deutsche Bauernsiedlung GmbH fails to name any persons under the terms of paragraphs 1 and 2 within a period of one year following the entry into force of this Treaty, the parcels of land in question shall be transferred to Deutsche Bauernsiedlung GmbH.

#### Article 78

After payment of the purchase price mentioned in article 76 and after receipt of the communication referred to in article 77, the Netherlands agencies mentioned in article 77, paragraph 1, shall cause the conveyances of the individual parcels of land to be drawn up as soon as possible and recorded in the land register.

#### Article 79

Matters of detail shall be settled by direct consultation between the Netherlands agencies mentioned in article 77, paragraph 1, and Deutsche Bauernsiedlung GmbH, particularly if it becomes necessary, for factual reasons or as the result of a judicial decision, to amend the documents relating to the sale and consequently to adjust the purchase price mentioned in article 76, to the extent that the facts or the judicial decisions in question were not taken into account when the documents relating to the sale were drawn up. The foregoing shall be without prejudice to the time limit for payment mentioned in article 76.

#### Article 80

1. The Government of the Kingdom of the Netherlands agrees that :
  - (a) The Province of Groningen shall enter into a corresponding agreement with Deutsche Bauernsiedlung GmbH concerning a number of parcels of land owned by the Province in the area of the Netherlands-German frontier, having a total area of 200.00.00 hectares, and
  - (b) The Municipality of Bergen shall enter into a corresponding arrangement with Deutsche Bauernsiedlung GmbH concerning a number of parcels of land owned by the Municipality in the area of the Netherlands-German frontier, having a total area of 111.50.00 hectares.
2. The provisions of article 79 shall apply *mutatis mutandis*.

#### Article 81

1. Transfers of land in accordance with the terms of articles 75 to 80 shall not be subject to the consent of the Land Court as prescribed in article 3, paragraph 1, of the Netherlands Act concerning the Alienation of Agricultural Properties.

2. Transfers of land in accordance with the terms of articles 75 to 79 shall not be subject to the consent of the Crown under the terms of article 1, paragraph 2, of the Netherlands Act of 24 January 1952 containing Certain Provisions with respect to Crown Lands.

3. The recording of conveyances in the land register, as mentioned in article 78, shall not require the declaration of the Land Court prescribed in article 20, paragraph 1, of the Netherlands Act concerning the Alienation of Agricultural Properties.

4. Transfers of land in accordance with the terms of articles 75 to 79 shall be exempt from Netherlands registration fees (*registratierechten*).

5. All other expenses in connexion with transfers of land in accordance with the terms of articles 75 to 80 shall be borne by Deutsche Bauernsiedlung GmbH.

#### *Article 82*

1. The Government of the Kingdom of the Netherlands has taken note of the desire of the Government of the Federal Republic of Germany that wherever possible sales should also be effected of privately-owned parcels of land situated in the Netherlands-German frontier area which were under German ownership before the War.

2. The Government of the Federal Republic of Germany has taken note of the desire of the Government of the Kingdom of the Netherlands that the sale should also be effected of a privately-owned parcel of land situated in the Netherlands-German frontier area which was under Netherlands ownership before the War.

3. The Governments of the Contracting Parties shall leave it to the Netherlands and German interested parties to reach agreement concerning the aforementioned sales at their absolute discretion.

4. The Governments of the Contracting Parties agree to such sales and shall recommend the competent authorities to give sympathetic consideration to any applications for approval of the sale of such parcels of land, provided that they are in accordance with domestic law, in particular that relating to the transfer of immovable property.

### CHAPTER 6

#### TRAFFIC CROSSING THE FRONTIER ON LAND AND VIA INLAND WATERS

#### *Article 83*

The Contracting Parties shall, through close co-operation between the competent authorities and agencies in the two States, endeavour to ensure the improvement of all traffic links across the frontier on land and via inland waters which are of mutual interest for traffic between their territories.

*Article 84*

1. Outstanding questions relating to railway traffic across the Netherlands-German frontier shall be settled as soon as possible by the competent German and Netherlands agencies. The foregoing shall apply, in particular, to the adaptation of past Netherlands-German agreements relating to sections of line crossing the frontier to present conditions.

2. In that connexion, the Contracting Parties attach special importance to the Venlo-Kaldenkirchen and Emmerich-Zevenaar frontier sections. Questions relating to those sections of line shall be settled as a matter of priority.

3. The Emmerich-Zevenaar section shall be reopened to railway goods traffic upon the introduction of the 1960 time-table. The details shall be agreed upon by the competent German and Netherlands agencies.

*Article 85*

1. The construction of the Arnhem-Oberhausen Motorway (E 36) shall be carried out by the Contracting Parties in the following manner :

- (a) The Federal Republic of Germany shall, by the end of 1961, construct the link between Federal Highway 8 and the Emmerich interchange, and the motorway from that point to the Netherlands-German frontier between boundary-stones 702 and 703.
- (b) The Kingdom of the Netherlands shall, by the end of 1961, construct the motorway from Arnhem to the boundary of the area referred to in article 4 of this Treaty near Feldhuisen, as defined in section 27 of annex A to this Treaty, and shall there construct the Netherlands portion of the proposed joint Customs post.
- (c) Construction works on the motorway between the boundary of the area referred to in article 4 near Feldhuisen and the Netherlands-German frontier between boundary-stones 702 and 703, and construction works on the portion of the joint Customs post situated in that area, which until the entry into force of this Treaty are to be effected by the Kingdom of the Netherlands in close co-operation with the competent German authorities, making use of the German preparatory works and with due regard to German technical specifications and to German wishes, shall be continued by the Federal Republic of Germany after the entry into force of this Treaty. They shall be completed by the end of 1961, so that the motorway between the Emmerich interchange and Arnhem may be put into use by that time at the latest.
- (d) The Federal Republic of Germany shall complete the Oberhausen-Wesel section by the end of 1961.
- (e) The Federal Republic of Germany shall commence construction of the section between Wesel and the Emmerich interchange during the financial year 1962,

shall expedite construction of the road and shall, save in the event of unforeseen technical difficulties, complete the road by 30 June 1965.

2. Costs incurred by the Kingdom of the Netherlands after 30 June 1959 in respect of the construction of the part of Motorway E 36 mentioned in paragraph 1, sub-paragraph (c), including ancillary works, shall be reimbursed by the Federal Republic of Germany. Such costs shall include :

- (a) The costs of requisitioning, purchasing or expropriating the land required for the motorway and ancillary works, for the Customs post and for the execution of the works ;
- (b) The cost of executing the works ;
- (c) A surcharge of 8 per cent on the costs mentioned in sub-paragraphs (a) and (b) for the preparation, management and supervision of the works.

3. Any financial liabilities of the Kingdom of the Netherlands outstanding on the date of the entry into force of this Treaty as a result of third-party claims under the terms of paragraph 2, sub-paragraphs (a) and (b), and any liabilities of the Kingdom which may arise at a later date as a result of third-party claims relating to the construction of the motorway shall be assumed by the Federal Republic of Germany.

IN WITNESS WHEREOF the plenipotentiaries of the Contracting Parties have signed this Treaty, which forms part of the Treaty of Settlement signed this day.<sup>1</sup>

DONE at The Hague, on 8 April 1960, in two original copies, each in the Dutch and German languages, both texts being equally authentic.

For the Kingdom of the Netherlands :

(Signed) J. LUNS

(Signed) H. R. VAN HOUTEN

For the Federal Republic of Germany :

(Signed) VON BRENTANO

(Signed) LAHR

<sup>1</sup> See p. 20 of this volume.

## ANNEX A

## COURSE OF SPECIFIED SECTIONS OF THE FRONTIER BETWEEN THE KINGDOM OF THE NETHERLANDS AND THE FEDERAL REPUBLIC OF GERMANY, AND SPECIAL PROVISIONS RELATING THERETO

## GENERAL PART

## Section 1

*Old and new frontier*

1. For the purposes of this annex, the term "old frontier" means the frontier between the Kingdom of the Netherlands and the German Reich as it existed on 31 December 1937 under the terms of the Boundary and Frontier Treaties and other Agreements mentioned in article 1 of this Treaty.

2. For the purposes of this annex, the term "new frontier" means the frontier between the Kingdom of the Netherlands and the Federal Republic of Germany under the terms of article 1 of this Treaty, where it deviates from the frontier between the Kingdom of the Netherlands and the German Reich as it existed on 31 December 1937.

## Section 2

*Right of passage*

1. For the purposes of this annex, the term "right of passage" means the right to use specified roads which pass through the territory of the other Contracting Party near the frontier. No frontier clearance shall be effected. No import or export duties or other import or export charges shall be collected, and no import, export and transit prohibitions and restrictions shall apply, with respect to objects taken with them by persons exercising the right of passage, provided that such objects are re-exported or re-imported, as the case may be. The provisions of article 36 of this Treaty shall apply *mutatis mutandis*.

2. The right of passage shall be granted to persons who, in the light of local circumstances, have a legitimate interest in the use of such roads, by means of a certificate issued by the competent authority of the Contracting Party in whose territory the person resides. No frontier crossing paper other than the certificate need be carried.

3. The Contracting Parties shall agree on the form of the certificate by an exchange of notes and shall notify each other of the authorities competent to issue the certificates. Such authorities shall communicate to the frontier control authorities of the other Contracting Party the names of the persons to whom certificates have been issued or from whom certificates have been withdrawn.

4. Frontier control and Customs officers shall be entitled, when exercising the right of passage, to wear their uniform or an official badge visibly and to take with them their service weapons, vehicles, official equipment and police dogs. They may not, however, perform any official acts. Such officers shall not require the certificate referred to in paragraph 2.

## Section 3

*Official acts by German frontier control and Customs officers*

1. For the purposes of this annex, "the right to perform specified official acts" means the right of German frontier control and Customs officers to exercise frontier control within the Kingdom of the Netherlands as in the Federal Republic of Germany. Official acts vis-à-vis Netherlands nationals shall, however, be permissible only to such extent as is necessary for the purpose of identifying persons on the spot.

2. The frontier control and Customs officers shall be required to wear uniforms or an official badge visibly. They shall be entitled to take with them their service weapons, vehicles, official equipment and police dogs ; weapons or dogs may not, however, be used in the performance of official acts.

## Section 4

*Maps*

The attached maps<sup>1</sup> form part of this annex.

## SPECIAL PART

## Section 5

*Vaalserquartier/Vaals**Course of the frontier :*

From the intersection of the old frontier between boundary-stones 196 with 196a and the south-western side of the Vaalser Landstrasse, the new frontier shall cross the Vaalser Landstrasse to a point on the north-eastern side of the road approximately 6.5 m east of boundary-stone 196a. From that point, it shall run along the centre of the dividing strip, 1.5 m in breadth, which shall be so constructed between the two carriageways that a pavement 1.5 m in breadth and a carriageway 6.0 m in breadth are in Netherlands territory, to a point approximately 65 m south-west of boundary-mark 197, which is situated in the centre of the Senserbach, and thence in a straight line to boundary-mark 197 on the old frontier.

*Special provisions :*

The proposed carriageway on the German section of the road for through traffic to Laurensberg shall be so constructed that vehicles cannot cross into the Netherlands carriageway and cannot turn off into Netherlands territory opposite the German Customs post. A regulation prohibiting through traffic from stopping in the German carriageway shall be issued.

<sup>1</sup> See inserts in a pocket at the end of this volume (35 maps relating to sections 5 to 47 of annex A).

## Section 6

*Herzogenrath (Neustrasse)/Kerkrade (Nieuwstraat)**Course of the frontier :*

From boundary-stone 229, the new frontier shall run at right angles to Nieuwstraat (Neustrasse) for approximately 6.2 m in an easterly direction, thence in a northerly direction to a point 11.0 m east of the gable of house No. 4, Nieuwstraat; from that point, it shall follow in a northerly direction a line running 10.5 m east of the gable of No. 106, Nieuwstraat, and 10.0 m east of the gable of No. 141, Nieuwstraat, to a point opposite No. 145, Nieuwstraat. From that point, it shall run along the arc of a circle having a radius of 100 m, and then along a line running 11.0 m south-east of the gable of No. 156, Nieuwstraat, and 8.9 m south-east of the gable of No. 181, Nieuwstraat, to its intersection with a prolongation of the western side of a road (Breiter Weg), approximately 7.0 m south of boundary-stone 232. From that point, it shall run in a northerly direction at a distance of approximately 13 m from and parallel to the old frontier between boundary-stones 232 and 232*a*, and thence to a point on the old frontier approximately 4 m south of boundary-stone 232*a*.

*Special provisions :*

The Kingdom of the Netherlands shall permit a German public omnibus enterprise to pass through the Netherlands section of Nieuwstraat, which shall be divided from the German section by means of a barrier to be constructed jointly. Buses shall be prohibited from stopping. Bus passengers shall not be required to carry frontier crossing papers. Frontier clearance shall not be effected.

## Section 7

*Herzogenrath/Rolduc**Course of the frontier :*

From boundary-stone 232*b*, the new frontier shall run in an easterly direction along the southern boundary of the grounds of Rolduc Convent to a point approximately 170 m east of boundary-stone 232*b*, and thence in a straight line to a point approximately 115 m east of boundary-stone 234 and approximately 104 m south of south-eastern boundary-stone 234*a*. From that point, it shall run in a straight line to a point on the southern property boundary of the Klosterratherberg meadow, approximately 45 m from the intersection of the centre of the high-voltage line and that property boundary. From that point, it shall follow the arc of a circle having a radius of approximately 365 m to a point at the edge of the wood, approximately 80 m north-east of eastern boundary-stone 234*b* and approximately 65 m south-east of southern boundary-stone 235. From that point, it shall follow the edge of the wood to a point on the Kloosterlinderweg (Klosterlindenweg) approximately 11 m west of southern boundary-stone 235. From that point, it shall run via southern boundary-stone 235 to eastern boundary-stone 236, thence for approximately 15 m in a north-easterly direction, thence to a point midway along a line connecting eastern boundary-stones 236 and 237, thence to a point 12 m north-east of eastern bound-

ary-stone 237, and thence in a straight line for approximately 160 m to a point approximately 260 m west of western boundary-stone 238. From that point, it shall run in a straight line for approximately 300 m to a point approximately 325 m from western boundary-stone 238 lying in the centre of the Worm (Wurm) after it has been regulated (see section 8).

*Special provisions :*

1. The proposed German bypass to the west of Herzogenrath shall—apart from the section of the road mentioned in article 51 of this Treaty—be so constructed to the east of the frontier that neither the road and its verges nor its embankments, ditches or bridges encroach upon the frontier.

2. The Federal Republic of Germany undertakes to maintain the drainage of the Vrouwenzipp (Rolduc-Bach) into the Worm.

Section 8

*Rimburg/Eygelshoven*

*Course of the frontier :*

Between the point approximately 325 m from western boundary-stone 238 mentioned in section 7 and boundary-stone 239, the new frontier shall run along the centre line of the Worm, as shown on the attached map, as regulated by the Federal Republic of Germany and the Kingdom of the Netherlands, within a period of five years following the entry into force of this Treaty, in accordance with a joint plan.

*Special provisions :*

Pending the regulation of the Worm, existing rights of use in respect of the water-course in either territory shall not be affected by the rectification of the frontier.

Section 9

*Scherpenseel/Waubach*

*Course of the frontier :*

From boundary-stone 256 on the eastern side of the Veeweg, the new frontier shall run in a north-westerly direction along the eastern side of the Veeweg to the southern side of the rural road which crosses the Veeweg after approximately 120 m. At that point, it shall cross the Veeweg, at right angles, to the old frontier.

*Special provisions :*

1. The frontier population resident in the Federal Republic of Germany and German frontier control and Customs officers shall have a right of passage in accordance with the terms of section 2 with respect to the section of road along the new frontier.



2. German frontier control and Customs officers shall have the right to perform specified official acts in accordance with the terms of section 3 with respect to the section of road along the new frontier.

#### Section 10

##### *Selfkant-Tüddern*

##### *Course of the frontier :*

From boundary-stone 269 to boundary-stone 324, the frontier shall follow the old frontier, save as otherwise provided in sections 11 to 15.

#### Section 11

##### *The regulated Roode Beek (Rodebach) near Mindergangelt/Schinveld*

##### *Course of the frontier :*

From the intersection of the centre of the regulated Roode Beek (Rodebach) with the old frontier between boundary-stones 269 and 270, the new frontier shall run along the centre of the regulated Roode Beek to a point approximately 320 m south-east of boundary-stone 274 ; at that point, it shall leave the course of the stream and shall run for approximately 10 m in a northerly direction to the old frontier between boundary-stones 273 and 274.

##### *Special provisions :*

1. The frontier population and frontier control and Customs officers of the Contracting Parties shall have a right of passage with respect to the bridge over the Roode Beek, which is situated partly under the Schinveld-Koningsbosch Road, in accordance with the terms of sections 2.

2. The Netherlands water-gauge on the northern bank of the Roode Beek may continue to be maintained. Persons appointed by the competent Netherlands authorities shall be allowed access to the gauge at all times.

#### Section 12

##### *The Old Roode Beek near Tüddern/Sittard*

##### *Course of the frontier :*

From a point in the centre of the Old Roode Beek, approximately 45 m south-east of the road from Sittard to Tüddern, where the Roode Beek turns in a northerly direction, the new frontier shall run in a north-westerly direction along a prolongation of the old frontier to its intersection with the north-western side of the aforementioned road. From that point, it shall run for approximately 340 m in a straight line to a point on the south-eastern side of a rural road leading from Tüddern to the Roode Beek meadows, approximately 230 m north-east of the centre of the regulated Roode Beek. From that point, it shall run for approximately 205 m in a straight line to a point on the northern bank

of the Old Roode Beek, approximately 90 m from the centre of the regulated Roode Beek, and thence to a point in the centre of the regulated Roode Beek approximately 570 m north-west of the point where the road from Sittard to Tüddern crosses the regulated Roode Beek. It shall then follow the centre of the regulated Roode Beek for approximately 50 m to its intersection with the old frontier in the old course of the Roode Beek.

*Special provisions :*

1. In order to protect the drainage system of the township of Tüddern, the Kingdom of the Netherlands undertakes not to interfere with :

- (a) The Old Roode Beek—where it still exists in Netherlands territory—from boundary-stone 305 to the new drainage ditch which empties into the Roode Beek approximately 320 m below the road from Sittard to Tüddern ;
- (b) The ditch along the north-western side of the road from Sittard to Tüddern, and the new drainage ditch mentioned in sub-paragraph (a).

2. The permission to conduct water into the Roode Beek granted to the township of Tüddern by the Waterschap van de Geleen- en Molenbeek met zijtakken on 25 January 1960 shall continue in force. Any change in existing conditions that would result in the additional burdening of the Roode Beek or of the aforementioned ditch along the road shall be subject to the grant of a new permit.

3. The terms laid down above shall continue in force until drainage conditions have been duly regulated on the German side in the course of proceedings for the consolidation of farm holdings, but for not longer than five years.

Section 13

*The regulated Roode Beek north-west of Tüddern*

*Course of the frontier :*

From the intersection referred to in section 12, of the centre of the regulated Roode Beek with the old frontier in the old course of the Roode Beek, approximately 620 m north-west of the point where the road from Sittard to Tüddern crosses the regulated Roode Beek, the new frontier shall run along the centre of the regulated Roode Beek to a prolongation of the southern boundary of the grounds of house No. 11, south of boundary-stone 310.

Section 14

*Isenbruch/Susteren*

*Course of the frontier :*

From the intersection south of boundary-stone 310, referred to in section 13, of the centre of the regulated Roode Beek with a prolongation of the southern boundary of the grounds of house No. 11, the new frontier shall run in a straight line along that boundary of the grounds, at a distance of approximately 5 m from and parallel to the outer

side of the southern gable wall, to the eastern side of the road from Susteren to Isenbruch, and thence along that side of the road to the old frontier between boundary-stones 311 and 312.

*Special provisions :*

The frontier population resident in the Federal Republic of Germany and German frontier control and Customs officers shall have a right of passage in accordance with the terms of section 2 with respect to the section of road between the old and new frontiers.

Section 15

*Saeffelen/Koningsbosch*

*Course of the frontier :*

From the intersection of the north-western boundary of the grounds of house No. 143 with the old frontier between boundary-stones 323 and 324 approximately 40 m south-east of boundary-stone 323, the new frontier shall run along that boundary of the grounds for approximately 20 m in a north-easterly direction and then for approximately 100 m in a south-easterly direction to the western side of the road from Saeffelen to Koningsbosch, and at that point shall cross that road, at right angles, to the old frontier between boundary-stones 324 and 325.

Section 16

*The regulated Roode Beek near Vlodrop*

*Course of the frontier :*

Between boundary-stones 373 and 374, the new frontier shall run along the centre of the regulated Roode Beek.

Section 17

*Straelen/Arcen*

*Course of the frontier :*

(a) From the intersection of the southern boundary of the property now in Netherlands possession with the old frontier between boundary-stones 480 and 481, approximately 52 m north of boundary-stone 480, the new frontier shall run along that property boundary to the western side of the road (Tegelsbeckers Dyck,) and thence along that side of the road to a point approximately 40 m south of boundary-stone 482 on the old frontier.

(b) From boundary-stone 485, the new frontier shall run along the eastern side of the road (Holter Dyck) to boundary-stone 486.

*Special provisions :*

1. The frontier population resident in the Kingdom of the Netherlands and Netherlands frontier control and Customs officers shall have a right of passage in accordance with the terms of section 2 with respect to the road south of boundary-stone 482 running in a southerly direction.

2. The frontier population resident in the Federal Republic of Germany and German frontier control and Customs officers shall have a right of passage in accordance with the terms of section 2 with respect to the road between boundary-stones 485 and 486.

## Section 18

*Walbeck/Arcen**Course of the frontier :*

(a) From boundary-stone 488, the new frontier shall run in a northerly direction to a point on the western side of the highway from Walbeck to the Lingsfort Customs post, approximately 155 m north of the north-western corner of the Customs post, thence along the outer side of the ditch on the western side of the highway to the north-western side of the road leading to the Hollandia Hotel, and thence along that side of the road to the old frontier between boundary-stones 491 and 492.

(b) Between boundary-stones 496 and 497, the new frontier shall run along the eastern side of the road.

*Special provisions :*

The frontier population resident in the Federal Republic of Germany and German frontier control and Customs officers shall have a right of passage in accordance with the terms of section 2 with respect to the road between boundary-stones 496 and 498.

## Section 19

*Gaesdonk/Siebengewald**Course of the frontier :*

From southern boundary-stone 530, the new frontier shall follow the side of the road for approximately 475 m in a north-easterly direction. It shall then run in a straight line for approximately 11 m via southern boundary-stone 531 to the existing German barrier. At that point, it shall cross the road along the south-western side of the barrier. From the north-western end of the barrier, it shall run in a straight line via western boundary-stone 532 (at the bridge) to the old frontier in the centre of the Kendelbeek (Kendelbach).

*Special provisions :*

1. The Kingdom of the Netherlands declares its willingness to regulate customs clearance in accordance with the terms of the Agreements between the Federal Republic of Germany and the Kingdom of the Netherlands concerning Joint Customs Clearance and

the Establishment of Joint Railway Stations or Interchange Stations at the Netherlands-German Frontier, signed at The Hague on 30 May 1958.

2. Upon the entry into force of this Treaty, the Federal Republic of Germany shall confer upon the German Customs post at Gaesdonk the authority of a second-class Customs post (*Zollamt 2*), with the exception of authority to clear meat and meat products.

#### Section 20

##### *Boeckelt/Bergen*

##### *Course of the frontier :*

(a) From boundary-stone 535, the new frontier shall run along the southern side of the road, southern boundary-stone 536 being maintained, to southern boundary-stone 537 and beyond to the old frontier in the centre of the road between boundary-marks 537 and 538.

(b) From the intersection of the old frontier in the centre of that road with a prolongation of a straight line between northern boundary-stones 539 and 538, the new frontier shall run via northern boundary-stone 538 to northern boundary-stone 539.

##### *Special provisions :*

The frontier population and frontier control and Customs officers of the Contracting Parties shall have a right of passage in accordance with the terms of section 2 with respect to the road between boundary-stones 537 and 538.

#### Section 21

##### *Hommersum/Bergen*

##### *Course of the frontier :*

(a) From boundary-stone 555, the new frontier shall run in a north-westerly direction for approximately 60 m along the north-eastern side of the rural road, shall cross that road at right angles, and from that point shall run in a straight line in a north-westerly direction to a point on the north-western side of the road 40 m south of boundary-stone 558 and more or less on a prolongation of a straight line between boundary-stones 559 and 558, and thence to boundary-stone 558.

(b) From the intersection of the old frontier between boundary-stones 559 and 560 with the south-eastern side of the road between boundary-stones 560 and 561, the new frontier shall run in a north-easterly direction along that side of the road to the south-western bank of the Kendelbeek, and at that point shall cross the road at the bridge, more or less at right angles, to the old frontier.

##### *Special provisions :*

1. The frontier population resident in the Federal Republic of Germany and German frontier control and Customs officers shall have a right of passage in accordance with the terms of section 2 with respect to the road between boundary-stones 560 and 561.

2. German frontier control and Customs officers shall have the right to perform specified official acts in accordance with the terms of section 3 with respect to the same road.

#### Section 22

##### *Grafwegen/Ottersum*

##### *Course of the frontier :*

From eastern boundary-stone 589, the new frontier shall run along the eastern side of the road to boundary-stone 595.

##### *Special provisions :*

Employees of the German Forestry Administration and other interested persons shall have a right of passage in accordance with the terms of section 2 with respect to the road between boundary-stones 589 and 595 for the purposes of all activities connected with the wood situated to the east of that road. Persons exercising the right of passage must carry an official document bearing a photograph for identification purposes.

#### Section 23

##### *Wylter/Beek*

##### *Course of the frontier :*

From boundary-stone 626 to boundary-stone 626<sup>x</sup>, the frontier shall follow the old frontier. From that point, the new frontier shall run in a straight line to boundary-stone 628. From that point, the frontier shall follow the old frontier to a sunken road approximately 100 m north-west of boundary-stone 629 *bis*. From that point, the new frontier shall follow the north-western side of the sunken road in a north-easterly direction to the corner of the wood. From that point, it shall follow the edge of the wood via five bends to a salient corner of the wood approximately 400 m north-west of the corner of the wood beside the sunken road, proceeding thence in a straight line along the north-western side of a track to the point where the track emerges into the road from Vogelsang to the old rifle-range. From that point, it shall follow the edge of the wood first in a south-easterly, then in a north-easterly and then again in a south-easterly direction, continuing along a prolongation of the last-mentioned edge of the wood through a salient protion of the wood to a track. From that point, it shall again follow the edge of the wood in a north-easterly, then in a south-easterly, and then again in a north-easterly direction to the wooded slope above the Wyltermeer, approximately 250 m north-west of Vogelsang farmstead. Crossing that slope in a north-easterly direction, it shall extend into the Wyltermeer, and shall then run along the centre of the Wyltermeer to the south-eastern foot of the cross-dike. From that point, it shall follow the foot of the dike in a north-easterly direction to the opening in the dike, shall run around the end of the dike in a north-westerly direction, and shall then cross the Wyltermeer and continue in a straight line along the north-western side of the cross-dike to the old frontier between boundary-stones 642 and 643.

*Special provisions :*

1. The frontier population resident in the Federal Republic of Germany and German frontier control and Customs officers shall have a right of passage in accordance with the terms of section 2 with respect to the road from Wyler/Lagewald to Berg en Dal, where this runs along German territory.

2. Netherlands frontier control and Customs officers shall have a right of passage in accordance with the terms of section 2 with respect to the section of the Wyler-Beek road between Lagewald and the new frontier.

3. The frontier population resident in the Kingdom of the Netherlands shall have a right of passage in accordance with the terms of section 2 with respect to :

- (a) The section of the Wyler-Beek road north-west of Vogelsang as far as the new frontier ;
- (b) The section of the road from Vogelsang to the old rifle-range which forms part of German territory ;
- (c) That section of the sunken road, branching off in a north-easterly direction from the road from Lagewald to Berg en Dal approximately 100 m north-west of boundary-stone 629 *bis* and crossing the road mentioned in sub-paragraph (b) after approximately 425 m, which forms part of German territory.

4. Netherlands frontier control and Customs officers shall have a right of passage in accordance with the terms of section 2 with respect to the sections of road mentioned in paragraph 3, sub-paragraph (b) and (c).

5. German frontier control and Customs officers shall have a right of passage in accordance with the terms of section 2 with respect to the section of the Wyler-Beek road north-west of the new frontier as far as the cross-dike and with respect to the portion of the cross-dike which forms part of Netherlands territory.

6. Netherlands frontier control and Customs officers shall have a right of passage in accordance with the terms of section 2 through German territory between the Netherlands and the German portions of the cross-dike and with respect to the portion of the cross-dike which forms part of German territory.

7. The Federal Republic of Germany shall by the end of 1965 improve the section of Federal Highway 9 south-west of the Wylermeer and shall construct a new section along the north-eastern edge of the village of Wyler between the south-eastern end of the Wylermeer and boundary-stone 623. The aforementioned works shall be effected on the basis of a plan to be agreed upon between the road construction authorities of the Contracting Parties with the participation of the Customs administrations.

8. The Kingdom of the Netherlands shall, in accordance with Netherlands legislation, consent to any measures which may be necessary for the maintenance and use of the Wylermeer, where it lies within Netherlands territory.

## Section 24

*Keeken/Millingen**Course of the frontier :*

From the intersection of the old frontier between boundary-stones 649 and 650 with the north-western side of the frontier road, the new frontier shall run along that side of the road to the point where the road to Keeken branches off north-east of Homüschemühl, and at that point shall cross the frontier road, at right angles, continuing to the intersection of the south-eastern side of that road with the north-eastern side of the branch road. From that point, it shall run along the south-eastern, and then along the north-eastern, side of the frontier road to eastern boundary-stone 652 and beyond to the old frontier between boundary-marks 652 and 653.

*Special provisions :*

1. The frontier population resident in the Kingdom of the Netherlands and Netherlands frontier control and Customs officers shall have a right of passage in accordance with the terms of section 2 with respect to the frontier road from boundary-stone 650 to the point where the road to Keeken branches off north-east of Homüschemühl.

2. The frontier population resident in the Federal Republic of Germany and German frontier control and Customs officers shall have a right of passage in accordance with the terms of section 2 with respect to the frontier road from the aforementioned point at which the road to Keeken branches off to boundary-stone 652.

3. Netherlands farmers who own fields in Netherlands territory between Homüschemühl and boundary-stone 651 on the frontier road which runs via boundary-stone 650 to boundary-stone 652 shall receive from the German Customs administration keys to the barrier situated approximately 100 m south-west of Homüschemühl. They may open the barrier during the principal cultivating season and at harvest time at any hour of the day or night, and at other times between daybreak and nightfall, for the purpose of going to their fields situated in Netherlands territory via the German section of the road.

## Section 25

*Elten**Course of the frontier :*

From the centre of the Rhine south-east of Spijk, the frontier shall follow the old frontier via boundary-stones 660 to 702, save as otherwise provided in sections 26 to 29.



## Section 26

*Elten (boundary-stone 682)**Course of the frontier :*

From boundary-stone 682, the new frontier shall run along a prolongation of the old frontier between boundary-stones 681 and 682 for approximately 10 m to the eastern side of the rural road, and from that point shall follow that side of the road to boundary-stone 683.

## Section 27

*Elten (motorway Customs post)**Course of the frontier :*

From the intersection of the old frontier between boundary-stones 684 and 685 with a line 55 m south-west of and parallel to the axis of the proposed motorway, the new frontier shall run along that line for approximately 580 m in a south-easterly direction to the northern side of a road running east and west, and from that point shall follow that side of the road to the axis of the proposed motorway. From that point, it shall run along the axis of the proposed motorway for approximately 350 m in a south-easterly direction to the western side of a road running towards the north, and shall follow that side of the road in a northerly direction to the old frontier between boundary-stones 687 and 688.

## Section 28

*Elten (boundary-stone 689)**Course of the frontier :*

From boundary-stone 688, the new frontier shall run for approximately 73 m in a more or less easterly direction to a point on the old frontier between boundary-stones 689 and 690, approximately 20 m from boundary-stone 689.

## Section 29

*Elten (Hoge Heide (Hohe Heide) and motorway near Voorthuisen)**Course of the frontier :*

From boundary-stone 695, the new frontier shall run in a more or less westerly direction, on the southern side of the road which runs along the northern edge of the wood, to the bend in that side of the road approximately 50 m from the Elten-Beek road. From that point, it shall follow the present boundary of the grounds of the Van Heek Institution for a distance of approximately 90 m in a more or less southerly direction to the bend in that boundary of the grounds. From that point, it shall run for approximately 180 m in a south-easterly direction to a point 110 m from the axis of the proposed motorway.

From that point, it shall run for approximately 110 m in a southerly direction to a point on a line 55 m from and parallel to the axis of the proposed motorway. From that point, it shall follow that line to the old frontier between boundary-stones 702 and 703 in the frontier canal.

*Special provisions :*

An overpass for the Stokkum-Elten road, for passenger motor vehicles, shall be constructed over the motorway. In the meantime, only pedestrians and users of cycles, with or without auxiliary engine, shall be granted passes for this road in accordance with the terms of the proposed agreement between the Federal Republic of Germany and the Kingdom of the Netherlands concerning minor frontier traffic.<sup>1</sup>

Section 30

*Praest/Gendringen*

*Course of the frontier :*

The new frontier shall run along a line 55 m north-east of and parallel to the axis of the proposed motorway between the two points at which that line intersects the old frontier along the *Landwehr* between boundary-stones 711 and 712.

Section 31

*The regulated Oude IJssel (Issel)*

*Course of the frontier :*

Between boundary-stones 718 and 720, the new frontier shall run along the centre of the regulated Oude IJssel.

Section 32

*The Bocholter Aa*

*Course of the frontier :*

From the intersection of the centre of the regulated Aa with the old frontier between boundary-stones 728 and 729, the new frontier shall run along the centre of the regulated Aa to a point approximately 20 m below the western side of the bridge on the road from Anholt to Dinxperlo.

Section 33

*Suderwick/Dinxperlo*

*Course of the frontier :*

(a) From the point in the centre of the Bocholter Aa referred to in section 32, approximately 20 m below the west side of the bridge, the new frontier shall run in a north-

<sup>1</sup> This Agreement was signed on 3 June 1960 and came into force on 1 July 1961 (see United Nations, *Treaty Series*, Vol. 487, p. 37).

erly direction for approximately 115 m in a straight line to a point approximately 24 m west of the axis of the present carriageway of the Anholtse Weg (Anholter Weg). From that point, it shall run, at right angles to the Anholtse Weg, to the intersection with the future eastern side of the Anholtse Weg, as proposed in the improvement plan drawn up by the German and Netherlands sides.

Pending the clearance, not more than five years after the entry into force of this Treaty, of the caravan site at present situated on the western side of the Anholtse Weg, the frontier shall provisionally run from the point approximately 20 m below the western side of the bridge, referred to in section 32, for approximately 65 m in a northerly direction, shall then turn towards the east along the fence of the caravan site and shall follow the fence to the north-eastern corner. From that point, it shall run, at right angles to the Anholtse Weg, to the intersection with the old frontier, which it shall follow until it meets the frontier described in the preceding paragraph.

The new frontier shall then follow the eastern or southern side of the proposed road and, where the improvement plan provides for a footway, the southern side of the footway, to emerge onto the Heelweg (Hellweg).

Where the existing road within this section would lie in German territory, the frontier shall run provisionally, pending completion of the new road and for not more than five years after the entry into force of this Treaty, along the southern side of the existing road.

From the point where it emerges onto the Heelweg, the new frontier shall follow the southern side of the footway on the southern side of the Heelweg to its intersection with a prolongation towards the south-west of the section of the frontier between boundary-stones 177*d* and 734, and from that point shall run in a straight line to boundary-stone 734.

The Governments of the Contracting Parties shall determine by an exchange of notes at what time the provisional frontier provided for in the second and fourth paragraphs shall be superseded by the permanent frontier.

(b) From boundary-stone 176, the new frontier shall run in a north-easterly direction in a straight line to a point approximately 15 m south of boundary-stone 736 on the old frontier.

*Special provisions :*

1. The Kingdom of the Netherlands shall within a period of five years following the entry into force of this Treaty improve the Anholtse Weg up to the intersection with the new frontier north of the bridge over the Bocholter Aa.

2. The Federal Republic of Germany shall within a period of five years following the entry into force of this Treaty construct south of the new frontier a new road for traffic from Suderwick to Anholt, which shall emerge onto the Anholtse Weg north of the bridge over the Bocholter Aa.

3. The Kingdom of the Netherlands shall ensure that, pending its clearance, the aforementioned caravan site is directly accessible from Netherlands territory.

4. On the Netherlands section of the Anholtse Weg and the Heelweg, the frontier population resident in the Federal Republic of Germany shall have a right of passage in

accordance with the terms of section 2 with respect to motor traffic between the properties situated on the German side and with respect to motor traffic between those properties and the other parts of the Municipality of Suderwick. The certificate referred to in section 2 shall not be required in the case of occupants of the aforementioned properties; if such persons are over fourteen years of age, however, they must when using the roads carry an official document bearing a photograph for identification purposes. Motor traffic through Netherlands territory between the aforementioned properties and the other parts of the Municipality of Suderwick shall be permissible only via the German frontier posts at Suderwick and Brüggenhütte. Persons entering or leaving via the aforementioned frontier posts must, upon request, show proof that they fulfil the conditions for exemption from duties and charges under the terms of section 2.

5. German frontier control and Customs officers shall have a right of passage in accordance with the terms of section 2 with respect to the Netherlands section of the Anholtse Weg and of the Heelweg.

6. The drainage system built by the Municipality of Dinxperlo in the area south-east of the Anholtse Weg and the Heelweg shall remain connected with the Dinxperlo drainage system. The drain under the southern footway of the Heelweg shall not be disconnected. No alterations in, or new connexions with, the existing drainage system shall be effected by the German side except by agreement with the Municipality of Dinxperlo. The Municipality of Dinxperlo shall be responsible for the maintenance of the drainage system. The necessary maintenance work may be carried out in German territory subject to the approval of the competent German agencies. The Municipality of Dinxperlo and the *Amtsverwaltung* Liedern-Werth shall conclude an agreement concerning the payments to be made to the aforementioned municipality in consideration of the use of the drainage system.

### Section 34

#### *Zwillbrock/Eibergen*

#### *Course of the frontier :*

(a) From intermediate boundary-stone 42 between boundary-stones 806 and 807 near the Netherlands Customs post on the southern side of the highway from Vreden to Groenlo, the new frontier shall cross that highway and shall then run along the eastern side of the Veengoot to the old frontier between boundary-stones 808/40 and 809/39.

(b) From the intersection of the old frontier between boundary-stones 809a and 809b with the southern side of the Veengoot, the new frontier shall run in a generally northerly direction along the eastern side of the Veengoot and of the Ramsbeek—and wherever there is a dike, along the eastern side of the dike—to the old frontier between boundary-stones 811/36 and 811/35.

#### *Special provisions :*

The Kingdom of the Netherlands undertakes to make provision, through the Waterschap van de Berkel, for the restoration and maintenance, in accordance with the regulation plan carried into effect in 1939, of such drainage conditions as are required by the

German Wasser- und Bodenverband Krosewicker Feld. In preparing a new regulation plan, the Waterschap van de Berkel shall, wherever such plan affects the interests of the Wasser- und Bodenverband Krosewicker Feld, proceed by agreement with *Landkreis Ahaus* in drafting the relevant provisions.

#### Section 35

##### *Ammeloe/Rekken*

##### *Course of the frontier :*

From boundary-stone 830*a*, the new frontier shall run in an easterly direction for approximately 12 m along a drainage ditch, thence for approximately 230 m along the eastern side of the foot-path running towards the north to a drainage ditch approximately 32 m south of boundary-stone 830*e*, thence for approximately 23 m to a point approximately 12 m south-east of boundary-stone 830*e*, thence via the southern corner of the wood beside the foot-path (approximately 12 m north-east of boundary-stone 830*e*) and then via the easternmost angle of the path to a point approximately 58 m north-east of boundary-stone 830*e* and 55 m south of boundary-stone 830*f*. From that point, it shall run to a point on the eastern side of the path approximately 2 m east of boundary-stone 830*f*, and from that point shall follow that side of the path to a point approximately 8 m east of boundary-stone 830*i*. At that point, it shall leave that side of the path and run in a straight line to rejoin that side of the path after approximately 75 m, and shall then follow it in a more or less straight line to boundary-stone 830*k*.

##### *Special provisions :*

1. The frontier population resident in the Federal Republic of Germany and German frontier control and Customs officers shall have a right of passage in accordance with the terms of section 2 with respect to the strip between the old and new frontiers.

2. German frontier control and Customs officers shall have the right to perform specified official acts in accordance with the terms of section 3 with respect to the strip referred to in paragraph 1.

#### Section 36

##### *Bardel/Losser (boundary-stone 6)*

##### *Course of the frontier :*

From boundary-stone 6, the new frontier shall run in a straight line to boundary-stone 7.

#### Section 37

##### *Bardel/Losser (between boundary-stones 7 and 12)*

##### *Course of the frontier :*

From boundary-stone 7, the new frontier shall run in a straight line for approximately 50 m in an almost northerly direction to the corner of a fence approximately 20 m

east of the old frontier, and thence for approximately 60 m along the fence to a corner of the fence approximately 45 m east of the old frontier. From that point, it shall run in a straight line for approximately 75 m in a north-easterly direction to the bend in a bushy slope, and thence in a straight line for approximately 105 m in a north-easterly direction to the north-western corner of a road which emerges from the wood into the meadows. From that point, it shall run in a straight line for approximately 150 m in a northerly direction to the western corner of a small wood. From that point, it shall run in a straight line to a point on the old frontier approximately 70 m south of boundary-stone 12.

#### Section 38

##### *Bardel/Losser (boundary-stone 13)*

##### *Course of the frontier :*

The new frontier shall run in a straight line from boundary-stone 12<sup>I</sup> to boundary-stone 13, and thence in a straight line to boundary-stone 13<sup>IV</sup>.

#### Section 39

##### *Streitweg/Vrijdijk*

##### *Course of the frontier :*

From boundary-stone 24, the new frontier shall run for approximately 10 m in a north-easterly direction to the foot of the dike, and from that point shall follow the eastern side of the Vrijdijk (*Streitweg*) to a point approximately 40 m south-east of boundary-stone 33. From that point, it shall run in a straight line to boundary-stone 33.

##### *Special provisions :*

The frontier population resident in the Federal Republic of Germany and German frontier control and Customs officers shall have a right of passage in accordance with the terms of section 2 with respect to the frontier road (*Vrijdijk*).

#### Section 40

##### *Frensdorff/Denekamp*

##### *Course of the frontier :*

(a) From the bend in the old frontier approximately 20 m north of boundary-stone 35, the new frontier shall run along a prolongation of the section of the frontier between boundary-stone 35 and that bend for approximately 25 m, and thence in a straight line to boundary-stone 39.

(b) From boundary-stone 40, the new frontier shall run in a straight line to a point approximately 36 m east of boundary-stone 41<sup>III</sup> and 3.5 m north of a straight line connecting boundary-stones 40 and 41<sup>III</sup>, and thence in a straight line to boundary-stone 41<sup>III</sup>.

*Special provisions :*

In recognition of the fact that the development of the Rammelbeek (Rammelbach) will serve common water-development interests, the Kingdom of the Netherlands undertakes to co-operate in accordance with the provisions of chapter 4 of this Treaty, and in particular to promote the speedy conclusion of a special agreement relating to this question under the terms of article 59.

## Section 41

*Radewijker Beek (Radewijker Bach)**Course of the frontier :*

Between boundary-stones 113 and 116, the new frontier shall run along the centre of the regulated Radewijker Beek (Radewijker Bach).

## Section 42

*Laar/Coevorden**Course of the frontier :*

From boundary-stone 133, the new frontier shall run in a northerly direction to the intersection with a line along the south-eastern slope of the dike at the average level of the ground to the south-east (foot of the slope). From that point, the new frontier shall run along the foot of the south-eastern slope of the dike to boundary-stone 140.

*Special provisions :*

The Federal Republic of Germany undertakes to carry out no measures in German territory which would jeopardize the stability of the dike.

## Section 43

*Grenzaa/Schoonebeekerdiep**Course of the frontier :*

From boundary-stone 151<sup>xv</sup>, the new frontier shall run along the shortest line to the centre of the regulated Schoonebeekerdiep (Grenzaa), and thence along its centre to the frontier ditch near boundary-stone 156.

## Section 44

*Rhede/Vlagentwede**Course of the frontier :*

Between boundary-stones 172 and 186, the frontier shall follow the old frontier.

*Special provisions :*

1. The frontier population resident in the Kingdom of the Netherlands and Netherlands frontier control and Customs officers shall have a right of passage in accordance with the terms of section 2 with respect to the frontier roads.

2. The Federal Republic of Germany shall ensure that there is no surface run-off of high water from the Walchumer Schloot and the Brualer Schloot into Netherlands territory.

## Section 45

*Kloster Dünebroek/Bellingwolde**Course of the frontier :*

From boundary-stone 186, the new frontier shall run for approximately 25 m along a prolongation of the old frontier between boundary-stones 185<sup>n</sup> and 186, and thence in a straight line to a point approximately 20 m north-east of boundary-stone 187 on the old frontier between boundary-stones 187 and 188.

## Section 46

*Bunderneuland/Nieuweschans**Course of the frontier :*

From a point 185 m south-west of boundary-stone 193 on the old frontier, the new frontier shall run along the arc of a circle which passes through a point 40.65 m south of boundary-stone 194 and meets a prolongation of the long straight section of the frontier between boundary-stones 196 and 195<sup>i</sup> at a tangent. From that meeting-point, it shall continue in a straight line to the bend in the old frontier approximately 26 m south-east of boundary-stone 195<sup>i</sup>.

*Special provisions :*

1. The Kingdom of the Netherlands proposes to construct a new road south of the village of Nieuweschans within a period of five years following the entry into force of this Treaty. In the course of construction of the road, the Wymeerer Sieltief will be diverted to the southern side of the new frontier. Pending diversion of the Wymeerer Sieltief, the rectification of the frontier shall be without prejudice to the enjoyment rights and maintenance obligations of the two sides relating to that watercourse.

2. All costs arising out of the construction of the new road and the diversion of the Wymeerer Sieltief shall be borne by the Kingdom of the Netherlands. Such costs shall include compensation payments to owners of land which is directly or indirectly affected by the construction works.

3. The competent German authorities shall render assistance to the competent Netherlands authorities in connexion with the diversion of the Wymeerer Sieltief.



4. After diversion of the Wymeerer Sieltief, the competent German authorities shall be entitled to take all necessary measures for the maintenance of the Wymeerer Sieltief in a strip 3 m in breadth along the top of the northern bank.

#### Section 47

#### *Wymeerer Sieltief/Westerwoldsche Aa*

##### *Course of the frontier :*

(a) From a point on the old frontier approximately 180 m south-east of boundary-stone 197, the new frontier shall run in a north-easterly direction to a point approximately 510 m from boundary-stone 197 on the eastern bank of the Westerwoldsche Aa, continuing thence along the eastern bank of the Westerwoldsche Aa to a point approximately 45 m south of the north-western corner of the bridge opposite Louisenfeld farm and approximately 40 m north-west of the 1.5 kilometre stone on the road from Bunderneuland to Landschapspolder, thence continuing in a straight line, in the direction of a point approximately 33 m west of the western side of the road and approximately 270 m north of the north-western corner of the parapet of the bridge over the Wymeerer Sieltief near the opening in the dike, to a point 100 m south of that reference-point, thence to a point 100 m north of the reference-point on a straight line connecting the reference-point with a point on the western side of the road 246 m south of the centre of the bridge over the Wymeerer Sieltief leading to Kanalpolder, and thence along that connecting line to the last-mentioned point. From that point, the new frontier shall run in a straight line to boundary-stone 202i.

(b) From boundary-stone 202f, the new frontier shall run in a straight line to boundary-stone 203.

##### *Special provisions :*

1. The Federal Republic of Germany shall divert into the Heinitzpolder in German territory, within a period of two years after receiving a notification from the Netherlands Government through the diplomatic channel concerning the commencement of the proposed improvement of the Westerwoldsche Aa, that section of the Wymeerer Sieltief which lies within Netherlands territory. The cost of the works shall be borne by the Federal Republic of Germany.

2. The Federal Republic of Germany shall grant to the Kingdom of the Netherlands, for the purposes of the improvement of the Westerwoldsche Aa, the right to dump excavated dirt in the triangle bounded by the Westerwoldsche Aa, the Wymeerer Sieltief, and boundary-stones 202i-202f. The resulting costs, including appropriate compensation of the affected landowners, shall be borne by the Kingdom of the Netherlands.

3. The Kingdom of the Netherlands and the Federal Republic of Germany shall, in their common interest, construct as soon as possible a second dike between Nieuw-Statenzijl and the Heinitzpolder, together with a new sluice for the Wymeerer Sieltief. Each of the Contracting Parties shall bear the costs of the works carried out in its territory.

4. Pending diversion of the Wymeerer Sieltief and improvement of the Westerwoldsche Aa, the rectification of the frontier shall be without prejudice to the enjoyment rights and maintenance obligations of the two sides relating to those watercourses.

5. Materials and tools needed by one Contracting Party for works in the territory of the other Contracting Party may be imported and, if the occasion arises, re-exported to the territory of the first-mentioned Contracting Party free of import or export prohibitions or restrictions and free of import and export duties and other charges.

6. The competent authorities of the Contracting Parties shall render assistance to each other in connexion with the acquisition or leasing of land or any other measures which may be necessary in the territory of the other Contracting Party.

#### ANNEX B

#### REGULATION OF STREAMS AND RESULTANT FUTURE CHANGES IN THE COURSE OF THE FRONTIER BETWEEN THE KINGDOM OF THE NETHERLANDS AND THE FEDERAL REPUBLIC OF GERMANY

##### Section 1

###### *Maps*

The attached maps<sup>1</sup> form part of this annex.

##### Section 2

###### *Anselderbeek (Amstelbach)-Bleyerheiderbeek (Bleyerheider Bach)*

###### *Regulation of the stream :*

The Anselderbeek (Amstelbach) and the Bleyerheiderbeek (Bleyerheider Bach) between a point approximately midway along the frontier between boundary-stones 224 and 225 on the one hand, and boundary-stone 227 on the other hand, shall, within a period of four years following the entry into force of this Treaty, be regulated by the Federal Republic of Germany and the Kingdom of the Netherlands in accordance with a joint plan, whereby the course of those streams shall be changed as shown on the attached map.

###### *Future course of the frontier :*

After completion of the aforementioned regulation, the frontier, which now runs from frontier-mark 224 to frontier-mark 225 along the centre of the Baamstraat (Hammerweg), and thence generally along the centre of the Anselderbeek and the Bleyerheiderbeek, shall run from southern boundary-stone 224 along the southern side of the Baamstraat to the centre of the regulated Anselderbeek. From that point to boundary-stone 227, the centre of the regulated Anselderbeek and of the regulated Bleyerheiderbeek shall form the frontier.

<sup>1</sup> See inserts in a pocket at the end of this volume (4 maps relating to sections 2 to 5 of annex B).

## Section 3

*Molenbeek (Jonge Worm)-(Mühlenbach (Junge Wurm))**Regulation of the stream :*

The Molenbeek (Mühlenbach) between boundary-stones 361 and 362 shall, within a period of three years following the entry into force of this Treaty, be regulated by the Federal Republic of Germany and the Kingdom of the Netherlands in accordance with a joint plan, whereby its course shall be changed as shown on the attached map.

*Future course of the frontier :*

After completion of the aforementioned regulation, the frontier between boundary-stones 361 and 362 shall run along the centre of the regulated Molenbeek.

## Section 4

*Roode Beek near Vlodrop (Rothenbach)**Regulation of the stream :*

The Roode Beek (Rothenbach) between boundary-stones 374 and 376 shall, within a period of five years following the entry into force of this Treaty, be regulated by the Federal Republic of Germany and the Kingdom of the Netherlands in accordance with a joint plan, whereby its course shall be changed as shown on the attached map.

*Future course of the frontier :*

After completion of the aforementioned regulation, the frontier between boundary-stones 374 and 376 shall run along the centre of the regulated Roode Beek.

## Section 5

*Rammelbeek (Rammelbach)**Regulation of the stream :*

The Rammelbeek (Rammelbach) between boundary-stones 41<sup>xiv</sup> and 48 shall, within a period of six years following the entry into force of this Treaty, be regulated by the Federal Republic of Germany and the Kingdom of the Netherlands in accordance with a joint plan, whereby its course shall be changed as shown on the attached map.

*Future course of the frontier :*

After completion of the aforementioned regulation, the frontier, which before the draining of the Old Rammelbeek ran along the centre of that watercourse and is now marked by boundary-stones 41<sup>iv</sup> to 41<sup>xiv</sup>, shall follow the south-eastern side of the Almelo-Nordhorn Canal to the entry of the culvert, shall then cross the canal in a straight line to the outlet from the culvert, and from that point shall run along the centre of the present

course of the Rammelbeek to a point opposite boundary-stone 41<sup>xv</sup>. From that point, the frontier shall run along the centre of the regulated Rammelbeek to boundary-stone 48.

*Special provisions :*

After the aforementioned rectification of the frontier, the Kingdom of the Netherlands shall permit the maintenance of the road along the south-eastern side of the Almelo-Nordhorn Canal between boundary-stone 41<sup>iv</sup> and the entry to the culvert. German owners of properties along that road shall be entitled to use the road in accordance with the terms of annex A, <sup>1</sup> section 2, and to take all measures necessary in the interest of the Almelo-Nordhorn Canal and of proper cultivation.

## FINAL PROTOCOL TO THE FRONTIER TREATY <sup>2</sup>

On the occasion of the signing of the Treaty <sup>2</sup> between the Kingdom of the Netherlands and the Federal Republic of Germany concerning the course of the common frontier, the boundary waters, real property situated near the frontier, traffic crossing the frontier on land and via inland waters, and other frontier questions, the plenipotentiaries of the two Contracting Parties have agreed on the following provisions and have made the following declarations :

### *Article 1*

1. With a view to achieving fully satisfactory arrangements for agricultural relations in the frontier area in the interest of improving the agricultural structure, the Contracting Parties shall wherever possible encourage the formation and the work of Netherlands-German commissions constituted on a basis of parity at local and regional level.

2. The function of the commissions shall be to consider such specified agricultural problems as may be determined at the time of their formation, and to submit recommendations to the competent agencies in both States.

### *Article 2*

Where, in the case of built-up areas bisected by the frontier, such as Dinxperlo-Suderwick, local circumstances necessitate joint arrangements for such municipal affairs as those relating to building and law and order, the competent German and Netherlands authorities shall consult together with a view to harmonizing their proposed regulations and measures so far as possible within the scope of their powers.

<sup>1</sup> See p. 212 of this volume.

<sup>2</sup> See p. 148 of this volume.

*Article 3*

The Government of the Kingdom of the Netherlands confirms that all assets of the German State and of German *Länder* and public corporations which after the Second World War came under the control of the Kingdom of the Netherlands in the areas referred to in article 4 of this Treaty, including assets which have replaced the former assets, shall upon the entry into force of this Treaty be the property of the Federal Republic of Germany or of the relevant public corporations.

*Article 4*

The Government of the Kingdom of the Netherlands confirms that the entry into force of the Treaty cannot result in the application of the provisions of the Enemy Property Order (*Besluit Vijandelijk Vermogen*) with respect to the persons mentioned in article 37, paragraph 1, of the Netherlands Act of 26 September 1951 (*Staatsblad* 1951, 434) and their legal successors.

*Article 5*

1. It is agreed that the provisions of articles 5, 6 and 7 of the Treaty do not relate to public property which is not used for public purposes.

2. The provisions of article 7, paragraph 1, of the Treaty do not relate to liabilities arising out of loans contracted by the bailiffs' offices (*Drostambten*) at Elten and Tüddern under guarantee by the Kingdom of the Netherlands. Such liabilities shall be assumed by the Kingdom of the Netherlands.

*Article 6*

For the purposes of article 18 of the Treaty, a person shall be regarded as domiciled or resident in the areas referred to in article 4 of the Treaty if under the laws of the requesting Contracting Party he is liable to taxation there by reason of his domicile, residence, place of business management, or any other similar criterion.

*Article 7*

The obligation to provide information under the terms of articles 18 and 19 of the Treaty does not apply to facts ascertained by the tax authorities from banks or from institutions having the status of banks.

*Article 8*

For the purposes of articles 19 and 20 of the Treaty, the competent authority in the Kingdom of the Netherlands shall be the Director of State Taxation (*Directeur van 's Rijks belastingen*) and the competent authority in the Federal Republic of Germany shall be the General Finance Department (*Oberfinanzdirektion*).

*Article 9*

1. The competent Netherlands authorities shall forward to the competent German authorities the originals or certified copies of all information and documents which may be necessary for the purpose of determining the nature and quantity of goods which are in the areas referred to in article 4 of the Treaty at the time of the entry into force of the Treaty and with respect to which the Kingdom of the Netherlands has thus far levied no import duties, excises or other similar charges or has refunded such charges, and for the purpose of determining the persons liable for such charges, in order that corresponding charges may be levied by the Federal Republic of Germany.

2. The competent authorities of the Contracting Parties shall determine by agreement which information and documents are to be forwarded as a matter of routine ; all other information and documents shall be forwarded upon request.

*Article 10*

All matters affected by the provisions of chapter 4 of the Treaty shall be adjudicated :

In the Federal Republic of Germany, in accordance with the water-conservancy laws of the Federation and the *Länder* ;

In the Kingdom of the Netherlands, in accordance with the State and provincial water-conservancy laws, including the by-laws relating to drainage districts.

*Article 11*

The Governments of the Contracting Parties shall endeavour to ensure that the agreements provided for in article 59, paragraph 2, of the Treaty are concluded within a reasonable period of time.

*Article 12*

Under the terms of article 56, paragraph 2, of the Treaty, the Rhine does not form part of the frontier waters covered by the provisions of chapter 4 of the Treaty. The Governments of the Contracting Parties nevertheless declare that they will strive for the early conclusion of an arrangement between the riverain States to prevent pollution of the Rhine.

*Article 13*

(*Ad chapters 1 and 5 of the Treaty*)

With respect to the cultivation of land situated partly on one side and partly on the other side of the frontier established in article 1 of the Treaty, the relevant provisions of the Border and Frontier Treaties of Aachen, Cleves and Meppen mentioned in article 1 of the Treaty shall apply.

*Article 14*

It is agreed that in cases where the persons concerned are unable to arrive at a settlement in accordance with the provisions of chapter 5 of the Treaty, such persons shall be at liberty to purchase other lands in the area of the Netherlands-German frontier.

*Article 15*

The provisions of this Final Protocol form part of the Frontier Treaty.

DONE at The Hague, on 8 April 1960, in two original copies, each in the Dutch and German languages, both texts being equally authentic.

For the Kingdom of the Netherlands :

(Signed) J. LUNS

(Signed) H. R. VAN HOUTEN

For the Federal Republic of Germany :

(Signed) VON BRENTANO

(Signed) LAHR

## EXCHANGE OF NOTES

## I

## THE FEDERAL MINISTER FOR FOREIGN AFFAIRS

The Hague, 8 April 1960

Sir,

With reference to the Frontier Treaty signed today,<sup>1</sup> I have the honour to inform you as follows :

The Government of the Federal Republic of Germany and public corporations in the Federal Republic will not call upon the Kingdom of the Netherlands for the settlement of any claims which might arise out of the exercise of the rights of sovereignty transferred to the Kingdom following the Second World War with respect to the areas referred to in article 4 of the Frontier Treaty.

Accept, Sir, the assurances of my highest consideration.

(Signed) VON BRENTANO

His Excellency Mr. J. M. A. H. Luns  
Minister for Foreign Affairs  
of the Kingdom of the Netherlands  
The Hague

<sup>1</sup> See p. 148 of this volume.

## II

MINISTRY OF FOREIGN AFFAIRS  
TREATY SECTION

The Hague, 8 April 1960

Sir,

I have the honour to acknowledge receipt of your note of today's date, the text of which reads in Dutch as follows :

[See note I]

I agree with the terms of your note.

Accept, Sir, the assurances of my highest consideration.

(Signed) J. LUNS

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

## III

MINISTRY OF FOREIGN AFFAIRS  
TREATY SECTION

The Hague, 8 April 1960

Sir,

With reference to article 7, paragraph 1, of the Frontier Treaty signed today, I have the honour to inform you as follows :

The Netherlands and German delegations have jointly determined that railway property situated in the Elten area, including movable stock pertaining thereto and the proceeds of any sale or expropriation of business assets, is public property for the purposes of article 7, paragraph 1, of the Frontier Treaty. In the execution of this Treaty, the Netherlands Government will ensure that the railway property in that area is transferred to the German Federal Railways. Such railway property is not subject to any encumbrances or liabilities other than those which existed on 23 April 1949.

Accept, Sir, the assurances of my highest consideration.

(Signed) J. LUNS

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



## IV

## THE FEDERAL MINISTER FOR FOREIGN AFFAIRS

The Hague, 8 April 1960

Sir,

I have the honour to acknowledge receipt of your note of today's date, the text of which, translated into German, reads as follows :

[See note III]

I have taken note of the terms of your note.

Accept, Sir, the assurances of my highest consideration.

(Signed) VON BRENTANO

His Excellency Mr. J. M. A. H. Luns  
Minister for Foreign Affairs  
of the Kingdom of the Netherlands  
The Hague

## V

## THE FEDERAL MINISTER FOR FOREIGN AFFAIRS

The Hague, 8 April 1960

Sir,

With reference to article 45 of the Frontier Treaty signed today, I have the honour to confirm that, after completion of the construction works mentioned in article 49, paragraph 1, of the Frontier Treaty, refusal of passage in transit will in practice be restricted entirely to cases where valid reason for suspicion exists. In particular, the smooth flow of transit traffic will not be impeded through the imposition by German frontier control and Customs officers of such supervision of transit traffic as would be tantamount to frontier clearance.

Accept, Sir, the assurances of my highest consideration.

(Signed) VON BRENTANO

His Excellency Mr. J. M. A. H. Luns  
Minister for Foreign Affairs  
of the Kingdom of the Netherlands  
The Hague

## VI

MINISTRY OF FOREIGN AFFAIRS  
TREATY SECTION

The Hague, 8 April 1960,

Sir,

I have the honour to acknowledge receipt of your note of today's date, the text of which reads in Dutch as follows :

[See note V]

I agree with the terms of your note.

Accept, Sir, the assurances of my highest consideration.

(Signed) J. LUNS

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

## VII

MINISTRY OF FOREIGN AFFAIRS  
TREATY SECTION

The Hague, 8 April 1960

Sir,

With reference to article 80 of the Frontier Treaty signed today, I have the honour to inform you as follows :

1. The Province of Groningen has informed the Government of the Kingdom of the Netherlands that it is prepared, on the terms set forth in articles 77 to 79 and in article 81, paragraph 5, of the Frontier Treaty, to transfer to persons to be named, in accordance with the terms of article 77 of the Frontier Treaty, by Deutsche Bauernsiedlung GmbH, Düsseldorf, the ownership of parcels of land of specified situation, size and valuation, having a total area of 200.00.00 hectares, together with all rights and encumbrances pertaining thereto, if Deutsche Bauernsiedlung GmbH pays to the Province of Groningen, within a period of six months following the entry into force of the Frontier Treaty, a purchase price of 556,600 guilders.

2. The Municipality of Bergen has informed the Government of the Kingdom of the Netherlands that it is prepared, on the terms set forth in articles 77 to 79 and in article 81, paragraph 5, of the Frontier Treaty, to transfer to persons to be named,

in accordance with the terms of article 77 of the Frontier Treaty, by Deutsche Bauernsiedlung GmbH, Düsseldorf, the ownership of parcels of land of specified situation, having a total area of 111.50.00 hectares, together with all rights and encumbrances pertaining thereto, if Deutsche Bauernsiedlung GmbH pays to the Municipality of Bergen, within a period of six months following the entry into force of the Frontier Treaty, a purchase price of 333,746.58 guilders.

Accept, Sir, the assurances of my highest consideration.

(Signed) J. LUNS

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

### VIII

#### THE FEDERAL MINISTER FOR FOREIGN AFFAIRS

The Hague, 8 April 1960

Sir,

I have the honour to acknowledge receipt of your note of today's date, the text of which, translated into German, reads as follows :

[See note VII]

I have taken note of its terms with satisfaction.

Accept, Sir, the assurances of my highest consideration.

(Signed) VON BRENTANO

His Excellency Mr. J. M. A. H. Luns  
Minister for Foreign Affairs  
of the Kingdom of the Netherlands  
The Hague