

No. 8439

**DENMARK
and
FEDERAL REPUBLIC OF GERMANY**

**Agreement on certain questions concerning navigation and
waterways. Signed at Bonn, on 9 June 1965**

Official texts : Danish and German.

Registered by Denmark on 13 December 1966.

**DANEMARK
et
RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE**

**Accord relatif à certaines questions concernant la navigation
et les voies navigables. Signé à Bonn, le 9 juin 1965**

Textes officiels danois et allemand.

Enregistré par le Danemark le 13 décembre 1966.

[TRANSLATION — TRADUCTION]

No. 8439. AGREEMENT¹ BETWEEN DENMARK AND THE
FEDERAL REPUBLIC OF GERMANY ON CERTAIN
QUESTIONS CONCERNING NAVIGATION AND WATER-
WAYS. SIGNED AT BONN, ON 9 JUNE 1965

The Kingdom of Denmark and the Federal Republic of Germany,
Desiring to settle a number of questions concerning navigation and waterways
and
Intent on promoting co-operation between the two States in that connexion,
Have agreed as follows

SECTION I

CONTROL OF SHIPS AND OTHER MATTERS CONCERNING NAVIGATION

Article 1

(1) For the purposes of this section, the term "Danish ships" shall mean ships which have a nationality certificate or temporary nationality certificate entitling them to fly the Danish flag.

(2) For the purposes of this section, the term "German ships" shall mean ships with one of the following documents entitling them to fly the flag of the Federal Republic of Germany :

- (a) A certificate of registry or extract from a certificate of registry authenticated by the court of registry ;
- (b) A flag certificate (*Flaggenschein*) ;
- (c) A nationality certificate (*Flaggenzeugnis*) ;
- (d) A flag warrant (*Flaggenbescheinigung*).

Article 2

(1) Each Contracting Party shall recognize the documents prescribed by the other Contracting Party concerning seaworthiness, construction, equipment and

¹ Came into force on 2 December 1966, one month after the date of the notification (2 November 1966) by the Government of the Federal Republic of Germany to the Government of Denmark that the constitutional formalities for the entry into force of the Agreement in the Federal Republic of Germany had been fulfilled, in accordance with article 13.

fittings in respect of ships of that other Party that are not covered by the International Convention for the Safety of Life at Sea.¹

(2) Each Contracting Party shall recognize the tonnage certificates issued by the authorities of the other Contracting Party, if they were issued :

- (a) Before the entry into force of the international Convention of 10 June 1947² for a uniform system of tonnage measurement of ships, or
- (b) For open vessels.

(3) Each Contracting Party shall calculate charges and dues on the basis of the tonnage certificates referred to in paragraph 2, without remeasuring, applying the criteria it applies to its own ships.

Article 3

(1) Inspections of the ships of one Contracting Party shall be carried out by a duly authorized officer of the other Contracting Party. These inspections shall normally serve only to establish that valid documents, as specified in article 2, are carried on board.

(2) If the condition, equipment or fittings of a ship belonging to a Contracting Party obviously do not tally with the particulars set forth in the documents specified in article 2, and if such ship is unable to sail without danger to passengers or crew, the competent authority of the other Contracting Party may prohibit the ship's departure. If the loading or unloading equipment is manifestly not in the condition described in the documents referred to in article 2, or if the absolutely indispensable measures have not been taken to prevent accidents, the competent authority of the other Contracting Party may prohibit or temporarily interrupt the loading or unloading.

(3) If the shortcomings referred to in paragraph 2 are not remedied without delay, the competent authority of the Contracting Party shall so notify the competent consular authority of the other Contracting Party forthwith.

Article 4

(1) The competent authorities of the Contracting Parties shall exchange copies of all documents concerning the construction, equipment, fittings and seaworthiness of the ships of the two Parties and provide any necessary explanations concerning them.

¹ United Nations, *Treaty Series*, Vol. 164, p. 113, and Vol. 267, p. 382.

² United Nations, *Treaty Series*, Vol. 208, p. 3, and Vol. 452, p. 308.

(2) The competent authorities of the Contracting Parties shall send each other copies of the safety certificates issued in respect of passenger ships in regular service between the two Contracting Parties and shall notify one another of all the special safety requirements applicable to such ships. The foregoing shall not apply to ships employed in train-ferry traffic.

Article 5

(1) Following the investigation of an accident at sea involving a ship of the Kingdom of Denmark, the competent consular authorities of the Kingdom of Denmark shall, upon their request, receive a free copy of the decision reached by the maritime court, where needed for official purposes.

(2) In the opposite case, paragraph 1 shall apply, as appropriate, with respect to the records of the inquiry held in connexion with the accident.

Article 6

If a ship belonging to one Contracting Party contravenes the provisions of the International Convention for the Prevention of Pollution of the Sea by Oil,¹ the reports and requests referred to in article X of the Convention shall be made directly by the competent authorities of the two Contracting Parties

Article 7

(1) The special provisions contained in paragraphs 2 to 7 shall apply with respect to the German-Danish frontier waters in Flensburg Fjord (Flensburger Förde), Lister dyb and Højer dyb.

(2) The authorities of one Contracting Party shall stop and search the vessels of the other Contracting State for the purpose of enforcing import and export prohibitions or customs regulations only if good reasons exist for suspecting an infraction of the aforesaid prohibitions or regulations. They shall at once inform the competent authorities of the other Contracting Party of the stopping and searching of a vessel, stating the grounds for suspicion.

(3) Each Contracting Party shall, within its territorial waters, recognize the customs seal of the other Contracting Party in the case of vessels which are making a continuous voyage to the harbours of the other Contracting Party or are putting to sea from such harbours, and shall exempt from customs examination cargoes in such vessels accompanied by the customs officials of the other Contracting Party. If it should subsequently be ascertained that illicit traffic has been carried on with the land or that this immunity has been abused in any other way, the competent authorities of the other Contracting Party shall be informed directly.

¹ United Nations, *Treaty Series*, Vol 327, p 3

(4) Wreckage which constitutes a hazard to navigation shall be marked by the Contracting Party in whose territorial waters it is situated ; that Contracting Party shall also be responsible for the removal of the wreckage in accordance with its own legislation.

(5) Any wreckage lying at the frontier between the territorial waters of the Contracting Parties shall be marked by the Federal Republic of Germany. Its removal shall be the responsibility of the Contracting Party under whose flag the sunken vessel sailed. If the vessel sailed under the flag of a third State it shall be removed jointly by the authorities specified in article 8, paragraph 4, who shall also be directly responsible for the implementation of this article in other respects, in accordance with their own legislative provisions.

(6) The competent authorities of the Contracting Parties shall inform each other of the police and customs regulations in force in their territorial waters within the frontier waters specified in paragraph 1, and of any changes in such regulations.

(7) In the interests of safety and in order to facilitate navigation, the Contracting Parties shall come to an agreement with regard to the adoption of similar police regulations applicable to navigation and especially with regard to a common system of signalling.

SECTION II

RETURN OF RECOVERED SEA-MARKS AND OCEANOGRAPHIC EQUIPMENT

Article 8

(1) Each Contracting Party shall, at the request of the other Contracting Party, return the latter's displaced and recovered sea-marks. The Contracting Party to which the sea-mark belongs shall pay a recovery fee in accordance with the rates paid by the other Contracting Party for the recovery of its own sea-marks.

(2) No recovery fee shall be paid in respect of sea-marks recovered from war-ships or other ships belonging to a Contracting Party.

(3) No harbour dues shall be paid and storage fees shall be paid only if required for storage in a non-State warehouse.

(4) In the case of the Federal Republic of Germany, the Wasser- und Schifffahrtsgesellschaft, Kiel and, in the case of the Kingdom of Denmark, the Fyrdirektorat shall be directly responsible for implementing this article.

Article 9

Article 8 shall also apply with respect to the recovery of displaced oceanographic equipment, for which the Contracting Party to which the equipment belongs shall pay a recovery fee in accordance with the rates it pays for the recovery of its own oceanographic equipment.

SECTION III

SPECIAL PROVISIONS FOR FLENSBORG FJORD (FLENSBURGER FORDE)

Article 10

(1) Pilots of the Contracting Parties who are authorized under the laws of their own country to act as pilots in Flensburg Fjord shall be entitled to pilot vessels within the territorial limits of both Contracting Parties within the Fjord. Nevertheless ships entering or leaving the harbour of a Contracting Party shall normally be piloted by pilots from that Contracting Party.

(2) In Sønderborg Bay German sea pilots may take vessels up to Østerhage at the southern entrance to Alssund. In the innermost section of Flensburg Fjord Danish fjord pilots may take vessels as far as Flensburg Roads.

(3) Only pilots from the Contracting State to which a harbour belongs shall enjoy the right to pilot vessels into that harbour.

(4) Pilots from one Contracting Party acting as pilots in Flensburg Fjord shall be exempt from passport and visa requirements in the territorial waters of the other Contracting Party on condition that they produce their pilot certificate or pilot badge. The same shall apply in respect of journeys made on land in their professional capacity.

SECTION IV

FINAL PROVISIONS

Article 11

This Agreement shall also apply to *Land* Berlin provided that the Government of the Federal Republic of Germany has not delivered a declaration to the contrary to the Government of the Kingdom of Denmark within three months after the entry into force of the Agreement.

Article 12

The following agreements between the Contracting Parties shall cease to have effect on the date this Agreement enters into force :

- (a) Agreements Nos. 7 and 8 in the Treaty of 10 April 1922 concerning the settlement of questions arising out of the transfer to Denmark of the sovereignty over North Sleswig ;
- (b) The Agreement of 18 April 1925 with regard to the execution of the provisions of article 3, paragraph 1, of the German-Danish Convention of 10 April 1922, relating to the regulation of the navigation in German-Danish frontier waters ;
- (c) The Agreement of 14 October 1929¹ concerning the mutual recognition of certificates relating to the seaworthiness and equipment of ships ,
- (d) The Agreement of 15-29 January 1904 concerning the reciprocal return of displaced and recovered sea-marks ;
- (e) The Agreement of 3 December 1921-20 May 1922 concerning free transcripts of proceedings for the investigation of accidents at sea.

Article 13

This Agreement shall enter into force one month after the Government of the Federal Republic of Germany has notified the Government of the Kingdom of Denmark that the constitutional requirements for the entry into force of the Agreement in the Federal Republic of Germany have been complied with. It may be denounced in writing at any time after an interval of five years from its entry into force and shall cease to have effect twelve months after its denunciation.

DONE at Bonn, on 9 June 1965, in four original copies, two in Danish and two in German, both texts being equally authentic.

For the Kingdom of Denmark :

Per HÆKKERUP

For the Federal Republic of Germany :

SCHRÖDER

¹ League of Nations, *Treaty Series*, Vol. XCVIII, p. 211.