

No. 11765

**FRANCE
and
FEDERAL REPUBLIC OF GERMANY**

Exchange of letters constituting an agreement concerning the construction of a permanent roadcrossing over the works at the Gamsheim barrage, in accordance with the provisions of article 2, paragraph 2, of the Franco-German Convention of 4 July 1969. Paris, 4 May and 15 June 1971

Authentic text: French.

Registered by France on 19 April 1972.

**FRANCE
et
RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE**

Échange de lettres constituant un accord relatif à l'aménagement d'un passage routier fixe sur les ouvrages de la chute de Gamsheim, conformément aux dispositions de l'article 2, alinéa 2, de la Convention franco-allemande du 4 juillet 1969. Paris, 4 mai et 15 juin 1971

Texte authentique : français.

Enregistré par la France le 19 avril 1972.

[TRADUCTION — TRANSLATION]

EXCHANGE OF LETTERS CONSTITUTING AN AGREEMENT¹ BETWEEN THE FRENCH REPUBLIC AND THE FEDERAL REPUBLIC OF GERMANY CONCERNING THE CONSTRUCTION OF A PERMANENT ROADCROSSING OVER THE WORKS AT THE GAMBSHEIM BARRAGE

I

EMBASSY OF THE FEDERAL REPUBLIC OF GERMANY

Wi III A 4 - 83.60/1

Paris, 4 May 1971

Sir,

On behalf of the Government of the Federal Republic of Germany, I have the honour, with reference to the fourth session of the Standing Commission responsible for development of the Rhine between Strasbourg/Kehl and Lauterbourg/Neuburgweier held on 29 and 30 October 1970, to inform you of the following:

The Federal Government proposes the following Agreement on technical and financial arrangements for the permanent roadcrossing over the works at the Gamsheim barrage, in accordance with article 2, paragraph 2, of the Franco-German Convention of 4 July 1969.²

The annex mentioned in paragraphs 1, 3 (2), 3 (3) and 5 (1) of the Agreement contains a detailed schedule of costs, technical plans and dates for the roadcrossing. In accordance with the suggestion of the Standing Commission, that annex, which is in the bands of the members and secretaries of the Standing Commission, has for practical reasons not been attached to this note.

I

1. The technical characteristics of the permanent roadcrossing over the

¹ Came into force on 15 June 1971, the date of the letter in reply, in accordance with the provisions of the said letters.

² United Nations, *Treaty Series*, vol. 760, p. 305.

works at the Gamsheim barrage, provided for in article 2, paragraph 2, of the Convention of 4 July 1969 between the French Republic and the Federal Republic of Germany concerning Development of the Rhine between Strasbourg/Kehl and Lauterbourg/Neuburgweier, are set out in the annex. The characteristics of the approach ramps have not, however, been finally established and they shall be determined at a later date by the Contracting Parties.

2 (1). The roadcrossing shall be built by the French Republic in its capacity as superintendent of works of the Gamsheim barrage.

2 (2). The French Republic reserves the right to have its work executed, on its own responsibility, by a third party of its choice; it shall none the less notify the Federal Republic of Germany, represented by Wasser- und Schifffahrtsdirektion, Freiburg im Breisgau, accordingly.

3 (1). In accordance with article 2, paragraph 2, of the Convention concluded by the Contracting Parties on 4 July 1969 and in keeping with article 2, paragraph 1, of the Agreement of 30 January 1953, the Federal Republic of Germany shall pay the French Republic one half of the additional costs incurred in the construction of the roadcrossing.

3 (2). The additional costs, as shown in the attached annex, are estimated at 1 700 000 francs, not including French value-added tax, under the economic conditions obtaining on 1 October 1969. This estimated amount, plus tax, shall serve as the basis for the agreed payment.

3 (3). If the technical characteristics of the approach ramps are changed from those in the annex, each Contracting Party shall bear the consequent additional costs in respect of its territory. The additional costs shall be computed on the basis of comparative estimates and the unit prices used in the dossier of 19 February 1969, as amended on 20 October 1969, referred to in the annex.

3 (4). The agreed amount referred to in (2) above and the amount of the additional costs referred to in (3) above shall be adjusted to the economic conditions obtaining on the dates of payment set out in article 4 below by means of the TP 340 index for permanent structures as published monthly in the *Bulletin officiel des services des prix*. The French value-added tax shall be computed at the rate prevailing on those dates of payment.

3 (5). A portion of the agreed amount of 1 700 000 francs shall be allocat-

ed to the concessionary company to offset additional costs borne by the company. The French Republic shall agree on the amount of such portion with the concessionary company.

4. The agreed amount, together with the additional costs adjusted in accordance with the provisions of article 3 (4) above, shall be paid in three annual instalments:

On 1 December 1972: 20 % ;

On 1 December 1973: 55 % ;

On 1 December 1974: 25 %.

5 (1). Each Contracting Party shall, in respect of its territory and at its own expense, be responsible for ancillary road works not specified in the annex and for maintenance and renovation of the road. Responsibility for maintenance and renovation shall apply to the carriageway, safety barriers and road signs and signals on the permanent structure, the embankment and the approach ramps. Each Contracting Party shall provide for the cleaning of the footways and the verges and for maintenance of the paint-work on the guard rails.

5 (2). Each Contracting Party may, if it deems necessary, install and operate lighting, at its own expense, in respect of its own territory. In such cases, the technical characteristics shall be established by agreement with the other Contracting Party.

II

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

III

If the Government of the French Republic states that it is in agreement with the proposals made under sections I and II above, I suggest that this note and your reply should constitute an Agreement between the two Governments, entering into force on the date of the reply.

Accept, Sir, etc.

[Signed]

H. H. RUETE

His Excellency Mr. Maurice Schumann
Minister for Foreign Affairs
Paris

II

MINISTRY OF FOREIGN AFFAIRS

Paris, 15 June 1971

Sir,

In your letter No. Wi III A 4 - 83.60/1 dated 4 May 1971, you proposed, on behalf of your Government, the following technical and financial arrangements for the construction of a permanent roadcrossing over the works at the Gamsheim barrage, in accordance with article 2, paragraph 2, of the Franco-German Convention of 4 July 1969:

[For the text of parts I and II, see letter I]

III

The annex mentioned in paragraphs 1, 3 (2), 3 (3) and 5 (1) of the Agreement contains a detailed schedule of costs, technical plans and dates for the road crossing. In accordance with the suggestion of the Standing Commission, that annex, which is in the hands of the members and secretaries of the Standing Commission, has for practical reasons not been attached to this note.

I have the honour to inform you that the French Government agrees to these proposals.

In accordance with your suggestion, your aforementioned letter and this reply shall constitute an Agreement between our two Governments, entering into force on today's date.

Accept, Sir, etc.

MAURICE SCHUMANN

His Excellency Mr. Hans Helmuth Ruete
Ambassador of the Federal Republic of Germany
Paris