

No. 18462

**FEDERAL REPUBLIC OF GERMANY
and
DENMARK**

**Agreement concerning the construction of an outer sea-wall
between the Emmerlev Cliffs and the Hindenburg
Causeway (with maps). Signed at Bonn on 17 March
1978**

Authentic texts: German and Danish.

Registered by the Federal Republic of Germany on 28 March 1980.

**RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE
et
DANEMARK**

**Accord concernant la construction d'une digue avancée
entre les falaises d'Emmerlev et la chaussée de Hinden-
burg (avec cartes). Signé à Bonn le 17 mars 1978**

Textes authentiques : allemand et danois.

Enregistré par la République fédérale d'Allemagne le 28 mars 1980.

[TRANSLATION — TRADUCTION]

AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE FEDERAL REPUBLIC OF GERMANY AND THE GOVERNMENT OF THE KINGDOM OF DENMARK CONCERNING THE CONSTRUCTION OF AN OUTER SEA-WALL BETWEEN THE EMMERLEV CLIFFS AND THE HINDENBURG CAUSEWAY

The Government of the Federal Republic of Germany and the Government of the Kingdom of Denmark,

Considering that, in view of the storm flooding experienced in January 1976, the existing dike structures do not provide sufficient protection against storm flooding for the areas of Tondern/Tonder Marsh situated on either side of the German-Danish frontier,

Having regard to the report of a German-Danish working group, which has proposed that a sea-wall should be built in front of the existing dike structures, to provide optimum safety and achieve a beneficial solution to the problem of drainage in the low-lying part of the Wiedau/Vida system,

Have agreed as follows:

Article 1. (1) An outer sea-wall shall be constructed in front of the existing dike structures between the Emmerlev Cliffs in Danish territory and the Hindenburg Causeway in German territory. The position of the sea-wall is shown on the lay-out map on a scale of 1:100,000, attached as annex 1 to this Agreement, and the situation map on a scale of 1:25,000, attached as annex 2.²

(2) A boundary embankment shall also be constructed, on the State frontier between the Federal Republic of Germany and the Kingdom of Denmark, between the existing dike structures and the future outer sea-wall; half of the boundary embankment shall be situated in German territory and half in Danish territory.

Article 2. (1) Each Contracting Party shall be responsible for the construction of the portion of the outer sea-wall situated in its territory and, subject to the provisions of paragraph 2, shall defray the costs connected therewith. Both Contracting Parties shall participate at the proper time in the planning and execution of the project.

(2) For the discharge of water drained from the catchment area of the Wiedau/Vida and water courses pertaining thereto, a drainage sluice shall be built in the outer sea-wall at the level of Hojer/Hojer Canal. The Federal Republic of Germany shall defray 28 per cent of the construction costs for the sluice, not including Danish value added tax. The competent authorities shall jointly determine the proportion of the construction work pertaining to the drainage sluice. When the accounts have been submitted to and approved by the competent German authorities, the German portion of the expenses shall be paid within two months.

¹ Came into force on 19 August 1978, i.e., one month after the date on which the Contracting Parties had notified each other in writing, through the diplomatic channel, of the completion of the required constitutional procedures, in accordance with article 10.

² See insert in a pocket at the end of this volume.

(3) The Government of the Kingdom of Denmark shall, at its own expense, undertake such measures as are necessary to ensure drainage of the catchment area of the Wiedau/Vida during the construction period.

Article 3. (1) The Danish Contracting Party shall erect the boundary embankment applying the Danish law of contracts for the purposes. The competent Danish authorities shall be responsible for the planning, the invitations to bid, the work contracts and the accounting in consultation with the competent German authorities. Acceptance of the construction works shall be effected jointly.

(2) Each Contracting Party shall defray the costs of construction of the boundary embankment in its territory. The costs to be defrayed by the German Contracting Party shall be paid in advance by the competent Danish authorities and reimbursed by the competent German authorities within two months following approval of the accounts.

(3) The Danish Contracting Party shall undertake to guarantee the construction work on the boundary embankment for a period of five years from the date of joint acceptance of the structures.

Article 4. (1) The Contracting Parties shall, not later than 1 July 1978, jointly draw up a plan indicating the various phases of construction and the order in which they are to be completed. They shall endeavour to complete the entire project before the end of 1981.

(2) The Contracting Parties undertake, at the appropriate time and expeditiously, to carry out the necessary administrative procedures and other measures required under the law of each country. The construction work shall be co-ordinated between the Parties in such a way as to ensure optimum performance and simultaneous completion of the entire construction project in the territories of both countries.

Article 5. The competent authorities shall, in consultation with each other, make the necessary arrangements for the control of passenger and goods traffic across the frontier during the period of construction, within the framework of the national legal and administrative regulations in force at the time.

Article 6. The approach road on the boundary embankment may be used by employees of the competent authorities of the two Contracting Parties and by other authorized persons for the purposes of maintenance of the sea-wall and disaster precautions; joint arrangements shall be made with a view to ensuring the even flow of traffic on the approach road in the event of a disaster.

Article 7. (1) The course of the State frontier between the contracting countries shall be jointly measured and marked after completion of the boundary embankment and the relevant portion of the outer sea-wall.

(2) Each Contracting Party undertakes to maintain those parts of the outer sea-wall and boundary embankment, and all structures pertaining thereto, which are situated within its territory, in good condition. The competent authorities shall invite each other to attend their inspections of the sea-wall.

Article 8. The competent authorities of the Contracting Parties shall, at the request of one of those authorities, consult each other concerning the implementation of this Agreement.

Article 9. 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 Kingdom of Denmark within three months of the entry into force of the Agreement.

Article 10. This Agreement shall enter into force one month after the date on which the Contracting Parties notify each other in writing, through the diplomatic channel, that their national requirements for the entry into force of this Agreement have been complied with.

DONE at Bonn on 17 March 1978, in two original copies, in the German and Danish languages, both texts being equally authentic.

For the Government of the Federal Republic of Germany:

GÜNTHER VAN WELL

For the Government of the Kingdom of Denmark:

EIGIL JÖRGENSEN
