

No. 23469

**SWITZERLAND, FEDERAL REPUBLIC OF GERMANY,
FRANCE, LUXEMBOURG and NETHERLANDS**

Convention on the protection of the Rhine against pollution from chlorides (with annexes and exchanges of letters constituting an amendment dated at Neuilly on 29 April 1983, at Bonn on 4 May 1983, at The Hague on 4 May 1983, at Luxembourg on 13 May 1983 and at Berne on 13 May 1983). Concluded at Bonn on 3 December 1976

Authentic texts: German, French and Dutch.

Registered by Switzerland on 31 July 1985.

**SUISSE, RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE,
FRANCE, LUXEMBOURG et PAYS-BAS**

Convention relative à la protection du Rhin contre la pollution par les chlorures (avec annexes et échanges de lettres constituant un amendement en date à Neuilly du 29 avril 1983, à Bonn du 4 mai 1983, à La Haye du 4 mai 1983, à Luxembourg du 13 mai 1983 et à Berne du 13 mai 1983). Conclue à Bonn le 3 décembre 1976

Textes authentiques : allemand, français et néerlandais.

Enregistrée par la Suisse le 31 juillet 1985.

[TRANSLATION — TRADUCTION]

CONVENTION¹ ON THE PROTECTION OF THE RHINE AGAINST POLLUTION BY CHLORIDES

The Government of the Federal Republic of Germany, the Government of the French Republic, the Government of the Grand Duchy of Luxembourg, the Government of the Kingdom of the Netherlands, and the Government of the Swiss Confederation,

Referring to the Agreement of 29 April 1963 concerning the International Commission for the Protection of the Rhine against Pollution,²

Considering the present concentration of chloride ions in the Rhine,

Mindful of the damage that could result therefrom,

Referring to the findings and results of the ministerial conference on the pollution of the Rhine, which took place at The Hague from 25 to 26 October 1972, during the course of which the desire was expressed to improve progressively the quality of the Rhine waters so that at the German-Netherlands border the chloride ion content should not be greater than 200 mg/l,

Have agreed as follows:

Article 1. 1. The Contracting Parties shall strengthen their co-operation for the purpose of fighting pollution of the Rhine by chloride ions on the basis, during an initial stage, of the provisions of this Convention.

2. Annex A specifies what the Contracting Parties understand by the terms "Rhine" for the purposes of the application of the said Convention.

Article 2. 1. The discharge of chloride ions into the Rhine shall be reduced by at least 60 kg/s of chloride ions (annual average). This objective shall be achieved gradually and in French territory.

2. In order to achieve the objective indicated in the preceding paragraph, the French Government shall, under the conditions set forth in annex I of this Convention, install an injection system in the subsoil of Alsace in order to reduce over a

¹ The Convention and the exchanges of letters constituting an amendment entered into force on 5 July 1985, the date of receipt by the Government of Switzerland of the last of the notifications in respect of the said exchanges of letters.

According to article 14 of the Convention, it should have entered into force on the first day of the second month following receipt by the Government of Switzerland of the last of the notifications by which the Parties confirmed the completion of the required internal procedures. However, France did not immediately approve the Convention in its version of 3 December 1976, but proposed to the other Parties to modify the Convention. The amendment thus proposed was accepted by exchanges of letters between the Parties with the understanding that it would enter into force when all the Contracting Parties had notified the Government of Switzerland of the completion of the required internal procedures for the entry into force of the said exchanges of letters. The notifications in question were effected as follows:

State	Date	
	of the notification in respect of the Convention	of the notification in respect of the exchanges of letters
France	2 February 1984	2 February 1984
Germany, Federal Republic of	7 December 1978	1 February 1985
Luxembourg	3 May 1978	12 June 1984
Netherlands	18 September 1978	5 July 1985
Switzerland	28 November 1977	13 May 1983

² United Nations, *Treaty Series*, vol. 994, p. 3.

period of 10 years the discharges from the Alsace Potassium Mines by an initial quantity of 20 kg/s of chloride ions. The system shall be installed as soon as possible, no later than 18 months after the entry into force of the Convention. The French Government shall report regularly to the International Commission for the Protection of the Rhine against Pollution (hereinafter designated "the International Commission").

3. The Contracting Parties are agreed that the French Government shall, after consideration of the results obtained during the initial stage described in paragraph 2, take all steps necessary to achieve before 1 January 1980 the objective set forth in paragraph 1, by injection into the Alsatian subsoil or by other means, subject to an agreement on the technical modalities of the project and on the financing of the costs relating thereto.

4. The French Government shall present a comprehensive plan on the technical modalities and the costs of the measures to be taken pursuant to paragraph 3.

Article 3. 1. The Contracting Parties shall take in their own territory the necessary measures to prevent an increase in the quantities of chloride ions discharged into the Rhine Basin. The national concentration figures are shown in annex II.

2. An increase in the quantities of chloride ions from isolated discharges shall be permissible only to the extent that the Contracting Parties concerned offset such concentration in their respective territories or if a general offsetting method is found within the framework of the International Commission. This provision shall not hinder the application of article 6.

3. A Contracting Party may, by way of exception and for imperative reasons, after having requested the opinion of the International Commission, authorize an increase in concentration without immediately offsetting it.

4. The Contracting Parties shall monitor all discharges of chloride ions greater than 1 kg/s into the Rhine Basin in their territory.

5. Each Contracting Party shall send an annual report to the International Commission which shall indicate as precisely as possible the increase in the chloride-ion concentration in the waters of the Rhine. This report shall be based on all significant data from pertinent national programmes and shall distinguish discharges greater than 1 kg/s from other discharges. If it is impossible to make such a distinction, the International Commission shall be so informed.

6. The annex mentioned in paragraph 1 above and the maximum concentration of 1 kg/s of chloride ions shall be reviewed each year by the International Commission as the situation develops. If necessary, the International Commission shall propose changes in the annex to the Governments.

Article 4. 1. The French Government may, on its own initiative or at the request of another Contracting Party, halt the chloride-ion injection or resorption process when there is evidence of serious danger to the environment and particularly to the water table.

2. The French Government, or any other requesting Party, shall immediately inform the International Commission of the situation and shall provide it with data on the extent and nature of the danger.

3. The French Government shall immediately take the steps required by the situation and shall report them to the International Commission. When the situation

is no longer considered dangerous, the chloride-ion injection or resorption process shall be resumed without delay.

4. The Contracting Parties shall, at the request of one of them, consult among themselves within the International Commission with a view to taking additional measures, should the need arise.

Article 5. If the process of injection or resorption of chloride ions causes damage for which compensation cannot be guaranteed fully or in part by the works contractors or by third parties, the Contracting Parties shall consult among themselves at the request of one of them regarding a possible contribution that may be paid to the French Government.

Article 6. The International Commission shall present to the Contracting Parties within four years of the entry into force of the Convention proposals concerning the means of gradually achieving a new maximum chloride-ion concentration over the entire course of the Rhine.

Article 7. 1. The expenses resulting from the injection operation outlined in article 2, paragraph 2, and from the preliminary work shall be borne by the French Party.

2. The Contracting Parties mentioned below shall contribute to the total cost of 132 million French francs by means of a lump-sum payment apportioned as follows:

Federal Republic of Germany	30 per cent
Kingdom of the Netherlands	34 per cent
Swiss Confederation	6 per cent

The payments shall be made no later than three months after the entry into force of this Convention.

3. The Contracting Parties shall deliberate, following the presentation of the comprehensive plan provided for in article 2, paragraph 4, and at the request of the French Government, on the financing of the measures to be carried out in application of article 2, paragraph 3, on the basis of the apportionment outlined in paragraph 2 above. The costs of preliminary research, particularly that which relates to studies and exploration, as well as the unforeseen expenses not covered by the financing of the first stage, shall also be included in the financing plan.

Article 8. The payments specified in article 7, paragraph 2, shall be made in French francs to Account No. 440-09/ligne 1 at the General Accounting Agency of the French Treasury.

Article 9. If, following the entry into force of this Convention a continuing upward trend in the load and concentration of chloride ions is noted at one of the measuring points, the International Commission shall request each Contracting Party in whose territory the cause of such increase is located to take the necessary steps to halt it.

Article 10. 1. If any difficulties should result from the application of article 9, and a period of six months has elapsed since such difficulties were noted by the International Commission, it may, at the request of a Contracting Party, call upon the services of an independent expert for the purpose of presenting a report to the Government.

2. The expenses relating to the investigation, including the expert's fee, shall be apportioned among the Contracting Parties mentioned below, as follows:

Federal Republic of Germany	two sevenths (2/7)
French Republic	two sevenths (2/7)
Kingdom of the Netherlands	two sevenths (2/7)
Swiss Confederation	one seventh (1/7)

The International Commission may, in certain cases, establish a different method for apportioning the expenses.

Article 11. When a Contracting Party discovers in the waters of the Rhine a sudden and large increase of chloride ions, or becomes aware of an accident which may result in a serious threat to the quality of those waters, it shall immediately inform the International Commission and those Contracting Parties which may be affected, using a procedure to be established by the International Commission.

Article 12. 1. Each Contracting Party concerned shall be responsible at the agreed measuring stations for the installation and operation of the measuring equipment and system used to monitor the concentration of chloride ions in the waters of the Rhine.

2. The chloride-ion concentrations shall be determined on the basis of the measurements carried out according to the recommendations of the International Commission.

3. The Contracting Parties shall inform the International Commission regularly, and at least every six months of the results of the monitoring operation carried out pursuant to paragraph 1 above.

Article 13. Any dispute between the Contracting Parties relating to the interpretation or implementation of this Convention which cannot be settled by negotiation shall, unless the Parties to the dispute decide otherwise, be submitted, at the request of either of them, to arbitration in accordance with the provisions of annex B. The latter forms an integral part of this Convention, as do annexes A, I and II.

Article 14. Each signatory Party shall notify the Government of the Swiss Confederation of the completion of the procedures incumbent on such Party for the entry into force of this Convention. The Convention shall enter into force on the first day of the second month following receipt of the final notification.

Article 15. Upon the expiry of a period of three years after its entry into force, this Convention may be denounced at any time by any of the Contracting Parties by means of a declaration addressed to the Government of the Swiss Confederation. The denunciation shall take effect, for the denouncing Party, six months after receipt of the declaration by the Government of the Swiss Confederation. Denunciation shall not jeopardize the continued execution of operations for which international financing has been obtained.

Article 16. The Government of the Swiss Confederation shall inform the Contracting Parties of the date of receipt of each notification or declaration received in pursuance of articles 14 and 15.

Article 17. 1. If the Agreement of 29 April 1963 on the International Commission for the Protection of the Rhine against Pollution is denounced by one of the Parties to that Agreement, the Contracting Parties shall immediately consult each other concerning the measures required to ensure the continued execution of operations to which the International Commission is responsible under this Convention.

2. If no agreement has been reached within six months of the start of these consultations, each of the Contracting Parties may at any time denounce this Convention in accordance with article 15, without waiting for the three-year period to expire.

Article 18. This Convention, drawn up in a single copy in the German, French and Dutch languages, all three texts being equally authentic, shall be deposited in the archives of the Government of the Swiss Confederation, which shall transmit an authenticated copy thereof to each of the Contracting Parties.

DONE at Bonn on 3 December 1976.

For the Government of the Federal Republic of Germany:

[PETER HERMES]

[MAIHOFER]

For the Government of the French Republic:

[V. ANSQUER]

For the Government of the Grand Duchy of Luxembourg:

[J. WOHLFART]

For the Government of the Kingdom of the Netherlands:

[WESTERTERP]

For the Government of the Swiss Confederation:

[HANS HÜRLIMANN]

ANNEX A

For the purposes of this Convention, the Rhine begins at the point at which it leaves Lake Constance, and includes those branches of the river through which its waters freely flow into the North Sea as far as the fresh-water limit, including the Ijssel as far as Kampen.

The fresh-water limit is the area where at low tide and at a time when the discharge of fresh water is low, a sizeable increase in the chloride content is noted owing to the presence of sea water. This area is, for the Nieuwe Maas, 1,000 kilometres downstream from the bridge over the Rhine at Constance. The other fresh-water limit points shall be established by the International Commission, bearing in mind the methods for determining the limit as defined above.

ANNEX B

ARBITRATION

1. Unless the Parties to the dispute decide otherwise, the arbitration procedure shall be carried out in accordance with the provisions of this annex.

2. The Arbitration Tribunal shall consist of three members: each Party to the dispute shall appoint one arbitrator and the two arbitrators thus appointed shall designate, by mutual agreement, the third arbitrator who shall be Chairman of the Tribunal.

If, two months after the appointment of the second arbitrator, the Chairman of the Arbitration Tribunal has not been designated, the President of the European Court of Human Rights shall proceed at the request of the Party which first took action, to make the designation within a further two-month period.

3. If, within two months of receiving the request referred to in article 13 of this Convention, one of the Parties to the dispute has not appointed a member of the Tribunal as required, the other Party may bring the matter before the President of the European Court of Human Rights, who shall designate the Chairman of the Arbitration Tribunal within a further period of two months. As soon as he has been designated, the Chairman of the Arbitration Tribunal shall request the Party that has not appointed an arbitrator to do so within a period of two months. At the end of this period, he shall bring the matter before the President of the European Court of Human Rights, who shall make the designation within a further period of two months.

4. If the President of the European Court of Human Rights is unable to act in the cases referred to in the foregoing paragraphs, or if he is a national of one of the Parties to the dispute, responsibility for designating the Chairman of the Arbitration Tribunal or appointing the arbitrator shall fall to the Vice-President of the Court or to the most senior member of the Court who is not prevented from acting and who is not a national of one of the Parties to the dispute.

5. The foregoing provisions shall apply, *mutatis mutandis*, to the filling of vacancies as they occur.

6. The Arbitration Tribunal shall take its decisions on the basis of the rules of international law and, in particular, the provisions of this Convention.

7. The Arbitration Tribunal shall take its decisions, on both procedural and substantive matters, by a majority vote; the absence or abstention of one of the members of the Tribunal appointed by the Parties shall not prevent the Tribunal from reaching a decision. In the event of a tie the Chairman shall have the casting vote. The decisions of the Tribunal shall be binding on the Parties. The Parties shall defray the expenses of the member whom they have appointed and shall share the other costs equally. In all other respects the Arbitration Tribunal shall establish its own rules of procedure.

ANNEX I. TECHNICAL FACTORS INVOLVED IN THE INSTALLATION
OF THE INJECTION SYSTEM REFERRED TO IN ARTICLE 2, PARAGRAPH 2

Residual brines shall be injected into the sub-soil and stored in a layer of limestone called "Great Oolite" at a depth of 1,500 to 2,000 m south-west of Mulhouse.

Taking into account the studies and tests already carried out, the injection process shall be carried out by means of an installation conforming to the following description:

1. A concentrated brine manufacturing plant located within the perimeter of the surface installations of the Amélie mine and capable of supplying a volume of brine equivalent to 20 kg/s of chloride ions (annual average);
2. Watertight storage for the concentrated brine and for the waste water extracted from the injection site;
3. A network of pipes to conduct the brine from the storage basin to the injection wells, a distance of approximately 10 km, with a corresponding pumping station located downstream from the brine storage basin;
4. Two new injection wells which, together with the Schweighouse well, shall be equipped with a dual system permitting the injection of brine either by simple gravity or by means of a pump;
5. Three extraction wells equipped with pumps sunk at great depth for extracting the waste water from the injection site;
6. A network of pipes for carrying the extracted water a distance of approximately 22 km from the extraction wells to the waste water storage basin;
7. A remote-control and remote-monitoring network, required for conducting and supervising the operation.

The operation of the installation includes injection of chloride ions under the conditions provided for by the Convention, supply of energy, and maintenance and supervision of the underground reservoir.

ANNEX II. NATIONAL CONCENTRATIONS RESULTING FROM CHLORIDE-ION DISCHARGES
GREATER THAN 1 KG/S IN DIFFERENT SEGMENTS OF THE RIVER

Segments of the river	In Switzerland		In France		In the Federal Republic of Germany		In the Netherlands	
	Average ⁽¹⁾	Maximum ⁽²⁾	Average ⁽¹⁾	Maximum ⁽²⁾	Average ⁽¹⁾	Maximum ⁽²⁾	Average ⁽¹⁾	Maximum ⁽²⁾
Stein am Rhein — Kems	10							
Kems — Seltz/Maxau			130 ⁽³⁾		4.2	4.2		
Seltz/Maxau — Mainz					15.8	17.5		
Mainz — Braubach/Coblentz					9.9	10.0		
Braubach/Coblentz — Bimmen/Lobith			38 ⁽⁴⁾		105	123.6		
Bimmen/Lobith — mouth of the river	10				134.9			

(1) Long-term average annual concentration after measurements of the discharges.

(2) Maximum permissible concentration (reached from time to time, for example at a time of increased flow).

(3) This value diminishes as the measures referred to in article 2 are carried out.

(4) The chloride-ion discharges are modulated so that the concentration resulting from discharges greater than 1 kg/s of chloride ions does not exceed 400 mg/l of chloride ions at the Hauconcourt measuring station on the Moselle River. The indicated annual average load must not be exceeded.

EXCHANGES OF LETTERS

Ia

SECRETARY OF STATE FOR THE ENVIRONMENT AND QUALITY OF LIFE,
ATTACHED TO THE OFFICE OF THE PRIME MINISTER

Neuilly, 29 April 1983

Sir,

With reference to the discussions at the sixth ministerial conference of 17 November 1981, and to the deliberations which have been held since that occasion within the International Commission for the Protection of the Rhine against Pollution with a view to updating the Convention on the Protection of the Rhine against Pollution by Chlorides, signed at Bonn on 3 December 1976, I have the honour, on behalf of my Government, to propose the following:

1. Bearing in mind the time periods specified in article 2, paragraph 2, annex I of the Convention may be changed by agreement of the Contracting Parties in the light of the conclusions presented by the scientific committee, whose establishment was announced by the French Party during the sixth ministerial conference, in its report of July 1982, and any conclusions it may draw in future from the additional studies it has recommended. These changes should not entail any nuisance, inconvenience or other consequences for the territory of each of the Contracting Parties.

2. In view of the delay in the entry into force of the Convention, the second phase, which pursuant to article 2, paragraph 3 of the Convention is due to begin on 1 January 1980, will begin within two years following the onset of the initial phase.

I should be grateful if you would let me know if the foregoing provisions are acceptable to your Government. In such case, this letter and your reply and the identical letters exchanged between the French Government and the three other Governments which are signatories to the Convention shall constitute an Agreement among the five Governments concerned. This Agreement shall be deposited with the Government of the Swiss Confederation by the French Government. It shall enter into force when all the Governments which are signatories to the Convention have notified the Government of the Swiss Confederation of the completion of the procedures necessary for the entry into force of the provisions of this letter and of the identical letters exchanged between the French Government and the other signatory Governments, and when the Convention itself has entered into force.

This Agreement may be denounced under the conditions provided for in article 15 of the Convention. If this Agreement is denounced, the Convention shall also be deemed to be denounced.

Accept, Sir, etc.

[Signed]

HUGUETTE BOUCHARDEAU

Mr. Friedrich Zimmermann
Minister of the Interior
Bonn

II a

FEDERAL MINISTER OF THE INTERIOR

Bonn, 4 May 1983

Madam,

I have the honour to acknowledge receipt of your letter of 29 April 1983 in which you propose, on behalf of your Government, an updating of the Convention on the Protection of the Rhine against Pollution by Chlorides dated 3 December 1976, by means of an exchange of identical letters between the Government of the French Republic and the other Governments which are signatories to the Convention.

Your letter, translated into German, reads as follows:

[See letter Ia]

I have the honour to inform you that the Government of the Federal Republic of Germany accepts the proposals contained in your letter. Your letter and this reply, together with the identical letters exchanged between the French Government and the three other Governments which are signatories to the Convention, shall constitute an Agreement among the Governments which are signatories to the Convention on the Protection of the Rhine against Pollution by Chlorides. This Agreement shall enter into force pursuant to the stipulations in your letter and shall be applicable also to *Land Berlin*, unless the Government of the French Republic receives notice of a statement to the contrary from the Government of the Federal Republic of Germany within three months following this exchange of letters.

Accept, Madam, etc.

[Signed]

Dr. FRIEDRICH ZIMMERMANN

The Secretary of State for the Environment and Quality of Life
attached to the Office of the Prime Minister Mrs. Huguette Bouchardeau
Paris

I b

SECRETARY OF STATE FOR THE ENVIRONMENT AND QUALITY OF LIFE,
ATTACHED TO THE OFFICE OF THE PRIME MINISTER

Neully, 29 April 1983

Sir,

[See letter Ia]

Accept, Sir, etc.

[Signed]

HUGUETTE BOUCHARDEAU

Mr. W. F. van Eekelen
Minister for Foreign Affairs

II b

MINISTRY OF FOREIGN AFFAIRS
THE HAGUE

The Hague, 4 May 1983

Madam,

I have the honour to acknowledge receipt of your letter of 29 April 1983, which reads as follows:

[See letter Ib]

I have the honour to inform you that the provisions contained in your letter are acceptable to the Government of the Kingdom of the Netherlands and that your letter together with this reply and the identical letters exchanged between the French Government and the three other Governments which are signatories to the Convention shall constitute an Agreement among the five Governments concerned. This Agreement shall be deposited with the Government of the Swiss Confederation and shall enter into force when all the Governments which are signatories to the Convention have notified the Government of the Swiss Confederation of the completion of the procedures necessary for the entry into force of the provisions of this letter and of the identical letters exchanged between the French Government and the other signatory Governments, and when the Convention itself has entered into force.

Accept, Madam, etc.

[Signed]

W. F. VAN EEKELEN
Minister for Foreign Affairs

Her Excellency Mrs. Huguette Bouchardeau
Secretary of State attached to the Office of the Prime Minister
Paris

Ic

SECRETARY OF STATE FOR THE ENVIRONMENT AND QUALITY OF LIFE,
ATTACHED TO THE OFFICE OF THE PRIME MINISTER

Neuilly, 29 April 1983

Sir,

[See letter Ia]

Accept, Sir, etc.

[Signed]

HUGUETTE BOUCHARDEAU

Mr. J. Barthel
Minister of the Environment
Luxembourg

IIc

MINISTRY OF AGRICULTURE, VITICULTURE, AND WATER AND FORESTS

Luxembourg, 13 May 1983

No. 753/83

Annexes

Madam,

I have the honour to acknowledge receipt of your letter of 29 April 1983, transmitted by the Embassy of France in Luxembourg on 4 May 1983, concerning the updating of the Convention on the Protection of the Rhine against Pollution by Chlorides, signed at Bonn on 3 December 1976, which letter reads as follows:

[See letter Ic]

I have the honour to inform you that the Government of the Grand Duchy of Luxembourg accepts these proposals.

Accept, Madam, etc.

[Signed]

ERNEST MUHLEN

Minister of Agriculture,
Viticulture, and Water and Forests

Mrs. Huguette Bouchardeau

Secretary of State for the Environment and Quality of Life
attached to the Office of the Prime Minister

Id

SECRETARY OF STATE FOR THE ENVIRONMENT AND QUALITY OF LIFE,
ATTACHED TO THE OFFICE OF THE PRIME MINISTER

Neully, 29 April 1983

Sir,

[See letter Ia]

Accept, Sir, etc.

[Signed]

HUGUETTE BOUCHARDEAU

Mr. Alfons Egli

Chief of the Federal Department of the Interior
Berne

Id

CHIEF OF THE FEDERAL DEPARTMENT OF THE INTERIOR

Berne, 13 May 1983

Madam,

I have the honour to acknowledge receipt of your letter of 29 April 1983 which reads as follows:

[*See letter Id*]

I have the honour to confirm that the Federal Council agrees to the foregoing. Accordingly, your letter and this reply and the identical letters exchanged between the French Government and the three other Governments which are signatories to the Convention shall constitute an Agreement among the five Governments concerned, which shall enter into force pursuant to the stipulations in your letter.

Accept, Madam, etc.

[*Signed*]

A. EGLI

Mrs. Huguette Bouchardeau
Secretary of State for the Environment and Quality of Life
attached to the Office of the Prime Minister
Neuilly-sur-Seine
