

No. 6525

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**NETHERLANDS  
and  
FEDERAL REPUBLIC OF GERMANY**

**Treaty concerning the mining of coal in the Netherlands-German frontier area west of Wegberg-Brüggen (with annex and exchange of notes). Signed at Bonn, on 28 January 1958**

*Official texts: Dutch and German.*

*Registered by the Netherlands on 18 February 1963.*

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**PAYS-BAS  
et  
RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE**

**Traité concernant l'exploitation des charbonnages dans la région frontière germano-néerlandaise située à l'ouest de Wegberg-Brüggen (avec annexe et échange de notes). Signé à Bonn, le 28 janvier 1958**

*Textes officiels néerlandais et allemand.*

*Enregistré par les Pays-Bas le 18 février 1963.*

[TRANSLATION — TRADUCTION]

No. 6525. TREATY<sup>1</sup> BETWEEN THE KINGDOM OF THE NETHERLANDS AND THE FEDERAL REPUBLIC OF GERMANY CONCERNING THE MINING OF COAL IN THE NETHERLANDS-GERMAN FRONTIER AREA WEST OF WEGBERG-BRÜGGEN. SIGNED AT BONN, ON 28 JANUARY 1958

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

desiring to apply the special regulation referred to in annex C to the Treaty between the Netherlands and German Governments concerning credit and coal of 11 May 1920<sup>2</sup> and to facilitate a rational development of coal production in the Netherlands-German frontier area, have agreed to conclude a treaty to this end and have appointed, for this purpose, as their plenipotentiaries :

Her Majesty the Queen of the Netherlands :

His Excellency Arnold Theodor Lamping, Her Majesty's Ambassador Extraordinary and Plenipotentiary at Bonn,

The President of the Federal Republic of Germany :

Dr. Heinrich von Brentano, Federal Minister for Foreign Affairs, who, having exchanged their full powers, found to be in good and due form, have agreed as follows :

*Article 1*

- (1) The Treaty shall apply to the treaty area.
- (2) The treaty area shall comprise
  - (a) the coalfield which is hatched in grey in the accompanying map<sup>3</sup> and is bounded by lines joining points 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29 and 1 (Sophia-Jacoba B field) ;

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<sup>1</sup> Came into force on 24 October 1959, one month after the exchange of the instruments of ratification which took place at The Hague on 24 September 1959, in accordance with article 22.

<sup>2</sup> League of Nations, *Treaty Series*, Vol. III, p. 153.

<sup>3</sup> See insert between pp. 220 and 221 of this volume.

- (b) the coalfields which are hatched in blue on the accompanying map and are bounded by the lines joining points 3, 30, 31, 32, 6, 5, 4, and 3 (Brüggen fields 1, 2 and 3) ;
- (c) the concession-free area, which on the accompanying map is hatched in green and is bounded by the Netherlands-German international frontier and the lines joining points 33, 34, 8, 7, 6, 32, 31, 30, 3, 2, 1, 29, 28, 27, 26, 25, 24, 23, 22, 21, 20, 19, 18, 17, 16, 15 and 35.

(3) The map referred to in (2) forms part of this Treaty.

#### *Article 2*

The Treaty, together with the licences required under the Prussian law concerning mining operations by foreign corporate bodies and the operations of mining companies not domiciled in Prussia, dated 23 June 1909 (*Gesetzsammlung*, page 619) shall be applicable to the coalfields referred to in article 1, (2) (b), and the concession-free area referred to in (c).

#### *Article 3*

The mining of coal in the treaty area shall be carried out by a mining enterprise under Netherlands law, which is domiciled in the Netherlands and is engaged in the mining of coal in the adjacent Netherlands area under its own concession (Netherlands mining enterprise).

#### *Article 4*

(1) A mining boundary shall be agreed without prejudice to the Netherlands-German international frontier for the purposes of mining in the treaty area. This boundary shall be formed on the surface by the lines joining points 33, 34, 8, 9, 10, 11, 12, 13, 14, 15 and 35 and shown on the accompanying map in red.

(2) There shall be left intact on both sides of the mining boundary a barrier wall ten metres in thickness measured perpendicularly thereto. This barrier wall shall not be pierced, reduced in thickness or removed without the permission of the mining authorities of the country concerned. Such permission may not be given until the mining authority of the other country has agreed.

#### *Article 5*

Shafts and associated surface installations may be constructed in the coalfield referred to in article 1, (2) (a), but not in the remainder of the treaty area.

*Article 6*

(1) Netherlands legal and administrative provisions shall apply to the supervision of underground mining operations in the treaty area.

(2) The Netherlands mining authority is authorized to exercise supervision of the underground mining operations in the treaty area.

(3) If the German mining authority considers that special operating measures are necessary in the treaty area in order to protect the surface in the interest of personal safety and public communications or in order to protect other mineral deposits, the Netherlands mining authority, in co-operation with the German mining authority, shall take such measures in accordance with the regulations normally applicable in similar cases in the Federal Republic of Germany. For this purpose the Netherlands mining authority shall, upon request, supply all necessary information to the German mining authority.

*Article 7*

(1) The supervision of shafts and associated surface installations in the treaty area shall be governed by German legislative and administrative provisions, which, as far as reasonably possible, shall be in agreement with the relevant Netherlands provisions.

(2) The German mining authority is empowered to carry out supervision of shafts and associated surface installations in the treaty area.

*Article 8*

(1) The German mining authority and officially licensed German mining surveyors authorized by it may, for valid reasons visit underground workings situated in the treaty area and make measurements therein. Shafts on Netherlands or German territory may be used for access.

(2) The Netherlands mining enterprise may carry out surface measurements in the treaty area and in the area outside it which is subject to the effects of mining.

(3) The Netherlands mining concern may, within the treaty area and in its vicinity, have borings and geophysical tests made where appropriate in order to establish the geological structure and the location of the coal deposits in the treaty area.

*Article 9*

The Netherlands mining authority shall at all times make available to the German mining authority the work plans required under the Netherlands mining regulations, covering projected operations in the treaty area.

*Article 10*

(1) The Netherlands and German mining authorities will permit mining along the mining boundary only on condition that the mining enterprises show the mining galleries extending 500 metres on the far side of the mining boundary on their mine maps. For this purpose the Netherlands and German mining authorities shall at half-yearly intervals exchange relevant maps, which shall be prepared by licensed Netherlands, or officially licensed German, mine surveyors, and regularly brought up to date as long as the area concerned is worked.

(2) Furthermore, the Netherlands mining authority shall make available to the German mining authority one copy of mining maps similarly prepared and brought up to date, showing all mining operations in the treaty area.

(3) Access to these mining maps by third parties shall be subject to the decision of the authorities and judicial bodies in the country to which the mining maps are made available, in accordance with the relevant regulations.

*Article 11*

Explosives brought from the Netherlands to the treaty area above ground or conveyed through that area for the purpose of underground mining operations in the treaty area shall be subject to German safety regulations.

*Article 12*

Acts of commission or omission in underground operations within the treaty area shall be treated in criminal and civil law as having been done in the Netherlands.

*Article 13*

(1) For legal purposes the effects on the surface of mining operations underground shall be governed by the law and be subject to the jurisdiction of the State on whose territory these effects were produced on the surface. This shall apply in particular to compensation for all kinds of damage, both to persons and to property, occurring above ground as a result of underground operations.

(2) Payments in compensation to a German creditor shall be transferred to the territory of the Federal Republic of Germany.

*Article 14*

With respect to labour legislation and social security, the position of employees engaged in mining work in the treaty area shall be governed by Netherlands law.