

No. 29496

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**FEDERAL REPUBLIC OF GERMANY  
and  
NETHERLANDS**

**Agreement concerning navigation arrangements in the Ems estuary (with annexes). Signed at The Hague on 22 December 1986**

*Authentic texts: German and Dutch.*

*Registered by Germany on 28 January 1993.*

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

**Accord relatif à la réglementation de la navigation dans l'embouchure de l'Ems (avec annexes). Signé à La Haye le 22 décembre 1986**

*Textes authentiques : allemand et néerlandais.*

*Enregistré par l'Allemagne le 28 janvier 1993.*

## [TRANSLATION — TRADUCTION]

AGREEMENT<sup>1</sup> BETWEEN THE GOVERNMENT OF THE FEDERAL REPUBLIC OF GERMANY AND THE GOVERNMENT OF THE KINGDOM OF THE NETHERLANDS CONCERNING NAVIGATION ARRANGEMENTS IN THE EMS ESTUARY

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

Desiring to promote the safety and ease of shipping in the Ems Estuary, and

On the basis of the Treaty signed at The Hague on 8 April 1960 between the Federal Republic of Germany and the Kingdom of the Netherlands concerning arrangements for cooperation in the Ems Estuary (Ems-Dollard Treaty), together with its annexes and Final Protocol,<sup>2</sup>

Have, pursuant to the mandate contained in article 34, paragraph 1, of the said Treaty, agreed as follows:

*Article 1*

In derogation from, and in addition to, the International Regulations for the Prevention of Collisions at Sea, the traffic rules contained in annex A (“Navigation Arrangements Ems Estuary”) shall apply in the Ems Estuary as defined in Section 1 of annex B of the Ems-Dollard Treaty.

*Article 2*

1. Supplementary to the traffic rules referred to in article 1, the regulations contained in annex B shall apply to the transport of liquid petroleum gas (LPG) in the Ems Estuary to Emden.

2. The appropriate safety conditions for the transport of LPG to Emden shall in future be regulated in accordance with article 4 unless appropriate safety provisions have been incorporated into the domestic safety regulations. If the Contracting Parties have delegated the laying down of local regulations to the local authorities, the local authorities may, in accordance with article 5, paragraph 1, amend and supplement the traffic rules contained in annex B.

3. The first sentence of paragraph 2 shall apply *mutatis mutandis* to other gas tanker traffic.

*Article 3*

1. The Contracting Parties shall incorporate this Agreement into their national law and in so doing shall adopt a general clause regarding behaviour in traffic requiring that those involved in the traffic conduct themselves in such a way as to ensure the safety and ease of the traffic and that they observe such precautionary measures as are consistent with good seamanship. The national law of the Con-

<sup>1</sup> Came into force on 1 October 1989, i.e., one month after the date on which the Parties had notified each other (on 26 July and 1 September 1989) of the completion of the internal requirements, in accordance with article 7.

<sup>2</sup> United Nations, *Treaty Series*, vol. 509, p. 2.

tracting Parties may provide that in cases of imminent danger deviations from the common traffic rules are permissible where this is necessary, in light of the particular circumstances.

2. A provision is to be incorporated into the national law of the Contracting Parties to the effect that the competent authorities according to article 34, paragraph 2, of the Ems-Dollard Treaty may, in individual cases, grant exemption from the International Regulations for the Prevention of Collisions at Sea and from the provisions of the common traffic rules.

3. A provision is to be incorporated into the national law of the Contracting Parties to the effect that the shipmaster or any other person with responsibility for safety must observe the common traffic rules.

#### *Article 4*

1. If one of the Contracting Parties deems it necessary to amend this Agreement, it shall notify the other Contracting Party to that effect. The negotiations required to that end shall be conducted by a commission to which each of the Contracting Parties shall appoint three members.

2. The Contracting Parties undertake to incorporate the results of the said negotiations, to the extent necessary and in accordance with their domestic legislation, into their national law, unless either of the Contracting Parties, within a period of six months, raises an objection to the results agreed by the Commission.

3. The Contracting Parties shall also work together in the spirit of good-neighbourliness in respect of questions not specifically regulated in the Agreement that may arise in the Ems Estuary in connection with the traffic rules.

#### *Article 5*

1. The Contracting Parties may delegate to the local authorities the right to issue the local regulations provided for in the Navigation Arrangements Ems Estuary. This may specifically involve the determination of:

- (a) Roadsteads and the conditions for their use;
- (b) Areas of water within the fairway in which anchoring is allowed and outside the fairway in which anchoring is prohibited;
- (c) Places at which berthing and mooring are prohibited;
- (d) Anchorages and berths at which no vessels may lie without lights;
- (e) Segments of fairways in which it is permitted to proceed on the left;
- (f) Segments of fairways in which overtaking or passing in the opposite direction may be prohibited;
- (g) Areas of water in which water-skiing and windsurfing are permitted or prohibited;
- (h) Special rules governing the right of way;
- (i) Roadsteads and berths at which transshipping is permitted, and the relevant conditions;
- (j) Supplementary conditions imposed on vessels by the navigation police under the terms of article 21, paragraph 3, Navigation Arrangements Ems Estuary, including areas of water that may be navigated only in accordance with traffic-con-

trol measures within specified periods of time and given specified water levels or weather conditions;

(k) Measurements of vessels in connection with the registration requirements of the navigation police;

(l) Measurements of vessels for which approval by the navigation police is required because of their size.

The said local regulations may only be adopted with the mutual agreement of the local authorities.

2. The Contracting Parties shall notify each other of the locally competent authorities.

#### *Article 6*

This Agreement shall also apply to the *Land Berlin* unless the Government of the Federal Republic of Germany makes a declaration to the contrary to the Government of the Kingdom of the Netherlands within three months after the entry into force of the Agreement.

#### *Article 7*

This Agreement shall enter into force on the day on which both Contracting Parties have notified each other that the necessary domestic conditions for its entry into force have been fulfilled.

DONE at The Hague on 22 December 1986, in two originals, each in the German and Dutch languages, both texts being equally authentic.

For the Government  
of the Federal Republic of Germany:

OTTO VON DER GABLENTZ  
Dr W. DOLLINGER

For the Government  
of the Kingdom of the Netherlands:

HANS VAN DEN BROEK  
Dr NEELIE SMIT-KROES

## Annex A

### Navigation Arrangements Ems Estuary

#### General provisions

#### Article 1

#### Definitions

(1) The definitions contained in Rules 3, 21 and 32 of the International Regulations for Preventing Collisions at Sea, 1972 shall apply to the present Navigation Arrangements; in all other respects, for the purposes of the present Navigation Arrangements:

1. "International Regulations" means the International Regulations for Preventing Collisions at Sea, 1972;
2. "Fairway" means parts of areas of water that are bounded or indicated by navigational marks E.2.1 to E.2.3 in section I of Appendix 1 or, failing which, are intended for through traffic; fairways shall be deemed to be narrow channels within the meaning of the International Regulations;
3. "Roadsteads" means parts of areas of water that are intended for anchoring and are bounded by navigational marks E.6.1 and E.6.2 in section I of Appendix 1 or are designated by the competent authority;
4. "Floating installations" means floating structures that are normally not intended to be removed, in particular docks and landing stages; in the event of their conveyance, they shall be deemed to be vessels for the purposes of the present Navigation Arrangements and within the meaning of the International Regulations;
5. "Towed convoy" means a composite unit of one or more power-driven towing vessels (tugs), with one or more vessels towed astern or alongside having no propelling machinery or non-operational propelling machinery or having limited manoeuvrability;
6. "Pushed convoy" means a unit of rigidly connected vessels, at least one of which is positioned ahead of the power-driven vessel that propels the unit and is designated as the "pushing vessel";
7. "Privileged vessels" means vessels which by reason of their draught, length or other properties are obliged to keep to the deepest part of the fairway; they shall be deemed to be vessels constrained by their draught within the meaning of Rule 3 (h) of the International Regulations;
8. "Certain dangerous goods" means goods in class 1—divisions 1.1, 1.2, 1.3 and 1.5—and in class 5.2 for which the additional marking "explosive" is prescribed, whose total quantity per vessel exceeds 100 kg, goods in class 1.4 whose total quantity per vessel exceeds 1,000 kg, goods in class 2 for which the additional marking "poisonous" is prescribed, and goods carried as bulk cargo in classes 2 to 9 of the International Maritime Dangerous Goods Code (IMDG Code).

(2) For the purposes of the present Navigation Arrangements:

1. "By day" means the time from sunrise to sunset;
2. "By night" means the time from sunset to sunrise.