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No. 6084

**BELGIUM
and
NETHERLANDS**

**Treaty (with annexes) concerning the improvement of the
Terneuzen and Ghent Canal and the settlement of
various related matters. Signed at Brussels, on 20 June
1960**

Official texts: French and Dutch.

Registered by Belgium on 19 February 1962.

**BELGIQUE
et
PAYS-BAS**

**Traité (avec annexes) au sujet de l'amélioration du canal de
Terneuzen à Gand et du règlement de quelques
questions connexes. Signé à Bruxelles, le 20 juin 1960**

Textes officiels français et néerlandais.

Enregistré par la Belgique le 19 février 1962.

[TRANSLATION — TRADUCTION]

No. 6084. TREATY¹ BETWEEN THE KINGDOM OF BELGIUM AND THE KINGDOM OF THE NETHERLANDS CONCERNING THE IMPROVEMENT OF THE TERNEUZEN AND GHENT CANAL AND THE SETTLEMENT OF VARIOUS RELATED MATTERS. SIGNED AT BRUSSELS, ON 20 JUNE 1960

His Majesty the King of the Belgians, and
Her Majesty the Queen of the Netherlands,
Desiring to improve the Terneuzen and Ghent Canal and, at the same time,
to settle various related matters,

Have decided to conclude a treaty for that purpose and have appointed as
their plenipotentiaries :

His Majesty the King of the Belgians :

His Excellency Mr. P. Wigny, Minister for Foreign Affairs;

Her Majesty the Queen of the Netherlands :

His Excellency Mr. J. M. A. H. Luns, Minister for Foreign Affairs;

Who, having communicated to each other their full powers, found in good
and due form, have agreed as follows :

CHAPTER A

IMPROVEMENT OF THE TERNEUZEN AND GHENT CANAL

TITLE I

WORK TO BE UNDERTAKEN

Article 1

For the purpose of improving the Terneuzen and Ghent Canal in Netherlands territory and of carrying out certain related measures, the following work shall be undertaken :

- (a) Construction of a new maritime lock and of a new inland navigation lock to the west and east, respectively, of the present west lock (Westsluis) at Terneuzen, and construction of road bridges over the new locks;

¹ Came into force on 21 December 1961, the day following the exchange of the instruments of ratification at The Hague, in accordance with article 54.

- (b) Demolition of the present east lock (Oostsluis) and central lock (Middensluis) at Terneuzen and, in connexion therewith, alteration of the water-storage works;
- (c) Construction of two outer holding basins intended, respectively, for the new maritime lock and the existing west lock (Westsluis) and for the new inland navigation lock;
- (d) Widening and deepening of the canal over its entire length in Netherlands territory and alteration of the canal bed at Terneuzen, at Sluiskil and between Sas van Gent and the Belgian-Netherlands frontier, including the filling of certain parts of the bed that is to be abandoned, and demolition of the locks at Sas van Gent and of the bridges at Sluiskil and Sas van Gent;
- (e) Relocation of the drainage ditch on the west side of the canal, and construction for that purpose of a new drainage sluice;
- (f) Construction of road bridges over the canal north of Sluiskil and at Sas van Gent, and establishment of a ferry at Sluiskil, including construction of the ferry-boat, of the necessary boarding facilities and of approach roads;
- (g) Construction of new sections of Netherlands State Road No. 61 (Terneuzen-Belgian frontier) and new service roads;
- (h) Construction of a railway bridge north of Sluiskil and modification of railway lines;
- (i) Such temporary or permanent ancillary works or arrangements as may prove necessary or desirable in connexion with or as a result of the execution of the above-mentioned works, with a view to their effective and economic operation and use and to the adaptation of the existing facilities to the new.

Article 2

The works mentioned in article 1 shall be carried out in accordance with the specifications and plan annexed to this Treaty (annexes I¹ and II²). No deviation from the said specifications and plan shall be permitted except as provided in articles 5, 7 and 8.

TITLE II

PLANNING AND EXECUTION OF THE WORKS

Article 3

The Netherlands Government shall be responsible for the planning and execution of the works mentioned in article 1, including the preparation of plans and invitations for tenders, the acquisition of the necessary immovable property, the disposal of excavated material, the purchase of materials and the allocation

¹ See p. 71 of this volume.

² See insert between pp. 76 and 77 of this volume.

of contracts, all these operations to be performed in accordance with the procedures in force in the Netherlands for carrying out similar works on behalf of the State.

Article 4

The Netherlands Minister responsible for Public Works shall communicate to the Belgian Minister responsible for the Administration of Bridges and Roads (Administration of Waterways) the name of the senior Netherlands official whom he has made responsible for managing and supervising the planning and execution of the works. This senior official and a senior official appointed for the purpose by the above-mentioned Belgian Minister shall consult with each other regularly concerning any question of mutual interest which might arise in connexion with the planning and execution of the works. The said senior officials shall each be given the powers necessary for effective consultation and normal progress of the work.

Article 5

The Netherlands Minister aforesaid shall submit for approval to the Belgian Minister aforesaid all draft specifications and draft contracts relating to the execution of the works. The said Ministers may in these documents deviate from the specifications referred to in article 2. The said Belgian Minister shall receive a copy of all contracts awarded.

Article 6

(1) Contracts for the supply of materials and the execution of the works shall be awarded, after a call for public bids, in accordance with the provisions in force in the Netherlands.

(2) The bidding may be restricted where a call for public bids is impossible or undesirable either because of the special nature or the urgency of materials to be supplied or of a work to be executed or because of the financial interests of the two countries.

(3) Restricted bidding shall take place only after consultation between the Ministers aforesaid except for supplies or work not exceeding an estimate of 75,000 guilders. The selection of the prospective suppliers or contractors shall also be dealt with in the course of such consultation.

Article 7

(1) Such modifications, deviations or additions in the documents approved by virtue of article 5 as appear necessary or desirable in the course of the operations shall be submitted by the senior Netherlands official aforesaid to the corresponding senior Belgian official for approval.

(2) In the event that such modifications, deviations or additions entail either a deviation from the specifications referred to in article 2 or a total increase of more than 10 per cent in the amount of the tender, the approval of the Ministers aforesaid shall be required; provided that their approval shall not be required for deviations of less than 50,000 guilders and shall in every case be required for deviations of more than 500,000 guilders.

Article 8

If unanticipated work or measures become urgently necessary, the same may be carried out or taken even though the approval on the part of Belgium as referred to in article 7 has not been obtained. In such case the senior Netherlands official aforesaid shall inform the corresponding senior Belgian official as soon as possible.

Article 9

The primary purpose of the measures to be taken by the Netherlands Government regarding the disposal of excavated material and the choice of sites to be used for that purpose shall not be to fill the land immediately alongside the canal, but rather to keep the cost of the work as low as possible and to reduce to the minimum any impairment of the agricultural value of the land used for such deposit.

Article 10

Completed work shall be certified only after consultation with the senior Belgian official aforesaid.

TITLE III

SHARING OF COSTS

Article 11

Subject to the provisions of articles 12 to 16, inclusive, 80 per cent of all costs relating to the planning and execution of the works referred to in article 1 shall be borne by Belgium and 20 per cent thereof shall be borne by the Netherlands.

Article 12

The costs referred to in article 11 shall include :

- (a) The purchase price or compensation payable to third parties for the purchase or expropriation of immovable property as well as other purchase or expropriation costs, it being understood that the Netherlands shall reimburse to Belgium that country's share of the net market value of land purchased for the deposit of excavated material as soon as such land has been resold to or has again been made available to third parties;