

No. 8956

**AUSTRIA,
FEDERAL REPUBLIC OF GERMANY
and
SWITZERLAND**

**Agreement regulating the withdrawal of water from Lake
Constance (with Final Protocol). Signed at Berne, on
30 April 1966**

Official text: German.

Registered by Austria on 5 February 1968.

**AUTRICHE,
RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE
et
SUISSE**

**Accord concernant la réglementation des prélèvements d'eau
opérés dans le lac de Constance (avec Protocole de
clôture). Signé à Berne, le 30 avril 1966**

Texte officiel allemand.

Enregistré par l'Autriche le 5 février 1968.

[TRANSLATION — TRADUCTION]

No. 8956. AGREEMENT¹ BETWEEN THE FEDERAL REPUBLIC OF GERMANY, THE REPUBLIC OF AUSTRIA AND THE SWISS CONFEDERATION REGULATING THE WITHDRAWAL OF WATER FROM LAKE CONSTANCE. SIGNED AT BERNE, ON 30 APRIL 1966

The Federal Republic of Germany, the Republic of Austria and the Swiss Confederation, desiring so to regulate the withdrawal of water from Lake Constance as to take due account of the legitimate interests of the riparian States, have decided to conclude an Agreement and have appointed as their plenipotentiaries:

The Federal Republic of Germany:

Baron Wolfgang von Welck, Ambassador Extraordinary and Plenipotentiary of the Federal Republic of Germany in Switzerland;

The Republic of Austria:

Dr. Johann Georg Tursky, Ambassador Extraordinary and Plenipotentiary of the Republic of Austria in Switzerland;

The Swiss Confederation:

Mr. Willy Spühler, Federal Councillor, Director of the Federal Political Department,

who, having communicated to one another their full powers, found in good and due form, have agreed as follows:

Article 1

(1) The riparian States of Lake Constance, namely the Federal Republic of Germany, the Republic of Austria and the Swiss Confederation, undertake to observe the provisions of this Agreement when withdrawing water from Lake Constance.

(2) Each riparian State shall, in withdrawing water, endeavour to take due account of the legitimate interests of the other riparian States.

¹ Came into force on 25 November 1967, thirty days after the deposit of the last instrument of ratification with the Swiss Government, in accordance with article 13 (1). The instruments of ratification were deposited on 28 December 1966 (Switzerland), 24 May 1967 (Austria) and 26 October 1967 (Federal Republic of Germany).

Article 2

(1) For the purposes of this Agreement, Lake Constance comprises the Upper Lake and the Lower Lake.

(2) For the purposes of this Agreement, the region of Lake Constance comprises, in the territory of the Federal Republic of Germany, the hydrological catchment area of the lake, in the territory of the Republic of Austria, the hydrological catchment area of the lake, and in the territory of the Swiss Confederation the hydrological catchment area of the lake lying within the cantons of Appenzell (Outer Rhoden and Inner Rhoden), St. Gallen and Thurgau, the catchment area of the Thur in the canton of Thurgau — excluding the catchment area of the Murg above the commune of Frauenfeld — and the catchment area of the Sitter.

(3) This Agreement shall apply only to withdrawals of water made at a rate exceeding 50 l/sec.

Article 3

(1) Where a projected withdrawal of water from Lake Constance is such that it would adversely affect important interests of the other riparian States and the adverse effects cannot be avoided or offset by reasonable compensatory measures or indemnification, the interest attaching to the withdrawal of water shall be duly assessed in relation to the other interests. In that assessment particular consideration shall be given to the interest attaching to the maintenance and improvement of living and economic conditions in the region of Lake Constance. This shall apply especially to the interests involved in the various types of utilization of the water of the lake, in navigation, in fishing, in the regulation of the lake, in landscape preservation and in power production.

(2) Withdrawals of water from Lake Constance shall not be deemed to justify any claim to the provision of water in a specific volume or of a specific quality.

(3) The measures to be taken in order to keep the waters of Lake Constance clean shall be governed by the Agreement of 27 October 1960 concerning the protection of Lake Constance against pollution.

Article 4

Where withdrawals of water result in unforeseen damage for which reparation must be made under international law, the riparian States shall reach agreement on the nature and extent of the reparation.

Article 5

Where the combined effect of a number of withdrawals of water makes it necessary, under article 3 or article 4, to take compensatory measures, pay an indemnity