

Treaty between the Kingdom of Denmark and the Federal Republic of Germany concerning the Delimitation of the Continental Shelf under the North Sea (28 January 1971)
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The Kingdom of Denmark and the Federal Republic of Germany, desiring to delimit their respective parts of the continental shelf under the North Sea in so far as that was not previously done by the Treaty of 9 June 1965 concerning the delimitation, in the coastal regions, of the continental shelf of the North Sea,

Desiring to regulate the economic utilization of the continental shelf in so far as that is in their mutual interest,

On the basis of the Judgment of the International Court of Justice of 20 February 1969 in the North Sea Continental Shelf Case between the Kingdom of Denmark and the Kingdom of Netherlands, of the one part, and the Federal Republic of Germany, of the other part,

Having regard to those boundaries of the continental shelf which are not affected by the Judgment of the International Court of Justice,

Have agreed as follows:

Article 1

(1) The boundary between the Danish and German parts of the continental shelf under the North Sea shall extend from the end of the partial boundary established by the Treaty of 9 June 1965, in arcs of great circles between the following points:

S1	55° 10' 03.4" N	07° 33' 09.6" E
S2	55° 30' 40.3" N	05° 45' 00.0" E
S3	55° 15' 00.0" N	05° 24' 12.0" E
S4	55° 15' 00.0" N	05° 09' 00.0" E
S5	55° 24' 15.0" N	04° 45' 00.0" E
S6	55° 46' 21.8" N	04° 15' 00.0" E
S7	55° 55' 09.4" N	03° 21' 00.0" E

The positions of the points are defined by latitude and longitude according to the European Datum (First Adjustment 1950).

(2) The boundary termination point S7 is the point of intersection of the boundaries of the Danish, German and United Kingdom parts of the continental shelf under the North Sea.

(3) The boundary and the partial boundary established by the Treaty of 9 June 1965 are shown on the chart forming annex 1 of this Treaty.

Article 2

(1) If the existence of a mineral deposit in or on the continental shelf of one of the Contracting Parties is established and the other Contracting Party is of the opinion that the said mineral deposit extends into its continental shelf, the latter Contracting Party may notify the former Contracting Party accordingly, at the same time submitting the data on which it bases its opinion. If the former Contracting Party does not share the opinion of the other Contracting Party, the arbitral tribunal shall in accordance with article 5, at the request of either Contracting Party, make a ruling on the question.

(2) If the Contracting Parties agree on the question or if the arbitral tribunal rules that the mineral deposit extends

into or onto the continental shelf of both Contracting Parties, the Government of the Contracting Parties shall, for the purpose of exploitation, agree upon regulations which, with due regard for the interests of both Contracting Parties, take into account the principle that each Contracting Party has title to the mineral resources situated in or on its continental shelf. If any mineral resources have previously been extracted from the deposit extending across the boundary, the regulations shall also include provisions for reasonable compensation.

(3) Regulations pursuant to paragraph (2) may also, with the consent of the Governments of the Contracting Parties, be agreed upon wholly or partly between the entitled parties. An entitled party is any person who has a right to extract the mineral resources in question.

(4) If regulations pursuant to paragraph (2) or paragraph (3) above have not been drawn up within a reasonable time, either Contracting Party may bring the matter before the arbitral tribunal in accordance with article 5. In such cases, the arbitral tribunal may also make a ruling *ex aequo et bono*. The arbitral tribunal shall be empowered to issue interim orders, after hearing the Contracting Parties.

Article 3

Without prejudice to the rules of international law relating to the laying of pipelines on the continental shelf, any pipelines laid on the continental shelf in connexion with the extraction of mineral resources shall, with a view to the prevention of marine pollution and other hazards, be subject to the provisions in force with regard to the construction and use of pipelines of the Contracting Party across whose continental shelf such pipelines are laid.

Article 4

(1) The enterprises referred to in annex 2 of this Treaty shall, upon application, be granted licences under German law to explore for and extract petroleum and natural gas as well as any other substances obtained in the course of such extraction, in the areas specified in the said annex.

(2) Applications for the licences referred to in paragraph (1) must be submitted to the competent German authority within one year from the date of the entry into force of this Treaty.

Article 5

(1) Disputes between the Contracting Parties concerning the interpretation or application of this Treaty or of any regulations agreed upon pursuant to article 2, paragraph (2), shall as far as possible be settled by negotiation.

(2) Any dispute not settled in this manner within a reasonable time shall, at the request of either Contracting Party, be referred to an arbitral tribunal for decision.

(3) The arbitral tribunal shall be constituted on an *ad hoc* basis. Save where the Contracting Parties, by way of a simplified procedure, agree to appoint a single arbitrator to settle the dispute, an arbitral tribunal of three members shall be constituted in the following manner: each Contracting Party shall appoint one member, and the two members shall agree on a national of a third State, who shall be appointed chairman by the two Contracting Parties. The members must be appointed within two months, and the chairman within a further two months, after a request by either Contracting Party for settlement of the dispute by an arbitral tribunal.

(4) If the time-limits specified in paragraph (3) are not met, either Contracting Party may request the President of the International Court of Justice to make the necessary appointments. If the President is a national of one of the Contracting Parties or is incapacitated for any other reason, the appointments shall be made by the Vice-President. If the Vice-President also is a national of one of the Contracting Parties or is incapacitated, the appointments shall be made by the next most senior member of the Court who is not a national of one of the Contracting Parties and is not incapacitated.

(5) The arbitral tribunal shall take its decisions by majority vote. Each Contracting Party shall bear the costs of its member and of its representation in the case before the tribunal; the costs of the chairman and any other costs shall be borne by the Contracting Parties equally.

(6) The arbitral tribunal or the single arbitrator shall reach a decision on the basis of the international law applicable between the Contracting Parties. The decision shall be binding.

(7) The arbitral tribunal or the single arbitrator shall determine its or his own procedure, save as otherwise provided in this Treaty or by the Contracting Parties when the arbitral tribunal or the single arbitrator is appointed.

Article 6

Articles 2 and 3, and article 5 in so far as it relates to the settlement of disputes concerning the interpretation or application of articles 2 and 3, shall apply mutatis mutandis to the area of the continental shelf in the vicinity of the coast which was delimited by the Treaty of 9 June 1965.

Article 7

This Treaty shall also apply to Land Berling, provided that the Government of the Federal Republic of Germany has not made a declaration to the contrary to the Government of the Kingdom of Denmark within three months from the date of the entry into force of the Treaty.

Article 8

(1) This Treaty shall be ratified. The instruments of ratification shall be exchanged at Bonn.

(2) The Treaty shall enter into force one month after the exchange of the instruments of ratification.

DONE at Copenhagen on 28 January 1971, in duplicate in the Danish and German languages, both texts being equally authentic.

ANNEX 2 **(ad article 4)**

(1) Enterprises: Dansk Boreselskab Aktieselskab, Aktieselskabet Dampskibsselskabet Svendborg and Dampskibsselskabet af 1912 Aktieselskab individually or collectively, or a subsidiary of one or more of the above-mentioned companies constituted under Danish or German law at the time of application.

(2) Licence area: the area enclosed by arcs of great circles between the following points:

55° 15' 00.0" N	05° 24' 12.0" E
55° 15' 00.0" N	05° 09' 00.0" E
55° 24' 15.0" N	04° 45' 00.0" E
55° 20' 55.1" N	04° 40' 00.0" E
55° 07' 56.2" N	05° 15' 00.0" E

The positions of the points are defined by latitude and longitude according to the European Datum (First Adjustment 1950).

EXCHANGE OF LETTERS

I

THE AMBASSADOR OF THE FEDERAL REPUBLIC OF GERMANY
Copenhagen, 28 January 1971

Sir,

I have the honour to state, in connexion with the signing this day of the Treaty between the Federal Republic of Germany and the Kingdom of Denmark concerning the delimitation of the continental shelf under the North Sea, that our two Governments have agreed that, pending ratification of the Treaty, legal relations in respect of the area of the continental shelf under the North Sea which the Kingdom of Denmark has hitherto considered to be Danish property but which in accordance with this Treaty is the property of the Federal Republic of Germany shall, as from today until the date of the entry into force of the Treaty, be regulated as follows:

In the case of the area in question, the Government of the Kingdom of Denmark shall, in accordance with the desire of the Federal Republic of Germany that its rights in the area should not be abridged:

- (a) Refrain from renewing expired licences and from issuing new licences;
- (b) Refrain from approving, except with the consent of the Government of the Federal Republic of Germany, any plans for exploration or exploitation of the continental shelf which require a licence under Danish law;
- (c) Notify the Government of the Federal Republic of Germany of any other plans for exploration or exploitation of the continental shelf which may come to the notice of the Government of the Kingdom of Denmark.

I should be grateful if you would confirm to me that your Government agrees with the foregoing arrangement.

II

FOREIGN MINISTRY
Copenhagen, 28 January 1971

Sir,

I have the honour to acknowledge receipt of your letter of today's date, the text of which in Danish reads as follows:
[See note I]

I have the honour to confirm to you that my Government agrees with the contents of your letter.