

[TRANSLATION – TRADUCTION]

AGREEMENT BETWEEN THE FEDERAL REPUBLIC OF GERMANY AND  
THE REPUBLIC OF POLAND CONCERNING COOPERATION IN THE  
FIELD OF WATER MANAGEMENT ON BOUNDARY WATER-  
COURSES

The Federal Republic of Germany and the Republic of Poland,

In the spirit of the Treaty of 14 November 1990 between the Federal Republic of Germany and the Republic of Poland concerning the confirmation of the existing German-Polish frontier,

Mindful of the Treaty of 17 June 1991 between the Federal Republic of Germany and the Republic of Poland on good neighbourliness, friendship and cooperation,

Prompted by the desire to regulate and further improve cooperation in the field of water management on boundary watercourses,

Aiming to safeguard the meaningful husbandry and protection of boundary watercourses, improve their composition, and to safeguard the protection and, where necessary, the reconstruction of ecosystems,

Determined to fulfil their tasks in the field of water management on boundary watercourses in good faith,

Convinced that close cooperation in the field of water management on boundary watercourses is to their mutual benefit and helps consolidate good-neighbourliness,

Convinced that bilateral cooperation on boundary watercourses contributes towards the fulfilment of other international obligations entered into by the Contracting Parties,

Have agreed as follows:

*Article 1*

The Contracting Parties shall cooperate in the field of water management on boundary watercourses.

*Article 2*

The economic, scientific and technical cooperation of the Contracting Parties in the field of water management on boundary watercourses shall, taking into account the principle of protection of the environment, comprise in particular:

- a) Tests, observations and measurements of the waters and ecosystems, as well as the evaluation of the results of the tests and the corresponding exchange of data;
- b) Joint tests of the boundary watercourses relating to quantity and composition;
- c) Drawing up water management assessments in respect of quantity and composition;

d) Establishing general rules concerning pollutants, measurement procedures, measurement points, information exchange procedures, as well as criteria for the classification of the quality of the waters;

e) Supplying the population, industry and other water users with drinking and process water;

f) Water transfer between the boundary watercourses and other catchment areas;

g) Protection of surface waters and ground water from pollution and excessive water extraction;

h) Development of boundary watercourses and the construction of hydrotechnical installations for the usage of water resources;

i) Regulation and maintenance of the navigable and non-navigable sections of the boundary watercourses, as well as protection of riverbeds and floodplains;

j) Protection against flooding and low water, as well as protection from the dangers of ice drift, taking into consideration competencies and allocation of costs;

k) Prevention and combating of extreme pollution of water boundaries;

l) Construction, maintenance and use of dams, polders, flood relief channels, weirs and other hydrotechnical installations connected with the water management on boundary watercourses;

m) Water management melioration and supply of agriculture with water;

n) Extraction of materials from boundary watercourses;

o) Joint usage of structures and water management installations, as well as their technical maintenance;

p) Determining general recommendations for measures at the water boundaries that are not related to water management.

### *Article 3*

1) The cooperation of the Contracting Parties shall take place:

a) Within the German-Polish Boundary Water Commission, hereinafter referred to as the “Commission”, that is to be established according to Article 10;

b) Through direct cooperation of the competent authorities and institutions.

2) The tasks mentioned in Article 2 shall, in particular, be carried out through:

a) Development, agreement and implementation of joint plans and projects;

b) Development, agreement and implementation of emergency plans, action plans and reporting schedules for extreme situations and hydrometeorological forecasts;

c) Agreement and implementation of general conditions and principles for the maintenance and usage of water management installations;

d) Exchange of experts and experience;

e) Exchange of information concerning regulations and measures in the field of water management, as well as the exchange of publications.

*Article 4*

- 1) Boundary watercourses, for the purposes of this Agreement, shall be defined as:
  - a) Sections of the flowing surface waters through which the State border runs;
  - b) Other surface waters, including the Pomeranian Bay and Bay of Szczecin, and ground waters at those points where they are intersected by the State border.
- 2) The provisions of this Agreement shall apply, as appropriate, to:
  - a) Floodplains between the flood protection levees and, should no levees exist, between the lines determined by the highest water level of the border rivers;
  - b) Water management buildings, structures and installations used for the management of the boundary watercourses.

*Article 5*

If, on the basis of international agreements for the protection of running waters, in which both Contracting Parties participate, agreements are made that are of relevance to the effective protection of the boundary watercourses, then such agreements by the Contracting Parties should always be taken into account. This, in particular, concerns agreements on such matters as:

- Lists of pollutants;
- Measurement programmes;
- Methods of analysis;
- Measurement procedures and measurement points;
- Transmission of data and information;
- Technical minimum requirements for the treatment of waste water;
- Criteria to determine water quality and establishment of water quality classifications;
- Programmes to improve water quality.

*Article 6*

1) The Contracting Parties shall work on the development of water management framework plans.

2) The Contracting Parties shall adopt all expedient and legally permitted measures to ensure that no projects are approved or implemented on their territories that could have substantially detrimental effects on the territory of the other Contracting Party.

3) In the event that projects or measures are planned that could have a substantially detrimental impact, the Contracting Parties shall assess the impact on the water management on the boundary watercourses. The Contracting Party planning the project shall inform the other Contracting Party in advance and within a suitable timeframe of its intentions and shall provide the other Contracting Party with the necessary details concerning the intended measures. Furthermore, it shall allow the other Contracting Party, in accor-

dance with corresponding international regulations, to take part in the assessment of the project.

4) The Contracting Parties shall, within one year of this Agreement entering into force, and in accordance with corresponding international regulations applying to both Contracting Parties, agree on the scope and principles of the assessment mentioned in paragraph 3.

#### *Article 7*

1) The Contracting Parties shall inform and consult each other with the aim of agreeing significant measures in the field of water management on the boundary watercourses, concerning, in particular:

- a) Water extraction from ground waters;
- b) Discharge of waste water, mining waste water, and cooling water into the boundary watercourses;
- c) Maintenance and regulation of the boundary watercourses, maintenance of fairways, as well as measures for protection against flooding;
- d) Construction and reconstruction of water management installations on the boundary watercourses;
- e) Measures that would have a significant impact on the ground waters on the territory of the other Contracting Party.

2) For the implementation of the measures under paragraph 1, the Contracting Parties may task competent authorities or third parties that in this respect would act independently and could conclude corresponding agreements.

3) For measures not included under paragraph 1, the Commission may establish the principles of cooperation.

#### *Article 8*

For joint border projects, planning, implementation and financing shall be achieved by mutual agreement. Each Contracting Party shall be responsible for the implementation of these projects on its territory.

#### *Article 9*

1) The Contracting Parties undertake to reduce the pollution of the boundary watercourses. With this aim, the planning and construction of installations that serve the protection of these waters shall make use of modern technology. Existing installations shall gradually be adapted to these requirements.

2) To guarantee that mutual water requirements are covered, the Contracting Parties undertake to use water from the boundary watercourses sparingly and to protect these water resources from excessive extraction.

*Article 10*

1) A German-Polish Boundary Water Commission shall be established. The Commission may submit proposals to the Contracting Parties in order to perform its functions.

2) The priorities of the Commission shall be:

a) Development of control, notification and warning systems in the event of extreme contamination of the boundary watercourses;

b) Development of technical, technological, organisational and other principles for the prevention and combating of extreme contamination of the boundary watercourses, including the performance of exercises;

c) Development of principles for joint measures aimed at flood protection;

d) Development of principles for joint action and support on the basis of reciprocity.

3) Details of the composition and procedure of the Commission, as well as its authority, shall be regulated by the Statute which has been attached as an Appendix and which forms an integral part of this Agreement.

*Article 11*

This Agreement shall not regulate the fishing industry or navigation. Taking into account these fields in the handling and performance of the water management tasks shall not thereby be excluded.

*Article 12*

The conditions governing the crossing of the border by persons and for the carriage of materials, equipment, tools and means of transportation shall, particularly in the case of dangerous situations, be regulated in separate agreements.

*Article 13*

1) This Agreement shall be ratified; the instruments of ratification shall be exchanged in Bonn as soon as possible.

2) This Agreement shall enter into force one month from the date of the exchange of the instruments of ratification.

*Article 14*

1) This Agreement shall be concluded for an indefinite period. After a period of five years following entry into force, this Agreement may be denounced by either Contracting Party in writing, through diplomatic channels, the deadline being six months from the end of a calendar year. The Agreement shall in this case expire at the end of that calendar year.

2) Denunciation of the Agreement shall not affect the implementation of joint projects already begun.

DONE at Warsaw on 19 May 1992, in two originals in the German and Polish languages, both texts being equally authentic.

For the Federal Republic of Germany:

For the Republic of Poland:

APPENDIX

STATUTE OF THE GERMAN-POLISH BOUNDARY WATER COMMISSION

*Article 1*

The Commission shall comprise delegations of the Federal Republic of Germany and the Republic of Poland. The delegations shall each comprise five members. Each Contracting Party shall appoint the leader and the remaining members of their delegation, as well as the deputies of the delegation members.

*Article 2*

1) The Commission shall meet at least once a year and otherwise as required or, in urgent cases, within two months of a request by a delegation leader.

2) Unless otherwise agreed, the Commission shall meet alternately on the territory of the Federal Republic of Germany and the Republic of Poland.

3) Meetings shall be convened by the leader of the delegation of the Contracting Party on the territory of which the meeting is to take place, by agreement with the other delegation leader.

4) A protocol of the session of the Commission shall be drawn up in two originals, each in the German and Polish languages.

*Article 3*

1) Each delegation may call in experts.

2) The Commission may authorise experts to implement specific tasks.

*Article 4*

1) Each delegation shall bear its own costs, as well as those of its experts and interpreters.

2) If experts are acting on the instructions of the Commission, then the Federal Republic of Germany and the Republic of Poland shall each bear half of the costs.

*Article 5*

The Commission shall adopt its own rules of procedure.

*Article 6*

The Commission may, as necessary, establish working groups, composed on a parity basis, for specific sections of boundary watercourses or for specific subject areas. The mandates of these working groups shall be determined by the Commission.

*Article 7*

1) For the practical performance of the tasks arising from the boundary watercourses Agreement, the Commission may establish the principles of the cooperation of all participating institutions.

2) In the event of doubts, the Commission may discuss the provisions of the Agreement, as well as the technical and organisational regulations arising from such provisions, in order to reach agreed solutions.

3) In the event of disputes, the Commission shall endeavour to achieve a mutually agreed resolution.

4) Each delegation has a vote. The decisions and proposals of the Commission shall be reached unanimously.

*Article 8*

The Commission shall work with other bilateral or multilateral commissions in the field of water management.

*Article 9*

The working languages of the Commission are German and Polish.

PROTOCOL

The Federal Republic of Germany and the Republic of Poland have issued the following joint declaration with regard to the signing of the Agreement between the Federal Republic of Germany and the Republic of Poland concerning cooperation in the field of water management on boundary watercourses:

In connection with Article 12 of the Agreement between the Federal Republic of Germany and the Republic of Poland concerning cooperation in the field of water management on boundary watercourses, the Contracting Parties assume that by this arrangement, no retrospective reference has been agreed to previously concluded agreements, in particular such as may have been concluded between the People's Republic of Poland and the German Democratic Republic.

In view of the conclusion of separate agreements foreseen in Article 12, the Contracting Parties unanimously express their readiness that such contractual arrangements are put in place as quickly as possible.

For the Federal Republic of Germany:

For the Republic of Poland: