

Article 7. Traffic management

- (1) The Contracting Parties shall establish a joint traffic management system for shipping traffic in the channel from and to the ports of both Contracting Parties along the Ems.
- (2) They shall, for that purpose, establish a joint traffic control centre, which shall be subject to German law. The activities of the traffic control centre shall be carried out by the Federal Republic of Germany on the basis of the traffic rules developed and laid down by the Commission referred to in article 19. The joint traffic control centre shall have authority to issue binding instructions to shipping traffic.
- (3) The Contracting Parties shall each bear half of the costs for the operational activities of the traffic control centre;
- (4) The responsibility and liability for decisions of the traffic control centre shall be borne by the Federal Republic of Germany in accordance with German law. The amount of any compensation owed for damage resulting from action taken by the traffic control centre in correct application of the joint traffic rules shall be apportioned equally between the Contracting Parties, by arrangement between them.
- (5) Ships shall be processed on a first-come, first-served basis. Care shall be taken to give deep-draught ships advantage of the first available high tide. The Commission shall set out criteria for cases in which a departure from those rules may be allowed.
- (6) The Commission shall subject the joint shipping traffic management system and its operation to an annual evaluation. Moreover, if the current situation so requires, the Commission shall hold ad hoc discussions on the joint traffic management system.

Article 8. Emergencies in the channel afff 4 Ê f t trafadv uires

(2) Any changes in the positions of the buoys and, consequently, in the course of the channel shall be

Contracting Party suffers any damage, that Party shall remain entitled to compensation and measures to prevent further damage.

Article 18. Duty to notify in connection with other activities

The duty to notify referred to in article 14 shall extend by analogy to all other works and measures, as well as to the commercial uses referred to in section II of this Treaty whenever traffic in the channel is likely to be affected. That is not the case for articles 15, 16 and 17.

Section IV. Establishment of the Commission

Article 19. Western Ems Commission

(1) The Contracting Parties shall establish a standing commission for shipping matters affecting the channel.

(2) Each Government shall appoint as Commission members three experts, at least one of whom shall be familiar with local conditions. The first Commission members shall be appointed within three months of the entry into force of this Treaty. The Governments may appoint alternate Commission members.

(3) The Commission shall meet at least once a year; in addition, it may meet as it deems necessary or at the request of either Government. Other experts may be invited to attend meetings of the Commission. Decisions of the Commission shall be adopted by unanimity. The Commission may adopt its own rules of procedure.

(4) The Commission shall consult as necessary with the Ems Commission referred to in chapter 8 of the Ems-Dollard Treaty on all matters related to the work and responsibilities of both Commissions.

Article 20. Responsibilities of the Commission

The Commission shall have the following responsibilities:

- a) The adoption of decisions regarding the course of the channel referred to in article 10;
- b) The definition of insignificant natural changes and their submission to the Contracting Parties; the application of the relevant criteria as referred to in article 10, paragraph 4, following the consent of the Contracting Parties;
- c) The development and adoption of traffic rules governing the channel;
- d) The development and adoption of criteria for exemptions from the rules governing the processing of ships by the traffic control centre;
- e) Regular evaluation of those rules and criteria;
- f) Annual evaluation of the performance of the traffic control centre and the joint traffic management system referred to in article 7;
- g) The holding, as necessary, of ad hoc consultations regarding the joint traffic management system;
- h) The receipt and exchange of information regarding plan

(1) In the cases described in article 20, subparagraph m, the Commission shall strive to make recommendations to the Governments of the Contracting Parties.

(2) If the Commission fails to reach agreement on a recommendation in the cases referred to in paragraph 1, or if either Contracting Party informs the other that, in its view, the consultations have reached a point at which further consultations are unlikely to yield results, the Contracting Parties themselves shall strive to come to an agreement.

(3) Should the Contracting Parties fail, or be unable, to reach agreement, despite a recommendation from the Commission, the consultations shall be deemed to have been ended after either Contracting Party has made a statement to that effect.

Article 22. Navigation Arrangements Ems Estuary

The traffic rules contained in annex A to the Agreement of 22 December 1986 between the Government

