

No. 23469. CONVENTION ON THE PROTECTION OF THE RHINE AGAINST POLLUTION BY CHLORIDES. CONCLUDED AT BONN ON 3 DECEMBER 1976¹

N° 23469. CONVENTION RELATIVE À LA PROTECTION DU RHIN CONTRE LA POLLUTION PAR LES CHLORURES. CONCLUE À BONN LE 3 DÉCEMBRE 1976¹

ADDITIONAL PROTOCOL TO THE ABOVE-MENTIONED CONVENTION (WITH ANNEXES, DECLARATION AND RECORD OF CORRECTIONS). CONCLUDED AT BRUSSELS ON 25 SEPTEMBER 1991

PROTOCOLE ADDITIONNEL À LA CONVENTION SUSMENTIONNÉE (AVEC ANNEXES, DÉCLARATION ET PROCÈS-VERBAL DE RECTIFICATION). CONCLU À BRUXELLES LE 25 SEPTEMBRE 1991

Came into force on 1 November 1994, i.e., the first day of the second month following receipt by the Government of Switzerland of the last of the notifications by which the Parties confirmed the completion of the required internal procedures, in accordance with article 14 of the Convention:

Entré en vigueur le 1^{er} novembre 1994, soit le premier jour du deuxième mois ayant suivi la réception par le Gouvernement suisse de la dernière des notifications confirmant l'accomplissement des procédures internes requises, conformément à l'article 14 de la Convention :

<i>Participant</i>	<i>Date of the notification</i>
Switzerland.....	25 February 1993
France	20 September 1993
Luxembourg	20 April 1994
Netherlands	25 August 1994
(For the Kingdom in Europe.)	
Germany	15 September 1994

<i>Participant</i>	<i>Date de la notification</i>
Suisse.....	25 février 1993
France	20 septembre 1993
Luxembourg	20 avril 1994
Pays-Bas	25 août 1994
(Pour le Royaume en Europe.)	
Allemagne	15 septembre 1994

Authentic texts: German, French and Dutch.

Textes authentiques : allemand, français et néerlandais.

Authentic texts of the record of corrections: French.

Textes authentiques du procès-verbal de rectification : français.

Registered by Switzerland on 25 November 1994.

Enregistré par la Suisse le 25 novembre 1994.

¹ United Nations, *Treaty Series*, vol. 1404, p. 59.

Vol. 1840, A-23469

¹ Nations Unies, *Recueil des Traités*, vol. 1404, p. 59.

[TRANSLATION — TRADUCTION]

ADDITIONAL PROTOCOL TO THE CONVENTION ON THE PROTECTION OF THE RHINE AGAINST POLLUTION FROM CHLORIDES, SIGNED AT BONN ON 3 DECEMBER 1976

The Government of the Federal Republic of Germany,

The Government of the French Republic,

The Government of the Grand Duchy of Luxembourg,

The Kingdom of the Netherlands

And the Government of the Swiss Confederation,

Referring to the outcomes of the ministerial conferences on pollution of the Rhine held on 11 October 1988 in Bonn and 30 November 1989 in Brussels,

Referring to the Convention on the Protection of the Rhine against Pollution from Chlorides of 3 December 1976, the exchanges of letters dated 29 April, 4 May and 14 May 1983,¹ and the declaration of the heads of delegation of 11 December 1986 (hereafter referred to as “the Convention”),

Seeking to improve the quality of the waters of the Rhine so that at the German-Netherlands border a chloride-ion content of 200 mg/l is exceeded by a limited amount and for a limited time only,

Determined to facilitate the supply of drinking water from the Rhine and the IJsselmeer,

Convinced that, apart from the reductions already achieved and the measures provided for in this Protocol, no further measures to reduce chloride concentration in the Rhine as a whole are necessary from an ecological standpoint or justified by technical and economic criteria,

And having resolved to reach a definitive international solution to the problem of reducing chloride concentration in the Rhine,

Have agreed as follows:

Article 1

1. In periods when chloride concentration in the Rhine at the German-Netherlands border exceeds the guideline of 200 mg/l, the French Government shall implement, in French territory besides the reduction of 20 kg/s of chloride ions realized since 5 January 1987 in accordance with article 2, paragraph 2, of the Convention, a modified reduction in accordance with the specifications and technical modalities contained in annex 1. The quantities of chlorides resulting from the modified reduction shall be stored temporarily on land.

2. The French Government shall report to the other Contracting Parties each year on the quantities of chlorides stored as a result of the modified reduction, and on the costs relating thereto.

3. The modified reduction achieved under this Additional Protocol constitutes the fulfilment of the obligations referred to in paragraphs 1, 3 and 4 of article 2 and paragraph 3 of article 7 of the Convention.

Article 2

The quantities of chlorides stored as a result of implementing the modified reduction under article 1 of this Additional Protocol may, once production in the Alsace Potassium Mines reaches a lower level, and subject to conditions to be determined by the Contracting

¹ United Nations, *Treaty Series*, vol. 1404, p. 59.

Parties at a later date on the basis of a proposal by the International Commission, be discharged into the Rhine in an ecologically sound manner and with due consideration for the various uses of the water. In this period, the guideline of 200 mg/l of chloride ions at the German-Netherlands border shall continue to apply and the national average annual concentration shown in the table in annex II of the Convention as modified by this Additional Protocol shall not be exceeded.

Article 3

The Netherlands Government shall take measures in Netherlands territory to limit chloride concentrations in the waters of the IJsselmeer used to supply drinking water, by discharging into the Waddenzee the briny waters from the Wieringermeer polder hitherto discharged into the IJsselmeer. The technical details of these measures are set out in annex II of this Additional Protocol.

Article 4

The cost of the measures taken in French territory under articles 1 and 2, up to a maximum of 400 million French francs, and the costs of the measures taken in Netherlands territory under article 3, up to a maximum of 32.37 million Netherlands guilders, shall be apportioned as follows:

Federal Republic of Germany	30%
French Republic	30%
Kingdom of the Netherlands	34%
Swiss Confederation	6%

Terms and methods of payment are shown in annex III of this Additional Protocol.

The permanent reduction in the concentration of chlorides in the Rhine in Switzerland shall be taken into account in calculating the Swiss contribution under the provisions of annex III. This contribution is fixed at 12 million French francs.

Article 5

1. The Contracting Parties shall take such measures in their own territory as are necessary to prevent an increase in the quantities of chloride ions discharged into the Rhine basin. The national concentration figures shown in annex IV take into account the measures provided for by this Additional Protocol.

2. An increase in the quantities of chloride ions from isolated discharges shall be permissible only to the extent that the Contracting Parties concerned offset the increase in their respective territories or if a comprehensive method of offsetting it is found within the framework of the International Commission.

3. Exceptionally, a Contracting Party may, for pressing reasons and after seeking the view of the International Commission, authorize an increase in concentration without taking immediate action to offset it.

4. The Netherlands shall not offset, either totally or partially, the reduction in the concentration of salt in the IJsselmeer achieved as a result of the measure taken under article 3 of this Protocol by making other discharges into the IJsselmeer or the Rhine.

5. The Contracting Parties shall monitor in their own territory all chloride-ion discharges greater than 1 kg/s into the Rhine basin, as well as into the IJsselmeer.

6. Each Contracting Party shall send an annual report to the International Commission detailing changes in the concentration of chloride ions in the waters of the Rhine and the IJsselmeer.

Article 6

Articles 3 and 6 of the Convention are hereby abrogated. Annex II of the Convention is replaced by annex IV of this Additional Protocol.

Article 7

1. Articles 13, 14, 16 and 17 of the Convention shall apply likewise to this Additional Protocol.

2. Article 15 of the Convention shall apply with the following stipulations:

The Convention and this Additional Protocol may only be denounced simultaneously; this denunciation may take place at any time after the entry into force of this Additional Protocol.

Article 8

This Additional Protocol to the Convention, drawn up in one original copy in the German, French and Dutch languages, all three texts being equally authentic, shall be deposited in the archives of the Government of the Swiss Confederation, which shall transmit an authenticated copy thereof to each of the Contracting Parties.

DONE at Brussels on 25 September 1991.

For the Government of the Federal Republic of Germany:

KLAUS TOEPFER

HANS VON STEIN

For the Government of the French Republic:

BRICE LALONDE

For the Government of the Grand Duchy of Luxembourg:

ALEX BODRY

For the Government of the Kingdom of the Netherlands:

J. R. H. MAIJ-WEGGEN

For the Government of the Swiss Confederation:

B. BÖHLEN

ANNEX I

TECHNICAL MODALITIES FOR THE SUPPLEMENTARY REDUCTION OF CHLORIDE
DISCHARGES FROM THE ALSACE POTASSIUM MINES (MDPA)

The modified reduction in French territory is to be achieved by the temporary storage on land of residual salts from the Alsace Potassium Mines until the reduction in production scheduled for 1998, according to the following arrangements:

1. Storage on land is to commence once the chloride concentration exceeds the guideline of 200 mg/l for a non-stop 24-hour period at the German-Netherlands border (measured at the international monitoring station at Lobith) if at the same time the discharge is expected to fall for the following four days, according to the forecasting model described by the International Commission for the Hydrology of the Rhine Basin (CHR report No. 1-7, 1988).
2. Storage is to be stopped once the chloride concentration falls to 200 mg/l or less for a non-stop 24-hour period if at the same time the discharge is expected to rise for the following four days, according to the same forecasting model.
3. Each time it is started up, the storage process shall proceed until full capacity is reached, by the end of five working days at the latest.
4. The quantity of salt to be stored depends on the production of solid, storable residual salt by the factories. The Alsace Potassium Mines shall endeavour to store the largest possible quantity of the salt available during periods when the figure of 200 mg/l is exceeded at the German-Netherlands border; this quantity will stand between 42 kg/s and 56 kg/s in normal production circumstances, depending on the quantity of salts produced for use on roads.
5. The Alsace Potassium Mines have one year, from the date on which all the Contracting Parties make their financial contributions, to proceed with the temporary storage as provided for in this protocol. Meanwhile, to limit their discharges, the MPDA shall use equipment already in place for the first phase of temporary storage.

ANNEX II

TECHNICAL DETAILS OF THE MEASURES TO BE TAKEN
IN NETHERLANDS TERRITORY PURSUANT TO ARTICLE 3

The briny waters from the Wieringermeer polder shall no longer be discharged into the IJsselmeer, but directly into the Wadenzee. To that end, the following measures shall be taken:

1. The southern pumping station, the Lely station, shall be taken out of service, with the polder henceforth being drained by the northern pumping station, the Leemans station. In order to do this, the entire drainage system of the four zones of the polder shall be modified. Zone II shall be drained into zone III via existing drainage canals. Zone IV shall also be drained into zone III by means of a new auxiliary pumping station with a capacity of 2.5 m³/s. Zone III shall be completely drained by the Leemans station once the Waterkaaptocht and the Hooge Kwelvaart have been connected. In zone III, the Robbevaart shall be enlarged over a distance of about 2 km between the junction with the Hooge Kwelvaart and the Leemans station, to deal with the increased flow. When there is a danger of overflow, zone III shall be partly drained into zone I by means of a new auxiliary pumping station with a capacity of 6.8 m³/s.

2. The Leemans pumping station, which is to drain zones I and III, shall be adapted to cope with a higher average flow. The diesel motors driving the centrifugal pumps shall be adapted to function continuously, following the installation of an electronic measuring and regulating system and a safety device. The centrifugal pumps shall then be adapted to pump the water to a higher level.

3. The Leemans pumping station shall pump the water drained from the polder into the outport of the Stevin locks, which adjoins the Waddenzee.

4. Cables, conduits, pipes, roads and communication links and other works shall be laid or built as part of these measures.

5. The total cost of the investments is estimated at 32.37 million Netherlands guilders.

ANNEX III

FINANCIAL ARRANGEMENTS

1. *Spending limits*1.1 *Netherlands*

1.1.1 Maximum expenditure for the work to be carried out in the Netherlands has been set by the Contracting Parties at 32.37 million Netherlands guilders.

1.2 *France*

1.2.1 Maximum expenditure for the work to be carried out in France, including both the costs of investment and the running costs for storage and eventual removal from storage, shall be 400 million current French francs. This figure shall be a spending limit: once it has been reached, France shall be released from its storage obligations.

1.2.2 The second phase of the programme shall be divided into three periods: 1991 up to and including 1993; 1994 up to and including 1996; and 1997 to 1998. An annual advance payment shall be made for each period by the Contracting Parties to enable France to cover the costs for each period as detailed in the following paragraph.

1.2.3 The following limits on costs to be incurred by France for each period have been set by the Contracting Parties:

— 155 million current French francs for the initial period

— 145 million current French francs for the second period

— 100 million current French francs for the third period.

1.2.4 These amounts shall be reduced by the amount referred to in point 2.1.4 of this annex.

1.2.5 In practice, the running costs will vary according to the coefficient of flow of the Rhine.

1.2.6 Each year, France shall be released from its storage obligations once the expenditure in that year has reached the spending limit as determined by point 2 and point 3.2.3. For this purpose, the running costs for France shall be calculated at a rate of 61.5 French francs (1988 French francs adjusted for inflation) per ton stored. For the first year, investment costs shall be added on (40 million 1988 French francs adjusted for inflation).

1.2.7 If, as a result of exceptional climatic conditions, the spending limit as determined by point 2 and point 3.2.3 is likely to be reached before the end of a particular year, leading to a lengthy hold-up in storage operations that will last until the following year, France may, after consultation within the International Commission and while staying within the spending limits for that particular year, temporarily reduce the quantities to be stored or raise the guideline until, at the latest, the beginning of the following year.

2. *Procedure for financial calculations*

2.1.1 Costs for each period, expressed in prices of the year in which they are incurred, shall be met in accordance with the table below:

	<i>Year</i>	<i>French francs (millions)</i>	<i>Subtotal</i>	<i>Total</i>
First period	1991	90		
	1992	38		
	1993	27	155	
Second period	1994	73		
	1995	36		
	1996	36	145	
Third period	1997	50		
	1998	50	100	400

2.1.2 The Contracting Parties shall pay their contribution to these costs by a lump-sum annual advance payment.

2.1.3 The costs shall be apportioned among the Contracting Parties according to the key given in article 4 of this Protocol.

2.1.4 The amount of the contribution already paid by Switzerland to achieve a permanent reduction in the chloride concentration in the Rhine is calculated at 12 million French francs, as set forth in article 4. This amount shall be taken into account from the beginning of the second payment period.

3. *Payment of costs*

3.1 *Expenditure by the Netherlands*

3.1.1 The work in the Netherlands shall be paid for by the parties concerned within 3 months of the entry into force of the Additional Protocol, but not before 31 March 1994.

3.1.2 The costs shall be apportioned among the Contracting Parties according to the key given in article 4 of this Protocol. Payment shall be made in Netherlands guilders into account No. 60 01 13 019 of the Nederlandse Bank N.V. in Amsterdam, in the name of the "Ministerie van Verkeer en Waterstaat (RWS)", citing the reference "Wieringermeerproject".

3.2 *Expenditure by France*

3.2.1 Work shall begin in 1991 only after all contributions for that year have been paid in advance. Each Contracting Party shall pay its contribution for each subsequent year by means of a lump-sum annual advance payment, to be paid by 31 January of the relevant year. If no payment is made by that date, and once the available funds have been exhausted and the other Contracting Parties so informed, France shall be released from its modified storage obligations for the year concerned until all contributions have been paid in full.

3.2.2 At the end of each year, France shall present a report on the quantities stored and the costs related thereto, calculated according to the conditions specified in point 1.2.6.

3.2.3 In the event that the actual storage costs calculated in this way are below the limit initially set for the year concerned (point 2.1.1), the difference (plus 11/12 of the yearly interest on this amount at the annual long-term interest rate on national loans) shall be carried over to the following year, thereby raising the spending limit for the following year accordingly.

4. *Auditing of contributions*

4.1 *Netherlands*

4.1.1 For expenditure in Netherlands territory, payments are not payments in full discharge, and the accounts shall be audited by 31 December 1998 at the latest by comparing actual expenditure with the spending limit set out in 1.1 above. In the event that actual expenditure by the Netherlands amounts to less than 32.37 million guilders, the Netherlands undertakes to return the surplus received plus one year's interest on this amount at the annual long-term interest rate on national loans.

4.2 *France*

4.2.1 For expenditure in French territory, payments are not payments in full discharge, and the accounts shall be audited by 31 December 1998 at the latest by comparing the actual expenditure, calculated according to the conditions specified in points 1.2.3, 1.2.4 and 1.2.6 above, with the spending limit set out in point 2 above, increased by any amount carried over pursuant to point 3.2.3 above. In the event that actual expenditure by France is less than the amount referred to in point 1.2, France undertakes to return the surplus received plus 11/12 of the yearly interest on this amount at the annual long-term interest rate on national loans. In this connection, the rate of price rises shall also be taken into account.

ANNEX IV

NATIONAL CONCENTRATIONS (IN KG/S) RESULTING FROM CHLORIDE-ION DISCHARGES GREATER THAN 1 KG/S IN DIFFERENT SEGMENTS OF THE RIVER

<i>Segments of the river</i>	<i>In Switzerland</i>		<i>In France</i>		<i>In Germany</i>		<i>In the Netherlands</i>	
	<i>Average</i> ¹	<i>Maximum</i> ²	<i>Average</i> ¹	<i>Maximum</i> ²	<i>Average</i> ¹	<i>Maximum</i> ²	<i>Average</i> ¹	<i>Maximum</i> ²
Stein am Rhein — Kembs.	10							
Kembs — Seltz/Maxau.			130 ³		4.2	4.2		
Seltz/Maxau — Mainz.					15.8	17.5		
Mainz — Braubach/Coblenz.					9.9	10.0		
Braubach/Coblenz — Bimmen/Lobith.			38 ⁴		105	123.6		
Bimmen/Lobith — mouth of the river.								
TOTAL TO 31/12/1998	10		168 ³		134.9			
TOTAL FROM 1/1/1999	5		108 ⁵		134.9			

¹ Long-term average annual concentration after measurements of the discharges.

² Maximum permissible concentration (reached from time to time, for example at a time of increased flow).

³ This value diminishes as the measures referred to in article 2, paragraph 2, of the Convention and article 1 of the Additional Protocol are carried out.

⁴ The chloride-ion discharges are modulated so that the concentration resulting from discharges greater than 1 kg/s of chloride ions does not exceed 400 mg/l of chloride ions at the Hauconcourt measuring station on the Moselle River. The indicated annual average load must not be exceeded.

⁵ A concentration of 75 kg/s should never be exceeded in the Kembs — Seltz/Maxau segment.

[TRANSLATION — TRADUCTION]

DECLARATION OF THE HEADS OF DELEGATION OF THE GOVERNMENTS PARTIES TO THE AGREEMENT ON THE INTERNATIONAL COMMISSION FOR THE PROTECTION OF THE RHINE AGAINST POLLUTION

The heads of delegation of the Governments parties to the Agreement on the International Commission for the Protection of the Rhine against Pollution (ICPR), signed at Bern on 29 April 1963,

As well as to the Convention on the Protection of the Rhine against Pollution from Chlorides, signed at Bonn on 3 December 1976, the exchanges of letters dated 29 April, 4 May and 14 May 1983, and the declaration of the heads of delegation dated 11 December 1986 (hereafter referred to as “the Convention”),

Met on 25 September 1991 at Brussels and, on instructions from their Governments, made the following declaration:

1. The heads of delegation recall that at the ninth ministerial conference, held on 11 October 1988 in Bonn, the comprehensive French plan for the implementation of the second phase, pursuant to paragraphs 3 and 4 of article 2 of the Convention, did not meet with the agreement of all the Contracting Parties.

They also recall the outcome of the tenth ministerial conference, held on 30 November 1989 in Brussels, at which an alternative plan was put forward by the Netherlands Government, with the support of the French Government.

They note that, at the plenary meeting of ICPR, held in Essen on 10 July 1990, agreement was reached on the need to supplement the Convention if its objectives were to be achieved.

They believe that the modified reduction in discharges in French territory described below can be put into operation immediately on the basis of articles 2 and 7 in order to implement the second phase of the Convention.

2. In periods when the chloride concentration in the Rhine at the German-Netherlands border exceeds the guideline of 200 mg/l, the French Government shall implement, besides the reduction of 20 kg/s of chloride ions realized since 5 January 1987 in accordance with article 2, paragraph 2, of the Convention, a modified reduction in French territory in accordance with the details and technical factors contained in annex I. The quantities of chlorides resulting from the modified reduction shall be stored temporarily on land.

The French Government shall report to the other Contracting Parties each year on the quantities of chlorides stored as a result of the modified reduction, and on the costs relating thereto.

Three years after implementation of the modified reduction, the Contracting Parties shall review the results achieved, within the framework of the ICPR and in the light of jointly determined objectives.

3. This modified reduction shall be implemented progressively once the final international financial contribution due under point 7 has been paid, and shall be fully operational one year after that date. It shall be continued under the provisions of annex II of this declaration until production in the Alsace Potassium Mines has been reduced, and until no later than 31 December 1998.

4. The quantities of chlorides stored as a result of implementing the modified reduction in accordance with point 2 of this declaration may, once production in the Alsace Potassium Mines reaches a lower level, and subject to conditions to be determined by the Contracting Parties at a later date on the basis of a proposal by the ICPR, be discharged into the Rhine in an ecologically sound manner and with due consideration for the various uses of the water. In this period, the guideline of 200 mg/l of chloride ions at the German-Neth-

erlands border shall continue to apply and the national average annual concentration shown in the table in annex II of the Convention shall not be exceeded.

5. The maximum overall cost of these mesures, for the entire duration of the implementation of the plan, including preliminary studies and eventual removal from storage, shall be 400 million French francs, spread over three periods in accordance with the provisions of annex II, which forms an integral part of this declaration.

6. These measures shall be financed according to the key given in article 7 of the Convention.

Payments shall be made in French francs into account No. 30001-00064-0000009-000 at the Agence comptable centrale du Trésor français.

7. The first payment as specified in annex II shall be made within three months of the signing of this declaration.

8. If the Additional Protocol to the Convention signed on this day is not ratified within three years of the signing of this declaration, the Contracting Parties may withhold their contributions towards the modified storage procedure, whereupon they shall be released from future financial obligations, and France shall be permitted to end the modified storage procedure.

9. The Contracting Parties agree that, apart from the measures already agreed upon in French territory to achieve reductions, no further measures to reduce the chloride concentration in the Rhine as a whole, as defined by the Convention, are either foreseeable or justified on the basis of technical and economic criteria.

10. The heads of delegation, duly authorized to this effect, have signed this declaration at Brussels on 25 September 1991.

For the Government of the Federal Republic of Germany:

[DIETRICH RUCHAY]¹

[HANS VON STEIN]

For the Government of the French Republic:

[CAZALA]

For the Government of the Grand Duchy of Luxembourg:

[HANSEN]

For the Government of the Kingdom of the Netherlands:

[J. R. HOOGLAND]

For the Government of the Swiss Confederation:

[H. U. SCHWEIZER]

¹ Names of signatories appearing between brackets were not legible and have been supplied by the Government of Switzerland.

ANNEX I

TECHNICAL MODALITIES FOR THE SUPPLEMENTARY REDUCTION OF CHLORIDE
DISCHARGES FROM THE ALSACE POTASSIUM MINES (MDPA)

The modified reduction in French territory is to be achieved by the temporary storage on land of residual salts from the Alsace Potassium Mines, until the reduction in production scheduled for 1998, according to the following arrangements:

1. Storage on land is to commence once the chloride concentration exceeds the guideline of 200 mg/l for a non-stop 24-hour period at the German-Netherlands border (measured at the international monitoring station at Lobith) if at the same time the discharge is expected to fall for the following four days, according to the forecasting model described by the International Commission for the Hydrology of the Rhine Basin (CHR report No. 1-7, 1988).
2. Storage is to be stopped once the chloride concentration falls to 200 mg/l or less for a non-stop 24-hour period if at the same time the discharge is expected to rise for the following four days, according to the same forecasting model.
3. Each time it is started up, the storage process shall proceed until full capacity is reached, by the end of five working days at the latest.
4. The quantity of salt to be stored depends on the production of solid, storable residual salt by the factories. The Alsace Potassium Mines shall endeavour to store the largest possible quantity of the salt available during periods when the figure of 200 mg/l is exceeded at the German-Netherlands border; this quantity will stand between 42 kg/s and 56 kg/s in normal production circumstances, depending on the quantity of salts produced for use on roads.
5. The Alsace Potassium Mines have one year, from the date on which all the Contracting Parties make their financial contributions, to proceed with the temporary storage as provided for in this protocol. Meanwhile, to limit their discharges, the MPDA shall use equipment already in place for the first phase of temporary storage.

ANNEX II

FINANCIAL ARRANGEMENTS

1. *Spending limits*

1.1 Maximum expenditure for the work to be carried out in France, including both the costs of investment and the running costs for storage and eventual removal from storage, shall be 400 million current French francs. This figure shall be a spending limit: once it has been reached, France shall be released from its storage obligations.

1.2 The second phase of the programme shall be divided into three periods: 1991 up to and including 1993; 1994 up to and including 1996; and 1997 to 1998. An annual advance payment shall be made for each period by the Contracting Parties to enable France to cover the costs for each period as detailed in the following paragraph.

1.3 The following limits on costs to be incurred by France for each period have been fixed by the Contracting Parties:

- 155 million current French francs for the initial period
- 145 million current French francs for the second period
- 100 million current French francs for the third period.

1.4 In practice, the running costs will vary according to the coefficient of flow of the Rhine.

1.5 Each year, France shall be released from its storage obligations once the expenditure in that year has reached the spending limit as determined by point 2.1 and point 3.3. For this purpose, the running costs for France shall be calculated at a rate of 61.5 French francs (1988 French francs adjusted for inflation) per ton stored. For the first year, investment costs shall be added on (40 million 1988 French francs adjusted for inflation).

1.6 If, as a result of exceptional climatic conditions, the spending limit as determined by point 2 and point 3.3 is likely to be reached before the end of a particular year, leading to a lengthy hold-up in storage operations that will last until the following year, France may, after consultation within ICPR and while staying within the spending limits for that particular year, temporarily reduce the quantities to be stored or raise the guideline until, at the latest, the beginning of the following year.

2. *Procedure for financial calculations*

2.1 Costs for each period, expressed in prices of the year in which they are incurred, shall be met in accordance with the table below:

	<i>Year</i>	<i>French francs (millions)</i>	<i>Subtotal</i>	<i>Total</i>
First period	1991	90		
	1992	38		
	1993	27	155	
Second period	1994	73		
	1995	36		
	1996	36	145	
Third period	1997	50		
	1998	50	100	400

2.2 The Contracting Parties shall pay their contribution to these costs by a lump-sum annual advance payment.

2.3 The costs shall be apportioned among the Contracting Parties according to the key given in article 7 of the Convention.

3. *Payment of costs*

3.1 Work shall begin in 1991 only after all contributions for that year have been paid in advance. Each Contracting Party shall pay its contribution for each subsequent year by means of a lump-sum annual advance payment, to be paid by 31 January of the relevant year. If no payment is made by that date, and once the available funds have been exhausted and the other Contracting Parties so informed, France shall be released from its modified storage obligations for the year concerned until all contributions have been paid in full.

3.2 At the end of each year, France shall present a report on the quantities stored, and on the costs related thereto, calculated according to the conditions specified in point 1.5.

3.3 In the event that the actual storage costs calculated in this way are below the limit initially set for the year concerned (point 2.1), the difference (plus 11/12 of the yearly interest on this amount at the annual long-term interest rate on national loans) shall be carried over to the following year, thereby raising the spending limit for the following year accordingly.

4. *Auditing of contributions*

4.1 For expenditure in French territory, payments are not payments in full discharge and the accounts shall be audited by 31 December 1998 at the latest by comparing the actual expenditure, calculated according to the conditions specified in point 1.5 above, with the spending limit set out in point 2.1 above, increased by any amount carried over pursuant to point 3.3 above. In the event that actual expenditure by France amounts to less than 400 million French francs, France undertakes to return the surplus received plus 11/12 of the yearly interest on this amount at the annual long-term interest rate on national loans. In this connection, the rate of price rises shall also be taken into account.

[TRANSLATION — TRADUCTION]

Record of corrections to the authentic German, French and Dutch texts

I, the undersigned, Charles Rubin, Head of the International Treaties Section of the Federal Department of Foreign Affairs,

Considering that the original copies of the Additional Protocol to the Convention on the Protection of the Rhine against Pollution from Chlorides, signed at Bonn on 3 December 1976, concluded at Brussels on 25 September 1991, and deposited with the Swiss Government, contained errors of form;

Considering that the proposed corrections listed below, notified on 8 January 1993 by the Federal Department of Foreign Affairs to the Governments of the States signatories, gave rise to no objections from the States concerned within the 30-day time limit;

Considering that there is, consequently, a need to correct the original German, French and Dutch texts of the above-mentioned Protocol as follows:

*A. German text**Second preamular paragraph*

Delete the comma after “vom 11. Dezember 1986”

Article 2, fifth line

Replace “IKSR” with “Internationalen Kommission”

Article 2, ninth line

Replace “Chloridionen” with “Chlorid-Ionen”

Annex I, first sentence

Replace “vorgesehenem Produktionsrückgang” with “vorgesehenen Produktionsrückgang”

Annex III, point 3.1.2

Replace “Nederlandsche Bank N.V.” with “Nederlandse Bank N.V.”

*B. French text**Second preambular paragraph*

Delete the comma after “du 11 décembre 1986” and insert a comma after “(désignée ci-après par “la Convention”)

Article 2, sixth line

Replace “CIPR” with “Commission Internationale”

Annex III, point 3.1.2

Replace “Nederlandsche Bank N.V.” with “Nederlandse Bank N.V.”

*C. Dutch text**Article 2, fifth line*

Replace “ICBR” with “Internationale Commissie”

Have made the corresponding corrections to the original German, French and Dutch copies of the above-mentioned Protocol.

IN WITNESS WHEREOF, I have signed this record at Bern on 15 February 1993.

[*Illegible — Illisible*]
