

**ACT OF 24 JULY 1964 ON PROVISIONAL DETERMINATION
OF RIGHTS RELATING TO THE CONTINENTAL SHELF
AS AMENDED ON 2 SEPTEMBER 1974**

Article 1

Authorization shall be required for the exploration of the mineral resources of the German continental shelf as defined in the Declaration by the Federal Government of 20 January 1964, the extraction of such mineral resources, and all research activities relating to the continental shelf undertaken *in situ*, and the installation and operation of a transit pipeline in or on the German continental shelf. The rules of international law relating to the high seas and the continental shelf shall not be affected.

Article 2

(1) Authorization for the operation referred to in article 1, first sentence, shall be granted provisionally in accordance with the provisions of paragraphs (2)-(6).

(2) Pending definitive regulation of the question of competence, permits shall be issued:

(1) As concerns technical and commercial mining operations, by the Central Bureau of Mines at Clausthal-Zellerfeld;

(2) With regard to the regulation of the utilization of the superjacent waters of the continental shelf and the air space above those waters by the German Hydrographical Institute. Research activities which, by their nature, are manifestly not directed towards prospecting for mineral resources shall require only a permit in accordance with clause 2 of the first sentence; in other cases, such a permit may be issued only if the permit under clause 1 of the first sentence is produced.

(3) The permit may be issued subject to restrictions and conditions and may be subject to cancellation; conditions may also be imposed retrospectively. The permit shall be issued for a maximum period of three years and may, if the Act referred to in article 16, paragraph (2) has not yet come into force when the period expires, be renewed, provided that its total duration shall not exceed five years. A legal right to the granting or extension of authorization for the exploration and exploitation of mineral resources or for any research activities relating to the continental shelf undertaken *in situ* does not exist.

(4) The granting or extension of authorization for the installation and operation of a transit pipeline may be denied only where there is reason to fear a danger to human life or health or to material property, or a threat to overriding public interests, which cannot be prevented or removed by means of conditions or restrictions. A threat to overriding public interests shall exist, in particular, if the installation or operation of a transit pipeline would:

(1) Hinder or impair the orderly exploration of the German continental shelf, the exploitation of its natural resources, navigation, fishing, the conservation of the living resources of the sea or the protection and use of underwater cables or pipelines;

(2) Give reason to fear pollution of the sea; or

(3) Create a threat to the security of the Federal Republic of Germany.

(5) Any restrictions and conditions attached to a permit issued in accordance with clause 1 of the first sentence of paragraph (2) must in substance conform at least to such provisions of Part Three, Section Two, and Part Nine, Section Two, of the General Mines Act for the Prussian States of 24 June 1865 (Gesetzesammlung, p.705) and of orders made pursuant to article 197 thereof as are in force in Land Lower Saxony.

(6) The issue of a permit for the extraction of mineral resources in accordance with clause 1 of the first

sentence of paragraph (2) may be subject to payment of a consideration. The amount of the consideration shall be assessed on the basis of the mining dues which would customarily be payable at the point in German territorial waters nearest to the place of extraction. The option provided for in the first sentence shall be exercised where the competitive position of enterprises engaged in mining in German territorial waters would otherwise be substantially affected. The consideration shall be paid to the Central Bureau of Mines at Clausthal-Zellerfeld; the party to whom the Central Bureau of Mines shall transfer moneys thus received shall be specified in the Act envisaged in article 16, paragraph (2).