

**Memorandum of Understanding
regarding a treaty on a fixed link across the Fehmarnbelt
between
the Federal Republic of Germany
and
the Kingdom of Denmark**

1. The Kingdom of Denmark and the Federal Republic of Germany agree that an intergovernmental treaty regarding the construction and operation of a fixed link across the Fehmarnbelt should be signed and provisionally applied before the end of 2007. The treaty should be ratified as soon as possible.

2. The parties agree that the fixed link across the Fehmarnbelt consists of a double-track electrified railway and a four-lane motorway and is established between Puttgarden and Rødbyhavn. The preferred solution is a cable-stayed bridge. The target is an opening for traffic of the coast-to-coast connection in 2018.

A bridge company owned solely by the Kingdom of Denmark and established according to Danish law should be responsible for the preparation, planning, design, approval, construction, financing, ownership, operation and maintenance of the coast-to-coast connection of the fixed link across the Fehmarnbelt. The Kingdom of Denmark should receive profits if any and be liable for any loss that may arise in connection with the operation of the bridge company. The members of the board of directors of the bridge company are appointed by the Danish Minister for Transport. The toll station should be placed in the Kingdom of Denmark.

The coast-to-coast part of the fixed link across the Fehmarnbelt should be financed by the payment of the users of the fixed link across the Fehmarnbelt. The bridge company fixes the tolls in accordance with consultations with the Danish Minister for Transport. The tolls of the road connection are assumed to be equivalent to the fares in 2007 on the current ferry service Rødby-Puttgarden regulated according to the rate of inflation. Denmark reserves the right to finance the Danish hinterland connections with dividends from the coast-to-coast connection.

3. The parties agree that the fixed link across the Fehmarnbelt will be constructed subject to the outcome of an Environmental Impact Assessment (EIA) according to the existing EU-legislation as a combined rail and road link consisting of a double-track electrified railway and a four-lane motorway. The EIA should be finished at a time, which takes into consideration that the fixed link across the Fehmarnbelt is to open for traffic in 2018 and taking into consideration that the construction period is expected to be approximately 7 years.

Furthermore, the parties agree to examine how to make the necessary land and water areas on their territories as well as the seabed, over which they exercise sovereignty, available free of charge for the construction and operation of the fixed link across the Fehmarnbelt. The coast-to-coast part of the fixed link across the Fehmarnbelt is considered to be owned solely by the Kingdom of Denmark.

4. The parties agree that the Kingdom of Denmark should be solely responsible for the upgrading and financing of the hinterland connections to the fixed link across the Fehmarnbelt in the Kingdom of Denmark. The upgrading of the hinterland connections in the Kingdom of Denmark should be finished no later than the opening of the coast-to-coast connection.

The upgrading of the E 47 road connection between Sakskøbing and Rødbyhavn in the Kingdom of Denmark to at least a four-lane-high-class road should be finished no later than the opening of the coast-to-coast connection.

The electrification of the existing railway between Ringsted and Rødbyhavn in the Kingdom of Denmark should be finished no later than the opening of the coast-to-coast connection.

The upgrading of the railway from Vordingborg to Storstrømsbroen and from Orehoved to Rødbyhavn in the Kingdom of Denmark to a two-track line should be finished no later than the opening of the coast-to-coast connection.

5. The parties agree that the Federal Republic of Germany should be solely responsible for the upgrading and the financing of the hinterland connections to the fixed link across the Fehmarnbelt in the Federal Republic of Germany.

The upgrading of the E 47 road connection between Heiligenhafen (Nord) and Puttgarden in the Federal Republic of Germany to a four-lane federal highway should be finished no later than the opening of the coast-to-coast connection. The Fehmarnsund bridge should remain a two-lane road.

The electrification of the existing railway between Lübeck and Puttgarden in the Federal Republic of Germany should be finished no later than the opening of the coast-to-coast connection.

The Federal Republic of Germany undertakes to take the necessary measures to ensure sufficient railway capacity on the single track railway between Bad Schwartau and Puttgarden no later than the opening of the coast-to-coast connection.

The upgrading of the railway between Bad Schwartau and Puttgarden to a two-track line should be operational no later than 7 years after the opening of the bridge. The Fehmarnsund bridge should remain single-tracked.

The parties will undertake everything in their power to realize the project in accordance with the assumptions. Should the preconditions for the project or parts of the project develop significantly different than assumed, the parties will discuss the situation again.

6. The parties agree to submit and actively promote a joint application for EU-funding at the maximum support rate of the EU TEN-T programme for the coast-to-coast part of the fixed link across the Fehmarnbelt and to submit applications for the hinterland connections.

Berlin, 29. June 2007