

Agreement for an International Authority for the Ruhr (London, 28 April 1949)

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Agreement for an International Authority for the Ruhr, April 28, 1949

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Whereas international security and general economic recovery require:

that the resources of the Ruhr shall not in the future be used for the purpose of aggression but shall be used in the interests of peace;

that access to the coal, coke and steel of the Ruhr, which was previously subject to the exclusive control of Germany, be in the future assured on an equitable basis to the countries cooperating in the common economic good;

Whereas it is desirable for the political and economic well being of the countries of Europe cooperating in the common economic good, including a democratic Germany, that there be close association of their economic life;

Whereas it is important that trade between the countries mentioned in the preceding paragraph should be facilitated by lowering trade barriers and by any other means;

Now therefore, in furtherance of the foregoing purposes and in order to establish an international control in the Ruhr in conformity with the agreed statement of principles contained in Annex C to the Report signed in London on the first day of June, 1948 at the conclusion of the Six Power Talks on Germany, the Governments of Belgium, France, Luxembourg, the Netherlands, the United Kingdom of Great Britain and Northern Ireland and the United States of America have agreed as follows:

Part I: The Authority

Article 1

There is hereby established an International Authority for the Ruhr, hereinafter referred to as the “*Authority*”, the composition, powers and functions of which are as set forth herein.

Article 2

The members of the Authority shall be the Signatory Governments and Germany.

Article 3

The Authority shall consist of a Council composed of representatives of the Signatory Governments and, subject to the provisions of Article 4, of Germany. The Council shall be assisted by a Secretariat, headed by an Executive Secretary. The members shall also appoint alternate representatives.

Article 4

(a) When a German Government is established, it may appoint a delegate to the Authority with the right to attend meetings of the Council. At such time as the German Government becomes entitled to cast the votes allocated to Germany, as provided in Article 9 (c), it may appoint a representative on the Council and an alternate.

(b) The Occupation Authorities concerned shall be represented at the Council by one of their nationals jointly designated by them, until such time as the votes allocated to Germany are cast by the German representative.

Article 5

The Headquarters of the Authority shall be at such place in Land North Rhine-Westphalia as the Council may determine.

Article 6

(a) Each member will pay the expenses of its own representation. Costs of travel on business of the Authority shall, however, be borne by the Authority.

(b) The expenses of the Authority shall be defrayed by the members in proportions corresponding to the votes allocated to such members.

(c) Until the Occupying Powers decide otherwise, the expenses of the German representation and the share of the expenses of the Authority to be defrayed by Germany shall be met in such manner as may be determined by the Occupation Authorities concerned.

Part II: Internal Organization and Procedure

Article 7

The Council shall hold such regular and special meetings as are necessary to the performance of its functions.

Article 8

The Chairmanship of the Council shall be held in rotation for periods of six months each, in such order as the Council shall determine, by the representatives of the Signatory Governments. The representative of the Government of the United Kingdom shall take the chair until the Council has determined the order of rotation.

Article 9

(a) The voting rights of the several members of the Authority in its Council shall be:

Belgium	1 vote
France	3 votes
Germany	3 votes
Luxembourg	1 vote
The Netherlands	1 vote
The United Kingdom	3 votes
The United States	3 votes

(b) Eight favourable votes shall be sufficient for every decision of the Authority, except as provided in Articles 13, 14, 17 and 24.

(c) The votes allocated to Germany shall be cast as a unit by the joint representative of the Occupation Authorities concerned appointed as provided in Article 4, until the Occupying Powers concerned determine that the German Government, by accession or by other means, has assumed the responsibilities placed upon Germany by the present Agreement. Thereafter such votes shall be cast by the German representative.

Article 10

(a) The Executive Secretary will be appointed by the Council, will serve as head of the Secretariat, will act under the instructions of the Council and will perform such duties as the Council shall determine. He will be entitled to participate, without right of vote, in all meetings of the Council, shall keep minutes of its meetings and shall maintain a register of its decisions.

(b) The Executive Secretary shall appoint his staff in accordance with staff regulations drawn up as provided in Article 13. In his choice of staff he will be guided by the need for securing the highest standards of integrity, efficiency, independence and technical competence. The Council shall ensure that there is no undue concentration of posts in the hands of persons of any one nationality.

(c) The responsibilities of the Executive Secretary and of the staff shall be exclusively international in character. In the discharge of their duties, they shall not seek or receive instructions from any government or from any authority other than that constituted by the present Agreement. They shall refrain from any action which might prejudice their position as international officials. Each member of the Authority undertakes to respect the international character of the responsibilities of the Secretariat and will not seek to influence the Executive Secretary or his staff in the discharge of their duties.

Article 11

The annual budget shall be prepared by the Executive Secretary for approval by the Council.

Article 12

The Authority shall conduct its business in English, French and German, of which English and French shall be the official languages. Authoritative German texts of documents shall be provided as necessary.

Article 13

Immediately after the present Agreement comes into force the first meeting of the Authority shall be convened by the Government of the United Kingdom for the purpose of drawing up rules of procedure and operation, choosing an Executive Secretary, organizing its Secretariat and establishing staff regulations. Decisions on such matters, and any subsequent modifications of those decisions, shall require twelve affirmative votes. Thereafter the setting up of the organization shall proceed as rapidly as possible and the Authority shall begin to exercise its functions at times to be established by the Occupying Powers after consultation with the other Signatory Governments, but in any event prior to the establishment of a German Government.

Part III: Functions**Article 14**

(a) The Authority shall make a division of coal, coke and steel from the Ruhr as between German consumption and export. Such division shall:—

(i) ensure adequate access to supplies of these products by countries cooperating in the common economic good, taking into account the essential needs of Germany;

(ii) be in accordance with the terms of any agreement among the Occupying Powers with respect to the allocation of coal, coke and steel, which is in force at the time the division is made;

(iii) be consistent with the objectives set forth in the Convention for European Economic Cooperation and with any program approved, or decision taken, by the Organization for European Economic Cooperation, which is applicable to the period for which such division is made.

(b) The export allocations of the Authority shall be in terms of minimum amounts of coal, coke and finished or semi-finished steel to be made available from the Ruhr for export. The Authority shall have the power to express these export allocations in terms of various qualities or types of coal, coke and finished or semi-finished steel. Exceptionally, the Authority may make an allocation of pig-iron if at any time it decides by twelve affirmative votes that such an allocation is necessary in order to ensure adequate access to supplies of pig-iron. In making export allocations of finished or semi-finished steel, the Authority shall be bound by, and shall act within, any agreements relating to the level of steel production in Germany which are in force at the time and to which the Occupying Powers concerned are party.

(c) Before the Authority begins to exercise its functions under this Article, it will agree with the Occupation Authorities concerned on a procedure for coordinating the decisions of the Authority with the preparation of proposed programs and plans for submission to the Organization for European Economic Cooperation. This procedure shall be reviewed at any time at the request of any member, and in any case at the end of the Control Period or at such earlier time as may be agreed upon by the Occupying Powers.

Article 15

The Authority shall have the right to examine transport, price and trade practices, quotas, tariffs, and other governmental measures or commercial arrangements instituted or permitted by the German authorities which affect the coal, coke or steel of the Ruhr. If the Authority determines that such practices, measures or arrangements are artificial or discriminatory and are of such a nature as:—

(i) to impede access by other countries to the coal, coke or steel of the Ruhr,

(ii) to distort the movements of Ruhr coal, coke or steel in international trade, or

(iii) otherwise to prejudice the accomplishment of the purposes of the present Agreement,

the Authority shall decide that such practices, measures or arrangements shall be appropriately modified or terminated. In making its determinations under this Article the Authority shall have due regard for the

requirements of international peace and security, for Germany's obligations under the Convention for European Economic Cooperation, and for the need of the German authorities to afford legitimate protection to the commercial and financial position of Germany in international trade.

Article 16

(a) During the Control Period, or until such earlier time as may be agreed upon by the Occupying Powers, the Authority shall bring to the attention of the Occupation Authorities concerned measures which would ensure, and after such period or time the Authority shall itself ensure, in conformity with any international agreements relating to the protection of foreign interests in Germany in force at the time, to which the Signatory Governments are party,

(i) the safeguard and protection of foreign interests in coal, coke and steel enterprises in the Ruhr, and

(ii) the protection of such enterprises involving foreign interests from the application of discriminatory measures in any sector of their activity;

provided that when and to the extent that the protection of such foreign interests or enterprises is entrusted to any agency created or designated by any international agreement to which the Signatory Governments are party, the functions of the Authority in this matter shall cease.

(b) At the end of the Control Period, or at such earlier time as may be agreed upon by the Occupying Powers, the functions of the Authority referred to in paragraph (a) of this Article shall, unless they have previously ceased, be reviewed by the Signatory Governments, taking into account the desirability of transferring these functions to a separate agency or of extending them to the Aachen area.

Article 17

(a) During the Control Period, or until such earlier time as may be agreed upon by the Occupying Powers, the Occupation Authorities concerned will maintain such powers as may be necessary to enforce the disarmament of Germany, including power to control the supply of Ruhr coal, coke and steel to any industry which may be prohibited or limited in the interests of security by agreement among the Occupying Powers or under the terms of any international agreement to which they may become party.

(b) At the end of the Control Period, or at such earlier time as may be agreed upon by the Occupying Powers, the powers referred to in paragraph (a) of this Article shall be transferred to such international body as may be designated for these purposes by the peace settlement or by any international agreement to which the Signatory Governments are party, and the Authority shall cooperate with that international body in such ways as shall be prescribed by the peace settlement or international agreement. If no such international body is established, these powers shall be transferred to the Authority to be exercised by the representatives of the Signatory Governments thereon.

Article 18

(a) At the end of the Control Period, or at such earlier time as may be agreed upon by the Occupying Powers, such of the existing powers of the Occupation Authorities as are necessary to ensure:

(i) That there shall not be allowed to develop, or be restored, any pattern of ownership in the Ruhr coal, coke or steel industries, or trade and marketing agreements among such industries, which would constitute excessive concentration of economic power;

(ii) that persons who have been, or may be, found to have furthered the aggressive designs of the National

Socialist Party do not hold positions of ownership or control in the Ruhr coal, coke or steel industries or the trade and marketing organizations of such industries; and

(iii) that adequate information is made available for the purposes specified in sub-paragraphs (i) and (ii) above, will be transferred to the Authority or to the Military Security Board or its successor or to some other body created by international agreement and charged with ensuring the achievement of these objectives with respect to these and other industries in Germany. The Authority shall cooperate with any other body to which such powers may be transferred.

(b) In conjunction with the first meeting of the special representatives of the members contemplated in Article 27, if practicable, but in any event before the end of the Control Period, the Signatory Governments will determine, in the light of the experience of the Occupation Authorities;

(i) which of the existing powers of the Occupation Authorities are to be continued for the purposes provided for in paragraph (a) of this Article;

(ii) whether such powers will be transferred to the Authority, the Military Security Board or its successor, or some other body created by international agreement;

(iii) the manner in which such powers will be exercised if transferred to the Authority; and,

(iv) in the event of powers being so transferred to another body, the manner in which the Authority will cooperate with such other body.

Article 19

(a) At the end of the Control Period, or at such earlier time as may be agreed upon by the Occupying Powers, only such of the existing powers of the Occupation Authorities over the direction and management of the Ruhr coal, coke or steel industries as are necessary to ensure:

(i) that the general policies and general programs relating to production, development and investment in those industries are in conformity with the purposes stated in the preamble to the present Agreement; and

(ii) that adequate information concerning such policies and programs be made available,

will be transferred to the Authority, to the Military Security Board or its successor, or to some body created by international agreement.

(b) In conjunction with the first meeting of the special representatives of the members contemplated in Article 27, if practicable, but in any event before the end of the Control Period, the Signatory Governments will determine, in the light of the experience of the Occupation Authorities:

(i) which of the existing powers of the Occupation Authorities are to be continued for the purposes provided in paragraph (a) of this Article;

(ii) which of these powers will be exercised by the Authority, by the Military Security Board or its successor, or by some other body created by international agreement;

(iii) the manner in which powers transferred to the Authority will be exercised; and

(iv) the relationship of the Authority with the Military Security Board or its successor, or with any other body to which the powers mentioned in paragraph (a) of this Article may be transferred.

Part IV: Information and Investigation

Article 20

In order that the Authority may properly perform its functions and in order that it may determine whether its decisions are being appropriately carried out, the Authority shall have the right:

(i) to obtain periodical reports, and such additional reports as it considers necessary, on production, distribution and consumption of Ruhr coal, coke and steel, including such forecasts of production, distribution and consumption as may be necessary to enable it to perform its functions under Article 14;

(ii) to obtain such information as it considers necessary concerning supplies of coal, coke and steel available to Germany from sources other than the Ruhr, and concerning exports from Germany of such products from sources other than the Ruhr; and

(iii) to make in the Ruhr any investigations, including the examination of witnesses, which it considers necessary to verify the information obtained under this Article or other Articles of the present Agreement, and to determine the manner in which its decisions are being carried out, provided that similar investigations may also be made in other parts of Germany under a special procedure to be established in accordance with Article 13.

In the exercise of these rights, the Authority may make enquiries of individuals, including public officials, and public or private organizations, enterprises and firms, and may examine records and installations.

Part V: Execution of Functions

Article 21

(a) During the Control Period, or until such earlier time or times as may be agreed upon by the Occupying Powers, the Authority shall transmit its decisions under Articles 14 and 15 and its recommendations under Article 16 to the Occupation Authorities concerned.

(b) After the Control Period, or after such earlier time or times as may be agreed upon by the Occupying Powers, the Authority shall transmit its decisions under Articles 14 and 15 and its directions under Article 16 to the German Government.

Article 22

During the Control Period, or until such earlier time or times as may be agreed upon by the Occupying Powers, the Occupation Authorities concerned will:

- (i) ensure that the decisions of the Authority under Article 14 are carried out except in so far as, in the judgment of the Occupation Authorities concerned, they require modification in order to make them consistent either with any agreement between two or more of the Occupying Powers relating to financial assistance to Germany which is in force at the time, or with any Agreement among the Occupying Powers with respect to the allocation of coal, coke or steel which is in force at the time;
- (ii) ensure that the decisions of the Authority under Article 15 are carried out;
- (iii) inform the Authority of measures taken as the result of its recommendations under Article 16;
- (iv) take such action as is necessary to enable the Authority to exercise the rights provided for in Article 20; and
- (v) ensure the enjoyment of the privileges and immunities provided for in Article 28.

Article 23

After the Control Period, or after such earlier time or times as may be agreed upon by the Occupying Powers, the German Government shall:

- (i) ensure that the decisions of the Authority under Articles 14 and 15 and the directions of the Authority under Article 16 are carried out, and that any powers transferred to the Authority under Articles 17, 18 and 19 can be effectively exercised;
- (ii) take such action as is necessary to enable the Authority to exercise the rights provided for in Article 20; and
- (iii) ensure the enjoyment of the privileges and immunities provided for in Article 28.

Part VI: Default**Article 24**

(a) Should the German Government fail to take any action as required by Article 23 of the present Agreement, the representatives of the Signatory Governments on the Authority may serve notice in writing upon the German Government, which notice shall afford the German Government an opportunity, within a time determined by such representatives to be reasonable, to appear and present reasons why it should not be declared in default.

(b) If the German Government does not present reasons satisfactory to the representatives of the Signatory Governments, such representatives may declare the German Government in default and in that event shall inform the German Government in writing of their decision. Such representatives shall then make recommendations as to the necessary and appropriate measures to be applied.

(c) Should the representatives of the Signatory Governments decide that the German Government is taking, or permitting, action which if permitted to continue might frustrate the proper exercise of the functions of the Authority, and that it is expedient that such action should be suspended pending further investigation by the Authority and the formulation of a decision or direction, such representatives may serve preliminary notice in writing upon the German Government that such action shall be suspended, with immediate effect, for such a period as may seem appropriate, pending further consideration by the Authority.

(d) The German Government may, within fifteen days of the service of the preliminary notice in accordance with the provisions of paragraph (c) of this Article, request that the notice be set aside, and in that event shall be afforded a hearing at such time and place as may be determined by the representatives of the Signatory Governments. If the German Government fails to comply with the preliminary notice after:—

(i) a hearing has been held and such representatives have notified that Government that their decision has been maintained;

(ii) having failed to appear for a hearing at the time and place established; or

(iii) fifteen days have elapsed and no request that the notice be set aside has been made,

such representatives may without further formality declare the German Government in default and in that event shall inform that Government in writing of their decision. Such representatives shall then make recommendations as to the necessary measures to be applied.

(e) All decisions under this Article shall be reached by a majority of the votes allocated to the representatives of the Signatory Governments.

(f) During the Control Period, the recommendations provided for in paragraphs (b) and (d) of this Article shall be made to the Occupation Authorities.

(g) After the end of the Control Period, the recommendations provided for in paragraphs (b) and (d) of this Article will be made to the Signatory Governments. The measures recommended will be applied in accordance with the relevant provisions of the peace settlement or any international agreement to which the Signatory Governments are party.

Part VII: General Provisions

Article 25

The Authority may establish such formal or informal relationship with the United Nations and its subsidiary bodies, and with the Specialized Agencies and with other intergovernmental bodies, as may facilitate the performance of its functions.

Article 26

The Powers of the Authority will not be exercised for the purpose of protecting the commercial or competitive interests of any country, nor for the purpose of preventing peaceful technological development or increased efficiency.

Article 27

(a) One year after entering upon its functions and thereafter at annual intervals the Authority shall make a written report to the members on every aspect of its work. After the receipt by the members of such annual report there shall be held, unless all the Signatory Governments decide otherwise, a meeting of special representatives of the members for the purpose of reviewing the report and the work of the Authority.

(b) Except as provided in paragraph (c) of this Article, any two or more members of the Authority which, at any time, believe that the course of action or the policies initiated by the Authority are inconsistent with the purposes of the present Agreement, may give notice in writing to this effect to all other members of the Authority specifying the particulars which they consider to constitute such inconsistency. Upon receipt of such notice, the members shall consult together with respect to the complaint and shall take such action as may be required in the circumstances to accomplish a solution of the matter, including, where appropriate, such arbitration or judicial settlement as may be agreed by such members.

(c) A notice of complaint with respect to a course of action or policies initiated by the Authority for reasons of disarmament, demilitarization or denazification may only be given when supported by two members of the Authority other than Germany.

(d) Nothing in this Article shall be construed to affect the provisions of Articles 13 or 33 of the present Agreement.

Part VIII: Privileges and Immunities**Article 28**

(a) The Authority and its assets, income and other property shall enjoy in Germany the same privileges, immunities and facilities as are provided for the United Nations by the General Convention on Privileges and Immunities of the United Nations.

(b) During the Control Period, or until such earlier time as may be agreed upon by the Occupying Powers, the representatives of the Signatory Governments and their staffs and members of the staff of the Authority other than German nationals, and the dependents of such persons, shall enjoy in Germany the same privileges and immunities as are enjoyed by the official personnel of the Occupation Authorities. Thereafter all such persons shall enjoy in Germany the same privileges and immunities as are provided for persons of comparable status by the General Convention on Privileges and Immunities of the United Nations.

(c) German nationals on the staff of the Authority shall be immune from legal process in respect of words spoken or written and all acts performed by them in their official capacity.

Part IX: Definitions

Article 29

For the purposes of the present Agreement:

- (i) the expression “*Ruhr*” means the areas, as presently constituted, in Land North Rhine-Westphalia, listed in the Annex to this Agreement;
- (ii) the expression “*Signatory Governments*” means the governments named in the last paragraph of the preamble;
- (iii) the expression “*Occupying Powers*” means the Government of France, the Government of the United Kingdom and the Government of the United States;
- (iv) the expression “*Occupation Authorities*” means the Occupying Powers’ representatives in Germany who are exercising responsibility for the Occupation of Germany on behalf of their Governments;
- (v) the expressions “*Occupying Powers concerned*” and “*Occupation Authorities concerned*” mean those Occupying Powers or Occupation Authorities which share the responsibility for the economic administration of that part of Germany which includes the Ruhr;
- (vi) the expression “*Control Period*” means the period during which supreme authority is vested in the Occupying Powers;
- (vii) the expression “*German Government*” means any federal government, including a provisional federal government, in Germany which is approved by the Occupying Powers;
- (viii) the expression “*coal*” means hard coal, soft coal, “*Pechkohle*” and lignite in all their forms, and agglomerates of these products;
- (ix) the expression “*coke*” means solid fuels derived from distillation of coal, including semicoke or other special cokes in whatever form;
- (x) the expression “*steel*” means all hot and cold finished rolled or drawn steel products, including tubes, with or without steel mill extras, all finished steel forgings and finished steel castings, machined or unmachined, in carbon and alloy grades, ingots, semi-finished steel products, ferro-alloys and pig-iron of any type;
- (xi) the expressions “*finished steel*” and “*semi-finished steel*” include all forms of steel mentioned in the preceding definition except ingots, ferro-alloys and pig-iron.

Part X: Final Clauses

Article 30

The present Agreement shall come into force as soon as it has been signed on behalf of the Government of Belgium, the Government of France, the Government of Luxembourg, the Government of the Netherlands, the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the United States of America.

Article 31

As soon as a German Government has been established, it may accede to the present Agreement by executing an instrument containing such undertakings with respect to the assumption of the responsibilities of the German Government under the Agreement and such other provisions as may be agreed by the Signatory Governments.

Article 32

The present Agreement shall, subject to the provisions of Article 33, continue in force until the coming into effect of a peace settlement for Germany and thereafter as provided in such peace settlement.

Article 33

The present Agreement may be amended by the agreement of all the Signatory Governments on the recommendation of the Authority. As long as the special relation of the Occupying Powers towards Germany continues, the present Agreement may be terminated by those Powers, subject to prior consultation with the other Signatory Governments. Thereafter it may be terminated by the agreement of all the Signatory Governments.

Article 34

The English and French texts of the present Agreement are authentic.

Article 35

The original of the present Agreement shall be deposited with the Government of the United Kingdom, which will transmit certified copies thereof to each of the Governments on behalf of which it is signed, and it shall be registered with the Secretary-General of the United Nations.

Done at this day

In witness hereof the undersigned representatives, duly authorized by their respective governments, have signed this Agreement on the dates appearing opposite their signatures.

Annex

In Regierungsbezirk Duesseldorf:

(1) Landkreis Dinslaken

- (2) Landkreis Duesseldorf-Mettmann
- (3) Landkreis Essen
- (4) Landkreis Geldern
- (5) Landkreis Krefeld-Uerdingen
- (6) Landkreis Moers
- (7) Landkreis Rees
- (8) Stadtkreis Duesseldorf
- (9) Stadtkreis Duisburg-Hamborn
- (10) Stadtkreis Muelheim
- (11) Stadtkreis Neuss
- (12) Stadtkreis Oberhausen
- (13) Stadtkreis Remscheid
- (14) Stadtkreis Solingen
- (15) Stadtkreis Wuppertal

In Regierungsbezirk Muenster:

- (1) Landkreis Beckum
- (2) Landkreis Leudinghausen
- (3) Landkreis Recklinghausen
- (4) Stadtkreis Bottrop
- (5) Stadtkreis Gelsenkirchen
- (6) Stadtkreis Gladbeck
- (7) Stadtkreis Recklinghausen

In Regierungsbezirk Arnsberg:

- (1) Landkreis Ennepe-Ruhrkreis
- (2) Landkreis Iserlohn
- (3) Landkreis Unna
- (4) Stadtkreis Bochum
- (5) Stadtkreis Castrop-Rauxel
- (6) Stadtkreis Dortmund
- (7) Stadtkreis Hagen
- (8) Stadtkreis Hamm
- (9) Stadtkreis Herne
- (10) Stadtkreis Iserlohn
- (11) Stadtkreis Luenen
- (12) Stadtkreis Wanne-Eickel
- (13) Stadtkreis Wattenscheid
- (14) Stadtkreis Witten