

N° 3807.

ALLEMAGNE ET BELGIQUE

Arrangement concernant les facilités
en matière de circulation et de
travail dans les zones frontalières,
et protocole de clôture. Signés à
Aix-la-Chapelle, le 10 mai 1935.

GERMANY AND BELGIUM

Agreement regarding Traffic and
Labour Facilities in the Frontier
Zones, and Final Protocol.
Signed at Aix-la-Chapelle, May
10th, 1935.

TEXTE ALLEMAND. — GERMAN TEXT.

N^o 3807. — DEUTSCH-BELGISCHES ABKOMMEN ÜBER ERLEICHTERUNGEN AUF DEM GEBIETE DES PASSWESENS UND DER ARBEITSAUFNAHME IM KLEINEN GRENZVERKEHR. GEZEICHNET IN AACHEN, AM 10. MAI 1935.

German and French official texts communicated by the Belgian Minister for Foreign Affairs. The registration of this Agreement took place January 22nd, 1936.

DIE DEUTSCHE REGIERUNG und DIE BELGISCHE REGIERUNG haben es für angezeigt gehalten, die Bestimmungen des Abkommens¹ vom 1. Juli 1926 über Passerleichterungen für die beiderseitigen Staatsangehörigen im kleinen Grenzverkehr den gegenwärtigen Verhältnissen entsprechend zu ändern und zu ergänzen. Zu diesem Zweck haben die unterzeichneten Bevollmächtigten die nachfolgenden Bestimmungen vereinbart :

Artikel 1.

(1) Deutsche Reichsangehörige und Belgische Staatsangehörige, die im Grenzbezirk ihren Wohnsitz haben oder sich dort seit wenigstens vier Monaten aufhalten, können einen Grenzausweis erhalten, der sie unter den nachfolgenden Bedingungen und Vorbehalten berechtigt, die Grenze zu überschreiten und sich im Nachbargrenzbezirk vorübergehend aufzuhalten.

(2) Beamte und Angestellte im Dienste des Reichs, des Staates, der Provinzen, Kreise, Kantone und Gemeinden, die in amtlichem Auftrage die Grenze überschreiten müssen, geniessen die Vorteile des Grenzausweises ohne die im Absatz 1 dieses Artikels vorgesehenen zeitlichen Beschränkungen.

(3) Das Gleiche gilt für Nutzungsberechtigte von Grundstücken, die in einem Grenzbezirk liegen, aber von einer benachbarten Grenzbezirk belegenen Betriebsstätte aus bewirtschaftet werden, sowie für Personen, die in einer solchen Betriebsstätte beschäftigt sind.

Artikel 2.

(1) Als Grenzbezirk im Sinne dieses Abkommens wird angesehen :

Auf deutscher Seite ein Gebietsstreifen von 15 km Breite längs der Grenze,

Auf belgischer Seite das Gebiet der Kantone Eupen, Malmedy und St. Vith sowie der Gemeinden Sippenaeken, Moresnet, La Calamine, Gemmenich, Montzen, Henri-Chapelle, Welkenraedt, Baelen und Membach.

(2) Falls die vorbezeichnete Abgrenzung das Gebiet einer Gemeinde oder einer Ortschaft durchschneidet, wird die ganze Gemeinde oder Ortschaft in den Grenzbezirk einbezogen.

¹ Vol. LXII, page 127, of this Series.

¹ TRADUCTION. — TRANSLATION.

No. 3807. — AGREEMENT BETWEEN GERMANY AND BELGIUM
REGARDING TRAFFIC AND LABOUR FACILITIES IN THE FRON-
TIER ZONES. SIGNED AT AIX-LA-CHAPELLE, MAY 10TH, 1935.

The BELGIAN GOVERNMENT and the GERMAN GOVERNMENT have considered it desirable to adapt to present circumstances and to supplement the provisions of the Agreement of July 1st, 1926, concerning facilities for crossing the frontier to be granted to their nationals in the frontier zones. For that purpose, the undersigned Plenipotentiaries have agreed on the following provisions:

Article 1.

1. Belgian or German nationals who are domiciled in the frontier zone or who have been resident there for at least four months may obtain a frontier permit entitling them, under the conditions and reservations laid down hereinafter, to cross the frontier and to stay temporarily in the neighbouring frontier zone.

2. Officials and employees of the State, provinces, *Kreise*, cantons and communes, who have to cross the frontier in the exercise of their official duties, shall enjoy the privilege of the frontier permit regardless of the time restriction imposed in the first paragraph of this Article.

3. The same shall apply to persons enjoying the use of land situated in one of the frontier zones and cultivated by a concern in the other frontier zone, as well as to persons employed in such concerns.

Article 2.

1. For the purposes of the present Agreement, the frontier zone shall be understood to mean:

On the Belgian side, a strip of territory including the cantons of Eupen, Malmedy and St. Vith and the communes of Sippenaeken, Moresnet, La Calamine, Gemmenich, Montzen, Henri-Chapelle, Welkenraedt, Baelen and Membach.

On the German side, a strip of territory along the frontier fifteen kilometres in breadth.

2. Should the line of demarcation as defined above divide the territory of a commune or locality, the whole of this commune or locality shall be included in the frontier zone.

3. The Contracting Parties shall communicate to each other a list of the communes included in the frontier zones as defined above.

Article 3.

Frontier permits shall be issued by the competent authorities of the place where the person concerned has his domicile or residence. The said authorities shall be designated for that purpose by each of the two Contracting Parties in respect of its own territory.

Article 4.

1. Frontier permits shall be issued in French, Flemish and German, in accordance with the annexed specimens (Annexes A and B).

¹ Traduit par le Secrétariat de la Société des Nations, à titre d'information.

¹ Translated by the Secretariat of the League of Nations, for information.

2. The frontier permit shall be yellow or green according as it is issued by a Belgian or a German authority. If the person concerned is domiciled or resides both in the frontier zone and within the Customs area, the frontier permit shall be marked transversely with a red line.

Article 5.

1. The competent authorities of each Contracting Party shall communicate to the competent authorities of the other Party (Article 3) two copies of the lists of persons applying for a frontier permit. Such lists must give the names and christian names, trade or profession, place and date of birth, domicile or residence of the persons concerned, and the reasons in support of the application for the permit, the area for which the permit is to be valid and the points at which the frontier may be crossed ; the lists must be dated. The frontier permits for the persons named in the lists must be attached to the same. The authorities of the other Party must within two weeks following receipt of the communication return to the authorities which have made out the permits the duplicates of the lists and also the permits, and, if necessary, any other documents which may have been communicated. Permits to which no objection is taken shall be stamped by the authorities returning them. Such authorities shall enter on the lists, opposite the names of the persons who cannot be admitted or whose admission shall be subject to certain conditions, a note either to the effect that they are refused or to the effect that certain changes are required in respect of the area in which the permit is valid or the points at which the frontier may be crossed.

2. Provided that the conditions stated in the present Agreement are complied with, the granting of permits shall only be refused as an exceptional measure for reasons of public security.

Article 6.

Frontier permits may only be granted to persons over fifteen years of age. As an exceptional measure and in case of special need permits may also be granted to persons under fifteen. For the rest, children under fifteen may only cross the frontier without a permit if accompanied by an adult and only if the adult's permit authorises him to take the children with him.

Article 7.

1. As a general rule, frontier permits shall be issued for a period of two years.

2. A fee of 1.50 belgas in Belgium and of 0.50 Reichsmark in Germany shall be charged for the issue of a frontier permit.

Article 8.

1. Frontier permits entitle the holder to cross the frontier at the points named on the permit.

2. The competent authorities of the Contracting Parties shall determine by agreement the points at which the frontier may be crossed.

3. Permission to cross the frontier at points other than the recognised crossing points may be granted for economic reasons, especially if this is necessary for the purpose of agriculture or forestry, hunting or fishing, driving cattle to pasturage or peat-cutting. The crossing points necessary for these purposes shall be determined by agreement between the competent authorities of the two Parties and the persons concerned, due consideration being given to actual economic requirements. A note on the subject shall be entered in the frontier permit.

Article 9.

1. As a general rule, the frontier may only be crossed in virtue of frontier permits during the hours of daylight, that is to say between sunrise and sunset. Barriers shall be opened in good time and shall not be closed before the hour fixed.

2. Should local conditions seem to require it, the competent administrative and Customs authorities may, by agreement, change the hours at which the frontier may be crossed, such provisions to be applicable generally or only in individual cases.

3. The crossing of the frontier by rail, tramway and local railways shall not be subject to any restrictions as to hours.

Article 10.

Ministers of religion and their assistants, doctors, veterinary surgeons and midwives may also, in the pursuit of their calling, cross the frontier at a point other than the fixed crossing point, and even at night.

Article 11.

Frontier permits issued in one of the frontier zones shall entitle the holder to stay in the other frontier zone for not more than six days at a time.

Article 12.

For reasons connected with public security or in cases of serious and repeated misuse of a frontier permit, the authority which has consented to the issuing of the permit may, by briefly communicating its reasons to the authority which has issued the permit, either withdraw its consent or make its consent conditional on a restriction of the area in which the permit may be used or on the fixing of certain points at which the frontier may be crossed. The latter authority must then withdraw the permit or impose the said restrictions thereon, notifying the measures which it has taken to the authority of the neighbouring country.

Article 13.

Members of fire brigades, mining salvage corps and other organisations engaged in rescue work shall have the right, for the purpose of rendering assistance in the case of fire or other disasters in the frontier zones, to cross the frontier without being subject to passport formalities.

Article 14.

1. The holder of a frontier permit of one of the two Contracting Parties may only accept work in the frontier zone of the other Party if he is in possession of the workers' licence provided for by the legislation or the regulations of the second Party in respect of the employment of foreign labour.

2. Licences to accept work shall be granted to frontier workers :

On the Belgian side, by the Labour Exchange (" Office de Placement et du Chômage ") in whose area the undertaking concerned is situated.

On the German side, by the " Arbeitsamt " in whose area the undertaking concerned is situated.

The employer shall apply to the above-mentioned authority in his country for a licence to be issued to the worker in order that he may accept employment. He shall transmit the said licence to the worker or, if necessary, shall inform him that the licence has been refused.

3. Should the legislation of one of the Contracting Parties lay down that a special licence must be obtained by the employer in order to employ a foreign worker, such licence shall be applied for direct to the competent authority mentioned under 2.

4. No charge or stamp duty shall be levied for drawing up and issuing documents authorising acceptance of employment or the employment of a frontier worker.

Article 15.

The Contracting Parties shall notify each other of the services which are to be considered as competent authorities for the purpose of the present Agreement.

Article 16.

The Contracting Parties reserve the right to make such modifications in the present Agreement, by common consent and by a simple exchange of notes, as they may deem to be necessary in the light of the experience acquired.

Article 17.

The present Agreement and the Final Protocol annexed hereto shall come into force on August 1st, 1935. On that date the Agreement concluded between the two Contracting Parties on July 1st, 1926, concerning the facilities of movement granted to their nationals in the frontier zones, shall cease to have effect.

Article 18.

Each of the Contracting Parties shall have the right to denounce the present Agreement for the end of any calendar year at three months' notice.

AIX-LA-CHAPELLE, *May 10th*, 1935.

(Signed) LAVERS.

(Signed) ECKARDT.

FINAL PROTOCOL

TO THE AGREEMENT OF MAY 10TH, 1935, CONCERNING FACILITIES FOR MOVEMENT AND EMPLOYMENT IN THE FRONTIER ZONES.

At the moment of signing the Agreement of May 10th, 1935, concerning facilities for movement and employment in the frontier zones, the Plenipotentiaries have agreed as follows :

I.

Frontier permits issued under the Agreement of July 1st, 1926, shall no longer be valid in any case after October 31st, 1935.

II.

Each of the two Contracting Parties reserves the right to take steps to provide that in the case of frontier permits issued before November 1st, 1935, under the provisions of the present Agreement, a fee lower than that laid down in Article 7, paragraph 2, shall be levied should the applicant produce a permit which has been issued under the provisions of the former Agreement and which ceases to be valid only after July 31st, 1936.

III.

The frontier workers of one of the two Contracting Parties who are employed in the undertakings defined in Article 1, paragraph 3, may work in sections of such undertakings situated in the frontier zone of the neighbouring country without being in possession of the workers' licence provided for in Article 14, paragraph 1.

IV.

The provisions of the Protocol of November 7th, 1929, concerning the points at which the Belgo-German frontier may be crossed shall remain in force even after July 31st, 1935.

AIX-LA-CHAPELLE, *May 10th*, 1935.

(Signed) LAVERS.

(Signed) ECKHARDT.

ANNEX A.

Fee : RM

Valid till 19.....

Frontier Traffic between Germany and Belgium.

FRONTIER PERMIT.

No.

Name and christian names

Domicile or place of residence

.....

This permit entitles the holder to cross the frontier at the officially recognised crossing points, and to stay in the Belgian frontier zone for not more than six days at a time.

.....

A licence from the Labour Exchange (" Office de Placement et du Chômage ") in whose area the undertaking concerned is situated must be obtained previous to the acceptance of employment in the Belgian frontier zone.

Restrictions : The permit only entitles :

DESCRIPTION.

Status or profession

Nationality

Place of birth

Date of birth

Height

Face

Eyes

Hair

Any special peculiarities

.....

Children who may accompany the Holder.

Name and christian names.

Date of birth.

1.

2.

3.

4.

ANNEX B.

Valid till 19.....

Frontier Traffic between Belgium and Germany.

FRONTIER PERMIT.

No.

Name and christian names
Domicile or place of residence

This permit entitles the holder to cross the frontier at the officially recognised crossing points, and to stay in the German frontier zone for not more than six days at a time.

A licence from the " Arbeitsamt " in whose area the undertaking concerned is situated must be obtained previous to the acceptance of employment in the German frontier zone.

Restrictions : The permit only entitles :

DESCRIPTION.

Status or profession
Nationality
Place of birth
Date of birth
Height
Face
Eyes
Hair
Any special peculiarities

Children who may accompany the Holder.

Name and christian names.

Date of birth.

- | | |
|---------|-------|
| 1. | |
| 2. | |
| 3. | |
| 4. | |

Photograph.

Official stamp.

Official stamp.

Signature of the holder.

.....

.....

Stamp of the authority issuing the permit.

Official stamp.

..... 19.....

Signature of the official.

.....

.....

Official stamp.

Stamp of the German authority.

Photograph.

Official stamp.

Official stamp.

Signature of the holder.

.....

.....

Stamp of the authority issuing the permit.

Official stamp.

..... 19.....

Signature of the official.

.....

.....

Stamp of the Belgian authority.

Official stamp.

Fiscal stamp.

Consular stamps.
