

No. 4549

2x
p 195-197
et p. 204 (Grenzfragen)

BELGIUM
and
FEDERAL REPUBLIC OF GERMANY

Treaty regarding rectification of the Belgian-German frontier and the settlement of various problems concerning the two countries (with Final Protocol, annexes and exchange of letters). Signed at Brussels, on 24 September 1956

Official texts: French and German.

Registered by Belgium on 6 November 1958.

BELGIQUE
et
RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE

Traité relatif à la rectification de la frontière belgo-allemande et au règlement de divers problèmes concernant les deux pays (avec Protocole final, annexes et échange de lettres). Signé à Bruxelles, le 24 septembre 1956

Textes officiels français et allemand.

Enregistré par la Belgique le 6 novembre 1958.

[TRANSLATION — TRADUCTION]

No. 4549. TREATY¹ BETWEEN THE KINGDOM OF BELGIUM AND THE FEDERAL REPUBLIC OF GERMANY REGARDING RECTIFICATION OF THE BELGIAN-GERMAN FRONTIER AND THE SETTLEMENT OF VARIOUS PROBLEMS CONCERNING THE TWO COUNTRIES. SIGNED AT BRUSSELS, ON 24 SEPTEMBER 1956

His Majesty the King of the Belgians, of the one part, and
The President of the Federal Republic of Germany, of the other part,
have agreed to adapt to present conditions the agreements of 6 November 1922,²
7 November 1929³ and 10 May 1935⁴ regarding the Belgian-German frontier,
to modify the existing frontier line, taking into account the needs of the two
countries, and to settle all existing disputes between the two States, in the
spirit of the Treaties of Paris concluded in 1954 and with a view to promoting
friendly co-operation between them.

To this end they have appointed as their plenipotentiaries :
His Majesty the King of the Belgians :

His Excellency Mr. Paul-Henri Spaak, Minister of Foreign Affairs;
The President of the Federal Republic of Germany :

His Excellency Dr. Heinrich von Brentano, Minister of Foreign Affairs.

The plenipotentiaries having verified their full powers, found in good and
due form, have agreed as follows :

CHAPTER I.—RECTIFICATION OF THE FRONTIER

Article 1

(1) With a view to establishing, between the two countries, a rational
frontier line which will eliminate anomalies and thus conform to local conditions
and meet the needs of traffic, the High Contracting parties have agreed to make
the following frontier rectifications :

(a) Belgium relinquishes its administration of the following sections of
territories :

1. The locality of Aachen-Bildchen, that is to say, the section of territory
demarcated by boundary-stones 1017 to 980 and provisional boundary-stones
980/1 to 980/36;

¹ Came into force on 28 August 1958, in accordance with article 26, the exchange of the instruments of ratification having taken place at Bonn on 13 August 1958. Is not applicable to the Territories of the Belgian Congo and Ruanda-Urundi.

² De Martens, *Nouveau Recueil général des Traités*, troisième série, tome XIV, p. 834.

³ League of Nations, *Treaty Series*, Vol. CXXI, p. 327.

⁴ League of Nations, *Treaty Series*, Vol. CLXXXII, p. 323.

2. The section of the Raeren main road and the forest of Freyen (south of Lichtenbusch) situated between boundary-stones 943 to 920 and provisional boundary-stones 919/1 to 919/55;

3. The main roads from Roetgen to Fringshaus and from Fringshaus to Lammersdorf between boundary-stones 812, 813, and 776, 775;

4. A part of the hamlet of Leykoul, that is to say, the section of territory demarcated by boundary-stones 652 to 648 and, along the Breitenbach, by provisional boundary-stones 647/1 to 647/4, to boundary-stone 652;

5. The part of main road L 25 and the triangle of forest land belonging to the forest of Bullange, contained within boundary-stones 493 to 477-476, thence to boundary-stone 451, and provisional boundary-stones 404/63 to 404/75 and thence to provisional boundary-stone 404/115;

6. The locality of Losheim, that is to say, the section of territory demarcated by boundary-stones 451 to 405 and provisional boundary-stones 404/1 to 404/63;

7. That part of the locality of Hemmeres demarcated by boundary-stones 161-160 to 150 and provisional boundary-stones 149/1 to 149/24.

(b) The Federal Republic of Germany cedes to Belgium the following sections of territory administered by the latter :

1. The main road from Fringshaus to Konzen contained within boundary-stones 813 C and 775 D and boundary-stones 761/A and 762;

2. The forest territory demarcated by boundary-stones 624 to 572 and provisional boundary-stones 572/1 to 572/32 (forest of Wahlerscheid);

3. The triangle situated south-west of main road L 25 near the locality of Losheimergraben, contained within boundary-stones 476 to 451 and a line running along the south-west side of main road L 25, parallel to provisional boundary-stones 404/63 to 404/75;

(c) Belgium cedes to the Federal Republic of Germany the section of territory situated north of the Roetgen-Fringshaus and Fringshaus-Lammersdorf main roads (between boundary-stones 812 and 776) up to the permanent way of the Raeren-Kalterherberg railway line (between boundary-stones 800 and 787).

(2) These frontier rectifications are shown in detail on the maps attached as annex 1, a-h,¹ to this Treaty.

Article 2

The exact demarcation of the frontier established by article 1 shall be determined *in situ* by an *ad hoc* commission composed of representatives of the two Governments. The expenses entailed by the demarcation operations shall be divided equally between the High Contracting Parties.

¹ See inserts in a pocket at the end of this volume.

Article 3

(1) The inhabitants of the sections of territories designated in article 1 (1) (a) shall have the right to retain their domicile and their immovable property there. They shall, however, be allowed, within a period of two years, to transfer to Belgium their domicile and their movable property, as well as the proceeds of the sale of their immovable property, if any.

(2) German nationals domiciled in the sections of territory defined in article 1 (1) (b) shall have the right to opt for Belgian nationality within a period of two years. Those who avail of this right shall lose German nationality. They shall have the right, even if they do not exercise this option, to retain their domicile and their immovable property there. However, they shall have the right, within a period of two years, to transfer to the Federal Republic of Germany their domicile and their movable property, as well as the proceeds of the sale of their immovable property, if any.

Article 4

(1) In the sections of territory designated in article 1 (1) ownership of all State lands shall be transferred to the receiving State.

(2) The Federal Government shall pay to the Belgian Government the sum of 1.3 million Deutsche Mark (15.6 million Belgian francs) as compensation for investment in the sections of territory designated in article 1 (1) (a).

Article 5

(1) The land registers and cadastral documents relating to immovable property situated in the sections of territory designated in article 1 (1), together with the papers relating thereto (documents, deeds and maps), shall be handed over in the original or, should this be impossible, in certified copies, by the courts and competent authorities of the State making the transfer, to the courts and authorities of the other State. The courts and authorities shall hand over these documents to one another direct.

(2) Other questions of detail arising from the rectifications of the frontier shall be settled by subsequent agreement between the two Governments.

CHAPTER II.—CANCELLATION OF SEQUESTRATION OF IMMOVABLE PROPERTY
SITUATED ON OR NEAR THE FRONTIER

Article 6

(1) The Belgian Government shall authorize the restitution to German frontier zone farmers of sequestered immovable property owned by them lying across the frontier. Such restitution shall be made against payment of the

value assessed for purposes of the tax on capital in application of the Belgian Act of 17 October 1945.

(2) Cases of sequestered property situated in a 5 kilometre strip along the frontier shall be examined individually by a joint Belgian-German commission. The examination shall be conducted in a liberal spirit.

If it is established by the commission that the property in question is necessary from an agricultural or economic point of view, to the livelihood of the owner, the latter shall be allowed to attend the public auction sale held to liquidate the property.

CHAPTER III.—COURSE OF THE WESER

Article 7

(1) In view of the importance to Belgium of the purity of the water of the Weser, the Federal Government shall take the necessary steps to prevent pollution of the water of the Weser in the Roetgen-Schwerzfeld area.

(2) To that end the bed of the Weser shall be deflected, to follow a new course which will no longer pass through German territory. Water not drained by this deflection of the bed of the Weser shall be diverted into the Grolisbach basin.

(3) The Federal Government shall bear the cost of the work required in German territory and the Belgian Government shall bear the cost of the work required in Belgian territory.

Article 8

By agreement, experts of the two countries shall take the necessary steps to carry out the work. Directives with regard to these works are contained in annex 2¹ to this Treaty.

CHAPTER IV.—RAEREN-KALTERHERBERG RAILWAY LINE

Article 9

(1) The provisions relating to the Raeren-Kalterherberg railway line contained in the agreements of 6 November 1922, 7 November 1929, and 10 May 1935 and in their annexes, arrangements and protocols shall be adapted to the present conditions.

(2) Such adaptation shall be effected by means of supplementary arrangements, observing the principles set out in annex 3² to this Treaty.

¹ See p. 243 of this volume.

² See p. 244 of this volume.

Article 10

The Federal Government shall make available to the Belgian National Railways (*Société Nationale des Chemins de fer belges*) a lump sum of 4.9 million Deutsche Mark (58.8 million Belgian francs) as a contribution toward the cost of the maintenance in operation of the Raeren-Kalterherberg railway line during previous years.

CHAPTER V.—SETTLEMENT OF VARIOUS FRONTIER MATTERS

Article 11

A supplementary arrangement shall establish the measures necessary to ensure supervision by the two countries, in the most practical manner and taking into account their mutual interests, along the main roads listed hereunder, with a view to ensuring observance of measures laid down under the provisions of laws and regulations concerning the crossing of the frontier :

- (a) The Raeren main road between boundary-stones 943 and 920;
- (b) The main road from Roetgen to Fringshaus and from Fringshaus to Lammersdorf;
- (c) Main road L 25 between boundary-stones 496 and 394;

Article 12

(1) Persons, baggage, goods, vehicles and other property shall be allowed to pass freely along the main road from Fringshaus to Konzen, which lies in Belgian territory, without prejudice, however, to the operation of Belgian controls to ensure observance of the provisions of laws and regulations regarding frontier crossings.

(2) A supplementary arrangement shall establish the measures necessary to give effect to paragraph (1); such measures may include prohibition of stopping.

This arrangement shall also establish the necessary measures to enable officials of the German Customs to exercise effective control over the said section of main road in order to ensure observance of the provisions of laws and regulations regarding frontier crossings.

Article 13

(1) The Federal Republic of Germany shall close to traffic Federal main road 258 between points 091/003 and 139/994, on two days per week, each time for a period of five hours, in order to avoid the danger to traffic created by firing practice at Elsenborn Camp.

The times at which the road shall be closed shall be fixed by agreement between the competent Belgian military units and the German local authorities.

(2) This arrangement shall remain in force for such time as both Belgium and the Federal Republic of Germany are members of the Western European Union and of the North Atlantic Treaty Organization.¹

(3) If the traffic conditions change, the two Governments shall enter into considerations with a view to adapting the extent and duration of the traffic restrictions to the new traffic conditions.

Article 14

The High Contracting Parties decide to conclude, following the signature of this Treaty, arrangements establishing facilities and exemptions for local frontier traffic in respect of persons and goods.

Article 15

(1) The Federal Republic of Germany authorizes the importation of a maximum annual quota of 400 tons of sawn "Ecaussinnes" (Belgian granite) (German Customs Tariff item No. 25 15-A-3), produced by the Belgian marble works at Hergenrath, on payment of a reduced customs duty of 10 per cent *ad valorem*. The customs posts through which such importation shall take place shall be determined by agreement between the competent customs authorities of the two countries.

(2) The maximum annual quota established in paragraph (1) shall be reserved to supply the needs of the frontier district (customs zone) and may be used only in that district.

(3) It is agreed between the Parties that this arrangement is made in anticipation of the agreement to be concluded on frontier goods traffic, provided for in Article 14.

(4) The provisions concerning entry into force and termination of this arrangement shall be fixed by agreement between the two Governments.

Article 16

Agreements shall be concluded between the two Governments for the purpose of adapting to present conditions the provisions of the treaties of 6 November 1922, 7 November 1929 and 10 May 1935 (including their annexes, arrangements and protocols) not dealt with under articles 9, 11, 12 and 14.

Article 17

(1) An agreement between the two Governments shall regulate postal traffic in the frontier zone.

¹ United Nations, *Treaty Series*, Vol. 34, p. 243; Vol. 126, p. 350, and Vol. 243, p. 308.

(2) This agreement shall provide for a reduction of postal rates within a 30 km zone on either side of the Belgian-German frontier.

CHAPTER VI.—DOUBLE TAXATION

Article 18

The High Contracting Parties consider that an agreement for the avoidance of double taxation should be concluded as soon as possible.

Article 19

In the light of the frontier rectifications provided for under this Treaty, and the agreement called for under article 18, the High Contracting Parties, with a view to avoiding double taxation in regard to extraordinary taxes on fortune (with the exception of death duties), agree to the provisions contained in articles 20 to 23 hereunder.

Article 20

(1) The following shall be exempted from the tax on fortune established by the German Equalization of Taxes Act of 14 August 1952 :

(a) Individuals who, on 21 June 1948, possessed Belgian nationality (without also possessing German nationality) and had their domicile or habitual residence in the Federal Republic of Germany, with respect to their assets situated in Belgium;

(b) Companies formed in accordance with German law and subject as such to German taxes, with respect to their assets situated in Belgium, which have been returned to them by the Belgian Sequestered Property Office.

(2) For the purpose of this Article, the following shall be considered assets situated in Belgium :

(a) Immovable property (including appurtenances);

(b) Real rights in immovable property situated in Belgium and governed by the provisions of Belgian private law relating to immovable property, including rights of user in respect of immovable property situated in Belgium;

(c) Property constituting assets of a commercial or industrial establishment situated in Belgium;

(d) Property used in the exercise of a profession;

(e) Intellectual rights registered in Belgium;

(f) Shares and other titles, bank notes and all other movable assets;

(g) Shares issued by companies having their head office in Belgium, even in cases where the securities were in the Federal Republic of Germany on 21 June 1948;

(h) Shares of limited liability companies and co-operative societies which had their head office in Belgium on 21 June 1948;

(i) Claims and credits (including obligations, certificates of indebtedness, bills of exchange and insurance claims), when the debtor was domiciled in Belgium on 21 June 1948 and provided that such claims are not secured by immovable property situated in the Federal Republic of Germany.

(3) The assets enumerated in paragraph (2) under (e), (f), (g), (h) and (i) shall not be deemed to be situated in Belgium if, on 21 June 1948, they formed part of the assets of a commercial or industrial establishment situated in the Federal Republic of Germany. The foregoing applies only in respect of assets of the individuals referred to in paragraph (1) (a).

Article 21

(1) German nationals shall not be subject in Belgium to extraordinary taxes on fortune (with the exception of death duties) in respect of that portion of their assets which is situated in the Federal Republic of Germany; paragraphs (2) and (3) of Article 20 shall apply for the purpose of determining such assets.

(2) The Belgian Government shall have the right to denounce at the end of any calendar year, but not earlier than 31 December 1960, the undertakings entered into under paragraph (1).

Article 22

The higher financial authorities of the High Contracting Parties shall consider, in a favourable manner, whether and to what extent full or partial exemption from extraordinary taxes on fortune may be granted in particularly deserving cases.

Article 23

(1) The provisions of this chapter shall apply to *Land* Berlin unless the Government of the Federal Republic of Germany notifies the Belgian Government to the contrary within three months of the entry into force of this Treaty. In this chapter references to the Federal Republic of Germany shall also include *Land* Berlin.

(2) In the case of taxpayers who had their domicile or habitual residence in the *Land* Berlin on 21 June 1948, the date taken into consideration for the purposes of paragraphs (2) and (3) of article 20 shall be 1 April 1949, instead of 21 June 1948, unless an initial balance in Deutsche Mark already existed on 21 June 1948.

CHAPTER VII.—SETTLEMENT OF CERTAIN MATTERS CONNECTED WITH DEPORTATIONS

Article 24

(1) The High Contracting Parties have indicated their agreement on the following matters connected with deportations :

- (a) Mission to discover the whereabouts of Belgian deportees;
- (b) Discovery and repatriation of the remains of Belgian deportees;
- (c) Free travel on the German Federal Railways (Deutsche Bundesbahn) to Belgian deportees or their representatives when proceeding to places of deportation situated in the Federal Republic of Germany.

(2) The text of the arrangement on these matters will be found in annex 4¹ to this Treaty.

CHAPTER VIII.—SOCIAL SECURITY

Article 25

(1) Relations between the Kingdom of Belgium and the Federal Republic of Germany in the field of social security shall be settled by an agreement based on reciprocity.

(2) Negotiations have taken place to that end at Brussels. They have already enabled the Parties to achieve a large measure of agreement on questions of principle. It is planned to conclude these negotiations at Bonn as soon as possible.

CHAPTER IX.—FINAL PROVISIONS

Article 26

(1) This Treaty shall be ratified. The instruments of ratification shall be exchanged at Bonn as soon as possible.

(2) The Treaty shall enter into force on the fifteenth day following the exchange of instruments of ratification.

IN WITNESS WHEREOF the plenipotentiaries of the two Parties have signed this Treaty and have attached thereto their seals.

DONE at Brussels on 24 September 1956, in duplicate, in the French and German languages, both texts being equally authentic.

For the Kingdom of Belgium :

P.-H. SPAAK

For the Federal Republic of Germany :

VON BRENTANO

¹ See p. 246 of this volume.

FINAL PROTOCOL

On signing this Treaty,¹ the Government of the Kingdom of Belgium and the Government of the Federal Republic of Germany agree to consider as definitive for the High Contracting Parties the frontier established by the Treaty.

DONE at Brussels on 24 September 1956, in duplicate, in the French and German languages, both texts being equally authentic.

For the Kingdom of Belgium :

P.-H. SPAAK

For the Federal Republic of Germany :

VON BRENTANO

ANNEX 1

[See maps 1, a-h, in a pocket at the end of this volume.]

ANNEX 2

(to article 8)

Directives for the execution of the project to prevent pollution of the upper course of the Weser :

(1) Within the framework of the joint project, each State shall take the action required in its national territory.

Plans for works shall be exchanged as soon as possible in order to ensure their integration and co-ordination.

(2) The main features of the joint project are as follows :

(a) Deflection of the Weser before its entry into German territory and diversion of its affluent waters to the Steinbach basin. This deflection shall be carried out on the basis of a specific rate of flow of 4 m³/km²/sec.;

(b) Water not drained off by this deflection of the bed of the Weser shall be diverted into the Grolisbach basin;

(c) Deflection, before their arrival at the Belgian frontier, of the affluent waters coming from (b) and containing waste water from inhabited German territory. The deflection of these affluent waters shall be effected by means of a tunnel leading to the Grolisbach near Roetgen filtering station;

(d) The Belgian administration shall arrange for the collection of the waste water of the hamlets of Petergensfeld (Belgian section) and shall discharge them — in an adequately filtered state — into the tunnel mentioned under (c);

¹ See p. 234 of this volume.

(e) The deflection works at the Mühlenstrasse necessitated by the scheme described under (c) is situated in German territory and shall be so planned that only a run-off from the drained area of 4 m³/km²/sec. or more may flow into the lower reaches of the Weser. The deflection tunnel towards the Grolisbach shall therefore be designed for a specific rate of flow of 4 m³/km²/sec.;

(f) Affluent waters from German territory north of the Mühlenstrasse and its extension shall be brought into the diversion mentioned under (c) by means of a catch-drain;

(g) Waste water from the German farms at Schwerzfeld shall be drained into the abandoned bed of the Weser;

(h) A catch-drain shall be provided upstream of the deflection of the Weser referred to under (a).

(3) It is anticipated that the works required to maintain the purity of the waters reaching the Weser dam will be completed by 31 December 1962.

(4) On completion of this work, the prohibition on building in the German section of the upper Weser basin shall be lifted, except in the areas shown by the letters *A* and *B* on the attached map.¹

A N N E X 3

(to article 9)

I. — TRAFFIC

Passenger traffic

Passenger traffic shall be restricted to the running of special trains between the five stations (Roetgen, Lammersdorf, Konzen, Montjoie, Kalterherberg) of the Raeren-Kalterherberg line and the Federal Republic of Germany, either via Raeren-Walheim or via Kalterherberg-Losheim.

If a real need for operation of a scheduled passenger train service arises later, the Governments of the two States shall agree on the basis for operation of such a service.

Goods traffic

Goods traffic shall be carried exclusively as follows :

1. Between the five stations on the line;
2. Between the five stations and the Federal Republic and countries beyond, either via Raeren-Walheim or via Kalterherberg-Losheim;
3. Between the five stations and the stations of the Kalterherberg-Losheim line;
4. Between the five stations and Belgium and countries beyond;
5. Between German stations in the Aix-la-Chapelle frontier area bounded on the east by the Herzogenrath-Stolberg-Walheim line and the stations on the Losheim-Jünkerath-Gerolstein line and stations on the lines from Gerolstein to the west.

¹ See insert in a pocket at the end of this volume.

II. — PERFORMANCE OF OFFICIAL DUTIES

Employees of the railway administrations shall be authorized to perform, in the territory of the adjacent State, official duties connected with the operation of the line mentioned in the Treaty.

III. — TARIFFS

Passenger traffic

The provisions of the German tariff shall apply to passengers carried on the special trains via Raeren-Walheim, which are referred to in section I.

In the case of the special trains via Kalterherberg-Losheim, the provisions of the Belgian tariff shall apply on the Kalterherberg-Losheim section and the provisions of the German tariff on the other sections. The Belgian-German tariff shall apply to any traffic carried over the entire line.

Goods traffic

(1) Traffic between the five stations shall be subject to the provisions of the German tariff.

(2) Traffic between the five stations and the Federal Republic via Raeren-Walheim shall be subject to the provisions of the German tariff. Traffic between the five stations and the Federal Republic via Kalterherberg-Losheim shall be subject to the provisions of the Belgian tariff on the Kalterherberg-Losheim section, and to the provisions of the German tariff on the other sections. The Belgian-German through service tariffs shall apply to any traffic carried over the entire line.

(3) Traffic between the five stations and those of the Kalterherberg-Losheim section shall be subject to the provisions of the Belgian tariff.

(4) Traffic between the five stations and Belgium shall be subject to the provisions of the Belgian tariff.

(5) Traffic defined in section I (5) shall be subject to the provisions of the Belgian tariff on the Kalterherberg-Losheim section and to the provisions of the German tariff on the other sections. The Belgian-German through service tariffs shall apply to any traffic carried over the entire line.

IV. — LANGUAGES

In principle, the German language shall be used on the Raeren-Kalterherberg line, in the Belgian administrations' communications with the public.

V. — CURRENCY

Payment of tickets, freights, charges and rents, etc. may, in all cases, be made in German currency.

VI. — CONTROL AND SUPERVISION OF THE FRONTIER

German employees of the administrations responsible for supervision of frontier crossings shall be authorized to perform their duties in the stations of Raeren and Kalterherberg. The necessary measures shall be provided for in supplementary arrangements to ensure that such supervision may be carried out in the manner most satisfactory to all parties concerned. At other stations on the Raeren-Kalterherberg line, officers of the German customs may take all necessary steps to ensure identification of goods.

In addition, measures shall be taken to permit effective supervision by the German Customs—in the spirit of article 25 of the Agreement of 7 November 1929 and recognizing the powers therein mentioned—on the sections of the Raeren-Kalterherberg railway line which form part of Belgian territory, in so far as those sections cross German territory.

The foregoing also applies to those parts of Roetgen, Lammersdorf, Konzen and Montjoie stations which are open to the public.

VII. — PROVISIONS CONCERNING PERSONNEL

In so far as employees of the railway administrations and employees of the administrations responsible for supervision of frontier crossings are required to cross the frontier and stay in the territory of the adjacent State for the purpose of performing their duties under the present Treaty, they shall enjoy the facilities and exemptions necessary for that purpose, particularly as regards customs and passports.

ANNEX IV

(to article 24)

Article 1

The Federal Republic of Germany shall grant to the Kingdom of Belgium, subject to the conditions specified hereunder, facilities for the purpose of conducting inquiries and for discovering, exhuming, identifying and transferring the remains of war victims.

Article 2

The Belgian Government undertakes to defray any costs entailed in the discovery, identification, exhumation and repatriation of remains.

Article 3

The Belgian Mission for the Discovery and Repatriation of Remains (hereinafter referred to as the « Mission ») shall be responsible for carrying out the tasks arising under this Treaty. The Mission shall be attached to the Embassy of Belgium.

Article 4

In accordance with the German legislation in force, the Mission may recruit locally the staff necessary for its work.

Article 5

In order to facilitate the search for war victims, the Federal Republic of Germany shall ensure that all possible assistance is rendered to the Mission.

In particular, the competent German authorities shall, as far as possible, supply information relating to the period 10 May 1940 to 21 December 1945, which is contained in the archives of the following services :

Registrar's offices, cemeteries, crematoria, hospitals and health record centres (*Krankenbuchlager*) administered by the public authorities, as well as the civil register archives (*Personenstandsarchiv II*) and the public health insurance funds;

Police stations, courts and places of detention;

Employment offices, housing offices, welfare centres and population offices (*Ordnungsämter*).

In cases where the search and the Belgian reparation laws so require, the Mission may, in so far as possible, consult the records of the above-mentioned services, subject to the consent of the competent German authority. Subject to the same condition, the Mission may arrange for the making of photographic copies.

Fees and charges for the issue of information shall be refunded to the Kingdom of Belgium by the Federal Republic of Germany.

In any case where the Government of the Federal Republic of Germany lacks the power to take direct action, it is prepared to use its good offices to facilitate the search.

Article 6

In any case where, on the basis of previous search, there is a likelihood that Belgian war victims will be identified, and when the Belgian authorities propose to carry out an exhumation, they shall approach the competent German authorities and services in order to obtain their consent. An exhumation order shall be issued in all cases unless there are good grounds to the contrary. The provisions of the last paragraph of article 5 shall apply in such cases.

The Belgian Government shall bear the cost of restoring to its former condition any cemetery from which Belgian war victims may have been exhumed.

The Belgian and German authorities shall notify each other of the results of their identification work.

The German authorities shall notify the Mission, at least one month in advance, of the opening or re-arrangement of any individual or common graves of war victims, if the circumstances give rise to the presumption that remains of Belgian war victims are to be found in such graves.

Article 7

In carrying out the exhumation and transfer, the Mission shall be required to observe the health regulations laid down by the German authorities. The provisions of the International Agreement of 10 February 1937¹ concerning the conveyance of corpses shall not apply.

¹ League of Nations, *Treaty Series*, Vol. CLXXXIX, p. 313.

Article 8

In so far as customs regulations permit, the German frontier authorities shall facilitate the conveyance of corpses and, in particular, the passage of funeral processions. The Government of the Federal Republic of Germany shall refund to the Belgian Government any costs entailed in drawing up the documents required for such transfer.

Article 9

In performing its functions under this agreement, the Mission may make direct contact with the competent German authorities.

Article 10

Free access shall be guaranteed to places of burial and monuments commemorating war victims. The persons concerned may gather at such places, particularly on the occasion of commemorative ceremonies, in so far as German legislation permits.

Article 11

Deportees who have been recognized, under Belgian law, as having the status of political prisoners, or, in the event of the death of such a person in captivity, two members of his family may, once each year and subject to the conditions laid down in article 12, make pilgrimages to places of burial and commemorative monuments situated in the territory of the Federal Republic of Germany.

The number of visitors designated by the Belgian authorities to benefit from the privileges described in article 12 may not exceed four hundred in any year.

Within a period of ten years from the date of entry into force of this Arrangement and thereafter every five years, the Contracting Governments may in due course agree on the number of visitors who may be authorized each year to make such journeys.

Article 12

The Federal Republic of Germany shall facilitate the admission to its territory of the persons designated in article 11 and shall bear the cost of free, first-class, return travel on the appropriate lines of the German Federal Railways. The details shall be settled by the competent administrations of the two countries.

Article 13

The provisions of articles 1 to 9 are agreed upon for a period of six years from the entry into force of this agreement, unless the Parties agree otherwise six months before the expiry of this agreement.

EXCHANGE OF LETTERS

I

THE FEDERAL MINISTER OF FOREIGN AFFAIRS

Brussels, 24 September 1956

Your Excellency,

I have the honour to inform you of the following :

The Federal Government is prepared to give effective assistance, in accordance with legislative provisions, to German emigrants residing in Belgium who have suffered injury as a result of National-Socialist persecution.

To this end, the Federal Government has urged the Governments of the *Länder* concerned to intercede with the compensation offices concerned with a view to ensuring that the individual cases involved may be settled as soon as possible and as a matter of priority. Where needed, the compensation offices should make appropriate advances.

The Federal Government is further prepared to provide funds for immediate assistance in urgent cases. The Embassy of the Federal Republic of Germany at Brussels shall be responsible, in agreement with the Comité Israélite des Réfugiés Victimes des Lois Raciales, for the administration of such funds.

I have the honour to be, etc.

(Signed) VON BRENTANO

His Excellency Mr. Paul-Henri Spaak
Minister of Foreign Affairs

II

MINISTRY OF FOREIGN AFFAIRS AND FOREIGN TRADE

Brussels, 24 September 1956

Your Excellency,

I have the honour to acknowledge receipt of your letter of this day's date in which you inform me that :

[See letter I]

I have the honour to be, etc.

(Signed) P.-H. SPAAK

His Excellency Dr. Heinrich von Brentano
Federal Minister of Foreign Affairs

III

MINISTRY OF FOREIGN AFFAIRS AND FOREIGN TRADE

Brussels, 24 September 1956

Your Excellency,

I have the honour to inform you that :

Belgian fiscal legislation subjects dividends distributed to foreign shareholders by companies established under Belgian law only to the tax on moveable capital and to the national emergency tax. These taxes correspond to the *Körperschaftsteuer* levied by the Federal Republic.

In addition to the *Körperschaftsteuer*, the Federal Government levies a *Kapitalertragsteuer*, a tax which has no equivalent in Belgian fiscal legislation.

The Belgian Government therefore hopes to obtain from the Federal Government an assurance that, in the agreement for the avoidance of double taxation, negotiation of which was agreed upon in article 18 of the Treaty signed this day,¹ the rate of the *Kapitalertragsteuer* on dividends distributed to Belgian share-holders by companies established under German law will be reduced to an extent which will ensure that the taxation of dividends in the Federal Republic will be substantially equal to the taxes on income of the same nature accruing in Belgium to German shareholders.

I have the honour to be, etc.

(Signed) P.-H. SPAAK

His Excellency Dr. Heinrich von Brentano
Federal Minister of Foreign Affairs

IV

THE FEDERAL MINISTER OF FOREIGN AFFAIRS

Brussels, 24 September 1956

Your Excellency,

I have the honour to acknowledge receipt of your letter of this day's date and, in that connexion, to inform you as follows :

The Federal Government considers it possible that, in connexion with the negotiations concerning the double taxation agreement envisaged in article 18 of the Treaty signed this day, the *Kapitalertragsteuer* may be reduced to 15 per cent of the dividend income for certain groups of taxpayers who have their domicile or habitual residence in Belgium and receive dividends from the Federal Republic or the *Land* Berlin.

¹ See p. 234 of this volume.

The Federal Government regrets that it cannot go beyond this promise. The agreement for the avoidance of double taxation will constitute a whole and the Federal Government cannot foresee the manner in which the wishes it will express during the course of the negotiations may be received by the Belgian Government.

I have the honour to be, etc.

(Signed) VON BRENTANO

His Excellency Mr. Paul-Henri Spaak
Minister of Foreign Affairs

V

THE FEDERAL MINISTER OF FOREIGN AFFAIRS

Brussels, 24 September 1956

Your Excellency,

I have the honour to inform you of the following :

In order to expand mutual cultural relations and, in particular, with a view to supplementing effectively the Cultural Agreement signed this day between our two countries, the Federal Government and the German internal authorities have agreed to waive collection of the arrears of federal, *Land* and communal taxes in the amount of DM632,689.64 due in connexion with the establishment at Cologne of the Belgian Cultural Institute "Maison Belge".

This decision shall have retroactive effect to 1 April 1956.

I have the honour to be, etc.

(Signed) VON BRENTANO

His Excellency Mr. Paul-Henri Spaak
Minister of Foreign Affairs

VI

MINISTER OF FOREIGN AFFAIRS AND FOREIGN TRADE

Brussels, 24 September 1956

Your Excellency,

I learn with satisfaction from your letter of this day's date that :

[See letter V]

I have the honour to be, etc.

(Signed) P.-H. SPAAK

His Excellency Dr. Heinrich von Brentano
Federal Minister of Foreign Affairs