

No. 6475

**DENMARK
and
FEDERAL REPUBLIC OF GERMANY**

**Agreement concerning German war graves of the Second
World War in Denmark. Signed at Copenhagen, on
3 October 1962**

Official texts: Danish and German.

Registered by Denmark on 17 January 1963.

**DANEMARK
et
RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE**

**Accord relatif aux sépultures allemandes de la seconde
guerre mondiale se trouvant au Danemark. Signé à
Copenhague, le 3 octobre 1962**

Textes officiels danois et allemand.

Enregistré par le Danemark le 17 janvier 1963.

[[TRANSLATION — TRADUCTION]

No. 6475. AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE KINGDOM OF DENMARK AND THE GOVERNMENT OF THE FEDERAL REPUBLIC OF GERMANY CONCERNING GERMAN WAR GRAVES OF THE SECOND WORLD WAR IN DENMARK. SIGNED AT COPENHAGEN, ON 3 OCTOBER 1962

The Government of the Kingdom of Denmark and
The Government of the Federal Republic of Germany,

Moved by a common desire to arrive at a permanent solution to the problem of German war graves in Denmark, have agreed as follows :

Article 1

For the purposes of this Agreement, the expression « German war dead » means members of the German armed forces or persons of equivalent status as well as other persons of German nationality who died as a result of hostilities during the Second World War.

This Agreement shall not apply to any such war dead whose graves are claimed by another State of which they were formerly nationals.

Article 2

In order to improve the care and maintenance of their graves, German war dead buried in Denmark shall be grouped together in cemeteries to be agreed upon later, where there are such graves already. The selection of suitable cemeteries for this purpose shall be effected by agreement between the Government of the Kingdom of Denmark and the Government of the Federal Republic of Germany.

The exhumation and transfer of German war dead shall be carried out by the Government of the Federal Republic of Germany at its own expense. The Government of the Kingdom of Denmark shall assist in these operations so far as possible.

Article 3

Under Danish law, the right of repose is of at least twenty years' duration.

¹ Came into force on 3 October 1962, upon signature, in accordance with article 13.

The Government of the Kingdom of Denmark undertakes to invite the competent local authorities to grant to the Government of the Federal Republic of Germany the use of the land occupied by German war graves for a period of sixty years, which may be extended thereafter. The Government of the Kingdom of Denmark will express to these authorities the hope that such grants shall be free of cost to the Federal Republic of Germany.

Article 4

The burial grounds of German war dead shall be prepared and constructed by the Government of the Federal Republic of Germany at its own expense in agreement with the Government of the Kingdom of Denmark.

The preparation and construction shall be effected in consultation with the competent Danish authorities in each individual case. The individual lay-out of burial plots according to the wishes of relatives will not be possible.

It is a requirement that the preparation and construction of the grave shall be effected with due regard for local conditions, so that the general character of the cemeteries concerned is not disturbed.

Article 5

The Government of the Kingdom of Denmark shall make available the necessary information on the basis of the documents in its possession concerning German war dead and war graves, and shall assist the Government of the Federal Republic of Germany in registering German war graves and identifying the dead.

Article 6

The Government of the Kingdom of Denmark agrees that the Volksbund Deutsche Kriegsgräberfürsorge e. V., acting on behalf of the Government of the Federal Republic of Germany, shall assume responsibility for giving effect to this Agreement. The Government of the Kingdom of Denmark shall facilitate the work of this organization in every possible way.

The Volksbund Deutsche Kriegsgräberfürsorge e. V. may send skilled personnel to Denmark in order to carry out its tasks and may set up the necessary workshops.

The official of the Danish Ministry of Ecclesiastical Affairs in charge of matters relating to foreign war graves shall assist the Volksbund Deutsche Kriegsgräberfürsorge e. V. in carrying out its tasks. Every transfer must be approved in advance by the official, who shall be informed by the Volksbund of the time when work is to begin, so that he may be present on each occasion. Any questions which may arise in this connexion may be submitted to the Danish Ministry of Ecclesiastical Affairs whose decision shall be final.

Article 7

The Government of the Federal Republic of Germany may import into Denmark from any country whatsoever, free of customs duties and other charges, the materials, equipment, tools and *objets d'art* which may be required for the exhumation and reburial of the dead and for the final preparation and construction of burial grounds for German war dead.

The exemptions provided for in this article shall be granted on the application of the Volksbund Deutsche Kriegsgräberfürsorge e. V.

The Government of the Kingdom of Denmark shall exempt the Volksbund Deutsche Kriegsgräberfürsorge e. V. from all taxes, duties and other charges arising out of the application of this Agreement.

Article 8

The Government of the Federal Republic of Germany shall be permitted to provide for the proper care and maintenance of the German war graves as finally laid out.

The Government of the Kingdom of Denmark shall ensure that the German war graves in Denmark are preserved and maintained as hitherto until the preparation and construction of the graves have been completed.

Article 9

The Government of the Kingdom of Denmark shall grant permission for the exhumation and transfer of German war dead from Denmark to Germany only on application by, or with the consent of, the Government of the Federal Republic of Germany. During transfers, the regulations governing the conveyance of corpses in force in Denmark and in the Federal Republic of Germany shall be observed.

All expenses of exhumation and transfer shall be borne by the applicant.

Before applications for the transfer of war dead from the burial grounds of German war dead to other countries are granted they shall be forwarded by the Government of the Kingdom of Denmark to the Government of the Federal Republic of Germany in order that the exact position of the grave and the identity of the body to be exhumed may be established.

Article 10

This Agreement shall not apply to German war dead if relatives or other individuals have acquired title to the burial plot or pay for its upkeep.

Article 11

Details regarding the practical application of this Agreement shall be settled directly between the German organization referred to in article 6 and the Danish Ministry of Ecclesiastical Affairs.

Article 12

This Agreement shall also apply to *Land* Berlin unless the Government of the Federal Republic of Germany makes a declaration to the contrary to the Government of the Kingdom of Denmark within three months after the entry into force of this Agreement.

Article 13

This Agreement shall enter into force on the date of signature.

IN WITNESS WHEREOF the plenipotentiaries have signed this Agreement and have thereto affixed their seals.

DONE at Copenhagen on 3 October 1962, in duplicate in the Danish and German languages, both texts being equally authentic.

For the Government
of the Kingdom of Denmark:

For the Government
of the Federal Republic of Germany:

J. O. KRAG

BERGER