

No. 8291

**NETHERLANDS
and
FEDERAL REPUBLIC OF GERMANY**

**Agreement concerning the merging of frontier control operations and the establishment of joint and transfer railway stations at the Netherlands-German frontier.
Signed at The Hague, on 30 May 1958**

Official texts: Dutch and German.

Registered by the Netherlands on 5 August 1966.

**PAYS-BAS
et
RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE**

Accord concernant la juxtaposition des contrôles et la création de gares communes ou de gares d'échange à la frontière néerlandaise-allemande. Signé à La Haye, le 30 mai 1958

Textes officiels néerlandais et allemand.

Enregistré par les Pays-Bas le 5 août 1966.

[TRANSLATION — TRADUCTION]

No. 8291. AGREEMENT¹ BETWEEN THE KINGDOM OF THE NETHERLANDS AND THE FEDERAL REPUBLIC OF GERMANY CONCERNING THE MERGING OF FRONTIER CONTROL OPERATIONS AND THE ESTABLISHMENT OF JOINT AND TRANSFER RAILWAY STATIONS AT THE NETHERLANDS-GERMAN FRONTIER. SIGNED AT THE HAGUE, ON 30 MAY 1958

Her Majesty the Queen of the Netherlands and the President of the Federal Republic of Germany,

Desiring to expedite the crossing of the common frontier by rail, road and waterway,

Have decided to conclude an agreement and have for that purpose appointed as their plenipotentiaries :

Her Majesty the Queen of the Netherlands :

His Excellency Mr. J. M. A. H. Luns, Minister for Foreign Affairs;

The President of the Federal Republic of Germany :

His Excellency Mr. H. Mühlensfeld, Ambassador at The Hague, who, having exchanged their full powers, found in good and due form, have agreed as follows :

PART I

GENERAL PROVISIONS

Article 1

1. The two States shall, pursuant to this Agreement, expedite the crossing of the common frontier by rail, road and waterway.

2. For that purpose, the following measures may be taken in each of the two States :

(a) National frontier control offices of the two States may be merged;

(b) The two States may carry out frontier control operations on trains or ships in transit on specified sections of route;

¹ Came into force on 28 September 1960, the fifteenth day following the exchange of the instruments of ratification which took place at Bonn on 13 September 1960, in accordance with article 26.

(c) Joint or transfer railway stations may be established.

3. These frontier control offices and railway stations shall, in so far as possible, be established in equal number on both sides of the frontier.

4. The competent Ministers shall, by agreement between them, designate, relocate, modify or discontinue :

(a) The merged national frontier control offices, including their sphere of jurisdiction;

(b) The sections of route on which frontier control operations may be performed on trains or ships in transit by officials of the two States;

(c) The joint railway stations.

5. Agreements concluded pursuant to paragraph 4 shall be confirmed and given effect by means of an exchange of diplomatic notes.

Article 2

For the purposes of this Agreement :

- (1) The term “ frontier control operations ” shall mean the application of all legal and administrative provisions of the two States relating to the crossing of the frontier by persons and the entry and exit of goods and other property;
- (2) The term “ territorial State ” shall mean the State in whose territory frontier control operations of the other State are performed or in whose territory joint or transfer railway stations are situated; the term “ adjoining State ” shall mean the other State;
- (3) The term “ joint railway station ” shall mean a railway station at which the railway services required in connexion with the crossing of the frontier by persons and goods are, either wholly or in part, performed jointly.

PART II

FRONTIER CONTROL OPERATIONS

Article 3

1. The officials of the adjoining State shall, under this Agreement, be entitled to perform frontier control operations at the offices and on the sections of route designated in accordance with article 1—hereinafter referred to as “ the zone ”—in the same manner as in their own State.

2. The zone may include :

(a) In the case of rail traffic :

- (1) Part of a station and its installations;
- (2) The section of railway between the frontier and the frontier control office;

- (3) In the case of frontier control on a train in transit, the train while it is on the above-mentioned section of railway and, if necessary, parts of the stations at which the section begins or ends;
 - (b) In the case of road traffic :
 - (1) Part of the service buildings;
 - (2) Parts of the roadway and its sides, including the ramps forming part of the service buildings;
 - (3) Storage accommodations;
 - (4) The road extending from the frontier to the frontier control office;
 - (c) In the case of traffic by waterway :
 - (1) Part of the service buildings;
 - (2) Parts of the waterway and the wharf and harbour installations, including the landing-stages;
 - (3) Storage accommodations;
 - (4) The section of waterway extending from the frontier to the frontier control office;
- (5) In the case of frontier control on a ship in transit, the ship and the accompanying control vessel while they are in the above-mentioned section of waterway.

Article 4

1. The legal and administrative provisions of the adjoining State relating to frontier control shall apply in the zone in the same manner as in the commune having jurisdiction over the frontier control office of the adjoining State. The commune in question shall be designated by the Government of the said State.

2. Pursuant to the provisions of the adjoining State referred to in paragraph 1, the crossing of the frontier shall take place within the zone upon the completion of frontier control operations by the State of exit.

3. Where offences are committed against the said provisions within the zone, the courts and authorities of the adjoining State shall be entitled to institute criminal proceedings and render decisions in the same manner as if the offences had been committed in the commune having jurisdiction over the control office.

Article 5

1. In frontier control within the zone, the official operations of the State of exit shall be effected before the corresponding official operations of the State of entry.

2. Until the exit frontier control of the adjoining State has been completed, the authorities of the territorial State shall not be entitled, within the zone, to arrest persons or seize goods and other property which are subject to such control.

3. After the entry frontier control of the adjoining State has begun, the authorities of the territorial State shall no longer be entitled, within the zone, to arrest persons or seize goods and other property which are subject to such control if the officials of the adjoining State have themselves taken such action.

Article 6

1. The officials of the adjoining State may transfer to the territory of that State any sums of money deriving from fines or from the levying of duties and charges. The same shall apply to sums collected in the territorial State for the account of the railway administration of the adjoining State in respect of the transport of persons, baggage and goods.

2. The officials of the adjoining State may transfer to the territory of that State any goods or other property held or seized by them.

Article 7

The officials of the adjoining State shall not be entitled to arrest nationals of the territorial State in the territory of that State or to return them to the adjoining State. They may, however, bring such persons, for purposes of interrogation, to their frontier control office in the territorial State or, if no such office exists, to the equivalent authority of the territorial State. An official of the territorial State must be present when the persons in question are brought in and interrogated.

Article 8

Persons turned back by the officials of the State of entry may not be refused the right to return to the State of exit.

Article 9

1. The officials of the two States shall assist one another as much as possible in the discharge of their duties in the zone, and particularly in the prevention and detection of offences against the legal and administrative provisions relating to the crossing of the frontier; for that purpose, they shall communicate to one another, as rapidly as possible, all information which is of importance for the proper discharge of their duties.

2. The provisions of paragraph 1 shall not affect any domestic legal and administrative provisions requiring authorization by other authorities, in certain cases, for the communication of such information.

PART III

OFFICIALS AND FRONTIER CONTROL OFFICES

Article 10

The authorities of the territorial State shall accord the officials of the adjoining State the same protection and assistance in the performance of their duties as they accord to their own officials.

Article 11

1. Officials of the adjoining State who, pursuant to this Agreement, are called upon to perform their duties in the territorial State shall be exempt from passport and visa formalities.

2. In order to cross the frontier for the purpose of proceeding to their place of work, they shall require merely an official document indicating their identity and the office to which they are assigned.

Article 12

1. Officials of the adjoining State who, pursuant to this Agreement, are called upon to perform their duties in the territorial State shall be required to wear in that State their uniform or a visible official badge; they may carry their service weapons, with the exception of fire-arms, but may use them only in self-defence.

2. The obligation to wear a uniform or a visible official badge shall not apply to supervisory or other officials of the adjoining State who proceed to the zone for the purpose of performing duties for only brief periods of time.

Article 13

1. Officials of the adjoining State who, pursuant to this Agreement, are called upon to perform their duties in the territorial State shall be exempt in that State from all personal service and material obligations under public law.

2. Officials of the adjoining State shall be deemed not to have transferred their fiscal domicile to the territory of the other State if they are present in that territory exclusively in connexion with the performance of their duties under this Agreement. They shall, subject to the same condition, be exempt from all direct taxes in the territorial State in respect of income deriving from their official duties.

Article 14

Articles intended for official use in the territorial State by frontier control offices or officials of the adjoining State may be imported and re-exported free of duties and other charges. Such articles shall not be subject to import or export

prohibitions or restrictions. The same shall apply to official or personal vehicles used by the officials in the performance of their duties in the territorial State.

Article 15

1. The premises assigned to the frontier control offices of the adjoining State shall be designated on the outside by an official shield.

2. The officials of the adjoining State shall be entitled to maintain order on the premises placed at their exclusive disposal and to remove therefrom any person causing a disturbance.

Article 16

1. The competent administrations of the adjoining State shall inform the competent administrations of the territorial State of the maximum number of officials whom they wish, as a general rule, to employ in the zone. They shall be free to employ additional officials when necessary. If the competent administrations of the territorial State so request, the competent administrations of the two States shall consult on the number of officials of the adjoining State employed in the zone.

2. The competent administrations of the territorial State may request the recall of officials of the adjoining State who are performing their duties in the territorial State.

Article 17

The competent administrations of the two States shall co-ordinate the working hours and functions of their merged frontier control offices in the territorial State.

Article 18

1. The telephone and telegraph lines (including lines for teleprinters) required for the proper functioning of the frontier control offices of the adjoining State in the territorial State may be extended into the territory of the latter State in order to permit the maintenance of direct communication with those offices.

2. For the same purpose, the Governments of the two States undertake to grant each other, in so far as possible, every facility for the use of other means of telecommunication.

Article 19

Letters, parcels and funds sent by or addressed to the frontier control offices of the adjoining State may be carried by the officials of that State free of charge

and without intervention by the postal or railway administration, provided that such articles bear the seal of the authority sending them.

PART IV

PERSONS MAKING CUSTOMS DECLARATIONS

Article 20

1. Persons from the adjoining State may carry on all frontier control activities at the frontier control offices of that State in the territorial State in the same manner as in the adjoining State.

2. The provisions of paragraph 1 shall in particular apply to persons from the adjoining State who are professionally engaged in the activities referred to in that paragraph. Such persons shall, in respect of the said activities, be subject only to the relevant legal and administrative provisions of the adjoining State. Activities thus carried on and services thus provided shall be regarded, for purposes of turnover tax, as having been carried on or provided solely in the adjoining State. The provisions of this paragraph shall not apply to the levying of direct taxes (taxes on income and fortune, etc.).

3. The persons referred to in paragraph 2 may, in the exercise of the activities mentioned in that paragraph, employ either Netherlands or German personnel. The legal and administrative provisions of the territorial State governing the employment of foreign workers shall not be applicable in this case.

4. The crossing of the frontier by the persons referred to in the preceding paragraphs and their stay in the territorial State shall be governed by the general provisions of that State. Such facilities as those provisions permit shall be granted.

PART V

SPECIAL PROVISIONS RELATING TO RAIL TRAFFIC

Article 21

1. The railway administrations of the two States shall, by agreement between them, designate the transfer railway stations and regulate the details of organizational and operating procedures at the joint and transfer railway stations and on the sections of railway between the State frontier and those stations as well as the apportionment of the costs of the installations and of their replacement, renovation and maintenance.

2. The provisions of articles 10, 11, 12, paragraph 2, 13, 14, 15, 16, 18 and 19 shall apply, as appropriate, to personnel and offices of the railway administra-

tion of the adjoining State. The provisions of article 12, paragraph 1, shall apply to personnel of the railway administration of the adjoining State to the extent that such personnel are required to wear a uniform or a visible official badge in their own State.

Article 22

The personnel of the railway administration of either State may, to the extent authorized by the laws of their own State, take appropriate measures to maintain order and safety on trains between the frontier and the joint or transfer railway station situated in the other State. Any offences against the provisions relating to the maintenance of order and safety which are committed on such trains shall be reported to the administration of the joint or transfer railway station so that proper action may be taken.

Article 23

The railway administrations of the two States may determine, by agreement between them, that railway personnel of the adjoining State on board trains crossing the frontier should continue to perform services beyond the joint or transfer railway station. The provisions of article 21, paragraph 2, shall apply to such personnel.

PART VI

FINAL PROVISIONS

Article 24

The competent Ministers of the two States shall determine, by agreement between them, the administrative measures necessary for the application of this Agreement.

Article 25

The agreements referred to in article 1, paragraph 4, may, subject to the conditions laid down in the said agreements, be terminated at the request of either State.

Article 26

1. This Agreement shall be ratified, and the instruments of ratification shall be exchanged at Bonn as soon as possible.

2. It shall enter into force on the fifteenth day after the exchange of the instruments of ratification.

3. It shall cease to have effect eighteen months after it is denounced by either State.

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

DONE at The Hague on 30 May 1958, in duplicate in the Dutch and German languages, both texts being equally authentic.

For the Kingdom
of the Netherlands :

J. LUNS

For the Federal Republic
of Germany :

H. MÜHLENFELD