

No. 11079

FRANCE
and
FEDERAL REPUBLIC OF GERMANY

Exchange of notes constituting an agreement for the establishment of phytosanitary control at the Franco-German frontier. Paris, 26 October and 1 December 1970

Authentic text: French.

Registered by France on 5 May 1971.

FRANCE
et
RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE

Échange de notes constituant un accord en vue de l'institution d'un contrôle phytosanitaire à la frontière franco-allemande. Paris, 26 octobre et 1^{er} décembre 1970

Texte authentique: français.

Enregistré par la France le 5 mai 1971.

[TRANSLATION — TRADUCTION]

EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹
BETWEEN THE FRENCH REPUBLIC AND THE FEDERAL
REPUBLIC OF GERMANY FOR THE ESTABLISH-
MENT OF PHYTOSANITARY CONTROL AT THE
FRANCO-GERMAN FRONTIER

I

EMBASSY OF THE FEDERAL REPUBLIC OF GERMANY

RK V 3-81/37/70

The Embassy of the Federal Republic of Germany presents its compliments to the Ministry of Foreign Affairs and, with a view to facilitating economic and trade activities between the Federal Republic of Germany and the French Republic, particularly with regard to the exchange of plant products, has the honour to propose the establishment of phytosanitary control in respect of such products in accordance with the following procedure :

1. Officials of the competent French authorities shall be empowered to take samplings in German territory, near the frontier, of plant products intended for importation into the territory of the French Republic, for the purpose of carrying out the inspections required by French legislation relating to plant protection.

Officials of the competent German authorities shall be empowered to take samplings in French territory, near the frontier, of plant products intended for importation into the territory of the Federal Republic of Germany, for the purpose of carrying out the inspections required by German legislation relating to plant protection.

2. For the purposes of the application of the foregoing provisions, the term "State of origin" shall mean the State in whose territory the control operations are carried out; the term "adjacent State" shall mean the other State.

3. The locations at which the phytosanitary control operations mentioned in paragraph 1 shall be carried out are as follows :

- (a) The mouth of the Rhône-Rhine canal at Niffer;
- (b) The unloading docks at Ottmarsheim;
- (c) The wharves at the port of Neuf-Brisach;
- (d) The wharves located in the port zone of Strasbourg.

¹ Came into force on 1 December 1970, the date of the note in reply, in accordance with the provisions of the said notes.

The two Parties may decide, by agreement between them, to establish other control locations in French or German territory.

4. Each Party shall transmit to the other the list of its officials who are authorized to conduct the control operations.

Officials of the adjacent State who are authorized by the State of origin to work in its territory shall have the right to conduct such plant control operations as are provided for in the laws and regulations of the adjacent State. They may prepare reports, but shall not be empowered to make arrests or seizures.

5. Officials of the adjacent State working in the territory of the other State may begin their inspections and samplings before the authorities of the State of origin have completed the export formalities relating to the goods subject to control.

In the event that the control operations conducted by the officials of the adjacent State give rise to comments, the latter shall be communicated immediately to the competent authorities of the State of origin.

6. Officials of the adjacent State working in the territory of the State of origin shall be given every facility by the latter to carry out their task.

7. Officials of the adjacent State shall be authorized to travel to their inspection posts in the State of origin upon presentation of official documents proving their identity and their occupation.

8. The respective authorities of the two Parties shall determine, by agreement between them, the practical procedure for the application of this Agreement. The following bodies shall be competent for this purpose :

In the case of France : the Ministry of Agriculture (Plant Protection Department), the Ministry of Economics and Finance (General Department of Customs and Indirect Taxes), the Ministry of the Interior (Department of Controls);

In the case of the Federal Republic of Germany : the Federal Ministry of Nutrition, Agriculture and Forests, the Federal Ministry of Finance, the Ministry of Nutrition, Agriculture, Viticulture and Forests of Baden-Württemberg.

If the Ministry is in a position to agree to the foregoing provisions, the Embassy has the honour to propose that this note and the Ministry's reply thereto shall constitute an Agreement between the Government of the French Republic and the Government of the Federal Republic of Germany concerning the establishment, at certain neighbouring points on their common frontier, of phytosanitary control of plant products exchanged between the two Parties. The Embassy proposes that this Agreement shall enter into force on the date

of the French reply and remain in force until the expiry of a period of six months following the date on which one of the Parties notifies the other of its denunciation.

The Embassy of the Federal Republic of Germany takes this opportunity, etc.

Paris, 26 October 1970

Ministry of Foreign Affairs
Paris

II

MINISTRY OF FOREIGN AFFAIRS

Paris, 1 December 1970

No. 5901

The Ministry of Foreign Affairs presents its compliments to the Embassy of the Federal Republic of Germany and has the honour to acknowledge receipt of its note dated 26 October 1970 concerning the establishment of phytosanitary control of plant products in the frontier region, which reads as follows :

[*See note I*]

The Ministry has the honour to inform the Embassy that it agrees to the foregoing provisions.

In these circumstances, the aforementioned note from the Embassy and this note shall constitute an Agreement between the Government of the French Republic and the Government of the Federal Republic of Germany concerning the establishment, at certain neighbouring points on their common frontier, of phytosanitary control of plant products exchanged between the two Parties. It is agreed that this Agreement shall enter into force on the date of this note and shall remain in force until the expiry of a period of six months following the date on which one of the Parties notifies the other of its denunciation.

The Ministry of Foreign Affairs takes this opportunity, etc.

Embassy of the Federal Republic of Germany
Paris