

No. 11875

**POLAND
and
GERMAN DEMOCRATIC REPUBLIC**

**Treaty concerning legal relations at State frontier and co-operation
and mutual assistance in frontier matters (with annexes).
Signed at Berlin on 28 October 1969**

Authentic texts: Polish and German.

Registered by Poland on 18 July 1972.

**POLOGNE
et
RÉPUBLIQUE DÉMOCRATIQUE ALLEMANDE**

**Traité relatif aux relations juridiques à la frontière d'État commune
ainsi qu'à la coopération et à l'assistance mutuelle pour les
questions de frontière (avec annexes). Signé à Berlin le
28 octobre 1969**

Textes authentiques: polonais et allemand.

Enregistré par la Pologne le 18 juillet 1972.

[TRANSLATION — TRADUCTION]

TREATY¹ BETWEEN THE POLISH PEOPLE'S REPUBLIC
AND THE GERMAN DEMOCRATIC REPUBLIC CONCERNING
LEGAL RELATIONS AT STATE FRONTIER AND CO-OPERATION
AND MUTUAL ASSISTANCE IN FRONTIER MATTERS

The Polish People's Republic and the German Democratic Republic, desiring to further the friendly relations existing between the two States and to promote co-operation and mutual assistance in frontier matters, have decided to conclude this Treaty.

For that purpose they have appointed as their plenipotentiaries:
The Council of State of the Polish People's Republic:

General Grzegorz Korczyński, Deputy Minister of National Defence;

The Council of State of the German Democratic Republic:

General Heinz Kessler, Deputy Minister of National Defence,

who, having exchanged their full powers, found in good and due form, have agreed as follows:

Chapter I

COURSE AND MARKING OF THE STATE FRONTIER

Article 1

(1) For the purposes of this Treaty, the term "frontier" or "frontier line" means the State frontier as established in the Agreement between the Polish Republic and the German Democratic Republic concerning the demarcation of the established and existing Polish-German State frontier, signed at Zgorzelec on 6 July 1950.² It follows on the terrain the course demarcated and indicated in:

¹ Came into force on 4 August 1970 by the exchange of the instruments of ratification, which took place at Warsaw, in accordance with article 45.

² United Nations, *Treaty Series*, vol. 319, p. 93.

1. The Instrument confirming the demarcation of the State frontier between Poland and Germany, signed at Frankfurt on the Oder on 27 January 1951,¹
2. The Protocol between the Government of the Polish People's Republic, the Government of the German Democratic Republic and the Government of the Czechoslovak Republic concerning the demarcation of the junction of the State frontiers of Poland, Germany and Czechoslovakia, and measures for the maintenance of the frontier marks set up at the junction of the State frontiers, signed at Berlin on 27 March 1957.

(2) The frontier demarcation documents are as follows:

1. The description of the course of the frontier line contained in the Protocol;
2. Maps of the course of the frontier line;
3. Sketches of the geodetic grid and measurements of the frontier line;
4. A list of the co-ordinates of the frontier marks and geodetic points situated on the frontier line;
5. Protocols relating to the placement of the frontier marks, together with sketches;
6. Protocols relating to the placement of auxiliary frontier marks, together with photographs.

Article 2

(1) The frontier line shall delimit vertically the air space and the subsoil of the territory of the Contracting Parties.

(2) For the purposes of this Treaty, rivers, streams, canals, lakes and other inland waters along which the frontier line runs or which are crossed by the frontier line shall be deemed to be frontier waters.

Article 3

(1) In land sectors, and also where the State frontier crosses frontier waters, the frontier line shall extend in an immovable straight line from one frontier mark to the next.

(2) In navigable frontier waters the frontier line shall extend in a movable straight, broken or crooked line following the middle of the main fairway (*Talweg*) and in unnavigable frontier waters, the middle thereof or the middle of the main branch.

¹ United Nations, *Treaty Series*, vol. 319, p. 93.

(3) In the Zalew Szczeciński (Oder-Haff) and the Jezioro Nowowapieńskie (Neuwarper See) the frontier line shall extend in an immovable straight line connecting the auxiliary frontier marks.

(4) Bridges, weirs, reservoirs and other installations in frontier waters shall, save as otherwise agreed, be crossed midway by the frontier line.

Article 4

Islands in frontier waters shall belong to the territory of one or the other Contracting Party according to their position in relation to the frontier line as established in the frontier demarcation documents.

Article 5

(1) In navigable frontier waters the course of the frontier line shall vary with the natural displacement of the middle of the main fairway (*Talweg*).

(2) In unnavigable frontier waters the course of the frontier line shall vary with the gradual, natural changes in the configuration of the banks.

(3) If, as a result of the natural processes referred to in paragraphs 1 and 2, significant changes in the course of the frontier line occur and diversion of the river bed to its previous position is not feasible for technical reasons or would be extremely costly, the Contracting Parties shall decide by agreement whether the frontier line is to be restored to its previous position or demarcated anew.

(4) The course of the frontier line shall not be altered as a result of the regulation of frontier waters, save in exceptional cases where the Contracting Parties, for technical or economic reasons, establish a new course of the frontier line in the water sector concerned by virtue of an appropriate agreement.

(5) Changes in the course of the frontier line as provided for in paragraphs 1 and 2 shall not affect the original status of islands as belonging to the territory of one or the other Contracting Party.

Article 6

(1) In land sectors the frontier line shall be marked by the following frontier marks:

1. By two concrete posts, each placed, as a rule, 2.5 meters from the frontier line, and a boundary stone placed between the posts directly on the frontier line;

2. At the basic turning points of the frontier line and at distinctive places thereon, by two concrete posts and by a concrete pillar placed between the posts on the frontier line itself;
3. In places where the frontier line crosses from a land to a water sector and *vice versa*, by three concrete posts and a boundary-stone or a concrete pillar; in the case of rivers, two of the posts shall be placed on one bank, with the boundary-stone or pillar between them, and the third post shall be placed on the opposite bank as a reference mark to show the continuation of the frontier line; in the case of lakes, the third post shall likewise be placed on the opposite bank to show the continuation of the frontier line crossing the water;
4. On frontier rivers, by concrete posts placed on both banks or one placed on one bank and the other on an island.

(2) In the Zalew Szczeciński (Oder-Haff) and the Jezioro Nowowarpieńskie (Neuwarper See) the frontier line shall be marked by the following auxiliary frontier marks:

1. Lighted or unlighted dolphins,
2. Lighted or unlighted buoys.

(3) The junction of the State frontiers of the Polish People's Republic, the German Democratic Republic and the Czechoslovak Socialist Republic in the bed of the Nysa lużycka (Lausitzer Neisse) shall be marked by three reinforced concrete pillars in the form of truncated three-sided pyramids, one in the territory of each State.

(4) The dimensions, shape, appearance, colour, numeration and site of the frontier marks shall be established in protocols relating to the placement of frontier marks.

(5) The frontier line may be marked by frontier marks other than those prescribed in the frontier demarcation documents if the Contracting Parties so agree.

Chapter II

THE FRONTIER AUTHORITIES AND THEIR POWERS

Article 7

In order to perform the functions arising out of this Treaty and to ensure security and order on the common State frontier, Chief Frontier Commissioners, Deputy Chief Frontier Commissioners, Frontier Commissioners, Deputy Frontier Commissioners and Assistant Frontier Commissioners shall be appointed.

Article 8

(1) Chief Frontier Commissioners shall be appointed by the Government of the Contracting Party concerned.

(2) Deputy Chief Frontier Commissioners and Frontier Commissioners shall be appointed by the competent Ministry of the Contracting Party concerned.

(3) Deputy Frontier Commissioners shall be appointed by the Chief Frontier Commissioner of the Contracting Party concerned.

(4) Assistant Frontier Commissioners shall be appointed by the Frontier Commissioner of the Contracting Party concerned.

(5) Chief Frontier Commissioners and Frontier Commissioners shall be entitled to appoint such secretaries, experts, interpreters and other persons as may be necessary for the performance of their functions.

Article 9

(1) Chief Frontier Commissioners, Frontier Commissioners and their Deputies and Assistant Frontier Commissioners shall, for the purpose of performing their functions, be issued credentials drawn up in the Polish and German languages. Specimens of such credentials are given in annexes 1 to 5 of this Treaty.

(2) Credentials shall be issued as follows:

1. To Chief Frontier Commissioners, by the Chairman of the Council of Ministers of the Contracting Party concerned;
2. To Deputy Chief Frontier Commissioners and Frontier Commissioners, by the competent Minister;
3. To Deputy Frontier Commissioners, by the Chief Frontier Commissioner concerned;
4. To Assistant Frontier Commissioners, by the Frontier Commissioner concerned.

Article 10

(1) The functions of the Chief Frontier Commissioners shall be *inter alia*:

1. To evaluate fundamental questions relating to the protection of the common State frontier, the condition and maintenance of frontier marks and the undertaking of joint measures to ensure the security of the State frontier;

2. To co-ordinate the work of the Frontier Commissioners;
3. To exchange information and experience concerning the frontier protection authorities, in particular their working procedures, technical facilities and means for protecting the frontier and also concerning co-operation with other State agencies;
4. To consult with regard to the preparation of agreements between the authorities of the two States, where such agreements relate to the functions and work of the frontier protection authorities or to security and order on the State frontier;
5. To examine questions which the Frontier Commissioners have failed to settle or which are not within the latter's competence;
6. To submit for examination through the diplomatic channel questions they have failed to settle or which are not within their competence.

(2) The provisions of paragraph 1, subparagraph 6, shall not exclude the possibility that questions which have been examined through the diplomatic channel may be referred back to the Chief Frontier Commissioners for settlement.

Article 11

- (1) The Frontier Commissioners of the Contracting Parties shall:
1. Periodically exchange information, evaluate the situation on the common State frontier and co-ordinate measures for the protection of the frontier;
 2. Agree on measures to ensure the security of objects intersected by the State frontier line;
 3. Agree on economic and technical activities to be conducted on the State frontier;
 4. Arrange for crossing of the State frontier by rescue units providing assistance in the event of fire, flood and other disasters and in connexion with joint manœuvres by such units;
 5. Ensure proper marking and maintenance of the course of the State frontier;
 6. Co-operate in making arrangements for troops on joint manoeuvres to cross the State frontier.

(2) Frontier Commissioners shall conduct inquiries and, within the limits of their competence, take decisions in cases involving, *inter alia*, the following:

1. Illegal crossing of the State frontier by persons, vehicles, vessels or aircraft;
2. Material destruction or damage occasioned by activities involving the crossing of the State frontier;
3. Damage to and displacement or destruction of frontier marks;
4. Firing across the State frontier;
5. Crossing of the State frontier by domestic animals;
6. Illegal communication or exchange of articles across the State frontier;
7. Other matters not requiring settlement by Chief Frontier Commissioners or through the diplomatic channel.

(3) Frontier Commissioners shall also perform other functions assigned to them pursuant to appropriate agreements concluded between the competent authorities of the Contracting Parties.

(4) In order that appropriate action may be taken by the competent authorities, the Frontier Commissioners shall expeditiously communicate information concerning:

1. Disasters;
2. Outbreaks of epidemics in humans, animals or plants;
3. Outbreaks of field and forest pests;
4. Danger of fire in the area adjacent to the frontier;
5. Accidents resulting in the spillage of oil or other pollutants into frontier waters.

(5) Frontier Commissioners may refer questions of particular gravity to Chief Frontier Commissioners for settlement. At the same time the Frontier Commissioner of the other Contracting Party shall be notified of such cases.

(6) Incidents of particular gravity occurring on the State frontier shall, as a rule, be examined through the diplomatic channel. In such cases the Frontier Commissioners shall have the obligation to conduct inquiries and to procure evidence.

(7) Inquiries into incidents occurring on the State frontier shall be conducted *in situ*. They shall be conducted by the Frontier Commissioner of the

Contracting Party in whose territory the inquiry is being made. A report on the results of the inquiry shall be prepared, accompanied by the necessary documents and evidence.

(8) The provisions of this article do not exclude the possibility that questions which have been examined by Chief Frontier Commissioners or through the diplomatic channel may be referred back to Frontier Commissioners for further examination.

Article 12

(1) Deputy Chief Frontier Commissioners and Deputy Frontier Commissioners shall, in respect of the matters referred to them, have the same rights and duties as the Commissioners they represent.

(2) The Frontier Commissioners shall jointly determine the scope of the functions to be assigned to assistants.

Chapter III

SECURITY AND ORDER ON THE STATE FRONTIER AND MAINTENANCE OF FRONTIER MARKS

Article 13

(1) The Frontier Commissioners of the Contracting Parties shall co-operate in preventing violations of the State frontier and in pursuing, identifying and apprehending persons who have attempted to cross or have illegally crossed the State frontier and in investigating other breaches of the regulations in force on the State frontier.

(2) If the trail of a person who has illegally crossed the State frontier leads into the territory of the other Contracting Party, the frontier protection authorities engaged in the pursuit shall forthwith communicate all necessary information to the frontier protection authorities of the other Contracting Party so that these authorities may continue the pursuit.

(3) Hot pursuit across the State frontier into the territory of the other Contracting Party may be resorted to by the frontier protection authorities with the consent of a Frontier Commissioner of the other Contracting Party or his Deputy. In the absence of such consent, pursuit may be continued only if delay might result in the escape of the person who illegally crossed the frontier. However, pursuit may be continued only until the pursuers encounter the competent authorities of the other Contracting Party and in any event no

farther than 5 kilometers into the territory of the other Contracting Party. Pursuit into towns, villages or settlements shall not be permitted.

(4) Hot pursuit may be invoked when the person being pursued is within sight of the pursuer or a police dog is on the trail.

(5) Police dogs or service craft may be used during pursuit in the territory of the other Contracting Party.

(6) During pursuit in the territory of the other Contracting Party weapons may be used only for necessary defence. Searching of dwellings and persons being pursued shall be prohibited. The pursuing authority shall, however, be entitled to make an external search. The said authority shall also be entitled to seize articles in the possession of the frontier violator in the course of pursuit and at the time of apprehension.

(7) Persons apprehended in the course of pursuit in the territory of the other Contracting Party shall, together with the articles appropriated in the course of pursuit and at the time of apprehension, be handed over forthwith to the frontier protection authorities of the Contracting Party in whose territory the pursuit was conducted. The provisions of article 14 shall apply as appropriate.

Article 14

(1) Persons who have been apprehended for intentionally crossing the State frontier illegally shall be handed over, by decision of the Frontier Commissioner, to the Frontier Commissioner of the other Contracting Party. Transfer shall be effected within a period of 48 hours in accordance with the legislative provisions concerning detention of the Contracting Party in whose territory the frontier violator was apprehended. At the same time, articles and currency in the possession of such persons at the time of apprehension shall be handed over provided that such articles and currency were taken out of the territory of the other Contracting Party. Legal tender of the Contracting Party in whose territory the persons were apprehended shall not, however, be handed over.

(2) Persons apprehended shall not be handed over if they are nationals of the Contracting Party in whose territory they were apprehended.

(3) Persons apprehended need not be handed over within the period specified in paragraph 1 if, in addition to the illegal crossing of the frontier, they have committed a further offence in the territory of the Contracting Party in which they were apprehended and if criminal proceedings have been instituted against them in respect of such an offence.

(4) If, for the reasons specified in paragraph 3 or for other valid reasons, transfer is not effected, the Frontier Commissioner of the other Contracting Party must be so informed forthwith. In such cases the provisions of the Treaty in force between the Polish Peoples Republic and the German Democratic Republic concerning legal relations in civil, family and criminal cases shall apply in respect of persons not handed over.

Article 15

(1) Persons who have unintentionally crossed the State frontier illegally and have been apprehended in the territory of one of the Contracting Parties shall be handed over forthwith to the nearest frontier protection authorities of the Contracting Party from whose territory they came. At the same time, articles and currency in the possession of such persons at the time of apprehension shall be handed over provided that such articles and currency were taken out of the territory of the other Contracting Party.

(2) Where the persons referred to in paragraph 1 have committed an offence in the territory of the Contracting Party in which they were apprehended, the provisions of article 14, paragraphs 3 and 4, shall apply as appropriate.

(3) Where the persons referred to in paragraph 1 are nationals of the Contracting Party in whose territory they were apprehended, the Frontier Commissioner of that Contracting Party shall decide what further action is to be taken. Such cases and the decisions reached shall be reported forthwith to the Frontier Commissioner of the other Contracting Party.

Article 16

Frontier Commissioners of either Contracting Party may refuse or postpone acceptance of the transfer of the persons referred to in articles 14 and 15, stating at the same time the grounds for such refusal or postponement.

Article 17

(1) The Frontier Commissioners shall conduct joint inquiries into claims for compensation which have arisen as a result of a breach of the law on the State frontier. Such inquiries shall include the gathering and securing of evidence as well as the delivery of such evidence to the competent authorities.

(2) Cases involving minor claims may be heard by the Frontier Commissioners of the Contracting Parties in the presence of the defendant and injured party and may be settled on the spot by mutual agreement. Such cases shall not be referred to the competent authorities for the settlement of claims for compensation if it is clear from the minute prepared by the Frontier Commissioners that the injured party has no further claims.

Article 18

Inquiries conducted by the Frontier Commissioners under this Treaty shall not be deemed to constitute an investigation conducted by the investigating authorities.

Article 19

(1) Rail, water, road and air traffic, traffic passing through frontier crossing points and the use of communication facilities intersected by the frontier line shall be regulated by separate agreements concluded between the Contracting Parties.

(2) Such agreements shall also regulate questions pertaining to the maintenance of traffic routes and communication facilities and of structures situated on the state frontier.

Article 20

The Contracting Parties shall conduct economic activities in the area adjacent to the frontier in such a way that the interests of the other Contracting Party are not prejudiced and security and order are safeguarded on the State frontier.

Article 21

Articles which have chanced to enter the territory of the other Contracting Party may be brought back with the consent of the Frontier Commissioners.

Article 22

(1) The Frontier Commissioners of the Contracting Parties shall notify each other of the time and place of hunting parties using firearms which are scheduled in the vicinity of the State frontier.

(2) When hunting is in progress, shots may not be fired across the State frontier nor game pursued into the territory of the other Contracting Party.

Article 23

- (1) Fishing in frontier waters shall be permitted up to the frontier line.
- (2) Permanent fishing installations on lakes or other waters must be no closer than 50 metres from the frontier line.
- (3) Fishing in frontier waters shall be permitted from sunrise to sunset. Fishing at night shall be subject to the consent of the Frontier Commissioner of both Contracting Parties.
- (4) Fishing in frontier waters must not interfere with navigation.
- (5) The competent authorities of the Contracting Parties, in consultation with the Frontier Commissioners, shall agree on detailed provisions for fishing in frontier waters.

Article 24

- (1) The competent central authorities of the Contracting Parties may organize sporting events in frontier waters with the consent of the Chief Frontier Commissioner.
- (2) The Chief Frontier Commissioners shall jointly prescribe the conditions for the holding of the events referred to in paragraph 1. Such events must not interfere with navigation.

Article 25

The competent authorities of the Contracting Parties shall have the obligation to maintain the frontier waters, the banks thereof and technical installations in such a way as to ensure that the course and the character of the State frontier and the disposition of the frontier marks remain unchanged.

Article 26

- (1) The competent authorities of the Contracting Parties shall maintain the State frontier along its entire length in such a way that its course remains clearly visible at all times. To this end a strip extending five metres from the State frontier on each side shall be cleared of vegetation and maintained in good order. On the banks of frontier rivers, streams and canals, the strip shall be two metres wide and it shall not be necessary to clear away vegetation which strengthens the banks.

(2) The cultivation of high-growing crops or the construction of buildings and installations in the strips referred to in paragraph 1 shall be prohibited, save where the competent authorities of the Contracting Parties conclude a special agreement to the contrary. This prohibition shall not apply to buildings and installations intended for the protection of the State frontier.

(3) The competent authorities of the Contracting Parties shall carry out in their territory the clearance of this strip referred to in paragraph 1.

Article 27

(1) The competent authorities of the Contracting Parties shall make joint inspections of the course of the frontier line in frontier waters by taking measurements and carrying out other operations on the ground. Such inspections shall be undertaken every 10 years unless the competent authorities of either Contracting Party request an inspection earlier.

(2) If, during the inspection referred to in paragraph 1, it is jointly determined that a change in the course or the character of the frontier line within the meaning of article 5, paragraphs 2 and 3, has occurred, representing a significant deviation from the position established in the frontier demarcation documents, and if a settlement thereof has not been reached in accordance with the procedure described in article 5, paragraphs 3 and 4, the competent authorities of the Contracting Parties shall take new measurements and jointly prepare draft documents establishing the new course of the frontier line.

(3) In order to carry out the operations referred to in paragraphs 1 and 2, the competent authorities of the Contracting Parties shall constitute appropriate commissions on a basis of parity.

Article 28

The competent authorities of the Contracting Parties shall maintain the frontier marks in such a way that the dimensions, shape, appearance, colour, numeration and site thereof meet the requirements of the frontier demarcation documents.

Article 29

(1) The competent authorities of the Contracting Parties shall maintain the frontier marks as follows:

1. The competent authorities of the Polish People's Republic shall maintain those frontier posts which are in the territory of the Polish People's

- Republic, and the competent authorities of the German Democratic Republic shall maintain those frontier posts which are in the territory of the German Democratic Republic;
2. The competent authorities of the Polish People's Republic shall maintain the boundary-stones and pillars situated on the frontier line in respect of frontier marks bearing odd numbers, and the competent authorities of the German Democratic Republic shall maintain those in respect of frontier marks bearing even numbers;
 3. Maintenance of the frontier marks in the Zalew Szczeciński (Oder-Haff) and the Jezioro Nowowarpieńskie (Neuwarper See) shall be effected in accordance with the provisions of:
 - a) The Agreement of 20 October 1962 between the Ministry of the Interior of the Polish People's Republic and the Ministry of the Interior of the German Democratic Republic concerning maintenance and modification of the type of auxiliary frontier marks in the Zalew Szczeciński (Stettiner-Haff) and the Zatoka Nowowarpieńska (Neuwarper Bucht);
 - b) The Protocol of 6 December 1963 concerning changes in the disposition of auxiliary frontier marks in the Zalew Szczeciński (Oder-Haff) and the Jezioro Nowowarpieńskie (Neuwarper See) and the description of the course of the State frontier in this sector;
 - c) The Agreement of 21 October 1965 between the Ministry of National Defence of the Polish People's Republic and the Ministry of the Interior of the German Democratic Republic concerning modification of the type of auxiliary frontier marks in the Zalew Szczeciński (Oder-Haff);
 4. Maintenance of the frontier mark set up at the junction of the State frontiers of the Polish People's Republic, the German Democratic Republic and the Czechoslovak Socialist Republic in the bed of the Nysa luzycka (Neisse) shall be effected in accordance with the Agreement between the Ministries of the Interior of the Polish People's Republic, the German Democratic Republic and the Czechoslovak Republic concerning the procedure for maintaining the frontier mark set up at the junction of the State frontiers of Poland, Germany and Czechoslovakia, signed at Berlin on 27 March 1957.
 - (2) The competent authorities of the Contracting Parties may by agreement modify the arrangements laid down in paragraph 1 for the maintenance of frontier marks.

Article 30

(1) Once every two years during the summer the Frontier Commissioners of the Contracting Parties shall make a joint inspection of the frontier marks and the strip referred to in article 26. Additional inspections of individual sectors of the State frontier may be made as necessary.

(2) If inspection of the frontier marks discloses a discrepancy between the measurement figures recorded in the frontier demarcation documents and the results of the joint measurements taken on the ground and if it is established that the position of the frontier marks has not changed since the time of demarcation, the results of the measurements taken on the ground shall be considered decisive. The necessary corrections or amendments shall be made in an annex to the frontier demarcation documents.

(3) On completion of the inspections, records shall be drawn up which must contain an evaluation of the condition of the frontier marks and the strip referred to in article 26 and the proposals resulting from the inspection.

Article 31

(1) If a frontier mark is lost, destroyed or damaged, the Frontier Commissioners of the two Contracting Parties shall so notify each other forthwith and the Frontier Commissioner responsible for the maintenance of the frontier mark in question shall arrange for its restoration or repair.

(2) The restoration or repair of frontier marks situated on the frontier line must be carried out in the presence of representatives of the competent authorities of the other Contracting Party.

(3) Frontier posts damaged or endangered by floods or drifting ice may be re-erected on a safe site with the consent of the Frontier Commissioners of both Contracting Parties. The course of the frontier line shall not thereby be altered.

(4) For every frontier mark re-erected on a new site, a protocol and a sketch shall be drawn up which must be consistent with the frontier demarcation documents and be annexed thereto.

(5) Any frontier marks damaged or destroyed by persons who are nationals of the other Contracting Party shall be restored or repaired at that Party's expense.

Chapter IV

CROSSING THE STATE FRONTIER

Article 32

(1) Chief Frontier Commissioners, Frontier Commissioners and their Deputies and Assistant Frontier Commissioners may cross the State frontier for the purpose of performing their functions on production of their credentials.

(2) Secretaries, experts, interpreters and other persons whose presence is necessary for the performance of the functions may cross the State frontier on production of a certificate issued by the Chief Frontier Commissioner, the Frontier Commissioners or their Deputies.

Article 33

(1) When crossing the frontier and during their stay in the territory of the other Contracting Party in connexion with the performance of their functions pursuant to this Treaty, the persons referred to in article 32, paragraphs 1 and 2, shall be exempt from customs control, duty and other charges in respect of official documents, means of transport and other articles required for the performance of their official functions or their personal use. They shall be entitled to exchange currency in accordance with the regulations in force between the Contracting Parties.

(2) During their stay in the territory of the other Contracting Party, the persons referred to in article 32, paragraphs 1 and 2, may wear uniforms and bear personal weapons. While performing their functions in the said territory they shall enjoy the right of personal immunity. Their means of transport and official documents in their possession shall also be inviolable. The other Contracting Party shall extend to such persons upon their request any necessary assistance, in particular with respect to obtaining transport, lodging and facilities for communication with their authorities.

Article 34

(1) Persons engaged, under agreements between the competent authorities of the Contracting Parties, in work connected with the maintenance of frontier marks, communication installations and other technical facilities, bridges or hydraulic installations, the regulation of frontier waters, the taking of measurements, the maintenance and inspection of public facilities, the escorting of rail

freight, work at delivery and transfer railway stations or other activities in the vicinity of the State frontier, may cross the State frontier on production of a frontier crossing certificate.

(2) Crossing of the frontier for the purpose of executing the work referred to in paragraph 1 shall take place, as a rule, at frontier crossing points. In exceptional cases, crossing of the frontier may also take place at other points with the consent of the Frontier Commissioners of the Contracting Parties.

(3) The frontier crossing certificate shall entitle the holder to be present in the territory of the other Contracting Party up to a distance of 150 metres from the State frontier. Where necessary, this distance may be extended, in which event the authority issuing the certificate shall indicate thereon the distance from the State frontier within which the holder may be present.

(4) It shall be permissible to remain in the territory of the other Contracting Party from sunrise to sunset. Where work must be performed at night, the Frontier Commissioner and, in particularly urgent cases, the local frontier protection authorities shall be so notified as soon as possible. Such notification shall not be required in the case of persons employed in transport operations at delivery and transfer railway stations who are on duty day and night.

Article 35

Co-operation between the competent authorities of the Contracting Parties in the matter of joint inspection of passenger and goods traffic crossing the frontier shall be regulated by separate agreements.

Article 36

(1) Officials of the frontier, passport and customs authorities of the Contracting Parties, and officials of other agencies and institutions concerned with reciprocal clearance of frontier traffic, may cross the State frontier, for the purpose of performing their functions, on production of a frontier crossing certificate.

(2) The restrictions mentioned in article 34, paragraphs 3 and 4, shall not apply to the persons referred to in paragraph 1.

Article 37

(1) The persons referred to in article 34, paragraph 1, shall be entitled to take with them into and out of the territory of the other Contracting Party, free of duty, such materials and equipment as they require for their work. If

the work is to take several days, such articles may be left at the work site with the consent of the competent authorities of the other Contracting Party.

(2) The competent authorities of the Contracting Parties shall by mutual agreement establish the principles governing exemption from customs duty and restrictions in respect of the articles which the persons referred to in article 34, paragraph 1, and article 36, paragraph 1, may take with them when crossing the State frontier.

Article 38

The form of the frontier crossing certificates and the procedure for issuing them shall be determined by the domestic regulations of the Contracting Parties. The competent authorities of the Contracting Parties shall exchange specimens of the frontier crossing certificates.

Article 39

(1) In the event of a fire, flood or other natural disaster in the vicinity of the State frontier, the competent authorities shall offer assistance through the frontier protection authorities.

(2) In order to provide the assistance referred to in paragraph 1, fire brigades, rescue teams, work crews, physicians and medical personnel may cross the State frontier on production of a personal pass and remain in the territory of the other Contracting Party for such time as is necessary to render assistance.

(3) Crossing of the frontier in the cases referred to in paragraph 2 may take place at frontier crossing points or at points designated by the Chief Frontier Commissioners of the Contracting Parties.

(4) Materials, equipment, tools and means of transport required for the provision of assistance, and articles intended for the personal use of persons referred to in paragraph 2, shall be admitted free of duty. Equipment, tools, means of transport and unused materials must be re-exported.

Article 40

(1) Residents in areas near the frontier may, in the event of a fire, flood or other natural disaster endangering their lives, cross the State frontier at any point and at any time.

(2) Return of the persons referred to in paragraph 1 shall be arranged through the Frontier Commissioners of the Contracting Parties.

Article 41

(1) Units in close formation, military personnel and other persons of one Contracting Party taking part in joint exercises or manoeuvres in the territory of the other Contracting Party may cross the State frontier on production of a permit to be agreed upon by the competent Ministers of the Contracting Parties.

(2) Crossing of the frontier in the manner referred to in paragraph 1 may take place at such points other than frontier crossing points as are designated by the Frontier Commissioners of the Contracting Parties.

(3) Units in close formation, military personnel and other persons crossing the State frontier in the manner referred to in paragraph 1 shall not be subject to customs and passport control.

Article 42

Crossing of the State frontier by persons participating in political rallies jointly organized by the governmental or public authorities of the two Contracting Parties at the national or district level shall take place in accordance with the principles agreed upon in advance by the Chief Frontier Commissioners.

Chapter V

FINAL PROVISIONS

Article 43

If changes occur in the course of the frontier line as described in article 5, paragraphs 3 and 4, and article 27, paragraph 2, the documents relating to the new course of the State Frontier shall be subject to approval in accordance with the laws of the Contracting Parties. Such documents shall enter into force on the date of the exchange of notes confirming approval.

Article 44

(1) The competent authorities of the Contracting Parties shall conclude the requisite agreements for the implementation of this Treaty.

(2) The annexes to this Treaty may be amended by agreement between the competent authorities of the Contracting Parties.

Article 45

This Treaty is subject to ratification and shall enter into force on the date of the exchange of the instruments of ratification, which shall take place at Warsaw.

Article 46

This Treaty is concluded for a period of ten years. It shall be extended automatically for successive periods of five years unless it is denounced by one of the Contracting Parties six months before the expiry of the current period.

Article 47

On the date of the entry into force of this Treaty, the following shall cease to have effect:

1. The Treaty between the Government of the Polish People's Republic and the Government of the German Democratic Republic concerning co-operation and mutual assistance in frontier matters, signed at Berlin on 21 May 1957;
2. The Supplementary Protocol to the Treaty between the Government of the Polish People's Republic and the Government of the German Democratic Republic concerning co-operation and mutual assistance in frontier matters, signed at Berlin on 21 May 1957.

DONE at Berlin on 28 October 1969 in duplicate, in the Polish and German languages, both texts being equally authentic.

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

For the Council of State
of the Polish People's Republic:

For the Council of State
of the German Democratic Republic:

G. KORCZYŃSKI

H. KESSLER

[TRANSLATION OF POLISH TEXT OF ANNEXES 1 TO 5]

ANNEX 1

Page 1

CREDENTIALS

No.

(Photograph)

[L.S.]

(Signature of holder)

Page 2

The Government of the Polish People's Republic has appointed

(Title, surname and given name)

as the Chief Frontier Commissioner

for the State frontier between the Polish People's Republic and the German Democratic Republic.

The holder of these credentials is empowered to perform the functions provided for in the Treaty between the Polish People's Republic and the German Democratic Republic concerning legal relations at the common State frontier and co-operation and mutual assistance in frontier matters, signed at Berlin on 28 October 1969, and is entitled on production of these credentials to cross the State frontier between the Polish People's Republic and the German Democratic Republic.

Warsaw, 19.....

Chairman of the Council of Ministers

Page 3

German version of the text on page 2.

ANNEX 2

*Page 1**CREDENTIALS*

No.

(Photograph)

[L.S.]

.....
(Signature of holder)*Page 2*

The Minister of has appointed

.....
(Title, surname and given name)

as the Deputy Chief Frontier Commissioner

for the State frontier between the Polish People's Republic and the German Democratic Republic.

The holder of these credentials is empowered to perform the functions provided for in the Treaty between the Polish People's Republic and the German Democratic Republic concerning legal relations at the common State frontier and co-operation and mutual assistance in frontier matters, signed at Berlin on 28 October 1969, and is entitled on production of these credentials to cross the State frontier between the Polish People's Republic and the German Democratic Republic.

Warsaw, 19.....

Minister of

Page 3

German version of the text on page 2.

ANNEX 3

*Page 1**CREDENTIALS*

No.

(Photograph)

[L.S.]

.....
(Signature of holder)*Page 2*

The Minister of National Defence of the Polish People's Republic has appointed

.....
(Title, surname and given name)

as the Frontier Commissioner

for the sector of the State frontier between the Polish People's Republic and the German Democratic Republic.

The holder of these credentials is empowered to perform the functions provided for in the Treaty between the Polish People's Republic and the German Democratic Republic concerning legal relations at the common State frontier and co-operation and mutual assistance in frontier matters, signed at Berlin on 28 October 1969, and is entitled on production of these credentials to cross the State frontier between the Polish People's Republic and the German Democratic Republic in the sector between frontier mark No. and frontier mark No.

Warsaw, 19.....

Minister of National Defence

Page 3

German version of the text on page 2.

ANNEX 4

*Page 1**CREDENTIALS*

No.

(Photograph)

[L.S.]

.....
(Signature of holder)*Page 2*

The Chief Frontier Commissioner
of the Polish People's Republic has appointed

.....
(Title, surname and given name)

as the Deputy Frontier Commissioner

for the sector of the State frontier between the Polish People's
Republic and the German Democratic Republic.

The holder of these credentials is empowered to perform the functions provided
for in the Treaty between the Polish People's Republic and the German Democratic
Republic concerning legal relations at the common State frontier and co-operation
and mutual assistance in frontier matters, signed at Berlin on 28 October 1969, and
is entitled on production of these credentials to cross the State frontier between the
Polish People's Republic and the German Democratic Republic in the sector be-
tween frontier mark No. and frontier mark No.

....., 19.....

Chief Frontier Commissioner

Page 3

German version of the text on page 2.

ANNEX 5

*Page 1***CREDENTIALS**

No.

(Photograph)

[L.S.]

.....
(Signature of holder)*Page 2*

The Frontier Commissioner of the Polish People's Republic has appointed

.....
(Title, surname and given name)

as Assistant Frontier Commissioner

for the sector of the State frontier between the Polish People's Republic and the German Democratic Republic.

The holder of these credentials is empowered to perform the functions provided for in the Treaty between the Polish People's Republic and the German Democratic Republic concerning legal relations at the common State frontier and co-operation and mutual assistance in frontier matters, signed at Berlin on 28 October 1969, and is entitled on production of these credentials to cross the State frontier between the Polish People's Republic and the German Democratic Republic in the sector between frontier mark No. and frontier mark No.

....., 19.....

Frontier Commissioner

Page 3

German version of the text on page 2.

[TRANSLATION OF GERMAN TEXT OF ANNEXES 1 TO 5]

ANNEX 1

Page 1

CREDENTIALS

No.

(Photograph)

[L.S.]

.....
(Signature of holder)

Page 2

Polish version of the text on page 3.

Page 3

The Government of the German Democratic Republic has appointed

.....
(Title, surname and given name)

as the Chief Frontier Commissioner

for the State frontier between the German Democratic Republic and the Polish People's Republic.

The holder of these credentials is empowered to perform the functions provided for in the Treaty between the German Democratic Republic and the Polish People's Republic concerning legal relations at the common State frontier and co-operation and mutual assistance in frontier matters, signed at and is entitled on production of these credentials to cross the State frontier between the German Democratic Republic and the Polish People's Republic.

Berlin, 19.....

Chairman of the Council of Ministers
of the German Democratic Republic

ANNEX 2

*Page 1***CREDENTIALS**

No.

(Photograph)

[L.S.]

.....
(Signature of holder)*Page 2*

Polish version of the text on page 3.

Page 3

The Minister of of the German Democratic Republic has appointed

.....
(Title, surname and given name)

as the Deputy Chief Frontier Commissioner

for the State frontier between the German Democratic Republic and the Polish People's Republic.

The holder of these credentials is empowered to perform the functions provided for in the Treaty between the German Democratic Republic and the Polish People's Republic concerning legal relations at the common State frontier and co-operation and mutual assistance in frontier matters, signed at Berlin on, and is entitled on production of these credentials to cross the State frontier between the German Democratic Republic and the Polish People's Republic.

Berlin, 19.....

Minister of

ANNEX 3

*Page 1***CREDENTIALS**

No.

(Photograph)

[L.S.]

.....
(Signature of holder)*Page 2*

Polish version of the text on page 3.

Page 3

The Minister of of the German Democratic Republic has appointed

.....
(Title, surname and given name)

as the Frontier Commissioner

for the sector of the State frontier between the German Democratic Republic and the Polish People's Republic.

The holder of these credentials is empowered to perform the functions provided for in the Treaty between the German Democratic Republic and the Polish People's Republic concerning legal relations at the common State frontier and co-operation and mutual assistance in frontier matters, signed at, and is entitled on production of these credentials to cross the State frontier between the German Democratic Republic and the Polish People's Republic in the sector between frontier mark No. and frontier mark No.

Berlin, 19.....

Minister of

ANNEX 4

*Page 1***CREDENTIALS**

No.

(Photograph)

[L.S.]

.....
(Signature of holder)*Page 2*

Polish version of the text on page 3.

Page 3

The Chief Frontier Commissioner
of the German Democratic Republic has appointed

.....
(Title, surname and given name)

as the Deputy Frontier Commissioner

for the sector of the State frontier between the German Democratic Republic and the Polish People's Republic.

The holder of these credentials is empowered to perform the functions provided for in the Treaty between the German Democratic Republic and the Polish People's Republic concerning legal relations at the common State frontier and co-operation and mutual assistance in frontier matters, signed at, and is entitled on production of these credentials to cross the State frontier between the German Democratic Republic and the Polish People's Republic in the sector between frontier mark No. and frontier mark No.

Berlin 19

Chief Frontier Commissioner

ANNEX 5

*Page 1**CREDENTIALS*

No.

(Photograph)

[L.S.]

.....
(Signature of holder)*Page 2*

Polish version of the text on page 3.

*Page 3*The Frontier Commissioner
of the German Democratic Republic has appointed.....
(Title, surname and given name)

as the Assistant Frontier Commissioner

for the sector of the State frontier between the German Democratic Republic and the Polish People's Republic.

The holder of these credentials is empowered to perform the functions provided for in the Treaty between the German Democratic Republic and the Polish People's Republic concerning legal relations at the common State frontier and co-operation and mutual assistance in frontier matters, signed at, and is entitled on production of these credentials to cross the State frontier between the German Democratic Republic and the Polish People's Republic in the sector between frontier mark No. and frontier mark No.

Berlin, 19.....

Frontier Commissioner