

No. 16525

FRANCE
and
SWITZERLAND

Agreement concerning the activities of agencies for the control of accidental water pollution by hydrocarbons or other substances capable of contaminating water and recognized as such under the Convention of 16 November 1962 between France and Switzerland concerning protection of the waters of Lake Geneva against pollution. Signed at Bern on 5 May 1977

Authentic text: French.

Registered by France on 31 March 1978.

FRANCE
et
SUISSE

Accord sur l'intervention des organes chargés de la lutte contre la pollution accidentelle des eaux par les hydrocarbures ou autres substances pouvant altérer les eaux et reconnus comme tels dans le cadre de la Convention franco-suisse du 16 novembre 1962 concernant la protection des eaux du lac Léman contre la pollution. Signé à Berne le 5 mai 1977

Texte authentique : français.

Enregistré par la France le 31 mars 1978.

[TRANSLATION — TRADUCTION]

AGREEMENT¹ BETWEEN FRANCE AND SWITZERLAND CONCERNING THE ACTIVITIES OF AGENCIES FOR THE CONTROL OF ACCIDENTAL WATER POLLUTION BY HYDROCARBONS OR OTHER SUBSTANCES CAPABLE OF CONTAMINATING WATER AND RECOGNIZED AS SUCH UNDER THE CONVENTION OF 16 NOVEMBER 1962² BETWEEN FRANCE AND SWITZERLAND CONCERNING PROTECTION OF THE WATERS OF LAKE GENEVA AGAINST POLLUTION

Convinced of the need for close co-operation in the control of the pollution of the waters of Lake Geneva by hydrocarbons or other substances capable of contaminating water and wishing to facilitate mutual assistance in the event of serious accidents or disasters and speed the dispatch of emergency staff and equipment, the Government of the French Republic and the Swiss Federal Council have concluded this Agreement on the action required by pollution control of this kind.

Article 1. HYDROCARBON CONTROL GROUP

1. There shall be established, under the Convention between France and Switzerland concerning protection of the waters of Lake Geneva against pollution, a permanent working group on "Franco-Swiss collaboration between hydrocarbon accident intervention centres", hereinafter called "the group".

The waters concerned are those defined by the Convention of 16 November 1962² between France and Switzerland.

2. The tasks of the group shall include:

- (a) establishing an emergency intervention programme for the control of hydrocarbons and other substances;
- (b) drawing up an inventory of the resources available to the various centres likely to take part in dealing with accidents due to hydrocarbons or other substances;
- (c) co-ordinating the activities of these centres in the event of accidents due to hydrocarbons or other substances and maintaining liaison between them;
- (d) advising these centres on the acquisition of resources for dealing with accidents due to hydrocarbons or other substances.

3. The group may at any time seek the views of specialists in the control of pollution by hydrocarbons or other substances, or of any other experts.

Article 2. INTERNATIONAL INTERVENTION

In the event of an accident due to hydrocarbons or other substances, the or a nationally authorized representative may decide to call upon the centres of the other Contracting Party for assistance.

¹ Came into force on 18 November 1977, i.e., one month after the Contracting Parties notified each other (on 19 September and 18 October 1977) of the completion of their required constitutional procedures, in accordance with article 11.

² United Nations, *Treaty Series*, vol. 922, p. 49.

Article 3. RULES FOR INTERVENTION

In the event of intervention, the Contracting Parties shall ensure that the provisions contained in the following articles are applied.

Article 4. CROSSING OF THE FRONTIER

(a) Competent personnel shall be authorized, when required to intervene, to cross the land or lake frontier with their equipment at any time, even at unauthorized crossing-points. In this latter case, the nearest customs service must be notified immediately.

(b) The team chief may merely be required to produce a document attesting to his official capacity.

(c) Authorization freely to cross the border shall extend only to the supplies, equipment and means of transport deemed necessary for the success of the operation. A list of such supplies and means of transport must be submitted as soon as possible to the customs services.

(d) The vehicles, aircraft and supplies needed for intervention purposes shall be considered to have entered the territory of the requesting Party temporarily; fuel and pollution control supplies shall, in so far as they are used for intervention purposes, be exempt from duties and taxes throughout the intervention period.

Article 5. FREEDOM OF ACCESS TO AFFECTED AREAS

The personnel referred to in article 4 shall have free access to all places where their intervention is required.

Article 6. AIRBORNE OPERATIONS

1. Operations may be conducted with the help of aircraft and, in particular, helicopters. A list of the aircraft and helicopters used for such operations shall be communicated to the competent authorities of the two countries; they shall likewise be notified of any change in the list.

2. Permanent authorization to overfly and land in the areas concerned in each country shall be granted by each country for aircraft to be used in such operations.

The extent of the areas concerned shall be delimited prior to the granting of permanent overflight authorization.

The air traffic control bodies of each country shall be alerted before each flight.

The pilot, crew members and members of the intervention team must be able to establish their identity and nationality. Aircraft are authorized to take off and land outside the customs-supervised airfields of the two Contracting Parties.

3. The competent authorities of the State in whose territory the intervention takes place may request the competent authorities of the other State to submit a written report on the intervention.

4. Aircraft having taken part in an operation shall be required to return to the territory of the requested Party as soon as possible after the conclusion of the operation. They shall also be authorized to take off and land outside the customs-supervised airfields of the two Parties.

Article 7. OVERALL DIRECTION OF OPERATIONS

1. The direction of operations shall in all cases be the responsibility of the authorities of the requesting Party.

2. The director of emergency operations of the requesting Party shall specify what missions he intends to entrust to the intervention team sent by the requested Party, without going into the details of their execution.

Article 8. END OF INTERVENTION

1. Upon the conclusion of their intervention, the personnel, vehicles and emergency supplies must return to the territory of the requested Party via an authorized crossing-point.

2. Any vehicles, aircraft or emergency supplies which do not return to the State of origin without good cause, as assessed by the customs authorities of the other Contracting Party, shall be subject to the laws or regulations of that Party.

Article 9. COSTS OF ASSISTANCE

1. The costs of assistance and emergency operations and costs resulting from the loss, deterioration or destruction of any operational equipment or supplies shall not be subject to any reimbursement by the requesting Party.

However, costs resulting from assistance provided by individuals not in the public employ shall be borne by the requesting Party. This provision shall not apply to craft used for airborne operations.

2. For the duration of the operation, the furnishing of provisions to emergency teams and of the fuel and pollution control supplies necessary for the operation of equipment shall be the responsibility of the requesting Party.

3. In the event that all or part of the costs of the operations are recovered, the requested Party shall receive priority compensation on the basis of a pro forma bill.

Article 10. RESPONSIBILITIES IN THE EVENT OF ACCIDENT OR DAMAGE

1. Each Contracting Party agrees to make no claim on the other Party in the event of the death of or injury to personnel whom it has placed at the disposal of that Party.

2. If the back-up team called in causes damage to third parties, such damage shall be the responsibility of the Contracting Party in whose territory it is caused, subject to the same conditions as if it had been caused by its own emergency operation services.

Article 11. ENTRY INTO FORCE AND DENUNCIATION

1. This Agreement shall enter into force one month after the Contracting Parties notify each other that they have completed the requisite constitutional procedures.

2. The Agreement may be denounced at any time on three months' notice.

DONE at Bern, on 5 May 1977, in duplicate in the French language.

For the Government of the French Republic:

[Signed]

CLAUDE LEBEL
Ambassador Extraordinary and Plenipotentiary
to Switzerland

For the Swiss Federal Council:

[Signed]

EMANUEL DIEZ
Ambassador
Chief, International Public Law Office
Federal Political Department
