

No. 17608

**FRANCE
and
FEDERAL REPUBLIC OF GERMANY**

**Agreement concerning co-operation between police services
in the Franco-German frontier area. Signed at Paris
on 3 February 1977**

Authentic texts: French and German.

Registered by France on 13 March 1979.

**FRANCE
et
RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE**

**Accord relatif à la coopération entre les services de police
dans la zone frontalière franco-allemande. Signé à Paris
le 3 février 1977**

Textes authentiques : français et allemand.

Enregistré par la France le 13 mars 1979.

[TRANSLATION — TRADUCTION]

AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE FRENCH REPUBLIC AND THE GOVERNMENT OF THE FEDERAL REPUBLIC OF GERMANY CONCERNING CO-OPERATION BETWEEN POLICE SERVICES IN THE FRANCO-GERMAN FRONTIER AREA

The Government of the French Republic and the Government of the Federal Republic of Germany, desiring to improve co-operation between their respective police services with a view to combatting international criminal activity in the frontier area,

Have agreed as follows:

Article 1. International co-operation in the field of the criminal police, as practised within the framework of the International Criminal Police Organization (ICPO—INTERPOL), shall be supplemented, in accordance with the legislation of the Contracting Parties, by the provisions set out below, which are designed to prevent crimes and misdemeanours defined in article 3 of this Agreement and to locate their perpetrators.

Article 2. This Agreement shall apply:

- (a) In the case of the French Republic, to the area within the competence of the Strasbourg regional service of the criminal police and the police and gendarmerie services of the Departments of the Lower Rhine (*Bas-Rhin*), Upper Rhine (*Haut-Rhin*) and Moselle;
- (b) In the case of the Federal Republic of Germany, to the area within the competence of the Saarland criminal police service (*Kriminalpolizeiamt*), the Zweibrücken, Pirmasens and Landau police directorates (*Polizeidirektionen*), the Pirmasens-Land, Landau-Bad Bergzabern and Gernersheim district police authorities (*Kreispolizeibehörden*), and the Baden-Baden, Offenburg, Freiburg and Lörrach police directorates (*Polizeidirektionen*).

Article 3. Crimes and misdemeanours referred to in article 1 shall be offences punishable, under French or German law, by a maximum penalty of at least one year's loss of freedom or by a heavier penalty.

Article 4. 1. Should one of the Contracting Parties consider that assistance is capable of infringing its country's sovereignty, security, public order or other basic interests, it may refuse assistance wholly or in part or may make it dependent upon certain conditions or obligations.

2. The same option may be exercised if a Contracting Party regards the crime or misdemeanour as a political or military offence.

¹ Came into force on 1 October 1978, i.e., on the first day of the second month following the exchange of notifications (effected on 29 March 1977 and 31 August 1978) by which the Contracting Parties informed each other of the completion of their required internal procedures, in accordance with article 13 (1).

Article 5. If a Party wishes to impose special conditions as regards the confidential nature of information to be transmitted, these conditions shall be respected by the other Party, subject to its legislation.

Article 6. Without prejudice to the exchange of information which must take place through the national central offices of the International Criminal Police Organization (ICPO—INTERPOL), the services referred to in article 2 shall, under their local co-operation arrangements, directly exchange police news and information with a view to carrying out urgent measures.

Article 7. Responsible officials of the services referred to in article 2 shall meet periodically and whenever circumstances require in order to examine and take all appropriate technical measures within the framework of this Agreement.

Article 8. The competent services within the geographical area defined in article 2 shall extend reciprocal technical assistance to one another by sending to the other country, whenever circumstances require, officials for purposes of consultation and support, but without executive powers. Officials may carry out such missions only with the consent of their competent superior authority and of the service which is to receive assistance.

Article 9. 1. The services concerned shall, promptly and in accordance with national regulations, inform their national ICPO—INTERPOL central offices of exchanges of news and information at the local level, arrangements made and meetings held with responsible officials of local services, as well as of technical assistance measures carried out under articles 7 and 8.

2. Information to national ICPO—INTERPOL central offices shall be furnished, in France, by the Strasbourg regional criminal police service and, in the Federal Republic of Germany, by the criminal police services of the competent *Land* (*Landeskriminalämter*).

Article 10. The Minister of the Interior of the French Republic and the Federal Minister of the Interior of the Federal Republic of Germany shall jointly examine any problems arising from the application of this Agreement. In case of need, they may appoint representatives who shall contact one another directly for that purpose and who shall report to them the results of their discussions. On the German side, the competent director of the *Oeffentliche Sicherheit* (public safety) section of the Ministry of the Interior of the Federal *Land* concerned shall take part in the discussions.

Article 11. The application of the measures provided for under this Agreement shall not affect the provisions of existing treaties, conventions or agreements concerning extradition, mutual legal aid and co-operation in customs matters.

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 French Republic within three months of the entry into force of this Agreement.

Article 13. 1. This Agreement shall enter into force on the first day of the second month following the exchange of notifications by which the Contracting Parties will inform one another of the completion of the internal procedures required in order to bring it into force.

2. This Agreement shall be concluded for an unlimited period. Each Contracting Party shall be free to denounce it at any time. The denunciation shall take effect six months after the date of receipt of its notification by the other Contracting Party.

DONE at Paris on 3 February 1977, in duplicate in the French and German languages, both texts being equally authentic.

For the Government of the French Republic:

[Signed]

MICHEL PONIATOWSKI

[Signed]

OLIVIER GUICHARD

For the Governemnt of the Federal Republic of Germany:

[Signed]

WERNER MAIHOFER

[Signed]

AXEL HERBST
