

No. 19561

—

**FRANCE
and
FEDERAL REPUBLIC OF GERMANY**

**Convention on mutual assistance in the event of disasters or
serious accidents. Signed at Paris on 3 February 1977**

Authentic texts: French and German.

Registered by France on 20 February 1981.

—————

**FRANCE
et
RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE**

**Convention sur l'assistance mutuelle en cas de catastrophes
ou accidents graves. Signé à Paris le 3 février 1977**

Textes authentiques : français et allemand.

Enregistrée par la France le 20 février 1981.

[TRANSLATION — TRADUCTION]

CONVENTION¹ BETWEEN THE FRENCH REPUBLIC AND THE
FEDERAL REPUBLIC OF GERMANY ON MUTUAL ASSISTANCE
IN THE EVENT OF DISASTERS OR SERIOUS
ACCIDENTS

The French Republic and
The Federal Republic of Germany,

Convinced of the need for co-operation between the competent institutions of both States in order to facilitate mutual assistance in the event of disasters or serious accidents and to expedite the dispatch of emergency personnel and equipment,

Have agreed as follows:

Article 1. 1. Each Contracting Party undertakes to assist the other Contracting Party in the event of disasters or serious accidents, to the extent of their ability and in accordance with the provisions of this Convention.

2. The nature and extent of assistance shall be determined by mutual agreement according to each specific case by the competent authorities designated in article 3 below.

Article 2. 1. Assistance shall be provided through the dispatch to the site of the disaster or serious accident, of emergency teams which have been specially trained, *inter alia*, in the following areas: fire fighting, nuclear and chemical hazards control, first aid, rescue or clearing and which have the required specialized equipment for their operations.

Assistance shall be provided as a rule, on the German side, by disaster relief units (*Katastrophenschutz*), on the French side, by civil defence units (*Protection civile*) and, if need be, in any other appropriate way.

2. The emergency teams shall be dispatched by land, air, waterway or sea.

Article 3. 1. The authorities of the Contracting Parties which shall be competent to request and initiate emergency measures shall be as follows:

(a) The Minister of the Interior of the French Republic and the Minister of the Interior of the Federal Republic of Germany;

(b) In the frontier area:

—On the French side: the prefects of frontier *départements*;

—On the German side: the Ministers of the Interior of frontier *Länder* or the heads of administrative regions (*Regierungspräsidenten*) empowered by them.

¹ Came into force on 1 December 1980, i.e., the first day of the second month after the exchange of the instruments of ratification, which took place at Bonn on 29 October 1980, in accordance with article 15 (1) and (2).

2. However, where necessary, assistance shall be directly requested and granted by the competent authorities of frontier communes and districts.

3. The Ministers of the Interior of each Contracting Party shall, as necessary, inform one another of the competent authorities referred to in subparagraph (b) of this article and shall take the necessary measures to establish contact between them.

Article 4. 1. In order to ensure the effectiveness and speed necessary for an emergency operation, the Contracting Parties shall undertake to limit common frontier crossing formalities to the absolute minimum.

2. The leader of an emergency team shall only be required to carry a certificate indicating the emergency operation, the type of unit and the number of persons comprising it. The certificate shall be issued by the authority to which the unit reports. The members of the emergency team shall be exempt from passport and residence permit requirements.

3. If, in a particularly urgent case, the certificate referred to in paragraph 2 above cannot be presented, it shall suffice to present any other appropriate certificate indicating that the frontier is to be crossed for the purpose of carrying out an emergency operation.

4. If the urgent nature of the case so requires, the frontier crossing may take place at points other than the authorized crossing points. The competent frontier surveillance authorities shall be given prior notification to that effect.

Article 5. 1. For the purposes of this article and of the following article:

The term "items of equipment" means the material, vehicles and personal equipment intended for use by emergency teams;

The term "means of emergency aid" means additional equipment and other goods brought in for a given operation and intended for distribution among the affected population;

The term "operational goods" means the goods necessary for using the items of equipment and for supplying the teams.

2. The Contracting Parties shall facilitate frontier crossings for the items of equipment, means of emergency aid and operational goods required for emergency operations and belonging to the emergency teams dispatched in accordance with article 2 above. Such items of equipment, means of emergency aid and operational goods shall, in the territory of the requesting Contracting Party, be deemed subject to a régime of temporary admission.

3. The emergency teams shall bring in no goods other than the items of equipment, means of emergency aid and operational goods necessary for emergency operations.

4. The means of emergency aid and operational goods brought in shall be exempt from any import taxes in so far as they are used up during emergency operations. The items of equipment and any means of emergency aid and operational goods which have not been used up during the emergency operation shall be re-exported.

If, owing to special circumstances, they cannot be re-exported, their nature and quantity as well as their location shall be reported to the authority responsible for the emergency operations, who shall notify the competent customs service.

In that case, the domestic legislation of the requesting Contracting Party shall be applicable.

5. The prohibitions and restrictions on transfrontier traffic of goods shall not be applicable to those which are exempt from taxes under paragraphs 2 and 4 of this article. The import of narcotic drugs into the territory of the other Contracting Party under this Convention and the re-export of the unused quantities shall not be considered as import or export within the meaning of the international Convention on Narcotic Drugs. Narcotic drugs may only be brought in to meet an urgent medical need and may be used only by qualified medical personnel acting in accordance with the legal provisions of the requested Contracting Party. Nevertheless, the requesting Contracting Party shall not be prevented from exercising its right to conduct on-the-spot inspections.

6. No import or export documents shall be required or issued for the items of equipment, means of emergency aid or operational goods. The leader of an emergency team shall, however, carry a brief inventory of the items of equipment, means of emergency aid and operational goods brought in, certified, except in urgent cases, by the authority to which the emergency team reports.

7. The import of items of equipment, means of emergency aid and operational goods at points other than the authorized frontier crossing points shall be reported as soon as possible to the competent customs service.

Article 6. 1. Aircraft may be used not only for the speedy transport of emergency teams in accordance with article 2, paragraph 2, above but also directly for other emergency operations.

2. Each Contracting Party shall authorize the aircraft used by the other Contracting Party to overfly its territory and to land in and take off from its territory even at points outside airfields.

3. The intention to use aircraft shall be reported without delay to the competent authorities designated in article 3 above, with information as precise as possible on the type and registration mark of the aircraft and its crew, cargo, departure time, anticipated route and landing site.

4. The following shall apply *mutatis mutandis*:

- (a) The provisions of article 4 above, to the crew and transported emergency teams;
- (b) The provisions of article 5 above, to the aircraft and other items of equipment, means of emergency aid and operational goods brought in.

5. The arrangements for the implementation of paragraph 3 of this article may be set forth in the special agreements provided for in article 10.

6. Subject to the provisions of paragraph 2 of this article, the legislation of each Contracting Party on air traffic shall remain applicable, in particular the obligation to transmit flight information to the competent control bodies.

Article 7. 1. In all cases, the authorities of the requesting Contracting Party shall be responsible for directing the rescue and emergency operations.

2. Instructions intended for the emergency teams of the requested Contracting Party shall be transmitted solely to their leaders, who shall work out the practical details with respect to the personnel reporting to them. The competent authorities of the Contracting Party requesting assistance shall, if possible, in the

request for assistance, set forth the tasks that they intend to entrust to the emergency teams of the Contracting Party called upon to give assistance.

3. The authorities of the requesting Contracting Party shall extend protection and assistance to the emergency teams of the requested Contracting Party.

Article 8. 1. The costs of assistance provided by the emergency teams of the requested Contracting Party under article 2 above, including expenses arising from the loss and total or partial destruction of equipment brought in, shall not be borne by the authorities of the requesting Contracting Party.

In the event of assistance provided by aircraft, the requested Contracting Party may require that one half of the costs arising from the use of aircraft be borne by the requesting Contracting Party. The amount of these costs shall be assessed on the basis of the general tariffs in effect in each of the two States, as set forth in the special agreements provided for in article 10 of this Convention.

2. However, the emergency teams of the requested Contracting Party shall be provided with food and lodging throughout the operation at the expense of the requesting Contracting Party and supplied with operational goods if the stocks brought in have been used up. They shall also receive, if necessary, any required medical assistance.

Article 9. 1. Each Contracting Party shall waive any claim for compensation against the other Contracting Party in the event of damage to property belonging to it or belonging to a political or administrative subdivision if such damage was caused by a member of an emergency team of the other Contracting Party in the course of the performance of his duties in implementation of this Convention.

2. Each Contracting Party shall waive, for itself and its political or administrative subdivisions, any claim for compensation against the other Contracting Party arising from damage to a member of an emergency team who has been injured or has died in the line of duty in implementation of this Convention.

3. In the event that, in the territory of the requesting Contracting Party, damage is caused to a third party by a member of the emergency team of the requested Contracting Party in the course of the performance of his duties, the requesting Contracting Party or its requesting political or administrative subdivision, as the case may be, shall be responsible for the damage, in accordance with the provisions which would have applied if such damage had been caused by its own emergency teams.

4. The authorities of the Contracting Parties shall co-operate closely to facilitate the settlement of claims for compensation. They shall, in particular, exchange all the information at their disposal concerning damage cases covered by this article.

5. The provisions of this article shall likewise apply in the event of jointly organized exercises for emergency teams.

Article 10. 1. The competent authorities referred to in article 3, paragraph 1, above shall conclude the special agreements necessary for the implementation of the provisions of this Convention.

2. A special agreement shall contain, *inter alia*, the following information essential for carrying out operations:

- (a) The official designation and field of activity of the persons who are empowered to request, offer and grant assistance, as well as the name, address and telephone number of the services to which those persons belong;
- (b) The official designation and field of activity of the person to whom the leader of the emergency team is to report on his arrival at the assignment location, as well as the name, address and telephone number of the service to which that person belongs;
- (c) The nature, number, strength, equipment and location of the units that can, on request, be dispatched to emergency operations;
- (d) Any other information likely to accelerate and facilitate the assistance, in particular, concerning telecommunication links which exist or may be established between the services referred to in subparagraphs (a) and (b) as well as on landing sites for aircraft.

3. Another special agreement shall be concluded for the operation of radio installations with which the emergency teams are equipped or which are put at their disposal.

4. A special agreement shall also be concluded concerning the tariffs in effect in each of the States and serving as the basis for the sharing of costs arising from the use of aircraft in accordance with article 8, paragraph 3.

5. A special agreement may, where necessary, provide for the joint organization of exercises on both sides of the frontier.

Article 11. 1. In order to promote and develop forecasting, prevention and control of disasters or serious accidents, the Contracting Parties agree to establish permanent and close co-operation by exchanging any useful information of a scientific and technical nature and by planning regular meetings.

2. This co-operation shall be implemented:

—For the Government of the French Republic, by the Minister of the Interior (Office of Civilian Safety), and

—For the Government of the Federal Republic of Germany, by the Federal Minister of the Interior.

3. In addition, joint studies and meetings shall be organized, with a view, in particular, to investigating the causes of disasters and improving forecasting as well as the means and methods of preventing and controlling disasters or serious accidents.

4. Training courses may be organized at the instigation of either Contracting Party for technicians and supervisory staff of the other Contracting Party and, in particular, for emergency teams.

5. The arrangements for the implementation of the provisions of this article shall be set forth in special agreements.

Article 12. Any dispute relating to the implementation of this Convention which cannot be settled directly by the competent authorities referred to in article 3 of this Convention shall be settled through the diplomatic channel.

Article 13. This Convention is concluded for an indefinite period. Following the expiration of five years from its entry into force, it may be denounced at any time on one year's notice.

Article 14. With the exception of those provisions of this Convention which relate to air traffic, this Convention shall also apply to *Land Berlin*, unless the Government of the Federal Republic of Germany makes a contrary declaration to the Government of the French Republic within the three months following the entry into force of this Convention.

Article 15. 1. This Convention shall be ratified; the instruments of ratification shall be exchanged as soon as possible at Bonn.

2. This Convention shall enter into force on the first day of the second month after the exchange of the instruments of ratification.

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

For the French Republic:

[Signed]

MICHEL PONIATOWSKI

For the Federal Republic
of Germany:

[Signed]

WERNER MAIHOFFER

[Signed]

HANS-DIETRICH GENSCHER