

No. 20320

**FEDERAL REPUBLIC OF GERMANY
and
SWITZERLAND**

**Treaty concerning the motorway junction in the area of
Basel and Weil am Rhein (with map and exchanges of
letters). Signed at Berne on 9 June 1978**

Authentic text: German.

Registered by the Federal Republic of Germany on 7 August 1981.

**RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE
et
SUISSE**

**Traité relatif à la jonction autoroutière dans la région de
Bâle et de Weil am Rhein (avec carte et échanges de let-
tres). Signé à Berne le 9 juin 1978**

Texte authentique : allemand.

Enregistré par la République fédérale d'Allemagne le 7 août 1981.

[TRANSLATION — TRADUCTION]

TREATY¹ BETWEEN THE FEDERAL REPUBLIC OF GERMANY AND
THE SWISS CONFEDERATION CONCERNING THE MOTOR-
WAY JUNCTION IN THE AREA OF BASEL AND WEIL AM
RHEIN

The Federal Republic of Germany and the Swiss Confederation,
Desiring to regulate the problems arising as a result of the motorway junction
between Basel and Weil am Rhein,
Have agreed as follows:

Article 1. SUBJECT OF THE TREATY

(1) The German motorway from Freiburg im Breisgau shall be joined to Swiss National Route 2 at Weil am Rhein (the section known as Friedlingen) and Basel (Kleinhüningen) west of the railway installations of the Deutsche Bundesbahn. To that end, there shall be constructed:

- (a) In German and Swiss territory, a motorway bridge (frontier bridge) crossing the frontier between the Contracting States;
- (b) In German territory, the buildings, areas and facilities (frontier clearance installations) used for frontier clearance;
- (c) In German territory, the installations used for providing services to persons and vehicles entering Switzerland (auxiliary installations);
- (d) In German territory, a road (the feeder road) used for the purposes of the feeder service from Switzerland to the auxiliary installations and to the Swiss import frontier clearance office, including the customs canteen.

(2) A skeleton plan which gives an overall view of the installations provided for is annexed to the Treaty.

Article 2. EXECUTION OF CONSTRUCTION WORK AND COSTS

(1) Switzerland shall carry out the construction of the frontier bridge, including the supporting walls and the underpass construction. Planning, invitation of tenders, awarding of contracts and execution and supervision of construction shall be the responsibility of the canton of Basel-Stadt working by agreement with the *Land* of Baden-Württemberg. Swiss technical standards shall apply to the construction.

(2) The Federal Republic of Germany shall carry out the construction of the auxiliary installations and the feeder road. The auxiliary installations and the feeder road shall be planned and constructed by agreement with the canton of Basel-Stadt.

(3) All costs of the acquisition of land and rights and all construction costs shall be borne:

- (a) For the frontier bridge, by the Federal Republic of Germany and by Switzerland for the portions situated in their respective territories;
- (b) For the feeder road and the underpass construction, as well as the supporting walls in so far as they depend on the feeder road, by Switzerland;

¹ Came into force on 10 June 1980 by the exchange of the instruments of ratification, in accordance with article 20 (2).

(c) For the auxiliary installations, by the canton of Basel-Stadt.

(4) The competent administrations of the Contracting States shall regulate all details.

Article 3. MAINTENANCE AND ALTERATIONS; COSTS

(1) The maintenance, including cleaning and winter service, the renovation and the alteration of the frontier bridge, with the exception of the underpass structure, shall be carried out by each Contracting State in its territory, at its own cost. Alterations shall be planned and carried out by agreement between the competent administrations of the Contracting States.

(2) The maintenance of the auxiliary installations, the feeder road and the underpass structure, including cleaning and winter service, as well as the renovation and alteration thereof, shall be carried out by the Federal Republic of Germany by agreement with the canton of Basel-Stadt. Switzerland shall bear the costs. In the auxiliary installations, cleaning work, minor repairs and alterations of the inner structure may be undertaken by the canton of Basel-Stadt by agreement with the Federal Republic of Germany. The competent administrations of the Contracting States shall regulate the details.

Article 4. CONTRARY ARRANGEMENTS CONCERNING MAINTENANCE AND ALTERATIONS

(1) For the maintenance, renovation and alteration of the structures and built-in facilities, the competent administrations of the Contracting States may conclude contrary arrangements. Arrangements concerning cleaning and winter service may include the motorway segments between the frontier and the German junction point of Weil am Rhein or the Swiss junction point of Wiese and may also include the said jurisdiction points themselves.

(2) The regulations of the territorial State concerning official liability and liability arising out of violation of the obligation to maintain traffic safety shall remain unaffected. Third parties may make their claims only against the competent administration of the territorial State. Funds paid by the latter to third parties shall be reimbursed to it by the administration responsible therefor.

Article 5. FRONTIER CLEARANCE INSTALLATIONS

(1) In accordance with the Agreement of 1 June 1961 between the Contracting States concerning the establishment of adjacent frontier clearance offices and frontier clearance on board means of transport while in motion, adjacent frontier clearance offices shall be constructed for the purposes of frontier clearance. The said Agreement and the arrangements concluded on the basis thereof between the competent authorities of the Contracting States shall remain unaffected by this Treaty.

(2) For deliveries to the canteen, which shall be set up and operated within the Swiss frontier clearance installation, and for the taxation of the business transacted there, articles 9 and 11 shall apply *mutatis mutandis*; goods may be delivered only to employees of the frontier clearance offices of the Contracting States.

Article 6. AUXILIARY INSTALLATIONS

(1) The canton of Basel-Stadt shall be entitled to operate the auxiliary installations. It may lease them to others.

(2) The auxiliary installations shall include a rest-house and kiosk, information offices, exchange offices, filling stations and the roads, walkways, parking areas and installations appertaining thereto:

- (a) In the rest-house and kiosk, food and beverages and travel necessities, including in particular sweets, tobacco products, newspapers and picture postcards may be sold.
- (b) In the filling station, the commonly used fuels and lubricants and other necessities for motor vehicles may be sold. In addition, facilities needed for breakdown service may be operated.
- (c) In the exchange offices, the currency transactions customary in connection with frontier crossing traffic may be carried on.
- (d) In the information offices, information may be furnished, hotel rooms may be reserved, and similar services customary in connection with passenger traffic may be provided.

(3) The owners of and persons employed at facilities in the auxiliary installations who reside in Switzerland may freely bring across the frontier such amounts of money as they require for the operation of the said facilities or as they have collected there.

Article 7. POSTAL AND TELECOMMUNICATION INSTALLATIONS

(1) Connections to the Swiss public telephone network and telex network shall be provided for the auxiliary installations.

(2) Public telephone stations connected to the Swiss public telephone network may be set up in the auxiliary installations and at the Swiss frontier clearance offices.

(3) Swiss postage stamps may be sold and Swiss mail-boxes may be set up in the auxiliary installations.

(4) Frontier-crossing telecommunication facilities for structures, including connections to the public telephone network of the other Contracting State, shall be permitted by the competent administrations of the Contracting States by agreement between them.

(5) Frontier-crossing telecommunication facilities whose use is restricted to motorways shall be permitted between those operational motorway service areas of the Contracting States which are nearest to the frontier clearance installations. Further connection of the frontier-crossing communications lines to the public telecommunication networks, or the rest of the motorway telecommunication network, of the other Contracting State shall not, however, be permitted unless exceptional arrangements are made.

(6) Customs, police, emergency and road-maintenance services shall be permitted to have frontier-crossing telecommunication installations.

(7) The competent administrations of the Contracting States shall regulate the details.

Article 8. ENTRY DUTIES IN CONNECTION WITH CONSTRUCTION, MAINTENANCE, ALTERATIONS AND OPERATION

(1) Goods (e.g., construction and operation materials, machinery, equipment, tools, vehicles) shall be exempt in Switzerland from import duties and from all other taxes and charges levied in connection with the import of goods if, and so long as, they are used for the construction of the frontier bridge from the frontier to the

1.150-kilometre point on the motorway or for maintaining traffic safety on that road. In respect of goods which remain or are consumed on that segment of the motorway, this provision shall apply only if they were purchased on the open market in the Federal Republic of Germany.

(2) Goods (e.g., construction and operation materials, machinery, equipment, tools, vehicles, goods for customs fences and other security fences and for the planting of the road verge) shall be exempt in the Federal Republic of Germany from import duties and from all other taxes and charges levied in connection with the import of goods if, and so long as, they are used for the construction of the frontier bridge from the frontier to the 813.255-kilometre point of the federal motorway, the construction of the federal motorway from the 813.255-kilometre point to the 811.680-kilometre point and the construction of the feeder road, or for maintaining traffic safety on those roads. In respect of goods which remain there or are consumed there, this provision shall apply only if they were purchased on the open market in Switzerland. Tax exemption shall be granted under the same conditions in respect of goods used for construction of the installations of the adjacent frontier clearance offices of the Contracting States and the construction of the auxiliary installations.

(3) The tax exemption in accordance with paragraphs (1) and (2) above shall apply to imported items as from 14 December 1973 (entry into force of the exchange of notes between the Contracting States concerning the grace period for entry duties).

(4) Goods for the maintenance, renovation, alteration or operation of the installations and facilities referred to in paragraphs (1) and (2) above shall, under the conditions specified in the said paragraphs, be exempt from import duties and from all other taxes and charges levied in connection with the import of goods.

(5) If the goods referred to in paragraphs (1), (2) and (4) above are imported by the public construction administrations, exemption from the turnover tax shall not be granted.

(6) No deposit of security shall be demanded. The required control and safety measures shall, however, remain reserved.

(7) Goods which are exempt from taxes in accordance with paragraphs (1), (2) and (4) above shall be exempt from import and export prohibitions and restrictions.

Article 9. SPECIAL REGULATIONS FOR AUXILIARY INSTALLATIONS IN RESPECT OF CUSTOMS AND TAXATION LAW

(1) Goods from free traffic in Switzerland which are brought to the auxiliary installations by way of the feeder road shall be treated, in respect of customs, turnover-tax, consumption-tax and monopoly law, and in respect of import, export and transit law, under the conditions of paragraph (6) below, as if they had not been brought across the common frontier.

(2) Goods which are brought direct from the Federal Republic of Germany into the auxiliary installations shall be treated, in respect of customs, consumption-tax and monopoly law and in respect of import, export and transit law, under the conditions of paragraph (6) below, as if they had been brought across the common frontier. Switzerland shall levy import duties on the said goods in accordance with Swiss law.

(3) The turnover of the auxiliary installations shall be subject only to Swiss turnover-tax law. The same shall apply to deliveries made and other services rendered in the auxiliary installations to their entrepreneurs. Exceptions to the

foregoing shall be made in the case of the construction, maintenance, renovation and alteration of the installations and of the built-in facilities.

(4) The entrepreneurs of the auxiliary installations and the persons employed by them in the auxiliary installations shall, in respect of Swiss turnover tax, have the same rights and obligations *vis-à-vis* the Swiss authorities as if the auxiliary installations were situated at a location regarded as Swiss interior territory for customs purposes. The entrepreneurs, may, however, deduct as previously paid taxes those amounts separately chargeable to them as German turnover tax, under the conditions prescribed by German turnover-tax law, when reporting to the competent German finance office. The German tax authorities may verify at the auxiliary installations whether the previously paid taxes have been correctly deducted.

(5) Out of the Swiss turnover-tax income derived:

- (a) From the taxation of the turnover referred to in paragraph (3), first and second sentences above, and in article 5, paragraph (2), and
- (b) In so far as the entrepreneurs concerned are not liable for tax on such turnover, from the taxes imposed on the goods purchased or imported for the said turnover and on the services utilized therefor,

Switzerland shall annually transfer one half to the Federal Republic of Germany, deducting 5 per cent for administrative expenses. For the calculation of the tax income in accordance with subparagraph (b) above, the entrepreneurs must transmit the necessary information to the Swiss Federal Tax Administration. The German Federal Ministry of Finance and the Swiss Federal Tax Administration shall agree on the details of the determination of the share payable each year to the Federal Republic of Germany.

(6) Goods which have been brought to the auxiliary installations in accordance with paragraphs (1) and (2) above may be supplied only to persons departing for Switzerland and only for their personal use or consumption, for their household or for gift purposes; fuels and lubricants for motor vehicles may, however, be supplied only in quantities provided for the individual vehicle.

(7) The area of the auxiliary installations shall also be subject to Swiss customs and tax supervision. The provisions of parts II and III of the Agreement of 1 June 1961 between the Contracting States concerning the establishment of adjacent frontier clearance offices and frontier clearance on board means of transport while in motion shall apply in this connection *mutatis mutandis*, with the exception of articles 6, 8, 9, 14 and 15.

(8) The Customs District Directorate of Basel and the Superior Finance Directorate of Freiburg shall arrange for the necessary supervisory and safety measures by agreement between them, in order to prevent violations of the customs, consumption-tax and monopoly law and the import, export and transit law of the Contracting States.

Article 10. DIRECT TAXES

This Treaty shall not affect

- (a) The Agreement of 11 August 1971 between the Federal Republic of Germany and the Swiss Confederation for the avoidance of double taxation in the sphere of taxes on income and fortune, or

- (b) The Agreement of 15 July 1931 between the German Reich and the Swiss Confederation for the prevention of double taxation in the matter of direct taxes and succession duties, as amended by the Additional Protocol of 20 March 1959, or the regulations replacing them.

Article 11. GOODS IN THE AUXILIARY INSTALLATIONS

(1) Goods permitted in accordance with article 6 may, if they meet the requirements of Swiss regulations, be brought into the auxiliary installations. They may be marketed there subject to the conditions of paragraph (2), first sentence, below.

(2) German regulations shall be inapplicable to the goods referred to in paragraph (1) above in so far as they impose requirements different from those of Swiss law on the nature, packing, designation or marking of the goods and the indication of prices. If such goods are rejected by the German supervisory offices, the latter shall, in verifying the permissibility of the marketing of the goods, communicate with the competent Swiss offices; the German supervisory offices may take urgent temporary measures.

(3) If goods brought from Switzerland into the auxiliary installations do not meet the requirements of Swiss regulations, the Swiss authorities shall have exclusive competence for prosecution and punishment.

(4) Where decisions of German authorities and courts are rendered against persons resident in Switzerland because the latter have, in the auxiliary installations, committed violations of regulations which are applicable in accordance with paragraph (2) above to the marketing of the goods specified therein, the decisions shall, at the request of the German authorities, be executed in Switzerland if:

- (a) The decision has become final;
- (b) The action, if it was committed in Switzerland, is punishable there by a sanction; for the assessment of the punishability of the action and the liability of the perpetrator to prosecution under Swiss law, the findings of fact upon which the decision is based shall be binding;
- (c) Where Swiss law is applied, the time-limit for absolute lapse of time for prosecution has not expired at the time of the decisions;
- (d) The sanction would not be deemed to be invalidated by lapse of time if it had been imposed at the same time by a Swiss authority.

(5) Requests for the execution of decisions shall be addressed to the Criminal Court of the canton of Basel-Stadt. If the prerequisites for execution are met, the said Court shall, free of charge, declare the decision to be executable and shall make the arrangements necessary for its execution. The canton of Basel-Stadt shall regulate the form of the decision and shall make legal remedies available for appealing against it.

(6) Sums of money collected in accordance with paragraph (5) above shall, after deduction of the costs incurred, be transmitted to the applicant German office.

Article 12. REGULATIONS RELATING TO FOREIGNERS

(1) Persons responsible for the construction, maintenance, renovation and alteration of the motorway, the frontier clearance installations, the feeder road and the auxiliary installations shall, if they travel from the territory of one Contracting State to the territory of the other, not require any permission ordinarily required under the latter's law.

(2) The Federal Republic of Germany shall permit Swiss nationals to enter and stay in the area of the auxiliary installations and the Swiss frontier clearance installation for the purpose of carrying on their occupation or business in the auxiliary installations and in the customs canteen; the same shall apply to nationals of third States who hold a permit to stay in Switzerland for the purpose of engaging in an occupation. No permit to stay in the Federal Republic of Germany shall be required for a stay within the auxiliary installations and the Swiss frontier clearance installation.

(3) Paragraphs (1) and (2) above shall not apply to employees who are to work under an arrangement for the hiring of a labour force (*gewerbsmäßige Arbeitnehmerüberlassung*).

(4) Personal entry prohibitions shall remain reserved.

(5) Nationals of the Contracting States must carry on their person an official identity document bearing a photograph, and nationals of third States shall, in addition, also be required to carry on their person a permit to stay in the country or a corresponding identity document.

(6) If a person has travelled from the territory of one Contracting State to the territory of the other State in violation of this Treaty, the first-mentioned Contracting State shall accept his return without formalities at any time in accordance with the arrangements concluded between the Contracting States.

Article 13. CROSSING THE FRONTIER IN ORDER TO RETURN

(1) Customs and police officers and road administration officials of the Contracting States, as well as auxiliary personnel, shall be authorized, in the performance of their duties on the motorway, to cross the frontier with their service vehicles, including service equipment, in order to make a return trip to the State of origin. Except as otherwise provided in this Treaty, articles 11 to 13 of the Agreement of 1 June 1961 between the Contracting States concerning the establishment of adjacent frontier clearance offices and frontier clearance on board means of transport while in motion shall be applicable *mutatis mutandis*.

(2) Where, while travelling in the territory of the other Contracting State, police officers observe an accident or a situation dangerous to traffic, they shall be authorized to ascertain the facts of the case and to take any other urgent measures on the scene. The police of the territorial State must be notified without delay. Until the latter arrive, persons may be temporarily taken into custody.

Article 14. USE OF THE FEEDER ROAD

(1) The feeder road shall be open only for feeder traffic. It may be used only by persons who travel for occupational purposes to the auxiliary installations or to the frontier clearance offices.

(2) Persons and goods may be commercially conveyed between the frontier and the auxiliary installations or the Swiss frontier clearance offices even if an entitlement thereto exists only in accordance with the regulations in force in Switzerland. The same shall apply to traffic between the installations of an enterprise (*Werkverkehr*).

(3) Persons and goods entering the auxiliary installations or the Swiss frontier clearance offices by way of the feeder road shall not be subject to frontier clearance.

(4) In the arrangement of traffic measures which produce effects on the traffic regulated in paragraph (1) above, Swiss interests must be duly taken into account. If such effects are substantial, the German authorities shall communicate in good time

with the Police Department of the canton of Basel-Stadt, except where delay may result in danger. In the latter case, the Police Department of the canton of Basel-Stadt must be informed without delay.

Article 15. COLLABORATION BETWEEN OFFICIALS OF THE CONTRACTING STATES

Officials of the Contracting States shall support each other, in so far as possible, in preventing persons from leaving or entering the motorway or the feeder road without authorization and in preventing there or in the area of the auxiliary installations any violation of the legal regulations of either Contracting State, in particular of those relating to customs duties, turnover tax, consumption tax and monopolies, and of those relating to import, export and transit. They shall support each other in investigations relating to the whereabouts of goods or means of transport and in the determination of violations of the aforementioned legal regulations, shall help each other to safeguard marks and items of evidence and shall provide each other with the information necessary therefor.

Article 16. MIXED COMMISSION

(1) The Contracting States shall create a German-Swiss Mixed Commission whose tasks shall be:

- (a) To deal with questions which arise in connection with the implementation of this Treaty and the technical agreements which will follow;
- (b) To submit recommendations to the two Governments, including recommendations relating to any amendment of this Treaty and of the technical agreements;
- (c) To recommend to the competent authorities suitable measures for the elimination of difficulties.

(2) The Commission shall consist of five German and five Swiss members, who may be accompanied by specialists. The Government of each Contracting State shall designate a member of its delegation as chairman of the delegation. Each delegation chairman may, by a request made to the chairman of the other delegation, convene the Commission for a meeting, which must, if he so desires, be held not later than one month after receipt of the said request.

Article 17. ARBITRATION CLAUSE

(1) Where a dispute concerning the interpretation or application of this Treaty cannot be settled otherwise, it shall, at the request of a Contracting State, be submitted to an arbitral tribunal.

(2) The arbitral tribunal shall be established on a case-by-case basis, each Contracting State appointing one member and the two members agreeing on a national of a third State as the umpire, who shall be appointed by the Governments of the Contracting States. The members shall be appointed within two months, and the umpire within three months, after one Contracting State has informed the other that it wishes to submit the dispute to an arbitral tribunal.

(3) If the time-limits referred to in paragraph (2) above are not met, then, in the absence of any other arrangement, either Contracting State may request the President of the European Court of Human Rights to make the necessary appointments. If the President is a German or Swiss national or is otherwise disqualified, the Vice-President shall make the appointments. If the Vice-President is also a German or Swiss national or is also disqualified, the appointments shall be made by the next senior member of the Court who is neither a German nor a Swiss national.

(4) The arbitral tribunal shall render its decisions by majority vote, on the basis of the treaties in force between the Contracting States and of general international law. Its decisions shall be binding. Each Contracting State shall bear the costs of the arbitrator it has designated and of its representation in the proceedings before the arbitral tribunal; the umpire's costs and other costs shall be apportioned equally between the Contracting States. In all other respects, the arbitral tribunal shall regulate its own procedure.

(5) The Courts of the two Contracting States shall provide the arbitral tribunal, at the latter's request, with legal assistance in respect of the summoning (preliminary summoning) of witnesses and experts and the taking of testimony from them, applying appropriately the arrangements in force at the time between the Contracting States concerning legal assistance in civil and commercial matters.

Article 18. DURATION AND AMENDMENT OF THE TREATY

(1) This Treaty is concluded for an indefinite period. It may be suspended or amended only by agreement between the Contracting States.

(2) Where serious difficulties arise in connection with the implementation of the Treaty or where the circumstances existing at the time of its conclusion are substantially changed, the Contracting States shall, at the request of either Contracting State, enter into negotiations concerning an appropriate revision.

Article 19. BERLIN CLAUSE

This Treaty shall also apply to *Land Berlin*, provided that the Government of the Federal Republic of Germany has not made a contrary declaration to the Swiss Federal Council within three months after the entry into force of this Treaty.

Article 20. RATIFICATION AND ENTRY INTO FORCE

(1) This Treaty is subject to ratification; the instruments of ratification shall be exchanged at Bonn as soon as possible.

(2) This Treaty shall enter into force on the date of the exchange of the instruments of ratification.

DONE at Berne on 9 June 1978, in duplicate in the German language.

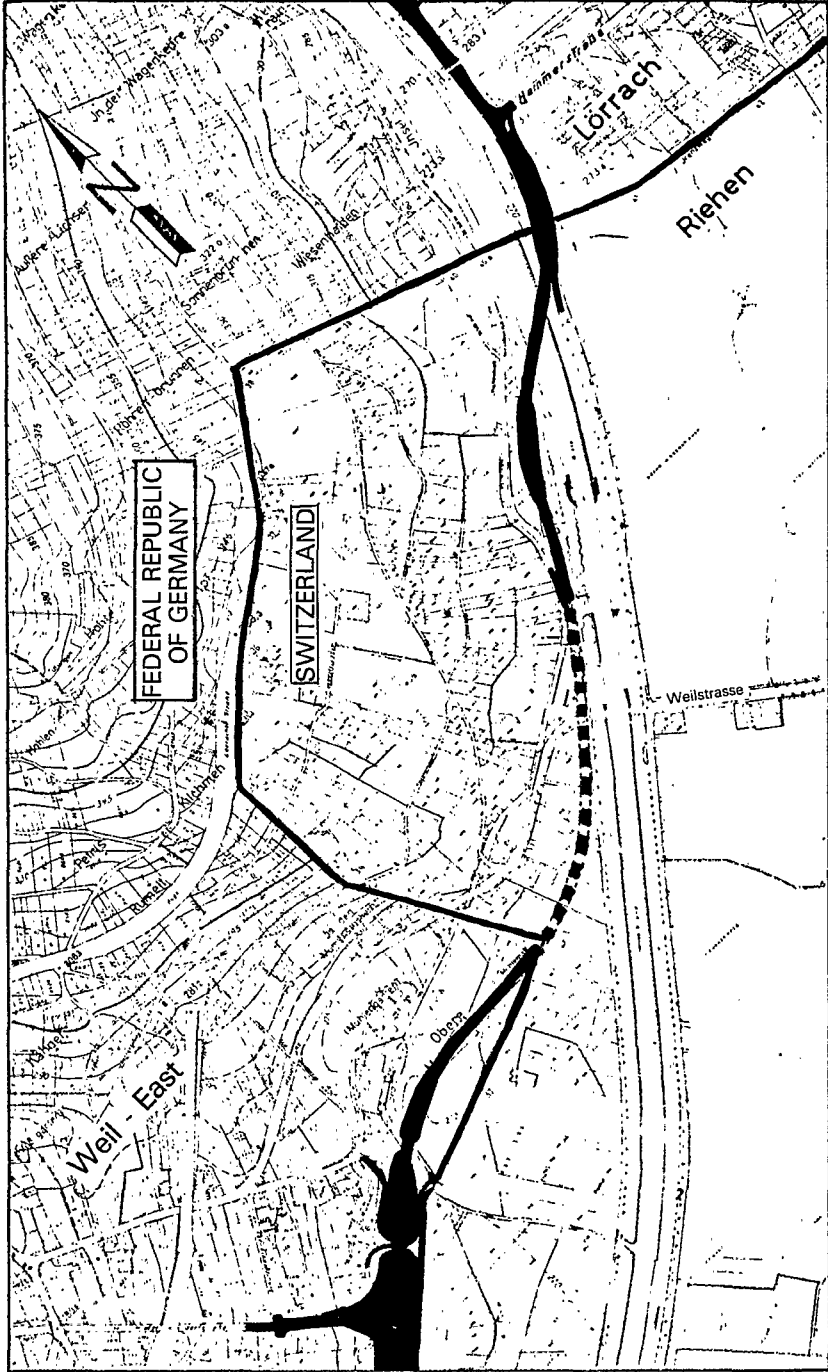
For the Federal Republic of Germany:

ULRICH LEBSANFT

For the Swiss Confederation:

DIEZ

Skeleton Plan (article 2, paragraph (2), of the Treaty)



Treaty No. 120320 (Vol. 1246)

MAP NO. 3478.2 x (E)

EXCHANGES OF LETTERS

Ia

FEDERAL POLITICAL DEPARTMENT
DIRECTORATE OF INTERNATIONAL LAW
The Director

Berne, 9 June 1978

Sir,

In connection with the signature today of the Treaty between the Swiss Confederation and the Federal Republic of Germany concerning the motorway junction in the area of Basel and Weil am Rhein, I have the honour to inform you of the following:

Rights, authorizations and obligations similar to those established in the Treaty concerning the motorway junction in the area of Basel and Weil am Rhein shall in future also be provided for on the basis of reciprocity, in connection with the joining of other frontier-crossing motorways wherever necessary and technically feasible by reason of special local conditions, irrespective of whether the adjacent frontier clearance offices are established in Swiss or German territory. According to the present status of planning, the motorways to be considered in this context are the planned Singen-Konstanz-Winterthur, Lörrach-Rheinfelden and Singen-(Schaffhausen-) Zurich motorways. The Governments of the Contracting States shall, in a spirit of good-neighbourly relations, within the framework of their joint traffic planning, take in good time in each case the necessary measures for the determination of the said rights, authorizations and obligations.

I should be grateful if you would confirm your concurrence with the foregoing; in such case this letter, which has been approved by the Swiss Federal Council, and your reply shall be deemed to constitute integral parts of the Treaty.

Accept, Sir, etc.

DIEZ

Mr. Ulrich Lebsanft
Ambassador of the Federal Republic of Germany
Berne

IIa

THE AMBASSADOR OF THE FEDERAL REPUBLIC OF GERMANY

Berne, 9 June 1978

Sir,

In connection with the signature today of the Treaty between the Federal Republic of Germany and the Swiss Confederation concerning the motorway junction in the area of Basel and Weil am Rhein, you have sent me the following communication on behalf of the Swiss Federal Council:

[See letter Ia]

I have the honour to inform you on behalf of the Government of the Federal Republic of Germany that it concurs with the foregoing.

Your letter of today's date and this reply shall be integral parts of the Treaty.
Accept, Sir, etc.

LEBSANFT

Ambassador Dr. Emanuel Diez
Head of the Directorate for International Law
of the Federal Political Department
Berne

Ib

FEDERAL POLITICAL DEPARTMENT
DIRECTORATE OF INTERNATIONAL LAW
The Director

Berne, 9 June 1978

Sir,

In connection with the signature today of the Treaty between the Swiss Confederation and the Federal Republic of Germany concerning the motorway junction in the area of Basel and Weil am Rhein, I have the honour to inform you of the following:

The canton of Basel-Stadt shall ensure that plants of the genera *Acer* L., *Amelanchier* Medik., *Chaenomeles* Lindl., *Cotoneaster* Ehrh., *Crataegus* L., *Cydonia* Mill., *Euonymus* L., *Fagus* L., *Juglans* L., *Ligustrum* L., *Malus* Mill., *Populus* L., *Prunus* L., *Ptelea* L., *Pyra-cantha* M. Roem., *Pyrus* L., *Ribes* L., *Rosa* L., *Salix* L., *Sorbus* L., *Symphoricarpos* Duham., *Syringa* L., *Tilia* L., *Ulmus* L. and *Vitis* L. are effectively disinfected against San Jose scale insect under the supervision of the Swiss Plant Protection Service if they are used at the installations within the meaning of article 1 of the Treaty between the Swiss Confederation and the Federal Republic of Germany concerning the motorway junction in the area of Basel and Weil am Rhein.

The Swiss Plant Protection Service shall issue a certificate attesting that the disinfection has been carried out, and the certificate must be exhibited to the competent German authorities or offices upon demand.

I should be grateful if you would confirm your concurrence with the foregoing; in such case this letter, which has been approved by the Swiss Federal Council and the Government of the canton of Basel-Stadt, and your reply shall be deemed to constitute integral parts of the Treaty.

Accept, Sir, etc.

DIEZ

Mr. Ulrich Lebsanft
Ambassador of the Federal Republic of Germany
Berne

IIb

THE AMBASSADOR OF THE FEDERAL REPUBLIC OF GERMANY

Berne, 9 June 1978

Sir,

In connection with the signature today of the Treaty between the Federal Republic of Germany and the Swiss Confederation concerning the motorway junction in the area of Basel and Weil am Rhein, you have sent me the following communication on behalf of the Swiss Federal Council:

[See letter Ib]

I have the honour to inform you on behalf of the Government of the Federal Republic of Germany that it concurs with the foregoing.

Your letter of today's date and this reply shall be integral parts of the Treaty. Accept, Sir, etc.

LEBSANFT

Ambassador Dr. Emanuel Diez
Head of the Directorate for International Law
of the Federal Political Department
Berne

Ic

FEDERAL POLITICAL DEPARTMENT
DIRECTORATE OF INTERNATIONAL LAW
The Director

Berne, 9 June 1978

Sir,

In connection with the signature today of the Treaty between the Swiss Confederation and the Federal Republic of Germany concerning the motorway junction in the area of Basel and Weil am Rhein, I have the honour to propose to you the following arrangement concerning exemptions and facilities with respect to import duties in connection with the construction, maintenance, alteration and operation of other frontier-crossing points and frontier bridges:

1. Exemptions and facilities in accordance with article 8 of the Treaty between the Swiss Confederation and the Federal Republic of Germany concerning the motorway junction in the area of Basel and Weil am Rhein shall, as from 1 January 1975, also be granted by both Contracting States, on the basis of reciprocity, for goods which are used for the construction, maintenance, renovation, alteration and operation of other frontier-crossing structures for public traffic arteries and public utility conduits and of frontier clearance installations at other frontier-crossing points at which adjacent frontier clearance offices have been or will be established in accordance with the Agreement of 1 June 1961 between the Contracting States

concerning the establishment of adjacent frontier clearance offices and frontier clearance on board means of transport while in motion. The competent administrations of the Contracting States shall support each other in preventing abuses of the exemptions and facilities.

2. The competent Swiss Customs District Directorate and the Superior Finance Directorate of Freiburg im Breisgau shall, by agreement between them, establish the local delimitation of the area on both sides of the frontier which will be needed for the structures or the frontier-crossing installations in accordance with item 1, and they shall regulate the details.

3. This arrangement may be denounced at any time; it shall cease to have effect two years after the denunciation.

4. This arrangement shall also apply to *Land Berlin*, provided that the Government of the Federal Republic of Germany has not made a contrary declaration to the Swiss Federal Council within three months after the entry into force of the arrangement.

I should be grateful if you would confirm your concurrence with the foregoing; in such case this letter, which has been approved by the Swiss Federal Council, and your reply shall constitute an arrangement which shall enter into force, simultaneously with the Treaty between the Swiss Confederation and the Federal Republic of Germany, as soon as both Governments have notified each other that the domestic prerequisites therefor have been met.

Accept, Sir, etc.

DIEZ

Mr. Ulrich Lebsanft
Ambassador of the Federal Republic of Germany
Berne

IIc

THE AMBASSADOR OF THE FEDERAL REPUBLIC OF GERMANY

Berne, 9 June 1978

Sir,

In connection with the signature today of the Treaty between the Federal Republic of Germany and the Swiss Confederation concerning the motorway junction in the area of Basel and Weil am Rhein, you have proposed to me on behalf of the Swiss Federal Council the following:

[See letter Ic]

I have the honour to inform you on behalf of the Government of the Federal Republic of Germany that it concurs with the foregoing.

Your letter of today's date and this reply shall therefore constitute an arrangement between the Federal Republic of Germany and the Swiss Confederation, which shall enter into force as soon as the two Governments have notified each other that the domestic prerequisites therefor have been met.

Accept, Sir, etc.

LEBSANFT

Ambassador Dr. Emanuel Diez
Head of the Directorate for International Law
of the Federal Political Department
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