

No. 26288

**FEDERAL REPUBLIC OF GERMANY
and
DENMARK**

**Agreement concerning facilitation of frontier crossing.
Signed at Kupfermühle/Krusau on 20 June 1986**

Authentic texts: German and Danish.

Registered by the Federal Republic of Germany on 8 November 1988.

**RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE
et
DANEMARK**

**Accord en vue de faciliter les passages de frontières. Signé à
Kupfermühle/Krusau le 20 juin 1986**

Textes authentiques : allemand et danois.

Enregistré par la République fédérale d'Allemagne le 8 novembre 1988.

[TRANSLATION — TRADUCTION]

AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE FEDERAL
REPUBLIC OF GERMANY AND THE GOVERNMENT OF THE
KINGDOM OF DENMARK CONCERNING FACILITATION OF
FRONTIER CROSSING

The Government of the Federal Republic of Germany and the Government of the Kingdom of Denmark, hereinafter referred to as the Contracting Parties,

Endeavouring to strengthen the solidarity between their peoples through freer movement between the two States,

Hoping that the increasingly closer union of more and more peoples of Europe will find ways of facilitating frontier controls within the European Community and in traffic between States members of the European Community and the Nordic States,

Aware that facilitating the movement of persons for nationals of the Nordic States and of the States members of the European Community provided for in this Agreement will not impede further facilitation to be agreed on within the framework of the European Community,

Considering the progress made within the European Community with respect to the free movement of persons, goods and services,

Aware of the progress made within the Nordic States towards freedom of movement through the complete elimination of passport requirements and passport control for nationals of the Nordic States at the common Nordic frontiers,

Taking into account the Agreement between the Federal Republic of Germany and the Kingdom of Denmark concerning the crossing of the frontier of 30 June 1956,² as amended by the Supplementary Agreement of 16 March 1959,³

Taking into account the Agreement between the Federal Republic of Germany and the Kingdom of Denmark of 9 June 1965 concerning the merging of frontier control operations and the establishment of joint and transfer railway stations at the German-Danish frontier,⁴

Taking into account the Protocol of 22 May 1954 concerning the exemption of nationals of Denmark, Finland, Norway and Sweden from the obligation to have a passport or residence permit while resident in a Scandinavian country other than their own,⁵

Taking into account the Agreement of 12 July 1957 between Denmark, Finland, Norway and Sweden concerning the waiver of passport control at the intra-

¹ Came into force on 1 July 1986, in accordance with article 20.

² United Nations, *Treaty Series*, vol. 258, p. 65.

³ *Ibid.*, vol. 1560, A-3671.

⁴ *Ibid.*, vol. 605, p. 95.

⁵ *Ibid.*, vol. 199, p. 29.

Nordic frontiers,¹ as amended by the Agreement of 27 July 1979,² to which Iceland also acceded on 24 September 1965,³

Encouraged by the Declaration of Fontainebleau of the Council of Europe of 25 to 26 June 1984 on the elimination of police and customs formalities for the movement of persons and goods at intra-European Community frontiers,

Taking into account the Agreement between the Federal Republic of Germany and the French Republic concluded at Saarbrücken on 13 July 1984,

Taking into account the Agreement concluded between the Kingdom of Belgium, the Federal Republic of Germany, the French Republic, the Grand Duchy of Luxembourg and the Kingdom of the Netherlands at Schengen on 14 June 1985,

Taking into account the Joint Declaration of 16 May 1985 by the Federal Chancellor of the Federal Republic of Germany and the Danish Prime Minister,

Have agreed as follows:

PART I. SHORT-TERM MEASURES TO BE TAKEN

Article 1. From the entry into force of the present Agreement the following provisions shall apply to the formalities for nationals of the member States of the European Community and for nationals of the Nordic States at the frontier between the Kingdom of Denmark and the Federal Republic of Germany.

Article 2. In the case of the movement of persons, the customs authorities shall, after 1 July 1986, as a rule make only a spot check of passenger cars crossing the common frontiers at reduced speed. The spot check shall be made without stopping the cars. To the extent that local conditions permit, this procedure shall be followed also in the case of passenger cars in shuttle service.

The customs authorities may, however, when they consider it appropriate, carry out more thorough spot checks. To the extent possible, these checks shall be conducted outside the traffic lane, so that the flow of vehicular traffic across the frontier is not interrupted.

To the extent that they are authorized to do so by their respective States, the police authorities shall also waive systematic passport controls and carry out only spot checks of passenger cars crossing the frontier at reduced speed, without stopping them.

Article 3. In order to facilitate spot checks, nationals of a member State of the European Community or of a Nordic State wishing to cross the German-Danish frontier in a motor vehicle may affix a green label, of at least 8 centimetres in diameter, to the windshield of the vehicle. This shall indicate that they are obeying the frontier police regulations, carrying with them only goods permitted in the free frontier zones and obeying import regulations.

Article 4. In the case of commercial road passenger transport, the Contracting Parties shall make every effort to reduce the delay in frontier clearance operations at the common frontier as much as possible.

They shall therefore waive systematic checks of travel documents and of commercial road passenger transport permits.

¹ United Nations, *Treaty Series*, vol. 322, p. 245.

² *Ibid.*, vol. 1159, p. 442.

³ *Ibid.*, vol. 959, p. 840.

Article 5. In order to facilitate frontier crossing further for nationals of the European Community States and of the Nordic States residing in districts adjoining the joint frontier, the Contracting Parties shall take the necessary steps to amend the Agreement of 30 June 1956 between the Kingdom of Denmark and the Federal Republic of Germany concerning the crossing of the frontier outside the frontier crossing points designated for the international movement of persons so that the persons concerned may cross the frontier as provided for in the frontier crossing Agreement.

The persons in question may claim these privileges only if the goods which they are carrying with them do not exceed the customs-free and tax-exempt numbers and amounts and comply with import regulations.

Article 6. With a view to facilitating inspections at the common frontiers and bearing in mind the considerable differences between the respective legislations of the Kingdom of Denmark and the Federal Republic of Germany, the Contracting Parties undertake to take firm action against terrorism and the illegal trade in narcotics on their sovereign territories, and to coordinate their activities effectively in these areas. They shall also endeavour to involve other States in such cooperation.

Article 7. The Contracting Parties shall strengthen the cooperation between their customs and police authorities in particular with regard to criminality, especially the illegal trade in narcotics and weapons, against the unauthorized entry and unauthorized residence of individuals, tax and customs evasion and smuggling. For this purpose, the Contracting Parties shall make every effort, within the framework of their respective domestic legislations, to strengthen the exchange of information which may be of importance to the other Contracting Party in its anti-crime activities.

Article 8. In order to ensure the cooperation provided for in articles 6 and 7, the competent authorities of the Contracting Parties shall meet as often as deemed appropriate.

Article 9. With respect to the frontier crossing of goods and passengers by road, the Contracting Parties shall waive the following systematic frontier formalities at their common frontier:

- Control of driving and rest periods (European Community Council regulation No. 543/69 of 25 March 1969 concerning the harmonization of various social provisions in road transport) and European Agreement concerning the work of crews of vehicles engaged in international road transport (AETR);¹
- Control of the dimensions and weight of utility vehicles. This provision shall not exclude the use of automatic weighing systems in spot weight checks;
- Control of the operating condition of vehicles.

Measures shall be taken for the avoidance of duplicate controls inland.

Article 10. Systematic checking of the relevant necessary permit shall be replaced by spot checks in the following cases:

- Quota-free freight in accordance with annex II of the first European Community Directive on common rules for certain kinds of goods transport by road;

¹ United Nations, *Treaty Series*, vol. 993, p. 143.

- Shipments of household effects;
- Shipments under bilateral German-Danish temporary licences.

A visible label affixed to the vehicle shall be a requirement under the regulations for spot checking this traffic and unlicensed traffic under annex I of the first Directive and advance and delayed transport in combined road/rail traffic.

The competent authorities of the Contracting Parties shall agree on the appearance of the label and on the other regulations concerning its use.

Article 11. The Contracting Parties shall endeavour to find solutions for reducing the delay caused by checking railway traffic at the common frontiers.

Article 12. The Contracting Parties shall recommend their respective railway administrations:

To introduce technical procedures with a view to reducing waiting time at the common frontier. With respect in particular to rail traffic via the common frontier territory, the Contracting Parties shall initiate negotiations to resolve the operational and organizational problems in order to eliminate or reduce waiting-time as much as possible. In this connection, the competent authorities shall consider the usefulness of establishing a common railway station in Padborg.

To take measures with a view to introducing special rail transport systems for carrying specific goods, to be further designated, in order to make possible the crossing of the frontier without lengthy delay (transport of goods without significant frontier delays).

PART II. LONG-TERM MEASURES TO BE TAKEN

Article 13. The Contracting Parties shall examine the possibilities for establishing joint frontier control offices where that has not already been done and to the extent that conditions of space permit. The Contracting Parties shall also examine whether the Avenoft/Møllehus and Neupepersmark/Pebersmark frontier crossing offices can be opened for tourist travel by nationals of European Community member States and of the Nordic States.

Article 14. The Contracting Parties shall jointly examine the possibilities for harmonizing their visa policies and the entry requirements connected therewith.

Article 15. In the light of the results of the short-term measures to be taken, the Contracting Parties shall initiate negotiations for the expansion of their cooperation with respect to their crime prevention and criminal investigation.

Article 16. The Contracting Parties shall take joint initiatives within the framework of the European Community with a view to ensuring that the value added taxes levied on tourist travel services in the country of origin are harmonized.

Article 17. The Contracting Parties shall make efforts to ensure that the waiting times and the number of stopping points in adjoining national frontier control offices are reduced.

Article 18. This Agreement shall not affect the rights and obligations of the Contracting Parties under existing agreements with third countries.

Article 19. This Agreement shall also apply to *Land Berlin*, provided that the Government of the Federal Republic of Germany has not delivered a

declaration to the contrary to the Government of the Kingdom of Denmark within three months after the entry into force of the Agreement.

Article 20. The Agreement shall enter into force on 1 July 1986.

DONE at Kupfermühle/Krusau on 20 June 1986, in two originals in German and Danish, both texts being equally authentic.

For the Government of the Federal Republic of Germany:
WALDEMAR SCHRECKENBERGER

For the Government of the Kingdom of Denmark:
NEHRING
