

No. 29522

**GERMANY
and
UNION OF SOVIET SOCIALIST REPUBLICS**

**Treaty on conditions for the temporary stay in and modalities
for the phased withdrawal of Soviet troops from the
territory of the Federal Republic of Germany (with
annexes). Signed at Bonn on 12 October 1990**

Authentic texts: German and Russian.

Registered by Germany on 28 January 1993.

**ALLEMAGNE
et
UNION DES RÉPUBLIQUES
SOCIALISTES SOVIÉTIQUES**

**Traité sur les conditions régissant le séjour temporaire et les
modalités de retrait échelonné des forces soviétiques du
territoire de la République fédérale d'Allemagne (avec
annexes). Signé à Bonn le 12 octobre 1990**

Textes authentiques : allemand et russe.

Enregistré par l'Allemagne le 28 janvier 1993.

[TRANSLATION — TRADUCTION]

TREATY¹ BETWEEN THE FEDERAL REPUBLIC OF GERMANY
AND THE UNION OF SOVIET SOCIALIST REPUBLICS ON
CONDITIONS FOR THE TEMPORARY STAY IN AND MODALI-
TIES FOR THE PHASED WITHDRAWAL OF SOVIET TROOPS
FROM THE TERRITORY OF THE FEDERAL REPUBLIC OF
GERMANY

The Federal Republic of Germany and the Union of Soviet Socialist Republics,
Convinced of the need to contribute, in the new circumstances, to the mainte-
nance of peace and stability in Europe,

Guided by the endeavour to create the foundation for a qualitatively new rela-
tionship between their two countries,

Recalling the historical events which led to the stationing of the Soviet troops
in Germany,

Mindful of the fact that the German people, freely exercising its right of self-
determination, has given expression to the will to re-establish the unity of Germany
as a single State, in order to promote world peace as an equal and sovereign member
of a united Europe,

Mindful of the significance of the Treaty of 12 September 1990 on the final
settlement with respect to Germany,²

Desirous of creating an appropriate treaty basis for the temporary stay of
Soviet troops on the territory of the Federal Republic of Germany pending their
complete withdrawal, and of resolving matters relating to their reduction and with-
drawal,

Resolving to pay heed to the security interests of both sides, and to play a part
in building a just and lasting peace in Europe,

Considering that the regulation of the temporary stay and final withdrawal of
the Soviet troops from the territory where they are stationed should take the form
of a confidence-building measure between the Federal Republic of Germany and the
Union of Soviet Socialist Republics, which contributes to guaranteeing peace and
security in Europe at a time when European security structures are being created,

Have agreed as follows:

Article 1. DEFINITIONS

For the purposes of this Treaty:

(1) “Soviet troops” means units, formations and divisions of the armed forces
of the Union of Soviet Socialist Republics, and their administrative officers in the
garrison territory;

¹ Came into force provisionally on 3 October 1990, and definitively on 6 May 1991 by the exchange of instruments
of ratification, which took place at Moscow, in accordance with article 27 (1).

² United Nations, *Treaty Series*, vol. 1696, No. I-29226.

(2) “Members of the Soviet troops” means:

(a) Military personnel and civilians of Soviet nationality deployed in units, installations and undertakings of the Soviet troops in the garrison territory;

(b) Persons of Soviet nationality sent to provide services to the Soviet troops in the garrison territory;

(3) “Family members of members of the Soviet troops” means:

(a) Spouses, minor children and dependent children,

(b) Close relatives who are dependent, for reasons of age or health, where such persons are nationals of the Union of Soviet Socialist Republics;

(4) “The garrison territory” means:

The territory of the Federal *Länder* of Brandenburg, Mecklenburg-Pomerania, Saxony, Saxony-Anhalt and Thuringia, as at 3 October 1990.

The following districts of the city of Berlin are treated as equivalent territory for the purposes of this Treaty:

Centre, Friedrichshain, Prenzlauer Berg, Köpenick, Lichtenberg, Pankow, Treptow, Weissensee, Hellersdorf, Hohenschönhausen and Marzahn, as at 3 October 1990;

(5) “Movable property of the Soviet troops” means all weapons, ammunition, military equipment and vehicles in the possession of the Soviet troops, and all other goods required to equip and supply the troops;

(6) “Immovable property” means: areas of land, such as barracks, airfields, harbours, military practice grounds, shooting ranges and other buildings and installations made available for the use of the Soviet troops on the basis of the agreements of 12 March 1957¹ and 25 July 1957 between the Government of the Union of Soviet Socialist Republics and the Government of the German Democratic Republic, including facilities constructed with funds provided by the Union of Soviet Socialist Republics.

Article 2. GENERAL REGULATIONS AND OBLIGATIONS FOR THE TEMPORARY STAY OF THE SOVIET TROOPS

(1) The Soviet troops are deployed in the garrison territory on the immovable property assigned to them at the time of conclusion of this Treaty.

(2) The Union of Soviet Socialist Republics will not strengthen further the numbers of its troops in the garrison territory, or their weapons.

(3) As from the entry into force of this Treaty, the Union of Soviet Socialist Republics shall inform the Federal Republic of Germany of the total strength of the Soviet troops in the garrison territory, broken down according to military personnel, civilians and service personnel, together with their family members. It shall subsequently inform the Federal Republic of Germany on a regular basis, at least once a year, of the stage reached in the withdrawal of troops.

(4) The temporary stay and phased withdrawal of the Soviet troops shall take place by mutual agreement. For this purpose the Contracting Parties shall lend each

¹ United Nations, *Treaty Series*, vol. 285, p. 105.

other mutual support, and shall work together in a purposeful manner. The German and Soviet authorities shall seek by every means to maintain friendly relations between the population, government agencies and non-governmental organizations of the Federal Republic of Germany, and the Soviet troops and their administration. They shall ensure the orderly, assured and timely implementation of this Treaty, and shall arrange the stay and withdrawal of the troops so as to avoid harm to the population or to the environment.

(5) The Soviet troops, members of the troops and their family members shall respect the sovereignty of the Federal Republic of Germany and German law, and shall refrain from intervening in any way in German domestic affairs or from any actions which would adversely affect the normal life of the population in the territory. They shall respect and comply with the laws and regulations applicable in the Federal Republic of Germany, and shall refrain from any activity incompatible with the tasks and goals set in this Treaty. The administration of the Soviet troops shall be responsible for compliance with these provisions.

(6) Any member of the Soviet troops who is found guilty of a breach of German law shall, at the request of the competent German authorities, be recalled from the garrison territory.

(7) The German authorities shall respect the legal status of the Soviet troops and shall refrain from all actions which may hinder observance of the rights and duties of the Soviet troops. They shall adopt, by agreement with the Soviet troops, measures necessary for the protection and security of the Soviet troops and of their immovable and other property, including precautionary measures to prevent, to the extent possible, the commission of unlawful acts.

(8) The Soviet troops are entitled, within the areas of immovable property assigned to them and designated accordingly, to guard such property in conformity with Soviet military rules and with German law. Transport convoys will be guarded by members of the Soviet troops within the framework of German law and in co-operation with the competent German authorities.

(9) Military personnel present in the territory who are members of the Soviet troops shall normally wear uniform while on duty. At other times, they shall wear uniform as required by the regulations for the armed forces of the Union of Soviet Socialist Republics.

(10) Military personnel who are members of the Soviet troops shall carry weapons and live ammunition outside the areas of immovable property assigned to the troops only when they are charged, under paragraphs 7 and 8 of this article, with ensuring the protection and security of the Soviet troops, the immovable property assigned to them, their weapons and other equipment, or money and valuables. Civilians belonging to the Soviet troops within the meaning of article 1, paragraph 2, may carry firearms only where permitted by German law.

Article 3. TEMPORARY STAY OF SOVIET TROOPS IN BERLIN

The Federal Republic of Germany and the Union of Soviet Socialist Republics have agreed as follows concerning the temporary stay of Soviet troops in the equivalent territory, within the meaning of this Treaty (article 1, paragraph 4, second sentence), consisting of the following districts of Berlin: Centre, Friedrichshain, Prenzlauer Berg, Köpenick, Lichtenberg, Pankow, Treptow, Weissensee, Hellersdorf, Hohenschönhausen and Marzahn, as at 3 October 1990 ("the equivalent territory"):

(1) The numbers and equipment of the Soviet troops in the equivalent territory shall not exceed the previous level. The Soviet troops shall be withdrawn from the equivalent territory by the time-limit indicated in article 4.

(2) The Soviet troops in the equivalent territory shall hand over to the German authorities the immovable property not being used by them at the time of entry into force of this Treaty, in accordance with the procedure laid down in article 8, paragraphs 5 and 6, of this Treaty.

(3) To the extent necessary, the Soviet troops shall enjoy free access (from the district of Berlin Centre) to the Soviet monument situated in the district of Tiergarten, outside the equivalent territory.

(4) Members of the Soviet troops in the equivalent territory, and members of their families, may, without any visa, visit for private purposes districts of Berlin not named in this Treaty.

(5) The Soviet troops shall not carry out manoeuvres or other exercises in the equivalent territory. In the storage and transport of weapons and ammunition, and in the transport and ground movement of troops, in addition to the rules contained in articles 2, 6 and 11 of this Treaty, the special municipal provisions applicable in the equivalent territory shall be observed.

(6) An *ad hoc* commission shall be set up, with the participation of the Senate of Berlin, to resolve practical issues arising in connection with the stay of the Soviet troops in the equivalent territory.

Article 4. PHASED WITHDRAWAL OF SOVIET TROOPS

(1) The withdrawal of the Soviet troops shall begin with the entry into force of this Treaty and shall proceed in stages, to be completed at the latest by the end of 1994. It shall apply to all members of the Soviet troops, members of their families and their movable property.

The withdrawal shall take place in accordance with the general timetable for withdrawal which is to be agreed with the German authorities and thereafter jointly updated and adjusted in detail at regular intervals, in the light of current developments.

(2) For the purpose of the withdrawal the two sides shall appoint authorized representatives who shall establish and coordinate the requisite measures in the light of the agreed modalities for the withdrawal.

Article 5. APPLICATION OF AGREEMENTS ON ARMS CONTROL AND CONFIDENCE-BUILDING MEASURES

The Contracting Parties declare that the relevant provisions of arms control agreements, such as the Final Document of the Stockholm Conference on Confidence and Security-Building Measures and Disarmament in Europe and the Inspections Agreement of 11 December 1987¹ in connection with the Treaty between the United States of America and the Union of Soviet Socialist Republics on the Elimination of their Intermediate-Range and Shorter-Range Missiles,² shall apply to the relationship between the host State and the armed forces in the garrison territory

¹ United Nations, *Treaty Series*, vol. 1658, No. I-28536.

² *Ibid.*, vol. 1657, No. I-28521.

(the territorial principle). If necessary, a special working group shall be set up to facilitate the application of this article.

Article 6. TRAINING OF THE SOVIET TROOPS

(1) The Soviet troops shall be entitled to carry out manoeuvres, exercises and planned training schedules within the areas of immovable property assigned to them in the garrison territory. Military activities outside these areas or involving total troop strength in excess of 13,000 men shall not take place. The training of air combat forces shall be governed by the provisions of article 7 of this Treaty.

(2) To facilitate the movement of military tracked vehicles from their places of deployment to training grounds, training sites and shooting ranges, and their movement between training grounds, training sites and shooting ranges in the course of exercises and manoeuvres, sections of road (march routes) may be used as agreed between the command of the Soviet troops and the competent German authorities. Arrangements for their use must be agreed two to three weeks before the exercise.

(3) Exercises by the Soviet troops from the regimental level must be notified to the competent German authorities as early as possible, and at least one month in advance. No emergency practices may be carried out which require leaving the areas of immovable property.

(4) The principles and specific requirements of the exercises, e.g. the numbers participating, the sites used and vehicle routes followed, the timing of the exercises and of shooting practices, safety zones, the types of exercise, and the environmental and other issues involved, are to be agreed separately, except where they are covered by other articles of this Treaty. The Soviet troops shall take all necessary steps to ensure that damage to property used is avoided as far as possible.

(5) In order to avoid accidents during exercises by the Soviet troops, no live ammunition for weapons systems shall be carried, except in the case of shooting practices. The ammunition needed for shooting practices shall be transported separately. The security zones required for shooting practices shall be established around and above shooting ranges, jointly with the German authorities.

Article 7. REGULATIONS FOR AIR TRAFFIC MOVEMENTS BY SOVIET TROOPS

(1) Air traffic movements by the Soviet troops within the garrison territory shall be governed by the provisions of German air law and by the special rules applied by the Soviet air forces to their flights, harmonized with the aforementioned (German) provisions. For this purpose a special agreement shall be concluded between the responsible ministries of the two parties.

The Federal Minister for Transport, together with the Federal Minister for Defence and by agreement with the Soviet authorities, shall draw up the rules for the use of airspace.

Airspace which is not subject to civilian air traffic control shall be used primarily for military purposes, especially Soviet air traffic. A dividing line shall be fixed by the Federal Minister for Transport, by agreement with the Soviet side, to the east of the western boundary of the garrison territory. The airspace between the boundary of the garrison territory and this dividing line may not be used for flights by Soviet military aircraft. Exceptions may be made, following prior notification to the

responsible German Airspace Coordination Office (LUKO) and with its permission, for emergency flights and for individual helicopter flights supplying Soviet ground installations.

Diplomatic clearance shall be required for flights across German borders by Soviet military aircraft which are not stationed in the garrison territory. For this purpose the customary international procedure shall be followed whereby block annual permits are issued, supplemented as necessary by individual permits. This regulation shall not apply to the Soviet aircraft stationed in the territory. The annual permit shall be deemed to have been issued by virtue of this Treaty, and for the period of its validity, for the purpose of regular flights by transport aircraft delivering postal items and performing other communications functions, except the transport of dangerous goods. In the case of these flights, a flight plan submitted to the air traffic control service shall suffice.

In addition, the German side shall grant the Soviet troops the right to use German airports in the garrison territory in case of need, provided the competent German authorities are informed with sufficient notice and give their consent.

(2) Flights by Soviet troops in airspace not subject to civilian flight traffic control shall be subject to a unitary system for the planning and management of civilian and military flight traffic within the territory, in the following manner:

(a) The use of this airspace by flights of the Soviet air forces will be coordinated, on the basis of uncontested German sovereignty over the airspace, by the competent Soviet authority through the German Airspace Coordination Office (LUKO), which will be established in the locality.

(b) During the initial phase, coordination will be carried out according to the procedures in force prior to the conclusion of this Treaty. Thereafter, this procedure will be further developed and supplemented, without in any way compromising safety, with a view to achieving greater flexibility in the use of the airspace.

(c) In exceptional or unforeseen circumstances, the German Airspace Coordination Office (LUKO) will make the final decision on the use of the airspace.

(d) Soviet military flight traffic in this airspace will be planned by the aforesaid Soviet authority under Soviet direction, coordinated with the German Airspace Coordination Office (LUKO) and approved by the Soviet authority.

(e) Air traffic control of Soviet military flights in airspace not subject to civilian air traffic control will be carried out by the Soviet side, through the aforesaid Soviet authority acting on its own responsibility, on the basis of internal Soviet permits. In order to improve the coordination of civilian and military flight traffic, Soviet military flights may also be controlled by Soviet personnel from jointly operated air traffic control points.

(3) Until 31 December 1991, flights may take place in the daytime from Monday to Friday between 0700 and 2000 hours local time, and on Fridays from 0700 to 1500 hours local time. From 1 January 1992 the flight period shall be between 0700 and 1800 hours local time from Mondays to Thursdays, and on Fridays between 0700 and 1500 hours local time. During the period between 1 May and 31 October, flights between 1230 and 1330 hours local time, and throughout the year after 1700 hours local time, may take place only at heights of 2,000 ft or more above ground level. At weekends and on public holidays, no flights may take place in training or combat aircraft or in combat helicopters.

Night flights may take place only on flight paths specified in the above-mentioned special agreement and on a maximum of three weekdays until 2200 hours local time at the latest, this period being extended to 2400 hours local time until 15 May 1991. During the period between 15 May and 15 September 1991, and in subsequent years between 15 April and 15 October, night flights shall not be permitted. From 1 January 1992, night flights shall be confined to two weekdays. The programme for night flights shall be agreed six months in advance.

In general, flights below 2,000 ft above ground level are not permitted. Flights at a minimum height of 1,000 ft above ground level may take place only on special flight paths defined in the above-mentioned special agreement, over thinly populated areas. Below 1,000 ft above ground level, flights may take place only above the military training sites specified in the above-mentioned special agreement. These restrictions shall not apply to the take-off and landing phases.

Supersonic flights may take place only by special authorization and for technical purposes. They are permitted only above 36,000 ft on a horizontal path, and where possible should take place only over the sea. Until 31 December 1991 these flights may take place between 0900 and 1200 hours local time on any two days from Monday to Friday. From 1 January 1992, one weekday may be chosen for these flights.

(4) Incidents associated with the use of airspace and in which the Soviet troops and the German side are involved, including flight accidents causing damage to the German side, shall be investigated jointly by the competent German and Soviet authorities. Where no damage has occurred on the German side, the investigation shall be carried out by the Soviet authorities.

The Contracting Parties shall lend each other mutual support and shall provide the necessary documentation, including operating documents and materials.

(5) In any emergency arising in the airspace of the garrison territory, the two sides shall lend assistance to the aircraft involved, including the use of airfields for emergency landings.

(6) Article 2, paragraphs 7 and 8, of this Treaty shall apply to the protection of the Soviet troops and their installations against armed attacks from the air.

Article 8. USE OF IMMOVABLE PROPERTY

(1) The Soviet troops, members of the troops and their family members shall use the immovable property assigned to them and carry out the measures required to implement this Treaty in compliance with German legal requirements, especially in respect of public health, public safety and order and protection of the environment.

(2) The areas of immovable property assigned to them, which are owned by the Federal Republic of Germany and by the *Länder*, are made available for use by the Soviet troops free of charge. This exemption from payment shall not apply to the cost of public utilities, operating costs, the costs of maintenance and repairs, or other expenditure to which the Soviet troops are liable under this Treaty.

For the use of immovable property owned by other persons or legal entities, the Soviet troops shall pay via the German authorities a user fee equivalent to the sum which the German authorities would be required by German law to pay to a third party in such circumstances in order to meet their needs. In calculating the amount

of the user fee, allowance shall be made for the fact that the Soviet troops bear the costs of maintenance and repairs, to be reckoned at 30 per cent of the customary user fee in the place where the immovable property is situated. The duty of defraying expenditure within the meaning of the second sentence of this paragraph shall apply likewise to such immovable property. These provisions shall also apply to immovable property belonging to the post office and the railways.

The sum to be paid by the German side for the maintenance of supply installations and networks shall be fixed annually by agreement between the Federal Minister of Finance and the command of the Soviet troops.

(3) Building works, except for maintenance and repair works, shall be carried out by agreement with the German authorities in conformity with German law.

Forestry protection, including the protection of biotopes and species, and of hunting and fishing, shall be carried out by the Federal Forestry Service by agreement with the administration of the Soviet troops.

The German authorities shall inform the Soviet troops, on request, of large-scale building activities or other extensive infrastructural measures to be carried out in the immediate vicinity of the immovable property. In the course of such works, the German authorities shall take account of the wishes of the Soviet troops, within the limits of German law.

(4) The Soviet troops shall ensure that the competent German authorities and their representatives are able to gain access to the areas of immovable property and to carry out the measures necessary for the fulfilment of their tasks within those areas, and that they receive the documents required for this purpose. In this process the demands of military security shall be taken into account.

In carrying out their tasks and fulfilling their duties, the German authorities and the administration of the Soviet troops shall work closely together in all respects.

The Federal Minister of Finance, who is responsible for the immovable property, and the command of the Soviet troops shall agree on the appointment of representatives for the areas of immovable property, who shall also be responsible for ensuring access to them by the German authorities as necessary.

(5) The Soviet troops shall transfer to the German authorities the areas of immovable property which are owned by the Federal Republic of Germany, its *Länder* or other persons or legal entities as soon as they are no longer required in connection with the troop withdrawal. Their technical condition will be described in bilateral records of the transfer (paragraph 7).

(6) The Soviet troops shall notify the Federal Minister of Finance of the prospective transfer two months in advance. This notification shall contain details of the names of objects and the dimensions of the plots of land concerned, their location and the timing of the expected transfer. For the purposes of the transfer, the Soviet troops shall supply the following documents:

A list of the buildings and installations on the site, together with details of the plot: buildings and installations erected by the Soviet side from their own resources should be identified separately;

A ground plan of the site showing supply networks, postal, telegraph and telephone connections, and railway lines;

Lists of the buildings in existence with details of services to the site (e.g. electricity, gas, water, heating and sewage installations).

The Soviet troops shall enable the German authorities to visit sites due to be transferred, and shall facilitate the preparation of the technical documentation required for future use of the sites.

(7) The Soviet troops and the German authorities shall ensure that the transfer of the sites to be transferred shall begin no later than two months following receipt of notification of the transfer, and be concluded if possible within two weeks. The transfer of immovable property shall be recorded by authorized representatives of both sides, in a manner to be determined.

(8) The determination of the composition, value and manner of disposal of assets belonging to the Soviet troops which were realized from funds belonging to the Soviet side and are owned by the Soviet side, and which remain on the areas of immovable property assigned for the use of the Soviet troops within the garrison territory shall take place in accordance with article 7 of the Agreement of 9 October 1990 between the Governments of the Federal Republic of Germany and the Union of Soviet Socialist Republics on certain transitional measures, and shall be carried out by a German-Soviet commission to be established for that purpose.

Article 9. DISCIPLINARY AND POLICE POWERS

(1) The Soviet troops shall exercise police and disciplinary powers within the areas of immovable property in which they are stationed. However, the German police shall exercise its functions by agreement with the Soviet troops wherever objects of legal protection belonging to the Federal Republic of Germany are endangered or damaged.

(2) Outside the areas of immovable property in which they are stationed, the Soviet troops shall exercise disciplinary powers over their members pursuant to agreements with the German authorities. These measures shall be carried out in liaison with the German authorities and to the extent necessary to maintain discipline and order among the Soviet troops.

(3) The Soviet troops and the German police shall work together in their common interest.

Article 10. SUPPLIES

(1) The Soviet troops, members of the troops and their family members shall be entitled to obtain for payment, under the same conditions as the German armed forces and nationals of the Federal Republic of Germany, goods for consumption and for personal use in accordance with German law, and to procure the services they require.

(2) The German authorities shall, within the framework of their functions and of the German law and economy, ensure that the Soviet troops receive uninterrupted supplies to the extent necessary for implementation of this Treaty. The Federal Republic of Germany shall establish for this purpose a consultative agency.

(3) The Soviet troops may, pending their withdrawal and subject to German law, conclude purchase contracts and enter into transactions with German nationals and foreign natural or legal persons for the exchange of goods belonging to them

located in the garrison territory. This shall not apply to the delivery or transfer of weapons and military equipment.

Article 11. USE OF TRANSPORT FACILITIES

(1) The Soviet troops, members of the troops and their family members may move freely on public transit routes within the garrison territory, using their own means of transport and subject to the observance of German laws, the provisions of this Treaty and any internal service regulations. The Soviet troops are entitled to use public transport facilities (on land, including railways, on water and in the air) within the garrison territory, under the conditions applicable to the German armed forces.

(2) The German authorities shall recognize the driving licences issued by the competent Soviet authorities to Soviet troops, members of the troops and their family members, without any qualifying examination or fee. Licences to drive private vehicles must be accompanied by a German translation.

The administration of the Soviet troops shall ascertain that holders of driving licences have sufficient knowledge of the German traffic regulations.

(3) Service vehicles and private vehicles driven by Soviet troops must be provided with a clearly distinguishable registration number and a nationality symbol. The administration of the Soviet troops shall issue registration plates for service and private vehicles, and shall notify the competent German authorities of their registration. Registration plates for private vehicles shall be issued by the Soviet administration only when the German authorities have authorized the use of these vehicles. For this purpose, evidence must be provided of insurance cover in accordance with German law (e.g. through the SOVAG insurance company).

The administration of the Soviet troops shall supervise the vehicles authorized by them, and shall be liable for their safety and for the condition of their lights. It may submit goods vehicles for testing to a technical inspection centre responsible for carrying out such tests in accordance with German law. The German authorities are entitled to examine papers for goods vehicles, driving licences and personal identification papers.

(4) The Soviet forces shall observe the traffic regulations in force in Germany, including regulations on conduct at the scene of accidents and regulations on the carriage of dangerous goods. The observance of these regulations shall be monitored by the competent German authorities and the administration of the Soviet forces. The regulations under German law concerning the withdrawal of driving licences shall apply without restriction to the driving of service and private motor vehicles by members of the Soviet troops and their family members. The withdrawal of service and private licences conferring authority to drive motor vehicles shall be carried out by the military motor vehicle inspection unit (military police) of the Soviet troops, at the request of the German authorities.

(5) Agreements may be concluded with the German authorities on the designation and regular use of public roads for marches and transport operations by Soviet troops involving more than 30 motor vehicles or any number of large-capacity motor vehicles and heavy motor vehicles. Early notification of such marches and transport operations must be made to the competent German military traffic office. They shall be conducted taking into account German road traffic law.

The relocation of large-capacity and heavy motor vehicles, including tracked vehicles, shall as far as possible be effected by rail. Tracked vehicles may also be transported on low loaders if rail connections are not available in the area in question or for short distances.

(6) Details of traffic arrangements and transportation in the garrison territory are set out in annex 1.

Article 12. POSTAL AND TELECOMMUNICATION MATTERS AND THE UTILIZATION OF RADIO FREQUENCIES

(1) The Soviet troops shall be entitled to maintain and utilize their own military postal and telecommunication facilities and electronic radio transmission equipment.

The Federal Republic of Germany shall authorize the Soviet side to use the radio frequencies of the existing radiocommunication services of the Soviet forces in accordance with the regulations in force at the time of conclusion of this Treaty. The Soviet side shall take all possible steps to release radio frequencies at the request of the Federal Republic of Germany.

To avoid mutual radio interference, the shared use of frequencies by radiocommunication services of the Soviet troops and the Federal Republic of Germany shall be regulated by mutual agreement.

(2) The Soviet troops, members of the troops and their family members may use the postal and telecommunication services in accordance with the regulations in force in the Federal Republic of Germany.

(3) The Federal Republic of Germany shall treat the postal facilities operated by the Soviet forces as facilities of the postal administration of the Union of Soviet Socialist Republics.

(4) Use of the postal and telecommunication services and of radio frequencies is regulated in annex 2 to this Treaty.

Article 13. PROTECTION OF THE ENVIRONMENT

The German authorities and the administration of the Soviet troops shall co-operate fully on the basis of German legislation to protect the environment and prevent pollution. To that end, an appropriate working group of experts shall be set up within the framework of the Joint German-Soviet Commission.

Article 14. HEALTH CARE

(1) German regulations for the prevention and control of communicable diseases in human beings and animals shall apply to the Soviet troops, members of the troops and their family members. The Soviet troops may apply their own regulations within the areas of immovable property assigned to them, unless they constitute a hazard to public health.

(2) The Soviet troops and the German authorities shall notify each other without delay of the suspected existence, outbreak, course and suppression of any communicable disease and of the measures taken to deal with it.

(3) Should the Soviet troops consider that health protection measures are necessary in the area surrounding the immovable property assigned to them, they shall conclude agreements thereon with the German authorities.

(4) Articles whose importation is prohibited under German law may be imported by the Soviet troops, subject to approval by the German authorities, unless they constitute a public health hazard. The German authorities and the Soviet troops shall conclude agreements on categories of articles whose importation is admitted by the German authorities under this provision.

(5) The Soviet troops shall assume responsibility, in agreement with the German authorities, for the inspection and control of such foodstuffs, medical supplies and other articles as they import, guaranteeing that the importation of such articles does not constitute a public health hazard.

Article 15. CROSSING THE GERMAN FRONTIER

(1) Members of the Soviet troops and their family members shall cross the German frontier of the garrison territory without a visa on presentation of military or civilian passports of the Union of Soviet Socialist Republics; such passports shall contain a photograph, the name, date of birth and place of birth of the holder and a stamp in the German and Russian languages confirming that the passport holder belongs to the Soviet troops in the garrison territory. The names of persons called up for military service shall appear in a list and the number of such persons shall be indicated in the military passport of the senior officer of the garrison.

(2) Military formations, divisions and units of the Soviet forces shall cross the German frontier of the garrison territory under the responsibility of the competent officers, who shall present their identity documents.

(3) Children under 16 years of age crossing the German frontier with their parents or other persons shall be admitted on the basis of an entry in the military or civilian passport of those persons indicating their family name, first name and year of birth. The passport must be stamped in accordance with the provision in paragraph 1 above.

(4) The German authorities and the Soviet troops shall agree on the frontier crossing points at which Soviet troops, members of the troops and their family members may be admitted without a visa. These points shall be specified in a list to be handed over on exchange of the instruments of ratification. Amendments shall be undertaken by mutual agreement.

At these frontier crossing points, representatives of the Soviet troops shall assist the German authorities in passport control procedures and the speedy clearance of the troops, members of the troops and their family members.

(5) The regulations governing a stay by members of the Soviet troops and their family members in the Federal Republic of Germany outside the garrison territory shall be the same as the entry and stay regulations applicable to other Soviet citizens in the Federal Republic of Germany. If such persons are already within the garrison territory, the stay permit shall be issued by the local authority responsible for aliens' affairs in response to an application by the Soviet troops.

(6) Within the garrison territory, members of the Soviet troops and their family members shall be exempt from German regulations governing registration except for registration in hotels and lodgings and in hospitals.

(7) In response to a substantiated request by the German authorities, the administration of the Soviet troops shall provide information concerning a person's attachment to the Soviet troops stationed in the garrison territory.

Article 16. CUSTOMS AND TAX PRIVILEGES

(1) The Soviet troops may import and export their equipment and reasonable quantities of foodstuffs, supplies and other articles duty-free for their own use and for use by the members of the Soviet troops and their family members. Customs and excise duties, including import turnover tax, shall not be levied on such goods. Tax exemptions shall also apply to goods supplied to the Soviet troops on the basis of such contracts as they may conclude directly with persons who are not resident in the garrison territory.

(2) Goods in duty-free zones or subject to a special customs regime which are supplied for use by the Soviet troops, their members or their family members on the basis of contracts concluded between an official procurement office of the Soviet troops and persons resident in the garrison territory shall also be exempt from the duties referred to in paragraph 1.

(3) In the case of goods supplied on a duty-free basis under the conditions referred to in paragraph 2, the German financial authorities shall accord the supplier the exemptions or reimbursements provided for in the legislation governing customs and excise tax on exported goods. In the case of taxable petroleum or goods with a petroleum content, petroleum taxes paid by the supplier shall be refunded by the German financial authorities.

(4) Supplies and other services to the Soviet troops commissioned by an official procurement office of the Soviet troops and intended for use or consumption by the Soviet troops, their members or their family members shall be exempt from turnover tax. The same provision shall apply in cases where the German authorities undertake procurement or construction activities on behalf of the Soviet troops. Tax exemption shall not exclude deduction of pre-tax. The supplier shall take tax exemption into account in determining the price of goods supplied.

(5) The Soviet troops shall be exempt from tax on items associated exclusively with their official duties and property intended for such activities. This provision shall not apply, however, to taxes levied in connection with the participation by Soviet forces in German commercial activities and in respect of property intended for such commercial activities. Supplies and other services by the Soviet troops to members of the troops and their family members shall not be regarded as participation in German commercial activities.

(6) Where liability to taxation depends on a stay or residence, the periods during which a member of the Soviet troops or a family member sojourns in the territory of the Federal Republic of Germany in that capacity only shall not be considered as periods of stay or residence in that territory for the purposes of such liability.

(7) Members of the Soviet troops or their family members shall be exempt from all taxation on earnings and income in the garrison territory paid to them by the Soviet State in their capacity as such members or family members, and from all taxation on movable property of the aforementioned persons which is located in the garrison territory only because those persons are temporarily resident in that area.

(8) Earnings, income and movable property of members of the Soviet troops or their family members to which the provisions of paragraphs 6 and 7 are not applicable shall be liable to taxation under German law.

(9) Members of the Soviet troops or their family members shall not forfeit any tax privileges due to them under an inter-State agreement with the Federal Republic of Germany.

(10) For the purposes of articles 6 to 9, the terms “members of the Soviet troops” and “family members” shall refer only to persons residing in the garrison territory solely in that capacity.

(11) The Soviet troops shall take appropriate action to prevent any abuses that might arise from the exercise of customs and tax privileges. They shall cooperate closely with the German authorities with a view to preventing customs and tax offences. Such cooperation shall include exchange of information by mutual agreement concerning detected offences and the type and scale of marketed goods that are particularly susceptible to abuse. The Soviet troops shall carry out inspections at the request of the German authorities and communicate their findings.

(12) Annex 3 to this Treaty regulates the procedures for and conditions governing the customs and tax privileges referred to in the preceding paragraphs, and matters of customs inspection.

Article 17. CIVIL AND ADMINISTRATIVE JURISDICTION

(1) The German courts shall have jurisdiction over members of the Soviet troops and their family members in civil, labour, social and administrative cases related to their presence in the garrison territory. Judicial relations between the military administration and members of the Soviet troops or their family members, or among the latter shall be excluded.

(2) The German courts shall apply German law in exercising their jurisdiction under paragraph 1.

(3) Members of the Soviet troops and their family members shall have the same rights and duties as German citizens before the German courts.

Article 18. CRIMINAL JURISDICTION

(1) In the territory of the Federal Republic of Germany, criminal and administrative offences perpetrated against the Soviet troops, members of the troops or their family members, and criminal and administrative offences perpetrated by members of the Soviet troops or their family members shall be subject to German jurisdiction. The Federal Republic of Germany shall allow the competent Soviet authorities in the garrison territory to exercise criminal jurisdiction in the cases specified in paragraph 2 of this article.

(2) The competent Soviet authorities in the garrison territory shall exercise the jurisdiction to which they are entitled under Soviet law over members of their troops and their family members where:

(a) The criminal or administrative offence is perpetrated against the Union of Soviet Socialist Republics, the Soviet troops, members of the troops or their family members, or

(b) Members of the Soviet troops perpetrate criminal or administrative offences in the exercise of their official duties.

(3) The competent German and Soviet authorities may apply for transferral or assumption of jurisdiction in individual cases provided for in paragraph 1 (first sentence, second alternative) and paragraph 2 of this article. Such applications shall be given favourable consideration.

(4) The competent German authorities and courts shall be bound by the principle of equal treatment set forth in article 3 of the Constitution of the Federal Republic of Germany and by article 25 of the International Covenant on Civil and Political Rights of 16 December 1966¹ in the prosecution of criminal and administrative offences perpetrated against the Soviet troops in the garrison territory and against members of the troops or their family members.

(5) The death penalty shall not be enforced in the exercise of jurisdiction under this Treaty in the garrison territory; the provisions of article 6 and article 14 (5) of the International Covenant on Civil and Political Rights of 16 December 1966 shall be observed in that connection.

(6) Where an accused person is acquitted in criminal proceedings conducted under this Treaty in the courts of a Contracting Party thereto, or where such person is convicted in such proceedings and is serving or has served his sentence or has been granted a pardon, he may not be prosecuted again for the same act by the other Contracting Party to the Treaty. This provision shall not prevent the Soviet military authorities from taking disciplinary action against a member of the Soviet troops for an act that is the subject of criminal proceedings against that person in the courts of the Federal Republic of Germany.

(7) A member of the Soviet troops or a family member thereof shall have the same rights and duties before the German criminal courts as German citizens or nationals of other States, including, in particular:

The right upon arrest to be brought before a magistrate without undue delay;

The right to be informed without undue delay of the charges against him in a language that he understands;

The right to be present at the trial and to defend himself or be defended by counsel of his choice;

Access to the services of an interpreter free of charge;

The right to question witnesses for the prosecution directly or through counsel and to have witnesses for the defence summoned and evidence obtained from them;

Other rights provided for in the International Covenant on Civil and Political Rights of 16 December 1966 and German procedural law.

Article 19. LEGAL ASSISTANCE

(1) The competent German and Soviet courts and authorities shall provide mutual legal and administrative assistance and support, with due regard for the provisions of their Constitution, in the exercise of jurisdiction under articles 17 and 18 of this Treaty or where members of the Soviet troops or their family members are involved in administrative proceedings.

¹ United Nations, *Treaty Series*, vol. 999, p. 171.

(2) The principles and details of such mutual legal and administrative assistance and support are specified in annex 4 to this Treaty.

Article 20. SETTLEMENT OF DISPUTES ARISING OUT OF SUPPLY AND SERVICE CONTRACTS WITH THE SOVIET MILITARY ADMINISTRATION

(1) If disputes arise concerning the performance of contracts that the administration of the Soviet troops concludes with contractors for supplies or other services for the Soviet forces in the garrison territory, the German authorities shall make their good offices available to the Soviet troops at the latter's request in the form of advisory or mediatory action for settlement of the disputes.

(2) If the parties to the dispute cannot agree, they or one of them may request the German authorities in writing for assistance in settling the dispute by negotiation. If the dispute is not settled within three months of the request to the German authorities, it may be submitted to the German courts. In cases in which no delay can be tolerated, the parties to the dispute may also bring the case before the German courts immediately, without observing the above-mentioned procedure.

(3) At the request of the Soviet authorities, the German authorities shall take legal action against a contractor in the name of the Federal Republic of Germany on behalf of the Union of Soviet Socialist Republics.

(4) The contractor shall direct his claim against the Federal Republic of Germany, the latter conducting the lawsuit in its own name on behalf of the Union of Soviet Socialist Republics. The action must be brought before the court in whose district the German authority that represents the Federal Republic of Germany has its seat.

(5) The law agreed to by the parties on conclusion of the contract for the supply or service shall be authoritative with regard to an action brought under paragraph 3 or 4 of this article. If no agreement has been reached on the law to be applied, German law shall prevail.

(6) The German authorities shall inform the administration of the Soviet troops on the course of the action, shall consult them at every stage of the proceedings and shall conduct the action in agreement with it. The German authorities and the administration of the Soviet troops shall transmit to one another in good time all data, supporting documents and copies of documents that are necessary for the conduct of the action.

(7) All rights or obligations that are determined for or against the Federal Republic of Germany by means of judgements for enforcement that arise from such disputes shall be borne by or shall benefit the Union of Soviet Socialist Republics.

(8) Costs that arise in connection with a court action and are not among the costs determined by the court shall be assumed by the Union of Soviet Socialist Republics, given the consent of the Soviet forces before their origination.

(9) Disputes arising out of services by the German Federal Railways or the German Federal Post Office shall be settled according to the procedure provided in article 25 of this Treaty.

*Article 21. EMPLOYMENT CONTRACTS OF EMPLOYEES
OF THE SOVIET FORCES*

(1) Employment contracts between the administration of the Soviet forces and employees who do not belong to the group of persons defined in article 1, paragraphs 1, 2 and 3, of this Treaty shall be subject to German law on labour, worker protection and social security.

(2) The German authorities shall assist the administration of the Soviet troops at its request in determining the working conditions of employees and in the calculation of the amount of remuneration and procedure for payment.

(3) The German courts shall be competent for disputes arising out of employment contracts and social insurance matters. An employee shall address his claim to the Federal Republic of Germany. At the request of the Soviet troops, claims against employees shall be raised by the Federal Republic of Germany. The Federal Republic of Germany shall conduct the legal action in its own name for the Union of Soviet Socialist Republics. Article 20, paragraphs 1, 4 and 6 to 8 of this Treaty shall be applicable *mutatis mutandis* to such disputes.

Article 22. SOCIAL SECURITY AND WELFARE

German legislation on social security and welfare and on social security benefits shall not apply to members of the Soviet troops or their family members, with the exception of legislation on social insurance with regard to:

(1) Compulsory insurance in the event of employment other than in the Soviet troops;

(2) Voluntary insurance under social insurance;

(3) The rights and duties arising for such persons during a previous stay in the Federal Republic of Germany or in the garrison territory;

(4) The duties incumbent upon a member of the Soviet troops or a member of his family as an employer.

Article 23. DAMAGE TO THE CONTRACTING PARTIES

(1) Damage caused to the Union of Soviet Socialist Republics or the Federal Republic of Germany in connection with the garrisoning of Soviet forces shall be settled according to the following paragraphs, unless covered by special provisions.

(2) Damage caused to one Contracting Party's property, located in the garrison territory, by an official action or omission or an event for which the other Contracting Party is responsible shall be made good by the other Contracting Party.

(3) The Contracting Parties shall in each case conclude an agreement for the compensation of damage, German law on compensation being taken as the basis. If no agreement is reached, the case shall be submitted to the Joint German-Soviet Commission for decision. The Contracting Party responsible shall pay the other Contracting Party the compensation mutually agreed upon or determined by the Joint German-Soviet Commission.

Article 24. LIABILITY FOR DAMAGE TO THIRD PARTIES

(1) Compensation for damage that is caused by official actions or omissions or events for which the Soviet troops are responsible shall be paid by German authorities according to the regulations and principles of German law that would be applicable if German armed forces were responsible for the damage under otherwise identical circumstances.

(2) Paragraph 1 shall not be applicable to damage under contracts or legal relationships similar to contracts. Paragraph 1 shall also not be applicable to damage that is caused by unofficial actions or omissions by members of the Soviet troops or their family members or by events for which such persons are responsible.

(3) The German authority shall inform the Soviet troops of every claim for compensation received by it and shall request them to transmit a declaration as to the official or unofficial nature of the action, omission or event in question. It shall request the transmission of information and evidence on the alleged instance of damage.

(4) Where the German authority takes a decision recognizing the duty to pay on the part of the Soviet troops, it shall inform the Soviet troops accordingly, meet the payment obligation and apply for reimbursement of the payment disbursed. The Soviet troops shall make reimbursement within three months if they agree to the amount of reimbursement. If there is no agreement, the matter shall be referred to the Joint German-Soviet Commission.

(5) An action against the Union of Soviet Socialist Republics with regard to a claim for compensation cannot be brought before German courts. However, in respect of his claim, the claimant shall have the right to take legal action against the Federal Republic of Germany, which conducts the lawsuit in its own name on behalf of the Union of Soviet Socialist Republics. In the event of legal action, paragraphs 3 and 4 of this article shall apply *mutatis mutandis*.

(6) In the cases covered by the second sentence of paragraph 2, a claim for compensation can be submitted to the German authorities. The German authority shall present the claim together with its report and a proposal for compensation to the Soviet troops, who shall decide without delay whether and, if so, in what amount they wish to pay compensation, without prejudice. If compensation is not offered or if the claimant does not accept the compensation offered as full payment of his claim, he shall be at liberty to pursue his claim against the party causing the damage even before the German courts. If a payment has to be made on the basis of the decision by the Soviet troops or because of a final judgement in the case against the party causing the damage, the payment obligation shall be met by the Soviet troops within three months.

(7) The procedure for the payment of compensation under this article may be determined in a separate agreement. It may also be agreed therein that the German authorities shall assert claims of the Union of Soviet Socialist Republics on behalf of the latter in respect of damage sustained by it in the garrison territory and shall pursue them by representative action on its behalf before the German courts.

Article 25. JOINT GERMAN-SOVIET COMMISSION

(1) All differences of opinion between the Contracting Parties concerning the interpretation or application of this Treaty shall be settled by negotiation promptly and independently of one another.

(2) A Joint German-Soviet Commission shall be set up, with representatives of the two sides, for the purpose of settling differences of opinion, in which context the Contracting Parties have to take their decisions by mutual agreement. The Joint German-Soviet Commission, co-opting experts where appropriate, shall take its decisions on the basis of this Treaty, in particular concerning:

Verification and possible modification of the agreed withdrawal phases;

Support and assistance by the German side, in particular by transport enterprises and by the German armed forces;

The selection of the types of transport, the means of transportation and the transport routes, including the assembly points and the frontier crossing points and the return of used containers;

The handling of dangerous goods, including the application of relevant safety provisions;

Safety arrangements for the temporary stay and withdrawal of Soviet troops;

The location of, documentation on and disposal of waste and of all materials no longer needed, including the cleaning up of premises in accordance with German environmental law;

Problems of postal and telecommunication services as well as the utilization of the radio frequency spectrum;

The settlement of instances of damage, *inter alia*, in connection with accidents and catastrophes;

Supply services;

Questions in connection with employment contracts under article 21 of this Treaty;

Access to and handover of the immovable property;

Exercises and training activities;

Other questions whose consideration is deemed necessary.

(3) The Joint German-Soviet Commission shall operate according to rules of procedure in which the composition of the Commission is also regulated. It may establish working groups.

(4) If the Joint German-Soviet Commission is not able to solve a question in time, such question shall be clarified as soon as possible through diplomatic channels.

Article 26. ANNEXES

The annexes,

Traffic and transport matters during the temporary stay and on the withdrawal of Soviet troops from the garrison territory (annex 1),

Postal and telecommunication matters and the utilization of radio frequencies (annex 2),

Procedures and modalities for customs and tax privileges and customs inspection matters (annex 3), and

Mutual support and legal and administrative assistance (annex 4) are integral parts of this Treaty.

Article 27. FINAL PROVISIONS

(1) This Treaty shall be ratified; the instruments of ratification shall be exchanged as soon as possible in Moscow. This Treaty shall enter into force on the date of the exchange of instruments of ratification and shall have been applied provisionally since 3 October 1990.

(2) This Treaty shall remain in force until the Contracting Parties reach an agreement on the date of its abrogation.

DONE at Bonn on 12 October 1990 in two original copies, each in the German and Russian languages, both texts being equally authentic.

For the Federal Republic of Germany:

HANS-DIETRICH GENSCHER

For the Union of Soviet Socialist Republics:

VLADISLAV TEREKHOV

ANNEX 1. TRAFFIC AND TRANSPORT MATTERS DURING THE TEMPORARY STAY AND WITHDRAWAL OF SOVIET TROOPS FROM THE GARRISON TERRITORY

TRANSPORT SERVICES

I

The German authorities shall guarantee the transportation of Soviet troops, at the latter's request, by rail, water, air or road, within the garrison territory. Such requests must be submitted to the German military transport authorities within the time-limits in force for the German armed forces. Rolling stock belonging to and used exclusively by the Soviet troops may be brought into and taken out of the garrison territory through border crossing points which shall be designated according to a list to be agreed.

II

(1) The transport services by rail, water, air or road provided in the garrison territory for the Soviet troops shall comply with the provisions in force for the German armed forces and with tariffs which shall be agreed on separately.

(2) The accounts for the journeys and for the servicing of the military passenger trains of the USSR and for the services connected therewith provided by the German Federal Railways shall be settled between the German Federal Railways and the Ministry of Railways of the USSR.

III

(1) The offices for military communications of the Soviet troops in the garrison territory shall monitor the military transportation by the Soviet troops and their compliance with the rules and regulations in force on the German railways and in German shipping.

(2) The competent German military transport authorities shall, on request, provide the offices for military communications of the Soviet troops with the information required for undertaking and completing the military transport.

(3) The offices for military communications of the Soviet troops may, by agreement with the competent German military transport authorities, change whenever necessary the loading times, the loading and unloading stations and the routes for columns, trains and transports.

(4) The furnishing of the offices for military communications of the Soviet troops with office space and travel vouchers shall take place within the framework of a special agreement, taking into account the previous practice.

IV

(1) The equipping of railway coaches for the transport of personnel shall be carried out in conformity with the provisions in force on the German Railways.

(2) The carriage of over-sized goods, or ammunition, explosives or other dangerous goods, shall be carried out in conformity with the provisions in force on the German Railways.

(3) The maintenance and servicing of branch lines for Soviet troops in the garrison territory shall be carried out in conformity with the provisions in force for the German armed forces.

(4) A special agreement shall be concluded on the payment for these services by the Soviet command, taking into account the previous practice.

TRANSPORT MATTERS DURING THE WITHDRAWAL OF TROOPS

V

The Government of the Federal Republic of Germany shall render the Soviet side all assistance in guaranteeing the prerequisites for the measures connected with the withdrawal of Soviet troops from the garrison territory. This applies in particular to the determination of specific routes by rail and road, to the arrangement of a smooth border crossing in both directions and to the organization of air transport.

VI

(1) The German side shall make available the rolling stock in a state ready for transportation, the materials and devices required for securing weapons and military equipment, shunting engines, engine drivers, shunters and loading and unloading devices under the conditions applying to the German armed forces, and shall guarantee compliance with the schedules and safety requirements established for transports of the Soviet troops in the garrison territory.

(2) These duties shall be discharged through the intermediary of the competent German military transport authorities by representatives of the offices for military communications of the Soviet troops.

VII

The German authorities shall, using the personnel of their competent services, provide comprehensive assistance in the transport of the motor-vehicle convoys of Soviet troops which are in the process of being withdrawn by their own means of transport from the garrison territory, first and foremost through the arrangement and guarantee of unimpeded transit along the roads of the garrison territory, provision of stopping places and, if necessary, through arrangements for refuelling.

VIII

The withdrawal of Soviet troops may also take place by air. Air force units may be withdrawn in closed formation. Article 7 of this Treaty governs the performance of the necessary flights.

IX

(1) For the withdrawal of Soviet troops by sea, the shipping routes Rostock-Kaliningrad and Mukran-Klaipėda shall be given preference.

(2) The German side shall, at the request of the offices for military communications of the Soviet troops, provide support for the transport of military goods via the relevant ports.

(3) Implementation of such measures shall be subject to special agreements between the Soviet troops and the German firms concerned.

X

Transports and movements of Soviet troops during their withdrawal from the garrison territory shall take place with due regard for the interests of the civilian population in the garrison territory and in conformity with the provisions of German law.

XI

Matters connected with transport during withdrawal of the Soviet troops from the garrison territory shall be resolved by the Contracting Parties in a joint working group, which shall be set up by the Joint German-Soviet Commission under article 25 of this Treaty.

ANNEX 2. POSTAL AND TELECOMMUNICATION MATTERS AND THE UTILIZATION OF RADIO FREQUENCIES

I

(1) The Soviet troops shall be entitled, in the garrison territory, to operate their own post offices, which shall process mail, telegrams, periodicals and newspapers which are addressed to or sent by the Soviet troops, members of the troops and their family members.

(2) Periodicals and mail for the Soviet troops from the Union of Soviet Socialist Republics shall be delivered daily, including on Sundays and holidays, by air, by rail and by road.

(3) Special mail shall not be subject to any inspection when passing the German national border of the garrison territory or during its movement within that territory. All means of transport carrying special mail, periodicals or postal items shall be supplied with a special pass of the Soviet format.

II

If the Soviet troops, members of the troops or their family members use the postal services of the German Federal Post, the relevant regulations in effect in the garrison territory shall apply.

III

The Soviet troops, members of the troops and their family members shall use the public telecommunication services of the Federal Republic of Germany unless otherwise provided in this Treaty. Such use shall be governed by the relevant German regulations.

IV

The Soviet troops may continue to use, on the same terms as previously, the telecommunication services which they used before the Treaty came into force.

V

The Soviet troops shall require authorization by the Federal Minister of Posts and Telecommunications for the installation and operation of telecommunication systems beyond the bounds of the immovable property used by them, or for radio installations. Such authorization shall be granted in conformity with the German regulations.

VI

The Soviet troops shall be entitled to continue using, free of cost and to the same extent as previously, the communication channels installed or restored by them. The Soviet troops may make repairs to the telecommunication lines installed or restored by them, in so far as the communication channels used serve the needs of the Soviet troops, members of the troops and their family members. Repair work beyond the bounds of the immovable property used by the Soviet troops requires the consent of the German authorities.

VII

Telecommunication installations which need to be connected to the junction points or lines of the German telecommunications network shall require a licence. Existing telecommunication installations which are already in operation at the time of entry into force of the Treaty may remain in operation on the German telecommunications network, without any change, provided no interference is created in the process.

VIII

The Soviet troops shall be entitled, on agreement with the Federal Minister of Posts and Telecommunications regarding the broadcasting frequencies to be employed, to operate new

radio and television stations of their own for the Soviet troops, members of the troops and their family members. Existing broadcasting stations of this type may continue operating without any change.

IX

The Soviet troops, members of the troops and their family members may operate radio and television receivers without any requirement to pay fees or obtain an individual licence.

X

The Soviet troops shall adopt all reasonable measures to eliminate interference in the German telecommunications network through telecommunications systems or other electrical installations belonging to the troops.

XI

The German side shall undertake to eliminate, without undue delay, interference in the telecommunications services made available to the Soviet troops. It shall take all reasonable measures to eliminate intentional interference in the operation of the radio services of the Soviet troops.

XII

For the purpose of regulating the procedures for use of the frequency spectrum and guaranteeing the electromagnetic compatibility of the radio-electronic equipment, there shall be set up a permanent working group attached to Soviet troops headquarters and the German Federal Telecommunications Administration.

ANNEX 3. PROCEDURES AND MODALITIES FOR CUSTOMS AND TAX PRIVILEGES AND CUSTOMS INSPECTION MATTERS

I

(1) For the import and export of goods for which, under article 16, paragraph 1, customs and excise duties, including import turnover tax, are not levied, a certificate of an agreed format, duly completed by the Soviet troops or an otherwise competent Soviet authority, shall be submitted to the German customs authorities.

(2) The privileges under article 16, paragraphs 2 to 4, shall be accorded on condition that the supplier can provide proof to the German financial authorities of the fulfilment of the relevant requirements in the form of a certificate from the Soviet troops of an agreed format (settlement voucher), or in the form of a certificate from the German authority responsible for procurement or building works. The supplier shall also demonstrate in the account books that the tax exemption requirements have been met. Reference to the settlement voucher or the certificates from the German authorities shall be made in the records and accounts.

II

(1) The tax-free goods available to the Soviet troops shall be sold to members of the troops or their family members for their private use or consumption through certain establishments belonging to the Soviet troops or organizations in their employ.

(2) The Soviet troops may sell goods to persons other than members of the troops or family members only by special arrangement with the German authorities. The Soviet troops shall hand over the goods to a purchaser only against presentation of a certificate from the German customs authorities confirming that all customs formalities have been duly completed.

III

(1) Subject to the privileges specified in article 16, the customs and tax regulations in force in the garrison territory shall apply to members of the Soviet troops and their family members.

(2) Members of the Soviet troops and their family members shall be entitled, in addition to their imported household effects and private motor vehicles, to import other goods intended for their personal or domestic use or consumption without paying customs or other import duties. This privilege shall apply not only to goods which are owned by such persons but also to goods which are sent to them as gifts or delivered under contracts which they have concluded directly with persons resident outside the garrison territory.

(3) Members of the Soviet troops and their family members shall be permitted to sell among themselves goods imported duty-free or otherwise acquired with tax privileges. Dispositions in favour of other persons shall be permitted after notification of, and authorization by, the customs authorities and other competent authorities of the Federal Republic of Germany, except where such authorities have established general exceptions to the regulations in effect.

IV

The customs inspection of consignments imported or exported by the Soviet troops shall be carried out by the German customs authorities according to the following principles:

(a) The customs inspection of packages closed with official lead or other seals or of cargo compartments in conveyances of goods shall be limited to verification of the official seals. Only in the case of damage to an official seal or suspicion of abuse shall a joint inspection of goods by the German customs authorities and representatives of the Soviet troops be carried out.

(b) The extent of the verification of consignments which are not officially sealed and the procedures for carrying out such verification shall be regulated by special agreements between the Soviet troops and the German customs administration. In these agreements the type of consignments, means of conveyance, the particular operations of the troops and all other relevant factors shall be taken into account.

The Soviet troops may demand that the verification take place at the destination of the consignment or somewhere near it rather than at the border. In such a case the German customs authorities shall be entitled to adopt the requisite measures to guarantee that the consignment arrives intact at the site of verification.

(c) Consignments which, according to the certificates issued by the Soviet troops, contain military equipment or other objects to which access is restricted on grounds of secrecy shall be liable to verification if a request stating reasons is made by the German customs authorities; such verification shall be performed by specially appointed representatives of the troops. The result of the verification shall be made known to the German customs authorities.

(d) Consignments which are imported or exported through a military airfield or via the postal and freight services of the Soviet troops shall be subject to inspection by the Soviet troops. If the German customs authorities so request, stating their reasons, they shall be furnished with information on the results of the customs inspection.

(e) A customs inspection of detachments and units of Soviet troops which cross the German national border for official reasons shall not take place if the place and time of the border crossing is reported to the German customs authorities in advance or if the officer in charge submits, in addition to the marching order, a written statement to the effect that the requisite measures to rule out infringements of the customs and tax regulations have been adopted.

V

The implementation of the provisions of article 16 in detail shall be governed by administrative agreements with the German financial authorities, with both sides setting forth in particular the principles according to which certain goods shall be supplied in limited quantities only to members of the Soviet troops and of their families.

ANNEX 4. MUTUAL SUPPORT AND LEGAL ADMINISTRATIVE ASSISTANCE

A. GENERAL

I

(1) The competent authorities and law courts of the Contracting Parties shall cooperate, within the scope of the Treaty, on matters within their jurisdiction that are connected with the temporary stay of the Soviet troops in the garrison territory, and render each other administrative and legal assistance.

(2) Legal assistance covers, in particular, the submission of official documents, the summoning of parties to the proceedings, defendants, witnesses and experts, the obtaining and safe keeping of evidence, and other action essential for clarification of the facts of the case or for the conduct of legal proceedings.

II

(1) If the German courts and authorities exercise jurisdiction, the competent Soviet authorities shall render them assistance in the submission of documents.

(2) In the case of summonses to appear before a German court or a competent German authority, the competent Soviet authorities shall be responsible for the appearance of the parties whose presence is obligatory under German procedural law.

(3) If a Soviet court or a competent Soviet authority requires the appearance of witnesses, experts or other persons whose presence is required under Soviet procedural law, the competent German courts and authorities shall be responsible for the appearance of such persons in accordance with internal State legislation.

III

(1) The rights and duties of the witnesses, experts, injured parties and other persons shall be defined in accordance with the law of the Contracting Party before whose courts or competent authorities they appear.

(2) The courts and competent authorities shall be obliged, furthermore, to take into account the rights which the witnesses, experts, injured parties and other persons would enjoy before the German or Soviet courts or authorities.

IV

If, in the course of civil, criminal or other legal proceedings, including questioning, it emerges that an official secret of one or both of the Contracting Parties or a piece of information that would harm the security of one or both of the Contracting Parties might be disclosed, the court or the authority shall first obtain the written consent of the authority concerned as to whether the official secret or the piece of information may be made a subject of a public hearing. If the competent authority raises objections, then the court or the competent authority shall exclude the public and adopt all measures within its competence to prevent release to the public of the official secret or the information. The constitutional rights of a party to the proceedings may not be violated thereby.

V

(1) When exchanging instruments of ratification, each Contracting Party to the Treaty shall inform the other Contracting Party which authorities are responsible for the acceptance and transmission of requests for support and administrative and legal assistance, and other notifications provided for in this Treaty.

(2) Each Contracting Party shall notify the other Contracting Party without delay of any changes in the list of competent authorities referred to in paragraph 1.

(3) Differences of opinion on jurisdiction and the obligation to render mutual support and cooperation shall be dealt with by the Joint German-Soviet Commission under article 25 of this Treaty.

VI

(1) The German and Soviet courts and competent authorities shall use the German or Russian language in their dealings with each other.

(2) When exchanging instruments of ratification, the Contracting Parties shall state which requests and documents shall require a translation into German or Russian to be attached when transmitted.

VII

Fees and expenses shall not be charged for carrying out requests. The requested Contracting Party shall nevertheless be entitled to demand from the requesting Contracting Party the reimbursement of expenses incurred through the fact that, in accordance with the internal legislation of the requested Contracting Party, compensation was paid to the witnesses, experts or interpreters.

B. LEGAL ASSISTANCE IN CIVIL AND ADMINISTRATIVE CASES

VIII

(1) A statement of claim or any other document or court ruling serving to institute, ensure the continuation of or terminate non-criminal proceedings before a German court or a German authority shall be served upon members of the Soviet troops or their family members by a competent Soviet authority within the meaning of article V, paragraph 1.

(2) The competent Soviet authority shall acknowledge receipt without delay of any request for service of documents transmitted to it by a German court or a German authority.

Service is deemed to have been effected when the document to be served has been transmitted to the recipient by the competent Soviet authority. The German court or the German authority shall receive without delay a written confirmation that service has been effected.

(3) If, within 21 days of the date of issue by the competent Soviet authority of an acknowledgement of receipt of the request for service, the German court or the German authority has received neither the written confirmation of the effected service under paragraph 2 nor notification that the service could not be effected, the German court or the German authority shall send the competent Soviet authority a further copy of the request for service with notification that seven days after its receipt the service shall be deemed to have been effected. Upon expiry of the seven-day period the service shall be deemed to have been effected unless the competent Soviet authority states before expiry of the period that it was unable to effect the service. The competent Soviet authority may apply for an extension of this period.

(4) The German courts and authorities may not serve documents upon members of the Soviet troops or their family members by public notification.

(5) For the service of administrative decisions and other documents relating to legal proceedings in the case of an administrative authority, paragraphs 1 to 4 of this article shall apply *mutatis mutandis*.

IX

If members of the Soviet troops or their family members are temporarily prevented, for valid reasons, from appearing in non-criminal proceedings in which they are involved, they shall not suffer any disadvantage as a result.

X

(1) The final judgements of German courts and authorities in non-criminal proceedings that are instituted against members of the Soviet troops or their family members shall be recognized and enforced by the Soviet authorities. Such recognition and enforcement may be opposed only if:

(a) It is a case of judgement by default, and the party concerned has not been allowed a hearing in the legally prescribed manner, or

(b) The judgement conflicts with a final judgement pronounced earlier by Soviet courts or authorities.

(2) A judgement within the meaning of paragraph 1 is any judgement passed by a German court or a German authority in a non-criminal case, irrespective of its designation as a verdict, decision or ruling, including judgements on compensation for damages awarded in criminal proceedings.

XI

(1) The enforcement of final judgements pronounced in the non-criminal proceedings of courts and authorities shall conform with German legislation, except as otherwise provided below.

(2) The competent Soviet authorities shall offer German courts and authorities all possible support in the enforcement of final judgements pronounced in non-criminal proceedings.

(3) The arrest of members of the Soviet troops or their family members may not be ordered by German courts and authorities in the execution of a final judgement pronounced in non-criminal proceedings.

(4) If the execution of an enforceable instrument in the non-criminal proceedings of German courts and authorities is to be carried out within areas of immovable property assigned to the Soviet troops, it shall be done by the German executory officer in the presence of a representative of the competent Soviet authorities.

(5) Attachment of the earnings of members of Soviet troops on orders of a German court or a German authority shall be admissible only in so far as permitted by Soviet law.

(6) If, on the basis of a claim by a third party, a final judgement of German courts or authorities is enforced against a person who in turn has a claim against the administration of the Soviet troops in respect of deliveries or other services, the administration of the Soviet troops shall, at the request of an enforcement agency, transmit the corresponding sum to the court cashier. The transfer shall reduce the obligation of the administration of the Soviet troops to the person concerned by the amount of the transferred sum.

C. LEGAL ASSISTANCE CRIMINAL CASES

XII

The competent German and Soviet authorities shall inform each other without delay of any criminal or administrative offences which have become known to them where it is suspected that they were committed by members of the Soviet troops or their family members on the territory of the Federal Republic of Germany. They shall inform each other at the same time whether they intend to exercise criminal jurisdiction. The competent German or Soviet authorities exercising jurisdiction shall inform the relevant authorities of the other Contracting Party of the measures adopted by them, the place and time of the trial, and the status and result of the proceedings.

XIII

The competent German and Soviet courts and authorities shall assist each other in the performance of all necessary investigations in criminal and administrative cases, and in the obtaining of evidence, including the seizure and handing over of objects connected with a criminal or administrative offence. They shall further assist each other in the arrest and handover of persons to courts and authorities which have jurisdiction under article 18 of this Treaty.

XIV

(1) Legal proceedings taking place in the areas of immovable property assigned to the Soviet troops within the meaning of article 1.6 of this Treaty or in connection with postal items that are sent or received by the Soviet military units may be undertaken by the competent German authorities with the consent of the competent Soviet authorities.

(2) At the request of the competent German authorities, the action referred to in paragraph 1 of this article shall be undertaken by the Soviet competent authorities by means of administrative and legal assistance.

(3) The arrest of members of the Soviet troops or their family members in the areas of immovable property assigned to the Soviet troops shall be made by the military prosecutor of the Soviet troops on the basis of a decision by a German judge or an order by the public prosecutor; the warrant for arrest must contain details of the facts of the case.

(4) The competent German authorities shall inform the competent Soviet authorities without delay of all other cases of the arrest of members of the Soviet troops or their family members.

XV

If the competent Soviet authorities receive information concerning a criminal offence committed against the Soviet troops in the garrison territory, or against members of the troops or their family members by a person who does not belong to the above-mentioned group,

(a) They shall inform the competent German authorities thereof without delay;

(b) They shall take the necessary steps at the scene of the offence pending the arrival of a representative of the competent German authorities to preserve all traces and evidence of the offence and, if necessary, to detain the person who committed the crime;

(c) They may detain the suspect provided that he was caught at the scene of the crime, there is risk of his fleeing and there is no representative of the competent German authorities present on the spot; the person detained shall be handed over to the competent German authorities without delay.

XVI

(1) If the German authorities exercise criminal jurisdiction over a member of the Soviet troops or a family member thereof, a representative of the competent Soviet authority shall have the right to be present at the trial. At the request of the competent Soviet authorities, the representative shall have the right to examine the case file and to be present during the questioning or other investigatory proceedings, provided the Soviet procedural legislation so permits.

(2) If the defendant is at liberty, the competent Soviet authorities shall take all possible steps to ensure his appearance when summoned by the competent German authorities.

(3) At the request of or with the consent of the defendant, the court may admit a Soviet legal counsel as defence counsel in conformity with German procedural law.

(4) If the competent Soviet authorities exercise criminal jurisdiction over a member of the Soviet troops or a family member thereof, the competent German public prosecutor or a representative of the German authorities shall have the right to be present at the trial provided that the offence was not directed exclusively against the Soviet troops, members of the troops or their family members. In these cases, the competent German public prosecutor or representative of the German authorities has the right to examine the case file and to be present at questionings or other proceedings, provided the Soviet procedural legislation so permits.

XVII

(1) In cases in which the German authorities exercise jurisdiction, the German authorities shall have competence for the custody of members of the Soviet troops or their family members. In cases in which the Soviet authorities exercise jurisdiction, such competence shall rest with the Soviet authorities.

(2) If a member of the Soviet troops or their family members are remanded in custody or are held in prison, the German authorities shall, on request, permit a representative of the Soviet authorities to visit them, provided the procedural legislation so permits.

XVIII

(1) Judgements and rulings which are pronounced by German courts and other competent German authorities in proceedings coming under German jurisdiction against members of the Soviet troops or their family members shall be enforced by the German authorities; the Soviet authorities shall be obliged to render assistance in the process. In particular, where a final sentence of imprisonment is pronounced without suspension or probation, the Soviet authorities shall be obliged to arrest the convicted party and hand him over to the competent German authorities.

(2) Members of the Soviet troops or their family members who are sentenced by a German court to imprisonment without suspension or probation may not leave the territory of the Federal Republic of Germany before serving out the sentence.

(3) At the request of, or with the consent of, the competent Soviet authorities and on condition that the person on whom a final sentence has been imposed agrees with a judge's record of the proceedings, the competent German authorities may transfer to the Soviet authorities the enforcement of a final sentence of imprisonment to which a German court has sentenced a member of the Soviet troops or a family member thereof, in accordance with the provisions in force in respect of foreign States on enforcement assistance in criminal cases. The details of the transfer of enforcement shall be agreed by an exchange of notes.

(4) Sentences passed by Soviet courts shall not be executed in the garrison territory. This shall not apply to custodial sentences of three months or less.

No. 29522

**GERMANY
and
UNION OF SOVIET SOCIALIST REPUBLICS**

**Treaty on conditions for the temporary stay in and modalities
for the phased withdrawal of Soviet troops from the
territory of the Federal Republic of Germany (with
annexes). Signed at Bonn on 12 October 1990**

Authentic texts: German and Russian.

Registered by Germany on 28 January 1993.

**ALLEMAGNE
et
UNION DES RÉPUBLIQUES
SOCIALISTES SOVIÉTIQUES**

**Traité sur les conditions régissant le séjour temporaire et les
modalités de retrait échelonné des forces soviétiques du
territoire de la République fédérale d'Allemagne (avec
annexes). Signé à Bonn le 12 octobre 1990**

Textes authentiques : allemand et russe.

Enregistré par l'Allemagne le 28 janvier 1993.

[TRANSLATION — TRADUCTION]

TREATY¹ BETWEEN THE FEDERAL REPUBLIC OF GERMANY
AND THE UNION OF SOVIET SOCIALIST REPUBLICS ON
CONDITIONS FOR THE TEMPORARY STAY IN AND MODALI-
TIES FOR THE PHASED WITHDRAWAL OF SOVIET TROOPS
FROM THE TERRITORY OF THE FEDERAL REPUBLIC OF
GERMANY

The Federal Republic of Germany and the Union of Soviet Socialist Republics,
Convinced of the need to contribute, in the new circumstances, to the mainte-
nance of peace and stability in Europe,

Guided by the endeavour to create the foundation for a qualitatively new rela-
tionship between their two countries,

Recalling the historical events which led to the stationing of the Soviet troops
in Germany,

Mindful of the fact that the German people, freely exercising its right of self-
determination, has given expression to the will to re-establish the unity of Germany
as a single State, in order to promote world peace as an equal and sovereign member
of a united Europe,

Mindful of the significance of the Treaty of 12 September 1990 on the final
settlement with respect to Germany,²

Desirous of creating an appropriate treaty basis for the temporary stay of
Soviet troops on the territory of the Federal Republic of Germany pending their
complete withdrawal, and of resolving matters relating to their reduction and with-
drawal,

Resolving to pay heed to the security interests of both sides, and to play a part
in building a just and lasting peace in Europe,

Considering that the regulation of the temporary stay and final withdrawal of
the Soviet troops from the territory where they are stationed should take the form
of a confidence-building measure between the Federal Republic of Germany and the
Union of Soviet Socialist Republics, which contributes to guaranteeing peace and
security in Europe at a time when European security structures are being created,

Have agreed as follows:

Article 1. DEFINITIONS

For the purposes of this Treaty:

(1) “Soviet troops” means units, formations and divisions of the armed forces
of the Union of Soviet Socialist Republics, and their administrative officers in the
garrison territory;

¹ Came into force provisionally on 3 October 1990, and definitively on 6 May 1991 by the exchange of instruments
of ratification, which took place at Moscow, in accordance with article 27 (1).

² United Nations, *Treaty Series*, vol. 1696, No. I-29226.

(2) “Members of the Soviet troops” means:

(a) Military personnel and civilians of Soviet nationality deployed in units, installations and undertakings of the Soviet troops in the garrison territory;

(b) Persons of Soviet nationality sent to provide services to the Soviet troops in the garrison territory;

(3) “Family members of members of the Soviet troops” means:

(a) Spouses, minor children and dependent children,

(b) Close relatives who are dependent, for reasons of age or health, where such persons are nationals of the Union of Soviet Socialist Republics;

(4) “The garrison territory” means:

The territory of the Federal *Länder* of Brandenburg, Mecklenburg-Pomerania, Saxony, Saxony-Anhalt and Thuringia, as at 3 October 1990.

The following districts of the city of Berlin are treated as equivalent territory for the purposes of this Treaty:

Centre, Friedrichshain, Prenzlauer Berg, Köpenick, Lichtenberg, Pankow, Treptow, Weissensee, Hellersdorf, Hohenschönhausen and Marzahn, as at 3 October 1990;

(5) “Movable property of the Soviet troops” means all weapons, ammunition, military equipment and vehicles in the possession of the Soviet troops, and all other goods required to equip and supply the troops;

(6) “Immovable property” means: areas of land, such as barracks, airfields, harbours, military practice grounds, shooting ranges and other buildings and installations made available for the use of the Soviet troops on the basis of the agreements of 12 March 1957¹ and 25 July 1957 between the Government of the Union of Soviet Socialist Republics and the Government of the German Democratic Republic, including facilities constructed with funds provided by the Union of Soviet Socialist Republics.

Article 2. GENERAL REGULATIONS AND OBLIGATIONS FOR THE TEMPORARY STAY OF THE SOVIET TROOPS

(1) The Soviet troops are deployed in the garrison territory on the immovable property assigned to them at the time of conclusion of this Treaty.

(2) The Union of Soviet Socialist Republics will not strengthen further the numbers of its troops in the garrison territory, or their weapons.

(3) As from the entry into force of this Treaty, the Union of Soviet Socialist Republics shall inform the Federal Republic of Germany of the total strength of the Soviet troops in the garrison territory, broken down according to military personnel, civilians and service personnel, together with their family members. It shall subsequently inform the Federal Republic of Germany on a regular basis, at least once a year, of the stage reached in the withdrawal of troops.

(4) The temporary stay and phased withdrawal of the Soviet troops shall take place by mutual agreement. For this purpose the Contracting Parties shall lend each

¹ United Nations, *Treaty Series*, vol. 285, p. 105.

other mutual support, and shall work together in a purposeful manner. The German and Soviet authorities shall seek by every means to maintain friendly relations between the population, government agencies and non-governmental organizations of the Federal Republic of Germany, and the Soviet troops and their administration. They shall ensure the orderly, assured and timely implementation of this Treaty, and shall arrange the stay and withdrawal of the troops so as to avoid harm to the population or to the environment.

(5) The Soviet troops, members of the troops and their family members shall respect the sovereignty of the Federal Republic of Germany and German law, and shall refrain from intervening in any way in German domestic affairs or from any actions which would adversely affect the normal life of the population in the territory. They shall respect and comply with the laws and regulations applicable in the Federal Republic of Germany, and shall refrain from any activity incompatible with the tasks and goals set in this Treaty. The administration of the Soviet troops shall be responsible for compliance with these provisions.

(6) Any member of the Soviet troops who is found guilty of a breach of German law shall, at the request of the competent German authorities, be recalled from the garrison territory.

(7) The German authorities shall respect the legal status of the Soviet troops and shall refrain from all actions which may hinder observance of the rights and duties of the Soviet troops. They shall adopt, by agreement with the Soviet troops, measures necessary for the protection and security of the Soviet troops and of their immovable and other property, including precautionary measures to prevent, to the extent possible, the commission of unlawful acts.

(8) The Soviet troops are entitled, within the areas of immovable property assigned to them and designated accordingly, to guard such property in conformity with Soviet military rules and with German law. Transport convoys will be guarded by members of the Soviet troops within the framework of German law and in co-operation with the competent German authorities.

(9) Military personnel present in the territory who are members of the Soviet troops shall normally wear uniform while on duty. At other times, they shall wear uniform as required by the regulations for the armed forces of the Union of Soviet Socialist Republics.

(10) Military personnel who are members of the Soviet troops shall carry weapons and live ammunition outside the areas of immovable property assigned to the troops only when they are charged, under paragraphs 7 and 8 of this article, with ensuring the protection and security of the Soviet troops, the immovable property assigned to them, their weapons and other equipment, or money and valuables. Civilians belonging to the Soviet troops within the meaning of article 1, paragraph 2, may carry firearms only where permitted by German law.

Article 3. TEMPORARY STAY OF SOVIET TROOPS IN BERLIN

The Federal Republic of Germany and the Union of Soviet Socialist Republics have agreed as follows concerning the temporary stay of Soviet troops in the equivalent territory, within the meaning of this Treaty (article 1, paragraph 4, second sentence), consisting of the following districts of Berlin: Centre, Friedrichshain, Prenzlauer Berg, Köpenick, Lichtenberg, Pankow, Treptow, Weissensee, Hellersdorf, Hohenschönhausen and Marzahn, as at 3 October 1990 ("the equivalent territory"):

(1) The numbers and equipment of the Soviet troops in the equivalent territory shall not exceed the previous level. The Soviet troops shall be withdrawn from the equivalent territory by the time-limit indicated in article 4.

(2) The Soviet troops in the equivalent territory shall hand over to the German authorities the immovable property not being used by them at the time of entry into force of this Treaty, in accordance with the procedure laid down in article 8, paragraphs 5 and 6, of this Treaty.

(3) To the extent necessary, the Soviet troops shall enjoy free access (from the district of Berlin Centre) to the Soviet monument situated in the district of Tiergarten, outside the equivalent territory.

(4) Members of the Soviet troops in the equivalent territory, and members of their families, may, without any visa, visit for private purposes districts of Berlin not named in this Treaty.

(5) The Soviet troops shall not carry out manoeuvres or other exercises in the equivalent territory. In the storage and transport of weapons and ammunition, and in the transport and ground movement of troops, in addition to the rules contained in articles 2, 6 and 11 of this Treaty, the special municipal provisions applicable in the equivalent territory shall be observed.

(6) An *ad hoc* commission shall be set up, with the participation of the Senate of Berlin, to resolve practical issues arising in connection with the stay of the Soviet troops in the equivalent territory.

Article 4. PHASED WITHDRAWAL OF SOVIET TROOPS

(1) The withdrawal of the Soviet troops shall begin with the entry into force of this Treaty and shall proceed in stages, to be completed at the latest by the end of 1994. It shall apply to all members of the Soviet troops, members of their families and their movable property.

The withdrawal shall take place in accordance with the general timetable for withdrawal which is to be agreed with the German authorities and thereafter jointly updated and adjusted in detail at regular intervals, in the light of current developments.

(2) For the purpose of the withdrawal the two sides shall appoint authorized representatives who shall establish and coordinate the requisite measures in the light of the agreed modalities for the withdrawal.

Article 5. APPLICATION OF AGREEMENTS ON ARMS CONTROL AND CONFIDENCE-BUILDING MEASURES

The Contracting Parties declare that the relevant provisions of arms control agreements, such as the Final Document of the Stockholm Conference on Confidence and Security-Building Measures and Disarmament in Europe and the Inspections Agreement of 11 December 1987¹ in connection with the Treaty between the United States of America and the Union of Soviet Socialist Republics on the Elimination of their Intermediate-Range and Shorter-Range Missiles,² shall apply to the relationship between the host State and the armed forces in the garrison territory

¹ United Nations, *Treaty Series*, vol. 1658, No. I-28536.

² *Ibid.*, vol. 1657, No. I-28521.

(the territorial principle). If necessary, a special working group shall be set up to facilitate the application of this article.

Article 6. TRAINING OF THE SOVIET TROOPS

(1) The Soviet troops shall be entitled to carry out manoeuvres, exercises and planned training schedules within the areas of immovable property assigned to them in the garrison territory. Military activities outside these areas or involving total troop strength in excess of 13,000 men shall not take place. The training of air combat forces shall be governed by the provisions of article 7 of this Treaty.

(2) To facilitate the movement of military tracked vehicles from their places of deployment to training grounds, training sites and shooting ranges, and their movement between training grounds, training sites and shooting ranges in the course of exercises and manoeuvres, sections of road (march routes) may be used as agreed between the command of the Soviet troops and the competent German authorities. Arrangements for their use must be agreed two to three weeks before the exercise.

(3) Exercises by the Soviet troops from the regimental level must be notified to the competent German authorities as early as possible, and at least one month in advance. No emergency practices may be carried out which require leaving the areas of immovable property.

(4) The principles and specific requirements of the exercises, e.g. the numbers participating, the sites used and vehicle routes followed, the timing of the exercises and of shooting practices, safety zones, the types of exercise, and the environmental and other issues involved, are to be agreed separately, except where they are covered by other articles of this Treaty. The Soviet troops shall take all necessary steps to ensure that damage to property used is avoided as far as possible.

(5) In order to avoid accidents during exercises by the Soviet troops, no live ammunition for weapons systems shall be carried, except in the case of shooting practices. The ammunition needed for shooting practices shall be transported separately. The security zones required for shooting practices shall be established around and above shooting ranges, jointly with the German authorities.

Article 7. REGULATIONS FOR AIR TRAFFIC MOVEMENTS BY SOVIET TROOPS

(1) Air traffic movements by the Soviet troops within the garrison territory shall be governed by the provisions of German air law and by the special rules applied by the Soviet air forces to their flights, harmonized with the aforementioned (German) provisions. For this purpose a special agreement shall be concluded between the responsible ministries of the two parties.

The Federal Minister for Transport, together with the Federal Minister for Defence and by agreement with the Soviet authorities, shall draw up the rules for the use of airspace.

Airspace which is not subject to civilian air traffic control shall be used primarily for military purposes, especially Soviet air traffic. A dividing line shall be fixed by the Federal Minister for Transport, by agreement with the Soviet side, to the east of the western boundary of the garrison territory. The airspace between the boundary of the garrison territory and this dividing line may not be used for flights by Soviet military aircraft. Exceptions may be made, following prior notification to the

responsible German Airspace Coordination Office (LUKO) and with its permission, for emergency flights and for individual helicopter flights supplying Soviet ground installations.

Diplomatic clearance shall be required for flights across German borders by Soviet military aircraft which are not stationed in the garrison territory. For this purpose the customary international procedure shall be followed whereby block annual permits are issued, supplemented as necessary by individual permits. This regulation shall not apply to the Soviet aircraft stationed in the territory. The annual permit shall be deemed to have been issued by virtue of this Treaty, and for the period of its validity, for the purpose of regular flights by transport aircraft delivering postal items and performing other communications functions, except the transport of dangerous goods. In the case of these flights, a flight plan submitted to the air traffic control service shall suffice.

In addition, the German side shall grant the Soviet troops the right to use German airports in the garrison territory in case of need, provided the competent German authorities are informed with sufficient notice and give their consent.

(2) Flights by Soviet troops in airspace not subject to civilian flight traffic control shall be subject to a unitary system for the planning and management of civilian and military flight traffic within the territory, in the following manner:

(a) The use of this airspace by flights of the Soviet air forces will be coordinated, on the basis of uncontested German sovereignty over the airspace, by the competent Soviet authority through the German Airspace Coordination Office (LUKO), which will be established in the locality.

(b) During the initial phase, coordination will be carried out according to the procedures in force prior to the conclusion of this Treaty. Thereafter, this procedure will be further developed and supplemented, without in any way compromising safety, with a view to achieving greater flexibility in the use of the airspace.

(c) In exceptional or unforeseen circumstances, the German Airspace Coordination Office (LUKO) will make the final decision on the use of the airspace.

(d) Soviet military flight traffic in this airspace will be planned by the aforesaid Soviet authority under Soviet direction, coordinated with the German Airspace Coordination Office (LUKO) and approved by the Soviet authority.

(e) Air traffic control of Soviet military flights in airspace not subject to civilian air traffic control will be carried out by the Soviet side, through the aforesaid Soviet authority acting on its own responsibility, on the basis of internal Soviet permits. In order to improve the coordination of civilian and military flight traffic, Soviet military flights may also be controlled by Soviet personnel from jointly operated air traffic control points.

(3) Until 31 December 1991, flights may take place in the daytime from Monday to Friday between 0700 and 2000 hours local time, and on Fridays from 0700 to 1500 hours local time. From 1 January 1992 the flight period shall be between 0700 and 1800 hours local time from Mondays to Thursdays, and on Fridays between 0700 and 1500 hours local time. During the period between 1 May and 31 October, flights between 1230 and 1330 hours local time, and throughout the year after 1700 hours local time, may take place only at heights of 2,000 ft or more above ground level. At weekends and on public holidays, no flights may take place in training or combat aircraft or in combat helicopters.

Night flights may take place only on flight paths specified in the above-mentioned special agreement and on a maximum of three weekdays until 2200 hours local time at the latest, this period being extended to 2400 hours local time until 15 May 1991. During the period between 15 May and 15 September 1991, and in subsequent years between 15 April and 15 October, night flights shall not be permitted. From 1 January 1992, night flights shall be confined to two weekdays. The programme for night flights shall be agreed six months in advance.

In general, flights below 2,000 ft above ground level are not permitted. Flights at a minimum height of 1,000 ft above ground level may take place only on special flight paths defined in the above-mentioned special agreement, over thinly populated areas. Below 1,000 ft above ground level, flights may take place only above the military training sites specified in the above-mentioned special agreement. These restrictions shall not apply to the take-off and landing phases.

Supersonic flights may take place only by special authorization and for technical purposes. They are permitted only above 36,000 ft on a horizontal path, and where possible should take place only over the sea. Until 31 December 1991 these flights may take place between 0900 and 1200 hours local time on any two days from Monday to Friday. From 1 January 1992, one weekday may be chosen for these flights.

(4) Incidents associated with the use of airspace and in which the Soviet troops and the German side are involved, including flight accidents causing damage to the German side, shall be investigated jointly by the competent German and Soviet authorities. Where no damage has occurred on the German side, the investigation shall be carried out by the Soviet authorities.

The Contracting Parties shall lend each other mutual support and shall provide the necessary documentation, including operating documents and materials.

(5) In any emergency arising in the airspace of the garrison territory, the two sides shall lend assistance to the aircraft involved, including the use of airfields for emergency landings.

(6) Article 2, paragraphs 7 and 8, of this Treaty shall apply to the protection of the Soviet troops and their installations against armed attacks from the air.

Article 8. USE OF IMMOVABLE PROPERTY

(1) The Soviet troops, members of the troops and their family members shall use the immovable property assigned to them and carry out the measures required to implement this Treaty in compliance with German legal requirements, especially in respect of public health, public safety and order and protection of the environment.

(2) The areas of immovable property assigned to them, which are owned by the Federal Republic of Germany and by the *Länder*, are made available for use by the Soviet troops free of charge. This exemption from payment shall not apply to the cost of public utilities, operating costs, the costs of maintenance and repairs, or other expenditure to which the Soviet troops are liable under this Treaty.

For the use of immovable property owned by other persons or legal entities, the Soviet troops shall pay via the German authorities a user fee equivalent to the sum which the German authorities would be required by German law to pay to a third party in such circumstances in order to meet their needs. In calculating the amount

of the user fee, allowance shall be made for the fact that the Soviet troops bear the costs of maintenance and repairs, to be reckoned at 30 per cent of the customary user fee in the place where the immovable property is situated. The duty of defraying expenditure within the meaning of the second sentence of this paragraph shall apply likewise to such immovable property. These provisions shall also apply to immovable property belonging to the post office and the railways.

The sum to be paid by the German side for the maintenance of supply installations and networks shall be fixed annually by agreement between the Federal Minister of Finance and the command of the Soviet troops.

(3) Building works, except for maintenance and repair works, shall be carried out by agreement with the German authorities in conformity with German law.

Forestry protection, including the protection of biotopes and species, and of hunting and fishing, shall be carried out by the Federal Forestry Service by agreement with the administration of the Soviet troops.

The German authorities shall inform the Soviet troops, on request, of large-scale building activities or other extensive infrastructural measures to be carried out in the immediate vicinity of the immovable property. In the course of such works, the German authorities shall take account of the wishes of the Soviet troops, within the limits of German law.

(4) The Soviet troops shall ensure that the competent German authorities and their representatives are able to gain access to the areas of immovable property and to carry out the measures necessary for the fulfilment of their tasks within those areas, and that they receive the documents required for this purpose. In this process the demands of military security shall be taken into account.

In carrying out their tasks and fulfilling their duties, the German authorities and the administration of the Soviet troops shall work closely together in all respects.

The Federal Minister of Finance, who is responsible for the immovable property, and the command of the Soviet troops shall agree on the appointment of representatives for the areas of immovable property, who shall also be responsible for ensuring access to them by the German authorities as necessary.

(5) The Soviet troops shall transfer to the German authorities the areas of immovable property which are owned by the Federal Republic of Germany, its *Länder* or other persons or legal entities as soon as they are no longer required in connection with the troop withdrawal. Their technical condition will be described in bilateral records of the transfer (paragraph 7).

(6) The Soviet troops shall notify the Federal Minister of Finance of the prospective transfer two months in advance. This notification shall contain details of the names of objects and the dimensions of the plots of land concerned, their location and the timing of the expected transfer. For the purposes of the transfer, the Soviet troops shall supply the following documents:

A list of the buildings and installations on the site, together with details of the plot: buildings and installations erected by the Soviet side from their own resources should be identified separately;

A ground plan of the site showing supply networks, postal, telegraph and telephone connections, and railway lines;

Lists of the buildings in existence with details of services to the site (e.g. electricity, gas, water, heating and sewage installations).

The Soviet troops shall enable the German authorities to visit sites due to be transferred, and shall facilitate the preparation of the technical documentation required for future use of the sites.

(7) The Soviet troops and the German authorities shall ensure that the transfer of the sites to be transferred shall begin no later than two months following receipt of notification of the transfer, and be concluded if possible within two weeks. The transfer of immovable property shall be recorded by authorized representatives of both sides, in a manner to be determined.

(8) The determination of the composition, value and manner of disposal of assets belonging to the Soviet troops which were realized from funds belonging to the Soviet side and are owned by the Soviet side, and which remain on the areas of immovable property assigned for the use of the Soviet troops within the garrison territory shall take place in accordance with article 7 of the Agreement of 9 October 1990 between the Governments of the Federal Republic of Germany and the Union of Soviet Socialist Republics on certain transitional measures, and shall be carried out by a German-Soviet commission to be established for that purpose.

Article 9. DISCIPLINARY AND POLICE POWERS

(1) The Soviet troops shall exercise police and disciplinary powers within the areas of immovable property in which they are stationed. However, the German police shall exercise its functions by agreement with the Soviet troops wherever objects of legal protection belonging to the Federal Republic of Germany are endangered or damaged.

(2) Outside the areas of immovable property in which they are stationed, the Soviet troops shall exercise disciplinary powers over their members pursuant to agreements with the German authorities. These measures shall be carried out in liaison with the German authorities and to the extent necessary to maintain discipline and order among the Soviet troops.

(3) The Soviet troops and the German police shall work together in their common interest.

Article 10. SUPPLIES

(1) The Soviet troops, members of the troops and their family members shall be entitled to obtain for payment, under the same conditions as the German armed forces and nationals of the Federal Republic of Germany, goods for consumption and for personal use in accordance with German law, and to procure the services they require.

(2) The German authorities shall, within the framework of their functions and of the German law and economy, ensure that the Soviet troops receive uninterrupted supplies to the extent necessary for implementation of this Treaty. The Federal Republic of Germany shall establish for this purpose a consultative agency.

(3) The Soviet troops may, pending their withdrawal and subject to German law, conclude purchase contracts and enter into transactions with German nationals and foreign natural or legal persons for the exchange of goods belonging to them

located in the garrison territory. This shall not apply to the delivery or transfer of weapons and military equipment.

Article 11. USE OF TRANSPORT FACILITIES

(1) The Soviet troops, members of the troops and their family members may move freely on public transit routes within the garrison territory, using their own means of transport and subject to the observance of German laws, the provisions of this Treaty and any internal service regulations. The Soviet troops are entitled to use public transport facilities (on land, including railways, on water and in the air) within the garrison territory, under the conditions applicable to the German armed forces.

(2) The German authorities shall recognize the driving licences issued by the competent Soviet authorities to Soviet troops, members of the troops and their family members, without any qualifying examination or fee. Licences to drive private vehicles must be accompanied by a German translation.

The administration of the Soviet troops shall ascertain that holders of driving licences have sufficient knowledge of the German traffic regulations.

(3) Service vehicles and private vehicles driven by Soviet troops must be provided with a clearly distinguishable registration number and a nationality symbol. The administration of the Soviet troops shall issue registration plates for service and private vehicles, and shall notify the competent German authorities of their registration. Registration plates for private vehicles shall be issued by the Soviet administration only when the German authorities have authorized the use of these vehicles. For this purpose, evidence must be provided of insurance cover in accordance with German law (e.g. through the SOVAG insurance company).

The administration of the Soviet troops shall supervise the vehicles authorized by them, and shall be liable for their safety and for the condition of their lights. It may submit goods vehicles for testing to a technical inspection centre responsible for carrying out such tests in accordance with German law. The German authorities are entitled to examine papers for goods vehicles, driving licences and personal identification papers.

(4) The Soviet forces shall observe the traffic regulations in force in Germany, including regulations on conduct at the scene of accidents and regulations on the carriage of dangerous goods. The observance of these regulations shall be monitored by the competent German authorities and the administration of the Soviet forces. The regulations under German law concerning the withdrawal of driving licences shall apply without restriction to the driving of service and private motor vehicles by members of the Soviet troops and their family members. The withdrawal of service and private licences conferring authority to drive motor vehicles shall be carried out by the military motor vehicle inspection unit (military police) of the Soviet troops, at the request of the German authorities.

(5) Agreements may be concluded with the German authorities on the designation and regular use of public roads for marches and transport operations by Soviet troops involving more than 30 motor vehicles or any number of large-capacity motor vehicles and heavy motor vehicles. Early notification of such marches and transport operations must be made to the competent German military traffic office. They shall be conducted taking into account German road traffic law.

The relocation of large-capacity and heavy motor vehicles, including tracked vehicles, shall as far as possible be effected by rail. Tracked vehicles may also be transported on low loaders if rail connections are not available in the area in question or for short distances.

(6) Details of traffic arrangements and transportation in the garrison territory are set out in annex 1.

Article 12. POSTAL AND TELECOMMUNICATION MATTERS AND THE UTILIZATION OF RADIO FREQUENCIES

(1) The Soviet troops shall be entitled to maintain and utilize their own military postal and telecommunication facilities and electronic radio transmission equipment.

The Federal Republic of Germany shall authorize the Soviet side to use the radio frequencies of the existing radiocommunication services of the Soviet forces in accordance with the regulations in force at the time of conclusion of this Treaty. The Soviet side shall take all possible steps to release radio frequencies at the request of the Federal Republic of Germany.

To avoid mutual radio interference, the shared use of frequencies by radiocommunication services of the Soviet troops and the Federal Republic of Germany shall be regulated by mutual agreement.

(2) The Soviet troops, members of the troops and their family members may use the postal and telecommunication services in accordance with the regulations in force in the Federal Republic of Germany.

(3) The Federal Republic of Germany shall treat the postal facilities operated by the Soviet forces as facilities of the postal administration of the Union of Soviet Socialist Republics.

(4) Use of the postal and telecommunication services and of radio frequencies is regulated in annex 2 to this Treaty.

Article 13. PROTECTION OF THE ENVIRONMENT

The German authorities and the administration of the Soviet troops shall co-operate fully on the basis of German legislation to protect the environment and prevent pollution. To that end, an appropriate working group of experts shall be set up within the framework of the Joint German-Soviet Commission.

Article 14. HEALTH CARE

(1) German regulations for the prevention and control of communicable diseases in human beings and animals shall apply to the Soviet troops, members of the troops and their family members. The Soviet troops may apply their own regulations within the areas of immovable property assigned to them, unless they constitute a hazard to public health.

(2) The Soviet troops and the German authorities shall notify each other without delay of the suspected existence, outbreak, course and suppression of any communicable disease and of the measures taken to deal with it.

(3) Should the Soviet troops consider that health protection measures are necessary in the area surrounding the immovable property assigned to them, they shall conclude agreements thereon with the German authorities.

(4) Articles whose importation is prohibited under German law may be imported by the Soviet troops, subject to approval by the German authorities, unless they constitute a public health hazard. The German authorities and the Soviet troops shall conclude agreements on categories of articles whose importation is admitted by the German authorities under this provision.

(5) The Soviet troops shall assume responsibility, in agreement with the German authorities, for the inspection and control of such foodstuffs, medical supplies and other articles as they import, guaranteeing that the importation of such articles does not constitute a public health hazard.

Article 15. CROSSING THE GERMAN FRONTIER

(1) Members of the Soviet troops and their family members shall cross the German frontier of the garrison territory without a visa on presentation of military or civilian passports of the Union of Soviet Socialist Republics; such passports shall contain a photograph, the name, date of birth and place of birth of the holder and a stamp in the German and Russian languages confirming that the passport holder belongs to the Soviet troops in the garrison territory. The names of persons called up for military service shall appear in a list and the number of such persons shall be indicated in the military passport of the senior officer of the garrison.

(2) Military formations, divisions and units of the Soviet forces shall cross the German frontier of the garrison territory under the responsibility of the competent officers, who shall present their identity documents.

(3) Children under 16 years of age crossing the German frontier with their parents or other persons shall be admitted on the basis of an entry in the military or civilian passport of those persons indicating their family name, first name and year of birth. The passport must be stamped in accordance with the provision in paragraph 1 above.

(4) The German authorities and the Soviet troops shall agree on the frontier crossing points at which Soviet troops, members of the troops and their family members may be admitted without a visa. These points shall be specified in a list to be handed over on exchange of the instruments of ratification. Amendments shall be undertaken by mutual agreement.

At these frontier crossing points, representatives of the Soviet troops shall assist the German authorities in passport control procedures and the speedy clearance of the troops, members of the troops and their family members.

(5) The regulations governing a stay by members of the Soviet troops and their family members in the Federal Republic of Germany outside the garrison territory shall be the same as the entry and stay regulations applicable to other Soviet citizens in the Federal Republic of Germany. If such persons are already within the garrison territory, the stay permit shall be issued by the local authority responsible for aliens' affairs in response to an application by the Soviet troops.

(6) Within the garrison territory, members of the Soviet troops and their family members shall be exempt from German regulations governing registration except for registration in hotels and lodgings and in hospitals.

(7) In response to a substantiated request by the German authorities, the administration of the Soviet troops shall provide information concerning a person's attachment to the Soviet troops stationed in the garrison territory.

Article 16. CUSTOMS AND TAX PRIVILEGES

(1) The Soviet troops may import and export their equipment and reasonable quantities of foodstuffs, supplies and other articles duty-free for their own use and for use by the members of the Soviet troops and their family members. Customs and excise duties, including import turnover tax, shall not be levied on such goods. Tax exemptions shall also apply to goods supplied to the Soviet troops on the basis of such contracts as they may conclude directly with persons who are not resident in the garrison territory.

(2) Goods in duty-free zones or subject to a special customs regime which are supplied for use by the Soviet troops, their members or their family members on the basis of contracts concluded between an official procurement office of the Soviet troops and persons resident in the garrison territory shall also be exempt from the duties referred to in paragraph 1.

(3) In the case of goods supplied on a duty-free basis under the conditions referred to in paragraph 2, the German financial authorities shall accord the supplier the exemptions or reimbursements provided for in the legislation governing customs and excise tax on exported goods. In the case of taxable petroleum or goods with a petroleum content, petroleum taxes paid by the supplier shall be refunded by the German financial authorities.

(4) Supplies and other services to the Soviet troops commissioned by an official procurement office of the Soviet troops and intended for use or consumption by the Soviet troops, their members or their family members shall be exempt from turnover tax. The same provision shall apply in cases where the German authorities undertake procurement or construction activities on behalf of the Soviet troops. Tax exemption shall not exclude deduction of pre-tax. The supplier shall take tax exemption into account in determining the price of goods supplied.

(5) The Soviet troops shall be exempt from tax on items associated exclusively with their official duties and property intended for such activities. This provision shall not apply, however, to taxes levied in connection with the participation by Soviet forces in German commercial activities and in respect of property intended for such commercial activities. Supplies and other services by the Soviet troops to members of the troops and their family members shall not be regarded as participation in German commercial activities.

(6) Where liability to taxation depends on a stay or residence, the periods during which a member of the Soviet troops or a family member sojourns in the territory of the Federal Republic of Germany in that capacity only shall not be considered as periods of stay or residence in that territory for the purposes of such liability.

(7) Members of the Soviet troops or their family members shall be exempt from all taxation on earnings and income in the garrison territory paid to them by the Soviet State in their capacity as such members or family members, and from all taxation on movable property of the aforementioned persons which is located in the garrison territory only because those persons are temporarily resident in that area.

(8) Earnings, income and movable property of members of the Soviet troops or their family members to which the provisions of paragraphs 6 and 7 are not applicable shall be liable to taxation under German law.

(9) Members of the Soviet troops or their family members shall not forfeit any tax privileges due to them under an inter-State agreement with the Federal Republic of Germany.

(10) For the purposes of articles 6 to 9, the terms “members of the Soviet troops” and “family members” shall refer only to persons residing in the garrison territory solely in that capacity.

(11) The Soviet troops shall take appropriate action to prevent any abuses that might arise from the exercise of customs and tax privileges. They shall cooperate closely with the German authorities with a view to preventing customs and tax offences. Such cooperation shall include exchange of information by mutual agreement concerning detected offences and the type and scale of marketed goods that are particularly susceptible to abuse. The Soviet troops shall carry out inspections at the request of the German authorities and communicate their findings.

(12) Annex 3 to this Treaty regulates the procedures for and conditions governing the customs and tax privileges referred to in the preceding paragraphs, and matters of customs inspection.

Article 17. CIVIL AND ADMINISTRATIVE JURISDICTION

(1) The German courts shall have jurisdiction over members of the Soviet troops and their family members in civil, labour, social and administrative cases related to their presence in the garrison territory. Judicial relations between the military administration and members of the Soviet troops or their family members, or among the latter shall be excluded.

(2) The German courts shall apply German law in exercising their jurisdiction under paragraph 1.

(3) Members of the Soviet troops and their family members shall have the same rights and duties as German citizens before the German courts.

Article 18. CRIMINAL JURISDICTION

(1) In the territory of the Federal Republic of Germany, criminal and administrative offences perpetrated against the Soviet troops, members of the troops or their family members, and criminal and administrative offences perpetrated by members of the Soviet troops or their family members shall be subject to German jurisdiction. The Federal Republic of Germany shall allow the competent Soviet authorities in the garrison territory to exercise criminal jurisdiction in the cases specified in paragraph 2 of this article.

(2) The competent Soviet authorities in the garrison territory shall exercise the jurisdiction to which they are entitled under Soviet law over members of their troops and their family members where:

(a) The criminal or administrative offence is perpetrated against the Union of Soviet Socialist Republics, the Soviet troops, members of the troops or their family members, or

(b) Members of the Soviet troops perpetrate criminal or administrative offences in the exercise of their official duties.

(3) The competent German and Soviet authorities may apply for transferral or assumption of jurisdiction in individual cases provided for in paragraph 1 (first sentence, second alternative) and paragraph 2 of this article. Such applications shall be given favourable consideration.

(4) The competent German authorities and courts shall be bound by the principle of equal treatment set forth in article 3 of the Constitution of the Federal Republic of Germany and by article 25 of the International Covenant on Civil and Political Rights of 16 December 1966¹ in the prosecution of criminal and administrative offences perpetrated against the Soviet troops in the garrison territory and against members of the troops or their family members.

(5) The death penalty shall not be enforced in the exercise of jurisdiction under this Treaty in the garrison territory; the provisions of article 6 and article 14 (5) of the International Covenant on Civil and Political Rights of 16 December 1966 shall be observed in that connection.

(6) Where an accused person is acquitted in criminal proceedings conducted under this Treaty in the courts of a Contracting Party thereto, or where such person is convicted in such proceedings and is serving or has served his sentence or has been granted a pardon, he may not be prosecuted again for the same act by the other Contracting Party to the Treaty. This provision shall not prevent the Soviet military authorities from taking disciplinary action against a member of the Soviet troops for an act that is the subject of criminal proceedings against that person in the courts of the Federal Republic of Germany.

(7) A member of the Soviet troops or a family member thereof shall have the same rights and duties before the German criminal courts as German citizens or nationals of other States, including, in particular:

The right upon arrest to be brought before a magistrate without undue delay;

The right to be informed without undue delay of the charges against him in a language that he understands;

The right to be present at the trial and to defend himself or be defended by counsel of his choice;

Access to the services of an interpreter free of charge;

The right to question witnesses for the prosecution directly or through counsel and to have witnesses for the defence summoned and evidence obtained from them;

Other rights provided for in the International Covenant on Civil and Political Rights of 16 December 1966 and German procedural law.

Article 19. LEGAL ASSISTANCE

(1) The competent German and Soviet courts and authorities shall provide mutual legal and administrative assistance and support, with due regard for the provisions of their Constitution, in the exercise of jurisdiction under articles 17 and 18 of this Treaty or where members of the Soviet troops or their family members are involved in administrative proceedings.

¹ United Nations, *Treaty Series*, vol. 999, p. 171.

(2) The principles and details of such mutual legal and administrative assistance and support are specified in annex 4 to this Treaty.

Article 20. SETTLEMENT OF DISPUTES ARISING OUT OF SUPPLY AND SERVICE CONTRACTS WITH THE SOVIET MILITARY ADMINISTRATION

(1) If disputes arise concerning the performance of contracts that the administration of the Soviet troops concludes with contractors for supplies or other services for the Soviet forces in the garrison territory, the German authorities shall make their good offices available to the Soviet troops at the latter's request in the form of advisory or mediatory action for settlement of the disputes.

(2) If the parties to the dispute cannot agree, they or one of them may request the German authorities in writing for assistance in settling the dispute by negotiation. If the dispute is not settled within three months of the request to the German authorities, it may be submitted to the German courts. In cases in which no delay can be tolerated, the parties to the dispute may also bring the case before the German courts immediately, without observing the above-mentioned procedure.

(3) At the request of the Soviet authorities, the German authorities shall take legal action against a contractor in the name of the Federal Republic of Germany on behalf of the Union of Soviet Socialist Republics.

(4) The contractor shall direct his claim against the Federal Republic of Germany, the latter conducting the lawsuit in its own name on behalf of the Union of Soviet Socialist Republics. The action must be brought before the court in whose district the German authority that represents the Federal Republic of Germany has its seat.

(5) The law agreed to by the parties on conclusion of the contract for the supply or service shall be authoritative with regard to an action brought under paragraph 3 or 4 of this article. If no agreement has been reached on the law to be applied, German law shall prevail.

(6) The German authorities shall inform the administration of the Soviet troops on the course of the action, shall consult them at every stage of the proceedings and shall conduct the action in agreement with it. The German authorities and the administration of the Soviet troops shall transmit to one another in good time all data, supporting documents and copies of documents that are necessary for the conduct of the action.

(7) All rights or obligations that are determined for or against the Federal Republic of Germany by means of judgements for enforcement that arise from such disputes shall be borne by or shall benefit the Union of Soviet Socialist Republics.

(8) Costs that arise in connection with a court action and are not among the costs determined by the court shall be assumed by the Union of Soviet Socialist Republics, given the consent of the Soviet forces before their origination.

(9) Disputes arising out of services by the German Federal Railways or the German Federal Post Office shall be settled according to the procedure provided in article 25 of this Treaty.

Article 21. EMPLOYMENT CONTRACTS OF EMPLOYEES
OF THE SOVIET FORCES

(1) Employment contracts between the administration of the Soviet forces and employees who do not belong to the group of persons defined in article 1, paragraphs 1, 2 and 3, of this Treaty shall be subject to German law on labour, worker protection and social security.

(2) The German authorities shall assist the administration of the Soviet troops at its request in determining the working conditions of employees and in the calculation of the amount of remuneration and procedure for payment.

(3) The German courts shall be competent for disputes arising out of employment contracts and social insurance matters. An employee shall address his claim to the Federal Republic of Germany. At the request of the Soviet troops, claims against employees shall be raised by the Federal Republic of Germany. The Federal Republic of Germany shall conduct the legal action in its own name for the Union of Soviet Socialist Republics. Article 20, paragraphs 1, 4 and 6 to 8 of this Treaty shall be applicable *mutatis mutandis* to such disputes.

Article 22. SOCIAL SECURITY AND WELFARE

German legislation on social security and welfare and on social security benefits shall not apply to members of the Soviet troops or their family members, with the exception of legislation on social insurance with regard to:

(1) Compulsory insurance in the event of employment other than in the Soviet troops;

(2) Voluntary insurance under social insurance;

(3) The rights and duties arising for such persons during a previous stay in the Federal Republic of Germany or in the garrison territory;

(4) The duties incumbent upon a member of the Soviet troops or a member of his family as an employer.

Article 23. DAMAGE TO THE CONTRACTING PARTIES

(1) Damage caused to the Union of Soviet Socialist Republics or the Federal Republic of Germany in connection with the garrisoning of Soviet forces shall be settled according to the following paragraphs, unless covered by special provisions.

(2) Damage caused to one Contracting Party's property, located in the garrison territory, by an official action or omission or an event for which the other Contracting Party is responsible shall be made good by the other Contracting Party.

(3) The Contracting Parties shall in each case conclude an agreement for the compensation of damage, German law on compensation being taken as the basis. If no agreement is reached, the case shall be submitted to the Joint German-Soviet Commission for decision. The Contracting Party responsible shall pay the other Contracting Party the compensation mutually agreed upon or determined by the Joint German-Soviet Commission.

Article 24. LIABILITY FOR DAMAGE TO THIRD PARTIES

(1) Compensation for damage that is caused by official actions or omissions or events for which the Soviet troops are responsible shall be paid by German authorities according to the regulations and principles of German law that would be applicable if German armed forces were responsible for the damage under otherwise identical circumstances.

(2) Paragraph 1 shall not be applicable to damage under contracts or legal relationships similar to contracts. Paragraph 1 shall also not be applicable to damage that is caused by unofficial actions or omissions by members of the Soviet troops or their family members or by events for which such persons are responsible.

(3) The German authority shall inform the Soviet troops of every claim for compensation received by it and shall request them to transmit a declaration as to the official or unofficial nature of the action, omission or event in question. It shall request the transmission of information and evidence on the alleged instance of damage.

(4) Where the German authority takes a decision recognizing the duty to pay on the part of the Soviet troops, it shall inform the Soviet troops accordingly, meet the payment obligation and apply for reimbursement of the payment disbursed. The Soviet troops shall make reimbursement within three months if they agree to the amount of reimbursement. If there is no agreement, the matter shall be referred to the Joint German-Soviet Commission.

(5) An action against the Union of Soviet Socialist Republics with regard to a claim for compensation cannot be brought before German courts. However, in respect of his claim, the claimant shall have the right to take legal action against the Federal Republic of Germany, which conducts the lawsuit in its own name on behalf of the Union of Soviet Socialist Republics. In the event of legal action, paragraphs 3 and 4 of this article shall apply *mutatis mutandis*.

(6) In the cases covered by the second sentence of paragraph 2, a claim for compensation can be submitted to the German authorities. The German authority shall present the claim together with its report and a proposal for compensation to the Soviet troops, who shall decide without delay whether and, if so, in what amount they wish to pay compensation, without prejudice. If compensation is not offered or if the claimant does not accept the compensation offered as full payment of his claim, he shall be at liberty to pursue his claim against the party causing the damage even before the German courts. If a payment has to be made on the basis of the decision by the Soviet troops or because of a final judgement in the case against the party causing the damage, the payment obligation shall be met by the Soviet troops within three months.

(7) The procedure for the payment of compensation under this article may be determined in a separate agreement. It may also be agreed therein that the German authorities shall assert claims of the Union of Soviet Socialist Republics on behalf of the latter in respect of damage sustained by it in the garrison territory and shall pursue them by representative action on its behalf before the German courts.

Article 25. JOINT GERMAN-SOVIET COMMISSION

(1) All differences of opinion between the Contracting Parties concerning the interpretation or application of this Treaty shall be settled by negotiation promptly and independently of one another.

(2) A Joint German-Soviet Commission shall be set up, with representatives of the two sides, for the purpose of settling differences of opinion, in which context the Contracting Parties have to take their decisions by mutual agreement. The Joint German-Soviet Commission, co-opting experts where appropriate, shall take its decisions on the basis of this Treaty, in particular concerning:

Verification and possible modification of the agreed withdrawal phases;

Support and assistance by the German side, in particular by transport enterprises and by the German armed forces;

The selection of the types of transport, the means of transportation and the transport routes, including the assembly points and the frontier crossing points and the return of used containers;

The handling of dangerous goods, including the application of relevant safety provisions;

Safety arrangements for the temporary stay and withdrawal of Soviet troops;

The location of, documentation on and disposal of waste and of all materials no longer needed, including the cleaning up of premises in accordance with German environmental law;

Problems of postal and telecommunication services as well as the utilization of the radio frequency spectrum;

The settlement of instances of damage, *inter alia*, in connection with accidents and catastrophes;

Supply services;

Questions in connection with employment contracts under article 21 of this Treaty;

Access to and handover of the immovable property;

Exercises and training activities;

Other questions whose consideration is deemed necessary.

(3) The Joint German-Soviet Commission shall operate according to rules of procedure in which the composition of the Commission is also regulated. It may establish working groups.

(4) If the Joint German-Soviet Commission is not able to solve a question in time, such question shall be clarified as soon as possible through diplomatic channels.

Article 26. ANNEXES

The annexes,

Traffic and transport matters during the temporary stay and on the withdrawal of Soviet troops from the garrison territory (annex 1),

Postal and telecommunication matters and the utilization of radio frequencies (annex 2),

Procedures and modalities for customs and tax privileges and customs inspection matters (annex 3), and

Mutual support and legal and administrative assistance (annex 4) are integral parts of this Treaty.

Article 27. FINAL PROVISIONS

(1) This Treaty shall be ratified; the instruments of ratification shall be exchanged as soon as possible in Moscow. This Treaty shall enter into force on the date of the exchange of instruments of ratification and shall have been applied provisionally since 3 October 1990.

(2) This Treaty shall remain in force until the Contracting Parties reach an agreement on the date of its abrogation.

DONE at Bonn on 12 October 1990 in two original copies, each in the German and Russian languages, both texts being equally authentic.

For the Federal Republic of Germany:

HANS-DIETRICH GENSCHER

For the Union of Soviet Socialist Republics:

VLADISLAV TEREKHOV

ANNEX 1. TRAFFIC AND TRANSPORT MATTERS DURING THE TEMPORARY STAY AND WITHDRAWAL OF SOVIET TROOPS FROM THE GARRISON TERRITORY

TRANSPORT SERVICES

I

The German authorities shall guarantee the transportation of Soviet troops, at the latter's request, by rail, water, air or road, within the garrison territory. Such requests must be submitted to the German military transport authorities within the time-limits in force for the German armed forces. Rolling stock belonging to and used exclusively by the Soviet troops may be brought into and taken out of the garrison territory through border crossing points which shall be designated according to a list to be agreed.

II

(1) The transport services by rail, water, air or road provided in the garrison territory for the Soviet troops shall comply with the provisions in force for the German armed forces and with tariffs which shall be agreed on separately.

(2) The accounts for the journeys and for the servicing of the military passenger trains of the USSR and for the services connected therewith provided by the German Federal Railways shall be settled between the German Federal Railways and the Ministry of Railways of the USSR.

III

(1) The offices for military communications of the Soviet troops in the garrison territory shall monitor the military transportation by the Soviet troops and their compliance with the rules and regulations in force on the German railways and in German shipping.

(2) The competent German military transport authorities shall, on request, provide the offices for military communications of the Soviet troops with the information required for undertaking and completing the military transport.

(3) The offices for military communications of the Soviet troops may, by agreement with the competent German military transport authorities, change whenever necessary the loading times, the loading and unloading stations and the routes for columns, trains and transports.

(4) The furnishing of the offices for military communications of the Soviet troops with office space and travel vouchers shall take place within the framework of a special agreement, taking into account the previous practice.

IV

(1) The equipping of railway coaches for the transport of personnel shall be carried out in conformity with the provisions in force on the German Railways.

(2) The carriage of over-sized goods, or ammunition, explosives or other dangerous goods, shall be carried out in conformity with the provisions in force on the German Railways.

(3) The maintenance and servicing of branch lines for Soviet troops in the garrison territory shall be carried out in conformity with the provisions in force for the German armed forces.

(4) A special agreement shall be concluded on the payment for these services by the Soviet command, taking into account the previous practice.

TRANSPORT MATTERS DURING THE WITHDRAWAL OF TROOPS

V

The Government of the Federal Republic of Germany shall render the Soviet side all assistance in guaranteeing the prerequisites for the measures connected with the withdrawal of Soviet troops from the garrison territory. This applies in particular to the determination of specific routes by rail and road, to the arrangement of a smooth border crossing in both directions and to the organization of air transport.

VI

(1) The German side shall make available the rolling stock in a state ready for transportation, the materials and devices required for securing weapons and military equipment, shunting engines, engine drivers, shunters and loading and unloading devices under the conditions applying to the German armed forces, and shall guarantee compliance with the schedules and safety requirements established for transports of the Soviet troops in the garrison territory.

(2) These duties shall be discharged through the intermediary of the competent German military transport authorities by representatives of the offices for military communications of the Soviet troops.

VII

The German authorities shall, using the personnel of their competent services, provide comprehensive assistance in the transport of the motor-vehicle convoys of Soviet troops which are in the process of being withdrawn by their own means of transport from the garrison territory, first and foremost through the arrangement and guarantee of unimpeded transit along the roads of the garrison territory, provision of stopping places and, if necessary, through arrangements for refuelling.

VIII

The withdrawal of Soviet troops may also take place by air. Air force units may be withdrawn in closed formation. Article 7 of this Treaty governs the performance of the necessary flights.

IX

(1) For the withdrawal of Soviet troops by sea, the shipping routes Rostock-Kaliningrad and Mukran-Klaipėda shall be given preference.

(2) The German side shall, at the request of the offices for military communications of the Soviet troops, provide support for the transport of military goods via the relevant ports.

(3) Implementation of such measures shall be subject to special agreements between the Soviet troops and the German firms concerned.

X

Transports and movements of Soviet troops during their withdrawal from the garrison territory shall take place with due regard for the interests of the civilian population in the garrison territory and in conformity with the provisions of German law.

XI

Matters connected with transport during withdrawal of the Soviet troops from the garrison territory shall be resolved by the Contracting Parties in a joint working group, which shall be set up by the Joint German-Soviet Commission under article 25 of this Treaty.

ANNEX 2. POSTAL AND TELECOMMUNICATION MATTERS AND THE UTILIZATION OF RADIO FREQUENCIES

I

(1) The Soviet troops shall be entitled, in the garrison territory, to operate their own post offices, which shall process mail, telegrams, periodicals and newspapers which are addressed to or sent by the Soviet troops, members of the troops and their family members.

(2) Periodicals and mail for the Soviet troops from the Union of Soviet Socialist Republics shall be delivered daily, including on Sundays and holidays, by air, by rail and by road.

(3) Special mail shall not be subject to any inspection when passing the German national border of the garrison territory or during its movement within that territory. All means of transport carrying special mail, periodicals or postal items shall be supplied with a special pass of the Soviet format.

II

If the Soviet troops, members of the troops or their family members use the postal services of the German Federal Post, the relevant regulations in effect in the garrison territory shall apply.

III

The Soviet troops, members of the troops and their family members shall use the public telecommunication services of the Federal Republic of Germany unless otherwise provided in this Treaty. Such use shall be governed by the relevant German regulations.

IV

The Soviet troops may continue to use, on the same terms as previously, the telecommunication services which they used before the Treaty came into force.

V

The Soviet troops shall require authorization by the Federal Minister of Posts and Telecommunications for the installation and operation of telecommunication systems beyond the bounds of the immovable property used by them, or for radio installations. Such authorization shall be granted in conformity with the German regulations.

VI

The Soviet troops shall be entitled to continue using, free of cost and to the same extent as previously, the communication channels installed or restored by them. The Soviet troops may make repairs to the telecommunication lines installed or restored by them, in so far as the communication channels used serve the needs of the Soviet troops, members of the troops and their family members. Repair work beyond the bounds of the immovable property used by the Soviet troops requires the consent of the German authorities.

VII

Telecommunication installations which need to be connected to the junction points or lines of the German telecommunications network shall require a licence. Existing telecommunication installations which are already in operation at the time of entry into force of the Treaty may remain in operation on the German telecommunications network, without any change, provided no interference is created in the process.

VIII

The Soviet troops shall be entitled, on agreement with the Federal Minister of Posts and Telecommunications regarding the broadcasting frequencies to be employed, to operate new

radio and television stations of their own for the Soviet troops, members of the troops and their family members. Existing broadcasting stations of this type may continue operating without any change.

IX

The Soviet troops, members of the troops and their family members may operate radio and television receivers without any requirement to pay fees or obtain an individual licence.

X

The Soviet troops shall adopt all reasonable measures to eliminate interference in the German telecommunications network through telecommunications systems or other electrical installations belonging to the troops.

XI

The German side shall undertake to eliminate, without undue delay, interference in the telecommunications services made available to the Soviet troops. It shall take all reasonable measures to eliminate intentional interference in the operation of the radio services of the Soviet troops.

XII

For the purpose of regulating the procedures for use of the frequency spectrum and guaranteeing the electromagnetic compatibility of the radio-electronic equipment, there shall be set up a permanent working group attached to Soviet troops headquarters and the German Federal Telecommunications Administration.

ANNEX 3. PROCEDURES AND MODALITIES FOR CUSTOMS AND TAX PRIVILEGES AND CUSTOMS INSPECTION MATTERS

I

(1) For the import and export of goods for which, under article 16, paragraph 1, customs and excise duties, including import turnover tax, are not levied, a certificate of an agreed format, duly completed by the Soviet troops or an otherwise competent Soviet authority, shall be submitted to the German customs authorities.

(2) The privileges under article 16, paragraphs 2 to 4, shall be accorded on condition that the supplier can provide proof to the German financial authorities of the fulfilment of the relevant requirements in the form of a certificate from the Soviet troops of an agreed format (settlement voucher), or in the form of a certificate from the German authority responsible for procurement or building works. The supplier shall also demonstrate in the account books that the tax exemption requirements have been met. Reference to the settlement voucher or the certificates from the German authorities shall be made in the records and accounts.

II

(1) The tax-free goods available to the Soviet troops shall be sold to members of the troops or their family members for their private use or consumption through certain establishments belonging to the Soviet troops or organizations in their employ.

(2) The Soviet troops may sell goods to persons other than members of the troops or family members only by special arrangement with the German authorities. The Soviet troops shall hand over the goods to a purchaser only against presentation of a certificate from the German customs authorities confirming that all customs formalities have been duly completed.

III

(1) Subject to the privileges specified in article 16, the customs and tax regulations in force in the garrison territory shall apply to members of the Soviet troops and their family members.

(2) Members of the Soviet troops and their family members shall be entitled, in addition to their imported household effects and private motor vehicles, to import other goods intended for their personal or domestic use or consumption without paying customs or other import duties. This privilege shall apply not only to goods which are owned by such persons but also to goods which are sent to them as gifts or delivered under contracts which they have concluded directly with persons resident outside the garrison territory.

(3) Members of the Soviet troops and their family members shall be permitted to sell among themselves goods imported duty-free or otherwise acquired with tax privileges. Dispositions in favour of other persons shall be permitted after notification of, and authorization by, the customs authorities and other competent authorities of the Federal Republic of Germany, except where such authorities have established general exceptions to the regulations in effect.

IV

The customs inspection of consignments imported or exported by the Soviet troops shall be carried out by the German customs authorities according to the following principles:

(a) The customs inspection of packages closed with official lead or other seals or of cargo compartments in conveyances of goods shall be limited to verification of the official seals. Only in the case of damage to an official seal or suspicion of abuse shall a joint inspection of goods by the German customs authorities and representatives of the Soviet troops be carried out.

(b) The extent of the verification of consignments which are not officially sealed and the procedures for carrying out such verification shall be regulated by special agreements between the Soviet troops and the German customs administration. In these agreements the type of consignments, means of conveyance, the particular operations of the troops and all other relevant factors shall be taken into account.

The Soviet troops may demand that the verification take place at the destination of the consignment or somewhere near it rather than at the border. In such a case the German customs authorities shall be entitled to adopt the requisite measures to guarantee that the consignment arrives intact at the site of verification.

(c) Consignments which, according to the certificates issued by the Soviet troops, contain military equipment or other objects to which access is restricted on grounds of secrecy shall be liable to verification if a request stating reasons is made by the German customs authorities; such verification shall be performed by specially appointed representatives of the troops. The result of the verification shall be made known to the German customs authorities.

(d) Consignments which are imported or exported through a military airfield or via the postal and freight services of the Soviet troops shall be subject to inspection by the Soviet troops. If the German customs authorities so request, stating their reasons, they shall be furnished with information on the results of the customs inspection.

(e) A customs inspection of detachments and units of Soviet troops which cross the German national border for official reasons shall not take place if the place and time of the border crossing is reported to the German customs authorities in advance or if the officer in charge submits, in addition to the marching order, a written statement to the effect that the requisite measures to rule out infringements of the customs and tax regulations have been adopted.

V

The implementation of the provisions of article 16 in detail shall be governed by administrative agreements with the German financial authorities, with both sides setting forth in particular the principles according to which certain goods shall be supplied in limited quantities only to members of the Soviet troops and of their families.

ANNEX 4. MUTUAL SUPPORT AND LEGAL ADMINISTRATIVE ASSISTANCE

A. GENERAL

I

(1) The competent authorities and law courts of the Contracting Parties shall cooperate, within the scope of the Treaty, on matters within their jurisdiction that are connected with the temporary stay of the Soviet troops in the garrison territory, and render each other administrative and legal assistance.

(2) Legal assistance covers, in particular, the submission of official documents, the summoning of parties to the proceedings, defendants, witnesses and experts, the obtaining and safe keeping of evidence, and other action essential for clarification of the facts of the case or for the conduct of legal proceedings.

II

(1) If the German courts and authorities exercise jurisdiction, the competent Soviet authorities shall render them assistance in the submission of documents.

(2) In the case of summonses to appear before a German court or a competent German authority, the competent Soviet authorities shall be responsible for the appearance of the parties whose presence is obligatory under German procedural law.

(3) If a Soviet court or a competent Soviet authority requires the appearance of witnesses, experts or other persons whose presence is required under Soviet procedural law, the competent German courts and authorities shall be responsible for the appearance of such persons in accordance with internal State legislation.

III

(1) The rights and duties of the witnesses, experts, injured parties and other persons shall be defined in accordance with the law of the Contracting Party before whose courts or competent authorities they appear.

(2) The courts and competent authorities shall be obliged, furthermore, to take into account the rights which the witnesses, experts, injured parties and other persons would enjoy before the German or Soviet courts or authorities.

IV

If, in the course of civil, criminal or other legal proceedings, including questioning, it emerges that an official secret of one or both of the Contracting Parties or a piece of information that would harm the security of one or both of the Contracting Parties might be disclosed, the court or the authority shall first obtain the written consent of the authority concerned as to whether the official secret or the piece of information may be made a subject of a public hearing. If the competent authority raises objections, then the court or the competent authority shall exclude the public and adopt all measures within its competence to prevent release to the public of the official secret or the information. The constitutional rights of a party to the proceedings may not be violated thereby.

V

(1) When exchanging instruments of ratification, each Contracting Party to the Treaty shall inform the other Contracting Party which authorities are responsible for the acceptance and transmission of requests for support and administrative and legal assistance, and other notifications provided for in this Treaty.

(2) Each Contracting Party shall notify the other Contracting Party without delay of any changes in the list of competent authorities referred to in paragraph 1.

(3) Differences of opinion on jurisdiction and the obligation to render mutual support and cooperation shall be dealt with by the Joint German-Soviet Commission under article 25 of this Treaty.

VI

(1) The German and Soviet courts and competent authorities shall use the German or Russian language in their dealings with each other.

(2) When exchanging instruments of ratification, the Contracting Parties shall state which requests and documents shall require a translation into German or Russian to be attached when transmitted.

VII

Fees and expenses shall not be charged for carrying out requests. The requested Contracting Party shall nevertheless be entitled to demand from the requesting Contracting Party the reimbursement of expenses incurred through the fact that, in accordance with the internal legislation of the requested Contracting Party, compensation was paid to the witnesses, experts or interpreters.

B. LEGAL ASSISTANCE IN CIVIL AND ADMINISTRATIVE CASES

VIII

(1) A statement of claim or any other document or court ruling serving to institute, ensure the continuation of or terminate non-criminal proceedings before a German court or a German authority shall be served upon members of the Soviet troops or their family members by a competent Soviet authority within the meaning of article V, paragraph 1.

(2) The competent Soviet authority shall acknowledge receipt without delay of any request for service of documents transmitted to it by a German court or a German authority.

Service is deemed to have been effected when the document to be served has been transmitted to the recipient by the competent Soviet authority. The German court or the German authority shall receive without delay a written confirmation that service has been effected.

(3) If, within 21 days of the date of issue by the competent Soviet authority of an acknowledgement of receipt of the request for service, the German court or the German authority has received neither the written confirmation of the effected service under paragraph 2 nor notification that the service could not be effected, the German court or the German authority shall send the competent Soviet authority a further copy of the request for service with notification that seven days after its receipt the service shall be deemed to have been effected. Upon expiry of the seven-day period the service shall be deemed to have been effected unless the competent Soviet authority states before expiry of the period that it was unable to effect the service. The competent Soviet authority may apply for an extension of this period.

(4) The German courts and authorities may not serve documents upon members of the Soviet troops or their family members by public notification.

(5) For the service of administrative decisions and other documents relating to legal proceedings in the case of an administrative authority, paragraphs 1 to 4 of this article shall apply *mutatis mutandis*.

IX

If members of the Soviet troops or their family members are temporarily prevented, for valid reasons, from appearing in non-criminal proceedings in which they are involved, they shall not suffer any disadvantage as a result.

X

(1) The final judgements of German courts and authorities in non-criminal proceedings that are instituted against members of the Soviet troops or their family members shall be recognized and enforced by the Soviet authorities. Such recognition and enforcement may be opposed only if:

(a) It is a case of judgement by default, and the party concerned has not been allowed a hearing in the legally prescribed manner, or

(b) The judgement conflicts with a final judgement pronounced earlier by Soviet courts or authorities.

(2) A judgement within the meaning of paragraph 1 is any judgement passed by a German court or a German authority in a non-criminal case, irrespective of its designation as a verdict, decision or ruling, including judgements on compensation for damages awarded in criminal proceedings.

XI

(1) The enforcement of final judgements pronounced in the non-criminal proceedings of courts and authorities shall conform with German legislation, except as otherwise provided below.

(2) The competent Soviet authorities shall offer German courts and authorities all possible support in the enforcement of final judgements pronounced in non-criminal proceedings.

(3) The arrest of members of the Soviet troops or their family members may not be ordered by German courts and authorities in the execution of a final judgement pronounced in non-criminal proceedings.

(4) If the execution of an enforceable instrument in the non-criminal proceedings of German courts and authorities is to be carried out within areas of immovable property assigned to the Soviet troops, it shall be done by the German executory officer in the presence of a representative of the competent Soviet authorities.

(5) Attachment of the earnings of members of Soviet troops on orders of a German court or a German authority shall be admissible only in so far as permitted by Soviet law.

(6) If, on the basis of a claim by a third party, a final judgement of German courts or authorities is enforced against a person who in turn has a claim against the administration of the Soviet troops in respect of deliveries or other services, the administration of the Soviet troops shall, at the request of an enforcement agency, transmit the corresponding sum to the court cashier. The transfer shall reduce the obligation of the administration of the Soviet troops to the person concerned by the amount of the transferred sum.

C. LEGAL ASSISTANCE CRIMINAL CASES

XII

The competent German and Soviet authorities shall inform each other without delay of any criminal or administrative offences which have become known to them where it is suspected that they were committed by members of the Soviet troops or their family members on the territory of the Federal Republic of Germany. They shall inform each other at the same time whether they intend to exercise criminal jurisdiction. The competent German or Soviet authorities exercising jurisdiction shall inform the relevant authorities of the other Contracting Party of the measures adopted by them, the place and time of the trial, and the status and result of the proceedings.

XIII

The competent German and Soviet courts and authorities shall assist each other in the performance of all necessary investigations in criminal and administrative cases, and in the obtaining of evidence, including the seizure and handing over of objects connected with a criminal or administrative offence. They shall further assist each other in the arrest and handover of persons to courts and authorities which have jurisdiction under article 18 of this Treaty.

XIV

(1) Legal proceedings taking place in the areas of immovable property assigned to the Soviet troops within the meaning of article 1.6 of this Treaty or in connection with postal items that are sent or received by the Soviet military units may be undertaken by the competent German authorities with the consent of the competent Soviet authorities.

(2) At the request of the competent German authorities, the action referred to in paragraph 1 of this article shall be undertaken by the Soviet competent authorities by means of administrative and legal assistance.

(3) The arrest of members of the Soviet troops or their family members in the areas of immovable property assigned to the Soviet troops shall be made by the military prosecutor of the Soviet troops on the basis of a decision by a German judge or an order by the public prosecutor; the warrant for arrest must contain details of the facts of the case.

(4) The competent German authorities shall inform the competent Soviet authorities without delay of all other cases of the arrest of members of the Soviet troops or their family members.

XV

If the competent Soviet authorities receive information concerning a criminal offence committed against the Soviet troops in the garrison territory, or against members of the troops or their family members by a person who does not belong to the above-mentioned group,

(a) They shall inform the competent German authorities thereof without delay;

(b) They shall take the necessary steps at the scene of the offence pending the arrival of a representative of the competent German authorities to preserve all traces and evidence of the offence and, if necessary, to detain the person who committed the crime;

(c) They may detain the suspect provided that he was caught at the scene of the crime, there is risk of his fleeing and there is no representative of the competent German authorities present on the spot; the person detained shall be handed over to the competent German authorities without delay.

XVI

(1) If the German authorities exercise criminal jurisdiction over a member of the Soviet troops or a family member thereof, a representative of the competent Soviet authority shall have the right to be present at the trial. At the request of the competent Soviet authorities, the representative shall have the right to examine the case file and to be present during the questioning or other investigatory proceedings, provided the Soviet procedural legislation so permits.

(2) If the defendant is at liberty, the competent Soviet authorities shall take all possible steps to ensure his appearance when summoned by the competent German authorities.

(3) At the request of or with the consent of the defendant, the court may admit a Soviet legal counsel as defence counsel in conformity with German procedural law.

(4) If the competent Soviet authorities exercise criminal jurisdiction over a member of the Soviet troops or a family member thereof, the competent German public prosecutor or a representative of the German authorities shall have the right to be present at the trial provided that the offence was not directed exclusively against the Soviet troops, members of the troops or their family members. In these cases, the competent German public prosecutor or representative of the German authorities has the right to examine the case file and to be present at questionings or other proceedings, provided the Soviet procedural legislation so permits.

XVII

(1) In cases in which the German authorities exercise jurisdiction, the German authorities shall have competence for the custody of members of the Soviet troops or their family members. In cases in which the Soviet authorities exercise jurisdiction, such competence shall rest with the Soviet authorities.

(2) If a member of the Soviet troops or their family members are remanded in custody or are held in prison, the German authorities shall, on request, permit a representative of the Soviet authorities to visit them, provided the procedural legislation so permits.

XVIII

(1) Judgements and rulings which are pronounced by German courts and other competent German authorities in proceedings coming under German jurisdiction against members of the Soviet troops or their family members shall be enforced by the German authorities; the Soviet authorities shall be obliged to render assistance in the process. In particular, where a final sentence of imprisonment is pronounced without suspension or probation, the Soviet authorities shall be obliged to arrest the convicted party and hand him over to the competent German authorities.

(2) Members of the Soviet troops or their family members who are sentenced by a German court to imprisonment without suspension or probation may not leave the territory of the Federal Republic of Germany before serving out the sentence.

(3) At the request of, or with the consent of, the competent Soviet authorities and on condition that the person on whom a final sentence has been imposed agrees with a judge's record of the proceedings, the competent German authorities may transfer to the Soviet authorities the enforcement of a final sentence of imprisonment to which a German court has sentenced a member of the Soviet troops or a family member thereof, in accordance with the provisions in force in respect of foreign States on enforcement assistance in criminal cases. The details of the transfer of enforcement shall be agreed by an exchange of notes.

(4) Sentences passed by Soviet courts shall not be executed in the garrison territory. This shall not apply to custodial sentences of three months or less.