

No. 29538

**FEDERAL REPUBLIC OF GERMANY
and
POLAND**

Agreement concerning the reciprocal establishment and activity of cultural and scientific and technological information institutes (with exchanges of notes dated 6 February 1990). Signed at Warsaw on 10 November 1989

Authentic texts: German and Polish.

Registered by Germany on 28 January 1993.

**RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE
et
POLOGNE**

Accord relatif à l'établissement et aux activités de centres d'information culturelle, scientifique et technologique dans les deux pays (avec échanges de notes en date du 6 février 1990). Signé à Varsovie le 10 novembre 1989

Textes authentiques : allemand et polonais.

Enregistré par l'Allemagne le 28 janvier 1993.

[TRANSLATION — TRADUCTION]

AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE FEDERAL REPUBLIC OF GERMANY AND THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF POLAND CONCERNING THE RECIPROCAL ESTABLISHMENT AND ACTIVITY OF CULTURAL AND SCIENTIFIC AND TECHNOLOGICAL INFORMATION INSTITUTES

The Government of the Federal Republic of Germany and
The Government of the People's Republic of Poland,
Hereinafter referred to as the "Contracting Parties",

Motivated by the desire for the all-round development of their mutual relations in accordance with the Agreement between the Federal Republic of Germany and the People's Republic of Poland concerning the basis for normalization of their mutual relations, signed at Warsaw on 7 December 1970,²

In implementation of the Agreement between the Government of the Federal Republic of Germany and the Government of the People's Republic of Poland concerning cultural cooperation, signed at Bonn on 11 June 1976,³

In the light of the Agreement between the Government of the Federal Republic of Germany and the Government of the People's Republic of Poland on cooperation in the fields of science and technology, signed at Warsaw on 10 November 1989,⁴

Anxious to implement the provisions of the Final Act of the Conference on Security and Co-operation in Europe of 1 August 1975⁵ and the Concluding Documents of the Follow-Up Meetings held at Madrid on 6 September 1983⁶ and at Vienna on 15 January 1989,⁷ and likewise of the other documents adopted during the course of the Conference on Security and Co-operation in Europe,

Convinced that broad cultural and scientific and technological cooperation will contribute to better mutual understanding,

Have agreed as follows:

Article 1

The Contracting Parties shall, on the basis of reciprocity, establish Cultural and Scientific and Technological Information Institutes, hereinafter referred to as "Institutes".

The Contracting Parties shall inform each other through diplomatic channels of the opening date of the Institutes.

¹ Came into force on 21 February 1991, the date on which the Parties informed each other of the completion of their domestic requirements, in accordance with article 15.

² United Nations, *Treaty Series*, vol. 830, p. 327.

³ *Ibid.*, vol. 1109, p. 145.

⁴ See p. 171 of this volume.

⁵ *International Legal Materials*, vol. 14 (1975), p. 1292 (American Society of International Law).

⁶ *Ibid.*, vol. 22 (1983), p. 1395 (American Society of International Law).

⁷ *Ibid.*, vol. 8 (1989), p. 527 (American Society of International Law).

Article 2

The Institute of the Federal Republic of Germany shall have its headquarters in Warsaw. The headquarters of the Institute of the People's Republic of Poland shall be agreed upon in due course.

Article 3

(1) The Contracting Parties shall supervise the activities of the Institutes. Questions arising out of the implementation of this agreement and the activities of the Institutes shall be settled through diplomatic channels.

(2) The Federal Republic of Germany shall entrust the "Goethe Institute for Promoting German Language Study Abroad and International Cultural Cooperation", having its headquarters in Munich, with the supervision of the assignments of the Institute in Warsaw.

Article 4

The Institutes shall carry out their activities in accordance with this Agreement and with the currently applicable laws and regulations of the receiving State.

Article 5

Within the scope of their activities the Institutes shall:

1. Organize cultural events, and also events covering scientific, technological and economic subjects together with background studies (lectures, meetings, seminars, art displays, exhibitions and film and video performances).

2. Keep a collection of newspapers, periodicals, books, records, tapes, data media, video cassettes and films, which shall be placed free of charge at the disposal of interested persons and entities. The Institutes shall lay particular emphasis on the provision of specialized information in the fields of science, technology and economics.

3. Conduct general and specialized language courses together with courses on the methodological and teaching procedures used in language instruction, and also make teaching materials available for this purpose.

4. Publish programmes relating to the activities of the Institutes and issue information material on the events organized by them. The Institutes shall issue Bulletins on the latest progress in science and technology in the form of synopses of recent scientific publications. The Bulletins shall in addition contain bibliographies and lists of new acquisitions on the part of the Institute concerned in the areas of culture, science and technology. All these materials shall be distributed in the receiving State free of charge.

Article 6

(1) Both Parties undertake to establish, in their respective Institutes, data terminals for facilitating the exchange of scientific and technological information.

(2) Details regarding the establishment and operation of these data terminals shall be regulated by an exchange of notes, whose provisions shall come into force simultaneously with this Agreement.

Article 7

(1) The Institute shall be headed by a Director appointed by the assigning Contracting Party. The assigning Contracting Party shall inform the other Contracting Party thereof through diplomatic channels. The assigning Party may also assign other persons to work at the Institute.

(2) The status of the Director and of the staff assigned to the Institutes shall be regulated by exchange of notes. By mutual agreement the scope of the regulations contained in the exchange of notes can be extended on the basis of reciprocity.

(3) The Institutes may also employ local staff; their terms of employment shall be governed by the law of the receiving State applicable at the time.

Article 8

(1) The competent authorities and establishments of the one Contracting Party shall support the Institute of the other Contracting Party in carrying out its functions pursuant to articles 5 and 6.

(2) Within the limits of their competence in matters concerning them, the Institutes may establish contact with the competent government departments and institutions of the other Contracting Party concerned with matters of culture, science and technology.

Article 9

The Contracting Parties shall ensure the unrestricted access of the public to the Institutes together with their normal operation.

Article 10

(1) Staff assigned to the Institutes and their family members (spouses and unmarried children) shall receive a residence permit from the authorities of the other Party, if possible within two weeks of the submission of an application therefor.

(2) Staff assigned to the Institutes shall require no work permits for their employment at the Institutes. This shall likewise apply to their spouses employed at the Institutes.

Article 11

(1) The Contracting Parties confirm that in their activities the Institutes shall not pursue the aim of securing financial gain.

(2) On the basis of reciprocity, both Parties shall grant the Institutes exemption from turnover tax in respect of their services rendered, in the context of the laws and regulations applicable at the relevant time.

(3) Pursuant to article 22 of the Convention of 18 December 1972 between the Federal Republic of Germany and the People's Republic of Poland for the avoidance of double taxation with respect to taxes on income and on fortune,¹ the competent authorities of both Contracting Parties have agreed that the remuneration of staff assigned to the Institutes shall, pursuant to article 17 in conjunction with article 21 of the agreement in question, be liable to taxation only in the assigning State.

¹ United Nations, *Treaty Series*, vol. 994, p. 187.

Article 12

(1) The equipment, including technical apparatus and materials, together with the assets of the Institute shall be the property of the assigning Contracting Party.

(2) Each Contracting Party shall bear the costs of equipping and operating its Institute. The Institutes may charge fees for language courses. Liability for the costs relating to the use of the data terminals shall be settled in accordance with article 6.

Article 13

Within the scope of the currently applicable laws and regulations, the Contracting Parties shall, on the basis of reciprocity, grant exemption from customs and other dues in respect of

- Items of equipment and motor vehicles belonging to the Institutes and also of other items imported for the activities of the Institutes pursuant to articles 5 and 6 of this Agreement,
- Household goods, including motor vehicles, belonging to staff assigned to the Institutes and their family members, imported within six months of the date of arrival of the persons concerned in the territory of the other Party.

Article 14

In conformity with the Quadripartite Agreement of 3 September 1971,¹ this agreement shall apply also to Berlin (West) in accordance with established procedures.

Article 15

This Agreement shall enter into force on the date on which both Contracting Parties inform each other that the requisite national requirements for its entry into force have been fulfilled.

Article 16

(1) This Agreement is concluded for a period of five years. It shall be tacitly extended for successive periods of two years unless it is denounced by notification by either Contracting Party at least twelve months prior to the expiry of the current period of validity.

(2) In case of denunciation of this Agreement, both Institutes shall terminate their activities on the date on which this Agreement ceases to have effect.

DONE at Warsaw on 10 November 1989, in two original copies, in the German and Polish languages, both texts being equally authentic.

For the Government
of the Federal Republic of Germany:
HANS-DIETRICH GENSCHER

For the Government
of the People's Republic of Poland:
KRZYSZTOF SKUBISZEWSKI

¹United Nations, *Treaty Series*, vol. 880, p. 115.

EXCHANGES OF NOTES

I a

MINISTRY OF FOREIGN AFFAIRS

601-640.00 POL

The Ministry of Foreign Affairs presents its compliments to the Embassy of the People's Republic of Poland and, on the basis of article 3 paragraph 1 subparagraph 2 of the Agreement of 10 November 1989 between the Government of the Federal Republic of Germany and the Government of the People's Republic of Poland concerning the reciprocal establishment and activity of Cultural and Scientific and Technological Information Institutes, has the honour to propose the following arrangement:

1. The Cultural and Scientific and Technological Information Institutes referred to in article 1 of this Agreement shall bear the following names:

“Goethe-Institute — Cultural and Scientific and Technological Information Institute of the Federal Republic of Germany”,

“Cultural and Scientific and Technological Information Institute of the Republic of Poland”.

2. After the entry into force of the above Agreement, branches of the Institutes may be established by both Parties. For the establishment of a branch Institute, the agreement of both Parties in the form of an exchange of notes shall be required.

3. In conformity with the Quadripartite Agreement of 3 September 1971, this Agreement shall apply also to Berlin (West) in accordance with established procedures.

If the Government of the Republic of Poland accepts the above proposals, this note verbale and the note in reply from the Embassy of the Republic of Poland conveying acceptance by the Government of the Republic of Poland shall constitute an Arrangement between the Government of the Federal Republic of Germany and the Government of the Republic of Poland, which shall enter into force simultaneously with the above-mentioned Agreement.

The Ministry of Foreign Affairs takes this opportunity, etc.

Bonn, 6 February 1990

L.S.

The Embassy of the Republic of Poland

II a

No. 10/23/90

The Embassy of the Republic of Poland presents its compliments to the Ministry of Foreign Affairs of the Federal Republic of Germany and has the honour to acknowledge receipt of its note of 6 February, which reads as follows:

[*See note I a*]

The Embassy of the Republic of Poland has the honour to state that the Government of the Republic of Poland expresses its agreement to the foregoing and accepts the proposal of the Ministry of Foreign Affairs of the Federal Republic of Germany that the above-quoted note and the present note in reply should constitute an Arrangement which shall enter into force simultaneously with the Agreement in question.

The Embassy of the Republic of Poland takes this opportunity, etc.

Cologne, 6 February 1990

The Ministry of Foreign Affairs
of the Federal Republic of Germany
Bonn

I b

MINISTRY OF FOREIGN AFFAIRS

601-640.00 POL

With reference to article 6 paragraph 2 of the Agreement of 10 November 1989 between the Government of the Federal Republic of Germany and the Government of the People's Republic of Poland concerning the reciprocal establishment and activity of Cultural and Scientific and Technological Information Institutes, the Ministry of Foreign Affairs has the honour to propose to the Embassy of the Republic of Poland the following arrangement concerning the establishment of data terminals:

1. On the basis of reciprocity both Institutes shall facilitate the exchange of scientific and technological information by the provision of data terminals (including software) for on-line service with selected, publicly accessible data banks (including their processors or hosts).

2. The establishment and operation of further data terminals, including terminals which permit access to data banks of the other Party, shall be permitted.

3. The agents of the Institutes shall conclude the necessary arrangements or contracts of use with the corresponding data bank hosts. Both agents shall endeavour to offer data bank services thematically as broad and as up to date as possible.

4. Lists of data banks to which access shall be made possible pursuant to section 3 are annexed hereto. The lists can be amended by agreement between the Parties. In accordance with the principles of freedom of contract, the right of the partners to the contracts of use to add or to remove one or more data banks shall remain unaffected.

5. In their respective fields of responsibility, both Parties shall furnish the technical network and transmission prerequisites for on-line operation of the data terminals. Attention shall be paid in this connection to ensuring optimum quality and transmission speed (at least 1,200 bps).

6. The Institutes shall receive from the currently competent authorities of both Parties the necessary separate telephone connections with direct access to the international telephone network for purposes of operating the data terminal.

7. Both Parties shall endeavour to secure the use of telecommunications hardware and associated software conforming to normal international standards and appropriate to the operational requirements. The relevant operating permits and connecting devices shall be forthcoming.

8. Use of the facility shall be open to all interested parties.

9. The infrastructure for the installation, operation and servicing of the data terminal (staff, material, telephone, network and investment costs, etc.) shall be provided by the Institutes free of charge. The costs of data bank interrogations shall be borne by the user in the currency in which they arise.

10. At the request of the other Party, however, the Federal Republic of Germany agrees that use of the German data terminal can be paid for in national currency in the Republic of Poland.

11. For the defrayal of current costs the Institutes may make unrestricted use of income in national currency originating from utilization of the data terminals. The total amount up to which data bank interrogations by users of the data terminal in the Federal Republic of Germany may be paid for in national currency shall be determined by the agent. In respect of the financial year in which this terminal comes into operation it shall be set at a maximum of DM 75,000, but may, however, not exceed the amount which the Institute in the Federal Republic of Germany is called upon to disburse in the current financial year in national currency as a consequence of payment obligations.

12. Future total amounts pursuant to section 11 shall be jointly set on the basis of mutual consultations for successive periods of three financial years, in good time and in accordance with requirements.

13. Users of the data terminal in the Federal Republic of Germany who pay in national currency shall be charged only for the costs incurred by the hosts in respect of inquiries (including print-out costs).

14. A suitable accounting system shall be jointly arranged.

15. Both Parties shall make it possible for complete texts originating from inquiries with the data terminals also to be transmitted by other than electronic means.

16. These provisions may be amended by agreement.

17. In other respects the arrangements and procedures laid down in the Agreement shall apply.

18. The consultations and coordination measures required for the implementation of this exchange of notes shall be carried out as required, but at least annually, by representatives of the agents.

19. In conformity with the Quadripartite Agreement of 3 September 1971, this Agreement shall apply also to Berlin (West) in accordance with established procedures.

If the Government of the Republic of Poland accepts the proposals contained in sections 1 to 19, this note verbale and the note in reply from the Embassy of the Republic of Poland conveying acceptance by the Government of the Republic of Poland shall constitute an Arrangement between the Government of the Federal Republic of Germany and the Government of the Republic of Poland which shall enter into force simultaneously with the above-mentioned Agreement.

The Ministry of Foreign Affairs takes this opportunity, etc.

Bonn, 6 February 1990

L.S.

The Embassy of the Republic of Poland

II *b*

No. 10/25/90

The Embassy of the Republic of Poland presents its compliments to the Ministry of Foreign Affairs of the Federal Republic of Germany and has the honour to acknowledge receipt of its note of 6 February 1990, which reads as follows:

[*See note I b*]

The Embassy of the Republic of Poland has the honour to state that the Government of the Republic of Poland expresses its agreement to the foregoing and accepts the proposal of the Ministry of Foreign Affairs of the Federal Republic of Germany that the above-quoted note and the present note in reply should constitute an Arrangement which shall enter into force simultaneously with the Agreement in question.

The Embassy of the Republic of Poland takes this opportunity, etc.

Cologne, 6 February 1990

The Ministry of Foreign Affairs
of the Federal Republic of Germany
Bonn

I c

MINISTRY OF FOREIGN AFFAIRS

601-640.00 POL

With reference to article 7 paragraph 2 of the Agreement of 10 November 1989 between the Government of the Federal Republic of Germany and the Government of the People's Republic of Poland concerning the reciprocal establishment and operation of Cultural and Scientific and Technological Information Institutes, the Ministry of Foreign Affairs has the honour to propose to the Embassy of the Republic of Poland the following arrangement regarding the status of the Director and the assigned staff of the Institutes:

1. Staff assigned to the Institutes shall be provided with passports issued by the Ministries of Foreign Affairs. The type of passport shall be determined by the Ministry of Foreign Affairs of the assigning Party.

2. Pursuant to article 10 paragraph 1 of the above-mentioned Agreement, the currently competent authorities shall, on a priority basis, issue to assigned staff and their family members (spouses and unmarried children) residence permits with the right to multiple crossing of the frontier.

3. Assigned staff shall be exempt from public service obligations applicable in the territory of the receiving Party.

4. The Directors or Deputy Directors shall be included in invitations to appropriate functions organized by the regional and local authorities.

5. Assigned staff may hold a foreign exchange bank account.

6. Assigned staff shall be entitled to invite their private guests in accordance with the procedure established in respect of the staff of diplomatic missions.

7. In conformity with the Quadripartite Agreement of 3 September 1971, this Arrangement shall apply also to Berlin (West) in accordance with established procedures.

If the Government of the Republic of Poland accepts the proposals contained in sections 1 to 7, this note verbale and the note in reply from the Embassy of the Republic of Poland conveying acceptance by the Government of the Republic of Poland shall constitute an Arrangement between the Government of the Federal Republic of Germany and the Government of the Republic of Poland which shall enter into force simultaneously with the above-mentioned Agreement.

The Ministry of Foreign Affairs takes this opportunity, etc.

Bonn, 6 February 1990

L.S.

The Embassy of the Republic of Poland

II c

No. 10/24/90

The Embassy of the Republic of Poland presents its compliments to the Ministry of Foreign Affairs of the Federal Republic of Germany and has the honour to acknowledge receipt of its note of 6 February 1990, which reads as follows:

[*See note I c*]

The Embassy of the Republic of Poland has the honour to state that the Government of the Republic of Poland expresses its agreement to the foregoing and accepts the proposal of the Ministry of Foreign Affairs of the Federal Republic of Germany that the above-quoted note and the present note in reply should constitute an Arrangement which shall enter into force simultaneously with the Agreement in question.

The Embassy of the Republic of Poland takes this opportunity, etc.

Cologne, 6 February 1990

The Ministry of Foreign Affairs
of the Federal Republic of Germany
Bonn
