

No. 8291

**NETHERLANDS
and
FEDERAL REPUBLIC OF GERMANY**

**Agreement concerning the merging of frontier control operations and the establishment of joint and transfer railway stations at the Netherlands-German frontier.
Signed at The Hague, on 30 May 1958**

Official texts: Dutch and German.

Registered by the Netherlands on 5 August 1966.

**PAYS-BAS
et
RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE**

Accord concernant la juxtaposition des contrôles et la création de gares communes ou de gares d'échange à la frontière néerlandaise-allemande. Signé à La Haye, le 30 mai 1958

Textes officiels néerlandais et allemand.

Enregistré par les Pays-Bas le 5 août 1966.

[TRANSLATION — TRADUCTION]

No. 8291. AGREEMENT¹ BETWEEN THE KINGDOM OF THE NETHERLANDS AND THE FEDERAL REPUBLIC OF GERMANY CONCERNING THE MERGING OF FRONTIER CONTROL OPERATIONS AND THE ESTABLISHMENT OF JOINT AND TRANSFER RAILWAY STATIONS AT THE NETHERLANDS-GERMAN FRONTIER. SIGNED AT THE HAGUE, ON 30 MAY 1958

Her Majesty the Queen of the Netherlands and the President of the Federal Republic of Germany,

Desiring to expedite the crossing of the common frontier by rail, road and waterway,

Have decided to conclude an agreement and have for that purpose appointed as their plenipotentiaries :

Her Majesty the Queen of the Netherlands :

His Excellency Mr. J. M. A. H. Luns, Minister for Foreign Affairs;

The President of the Federal Republic of Germany :

His Excellency Mr. H. Mühlensfeld, Ambassador at The Hague, who, having exchanged their full powers, found in good and due form, have agreed as follows :

PART I

GENERAL PROVISIONS

Article 1

1. The two States shall, pursuant to this Agreement, expedite the crossing of the common frontier by rail, road and waterway.

2. For that purpose, the following measures may be taken in each of the two States :

(a) National frontier control offices of the two States may be merged;

(b) The two States may carry out frontier control operations on trains or ships in transit on specified sections of route;

¹ Came into force on 28 September 1960, the fifteenth day following the exchange of the instruments of ratification which took place at Bonn on 13 September 1960, in accordance with article 26.

(c) Joint or transfer railway stations may be established.

3. These frontier control offices and railway stations shall, in so far as possible, be established in equal number on both sides of the frontier.

4. The competent Ministers shall, by agreement between them, designate, relocate, modify or discontinue :

(a) The merged national frontier control offices, including their sphere of jurisdiction;

(b) The sections of route on which frontier control operations may be performed on trains or ships in transit by officials of the two States;

(c) The joint railway stations.

5. Agreements concluded pursuant to paragraph 4 shall be confirmed and given effect by means of an exchange of diplomatic notes.

Article 2

For the purposes of this Agreement :

- (1) The term “ frontier control operations ” shall mean the application of all legal and administrative provisions of the two States relating to the crossing of the frontier by persons and the entry and exit of goods and other property;
- (2) The term “ territorial State ” shall mean the State in whose territory frontier control operations of the other State are performed or in whose territory joint or transfer railway stations are situated; the term “ adjoining State ” shall mean the other State;
- (3) The term “ joint railway station ” shall mean a railway station at which the railway services required in connexion with the crossing of the frontier by persons and goods are, either wholly or in part, performed jointly.

PART II

FRONTIER CONTROL OPERATIONS

Article 3

1. The officials of the adjoining State shall, under this Agreement, be entitled to perform frontier control operations at the offices and on the sections of route designated in accordance with article 1—hereinafter referred to as “ the zone ”—in the same manner as in their own State.

2. The zone may include :

(a) In the case of rail traffic :

- (1) Part of a station and its installations;
- (2) The section of railway between the frontier and the frontier control office;

- (3) In the case of frontier control on a train in transit, the train while it is on the above-mentioned section of railway and, if necessary, parts of the stations at which the section begins or ends;
 - (b) In the case of road traffic :
 - (1) Part of the service buildings;
 - (2) Parts of the roadway and its sides, including the ramps forming part of the service buildings;
 - (3) Storage accommodations;
 - (4) The road extending from the frontier to the frontier control office;
 - (c) In the case of traffic by waterway :
 - (1) Part of the service buildings;
 - (2) Parts of the waterway and the wharf and harbour installations, including the landing-stages;
 - (3) Storage accommodations;
 - (4) The section of waterway extending from the frontier to the frontier control office;
- (5) In the case of frontier control on a ship in transit, the ship and the accompanying control vessel while they are in the above-mentioned section of waterway.

Article 4

1. The legal and administrative provisions of the adjoining State relating to frontier control shall apply in the zone in the same manner as in the commune having jurisdiction over the frontier control office of the adjoining State. The commune in question shall be designated by the Government of the said State.

2. Pursuant to the provisions of the adjoining State referred to in paragraph 1, the crossing of the frontier shall take place within the zone upon the completion of frontier control operations by the State of exit.

3. Where offences are committed against the said provisions within the zone, the courts and authorities of the adjoining State shall be entitled to institute criminal proceedings and render decisions in the same manner as if the offences had been committed in the commune having jurisdiction over the control office.

Article 5

1. In frontier control within the zone, the official operations of the State of exit shall be effected before the corresponding official operations of the State of entry.

2. Until the exit frontier control of the adjoining State has been completed, the authorities of the territorial State shall not be entitled, within the zone, to arrest persons or seize goods and other property which are subject to such control.

3. After the entry frontier control of the adjoining State has begun, the authorities of the territorial State shall no longer be entitled, within the zone, to arrest persons or seize goods and other property which are subject to such control if the officials of the adjoining State have themselves taken such action.

Article 6

1. The officials of the adjoining State may transfer to the territory of that State any sums of money deriving from fines or from the levying of duties and charges. The same shall apply to sums collected in the territorial State for the account of the railway administration of the adjoining State in respect of the transport of persons, baggage and goods.

2. The officials of the adjoining State may transfer to the territory of that State any goods or other property held or seized by them.

Article 7

The officials of the adjoining State shall not be entitled to arrest nationals of the territorial State in the territory of that State or to return them to the adjoining State. They may, however, bring such persons, for purposes of interrogation, to their frontier control office in the territorial State or, if no such office exists, to the equivalent authority of the territorial State. An official of the territorial State must be present when the persons in question are brought in and interrogated.

Article 8

Persons turned back by the officials of the State of entry may not be refused the right to return to the State of exit.

Article 9

1. The officials of the two States shall assist one another as much as possible in the discharge of their duties in the zone, and particularly in the prevention and detection of offences against the legal and administrative provisions relating to the crossing of the frontier; for that purpose, they shall communicate to one another, as rapidly as possible, all information which is of importance for the proper discharge of their duties.

2. The provisions of paragraph 1 shall not affect any domestic legal and administrative provisions requiring authorization by other authorities, in certain cases, for the communication of such information.