

No. 8762

**DENMARK
and
FEDERAL REPUBLIC OF GERMANY**

Agreement concerning the merging of frontier control operations and the establishment of joint and transfer railway stations at the Danish-German Frontier (with Final Protocol). Signed at Bonn, on 9 June 1965

Official texts: Danish and German.

Registered by Denmark on 20 September 1967.

**DANEMARK
et
RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE**

Accord concernant la combinaison des opérations de contrôle frontalier et la création de gares communes ou de gares d'échange à la frontière germano-danoise (avec Protocole final). Signé à Bonn, le 9 juin 1965

Textes officiels: danois et allemand.

Enregistré par le Danemark, le 20 septembre 1967.

[TRANSLATION — TRADUCTION]

No. 8762. AGREEMENT¹ BETWEEN THE KINGDOM OF DENMARK AND THE FEDERAL REPUBLIC OF GERMANY CONCERNING THE MERGING OF FRONTIER CONTROL OPERATIONS AND THE ESTABLISHMENT OF JOINT AND TRANSFER RAILWAY STATIONS AT THE DANISH-GERMAN FRONTIER. SIGNED AT BONN, ON 9 JUNE 1965

His Majesty the King of Denmark and

The President of the Federal Republic of Germany,

Desiring to facilitate the crossing of the frontier by rail, road and waterway, have decided to conclude an Agreement and have for that purpose appointed as their plenipotentiaries :

His Majesty the King of Denmark :

Mr. Per Haekkerup, Minister for Foreign Affairs ;

The President of the Federal Republic of Germany :

Dr. Gerhard Schröder, Federal Minister for Foreign Affairs,
who, having exchanged their full powers, found in good and due form, have agreed on the following provisions :

PART I

GENERAL PROVISIONS

Article 1

(1) The Contracting Parties shall, pursuant to this Agreement, facilitate and expedite the crossing of the frontier by rail, road and waterway between the Contracting Parties.

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

(a) National frontier control offices may be merged ;

¹ Came into force on 11 September 1967, one month after the exchange of the instruments of ratification which took place at Copenhagen on 11 August 1967, in accordance with article 33 (2).

- (b) The two Contracting Parties may carry out frontier control operations on moving vehicles or vessels on specified sections of route ;
- (c) Joint or transfer railway stations may be established.

(3) The competent Ministers of the Contracting Parties shall, by agreement between them, designate, relocate, modify or discontinue :

- (a) The merged frontier control offices, including their sphere of jurisdiction ;
- (b) The sections of route on which frontier control operations are to be performed on moving vehicles or vessels by officials of the two Contracting Parties ;
- (c) The sections of route on which arrested persons and seized goods or evidence may be returned ;
- (d) The joint railway stations.

(4) Agreements concluded pursuant to paragraph (3) 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 ” means the application of all legal and administrative provisions of the Contracting Parties relating to the crossing of the frontier by persons and the import, export and transit of goods (including vehicles, vessels, securities and means of payment) ;

2. The term “ territorial State ” means the State in whose territory frontier control operations of the other State are performed ; the term “ adjoining State ” means the other State ;

3. The term “ zone ” means that area of the territorial State in which the officials of the adjoining State are authorized to carry out frontier control operations ;

4. The term “ joint railway station ” means 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 ;

5. The term “ officials ” means persons who are members of the administrative organs responsible for frontier control operations and who perform their duties at merged frontier control offices or on moving vehicles or vessels.

Article 3

(1) The zone may include :

1. In the case of rail traffic :

(a) Parts of a station and its installations ;

- (b) The section of railway between the frontier and the frontier control office and parts of the stations situated along that section ;
 - (c) In the case of frontier control on a moving train, the train while it is on the designated section of railway and parts of the stations at which the section begins or ends and through which the train passes ;
2. In the case of road traffic :
- (a) Parts of the service buildings ;
 - (b) Parts of the road and of other installations ;
 - (c) The road extending from the frontier to the frontier control office ;
 - (d) In the case of frontier control on a moving road vehicle, the vehicle while it is on the designated section of road and parts of the buildings and installations at which the section begins or ends ;
3. In the case of traffic by waterway :
- (a) Parts of the service buildings ;
 - (b) Parts of the shore and harbour installations and the vessel on board which the frontier control operations are carried out ;
 - (c) In the case of frontier control on a moving vessel, the vessel and the accompanying control boat while they are in the designated section of waterway and parts of the buildings and installations at which the section begins or ends.
- (2) For the purposes of the official operations referred to in article 1, paragraph (3) (c), the sections referred to therein shall be assimilated to the zone.

PART II

FRONTIER CONTROL OPERATIONS

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 adjoining State.

(2) Where offences are committed within the zone against the legal and administrative provisions of the adjoining State relating to frontier control, 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 frontier control office.

Article 5

(1) This Agreement shall not affect the right of the authorities of the territorial State to maintain public order in the zone and to prosecute offences committed in the zone which do not constitute offences against the legal and administrative provisions relating to frontier control.

(2) Where a person is caught committing in the zone an offence within the meaning of paragraph (1), he may be arrested by the authorities of the territorial State, subject to the conditions specified in the law of that State.

(3) Officials of the territorial State may not, however, unless agreement has first been reached between the officials of the two States, arrest in the zone persons who are undergoing frontier control by officials of the adjoining State or who have been taken into custody by officials of that State.

Article 6

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

(2) Until exit control has been completed or waived, the officials of the State of entry shall not be entitled to perform frontier control operations.

(3) After entry control has begun, the officials of the State of exit shall no longer be entitled to perform frontier control operations. In exceptional cases, exit control operations may be performed subsequently if the person concerned so requests and the competent official of the State of entry gives his consent.

(4) The sequence of operations prescribed in paragraph (1) may be changed, by agreement, only where there are serious practical reasons for doing so. In exceptional cases of this nature, the officials of the State of entry may — subject to the provisions of article 5 — effect arrests or seizures only after the frontier control operations of the State of exit have been completed. If they wish to take such measures, they shall deliver the persons or goods in respect of whom or which the exit control operations have not yet been completed to the officials of the State of exit. If the latter wish to effect arrests or seizures, they shall have priority, subject to the binding domestic provisions of the territorial State.