

No. 32716

**FRANCE
and
GERMANY**

Agreement concerning the transfer of materials, objects and documents for the constitution of a museum collection intended for the museum of the allies in Berlin (with annex). Signed at Bonn on 5 July 1995

Authentic texts: French and German.

Registered by France on 11 March 1996.

**FRANCE
et
ALLEMAGNE**

Accord relatif à la cession de matériels, objets et documents aux fins de constitution d'une collection muséographique destinée au musée des alliés à Berlin (avec annexe). Signé à Bonn le 5 juillet 1995

Textes authentiques : français et allemand.

Enregistré par la France le 11 mars 1996.

[TRANSLATION — TRADUCTION]

AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE FRENCH REPUBLIC AND THE GOVERNMENT OF THE FEDERAL REPUBLIC OF GERMANY CONCERNING THE TRANSFER OF MATERIALS, OBJECTS AND DOCUMENTS FOR THE CONSTITUTION OF A MUSEUM COLLECTION INTENDED FOR THE MUSEUM OF THE ALLIES IN BERLIN

The Government of the French Republic and the Government of the Federal Republic of Germany,

Whereas the Deutsches Historisches Museum, under the supervision of the Federal Ministry of the Interior of the Federal Republic of Germany, intends to establish, following the departure of the allied forces from Berlin in 1994, a museum recounting the presence of the troops of the Western Powers stationed in Berlin since 1945,

Whereas the permanent collection of the future Museum of the Allies in Berlin, constituted in part from materials, objects and documents transferred by the Allies, was presented to the public for the first time on the occasion of a temporary exhibition in Berlin,

Have agreed as follows:

Article 1

1. The object of this Agreement is the transfer without charge by the Government of the French Republic to the Government of the Federal Republic of Germany of materials, objects and documents for the constitution of a museum collection intended for display in the future Museum of the Allies in Berlin.

2. The materials, objects and documents are listed in an annex which forms an integral part of this Agreement.

3. The transfer referred to in paragraph 1 entails a transfer of ownership to the Government of the Federal Republic of Germany which shall take effect as of the entry into force of this Agreement.

Article 2

The Government of the Federal Republic of Germany shall bear all costs connected with the transfer referred to in article 1 of this Agreement.

Article 3

The Government of the French Republic shall transfer the materials, objects and documents in their present state. No claim shall be possible against it.

Article 4

1. The materials, objects and documents shall be handed over to the Government of the Federal Republic of Germany following receipt by both Parties of the

¹ Came into force on 5 July 1995 by signature, in accordance with article 8 (1).

necessary authorizations, completion of customs formalities and finalization of the method of delivery.

2. Delivery shall be acknowledged by a report confirming the nature, number and technical state of the materials, objects and documents.

Article 5

1. The materials, objects and documents shall be transferred to the Government of the Federal Republic of Germany solely for the purpose of constituting a museum collection. They may not be disposed of for any other purpose.

2. The Government of the Federal Republic of Germany undertakes to hand over to the Deutsches Historisches Museum the materials, objects and documents listed in the annex to this Agreement. It undertakes not to permit an entity other than the Deutsches Historisches Museum to have possession of or to use them without the prior written consent of the Government of the French Republic.

3. The final destination of this collection shall be the Museum of the Allies in Berlin, which is currently being constituted.

4. If the Museum of the Allies in Berlin is not established within five years from the entry into force of this Agreement or if it closes, the materials, objects and documents shall be returned to the French Government at the expense of the Government of the Federal Republic of Germany, at the written request of the Government of the French Republic, unless the latter agrees in writing, following consultations, to the destination and use intended for the materials, objects and documents by the German Government.

5. The Government of the French Republic shall participate, through its membership of the International Committee of Experts of the Museum of the Allies and the Association currently being established to represent it, in organizing the presentation in the Museum of the objects forming the collection.

6. The origin of the materials, objects and documents transferred under this Agreement shall be indicated whenever they are exhibited in public.

7. Authorization for any reproduction, photograph or publication relating to the transferred materials, objects and documents and benefiting a third party shall be given by the Museum management, in agreement with the representative of the French Republic in the Association representing the Museum.

8. The Government of the French Republic shall receive through the diplomatic channel 20 copies of any publication of the Museum of the Allies concerning the transferred objects in the collection and concerning the Museum of the Allies in Berlin, including prior to the Museum's establishment.

Article 6

In accordance with article VIII of the CFE Treaty, the Government of the Federal Republic of Germany shall give notice of receipt of the transferred materials where they are limited by the CFE Treaty.

Article 7

Any dispute connected with the interpretation or application of this Agreement shall be settled by the Parties through the diplomatic channel.