

No. 26375

**DENMARK
and
FEDERAL REPUBLIC OF GERMANY**

Agreement on mutual assistance in the event of disasters or serious accidents (with exchange of notes). Signed at Tønder on 16 May 1985

Authentic texts: Danish and German.

Registered by Denmark on 27 January 1989.

**DANEMARK
et
RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE**

Accord sur l'assistance mutuelle en cas de catastrophes ou d'accidents graves (avec échange de notes). Signé à Tønder le 16 mai 1985

Textes authentiques : danois et allemand.

Enregistré par le Danemark le 27 janvier 1989.

[TRANSLATION — TRADUCTION]

CONVENTION¹ BETWEEN THE KINGDOM OF DENMARK AND
THE FEDERAL REPUBLIC OF GERMANY ON MUTUAL AS-
SISTANCE IN THE EVENT OF DISASTERS OR SERIOUS AC-
CIDENTS

The Kingdom of Denmark and
The Federal Republic of Germany,

Convinced of the need for cooperation between the competent institutions of both States in order to facilitate mutual assistance in the event of disasters or serious accidents and to expedite the dispatch of emergency personnel and equipment,

Have agreed as follows:

Article 1

(1) Each Contracting Party shall undertake to assist the other Contracting Party in the event of disasters or serious accidents, to the extent of its ability and in accordance with the provisions of this Convention.

For the purposes of this Convention, a disaster or serious accident shall mean an incident which harms or threatens the life or health of a large number of people, or harms or threatens the material assets or the vital supplies of the population to such an unusual extent that it appears necessary, in order to counter that damage or threat, to enlist the assistance of units or facilities which are not needed on a permanent, day-to-day basis.

(2) The nature and extent of assistance shall be determined by mutual agreement according to each individual case by the competent authorities designated in article 3 below.

Article 2

(1) The assistance referred to in article 1 shall consist in the dispatch to the site of the disaster or serious accident of emergency teams which are specially trained, *inter alia*, in fire-fighting, nuclear and chemical hazards control, first-aid, rescue or salvage and which have the required specialized equipment for their operation.

Assistance shall be provided as a rule, on the Danish side, by civil defence units (*Civilforsvar*), on the German side, by disaster relief units (*Katastrophenschutz*) and, if need be, in any other appropriate way.

(2) The emergency teams may be dispatched by land, air or water.

Article 3

(1) The authorities of the Contracting Parties competent to request and initiate emergency measures shall be:

¹ Came into force on 1 August 1988, i.e., the first day of the second month following the exchange of the instruments of ratification, which took place at Bonn on 10 June 1988, in accordance with article 16 (2).

(a) The Minister of Justice of the Kingdom of Denmark and the Minister of the Interior of the Federal Republic of Germany;

(b) In the frontier area:

— On the Danish side: the Chief of Police (*politimesteren*) in Gråsten;

— On the German side: the Minister of the Interior of the Land of Schleswig-Holstein or the District Administrators (*Landräte*) of the district of North Friesland and Schleswig-Flensburg or the Mayor (*Oberbürgermeister*) of the city of Flensburg.

(2) Where necessary, however, assistance shall be requested directly and granted by the competent authorities of frontier communes.

(3) The Minister of Justice of the Kingdom of Denmark and the Minister of the Interior of the Federal Republic of Germany shall, as necessary, inform each other of the competent authorities referred to in paragraph 1 (b) and shall take the necessary action to establish contact between them.

Article 4

(1) In order to ensure the effectiveness and speed necessary for an emergency operation, the Contracting Parties shall undertake to limit the common frontier crossing formalities to the absolute minimum.

(2) The leader of an emergency team shall only be required to carry a certificate indicating the emergency operation, the type of unit and the number of persons which it comprises. The certificate shall be issued by the authorities to which the unit reports. The members of the emergency team shall be exempt from passport and residence permit requirements.

(3) If, in a particularly urgent case, the certificate referred to in paragraph 2 cannot be presented, any other appropriate certificate indicating that the frontier is to be crossed for the purpose of carrying out an emergency operation shall suffice.

(4) If the urgent nature of the case so requires, the frontier crossing may take place at points other than the authorized crossing points. The competent frontier surveillance authorities shall be given prior notification to that effect.

Article 5

(1) For the purposes of this article and of the following article,

“Items of equipment”: the material, vehicles and personnel equipment intended for use by emergency teams.

“Means of emergency aid”: additional equipment and other goods brought in for a given operation and intended for distribution among the affected population.

“Operational goods”: the goods necessary for using the items of equipment and for supplying the teams.

(2) The Contracting Parties shall facilitate frontier crossings for the items of equipment, means of emergency aid and operational goods required for emergency operations and belonging to the emergency teams dispatched in accordance with article 2. Such items of equipment, means of emergency aid and operational goods shall, in the territory of the requesting Contracting Party, be deemed subject to a regime of temporary admission.

(3) The emergency teams shall bring in no goods other than the items of equipment, means of emergency aid and operational goods necessary for emergency operations.

(4) The means of emergency aid and operational goods brought in shall be exempt from any import taxes in so far as they are used up during emergency operations. The items of equipment and any means of emergency aid and operational goods which have not been used up during the emergency operation shall be re-exported.

If, owing to special circumstances, they cannot be re-exported, their nature and quantity as well as their situation shall be reported to the authority responsible for the emergency operations, who shall notify the competent customs service; in that case, the domestic legislation of the requesting Contracting Party shall be applicable.

(5) The prohibitions and restrictions and transfrontier traffic of goods shall not be applicable to goods which are exempt from taxes under paragraphs 2 and 4. The import of narcotic drugs into the territory of the other Contracting Party under the present Convention and the re-export of the unused quantities shall not be regarded as import or export within the meaning of the international Convention on Narcotic Drugs of 30 March 1961.¹ Narcotic drugs may be brought in only to meet an urgent medical need and may be used only by qualified medical personnel acting in accordance with the legal provisions of the requested Contracting Party. The foregoing shall be without prejudice to the right of the requesting Contracting Party to conduct on-the-spot inspections.

(6) No import or export documents shall be required or issued for the items of equipment, means of emergency aid or operational goods. The leader of an emergency team shall, however, carry a brief inventory of the items of equipment, means of emergency aid and operational goods brought in, certified, except in urgent cases, by the authority to which the emergency team reports.

(7) The import of items of equipment, means of emergency aid and operational goods at points other than the authorized frontier crossing points shall be reported as soon as possible to the competent customs service.

Article 6

(1) Aircraft may be used not only for the speedy transport of emergency teams, but also directly for other emergency operations.

(2) Each Contracting Party shall authorize aircraft used by the other Contracting Party to overfly its territory and to land in and take off from its territory even at points outside airfields.

(3) The intention to use aircraft shall be reported without delay to the competent authorities designated in article 3, with information as precise as possible on the type and registration mark of the aircraft and its crew, cargo, departure time, anticipated route and landing site.

(4) The following shall apply *mutatis mutandis*:

- (a) The provisions of article 4, to the crew of the aircraft and the transported emergency teams;
- (b) The provisions of article 5, to the aircraft and other items of equipment, means of emergency aid and operational goods brought in.

¹ United Nations, *Treaty Series*, vol. 520, p. 151.

(5) The procedures for implementing paragraph 3 may be more precisely determined in the special arrangements provided for in article 10.

(6) Subject to the provisions of paragraph 2, the air traffic legislation of each Contracting Party shall remain applicable, in particular the obligation to transmit flight information to the competent control bodies.

Article 7

(1) In all cases, the authorities of the requesting Contracting Party shall be responsible for directing the rescue and emergency operations.

(2) Instructions for the emergency teams of the requested Contracting Party shall be transmitted solely to their leaders, who shall brief their personnel on the plan of action. The competent authorities of the Contracting Party requesting assistance shall, if possible, specify in the request for assistance the duties which they intend to assign to the emergency teams of the requesting Contracting Party.

(3) The authorities of the requesting Contracting Party shall extend protection and assistance to the emergency teams of the requested Contracting Party.

Article 8

(1) The costs of assistance provided by the emergency teams of the requested Contracting Party under article 2, including expenses arising from the loss and total or partial destruction of objects brought in, shall not be borne by the authorities of the requesting Contracting Party.

(2) The emergency teams of the requested Contracting Party shall, however, be provided with food and lodging throughout the operation at the expense of the requesting Contracting Party and supplied with operational goods if the stocks brought in have been used up. They shall also receive, if necessary, any required medical assistance.

(3) In the event of assistance provided by aircraft, the requested Contracting Party may require that one half of the costs arising from the use of aircraft be borne by the requesting Contracting Party.

The amount of these costs shall be assessed on the basis of the tariffs in effect in each of the two States, as set forth in the special agreements provided for in article 10 of this Convention.

Article 9

(1) Each Contracting Party shall waive any claim for compensation against the other Contracting Party in the event of damage to property belonging to it or to a political or administrative subdivision if such damage was caused by a member of an emergency team of the other Contracting Party in the performance of duties specifically connected to the implementation of this Convention.

(2) Each Contracting Party shall waive, for itself and its political or administrative subdivisions, any claim for compensation against the other Contracting Party arising from damage to a member of an emergency team who has been injured or has died in the performance of duties specifically connected with the implementation of this Convention.

(3) In the event that, in the territory of the requesting Contracting Party, damage is caused to a third party by a member of an emergency team of the requested

Contracting Party in the performance of his duties, the requesting Contracting Party or its requesting political or administrative subdivision, as the case may be, shall be responsible for the damage, in accordance with the provisions which would have applied if such damage had been caused by a member of its own emergency teams.

(4) The authorities of the Contracting Parties shall cooperate closely so as to facilitate the settlement of claims for compensation. They shall, in particular, exchange all the information at their disposal concerning damage cases covered by this article.

(5) This article shall also apply to exercises organized in accordance with article 10, paragraph 5.

Article 10

(1) The authorities referred to in article 3, paragraph 1, shall conclude the special arrangements necessary for implementing this Convention.

(2) A special arrangement shall include, in particular, the following information essential for carrying out operations:

- (a) The duties of the persons authorized to request, offer and grant assistance and the name, address and telephone number of the services to which these persons belong;
- (b) The duties of the person to whom the leader of the emergency team is to report on his arrival at the place of assignment, and the name, address and telephone number of the service to which that person belongs;
- (c) The nature, strength, equipment and site of the units which can, on request, be dispatched for emergency operations;
- (d) Any other information likely to accelerate and facilitate the assistance, in particular, concerning telephone or radio links which exist or may be established between the services referred to in subparagraphs (a) and (b), and concerning landing sites for aircraft and boats.

(3) Another special arrangement shall be concluded for the operation of radio installations with which the emergency teams are equipped or which are placed at their disposal.

(4) A special arrangement shall also be concluded concerning the costs referred to in article 8, paragraph 3.

(5) A special arrangement may, when necessary, provide for the joint holding of exercises on both sides of the frontier.

Article 11

(1) In order to improve the forecasting and prevention of disasters or serious accidents and, where they occur, to ensure more effective action, the Contracting Parties shall establish permanent and close cooperation between themselves. To that end, they shall exchange all useful information of a scientific and technical nature and schedule regular meetings.

(2) In addition, the Contracting Parties may carry out joint investigations and schedule conferences with a view, in particular, to gaining a better knowledge of the causes of disasters or serious accidents and thus to improving the ways and means of preventing and dealing with them.

(3) Training courses may be organized on the initiative of either Contracting Party for technicians and supervisory staff of the other Contracting Party and, in particular, for emergency teams.

(4) The Contracting Parties shall also exchange information on risks and damages that may affect the territory of the other Contracting Party. Such reciprocal information shall also include the transmission of technical data.

(5) Such cooperation shall be carried out by the competent authorities referred to in article 3.

(6) The procedures for implementing this article, and in particular paragraph 4, shall be more precisely determined in special arrangements.

Article 12

Any dispute relating to implementation of this Convention which cannot be settled directly by the competent authorities referred to in article 3 shall be settled through the diplomatic channel.

Article 13

This Convention shall not affect the obligations and guarantees of other agreements, acceded to by the two Contracting Parties, on mutual assistance in the event of disasters or serious accidents with particularly severe consequences, or any other contractual arrangements in force between the Contracting States.

Article 14

This Convention shall be concluded for an indefinite period. Following the expiration of five years from its entry into force, it may be denounced at any time on one year's notice.

Article 15

(1) With the exception of the provisions of this Convention which relate to air traffic, this Convention shall also apply to *Land Berlin*, unless the Government of the Federal Republic of Germany makes a contrary declaration to the Government of the Kingdom of Denmark within the three months following the entry into force of this Convention.

(2) This Convention shall not apply to the Faeroe Islands and to Greenland.

Article 16

(1) This Convention shall be ratified; the instruments of ratification shall be exchanged as soon as possible at Bonn.

(2) This Convention shall enter into force on the first day of the second month after the exchange of the instruments of ratification.

DONE at Tønder, on 16 May 1985, in two copies, each in the Danish and German languages, both texts being equally authentic.

For the Kingdom of Denmark:

POUL SCHLÜTER

For the Federal Republic of Germany:

Dr. HELMUT KOHL

I request you to confirm the agreement of your Government with the contents of this note.

Accept, Sir, etc.

POUL SCHLÜTER

His Excellency the Federal Chancellor of the Federal Republic of Germany
Dr. Helmut Kohl

Je prie Votre Excellence de bien vouloir me confirmer l'agrément du Gouvernement de la République fédérale d'Allemagne avec le texte de cette note.

Veillez agréer, Monsieur le Chancelier fédéral, etc.

POUL SCHLÜTER

Son Excellence le Chancelier fédéral de la République fédérale d'Allemagne
Monsieur Helmut Kohl

II

[GERMAN TEXT — TEXTE ALLEMAND]

Tondern, den 16. Mai 1985

Exzellenz!

Ich beehre mich, den Empfang Ihres heutigen Schreibens, das in deutscher Übersetzung wie folgt lautet, zu bestätigen:

„Exzellenz! Im Zusammenhang mit dem heute unterzeichneten Abkommen zwischen der Bundesrepublik Deutschland und dem Königreich Dänemark über die gegenseitige Hilfeleistung bei Katastrophen oder schweren Unglücksfällen beehre ich mich, darauf hinzuweisen, daß der Einsatz von Einheiten und Einrichtungen des dänischen Zivilschutzes im Falle von Hilfeleistungsersuchen nach Artikel 3 des Abkommens infolge gesetzlicher Beschränkungen außerhalb des dänischen Hoheitsgebiets nur in Friedenszeiten und in den grenznahen Gebieten erfolgen kann.

Ich bitte Sie, das Einverständnis Ihrer Regierung mit dem Inhalt dieses Schreibens zu bestätigen.“

Ich beehre mich zu bestätigen, daß meine Regierung mit dem Inhalt Ihres Schreibens einverstanden ist.

Genehmigen Sie, Exzellenz, die Versicherung meiner ausgezeichnetsten Hochachtung.

J. H. KOHL

Seiner Exzellenz dem Staatsminister Dänemarks
Herrn Poul Schlüter

[TRANSLATION]

Tønder,
16 May 1985

Sir,

I have the honour to confirm receipt of your letter of today's date, which reads as follows in German translation:

[*See note I*]

I have the honour to confirm that my Government is in agreement with the contents of your letter.

Accept, Sir, etc.

J. H. KOHL

His Excellency the Minister of State of
Denmark Mr. Poul Schlüter

[TRADUCTION]

Tønder,
le 16 mai 1985

Monsieur le Ministre d'Etat,

J'ai l'honneur d'accuser réception de votre note de ce jour dont le texte en allemand est le suivant :

[*Voir note I*]

Je confirme à Votre Excellence que le texte de cette note rencontre l'agrément de mon gouvernement.

Veillez agréer, Monsieur le Ministre d'Etat, etc.

J. H. KOHL

Son Excellence le Ministre d'Etat du
Danemark Monsieur Poul Schlüter