

No. 31001

MULTILATERAL

Agreement on cooperation across state frontiers to prevent or limit damage to persons or property or to the environment in the case of accidents. Signed at Stockholm on 20 January 1989

Authentic texts: Danish, Finnish, Norwegian and Swedish.

Registered by Sweden on 1 June 1994.

MULTILATÉRAL

Accord sur la coopération à travers les frontières afin d'éviter ou de limiter les dommages infligés aux personnes, aux biens ou à l'environnement en cas d'accident. Signé à Stockholm le 20 janvier 1989

Textes authentiques : danois, finnois, norvégien et suédois.

Enregistré par la Suède le 1^{er} juin 1994.

[TRANSLATION — TRADUCTION]

AGREEMENT¹ BETWEEN DENMARK, FINLAND, NORWAY AND SWEDEN ON COOPERATION ACROSS STATE FRONTIERS TO PREVENT OR LIMIT DAMAGE TO PERSONS OR PROPERTY OR TO THE ENVIRONMENT IN THE CASE OF ACCIDENTS

The Government of Denmark, Finland, Norway and Sweden,

Being convinced of the need for cooperation between the competent authorities of the Contracting States for the purpose of facilitating the necessary reciprocal assistance in the case of accidents in peacetime and of expediting the dispatch of emergency squads and materials,

Considering this Agreement to be a framework agreement, which is intended to supplement other Nordic multilateral or bilateral agreements in the field, and

Wishing also to improve cooperation in the field,

Have agreed as follows:

Article 1

This Agreement deals with cooperation across the State frontier of the Contracting States with a view to preventing or limiting damage to persons or property or to the environment in the case of accidents and where there is immediate danger of accidents.

In their national legislation and other provisions the Contracting States shall as far as possible remove obstacles to such cooperation.

Article 2

Each Contracting State undertakes, in the event of an accident or where there is immediate danger of an accident, to provide the necessary assistance in so far as it is able to do so and in accordance with the provisions of this Agreement.

The provisions of articles 3 to 5 shall apply except as otherwise provided in bilateral or other multilateral agreements.

Article 3

1. An authority of a Contracting State which, in the event of an accident, is responsible for measures to prevent or limit damage to persons or property or to

¹ Came into force on 9 August 1989, i.e., 30 days after the date on which two Contracting Parties had notified the Government of Sweden of their approval, in accordance with article 7:

<i>Participant</i>	<i>Date of the notification</i>
Norway	25 May 1989
Denmark	10 July 1989

Subsequently, the Agreement came into force for the following Contracting States, 30 days after the notifications of approval to the Government of Sweden, in accordance with article 7:

<i>Participant</i>	<i>Date of the notification</i>
Finland	30 January 1992
(with effect from 1 March 1992.)	
Sweden	12 March 1992
(With effect from 11 April 1992.)	

the environment, may request assistance directly from the competent authority of another Contracting State. The authority of which assistance is requested shall decide if assistance can be provided.

2. The authorities of the State seeking assistance shall have full responsibility for directing operations at the site of the accident except where such a site is situated in the territory of another Contracting Party. Personnel from the assisting State shall be available under the direction of their own officers and shall serve in the State seeking assistance in accordance with the service regulations applicable in their own State.

3. It shall be the responsibility of the State seeking assistance to ensure that vehicles, rescue materials and other equipment brought for the purpose of an operation can be taken over the frontiers without import or export formalities and free of taxes, duties and charges. Vehicles, rescue materials and other equipment may be used in accordance with the provisions in force in the assisting State without special permission. Upon the completion of an operation vehicles, rescue materials and other equipment shall be removed from the country as soon as possible. The same shall apply in the case of the exercises.

4. If the assistance involves military personnel, government vessels, government aircraft and military vehicle, which require special permission for entry, the authority of the State which requested the assistance shall obtain such permission. Before permission is granted the frontier shall not be crossed.

Article 4

The costs of assistance operations under this Agreement shall be defrayed as follows:

1. The assisting State shall be entitled to reimbursement, by the State seeking assistance, of the costs of its measures in so far as they are attributable to the assistance provided.

2. The State seeking assistance may at any time withdraw its request for assistance, but the assisting State shall, in such cases, be entitled to reimbursement of the costs incurred by it.

3. The assisting State shall always be prepared to provide the State seeking assistance with information on the estimated costs of the assistance.

4. The principle of actual costs shall form the basis for the calculation of the costs.

5. These provisions shall not affect the right of the Contracting States to recover the costs from a third party under provisions and regulations applicable under national legislation or international law.

Article 5

1. The State seeking assistance shall be liable for damage caused by assistance rendered within its territory under this Agreement. The State seeking assistance shall be liable to answer in court or to negotiate for arbitration in the case of claims for damages lodged by a third party against the assisting State or its personnel. The State seeking assistance shall be liable for all costs of legal proceedings and other costs pertaining to such claims.

2. The State seeking assistance shall compensate the assisting State for deaths or personal injuries occurring among the personnel of the latter State and also for any losses of or damage to equipment or materials occasioned within the territory of the State seeking assistance as a result of the assistance.

3. The assisting State shall be liable for damage occurring within its own territory.

4. The State seeking assistance shall be entitled to bring an action, for the recovery of compensation paid by the State in accordance with this article, against a number of the assisting personnel who caused the damage deliberately or by gross negligence.

Article 6

1. The Contracting States shall provide each other with information of importance for this Agreement concerning the organization of rescue services and the competent authorities involved and on legislative measures and other important changes that are of relevance to this Agreement. The States shall also work for the development of cooperation in the field.

2. For the practical implementation of this Agreement it is anticipated that the competent authorities of the Contracting States will maintain direct contact with each other.

3. Meetings shall be held within the framework of this Agreement whenever they are deemed necessary.

Article 7

The Agreement shall enter into force 30 days after the date on which two of the Contracting States have given the Swedish Ministry of Foreign Affairs notice in writing of their approval of the Agreement.

In the case of a Contracting State which, after the entry into force of the Agreement, gives notice of its approval of the Agreement, the Agreement shall enter into force thirty (30) days after the date on which the Swedish Ministry of Foreign Affairs received such notice.

The Swedish Ministry of Foreign Affairs shall notify the other Contracting States in writing of the date of receipt of such notices and of the date of entry into force of the Agreement.

Article 8

Iceland may accede to this Agreement. The instruments of accession shall be deposited with the Swedish Ministry of Foreign Affairs. The Agreement shall enter into force in the case of Iceland as from the date of deposit of the instrument of accession. The Swedish Ministry of Foreign Affairs shall notify the Contracting Parties in writing of the date of such deposit.

Article 9

A Party may denounce the Agreement by given notice of denunciation in writing to the Swedish Ministry of Foreign Affairs, which shall notify the other Parties of the date of receipt of such notice and of its contents.

A denunciation shall apply only to the Party making the denunciation and shall take effect six months after the date on which the Swedish Ministry of Foreign Affairs received the notice of denunciation.

Article 10

The original copy of this Agreement shall be deposited with the Swedish Ministry of Foreign Affairs, which shall provide the other Parties with certified copies thereof.

IN WITNESS WHEREOF the respective plenipotentiaries have signed this Agreement.

DONE at Stockholm on 20 January 1989 in one copy in the Danish, Finnish, Norwegian and Swedish languages, all the texts being equally authentic.

For the Government of Denmark:

OTTO BORCH

By an exchange of notes the Government of Denmark may, on the basis of a decision taken by the Home Rule Government of Greenland and/or the Home Rule Government of the Faroe Islands, on condition of reciprocity, accede on behalf of Greenland and the Faroe Islands to the Agreement of today's date on cooperation across State frontiers to prevent or limit damage to persons or property or to the environment in the case of accidents.

For the Government of Finland:

BJÖRN ALHOLM

For the Government of Norway:

OSCAR VAERNÖ

For the Government of Sweden:

ROINE CARLSSON