

No. 27003

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**FEDERAL REPUBLIC OF GERMANY  
and  
SWITZERLAND**

**Convention on mutual assistance in the event of disasters or  
serious accidents. Signed at Bonn on 28 November 1984**

*Authentic text: German.*

*Registered by the Federal Republic of Germany on 5 January 1990.*

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**RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE  
et  
SUISSE**

**Convention relative à l'assistance mutuelle en cas de catastro-  
phes ou d'accidents graves. Signée à Bonn le 28 novem-  
bre 1984**

*Texte authentique : allemand.*

*Enregistrée par la République fédérale d'Allemagne le 5 janvier 1990.*

[TRANSLATION — TRADUCTION]

CONVENTION<sup>1</sup> BETWEEN THE FEDERAL REPUBLIC OF GERMANY AND THE SWISS CONFEDERATION ON MUTUAL ASSISTANCE IN THE EVENT OF DISASTERS OR SERIOUS ACCIDENTS

The Federal Republic of Germany and the Swiss Confederation,  
Convinced of the need for co-operation between the two States to facilitate mutual assistance in the event of disasters or serious accidents,  
Have agreed as follows:

*Article 1. PURPOSE*

This Convention contains the basic conditions whereby, in the event of disasters or serious accidents in one Contracting Party and at its request, voluntary assistance is provided by the other Contracting Party, especially in the form of emergency teams and equipment.

*Article 2. DEFINITIONS*

For the purposes of this Convention:

The term “requesting State” means the Contracting State whose competent authorities request assistance from the other State, in particular the sending of emergency teams or equipment;

The term “sending State” means the Contracting State whose competent authorities respond to a request from the other State for assistance, in particular the sending of emergency teams or equipment;

The term “equipment” means the material, vehicles, items for personal use (operational items) and the personal equipment of the emergency teams;

The term “emergency aid” means the additional equipment and goods intended for distribution to the population affected.

*Article 3. COMPETENT AUTHORITIES*

(1) The authorities competent for making and receiving requests for assistance shall be:

- For the Swiss Confederation: The Federal Department for Foreign Affairs and in the frontier areas: the cantonal Governments;
- For the Federal Republic of Germany: The Federal Minister of the Interior and in the frontier areas: the Ministers of the Interior of the frontier “*Länder*” or the heads of the administrative regions (*Regierungspräsidenten*) authorized by them.

<sup>1</sup> Came into force on 1 December 1988, i.e., the first day of the second month following the exchange of the instruments of ratification, which took place at Bonn on 5 October 1988, in accordance with article 19 (2).

(2) The authorities referred to in paragraph 1 may commission officials at a lower level to make or receive requests for assistance.

(3) The authorities referred to in paragraphs 1 and 2 of the two Contracting States shall contact each other directly for the purpose of implementing this Convention.

(4) The two Contracting States shall inform each other through the diplomatic channel of the addresses and telephone and telex numbers of the authorities referred to in paragraphs 1 and 2.

#### *Article 4. PRIOR AGREEMENT*

The type and extent of assistance to be provided shall be agreed upon by the authorities referred to in article 3 case by case.

#### *Article 5. TYPES OF ASSISTANCE*

(1) Assistance shall consist in sending, to the site of the disaster or serious accident, emergency teams which are specially trained, *inter alia*, in firefighting, nuclear and chemical hazards control, first aid, rescue and salvage and which have the specialized equipment required for such operations; if necessary, assistance can also be provided in any other manner.

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

#### *Article 6. FRONTIER CROSSING*

(1) The members of an emergency team shall be exempt from passport and residence permit requirements. The only requirement is that the leader of an emergency team must carry a certificate attesting to his status.

(2) In particularly urgent cases, the frontier may be crossed at points other than those authorized, irrespective of the normal regulations. In this case the competent frontier surveillance authorities or the nearest frontier post shall be informed thereof without delay.

(3) The facilities referred to in paragraphs 1 and 2 concerning border crossings shall apply also to persons who have to be evacuated from a disaster or a serious accident.

#### *Article 7. FRONTIER CROSSING FOR EQUIPMENT*

(1) The Contracting States shall facilitate frontier crossing for the equipment and items necessary for emergency operations. No import or export papers shall be required. The leader of an emergency team shall have only to show the frontier authorities of the requesting State a list of all the equipment and items being imported.

(2) The emergency teams shall bring in no articles other than the equipment and other items necessary for emergency operations.

(3) The import of such equipment and other items elsewhere than through authorized border crossing points shall be reported to the competent customs authority at the earliest opportunity.

(4) The prohibitions and restrictions on frontier goods traffic shall not apply to the equipment and other items necessary for emergency operations. Such equipment and items which have not been used during an emergency operation shall be re-exported. If, owing to special circumstances, they cannot be re-exported, their type and quantity as well as their situation shall be reported to the authority responsible for the emergency operation, who shall notify the competent customs authority; in that case, the domestic legislation of the requesting State shall apply.

(5) The import of narcotic drugs into the requesting State and the re-export of non-consumed quantities into the sending State shall also be governed by paragraph 4 in the context of this Convention. Such traffic shall not count as import or export traffic within the meaning of the international conventions on narcotic drugs. 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 legislation of the Contracting State to which the emergency team belongs.

#### Article 8. OPERATIONS INVOLVING AIRCRAFT

(1) Aircraft may be used not only for the speedy transport of emergency teams in accordance with article 5, paragraph 2, but also directly for other types of emergency operations.

(2) Each Contracting State shall permit aircraft used in accordance with paragraph 1 and taking off from the territory of the other Contracting State to overfly its territory and to land in and take off from its territory even at points outside customs airports and approved airfields.

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

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

(a) The provisions of article 6 above, to the crew of the aircraft and the emergency teams being carried;

(b) The provisions of article 7 above, to the aircraft and other equipment and items carried therein.

(5) Subject to the provisions of paragraph 2, the air traffic legislation of each Contracting State shall apply, in particular, the obligation to transmit flight information to the competent control bodies.

#### Article 9. CO-ORDINATION AND CONTROL

(1) In all cases, the authorities of the requesting State shall be responsible for co-ordinating and directing the rescue and emergency operations.

(2) The authorities of the requesting State referred to in article 3 shall specify in the request for assistance the assignments which they wish the emergency teams of the sending State to carry out, without going into the details thereof.

(3) Instructions for the emergency teams of the sending State shall be transmitted solely to their leaders, who shall brief their personnel on the plan of action.

(4) The authorities of the requesting State shall extend protection and assistance to the emergency teams of the sending State.

#### *Article 10. OPERATIONAL COSTS*

(1) The requested authority of the sending State shall bear the cost of the assistance provided, including the cost arising from consumption, damage or loss of material. This shall not apply to the cost of emergency operations carried out by third parties, which the sending State provides only on request.

(2) Where the cost of the assistance carried out is partially or completely recovered, paragraph 1, sentence 1, shall not apply. The requested authority of the sending State shall be given priority as regards reimbursement.

(3) The emergency teams of the sending State shall be provided with food and lodging throughout the operation at the expense of the requesting State, and supplied with goods for their own use if the stocks brought with them have been exhausted. They shall also receive logistical help, including medical treatment, in case of need.

#### *Article 11. DAMAGES*

(1) Each Contracting State, including its regional and/or local authorities, shall waive all claims for damages against the other Contracting State:

(a) For the reduction of assets, if the damage was done by a team member of the other Contracting State in the line of duty;

(b) For damage to health incurred by a team member, or if he dies, in the line of duty.

(2) Where, in the territory of the sending State, damage is done to third parties by a team member of the sending State, the requesting State shall incur liability for the damage in accordance with the provisions that would have applied if such damage had been done by members of its own team.

(3) The authorities of the Contracting States shall co-operate closely so as to facilitate the settlement of claims for damages. They shall, in particular, exchange all the information at their disposal concerning cases involving damage within the meaning of this article.

#### *Article 12. SUPPORT AND RE-ADMISSION OF TEAM MEMBERS AND EVACUEES*

(1) Persons who in the event of a disaster or serious accident have crossed from one Contracting State to the other, whether as members of an emergency team or as evacuees, shall receive support in that State under the respective national regulations on welfare, until the earliest opportunity for their return. The State of original departure shall reimburse the cost of such support and repatriation, unless they are citizens of the other Contracting State.

(2) Each Contracting State shall take back into its territory persons who crossed from that territory into the territory of the other Contracting State as team

members or evacuees. Any such persons who are not citizens of the Contracting State into which they are returning shall retain the same alien status as before their departure.

#### Article 13. OTHER FORMS OF CO-OPERATION

(1) The authorities referred to in article 3 shall co-operate in accordance with their respective national laws and may make separate arrangements, in particular:

(a) For carrying out assistance operations;

(b) For preventing and countering disasters or serious accidents, by exchanging all relevant scientific and technical information and organizing meetings, research programmes, specialized courses and emergency drill in the territory of both Contracting States;

(c) For exchanging information on risks and damage which may affect the territory of the other Contracting State; this exchange of information shall include precautionary data measurements.

(2) The provisions of this Convention shall apply, *mutatis mutandis*, to joint drill exercises in which the emergency teams of one Contracting State go into action in the territory of the other State.

#### Article 14. RADIO LINKS

(1) The possibilities for using transfrontier radio links between the authorities referred to in article 3, between these authorities and the emergency teams sent by them, or between the emergency teams themselves, shall be jointly explored by the telecommunication authorities of the two Contracting States and laid down in internal directives.

(2) The telecommunication authorities referred to in paragraph 1 shall be:

— For the Swiss Confederation: The Directorate of PTT,

— For the Federal Republic of Germany: The Federal Minister for the Post and Telecommunications.

(3) The frequencies for these radio links shall be laid down in separate agreements in accordance with the directives issued by the competent telecommunication authorities.

#### Article 15. SETTLEMENT OF DISPUTES

(1) Disputes relating to the interpretation or 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.

(2) If a dispute on the interpretation or implementation of this Convention cannot be settled through the diplomatic channel, it shall be submitted at the request of either Contracting State to a court of arbitration.

(3) The court of arbitration shall be constituted case by case, with each Contracting State appointing one member and these two members agreeing on a representative of a third State, to be appointed by the Governments of the Contracting States as umpire. The members shall be appointed within two months and the Chair-

man within three months after one Contracting State has informed the other that it wishes to submit the dispute to a court of arbitration.

(4) If the deadlines referred to in paragraph 3 are not met and no alternative agreement is reached, either Contracting State may request the President of the European Court of Human Rights to make the necessary appointments. If the President is of Swiss or German nationality, or is prevented by some other reason from making the appointments, the Vice-President shall do so. If the Vice-President is also of Swiss or German nationality or is prevented by some other reason from doing so, then the next highest-ranking member of the Court of neither Swiss nor German nationality shall make the appointments.

(5) The court of arbitration shall reach its decision by majority, on the basis of the treaties between the Contracting States, the common legal principles applicable in the Contracting States and the general principles of international law. Its decisions shall be binding. Each Contracting State shall bear the costs of the arbitrator appointed by it as well as those of its representation in the proceedings before the court of arbitration; the costs of the umpire and any other costs shall be borne equally by the two Contracting States. In all other matters the court of arbitration shall establish its own procedures.

(6) The courts of the two Contracting States shall provide legal assistance to the court of arbitration at the latter's request with regard to the summoning and examination of witnesses and experts, in conformity with the agreements between the two Contracting States concerning legal assistance in civil and commercial matters.

#### *Article 16.* DENUNCIATION

This Convention may be denounced at any time, and shall cease to have effect six months after its denunciation.

#### *Article 17.* OTHER CONTRACTUAL ARRANGEMENTS

Existing contractual arrangements between the Contracting States shall be unaffected.

#### *Article 18.* BERLIN CLAUSE

With the exception of those provisions of this Convention which relate to air traffic, this Convention shall apply also to *Land Berlin*, provided that the Government of the Federal Republic of Germany does not make a declaration to the contrary to the Swiss Federal Council within the three months following the entry into force of this Convention.

#### *Article 19.* ENTRY INTO FORCE

(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 following the exchange of the instruments of ratification.

DONE at Bonn on 28 November 1984, in two originals, in the German language.

For the Federal Republic  
of Germany:

GERHARD FISCHER

For the Swiss  
Confederation:

EMANUEL DIEZ

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