

[TRANSLATION - TRADUCTION]

TREATY BETWEEN THE FEDERAL REPUBLIC OF GERMANY AND THE
CZECH REPUBLIC CONCERNING MUTUAL ASSISTANCE IN THE
EVENT OF DISASTERS OR SERIOUS ACCIDENTS

The Federal Republic of Germany and the Czech Republic,

With the aim of contributing to the development and neighbourly relations in Europe,

Mindful of the Concluding Document of 15 January 1989 of the third follow-up Meeting in Vienna to the Conference on Security and Cooperation in Europe (CSCE) and the Helsinki Document of 10 July 1992,

In accordance with article 17 of the Treaty between the Federal Republic of Germany and the Czech and Slovak Federative Republic on Good Neighbourly Relations and Friendly Cooperation of 27 February 1992,

Convinced of the need for cooperation between the two States to facilitate mutual assistance in the event of disasters or serious accidents,

Have agreed as follows:

Article 1. Purpose of the Treaty

This Treaty lays down the basic conditions for the provision of voluntary assistance in the event of disasters and serious accidents in the territory of either Contracting State. Such assistance will be provided on the basis of a request for assistance.

Article 2. Definitions

For the purposes of this Treaty:

(a) The term "requesting State" means the Contracting State whose competent authorities request assistance;

(b) The term "assisting State" means the Contracting State whose competent authorities respond to a request for assistance;

(c) The term "emergency team" means a group of individuals under a designated leader, dispatched with their equipment to render assistance in the requesting State;

(d) The term "equipment" means the materials, technical equipment, vehicles, rescue dogs, personal equipment and items for personal use (operational items), of the emergency teams;

(e) The term "emergency aid supplies" means items intended for the mitigation of the consequences of a disaster or serious accident or for distribution free of charge to the affected population;

(f) The term "transit State" means the Contracting State whose territory the emergency teams or individual skilled personnel must cross or through which equipment

as well as emergency aid supplies are dispatched in order to reach a third State for purposes of assistance.

Article 3. Competent authorities

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

- (a) In the Federal Republic of Germany:
 - The Ministry of Foreign Affairs,
 - The Federal Ministry of the Interior,
 - The Ministry of the Interior of the Land of Bavaria,
 - The Ministry of the Interior of the Land of Saxony;
- (b) In the Czech Republic:
 - The Ministry of the Interior,
 - The Ministry of Foreign Affairs.

(2) In the request for assistance the competent authorities shall outline first of all the nature and extent of the assistance required. The competent authorities of the assisting State shall decide on the nature, form and extent of the assistance to be provided.

(3) The competent authorities may designate other authorities and agencies, by agreements pursuant to article 13, paragraph 3, to make and receive requests for assistance.

(4) The competent authorities and the authorities referred to in paragraph 3 shall be authorized to contact one another directly for the purpose of implementing this Treaty.

(5) The competent authorities shall inform each other of their addresses and telecommunications contact information as well as the addresses and telecommunications contact information of the authorities referred to in paragraph 3.

Article 4. Types of assistance

(1) Assistance may be provided by sending emergency teams or individual skilled personnel giving emergency aid supplies or providing needed information, in other appropriate ways.

(2) The emergency teams, individual skilled personnel, equipment and emergency aid supplies may be transported by land, air or water.

Article 5. Border crossing and presence

(1) To ensure the efficiency and speed required for emergency assistance, the Contracting States undertake to limit border-crossing formalities to the absolute minimum.

(2) In rendering assistance, members of an emergency team may cross the border of the requesting State and remain on its territory without travel documents. The leader of an emergency team must produce on request a document concerning the emergency assignment, which indicates the nature of the assistance, the nature of the team and the number of

team members. The members of the emergency team must also identify themselves on request with a service identity card bearing their photograph or a similar identity document.

(3) In cases of extreme urgency the border may also be crossed outside the border crossing points. In such cases the competent local border control authorities shall be notified immediately.

(4) The provisions of paragraphs 1 to 3 are also applicable in cases in which a Contracting State is a transit State. The competent authorities shall inform one another in timely fashion that there is a need for such transit and shall agree on how it is to be carried out.

(5) Emergency team members and individual skilled personnel shall not require a work permit for their activities in rendering assistance on the territory of the requesting State.

(6) Emergency team members and individual skilled personnel shall be entitled to wear a uniform in the territory of the requesting State, if that is a normal part of their outfit. Emergency teams shall also be entitled to use their own warning signals on their vehicles in the territory of the requesting State.

Article 6. Entry and exit of equipment and emergency aid supplies

(1) The Contracting States shall facilitate the entry and exit of equipment and emergency aid supplies. On crossing the border the leader of an emergency team and individual skilled personnel shall provide the customs authorities of the requesting State with a list of the equipment and emergency aid supplies they are bringing with them. If in cases of particular urgency such a list is not available, the list shall subsequently and promptly be forwarded to the relevant border authorities.

(2) Emergency teams and individual skilled personnel shall bring in and take out no goods other than equipment and emergency aid supplies. Equipment and emergency aid supplies shall be exempt from all customs duties, taxes and fees and may be used only for rendering assistance.

(3) Bans and limitations on the entry of goods shall not apply to such equipment and emergency aid supplies. Equipment and emergency aid supplies not used or destroyed shall be re-exported. If in exceptional circumstances they cannot be re-exported, the nature, quantity and location of the equipment and emergency aid supplies shall be reported to the authorities of the requesting State who are responsible for the emergency operation, and they shall notify the competent customs authorities.

(4) The provisions of paragraph 3 shall also be applicable to the entry of narcotic and psychotropic drugs into the territory of the requesting State and to the re-export of unused quantities. Such movement of goods shall not be regarded as import and export within the meaning of international conventions on narcotic drugs. Narcotic and psychotropic drugs may be brought in only to meet an emergency medical need and may be used only by qualified medical personnel acting in accordance with the laws of the Contracting State to which the emergency team belongs. The right of the requesting State to carry out spot inspections shall be unaffected. Unused narcotic and psychotropic drugs which cannot be re-exported shall be subject to the laws of the requesting State.

(5) Vehicles used for rendering assistance shall be exempt from the need to carry the permits for international road traffic and the international motor insurance card. They shall also be exempt from the payment of highway tolls.

(6) Paragraphs 1 to 5 shall also apply in cases where a Contracting State is a transit State.

Article 7. Operations involving aircraft

(1) Aircraft may be used not only for rapid transport of emergency teams, individual skilled personnel, equipment and emergency aid supplies but also for the direct provision of assistance.

(2) Each Contracting State shall permit aircraft taking off from the territory of the other Contracting State for the purposes stated in paragraph 1 to overfly its territory and to take off and land in areas other than approved airfields and places intended for take-off and landing. This authorization shall not substitute for the consent of the property owner or other authorized person, if such consent is required by domestic law.

(3) The intent to use aircraft for emergency assistance shall be reported in advance to the requesting State, with information on type, country of registration and registration number of the aircraft, crew and passengers, cargo, flight route, take-off time, landing site and estimated time of arrival.

(4) Except as provided in paragraph 2, the air traffic regulations of the Contracting States and the bilaterally concluded procedures for overflight of national borders remain applicable.

Article 8. Coordination and direction

(1) Coordination and direction of rescue and assistance operations are the responsibility of the authorities and operations commanders of the requesting State.

(2) Instructions to the emergency teams of the assisting State shall be addressed solely to their leaders, who shall arrange the details of implementation with the personnel under them. The authorities and operations commanders of the requesting State shall explain the tasks to be entrusted to the emergency teams and individual skilled personnel.

(3) The authorities of the requesting State shall support the emergency teams and individual skilled personnel and provide for their safety.

Article 9. Costs of assistance

(1) The costs of assistance, including expenses arising from wear and tear, damage, destruction or loss of equipment, shall be borne by the assisting State unless the competent authorities reach some other agreement.

(2) The requesting State shall bear the costs arising from the deployment of aircraft unless the competent authorities have reached some other agreement.

(3) The emergency teams and individual skilled personnel shall if necessary be given logistical help for the duration of the operation in the territory of the requesting State at its expense; for example, they shall be provided with food and lodging, operational items and emergency medical treatment free of charge.

(4) Costs of assistance for which the assisting State is merely an intermediary shall be borne by the requesting State. The competent authorities of the requesting State must attach to its request for the intermediation of assistance a declaration that it agrees to assume the costs.

(5) The requesting State shall have the option of defraying costs itself, regardless of the provisions of paragraph 1.

Article 10. Compensation and damages

(1) Each Contracting State shall waive all claims for compensation against the other Contracting State for damage to property caused by a member of an emergency team or individual skilled personnel in the performance of duties in connection with the implementation of this Treaty.

(2) Each Contracting State shall waive all claims for compensation against the other Contracting State arising from injury or death of an emergency team member or individual skilled personnel that occurred in the performance of duties in connection with the implementation of this Treaty.

(3) Claims for compensation by an emergency team member or individual skilled personnel injured in the course of delivering assistance or by their survivors shall not be unaffected by the provisions of paragraph 2.

(4) If damage is caused to a third party in the territory of the requesting State by an emergency team member or individual skilled personnel of the assisting State in the performance of duties in connection with the implementation of this Treaty, the requesting State shall be liable for the damage in accordance with the laws that would apply in the case of damage caused by a member of one of its own emergency teams.

(5) The provisions of paragraphs 1 and 2 shall not apply when the damage is deliberately caused or is the result of gross negligence.

(6) The competent authorities of the Contracting States shall work closely together to facilitate settlement of claims for damages. In particular, they shall exchange all available information concerning loss occurrences as described in this article.

Article 11. Protection of personal data

When personal data (hereinafter referred to as "data") are transmitted on the basis of this Treaty, the following conditions shall apply, taking into account the laws in force in the particular Contracting State:

- (a) Use of the data by the recipient is permitted only for the purpose stated in this Treaty and under the conditions set by the transmitting agency. Use of the data

shall also be permitted for preventing and prosecuting serious criminal offences and for averting serious threats to public safety.

- (b) The recipient shall inform the transmitting authority on request of the use made of the transmitted data and the results achieved thereby.
- (c) Data shall be transmitted only to the competent agencies. Forwarding to other agencies shall be permitted only with the prior consent of the transmitting authority.
- (d) The transmitting authority must ensure that the data to be transmitted are accurate and that the transmittal is necessary and commensurate with the intended purpose. Domestic law prohibiting certain transmittal of data shall be respected. If it is found that inaccurate data or data that should not have been transmitted were transmitted, the recipient shall be promptly notified. The recipient must destroy the data.
- (e) The person concerned shall be informed on request about the data transmitted concerning him/her and its intended use. There shall be no obligation to disclose such information in cases where the public interest in withholding such information outweighs the interest of the concerned party to receive it. The right of the concerned party to be informed about the data available concerning him/her shall be governed by the domestic law of the Contracting State in whose territory the data were requested.
- (f) Should any person be wrongfully injured as a result of the transmittal of data under this Treaty, the receiving agency shall be liable to that person in accordance with its domestic laws. It may not raise as a defence against the injured party that the injury was caused by the transmitting agency. Should the State of the receiving agency pay compensation for such an injury caused by a breach of the provisions of this article by the transmitting agency, the State of the transmitting agency shall reimburse the first-mentioned State for the full amount of damages.
- (g) Insofar as the laws applicable for the transmitting authority set specific time limits for the deletion of the transmitted data, the transmitting authority shall draw the attention of the recipient to such time limits. Regardless of such time limits, the transmitted data shall be deleted as soon as they are no longer necessary for the purpose for which they were transmitted.
- (h) The transmitting authority and the receiving agency must keep an official record of the transmittal and receipt of data.
- (i) The transmitting authority and the receiving agency must provide effective protection for transmitted data against unauthorized access, alteration and disclosure.

Article 12. Terminating assistance operations

Emergency teams and individual skilled personnel shall promptly cease their activities when the competent authorities or the authorities referred to in article 3, paragraph 3, shall

so decide. Otherwise their activities shall end with the completion of their task. The emergency teams and individual skilled personnel must then leave the territory of the requesting State immediately.

Article 13. Other forms of cooperation

(1) The competent authorities and the authorities referred to in article 3, paragraph 3, shall cooperate in particular in the following areas:

- (a) Preparing for and carrying out assistance operations under this Treaty;
- (b) Forecasting, preventing and dealing with the consequences of disasters and serious accidents through the exchange of practical experience and scientific and technical information, foreign study programmes for skilled personnel, research programmes and specialized courses, including cooperation among pertinent training institutions, and the conduct of joint exercises;
- (c) Exchanging information on the dangers and consequences of disasters and serious accidents that could spread to the territory of the other Contracting State; this mutual exchange of information shall also encompass the sharing of measuring data;
- (d) Investigating the causes of disasters and serious accidents.

(2) The provisions of this Treaty shall apply *mutatis mutandis* to joint exercises.

(3) The competent authorities and the authorities referred to in article 3, paragraph 3, may conclude agreements concerning the implementation of this Treaty to the extent that the laws of the Contracting States permit.

Article 14. Telecommunications

The competent authorities or the authorities referred to in article 3, paragraph 3, shall promptly take the necessary steps to establish telecommunication links between one another, between themselves and the emergency teams they have sent, between the various emergency teams and between the emergency teams and the operations command.

Article 15. Other treaty rules

This Treaty shall not affect the rights and obligations of the Contracting States deriving from other international agreements.

Article 16. Settlement of disputes

Disputes concerning the interpretation and application of this Treaty that cannot be settled directly between the competent authorities shall be settled through negotiations between the Contracting States.

Article 17. Final provisions

(1) This Treaty requires ratification. The instruments of ratification shall be exchanged in Prague as soon as possible. The Treaty shall enter into force on the first day of the first month following the day on which the instruments of ratification are exchanged.

(2) The German side shall see to the registration of this Treaty with the Secretariat of the United Nations, in accordance with Article 102 of the Charter of the United Nations, immediately after its entry into force. The Czech side shall be informed of the completed registration and of the United Nations registration number as soon as registration is confirmed by the United Nations Secretariat.

(3) This Treaty is concluded for an indefinite period. Either Contracting State may denounce it in writing through the diplomatic channel. The denunciation shall take effect six months from the date on which notice of intention to denounce the Treaty was given to the other Contracting State.

Done at Berlin on 19 September 2000 in two originals in the German and Czech languages, both texts being equally authentic.

For the Federal Republic of Germany:

HILGER SCHILY

For the Czech Republic:

ST. GROSS