

N° 1485.

**ALLEMAGNE
ET UNION ÉCONOMIQUE
BELGO-LUXEMBOURGEOISE**

Convention concernant le trafic frontalier, avec protocole final. Signés à Aix-la-Chapelle, le 15 juillet 1926.

**GERMANY AND
ECONOMIC UNION OF
BELGIUM AND LUXEMBURG**

Convention concerning Frontier Traffic, with Final Protocol. Signed at Aix-la-Chapelle, July 15, 1926.

N^o 1485. — CONVENTION¹ ENTRE L'UNION ÉCONOMIQUE BELGO-LUXEMBOURGEOISE ET L'ALLEMAGNE, CONCERNANT LE TRAFIC FRONTALIER. SIGNÉE A AIX-LA-CHAPELLE, LE 15 JUILLET 1926.

Texte officiel français communiqué par le ministre des Affaires étrangères de Belgique. L'enregistrement de cette convention a eu lieu le 13 juin 1927.

SA MAJESTÉ LE ROI DES BELGES, AGISSANT TANT EN SON NOM QU'AU NOM DE SON ALTESSE ROYALE LA GRANDE-DUCHESSE DE LUXEMBOURG, en vertu d'accords existants, d'une part, et LE PRÉSIDENT DU REICH ALLEMAND, d'autre part, également animés du désir de stipuler, en exécution des dispositions de l'article 16 de l'Accord² commercial provisoire du 4 avril 1925, les facilités de trafic reconnues nécessaires pour les habitants des zones frontières de l'Union économique belgo-luxembourgeoise et de l'Allemagne, ont résolu de conclure à cet effet une convention et ont nommé pour leurs plénipotentiaires, savoir :

SA MAJESTÉ LE ROI DES BELGES :

M. Maximilien SUTENS, directeur au Ministère des Affaires étrangères ;

LE PRÉSIDENT DU REICH ALLEMAND :

M. Heinrich VON FRIEDBERG, conseiller référendaire de légation au Ministère des Affaires étrangères ;

Lesquels, après s'être communiqué leurs pleins pouvoirs trouvés en bonne et due forme, sont convenus des dispositions ci-après :

Article premier.

Sont reconnues comme rayons douaniers au regard de la présente convention les bandes de territoire situées des deux côtés de la frontière commune, et que chacune des Parties contractantes a désignées pour ce qui concerne son territoire comme rayon douanier.

Les deux Parties contractantes se communiqueront aussitôt que possible le tracé de la ligne délimitant le rayon douanier vers l'intérieur de leurs pays respectifs, ainsi qu'une liste des localités comprises dans ce rayon.

Article 2.

Les personnes fixées dans l'un des rayons douaniers et qui exploitent, à titre de propriétaires, de locataire ou en vertu d'une autre droit de jouissance, des terres, des bois, ou des pêcheries, situés

¹ L'échange des ratifications a eu lieu à Berlin, le 24 mai 1927.
² ol. XXXVII, page 203, de ce recueil.

¹ TRADUCTION. — TRANSLATION.No. 1485. — CONVENTION² BETWEEN GERMANY AND THE ECONOMIC UNION OF BELGIUM AND LUXEMBURG, CONCERNING FRONTIER TRAFFIC. SIGNED AT AIX-LA-CHAPELLE, JULY 15, 1926.

French official text communicated by the Belgian Minister for Foreign Affairs. The registration of this Convention took place June 13, 1927.

HIS MAJESTY THE KING OF THE BELGIANS, acting both in his own name, and, in virtue of existing agreements, in the name of HER ROYAL HIGHNESS THE GRAND DUCHESS OF LUXEMBURG, of the one part, and THE PRESIDENT OF THE GERMAN REICH, of the other part, being desirous of providing the traffic facilities which are recognised as necessary for the inhabitants of the respective frontier zones of the Belgium and Luxemburg Economic Union and of Germany, in execution of Article 16 of the Provisional Commercial Agreement³ of April 4th, 1925, have resolved to conclude a Convention for that purpose, and have appointed as their Plenipotentiaries :

HIS MAJESTY THE KING OF THE BELGIANS :

M. Maximilien SUTENS, Director at the Ministry of Foreign Affairs ;

THE PRESIDENT OF THE GERMAN REICH :

M. Heinrich VON FRIEDBERG, Councillor of Legation at the Ministry of Foreign Affairs ;

Who, having communicated their full powers, found in good and due form, have agreed as follows :

Article 1.

The zones of territory adjoining the common frontier on both sides, which each Contracting Party has designated as the Customs zone for its territory, shall, under the present Convention, be recognised as Customs zones.

The two Contracting Parties shall notify each other as soon as possible of the line delimiting the Customs zone within their respective countries, and shall communicate to each other a list of the places included in that zone.

Article 2.

Persons living in one of the Customs zones who exploit lands, woods, or fisheries situated in the other Customs zone, as the owners thereof, or on lease, or by other right of possession, may,

¹ Traduit par le Secrétariat de la Société des Nations.

¹ Translated by the Secretariat of the League of Nations.

² The exchange of ratifications took place at Berlin, May 24, 1927.

³ Vol. XXXVII, page 203, of this Series.

together with the members of their family, their workmen, employees or servants, cross the common frontier free of all Customs duties, charges or statistical taxes, with the products, articles, or animals specified below, and under the following conditions :

(1) Manure of all kinds, seeds, agricultural and forest plants, products for the protection of plants, machines, agricultural and forestry implements and tools, fishing gear, vehicles and draught and pack animals, including the necessary equipment, harness, forage, oil or fuel, on condition that the said products, articles or animals are used exclusively for the exploitation of the above-mentioned lands, woods, or fisheries.

The machines, implements, tools, vehicles, animals, equipment and harness must be brought back to the headquarters of the enterprise, as soon as the work has been completed.

(2) Products which are obtained from the undertaking specified in the first paragraph of the present Article and which are transported directly from the place of production to the other Customs zone. Products of hunting shall not be admitted free of duty.

Exemption from duty shall only apply to products transported during the harvest in the state in which farmers are accustomed to remove them from the place where they are produced.

Exemption shall, however, apply in the case of products which, in accordance with local custom, are sometimes, previous to transport, put provisionally in heaps or in silos (potatoes, turnips, beetroots, carrots), or in sacks (cereals, straw, hay), at the place of production, or which are threshed and put into sacks (cereals and oil-seeds) at the same place ; tanning bark, whether dried or not, and crushed or pressed grapes (*Traubensmische*), shall also be admitted free of duty.

Trees must not have been worked beyond what is necessary for facilitating their transport. Rough barking, lopping, and transverse sawing or cutting are however permissible.

Persons claiming exemption must prove their right of exploitation by producing a certificate from the competent authority. This certificate shall mention the site and extent of the property and the nature of the cultivation.

Timber may be transported at any time of the year.

(3) Domestic animals, including equines which are used in an agricultural undertaking, and which are driven to pasture or stabling in the other Customs zone, including the necessary food for the whole time they remain there.

Persons claiming exemption from duty must prove their right by producing the certificate mentioned in Article 2, paragraph 5. They must, further, have the animals inspected by the competent Customs authorities, who, after inspection and, when necessary, branding shall issue a permit fixing the time-limit for the return of the animals. The deposit of the amount of the duties as security shall only be required if fraud is suspected.

On the return of the above-mentioned animals, any young which may have been born on the other side of the frontier shall be admitted free of duty. Exemption shall also be granted in respect of milk obtained from such animals during pasturage or stabling.

Exemption from duties is also granted under the above-mentioned conditions to equines which require to be weighed, shod, castrated, or treated by a veterinary surgeon.

Article 3.

Exemption from Customs duties, charges and statistical taxes shall also be granted in respect of equines driven by the inhabitants of either of the Customs zones to fairs and markets in the

other zone, and brought back again unsold. Each of the Contracting Parties shall fix for its own territory the conditions governing such exemption.

Article 4.

Exemption from Customs duties, charges and statistical taxes shall further be granted to the inhabitants of the Customs zones in respect of any implements, tools, machines, etc., which they transport temporarily from one zone to the other, in the exercise of their occupation or to carry out work there.

The deposit of security in respect of instruments carried by doctors, veterinary surgeons or midwives for the temporary exercise of their profession shall only be required if fraud is suspected.

Article 5.

Exemption from the same Customs duties, charges and statistical taxes shall be granted in respect of the goods specified below, which are sent from one Customs zone to the other in order to be worked, repaired, or completed there, provided they are brought back, and provided also that any subsidiary products resulting from the work are brought back with the transformed products :

(a) Horses and other animals intended for slaughter, it being understood that, after they are killed, they may not be cut up further than is necessary to facilitate transport ;

(b) Used articles intended to undergo minor repairs. If accessory parts are liable to appreciable duties, such parts must be sent at the same time ;

(c) Cereals, dried vegetables and oil-seeds, intended to be winnowed, pressed, pounded, husked, ground, threshed, or the like ;

(d) Timber for cutting, splitting or sawing into planks or beams ;

(e) Oak-bark intended for cutting, grinding, or the like ;

(f) Tissues for making up into clothing. If accessory parts are liable to appreciable Customs duties, such parts must be sent at the same time ;

(g) Leather intended to be sent to a shoemaker to be made up into shoes. If accessory parts are liable to appreciable Customs duties, such grants must be sent at the same time ;

Exemption from duty is conditional upon the articles being used for the personal requirements of the persons concerned, in quantities not exceeding what is necessary for their household needs. No previous special authorisation is needed for this exemption provided the above-mentioned conditions are fulfilled.

Article 6.

Similar exemption from Customs duties charges and statistical taxes shall be granted in respect of :

(1) Dressings and medicaments supplied in small quantities on the prescription of authorised doctors or veterinary surgeons which, owing to local circumstances, must be obtained by the inhabitants of one of the Customs zones from chemists' shops situated in the other zone, or which the same doctors or veterinary surgeons bring with them for immediate use. A medical prescription shall not be required for ordinary drugs intended for medical purposes or for pharmaceutical and chemical preparations in common use, the pharmaceutical description of which is shown clearly and correctly on the wrappings, provided that the retailing of such articles in the country of origin or their importation into the other country are authorised under the regulations in force ;

(2) Coffins containing mortal remains or urns containing the ashes of persons who have been cremated ;

(3) Wreaths or bouquets of natural flowers (flowers, petals and buds), foliage (including palms), grass wrack, grasses or branches (including branches bearing fruit or cones) whether fresh or dry and mounted or not on wood, iron, wire, straw or any other material, or trimmed with ribbons or bows in stuff or paper. Customs exemption is conditional upon such articles being imported or exported on the occasion of a ceremony (religious ceremony, burial, festival, marriage, etc.) ; it shall not extend to wreaths or bouquets conveyed across the frontier for industrial or commercial use ;

(4) Articles necessary for ritual purposes, for the administration of the Sacrament, communion or extreme unction, as well as books and other religious articles, provided that they are re-exported into the Customs zone from which they came.

Article 7.

Exemption from Customs duties, charges and statistical taxes shall further be granted in respect of all kinds of vehicles (ordinary carriages, bicycles, motorcars, etc) and of all equines (horses, donkeys, mules, hinnies), provided that such vehicles and animals only cross the frontier in order to transport persons or goods from one Customs zone to the other or to convey them back again ; the necessary equipment, harness, forage, oil and fuel shall also be admitted free of duty. Such vehicles, equines, equipment and harness must be re-exported into the frontier zone of origin.

Persons known to the Customs authorities furnishing necessary guarantees shall not be required to deposit security To such persons the Customs authorities shall issue a permit, which, on request shall be made valid for one year.

The provisions relating to the taxes on motor vehicles shall remain in force.

Article 8.

Exemption from Customs duties, charges and statistical taxes shall also be granted in respect of food which the inhabitants of one of the Customs zones may take with them for the duration of their stay in the other zone, provided that the total weight of such food does not exceed one kilogram per person

Tobacco, cigars and cigarettes shall also in the same circumstances be admitted free of duty, but only up to the maximum quantities allowed to travellers.

Article 9.

Stones, sand and other material necessary for the construction and upkeep of the frontier roads may be procured from either neighbouring Customs zone and exported free of duty.

Article 10.

Should goods intended for transport from one place to another in the same Customs zone encroach upon the other Customs zone during such transport, and should there exist no road authorised for this purpose by the Customs authorities, the latter shall as far as possible allow the transport of such goods by another road. These goods shall be exempted from all Customs duties, charges and statistical taxes.

The use of roads which are not authorised by the Customs authorities shall also be permitted as far as possible, in other cases when local conditions require it, and more particularly, in the case of agricultural or forestry transport.

Article 11.

In order to obtain the benefit of the exemptions and facilities provided by the present Convention, the persons concerned must present at the Customs offices the identity certificates needed for travelling in the other Customs zone.

They must also conform to the laws and regulations relating to imports, exports and transit in so far as these are not cancelled by the present Convention.

Article 12.

The Customs authorities of the two Contracting Parties shall each take such supervisory measures as are necessary in their respective territories to prevent abuse of the facilities granted by the present Convention.

Article 13.

The provisions of the present Convention shall not prejudice or alter the Provisions of November 6th, 1922, relating to the common frontier between Belgium and Germany.

Article 14.

The restrictions on the freedom of traffic specified in Article 6 of the Provisional Commercial Agreement of April 4th, 1925, between the Economic Union of Belgium and Luxemburg and Germany shall be applicable to frontier traffic. No permit or licence for the importation or exportation of the goods referred to in the present Convention shall, however, be required. The laws on game and fishing shall remain in force on both sides. The same shall apply to the provisions concerning the levying of internal taxes and to the provisions of the German Customs laws and regulations on wines, as well as any similar provisions which may exist in the Belgo-Luxemburg-Economic Union.

The provisions applicable on the frontier between Belgium and Germany regarding the veterinary supervision of frontier traffic are contained in the Annex (Rules for Veterinary Supervision). As regards their common frontier, Luxemburg and Germany reserve the right to conclude a special agreement on this subject.

Article 15.

The two Contracting Parties shall inform each other as to which services are considered to be competent authorities under the present Convention.

Article 16.

The two Contracting Parties reserve the right to make, by common agreement, and by a simple exchange of notes, any alterations in the present Convention which, in the light of future experience, they may consider necessary.

Article 17.

The present Convention shall be ratified and the ratifications exchanged at Berlin as soon as possible.

The Convention shall come into force fourteen days after the exchange of ratifications.

Each of the Contracting Parties shall have the right to denounce the present Convention at the end of the civil year, by giving six month's notice.

In faith whereof, the Plenipotentiaries have signed the present Convention and have thereto affixed their seals.

Done in duplicate at Aix-La-Chapelle, July 15th, 1926.

M. SUTENS.

H. VON FRIEDBERG.

RULES

FOR VETERINARY SUPERVISION, ANNEXED TO THE CONVENTION BETWEEN THE ECONOMIC UNION OF BELGIUM AND LUXEMBURG AND GERMANY CONCERNING FRONTIER TRAFFIC ON THE FRONTIER BETWEEN BELGIUM AND GERMANY.

(a) *Ad Article 2 :*

All animals which are driven into the neighbouring State for work, pasturage or stabling must be branded on the left fore-hoof (equines) or on the left horn or left fore-hoof (cattle and sheep) with a capital B for Belgian animals and a capital D for German animals. They must also be marked with the same capital letter by clipping the hair of the left hind-quarter ; this mark must be at least 10 cm. long ; it must be renewed when necessary and, further, must be entered on the schedules containing the full description of the animals, including the letters branded or cut. These schedules must be kept at the offices designated by the Government of the State into whose territory the animals are driven.

Animals must be examined once yearly at the frontier (animals driven to pasturage, at the time of being put out to graze, and draught and pack animals, at the beginning of the spring working season) by the veterinary officials of the State into whose territory they are driven. On their return to the country of origin, inspection by the veterinary official of that country may be prescribed.

For animals which cross the frontier in either direction more than once yearly, these inspections may be prescribed at shorter intervals. They must not, however, as a general rule take place more than once a month.

The veterinary officials must enter the results of these inspections each time they are made on the schedules kept at the offices designated by the Government of the State into whose territory the animals are driven.

Inspections by veterinary officials shall be free of charge, provided that they take place on the days and at the hours and places appointed for that purpose.

Animals suffering from an epizootic disease, or suspected of such a disease, or of having been exposed to infection, may not return to the country of origin without the special authorisation of the two administrations.

(b) *Ad Article 3 :*

The importation of equines for the purpose of driving them to fair and markets, must be effected at the places and times authorised for that purpose, and the veterinary regulations relating to frontier inspection must be observed.

(c) *Ad Article 5a) :*

The provisions of (b) above shall be applicable. Further, the respective provisions of the two countries concerning the veterinary inspection of cattle for slaughter, and of meat, shall remain in force.

(d) *Ad Article 7 :*

Persons in charge of equines used for drawing vehicles across the frontier must be furnished with a certificate in two languages issued by the competent authorities of the country of origin (the Burgo-master of the Commune, in Belgium ; the local police authorities, in Prussia), bearing the official seal of such authorities, showing the name and domicile of the owner, and containing a full description of the animals.

These certificates must contain a sanitary attestation, valid for six months, and issued by the veterinary official of the State into whose territory the animals are driven.

The veterinary inspections necessary for this purpose shall also be free of charge, provided that they take place when the frontier is crossed, at the times to be appointed for that purpose.

(e) On the first day of each month, the competent administrations of the Customs zones shall inform each other of the sanitary condition of their zones with relation to the epizootics specified below ; further, if in a commune which has been immune from epizootics for at least 30 days a new case of contagious disease occurs, they shall inform each other within 24 hours :

- (1) Lyssa, rabies, hydrophobia ;
- (2) Glanders among equines (*Malleus*) ;
- (3) Foot-and-Mouth disease (*Aphthae epizooticae*) ;
- (4) Pulmonary diseases of cattle (*Pleuropneumonia contagiosa bovum*) ;
- (5) Sheep-pox (*Variola ovina*) ;
- (6) Horse and sheep mange (*Scabies*) ;
- (7) Red Swine Fever (*Rhusiopathia suis*) ;
- (8) Swine plague (*Pestis suum*) ;
- (9) Cattle plague (*Pestis bovina*).

Individual cases of epizootic diseases must be notified, mention being made of the exact place, the name of the owners, the number of animals which have been exposed to infection, and the number suffering from the disease.

Information regarding the sanitary condition of the two zones must also be exchanged, even if there are no epizootic diseases to notify.

Should a case of cattle plague occur in the territory of the neighbouring State, or of contagious pleuro-pneumonia of cattle, or of sheep-pox in the territory of the neighbouring State within a radius of 20 km. of the frontier, or of foot-and-mouth disease in the Customs zone of the neighbouring territory, the preceding provisions may be made more stringent so long as there is danger of contagion.

All or part of the frontier traffic of animals may be suspended so long as there is serious danger of contagion.

The competent administrations — the veterinary inspectors in Belgium, and the "Landräte" (administrative heads of districts in Prussia) — must immediately notify to each other the measures taken to make supervision more stringent or the respective prohibitions issued.

FINAL PROTOCOL.

When signing the Convention between the Economic Union of Belgium and Luxemburg and Germany concerning frontier traffic, concluded this day, the undersigned have agreed as follows :

Article 1.

The provisions of the Convention shall only apply to the frontier between Belgium and Germany. They may also be made applicable to the frontier between Luxemburg and Germany by a simple exchange of notes between the Belgian and the German Governments.

Article 2.

The present Protocol shall have the same force and value as the Convention concluded this day, of which it must be considered an integral part.

In faith thereof, the Plenipotentiaries have signed the present Protocol, and have thereto affixed their seals.

Done in duplicata at Aix-la-Chapelle, July 15, 1926.

M. SUETENS.

H. VON FRIEDBERG.