

N° 4221.

ALLEMAGNE ET BELGIQUE

Arrangement additionnel à l'Arrangement concernant la frontière commune aux deux pays du 7 novembre 1929, avec annexe et protocole de clôture. Signés à Aix-la-Chapelle, le 10 mai 1935.

GERMANY AND BELGIUM

Additional Agreement to the Agreement of November 7th, 1929, concerning the Frontier between the Two Countries, with Annex and Final Protocol. Signed at Aix-la-Chapelle, May 10th, 1935.

TEXTE ALLEMAND. — GERMAN TEXT.

N^o 4221. — ZUSATZABKOMMEN¹ ZWISCHEN DEUTSCHLAND UND BELGIEN ZU DEM ABKOMMEN ÜBER DIE DEUTSCH-BELGISCHE GRENZE VOM 7. NOVEMBER 1929. GEZEICHNET IN AACHEN, AM 10. MAI 1935.

German and French official texts communicated by the Belgian Minister for Foreign Affairs. The registration of this Additional Agreement took place November 30th, 1937.

DER DEUTSCHE REICHSKANZLER,
einerseits, und
SEINE MAJESTÄT DER KÖNIG DER BELGIER,
andererseits,
von dem Wunsche geleitet, verschiedene die deutsch-belgische Grenze betreffende Fragen durch ein Zusatzabkommen zu dem Abkommen² über die deutsch-belgische Grenze vom 7. November 1929 zu regeln, haben zu ihren Bevollmächtigten ernannt :

DER DEUTSCHE REICHSKANZLER :

Den Gesandten Herrn Dr. ECKARDT,
und

SEINE MAJESTÄT DER KÖNIG DER BELGIER :

Den Ministerialdirektor im Ministerium des Aussern und für Aussenhandel Herrn LAVERS.

Die Bevollmächtigten haben nach Prüfung ihrer in guter und gehöriger Form befundenen Vollmachten Nachstehendes vereinbart :

I.

Die Vereinbarung in Nr. 6 der Anlage 2 zu § 3 des Artikel 7 für die über die Verbindungskurve von Raeren verkehrenden Güterzüge wird auch auf die Züge, die zwischen Raeren und Kalterherberg ohne Berührung der Verbindungskurve verkehren, im Falle eines unvorhergesehenen Aufenthalts angewendet. Die vorgesehene Benachrichtigung wird der nächsten deutschen Zollstelle erteilt, und zwar durch den Vorsteher des Bahnhofs, in dessen Richtung sich der Güterzug bewegt und den er als nächste Station berühren muss.

II.

Artikel 27 erhält folgenden Zusatz :

Wenn eine Ware zur Beförderung auf einer Station der Eisenbahn Raeren-Kalterherberg mit der Bestimmung nach Deutschland aufgegeben wird, so hat die zuständige belgische Dienststelle darüber zu wachen, dass der Frachtbrief die Herkunft der zu befördernden Ware angibt.

¹ The exchange of ratifications took place at Brussels, September 10th, 1937.
Came into force September 25th, 1937.

² Vol. CXXI, page 327, of this Series.

¹ TRADUCTION. — TRANSLATION.

No. 4221. — ADDITIONAL AGREEMENT BETWEEN GERMANY AND BELGIUM TO THE AGREEMENT OF NOVEMBER 7TH, 1929, CONCERNING THE FRONTIER BETWEEN THE TWO COUNTRIES. SIGNED AT AIX-LA-CHAPELLE, MAY 10TH, 1935.

HIS MAJESTY THE KING OF THE BELGIANS,
of the one part, and

THE CHANCELLOR OF THE GERMAN REICH,
of the other part,

Being desirous of regulating certain questions relating to the frontier between Belgium and Germany by an Agreement supplementary to the Agreement concerning the frontier between Belgium and Germany of November 7th, 1929, have appointed as their Plenipotentiaries :

HIS MAJESTY THE KING OF THE BELGIANS :

M. LAVERS, Director at the Ministry of Foreign Affairs and Foreign Trade ; and

THE CHANCELLOR OF THE GERMAN REICH :

Dr. ECKARDT, Envoy Extraordinary and Minister Plenipotentiary.

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

I.

The regulations laid down in Annex 2, No. 6, to Article 7, § 3, for goods trains running over the Raeren loop-line shall also apply when a train running between Raeren and Kalterherberg, without passing over the loop-line, is obliged to make an unexpected stop on the way. The station-master of the next station in the direction in which the train is travelling shall make the prescribed notification to the nearest German Customs office.

II.

Article 27 shall be supplemented as follows :

The competent Belgian service shall see that the waybill of goods handed in at a station on the Raeren-Kalterherberg railway line for despatch to Germany mentions the origin of the goods to be forwarded.

¹ Traduit par le Secrétariat de la Société des Nations, à titre d'information.

¹ Translated by the Secretariat of the League of Nations, for information.

III.

I. Table I (German territory) referred to in Article 46 shall be supplemented by a new section No. 2 (a) as follows :

Number	Description of routes	Persons authorised to use routes	Articles and products which may be transported	Frontier crossing-points
1	2	3	4	5
2 (a)	Main road Raeren-Rötgen from boundary stone 888A* to boundary stone 888.	Inhabitants of houses situated in Belgian territory which have normal access to this road.	All objects and goods required by these inhabitants for their household, trade or profession.	Direct approach to road opposite the houses.

* After the entry into force of the Treaty relating to exchange of territory on the frontier between Belgium and Germany of May 10th, 1935, boundary stone 888A shall be placed at the spot marked 888 (a) on the map attached to the Treaty.

2. Nos. 1 and 2 of Table I (Belgian territory) referred to in Article 46 shall be replaced by the following new text :

Number	Description of routes	Persons authorised to use routes	Articles and products which may be transported	Frontier crossing-points
1	2	3	4	5
1	Atherstrasse from boundary stone 987 to Langheide and main road from Langheide to Bildchen as far as boundary stone 990.	Inhabitants of German territory between the railway and the main road from Hergenrath to Bildchen.	Agricultural material and products.	At boundary stones 988 and 990 ; also direct approach to road on which the houses between boundary stones 987 and 988 are situated.
2	Raeren-Rötgen main road from boundary stone 889 to boundary stone 888B*.	Inhabitants of the place called " Kreuzerhof ".	All objects and goods used by these inhabitants for their household, trade or profession.	Direct approach to road opposite the buildings.

* After the entry into force of the Treaty relating to an exchange of territory on the frontier between Belgium and Germany of May 10th, 1935, boundary stone 888B shall be placed at the spot marked 888 (b) on the map attached to the Treaty.

3. Furthermore, Table I (Belgian territory) referred to in Article 46 shall be supplemented by a new section No. 3 (a) as follows :

Number 1	Description of routes 2	Persons authorised to use routes 3	Articles and products which may be transported 4	Frontier crossing-points 5
3 (a)	Stretch of main road about 550 metres long passing through Hatzevenn from Conzen to Mutzenich, from boundary stone 752 to the point situated half-way between boundary stones 749 and 750.	(a) Inhabitants of Hatzevenn. (b) All German nationals proceeding on foot, bicycle or unloaded horse-drawn vehicle from Conzen to Mutzenich and <i>vice versa</i> .	(a) All objects and goods required for the maintenance, trade or profession of these persons. (b) No goods allowed.	At boundary stone 752 and half-way between boundary stones 749 and 750.

4. No. 4 of Table III (German territory) referred to in Article 48 shall be replaced by the following new text :

No. 1	Description of routes 2	Officials and employees authorised to use routes 3	Frontier crossing-points 4
4	Roads from boundary stone 947 to Aix-la-Chapelle-Raeren main road south of "Schellartshof" and this road as far as boundary stone 914.	Officials in public services, in plain clothes or in uniform, with their regulation equipment.	Access to the main road from Belgian territory at boundary stone 947 and between stones 943 and 914, according to service requirements.

5. Table III (Belgian territory) referred to in Article 48 shall be replaced by the following new text :

No.	Description of routes	Officials and employees authorised to use routes	Frontier crossing-points
1	2	3	4
1	<p>(a) Aix-la-Chapelle - Eynatten-Raeren main road. (b) Lichtenbusch-Eynatten-Raeren main road. (c) Sief - Meurisse - Raeren main road. (d) Rötgen - Petergensfeld-Raeren main road.</p>	<p>Officials of the Customs office at Raeren Station and the officials entrusted with their supervision.</p>	<p>Authorised main roads at boundary stones : (a) 957 (b) 939 (c) 920 (d) 888 B.</p>
2	<p>Stretch of main road about 550 metres long passing through Hatzevenn from Conzen to Mutzenich, from boundary stone 752 to the point situated half-way between boundary stones 749 and 750.</p>	<p>Officials of the neighbouring German Customs offices and the officials entrusted with their supervision.</p>	<p>At boundary stone 752 and half-way between boundary stones 749 and 750.</p>
3	<p>Stretch of main road about 100 metres long on the way from the place called " Ruitzhof " to the village of Kalterherberg running parallel to and about 20 metres from the frontier formed by the Schwarzbach in Belgium and crossing the railway line by the station (from boundary stone 659 via stone 657 to stone 656 A).</p>	<p>Officials and employees of the public services in plain clothes or in uniform, with their regulation equipment, exempt from all Belgian Customs, passport and police formalities.</p>	<p>At boundary stones 659 and 656 A.</p>
4	<p>Road from the hamlet of Deutsch-Leykoul to Kalterherberg Station from boundary stone 651, and stretch of road leading from a point on the frontier about 100 metres east of boundary stone 649 to boundary stone 648.</p>	<p>As for No. 3.</p>	<p>At boundary stone 651, at a point on the frontier about 100 metres from boundary stone 649 and at boundary stone 648.</p>
5	<p>Rocherath - Wahlerscheid main road from boundary stone 584 to boundary stone 572.</p>	<p>(a) Officials of the Customs office and examining post at Wahlerscheid and officials entrusted with their supervision. (b) State and communal employees, including officials supervising them, in the Department of Woods and Forests.</p>	<p>Approaches to authorised main road, as required by service.</p>

No.	Description of routes	Officials and employees authorised to use routes	Frontier crossing-points
1	2	3	4
6	Road from the village to the station at Losheimergraben and railway towards Losheim (Eifel).	Officials of the Customs office and examining post at Losheimergraben and officials entrusted with their supervision.	Authorised main road at boundary stone 477 and railway.
7	Losheimergraben - Lanzerath main road from boundary stones 476 and 477 to boundary stone 471.	State and communal employees, including officials entrusted with their supervision, in the Department of Woods and Forests.	Access to main road as required by the service.
8	Main roads : (a) Losheimergraben-Lanzerath-Manderfeld-Auw. (b) Losheim (Eifel) station-Bertherath - Manderfeld - Auw.	Officials entrusted with supervision of Customs officers at the frontier from Losheimergraben to Auw.	Main roads at boundary stones : (a) 476/477 and 313. (b) 418 and 313.
9	Railway from Bleialf to Belgisch Steinebrück and main road from Belgisch Steinebrück to Deutsch Steinebrück.	Officials of the Customs office and examining post of Deutsch Steinebrück and officials entrusted with their supervision.	Railway line and main road at boundary stone 168.
10	Main road from Heckhalenfeld to Auelersteg, from boundary stone 143 to boundary stone 148.	Officials of the Heckhalenfeld Customs office and officials entrusted with their supervision.	At boundary stones 143 and 148.
11	Main road from Lutzkampen-Weveler to the Our Bridge, and from thence the main road in the direction of Oberhausen, leaving Belgian territory by the roads running to Stupbach or Welchenhausen.	Customs officials of Stupbach and Welchenhausen and the officials entrusted with their supervision.	At boundary stones 55 and 71; authorised main road at boundary stone 91.

IV.

The following new provision shall be added as § 7 to Article 79 :

Having regard to the working requirements of the Raeren-Kalterherberg railway line and the special situation of landed property in proximity to the said line, the competent authorities of the contracting States may by agreement authorise exceptions to the prohibitions laid down in §§ 1-3 of the present Article in respect of building on land adjacent to this line.

V.

Article 93 shall be replaced by the following new text :

§ 1. The Belgian and German Customs authorities and the other competent administrations of both States shall assist each other in discovering and prosecuting

infringements of Customs, import, export, transit, taxation or police regulations. This provision shall also apply to cases in which it comes to the knowledge of Belgian railway employees that goods handed in for despatch at a station on the Raeren-Kalterherberg railway and described in the waybill as being of German origin are in fact of Belgian origin. In such cases, the said employees shall attach to the waybill a notice warning the German Customs office that the goods are of Belgian origin.

§ 2. The provisions set forth in Annex 3 have been laid down with a view to the more effective prevention of fraud at the frontier.

VI.

The present Supplementary Agreement is drawn up in duplicate French and German texts. Both texts are equally authentic.

VII.

§ 1. The present Agreement, together with its Final Protocol, shall be ratified. The ratifications shall be exchanged at Brussels as soon as possible.

§ 2. The Agreement shall come into force on the fifteenth day after the exchange of ratifications; nevertheless, the provisions of Section III, Nos. 1 and 2, in so far as they relate to the Raeren-Rötgen main road, shall not apply before the date of the entry into force of the Treaty, likewise signed to-day, relating to the transfer of territory on the frontier between Belgium and Germany.

In faith whereof the two Plenipotentiaries have signed the present Supplementary Agreement and have thereto affixed their seals.

AIX-LA-CHAPELLE, *May 10th*, 1935.

(Signed) LAVERS.

(Signed) ECKARDT.

ANNEX 3

TO THE AGREEMENT OF NOVEMBER 7TH, 1929, DRAWN UP IN VIRTUE OF SECTION V OF THE SUPPLEMENTARY AGREEMENT OF MAY 10TH, 1935.

Article 1.

§ 1. Within the limits laid down in the following provisions, each of the two States undertakes to assist the other State with a view to the discovery, prevention and prosecution of infringements of the Customs legislation of the said State.

§ 2. For the purposes of the present Annex, Customs legislation shall be deemed to include all regulations in respect of goods (both imported, exported and in transit) for the observance of which the Customs authorities are responsible, whether such regulations relate to the levying of duties or charges of any kind, or to measures of prohibition or supervision.

Article 2.

Customs employees of each of the two States shall use the means at their disposal for preventing infringements of the Customs legislation of their own country to prevent infringements of the Customs legislation of the other country.

Article 3.

Should the employees of the Customs authorities of either State learn that there has been an infringement of the Customs legislation of the other State or that such an infringement is to be attempted, they shall as soon as possible inform their own Customs authorities (the Divisional Inspector of Customs in Belgium and the District Customs Commissioner in Germany). The latter shall immediately advise one another of any infringements or attempted infringements of the Customs legislation of the other State which may be brought to their notice, and shall at the same time furnish all the necessary information with regard to the offences reported, together with any documents or evidence they have been able to obtain.

Article 4.

Should it be necessary, with a view to detecting infringements of the Customs legislation of their country, to obtain proof of charges against specific persons, the Customs officials of either State authorised for that purpose, whose rank shall be not lower than that of Divisional Inspector of Customs in Belgium and District Customs Commissioner in Germany, shall be permitted to visit the frontier Customs offices of the other State for the purpose of obtaining information from the books, documents and records of the said offices.

Article 5.

The competent Customs authorities of one of the two States shall, at the request of the competent Customs authorities of the other State, enter into negotiations with a view to the introduction, in its frontier Customs zone, of closer supervision over the movement of classes of commodities known to be the object of smuggling on a large scale into the neighbouring country.

Article 6.

§ 1. While remaining within the limits set by its own legislation, the Customs authorities of one of the two States shall, at the request of the Customs authorities of the other State, keep under observation, within the reserved Customs zone :

- (a) Persons suspected of regularly or habitually infringing the Customs legislation of the neighbouring country ;
- (b) Buildings and places where stocks of goods are constituted in excess of the normal quantities, when it may be supposed that such stocks are for the purpose of illicit import into the neighbouring country.

§ 2. The foregoing provisions shall not affect the Agreements of November 7th, 1929, concerning the management of restaurants and bookstalls in the stations of the Raeren-Kalterherberg railway, and the management of certain retail establishments in the proximity of the frontier between Belgium and Germany.

Article 7.

With a view to the application of the foregoing provisions by effective collaboration between the Customs services, the officials appointed for the purpose by each of the two States shall arrange to meet from time to time, or in special circumstances. These officials shall be of a rank not lower than that of Divisional Inspector of Customs in Belgium and District Commissioner of Customs in Germany.

Article 8.

For the purposes set forth in Articles 4 and 7, the competent Customs officials of each of the two States may visit the frontier zone of the other State in uniform, with their service equipment, and employing their usual means of transport.

Article 9.

§ 1. In future, persons wishing to open a retail shop or constitute a store of goods of any kind in the section of Belgian territory situated between the frontier between Belgium and Germany and an imaginary line 250 metres west of the Rötgen-Fringshaus-Conzen German main road, shall first obtain permission from the competent Belgian authorities appointed for this purpose.

§ 2. If, as a result of a police charge followed by a conviction, an offence is found to have been committed in a retail shop or store authorised in virtue of § 1 or already in existence on the date of the entry into force of the present provisions, the competent authority appointed for the purpose may order that the said retail shop or store be closed.

FINAL PROTOCOL

OF THE AGREEMENT OF MAY 10TH, 1935, BETWEEN GERMANY AND BELGIUM SUPPLEMENTARY TO THE AGREEMENT CONCERNING THE FRONTIER BETWEEN THE TWO COUNTRIES OF NOVEMBER 7TH, 1929.

On proceeding to sign the Agreement supplementary to the Agreement concerning the frontier between Belgium and Germany of November 7th, 1929, the Plenipotentiaries have agreed as follows :

I.

Ad No. IV. In view of certain difficulties raised at the outset by the application of the provisions of Article 79 of the Agreement of November 7th, 1929, concerning the erection of buildings or enclosures in proximity to the frontier, such buildings or enclosures as were erected during the period August 1st, 1931, to April 30th, 1935, contrary to the said provisions, a list of which shall be drawn up by the competent authorities of the contracting States, may be maintained.

II.

The Belgian National Railway Company expressed the desire, for reasons of economy, to operate a single track line between Raeren and Kalterherberg, closing the second track. The German delegation pointed out that this was contrary to the interests of the traffic and of the German Customs, and that such a measure would entail the amendment of Article 7, §§ 2 and 3, together with Annex 2, No. 1, of the Agreement of November 7th, 1929, since it would be necessary to provide for stops at the various points where trains pass one another. Nevertheless, the German delegation agreed to the provisional operation of a single track line for one year, provided that during the operation of the said single track line there was no reduction in the number of passenger trains or in their speed, that the second unused track was not removed, and that by way of amendment to Article 7, §§ 2 and 3, and Annex 2, No. 1, of the Agreement of November 7th, 1929, the following regulations were observed :

1. Goods trains shall run to a specified time-table and in so far as they utilise the loop-line, the German Customs office at Raeren shall be duly notified.
2. Trains shall only pass each other or overtake at stations.
3. Loading and unloading shall be prohibited during halts.

The Belgian delegation declared that it agreed to these regulations.

On the expiration of a period of one year, the two Governments shall confer with a view to deciding whether the aforesaid arrangements shall remain in force.

AIX-LA-CHAPELLE, *May 10th*, 1935.

(Signed) LAVERS.

(Signed) ECKARDT.