

No. 29224

**AUSTRIA
and
FEDERAL REPUBLIC OF GERMANY**

**Agreement concerning mutual assistance in the event of
disasters or serious accidents. Signed at Salzburg on
23 December 1988**

Authentic text: German.

Registered by Austria on 19 November 1992.

**AUTRICHE
et
RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE**

**Convention relative à l'assistance mutuelle en cas de catastro-
phes ou d'accidents graves. Signé à Salzburg le 23 dé-
cembre 1988**

Texte authentique : allemand.

Enregistrée par l'Autriche le 19 novembre 1992.

[TRANSLATION — TRADUCTION]

AGREEMENT¹ BETWEEN THE REPUBLIC OF AUSTRIA AND THE
FEDERAL REPUBLIC OF GERMANY CONCERNING MUTUAL
ASSISTANCE IN THE EVENT OF DISASTERS OR SERIOUS
ACCIDENTS

The Republic of Austria and the Federal Republic of Germany,

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

(1) This Agreement lays down the basic conditions whereby, in the event of disasters or serious accidents in one Contracting State and at its request, voluntary assistance is provided by the other Contracting State, especially in the form of emergency teams and equipment.

(2) Assistance in the framework of customary transboundary neighbourliness arrangements shall remain unaffected.

Article 2. DEFINITIONS

For the purposes of this Agreement:

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 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 Republic of Austria: the Federal Minister of the Interior and the *Land* Governments of the border *Länder*;

For the Federal Republic of Germany: the Federal Minister of the Interior and the Ministers of the Interior of the border *Länder*.

¹ Came into force on 1 October 1992, i.e., the first day of the third month following the date of the exchange of the instruments of ratification, which took place at Bonn on 8 July 1992, in accordance with article 19 (2).

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

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

(4) The two Contracting States shall inform each other 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, without necessarily going into operational detail.

Article 5. TYPES OF ASSISTANCE

(1) Assistance shall be provided by emergency teams which are specially trained, *inter alia*, in fire-fighting, nuclear and chemical hazards control, first aid, salvage and temporary repair work, and which have the specialized equipment required for such operations; if necessary, assistance may also be provided in any other manner.

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

Article 6. BORDER CROSSING AND RESIDENCE

(1) The members of an emergency team shall be exempt from passport and residence permit or visa 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 border may be crossed at places other than those authorized, irrespective of the normal regulations. In this case the competent border surveillance authorities or the nearest border 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 in the event of a disaster or a serious accident.

Article 7. BORDER CROSSING FOR EQUIPMENT

(1) The Contracting States shall facilitate border crossing for the equipment and items necessary for emergency operations. The leader of an emergency team shall be required only to hand over to the border authorities of the requesting State a list of the equipment and items being imported; particularly urgent border crossings at points other than those authorized shall be reported to the competent customs authority at the earliest opportunity.

(2) The emergency teams shall carry with them no articles other than the equipment and other items necessary for emergency operations.

(3) The prohibitions and restrictions on transboundary goods traffic shall not apply to the equipment and other items necessary for emergency operations. Such equipment and items that have not been used during an emergency operation shall be re-exported. If, owing to special circumstances, they cannot be re-exported, their

type, quantity and whereabouts shall be reported to the authority responsible for the emergency operation, who shall notify the competent customs authority. In such cases, the domestic legislation of the requesting State shall apply.

(4) Paragraph 3 shall also apply to the import of narcotic drugs into the requesting State and the re-export on non-consumed quantities to the sending State. Such traffic shall not count as import or export traffic within the meaning of the international conventions on narcotic drugs. Narcotic drugs may be transported 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.

(5) The Republic of Austria shall, subject to reciprocity:

- Allow the equipment and other items necessary for emergency operations in the requesting State to be imported without formal procedure and without delivery of a guarantee for temporary duty-free utilization; and
- Exempt used equipment and other items from all import duties.

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, 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 the most detailed possible information 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 and emergency teams being carried;

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

During operations in the other Contracting State, crews shall be entitled to wear uniform and to carry service handguns (pistols and revolvers) and ammunition, provided that these form part of their normal equipment.

(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. COORDINATION AND CONTROL

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

(2) 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.

(3) 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 sending State shall have no claim on the requesting State for reimbursement of the cost of assistance. This shall also apply to costs arising from consumption, damage or loss of material. The cost of assistance provided by natural or legal persons that are made available by the sending State only in response to a request shall be borne by the requesting State.

(2) Where the cost of the assistance carried out is partially or completely recovered, paragraph 1, sentence 1, shall not apply. 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 support and medical treatment in case of need.

Article 11. COMPENSATION AND DAMAGES

(1) Each Contracting State shall waive all claims against the other Contracting State or its team members in respect of compensation for:

(a) Financial losses caused by a team member of the other Contracting State in the line of duty;

(b) Claims arising out of physical injury to, damage to the health of or the death of a team member in the line of duty.

(2) Where, in the territory of the requesting State, damage is done to third parties by a team member of the sending State in the line of duty, 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. Where the requesting State has made good the damage, it shall have no right of recourse against the sending State or its team members.

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

*Article 12. SUPPORT FOR AND READMISSION 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 social 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 COOPERATION

(1) The authorities referred to in article 3 shall cooperate in accordance with their respective national laws, in particular:

- (a) In carrying out assistance operations;
- (b) In preventing and countering disasters or serious accidents, by exchanging all relevant scientific and technical information and organizing meetings, research programmes, specialized courses and exercises by emergency teams in the territory of both Contracting States;
- (c) In 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 Agreement shall apply, *mutatis mutandis*, to joint exercises in which the emergency teams of one Contracting State go into action in the territory of the other State.

Article 14. TELECOMMUNICATION LINKS

The competent authorities of the Contracting States shall jointly take the necessary measures to establish telecommunication links and, in particular, radio links, between the authorities referred to in article 3, between these authorities and the emergency teams sent by them, among the emergency teams themselves and between the emergency teams sent and the respective operation leaders.

Article 15. SETTLEMENT OF DISPUTES

Disputes relating to the interpretation of this Agreement that cannot be settled directly by the competent authorities referred to in article 3 shall be settled through the diplomatic channel.

Article 16. DENUNCIATION

This Agreement may be denounced at any time through the diplomatic channel, and shall cease to have effect six months after receipt of the 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 Agreement 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 Government of the Republic of Austria within the three months following the entry into force of this Agreement.

* Article 18 has been obsolete since the reunification of Germany on 3 October 1990.

Article 19. ENTRY INTO FORCE

(1) This Agreement shall be ratified. The instruments of ratification shall be exchanged as soon as possible at Bonn.

(2) This Agreement shall enter into force on the first day of the third month following the exchange of the instruments of ratification.

DONE at Salzburg on 23 December 1988, in two originals in the German language.

For the Federal Republic of Germany:

GRAF VON BRÜHL

Dr. ZIMMERMANN

For the Republic of Austria:

BLECHA
