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C.N.246.1966.TREATIES-9

9 February 1967

AGREEMENT CONCERNING THE ADOPTION OF UNIFORM CONDITIONS OF APPROVAL AND
RECIPROCAL RECOGNITION OF APPROVAL FOR MOTOR VEHICLE EQUIPMENT
AND PARTS, DONE AT GENEVA ON 20 MARCH 1958

COMMUNICATIONS FROM FRANCE, THE UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND AND THE FEDERAL REPUBLIC OF GERMANY

Sir,

I am directed by the Secretary-General to refer to letters C.N.18.
1966.TREATIES-2 of 30 March 1966, C.N.62.1966.TREATIES-4 of 19 May 1966
and C.N.106.1966.TREATIES-5 of 7 July 1966 informing you of the communications
received from the Permanent Missions to the United Nations of Albania,
Byelorussian Soviet Socialist Republic, Czechoslovakia, Hungary, Poland
and the Union of Soviet Socialist Republics with respect to letter C.N.203.
1965.TREATIES-4 of 20 January 1966, relating to the ratification by the
Government of the Federal Republic of Germany of the Agreement concerning
the Adoption of Uniform Conditions of Approval and Reciprocal Recognition
of Approval for Motor Vehicle Equipment and Parts, done at Geneva on
20 March 1958.

I have the honour to inform you that, on the dates indicated below,
the Secretary-General received the following notes with respect to the
communications referred to in the preceding paragraph:

Note received on 23 November 1966 from the Permanent Mission of
France to the United Nations:

(Translation) The relations of Berlin with authorities abroad are,
and remain, reserved to the Allied Kommandatura as the supreme authority
in Berlin. In paragraph III (e) of the Declaration on Berlin of 5 May
1955, however, which accords with instruments that previously entered



into force, such as the Declaration referred to in the Allied Kommandatura's letter of 21 May 1952, the Allied Kommandatura has authorized the Berlin authorities to assure the representation abroad of the interests of Berlin and its inhabitants under suitable arrangements.

The arrangements made in accordance with the foregoing permit the Federal Republic of Germany to extend to Berlin the international agreements which the Federal Republic concludes, provided that certain conditions are observed. Under these conditions, the final decision in every case on the extension of the international agreement to Berlin is left to the Allied Kommandatura. In addition, internal Berlin action is required to make any such international agreement applicable as domestic law in Berlin.

It is clear that this procedure, which accords with the special status of the city, safeguards entirely the rights and responsibilities of the Allied Kommandatura and, through it, those of the Allied Powers, which remain in any event competent to decide on the extension to Berlin of the international agreements concluded by the Federal Government of Germany.

It follows that the objections raised by the above-mentioned Permanent Missions are unfounded.

Note received on 23 November 1966 from the United Kingdom Mission to the United Nations:

"... The relations of Berlin with authorities abroad are, and remain, reserved to the Allied Kommandatura as the supreme authority in Berlin. In paragraph III (c) of the Declaration on Berlin of the 5th of May, 1955, however, which accords with instruments that previously entered into force, such as the Declaration referred to in the Allied Kommandatura's letter of the 21st of May, 1952, the Allied Kommandatura has authorized the Berlin Authorities to assure the representation abroad of the interests of Berlin and its inhabitants under suitable arrangements.

The arrangements made in accordance with the foregoing permit the Federal Republic of Germany to extend to Berlin the international agreements which the Federal Republic concludes, provided that certain conditions are observed. Under these conditions the final decision in every case on the extension of the international agreement to Berlin is left to the Allied Kommandatura. In addition, internal Berlin action is required to make any such international agreement applicable as domestic law in Berlin.

It is clear that this procedure, which accords with the special status of the city, safeguards entirely the rights and responsibilities of the Allied Kommandatura and, through it, those of the Allied Powers, who remain in any event competent to decide on the extension to Berlin of the international agreements concluded by the Federal Republic of Germany.

It follows that the objections raised by the Governments of Czechoslovakia, Hungary, Poland, Union of Soviet Socialist Republics, Byelorussian Soviet Socialist Republic and Albania are unfounded."



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Note received on 25 November 1966 from the Permanent Observer of the Federal Republic of Germany to the United Nations:

"... Berlin is a part of Germany. The relations of Berlin with authorities abroad are, nevertheless, at present reserved to the Allied Kommandatura which exercises supreme authority in the city. In paragraph III (c) of the Declaration on Berlin of May 5, 1955, however, which accords with instruments that previously entered into force, such as the Declaration referred to in the Allied Kommandatura's letter of May 21, 1952, the Allied Kommandatura has authorized the Berlin authorities to assure the representation abroad of the interests of Berlin and its inhabitants under suitable arrangements. Such arrangements have been made with the Government of the Federal Republic of Germany which is the only German Government freely and legitimately constituted.

The arrangements made in accordance with the foregoing permit the Federal Republic of Germany to extend to Berlin the international agreements which the Federal Republic concludes provided that certain conditions are observed. Under these conditions the final decision in every case on the extension of the international agreement to Berlin is left to the Allied Kommandatura. In addition, internal Berlin action is required to make any such international agreement applicable as domestic law in Berlin.

It is clear that this procedure, which accords with the special status of the city, safeguards entirely the rights and responsibilities of the Allied Kommandatura and, through it, those of the Allied Powers, who remain in any event competent to decide on the extension to Berlin of the international agreements concluded by the Federal Republic of Germany.

It follows that the objections raised in the above-mentioned Notes are unfounded."

Accept, Sir, the assurances of my highest consideration.

A handwritten signature in dark ink, appearing to read "C. Stavropoulos", is written over a horizontal line.

Constantin A. Stavropoulos
Under-Secretary
Legal Counsel