

No. 5323

BELGIUM, LUXEMBOURG and NETHERLANDS

Convention on the transfer of control of persons to the external frontiers of Benelux territory. Signed at Brussels, on 11 April 1960

Official texts : French and Dutch.

Registered by Belgium on 24 August 1960.

BELGIQUE, LUXEMBOURG et PAYS-BAS

Convention concernant le transfert du contrôle des personnes vers les frontières extérieures du territoire du Benelux. Signée à Bruxelles, le 11 avril 1960

Textes officiels français et néerlandais.

Enregistrée par la Belgique le 24 août 1960.

[TRANSLATION — TRADUCTION]

No. 5323. CONVENTION¹ BETWEEN THE KINGDOM OF BELGIUM, THE GRAND-DUCHY OF LUXEMBOURG AND THE KINGDOM OF THE NETHERLANDS ON THE TRANSFER OF CONTROL OF PERSONS TO THE EXTERNAL FRONTIERS OF BENELUX TERRITORY. SIGNED AT BRUSSELS, ON 11 APRIL 1960

His Majesty the King of the Belgians,

Her Royal Highness the Grand Duchess of Luxembourg,

Her Majesty the Queen of the Netherlands,

Desirous of strengthening further the bonds which already unite their countries, particularly by virtue of the Treaty instituting the Benelux Economic Union, signed at The Hague on 3 February 1958 ;

Considering the desirability of eliminating the control of persons at internal frontiers within Benelux territory, of facilitating the movement of aliens within that territory and of adopting a joint policy concerning the crossing of external frontiers ;

Have decided to conclude a convention for this purpose and have appointed as their plenipotentiaries :

His Majesty the King of the Belgians :

His Excellency Mr. P. Wigny, Minister for Foreign Affairs ;

Her Royal Highness the Grand Duchess of Luxembourg :

His Excellency Mr. E. Schaus, Minister for Foreign Affairs ;

Her Majesty the Queen of the Netherlands :

His Excellency Mr. J. M. A. H. Luns, Minister for Foreign Affairs ;

Who, having exchanged their full powers, found in good and due form, have agreed to the following provisions :

Article 1

For the purpose of the present Convention,

- (1) The term "Benelux territory" means the whole of the territories, in Europe, of the Kingdom of Belgium, of the Grand-Duchy of Luxembourg and of the Kingdom of the Netherlands ;

¹ Came into force on 1 July 1960, the day following the date of the deposit of the third instrument of ratification, in accordance with article 18. The instruments of ratification on behalf of all the Contracting Parties were deposited with the Belgian Government on 30 June 1960.

- (2) The term “third State” means any State other than a Benelux State ;
- (3) The term “alien” means any person who is not a national of one of the Benelux States ;
- (4) The term “external frontiers” means
 - (a) The frontier between Benelux territory and the territory of a third State or the high seas ;
 - (b) Any airport or seaport situated in Benelux territory through which pass persons coming from or proceeding to a third State ;
- (5) The term “internal frontiers” means the frontiers between the territories of the Benelux States ;
- (6) The term “Working Party” means a ministerial Working Party established in accordance with article 21 of the Treaty instituting the Benelux Economic Union ;
- (7) The term “Special Committee” means a Special Committee established in accordance with article 31 of the same Treaty.

Article 2

As soon as this Convention enters into force, each of the High Contracting Parties shall eliminate the control of persons at the internal frontiers and shall exercise at its external frontiers a control which is valid for Benelux territory.

Article 3

The High Contracting Parties undertake to adopt a joint policy with regard to the application of this Convention both in their internal relations and in their relations with third States. For this purpose they shall afford one another mutual assistance.

Article 4

A visa valid for Benelux territory is hereby instituted. The visa shall be issued by joint agreement on the basis of instructions drawn up by the Working Party.

In cases to be determined by the Working Party or in the absence of joint agreement in exceptional cases, the territorial validity of the visa may be limited.

Article 5

Aliens in possession of the necessary documents and having adequate means of subsistence or the possibility of acquiring such means by legally authorized work may enter Benelux territory provided that they are not designated as undesirable in that territory or deemed likely to endanger public law and order or national security.

Article 6

The Working Party shall draw up the basic regulations governing the control of persons at the external frontiers.

Article 7

Aliens entering one of the Benelux countries shall be required to declare their arrival to the competent authorities of that country. The Working Party shall fix, in respect of the different categories of aliens, the time-limits and the procedure for making the declaration.

It may exempt certain categories of aliens from the requirement of making the declaration.

Article 8

Aliens who have legally entered Benelux territory may, subject to compliance with the requirement laid down in article 7 and provided that they continue to fulfil the conditions specified in article 5, travel within each of the Benelux countries for a period to be determined by the Working Party.

Without prejudice to the application of article 7, aliens holding a residence permit issued in one of the Benelux countries may also travel in the two other Benelux countries under that one document, provided that they fulfil the other conditions laid down in article 5. The Working Party shall determine which are the approved residence permits and shall fix the period in which aliens holding such documents are authorized to travel in the other two Benelux countries.

Article 9

Each of the High Contracting Parties undertakes to readmit, in instances and under conditions to be determined by the Working Party aliens who, coming from its territory, have entered the territory of another Contracting Party and are undesirable there.

Article 10

An alien who is undesirable in one of the Benelux countries may, on a request being made by the Minister of Justice of that country to the Ministers of Justice of the two other countries, supported by a statement of his reasons therefor, be deemed to be undesirable in Benelux territory provided that the measure applied to him has been taken :

- (a) Following his conviction for an extraditable crime or offence ;
- (b) On the ground that his presence constitutes a threat to public order or national security.

This request shall be complied with unless there are special reasons for not doing so.

Article 11

The High Contracting Parties undertake to co-ordinate their laws and regulations relating to the suppression of violations of the provisions governing the entry and movement of aliens.

Illegal entry into and movement within a Benelux country by an alien shall, without prejudice to the application of the penalties prescribed in that country, be deemed to constitute grounds for his deportation by the authorities of all the Benelux countries. The violation of a deportation order, extended to Benelux territory in accordance with article 10 of this Convention, shall be deemed a violation of the corresponding laws or regulations of the country where the commission of the offence was established.

The competent authorities of each of the countries shall communicate to one another all useful information concerning offences committed or *prima facie* evidence that an offence has been or will be committed in respect of the entry, movement and residence of aliens. They shall also communicate to one another information concerning facts which may give rise to the imposition of an administrative penalty on an alien.

The information obtained under the third paragraph above may be used only for the purpose of applying the laws and regulations concerning the entry, movement and residence of aliens, save where the authorities supplying such information agree otherwise.

Article 12

Each of the High Contracting Parties reserves the right to reintroduce temporarily complete or partial control of persons at the internal frontiers for reasons of public order or national security.

The Working Party shall determine the manner in which this right shall be exercised.

The Committee of Ministers shall, as soon as possible, report to the Consultative Interparliamentary Council both on the measures taken and on the reasons therefor.

Article 13

The Working Party shall supervise the application of this Convention and the achievement of the aims specified therein and shall take the decisions necessary for this purpose. The decisions shall be unanimous.

Article 14

Each of the High Contracting Parties undertakes to take the necessary steps to bring its regulations into accord with the decisions taken by the Working Party.

Article 15

The Special Committee shall :

- (1) Draft joint regulations for the implementation of this Convention ;
- (2) Submit to the Working Party proposals for improving the methods of application of this Convention and, so far as is necessary, for amending or supplementing its provisions ;
- (3) Submit to the Working Party proposals concerning the desirability of initiating negotiations with third States with a view to concluding conventions on the matters dealt with in this Convention ;
- (4) Implement or promote the implementation of the decisions of the Working Party and supervise their application by national administrations.

The Special Committee shall deal directly with the Working Party which shall alone be competent to issue directives to it.

The Special Committee shall draw up its rules of procedure and shall submit them to the Working Party for its approval.

Article 16

Any disputes which may arise between the High Contracting Parties concerning the interpretation of his Convention shall be submitted to the College of Arbitrators set up by the Treaty instituting the Benelux Economic Union.

Article 17

This Convention shall be ratified and the instruments of ratification shall be deposited with the Belgian Government which shall transmit them to the Secretariat-General of the Benelux Economic Union as soon as this Convention enters into force.

Article 18

This Convention shall enter into force on the day following the deposit of the third instrument of ratification and shall remain in force as long as the Treaty instituting the Benelux Economic Union.

IN FAITH WHEREOF the plenipotentiaries have signed this Convention and affixed to it their seals.

DONE at Brussels, on 11 April 1960, in triplicate, in the French and Dutch languages, both texts being equally authentic.

For the Kingdom of Belgium :

P. WIGNY

For the Grand Duchy of Luxembourg :

E. SCHAUS

For the Kingdom of the Netherlands :

J. M. A. H. LUNS