

No. 7335

**BELGIUM
and
FRANCE**

**Convention regarding control at the frontier between Belgium and France and at joint and transfer stations.
Signed at Brussels, on 30 March 1962**

Official text: French.

Registered by Belgium on 3 July 1964.

**BELGIQUE
et
FRANCE**

Convention relative aux contrôles à la frontière belgo-française et aux gares communes et d'échange. Signée à Bruxelles, le 30 mars 1962

Texte officiel français.

Enregistré par la Belgique le 3 juillet 1964.

[TRANSLATION — TRADUCTION]

No. 7335. CONVENTION¹ BETWEEN THE KINGDOM OF BELGIUM AND THE FRENCH REPUBLIC REGARDING CONTROL AT THE FRONTIER BETWEEN BELGIUM AND FRANCE AND AT JOINT AND TRANSFER STATIONS. SIGNED AT BRUSSELS, ON 30 MARCH 1962

His Majesty the King of the Belgians and

The President of the French Republic,

Desiring to facilitate the crossing, particularly by rail, road and waterway, of the frontier between Belgium and France,

Have agreed to conclude a Convention and have accordingly appointed as their respective plenipotentiaries :

For His Majesty the King of the Belgians :

His Excellency Mr. Paul-Henri Spaak, Minister for Foreign Affairs ;

For the President of the French Republic :

His Excellency Mr. Raymond Bousquet, Ambassador Extraordinary and Plenipotentiary of France at Brussels ;

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

PART I

GENERAL PROVISIONS

Article 1

(1) The two States shall take, within the framework of this Convention, the necessary measures to expedite the crossing of their common frontier by rail, road and waterway.

(2) For the purposes set forth in paragraph (1) :

(a) They shall establish adjoining national control offices in stations or, in immediate proximity to the frontier, on roads or waterways ;

¹ Came into force on 1 May 1964, the first day of the second month following the exchange of the instruments of ratification which took place at Paris on 13 March 1964, in accordance with article 33.

- (b) They shall permit the inspection of trains in transit on specified sections of route ;
- (c) They shall designate joint or transfer stations for rail traffic.

(3) The competent Ministers of the two States shall by mutual agreement make arrangements concerning the establishment, transfer or discontinuance of adjoining national control offices, the determination of the sections of route on which trains can be inspected while in transit, the delimitation of the zone in accordance with article 3, and the designation of joint or transfer stations for rail traffic. These arrangements shall be confirmed and shall become effective by an exchange of notes through the diplomatic channel.

Article 2

For the purpose of this Convention, the following definitions shall be used :

1. "Inspection" : the taking of all measures which are provided for by the laws and regulations of the two States and are applicable to persons, baggage, goods, vehicles and other property crossing the frontier in either direction ;
2. "Zone" : the clearly defined part of the territory of one of the States, as specified in article 3, in which the officials of the other State are authorized to carry out inspection ;
3. "Transit State" : the State in whose territory the zone is situated ; "Adjoining State" : the other State ;
4. "Officials" : persons who are members of the departments responsible for inspection and who perform their duties in the zone (for details concerning railway personnel, see part IV of this Convention) ;
5. "Offices" : the adjoining national control offices of the two States.

Article 3

The zone shall consist of :

1. In the case of rail traffic :
 - A. In the case of inspection at the offices :
 - (a) A specified sector of the station and its outbuildings ;
 - (b) Passenger or goods trains and a clearly defined part of the track on which they are standing, throughout the duration of the inspection ;
 - (c) A clearly defined part of the platforms and track on either side of stationary trains ;
 - (d) Passenger and goods trains between the station and the frontier of the adjoining State ;

B. In the case of inspection on a train in transit : the train on a clearly defined section of its route and, if necessary, a clearly defined sector of the station at which that section of the train's route begins and of the station at which it ends ;

2. In the case of road traffic and traffic by waterway, for which the zone must extend to the frontier :

- (a) A part of the road or a part of the waterway (including the banks or quays) ;
- (b) If necessary, a part of the service buildings and their annexes.

Article 4

The laws and regulations of the adjoining State regarding inspection shall be applied in the zone, under this Convention, in the same way as they are applied in the administrative unit to be designated for that purpose by the Government of the said State. In the event of offences against such laws and regulations committed in the zone, the courts of the adjoining State shall be competent and shall rule precisely as if such offences had been committed in the administrative unit so designated.

Article 5

(1) In the case of inspection within the zone, the operations of the country of exit shall be effected before those of the country of entry. Generally speaking, they shall be carried out in the following order :

- (a) Police inspection by the country of exit ;
- (b) Customs and other inspections by the country of exit ;
- (c) Police inspection by the country of entry ;
- (d) Customs and other inspections by the country of entry.

(2) As soon as the officials of the country of entry begin their operations :

- (a) The laws and regulations of the country of entry regarding inspections shall become applicable ;
- (b) If the adjoining State is the country of exit, its officials shall no longer be entitled to inspect, persons, baggage, goods, vehicles or other property ;
- (c) If the transit State is the country of exit, its officials shall not be entitled to resume inspection of persons, baggage, goods, vehicles or other property which they have already cleared, except by agreement with the competent local authorities of the country of entry.

(3) Until the exit inspections of the adjoining State have been completed, the authorities of the transit State shall not, within the zone, arrest persons or seize baggage, goods, vehicles and other property subject to those inspections.

(4) After the entry inspections of the adjoining State have begun, the authorities of the transit State shall not, within the zone, arrest persons or seize baggage, goods, vehicles and other property subject to those inspections, if the officials of the adjoining State have already carried out such an operation.

(5) If for practical reasons the order of inspections set forth in paragraph (1) is modified during inspections, officials of the country of entry operating before those of the country of exit may proceed to arrests or seizures, but only after the inspections of the country of exit have been completed. If they wish to proceed to such measures, they must take the persons, baggage, goods, vehicles or other property to the officials of the country of exit in order that the latter may still be in a position to effect their inspections. Any arrests or seizures made on such occasions by officials of the country of exit shall have priority over those to which the officials of the country of entry wished to proceed.

Article 6

(1) The officials of the adjoining State shall be authorized under this Convention to carry out within the zone all operations regarding the inspections provided for by the laws and regulations of the said State, as though they were on their own territory. In particular, they shall be authorized to record offences, effect seizures, accept settlements in respect of offences recorded, and retain baggage, goods, vehicles and other property as security in respect of debts or fines. They may also arrest persons, of whatever nationality, who have contravened the regulations regarding the crossing of the frontier or who are sought by the competent authorities of the adjoining State ; turn back travellers ; and transfer persons arrested to that State. Transfer to the adjoining State shall be effected as speedily as possible and may, for example, take place by means of trains not subject to inspection while in transit.

(2) They may transfer freely to the territory of the adjoining State any funds arising from the levying of customs duties or other charges, payments or fines, as well as any baggage, goods, vehicles or other property stopped, seized or held for any reason whatsoever.

(3) Officials of the adjoining State may sell in the territory of the transit State baggage, goods and vehicles which they have held or seized there, and may freely transfer to the adjoining State the proceeds of such sale. In the event of sale of such property, the laws and regulations concerning imports or transit in force in the transit State shall be applicable to baggage, goods and vehicles not immediately transferred to the territory of the adjoining State.

Article 7

Persons refused entry by officials of the country of entry may not be refused the right to return to the country of exit.

Article 8

(1) The officials of the two States shall help each other as much as possible in the discharge of their duties in the zone, and particularly in the prevention and detection of offences against the laws and regulations regarding the crossing of the frontier. For this purpose they shall communicate to each other, as rapidly as possible, all information which is of importance for the proper discharge of their duties.

(2) The provisions of paragraph (1) shall not prejudice any domestic laws and regulations which may make such communication subject to the consent of other authorities.

PART II

OFFICIALS

Article 9

The authorities of the transit State shall grant to the officials of the adjoining State the same protection and assistance in the performance of their duties under this Convention as they grant to corresponding officials of their own State.

Article 10

If any offence be committed in the zone against the officials of the adjoining State in the execution of their duties, the same penal provisions as those applied to a similar offence committed against officials of the transit State engaged in similar work shall apply.

Article 11

Officials of the adjoining State who, under the terms of this Convention, are called upon to perform their duties on the territory of the transit State shall be authorized to cross the frontier in order to proceed to their place of work simply by producing an official document proving their identity, their title and the nature of their duties.

Article 12

(1) Officials of the adjoining State who, under the terms of this Convention, are called upon to perform their duties on the territory of the transit State may wear national uniform or a visible distinctive badge.

(2) They shall be authorized to bear their regulation arms, but may use them only in self-defence.

Article 13

(1) Officials of the adjoining State, who under the terms of this Convention, are called upon to perform their duties on the territory of the transit State shall be exempt from personal taxes and levies.

(2) If an official of the adjoining State called upon to perform his duties on the territory of the transit State under the terms of this Convention suffers injury as the result of an accident, occurring while he is on duty or in connexion with his duties, for which the railway authority of the transit State is responsible, the railway authority of the adjoining State shall assume responsibility for the payment of any compensation due from the railway authority of the transit State, without taking proceedings against the latter authority.

Article 14

(1) The administrative status of officials of the adjoining State shall be governed by the laws and regulations of their State.

(2) Any offences committed by officials of the adjoining State in the territory of the transit State shall be immediately notified to their superiors, without prejudice to the right of the authorities of the transit State to take proceedings against such offences.

Article 15

(1) Articles required for the operation of the service and personal belongings, including foodstuffs, which officials of the adjoining State may need during the performance of their duties in the transit State, and which they carry with them when proceeding to their work in the territory of the latter State or when returning therefrom, shall be imported and re-exported free of all duties and taxes on the basis of an oral declaration and without deposit of any security. The same shall apply to official or personal vehicles used by the officials in the performance of their duties.

(2) Unless the competent authorities mutually agree otherwise, import or export prohibitions and restrictions shall not apply to the articles mentioned in paragraph (1).

(3) The competent authorities shall determine, by mutual agreement, the measures of supervision deemed to be necessary.

Article 16

When an official of the adjoining State, in the performance of his duties in the transit State in pursuance of this Convention, causes damage or injury to a national of

the latter State, the adjoining State or the public authority to which the official is responsible shall be answerable for the damage or injury as though it had been caused on its own territory to one of its own nationals.

PART III

OFFICES

Article 17

The competent authorities shall make every effort to co-ordinate the working hours and functions of the offices.

Article 18

- (1) The competent authorities shall determine by mutual agreement :
- (a) The premises needed for the services of the adjoining State, together with the charges to be paid in respect of those premises, e.g. for rent, lighting, heating and cleaning ;
 - b) The compartments to be reserved for officials responsible for carrying out inspections of trains in transit.

(2) If, under the laws of the adjoining State, the railway authority of that State must supply premises for the authorities responsible for inspections and provide other services for them, the railway authority of the transit State shall be obliged to comply, subject to compensation, with a request for similar treatment from the railway authority of the adjoining State.

Article 19

The premises assigned to the services of the adjoining State may be indicated on the exterior by an official description and a coat of arms in the national colours of that State.

Article 20

The officials of the adjoining State shall be entitled to maintain order on the premises placed at their exclusive disposal and to expel therefrom any person causing a disturbance. For this purpose they may, if necessary, call upon the assistance of officials of the transit State.

Article 21

(1) Equipment, furniture and other articles required for the operation of the services of the adjoining State installed in the transit State shall be imported and re-

exported free of all duties and taxes and without deposit of security, provided that they are declared in the regular way. Their disposal, whether free of charge or in return for payment, in the territory of the transit State may be effected only under the conditions specified by the competent authorities of that State.

(2) Unless otherwise provided by mutual agreement between the competent authorities, import or export prohibitions or restrictions shall not apply to the objects mentioned in paragraph (1).

Article 22

(1) The telephone and telegraph lines (including lines for teleprinters) required for the operation of services of the adjoining State installed in the transit State may be extended into the territory of the transit State in order to enable direct communication to be maintained with those services.

(2) For the same purpose, the Governments of the two States undertake to grant, so far as is possible, every facility for the use of other means of telecommunication.

(3) The competent authorities of the two States shall, by mutual agreement, take the necessary measures for the application of paragraphs (1) and (2).

Article 23

Letters, packets and funds sent by or addressed to the services of the adjoining State may be carried by the officials of that State post-free and without intervention by the postal or railway authorities, provided that such articles bear the seal of the service sending them.

Article 24

(1) Persons coming from the adjoining State may complete all the inspection formalities with the services of that State installed in the zone, in the same way as in the adjoining State itself.

(2) The provisions of paragraph (1) shall in particular apply to persons coming from the adjoining State who are professionally engaged in the activity mentioned in that paragraph. In the exercise of that activity, such persons shall be subject to the laws and regulations governing the matter in the adjoining State, and not to those of the transit State. Income arising from the operations thus carried out or from the services thus supplied shall be regarded, for the purpose of income tax, as having been earned in a permanent establishment situated in the adjoining State.

(3) In the exercise of their activity at the customs offices of the adjoining State situated in the transit State, the persons mentioned in paragraph (2) may employ

either Belgian or French personnel, without discrimination. The laws and regulations of the transit State governing the employment of foreign workers shall not be applicable in that connexion.

(4) Facilities compatible with the general regulations of the transit State relating to the crossing of the frontier and to presence in that State shall be granted to the persons mentioned in paragraphs (2) and (3) in order that they may carry on their activities normally.

Article 25

So far as turnover taxes (in Belgium, transfer tax and associated taxes) are concerned, the operations effected with and the services supplied to the services of either State installed in the zone by persons carrying out inspection operations on a professional basis shall be regarded as having been effected or supplied exclusively in the State in question.

PART IV

SPECIAL PROVISIONS APPLICABLE TO RAIL TRAFFIC

Article 26

The personnel of the railway authority of either State shall be authorized to carry on their activities in the territory of the other State within the framework of this Convention.

Article 27

(1) The railway authorities of the two States shall determine by mutual agreement the terms on which joint and transfer stations are to be organized and operated and the method of sharing the cost of constructing, equipping, renovating, maintaining and operating such stations, on the understanding that the latter shall remain the property of the railway authority of the State in whose territory they are situated.

(2) The provisions of articles 9, 10, 11, 12 (1), 13, 14, 15, 16, 19, 20, 21, 22 and 23 shall be applicable to personnel and services of the railway authorities of either State which on the territory of the other State carry out their functions in stations where adjoining control is effected, or in joint or transfer stations, or in trains between such stations and the frontier.

Article 28

Facilities shall be provided for the transfer of money which the personnel of the railway authority of either State collect as transport or other similar charges when operating in the territory of the other State.

Article 29

(1) The personnel of the railway authority of either State may, to the extent authorized by the laws of their own State, take measures to maintain order and safety in trains between the frontier and the joint or transfer station situated in the territory of the other State. Any offences against the regulations regarding the maintenance of order and safety which may be committed in such trains shall be reported to the competent service at the station of the other State, in order that the necessary action may be taken in respect of them.

(2) The personnel mentioned in paragraph (1) may not arrest any person on the section of the route between the frontier and the joint or transfer station situated in the other State. Nevertheless, the personnel in question shall be authorized to take persons guilty of the above offences to the nearest station in the other State, in order that particulars of the offences may be recorded.

PART V

FINAL PROVISIONS

Article 30

The competent authorities of the two States shall determine, by mutual agreement, the administrative measures necessary for the application of this Convention. This procedure shall not exclude use of the diplomatic channel.

Article 31

Apart from the procedure specified in article 1, paragraph (3), the measures taken in pursuance of article 1, paragraph (2) (a), (b) and (c) may be terminated at the request of either State. In that event, the State whose services are to be transferred back into its own territory may claim a time allowance of not more than two years from the date of the request, which shall be communicated through the diplomatic channel.

Article 32

The following Conventions are abrogated :

1. The Franco-Belgian Convention regulating the customs service on railways between Belgium and France, signed at Brussels on 11 April 1927¹ (so far as the movement of trains visited during the journey is concerned) ;

2. The Convention between Belgium and France relating to the operation of the French-Belgian international stations at Jeumont and Quévy, signed at Paris on 13 April 1948 ;²

¹ League of Nations, *Treaty Series*, Vol. CXLIII, p. 215.

² United Nations, *Treaty Series*, Vol. 31, p. 409.

3. The Convention between Belgium and France regarding the establishment of adjoining national control offices on the frontier, signed at Paris on 30 January 1953.¹

Article 33

(1) This Convention shall be ratified and the instruments of ratification shall be exchanged as soon as possible at Paris.

(2) It shall enter into force on the first day of the second month following the exchange of the instruments of ratification.

(3) It may be denounced by either State, in which case it shall terminate two years after notification of such denunciation.

IN WITNESS WHEREOF the respective plenipotentiaries have signed this Convention and have thereto affixed their seals.

DONE at Brussels, on 30 March 1962.

For the Kingdom of Belgium :

P.-H. SPAAK

For the French Republic :

R. BOUSQUET

¹ United Nations, *Treaty Series*, Vol. 188, p. 141 ; Vol. 193, p. 362 ; Vol. 202, p. 363, and Vol. 445, p. 332.