

No. 7967

**NETHERLANDS, BELGIUM and LUXEMBOURG
and
FRANCE**

**Agreement concerning the acceptance of persons at the
common frontiers between the territory of the Benelux
States and France (with Protocol). Signed at Paris,
on 16 April 1964**

Official text: French.

Registered by the Netherlands on 5 November 1965.

**PAYS-BAS, BELGIQUE et LUXEMBOURG
et
FRANCE**

**Arrangement concernant la prise en charge de personnes
aux frontières communes entre le territoire des États
du Benelux et la France (avec Protocole). Signé à Paris,
le 16 avril 1964**

Texte officiel français.

Enregistré par les Pays-Bas le 5 novembre 1965.

[TRANSLATION — TRADUCTION]

No. 7967. AGREEMENT¹ BETWEEN THE GOVERNMENTS OF THE KINGDOM OF THE NETHERLANDS, THE KINGDOM OF BELGIUM AND THE GRAND DUCHY OF LUXEMBOURG, ON THE ONE HAND, AND THE GOVERNMENT OF THE FRENCH REPUBLIC, ON THE OTHER HAND, CONCERNING THE ACCEPTANCE OF PERSONS AT THE COMMON FRONTIERS BETWEEN THE TERRITORY OF THE BENELUX STATES AND FRANCE. SIGNED AT PARIS, ON 16 APRIL 1964

Preamble

The Governments of the Kingdom of the Netherlands, the Kingdom of Belgium and the Grand Duchy of Luxembourg, hereinafter designated by the expression "Benelux States", acting jointly on the basis of the Convention concluded between them on 11 April 1960² on the transfer of control of persons to the external frontiers of the territory of the Benelux States, hereinafter designated by the expression "Benelux territory", on the one hand, and the Government of the French Republic, on the other hand ;

Desiring to facilitate the acceptance of persons at the frontier between Benelux territory and France, on the understanding that this Agreement applies only to the territories of the Contracting Parties in Europe,

Have agreed as follows :

Article 1

(1) The Government of each of the Benelux States shall, without formalities and without the necessity of action by its diplomatic mission, accept nationals of one of those States whom the French authorities propose to deport if it is proved, or the presumption is established, that such persons are nationals of one of the Benelux States.

(2) Proof or the presumption of the nationality of one of the Benelux States may be established on the basis of a certificate of nationality, a naturalization document, a national passport, or a national identity document even if the same was not issued in proper form or has expired within the past ten years. The presumption of this nationality may also be established by other means.

¹ Came into force on 16 May 1964, the thirtieth day following the date of signature, in accordance with article 15.

² United Nations, *Treaty Series*, Vol. 374, p. 3.

(3) Such persons shall be accepted on presentation of one of the documents listed in paragraph (2) or of any other document from which the nationality of the bearer may be inferred.

(4) The Government of the French Republic shall readmit any person deported from its territory on accordance with paragraphs (1) to (3) if the supplementary investigation undertaken immediately by the authorities of the Benelux States establishes that he did not possess the nationality of one of those States at the time of his deportation from French territory, unless the Government of one of the Benelux States is required to accept such person under article 2, 3 or 4.

(5) Where the presumption of nationality is deemed to be insufficient, acceptance may be made conditional on presentation of a certificate of acceptance.

Article 2

(1) The Government of each of the Benelux States shall, at the request of the French authorities, accept a person who is not a national of one of the countries parties to this Agreement if, under the regulations in force in France, he entered French territory in an illegal manner across the common frontier.

(2) This provision shall apply only if the request for acceptance is made within six months after the person left Benelux territory and he stayed not less than fifteen days in Benelux territory or, having stayed there less than fifteen days, he entered that territory in a legal manner. The obligation to accept such person shall terminate if, after entering France, the person concerned obtains a permit to reside there for not less than six months.

(3) There shall be no obligation to accept a person who is a national of a third State having a common frontier in Europe with France unless compelling reasons exist for not deporting the person concerned to the territory of such third State.

Article 3

(1) A person who is not a French national and who, under the regulations in force in France, entered French territory in an illegal manner across the common frontier may be delivered to the frontier authorities of one of the Benelux States within two weeks after crossing the frontier and shall be accepted without formalities by the latter if the French frontier authorities produce evidence which enables the frontier authorities of the Benelux State to verify that the conditions for acceptance exist. If such person cannot be returned within that two-week period, the obligation to accept him shall continue to exist if, within that period, the person concerned is arrested by the French authorities or, if he is not arrested, they inform the authorities of one of the Benelux States that they propose to deport him.

(2) There shall be no obligation to accept a person who is a national of a third State having a common frontier in Europe with France unless compelling reasons exist for not deporting the person concerned to the territory of such third State.

(3) The Government of the French Republic shall readmit, within a maximum period of three months, a person in respect of whom the supplementary investigation undertaken immediately by the authorities of the Benelux State concerned shows that the conditions for acceptance did not exist.

Article 4

(1) The Government of each of the Benelux States shall, at the request of the French authorities, accept a person who has his usual place of residence in Benelux territory and who, not being a national of one of the countries parties to this Agreement, entered France in a legal manner on presentation of a visa, provided that the request is made within three months after the expiry of the visa.

(2) The Government of each of the Benelux States shall, at the request of the French authorities, accept a person who has his usual place of residence in Benelux territory and who, not being a national of one of the countries parties to this Agreement, entered France in a legal manner on presentation of a passport or any other document in lieu thereof, provided that the request is made within three months after the expiry of the term during which he is authorized to travel in France.

(3) No request for acceptance shall be required where the person covered by paragraphs (1) and (2) possesses an unexpired residence permit issued by the authorities of one of the Benelux States.

On presentation of this residence permit, such person may be delivered to the frontier authorities, who shall accept him without formalities.

(4) There shall be no obligation to accept :

1. A person who is a national of a third State having a common frontier in Europe with France unless compelling reasons exist for not deporting that person to the territory of such third State ;
2. An alien covered by paragraphs (1) and (2) who, after leaving Benelux territory, obtained in France a permit to reside there for at least six months.

(5) A person who lawfully possesses a residence permit issued in one of the Benelux States and valid for not less than six months shall be deemed to have his usual place of residence there for the purposes of paragraphs (1) and (2) of this article.

Article 5

(1) The Government of each of the Benelux States declares itself willing to accede to requests from the French authorities for the conveyance in transit of a national of a third State, on condition that acceptance is guaranteed by the country of destination and, where necessary, conveyance in transit is guaranteed by other countries.

(2) Conveyance in transit or the co-operation of the authorities of the Benelux States may be refused if the person concerned might thereby be liable to prosecution or punishment.

(3) Notwithstanding the granting of authorization, a person accepted for conveyance in transit may be returned to the French authorities if facts making such conveyance inadvisable subsequently arise or are discovered, or if another State through which he is to be so conveyed, or the State of destination, refuses to accept him.

Article 6

(1) The Government of the French Republic shall, without formalities and without the necessity of action by its diplomatic mission, accept French nationals whom the authorities of one of the Benelux States propose to deport from Benelux territory if it is proved, or the presumption is established, that such persons are French nationals.

(2) Proof or the presumption of French nationality may be established on the basis of a certificate of nationality, a naturalization document, a national passport, or a national identity document even if the same was not issued in proper form or has expired within the past ten years. The presumption of French nationality may also be established by other means.

(3) Such persons shall be accepted on presentation of one of the documents listed in paragraph (2) or of any other document from which the nationality of the bearer may be inferred.

(4) A person deported from Benelux territory in accordance with paragraphs (1) to (3) shall be readmitted thereto if the supplementary investigation undertaken immediately by the French authorities establishes that he did not possess French nationality at the time of his deportation from Benelux territory, unless the Government of the French Republic is required to accept such person under articles 7, 8 or 9.

(5) Where the presumption of nationality is deemed to be insufficient, acceptance may be made conditional on presentation of a certificate of acceptance.

Article 7

(1) The Government of the French Republic shall, at the request of the authorities of one of the Benelux States, accept a person who is not a national of one of the

countries parties to this Agreement if, under the regulations in force in those States, he entered Benelux territory in an illegal manner across the common frontier.

(2) This provision shall apply only if the request for acceptance is made within six months after the person left French territory and he stayed not less than fifteen days in that territory or, having stayed there less than fifteen days, he entered that territory in a legal manner. The obligation to accept such person shall terminate if, after entering Benelux territory, the person concerned obtains a permit to reside there for not less than six months.

(3) There shall be no obligation to accept a person who is a national of a third State having a common frontier in Europe with one of the Benelux States unless compelling reasons exist for not deporting the person concerned to the territory of such third State.

Article 8

(1) A person who is not a national of one of the Benelux States and who, under the regulations in force in those States, entered Benelux territory in an illegal manner across the common frontier may be delivered to the French frontier authorities within two weeks after crossing the frontier and shall be accepted without formalities by the latter if the frontier authorities of one of the Benelux States produce evidence which enables the French frontier authorities to verify that the conditions for acceptance exist. If such person cannot be returned within that two-week period, the obligation to accept him shall continue to exist if, within that period, the person concerned is arrested by the authorities of one of the Benelux States or, if he is not arrested, they inform the French authorities that they propose to deport him.

(2) There shall be no obligation to accept a person who is a national of a third State having a common frontier in Europe with one of the Benelux States unless compelling reasons exist for not deporting the person concerned to the territory of such third State.

(3) The Government of the Benelux State which ordered the return shall readmit, within a maximum period of three months, a person in respect of whom the supplementary investigation undertaken immediately by the French authorities shows that the conditions for acceptance did not exist.

Article 9

(1) The Government of the French Republic shall, at the request of the authorities of one of the Benelux States, accept a person who has his usual place of residence in France and who, not being a national of one of the countries parties to this Agree-

ment, entered Benelux territory in a legal manner on presentation of a visa, provided that the request is made within three months after the expiry of the visa.

(2) The Government of the French Republic shall, at the request of the authorities of one of the Benelux States, accept a person who has his usual place of residence in France and who, not being a national of one of the countries parties to this Agreement, entered Benelux territory in a legal manner on presentation of a passport or any other document in lieu thereof, provided that the request is made within three months after the expiry of the term during which he is authorized to travel in Benelux territory.

(3) No request for acceptance shall be required where the person covered by paragraphs (1) and (2) possesses an unexpired residence permit issued by the French authorities.

On presentation of this residence permit, such person may be delivered to the French frontier authorities, who shall accept him without formalities.

(4) There shall be no obligation to accept :

1. A person who is a national of a third State having a common frontier in Europe with Benelux territory unless compelling reasons exist for not deporting that person to the territory of such third State ;
2. An alien covered by paragraphs (1) and (2) who, after leaving France, obtained in one of the Benelux States a permit to reside there for not less than six months.

(5) A person who lawfully possesses a residence permit issued in France and valid for not less than six months shall be deemed to have his usual place of residence there for the purposes of paragraphs (1) and (2).

Article 10

(1) The Government of the French Republic declares itself willing to accede to requests from the authorities of one of the Benelux States for the conveyance in transit of a national of a third State, on condition that acceptance is guaranteed by the country of destination and, where necessary, conveyance in transit is guaranteed by other countries.

(2) Conveyance in transit or the co-operation of the French authorities may be refused if the person concerned might thereby be liable to prosecution or punishment.

(3) Notwithstanding the granting of authorization, a person accepted for conveyance in transit may be returned to the authorities of one of the Benelux States if facts making such conveyance inadvisable subsequently arise or are discovered,

or if another State through which he is to be so conveyed, or the State of destination, refuses to accept him.

Article 11

(1) Obligations to accept a person arising out of other international agreements and in particular, from those concerning refugees shall not be affected by the provisions of this Agreement.

(2) This Agreement may not be interpreted as in any way altering the legal arrangements resulting from the conventions concerning legal assistance and extradition concluded between the Kingdom of the Netherlands, the Kingdom of Belgium or the Grand Duchy of Luxembourg and the French Republic.

Article 12

For purposes of the application of this Agreement and whenever acceptance is not effected directly by the frontier authorities, the Ministries of Justice of the Benelux States and the Ministry of Internal Affairs of the French Republic may deal with one another directly whenever they consider resort to the diplomatic channel to be unnecessary.

Article 13

Frontier crossing points for the acceptance of persons shall be agreed between the services of the competent Ministries of Justice of the Benelux States and those of the Ministry of Internal Affairs of the French Republic.

Article 14

(1) The cost of conveying to the frontier crossing point persons to be deported shall be borne by the State whose authorities ordered the deportation.

(2) The cost of conveying persons in transit to the frontier of the State of destination and, where applicable, the cost of return shall be borne by the applicant State.

Article 15

This Agreement shall enter into force on the thirtieth day following its signing.

This Agreement shall remain in force for five years. It shall be renewed by tacit agreement for successive periods of five years unless the Netherlands, Belgium, France, or Luxembourg, six months before the expiry of the initial term of the Agree-

ment or of one of the subsequent five-year periods, announces its intention to terminate it.

Denunciation by a single Government shall cause the Agreement to cease to have effect.

DONE at Paris, on 16 April 1964, in quadruplicate in the French language.

For the Government of the Kingdom of the Netherlands :

A. BENTINCK

For the Government of the Kingdom of Belgium :

JASPAR

For the Government of the French Republic :

Fr. LEDUC

For the Government of the Grand Duchy of Luxembourg :

N. HOMMEL

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PROTOCOL

On proceeding to sign the Agreement of today's date between the Governments of the Kingdom of the Netherlands, the Kingdom of Belgium and the Grand Duchy of Luxembourg, on the one hand, and the Government of the French Republic, on the other hand, concerning the acceptance of persons at the common frontiers between the territory of the Benelux States and France, the Netherlands Government stated that, without prejudice to the provisions of article 15 of the Agreement, it reserved the right to terminate the Agreement by giving notice to the other three Governments not later than two months before the expiry of the first year following the entry into force of the Agreement.

The Belgian, French and Luxembourg Governments stated that they had taken note of that reservation and were agreed that, should the Netherlands Government give the notice mentioned in the preceding paragraph, the Agreement would continue provisionally to be applied in relations between Belgium and Luxembourg, on the

one hand, and France, on the other hand, pending the conclusion of a new agreement between the Government of the Kingdom of the Netherlands and the other three Governments.

This Protocol shall form an integral part of the Agreement.

DONE at Paris, on 16 April 1964, in quadruplicate in the French language.

For the Government of the Kingdom of the Netherlands :

A. BENTINCK

For the Government of the Kingdom of Belgium :

JASPAR

For the Government of the French Republic :

Fr. LEDUC

For the Government of the Grand Duchy of Luxembourg :

N. HOMMEL