

No. 8302

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**NETHERLANDS, BELGIUM and LUXEMBOURG  
and  
FEDERAL REPUBLIC OF GERMANY**

**Agreement concerning the acceptance of persons at the  
frontier. Signed at Bonn, on 17 May 1966**

*Official texts : Dutch, German and French.*

*Registered by the Netherlands on 17 August 1966.*

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**PAYS-BAS, BELGIQUE et LUXEMBOURG  
et  
RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE**

**Accord concernant la prise en charge de personnes à  
la frontière. Signé à Bonn, le 17 mai 1966**

*Textes officiels néerlandais, allemand et français.*

*Enregistré par les Pays-Bas le 17 août 1966.*

[TRANSLATION — TRADUCTION]

No. 8302. AGREEMENT<sup>1</sup> BETWEEN THE GOVERNMENT OF THE FEDERAL REPUBLIC OF GERMANY AND THE GOVERNMENTS OF THE KINGDOM OF BELGIUM, THE GRAND DUCHY OF LUXEMBOURG AND THE KINGDOM OF THE NETHERLANDS CONCERNING THE ACCEPTANCE OF PERSONS AT THE FRONTIER. SIGNED AT BONN, ON 17 MAY 1966

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The Government of the Federal Republic of Germany, on the one hand, and the Governments of the Kingdom of Belgium, the Grand Duchy of Luxembourg and the Kingdom of the Netherlands, acting jointly on the basis of the Convention concluded between them on 11 April 1960<sup>2</sup> on the transfer of control of persons to the external frontiers of Benelux territory, on the other hand,

Desiring to facilitate the acceptance of persons at the common frontier,  
Have agreed as follows :

*Article 1*

The term "Benelux States", as used in this Agreement means the Kingdom of Belgium, the Grand Duchy of Luxembourg and the Kingdom of the Netherlands. The term "Benelux territory" means the European territories of the Kingdom of Belgium, the Grand Duchy of Luxembourg and the Kingdom of the Netherlands.

*Article 2*

Where, according to the provisions of this Agreement, the acceptance of a person is conditional upon the possession of German nationality, the obligation to accept shall be applicable to all Germans within the meaning of article 116 of the Constitution of the Federal Republic of Germany.

*Article 3*

(1) The Government of the Federal Republic of Germany shall, without formalities and without the intervention of its diplomatic missions, accept

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<sup>1</sup> Came into force on 1 July 1966, the first day of the second month following the date of signature, in accordance with article 18 (1).

<sup>2</sup> United Nations, *Treaty Series*, Vol. 374, p. 3.

German nationals whom the authorities of one of the Benelux States propose to expel from Benelux territory if it is proved, or the presumption is established, that such persons possess German nationality.

(2) Proof or a presumption of German nationality may be established on the basis of a certificate of domicile (*Heimatschein*), certificate of nationality (*Staatsangehörigkeitsausweis*), certificate of naturalization (*Einbürgerungsurkunde*), German passport (*Deutscher Reisepass*), Federal identity document (*Bundespersonalausweis*) or a Temporary Travel Document, even if the same was issued in error or has expired within the past ten years. The presumption of nationality may also be established by other means.

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

(4) The Government of each of the Benelux States shall readmit any person expelled from its territory in accordance with paragraphs (1) to (3) if the supplementary investigation undertaken forthwith by the authorities of the Federal Republic of Germany establishes that he did not possess German nationality at the time of his expulsion from Benelux territory and if the Government of the Federal Republic of Germany is not required to accept such person under article 4 or 5.

(5) Where proof is not established in accordance with paragraph (2), or the presumption of nationality is considered to be insufficient, acceptance shall be conditional upon a declaration of acceptance (*Übernahmeerklärung*).

#### Article 4

(1) The Government of the Federal Republic of Germany shall, at the request of the authorities of one of the Benelux States, accept persons who are not nationals of one of the States Parties to this Agreement, if any such person entered Benelux territory unlawfully from the territory of the Federal Republic of Germany across the common frontier.

(2) This provision shall only apply if the request for acceptance is made within six months after the person left the territory of the Federal Republic of Germany, and if he was present in the territory of the Federal Republic of Germany, for not less than two weeks, and if, after crossing the frontier, he has not been recognized in one of the Benelux States as a refugee within the meaning of the Convention relating to the Status of Refugees of 28 July 1951.<sup>1</sup>

<sup>1</sup> United Nations, *Treaty Series*, Vol. 189, p. 137; for subsequent actions concerning this Convention, see references in Cumulative Indexes Nos. 2 to 6, as well as Annex A in volumes 503, 511, 514, 520, 521, 541, 550 and 562.

(3) The Government of the Federal Republic of Germany shall, at the request of the authorities of one of the Benelux States, accept at any time refugees who are recognized by the German authorities as refugees within the meaning of the Convention relating to the Status of Refugees of 28 July 1951 and are resident in Benelux territory, unless the authorities of one of the Benelux States have granted them a residence permit.

(4) There shall be no obligation to accept persons who are nationals of a State with which one of the Benelux States has a common frontier and who can be handed over to that State.

#### *Article 5*

(1) Persons who entered Benelux territory unlawfully from the territory of the Federal Republic of Germany across the common frontier may be handed over to the frontier authorities of the Federal Republic of Germany within one month 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 enabling the frontier authorities of the Federal Republic of Germany to verify that the conditions for acceptance exist. Such persons may also be handed over after the expiration of the one-month period if the authorities of one of the Benelux States have within that period informed the authorities of the Federal Republic of Germany of their intention to hand them over.

(2) There shall be no obligation to accept persons who are nationals of a State with which one of the Benelux States has a common frontier and who can be handed over to that State.

(3) The Government of each of the Benelux States shall take back persons whom it has handed over if the supplementary investigation undertaken forthwith by the authorities of the Federal Republic of Germany establishes that the conditions for acceptance did not exist.

#### *Article 6*

(1) The Government of the Federal Republic of Germany declares itself willing to accede to requests from the authorities of one of the Benelux States for the conveyance in transit by the authorities of the Federal Republic of Germany of persons who are not nationals of one of the States Parties to this Agreement, if acceptance is guaranteed by the country of destination and, where necessary, conveyance in transit is guaranteed by other countries.

(2) Conveyance in transit may be refused where a person :

(a) might be exposed to political persecution or be liable to criminal prosecution or punishment in a subsequent country of transit or in the country of destination ; or

(b) might be liable to criminal prosecution or punishment while in transit through the territory of the Federal Republic of Germany.

(3) A transit visa issued by the Federal Republic of Germany shall not be required.

(4) Notwithstanding the authorization granted, persons accepted for conveyance in transit may be returned to the authorities of the Benelux State making the request if facts making such conveyance inadvisable subsequently arise or are discovered, or if another State through which such persons are to be so conveyed, or the State of destination, refuses to accept them.

#### Article 7

(1) The Government of each of the Benelux States shall, without formalities and without the intervention of its diplomatic missions, accept nationals of one of those States whom the authorities of the Federal Republic of Germany propose to expel, if it is proved, or the presumption is established, that such persons are nationals of one of the Benelux States.

(2) Proof or a presumption of the nationality of one of the Benelux States may be established on the basis of a certificate of nationality, naturalization document, passport or identity document, even if the same was issued in error or has expired within the past ten years. The presumption of nationality may also be established by other means.

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

(4) The Government of the Federal Republic of Germany shall readmit any person expelled from its territory in accordance with paragraphs (1) to (3) if the supplementary investigation undertaken forthwith 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 expulsion and if the Government of one of the Benelux States is not required to accept such person under article 8 or 9.

(5) Where proof is not established in accordance with paragraph (2), or the presumption of nationality is considered to be insufficient, acceptance shall be conditional upon a declaration of acceptance (*Übernahmeerklärung*).

#### Article 8

(1) The Government of each of the Benelux States shall, at the request of the authorities of the Federal Republic of Germany, accept persons who are not nationals of one of the States Parties to this Agreement, if any such person

entered the territory of the Federal Republic of Germany unlawfully from the territory of the Benelux States across the common frontier.

(2) This provision shall only apply if the request for acceptance is made within six months after the person left Benelux territory, and if he was present in Benelux territory for not less than two weeks and if, after crossing the frontier, he has not been recognized in the Federal Republic of Germany as a refugee within the meaning of the Convention relating to the Status of Refugees of 28 July 1951.

(3) The Government of each of the Benelux States shall, at the request of the authorities of the Federal Republic of Germany, accept at any time refugees who are recognized by the authorities of one of the Benelux States as refugees within the meaning of the Convention relating to the Status of Refugees of 28 July 1951 and are resident in the territory of the Federal Republic of Germany, unless the authorities of the Federal Republic of Germany have granted them a residence permit.

(4) There shall be no obligation to accept persons who are nationals of a State with which the Federal Republic of Germany has a common frontier and who can be handed over to that State.

#### *Article 9*

(1) Persons who entered the territory of the Federal Republic of Germany unlawfully from Benelux territory across the common frontier may be handed over to the frontier authorities of one of the Benelux States within one month after crossing the frontier and shall be accepted without formalities by the latter if the frontier authorities of the Federal Republic of Germany produce evidence enabling the frontier authorities of the Benelux States to verify that the conditions for acceptance exist. Such persons may also be handed over after the expiration of the one-month period if the authorities of the Federal Republic of Germany have within that period informed the authorities of one of the Benelux States of their intention to hand them over.

(2) There shall be no obligation to accept persons who are nationals of a State with which the Federal Republic of Germany has a common frontier and who can be handed over to that State.

(3) The Government of the Federal Republic of Germany shall take back persons whom it has handed over if the supplementary investigation undertaken forthwith by the authorities of one of the Benelux States establishes that the conditions for acceptance did not exist.

*Article 10*

(1) The Government of each of the Benelux States declares itself willing to accede to requests from the authorities of the Federal Republic of Germany for the conveyance in transit by the authorities of the Benelux States of persons who are not nationals of one of the States Parties to this Agreement, if acceptance is guaranteed by the country of destination and, where necessary, conveyance in transit is guaranteed by other countries.

(2) Conveyance in transit may be refused where a person :

- (a) might be exposed to political persecution or be liable to criminal prosecution or punishment in a subsequent country of transit or in the country of destination ; or
- (b) might be liable to criminal prosecution or punishment while in transit through the territory of the Benelux State to which application for such conveyance has been made.

(3) A transit visa issued by the Benelux States shall not be required.

(4) Notwithstanding the authorization granted, persons accepted for conveyance in transit may be returned to the authorities of the Federal Republic of Germany if facts making such conveyance inadvisable subsequently arise or are discovered, or if another State through which such persons are to be so conveyed, or the State of destination, refuses to accept them.

*Article 11*

Obligations to accept persons by virtue of other international agreements shall not be affected by the provisions of this Agreement.

*Article 12*

(1) For purposes of the application of this Agreement, the Federal Ministry of the Interior of the Federal Republic of Germany and the Ministries of Justice of the Benelux States shall deal with one another directly unless the intervention of diplomatic or consular missions appears necessary.

(2) The acceptance of persons at the frontier shall in each case be certified in writing by the competent frontier authorities.

*Article 13*

Frontier crossing points for the acceptance of persons shall be agreed upon by the Grenzschutzdirektion of the Federal Republic of Germany and the competent department of the Ministry of Justice of the Benelux country concerned.

*Article 14*

(1) The cost of conveying to the frontier crossing point the persons who are to be handed over at the frontier shall be borne by the State whose authorities took action for their expulsion.

(2) The cost of conveyance in transit up to the frontier of the State of destination and, where applicable, the cost entailed by a return journey shall be borne by the applicant State.

*Article 15*

This Agreement shall also apply to the *Land* Berlin unless the Government of the Federal Republic of Germany makes a declaration to the contrary to the Governments of the Benelux States within three months after the entry into force of the Agreement.

*Article 16*

This Agreement shall abrogate and supersede :

- (a) The Agreement between the German Government and the Belgium Government concerning the deportation of aliens, concluded by an exchange of notes on 17 September 1926, and the Agreement between the Belgian Government and the Government of the Federal Republic of Germany to regulate the question of the deportation of persons from the Federal Republic of Germany to Belgium and from Belgium to the Federal Republic of Germany, concluded by an exchange of notes on 23 October 1952 ;
- (b) The Agreement between the Government of the Federal Republic of Germany and the Government of the Grand Duchy of Luxembourg concerning the acceptance of persons at the frontier, concluded by an exchange of notes on 26 September 1957 ;
- (c) The Agreement between the Government of the Federal Republic of Germany and the Government of the Kingdom of the Netherlands to facilitate the acceptance of persons at the frontier, concluded by an exchange of notes on 19 September and 10 October 1958. <sup>1</sup>

*Article 17*

(1) As regards the Kingdom of the Netherlands, this Agreement shall apply only to the European territory of that State.

(2) It may be extended to any part of the Kingdom of the Netherlands outside Europe by means of an exchange of notes between the Government

<sup>1</sup> United Nations, *Treaty Series*, Vol. 486, p. 345.



of the Federal Republic of Germany and the Government of the Kingdom of the Netherlands. The date on which such extension comes into force shall be specified in the exchange of notes, and notice thereof shall be given to the other States Parties to this Agreement.

*Article 18*

(1) This Agreement shall come into force on the first day of the second month following its signing. It shall remain in force for a period of one year ; unless it is denounced one month before the expiry of that period, it shall continue in force indefinitely thereafter.

(2) After the expiry of the first year, the Agreement may be denounced by giving three months' notice.

(3) A notice of denunciation given by the Government of the Federal Republic of Germany shall be addressed simultaneously to the Governments of the other States Parties to the Agreement.

(4) A notice of denunciation given by the Government of the Kingdom of Belgium, of the Grand Duchy of Luxembourg or of the Kingdom of the Netherlands shall be addressed to the Government of the Federal Republic of Germany. Denunciation by one of those three Governments or by the Government of the Federal Republic of Germany shall cause the Agreement to terminate upon the expiry of the required period of notice.

DONE at Bonn on 17 May 1966, in quadruplicate, in the German, French and Dutch languages, all three texts being equally authentic.

For the Government of the Federal Republic of Germany :  
CARSTENS

For the Government of the Kingdom of Belgium :  
Walter LORIDAN

For the Government of the Grand Duchy of Luxembourg :  
M. KREMER

For the Government of the Kingdom of the Netherlands :  
VIXSEBOXSE