

No. 11097

NETHERLANDS, LUXEMBOURG and BELGIUM

**Convention on the unification of the Benelux Customs Area.
Signed at The Hague on 29 April 1969**

Authentic texts: Dutch and French.

Registered by the Netherlands on 28 May 1971.

PAYS-BAS, LUXEMBOURG et BELGIQUE

**Convention relative à l'unification du territoire douanier
Benelux. Signée à La Haye le 29 avril 1969**

Textes authentiques : néerlandais et français.

Enregistrée par les Pays-Bas le 28 mai 1971.

[TRANSLATION — TRADUCTION]

CONVENTION¹ ON THE UNIFICATION OF THE BENELUX
CUSTOMS AREA

The Government of the Kingdom of Belgium,
The Government of the Grand Duchy of Luxembourg,
The Government of the Kingdom of the Netherlands,

Desiring to strengthen the Benelux Economic Union through the establishment of a common customs area,

Considering that it is advisable for this purpose to eliminate customs formalities at internal Benelux frontiers by extending to the whole of the Benelux area the field of application of national customs legislation concerning the movement of goods,

Have agreed on the following provisions:

Article 1

Under this Convention:

- external frontiers means the frontiers between Belgium, Luxembourg or the Netherlands, on the one hand, and a third country or the high seas, on the other hand;
- internal frontiers means the frontiers between Belgium and Luxembourg and between Belgium and the Netherlands;
- goods in customs means goods of third countries which have entered Belgium, Luxembourg or the Netherlands and which have been duly presented and declared at the customs, so long as they have not been released to the declarant after being declared for home consumption, payment of duties and charges or deposit in an excise warehouse.

¹ Came into force on 1 February 1971, i.e. the first day of the second month following the date of deposit of the third instrument of ratification with the Secretary-General of the Benelux Economic Union, in accordance with article 8 (1) and (2), as follows:

<i>State</i>	<i>Date of deposit</i>
Belgium	27 November 1970
Netherlands	30 November 1970
(For the Kingdom in Europe)	
Luxembourg	28 December 1970

Article 2

1. The legal and regulatory provisions of Belgium, Luxembourg or the Netherlands in respect of customs concerning the movement of goods shall likewise be applicable in the territory and at the external frontiers of the partner countries; with regard to the passage of goods across internal frontiers, no customs formalities shall be conducted at these frontiers, but this shall not debar the formalities provided for in national legislation as regards excise, turnover taxes and similar taxes.

2. With respect to goods in customs, the provisions of paragraph 1 shall apply, subject to the following:

(a) The legal and regulatory provisions of the country in which a document is issued or validated, and the legal and regulatory provisions of the partner country to which the goods are transported as prescribed in the document, shall be applicable in the partner countries as from the time the goods are transported there as prescribed in the document;

(b) The legal and regulatory provisions of the country into whose territory the goods are to be transported as prescribed in the document shall be applicable in the partner country in which the document is issued or validated, as also in the third partner country in so far as the goods are transported there as prescribed in the document before entering the first-mentioned country; the legal and regulatory provisions of the first-mentioned country shall cease to be applicable as soon as the goods may no longer enter that country under cover of the document as a result of a customs formality conducted under the legal and regulatory provisions of one of the partner countries.

Article 3

For the purposes of applying the provisions of article 2, the officials of each of the three countries shall, without prejudice to any provisions to the contrary prescribed in or under another convention, be competent only in the territory of their own country and for the execution of national legal and regulatory provisions.

Article 4

For the purposes of applying the provisions of article 2, acts carried out by officials of a country in execution of national legal and regulatory provisions shall, in each of the partner countries, be deemed to constitute

acts carried out under the legal and regulatory provisions of equivalent scope in force in those countries.

Article 5

1. For the purposes of applying the provisions of article 2, the Ministers of Finance of the three countries may, subject to the rules, conditions and limitations to be determined by them, designate acts provided for in the legal and regulatory provisions of a country, the performance of which shall, in partner countries where similar provisions do not exist, notwithstanding the provisions of article 3, be the responsibility of the officials of those countries.

2. The ministers shall designate such acts on the recommendation of the Committee on Customs and Taxation and after their agreement has been confirmed in a ministerial working group composed of the Ministers of Finance of the three countries by means of a decision taken in accordance with article 19 (a) of the Treaty instituting the Benelux Economic Union.¹

Article 6

In application of article 1, paragraph 2, of the Treaty concerning the Institution and Statute of a Benelux Court of Justice, the provisions of this Convention shall be designated as common legal rules for the application of chapters III and IV of that Treaty.

Article 7

In respect of the Kingdom of the Netherlands, this Convention shall apply only to the territory situated in Europe.

Article 8

1. This Convention shall be ratified. The instruments of ratification shall be deposited with the Secretary-General of the Benelux Economic Union, who shall notify the Contracting Parties of the deposit of those instruments.

2. It shall enter into force on the first day of the second month following the date of deposit of the third instrument of ratification.

3. It shall remain in force for the same period as the Treaty instituting the Benelux Economic Union.

¹ United Nations, *Treaty Series*, vol. 381, p. 165.

IN WITNESS WHEREOF the undersigned, being duly authorized for the purpose, have signed this Convention.

DONE at The Hague on 29 April 1969, in triplicate, in the Dutch and French languages, both texts being equally authentic.

For the Government of the Kingdom of Belgium:

PIERRE HARMEL

For the Government of the Grand Duchy of Luxembourg:

GASTON THORN

For the Government of the Kingdom of the Netherlands:

J. LUNS
