

No. 12141

NETHERLANDS, BELGIUM and LUXEMBOURG

**Benelux Convention concerning hunting and the protection
of birds. Signed at Brussels on 10 June 1970**

Authentic texts: Dutch and French.

Registered by the Netherlands on 8 November 1972.

PAYS-BAS, BELGIQUE et LUXEMBOURG

**Convention Benelux en matière de chasse et de protection des
oiseaux. Signée à Bruxelles le 10 juin 1970**

Textes authentiques : néerlandais et français.

Enregistrée par les Pays-Bas le 8 novembre 1972.

[TRANSLATION — TRADUCTION]

BENELUX CONVENTION¹ CONCERNING HUNTING AND THE PROTECTION OF BIRDS

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

Having regard to article 6 of the Treaty instituting the Benelux Economic Union, signed at The Hague on 3 February 1958;²

Having regard to the International Convention for the protection of birds, signed at Paris on 18 October 1950,³ to which the three Benelux countries are parties;

Being desirous of harmonizing the principles governing their laws and regulations on the subject of hunting and the protection of birds in the wild state, which were established in the interests of land-holders, agriculture and the efficient protection of nature;

Considering that such harmonization will make for greater uniformity in the laws relating to the transport of game and birds in the wild state and thereby facilitate the elimination of formalities and inspection measures at the frontiers between the Benelux countries;

Having regard to the advice of the Benelux Consultative Interparliamentary Council of 25 April 1970;

Have agreed on the following provisions:

PART I. HUNTING

Article 1. 1. Each of the three Governments undertakes to classify game in its national laws according to the following categories: large game, small game, wild fowl and other game.

2. For the purposes of this Convention, these terms shall have the following meaning:

(a) large game: European red deer (*Cervus elaphus*), roe deer (roe buck) (*Capreolus capreolus*), fallow deer (*Dama dama*), Sardinian and Corsican mouflon (*Ovis musimon*), European wild boar (*Sus scrofa*);

¹ Came into force on 1 July 1972, i.e. on 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 16 (2). The instruments were deposited as follows:

State	Date of deposit
Belgium	5 August 1971
Luxembourg	13 January 1972
Netherlands	31 May 1972

(For the Kingdom in Europe.)

² United Nations, *Treaty Series*, vol. 381, p. 165.

³ *Ibid.*, vol. 638, p. 185.

- (b) small game: common hare (*Lepus europeus*), pheasant (*Phasianus colchicus*), black grouse (*Lyrurus tetrix*), Hungarian (European) partridge (*Perdix perdix*), European woodcock (*Scolopax rusticola*);
- (c) wild fowl: all species of goose and duck (*Anatidae*), Eurasian golden plover (*Pluvialis apricarius*), common snipe (*Gallinago gallinago*), great snipe (*Gallinago media*), jacksnipe (*Lymnocyptes minimus*), European coot (*Fulica atra*);
- (d) other game: wood-pigeon (*Columba palumbus*), carrion-crow and hooded crow (*Corvus corone corone* and *Corvus corone cornix*), rook (*Corvus frugilegus*), jackdaw (*Corvus monedula*), common jay (*Garrulus glandarius*), black-billed magpie (*Pica pica*), European rabbit (*Oryctolagus cuniculus*), common red fox (*Vulpes vulpes*), European wildcat (*Felis sylvestris*), stray domestic cat (*Felis catus*), polecat (*Putorius putorius*), stoat (*Mustela erminea*), common weasel (*Mustela nivalis*), common squirrel (*Sciurus vulgaris*), pine marten and beech (stone) marten (*Martes martes* and *Martes foina*), Eurasian badger (*Meles meles*), Eurasian otter (*Lutra lutra*) and seal (*Phoca vitulina* and *Halichoerus grypus*).

3. The Committee of Ministers, established under article 15 of the Treaty instituting the Benelux Economic Union, may change or supplement any of the categories specified in paragraph 2 by decisions taken in conformity with article 19 (a) of the Treaty for the Union.

4. Pending harmonization of the categories of game, each of the Contracting Parties may add other species of animal to the aforementioned categories.

Article 2. The three Governments shall consult each other concerning the dates for the opening and closing of the hunting season.

Article 3. Land used for shooting must have minimum dimensions. The dimensions shall conform to the hunting requirements of each country, it being understood that:

- (a) The minimum area of a single unit may not be less than 25 hectares in the Netherlands, and north and west of the Sambre-Meuse line in Belgium, and may not be less than 50 hectares south of that line in Belgium and also in Luxembourg;
- (b) Wild fowl may be hunted over a smaller area, provided that, at the time when hunting takes place, each single unit of land includes a stretch of water of at least one hectare.

None of the three countries may, however, prescribe minimum areas smaller than those specified in the legal provisions or national regulations at present in force.

Article 4. The three Governments shall consult each other concerning the arms, ammunition, projectiles, tackle, apparatus, procedures and methods permitted for hunting.

Article 5. 1. Subject to national health provisions, the transport and marketing of live or dead game shall be authorized from the day of commencement of the hunting season for that particular game until the tenth day after the close of the season.

2. From the eleventh day after the close of the season until commencement of the following season, the transport and marketing of live or dead game shall be authorized only in conformity with the regulations of the Government in whose territory the transport or marketing takes place.

Article 6. In the case of traffic with third countries, the import, export and transit of live or dead game shall be governed by the regulations in force in the partner countries in which such operations take place.

PART II. PROTECTION OF BIRDS

Article 7. The three Governments undertake to protect the species of birds living in the wild state in the Benelux countries, other than the species considered to be game under article 1; to this end, and without prejudice to the provisions of article 8, the Committee of Ministers shall determine, by decisions taken in conformity with article 19 (a) of the Treaty for the Union, the protective measures, and the species of birds to which such measures apply.

Article 8. 1. Each of the three Governments undertakes to adjust its national laws to ensure that it is prohibited, at all times and in all places, to hold for sale, to sell, to purchase or to supply birds belonging to the species determined in accordance with article 7, as well as their eggs, including blown eggs and their young; this prohibition shall also apply to any mounted bird of these species unless prior dispensation has been granted by the competent national authorities.

2. The transport of the birds referred to in paragraph 1, and of their eggs and young, shall be authorized only in conformity with the regulations in force in the country in whose territory the transport takes place.

Article 9. In the case of traffic with third countries, the import, export and transit of all live or dead birds, and of their eggs and young, shall be permitted only with prior authorization from the partner countries in which such operations take place.

PART III. GENERAL PROVISIONS

Article 10. Inspection in pursuance of articles 5, 6, 8 and 9 shall be carried out within each of the countries and at the external frontiers of Benelux, but not in connexion with the crossing of frontiers between the Benelux countries.

Article 11. The Committee of Ministers shall determine, by decisions taken in conformity with article 19 (a) of the Treaty for the Union, the measures which, notwithstanding the provisions of article 5, paragraph 2, article 6, article 8, paragraph 2, and article 9, need to be taken in one or more countries to avoid any detriment to the interests of partner countries.

Article 12. Each of the three countries retains the right to maintain or to introduce legislative provisions for the regulation of matters not covered by this Convention, provided that such provisions are not incompatible with the Convention.

Article 13. 1. Each of the three Governments retains the right, subject to the prior approval of the Committee of Ministers, recorded in a decision taken in conformity with article 19 (a) of the Treaty for the Union, to authorize departures

from the provisions of this Convention in the interest of science or nature conservation or for the purpose of preventing damage.

2. In cases of emergency, however, each of the Governments may adopt and apply measures which depart from the provisions of this Convention, over a maximum period of three months, pending decision by the Committee of Ministers. The other Governments shall be informed of such provisional application through the Secretary-General of the Benelux Economic Union.

Article 14. In pursuance of article 1, paragraph 2, of the Treaty relating to 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 the aforesaid Treaty.

Article 15. In the case of the Kingdom of the Netherlands, this Convention shall apply only to territory in Europe.

Article 16. 1. This Convention shall be subject to ratification. The instruments of ratification shall be deposited with the Secretary-General of the Benelux Economic Union, who shall inform the Contracting Parties of the deposit of such 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 of time as the Treaty instituting the Benelux Economic Union.

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

DONE at Brussels on 10 June 1970, in triplicate, in the Dutch and French languages, both texts being equally authentic.

For the Government of the Kingdom of Belgium:
H. FAYAT

For the Government of the Grand Duchy of Luxembourg:
GASTON THORN

For the Government of the Kingdom of the Netherlands:
H. J. DE KOSTER
