

No. 7071

**BELGIUM
and
LUXEMBOURG**

**Convention regarding examination at the Belgian-
Luxembourg frontier (with Protocol of signature).
Signed at Luxembourg, on 29 November 1961**

Official text: French.

Registered by Belgium on 17 January 1964.

**BELGIQUE
et
LUXEMBOURG**

**Convention relative aux contrôles à la frontière belgo-
luxembourgeoise (avec Protocole de signature). Signée
à Luxembourg, le 29 novembre 1961**

Texte officiel français.

Enregistrée par la Belgique le 17 janvier 1964.

[TRANSLATION — TRADUCTION]

No. 7071. CONVENTION¹ BETWEEN THE KINGDOM OF BELGIUM AND THE GRAND-DUCHY OF LUXEMBOURG REGARDING EXAMINATION AT THE BELGIAN-LUXEMBOURG FRONTIER. SIGNED AT LUXEMBOURG, ON 29 NOVEMBER 1961

His Majesty the King of the Belgians and Her Royal Highness the Grand Duchess of Luxembourg,

Desirous of regulating the reciprocal relations between the two States with a view to facilitating further the crossing of the common frontier by road and railway, have decided to conclude a convention and have appointed for this purpose as their plenipotentiaries :

His Majesty the King of the Belgians :

Baron M.-F. de Séllys Longchamps, Ambassador of Belgium to Luxembourg;

Her Royal Highness the Grand Duchess of Luxembourg :

Mr. Eugène Schaus, Minister for Foreign Affairs,

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

PART I

GENERAL PROVISIONS

Article 1

- (1) The two States shall facilitate, within the framework of this Convention, the crossing of their common frontier by road and railway.
- (2) For the purposes defined in paragraph (1) :
 - (a) They shall establish Joint National Control Offices in stations or on roads in the immediate vicinity of the frontier;
 - (b) They shall permit examination on trains in motion on specified sectors;
 - (c) They shall authorize officials of each of the two States who are responsible for examinations in the cases mentioned at (a) and (b) above to perform their duties on the territory of the other State.

¹ Came into force on 1 January 1964, the first day of the second month following the exchange of the instruments of ratification which took place at Brussels on 29 November 1963, in accordance with article 29.

(3) The competent Ministers of the two States shall determine, by mutual agreement, in which cases and to what extent examination by one of the States shall take place on the territory of the other State.

Arrangements concerning the establishment, transfer or abolition of Joint National Control Offices, the determination of the sectors on which trains may be examined while in motion and the delimitation of the zone in accordance with article 3, shall enter into force after an exchange of notes effected through the diplomatic channel.

Article 2

For the purpose of this Convention :

1. The term “examination” shall mean the execution of all measures required by the laws and regulations of the two countries and applying to persons, baggage, merchandise, vehicles and other goods crossing the frontier in either direction;
2. The term “zone” shall mean the specified part of one of the countries, and the train in motion, in which the officials of the adjoining country are authorized to conduct examinations;
3. The term “country of sojourn” shall mean the country on whose territory the zone is located;
The term “adjoining country” shall mean the other country;
4. The term “officials” shall mean the persons who belong to the Departments responsible for examinations and perform their duties within the zone.
5. The term “offices” shall mean the two countries’ Joint National Control Offices located within the zone.

Article 3

The zone shall comprise :

1. With regard to railway traffic :
 - A. In the case of examinations held in offices :
 - (a) A specified area of the station and its outbuildings;
 - (b) Passenger trains or goods trains and a specified section of the track on which they stand throughout the period of the examination;
 - (c) A specified section of the platforms and the tracks situated on either side of the halted trains;
 - (d) Passenger trains and goods trains between the station and the frontier of the adjoining country;

- B. In the case of examinations held in a moving train : the train on a specified sector and, possibly, a specified section within the station where this sector begins and within the station where it ends;
2. With regard to road traffic, in which case the zone shall extend up to the frontier :
- (a) A portion of the road;
 - (b) Possibly, part of the service buildings and their annexes.

Article 4

The laws and regulations of the adjoining country relating to examinations shall be applicable within the zone in accordance with the provisions of this Convention, as they shall apply within a commune to be designated for this purpose by the Government of the aforesaid country. Violations of the aforesaid laws and regulations, committed on the territory of the country of sojourn, shall be deemed to have been committed on the territory of the adjoining country in that commune.

Article 5

This Convention shall not prejudice the powers of the authorities of the country of sojourn with respect to the right to maintain law and order in the zone and to take action with regard to offences, committed in the zone, which do not constitute violations of the laws and regulations governing examination.

Article 6

- (1) When a person is caught in the zone committing an offence of the type mentioned in article 5, that person may be arrested by the authorities of the country of sojourn under the conditions specified in the laws of that country.
- (2) Nevertheless, such arrest shall be subject to the consent of the officials of the adjoining country if the offence is committed while those officials are conducting examination or when the person concerned is, in pursuance of article 9, paragraph (1), apprehended by them and held in custody pending his transfer to the adjoining country.

Article 7

- (1) With respect to examinations within the zone, operations of the country of exit shall be completed before the corresponding operations of the country of entry are carried out.
- (2) As soon as the officials of the country of entry have begun their operations :
- (a) The laws and regulations of the country of entry in respect of examinations shall become applicable;

- (b) If the adjoining country is the country of exit, the corresponding officials of that country shall desist from examining persons, baggage, merchandise, vehicles and other goods;
 - (c) If the country of sojourn is the country of exit, the corresponding officials of that country shall desist from re-examining persons, baggage, merchandise, vehicles and other goods which they have cleared, unless in a duly justified case and subject to the consent of the competent local authorities of the country of entry.
- (3) Until the exit examination of the adjoining country has been completed, the authorities of the country of sojourn may not within the zone apprehend persons or seize baggage, merchandise, vehicles, and other goods which are subject to such examinations.
- (4) After the entry examination of the adjoining country has begun, the authorities of the country of sojourn shall not within the zone apprehend persons or seize baggage, merchandise, vehicles and other goods which are subject to such examination, if the officials of the adjoining country have already done so.

Article 8

- (1) In respect of road traffic, the authorities of the country of sojourn may not apprehend or prevent the entry of persons, who, coming from the adjoining country, are only temporarily visiting the offices of the latter country in the zone, for reasons other than the crossing of the frontier.
- (2) The authorities of the country of sojourn may take special measures of surveillance with regard to the persons mentioned in paragraph (1).

Article 9

- (1) The officials of the adjoining country may, within the framework of this Convention, carry out in the zone all operations connected with the examinations specified by the laws and regulations of the aforesaid country, as if they were on their own territory. In particular, they may investigate offences, effect seizures, accept settlements in respect of the offences investigated and confiscate baggage, merchandise, vehicles and other goods as security for duties or fines.
- (2) They may transfer to the territory of the adjoining country funds derived from the collection of taxes, service charges or fines, as well as baggage, merchandise, vehicles and other goods stopped, held or seized.
- (3) They may also arrest persons violating the regulations in regard to the transit of the frontier, prevent the entry of persons, and transfer the persons apprehended to the adjoining country. In respect of Joint Control Offices situated in the vicinity of the frontier, they may, in addition, arrest persons who are wanted by the competent authorities of the adjoining country.