

No. 7335

**BELGIUM
and
FRANCE**

**Convention regarding control at the frontier between Belgium and France and at joint and transfer stations.
Signed at Brussels, on 30 March 1962**

Official text: French.

Registered by Belgium on 3 July 1964.

**BELGIQUE
et
FRANCE**

Convention relative aux contrôles à la frontière belge-française et aux gares communes et d'échange. Signée à Bruxelles, le 30 mars 1962

Texte officiel français.

Enregistré par la Belgique le 3 juillet 1964.

[TRANSLATION — TRADUCTION]

No. 7335. CONVENTION¹ BETWEEN THE KINGDOM OF BELGIUM AND THE FRENCH REPUBLIC REGARDING CONTROL AT THE FRONTIER BETWEEN BELGIUM AND FRANCE AND AT JOINT AND TRANSFER STATIONS. SIGNED AT BRUSSELS, ON 30 MARCH 1962

His Majesty the King of the Belgians and

The President of the French Republic,

Desiring to facilitate the crossing, particularly by rail, road and waterway, of the frontier between Belgium and France,

Have agreed to conclude a Convention and have accordingly appointed as their respective plenipotentiaries :

For His Majesty the King of the Belgians :

His Excellency Mr. Paul-Henri Spaak, Minister for Foreign Affairs ;

For the President of the French Republic :

His Excellency Mr. Raymond Bousquet, Ambassador Extraordinary and Plenipotentiary of France at Brussels ;

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

PART I

GENERAL PROVISIONS

Article 1

(1) The two States shall take, within the framework of this Convention, the necessary measures to expedite the crossing of their common frontier by rail, road and waterway.

(2) For the purposes set forth in paragraph (1) :

(a) They shall establish adjoining national control offices in stations or, in immediate proximity to the frontier, on roads or waterways ;

¹ Came into force on 1 May 1964, the first day of the second month following the exchange of the instruments of ratification which took place at Paris on 13 March 1964, in accordance with article 33.

- (b) They shall permit the inspection of trains in transit on specified sections of route ;
- (c) They shall designate joint or transfer stations for rail traffic.

(3) The competent Ministers of the two States shall by mutual agreement make arrangements concerning the establishment, transfer or discontinuance of adjoining national control offices, the determination of the sections of route on which trains can be inspected while in transit, the delimitation of the zone in accordance with article 3, and the designation of joint or transfer stations for rail traffic. These arrangements shall be confirmed and shall become effective by an exchange of notes through the diplomatic channel.

Article 2

For the purpose of this Convention, the following definitions shall be used :

1. "Inspection" : the taking of all measures which are provided for by the laws and regulations of the two States and are applicable to persons, baggage, goods, vehicles and other property crossing the frontier in either direction ;
2. "Zone" : the clearly defined part of the territory of one of the States, as specified in article 3, in which the officials of the other State are authorized to carry out inspection ;
3. "Transit State" : the State in whose territory the zone is situated ; "Adjoining State" : the other State ;
4. "Officials" : persons who are members of the departments responsible for inspection and who perform their duties in the zone (for details concerning railway personnel, see part IV of this Convention) ;
5. "Offices" : the adjoining national control offices of the two States.

Article 3

The zone shall consist of :

1. In the case of rail traffic :
 - A. In the case of inspection at the offices :
 - (a) A specified sector of the station and its outbuildings ;
 - (b) Passenger or goods trains and a clearly defined part of the track on which they are standing, throughout the duration of the inspection ;
 - (c) A clearly defined part of the platforms and track on either side of stationary trains ;
 - (d) Passenger and goods trains between the station and the frontier of the adjoining State ;

B. In the case of inspection on a train in transit : the train on a clearly defined section of its route and, if necessary, a clearly defined sector of the station at which that section of the train's route begins and of the station at which it ends ;

2. In the case of road traffic and traffic by waterway, for which the zone must extend to the frontier :

(a) A part of the road or a part of the waterway (including the banks or quays) ;

(b) If necessary, a part of the service buildings and their annexes.

Article 4

The laws and regulations of the adjoining State regarding inspection shall be applied in the zone, under this Convention, in the same way as they are applied in the administrative unit to be designated for that purpose by the Government of the said State. In the event of offences against such laws and regulations committed in the zone, the courts of the adjoining State shall be competent and shall rule precisely as if such offences had been committed in the administrative unit so designated.

Article 5

(1) In the case of inspection within the zone, the operations of the country of exit shall be effected before those of the country of entry. Generally speaking, they shall be carried out in the following order :

(a) Police inspection by the country of exit ;

(b) Customs and other inspections by the country of exit ;

(c) Police inspection by the country of entry ;

(d) Customs and other inspections by the country of entry.

(2) As soon as the officials of the country of entry begin their operations :

(a) The laws and regulations of the country of entry regarding inspections shall become applicable ;

(b) If the adjoining State is the country of exit, its officials shall no longer be entitled to inspect, persons, baggage, goods, vehicles or other property ;

(c) If the transit State is the country of exit, its officials shall not be entitled to resume inspection of persons, baggage, goods, vehicles or other property which they have already cleared, except by agreement with the competent local authorities of the country of entry.

(3) Until the exit inspections of the adjoining State have been completed, the authorities of the transit State shall not, within the zone, arrest persons or seize baggage, goods, vehicles and other property subject to those inspections.

(4) After the entry inspections of the adjoining State have begun, the authorities of the transit State shall not, within the zone, arrest persons or seize baggage, goods, vehicles and other property subject to those inspections, if the officials of the adjoining State have already carried out such an operation.

(5) If for practical reasons the order of inspections set forth in paragraph (1) is modified during inspections, officials of the country of entry operating before those of the country of exit may proceed to arrests or seizures, but only after the inspections of the country of exit have been completed. If they wish to proceed to such measures, they must take the persons, baggage, goods, vehicles or other property to the officials of the country of exit in order that the latter may still be in a position to effect their inspections. Any arrests or seizures made on such occasions by officials of the country of exit shall have priority over those to which the officials of the country of entry wished to proceed.

Article 6

(1) The officials of the adjoining State shall be authorized under this Convention to carry out within the zone all operations regarding the inspections provided for by the laws and regulations of the said State, as though they were on their own territory. In particular, they shall be authorized to record offences, effect seizures, accept settlements in respect of offences recorded, and retain baggage, goods, vehicles and other property as security in respect of debts or fines. They may also arrest persons, of whatever nationality, who have contravened the regulations regarding the crossing of the frontier or who are sought by the competent authorities of the adjoining State ; turn back travellers ; and transfer persons arrested to that State. Transfer to the adjoining State shall be effected as speedily as possible and may, for example, take place by means of trains not subject to inspection while in transit.

(2) They may transfer freely to the territory of the adjoining State any funds arising from the levying of customs duties or other charges, payments or fines, as well as any baggage, goods, vehicles or other property stopped, seized or held for any reason whatsoever.

(3) Officials of the adjoining State may sell in the territory of the transit State baggage, goods and vehicles which they have held or seized there, and may freely transfer to the adjoining State the proceeds of such sale. In the event of sale of such property, the laws and regulations concerning imports or transit in force in the transit State shall be applicable to baggage, goods and vehicles not immediately transferred to the territory of the adjoining State.