

No. 9139

BELGIUM, LUXEMBOURG and NETHERLANDS

Convention concerning co-operation in the regulation of imports, exports and transit traffic. Signed at The Hague, on 16 March 1961

Official texts: French and Dutch.

Registered by Belgium on 17 June 1968.

BELGIQUE, LUXEMBOURG et PAYS-BAS

Convention relative à la coopération en matière de réglementation des importations, des exportations et du transit. Signée à La Haye, le 16 mars 1961

Textes officiels français et néerlandais.

Enregistrée par la Belgique le 17 juin 1968.

[TRANSLATION — TRADUCTION]

No. 9139. CONVENTION¹ BETWEEN THE KINGDOM OF BELGIUM, THE GRAND DUCHY OF LUXEMBOURG AND THE KINGDOM OF THE NETHERLANDS CONCERNING CO-OPERATION IN THE REGULATION OF IMPORTS, EXPORTS AND TRANSIT TRAFFIC. SIGNED AT THE HAGUE, ON 16 MARCH 1961

His Majesty the King of the Belgians,

Her Royal Highness the Grand Duchess of Luxembourg,

Her Majesty the Queen of the Netherlands,

Referring to the Treaty instituting the Benelux Economic Union, signed at The Hague on 3 February 1958,² and in particular to articles 3, 11, 76 and 83,

Considering that under article 76 of the said Treaty the High Contracting Parties have undertaken to conclude a convention regulating, *inter alia*, mutual assistance in applying legal and executive provisions regarding imports, exports and transit goods as well as in preventing and combating offences against these provisions,

Considering that under article 83 of the said Treaty the High Contracting Parties have undertaken to conclude a convention regulating, *inter alia*, mutual assistance in everything concerning the collection and recovery of the duties, taxes and imposts referred to in articles 11 and 78 of the said Treaty as well as in preventing and combating abuses,

Have for that purpose decided to conclude a convention and have appointed as their plenipotentiaries :

His Majesty the King of the Belgians :

His Excellency Baron F. X. van der Straten-Waillet, Ambassador Extraordinary and Plenipotentiary at The Hague;

Her Royal Highness the Grand Duchess of Luxembourg :

His Excellency J. P. Kremer, Ambassador Extraordinary and Plenipotentiary at The Hague;

Her Majesty the Queen of the Netherlands :

His Excellency J. M. A. H. Luns, Minister for Foreign Affairs, who, having exhibited their full powers, found in good and due form have agreed on the following provisions :

¹ Came into force on 26 January 1968, i. e. the day following the deposit of the third instrument of ratification, in accordance with article 27.

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

CHAPTER I

SCOPE

Article 1

1. This Convention shall relate to the application of such laws and regulations of the three countries regarding imports, exports and transit traffic as are designated by the Committee of Ministers referred to in article 15 of the Treaty instituting the Benelux Economic Union (hereinafter called the Committee of Ministers).

2. The Committee of Ministers shall make such designations whenever it becomes necessary to do so for the purpose of realizing the aims of the Treaty instituting the Benelux Economic Union.

CHAPTER II

DOCUMENTS AND INSPECTION MARKINGS

Article 2

1. Any document relating to imports, exports or transit traffic issued or authenticated in the name of a particular person by an authority of one of the three countries which, according to information given by that country to the other two countries, is competent to issue or authenticate such a document shall be regarded in the other countries as having been issued or authenticated in the name of the said person, subject to the conditions governing its use, by the competent national authority.

2. Any other document authorizing import, export or transit in one country under the laws and regulations there in force shall be regarded as authorizing import, export or transit in the other countries under the corresponding laws and regulations of those countries.

Article 3

Statements made on the documents referred to in article 2 by the officials of one country responsible for supervising the utilization of the said documents shall have the same value in the other countries as if they had been made by officials of those countries.

Article 4

Inspection markings (embossed seals, impressed stamps, punched seals, lead seals, wax seals, adhesive stamps, etc.) affixed to documents, goods or vehicles by officials of one country shall be regarded in the other countries as equivalent to markings affixed by officials of those countries.

CHAPTER III

ADMINISTRATIVE CO-OPERATION

Article 5

1. The authorities designated for the purpose by the competent ministers of each country shall, within the limits of their respective spheres of competence, transmit to each other, of their own motion or on request, all information relating to the application of the laws and regulations referred to in article 1.

2. In order to obtain information requested by the authorities designated by one country, the authorities designated by the other country may cause official inquiries to be made. The powers provided in comparable cases under domestic laws and regulations may be used for that purpose.

3. Information obtained under paragraph 1 may be used only for purposes of the application of the laws and regulations referred to in article 1 and may be transmitted by the authority which receives the information to those who have need of it for that purpose. It may be transmitted to other persons only with the express consent of the authority providing the information and in so far as such transmittal is authorized by the national legislation of the authority receiving the information.

CHAPTER IV

OFFENCES

Article 6

1. In each of the countries, the laws and regulations in force with regard to imports, exports or transit traffic shall apply even where an offence has been committed in the territory of the other countries. The said laws and regulations shall apply not only to imports, exports or transit traffic across the frontier of the country in question but also to imports, exports or transit traffic across a frontier between one of the other countries and a third country. Save as otherwise provided in this Convention, the laws and regulations applicable to an offence shall include domestic penal provisions.

2. Chapters V, VI and VII of this Convention shall apply in the case of offences against the laws and regulations referred to in paragraph 1.

CHAPTER V

PROSECUTION OF OFFENDERS

Article 7

1. Proceedings in respect of offences shall be instituted in the country in which the offences are committed. Where an offence is such that it extends into

more than one country, it shall be deemed to have been committed in the country in which the initial act is committed.

2. Where, however, the fact of an offence is established in a country other than that referred to in paragraph 1 and the accused has his residence in that country, the competent authority of the country of residence may investigate the case; if, within fourteen days after receiving the notification which shall be given to it, the competent authority of the country referred to in paragraph 1 does not ask to assume jurisdiction in the case, the authority of the country of residence may itself institute proceedings.

Article 8

1. Where jurisdiction cannot be determined with certainty in accordance with the rules set out in article 7, proceedings in respect of an offence shall be instituted in the country where the accused has or was last known to have his residence.

2. In the absence of any other circumstance determining jurisdiction, the latter shall lie with the country in which the fact of the offence is established.

3. The country in which proceedings have been instituted shall retain jurisdiction even if the country in which the offence was committed or the country in which the accused has or had his residence subsequently becomes known.

Article 9

If a request to that effect is made by the prosecuting authority of the country in which, under the provisions of article 7, paragraph 1, proceedings in respect of the offence are to be instituted and if paragraph 2 of the said article is not applicable, proceedings may also be instituted in the country in which the accused has his residence.

Article 10

Where a number of persons have taken part in the same offence, jurisdiction in respect of one of them shall give rise to jurisdiction in respect of the others.

Article 11

Conviction of an offence on one country shall have the same consequences in criminal law in the other countries, in the event of a repetition of the offence, as if the judgement of conviction had been rendered in those countries.

Article 12

1. Reports concerning an offence drawn up by the officials of one country in the form and under the conditions prescribed by the laws and regulations of