No. 3479

BELGIUM, LUXEMBOURG and NETHERLANDS

Convention concerning co-operation with regard to customs and excise. Signed at Brussels, on 5 September 1952

Official texts: French and Dutch.

Registered by Belgium on 26 July 1956.

BELGIQUE, LUXEMBOURG et PAYS-BAS

Convention relative à la coopération en matière de douanes et d'accises. Signée à Bruxelles, le 5 septembre 1952

Textes officiels français et néerlandais.

Enregistrée par la Belgique le 26 juillet 1956.

[TRANSLATION — TRADUCTION]

No. 3479. CONVENTION[1] BETWEEN BELGIUM, THE GRAND DUCHY OF LUXEMBOURG AND THE NETHERLANDS CONCERNING CO-OPERATION WITH REGARD TO CUSTOMS AND EXCISE. SIGNED AT BRUSSELS, ON 5 SEPTEMBER 1952

His Majesty the King of the Belgians ;

Her Royal Highness the Grand Duchess of Luxembourg ;

Her Majesty the Queen of the Netherlands,

Being desirous of making co-operation between their customs and excise administrations more efficient, with a view to achieving ultimately the Economic Union between Belgium, the Grand Duchy of Luxembourg and the Netherlands provided for in the Customs Convention signed at London on 5 September 1944,

Have resolved to conclude a Convention and have appointed as their Plenipotentiaries for this purpose :

His Majesty the King of the Belgians :

His Excellency Mr. P. van Zeeland, Minister of Foreign Affairs ;

Her Royal Highness the Grand Duchess of Luxembourg :

His Excellency Mr. Robert Als, Envoy Extraordinary and Minister Plenipotentiary of the Grand Duchy of Luxembourg to Brussels ;

Her Majesty the Queen of the Netherlands :

Jonkheer G. Beelaerts van Blokland, Chargé d'Affaires of the Netherlands at Brussels,

who, having exchanged their full powers, found in good and due form, have agreed as follows :

[1] Came into force on 1 July 1956, in accordance with article 21, the instruments of ratification having been deposited with the Belgian Government by Belgium on 6 July 1953, by Luxembourg on 18 January 1955 and by the Netherlands on 30 June 1956.

Chapter I

VALIDITY TO BE ATTRIBUTED IN EACH OF THE COUNTRIES TO CUSTOMS AND EXCISE DOCUMENTS ISSUED OR AUTHENTICATED, TO FRANKING MARKS AFFIXED AND TO REPORTS ESTABLISHING FACTS MADE BY THE CUSTOMS AND EXCISE OFFICIALS OF ANOTHER COUNTRY

Article 1

1. Documents regularly issued or authenticated in one country shall have the same effect in the other countries as if they had been issued or authenticated in accordance with the regulations of those countries.

2. Particulars entered on such documents by the customs and excise officials of one of the countries, in the exercise of their duties, shall be deemed to be as authentic in the other countries as they would be if they had been made by officials of their own administrations.

3. Movements of goods subject to customs or excise duties of which the place of origin is in one country and the place of delivery in another shall be effected and the documents relating thereto and declarations made in order to obtain such documents shall be drawn up taking into account the regulations of the customs offices and places of unloading of the country of delivery, as determined by the competent authority of that country.

Article 2

Franking marks (impress seals, wax seals, marks stamped by a die, lead seals, seals affixed to an opening or cover, gummed seals, etc.) affixed to documents, goods, or means of transport by the customs and excise officials of one country shall be deemed in the other countries to be as authentic as the marks affixed by the officials of those countries.

Article 3

Records relating to customs and excise matters drawn up by one or more of the officials of one country in the form and under the conditions determined by the legislation of their country shall be deemed in the other countries to be as authentic as records legally drawn up by one or more of the competent officials of those countries.

Chapter II

ACTION TAKEN BY THE CUSTOMS AND EXCISE OFFICIALS OF ONE COUNTRY IN THE TERRITORY OF ANOTHER COUNTRY

Article 4

The customs and excise officials of one country who are competent to investigate customs and excise violations may, in another country, co-operate with the competent officials of such other country in investigating and determining similar violations. They shall operate under the same conditions, with the same powers and with the same effects as the officials with whom they are co-operating.

Article 5

When goods on which customs or excise duties are payable are sent from a place in one country to a destination in another country, officials of the former country who may be entrusted with convoying such goods shall continue their supervision until they are relieved by the officials of the latter country.

During this period, they shall be deemed to have the status of officials of such latter country, while in the exercise of their duties.

Article 6

Customs or excise officials who have instituted proceedings in their own country under such conditions that they are legally empowered to detain, visit or possibly arrest a fugitive, or to visit or possibly seize goods or the means of transport, shall be authorized to enter the territory of another country in pursuit of such person, goods or vehicle and, if the pursuit is successful, to carry out, within the limits laid down by the law of such other country, the duties that they would have performed in their own country, save that they may not arrest a fugitive. They may, however, bring the latter without delay before the police authorities, in order to have his identity established if he is unable or unwilling to prove it.

Except where this is rendered impossible by the urgency of their operations, they must allow the competent officials of the country which they have entered to take part in the operations.

Goods and vehicles seized shall be placed in the custody of the officials of the country where the seizure was made, to be retained until a decision is reached on their ultimate destination.

Chapter III

MUTUAL ASSISTANCE FOR THE PREVENTION AND PUNISHMENT OF CUSTOMS AND EXCISE VIOLATIONS

Article 7

The countries shall render each other mutual assistance for the prevention and punishment of customs and excise violations.