



**COUNCIL OF
THE EUROPEAN UNION**

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COVER NOTE

Subject: Agreement between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders

The abovementioned Agreement was finalised in English by a Jurist Linguists Working Party with participation by the United Kingdom and Irish delegations.

AGREEMENT
BETWEEN THE GOVERNMENTS OF
THE STATES OF THE BENELUX ECONOMIC UNION,
THE FEDERAL REPUBLIC OF GERMANY
AND THE FRENCH REPUBLIC
ON THE GRADUAL ABOLITION OF CHECKS AT THEIR COMMON BORDERS

The Governments of the Kingdom of Belgium, the Federal Republic of Germany, the French Republic, the Grand Duchy of Luxembourg and the Kingdom of the Netherlands,

hereinafter referred to as "the Parties",

Aware that the ever closer union of the peoples of the Member States of the European Communities should find its expression in the freedom to cross internal borders for all nationals of the Member States and in the free movement of goods and services,

Anxious to strengthen the solidarity between their peoples by removing the obstacles to free movement at the common borders between the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic,

Considering the progress already achieved within the European Communities with a view to ensuring the free movement of persons, goods and services,

Prompted by the resolve to achieve the abolition of checks at their common borders on the movement of nationals of the Member States of the European Communities and to facilitate the movement of goods and services at those borders,

Considering that application of this Agreement may require legislative measures which will have to be submitted to the Parliaments of the Signatory States in accordance with their constitutions,

Having regard to the statement by the Fontainebleau European Council on 25 and 26 June 1984 on the abolition of police and customs formalities for people and goods crossing intra-Community frontiers,

Having regard to the Agreement concluded at Saarbrücken on 13 July 1984 between the Federal Republic of Germany and the French Republic,

Having regard to the Conclusions adopted on 31 May 1984 following the meeting of the Transport Ministers of the Benelux States and the Federal Republic of Germany at Neustadt/Aisch,

Having regard to the Memorandum of the Governments of the Benelux Economic Union of 12 December 1984 forwarded to the Governments of the Federal Republic of Germany and the French Republic,

HAVE AGREED AS FOLLOWS:

TITLE I

MEASURES APPLICABLE IN THE SHORT TERM

ARTICLE 1

As soon as this Agreement enters into force and until all checks are abolished completely, the formalities for nationals of the Member States of the European Communities at the common borders between the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic shall be carried out in accordance with the conditions laid down below.

ARTICLE 2

With regard to the movement of persons, from 15 June 1985 the police and customs authorities shall as a general rule carry out simple visual surveillance of private vehicles crossing the common border at reduced speed, without requiring such vehicles to stop.

However, they may carry out more thorough controls by means of spot checks. These shall be performed where possible off the main road, so as not to interrupt the flow of other vehicles crossing the border.

ARTICLE 3

To facilitate visual surveillance, nationals of the Member States of the European Communities wishing to cross the common border in a motor vehicle may affix to the windscreen a green disc measuring at least 8 centimetres in diameter. This disc shall indicate that they have complied with border police rules, are carrying only goods permitted under the duty-free arrangements and have complied with exchange regulations.

ARTICLE 4

The Parties shall endeavour to keep to a minimum the time spent at common borders in connection with checks on the carriage of passengers by road for hire or reward.

The Parties shall seek solutions enabling them by 1 January 1986 to waive systematic checks at their common borders on passenger waybills and licences for the carriage of passengers by road for hire or reward.

ARTICLE 5

By 1 January 1986 common checks shall be put in place at adjacent national control posts insofar as that is not already the case and insofar as physical conditions so permit. Consideration shall subsequently be given to the possibility of introducing common checks at other border crossing points, taking account of local conditions.

ARTICLE 6

Without prejudice to the application of more favourable arrangements between the Parties, the latter shall take the measures required to facilitate the movement of nationals of the Member States of the European Communities resident in the local administrative areas along their common borders with a view to allowing them to cross those borders at places other than authorised crossing points and outside checkpoint opening hours.

The persons concerned may benefit from these advantages provided that they transport only goods permitted under the duty-free arrangements and comply with exchange regulations.

ARTICLE 7

The Parties shall endeavour to approximate their visa policies as soon as possible in order to avoid the adverse consequences in the field of immigration and security that may result from easing checks at the common borders. They shall take, if possible by 1 January 1986, the necessary steps in order to apply their procedures for the issue of visas and admission to their territories, taking into account the need to ensure the protection of the entire territory of the five States against illegal immigration and activities which could jeopardise security.

ARTICLE 8

With a view to easing checks at their common borders and taking into account the significant differences in the laws of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic, the Parties undertake to combat vigorously illicit drug trafficking on their territories and to coordinate their action effectively in this area.

ARTICLE 9

The Parties shall reinforce cooperation between their customs and police authorities, notably in combating crime, particularly illicit trafficking in narcotic drugs and arms, the unauthorised entry and residence of persons, customs and tax fraud and smuggling. To that end and in accordance with their national laws, the Parties shall endeavour to improve the exchange of information and to reinforce that exchange where information which could be useful to the other Parties in combating crime is concerned.

Within the framework of their national laws the Parties shall reinforce mutual assistance in respect of unauthorised movements of capital.

ARTICLE 10

With a view to ensuring the cooperation provided for in Articles 6 to 9, meetings between the Parties' competent authorities shall be held at regular intervals.

ARTICLE 11

With regard to the cross-border carriage of goods by road, the Parties shall waive, as from 1 July 1985, systematic performance of the following checks at their common borders:

- control of driving and rest periods (Council Regulation (EEC) No 543/69 of 25 March 1969 on the harmonisation of certain social legislation relating to road transport and AETR);
- control of the weights and dimensions of commercial vehicles; this provision shall not prevent the introduction of automatic weighing systems for spot checks on weight;
- controls on the vehicles' technical state.

Measures shall be taken to avoid checks being duplicated within the territories of the Parties.

ARTICLE 12

From 1 July 1985 checks on documents detailing transport operations not carried out under licence or quota pursuant to Community or bilateral rules shall be replaced at the common borders by spot checks. Vehicles carrying out transport operations under such arrangements shall display a visual symbol to that effect when crossing the border.

The Parties' competent authorities shall determine the features of this symbol by common agreement.

ARTICLE 13

The Parties shall endeavour to harmonise by 1 January 1986 the systems applying among them to the licensing of commercial road transport with regard to cross border-traffic, with the aim of simplifying, easing and possibly replacing licences for journeys by licences for a period of time, with a visual check when vehicles cross common borders.

The procedures for converting licences for journeys into licences for periods of time shall be agreed on a bilateral basis, account being taken of the road haulage requirements in the different countries concerned.

ARTICLE 14

The Parties shall seek solutions to reduce the waiting times of rail transport at the common borders caused by the completion of border formalities.

ARTICLE 15

The Parties shall recommend to their respective rail companies:

- to adapt technical procedures in order to minimise stopping times at the common borders;
- to do their utmost to apply to certain types of carriage of goods by rail, to be defined by the rail companies, a special routing system whereby the common borders can be crossed rapidly without any appreciable stops (goods trains with reduced stopping times at borders).

ARTICLE 16

The Parties shall harmonise the opening dates and opening hours of customs posts for inland waterway traffic at the common borders.

TITLE II

MEASURES APPLICABLE IN THE LONG TERM

ARTICLE 17

With regard to the movement of persons, the Parties shall endeavour to abolish checks at common borders and transfer them to their external borders. To that end they shall endeavour first to harmonise, where necessary, the laws, regulations and administrative provisions concerning the prohibitions and restrictions on which the checks are based and to take complementary measures to safeguard internal security and prevent illegal immigration by nationals of States that are not members of the European Communities.

ARTICLE 18

The Parties shall open discussions, in particular on the following matters, account being taken of the results of the short-term measures:

- (a) drawing up arrangements for police cooperation on crime prevention and investigation;
- (b) examining any difficulties that may arise in applying agreements on international judicial assistance and extradition, in order to determine the most appropriate solutions for improving cooperation between the Parties in those fields;
- (c) seeking means to combat crime jointly, *inter alia* by studying the possibility of introducing a right of hot pursuit for police officers, taking into account existing means of communication and international judicial assistance.

ARTICLE 19

The Parties shall seek to harmonise laws and regulations, in particular on:

- narcotic drugs;
- arms and explosives;
- the registration of travellers in hotels.

ARTICLE 20

The Parties shall endeavour to harmonise their visa policies and the conditions for entry to their territories. Insofar as is necessary, they shall also prepare the harmonisation of their rules governing certain aspects of the law on aliens in regard to nationals of States that are not members of the European Communities.

ARTICLE 21

The Parties shall take common initiatives within the European Communities:

- (a) to achieve an increase in the duty-free allowances granted to travellers;
- (b) in the context of Community allowances to remove any remaining restrictions on entry to the Member States of goods possession of which is not prohibited for their nationals.

The Parties shall take initiatives within the European Communities so that VAT on tourist transport services within the European Communities is collected in the country of departure on a harmonised basis.

ARTICLE 22

The Parties shall endeavour both among themselves and within the European Communities:

- to increase the duty-free allowance for fuel in order to bring it into line with the normal contents of bus and coach fuel tanks (600 litres);
- to approximate the tax rates on diesel fuel and to increase the duty-free allowances for the normal contents of lorry fuel tanks.

ARTICLE 23

In the field of goods transport the Parties shall also endeavour to reduce stopping times and the number of stopping points at adjacent national control posts.

ARTICLE 24

With regard to the movement of goods, the Parties shall seek means of transferring the checks currently carried out at the common borders to the external borders or to within their own territories.

To that end they shall take, where necessary, common initiatives among themselves and within the European Communities to harmonise the provisions on which checks on goods at the common borders are based. They shall ensure that these measures do not adversely affect the necessary protection of the health of humans, animals and plants.

ARTICLE 25

The Parties shall develop their cooperation with a view to facilitating customs clearance of goods crossing a common border, through a systematic, automatic exchange of the necessary data collected by means of the single document.

ARTICLE 26

The Parties shall examine how indirect taxes (VAT and excise duties) may be harmonised in the framework of the European Communities. To that end they shall support the initiatives undertaken by the European Communities.

ARTICLE 27

The Parties shall examine whether, on a reciprocal basis, the limits on the duty-free allowances granted at the common borders to frontier-zone residents, as authorised under Community law, may be abolished.

ARTICLE 28

Before the conclusion of any bilateral or multilateral arrangements similar to this Agreement with States that are not Parties thereto, the Parties shall consult among themselves.

ARTICLE 29

This Agreement shall also apply to Berlin, unless a declaration to the contrary is made by the Government of the Federal Republic of Germany to the Governments of the States of the Benelux Economic Union and the Government of the French Republic within three months of entry into force of this Agreement.

ARTICLE 30

The measures provided for in this Agreement which are not applicable as soon as it enters into force shall be applied by 1 January 1986 as regards the measures provided for in Title I and if possible by 1 January 1990 as regards the measures provided for in Title II, unless other deadlines are laid down in this Agreement.

ARTICLE 31

This Agreement shall apply subject to the provisions of Articles 5 and 6 and 8 to 16 of the Agreement concluded at Saarbrücken on 13 July 1984 between the Federal Republic of Germany and the French Republic.

ARTICLE 32

This Agreement shall be signed without being subject to ratification or approval, or subject to ratification or approval, followed by ratification or approval.

This Agreement shall apply provisionally from the day following that of its signature.

This Agreement shall enter into force thirty days after deposit of the last instrument of ratification or approval.

ARTICLE 33

This Agreement shall be deposited with the Government of the Grand Duchy of Luxembourg, which shall transmit a certified copy to each of the Governments of the other Signatory States.