

SCHEDULE 2

Article 2(3)

TRIPARTITE ARTICLES

PART I

AGREEMENT

PART I

General Provisions

Article 1

Definitions

(1) “Frontier controls” means police, immigration, customs, health, veterinary and phytosanitary, consumer protection, and transport controls, as well as any other controls provided for in national or European Community laws and regulations.

(2) “Fixed Link” means the Channel Fixed Link defined in Article 1 of the Treaty done at Canterbury on 12 February 1986.

(3) “Trains” means international trains travelling between Belgian and British territory, using the Fixed Link and passing through French territory.

(4) “Non-stop trains” means international trains travelling between Belgian and British territory, using the Fixed Link and crossing French territory without making a commercial stop, except for technical stops.

(5) “Officers” means persons responsible for policing and frontier controls who are under the command of the persons or authorities designated in accordance with Article 3(2).

(6) “Control Zone” means that part of the territory of the host State and the non-stop trains, within which the officers of the other States are empowered to effect controls. Each control zone shall be defined by mutual agreement between the host State and the State whose officers will be operating in the said zone; however, in the case of non-stop trains, the control zone in French territory shall be determined jointly by the three Governments.

(7) “Host State” means the State in whose territory the controls of the other States are effected.

Article 2

Scope

(1) This Agreement shall apply to rail traffic between the United Kingdom and Belgium travelling via the Fixed Link and passing through French territory.

(3) A Protocol concerning frontier controls and policing on non-stop trains between the United Kingdom and Belgium via the Fixed Link is attached as an annex to this Agreement and shall form an integral part thereof.

PART II

Authorities and General Principles of Co-operation

Article 3

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(2) Each of the Governments shall designate the authorities or persons having charge of the services which in its territory have responsibility for the exercise of frontier controls and the maintenance of law and order.

Article 4

On non-stop trains, British officers may exercise frontier controls in Belgian and French territory, and Belgian officers in British and French territory.

Article 5

It is agreed that the frontier controls relating to non-stop trains shall in principle be effected under the exclusive responsibility of the British and Belgian authorities.

Article 9

The officers of the three States shall be authorised to circulate freely over the whole of the route between London and Brussels for official purposes simply by producing appropriate evidence of their identity and status.

PART III

Co-operation in Criminal Justice

Article 11

(1) Without prejudice to the provisions of Articles 4 and 14(2) of the Protocol attached as an annex to this Agreement, when an offence is committed on the territory of one of the three States that State shall have jurisdiction.

(2) When it cannot be ascertained where such an offence has been committed, the State of arrival shall have jurisdiction.

Article 12

Where an arrest is made for an offence in respect of which one State has jurisdiction under Article 11, that arrest shall not be affected by the fact that its effects continue in the territory of the other States.

Article 13

Persons who are found committing, attempting to commit, or just having committed an offence and who are apprehended on the train during the journey shall be handed over as soon as possible to the empowered officers of the State which has jurisdiction under Article 11.

Article 14

(1) In the event that a person is found committing, attempting to commit or just having committed on board a train in the territory of a State one of the following offences: homicide, rape, arson, armed robbery, kidnapping and hostage taking, or use of explosives, the train must be stopped in order to enable the competent authorities of that State to take any measures relevant to their investigations and, where appropriate, detain the person suspected of having committed the offence.

(2) If the train cannot be stopped because it is within the Fixed Link or because it is about to leave the territory of the State in which one of the offences referred to in the preceding paragraph has been committed, authorised officers who are present must take all appropriate interim measures to ensure that, when the train arrives, the officers of the State which has jurisdiction under Article 11

are able to interview witnesses, take evidence or receive information relevant to their investigations and, where appropriate, take charge of the person suspected of having committed the offence.

Article 15

(1) When a person is arrested in a manner covered by Articles 6, 12, 13 and 14(2) of this Agreement, the arrest shall be notified without delay to the authorities of the State of arrival. The person arrested may be transferred to the territory of the State which has jurisdiction under Article 11.

(2) However, any such transfer shall take place within no more than 24 hours of the notification under the preceding paragraph. Moreover, each State reserves the right not to authorise the transfer of its nationals.

PART V

Co-operation Between the Competent Authorities

Article 23

(1) Each State shall waive any claim which it may have against the other States for compensation in respect of damage caused to its officers or its property.

(2) The provisions of this Article shall not affect in any way the rights of third parties under the laws of each State.

PART VI

Final Clauses

Article 24

In addition to the arrangements provided for under Article 20, the procedures for the implementation of this Agreement and its Protocol may, as far as necessary, be the subject of technical or administrative arrangements between the competent authorities of the three States.

PART II

PROTOCOL

Article 1

This Protocol shall apply to non-stop rail traffic between the United Kingdom and Belgium travelling via the Fixed Link and passing through French territory.

Article 2

(1) The laws and regulations relating to frontier controls of one State shall be applicable in the control zone situated in the other States and shall be put into effect by the officers of that State in the same way as in their own territory.

(2) The officers of each State shall be subject to the legislation of that State on the protection of individuals with regard to automated processing of personal data when using their automated data files and equipment in the control zone situated in either of the other States.

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Article 3

(1) The officers of the other States shall, in exercise of their national powers, be permitted in the control zone situated in the host State to detain or arrest persons in accordance with the laws and regulations relating to frontier controls of their own State or persons sought by the authorities of their own State. These officers shall also be permitted to conduct such persons to the territory of their own State.

(2) However, no person may be held for more than 24 hours in the areas reserved for frontier controls in the host State. Any such detention shall be subject to the requirements and procedures laid down by the legislation of the State of the officers who have made the detention or arrest.

Article 4

Breaches of the laws and regulations relating to frontier controls of the other States which are detected in the control zone situated in the host State shall be subject to the laws and regulations of those other States, as if the breaches had occurred in the territory of the latter.

Article 5

(1) The frontier controls of the State of departure shall normally be effected before those of the State of arrival.

(2) The officers of the State of arrival are not authorised to begin to carry out such controls before the end of the controls of the State of departure. Any form of relinquishment of such controls shall be considered as a control.

(3) The officers of the State of departure may no longer carry out their controls when the officers of the State of arrival have begun their own operations, except with the consent of the competent officers of the State of arrival.

(4) If exceptionally, in the course of the frontier controls, the sequence of operations provided for in paragraph (1) of this Article is modified, the officers of the State of arrival may not proceed to detentions, arrests or seizures until the frontier controls of the State of departure are completed. In such a case, these officers shall escort the persons, vehicles, merchandise, animals or other goods, for which the frontier controls of the State of departure are not yet completed, to the officers of that State. If these latter then wish to proceed to detentions, arrests or seizures, they shall have priority.

Article 6

If the State of arrival refuses admission to persons, vehicles, animals or goods, or if persons refuse to submit to the frontier controls of the State of arrival, or send or take back any vehicles, animals or goods which are accompanying them, the authorities of the State of departure may not refuse to accept back such persons, vehicles, animals or goods. However, the authorities of the State of departure may take any measures to deal with them in accordance with the law applicable in that State and in a way which does not impose obligations either on the State of transit or on the State of arrival.

Article 7

(2) In an emergency, the local representatives of the authorities concerned may by mutual agreement provisionally bring into effect alterations to the delimitation of the control zones which may prove necessary. Any arrangements so reached shall come into effect immediately.

Article 8

Frontier controls on persons for the purpose of safeguarding public health shall be carried out in the control zone situated in the host State by the competent authorities of the State of arrival in conformity with the regulations applicable in that State.

Article 9

Where there is information giving rise to suspicion of an infringement, controls may be carried out on animals, animal products, plants, plant products and foodstuffs for human or animal consumption. The bringing into the State of arrival of pets, which travellers take with them for non-profit purposes may be subject to controls in compliance with the current regulations.

Article 10

- (1) The controls referred to in Article 9 shall include:
 - (a) inspection of certificates or accompanying documents, termed documentary inspection;
 - (b) physical examination, including where necessary the taking of samples;
 - (c) inspection of means of transport.
- (2) Such controls may be limited to documentary inspection, while physical examination may be undertaken as considered necessary.

Article 11

Veterinary inspection of living animals shall be without prejudice to any subsequent quarantine measures which may be imposed by the importing State.

Article 12

Officers of the other States may wear their national uniform or visible distinctive insignia in the host State.

Article 13

- (1) The authorities of the host State shall grant the same protection and assistance to officers of the other States, in the exercise of their functions, as they grant to their own officers.
- (2) The provisions of the criminal law in force in the host State for the protection of officers in the exercise of their functions shall be equally applicable to the punishment of offences committed against officers of the other States in the exercise of their functions.

Article 14

- (1) Without prejudice to the application of the provisions of Article 23 of the Agreement, claims for compensation for loss, injury or damage caused by or to officers of the other States in the exercise of their functions in the host State shall be subject to the law and jurisdiction of the State to which those officers belong as if the circumstance giving rise to the claim had occurred in that State.
- (2) Officers of the other States may not be prosecuted by authorities of the host State for any acts performed in the control zone whilst in the exercise of their functions. In such a case, they shall come under the jurisdiction of their own State as if the act had been committed in that State.
- (3) The judicial authorities or police of the host State who take steps to record the complaint and assemble the facts relating thereto shall communicate all the particulars and evidence thereof to the

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competent authorities of the State to which the accused officer belongs for the purposes of a possible prosecution according to the laws in force in that State.

Article 15

(1) Officers of the other States shall be permitted freely to transfer to their own States sums of money levied on behalf of their Governments in the control zone situated in the host State, as well as merchandise and other goods seized there.

(2) They may equally sell such merchandise and other goods in the host State in conformity with the provisions in force in the host State and transfer the proceeds to their own State.

Article 17

The authorities of the Kingdom of Belgium and of the United Kingdom shall use their best endeavours to ensure that the authorities of the other Party are able to make use in the host State of the accommodation, installations and equipment necessary for the performance of their functions.

Article 18

(1) The officers of the other States are empowered to keep order within the accommodation appointed for their exclusive use in the host State.

(2) The officers of the host State shall not have access to such accommodation, except at the request of the officers of the State concerned or in accordance with the laws of the host State applicable to entry into and searches of private premises.

Article 19

All goods which are necessary to enable the officers of the other States to carry out their functions in the host State shall be exempt from all taxes and dues on entry and exit.

Article 20

(1) The officers of the other States whilst exercising their functions in the host State shall be authorised to communicate with their national authorities.