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PHYSICAL STANDARDS
FOR SETTING UP CUSTOMS OFFICES
ON A MOTORWAY

LEGAL PROBLEMS

The designations employed and the presentation of material in this document do not imply the expression of any opinion whatsoever on the part of the Secretariat of the United Nations concerning the legal status of any country, territory, city or area or of its authorities, or concerning the delimitation of its frontiers or boundaries.

SUMMARY OF PROPOSALS

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- 2 - SAINT AYBERT-HENSTES (two small central buildings on the main axis)
- 3 - SAARBRÜCKEN - LA PREME D'OR (single central building on the main axis but consisting of a zone not covering the whole Customs area, a substantial part of which is devoted to ancillary activities)
- 4 - EYNATTEN - AACHEN (premises for the control of passengers and commercial traffic brought together in a single building for each direction, away from the main axis)
- 5 - WEIL AM RHEIN - BASEL (large Customs area with two central offices located on either side of the main axis, with very considerable ancillary activities)
- 6 - LE PERTHUS - LA JUNQUERA (control of passengers and of transit traffic only - two sets of control facilities - areas reserved for exclusive use)
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SUMMARY OF PROPOSALS

PHYSICAL STANDARDS FOR THE ESTABLISHMENT OF
CUSTOMS OFFICES ON MOTORWAYS

LEGAL PROBLEMS

On the frontiers of each State a number of controls are carried out relating both to the movement of persons and to the import and export of goods. These controls take place in Customs offices, set up on the territory of each State, by the representatives of national Administrations, empowered to undertake them in their own particular spheres, and two stops have therefore to be made in succession for the completion of the necessary formalities.

The motorway which is the subject of the TEM project will pass through several countries, and controls will also have to be carried out on its route. The establishment of Customs offices on the motorway itself being obviously necessary, it is consequently essential, unless it is to lose its raison d'être, which is to facilitate and speed up road traffic, to ensure that the controls, while retaining their essential character, do not cause excess slowing down or a prolonged stoppage, which would adversely affect the desired ease of flow. Taking account of the fact, moreover, that trans-frontier movement consists of two types of traffic, one which may be classed as fast, subject to controls of short duration (tourist traffic and commercial traffic in transit), the other as slow, because it has to undergo formalities necessitating a wait of variable length, it is necessary to find the solution best suited to dealing with them separately.

Customs offices to be set up on a motorway must therefore be designed to enable them :

- to avoid stopping twice as has been necessary up till now, once on leaving a country, and the second time on entering the neighbouring country;
- to allow an almost continual flow of tourist traffic and an easy movement of commercial vehicles in transit;
- to make possible the normal completion of formalities and controls associated with the Customs clearance of commercial loads;
- to maintain the quality and effectiveness of the different controls deemed necessary, both for persons and goods.

After reviewing the experience of various kinds in European countries already involved with the problem of the control of cross-frontier traffic on motorways, it appears that the setting up of Customs offices with adjacent national controls enables the desired aims to be achieved, as soon as their physical equipment possesses certain features.

This pre-supposes that the staff responsible for the controls work in very close collaboration in a joint zone, act practically at the same time on behalf of their respective countries and have available facilities and premises with an adequate floor area and arranged rationally, so that the staff can carry out their controls in satisfactory conditions for serious and efficient work, without prejudicing smooth traffic flow.

The creation of an office with adjacent national controls necessitates the prior construction of a so-called "Customs" area to accommodate traffic lanes, vehicle parks and the necessary control installations. Its exact location will obviously depend upon the course of the motorway and on what is possible at the precise point where the frontier between two countries is crossed, but also on the nature of the ground - which may be decisive as to the type of building to be put up - on the surface area available, on the competence, very extended or limited, which it is intended that the office shall have, on the nature and scope of the agreements reached or to be reached between neighbouring countries. Its dimensions will vary according to the volume of traffic expected - which must be calculated with the greatest possible accuracy, and take account of a possible, but probable, upward trend - but it may be considered that the size should be of the order of 12 to 15 hectares for an office handling all descriptions of traffic simultaneously - a solution to be adopted as often as possible - with a length of about 800 metres and a width of 300 to 350 metres. Its shape must be substantially that of an ellipse, which seems to be the most rational and the most efficient. Its proper functioning requires separation of the two categories of traffic before it reaches the precincts of the office by the placing of adequate and very precise signs, to save drivers from any difficulty of interpretation - which shall be repeated on gantries with an overhead clearance of 5 metres, on three different occasions (at 1500 and 750 metres from the entry to the Customs area and at the entry itself), and will tell drivers of commercial lorries to take the right-hand

lane, drivers of coaches and private cars towing caravans, the middle lane, and drivers of private cars to take the left-hand lane or lanes, the lanes being naturally all marked on the ground. The directions on the third and last indication board could be amplified, to allow for a final selection of commercial vehicles as follows - vehicles in transit: right-hand lane or lanes - vehicles with a load for Customs examination: access to the vehicle park. The preliminary selection having been made, the separation of the different traffics must also be maintained by means of appropriate signs in the Customs area itself so that :

- Tourist traffic is directed along the axis of the motorway, using the central lanes of the Customs area, of which there will be at least three for each direction (right-hand lane: coaches and private cars towing caravans - centre lane and left-hand lane: private cars), leading to a group of tourist-traffic booths erected on the median axis at right-angles to that of the Customs area;

- Commercial traffic is sent, for each direction of movement, towards the space left free between the central lanes and the boundary of the half of the ellipse situated on either side, a space where there are to be found :

- one or more traffic lanes on the extreme right to be used by lorries in transit;
- parking space for lorries, parked in a herring-bone arrangement;
- + buildings reserved for officials responsible for commercial traffic control;
- lanes giving access to stores, weighbridges, and possibly to livestock pens;
- booths controlling the exit from the lorry park, as near as possible to the point where the lanes join the motorway, where those in charge can check that the loads have been cleared, collect certain charges and will have to handle transit traffic. Signs and lighting in the Customs area must be satisfactory.

The physical equipment must take account of the way in which the controls are proceeded with (in lines for tourist traffic and in a herring-bone arrangement for commercial traffic) and comprise only one type of equipment and only one group of tourist-traffic booths for each direction, arranged so that they can allow intervention, in an order to be observed, but almost simultaneous, by the officials of the two countries concerned.

The arrangement of the service buildings will take account of the differences between the traffic, which will mean, in the case of tourist traffic, placing a building along the main axis of the Customs area, the two groups of booths joining it at right-angles, and, for commercial traffic, the siting of two lateral buildings, away from the centre lanes and near to the lorry parking area.

The control installations will therefore include in the buildings provided for above, unloading platforms, stores and also inspection pits, a protective roof and at each end of the central building, a small park for private cars. In addition to indispensable means of heating, if not air conditioning, lighting etc., and everything intended for the staff itself (refectory or rest room, for example), the internal equipment of the installations intended for the departments must take account of all the material and equipment necessary for their satisfactory working (telephone, telex, possibly private lines for data processing etc.).

The question arises as to whether or not other facilities should be provided in the Customs area, in particular those intended for Customs agents or for other activities (tourist offices, banks, restaurants etc.). In the consultant's opinion, if the option may be accepted for the first mentioned, caution must be observed for the remainder for reasons of security and efficiency. Provision should, however, be made for a rest centre for lorry drivers, who have to remain near the office for a relatively long time.

The security of the control installations must be insured through sufficiently effective external protection, and all measures must be taken as to the health and security of the staff (harmful effects of air pollution and of noise at the various control points).

The allocation of premises in the service installation must take account, both as regards their area and their internal equipment of the simultaneous presence of police and Customs officials of the two countries concerned in the tourist traffic booths, and also in the control building reserved for supervisory activities, administration and management of the personnel at the post for tourist-traffic control, as well as of the premises intended for the use of the personnel itself and the control missions etc.. Similarly, the lateral buildings and the lorry park exit booths must also be designed and equipped to accommodate together, with all the equipment they may find necessary, Customs staff of the two countries, those of the exit country being responsible for the control of exports from their territory, those of the entry country for import controls. The precise composition of these various premises can hardly be given, taking into account national concepts of the role and organization of the police and Customs departments, and the possible use of data processing, as well as the number of staff to be used.

These general standards can be applied, without any particular difficulty, in the various possible types of office, whether under the assumption - improbable - that each country involved in the TEM project itself sets up its own installations on its territory, or under assumptions implying the adoption of the principle of adjacent controls, where various kinds of constraint make it necessary to depart from what was said above. All that will have to be done in the different conceivable cases will be to adapt to the prevailing situation the standards for the necessary surface areas, the arrangement of premises and their allocation among the departments concerned. They will not vary, in particular, in the case where the office is set up on the territory of a single State, which occurs fairly frequently in the present state of operation of international motorways open to traffic.

It nevertheless remains true that in certain special situations, such as that created by the existence of a road network close to the motorway, it may be worth making use of the motorway and its facilities and also the pre-existing road network which already possessed Customs offices. This solution makes it possible to ease the traffic flow and to prevent the risk of traffic congestion on the motorway by enabling small consignments, for example, to be handled in the installations used before the motorway was opened to traffic.

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The legal problems liable to be encountered are of several kinds and may, in particular, relate to the general concept of the juxtaposition of controls, and also to those, more fragmentary; related to it--(action zone, controls, staff). With regard to the first mentioned the notion may prevail of a total separation of the departments of the two countries concerned and to have them function only within a zone reserved for them or of an "exclusive" character. The study has been prepared with a different approach, in conformity with the outlook to be found in the majority of countries which have had to face problems of control on motorways and which leads, on the contrary, to a high degree of interpenetration of the departments, inside a "joint zone", which has advantages both as regards their operation and as regards the necessary capital investment.

Examination of the different agreements concluded on the establishment of Customs offices with adjacent national controls, in particular those, the texts of which are annexed to the study, between the Federal Republic of Germany and Belgium, France and Belgium, France and Spain, provide certain lessons and throw light on some possible causes of difficulty. The following matters are thus of particular interest :

- The zone concept which is of some importance if the Customs office is set up in the territory of a single state, because of the problem arising out of the application of criminal law of a particular country on its neighbour's territory, a problem to be settled within the framework of the convention to be concluded by the designation of the municipality or locality to which office to be set up is to be attached. This implies, for the State on whose territory the office is set up, acceptance of the partial abandonment of its full and complete sovereignty over that part of its territory.

- The right of arrest which should be specified.

- The precise definition which should be applied to the terms "controls" and "Staff", which are to be found in all the conventions.

- The possible turning back of persons.

- The effective exercise of controls.

The conclusions which it has been possible to draw from these different points have led to the proposal for a draft text of a convention, or at least the first ten articles which appeared to be the most important, in the drafting of which an attempt has been made to avoid certain possible disputes.

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It may be explained that the study comprises, in addition to documentary material on motorway Customs offices - for which an attempt has been made in chapter B to make it as complete as possible by means of plans, photographs and statistics of the volume of traffic controlled, the composition of the staff employed and the areas allotted to each of the different control services - photographs, reproduced in annexes, giving examples of vertical sign displays, tourist-traffic booths, buildings, etc.

(A) INTRODUCTION

The basic reason for the construction of a motorway and, especially, for that envisaged in the TEM project, is to facilitate and speed up road traffic, both passenger and goods.

It is therefore obvious that solutions must be sought which will eliminate factors liable to cause slowing down or stoppage.

It is, however, apparent that some of these factors cannot be done away with. There are in actual fact two reasons why stops have to occur.

The first of these is outside the scope of the present study but none the less deserves special attention from various points of view (standards, techniques, location of the necessary installations, etc.). What is involved is the possible collection of tolls.

The second, which is of direct interest, is related to the carrying out at the frontiers of the various countries traversed by the motorway, of the formalities of all kinds and of the resulting controls.

On entering or leaving each of the countries concerned, a number of controls have to be performed in order to ensure compliance with legal, regulatory or other requirements in force in each national territory. Such controls are carried out in the Customs offices by specialized officials in their own particular fields: Customs, police, public health, agriculture, transport equipment or bridges and roads.

The construction of a motorway crossing a frontier therefore necessitates, what is obvious, the simultaneous establishment of Customs offices on its route, if possible, on the frontier between two States, or in its immediate vicinity.

Furthermore, and to ensure that the motorway meets the requirements expected of it, it is important that the compulsory stop at the frontier should be as short as possible without having an adverse effect on the controls deemed necessary. It is essential that the different departments concerned should be able to undertake their controls as satisfactorily and as rapidly as possible, but above all effectively and safely.

It also appears necessary for two types of traffic to be clearly separated from each other:

One regarded as fast :

- Tourist or passenger traffic, for which the formalities are, in principle, simplified and confined to controls of short duration, (identity checks and inspection of luggage, for example).

- Goods traffic between countries bound by conventions or special arrangements of the EEC or TIR type in particular under which, apart from possible police and security checks, the Customs officials confine themselves to noting and recording the passage of the transport unit, in the light of the documents accompanying the load (the possible variant of levying a charge on the fuel carried is, however, to be noted, the case of FRANCE).

The other regarded as slow :

- Commercial traffic necessitating a stop, of variable duration, at the frontier for the purpose of :

Carrying out Customs and similar formalities : (making out Customs declarations for exit or entry with, as a consequence, the physical checks involving unloading, opening and repacking of parcels).

Possible interventions by officials of departments other than the Customs. (veterinary inspectors, for example, for live animals, meat, fish, etc.: phyto-sanitary inspectors for vegetable products and seeds; representatives of the Equipment or Bridges and Roads departments for transport co-ordination or for checking the maximum permissible loaded weight, etc.).

Furthermore, the facilities provided for the officials carrying out controls, must be located and spread out in the best possible manner to enable interventions to be effective and rapid, while avoiding excessive dispersion of personnel.

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It seems therefore necessary in order to attain these various objectives :

to reduce to one the two stops hitherto necessary, on leaving the country and on entering the neighbouring country, respectively, which leads to the creation of Customs offices with adjacent national controls, a formula making almost simultaneous intervention possible, at the same place, of the departments of two adjoining countries,

to provide for an infrastructure for these adjacent control offices, enabling traffic classed as "fast" to be separated from the "slow" traffic,

to plan facilities for the staff which are satisfactory as regards area and location and will ensure the security and effectiveness of the checks to be made, which leaves it to be understood that appropriate means will be supplied both as regards personnel and equipment.

An ideal Motorway Customs office may therefore be defined as follows :

Office with adjacent national controls

Located so as to straddle the geographical frontier,

Facilities dispersed symmetrically in each territory,

Area sufficient to handle all the traffic expected on the basis of necessarily very thorough studies so as to avoid under-estimating or over-estimating needs,

A concentration of buildings of elliptic shape,

Séparation of traffics

Fast : private cars and motor coaches (a minimum of two lanes for the former, and one lane for the latter)

a special lane for commercial vehicles not requiring thorough systematic checks and therefore not requiring to park, but simply having their transit noted.

Slow : commercial vehicles requiring Customs clearance at the frontier and therefore having to remain stationary for a variable length of time, which should be as short as possible, to enable the Customs officials and any other staff who might be concerned to carry out their inspection and other necessary work.

Premises intended for the officials of the two countries

well situated to prevent the staff from being scattered;
well arranged and equipped to allow them to perform their work under
the best possible conditions;
well protected to ensure their safety and comfort;
well distributed to facilitate completion of formalities by the users.

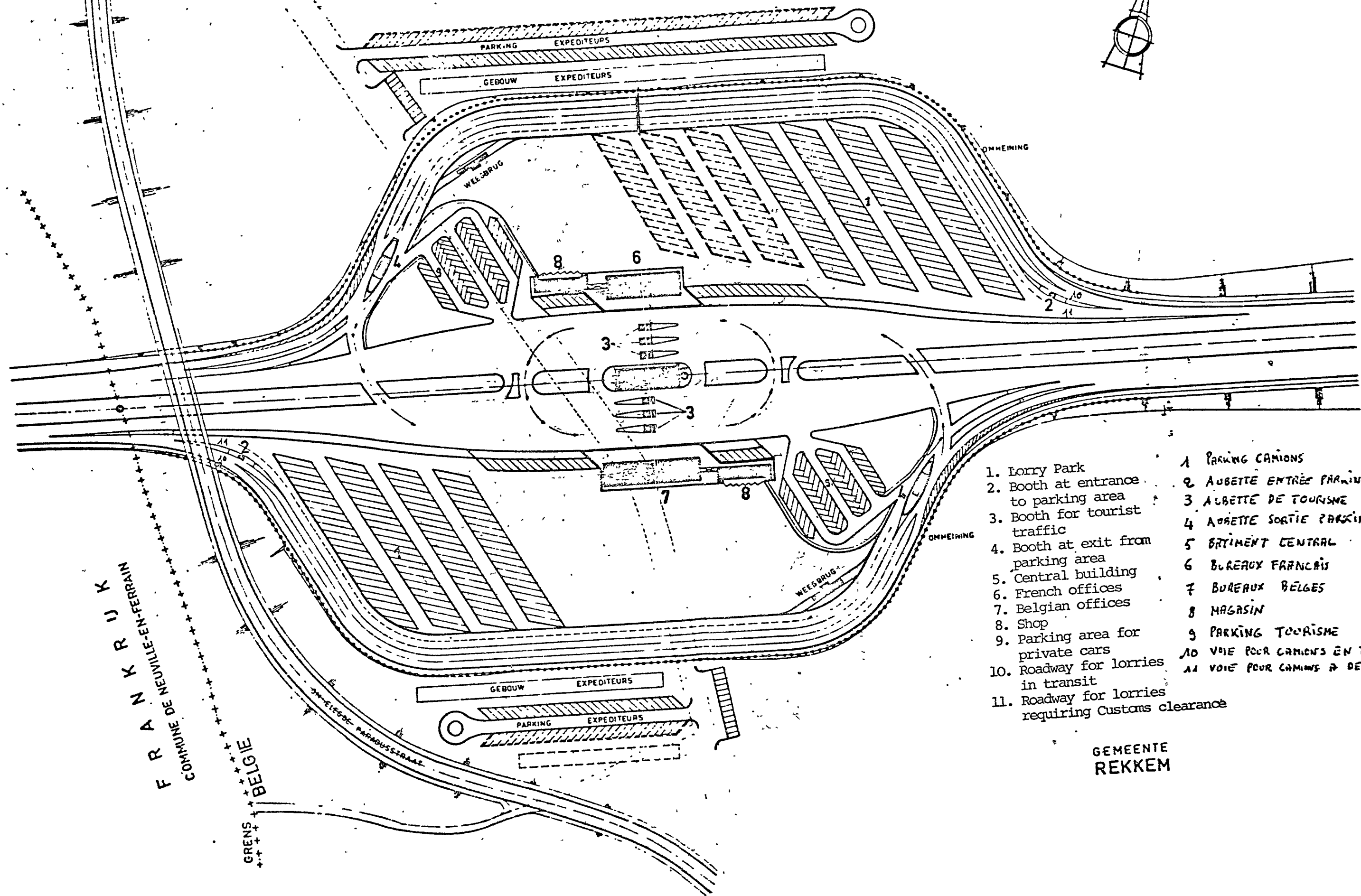
Ancillary installations

of sufficient size and of easy access (unloading platform, weighbridge,
and possibly a livestock pen).

The ideal motorway office should be roughly like that shown on the following
plan which, while it depicts an office having a small difference in that it departs
slightly from the elliptic shape recommended above, nevertheless gives an
appropriate idea.

Ground plan of

RECKEM NEUVILLE EN FERRAIN



- | | |
|---|----------------------------------|
| 1. Lorry Park | 1 PARKING CAMIONS |
| 2. Booth at entrance to parking area | 2 BOUETTE ENTREE PARKING |
| 3. Booth for tourist traffic | 3 BOUETTE DE TOURISME |
| 4. Booth at exit from parking area | 4 BOUETTE SORTIE PARKING |
| 5. Central building | 5 BATIMENT CENTRAL |
| 6. French offices | 6 BUREAUX FRANCAIS |
| 7. Belgian offices | 7 BUREAUX BELGES |
| 8. Shop | 8 MAGASIN |
| 9. Parking area for private cars | 9 PARKING TOURISME |
| 10. Roadway for lorries in transit | 10 VOIE POUR CAMIONS EN TRANSIT |
| 11. Roadway for lorries requiring Customs clearance | 11 VOIE POUR CAMIONS A DEBARQUER |

GEMEENTE
REKKEM

Some Western European countries now have good experience with these motorway offices (Federal Republic of Germany, Belgium, Netherlands, France, etc.) which they have set up. In general, the principles mentioned above served as a basis for the work, but it was sometimes necessary to introduce adaptations. The "ideal office" requires a large area, which cannot easily be found in heavily built-up regions, where the price of land may be very high and any expropriation procedure needed may be lengthy and costly.

Furthermore, for geographical reasons, in mountainous districts, for example, it is not always possible to obtain surface areas big enough to allow for the facilities necessary for thorough inspection of commercial vehicles.

Finally, the policy followed by certain countries, in connection with the Customs clearance of goods, tends to favour the transfer, wholly or partly, of essential formalities to the interior of the territory, the consequence of which is either to provide at the frontier only for adjacent offices competent to deal solely with tourist traffic and lorries in transit, or to provide mixed facilities, enabling a physical inspection of loads to be made leaving the documentary part of the formalities to be performed at a later stage. These various concepts, which may again be influenced by the presence in the interior of the territory of road centres established on the initiative of regional authorities or Chambers of Commerce, have led to the adoption of solutions suited to each individual case.

For the sake of completeness it must be added that some countries, which have concluded an agreement with a neighbouring country, almost identical to those concluded by others, do not interpret them in the same manner and do not give some words as wide a meaning as others do.

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After considering some examples of installations already completed and in service, general standards will be arrived at and the ways in which they may be applied to the possible different types of motorway office will be examined.

Finally, problems of a legal character which may arise will be examined. Proposals will be made for the more important draft clauses of a bilateral agreement.

(B) EXAMPLES OF INSTALLATIONS
NOW IN SERVICE

(There can be no question of giving details of all existing motorway offices. Only some have been selected, having regard to their special features. Accordingly various formulae are mentioned, making up various solutions which may be adopted, without calling in question the general principles set out in Chapter C).

- 20 -

RECKEM-NEUVILLE EN FERRAIN MOTORWAY OFFICE

Franco-Belgian frontier

Over-all plan attached

Located on Belgian territory on motorway A1/E3 leading to Ghent
in close proximity to the frontier

Total Customs area : approximately 480 metres

Width of area : approximately 280 metres

Traffic handled : tourist, lorries in transit, Customs clearance of goods
in both directions, but restricted on entering or leaving
FRANCE to full loads (i.e. intended for a single consignee or
originating from a single sender).

Amount of annual traffic

commercial traffic

estimated at the time of construction : 408,000 (of which 330,000 in transit)

at the present time :	transit (direction Belgium-France)	299,000
	cleared by Customs " "	92,000
	transit (direction France-Belgium)	309,000
	cleared by Customs " "	62,000

Tourist traffic

estimated at the time of construction :

entering France	1,700,000 vehicles +	500 coaches
leaving France	1,800,000 vehicles +	1,500 coaches

at the present time

entering France	2,300,000 vehicles +	5,500 coaches
leaving France	2,200,000 vehicles +	3,500 coaches

Open - to tourist traffic and lorries in transit 24 hours out of 24
to commercial traffic from 7 a.m. to 7 p.m., except Saturday
7 a.m. to 12 noonTotal number of staff - French Customs at the post : 105
(80 during the day, 15 at night)

- Belgium : 26 (minimum of 5 per shift)

Area reserved for the control services : French Customs 700 sq.m. (of which 248 sq.m. for tourist traffic and control of transit traffic).

Belgian Customs - 750 sq.m. (of which about 200 sq.m. for tourist traffic and control of transit traffic)

French police : 128 sq.m.

Belgian police : 150 sq.m.

Joint facilities : 100 sq.m.

Characteristics

1 single central building on the main axis

3 lanes reserved for tourist traffic in each direction

1 special lane for coaches

600 parking places for lorries (300 in each direction)

85 parking places in all for tourist vehicles

Facilities for tourists : 1 foreign exchange office installed in a caravan in the Belgian section

Customs agents offices located outside the Customs zone (16 on the French side, 10 on the Belgian)

An office measuring 12 sq.m. reserved for the veterinary expert in the French premises (no livestock pen).

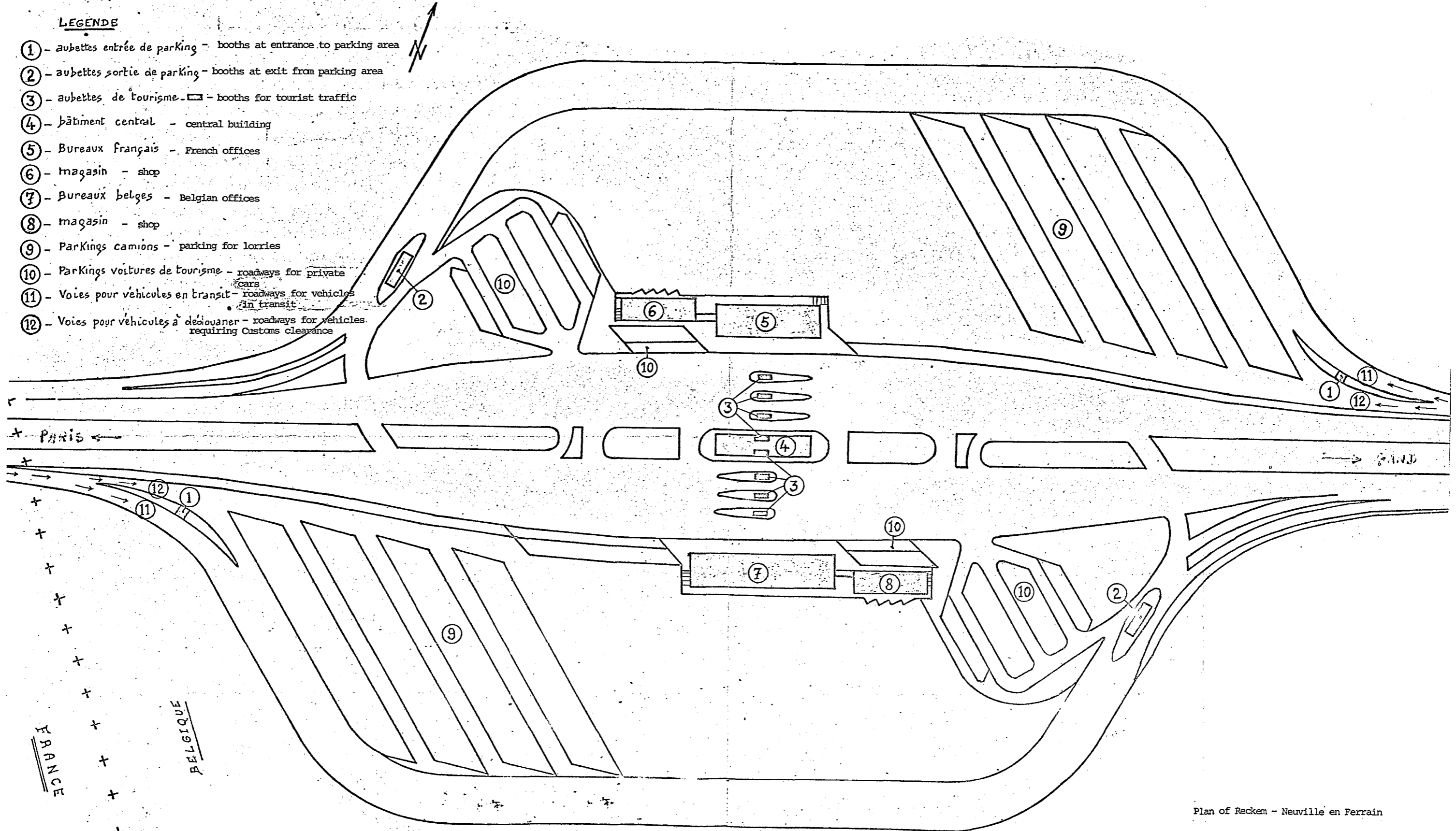
An axle weighing machine.

COMPLEXE DOUANIER
de RECKEM AUTOROUTE

Lille le, 15/1/1976

LEGENDE

- ① - aubettes entrée de parking - booths at entrance to parking area
- ② - aubettes sortie de parking - booths at exit from parking area
- ③ - aubettes de tourisme - booths for tourist traffic
- ④ - bâtiment central - central building
- ⑤ - Bureaux français - French offices
- ⑥ - magasin - shop
- ⑦ - Bureaux belges - Belgian offices
- ⑧ - magasin - shop
- ⑨ - Parkings camions - parking for lorries
- ⑩ - Parkings voitures de tourisme - roadways for private cars
- ⑪ - Voies pour véhicules en transit - roadways for vehicles in transit
- ⑫ - Voies pour véhicules à dédouaner - roadways for vehicles requiring Customs clearance



Plan of Reckem - Neuville en Ferrain

MOTORWAY OFFICE AT SAINT-AYBERT-HENSIES

Franco-Belgian frontier

Over-all plan attached

Located straddling the frontier on the motorway leading to Brussels

Total Customs area : approximately 9 hectares

Total length of area : approximately 400 metres

Total width of area : approximately 220 metres

Traffic handled : tourist traffic and lorries in transit, Customs clearance for France being performed at the VALENCIENNES motorway office located 15 km in rear (only a few unimportant commercial operations are handled at St AYBERT).

On the other hand, all traffic is controlled by the Belgian Customs.

Amount of annual traffic

commercial traffic

direction Belgium-France : 220,000 lorries

direction France-Belgium : 226,000 "

tourist traffic : 2,500,000 vehicles + 14,000 coaches.

Open 24 hours out of 24.

Total number of staff : French Customs at the post : 59 (of whom 10 at night)

Belgian Customs at the post : 51

Total number of other control staff : French police : 24

Belgian police : 23

Area reserved for control services

French Customs : 670 sq.m.

Belgian Customs : 800 sq.m.

French police : 134 sq.m.

Belgian police : 65 sq.m.

Joint facilities : 92 sq.m.

Characteristics

2 small central buildings on the main axis

3 lanes reserved for tourist traffic in each direction

1 special lane for coaches

295 lorry parking places (140 places for entering France and 155 for entering Belgium)

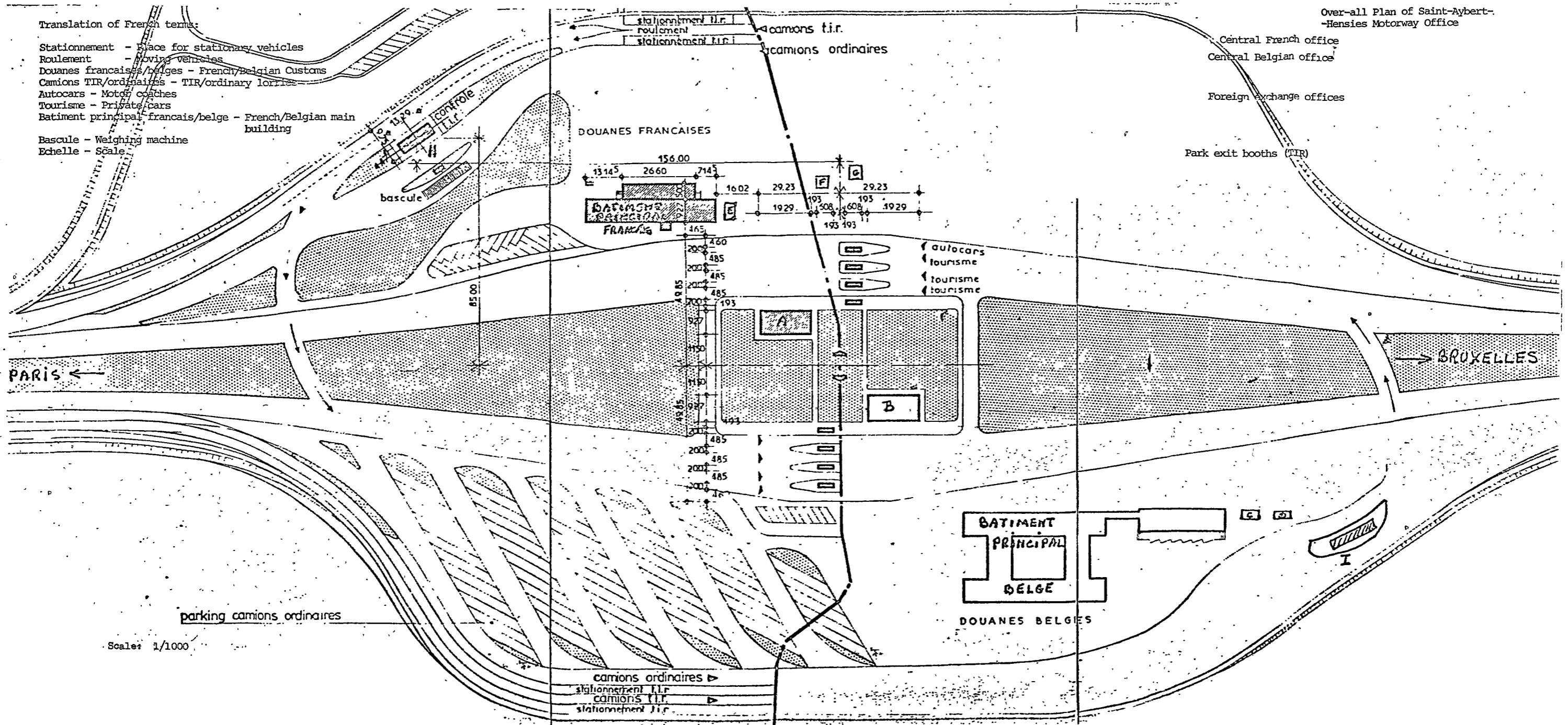
70 parking places for private cars (50 for entering France)

Facilities for tourists: 5 foreign exchange offices installed in caravans (only 1 of which in the French section)

1 tourist information office in the main Belgian building

Translation of French terms:

- Stationnement - Place for stationary vehicles
- Roulement - Moving vehicles
- Douanes francaises/belges - French/Belgian Customs
- Camions TIR/ordinaires - TIR/ordinary lorries
- Autocars - Motor coaches
- Tourisme - Private cars
- Batiment principal francais/belge - French/Belgian main building
- Basculer - Weighing machine
- Echelle - Scale



SAARBRUCKEN-LA BREME D'OR MOTORWAY OFFICE

Frontier between France and the Federal Republic of Germany

Over-all plan and photograph attached

Located on territory of the Federal Republic of Germany on motorway A 32 leading to Mannheim in close proximity to the frontier

Total Customs area ; approximately 12 hectares (of which approximately 6 hectares in the joint zone)

Length of area : approximately 600 metres

Width of area : approximately 200 metres

Traffic handled : tourist traffic, lorries in transit, Customs clearance of goods in both directions

Amount of annual traffic

commercial traffic

estimate at the time of construction : 80,000 lorries

at the present time : transit (direction Federal Republic of Germany-France):

87,000

cleared by Customs " " " " :41,000

transit (direction France-Federal Republic of Germany):

97,000

cleared by Customs " " " " :145,000

tourist traffic

estimate at the time of construction ; 1,200,000 vehicles

3,000 coaches

at the present time :

2,280,000 vehicles

22,500 coaches

Open - to tourist traffic and lorries in transit 24 hours out of 24

to commercial traffic from 8 a.m. to 1 p.m. and from 2 p.m. to 7 p.m. every day

Total number of staff - Customs(French)at the post ; 100 (of whom a minimum of 53 by day and 10 by night)

Customs (Federal Republic of Germany) at the post: 107 of whom a minimum of 65 by day)

Total number of other control staff : France 31 + 1 veterinary expert

Federal Republic of Germany 45

Areas reserved for control services

French Customs : 772 sq.m. (of which 125 sq.m. for tourist traffic and for
"transit" control)

French police : 85 sq.m.

Services of the Federal Republic of Germany : 1420 sq.m

Joint facilities : 238 sq.m.

Characteristics

1 single central building on the main axis

2 lanes reserved for tourist traffic in each direction

1 special lane for coaches

99 lorry parking places (44 and 45 on either side of the median axis)

375 private car parking places (240 located in the section of the Federal
Republic of Germany outside the control zone)

facilities for tourist traffic (restaurant - 2 filling stations) located in
the section of the Federal Republic of Germany (outside the control zone)

Customs agents offices located within the zone in a special building

A livestock pen (no special installations for the veterinary expert)

two weighbridges

one inspection pit

there are two subways

one connecting the Customs of the Federal Republic of Germany installations
with the French installations

the other connecting the kiosk with the forwarding agents installations.

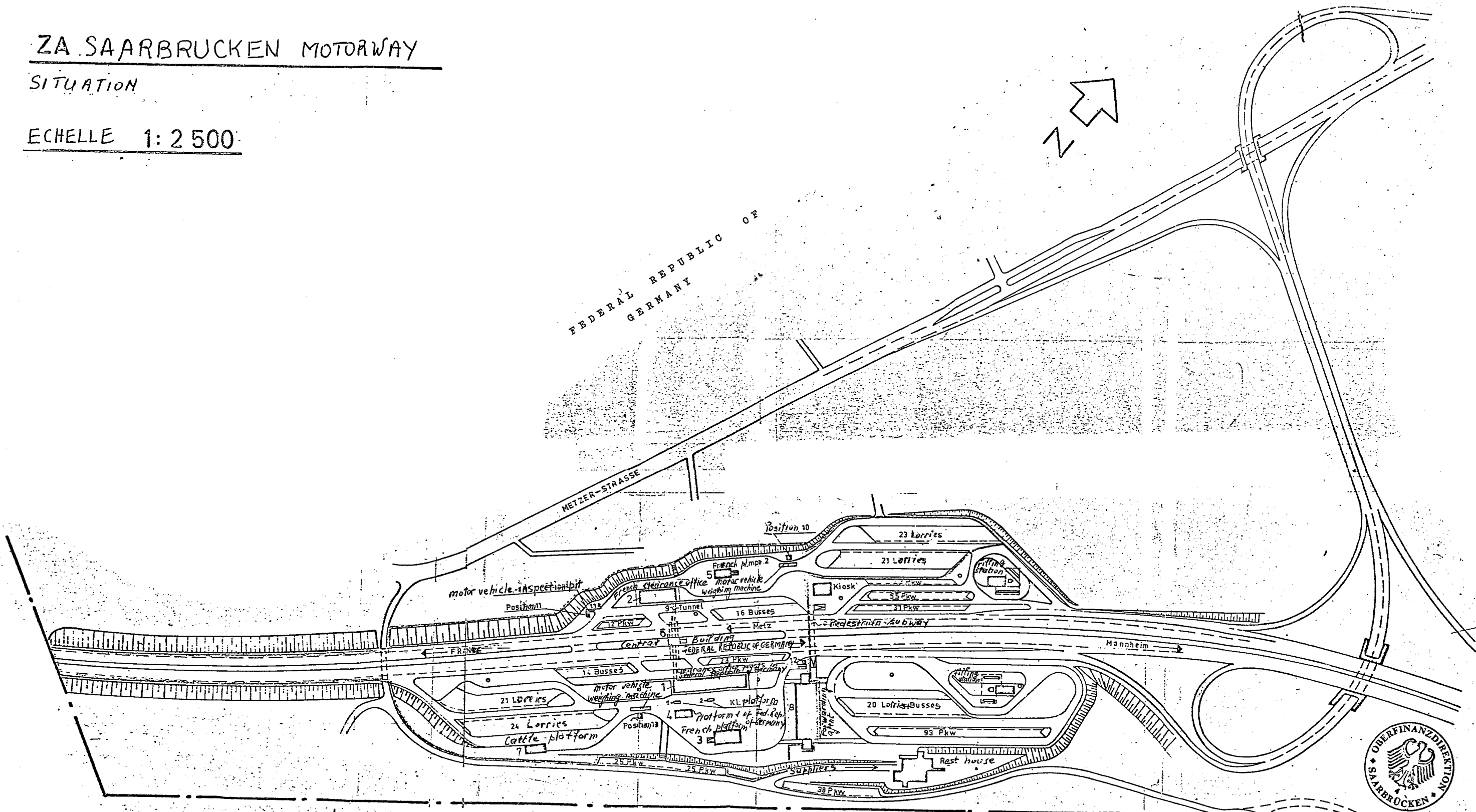
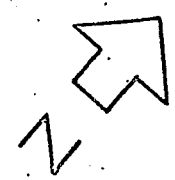
ZA SAARBRÜCKEN MOTORWAY

SITUATION

ECHELLE 1:2500

FEDERAL REPUBLIC OF GERMANY

METZER-STRASSE



FRANCE

French Zone



ROTER BERG

Postenhaus
ZZ Sbr. Spicheren-Berg

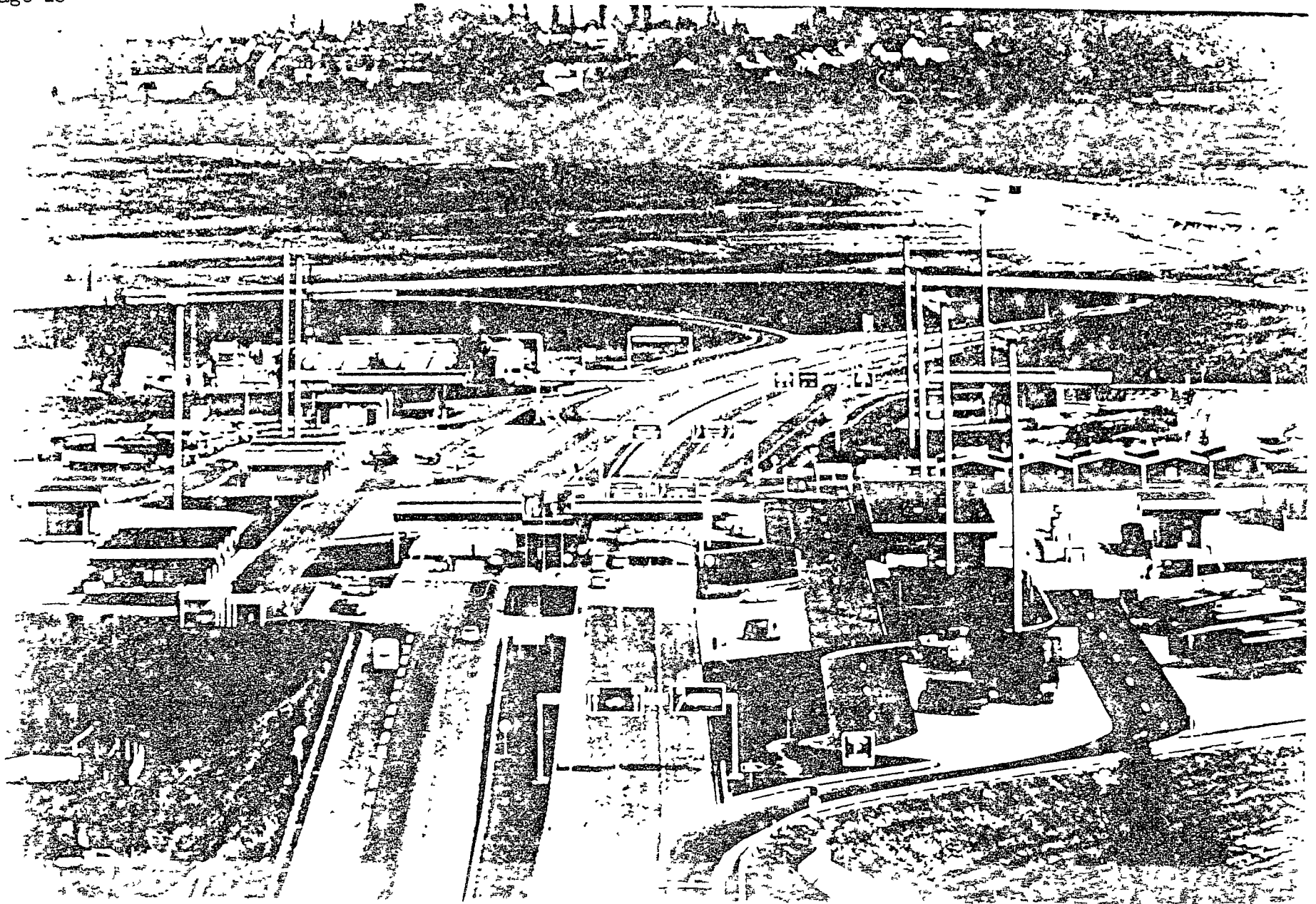


Photo of Saarbrücken-La Breme d'Or Motorway Office

EYNATTEN (RAEREN) AACHEN MOTORWAY OFFICE

Frontier between the Federal Republic of Germany and Belgium

Over-all plan with photograph attached

Location : straddling the frontier on the LIEGE-COLOGNE motorway

Total Customs area :

Length of area :

Width of area :

Traffic handled : tourist traffic, lorries in transit, Customs clearance of goods in both directions

Amount of annual commercial traffic : 372,000 lorries (direction Federal-Republic of Germany - Belgium)

451,000 lorries (direction Belgium-Federal Republic of Germany)

Open to tourist traffic and to lorries in transit 24 hours out of 24

to commercial traffic from 6 a.m. to midnight from Monday to Saturday

Total number of Belgian Customs staff at the post : 155

Total number of other Belgian control staff :

9 - 12 police every day

1 from the milk department

1 from the National office for agricultural and horticultural markets

Areas reserved for the control services

Customs - Belgian

Customs - Federal Republic of Germany

Characteristics

The central part of the motorway being out of use, private cars and motor coaches are directed towards installations located away from the road where all operations are brought together.

2 lanes for private cars in each direction

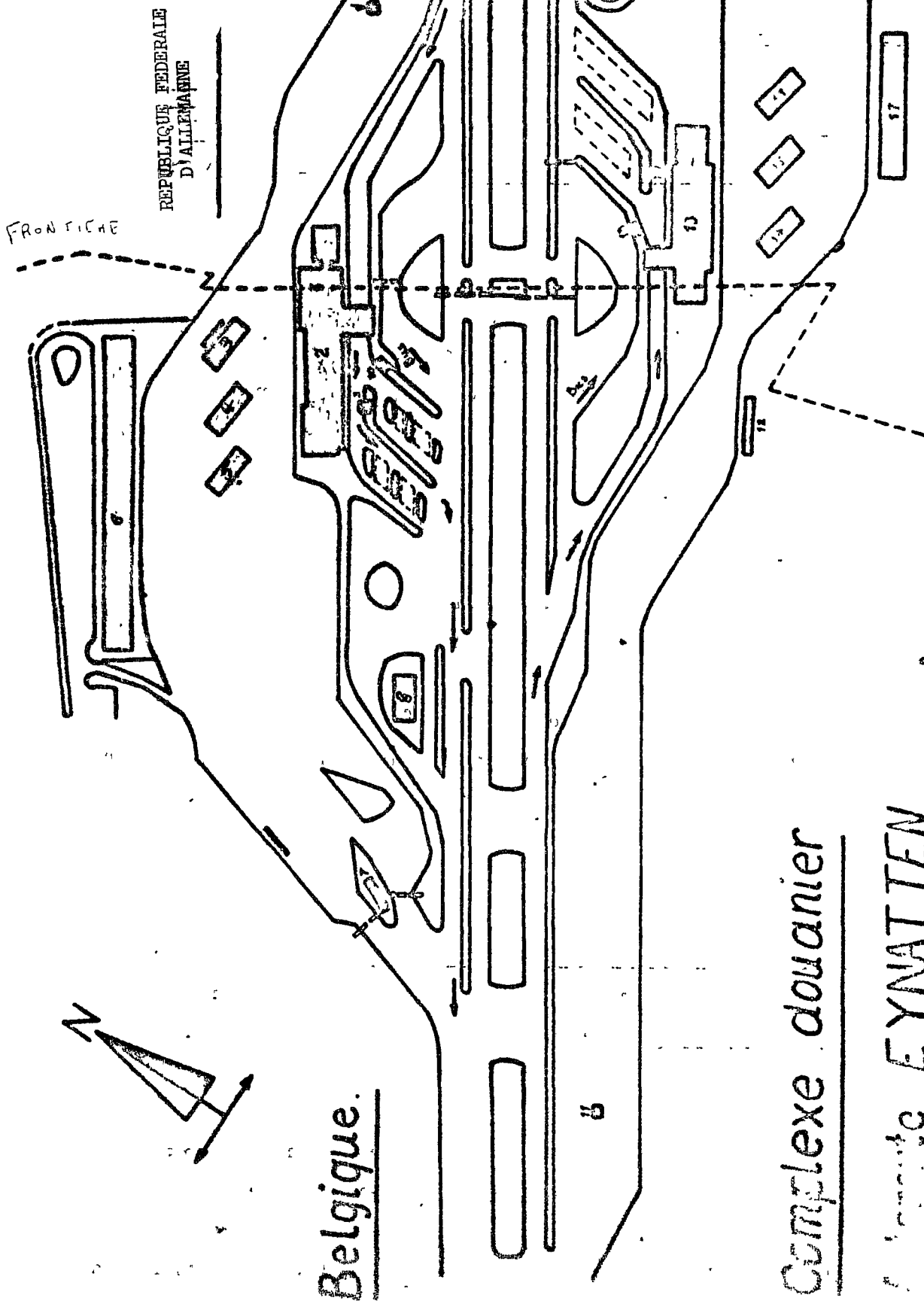
1 special lane for coaches in each direction

parking places for private cars after passing through the controls

parking places for lorries before and after the controls

Customs agents' offices outside the surface area

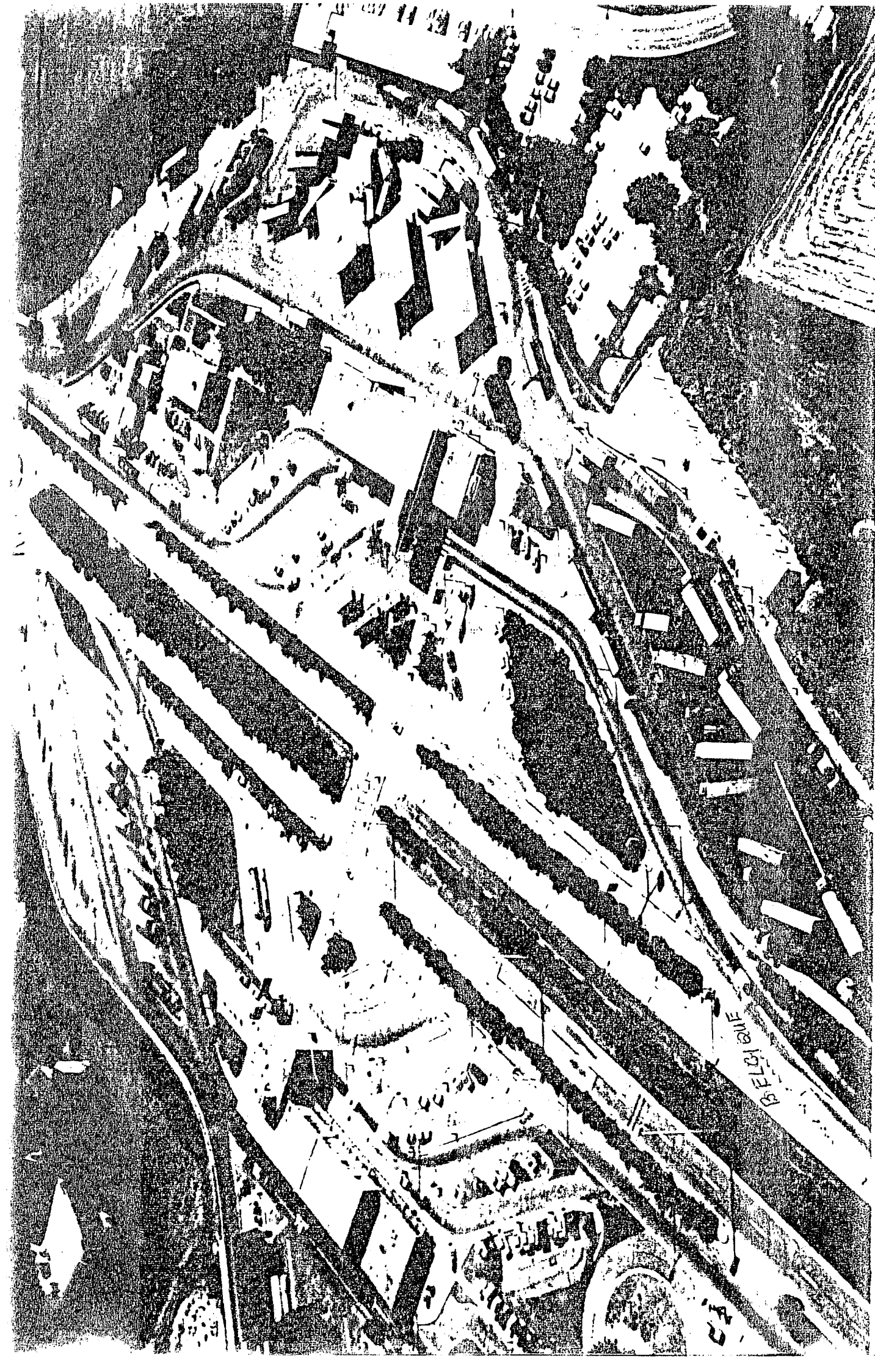
a tourist information office and a branch of a bank on Belgian territory.



Motorway Customs Complex EYNATTEN

Legend relating to the preceding plan

- 1. - Control point
- 2. - Belgian office
- 3. - 4. - 5. - Inspection platforms
- 6. - Customs agents' offices
- 7. - Control point
- 8. - Tourist traffic
- 9. - 10. - 11. - Control points
- 12. - Customs agents' offices
- 13. - Office of the Federal Republic of Germany
- 14. - 15. - 16. - Inspection platforms
- 17. - Customs agents' offices
- 18. - 19. - 20. - Control points



WEIL AM RHEIN-BASEL MOTORWAY OFFICE

Frontier between the Federal Republic of Germany and Switzerland

Over-all plan and details of Customs facilities attached

Located on territory of the Federal Republic of Germany on the KARLSRUHE-BASEL motorway-A 5 at about 700 metres from the frontier

Total Customs area : 35 hectares
Federal Republic of Germany: 4.8 hectares
Switzerland: 5.9 hectares
Tourist centre of the Federal Republic of Germany and filling station : 1.3 hectares
Swiss tourist centre and filling station 1.9 hectares
Livestock pen : 0.2 hectares

Length of area: approximately 1,000 metres

Width of area : approximately 250 metres

Estimated traffic entering the Federal Republic of Germany :

about 250,000 lorries (per annum)

about 4 million private cars

about 20,000 coaches

Opened in 1980 for tourist, for transit-traffic at the end of 1981 and for all traffic at the beginning of 1982

Open to tourist traffic for 24 hours out of 24

to commercial traffic from 7 a.m. to 12 noon and
from 1 p.m. to 5.30 p.m. every day except Saturday (7 a.m. to noon)

Total number of Customs staff of the Federal Republic of Germany : 129
(in the final stage)

Total number of Swiss Customs staff : 140

Total number of other control staff (Federal Republic of Germany) : 48
(of whom 42 are frontier police, 2 veterinary inspectors, 2 phyto-sanitary inspectors and 2 responsible for quality control)

Area reserved for tourist-traffic controls

On the side of the Federal Republic of Germany : 782 sq. m.

On the side of Switzerland : 556 sq.m

Area reserved for commercial traffic controls

On the side of the Federal Republic of Germany(forwarding agents):1,289sq.m.

On the side of Switzerland : 869sq.m.

(the social and other facilities located on the Swiss side are used jointly by the staff of Switzerland and staff of the Federal Republic of Germany).

Characteristics

3 lanes reserved for tourist traffic on the side of the Federal Republic of Germany

1 special lane for coaches and vehicles with a caravan

2 lanes reserved for tourist traffic on the Swiss side

1 special lane for coaches and vehicles with a caravan

93 parking places for lorries on the side of the Federal Republic of Germany

115 " " " " " " " " Switzerland

(extension possible to provide 135 additional places)

very considerable installations for tourist traffic (tourist centres and filling stations)

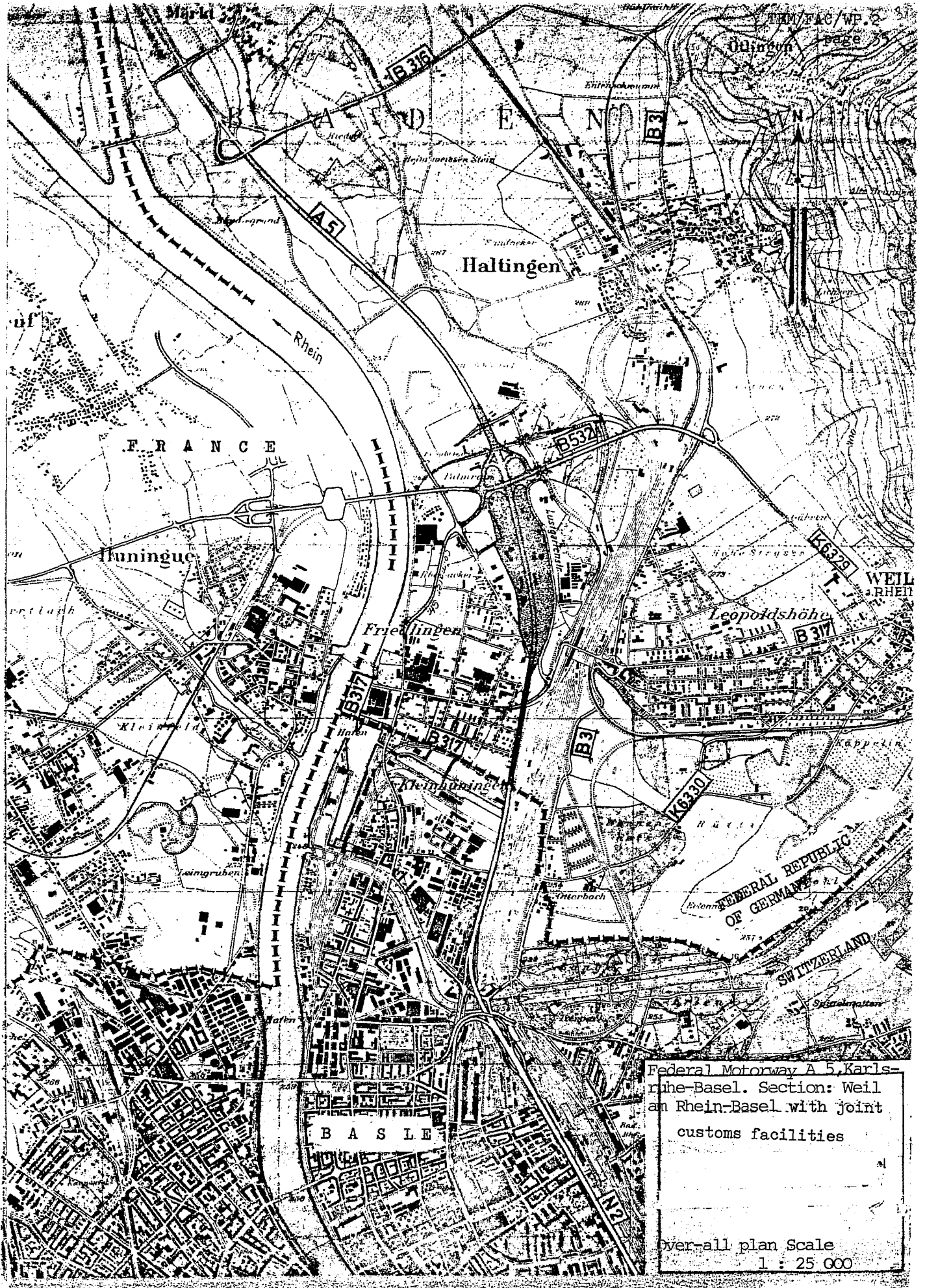
On the side of the Federal Republic of Germany : 1,575 sq.m.

On the side of Switzerland : 2,150 sq.m.

located on each side beyond the control points

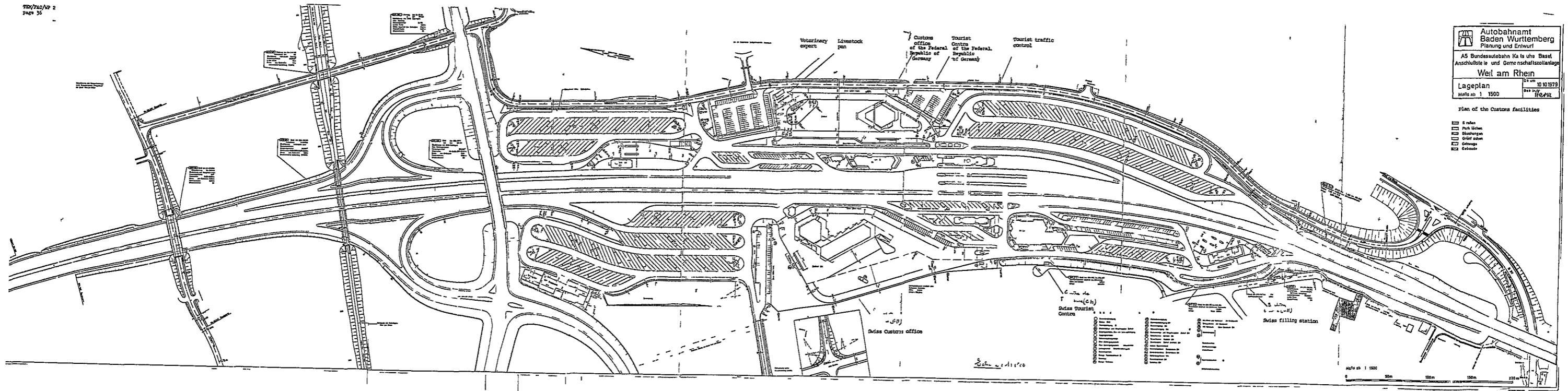
Customs agents' offices located in the same buildings as the control services

Livestock pen with a special installation for the veterinary expert.



Federal Motorway A 5, Karlsruhe-Basel. Section: Weil am Rhein-Basel with joint customs facilities

Over-all plan Scale
1 : 25 000



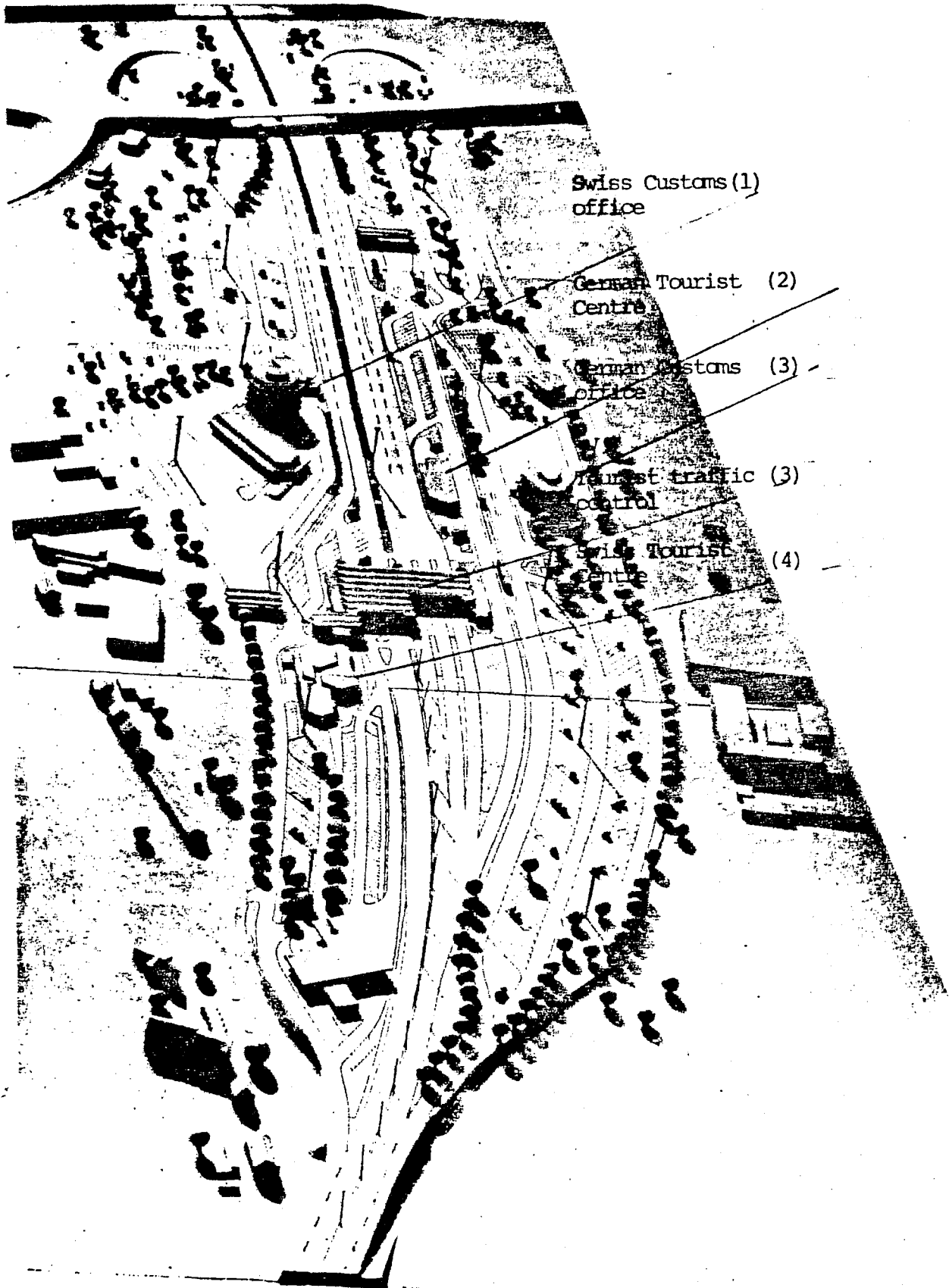
**Autobahnamt
Baden Württemberg**
Planung und Entwurf
A5 Bundesautobahn Karlsruhe/Basel
Anschlüsse le und Gemeinschaftsollanlage
Weil am Rhein
Lageplan
Maßstab 1:1500
12.10.1973
HERZL

Plan of the Customs facilities

- 2 m m
- ▨ Park Flächen
- ▩ Stützungen
- ▧ Grünanlagen
- ▦ Gehwege
- ▤ Erdbecken

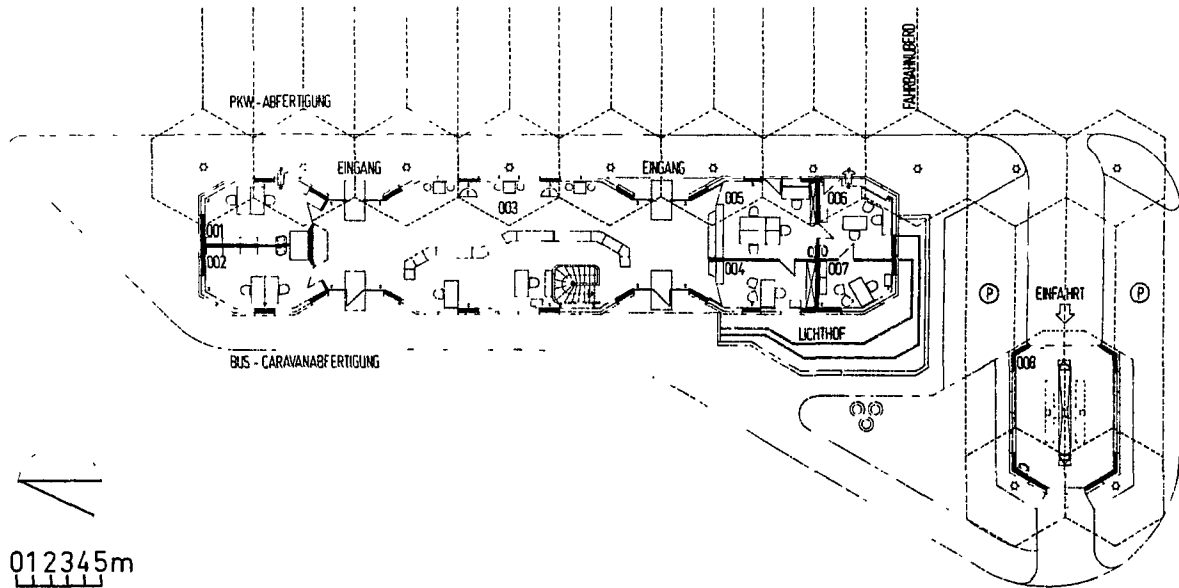
Maßstab 1:1500
0 50 100 150 200 m

1.11.1970

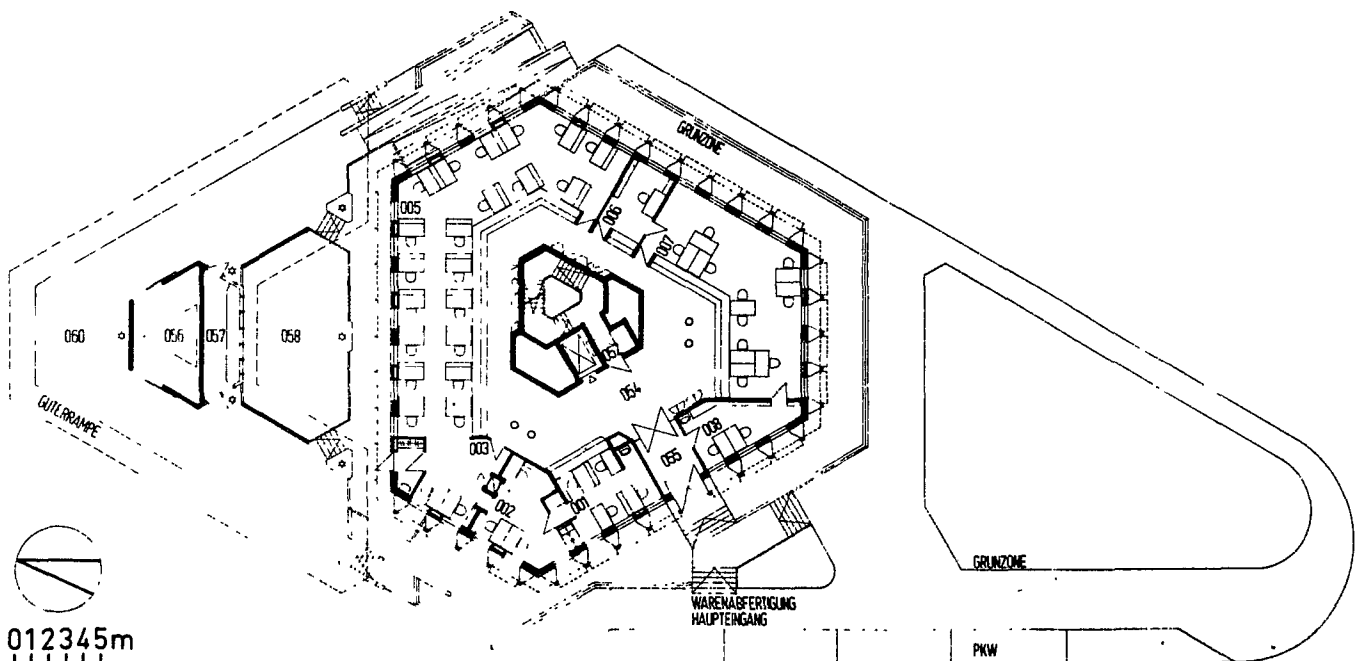


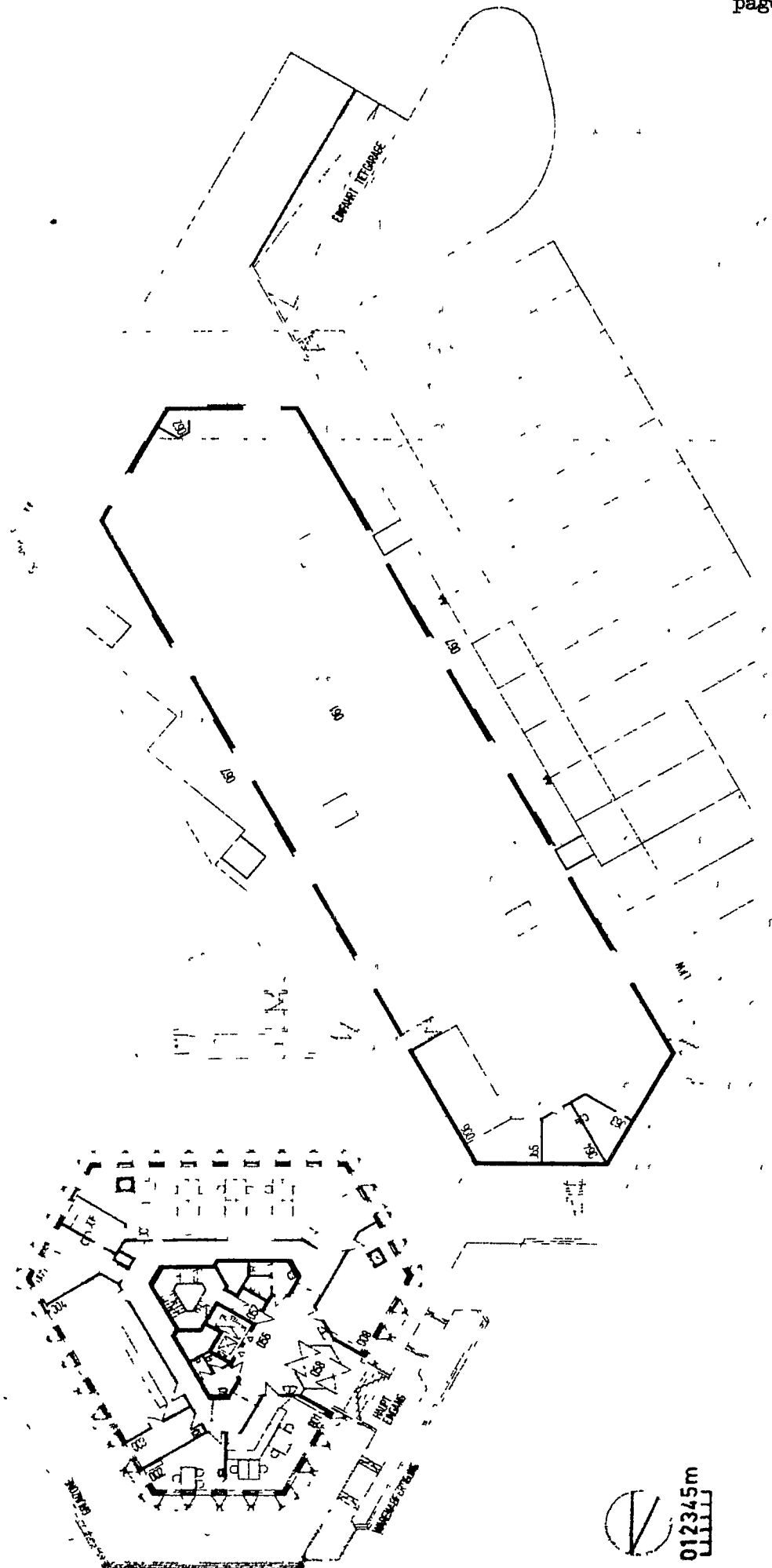
Model of the joint Customs facilities between Switzerland and the Federal Republic of Germany.

Passenger clearance office - Switzerland (Building 11)



Goods clearance office - Germany (Building 2)





012345m
LULUL

LE PERTHUS-LA JUNQUERA MOTORWAY OFFICE

French-Spanish frontier

Extract from the plan showing the two groups of booths photographed

Located on French territory on motorway B 9 at 1.2 km from the frontier
(but the office includes another crossing point on RN 9 about 2 km away)

Length of Customs area : 450 metres

Width of Customs area : 125 metres

Traffic handled : solely tourist traffic and lorries in transit - no Customs clearance

Volume of lorry transit traffic

direction Spain-France : 176,000

direction France-Spain : 115,000

Volume of tourist traffic

direction Spain-France : 1,205,000 + 17,000 coaches

direction France-Spain : 1,237,000 + 18,000 coaches

Number of lanes for tourist traffic

direction Spain-France : 6

direction France-Spain : 7

Total area of office installations

French 500 sq.m. (of which 220 sq.m. for the police)

Spanish 500 sq.m. (of which 150 sq.m. for the police)

Total number of French Customs staff at the post: 50

Spanish Customs staff and Civil Guard : about 45

Total number of other control staff

French police 45

Spanish police 32

Characteristics

Numerous lanes for tourist traffic

Zones for private interests separated by a 50-metre wide corridor

Two groups of booths for tourist traffic and for control of transit traffic

No facilities for Customs clearance nor for Customs agents

Limited number of parking places

direction France-Spain : 16 for lorries
31 for private cars

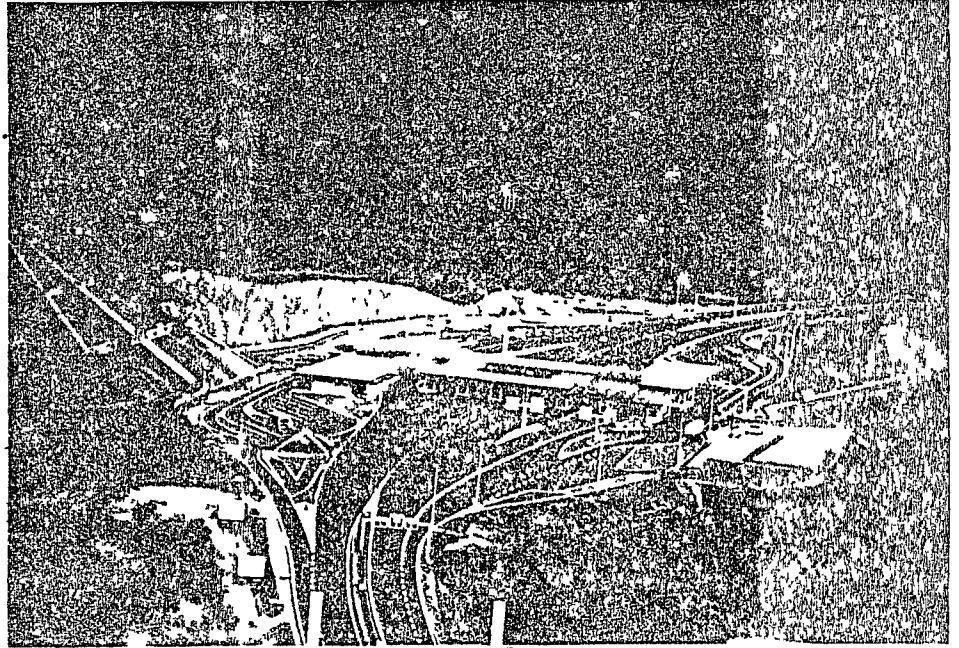
direction Spain-France : 12 for lorries
35 for private cars

1 weighbridge in the French section

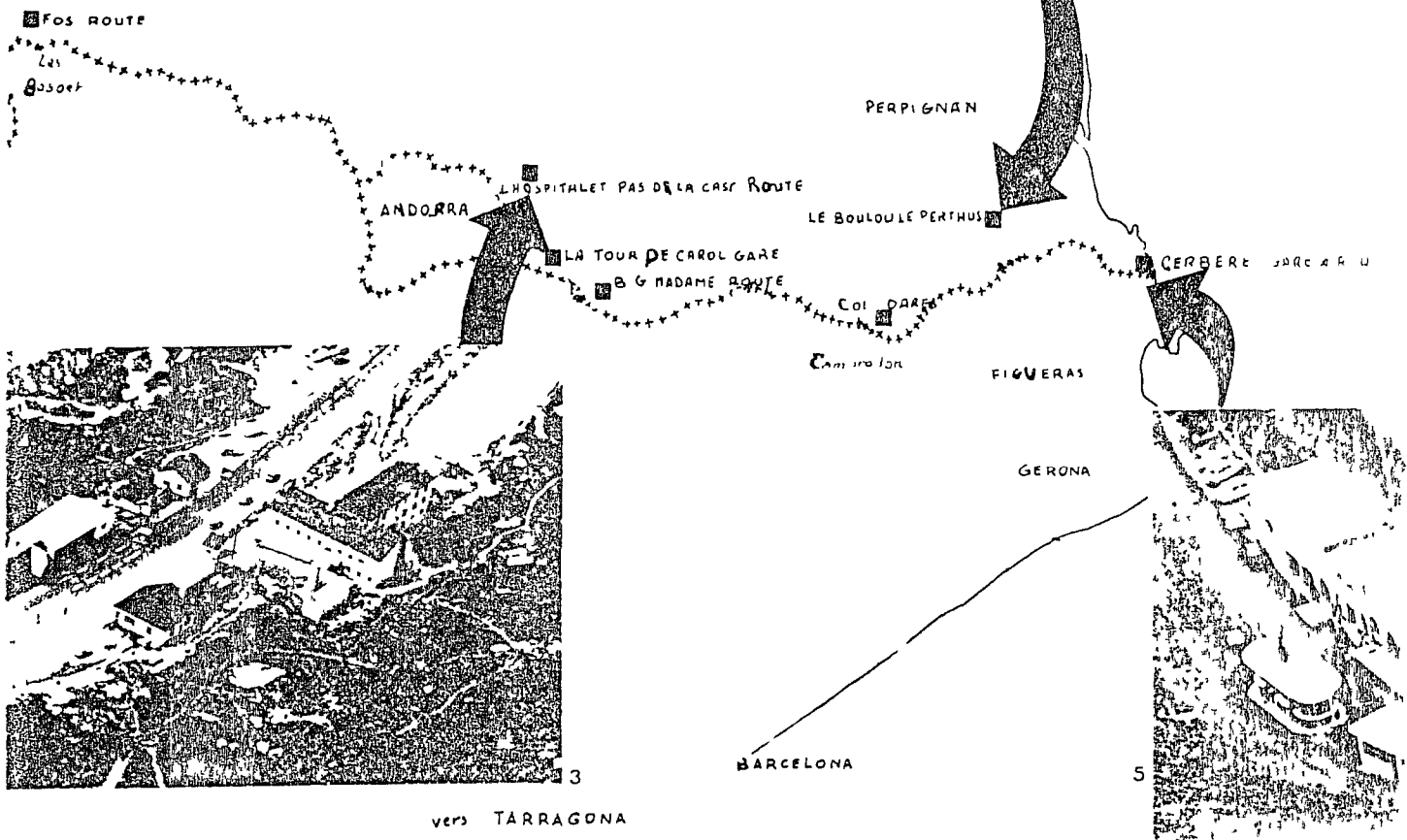
2 inspection pits measuring 6 sq.m.

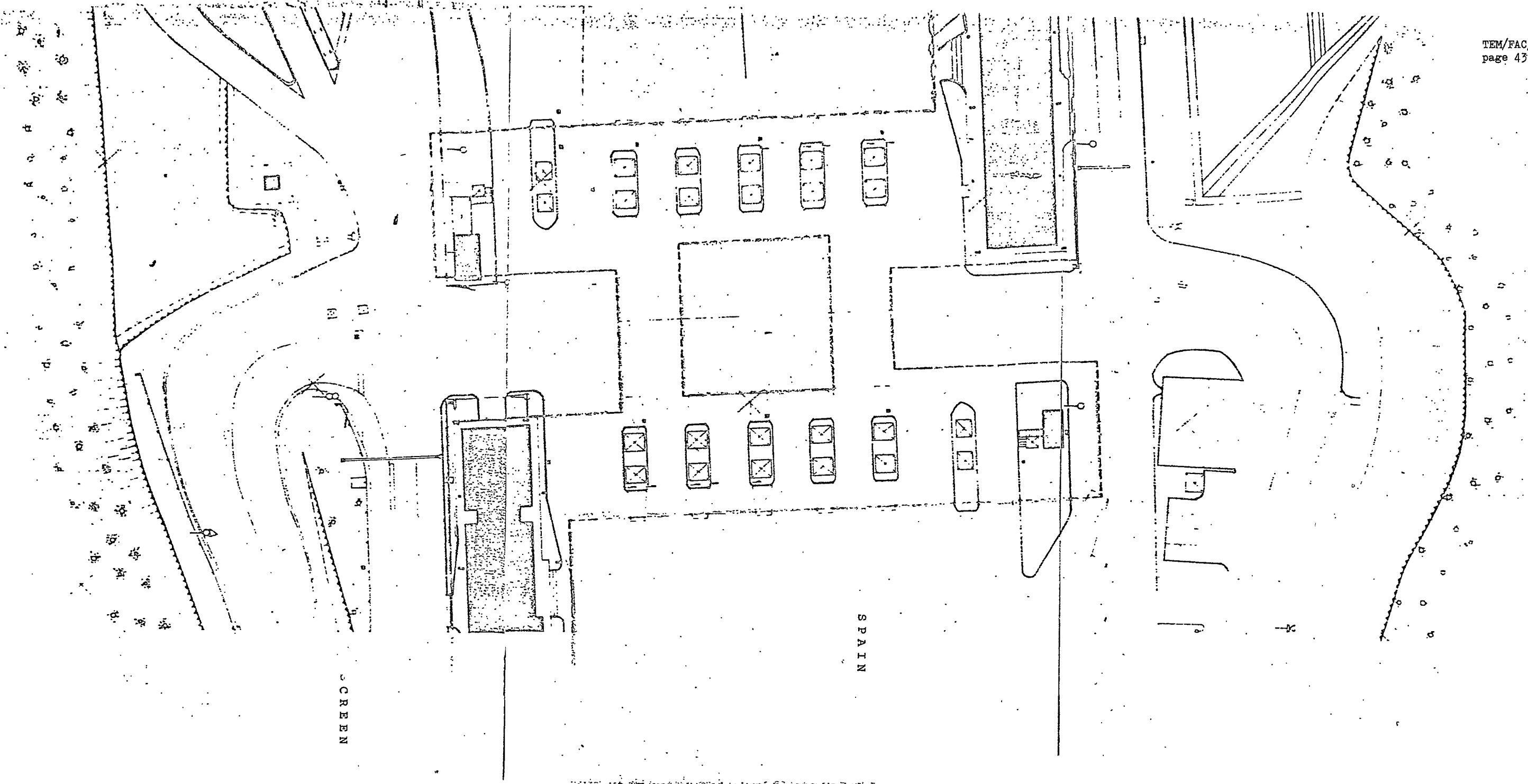
Le Perthus - La Junquera

Parallel lanes with parking areas for lorries. Intermediate lanes for caravans and motor coaches. Ten central lanes on A 63 and 14 on B 9 reserved for private cars whose use can be changed at any time to suit traffic requirements.



The provision of these facilities has necessitated an exceptionally great effort to the administration





Plan of facilities at le Perthus-La Junquera

OFFICES WITH ADJACENT NATIONAL CONTROLS AT THE EXITS FROM THE FREJUS TUNNEL

=====

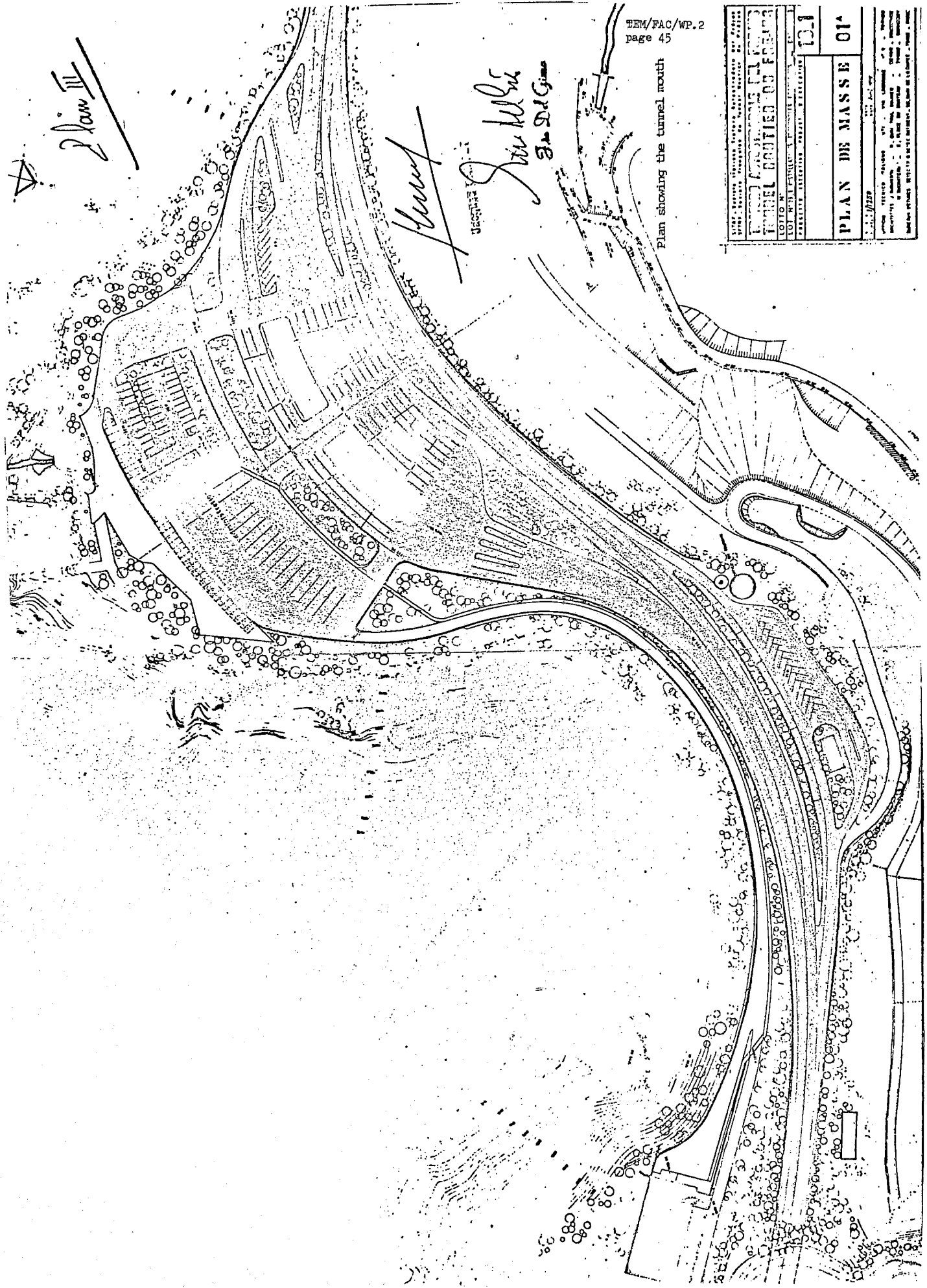
General plans attached

Arrangement between FRANCE and ITALY

Facilities located partly in FRANCE and partly in ITALY

BUREAU D'AMÉNAGEMENT ET D'URBANISME (BUREAU OF PLANNING AND ZONING)	
TUNNEL ROUTIER DE FERRIS (ROAD TUNNEL OF FERRIS)	
LOTTO N° (LOT NUMBER)	101
PLAN DE MASSE 01* (MASS PLAN 01*)	
1977	

Plan showing the tunnel mouth



Plan III

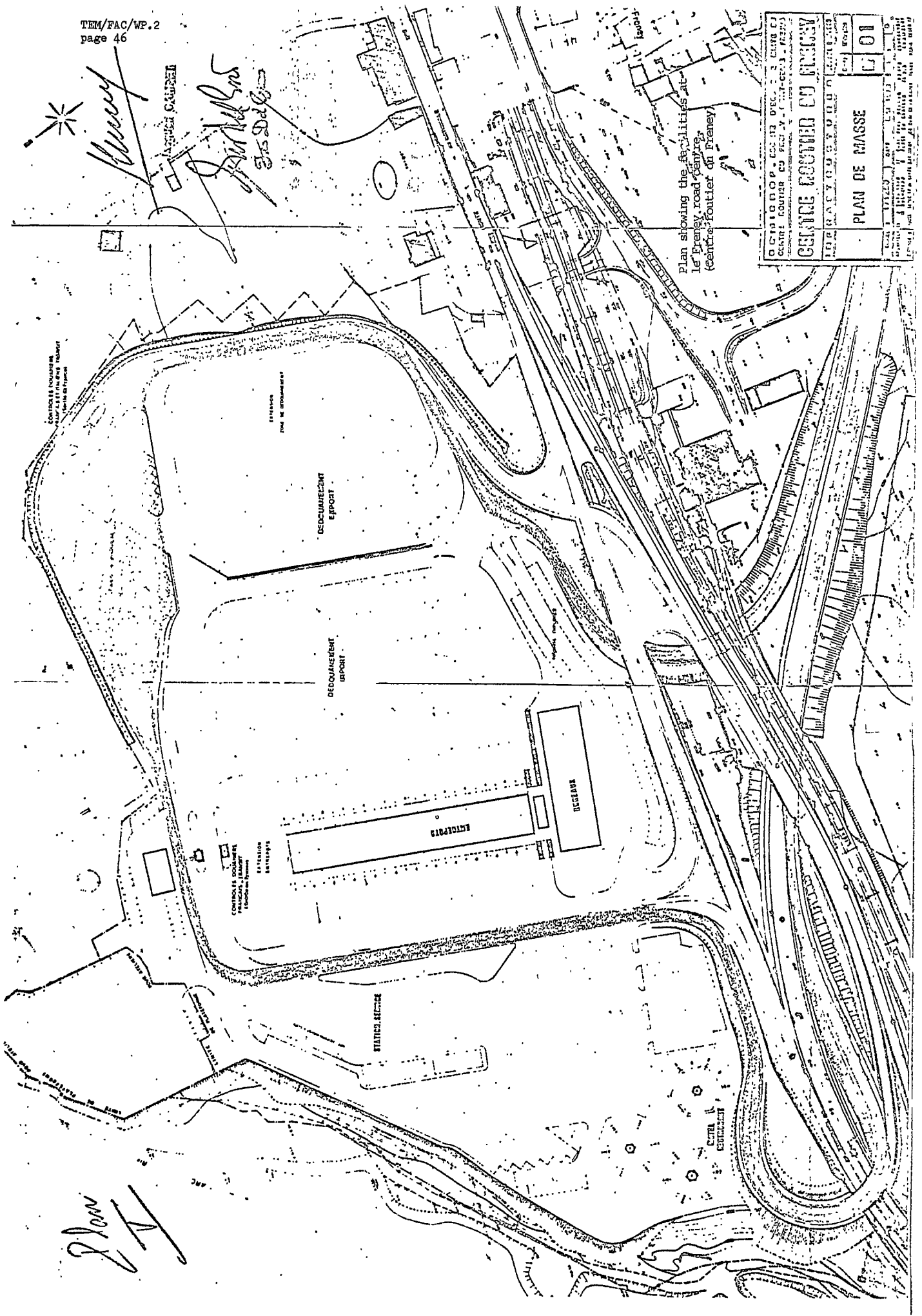
Plan

José M. L. S.
E. M. D. G.

Handwritten signatures and notes:
 [Signature]
 [Signature]
 [Signature]

Plan showing the facilities at
 le Brenay road centre
 (centre-frontier on Brenay)

DISTRIBUÉ PAR LE BUREAU CENTRE FRONTIER DE BRENAVY (Centre-frontier sur Brenay)	
CENTRE FRONTIER DE BRENAVY (Centre-frontier sur Brenay)	
PLAN DE MASSE L 01	
[Small text and scale information]	



Handwritten signature:
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Arrangement between France and Italy concerning the establishment of 3 offices with adjacent national controls at the exists from the FREJUS tunnel

HAVING REGARD TO the Convention of 11 October 1963 concluded between France and Italy concerning the offices with adjacent national controls and controls along the road;

HAVING REGARD TO the Convention of 23 February 1972 concluded between the Republic of Italy concerning the construction and operation of the Fréjus road tunnel :

ARTICLE 1

- (1) Two offices for the adjacent national controls of tourist traffic are set up at the mouths of the Fréjus road tunnel on level surfaces outside the tunnel :
one office for adjacent national controls at the Italian entrance at Bardonnechia where the Italian exit control and the French entry control take place;
one office for adjacent national controls at the French entrance at Modane, where the French exit control and the Italian entry control take place;
- (2) There is also set up,
at the motor traffic station of le Freney, Fréjus, Mont Genis, an office for adjacent national controls where the French control of commercial vehicles in transit leaving France take place as does the Italian control of commercial vehicles in transit entering Italy.

ARTICLE 2

1. The zones defined in article 3, section 1, paragraph B, of the 1963 Convention have boundaries which are shown on the six plans annexed to the present agreement of which they form an integral part.
2. The zone on the Italian Customs area at Bardonnechia comprises two sectors (cf. plans I and II attached):
 - (a) a sector used jointly by the French and Italian staff (shown in red on plan I) and consisting of :
 - that part of the tunnel situated on Italian territory;

- places for carrying out controls, including vehicle parks, weighbridges and inspection pits;
- premises and installations for toll collection;
- premises and installations intended for the operation of the tunnel; these shall, however, be separated from the remainder of the zone by fencing with only such openings as are strictly necessary.

(b) a sector reserved for the French staff (shown in blue on plan II) consisting of premises for use as offices and the tourist traffic booths used by such staff. Pending the construction of these offices and booths, these provisions shall apply to the premises used as offices and the tourist traffic booths provisionally made available to such staff and not shown in blue on plans I and II.

3. The zone on the French Customs area at Modane comprises two sectors (cf. plans III and IV attached);

(a) a sector used jointly by the Italian and French staff (shown in red on plan III) and consisting of :

- that part of the tunnel situated on French territory;
- places for carrying out controls, including vehicle parks, weighbridges and inspection pits;
- premises and installations for toll collection;
- premises and installations intended for the operation of the tunnel; these shall, however, be separated from the remainder of the zone by fencing with only such openings as are strictly necessary.

(b) a sector reserved for the Italian staff (shown in blue on plan IV) consisting of premises for use as offices and the tourist traffic booths used by such staff.

4. The zone at the Le Freney road centre comprises two sectors (cf. plans V and VI attached) :

(a) a sector used jointly by the Italian and French staff (shown in red on plan V);

(b) a sector reserved for the Italian staff (shown in blue on plan VI) consisting of :

- the administration building comprising premises for the service personnel, garages etc.;
- the premises reserved for controlling commercial vehicles entering Italy under the transit regime.

5. The portion of the road between the Le Freney (Fréjus, Mont Cenis) motor vehicle station and the joint zone of the French Customs area is also deemed to be a joint zone.

ARTICLE 3

1. French State staff are responsible for supervision of the portion of the road between the Le Freney (Fréjus, Mont Cenis) motor vehicle station and the French Customs area at Modane.
2. In the case of commercial vehicles such supervision is exercised with or without the assistance of the Italian State staff.
3. In the event of a violation of Customs regulations by commercial vehicles detected by French State staff, the said staff shall bring the persons, vehicles and goods concerned to the Italian staff who have the prior right to take action under the provisions of the Convention of 11 October 1963, article 6 § 3 and article 9 § 2. Italian State staff must agree to any request to intervene made to them by French State staff under this provision.

ARTICLE 4

For the purpose of the Convention, article 4, paragraph 1, the French office located at Bardonnechia is attached to the municipality of Modane. The Italian offices on the French Customs area of the tunnel and at the motor vehicle station are attached to the municipality of Bardonnechia.

ARTICLE 5

1. Persons working in the zones will have to be in possession of an "access permit" issued jointly by the police departments of the two countries responsible for control, in agreement with the Customs departments.
The access permit may be withdrawn from persons guilty of violating the legal, regulatory and administrative provisions relating to control, of one or other of the two States.
2. As laid down in the Convention, article 25, the provisions of the preceding paragraph do not apply to the Customs agents or their employees who enter the zones for professional purposes.

ARTICLE 6

The construction of buildings or other installations and the carrying on of a business or other similar activity in the Customs areas at the two entrances to the tunnel and reserved for control in accordance with the attached plans, may only be permitted with the express agreement of the controlling administrations of the two States.

ARTICLE 7

The head of the Turin Customs division (compartimento) and the director of the Turin frontier police, on the one hand, and the Chambéry regional Customs director and the chief commissioner of the air and frontier police at Modane, on the other hand, shall jointly agree on the details to be prescribed for the conduct of control operations, within the limits of the provisions of the Convention, article 6.

Emergency measures for the settlement of difficulties arising out of control procedure shall be taken by common agreement by the highest ranking Italian and French police and Customs staff on duty at the offices.

ARTICLE 8

After the entry into force of the present agreement, the administrations of the two States shall agree when the time comes on the application of the provisions contained in article 17 (2nd section, 2nd paragraph of the Convention of 11 October 1963).

ARTICLE 9

The present agreement shall enter into force as soon as the diplomatic notes provided for in the 1963 Convention, article 2, section 3, have been exchanged.

It can be denounced by each of the 'two parties on six months' notice. Such denunciation shall take effect on the first day of the month following the date of expiry of the notice.

Done at Paris on

(signed)

(signed)

Director General of Customs
and Indirect Taxes, Chairman
of the French Delegation

Director General of Customs
and Indirect Taxes,
Chairman of the Italian
Delegation

(C) GENERAL STANDARDS FOR THE ESTABLISHMENT AND
OPERATION OF A LARGE CUSTOMS OFFICE
ON A MOTORWAY
(handling all categories of traffic at the same time)

N.B. It is to be noted, - he who can do more can do less - that many of the principles set out would remain applicable to other formulae liable to be adopted, in the end, for the establishment and operation of a motorway Customs office not handling all types of traffic. This question is considered in a special item at the end of the present chapter.

In the preceding chapter various types of office were described and their special features examined.

It was thus possible to note that, in general, when geographical constraints did not exert too great a pressure, the elliptical shape was adopted with the two categories of traffic clearly separated.

It was, however, also to be noted that there were certain variants :

- in the arrangement of the service buildings in the Customs area, which determined how the two categories of traffic were to flow, involving as at the EYNATTEN office, for example, the abandonment of the central portion, all the controls being performed outside the axis of the motorway.
- in the make-up of the buildings (no independent tourist traffic booths and bringing all the staff together in a single building for each direction of traffic).
- in the design of the Customs area itself, which may or may not accommodate the Customs agents, and the ancillary services not concerned with the controls (restaurants, tourist information offices, filling stations etc.) and may or may not include the provision of extensive parking places for private cars.

As the TEM project relates to an absolutely new motorway throughout its length, which will be built only when all the countries concerned have agreed, the following standards could be taken into account in determining the solutions to be adopted, the surfaces needed, the types of building to be envisaged, etc.

This is the subject of the present chapter.

Yet - and although this comment will probably appear out of place, it must none the less be made, as experience shows that it is not sufficiently taken into account - it must be kept in mind that the projects, however careful and complete the preliminary studies may have been, will only be brought to fruition in a few years' time, during which there may be important developments in the general situation.

The determination of the exact route, the completion of all the preliminary formalities concerning the purchase of land, often depending upon expropriation measures requiring a long time, the construction of the motorway itself, with the building of bridges and other structures, not to speak of the boring of tunnels, will probably require a very considerable amount of time.

It is of the utmost importance that everything should be done to ensure that the estimate of requirements are as accurate as possible, with a sufficient safety margin taking account of the rising trend of trans-frontier traffic and of international commercial traffic, which will necessitate the use of facilities able to "absorb" such increases under conditions in which the controls to be performed at frontiers will not be a too noticeable cause of delay, which would, in the end, detract from much of the value of the projected motorway.

1 THE CUSTOMS AREA

As the solution of having controls adjacent to each other is supposed to be accepted and adopted as the best, the creation of an office with adjacent national controls on a motorway necessitates the prior construction of a so-called "Customs" surface area (the infrastructure), intended to accommodate the traffic lanes, the parking places and the necessary control installations.

1-1 The precise place where the Customs area will be located will obviously depend upon the route of the motorway and the possibilities at the exact spot where the frontier between two countries is crossed.

It will, however, have to be the subject of a previous choice which will depend upon:

1-1-1 The nature of the ground after making embankments or cuttings

It will be necessary to be sure that the soil at the point chosen meets the essential requirements permitting the use of the technical standards needed for the foundations for traffic lanes and parking areas, the construction of buildings - possibly with more than one floor - and of ancillary facilities, and the provision of different essential networks (drinking water, waste water, sewers, rain water, electricity, gas, telephone, underground piping for heating from a central plant, etc. etc..)

While this matter may not be a special concern of the Customs or other authorities directly involved, it remains none the less the case that particular attention must be given to it, and that constant contact must be maintained with those responsible for the project, so as to ensure that the construction, for example, which they desire to meet the requirements of their functions, may duly see the light of day.

1-1-2 The surfaces available at the point considered -

In level and open country, where there are, a priori, no very great constraints, it is possible to envisage a solution approaching the ideal solution described in the introduction.

In built-up areas and in mountainous regions, however, where there are special constraints, different arrangements will have to be envisaged and adopted.

1-1-3 The functions to be assumed by the proposed office

The desirable site, which is moreover liable to influence the course of the motorway itself, may differ greatly depending upon whether it is or is not possible to take advantage of the presence of a Customs office already in existence, away from the frontier, where the greater part of the controls will be carried out, or of the proposed setting up of a road centre in which will be located a Customs office having the desired competence.

1-1-3-1 In the first case, only an office with simple facilities, and intended to control only tourist operations or lorries in transit, will prove necessary, and its location, apart from technical considerations associated with the siting of the road axis itself, should not, a priori, pose major problems.

1-1-3-2 The same might possibly be true, if the principle were adopted of general Customs clearance at points other than the actual geographical frontier, that is :

1-1-3-2-1 either in offices situated in places relatively near that frontier, or

1-1-3-2-2 on the contrary, well inside the territory, in places sometimes a great distance away.

This obviously presupposes in both cases, the use of special Customs techniques, of an international character, of the TIR type, for example, or the application of measures jointly adopted by different countries, of the Community transit type in force within EEC in particular, or even the employment of internal Customs regimes, involving at the frontier, the acceptance of guarantees, intended to ensure the presentation of commercial loads at the office selected or designated.

1-1-3-3 If, on the contrary, none of these possibilities exists, it will be necessary to give the office general competence, that is, to provide that the Customs area will be established on the geographic frontier itself, and that that area will be able to handle all traffic, which will have, therefore, to undergo these all necessary controls.

This then brings one back to the problems of technical constraints alone, related to the nature of the ground and the surfaces available.

This is the assumption which is adopted for studying the operating conditions and the physical equipment (see 2 and 3 below, the TEM project being, by definition, far-reaching).

1-1-3-4 The nature and scope of the agreements reached or to be reached between neighbouring countries, which may lead, for various reasons or considerations (geographical constraints, for example) to the siting of the Customs area on the territory of a single one of them :

1-1-3-4-1 - in close proximity to the frontier, if geography and the other conditions considered above allow;

1-1-3-4-2 - or away from the frontier, sometimes at a considerable distance, in the contrary case.

1-1-3-4-3 - The agreements in question may be made indispensable, for geographical reasons for example, and lead to a type of office where the Customs area is divided into two parts each located on the territory of one State (mouths of transalpine tunnels).

1-2 The dimensions of the Customs area

1-2-1 The dimensions of the Customs area will depend, in the first place, on the expected volume of traffic which, as has already been stressed, must be determined with the greatest possible accuracy, in order to avoid:

- an over-estimate, which would have an adverse influence on finances, if the investment, whether in infrastructure or in super-structure, should in the end prove to be disproportionate compared with actual needs;

- an under-estimate, for which it would subsequently be difficult to find a remedy, and which would be reflected in congestion, not to say hold-ups, on the motorway itself, as a result of the inadequacy of the facilities, and would be a source of difficulties with users and drivers, and have an adverse effect both on safety and on the quality and effectiveness of all descriptions of control.

1-2-2 They will also depend upon the constraints and options listed in 1-1 above,

1-2-3 but, taking the experience acquired by different countries in this field, an indication may be given of the following ideal standards for an area with no geographical constraint, for very substantial trans-frontier traffic, of the kind which the TEM project allows one to assume,

12 to 15 hectares at least for an office handling all traffic (Customs clearance and controls of all kinds for commercial traffic, controls of tourist traffic and of lorries in transit), with a length of the order of 800 metres and a width of 300 - 350 metres.

It is obvious that these are standards given for guidance, as it has been seen in the examples quoted that important offices had, in fact, only 9 hectares. Local circumstances, and above all the traffic estimate will be the determining factors.

In any event, it is always preferable to provide, as far as possible, for a safety margin which will be sufficient to avoid unpleasant surprises, which the continuing increase in road traffic and international trade gives serious cause to fear, and which it would be difficult, if not impossible, to face afterwards.

1-3 The shape of the Customs area

1-3-1 As has been stated, a Customs area should be broadly the shape of an ellipse whose length would be two and a half times the width.

This shape makes simultaneously possible

- 1-3-1-2 , satisfactory distribution of the necessary premises, maintaining a balance between the installations intended for the officials of the two countries concerned,
- 1-3-1-3 satisfactory apportionment of parking spaces (private cars and lorries),
- 1-3-1-4 symmetrical treatment of commercial traffic, which gives rise to the same problems in the two countries concerned,
- 1-3-1-5 convenient application of the "eel-pot" principle, which enables the Customs apparatus to be made as water tight as possible, by facilitating supervision and preventing drivers from escaping from the regulation formalities which crossing a frontier involves.
- 1-3-1-6 As this shape cannot always be adopted, however, for various reasons, areas will be found which are bulbous in shape, oblong or even in two parts which are staggered and not opposite each other. These various shapes sometimes exert a regrettable influence on the physical conditions of carrying out Customs and police examinations. They may lead to more difficult working conditions for the staff who are either too scattered or in some cases obliged to move about frequently on foot because of the distance between various centres, which has a prejudicial effect on their work and at the same time on their security.
- , It is therefore recommended that an effort should be made to come as close as possible to the shape of an ellipse which should have as far as possible reasonable dimensions.
- 1-3-1-7 In any event the shape of the area will be indicated
 by ground markings, or
 by safety barriers, of the kind used on motorways, or, what is best, for security and safety reasons, by lattice-work fencing coupled with a hedge.

2

OPERATION OF THE AREA

As a motorway carries two categories of traffic, which are quite distinct and give rise to controls of differing importance and consequently of differing length, it is necessary in the first place :

to provide for their separation before their arrival within the precincts of the office, that is before reaching the Customs area,

2-1-1

which implies adequate and very clear signs, using all appropriate means (boards, ground markings etc.) , which should be worked out and a decision taken as to the type to be adopted and as to the exact points where the signs are to be placed; this should be discussed very fully with the authorities or organizations responsible for building the motorway, so that the signs can be installed at the right moment (so as to avoid having to install at great expense after the end of the work, electric leads, for example, if illuminated signs have been omitted).

2-1-1-1

The importance of such signs needs to be specially stressed, as the free flow of traffic on the Customs area depends on it.

It is necessary for drivers not to have any difficulty of interpretation as to the route prescribed for them and for them to be warned early enough, as they must also be warned to reduce speed (speed restriction signs to be installed).

On many motorways users are warned, in general about 1000 metres before reaching a Customs office, by a board bearing large-sized reflectorized lettering. A second one, placed about 400 metres away, repeats the same information.

Because of the selection which has to be made with no risk of error, probably leading drivers to change lanes, they must be able to proceed without haste and knowing exactly how they should approach the Customs area.

Under such conditions, it may be recommended to give the necessary information three times on illuminated or reflectorized boards, the first being at least 1500 metres from the entry to the area, the second 750 metres away and the third at the entry point itself.

The indications on the boards or gantries over the motorway should be so placed as to allow a vertical clearance of about 5 metres and will be repeated by ground markings.

The first two boards should direct drivers :

- of commercial lorries to take the right-hand lane,
- of coaches and of private cars towing a caravan, to take the centre lane,
- of private cars to take the left-hand lane(s), in relation to the part of the motorway reserved for their direction of movement, these lanes being shown by white lines on the ground.

The particulars on the third and last board may have added to them indications making a final selection of commercial vehicles possible,

- on the one hand, those which are not going to make a prolonged stop and will confine themselves to having their transit noted, because they are moving under the TIR system, for example, or under a regime of the "Community transit" type, right-hand lane,
- on the other hand, those with a load to be inspected by the Customs : access to vehicle park.

2-2 Traffic separation must be respected in the area

2-2-1 Selection having been made as described above, before reaching the Customs area, a large part of the traffic classed as fast will follow the motorway axis (which, moreover, will fix the axis of the area) and will proceed along the centre lanes of the area, the number of which may vary according to the volume of the traffic subject to control, but which must not be fewer than three for each direction :

- right-hand lane, reserved for coaches and vehicles towing a caravan,
- centre and left-hand lane, reserved for private cars,

2-2-1-1 The three lanes for each direction lead to a group of tourist traffic booths, where the controls are carried out, located on the median axis at right angles to that of the area.

2-2-2

Commercial traffic will be directed, in each direction, towards the portion left free between the centre lanes and the extreme edge of the half-ellipse reserved for each direction of movement :

In that part the following will be provided :

One or more traffic lanes on the far right to be used by vehicles "in transit" (which may or may not lead, depending upon traffic density, to a waiting park, where waiting will be of short duration),

A park for lorries allowing "herring-bone" parking,

Access lanes to stores, where actual Customs and other inspections may be carried out, to weighbridges, to livestock pens, where provided, etc.,

Buildings reserved for officials responsible for commercial traffic control,

Parking exit control booths, as close as possible to the junction with the motorway lanes.

2-2-2-3

Maintaining this separation of traffic also implies precise determination of the traffic system on the area, that is, the course of the surface lanes, to ensure the proper direction and good distribution of the traffic flows. They must meet the needs of the various users in an appropriate manner: control administrations, carriers, passengers, etc., and the crossing of traffic flows must be avoided. Measures must, in particular, be considered to facilitate the turning back of a private car, coach or lorry and to allow for the waiting of one or more private cars whose driver or drivers have formalities to complete, (endorsement of a document, for example), hence the necessity to provide for a small park for private cars - or even for a coach, where the control may require some time. A small area should be provided for that purpose.

- 2-2-2-4 Further, car parks for the vehicles of control officials (personal or official vehicles) must be provided for, as near as possible to the main place of work.
- 2-2-2-5 In addition, signs on the area must also be provided in the best possible manner by means of gantries, boards, arrows or ground markings to:
- avoid errors and hesitation by drivers of private cars or lorries,
 - to make it possible to regain the central axis after completion of Customs and police formalities,
 - to mark clearly the course of traffic lanes, the boundaries of control areas, parking places etc..
- 2-2-2-6 Lastly, the lighting of the area must be satisfactory and sufficiently powerful (using, in particular, pylons with a ring of high-powered lamps).

3 PHYSICAL EQUIPMENT OF THE AREA

3-1 It may be recalled that, in view of the importance and objectives of the TEM project, the present study is based on the hypothesis of a large motorway office handling all categories of traffic at the same time (see 1-1-3-3 above); the physical equipment to be found in the various offices which may be regarded as necessary will only receive incidental mention at the end of this chapter.

It is, however, first of all necessary to make clear a number of points and especially of concepts which are liable to be of great importance in the actual design of the premises.

3-2 How to proceed to carry out controls

Whether the "Customs Office" under consideration, which in any event is of the "adjacent national controls" type, is on the frontier itself or on the territory of only one State, two methods of carrying out controls may be considered :

3-2-1

In line

This is certainly best suited to dense motor traffic and peak tourist traffic.

It is also what best suits the control of lorries simply passing in transit, and it is for the purpose of this method that a special lane or lanes have been provided for with, possibly, the park for waiting vehicles, mentioned in 2-2-2 above.

3-2-2

The herring-bone pattern

This is obviously conceivable for all types of traffic, tourist and commercial, but there is a conflict with the desire for rapid operations in the case of the former, unless a full and systematic check of every vehicle arriving at the controls is contemplated. Such a method must, in principle be avoided, apart from making use of the small special area, referred to in 2-2-2-3 above, for small vehicles and motor coaches which it is desired to inspect thoroughly. An "inspection platform", a kind of bench intended to have luggage to be examined placed on it, should in any case be provided.

This method is, on the contrary, recommended and even necessary for commercial traffic, which requires more thorough controls. The "herring-bone" arrangement of vehicles allows easy access for the staff responsible for examination, and facilitates manoeuvres to reach unloading platforms or stores.

3-3

The principle of the single nature of the installations

3-3-1

With a view to making as rational use as possible of the installations on the Customs area, it is desirable to make the most of what is to be had from adjacent controls.

3-3-1-1

With that in view, provision may be made for a single type of equipment, since it can easily be used jointly by the staff of the two countries. That is the case with the weighbridge, the inspection pit, possibly the livestock pen, the store or stores, the unloading platforms etc.

3-3-1-2 Similarly, on the centre lanes it would be appropriate to set up only one group of booths (cf. 2-2-1-1), each of them being, consequently, large enough to accommodate the number of staff deemed to be necessary.

It has been seen in the chapter reviewing the facilities already in service and mentioned by way of example (see chapter B), that this last point was not always respected, and that there is at least one instance where the installation of two groups of booths was necessary.

3-4 The order in which the controls have to be carried out

Whatever solution is adopted for a Customs office with adjacent national controls as regards its location ;

- on the frontier itself,
- on either side of the frontier
- inside only one State,

the order in which the controls have to be carried out must, of necessity, be the following :

- police of the country of departure
- Customs (and if need be other officials) of the same country of departure,
- police of the country of entry
- Customs (and, if need be, other officials) of the same country of entry,

which will have an influence, especially as regards tourist traffic control, on the arrangement of the installations in the area, particularly on the groups of booth, and the allocation of the premises, by partitioning or dividing up within the installations.

Whatever the importance of the office concerned, the principles and concepts set out above in 3-2, 3-3 and 3-4 will have to be observed, even if the officials act at the same moment, and are together possibly in the same place or in premises which are very close to or adjoining each other.

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3-5 The arrangement of servicing buildings in the Customs area

3-5-1 While it is difficult to conceive of another arrangement of the facilities for the control of tourist traffic, that is tourist traffic booths, which must necessarily be located on the lanes carrying the vehicles concerned, one may, on the other hand, envisage two different types of office building comprising

- 3-5-2
- a Customs office on an "island" site
 - consisting of a single building located between the carriageways on the main median axis of the ellipse, bringing together not only all the Customs and police services of the two countries responsible for the control of tourist traffic to which will be attached at right angles the group of booths, but also all the Customs and other services (veterinary etc...), devoted to the control of commercial loads.

As these last mentioned services require a large staff, extensive premises, not only for the reception of users but also for performing administrative tasks, such an office will consequently have to be built on more than one floor, which is distinctly more costly and possibly more difficult to achieve and to utilize; otherwise the building would be of such length that it could only be accommodated in the area with very great difficulty.

Furthermore, access by users who would be obliged to go to it, would be particularly difficult and dangerous because of the need for crossing traffic lanes.

If this type of building were adopted, steps would have to be taken, at the time of building, to minimize the particular difficulty mentioned above.

Provision should then be made, for users and staff to have :

- either a subway
- or a footbridge (making use for example of the roof protecting the tourist traffic control parking are referred to below in 3-6-1), connecting the lorry parking area and the ancillary facilities (stores, unloading platform, etc..;) so as to facilitate movement on foot between the two zones of activity.

- -

Such a type of building does not appear to be suitable, at least at first sight, for a large motorway office, and especially not for an office which might form part of the TEM project.

3-5-2-1 A building of this type should, however, be adopted for the part reserved solely for tourist traffic control.

3-5-3 One is therefore obliged to come to the Customs office with lateral buildings, where the buildings reserved for staff responsible for the control of commercial loads, are located away from the central lanes, and close to the lorry parking area.

In short, the solution recommended would be the consequence of separating :

tourist traffic from
commercial traffic,
each requiring their own particular facilities for practical reasons.

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3-6 Control facilities

These facilities comprise the whole of the buildings used for offices and stores, as well as the equipment necessary for the control administrations (Customs, police and if need be veterinary and phyto-sanitary services) to fulfil their mission under satisfactory conditions.

3-6-1 They must comprise

The central building located along the axis between lanes reserved for each direction of movement,

- tourist traffic booths located on each side of this building,
- inspection pits or lifting gear for private cars and small parking areas for private cars for short stops or for the carrying out of more thorough checks (see 2-2-2-3),
- two lateral buildings, .

- booths at the exit from the "commercial traffic" sector, as close as possible to the access lanes to the motorway (cf. 2-2-2 above),
- an unloading platform or platforms together with store(s) in the zones reserved for commercial traffic,
- weighbridge(s),
- livestock pen(s), if deemed necessary,
- footpaths around the buildings,
- a protecting roof, essential to cover in the tourist traffic control zone (with a height sufficient to permit, if necessary, the through movement of commercial vehicles, should circumstances render it momentarily necessary or desirable for lorries to use some of the "tourist traffic" lanes).

This protective roof should in particular be designed to cover also the inspection pits for private cars - or the lifting gear - referred to above, which should be installed as close as possible to the point where staff make their checks, that is, near the tourist traffic booths. The space left free at each end of the central building appears particularly well suited for these inspection pits - or lifting gear -, which in any event will be covered over both in the interest of the control staff and in that of the users. An "inspection bench" for luggage to be examined, should also be provided for.

Advantage may also be taken of this space for the provision of the small private car park referred to above (2-2-2-3 and 3-2-2) with a possibility of using the roof for an overhead footway if the solution of an office on an island site were adopted (cf. 3-5-2).

3-6-2

They also comprise

- the lighting and the signs close to the control facilities, especially of the tourist traffic booths and of the roof, which must include, for the direction in which the traffic flow arrives, lights (green and red), showing which lanes can be used (some may be closed at "off-peak periods", in particular at night, or on certain days),
- internal networks (water, electricity, telephone with separate lines for the Customs, police and if need be other departments, of the

two countries, telex networks or private lines which may be necessary for data storage or processing equipment, the possible installation of computer terminals etc... in the booths, central and lateral buildings,
- heating, and possible air-conditioning, installations.

3-6-3 These control facilities may be separate or joint, and their number, as well as their area, will depend, in the main, beside the traffic volume, on how broadly the two countries concerned interpret the clauses of the agreement reached or to be reached on the principle of adjacent controls (the agreements are considered further on).

3-6-3-1 As has already been mentioned in 3-3-1-3, the design may require that the ground for the office with adjacent national controls, namely, the Customs area, must be separated into two reserved sectors for the administrations of each of the two States so that staff of different nationality work in geographically distinct zones, without ever coming in contact with each other when on duty.

This situation results in multiplying by two the number of control facilities and, in particular, in having to provide two groups of tourist-traffic booths, without forgetting the parking areas and traffic lanes which will also have to be doubled in number.

3-6-3-2 Where, however, on the contrary, the concept of the "joint zone" prevails, a concept on which details are given in the part of the present report devoted to legal aspects (see chapter D), the only areas considered as reserved, that is for the exclusive use of officials of a particular nationality, are :

- premises used as offices,
 - sometimes the premises used as stores,
- even though these premises may be side by side in the same building, where the corridors and other spaces, even other premises, are used jointly.

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3-7

The other facilities--(servicing activities)

By definition, the Customs area must comprise only facilities necessary for the controls: its area, shape and arrangement have been fixed in relation to the needs, as determined by previous studies.

There can therefore be no question, in principle, apart from any consideration of a legal character, of accepting the establishment of other facilities, that is to say, not directly connected with the performance of these controls, as these extra facilities would reduce the surface area deemed necessary or again would disturb the conditions required for operation or traffic movement.

3-7-1

The question arises, however, as to whether installations for Customs agents should be allowed in the Customs area, as their activity is obviously very closely linked with what is the cause of the most important part of the controls.

While refusal of access by Customs agents and their employees to the Customs area and the offices in it cannot be envisaged, it is perhaps not desirable to allow the setting up of their offices and any ancillary facilities which they may require (private stores and warehouses if need be).

That is, however, a question of concept, as it may perfectly well be deemed advisable to adopt the opposite point of view with, it would seem, the sole reservation that their premises are well separated from the premises used for control. It is a matter of choice left for decision by the authorities concerned, which having been said, it must be added, however, that the area set aside for those facilities would have to be added to that fixed in relation to the requirements for the controls, which pre-supposes that the Customs agents are associated with the preliminary studies.

It has been seen, moreover, in chapter B that in some offices the premises of Customs agents are located in the Customs area.

3-7-2

The same applies to other activities, such as tourist offices, filling stations, branches of banks or foreign exchange offices, duty-free shops, etc., for which the Customs area would be a much sought-after location, and it has been seen that some offices include such facilities in their area.

It would seem, but this is only a personal opinion, that the greatest caution must be observed in this field, as the availability of ancillary services for tourists and other users of the office can but be an encouragement for them to stop longer. That can only have an adverse effect on the satisfactory performance of the control operations and interfere with working conditions in the Customs area, as a result of the unnecessary occupation of the car parks and of pedestrian movement causing danger. That would appear to lead to non-negligible difficulties regarding the security and effectiveness of the controls.

It is very difficult, if not impossible, to keep a watch on the movements and behaviour in the Customs area of a considerable number of pedestrians of whose precise status with regard to the controls one is unaware and also their intentions as to possible smuggling.

It will be noted that no provision has been made in the present study for the cross-frontier movement of pedestrians, who, by definition, should not be on a motorway.

This must be regarded as an advantage, as their presence would seriously complicate matters, by, in the first place, creating a need for special paths and facilities for their use, and also by making general supervision of the Customs area very difficult.

It is the reason why it is considered preferable not to create an unfavourable situation by indirectly inviting tourists to linger in the control zones.

Another question finally arises: is it advisable to provide for sanitary facilities for tourists?

For the same reasons as above, facilities of that kind appear inadvisable, although it must not be concealed that their absence may create problems, both for the users themselves and for the authorities responsible for general policing of the area as well as those responsible for its upkeep and cleanliness.

It is to be noted that general policing (in connection with parking for example) is a matter for the authorities of the country on whose territory the Customs area is located, either wholly or partly.

It is also the authorities of that same country which are responsible for looking after the upkeep and the maintenance in a satisfactory state of cleanliness of the infrastructure (roads, parking areas etc.) and of the superstructure of joint facilities, maintenance within installations reserved for private use (see 3-6-3) remaining the responsibility of their users.

On the other hand, a rest room for lorry drivers appears necessary at each parking area, as they must necessarily remain in the Customs area for a length of time which is sometimes comparatively long.

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3-8

Security of the control installations

Security of the installations is an important factor, which deserves special attention.

It is necessary for all possible steps to be taken both to protect the installations themselves and to ensure the safety of the staff working there.

In the light of experience it appears that the central building, and, in particular, the tourist traffic booths, which are all on the main axis of the motorway, must be particularly well protected on the outside.

It can happen, as has unfortunately already been the case, that a lorry driver collapses at the wheel, before reaching the Customs area and collides at full speed with the control installations, obviously causing serious damage to the installations but also endangering the lives of the control staff.

Protection provided by safety barriers is often inadequate because they are not strong enough; it is therefore recommended to provide :

3-8-1 - on the roadway itself at regular intervals leading up to the Customs area and at the entry point itself, "anti-sleep" bands, of the type in use on some motorways, especially in FRANCE, provided the domestic legislation of the countries concerned allows them to be put down, which is not the case generally.

- concrete blocks should be placed in front of the central building and the tourist traffic booths; these would guarantee resistance to the violent impact which might be caused by a private car, and a fortiori by a lorry, the speed of which had not been reduced for whatever reason, whether mechanical or other.

3-9 Measures regarding hygiene and staff security

The mere control of intense tourist traffic raises the problem of the protection of the health of staff. They are during their spell of duty, or for several hours, in an atmosphere polluted by exhaust gases.

An endeavour must therefore be made to limit the harmful effects of this situation, which is very hard to combat. While various solutions have been tried (raising the booths above the level of the roadway, for example), it does not appear that they give entire satisfaction.

In the same circumstances, the problem arises for booths at parking exits, where lorries have to stop, even if only briefly, but this is enough to cause the same, or perhaps even greater, nuisance.

The best solution still seems to be to place the booths in a place with perfect ventilation, which does not preclude having shorter shifts if the staff available allows that to be done.

Noise is another nuisance factor, so that something is to be gained by having double glazing in all installations where work is performed.

All possible measures must be taken to ensure the security of staff (cf. 3-8 above as to the protection of installations where work is performed) especially when moving across the Customs area to reach their place of work (cf. 3-5-2).

Mention is only made pour mémoire of the need to provide adequate sanitary facilities as near as possible to places of work.

4

Allocation of premises for control purposes

4-1

With regard to tourist traffic control

as has been stressed in :

- 3-2 method of carrying out controls,
- 3-3-1-2 setting up a single group of tourist traffic booths,
- 3-4 order in which the controls have to be performed,
- 3-5-1-1-1 type of building desirable for tourist traffic control,
- tourist traffic control must be performed in lines,
- in a single group of booths, both at the entrance and exit,
- in an order to be strictly observed,
- in a group of booths, varying in number, depending upon the amount of traffic to be controlled, but not less than three (cf. 2-2-1) grouped at right angles to the central building.

That may affect the allocation of premises within the control buildings.

4-1-1

Each booth must have a surface and a volume sufficient to accommodate a minimum of four control staff simultaneously,

- one police official of the country of departure,
- one Customs official of this same country,
- one police official of the country of entry,
- one Customs official of that same country,

who will have to act successively in the above order, (if one of them refrains from acting those who follow will have to obtain his agreement to act).

Such staff could make use of joint accommodation, but that would inevitably create a number of problems, and it is preferable to have it divided up so that each department can have its own space.

The best solution would therefore be to divide each booth up into four separate compartments, each 2.50 metres square for example, each allotted to the police or Customs representatives of each country, in an order corresponding to the order of controls given above.

4-1-1-1

The area and furnishings of the interior of each booth will have to take account, as necessary, of the equipment (electronic or other, card indexes, for example) which the control staff might have in the future, but they will also need essential basic equipment such as tables and chairs.

4-1-1-2

The walls and the door leading to the traffic lanes should consist largely of windows (possible with double glazing to ensure proper inside temperature and to provide sound insulation), to give the widest possible view of what is outside.

4-1-2

The central building

will be reserved for the premises necessary for the activities of the head of the office, for administration and supervision of the tourist traffic control staff attached to the post, and also for premises required by the staff and for premises essential for control activities and their follow-up.

This building will thus have to comprise :

Four offices of an area of not less than 10 sq.m. and possessing the desired equipment, intended for those in charge of the hierarchy (heads of post) of the staff of the four departments active at the same time,

If necessary four offices with about the same area, and always having the desired equipment, intended for the immediate assistants or the secretaries of these chiefs of the hierarchy,

Four rooms for the use of the post, where interrogations may be conducted, where reports may be drawn up etc., when an offence has been detected and where staff training may take place,

At least two large rooms (it seems difficult to provide for only one) of a size to be determined, for use as rest rooms, cloak rooms and even refectories should the need be felt, and provision will have to be made for equipment appropriate to the intended use,

At least two search rooms (one near the "entrance" and the other near the "exit"),

At least four detention rooms (to be specially protected) with appropriate equipment (bedding in particular),

At least two rooms, for the storage of records and at the same premises for goods seized as a result of a Customs offence, or left temporarily by travellers (the rooms will need to be specially protected and to have a safe),

Sufficient sanitary facilities

It seems superfluous to say that all the premises must be suitably lit by day and night, at least at those points where control staff stay, as well as heated and possibly air-conditioned, which presupposes the existence of the desired facilities.

The allocation of these premises between the different departments concerned and their precise location in the building can only be decided upon by agreement between those in charge, but it would seem that allocation of space on one side or other of a central corridor, which would facilitate movement inside the building, would be a satisfactory solution.

4-2 Concerning commercial control

As was recommended in 3-5-1-2 staff responsible for commercial control must have offices fitted up in buildings to one side, away from the centre lanes reserved for tourist traffic and close to the lorry parking spaces,
and in 2-2-2 and 3-6-1 booths controlling exit from the lorry parks, located as near as possible to the motorway access lanes.

4-2-1 It is very difficult and, in fact, impossible, to give detailed and precise indications as to the allocation of the area etc... of the premises within the lateral buildings, which must each ordinarily accommodate :

The staff of the two countries concerned

The number of such premises, their fittings, necessary equipment and also the composition of the staff, may vary essentially from one country to another, taking into account national concepts as to the role and organization of the Customs and Police departments, and also the methods used for Customs clearance, and whether or not data processing is employed (cf. the SOFI type in FRANCE for example), of the number of Customs and police officials etc.

While a balance is desirable between the installations provided for the use of the staff of each country in offices with adjacent national controls, especially for those set up on the territory of a single State, there may be distortions for the reasons given above.

Whatever the circumstances, a lateral building - sometimes designated main building on some of the plans supplied above - must always be divided into two parts :

- one - the most important - reserved for staff of the country of entry, who will have to carry out the controls for which they are responsible of goods imported into their country,

- the other - smaller - will be for the staff of the country of departure who have to carry out controls of exports from their country.

The precise allocation of the premises and their surface, especially those allocated to the last mentioned, will only be able to be determined after an exchange of views and contacts with the authorities responsible for the construction of the buildings, to whom needs and any possible absolute requirements due to various over-riding factors, will have to be made known.

In the preceding chapter, which deals with facilities actually completed and in use, an attempt was made to give as far as possible information on the number of staff working at the offices in question, together with particulars of the area allocated to them.

It may, however, be permitted to make it clear that in any event, an office with an area of not less than about ten sq.m. must be provided for each official responsible for veterinary controls, and, possibly, for each of those responsible for phytosanitary controls, unless it is provided that premises usually reserved for the Customs for example, may be made available for them for the duration of their stay at the office which, in general, covers only part of the Customs opening hours.

4-2-2

With regard, on the other hand, to parking exit control booths, they must be between the two lanes in the "narrow space" just before the motorway,

they must be large enough and include the fittings necessary to accommodate not less than four Customs officials, two for each nationality. Their task will be essentially to make sure that all Customs formalities have been completed. They will, in addition, be responsible for stamping transit documents, for example, may inspect lorry cabs and, where necessary collect the Customs duty and other charges on fuel and, for that purpose should have equipment such as cash registers issuing tickets, making the collection of money quicker, etc.

Inside the booths provision will have to be made for a central opening where the drivers can come, on either of which there will be two offices with windows; these offices will accommodate the Customs officials of the two countries. These offices must have very extensive glazing, and each must have its own way out.

4-2-2-1 Account must also be taken of the fact the police may also wish to carry out their identity check in the booths, particularly of lorry drivers and any assistants they may have. Provision must therefore be made for sufficient room if not for the fitting up of one or more special offices, should those in charge consider that essential.

4-2-2-2 Finally barriers, which can be controlled electrically from inside and outside, must be placed on the two exit lanes.

4-3 It must also be added that, in some motorway offices where the number of lorries is particularly high, it may become necessary to separate the documentary part of the work and, at the same time, to have any payments made elsewhere than in the booths so as to prevent congestion on a level with the booths.

That is a question of what is appropriate, but it would be useful to reserve the possibility of having such premises in the Customs area, especially in the lorry parking area or in its immediate vicinity.

Similarly, it may be deemed necessary to provide for a small booth at the entrance to the lorry park where an official would be responsible for recording the passage of lorries in order to ensure that the means of transport is properly "entered up", an important formality in relation to subsequent operations in the event of the utilization of a data processing system of the SOFI type. It is therefore necessary to retain the possibility of putting up such a simple structure.

5 Application of general standards to the various types of office

The standards mentioned above are really ideal standards since, a priori, no geographic or other constraint is deemed to exist; but most of the time they cannot be applied simultaneously and in full.

It was, however, important to determine the standards, and to seek solutions to enable them to be applied at least partially, but retaining the aim of coming as close to them as possible.

It is most often geographic constraints which have the greatest influence on the adoption of any particular solution, but other considerations which have been described (see in particular 1-1-3) may also play a part.

As was stated in 3-1 above, the different types of possible office will be considered below together with the conditions under which the standards could or should be applied.

5-1

Office handling all traffic, but set up on the territory of a single country for the sole use of its own staff

It is obviously conceivable that every country traversed by the motorway builds its own motorway office, on its own territory, reserving it exclusively for its own staff.

The State in question, and consequently its neighbour, will under this assumption have to bear the whole cost of equipping the infrastructure and of the superstructure (which, on the other hand, may be shared when the principle of adjacent controls is adopted).

In proceeding in this way, the States are naturally running counter to the aim to be achieved by the construction of the motorway by slowing up traffic by two successive stops at a frontier, but above all they require a commitment to substantial expenditure, which is doubtless undesirable for the execution of the TEM project.

In any event, all the standards laid down above will be applicable to offices set up on each territory, except, of course, that areas of the control installations will be able to be reduced under this assumption, as those standards allowed for the presence of officials of another nationality.

5-2

Office with adjacent national controls, handling all traffic, straddling the frontier

As this is precisely the framework of this study, all the standards described and analyzed could or should be applied.

5-3 Office with adjacent national controls, handling all traffic, but set up on the territory of a single State

All the above standards also apply in full, if there is no particular constraint. The only matter to be considered and settled, as part of the agreements to be concluded, will be the method of supervision and, where necessary, any intervention on the "umbilical cord" linking the Customs area with the geographic frontier.

5-4 Office with adjacent national controls, handling all traffic, straddling the frontier or inside a single country, but where commercial traffic control operations are divided (physical checks at the frontier, checking of documents elsewhere)

All the standards also apply, except for the make-up of the premises in the lateral buildings (see 4-2-1 above), as the staff could be small with less equipment.

5-5 Offices handling all traffic, but where the Customs area is split up into two distinct well separated parts each situated on the territory of one or the other neighbouring States, control of tourist traffic and of lorries in transit remaining to be carried out at one single point (exit from one State or entry into the neighbouring State).

5-5-1 Under this assumption, tourist traffic may also be "split up", and entry and exit controls of the States may be regrouped at one point:

- either on the territory of the country of departure, in which case the standards specified above, and especially in 4-1-1 and 4-1-2, may be maintained in that State alone, as regards tourist traffic booths and the central building,

- or on the territory of the country of entry, which represents the previous situation in reverse with the same advantages and burdens.

This situation which meets the desire for only one stop, may possibly allow some relief from the obligations regarding tourist traffic booths (4-1-1) and (4-1-2), at least for one of the two countries, the other not having to provide for special installations.

5-5-2 Still under this assumption, the standards set out above remain applicable, in a general way, to commercial traffic.

Each country remaining, in any event, concerned with traffic in the two directions, adequate facilities must be provided for, but for only one of the halves of "the ellipse" which constitutes the ideal Customs area described above.

5-5-3 The only advantage of this solution is, in short, to facilitate tourist traffic, nothing being changed as regards commercial traffic except that the lateral buildings are further away, being associated with that part of the Customs area devoted to commercial traffic or "slow traffic". Responsibility for the establishment of the half Customs area and for the necessary buildings being that of each State, all the above recommendations remain valid.

5-6 Office with adjacent national controls having the same characteristics as in 5-5, but where the control of tourist traffic and of lorries in transit is also split and carried out at two points

The situation is practically the same as in 5-5, but the "tourist" installations and those for the control of lorries in transit in each country must be provided for traffic in one direction only.

5-7 Office with adjacent national controls handling solely tourist traffic and lorries in transit

This situation may be met

- at the frontier, or
- inside a single State, or
- as in the case considered in 5-5, in respect of general "split" between two States.

5-7-1 In general, the standards recommended remain applicable, except in the first two cases :

- in taking account of the effects on :
 - the Customs area, which is restricted in its surface and in the installations which it comprises
 - to an area of the order of 5-6 hectares,

- to installations for tourist traffic (cf. 3-6-1, 3-6-2, 4-1-1) to parking exit installations (cf. 4-2-2 and 4-3) of reduced area and, where necessary, to premises required for sanitary controls (cf. 4-2-1).

- to a park for waiting lorries, and therefore of a smaller area than in the general case.

5-7-2

In the last case

to be placed in the same situation as in 5-5 above, excluding everything related purely to commercial traffic (i.e. what is mentioned in 5-5-3),

the precaution must, however, be taken of providing in each State for a park for waiting lorries, whose area must be correctly estimated.

This type of office, the subject of analysis in the present section 5-7, may, in particular, prove necessary or preferable when there is nearby a town with important economic activity and possessing a Customs office or road centre with a Customs office.

It is clear that it is worth keeping these offices in use, as the traffic which they will have will reduce by that much the control operations to be performed on the motorway itself where all that will need to be done will be to check the transit of lorries, which will allow a faster traffic flow.

Such is the case, for example, at the Franco-Belgian frontier office of CAMPHIN-LAMAIN on the LILLE-TOURNAI motorway which controls tourist traffic and lorries in transit, of which those destined for the office at LESQUIN, located in a road centre in the suburbs of Lille, are announced to that office by a radio link, which avoids the possible need for drawing up a transit document and enables time to be gained.

As has already been mentioned in 3-3-1-3 and 3-6-3-1, the interpretation of the terms of the agreements dealing with the placing of controls side by side may lead to the concept of reserved zone for the

exclusive use of the officials of one of the countries concerned, which necessitates the setting up of two groups of tourist traffic booths and, where necessary, of two central buildings, very close to each other, and also, as a consequence, the creation of parks for waiting lorries.

It is obviously not the best solution when the aim is speed of transit, but it must, all the same, be mentioned, in view of the effects on the application of the above standards.

These standards remain generally valid except :

- to take account of the situation created in respect of
- the size of Customs area (cf. 1-2 above),
- the tourist traffic installations (cf. 3-6-1, 3-6-2 and 4-1-1 above), the central buildings which are duplicated,
- the installations at the vehicle park exit (cf. 4-2-2 and 4-3),
- the premises necessary for sanitary control (cf. 4-2-1).

*

* * *

6 Solutions to be envisaged in special situations

As has been stated several times, the general standards have been arrived at for a large motorway office for which there were assumed to be no constraints of any description.

As has also been pointed out, variations possibly very substantial, will probably have to be made to this standard office because of various constraints :

- 6-1 - geographic : mountainous areas (mouths of transalpine tunnels for example);
- 6-2 - local : heavily built-up zones, existence of a dense road network close to the motorway;
- 6-3 - other
 - 6-3-1 - different Customs methods
 - 6-3-2 - existence of a Customs office already in service

- 6-3-2-1 - nearby on the frontier
- 6.3.2-2 - nearby but away from the motorway (in a road centre for example or in a nearby town of importance for its economic activity).
- 6-4 or again arising out of the scope given to the agreements on adjacent controls.

It seems that the ways in which the standards are applied, as given in 5 above, should make it possible to decide on the type of office which it would be preferable to adopt, the possible solutions being, it would appear, sufficiently numerous.

While it may be obvious that certain solutions must be adopted (in the situation depicted in 6-1 for example, it appears difficult not to accept what is said in 5-5 and 5-6, the available areas making it impossible to envisage extensive infrastructures), it is also probable that it will often be necessary to come to what is set out in 5-3 (office on the territory of a single State) and, even more often, to what is in 5-6 (which, a priori makes it possible to overcome the constraints referred to in 6-3 and 6-4 above).

However, as regards

- heavily built-up zones, a search may be envisaged, if at all possible, for a route for the motorway at a distance from the built-up area, or touching it only on its nearby periphery, which is, moreover, frequently the case with motorways, and from that moment one of the following solutions might be applied.

- the existence of a dense road network close to the motorway, it seems possible to envisage its use concurrently with that of the motorway, as such an already existing road network presupposes the existence of Customs offices.

It thus seems possible to direct, sufficiently early, part of the commercial traffic (small consignments or grouped consignments for example), which generally require formalities and checks taking a long time, to the pre-existing office or offices, and to carry out only operations relating to full loads at the motorway office.

As matters are at present, such a situation exists, for example, on the Franco-Belgian frontier, at the RECKEM-NEUVILLE EN FERRAIN office, an overall plan of which is attached, which in practice handles only full loads, small consignments or grouped loads being cleared by the Customs at the neighbouring office of HALLUIN of which it is moreover only a branch.

It should also be pointed out that part of the traffic also leaves the motorway before the frontier, that is before reaching this RECKEM-NEUVILLE EN FERRAIN office, for Customs clearance in another, incidentally with adjacent national controls, that of MOUSCRON-NEUVILLE EN FERRAIN, which is preferred by many for reasons of convenience and also of language.

Traffic then returns to the motorway without any problems.

(D) AGREEMENT CONCERNING
ADJACENT CONTROLS

LEGAL PROBLEMS

Several countries in Europe were confronted with the problem of Customs offices on motorways. It was the case, in particular, in FRANCE, BELGIUM, the NETHERLANDS and the FEDERAL REPUBLIC OF GERMANY as well as other countries.

All had already arrived at the solution of "adjacent controls" on their frontiers and had been led to conclude agreements with their neighbours on such juxtaposition, which, in general, provided within the framework of a basic convention, a so-called "outline convention", for a number of definitions and at the same time laid down certain operating principles for the future office or offices.

It must be said that in almost all cases the conventions in question were not brought about by the construction of a motorway, but that, in general, they were much earlier and dealt with the juxtaposition of controls in offices at railway stations, on roads or at airports. When motorways were built, as the basic problems were identical, it was sufficient to extend the provisions to the new offices according to the usual procedure for conventions, agreements, additional clauses or exchanges of letters.

Thus FRANCE which is linked to its six neighbours by conventions on offices with adjacent national controls, in some cases since many years, has concluded or renewed by bringing them up to date, conventions in particular with the FEDERAL REPUBLIC OF GERMANY (18 April 1958), BELGIUM (30 March 1962) and SPAIN (7 July 1965).

Similarly the FEDERAL REPUBLIC OF GERMANY is also linked by conventions with its neighbours and, in particular, with BELGIUM (convention of 15 May 1956 which entered into force on 1 November 1960).

As the texts of all the conventions cannot be reproduced, only those of the conventions mentioned above belong in the present study, by way of example, with in addition the text of the 13th agreement between FRANCE and BELGIUM concerning the RECKIEM office, which gives an example of the procedure followed.

All these conventions lay down a number of principles, and while they are drawn on bases which are very similar, they differ occasionally in respect of the greater or less completeness of the drafting and in respect of the amount of detail in their articles.

A detailed analysis would be out of place, but it may be pointed out that they deal very little with problems of office accommodation but devote considerable space to their working methods.

The study will be confined to drawing attention to possible difficulties, the subject of the mission being to give the TEM project countries information on legal problems which might arise as a result of the creation of motorway offices, and stress will be laid only on matters, in respect of which and for various reasons, differences of opinion have occurred or might do so.

It must, however, be emphasized that the legal framework covering the operation of offices with adjacent national controls, particularly on motorways, remains flexible because of the bilateral and contractual character of the diplomatic instruments defining it and which provides for great possibilities for understanding, allowing small differences in the interpretation of the provisions in them.

JUXTAPOSITION OF CONTROLS

The bilateral agreements, and especially those whose texts are given as examples, therefore deal with the juxtaposition of controls.

The object of this juxtaposition of controls is to allow the Customs Police Administrations of the two adjacent States, to exercise control of the cross-frontier traffic within the limits of the same office. In this there is an overall concept, but there are also more fragmentary concepts resulting from the first mentioned, concerning the controls, the zone and the staff, matters on which the conventions are generally very detailed.

While all the countries concerned have accepted the principle of the juxtaposition of controls, it is to be noted that they do not always give the terms used the same meaning and especially the same scope, which leads in fact to divergent concepts, which in practice are reflected in marked differences of position, both as regards the design itself of the offices and their equipment, and as regards the conditions under which the controls are performed and their consequences.

The term juxtaposition may be defined as "the location of one thing alongside another, without anything separating them but also without anything bringing them closer."

Much will therefore depend, and it will be the dominant factor, upon the way in which this term is understood by the States concerned, either giving it a broad interpretation, and hence a very flexible meaning, leading to the interpenetration of the department of the neighbouring countries, or on the contrary, a restrictive interpretation, resulting in complete separation of the departments which will consequently have no contact one with the other and will act in isolation from each other.

It is in adopting the first of these concepts that the general standards set out in chapter C have been drawn up, while an allusion was also made to the second and its consequences (cf. 3-3-1-3, 3-6-3-1 and 3-7-3).

1-2

This point will not be referred to again, but special stress needs to be laid upon it as it is of capital importance, since it may have very serious effects on the carrying out of the TEM project and its completion because of the much heavier capital expenditure - in fact doubled - which the second concept might possible lead to, and the defect which it has of not achieving one of the desired objectives, namely a fast traffic flow, as two stops would have to be made.

1-3

It must, moreover, be noted that the adoption of a restrictive attitude also affects the "fragmentary" concepts mentioned above (cf. D-1), and especially those relating to the "controls" and to the "zone".

First of all these two words must be clearly defined.

Under the agreements "controls" means the application or the carrying out of all legal and regulatory measures of the contracting parties concerning the crossing of the frontier by persons, and also the entry, exit or transit of luggage, goods, vehicles, capital and other assets.

On the other hand, "zone" means under the provisions of the agreements, that part of the territory of a State, the so-called "State of stay", where staff of the neighbouring State, the so-called "adjacent State", are permitted to carry out their controls, the nature and extent of such zone being fixed and defined by common agreement between the States concerned.

It is obvious, with regard to the first point, that everything is different from what was described in chapter C, that everyone is "at home" in his own reserved sector, with no interpenetration by departments of the neighbouring State, that "the order of controls" can no longer, a priori, give rise to questions, whatever the location of the office (straddling the frontier or entirely in the territory of a single State), since each one acts and may only act when the turn comes.

It is, however, none the less the case that "the concept of zone" will have great importance, especially if the office is set up in the territory of a single State.

In that case part of the territory of that State, although remaining always an integral part thereof, effectively and necessarily benefits from a kind of "extra-territoriality", (at least in appearance, as, for various reasons, a discussion may occur, especially in respect of acts on the road connecting the Customs area with the territory of the neighbouring State).

1-4

There may be a problem there, if account is taken of the fact for every office with adjacent national controls, its name must be decided, which will depend upon the name of the municipality or the locality to

which the office in question belongs (and that in a purely fictitious manner since the office in question is in fact located on the territory of the neighbouring or "adjacent" State), which will determine what legislation is generally applicable, and more particularly in the event of the detection of an offence, and what Court is competent to handle it, or even, more simply, what Customs tariff system is to be applied to goods submitted.

In practice, the conventions state that an offence committed in the zone relating to the controls is deemed to have been committed in the municipality or locality nearest to the office situated on the territory of the neighbouring State, and mentioned by name.

It is necessary for the Contracting Parties to accept this concept of the partial abandonment of their full and complete sovereignty over part of their territory.

1-5 It would, moreover, be the same if the Contracting Parties adopted the concept of "joint" zone and not that of the zone "reserved for exclusive use", that is the hypothesis taken as the basis of the study, which, it may be recalled, allows the staff of the two States to act without distinction in this or that part of the Customs area, provided that the order of controls, which then has primary importance, has been strictly observed under concepts stated above (see C-3-4).

1-6 This point assumes special importance in connection with the right to arrest for example, which appears as the possible normal conclusion to police or Customs controls.

It seems à priori normal for an individual sought for a matter of common law especially, or having infringed Customs regulations creating an offence, to be arrested. That, however, is not always the case.

1-6-1 It must be pointed out that the domestic criminal legislation of a country sometimes stands in the way of the exercise of that right by others than the officials of its own national administrations. Thus domestic law in the FEDERAL-REPUBLIC OF GERMANY provides that only officials of that country may make arrests on

its territory. That is why the convention of 18 April 1958, published in FRANCE by decree dated 26 October 1960, states in article 6, applying the principle of reciprocity, that staff of the adjacent State (i.e. both French officials working in an office in the FEDERAL REPUBLIC OF GERMANY, and officials of the FEDERAL REPUBLIC OF GERMANY working in an office in FRANCE, are not authorized to make arrests in the "zone"). Similar provisions are to be found in the convention between BELGIUM and the FEDERAL REPUBLIC OF GERMANY.

1-6-2

The text itself of the convention may also constitute a source of difficulty. Thus the Franco-Spanish convention states, in article 4, that "the staff of the adjacent State may not arrest in the zone or remove to their territory persons who are not proceeding to the said State, unless they violate in the zone legal, regulatory or administrative provisions of the adjacent State concerning Customs control". There is no doubt that the simple fact of having added "Customs" may considerably reduce the scope of the "right to arrest" which is, however, contrary to what is pointed out in the previous paragraph as planned and admitted.

1-7

On that subject, however, the importance and advisability needs stressing of the other provisions of the conventions which deal with the powers and status of staff in the zone, together with those which cover the active collaboration, not to say possible assistance which has to be established between the officials of the States concerned.

1-8

In any event whether we adopt the "exclusive reserved zone" hypothesis or that of the "joint zone" a source of difficulty may still emerge if a precise definition is not adopted of another term, usual in the conventions : the "staff".

Under the provisions of the agreements at present in force the word "staff" must be taken to mean persons belonging to the administrations responsible for the controls performing their duties in the zone (wording of the Convention between FRANCE and BELGIUM and BELGIUM and the FEDERAL REPUBLIC OF GERMANY) or in offices with adjacent national controls (wording of the Franco-Spanish convention) or again the officials, employees and workmen performing their duties in offices with adjacent national controls (wording of the convention between FRANCE and the FEDERAL REPUBLIC OF GERMANY).

It may therefore be concluded that by bringing together the definition of "controls" and that given above of "staff" that controls must be entrusted to police officials (or to qualified representatives of the States to control cross-frontier movement of persons) and to those of the Customs for the rest.

Although that has not so far been a source of particular difficulties, even if additional indications have been given on certain points out of a concern for clarity and accuracy, it seems advisable to attempt, in a new text, to dispel any ambiguity, even if it is not apparent, to avoid any possibility of dispute.

If the intention is adhered to of bringing together the definition of "staff" (they must be officials - they must belong to the administrations responsible for the controls and perform their duties in the zone)- and that of "controls" given above, it would seem to be necessary to accept a clearer definition of the concept of control in the first place by an express provision in the outline convention, that there may be added to the purely Customs controls, other interventions, which are more or less directly related to them (in particular those of the veterinary or phytosanitary experts, museum conservators for works of art, for example) or even those not directly associated (in particular, the control of international transport, undertaken in GERMANY, for example, by the Federal Long-distance Goods Transport office, and in France, by staff of the Ministry of Equipment or other body), but which are all within the general framework of the application of the legal or regulatory provisions of the States.

Consequently, a definition will also have to be accepted aiming at clarity as to the concept of "staff", by providing that officials or the like, not permanently attached to an office with adjacent national controls, may occasionally work in the zone, as soon as they have been instructed (or authorized) by the Authorities of their country to act in the zone by virtue of the same domestic legal, regulatory or administrative provisions of the countries concerned.

1-8-1 On the other hand, it does not seem worth returning specially to what was stressed above in 1-7 relating to the powers and status of "staff" in the "zone", as the provisions in the conventions seem precise and clear enough. A priori there would seem only to be a problem of presentation and drafting, as it appeared desirable to repeat provisions of this kind in the texts, they would be a logical consequence and could not, apparently, give rise to a dispute.

Authority to wear national uniform, for example, and to carry the arms which normally go with it, should be similarly treated, an express reservation as to the use of such arms only in cases of legitimate defence, being, however, specifically mentioned.

1-9 Furthermore, anything relating to the possible sending back of persons or goods to the country "of departure" must be explicitly stated.

1-10 There remains, however, one point on which it is important to lay special stress:

Only persons proceeding to the neighbouring country, and they must clearly manifest their intention of so doing, may be subject to controls. Such an intention will be clearly shown when they present themselves at the tourist traffic booths where controls take place, but as long as they have not done so, they may not be questioned and subjected to checks, except for matters associated with the general policing of the Customs area (maintenance of public order and control of parking). It will thus be possible for them to move about freely in the area, to go to the Customs office to obtain information, for example. There is thus a risk that there will be people using the facilities when they have no intention of proceeding to the neighbouring State and the risk will be all greater, if there are other installations in the Customs area beside those required for controls, such as restaurants, banks, tourist offices etc...

That is why, and for the reasons mentioned in C 3-7, the recommendation has been made to observe great caution in this field.

It is possible that this recommendation may perhaps cause a shock, especially when it is remembered that current trends are in the opposite direction (see in particular what has been done at certain offices mentioned above in chapter B), but it has seemed necessary to express this opinion derived solely from a concern to ensure that the controls are given priority by eliminating to the greatest possible extent, all factors likely to compromise their effectiveness.

It is true that special supervisory measures may be taken (cf. the Convention between Belgium and the Federal Republic of Germany, article 8, paragraph 2, for example) with regard to persons only momentarily in the zone, but the fact remains, at least in the consultant's opinion, that that may be a cause of disturbance which must not be omitted from being mentioned.

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In view of the foregoing, it seems that the following provisions might be considered in preparing outline conventions to be concluded between the TEM project countries.

These conventions, which, if the course of the route is adopted, should, in principle, in most cases, concern not more than two frontier points for certain countries, could from the start be as complete as possible and deal over-all with all matters.

It appears preferable, however, to provide for the establishment of a Joint Commission or Parital Body, whose composition will have to be determined, responsible for considering and finding solutions to problems of a local character or otherwise, which might possibly be raised, and also that of the financing of infrastructures and structures, together with any payment of charges for use, which has not been dealt with in the present study, as being outside the terms of reference.

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CONVENTION

between the Federal Republic of Germany and the Kingdom of Belgium concerning the establishment of offices with adjacent national controls, controls in trains in the course of their journey and the designation of joint exchange stations for traffic over the German-Belgian frontier, signed at Brussels on 15 May 1956

THE PRESIDENT OF THE FEDERAL REPUBLIC OF GERMANY

and

HIS MAJESTY THE KING OF THE BELGIANS

DESIROUS of settling the reciprocal relations between the two States with a view to facilitating the crossing of the common frontier by rail and by road

HAVE AGREED to conclude a Convention and have appointed as plenipotentiaries to that end :

The President of the Federal Republic of Germany:

His Excellency Mr. Carl Friederich Ophüls,
Ambassador of the Federal Republic of Germany;

His Majesty the King of the Belgians :

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

who after the exchange of their plenary powers, duly recognized in good form, have agreed on the following provisions :

PART ONE

General

Article 1

- (1) The two States shall facilitate, within the framework of the present Convention, the crossing of their common frontier, by rail and by road.
- (2) For the purposes prescribed in paragraph 1 :
 - (a) they shall establish offices with adjacent national controls in stations or in immediate proximity to the frontier on roads;
 - (b) they shall allow controls on trains during their journey on specified sections;

- (c) they shall designate joint or exchange stations for railway traffic;
- (d) they shall authorize the staff of the administrations of each of the two States responsible for the controls in the cases referred to in subparagraphs (a) and (b) and the staff of the railway administrations of each of the two States in the cases referred to in subparagraphs (a), (b) and (c), to perform their duties on the territory of the other State.

(3) The competent Ministers of the two States shall determine by common agreement in what cases and to what extent the controls of one State shall be carried out on the territory of the other State and in what cases stations shall be designated under paragraph 2 (c).

The arrangements concerning the establishment, changing the location or abolition of offices with adjacent national controls, the determination of the journeys on which controls in trains may be carried out during the journey and the fixing of the zone in accordance with article 3, and also the agreements concerning the designation of joint or exchange stations for railway traffic shall be confirmed and shall take effect through the exchange of notes by diplomatic channels.

Article 2

For the purposes of the present Convention :

- (1) "Controls" means the carrying out of all measures provided for by the legal and regulatory provisions of the two countries and applicable to persons, luggage, goods vehicles and other assets crossing the frontier in one direction or the other;
- (2) "Zone" means the prescribed part of one of the countries and a train during its journey, in which staff of the adjoining State are authorized to carry out the controls;
- (3) "Country of stay" means the country on whose territory the zone is located;
"adjoining country" means the other country;
- (4) "Staff" means persons belonging to the administrations responsible for the controls and performing their duties in the zone (for railway administration staff see Part IV of the present Convention);
- (5) "Offices" means the offices with adjacent national controls of the two countries located in the zone.

Article 3

The zone comprises:

- (1) With regard to railway traffic:
 - A. in the case of controls at offices:
 - (a) a particular sector of the station and its annexes;
 - (b) passenger or goods trains and a particular section of tracks where trains stand throughout the duration of the controls;
 - (c) a particular part of the platforms and tracks located on either side of the stationary trains;
 - (d) passenger or goods trains between the station and the frontier of the adjoining country;
 - B. in the case of controls in a train during its journey the train on a particular section of line and possibly a particular sector of the station where this section begins and the station where it ends;
- (2) With regard to road traffic, for which the zone must extend as far as the frontier
 - (a) a portion of the road;
 - (b) where necessary, part of the service buildings and their annexes.

Article 4

The legal and regulatory provisions of the adjoining country concerning the controls are applicable in the zone under the provisions of the present Convention, as applicable in the municipality to be designated for that purpose by the Government of the aforesaid country. Violations of the said provisions, committed in the country of stay, are deemed to have been committed on the territory of the adjoining country in that municipality.

Article 5

The present Convention does not prejudice the powers of the authorities of the country of stay as to the right to maintain public order in the zone and to take action in respect of punishable acts committed in the zone which are not violations of legal and regulatory provisions concerning the controls.

Article 6

(1) When a person is caught in the zone committing a punishable act referred to in article 5, that person may be arrested by the authorities of the country of stay under the conditions provided by the legislation of that country.

(2) Arrest is, however, subject to the consent of the staff of the adjoining country if the act was committed while such staff were carrying out controls or if the person concerned was, under article 9, paragraph 1, arrested by them and detained pending transfer to the adjoining country.

Article 7

(1) For controls in the zone, the operations of the country of departure are performed before the corresponding operations of the country of entry.

- (2) From the time when the staff of the country of entry have begun their operations:
- (a) the legal and regulatory provisions of the country of entry concerning controls become applicable;
 - (b) if the adjoining country is the country of departure, the corresponding staff of that country may no longer control the persons, luggage, goods, vehicles and other assets;
 - (c) if the country of stay is the country of departure, the corresponding staff of that country may no longer control again persons, luggage, goods vehicles and other assets which they have released, except in properly justified cases and subject to the agreement of the competent local authorities of the country of entry.

(3) Before the end of the exit controls of the adjoining country, the authorities of the country of stay are not empowered to apprehend persons in the zone or to seize luggage, goods, vehicles and other assets submitted for the said controls.

(4) After the start of the entry controls of the adjoining country, the authorities of the country of stay are no longer empowered to apprehend persons in the zone or to seize luggage, goods, vehicles and other assets, which are submitted for the said controls, if staff of the adjoining country have already done so.

Article 8

(1) With regard to road traffic, the authorities of the country of stay may not apprehend or send back persons coming from the adjoining country proceeding only momentarily to the zone to offices of the latter country, for reasons other than crossing the frontier.

(2) The authorities of the country of stay may take special supervisory measures with regard to the persons referred to in paragraph 1.

Article 9

(1) Staff of the adjoining country are authorized, within the framework of the present Convention, to perform within the zone all the operations relating to the controls in accordance with the legal and regulatory provisions of the aforesaid country as on their own territory. In particular, they are authorized to take note of violations, to effect seizures, to agree to arrangements on violations which have been noted, to hold luggage, goods, vehicles and other assets as a guarantee for the payment of dues and fines. They may also detain persons violating provisions regarding the crossing of the frontier or who are wanted by the competent authorities of the adjoining country, send them back and transfer detained persons to the adjoining country. Transfer to the adjoining country must be carried out in as short a time as possible and may also be made by trains not subject to control during the journey.

(2) They may transfer to the territory of the adjoining country funds derived from the collection of Customs duties or other taxes, charges or fines, and also luggage, goods, vehicles and other assets deposited, held back or seized.

(3) Staff of the adjoining country may sell on the territory of the country of stay luggage, goods and vehicles which they have detained or seized. They may transfer freely to the adjoining country the proceeds of the sale. In the event of a sale, the legal and regulatory provisions regarding importation or transit in force in the country of stay apply to luggage, goods and vehicles coming from the adjoining country and not immediately sent back to that country.

Article 10

Staff of the adjoining country are not authorized to apprehend or arrest nationals of the country of stay or to send them back to the territory of the adjoining country. They may, however, take them to their office located in the country of stay, or, in the absence of such an office, to the corresponding authority of the country of stay, for

the drawing up of a report on the offence. A member of the staff of the country of stay must be present when such a report is being drafted.

Article 11

(1) The luggage, goods, vehicles and other assets coming from the adjoining country which left the zone before that country's controls were carried out, must be seized by the staff of the country of stay and handed over to staff of the adjoining country:

- (a) when the discovery is the result of information given by staff of the adjoining country;
- (b) when the fact is punishable in the adjoining country without being punishable in the country of stay;
- (c) when assets are involved whose removal from the adjoining country would cause considerable damage to that country.

(2) The competent Ministers of the two States shall periodically determine by common agreement and taking into account the special danger of smuggling, the assets to which the provisions of paragraph 1(c) shall apply.

Article 12

Persons sent back by staff of the country of entry may not be refused readmission to the country of departure.

Article 13

(1) In the performance of their duties in the zone, the staff of the two countries provide mutual assistance to each other as far as possible, in particular to prevent and detect infringements of legal and regulatory provisions concerning the crossing of the frontier. For this purpose they shall communicate to each other as quickly as possible information of interest in connection with the performance of their duties.

(2) The provisions of paragraph 1 do not prejudice domestic legal and regulatory provisions which may possibly subject the communication of information to the consent of other authorities.

PART II

Staff

Article 14

The authorities of the country of stay shall afford staff of the adjoining country, in connection with the performance of their duties within the framework of the present Convention, the same protection and assistance as the corresponding staff of their own country.

Article 15

(1) In the event of an offence committed in the zone against staff of the adjoining country, when performing their duties, the penal provisions are applied which punish a similar act against staff of the country of stay attached to an equivalent department.

(2) When, within the framework of the present Convention, a member of the staff of the adjoining country, causes, when performing his duties, damage on the territory of the country of stay, affecting a national of the country of stay, the State or public authority, to which the staff member is subject, is required to make good the damage under the same conditions as it would have to do, had the damage been caused on the territory of the adjoining country and had affected a national of that country.

Article 16

(1) Staff of the adjoining country, who are required under the present Convention to perform their duties on the territory of the country of stay are relieved of the need for passport and visa formalities.

(2) They are authorized to cross the frontier on the production of an official document giving their nationality, identity, their official position and nature of their duties, in order to proceed to the place where they have to perform their duties.

Article 17

(1) Staff of the adjoining country who, under the present Convention, are called upon to carry out their duties on the territory of the country of stay, may wear the national uniform or a visible distinctive sign.

(2) They are authorized to carry their regulation arms, but may only make use of them in case of legitimate defence.

Article 18

(1) Staff of the adjoining country who, under the present Convention, are called upon to carry out their duties on the territory of the country of stay, are, in the sphere of public law, exempt from personal taxes.

(2) Staff of the adjoining country are considered as not having transferred their domicile from the taxation point of view to the territory of the other country, when their stay on that territory is due solely to the performance of their duties within the framework of the present Convention. Under the same conditions, they are exempt in the country of stay from all direct taxation on their official remuneration.

(3) If a member of the staff of the adjoining country, who is called upon to perform his duties on the territory of the country of stay under the present Convention, suffers damage or injury as a result of an accident at work or in connection with his work and for which the railway administration of the latter country is responsible, the railway administration of the adjoining country assumes responsibility for the payment of compensation due by the railway administration of the country of stay, without making a claim on that administration.

Article 19

(1) The administrative status of the staff of the adjoining country is governed by the legal and regulatory requirements of their country.

(2) Offences committed by staff of the adjoining country on the territory of the country of stay shall be immediately brought to the notice of their superiors.

Article 20

(1) Articles necessary for their work and personal articles, including provisions which staff of the adjoining country need in connection with the performance of their duties in the country of stay and which they bring when they proceed to their work on the territory of this latter country or on returning from it are imported and re-exported free of all duty and tax on the basis of a simple verbal declaration without any guarantee. The same applies to official and private vehicles which staff use to perform their duties.

- (2) Unless otherwise provided by common agreement between the competent administrations, import and export prohibitions and restrictions do not apply to the articles referred to in paragraph 1.
- (3) The competent administrations shall determine by common agreement what measures of supervision are deemed necessary.

Article 21

- (1) The competent administrations of the adjoining country inform the competent administrations of the country of stay the maximum number of staff whom they wish to employ normally in the zone. In case of necessity they may employ a larger number of staff. When the competent administrations of the country of stay so request, the two administrations shall negotiate as to the number of staff of the adjoining country working in the zone.
- (2) The competent administrations of the country of stay may in a request giving reasons, require the recall of members of staff of the adjoining country performing duties on the territory of the country of stay.

PART III

Offices

Article 22

The two States shall endeavour to harmonize the hours of opening and the functions of the offices.

Article 23

- (1) The competent administrations decide by common agreement on :
 - (a) the premises necessary for the offices of the adjoining country, as well as on the payments to be made for these premises, in particular for rent, lighting, heating and cleaning;
 - (b) the compartments to be reserved for the staff responsible for controls on trains during their journey.

(2) If the railway administration of the adjoining country is required, by virtue of the legislation of that country, to supply premises to the authorities responsible for the controls and to provide other services for their benefit, the railway administration of the country of stay is required to give effect, on payment, to a request of that kind emanating from the railway administration of the adjoining country.

Article 24

The premises for offices of the adjoining country may be indicated outside by an inscription and a coat of arms in the national colours of the country concerned.

Article 25

Staff of the adjoining country have the right to keep order in the premises made available to them and to expel anyone disturbing them.

Article 26

(1) The equipment, furniture and other objects necessary for the functioning of the offices of the adjoining country located in the country of stay are imported and re-exported free of all duty and tax and without any guarantee, provided they are properly declared.

(2) Unless otherwise provided by common agreement by the competent administrations, import - or export - prohibitions or restrictions shall not apply to the articles referred to in paragraph 1.

Article 27

(1) Telephone and telegraph lines (including teleprinters) necessary for the functioning of the offices of the adjoining country situated in the country of stay may be extended onto the territory of the latter country in order to allow direct communications with those offices.

(2) The Governments of the two States undertake to grant, for the same ends and to the extent possible, every facility as to the use of other means of telecommunication.

(3) The competent administrations of the two States shall take by common agreement all necessary measures with a view to the application of paragraphs 1 and 2.

Article 28

Letters, parcels and valuable packages sent by the offices of the adjoining country or addressed to them may be carried by the staff of that country without any intervention of the postal or railway administration and free of any charge, provided that such dispatches bear the seal of the department which has sent them.

Article 29

Persons from the adjoining country may complete all the formalities relating to the controls at the Customs offices in the country of stay as in the adjoining country itself.

Article 30

(1) Article 29 applies in particular to persons from the adjoining country who exercise professionally the activity referred to in the aforesaid article. The persons concerned are subject to the legal and regulatory provisions governing the exercise of that activity in the adjoining country and not in the country of stay. The services rendered are for the purpose of the turnover tax (in Belgium the transmission tax and related taxes) considered as services rendered exclusively in the adjoining country. The present paragraph does not refer to the collection of direct taxes (income tax, taxes on capital etc.).

(2) The persons referred to in paragraph 1 may, for the conduct of their activities at the Customs offices of the adjoining country located in the country of stay, employ indiscriminately Belgian and German personnel. The legal and regulatory requirements of the country of stay governing the employment of foreign workers do not apply in this case.

(3) The general requirements of the country of stay apply in respect of crossing the frontier and for staying in the said country. Facilities compatible with these provisions must be granted.

PART IV

Special provisions applicable to railway traffic

Article 31

(1) The railway administrations of the two States determine by common agreement details of the organization and operation of the joint and interchange stations and also the method of apportionment of expenditure on construction, equipment, renewal, maintenance and operation of those stations.

(2) The provisions of articles 14 to 21 and 24 to 28 apply to the personnel and to the departments of the railway administrations of one of the countries which function, on the territory of the other country in stations where there are adjacent controls or in joint or interchange stations or in trains between those stations and the frontier.

Article 32

Facilities shall be granted for the transfer of funds derived from transport and similar expenses, collected by the personnel of the railway administration of one of the States operating on the territory of the other State.

Article 33

(1) The personnel of the railway administration of one of the countries may, in so far as it is so authorized by the legislation of its country, take measures for the maintenance of order and security in trains between the frontier and the joint or interchange station located on the other country's territory. Violations of the provisions concerning the maintenance of order and security committed in such trains are reported to the competent authority at the station of the other country for taking the necessary action.

(2) No arrest may be made by the personnel referred to in paragraph 1 above on the journey between the frontier and the joint or interchange station. The aforesaid personnel is, however, authorized to take persons guilty of the above-mentioned violations to the nearest station in the other country for the drawing up of a report on the incident.

PART V

Final clauses

Article 34

The competent Ministers of the two States determine by common agreement the administrative measures necessary for the application of the present Convention. This procedure does not preclude the use of diplomatic channels.

Article 35

The Governments of the two States may, by simply exchanging diplomatic notes and subject to the approval of the legislature, in so far as that is required by national legislation, agree to make such amendments to the present Convention as experience has shown to be advisable.

Article 36

Measures taken to give effect to article 1, paragraph 2, subparagraphs (a), (b) and (c), may be terminated either by common agreement, or at the request of one of the States. In the latter case, the State whose departments are to be moved back to its territory may claim time to do so which shall not exceed twelve months from the date of the request.

Article 37

- (1) The present Convention shall be ratified and the instruments of ratification shall be exchanged as soon as possible at Bonn.
- (2) It shall enter into force on the first day of the second month following the exchange of the instruments of ratification.
- (3) It shall be terminated one year after denunciation by one of the States.

IN WITNESS WHEREOF the respective Plenipotentiaries have affixed their signatures below the present Convention together with their seals.

DONE at Brussels on 15 May 1956 in two originals in the German and French languages, both texts being equally valid.

For the Federal Republic of Germany
(signed): C.F. Ophüls

For the Kingdom of Belgium
(signed): P.H. Spaak

Official Customs Bulletin
(Bulletin officiel des Douanes)

No. 128 of 8-11-60

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Text no. 60-279

E. 051

Decree no. 60-1159 of 26 October 1960

CONVENTION AND LEGISLATION, FRONTALIER CONVENTIONS :

GERMANY

Decree publishing the convention between France and Germany concerning adjacent national control offices and joint or interchange stations on the Franco-German frontier of 18 April 1958

Official Gazette (Journal Officiel) of 5 Nov. 1960, pp 9940-9943

Adjacent
national
control
offices

Art. 1 - The Convention between France and Germany concerning offices with adjacent national controls and joint or interchange stations on the Franco-German frontier, signed at Paris on 18 April 1958, the instruments of ratification for which were exchanged at Bonn on 30 September 1960 shall be published in the Journal officiel of the French Republic.

Art. 2 - The Prime Minister and the Minister for Foreign Affairs are responsible for the application of the present decree.

Franco-
German
Convention of
18 April 1958

CONVENTION BETWEEN THE FRENCH REPUBLIC
AND THE FEDERAL REPUBLIC OF GERMANY

concerning offices with adjacent national controls and
joint or interchange stations on the Franco-German frontier

The President of the French Republic,
And the President of the Federal Republic of Germany,
Actuated by the desire to facilitate the crossing of the frontier between the two countries by rail, road and inland waterway, have decided to conclude a convention and have appointed their respective

--

plenipotentiaries for that purpose, namely :

The President of the French Republic:

His Excellency Mr. Louis Joxe, Ambassador of France, Secretary-General of the Ministry of Foreign Affairs;

The President of the Federal Republic of Germany:

His Excellency Baron Vollrath von Maltzan, Ambassador of the Federal Republic of Germany,

Who, after they exchanged their plenary powers, recognized to be in good and proper form, have agreed on the following provisions:

PART ONE

General provisions

Art.1. - 1. The Contracting Parties will, within the framework of the present Convention, take measures necessary for speeding up the crossing of the frontier by railways, roads and inland waterways linking the two countries.

Adjacent
controls in :
-joint offices
at rail or
road stations
-moving trains
and boats

2. To that end, they may :
 - a. Establish offices with adjacent national controls;
 - b. Arrange for control in moving trains and boats, on specified sections of route;
 - c. Establish joint or interchange railway stations;
 - d. Establish joint road stations close to the frontier.
3. These offices and stations shall be set up as far as possible, taking in particular account of the economic interests of each Contracting Party, in equal numbers on each side of the frontier.
4. The competent ministers shall decide by common agreement to establish, transfer, alter or abolish :
 - a. Offices with adjacent national controls;
 - b. Sections on which controls will be carried out during the journey;
 - c. Joint rail and road stations.

5. The arrangements referred to in paragraph 4 shall be confirmed by an exchange of diplomatic notes. They shall enter into effect after the completion, where necessary, of the formalities prescribed by the legislation of each State.

Art.2 - Under the provisions of the present Convention, the expression :

1. "Control" denotes the application of all the legal and regulatory requirements of the Contracting Parties as to the crossing of the frontier by persons and also the entry, exit and transit of luggage, goods, vehicles, capital and other assets.

2. "State of stay" denotes the State on whose territory offices with adjacent national controls are established and also other services, in particular those of railways, or on the territory of which staff of the adjoining State carry out controls.

3. "Adjoining State" denotes the other State:

4. "Zone" denotes that part of the territory of the State of stay within which staff of the adjoining State are entitled to carry out controls.

5. "Staff" denotes officials, employees and workmen performing their duties in offices with adjacent national controls and on railway services.

6. "Offices" denotes the offices with adjacent national controls.

Fixing of
joint zones
of action

Art.3 - The zone determined by common agreement between the administrations concerned includes :

1. With regard to rail traffic
 - a. A sector of the station and its facilities
 - b. Passenger and goods trains, the section of track on which trains stand during control operations and also the portions of track and platform on either side of the stationary trains;
 - c. Passenger and goods trains on the section between the station and the common frontier;
 - d. When control is carried out in a moving train on the prescribed section, and, in case of need, in a sector of the stations where such a section begins and ends.

Concerning
road, rail
or river
traffic

2. With regard to road traffic, for which the zone must extend up to the frontier :

- a. An office sector;
- b. Sections of road and of platforms;
- c. If necessary, stores and warehouses.

3. With regard to river navigation :

- a. An office sector;
- b. Sections of navigable waterway together with shore and port installations, including quays;
- c. Stores and warehouses;
- d. The navigable waterway between the frontier and the control office

e. When control is carried out on a moving vessel, that vessel together with the control escort vessel over the prescribed section.

Art.4. - 1. The legal and regulatory requirements of the adjoining State apply in the zone as they do in the municipality on which the office of the adjoining State depends. This municipality shall be designated by the Government of that State.

2. In the event of a violation of these requirements, committed in the zone, the criminal courts of the adjoining State are competent and proceed under the same conditions as if such violations had been committed in the municipality to which the zone was attached.

Art.5. - 1. Control by the country of departure is carried out before that of the country of entry. Control by the country of entry begins as soon as the staff of the country of departure have released the persons, luggage, goods, vehicles, capital and other assets.

Methods of
effecting
joint
controls

2. The staff of the country of departure may no longer control persons, luggage, goods, vehicles, capital and other assets which they have released when the staff of the country of entry have begun making checks.

3. As long as the staff of the adjoining State have not completed checking on departure from their territory, the authorities of the State of stay are not permitted, within the zone, to arrest persons or to seize luggage, goods, vehicles, capital and other assets which are subjected to the aforesaid operations.

4. When staff of the adjoining State have begun making checks on entry to their territory, the authorities of the State of stay are no longer authorized, without the consent of the aforesaid staff, to arrest persons or to seize luggage, goods, vehicles, capital and other assets which are subjected to the aforesaid operations.

Art.6. - 1. Staff of the adjoining State are authorized to carry out in the zone all the control operations laid down in the legislation and regulations of that State. They may, in particular, note violations, and without having the power to make arrests, require persons to return to the adjoining State and if necessary take back persons not having the necessary documents to leave that State or who are wanted by the authorities of that State because of criminal activities or who have contravened the regulations concerning control. They may also make seizures, consent to compromise arrangements regarding offences detected or report such offences to the competent jurisdiction of their country, hold back luggage, goods, vehicles, capital and other assets as a guarantee of payment of duty, charges due or fines incurred.

Powers of
staff of the
adjoining
State

2. Staff of the adjoining State may transfer onto the territory of their State sums derived from fines, duty and charges collected together with luggage, goods, vehicles, capital or other assets held as a deposit, retained as a guarantee or seized. The same applies to amounts collected in the State of stay for the account of the railway administration of the adjoining State in respect of the carriage of persons, luggage and goods.

3. Staff of the adjoining State may sell, in the State of stay, subject to observance of the legal requirements of that State, luggage, goods, vehicles or other assets which they have held back or seized. They may transfer to the adjoining State the proceeds of such sale.

Art. 7. - The authorities of the State of stay are responsible for the maintenance of public order in the zone.

Procedure
concerning
seizure

Art. 8. - Luggage, goods, vehicles, capital and other assets from the adjoining State which are removed from the zone before control are, when seized by staff of the State of stay, handed over as a priority to staff of the adjoining State. If it is established that the exports regulations of the adjoining State have not been infringed, these articles must be handed over to staff of the State of stay.

Art. 9. - Persons who have not received permission to enter from staff of the entry State may not be prevented from returning to the State of departure.

Collaboration
between
staff of the
two States

Art. 10. - Staff of the two States shall assist each other, as far as possible, in performing their duties within the framework of the present Convention, especially for the prevention and detection of violations of the legal and regulatory requirements in force; they shall give each other, either spontaneously or on request, information relevant to carrying out their work.

PART II

Personnel

Status of
staff of the
adjoining
State

Art. 11. - 1. The authorities of the State of stay shall grant staff of the adjoining State, for the performance of their duties, the same protection and assistance as their own staff.

2. Crimes and offences committed in the zone against staff of the adjoining State in the performance of their duties, shall be punished, in accordance with the legislation of the State of stay, as if they had been committed against staff of the State of stay performing similar duties.

Art. 12. - 1. Staff of the adjoining State called upon, for the application of the present Convention, to perform duties in the State of stay, are exempt from the obligations to have a passport and visa.

2. They are authorized to cross the frontier and to proceed to their place of work on proof of their identity and position on production of an official document.

Art. 13. - Staff of the adjoining State, called upon, for the application of the present Convention, to perform duties in the State of stay, may wear their national uniform there or display a distinctive badge; they may carry their regulation arms to be used, however, only in cases of legitimate defence.

Art. 14. - Staff of the adjoining State, called upon, for the application of the present Convention, to perform duties in the State of stay are exempt from any personal service or requisition in the latter State.

Art. 15. - 1. Staff of the adjoining State remain subject, from the statutory and disciplinary point of view, to the legal provisions of that State.

2. Crimes and offences which may be committed in the State of stay by staff of the adjoining State must be brought to the notice of their hierarchical superior without delay.

Exemption
from duty of
personal or
official
articles

Art. 16. - Personal articles or those necessary for their work, including provisions which staff of the adjoining State need for the performance of their duties in the State of stay, are allowed in free of duty and other charges. Import or export prohibitions or restrictions are not applicable to them.

Temporary
importation
of vehicles

Art. 17. - Personal or official vehicles temporarily imported into the State of stay by staff of the adjoining State for the performance of their duties or for inspections are exempt from Customs duty and other charges and there is a waiver of guarantee. Such vehicles are not subject to import or export restrictions or prohibitions. Control measures shall be drawn up by common agreement by the competent administrations.

Communication
of the staff
list

Art. 18. - 1. A list of the staff of the adjoining State permanently attached to the offices of that State must, in respect of each office, be communicated to the corresponding authorities of the State of stay.

2. The hierarchical authority of the State of stay may send a request, giving reasons, for the recall of one or other of such staff.

Liability
for damage
or injury

Art. 19. - When, within the framework of the present Convention, a member of staff of the adjoining State, has caused, in the performance of his duties in the State of stay, damage or injury to a national of that State, the adjoining State, or the public authority to which the staff member is subordinate, is responsible for the damage or injury as if it had been caused on its territory to one of its own nationals.

PART III

Offices

Supply of
premises by
the State of
stay

Art. 20. - 1. The competent authorities of the State of stay shall make available to the departments of the adjoining State the premises necessary for their normal work. These premises and any charges for their use shall be fixed by common agreement by the administrations concerned.

2. In the case of premises used for control purposes in railway stations, the charges in question are paid by the railway administration of the adjoining State to the railway administration of the State of stay under the terms of an agreement reached between them.

Common
opening hours
for offices

3. The times when the offices are open shall be fixed by common agreement by the competent authorities.

Signs
indicating
offices

Art. 21. - Those premises used for the offices of the adjoining State may be indicated by inscriptions and official coats of arms.

Internal
discipline

Art. 22. - Staff of the adjoining State are entitled to ensure discipline inside the premises set aside for their exclusive use and to expel any intruder. They may, if necessary, request the assistance for this purpose of staff of the State of stay.

Temporary admission of equipment, furniture and other articles

Art. 23. - The equipment, furniture and articles needed for the work of the departments of the adjoining State shall be admitted temporarily in the State of stay free of Customs duty and other charges, provided they are properly declared. Import or export prohibitions or restrictions are not applicable to them.

Mail, telephone communication, transfer of funds

Art. 24. - Telephone lines for official use of the adjoining State may be extended onto the territory of the State of stay in order to allow direct communication between the departments concerned and their staff in the offices.

Art. 25. - Official letters or packets and also items of value sent to or from the offices of the adjoining State may be carried by the staff of those offices without making use of the postal services. Anything sent in this manner must bear the official stamp of the department concerned.

PART IV

Customs agents

Art. 26. - 1. Persons coming from the adjoining State may carry out all transactions relating to controls at the offices of that State established in the zone under the same conditions as in the adjoining State.

2. The provision in paragraph 1 applies in particular to persons coming from the adjoining State who there carry out such transactions professionally; such persons are subject in that regard to the legal and regulatory requirements of the adjoining State concerning such transactions. The transactions performed and the services rendered in those conditions are considered as having taken place exclusively in the adjoining State, with all the fiscal consequences resulting therefrom.

3. The persons referred to in paragraph 2 may employ for such operations German or French personnel indiscriminately. The legal and regulatory requirements of the State of stay governing the employment of foreign workers do not apply in this case.

4. Facilities compatible with the general requirements of the State of stay concerning the crossing of the frontier and making a stay in that State, are granted to the persons referred to in paragraph 2 and to their personnel to enable them to carry out those operations normally.

Status of
Customs
agents

Art. 27. - 1. Persons who perform professionally the operations referred to in article 26 with the authorities responsible for control in one of the two States, shall, to the extent to which they also perform the same operations at the office of the other State, be treated by the authorities of that State on a completely equal footing. With regard to turnover taxes, services performed at that office are deemed to have been performed in the State on which that office depends.

2. If such persons require a permit to perform such operations professionally in one of the two States, no discrimination shall be made between persons of the two States as regards the granting of such a permit.

PART V

Special provisions for railway administrations

Art. 28. - Each Contracting Party shall authorize the staff of the railway administration of the adjoining State responsible for operation to carry out their duties on its territory within the framework of the present Convention.

Art. 29. - Joint stations remain the property of the railway administration of the State of stay and are built, maintained and managed by that administration.

Art. 30. - 1. The competent authorities of the State of stay, and, in particular, the railway administration, shall take all measures necessary to allow the normal working of the departments of the adjoining State and of that State's railways in joint stations and, where applicable, in interchange stations.

Special
provisions
for railway
adminis-
trations

2. The railway administrations shall conclude agreements governing the equipment and operation of joint and interchange stations, and also the payment for services rendered by one administration to the other.

3. The railway administrations shall agree with each other on the choice of interchange stations.

4. The railway administrations may conclude agreements governing the operation of frontier tracks.

Art. 31. - The railway administration of the adjoining State is authorized, in joint and interchange stations, to make inspections and any necessary checks to ensure that its own regulations are applied by its staff.

Art. 32. - The provisions of articles 18, 23 and 25 shall apply mutatis mutandis to the railway administration of the adjoining State. The same applies to the provisions of articles 21 and 22 in so far as their application is in conformity with the domestic law of the adjoining State.

Art. 33. - The railway administrations of the two countries may agree that the personnel of the railway administration of the adjoining State may remain on duty in trains crossing the frontier beyond a joint or interchange station on the territory of the State of stay. The provisions of articles 11 to 16 and 19 apply mutatis mutandis to such personnel.

PART VI

Final clauses

Final
clauses

Art. 34. - The methods of applying the present Convention are determined by common agreement by the administrations concerned of the two States.

Art. 35. - Each Contracting Party may terminate the arrangements referred to in article 1, paragraph 4, within the time limits and under the conditions prescribed therein.

Creation of a
joint
commission

Art. 36. - 1. A joint Franco-German commission, which will be set up as soon as possible after the entry into force of the present Convention will be responsible for :

- a. Making the arrangements provided for in article 1;
- b. Endeavouring to solve the difficulties which might result from the application of the present Convention.

2. This commission shall consist of six members, three appointed by each of the Contracting Parties. It shall elect its chairman alternately from the French and German members. The chairman will not have a casting vote. The commission members may have the assistance of experts.

Art. 37. - 1. The present Convention is subject to ratification and the instruments of ratification shall be exchanged as soon as possible at Bonn.

2. It shall enter into force on the first day of the second month following the exchange of the instruments of ratification.

3. It shall terminate two years after its denunciation by one of the Contracting Parties.

In witness whereof the respective plenipotentiaries have signed the present Convention and affixed their seals.

Done at Paris on 18 April 1958 in two copies, in the French and German languages, both texts being equally valid.

For the French Republic :

(signed) : Louis JOXE

For the Federal Republic of Germany :

(signed) Baron VOLLRATH von MALTZAN

Official Customs Bulletin

No. 903 of 17, 18 and 19-5-64

Official Daily of the Customs
and Excise Administration

Text no. 64-352 E. 071

Decree no. 64-415 of 8 May 1964

Franco-
Belgian
Convention :
Frontier
controls and
joint
stations

BILATERAL CONVENTIONS

Decree publishing the convention between France and Belgium concerning controls at the Franco-Belgium frontier and joint and interchange stations of 30 March 1962

(Official Gazette - Journal officiel - of 14 May 1964 p. 4076)

The President of the Republic,

On the report of the Prime Minister and the Minister for Foreign Affairs,

Having regard to the Constitution, articles 52 and 55;

Having regard to decree no. 53-192 of 14 March 1953 relating to the ratification and publication of the international commitments entered into by France,

Decrees :

Art. 1. - The convention between France and Belgium signed on 30 March 1962, the instruments of ratification of which were exchanged on 13 March 1964, shall be published in the Journal officiel of the French Republic.

CONVENTION

between the French Republic and the Kingdom of Belgium concerning the controls at the Franco-Belgian frontier and joint and interchange stations

The President of the French Republic and His Majesty the King of the Belgians, being actuated by the desire to facilitate the crossing of the common frontier, especially by railway, road and inland waterway, have agreed to conclude a convention and have appointed as plenipotentiaries for that purpose :

The President of the French Republic :

His Excellency Mr. Raymond Bousquet, Ambassador extraordinary and Minister plenipotentiary of France at Brussels;

His Majesty the King of the Belgians :

His Excellency Mr. Paul-Henri Spaak, Minister for Foreign Affairs, who after having exchanged their plenary powers, recognized to be in good and proper form, have agreed on the following provisions :

PART ONE

GENERAL PROVISIONS

1. General -

purposes of
the
convention

Article 1

1. The Contracting Parties will, within the framework of the present convention, take measures necessary for speeding up the crossing of the frontier by railways, roads and inland waterways linking the two countries.

2. For the purposes set out in paragraph 1 :

a. They shall establish offices with adjacent national countries in stations or in close proximity to the frontier on roads and inland waterways;

b. They shall allow controls on trains in the course of their journey over specified sections of route;

c. They shall designate joint or interchange stations for rail traffic.

3. The competent Ministers of the two States shall make, by common agreement, arrangements for the establishment, change of location or abolition of offices with adjacent national controls, the determination

of sections on which trains may be controlled in the course of their journey, the boundaries of the zone, in accordance with article 3, and also the arrangements concerning the designation of joint or interchange stations for rail traffic. These arrangements shall be confirmed and become effective by the exchange of notes through diplomatic channels.

Article 2

Definitions

For the purposes of the present Convention :

1. "Controls" means the carrying out of all measures provided for by the legal and regulatory provisions of the two States and applicable to persons, luggage, goods, vehicles and other assets crossing the frontier in one direction or the other;

2. "Zone" means the prescribed part of the territory of one of the States, as stated in article 3, where the staff of the other State are authorized to carry out the controls;

3. "State of stay" means the State on whose territory the zone is located;

"Adjoining State" means the other State;

4. "Staff" means persons belonging to the administrations responsible for the controls and performing their duties in the zone (for railway administration staff see Part IV of the present Convention);

5. "Offices" means the offices of the two States with adjacent national controls.

Boundaries of the zone

Article 3

The zone comprises :

1. With regard to railway traffic :

A. In the case of controls at offices :

a. A particular sector of the station and its annexes;

b. Passenger or goods trains and a specified part of the tracks where trains stand throughout the duration of the controls;

c. A particular part of the platforms and tracks located on either side of the stationary trains;

d. Passenger or goods trains between the station and the frontier of the adjoining State.

B. In the case of controls on a train in the course of its journey: the train on a particular section of line and possibly a particular sector of the station where this section begins and the station where it ends;

2. With regard to road and to inland water traffic for which the zone must extend as far as the frontier;

a. A portion of the road or a portion of the inland waterway (including the banks or quays);

b. Where necessary, part of the service buildings and their annexes.

Article 4

Order of
controls and
limit of
national
legislation
applicable

The legal and regulatory provisions of the adjoining State concerning the controls are applicable in the zone under the provisions of the present Convention, as applicable in the municipality to be designated for that purpose by the Government of the aforesaid State. In the event of violations of these provisions committed in the zone, the criminal courts of the adjoining State are competent and proceed under the same conditions as if such violations had been committed in the municipality so designated.

Article 5

1. For controls in the zone, the operations of the country of departure are performed before the operations of the country of entry. In principle they take place in the following order:

a. Police control of the country of departure;

b. Customs and other controls of the country of departure;

c. Police control of the country of entry;

d. Customs and other controls of the country of entry.

2. From the time when the staff of the country of entry have begun their operations:

a. The legal and regulatory provisions of the country of entry concerning controls become applicable;

b. If the adjoining State is the country of departure, the staff of that State may no longer control persons, luggage, goods, vehicles and other assets;

c. If the State of stay is the country of departure, staff of that State may no longer control again persons, luggage, goods, vehicles and other assets which they have released, except with the agreement of competent local authorities of the country of entry.

3. Before the end of the exit controls of the adjoining State, the authorities of the State of stay are not empowered to apprehend persons in the zone or to seize luggage, goods, vehicles and other assets submitted for the said controls.

4. After the start of the entry controls of the adjoining State, the authorities of the State of stay are no longer empowered to apprehend persons in the zone or to seize luggage, goods, vehicles and other assets, which are submitted for the said controls, if staff of the adjoining State have already done so.

5. If the order prescribed in paragraph 1 is altered in the course of the controls for practical reasons, staff of the country of entry operating before those of the country of departure may make arrests or seizures, but solely after the end of the controls of the country of departure. If they wish to take such a measure, they must take the persons, luggage, goods, vehicles or other assets to the staff of the country of departure who may still carry out their control. Arrests and seizures which staff of the country of departure made on such an occasion have priority over those which the staff of the country of entry might wish to effect.

Article 6

Powers of
staff of the
adjoining
State in the
zone

1. Staff of the adjoining State are authorized, within the framework of the present Convention, to perform within the zone all the operations relating to the controls in accordance with the legal and regulatory provisions of the aforesaid State as on their own territory. In

particular, they are authorized to take note of violations, to effect seizures, to agree to arrangements on violations which have been noted, to hold luggage, goods, vehicles and other assets as a guarantee for the payment of dues and fines. They may also detain persons violating provisions regarding the crossing of the frontier or who are wanted by the competent authorities of the adjoining State, send them back and transfer detained persons to that State. Transfer to the adjoining State must be carried out in as short a time as possible and may also be made by trains not subject to control during the journey.

2. They may transfer to the territory of the adjoining State funds derived from the collection of Customs duties or other taxes, charges or fines, and also luggage, goods, vehicles and other assets deposited, held back or seized for any cause whatever.

3. Staff of the adjoining State may sell on the territory of the State of stay luggage, goods and vehicles which they have detained or seized. They may transfer freely to the adjoining State the proceeds of the sale. In the event of a sale, the legal and regulatory provisions regarding importation or transit in force in the State of stay apply to luggage, goods and vehicles which are not transferred immediately to the territory of the adjoining State.

Article 7

Persons who have not received permission to enter from staff of the entry State may not be prevented from returning to the State of departure.

Article 8

1. In the performance of their duties in the zone, staff of the two States shall assist each other as far as possible, especially for the prevention and detection of violations of the legal and regulatory requirements concerning crossing the frontier. For that purpose they shall give each other as rapidly as possible information relevant to carrying out their work.

2. The provisions of paragraph 1 do not prejudice domestic legal and regulatory provisions which may possibly subject the communication of information to the consent of other authorities.

II Status of
staff of the
adjoining
State

PART II

STAFF

Article 9

The authorities of the State of stay shall afford staff of the adjoining State, in connection with the performance of their duties within the framework of the present Convention, the same protection and assistance as the corresponding staff of their own country.

protection

Article 10

In the event of an offence committed in the zone against staff of the adjoining State when performing their duties, the penal provisions which punish a similar act against staff of the State of stay attached to an equivalent department shall apply.

movement

Article 11

Staff of the adjoining State called upon, for the application of the present Convention, to perform duties on the territory of the State of stay are authorized to cross the frontier to proceed to their place of work on proof of their identity, position and nature of duties on production of an official document.

wearing of
uniform

Article 12

1. Staff of the adjoining State, called upon, for the application of the present Convention, to perform duties on the territory of the State of stay, may wear their national uniform there or display a distinctive badge.

2. They are permitted to carry regulation arms but may use them only in a case of legitimate defence.

personal
service,
requisitions,
accidents

Article 13

1. Staff of the adjoining State, called upon, for the application of the present Convention, to perform duties on the territory of the State of stay are exempt from any personal service or requisition.

2. If a member of the staff of the adjoining State, who is called upon to perform his duties on the territory of the State of stay under the present Convention, suffers damage or injury as a result of an accident

at work or in connection with his work and for which the railway administration of the latter State is responsible, the railway administration of the adjoining State assumes responsibility for the payment of compensation due by the railway administration of the State of stay without making a claim on that administration..

Article 14

1. The administrative status of the staff of the adjoining State is governed by the legal and regulatory requirements of their State.

2. Offences committed by staff of the adjoining State on the territory of the State of stay shall be immediately brought to the notice of their superiors without prejudice to the right of the State of stay to institute proceedings in respect of such offences.

other
provisions

Article 15

1. Articles necessary for their work and personal articles, including provisions, which staff of the adjoining State need in connection with the performance of their duties in the State of stay and which they bring when they proceed to their work on the Customs territory of the latter State or on returning from it are imported and re-exported free of all duty and tax on the basis of a simple verbal declaration and without any guarantee. The same applies to official and private vehicles which staff use to perform their duties.

2. Unless otherwise provided by common agreement between the competent administrations, import and export prohibitions and restrictions do not apply to the articles referred to in paragraph 1.

3. The competent administrations shall determine by common agreement what measures of supervision are deemed necessary.

Article 16

When, within the framework of the present Convention, a member of staff of the adjoining State, has caused, in the performance of his duties, in the State of stay, damage or injury to a national of that State, the adjoining State, or the public authority to which the staff member is subordinate, is responsible for the damage or injury as if it had been caused on its territory to one of its own nationals.

III Office
installations
opening hours

PART III
OFFICES

Article 17

The competent administrations shall endeavour to harmonize the hours of opening and the functions of the offices.

premises

Article 18

1. The competent administrations decide by common agreement on :

a. The premises necessary for the departments of the adjoining State, as well as on the payments to be made for these premises, in particular, for rent, lighting, heating and cleaning;

b. The compartments to be reserved for the staff responsible for controls on trains during their journey.

2. If the railway administration of the adjoining State is required, by virtue of the legislation of that State, to supply premises to the authorities responsible for the controls and to provide other services for their benefit, the railway administration of the State of stay is required to give effect, on payment, to a request of that kind emanating from the railway administration of the adjoining State.

Article 19

The premises for departments of the adjoining State may be indicated outside by official inscriptions and a coat of arms in the colours of that State.

Article 20

Staff of the adjoining State have the right to maintain order inside the premises set aside for their exclusive use and to expel any intruder. They may, if necessary, request the assistance for this purpose of staff of the State of stay.

office
furniture

Article 21

1. The equipment, furniture and other objects necessary for the functioning of the offices of the adjoining State located in the State of stay are imported and re-exported free of all duty and tax and without

any guarantee, provided they are properly declared. Their transfer with or without payment on the territory of the State of stay may only be made subject to the conditions laid down by the competent authorities of that State.

2. Unless otherwise provided by common agreement by the competent administrations, import or export prohibitions or restrictions shall not apply to the articles referred to in paragraph 1.

telephone
and
telegraph
lines

Article 22

1. Telephone and telegraph lines (including teleprinters) necessary for the functioning of the departments of the adjoining State established in the State of stay may be extended onto the territory of the latter State in order to allow direct communications with these departments.

2. The Governments of the two States undertake to grant, for the same ends and to the extent possible, every facility as to the use of other means of telecommunication.

3. The competent administrations of the two States shall take by common agreement all necessary measures with a view to the application of paragraphs 1 and 2.

mail

Article 23

Letters, parcels and valuable packages sent by the departments of the adjoining State or addressed to them may be carried by the staff of that State without any intervention by the postal or railway administrations and free of any charge, provided that such dispatches bear the seal of the department which has sent them.

functioning
of offices

Article 24

1. Persons coming from the adjoining State may carry out all transactions relating to controls at the departments of that State established in the zone as in the adjoining State itself.

2. The provision in paragraph 1 applies in particular to persons coming from the adjoining State who there exercise professionally the activity referred to in the aforesaid paragraph. With regard to the carrying out

of that activity, the persons concerned are subject to the legal and regulatory requirements governing the matter in the adjoining State and not those of the State of stay. The proceeds of such operations and of services rendered are considered, for the purpose of income tax, as having been obtained in a permanent establishment in the adjoining State.

3. The persons referred to in paragraph 2 may employ for their dealings with the Customs offices of the adjoining State located in the State of stay, Belgian and French personnel indiscriminately. The legal and regulatory requirements of the State of stay governing the employment of foreign workers do not apply in this case.

4. Facilities compatible with the general requirements of the State of stay concerning the crossing of the frontier and making a stay in that State, are granted to the persons referred to in paragraphs 2 and 3 to enable them to carry out those operations normally.

Article 25

The operations performed and the services rendered at the offices of the departments of one of the two States in the zone by persons who carry out operations professionally relating to the controls are considered for the purpose of turnover tax (in Belgium the transmission tax and related taxes) as performed or rendered exclusively in that State.

PART IV

IV Provisions
concerning
railway
adminis-
trations

SPECIAL PROVISIONS APPLICABLE TO RAILWAY TRAFFIC

Article 26

The personnel of the railway administration of one of the States is authorized to perform its duties on the territory of the other State within the framework of the present Convention.

organization
and
operation of
joint
stations

Article 27

1. The railway administrations of the two States determine by common agreement details of the organization and operation of the joint and interchange stations and also the method of apportionment of expenditure

on construction, equipment, renewal, maintenance and operation of those stations, it being understood that they remain the property of the railway administration of the State on whose territory the installations are located.

2. The provisions of articles 9, 10, 11, 12(§1), 13, 14, 15, 16, 19, 20, 21, 22 and 23 apply to the personnel and to the departments of the railway administrations of one of the States, which perform work on the territory of the other State in stations with adjacent national controls or in joint or interchange stations or in trains between those stations and the frontier.

transfer of
funds

Article 28

Facilities shall be granted for the transfer of funds derived from transport and other similar expenses, collected by the personnel of the railway administration of one of the States operating on the territory of the other State.

maintenance
of order
and security
in trains

Article 29

1. The personnel of the railway administration of one of the States may, in so far as it is so authorized by the legislation of its State, take measures for the maintenance of order and security in trains between the frontier and the joint or interchange station located on the other State's territory. Violations of the provisions concerning the maintenance of order and security committed in such trains are reported to the competent authority at the station of the other State for taking the necessary action.

2. No arrest may be made by the personnel referred to in paragraph 1, above on the journey between the frontier and the joint or interchange station. The aforesaid personnel is, however, authorized to take persons guilty of the above-mentioned violations to the nearest station in the other State for the drawing up of a report.

PART V

FINAL CLAUSES

Final clauses
on the
application
of the
Convention

Article 30

The competent administrations of the two States determine by common agreement the administrative measures necessary for the application of the present Convention. This procedure does not preclude the use of diplomatic channels.

Article 31

Independently of the procedure prescribed in article 1§3, measures adopted under paragraph 2, subparagraphs a, b and c of the same article may also be terminated at the request of one of the States. In that event, the State whose departments are to be moved back to its territory may claim time to do so which shall not exceed two years from the date of the request, which shall be notified through diplomatic channels.

Article 32

The following conventions are annulled :

1. The Convention of 11 April 1927, signed at Brussels, between France and Belgium regulating the Customs service on the Franco-Belgian railway lines, as to the running of trains examined during the journey;
2. The Convention of 13 April 1948, signed at Paris, between France and Belgium concerning the working of the Franco-Belgian international stations of Jeumont and Quevy;
3. The Convention of 30 January 1953, signed at Paris, between France and Belgium, concerning the establishment of offices with adjacent national controls at the frontier.

Article 33

1. The present Convention shall be ratified and the instruments of ratification shall be exchanged as soon as possible at Paris.
2. It shall enter into force on the first day of the second month following the exchange of instruments of ratification.
3. It may be denounced by one of the States; in that case it shall be terminated two years after the notification of denunciation.

It witness whereof the respective plenipotentiaries have affixed their signatures below the present Convention together with their seals.

Done at Brussels on 30 March 1962.

For the French Republic

For the Kingdom of Belgium

R. BOUSQUET

P.-H. SPAAK

13th administrative agreement for the application of the convention of 30 March 1962 between the French Republic and the Kingdom of Belgium, concerning controls at the Franco-Belgian frontier and the joint and interchange stations.

The Minister of the Interior, the Minister of the Economy and Finance, the Minister of Territorial Planning, Equipment, Housing and Tourism and the Minister of Transport of the French Republic, on the one hand,

The Minister of Finance and the Minister of Justice of the Kingdom of Belgium, on the other hand, have agreed on the following provisions by virtue of article 1, paragraph 3, of the Convention of 30 March 1962 between the French Republic and the Kingdom of Belgium concerning controls at the frontier and joint and interchange stations.

I

Offices with adjacent national controls are set up on Belgian territory in the municipality of Rekkem to control road traffic using motorway E 3/A 1.

These offices are named Rekkem and Neuville en Ferrain.

II

The zone provided for in the Convention, article 3 above comprises :

1. land, property of the Belgian State, contiguous with the frontier with the motorway which traverses it in the centre, as shown on the attached plan (annex 1), the whole being of irregular shape its dimension being 600 metres along the central axis of the motorway and not more than 315 metres at right angles to that axis.

2. Except for the premises reserved solely for the Belgian staff, all the premises in the service buildings on each side of the motorway and in the central strip, and coloured red on the attached plans (annexes 2 and 3).

The present administrative agreement, of which the plans in annexes 1, 2 and 3 form an integral part, shall enter into force on the date fixed in the notes whose exchange by diplomatic channels is provided for in the Convention, article 1, paragraph 3.

Done on 20 November 1973 in two originals

Signatures of the French and Belgian Ministers mentioned at the beginning of the agreement are appended.

Le Ministre de l'Intérieur
de la République française,

Signature: illegible

Le Ministre des Finances
du Royaume de Belgique,

Signature: illegible

Le Ministre de l'Economie et
des Finances
de la République française,

Signature: illegible

Le Ministre de la Justice
du Royaume de Belgique,

Signature: illegible

Le Ministre de l'Aménagement
du territoire, de l'Équipement,
du Logement et du Tourisme
de la République française,

Signature: illegible

Le Ministre des Transports de
la République française,

Signature: illegible

Decree no. 66-280 of 4 May 1966 publishing the convention between France and Spain concerning offices with adjacent national controls and controls during the journey, the final protocol and the exchange of letters of 7 July 1965.

The President of the Republic,

On the report of the Prime Minister and the Minister for Foreign Affairs,

Having regard to articles 52 to 55 of the Constitution,

Having regard to decree no. 53-192 of 14 March 1953 concerning the ratification and publication of the international commitments entered into by France,

Decrees :

Art. 1. - The convention between France and Spain concerning offices with adjacent national controls and controls during the journey, the final protocol and the exchange of letters of 7 July 1965, the instruments of ratification of which were exchanged on 24 February 1966, shall be published in the Journal Officiel of the French Republic.

Art. 2. - The Prime Minister and the Minister for Foreign Affairs shall be responsible for the application of the present decree.

Done at Paris on 4 May 1966

By the President of the Republic

C. DE GAULLE

GEORGES POMPIDOU
Prime Minister

MAURICE COUVE DE MURVILLE
Minister for Foreign Affairs

CONVENTION BETWEEN FRANCE AND SPAIN

concerning offices with adjacent national controls
and controls during the journey

The President of the French Republic and the Spanish Head of State, being actuated by the desire to facilitate the crossing of the frontier between the two countries, have decided to conclude for that purpose a convention concerning offices with adjacent national controls and controls during the journey and have appointed as their respective plenipotentiaries :

Mr. Robert de Boisseson, Ambassador of France;

Mr. Fernando Maria Castiella, Minister for Foreign Affairs, who, after having exchanged their plenary powers, found to be in good and proper form, have agreed on the following provisions :

PART ONE

General provisions

Article 1

For the purposes of the present convention :

1. - "Control" means the application of all legal, regulatory and administrative requirements of the two States concerning the crossing of the frontier by persons and also the entry, exit and transit of luggage, goods, vehicles and other assets.
2. - "State of stay" means the State on whose territory the control is carried out by the other State.
3. - "Adjoining State" means the other State.
4. - "Zone" means that part of the territory of the State of stay within which staff of the adjoining State are entitled to carry out controls.
5. - "Staff" means persons belonging to the administrations responsible for controls or in vehicles during their journey.
6. - "Offices" means offices with adjacent national controls.

Article 2

1. With a view to simplifying and accelerating the formalities relating to the crossing of their common frontier, by rail and by road, the Contracting Parties may arrange within the framework of the present convention:

- a) offices set up on each side of the frontier or only on one side of the frontier;
- b) controls in vehicles in the course of their journey on specific sections of route.

They shall consequently authorize the staff of one of the two States to carry out their duties on the territory of the other State.

2. The establishment, transfer, alteration or the abolition

- a) of offices
 - b) of sections on which controls may be carried out during the journey
- shall be the subject of arrangements including fixing the boundaries of the zone and shall enter into force after an exchange of diplomatic notes.

3. In the event of emergency, the administrations concerned may by common agreement alter the original boundaries of the zone as may prove necessary. The agreement so reached shall enter into force immediately.

4. When an agreement concluded under paragraph 3 does not include in the zone part of the territory provided for in article 3 it may stipulate that there shall be applied in that part of the zone certain provisions of the present convention or the recognition of certain rights and duties resulting from them, in particular, maintaining the possibility of supervision by staff of the adjoining State.

Article 3

The zone may include :

1. In the case of railway traffic :

- a) Part of the station and its annexes;
- b) Passenger or goods trains and a specified part of the tracks and platforms where these trains stand throughout the duration of the controls;
- c) Passenger or goods trains in the section between the station and the common frontier, the section of track between the frontier and the office and also parts of the station located in that section.
- d) In the case of the control of a train in the course of its journey, the train on the specified section and, if necessary, a sector of the stations where that section begins and ends.

2. In the case of road traffic:

- a) Part of the service buildings;
- b) Sections of road and other installations;
- c) If necessary, stores and warehouses;
- d) The road between the frontier and the office;
- e) In the case of the control during its journey, the vehicle on the specified section and also a sector of the buildings and installations where that section begins and ends.

PART II

Control

Article 4

1. The legal, regulatory and administrative requirements of the adjoining State relating to control are applicable in the zone as on the territory of the adjoining State. They are applied by the staff of that State to the same extent, according to the same methods and with the same consequences as in their own country.

The municipality to which the office of the adjoining State is attached for this purpose and, as the case may be, designated by the Government of that State.

2. The staff of the adjoining State may not, however, make arrests in the zone nor remove on to their territory persons not proceeding to that State, except where they have violated legal, regulatory or administrative requirements of the adjoining State relating to Customs control.

3. When the legal or regulatory requirements of the adjoining State relating to the control are violated in the zone the courts or competent authorities of the adjoining State act in the same way as if the violations had been committed on that State's territory.

Article 5

1. The control of the country of departure is carried out before that of the country of entry.

2. Before the end of the control of the country of departure, to which any form of renunciation of control must be assimilated, the staff of the country of entry are not authorized to begin their control.

3. From the time when the staff of the country of entry have begun their operations:

The legal, regulatory and administrative requirements of the country of entry relating to control become applicable;

The staff of the country of departure may no longer have control again over persons, luggage, goods, vehicles and other assets which they have released. Exceptionally such control may be resumed with the assent of the competent staff of the country of entry.

4. If, during control operations, the order prescribed in paragraph 1 above is altered for practical reasons, staff of the country of entry may only make arrests or seizures once the control of the country of departure has been ended. If they wish to take such a step, they shall take the persons, goods or other assets for which the control of the departure country is not yet terminated to the staff of the aforesaid country. If the staff of that country wish to proceed to make arrests or seizures, they shall have priority.

Article 6

Staff of the adjoining State may transfer freely to the territory of their State sums of money collected in the office and also goods and other assets held or seized there.

Article 7

1. Goods sent back to the adjoining State by its staff at the time of exit controls or returned to the adjoining State at the request of an interested party before the start of the controls for entering the State of stay shall not be subject to the rules relating to export nor to the exit control of the State of stay.

2. Return to the country of departure may not be refused to persons and goods sent back by the staff of the entry country.

Article 8

1. Staff of the two States shall assist each other, as far as possible, in performing their duties within the framework of the present Convention, especially for the prevention and detection of violations of the legal and regulatory requirements in force; they shall give each other, either spontaneously or on request, information relevant to carrying out their work.

2. Goods or other assets coming from the adjoining State, which have avoided control in the zone by staff of that State, shall, in the event of seizure by the staff of the State of stay be handed over as a matter of priority to the staff of the adjoining State. If it is established that the export regulations of the adjoining State have not been violated, those articles shall be handed over to the staff of the State of stay.

PART III

Staff

Article 9

1. The authorities of the State of stay shall grant staff of the adjoining State, for the performance of their duties in the zone, the same protection and assistance as their own staff.

2. The provisions as to crime in force in the State of stay for the protection of officials in the exercise of their duties are also applicable to punish offences committed against staff of the adjoining State.

Article 10

Requests for making good damage caused by staff of the adjoining State in the performance of their duties in the zone, are subject to the law and jurisdiction of the adjoining State, as if the act causing damage had taken place in that State.

Article 11

1. Staff of the adjacent State are authorized to cross the frontier and to proceed to their place of work on proof of their identity and position by producing official documents.

2. The competent authorities of the State of stay reserve the right to ask the authorities of the adjoining State to recall certain members of their staff.

Article 12

Staff of the adjoining State may wear their national uniform or, as the case may be, a visible distinctive badge when in the State of stay; they may also carry their regulation arms to ensure their legitimate defence in the zone or on the way between their place of duty and their residence.

Article 13

Staff of the adjoining State may not be apprehended by the authorities of the State of stay because of acts carried out in the zone in the performance of their duties. In such a case they are under the jurisdiction of the adjoining State, as if those acts had taken place in that State.

Article 14

1. Staff of the adjoining State who reside in the State of stay must, as regards the conditions relating to their residence, be in order with the competent authorities in accordance with the provisions relating to the stay of foreigners. They shall, where appropriate, be given free of charge permits to stay.

2. Permission to stay may only be refused to spouses, children who are minors and parents who live under the same roof as the staff members concerned and are engaged in no gainful activity, if they are the subject of a ban on entry affecting them personally. Such persons are exonerated from the charges made in respect of permits to stay.

3. The period in which staff of the adjoining State carry out their duties on the territory of the State of stay, even if they reside there, is not included in the periods of time giving rise to privileged treatment under the Convention in force between the two States. The same applies to members of the family who benefit from a permit to stay because of the presence of the head of the family in the State of stay.

Article 15

1. Staff of the adjoining State residing in the State of stay enjoy, under conditions laid down in the laws and regulations of that State, in respect of themselves and the members of their family referred to in article 14, paragraph 2, exemption from all entry and exit charges on their furniture, their personal effects, including vehicles, and on the usual domestic provisions, whether on taking up their duties or on setting up a home in the State of stay, and on their return to the adjoining State. With regard to vehicles, however, exemption from entry and exit charges is only granted temporarily for the duration of their posting to the offices. To benefit from the exemption, these articles must be free from all restrictions in the adjoining State or in the State where the staff member or his family were previously resident. The requirements of the State of stay concerning the use of assets admitted duty-free remain valid.

2. These staff members and their families referred to in article 14, paragraph 2, are exempt from any personal obligation or service in kind in the State of stay. As regards nationality and military service, they are deemed to reside on the territory of the adjoining State. In the State of stay they are not subject to any tax or charge from which nationals of the State of stay resident in the same municipality would be exempt.

3. Staff of the adjoining State who do not reside in the State of stay are exempt there from any personal obligation or service in kind and from any direct taxes on the official remuneration.

4. Conventions on double taxation existing between the Contracting Parties are, in addition, applicable to staff of the adjoining State.

5. The salaries of the staff of the adjoining State are not subject to any foreign exchange restriction. Such staff may freely transfer their savings to the adjoining State.

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PART IV

Offices

Article 16

1. The competent administrations of the two States shall decide by common agreement on :

a. The installations necessary for the functioning of the departments of the adjoining State in the zone;

b. The compartments and facilities to be reserved for staff responsible for control during the journey.

2. The State of stay makes the installations and facilities decided on by virtue of the preceding paragraph available for the departments of the adjoining State.

Any contribution by the adjoining State to the cost of constructing those installations or any charge which may be fixed for their use shall be decided by common agreement by the competent administrations of the two States.

Article 17

The opening hours and the functions of the offices are fixed by common agreement between the competent administrations of the two States.

Article 18

The administrations concerned shall send each other lists of the staff attached to the offices.

Article 19

The premises allocated for offices of the adjoining State are indicated by official inscriptions and coats of arms.

Article 20

Staff of the adjoining State are entitled to ensure discipline inside the premises set aside for their exclusive use and to expel any intruder. They may, if necessary, request the assistance for this purpose of staff of the State of stay.

Article 21

Articles necessary for the functioning of the offices or which the staff of the adjoining State need for their duties in the State of stay are exempt from Customs duties and any charges on entry or exit. There is no need to provide sureties.

Unless otherwise provided by common agreement by the competent administrations import or export prohibitions or restrictions do not apply to these articles. The same applies to official or private vehicles which staff not residing in the State of stay use, either for their duties in the State of stay, or to leave their domicile and to return to it.

Article 22

1. The State of stay authorizes without charge the installation and maintenance by the competent department of the adjoining State of telecommunications equipment necessary for the functioning of the offices of the adjoining State in the State of stay, their connection to corresponding equipment of the adjoining State, and also the exchange of direct-communications with those offices, solely for official business. Such communications are deemed to be internal communications of the adjoining State.

2. The lines connecting these installations are installed and maintained as regards the portion in the State of stay by the competent departments of the State of stay on payment of the charges in force in that State.

3. The Governments of the two States undertake to grant for the same ends and to the extent possible every facility as to the use of other means of telecommunication.

Article 23

Official letters and packets together with valuable packages originating in or destined for the offices of the adjoining State may be carried under the responsibility of the staff of that State without recourse to the postal service. These dispatches shall be exempt from all charges but must bear the official stamp of the department concerned.

PART V

Customs Agents

Article 24

1. Persons coming from the adjoining State may effect, at the offices of such State established in the zone, all of the formalities relating to control under the same conditions as in the adjoining state.

2. Provisions of the preceding paragraph shall apply in particular to persons who, in the adjoining State, effect such formalities on a professional basis, in this regard, such persons shall be subject to the laws, regulations and administrative requirements of the adjoining State. The transactions effected and services rendered under these conditions should be deemed to have been effected and rendered in the adjoining state, with all the consequences as regards taxation that derives therefrom.

3. The general requirements of the State of stay apply to the persons referred to in paragraphs 1 and 2 above as well as to frontier crossings, the stay in that State and their activities.

PART VI

Final Clauses

Article 25

The methods of application of the present Convention shall be determined, as required, by common agreement by the administrations concerned of the two States.

Article 26

1. A joint Franco-Spanish commission shall be set up as soon as possible after the entry into force of the present Convention for the purpose of :
 - a. Preparing the arrangements provided for in Article 2;
 - b. Solving, as far as possible, difficulties which might arise from the application of the present Convention;
 - c. Putting forward any proposals for amending the present Convention.
2. This commission shall consist of six members appointed in equal numbers by each of the Contracting Parties. It shall elect its chairman alternatively from the French and Spanish members. The chairman shall not have a casting vote. Members of the commission may be assisted by experts.

Article 27

Measures which one of the Contracting Parties may have to take for reasons inherent in the safeguard of its sovereignty or security are the subject of an express reservation.

Article 28

1. The present Convention shall be ratified. Instruments of ratification shall be exchanged as soon as possible at Paris.
2. It shall enter into force on the day when the instruments of ratification are exchanged.
3. It shall be terminated two years after its denunciation by one of the Contracting Parties.

In witness whereof the respective plenipotentiaries have affixed their signature below the present Convention together with their seals.

Done at Madrid on 7 July 1965 in two copies, in the French and Spanish languages, both texts having equal validity.

For the President of the French Republic

ROBERT DE BOISSFON

For the Spanish Head of State

FERNANDO MARIA CASTIELLA

PROPOSED DRAFT FOR THE FIRST 10 ARTICLES OF THE CONVENTIONS

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It is therefore proposed that the following draft text should serve as a basis for discussion with a view to the drawing up of bilateral conventions to be concluded between the countries concerned with the TEM Project :

Article 1

1. The Contracting Parties shall take, within the framework of the present Convention measures necessary to facilitate and speed up the crossing of their common frontier by the motorway linking the two countries.

2. For the purposes specified in paragraph 1 they shall establish an office with adjacent national controls, either on both sides of the aforesaid frontier, or in immediate proximity thereto, on only one side of the frontier.

3. They shall therefore authorize the staff of the neighbouring State to carry out their duties on their own territory, the competent Ministers determining by common agreement, on proposals of a Joint Commission to be established, in what cases and to what extent the controls of one State shall be carried out on the territory of the other State.

4. As may be required, these creations and these agreements shall be confirmed after the exchange of notes through diplomatic channels or, as the case may be, after completion of formalities required by the legislation of each State.

Article 2

For the purpose of the present Convention :

"Controls" means the application by all "staff" entitled to do so, of all legal, regulatory or administrative measures of the Contracting Parties, whether related to Customs matters or not, concerning the crossing of frontiers by persons, and also the entry, exit and transit of luggage, goods, vehicles, capital and other assets.

"State of stay" means the State on whose territory the office with adjacent national controls is established, or on whose territory staff of the adjoining State are entitled to carry out controls.

"Adjoining State" means the other State.

"Zone" means that part of the State of stay, within which staff of the adjoining State are entitled to carry out controls.

"Staff" means the representatives of the Administrations or other persons specially empowered for this purpose by the Competent Authorities of the Contracting Parties, made responsible for the controls, or for applying the legal, regulatory or administrative measures in force on the territory of the Contracting Parties, and performing permanently or occasionally their duties in the zone.

"Office" means the office with adjacent national controls.

Article 3

The zone which must extend up to the frontier, is determined, by common agreement, between the Competent Authorities of the Contracting Parties. It comprises :

- part of the service buildings,
- sections of road and other installations
- possibly stores and warehouses.

Article 4

The legal and regulatory provisions of the adjoining State, relating to the controls, are applicable in the zone in accordance with the provisions of the present Convention, as they are in the municipality to be designated by the Government of the aforesaid State. In the event of a breach of these requirements, committed in the zone, the criminal courts of the adjoining State are competent and make rulings in the same way as if the breach had been committed in the municipality so designated.

Article 5

1. The controls of the exit country are carried out before the operations of the entry country.
2. From the time when staff of the entry country have begun their operations, which shall start as soon as staff of the exit country have released persons, luggage, goods and other assets,
 - a. The legal and regulatory requirements of the entry country relating to controls become applicable.
 - b. If the adjoining country is the exit country, the corresponding staff may no longer control persons, luggage, goods, vehicles and other assets.
 - c. If the country of stay is the exit country, the corresponding staff of that country may no longer resume their controls, except in duly justified cases, and with the agreement of the competent authorities of the entry country.

Article 6

The present Convention is not prejudicial to the powers of the authorities of the State of stay, as to the right to maintain public order in the zone, and to take proceedings over punishable acts committed in the zone which do not constitute violations of the legal and regulatory requirements relating to the controls.

Making an arrest is, however, dependent upon the consent of the staff of the adjoining country, if the act was committed while such were carrying out controls, or if the person concerned was apprehended by them and kept in detention pending transfer to the adjoining country.

Article 7

1. The staff of the adjoining State are authorized, within the framework of the present Convention, to carry out in the zone all operations relating to the controls provided for in the legal and regulatory requirements of the aforesaid State on their own territory. In particular, they are authorized to take note of violations, to effect seizures, to agree to compromise arrangements on recorded violations or to bring such violations to the notice of the competent courts of their country, and to hold luggage, goods, vehicles and other assets, as a guarantee for duties and charges due or for fines incurred.

2. They may also arrest persons of whatever nationality, who violate the requirements relating to the crossing of the frontier, or who are wanted by the competent authorities of the adjoining State, refuse entry and transfer apprehended persons to that State.

3. They may transfer freely onto the territory of the adjoining State, funds derived from the collection of Customs duties or other taxes, of remuneration or of fines, and also luggage, goods, vehicles and other assets, on deposit, seized or held for whatever cause.

4. They may sell in the State of stay, subject to compliance with the legal requirements of that State, luggage, goods, vehicles and other assets which they have held or seized. They may transfer the proceeds of the sale to the adjoining State.

Article 8

Luggage, goods, vehicles and other assets coming from the adjoining State which have been removed to the zone before passing through controls, are, when seized by staff of the State of stay, handed over, as a priority, to staff of the adjoining State.

Article 9

Persons refused permission to enter by staff of the entry country may not be prevented from returning to the exit country.

Article 10

For the performance of their duties in the zone, staff of the two States shall assist each other as far as possible, especially for the prevention and detection of violations of the legal and regulatory requirements in force. To that end, they shall give each other, either spontaneously or on request, all information relevant to carrying out their work.

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As was mentioned above, only those clauses have been set out which appear to be the most important and for which the wording proposed is likely to enable the problem analyzed to be avoided.

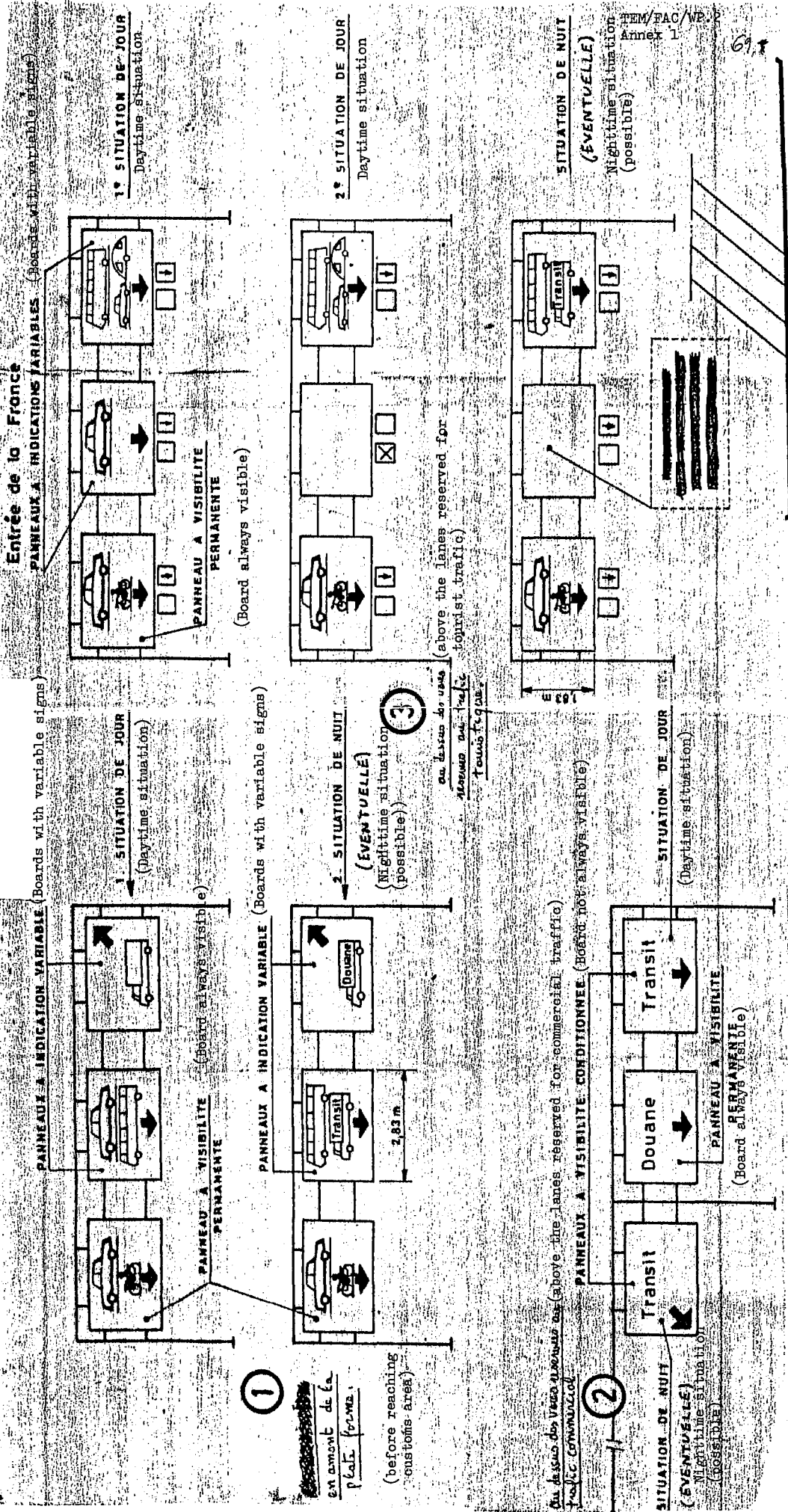
With regard to the other parts of the agreements to be concluded concerning the personnel (or the "staff") and also the offices and the Customs agents, it seems that a selection could be made from the texts of the agreements given by way of example, which all reflect the same ideas and only differ, in fact, through details of drafting. That is, moreover, largely why a copy of those texts has been supplied (everything dealing with or referring to the Railway administration should of course be disregarded).

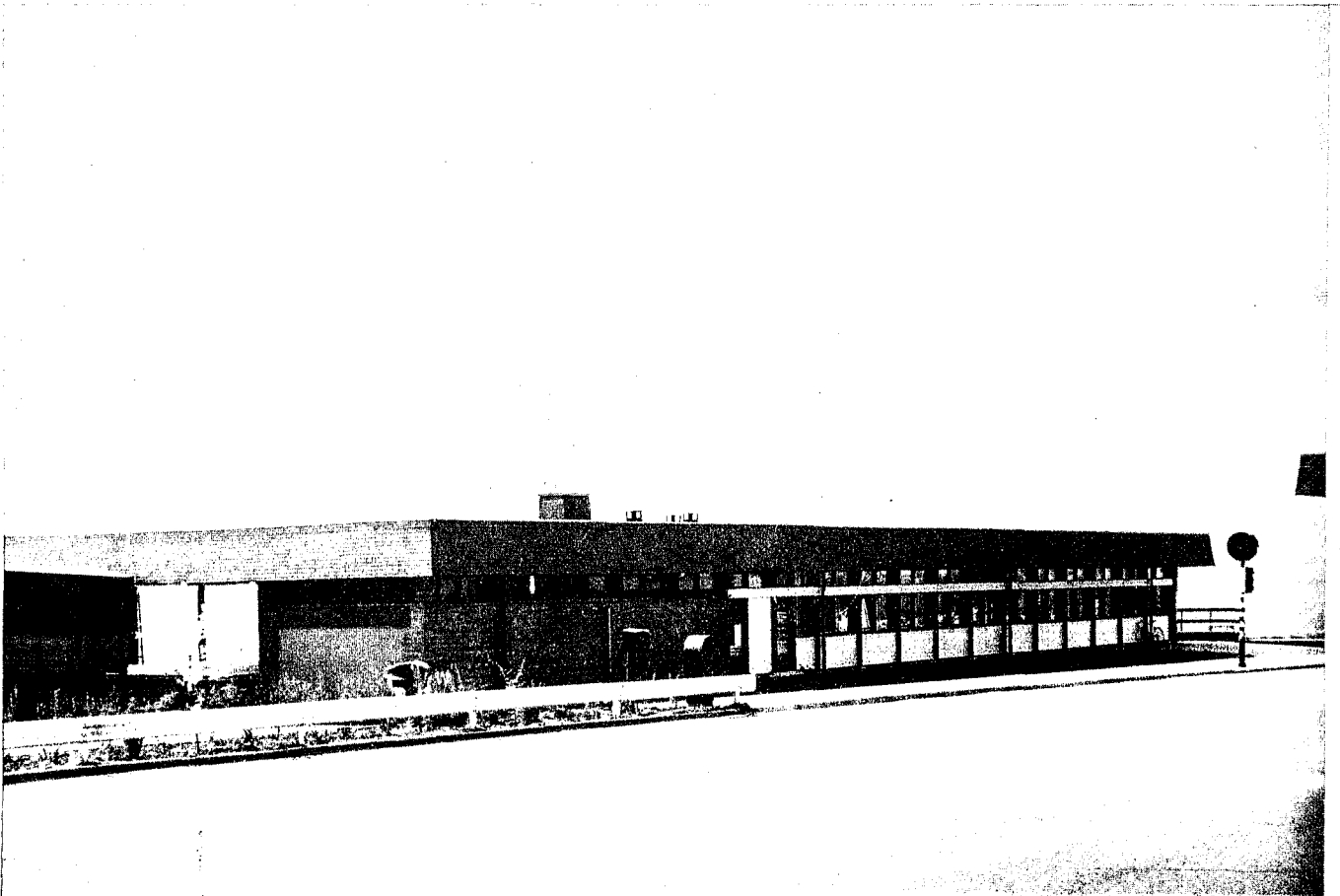
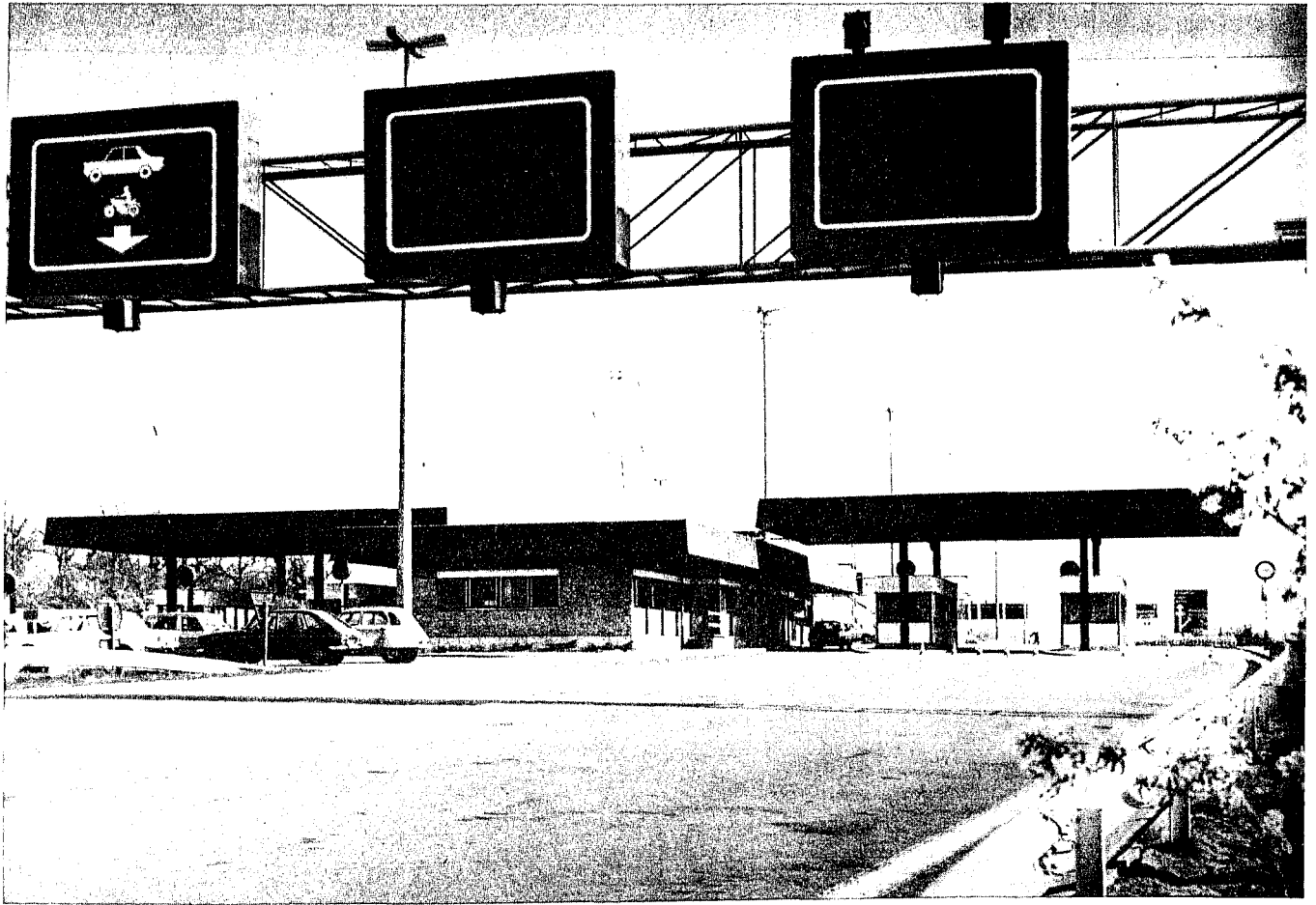
ANNEXES

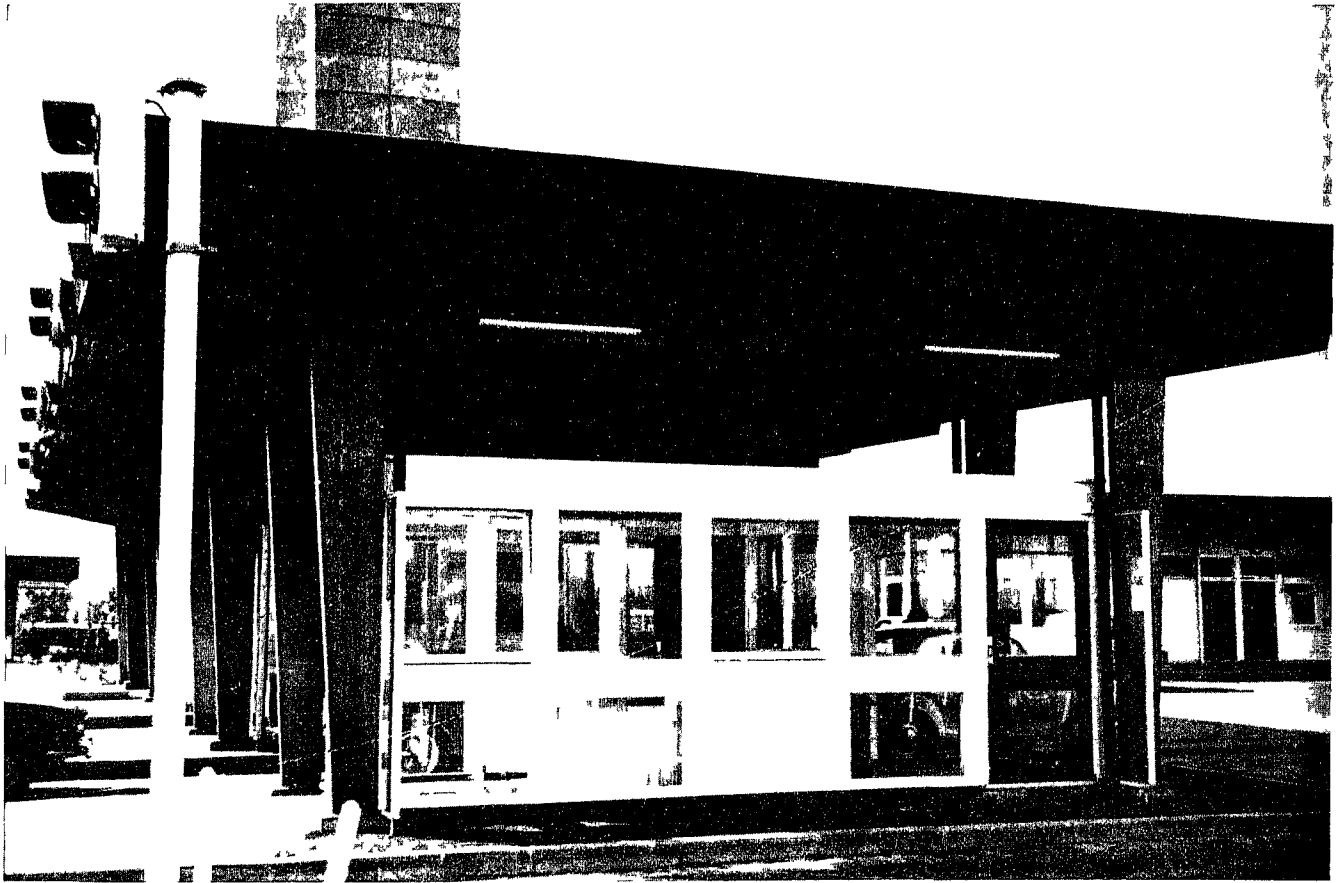
1. Examples of vertical signs and signals
 2. Booths for tourist traffic around a central building
and a main building
 3. Types of booth for tourist traffic
 4. Booths for tourist traffic - main building
 5. Types of car park exit booth (in the photograph
upper right - livestock pen)
 6. Plans of booths
 7. Office at LE PERTHUS - tourist traffic booths
- the French office
-

EXEMPLE DE SIGNALISATION VERTICALE

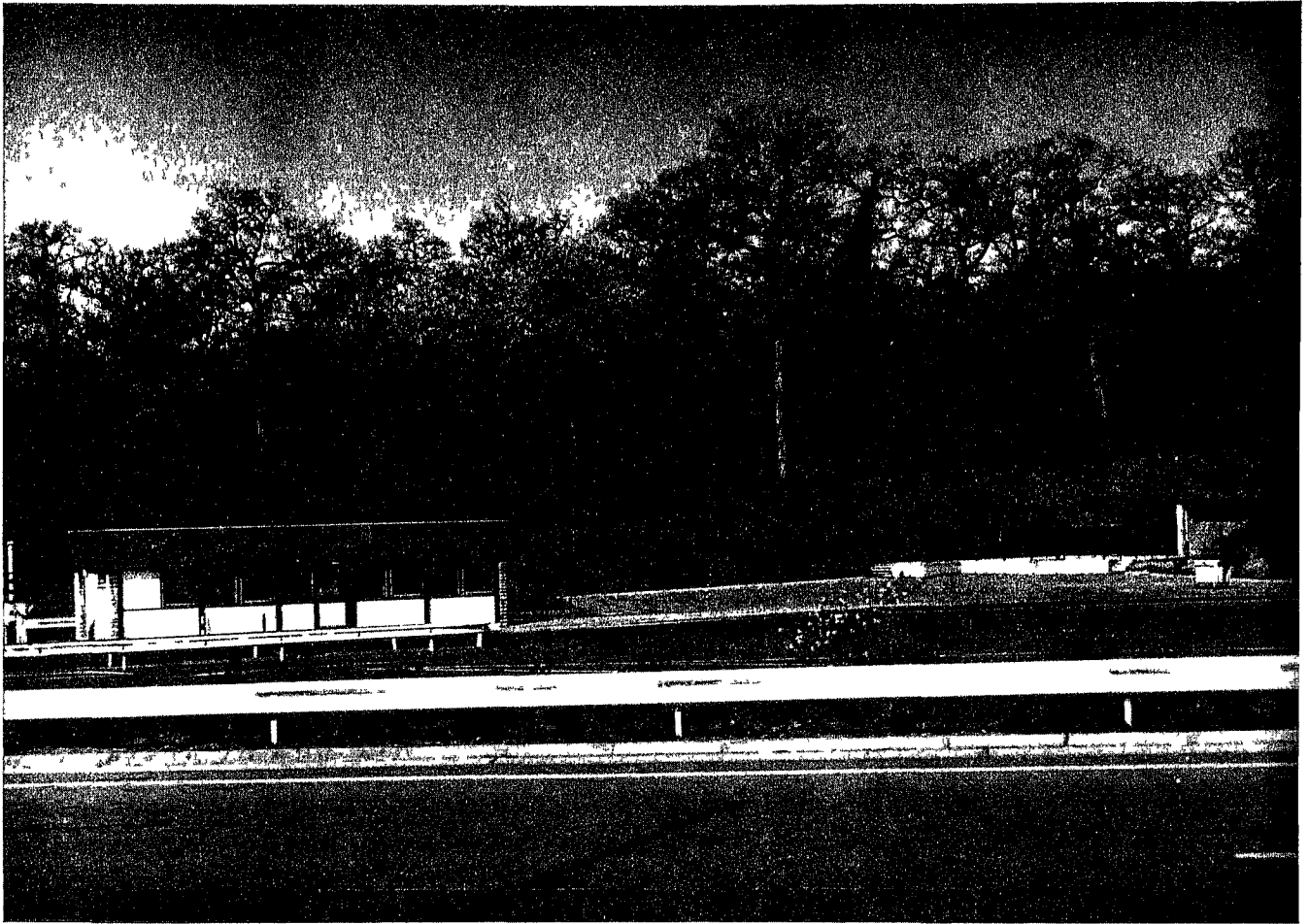
Example of vertical signs



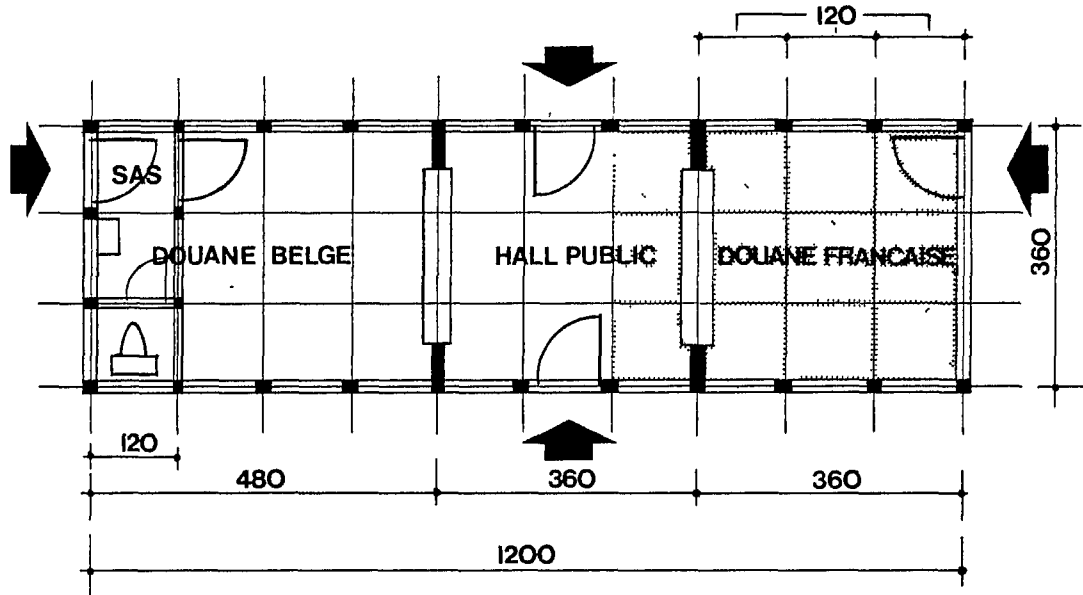








AUBETTE DE CONTROLE T.I.R.



AUBETTE CONTROLE VOYAGEURS

