

No. 30456

FRANCE
and
UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND

Protocol concerning frontier controls and policing, cooperation in criminal justice, public safety and mutual assistance relating to the Channel fixed link. Signed at Sangatte on 25 November 1991

Authentic texts: French and English.

Registered by France on 1 November 1993.

FRANCE
et
ROYAUME-UNI DE GRANDE-BRETAGNE
ET D'IRLANDE DU NORD

Protocole relatif aux contrôles frontaliers et à la police, à la coopération judiciaire en matière pénale, à la sécurité civile et à l'assistance mutuelle concernant la liaison fixe trans-Manche. Signé à Sangatte le 25 novembre 1991

Textes authentiques : français et anglais.

Enregistré par la France le 1^{er} novembre 1993.

PROTOCOL¹ BETWEEN THE GOVERNMENT OF THE FRENCH REPUBLIC AND THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND CONCERNING FRONTIER CONTROLS AND POLICING, CO-OPERATION IN CRIMINAL JUSTICE, PUBLIC SAFETY AND MUTUAL ASSISTANCE RELATING TO THE CHANNEL FIXED LINK

The Government of the French Republic and the Government of the United Kingdom of Great Britain and Northern Ireland;

Having regard to the Treaty between the French Republic and the United Kingdom of Great Britain and Northern Ireland concerning the Construction and Operation by Private Concessionaires of a Channel Fixed Link signed at Canterbury on 12 February 1986² (hereinafter referred to as «the Treaty») and in particular Articles 3, 4 and 8 thereof;

Have agreed as follows:

Article 1

Definitions

(1) Any term defined in the Treaty shall have the same meaning in this Protocol.

(2) Otherwise for the purposes of this Protocol the expression:

(a) 'frontier controls' means police, immigration, customs, health, veterinary and phytosanitary, consumer protection and transport and road traffic controls, as well as any other controls provided for in national or European Community laws and regulations;

(b) 'host State' means the State in whose territory the controls of the other State are effected;

¹ Came into force on 2 August 1993, the date of the last of the notifications (of 18 May and 2 August 1993) by which the Parties informed each other of the completion of their necessary internal procedures, in accordance with article 50.

² United Nations, *Treaty Series*, vol. 1497, No. I-25792.

- (c) 'adjoining State' means the other State;
- (d) 'officers' means persons responsible for policing and frontier controls who are under the command of the persons or authorities designated in accordance with Article 2(1);
- (e) 'rescue services' means the authorities and organisations whose functions are provided for in the emergency arrangements referred to in Part VII of this Protocol who are under the command of the persons or authorities designated in accordance with Article 2(1);
- (f) 'professional customs agents' means persons who carry out on behalf of importers and exporters any formalities necessary to enable them to comply with their obligations;
- (g) 'control zone' means the part of the territory of the host State determined by mutual agreement between the two Governments within which the officers of the adjoining State are empowered to effect controls;
- (h) 'restricted zone' means the part of the Fixed Link situated in each State subject to special protective security measures;
- (i) 'through trains' means trains travelling the Fixed Link but originating and terminating outside it, as opposed to «shuttle trains» which are trains travelling solely within the Fixed Link.

PART I

AUTHORITIES AND GENERAL PRINCIPLES OF CO-OPERATION

Article 2

(1) Each of the Governments shall designate the authorities or the persons having charge of the services which in its territory have responsibility for the exercise of frontier controls, the maintenance of law and order and fire fighting and rescue within the Fixed Link.

(2) Each of the Governments shall notify the other Government of such designations and any changes therein, and shall so inform the Intergovernmental Commission.

Article 3

(1) Without prejudice to the application of other international agreements, and in accordance with applicable national law, the authorities of the two States shall to the fullest possible extent co-operate, assist one another and co-ordinate their activities in discharging their duties in relation to the Fixed Link, particularly as regards:

- (a) the functioning of their respective frontier controls;
- (b) the prevention and detection of offences against the laws and regulations of either State relating to frontier controls;
- (c) the prevention and detection of other offences against the laws and regulations of either State;
- (d) public safety and rescue services;
- (e) the exchange of information which may be of use in the performance of their duties.

(2) The provisions of this Protocol are without prejudice to the application of any arrangements which may be made by the two Governments under Article 5 of the Treaty.

Article 4

In pursuance of Article 3 permanent liaison measures shall be established between the competent authorities of the two States, which shall include:

- (a) the regular holding of co-ordination meetings between the authorities responsible for policing, frontier controls and fire fighting and rescue services in the Fixed Link;

(b) the establishment of communications facilities permitting under all circumstances contact between the respective national authorities;

(c) the permanent assignment by each State of liaison officers to the authorities of the other State.

PART II

FRONTIER CONTROLS AND POLICE: GENERAL

Article 5

(1) In order to simplify and speed up the formalities relating to entry into the State of arrival and exit from the State of departure, the two Governments agree to establish juxtaposed national control bureaux in the terminal installations situated at Frethun in French territory and at Folkestone in British territory. These bureaux shall be so arranged that, for each direction of travel, the frontier controls shall be carried out in the terminal in the State of departure.

(2) Supplementary frontier controls may exceptionally be carried out in the Fixed Link by officers of the State of arrival on its own territory.

Article 6

The competence of those juxtaposed national control bureaux shall extend to all cross-frontier movements with the exception of customs clearance of commercial traffic.

Article 7

(1) For through trains, each state may carry out its frontier controls during the journey and may authorise the officers of the other State to carry out their frontier controls in its territory.

(2) The two States may agree to an extension of the control zones for through trains, as far as London and Paris, respectively.