

N° 3731.

**UNION ÉCONOMIQUE
BELGO-LUXEMBOURGEOISE
ET FRANCE**

Convention sur la circulation auto-
mobile dans les zones frontalières
desdits pays, et protocole final.
Signés à Paris, le 16 juillet 1935.

**ECONOMIC UNION OF
BELGIUM AND LUXEMBURG
AND FRANCE**

Convention regarding Motor Traffic
in the Frontier Zones of these
Countries, and Final Protocol.
Signed at Paris, July 16th, 1935.

¹ TRADUCTION. — TRANSLATION.

No. 3731. — CONVENTION² BETWEEN THE ECONOMIC UNION OF BELGIUM AND LUXEMBURG AND FRANCE REGARDING MOTOR TRAFFIC IN THE FRONTIER ZONES OF THESE COUNTRIES. SIGNED AT PARIS, JULY 16TH, 1935.

French official text communicated by the Belgian Minister for Foreign Affairs. The registration of this Convention took place September 23rd, 1935.

The undersigned, acting in virtue of the powers conferred on them by their respective Governments, have agreed upon the following provisions :

Article 1.

1. Commercial and industrial motor vehicles belonging to transport undertakings having their headquarters and their main traffic routes in the territory of one of the High Contracting Parties, which are registered in that country and used permanently, temporarily or occasionally for public passengers' transport or public goods' transport, shall be temporarily admitted duty-free into the frontier zone of the other Contracting Party on the conditions specified in the present Convention.

2. The following shall also be temporarily admitted duty-free into the frontier zones if covered by a Customs document valid for six months, and shall not require the permit provided for in Article 6 :

(a) Vehicles plying for hire, taxi-cabs and vehicles carrying private consignments of goods;

Private consignments of goods, for the purposes of the present Convention, shall be held to mean consignments carried by a person or company for their own requirements, with the object of conveying from one place to another in vehicles belonging to the carrier goods which are the property of the carrier or which are connected with the trade, industry or business of the said person or company;

(b) Vehicles used for the carriage of passengers by any manufacturer, trader, agriculturist or private person, on his own account, on condition that the vehicles thus used do not carry, in addition to the driver, any but persons in the service of the owner.

Article 2.

Vehicles carrying passengers by way of exception in the frontier zones and outside the said zones shall be temporarily admitted duty-free and shall not require the permit provided for in

¹ Traduit par le Secrétariat de la Société des Nations, à titre d'information.

¹ Translated by the Secretariat of the League of Nations, for information.

² Came into force August 1st, 1935.

Article 6. Such vehicles shall be covered by a Customs document valid for the time normally necessary for the journey from the frontier to the place of destination and back.

Article 3.

For the purposes of the present Convention, the territory between the frontier separating France from Belgium and the Grand Duchy of Luxemburg and an imaginary line on either side about 10 kilometres, as the crow flies from that frontier, shall be called the "Belgo-Luxemburg frontier zone" and the "French frontier zone", respectively.

Should this imaginary line pass through a town or village, the whole town or village shall be included in the zone.

A list of the places included in each zone shall be drawn up after consultation between the respective Governments; it may be altered under the same conditions.

Article 4.

Vehicles used for the public transport of tourists outside the zones fixed in the preceding Article shall be temporarily admitted duty-free, on condition that they comply with the provisions of the present Convention.

Vehicles used for public transport registered in the territory of one of the High Contracting Parties and making a circular, semi-circular or both ways journey in the territory of the other Party shall be deemed to be used for the transport of tourists and shall consequently be entitled to the advantages provided for in this Article. Save in the case of *force majeure*, these vehicles must have on board, throughout the journey in the territory of the other Contracting Party, the same passengers that they had on entering it. They may not carry traffic between any two points situated in the territory of that country.

On entering the territory of the other Contracting Party, the driver of the vehicle must present to the Customs services the permits provided for in Articles 6 and 9 of the present Convention and must further supply to them in duplicate:

- (a) A list of the passengers carried, mentioning their nationality;
- (b) Particulars of the route to be followed, stating the Customs office at which it is proposed to leave the country.

Article 5.

Vehicles used for the carriage of goods outside the frontier zones may not be admitted temporarily duty-free.

Nevertheless, temporary exemption from duty may be granted in the case of vehicles used for private transport by way of exception or in the case of private transport by producers for their own business requirements.

Temporary exemption may also be granted if, under the domestic laws of one of the Contracting Parties, the competent authorities of that Party grant a transport permit for vehicles belonging to an undertaking for the public transport of goods established in the territory of the other Party.

The competent authorities of one of the two Contracting Parties may, if they think fit, allow exceptions to the principle laid down in the first paragraph of the present Article.

Article 6.

Transport undertakings of one of the High Contracting Parties desiring to operate in the territory of the other Party a service which would be subject to the regime laid down by the present Agreement must previously obtain a permit from the competent authority in that territory.

The application for a permit, following the rules in force in each country, must give the name of the contractor, his address, the routes over which he asks to be allowed to run his vehicles, the points at which they are to cross the frontier, the stopping places and, in the case of passenger services, time-tables and transport rates.

In the case of an undertaking established in the territory of the Economic Union of Belgium and Luxemburg, the application should be made to the Prefect of the French Department through which the vehicles will enter France, and in the case of an undertaking established in France, to the Belgian Minister of Transport at Brussels, or to the General Directorate of Public Works at Luxemburg, as the case may be.

The permit shall be strictly limited to the undertaking to which it has been granted ; it shall be valid for one year at least from the date of issue, but may be withdrawn should the conditions imposed not be complied with.

Article 7.

Undertakings carrying passengers or goods which are authorised to take their vehicles into the territory of the other Party must be prepared to make good any damage that may be done to third parties. In this respect, so far as concerns insurance, they shall be subject to the regulations applicable in that territory to undertakings belonging to the country.

Article 8.

The undertakings concerned shall :

Comply with the conditions to which the issue of the permit has been made subject ;

Comply in each country with the general provisions of the Customs regulations, particularly as regards declaration and inspection, both when the vehicles enter the country and when they leave it, and in respect of the passengers or goods carried ;

Comply with the regulations concerning road traffic and be prepared to pay the various taxes or charges applicable in the country which they are allowed to enter.

They may not carry passengers or goods between any two points situated in the territory of that country.

Article 9.

Drivers of vehicles of one of the High Contracting Parties in the territory of the other Party shall, whenever required to do so by the police of the other Party, produce the certificates and documents required both for themselves and for the vehicles authorising them to travel under the same conditions in their own country.

Should their regulations not require a driving permit or a licence for the vehicle to travel, they must carry the documents provided for in Articles 4 and 7 of the International Convention¹ of April 24th, 1926, relative to motor traffic.

Vehicles coming under the provisions of the present Convention may only cross the frontier by roads open to international motor traffic and may only travel on roads over which civilian traffic is permitted.

Article 10.

The personnel of transport undertakings, including the drivers of vehicles and the passengers carried, must comply with the obligations and prohibitions of all kinds resulting from the internal legislation and regulations of each of the High Contracting Parties, particularly as regards the admission and residence in the country of foreign nationals.

¹ Vol. CVIII, page 123 ; Vol. CLVI, page 221 ; and Vol. CLX, page 376, of this Series.

Article 11.

Vehicles in the frontier zone engaged in the transport referred to in Article 1 may be imported empty, with the exception of taxi-cabs, vehicles plying for hire and vehicles used for tourist excursions.

Article 12.

Motor vehicles coming under the present Convention shall be admitted temporarily under a Customs bond (*acquit à caution*), Customs pass (*passavant*), triptyque or any other Customs document, according to the legislation of each of the High Contracting Parties.

The document shall be made out in the name of the owner of the vehicle.

The validity of the documents for temporary import may be limited to six months in the case of the vehicles referred to in paragraph 1 of Article 1 and in Article 5. This period shall be extended to one year in the case of vehicles used for the transport of tourists.

Save in exceptional circumstances, motor vehicles of one of the High Contracting Parties may only remain in the territory of the other Party during the time normally necessary for the journey from the frontier to the place of destination and back.

Article 13.

Proceedings shall be instituted in respect of any breach of the provisions of the present Convention in conformity with the laws and regulations of the country into which the vehicle has been temporarily admitted.

Any such breach may, further, involve the withdrawal of the driving permit of the drivers of the vehicles and, in the case of undertakings, the cancellation of all permits previously granted and the refusal of new permits.

Article 14.

Subject to the provisions of the present Convention, each of the High Contracting Parties hereby pledges itself to treat the undertakings of the other Party on a footing of equality with its own undertakings. This provision applies in particular to stopping places and conditions of operation.

Article 15.

The High Contracting Parties shall take the necessary measures to ensure the application of the present Convention.

Article 16.

The present Convention shall come into force on August 1st, 1935.

It is concluded for a period of one year as from that date.

If, one month before the date of expiry of that period, neither Contracting Party has notified its intention to terminate the said Convention, it shall remain in force until the expiry of a period of one month from the date on which one or other High Contracting Party may have denounced it.

Done and signed at Paris, on this 16th day of July, 1935, in three copies, of which one shall be delivered to each of the signatory Governments.

(L. S.) (Signed) E. DE GAIFFIER D'HESTROY.

(L. S.) (Signed) Ant. FUNCK.

(L. S.) (Signed) Pierre LAVAL.

FINAL PROTOCOL.

At the moment of signing the present Convention, the undersigned Plenipotentiaries have agreed on the following provisions :

I. Belgian or Luxemburg undertakings operating in France which come under the provisions laid down in the present Convention are and remain subject to the Decrees of April 19th, 1934, and February 25th, 1935, concerning the co-ordination of rail and road transport and to any other provisions that may be laid down in the future.

More particularly, motor transport undertakings which on April 19th, 1934, were engaged in France in the public transport of either passengers or goods shall, if they have not made the declaration prescribed in Article 6 of the Decree of April 19th, 1934, report to the Departmental Technical Transport Committees established in the Departments in which they are carrying on their activities at latest within thirty days as from the entry into force of the present Convention.

Undertakings which, on April 19th, 1934, were engaged in the public transport of passengers or goods may continue to operate their services, until a decision has been taken on the application for a permit which they are required to submit, on condition that they comply with the other provisions of the present Convention. After September 1st, 1935, they must, if they are not in possession of a permit, produce the acknowledgment of receipt of their application.

II. Drivers of motor vehicles coming under the provisions of the present Convention must, on pain of the sanctions provided for therein, abstain, on the territory of each of the High Contracting Parties, from any sale of goods which are carried coming from the other High Contracting Partry.

III. Subject to the provisions of paragraph 1 of this Protocol, furniture removal vehicles of all kinds and furniture removal crates carried by road shall continue to be entitled to the facilities provided for in Article 6 of the Additional Agreement of April 15th, 1931, and in the commercial Agreements concluded between France and the Belgo-Luxemburg Economic Union.

(Signed) E. DE GAIFFIER D'HESTROY.

(Signed) Ant. FUNCK.

(Signed) Pierre LAVAL.