



Belgium No. 1 (2014)

Agreement

between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Kingdom of Belgium, concerning Immigration Controls on Rail Traffic between Belgium and the United Kingdom using the Channel Fixed Link

London, 3 December 2013 and Brussels, 18 December 2013

[The Agreement is not in force]

*Presented to Parliament
by the Secretary of State for Foreign and Commonwealth Affairs
by Command of Her Majesty
January 2014*

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**AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED
KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND
THE GOVERNMENT OF THE KINGDOM OF BELGIUM, CONCERNING
IMMIGRATION CONTROLS ON RAIL TRAFFIC BETWEEN BELGIUM
AND THE UNITED KINGDOM USING THE CHANNEL FIXED LINK**

The Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Kingdom of Belgium (hereinafter referred to as the “Contracting Parties”);

Considering 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 1986¹, which entered into force on 29 July 1987;

Considering the Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland, the Government of the Kingdom of Belgium and the Government of the French Republic concerning Rail Traffic between Belgium and the United Kingdom using the Channel Fixed Link, done at Brussels on 15 December 1993², (“the Tripartite Agreement”), and the Protocol thereto;

Considering that it is necessary to facilitate rail traffic between Belgium and the United Kingdom which uses the Channel Fixed Link;

Desiring to create the possibility to provide for immigration controls on rail traffic using the Channel Fixed Link by the authorities of the United Kingdom on the territory of Belgium, for trains using the Channel Fixed Link which make a commercial stop in France;

Considering it is necessary for a further bi-lateral agreement between the Government of Belgium and the Government of the United Kingdom of Great Britain and Northern Ireland;

This agreement shall be without prejudice to the rights, obligations and responsibilities arising from EU Law;

Having regard to the Convention applying the Schengen Agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of controls at their common borders, done at Schengen on 19 June 1990;

Having regard to the Treaty on European Union and the Treaty on the Functioning of the European Union;

¹ Treaty Series No. 015 (1992) Cm 1827

² Treaty Series No. 023 (1998) Cm 3954

Having regard to the Regulation (EC) No 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code);

Have agreed as follows:

ARTICLE 1

Definitions

- 1) “Fixed Link” means the Channel Fixed Link defined in Article 1 of the Treaty done at Canterbury on 12 February 1986.
- (2) “Immigration controls” means the controls carried out by the United Kingdom on Belgian territory to ensure that persons may lawfully enter the territory of the United Kingdom.
- (3) “Stopping trains” means international trains departing from the Brussels-South train station and travelling to British territory using the Fixed Link and making at least one commercial stop on the territory of a Schengen Member State.
- (4) “Securised safety zone” means the combined area of the train station where commercial ticket control, security control and border control take place on the passengers of an international train. This area is confined on the one hand by the commercial ticket control and on the other hand by the rail track of the platform of the concerned international train. This area is as such clearly separated from the publicly accessible area of the train station.
- (5) “Control zone” is part of the securised safety zone and shall be defined by common agreement between the contracting parties. It is the place where the officers of the United Kingdom are authorised to perform immigration controls on Belgian territory.

ARTICLE 2

Scope

This Agreement shall exclusively apply to immigration controls in the Brussels-South train station.

This Agreement shall exclusively apply to rail traffic between Belgium and the United Kingdom via the Fixed Link.

This Agreement shall apply exclusively to immigration controls performed on those passengers coming from outside the securised safety zone of the Brussels-South train station and getting on a stopping train.

This Agreement shall not apply to those passengers whose final destination is stated to be intra-Schengen.

ARTICLE 3

The officers of the United Kingdom are authorised to perform immigration controls in the control zone on persons travelling on stopping trains. Immigration controls performed by the United Kingdom are only permitted on passengers whose travel destination is stated to be within the United Kingdom.

ARTICLE 4

The Protocol attached as an Annex to the Tripartite Agreement shall apply to stopping trains and to immigration controls within the scope of this Agreement in the same way as it applies to non-stop rail traffic between the United Kingdom and Belgium travelling via the Fixed Link.

ARTICLE 5

If, during the course of immigration controls, the United Kingdom refuses admission to a person whose travel destination is stated to be within the United Kingdom the authorities of Belgium may not refuse to readmit that person. The authorities of Belgium shall in this case immediately receive from the British authorities a written notification of this refusal including the reason for refusal and the identity of the person in question.

If, during the course of immigration controls, a person whose travel destination is stated to be within the United Kingdom refuses to submit to these immigration controls, Belgium may not refuse to readmit such person. The authorities of Belgium shall in this case immediately receive from the British authorities a written notification of this situation.

Where a person who on Belgian territory boarded an international train using the Fixed Link and has arrived in the United Kingdom is refused entry, having been found to have avoided United Kingdom immigration controls on Belgian territory by stating that their final destination is intra-Schengen, the authorities of Belgium may not refuse to accept such a person for readmittance. United Kingdom immigration authorities shall notify the competent Belgian authorities within 5 days of such an arrival in the United Kingdom and provide supporting evidence that the passenger started his journey on Belgian territory along with copies of identity documents where available.

A person who has arrived in the United Kingdom under the circumstances mentioned in the previous paragraph can however also be the subject of a direct removal to the country of the nationality of the person in question or a country or territory to which there is reason to believe that the person will be admitted.

The controls mentioned in this Agreement are without prejudice to subsequently conducted controls in the United Kingdom.

ARTICLE 6

The Belgian and British authorities will cooperate closely, in particular by sharing information on a mutual basis, with a view to limiting illegal migration between the two States.

ARTICLE 7

Following mutual agreement between the Contracting Parties this Agreement can be extended to other passengers than those coming from outside the securised safety zone of the Brussels-South train station and getting on a stopping train.

ARTICLE 8

Entry into force

The Contracting Parties shall notify, in writing and through diplomatic channels, the completion of the legal formalities required for the entry into force of this Agreement.

The Agreement will come into force on the first day of the second month after receipt of the last notification.

ARTICLE 9

Suspension, termination

- (1) This Agreement is concluded for an indefinite period.
- (2) Each Contracting Party may at any time request consultations with a view to revising the provisions of the Agreement in order to adapt it to new circumstances or needs.
- (3) Any disputes concerning the interpretation or application of this Agreement will be settled by negotiation between the two Governments.
- (4) Each Contracting Party may suspend or terminate this Agreement, after written notification to the other Contracting Party. This notification will include the reasons thereof. The suspension or termination shall take effect on the first day of the third month following the month in which the notification is received by the other Contracting Party.

Done at London and Brussels, on 3 December 2012, and on eighteenth December 2012, in the English, French and Dutch languages, the texts in each of the languages being equally authentic. In the event of differences in interpretation, the English text (working language) shall prevail.

For the United Kingdom of Great Britain and Northern Ireland:

The Minister of State for Immigration,

Mark HARPER

For the Kingdom of Belgium:

The Vice-Prime Minister and Minister of the Interior and of Equal Opportunities,

Joëlle MILQUET

**The State Secretary for Asylum and Migration, Social
Integration, and Anti-poverty Policy,**

Maggie DE BLOCK

**The State Secretary for Environment, Energy, Mobility
and Institutional Reform,**

Melchior WATHELET



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