



Miscellaneous Series No. 3 (2020)

# Special Arrangement

between the Government of the French Republic, the Government of the Kingdom of Belgium, the Government of the Kingdom of the Netherlands and the Government of the United Kingdom of Great Britain and Northern Ireland concerning Security Matters relating to Trains using the Channel Fixed Link

Brussels, 7 July 2020

[The Special Arrangement is not in force]

*Presented to Parliament  
by the Secretary of State for Foreign and Commonwealth Affairs  
by Command of Her Majesty  
August 2020*



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**SPECIAL ARRANGEMENT BETWEEN THE GOVERNMENT OF THE  
FRENCH REPUBLIC, THE GOVERNMENT OF THE KINGDOM OF  
BELGIUM, THE GOVERNMENT OF THE KINGDOM OF THE  
NETHERLANDS AND THE GOVERNMENT OF THE UNITED KINGDOM  
OF GREAT BRITAIN AND NORTHERN IRELAND CONCERNING  
SECURITY MATTERS RELATING TO TRAINS USING THE CHANNEL  
FIXED LINK**

The Government of the French Republic,  
The Government of the Kingdom of Belgium,  
The Government of the Kingdom of the Netherlands and  
The Government of the United Kingdom of Great Britain and Northern Ireland,

Hereinafter jointly referred to as “the Contracting Parties” and each individually as  
“a Contracting Party”;

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 1986 (hereinafter referred to as “the Treaty of Canterbury of 12 February  
1986”);

Having regard to the Agreement between the Government of the French Republic,  
the Government of the Kingdom of Belgium, the Government of the Kingdom of the  
Netherlands and the Government of the United Kingdom of Great Britain and  
Northern Ireland amending and supplementing the Agreement between the  
Government of the Kingdom of Belgium, the Government of the French Republic  
and the Government of the United Kingdom of Great Britain and Northern Ireland,  
concerning Rail Traffic between Belgium and the United Kingdom using the  
Channel Fixed Link with Protocol done at Brussels on 15 December 1993, done at  
Brussels on 7 July 2020 (hereinafter referred to as “the Quadripartite Agreement”)  
and in particular Article 3 thereof, which amends Article 2, paragraph 2;

Having regard to the principles of the Declaration of Intent adopted by the  
Government of the United Kingdom of Great Britain and Northern Ireland on 21  
February 2017 and the Government of the French Republic on 7 March 2017.

Have agreed as follows:

**ARTICLE 1**

1. “Fixed Link” means the Channel Fixed Link defined in Article 1 of the Treaty  
of Canterbury of 12 February 1986.
2. “Trains” means the trains travelling between the territory of two or more  
Contracting Parties using the Fixed Link, other than those commencing or  
terminating in France.

3. “Security” consists of the measures taken to reduce the risks and mitigate the consequences of hostile acts against the Fixed Link and the persons, property and trains bound for or present within it.

4. “Sterility” means an environment free of unauthorised persons, materials or goods (in particular arms or dangerous material, such as explosives).

5. “Security zone” means a sterile area offering access to trains bound for the Fixed Link.

## ARTICLE 2

Without prejudice to the application of other international agreements, and in accordance with their applicable domestic law, the Contracting Parties shall ensure that their competent authorities assist one another, co-operate and, to the fullest possible extent, act in a concerted manner in discharging their duties in relation to the security of the trains.

## ARTICLE 3

In accordance with Article 2, the competent authorities of the Contracting Parties shall:

- a) ensure that the security of the trains is satisfactorily provided and organised and that the responsibilities are properly defined and exercised so as to guarantee the sterility of the trains and of the Fixed Link;
- b) facilitate the consideration of designs, plans or measures affecting the security of the trains, including contingency plans;
- c) encourage the designation of security zones protected by measures guaranteeing their sterility;
- d) ensure training in security matters is provided for personnel authorised to work in security zones and on board trains;
- e) ensure that all relevant information connected with the security of the trains is exchanged in accordance with their applicable domestic law.

## ARTICLE 4

1. The competent authorities of the Contracting Parties shall meet as appropriate to facilitate co-operation on security.

2. Any arrangements made by the Contracting Parties shall be made following due consideration of the Channel Tunnel Intergovernmental Commission remit, as established by the Treaty of Canterbury of 12 February 1986 to supervise the operation of the Fixed Link, and its decisions.

#### ARTICLE 5

1. The procedures for the implementation of this Special Arrangement may be the subject of subsequent implementing arrangements between the Contracting Parties.

2. Each Contracting Party may at any time request consultations with other Contracting Parties with a view to revising the provisions of this Special Arrangement in order to adapt it to new circumstances or needs.

3. The Contracting Parties shall decide jointly and unanimously upon the amendments to this Special Arrangement, which shall enter into force following ratification, acceptance or approval by all Contracting Parties in accordance with Article 8.

#### ARTICLE 6

Any dispute concerning the interpretation or application of this Special Arrangement shall be settled by negotiation between the Contracting Parties.

#### ARTICLE 7

1. After the entry into force of this Special Arrangement, and upon the unanimous invitation of the Contracting Parties, any State may accede to this Special Arrangement.

2. The invitation to accede to this Special Arrangement shall be sent by the Depositary on behalf of the Contracting Parties.

3. The accession of any State to this Special Arrangement shall be effected by the deposit of an instrument of accession with the Depositary, and shall take effect on first day of the second month following the date of the deposit of the instrument of accession. The Depositary shall inform the Contracting Parties of the date of deposit of the instrument of accession.

## ARTICLE 8

1. The Government of the Kingdom of Belgium shall act as the Depositary of this Special Arrangement. The Depositary shall provide each Contracting Party with a certified true copy of the original.
2. This Special Arrangement is subject to ratification, acceptance or approval. The instruments of ratification, acceptance or approval shall be deposited with the Depositary. The Depositary shall inform the Contracting Parties of the date of deposit of the instruments of ratification, acceptance or approval.
3. This Special Arrangement shall enter into force on the first day of the second month following the date of the deposit of the last instrument of ratification, acceptance or approval. The Depositary shall inform the Contracting Parties of the date of entry into force of the Special Arrangement.
4. Upon its entry into force, this Special Arrangement shall replace the Special Arrangement 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, done at Brussels on 15 December 1993.

## ARTICLE 9

Any Contracting Party may, at the time of its signature, deposit a declaration that it will apply provisionally this Special Arrangement pending its entry into force. The Depositary shall notify the Contracting Parties of such declaration.

## ARTICLE 10

1. Each Contracting Party may suspend this Special Arrangement by notifying the Depositary to that effect. The Depositary shall notify the other Contracting Parties of this notification. The suspension shall take effect on the first day after the expiry of a six (6) month period following the date upon which the notification has been received by the Depositary. Nevertheless, the Contracting Parties may decide jointly and unanimously that the suspension shall take effect at an earlier date.
2. If a Contracting Party has sent a notification to the Depositary in order to suspend this Special Arrangement in accordance with paragraph 1, then the Contracting Parties of both this Special Arrangement and the Quadripartite Agreement and its Protocol shall convene as soon as possible, but in any event no later than six (6) weeks after the date upon which the Depositary has received this notification, in order to determine the consequences of this suspension, which may include the suspension by one or more of the Contracting Parties of the Quadripartite Agreement and its Protocol.

3. If a Contracting Party has sent a notification to the Depositary in order to suspend this Special Arrangement in accordance with paragraph 1, and if within a period of two (2) months after the date upon which the Depositary has received this notification another Contracting Party notifies the Depositary that in response to this suspension it will also suspend this Special Arrangement, or this Special Arrangement and the Quadripartite Agreement and its Protocol, then the suspension of the aforementioned treaty/treaties in regard to the latter Contracting Party shall take effect on the same date as the suspension in regard to the former Contracting Party.

4. The suspension of this Special Arrangement may cease after written notification to the Depositary. The Depositary shall notify the Contracting Parties of the notification to cease the suspension. The cessation of the suspension of the Special Arrangement shall take effect on a date jointly and unanimously agreed upon by the Contracting Parties after negotiations.

#### ARTICLE 11

1. This Special Arrangement may be terminated at any time by written unanimous consent of all the Contracting Parties.

2. Each Contracting Party may withdraw from this Special Arrangement by giving no less than six (6) months' notice in advance to the Depositary. The Depositary shall notify the Contracting Parties of the notification to withdraw from this Special Arrangement.

3. If a Contracting Party has sent a notification to the Depositary in order to withdraw from this Special Arrangement in accordance with paragraph 2, then the Contracting Parties of both this Special Arrangement and the Quadripartite Agreement and its Protocol shall convene as soon as possible, but in any event no later than six (6) weeks after the date upon which the Depositary has received this notification, in order to determine the consequences of this withdrawal, which may include the withdrawal by one or more of the Contracting Parties from the Quadripartite Agreement and its Protocol.

4. If a Contracting Party has sent a notification to the Depositary in order to withdraw from this Special Arrangement in accordance with paragraph 2, and if within a period of two (2) months after the date upon which the Depositary has received this notification another Contracting Party notifies the Depositary that in response to this withdrawal it will also withdraw from this Special Arrangement, or from this Special Arrangement and the Quadripartite Agreement and its Protocol, then the latter Contracting Party may withdraw from the aforementioned treaty/treaties on the same date as the former Contracting Party.

IN WITNESS WHEREOF, the undersigned, being duly authorised thereto, have signed this Special Arrangement.

DONE in a single original at Brussels on 7 July 2020 in the French, Dutch and English languages, all three texts being equally authentic.

**For the Government of the French Republic:**

**HÉLÈNE FARNAUD-DEFROMONT**

**For the Government of the Kingdom of Belgium:**

**FRANÇOIS BELLOT**

**For the Government of the Kingdom of the Netherlands:**

**STIENTJE VAN VELDHOVEN-VAN DER MEER**

**For the Government of the United Kingdom of Great Britain and Northern Ireland:**

**MARTIN SHEARMAN**



**DECLARATION BY THE UNITED KINGDOM OF GREAT BRITAIN AND  
NORTHERN IRELAND**

The Government of the United Kingdom of Great Britain and Northern Ireland

RECALLING the Special Arrangement between the Government of the French Republic, the Government of the Kingdom of Belgium, the Government of the Kingdom of The Netherlands and the Government of the United Kingdom of Great Britain and Northern Ireland concerning Security Matters relating to Trains using the Channel Fixed Link (the “**Agreement**”);

RECALLING that Article 9 of the Agreement permits any Contracting Party, at the time of signing the Agreement, to deposit a declaration that it will provisionally apply the Agreement pending its entry into force;

**HEREBY DECLARES**

*The United Kingdom shall provisionally apply the Agreement, pending its entry into force, from the date of its signature, in accordance with Article 9 of the Agreement.*

**IN WITNESS WHEREOF** this Declaration is signed on behalf of the Government of the United Kingdom of Great Britain and Northern Ireland by Martin James Shearman CVO, Her Majesty’s Ambassador to the Kingdom of Belgium.

Done at Brussels, on 7 July 2020.

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