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Agreement

between the Government of the United Kingdom of Great Britain and Northern
Ireland and the Government of the French Republic on Cooperation in Matters
relating to Maritime and Port Security, and specifically, in relation to Passenger
Vessels in the Channel

Paris, 26 July 2021

[The Agreement entered into force 1 May 2023]

*Presented to Parliament
by the Secretary of State for Foreign, Commonwealth and Development Affairs
by Command of His Majesty
August 2023*



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**AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED
KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE
GOVERNMENT OF THE FRENCH REPUBLIC ON COOPERATION IN
MATTERS RELATING TO MARITIME AND PORT SECURITY, AND
SPECIFICALLY, IN RELATION TO PASSENGER VESSELS IN THE
CHANNEL**

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

The Government of the French Republic,

Herein referred to as “the Parties”,

Considering the United Nations Convention on the Law of the Sea, adopted at Montego Bay on 10 December 1982 (hereinafter referred to as “UNCLOS”),

Considering the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation adopted at Rome on 10 March 1988 (hereinafter referred to as “the SUA Convention”),

Considering the International Convention on Maritime Search and Rescue, adopted at Hamburg on 27 April 1979 (hereinafter referred to as the “SAR Convention”).

Considering the International Convention for the Safety of Life at Sea done at London on 1 November 1974, together with the amendments thereto, including the International Ship and Port Facility Security Code (hereinafter referred to as “the ISPS Code”),

Considering the European Convention on Mutual Assistance in Criminal Matters adopted in Strasbourg on 20 April 1959; the Additional Protocol to the European Mutual Assistance Convention, done at Strasbourg on 17 March 1978; and the Second Additional Protocol to the European Mutual Assistance Convention, done at Strasbourg on 8 November 2001.

Considering the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part, signed on 30 December 2020.

Considering the Convention on the Transfer of Sentenced Persons done at Strasbourg on 21 March 1983; and the additional protocol to the Convention on the Transfer of Sentenced Persons, done at Strasbourg on 18 December 1997.

Considering the Treaty for Defence and Security Cooperation between the French Republic and the United Kingdom of Great Britain and Northern Ireland, done at London on 2 November 2010,

Considering the agreement between the Government of the French Republic and the Government of the United Kingdom of Great Britain and Northern Ireland relating to the Delimitation of the Territorial Sea in the Straits of Dover, done at Paris on 2 November 1988,

Considering the agreement between the Government of the French Republic and the Government of the United Kingdom of Great Britain and Northern Ireland concerning the Establishment of a Maritime Boundary between France and Jersey, signed at Saint Helier on 4 July 2000,

Considering the agreement of 27 March 2008 between the Government of the French Republic and the Government of the United Kingdom of Great Britain and Northern Ireland on mutual protection of classified information and the exchange of notes verbales constituting an amendment to the agreement signed at Paris on 27 May 2014 and 3 September 2014 (hereinafter referred to as “the Security Agreement”).

Noting the constitutional relationship between the United Kingdom and the Crown Dependencies of the Bailiwick of Guernsey (including the jurisdictions of Alderney and Sark) and the Bailiwick of Jersey.

Recalling that their maritime and port security policies are based on shared interests, values and responsibilities,

Desiring to strengthen their cooperation so as to more effectively combat terrorism,

Considering that unlawful acts may put the lives or the physical integrity of individuals, or the safety of navigation at risk, and severely hamper the running of maritime services and harm the trust of people in the safety of maritime navigation.

Desiring to contribute to improving the security of maritime traffic and port activities between their States,

Have agreed as follows:

Chapter I: General provisions

ARTICLE 1

Purpose of this Agreement

In order to enhance and maintain the security of vessels and the safety of their passengers and crew, this Agreement is designed to build upon the cooperation in matters relating to maritime and port security between the Parties, specifically in relation to passenger vessels in the maritime area as set out in Article 3 of this Agreement (herein referred to as “the Agreement Area”), and to prevent and where necessary to counter any unlawful acts that may put the lives or the physical integrity of individuals at risk as referred to in Article 3 of the SUA Convention.

This Agreement provides a framework within which the Parties may:

- a. Share information and exchange best practices;
- b. Allow the deployment of protection teams on board passenger vessels, flying their flag, operating on cross-Channel routes between France and the United Kingdom;
- c. Allow joint or coordinated interventions on board vessels, including those not flying a French or British flag, that are subject to any unlawful acts that may put the lives or the physical integrity of individuals, or the safety of navigation, at risk during their transit in the Agreement Area.

ARTICLE 2

Definitions

For the purposes of this Agreement:

- (1) “Sending Party” shall mean the Party that allows the deployment of protection teams on vessels flying its flag, under the conditions laid down in Article 1(b).
- (2) “Passenger Vessel” shall mean a commercial boat or ship that carries more than 12 passengers, with or without accompanying vehicles.
- (3) “Private Contractor” shall mean any person that is to be placed on a passenger vessel under the terms of a contract made either (i) with a shipowner or (ii) with a Party to this Agreement, to deter, detect and prevent any unlawful acts that may put the lives or the physical integrity of individuals at risk, and to alert the Master of the Vessel thus contributing to the safety of the passengers and crew, in accordance with the laws of the Parties.
- (4) “Vessel Protection Detachment” shall mean State officials deployed by a Party to this Agreement on a vessel to deter, detect and prevent any unlawful acts that may put the lives or the physical integrity of individuals at risk, to alert the Master of the Vessel, and to provide an initial response in the event of any unlawful acts that may put the lives or the physical integrity of individuals at risk as referred to in Article 3 of the SUA Convention.
- (5) “Intervention Forces” shall mean State officials, other than a member of the Vessel Protection Detachment, who are responding to any unlawful acts that may put the lives or the physical integrity of individuals at risk on board a vessel pursuant to Article 10 of this Agreement. This will include, but not be limited to, military, law enforcement, search & rescue and medical officials of either Party.
- (6) “Member(s) of Personnel” shall refer to a member or members of either the Vessel Protection Detachments or Intervention Forces, or both, as the case may be.

ARTICLE 3

Maritime areas covered by the Agreement

(1) This Agreement shall apply in respect of the maritime area contained within the following boundaries according to the WGS84 Datum:

Eastern boundary - straight (loxodrome) line joining the following two points:

- a. United Kingdom – 51° 22' 5'' N / 01° 26' 7'' E (Foreland).
- b. France – 51° 5' 4'' N / 02° 32' 8'' E (Border between France and Belgium).

Southern boundary - straight (loxodrome) line joining the following two points:

- c. 48° 02' 25'' N / 06° 26' 44'' W (point off the coast).
- d. and the French coast 48° 02' 25'' N / 04° 44' 26'' W (Pointe du Raz).

Western boundary - straight (loxodrome) line joining the following two points:

- e. United Kingdom – 49° 52' 23'' N / 06° 26' 44'' W (Bishop Rock lighthouse).
- f. 48° 02' 25'' N / 06° 26' 44'' W (point off the coast).

Northern boundary – coast of the United Kingdom, with an additional straight (loxodrome) line from Land's End point to Bishop Rock lighthouse.

This area is referred to as the Agreement Area.

(2) The provisions in this Agreement shall apply in respect of the internal waters of and territorial seas adjacent to the Bailiwick of Guernsey (including the jurisdictions of Alderney and Sark) and the Bailiwick of Jersey (hereinafter “the Channel Islands”). In this regard, the provisions of this Agreement shall be implemented by means of the arrangements between the UK and the Channel Islands as communicated to France.

(3) The Parties may agree, upon the request of either of them, to apply Article 4, 15 and 16 beyond the boundaries set out in Paragraph (1).

(4) Nothing in this Agreement shall affect how Search and Rescue (SAR) activities will be undertaken, in accordance with the international conventions, in particular the SAR Convention. The Party who has responsibility for leading SAR activities under the SAR Convention shall lead those activities, but either Party may request the other Party to support this response.

Chapter II: Cooperation measures aimed at preventing unlawful acts within the scope of this Agreement, at sea and in ports

ARTICLE 4

Sharing threat information

- (1) The Parties shall continue to exchange relevant information, including assessment of threats specific to maritime and port security in the Agreement Area.
- (2) The Parties shall inform each other as soon as reasonably practicable of any imminent threat to their maritime and port security through the use of existing established operational procedures.
- (3) Personnel of the Vessel Protection Detachments on board passenger vessels shall inform (i) the Master of the Vessel, and (ii) the competent authorities of the other Party, of any suspicious behaviour or malicious acts relating to maritime and port security detected or witnessed during the crossing. This information shall be provided under the control of the authority responsible for those personnel.

ARTICLE 5

General security provisions

The competent authorities of the Parties shall exchange relevant security information and documents, and shall meet annually to:

1. Present any changes adopted by either Party relating to maritime and port security;
2. Exchange best practices in the field of maritime and port security which may be adopted by both Parties or be deployed in a complementary manner;
3. Identify future opportunities for collaboration which could be carried out jointly or be shared to mutually benefit maritime and port security matters of both Parties.

ARTICLE 6

Exercises and training activities

The Parties shall jointly carry out exercises and training activities on maritime and port security. These activities shall be discussed within the framework of the cooperation monitoring set out in Article 16.

ARTICLE 7

Deployment of private contractors

- (1) Each Party may authorise Private Contractors to be placed on board passenger vessels carrying out crossings under the conditions laid down in Article 1(b), in order to contribute to the safety of the passengers and crew in accordance with the provisions in this Article, including embarkation and disembarkation.
- (2)
 - a. Private Contractors shall carry out their functions on board the vessel within the Agreement Area in accordance with the law of the Sending Party.
 - b. When in the territorial sea or internal waters of a coastal State, Private Contractors shall comply with the law applicable therein.
- (3) The Private Contractors shall carry out the functions entrusted to them under those provisions referred to in paragraphs (1) and (2) after prior authorisation by the competent authorities of each Party. The Parties shall ensure that the Private Contractors on board a vessel shall be under the authority of the Master of the Vessel and that the shipowner, or the representative thereof, shall inform the competent authorities of both Parties to this Agreement of the presence of Private Contractors on board each vessel, and shall provide additional relevant information requested by those authorities.
- (4) Private Contractors shall wear a uniform which cannot be confused with the uniforms of the Vessel Protection Detachment or intervention forces of the Parties. The Private Contractors shall be able at any time to provide evidence issued by the shipowner or representative thereof proving that they are on board in their capacity as a Private Contractor.
- (5) The Private Contractors may not carry or use weapons, whether lethal or non-lethal. Private Contractors may carry and use restraining devices such as handcuffs in the course of their functions, in accordance with the laws of the Parties.

ARTICLE 8

Deployment of Vessel Protection Detachments

- (1) Each Party may authorise the deployment of Vessel Protection Detachments, on board passenger vessels carrying out crossings under the conditions laid out in Article 1(b), in order to contribute to the safety of the passengers and crew, in accordance with the provisions in this Article.
- (2)
 - a. Vessel Protection Detachments shall carry out their functions, such as carrying out inspections or searches and obtaining information, on board the vessel, within the Agreement Area, in accordance with the law of the

Sending Party. These tasks shall cease when the vessel enters the territorial sea or internal waters of the other Party until such time as the vessel leaves those waters, subject to paragraph (b) below.

- b. At all times throughout the journey, including during embarkation and disembarkation, Vessel Protection Detachments may carry out patrolling activities in order to deter and detect unlawful acts that may put the lives or the physical integrity of individuals at risk as referred to in Article 1 of this agreement.
- c. When in the territorial sea or internal waters of a coastal State, Vessel Protection Detachments shall comply with the law applicable therein.

(3) Vessel Protection Detachments must be authorised by the Parties to lawfully possess firearms, ammunition, and individual equipment essential for their mission. Vessel Protection Detachments may carry their service firearms, ammunition and individual equipment essential for their mission throughout the duration of the voyage within the Agreement Area.

(4) Vessel Protection Detachments shall carry out their functions in uniform or, exceptionally, in plain clothes under conditions conforming with the laws and regulations of the Sending Party. All Vessel Protection Detachment personnel shall be clearly distinguishable from Private Contractors through the carriage of a State identification document. Vessel Protection Detachment personnel who are deployed in plain clothes shall additionally have a readily available item of uniform that can be worn visibly for conducting overt activity.

(5) a. Subject to the exception in 5(b), when a vessel of one party is berthed in a port outside of the territory of the Sending Party, the personnel of the Vessel Protection Detachments shall remain on board the vessel, and their firearms, ammunition and individual equipment shall at all times be placed in a secure location or under the supervision of at least one member of the Detachment on board.

- b. In exceptional circumstances, the personnel of a Vessel Protection Detachment shall be authorised to disembark with their firearms outside the territory of the Sending Party for operational reasons, subject to the prior agreement of the competent onshore police authorities.

(6) The Sending Party shall inform the other Party before deployment of Vessel Protection Detachments.

(7) The practicalities for deployment of those Vessel Protection Detachments shall be determined between the Parties in a separate protocol under this Agreement.

Chapter III: Measures aimed at terminating unlawful acts within the scope of this Agreement, at sea and in ports

ARTICLE 9

Intervention in emergency situations by Private Contractors and Vessel Protection Detachments of the Sending Party whilst in the territorial sea or internal waters of the other party, being the coastal State

- (1) An emergency situation is defined as:
 - a. a situation whereby waiting for the intervention of competent authorities of the coastal State may put the lives or the physical integrity of individuals at risk or,
 - b. a situation where it is impossible to wait for the intervention of the competent authorities of the coastal State due to the perpetration of an act putting the lives or the physical integrity of individuals at risk.
- (2) In emergency situations as defined in paragraph 1(b) of this Article, the Private Contractors on board a vessel pursuant to Article 7 of this Agreement may act in self-defence within the limits set by the laws of the Sending Party and coastal State. In such a situation, individuals restrained by the Private Contractors shall be placed under the authority of the Master of the Vessel, who shall inform the competent authorities of the coastal State as soon as reasonably practicable.
- (3) In emergency situations defined in paragraph 1 (a) or (b) of this article, the Vessel Protection Detachments on board a vessel pursuant to Article 8 of this Agreement may take necessary interim measures to avert an imminent danger to the lives or physical integrity of individuals, using such force as is reasonable, including the use of their service firearms, within the limits set by the laws of the Sending Party and the coastal State. In such a situation, Vessel Protection Detachments may intervene only until the competent authorities of the coastal State are able to take the necessary measures.
- (4) The coastal State shall be informed as soon as reasonably practicable, by the Master of the Vessel, of the intervention by the Vessel Protection Detachments. The coastal State shall take the necessary steps to avert the danger and get the situation under its control. In such a situation, the coastal State may make requests to the Vessel Protection Detachments of the Sending Party.
- (5) All measures taken under Article 9 by the Vessel Protection Detachments shall be carried out in accordance with the law of the coastal State. Measures taken by the Vessel Protection Detachments in accordance with any pre-agreed operational frameworks, or pursuant to requests as detailed in paragraph 4, shall be the responsibility of the coastal State.

(6) The Vessel Protection Detachments shall receive training on the laws relevant to their functions, including the laws on the use of force applicable in each Party within the Agreement Area.

(7) Any individual(s) apprehended by a Vessel Protection Detachment shall be placed under the authority of the Master of the Vessel.

ARTICLE 10

Action by Intervention Forces

(1) In the event of any unlawful acts that may put the lives or the physical integrity of individuals at risk as referred to in Article 3 of the SUA Convention, which requires a response by intervention forces, crisis management at the governmental and operational levels shall be carried out as follows:

- a. when the act is committed in the territorial sea or internal waters within the Agreement Area, on board a vessel flying the flag of any State, the coastal State shall manage the crisis at the governmental and operational levels. If necessary, that Party may request the assistance of the other Party;
- b. when the act is committed in the Agreement Area but outside the territorial sea or internal waters of either Party, on board a vessel flying the flag of one of the Parties, the flag State shall manage the crisis at the governmental and operational levels. However, according to the assessment of the situation, this Party may request the assistance of the other Party or propose that the other Party takes such responsibilities;
- c. the Parties to this Agreement may agree on joint intervention when the act is committed in the Agreement Area but outside the territorial sea or internal waters of either Party, on board a vessel not flying the flag of either of the Parties. The competent authorities of the Parties shall liaise on the procedures for consulting the flag State and, where appropriate, on any intervention to be carried out following the prior agreement of the flag State.

(2) Decisions to provide assistance to the other Party involving the use of force, or to hand over the crisis management of an intervention at the governmental and operational levels, shall be taken by government authorities.

(3) The intervention forces engaged in activity pursuant to this Article shall remain under the authority of the chain of command of their own State. Those intervention forces may be tasked with neutralising the threat and dealing with the consequences of the unlawful act, including preservation of life and care of victims.

(4) When the personnel of the intervention forces of one Party are operating within the territorial sea or internal waters of the other Party, or onboard a vessel or aircraft of the other Party, they shall comply with the law of that other Party.

(5) On board a vessel at sea, any measures taken by the intervention forces restricting the personal liberty of an individual during an intervention shall be carried out in accordance with the law of their own State and also:

- a. the law applicable in the coastal State, whilst the vessel is in its territorial sea or internal waters;
- b. the law of the flag state whilst the vessel is outside the territorial sea or internal waters.

In accordance with UNCLOS.

(6) In order to prepare for potential situations threatening maritime security, the Parties shall draw up a joint plan setting out the procedures according to which their forces, including intervention forces, shall be deployed. This plan shall be regularly updated by the competent authorities of the Parties.

(7) Following an incident:

- a. The Parties shall coordinate their respective government communications to issue public statements, particularly regarding information on the use of force and care for victims.
- b. The Parties shall liaise regarding the implementation of measures, in accordance with applicable law, aiming to mitigate against the recurrence of any further unlawful acts.

Chapter IV: Special Provisions

ARTICLE 11

Financial provisions

Each Party shall bear the costs it incurs pursuant to this Agreement, without prejudice to Article 14 of this Agreement.

ARTICLE 12

Cooperation in investigations

12A: Cooperation on criminal investigations following suspected offences committed by third parties or a member of personnel

(1) The Parties shall assist each other to the fullest extent possible in the investigation of:

- a. suspected offences committed by the alleged perpetrators of any unlawful act that may put the lives or the physical integrity of individuals at risk as referred to in Article 3 of the SUA Convention; and
- b. suspected offences committed by a member of personnel during the performance of their functions under this Agreement.

(2) Investigations shall be undertaken in accordance with the judicial cooperation agreements applicable between the Parties and in a manner that is consistent with the law of each Party. Where appropriate, the Parties may agree to set up Joint Investigation Teams.

12B: Cooperation in other areas concerning actions taken by a member of personnel

(1) The Parties shall assist each other to the fullest extent possible in the investigation of any other action taken by a member of personnel in which it is not suspected that a criminal offence has been committed, but which requires investigation in accordance with the law of the Parties. This cooperation shall be undertaken in accordance with the law of each Party.

ARTICLE 13

Jurisdiction in respect of offences committed by member(s) of personnel

(1) Each Party shall retain the primary right to exercise its jurisdiction over the members of its own personnel in respect of any suspected offences committed in the performance of their functions pursuant to the provisions of this Agreement.

The Parties shall inform each other of the final decisions made by their courts in any relevant proceedings.

(2) In so far as its law allows, the Party that has the primary right to exercise its jurisdiction shall give sympathetic consideration to requests by the other Party to waive the exercise of its jurisdiction when that other Party requests such a waiver on reasonable grounds.

(3) The Party that has the primary right to exercise its jurisdiction shall inform the other Party as soon as reasonably practicable of any decisions to exercise or waive its jurisdiction.

(4) The Parties shall, where appropriate and in accordance with their domestic law, cooperate in accordance with existing provisions to arrest a member of personnel suspected of having committed offences in the performance of their functions

pursuant to this Agreement and where relevant to extradite them to the Party that is exercising its jurisdiction in respect of those suspected offences.

(5) In the event that a court of one Party convicts a member of personnel of the other Party in connection with any offence committed in the performance of their functions pursuant to this Agreement, due consideration shall be given to any request presented by the Party responsible for the member of personnel under any provisions applicable between France and the United Kingdom on the transfer of sentenced persons.

(6) Once a member of personnel has been tried in accordance with the provisions of this Article and has been acquitted or convicted, they shall not be retried for the same offence by a court of the other Party.

ARTICLE 14

Settlement of damages

14A: Damages caused to a Party, a member of its personnel or property by the other Party or its personnel

(1) Each Party shall waive any claim for compensation against the other Party, as well as against members of personnel of that Party for damage caused to their personnel or property in the course of or in connection with the performance of their functions under this Agreement. Notwithstanding the aforementioned, where such damage has been caused as a result of wilful misconduct such as cases involving wilful intent to cause damage, or gross negligence by the personnel of the other Party, the Parties shall amicably resolve by mutual agreement:

- (i) whether wilful misconduct or gross negligence was involved
- (ii) whether such wilful misconduct or gross negligence caused the damage, and
- (iii) the sum which should be paid by a Party to compensate the other for damages so suffered.

14B: Damages caused to a third party or their property by a Party or its personnel

(1) Where appropriate and subject to the laws of the Party in whose territory the action is brought, the other Party may request that Party to take its place in any amicable dispute settlement procedure or legal proceedings, without prejudice to the rules on compensation for damages set out in the following paragraph. Each Party shall give due consideration to such a request from the other Party.

(2) Subject to the terms of any final determination by a court or following an amicable dispute settlement procedure, compensation for damage caused to a third

party shall be apportioned by mutual agreement between the Parties in accordance with the following principles:

- a. where the damage is attributable to only one of the Parties, that Party shall pay the full amount of compensation;
- b. where the damage is attributable to both Parties, or where it is not possible to attribute liability to either Party, the amount of compensation shall be shared between the Parties.

ARTICLE 15

Protection of information

- (1) Exchanges of information containing personal data between the Parties shall be carried out in accordance with international law, the Parties' obligations under other agreements and the respective laws of the Parties.
- (2) The exchange of classified information within the framework of this Agreement shall be carried out in accordance with the Security Agreement.

ARTICLE 16

Monitoring of the cooperation

A coordination and monitoring group, made up of the representatives of the Parties responsible for the implementation of this Agreement, shall meet annually or upon the request of one of the Parties to review the operation of this Agreement and the procedures under which it is implemented.

ARTICLE 17

Settlement of disputes

Any dispute between the Parties concerning the implementation or the interpretation of this Agreement shall be settled by consultation and/or negotiation.

ARTICLE 18

Final provisions

- (1) Each Party shall notify the other Party in writing, through diplomatic channels, of the completion of the internal procedures required in order to give effect to this

Agreement. The Agreement shall enter into force on the first day of the second month following the date of receipt of the later of these notifications.

(2) This Agreement may be amended in writing at any time by mutual agreement between the Parties. Any amendments shall come into force according to the arrangements set out in paragraph 1.

(3) Each Party may temporarily suspend all or part of this Agreement if such a suspension is necessary for national security reasons. Such a suspension shall take effect only from the date of receipt of the notification by the other Party through diplomatic channels.

(4) Each Party may terminate this Agreement at any time by giving notice in writing to the other Party. Termination shall take effect six months after the date of its notification.

(5) Termination of this Agreement shall not affect the rights or obligations arising or entered into prior to such termination.

In witness whereof the representatives of the two Parties, being duly authorised thereto, have signed this Agreement.

Done at Paris, on 26th July 2021, in two originals, in French and English, both versions being equally authentic.

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

DOMINIC RAAB

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

JEAN-YVES LE DRIAN

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