

SCHEDULE

INTERNATIONAL ARTICLES

PART I

GENERAL PROVISIONS AND PERMANENT MEASURES

ARTICLE 1

Definitions

1. For the purposes of the present Agreement:

“Fixed Link” means the Channel Fixed Link as defined in Article 1 of the Treaty done at Canterbury on 12 February 1986, which entered into force on 29 July 1987.

“the Quadripartite Agreement” means 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 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 with Protocol, done at Brussels on 15 December 1993, done at Brussels on 7 July 2020.

“the Special Arrangement” means 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, done at Brussels on 7 July 2020.

“Host State” means the State in whose territory the border controls of the other Contracting Party are effected.

“Destination State” means the Contracting Party to this Agreement which is not the Host State, in whose territory a train is intended to terminate.

“Control Zone” means that part of the territory of the Host State and the trains, within which Officers of the other State are empowered to effect border controls, as delimited in accordance with arrangements made between the Contracting Parties pursuant to Article 4 of this Agreement.

“Officers” means persons empowered or authorised to conduct border controls.

“Competent authorities” means those organisations, government agencies or persons upon which statutory functions are conferred in order to perform a designated function in relation to the border controls referred to in this Agreement.

“Border controls on persons” means controls carried out to ensure that persons may be authorised to enter or leave the territory of the United Kingdom or the Schengen Area in accordance with the national legislation of the relevant Contracting Party or the Schengen Borders Code, as applicable.

“train” means an international train travelling between Dutch and British territory using the Fixed Link.

“Operator” means a rail carrier providing a scheduled high-speed international railway service via the Fixed Link.

Status: This is the original version (as it was originally made).

“Individual Service” means a single train journey running in either direction between the United Kingdom and the Netherlands.

ARTICLE 2

Scope

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

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2. The Protocol and Annexes attached hereto shall form an integral part of this Agreement.

ARTICLE 3

Authorisation to Conduct Border Controls

1. Officers of the United Kingdom shall be permitted to conduct border controls, or to make arrangements for such controls to be conducted, within a Control Zone delimited for that purpose in the territory of the Netherlands, in respect of passengers travelling on rail services within the scope of this Agreement and whose destination is stated to be the United Kingdom.

2. Officers of the Netherlands shall be permitted to conduct border controls, or to make arrangements for such controls to be conducted, within a Control Zone delimited for that purpose in the territory of the United Kingdom, in respect of passengers travelling on rail services within the scope of this Agreement and whose destination is stated to be the Netherlands.

ARTICLE 4

Delimitation of Control Zones

1. The Contracting Parties or their Competent authorities shall:

- (a) designate the rail stations; and
- (b) delimit the Control Zones

in which border controls referred to in Article 3 may be exercised.

2. The designation of the rail stations and the delimitation of the Control Zones shall be effected by way of an administrative arrangement pursuant to Article 15.

3. In an emergency, where the nature of that emergency is such that the local representatives of the authorities concerned are unable to provisionally bring into effect any necessary alterations to the delimitation of the Control Zones by mutual agreement, the Host State may bring into effect any such necessary alterations unilaterally with immediate effect. Any such alterations shall be brought to the attention of the local representatives of the authorities of the Destination State as soon as is practicable, in the event that it is not possible to do so immediately.

ARTICLE 5

Powers of Arrest and Detention for Criminal Offences

1. The Officers of the Destination State shall, in exercise of their national powers, be permitted to arrest or detain persons in the course of their functions only for the criminal offences specified in Annex A to this Agreement.

2. For the avoidance of doubt, while the Protocol to this Agreement shall cease to have effect from the date upon which the Quadripartite Agreement enters into force, the following shall continue to apply:

- (a) Officers of the Destination State may require a person to submit to further examination to ensure that such a person may be authorised to enter the territory of the Destination State. That person may bring this examination to an end at any time by discontinuing their wish to enter the territory of the Destination State; in such a case the person shall be directed to the Officers of the Host State who will take the necessary measures to submit the person to frontier controls.
- (b) Any person arrested or detained shall be handed over immediately, along with any seized goods, to the Competent authorities of the Host State. The Host State shall ensure that the Competent authorities are available to receive such a person and to take the necessary measures.

ARTICLE 6

Identification of Officers

1. The Contracting Parties shall notify each other through diplomatic channels of any new procedural requirements relating to the identification of Officers assigned to carry out operations in the Control Zones on Host State territory.

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ARTICLE 7

Coordination and Co-Operation between Competent Authorities

1. The Contracting Parties shall:

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- (e) ensure that Competent authorities shall be available during the operation of the controls referred to in Article 3;
- (f) ensure that passengers have access to the appropriate redress procedures for complaints relating to the operation of the controls referred to in Article 3, such complaints being the responsibility of the Destination State.

ARTICLE 8

Processing and Exchange of Information

1. Officers of a Contracting Party, when acting in pursuance of this Agreement, shall be subject at all times to the applicable legislation in relation to the processing of personal data in the exercise of their functions.

2. In order to perform the tasks conferred on them by this Agreement the Officers of the Contracting Parties shall in accordance with this Agreement and the relevant national legislation regarding the exchange of information, share in a timely and accurate manner all necessary information.

Status: This is the original version (as it was originally made).

ARTICLE 9

Service Weapons, Ammunition and Equipment

1. Officers of the Destination State shall be allowed to wear and carry in the Host State such service weapons, ammunition and equipment as agreed with the Host State.
2. Any service weapons or ammunition may only be carried in a Host State subject to separate agreements being entered into between the Contracting Parties and provided that they may be carried by the Officers in the State of Departure in the territory of their own State.

ARTICLE 10

Responsibility for Officers in Host State

1. Officers shall be exclusively answerable to their own Competent authorities in respect of the exercise of their functions in a Control Zone.
2. The authorities of the Host State reserve the right to request the authorities of the other Contracting Party to recall any of their Officers, or, in respect of an officer of the Destination State who is permanently resident in the Host State, that he/she cease the exercise of his/her functions under this Agreement. The Contracting Party receiving such a request shall comply with such a request forthwith.

ARTICLE 11

Recovery of Costs

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2. Each Contracting Party may set up national rules or arrangements to ensure that an Operator shall be required to pay the costs associated with exercising border controls in respect of any Individual Service that it runs to or from the territory of a Host State to the Contracting Party responsible for those costs.
3. When Officers exercise their functions in the Host State referred to in Article 3, the Destination State shall be liable in accordance with its national law for any damage caused by them during their functions.
4. Without prejudice to the exercise of its rights vis-à-vis third parties, each Contracting Party shall waive all its claims against each other for any damage it has sustained, except in cases of gross negligence or wilful misconduct.