

The Schengen Agreement of 14 June 1985

## **Introduction**

The Schengen Agreement of 14 June 1985

Reference: original, 1985

Agreement 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 the *common frontiers*

The Governments of the Kingdom of Belgium, the Federal Republic of Germany, the French Republic, the Grand Duchy of Luxembourg and the Kingdom of the Netherlands,

Hereinafter referred to as the Parties,

Aware that the increasingly closer union of the peoples of the Member States of the European Communities should be manifested through freedom to cross internal frontiers for all nationals of the Member States and in the free movement of goods and services,

Anxious to affirm the solidarity between their peoples by removing the obstacles to free movement at the common frontiers between the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic,

Considering the progress already achieved within the European Communities with a view to ensuring the free movement of persons, goods and services,

Prompted by the will to succeed in abolishing controls at the common frontiers in the movement of nationals of the Member States of the European Communities and to facilitate the movement of goods and services,

Considering that application of this Agreement may require legislative measures which will have to be submitted to the national Parliaments in accordance with the constitutions of the signatory States,

Having regard to the Declaration of the Fontainebleau European Council of 25 and 26 June 1984 on the abolition at the internal frontiers of police and customs formalities in the movement of persons and goods,

Having regard to the Agreement concluded at Saarbrücken on 13 July 1984 between the Federal Republic of Germany and the French Republic,

Having regard to, the conclusions adopted on 31 May 1984 following the meeting at Neustadt/Aisch of the Ministers for Transport of the Benelux States and the Federal Republic of Germany,

Having regard to the Memorandum of the Governments of the Benelux Economic Union of 12 December 1984 forwarded to the Governments of

the Federal Republic of Germany and the French Republic,  
HAVE AGREED AS FOLLOWS:

TITLE 1  
*Measures Applicable in the Short Term*

ARTICLE 1

As soon as this Agreement enters into force and until all controls are abolished completely, the formalities at the common frontiers between the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic shall be completed, for the nationals of the Member States of the European Communities, in accordance with the conditions laid down below.

ARTICLE 2

In regard to the movement of persons, from 15 June 1985 the police and customs authorities shall as a general rule carry out a simple visual check on private vehicles crossing the common frontier at a reduced speed, without requiring such vehicles to stop.

However, they may carry out more thorough controls by means of spot checks. These shall be carried out, where possible, in special bays in such a way that the movement of other vehicles crossing the frontier is not hampered.

ARTICLE 3

To facilitate the visual check, the nationals of the Member States of the European Communities presenting themselves at the common frontier in a motor car may affix to the windscreen of the vehicle a green disc measuring at least 8 centimetres in diameter. This disc shall indicate that they have complied with the rules of the frontier police, are carrying only goods permitted under the duty-free arrangements and have complied with exchange regulations.

ARTICLE 4

The Parties shall endeavour to reduce to a minimum the time spent at common frontiers on account of the checks on the carriage of persons by road for hire or reward.

The Parties shall seek solutions enabling them to forego, by 1 January 1986, the systematic control at the common frontiers of the passenger waybill and licences for the carriage of persons by road for hire or reward.

ARTICLE 5

By 1 January 1986 common control points shall be set up in the adjacent national control offices in so far as that is not already the case and in so far as actual circumstances permit. Consideration shall subsequently be given to the possible introduction of common control points at other frontier posts in the light of local conditions.

#### ARTICLE 6

Without prejudice to the application of more favourable arrangements between the Parties, the latter shall take the measures required to facilitate the movement of nationals of the Member States of the European Communities resident in the municipalities located in the proximity of the common frontiers with a view to allowing them to cross such frontiers outside the approved crossing points and outside the opening times of the control points.

The persons concerned may benefit from these advantages provided that they transport only goods permitted under the duty-free arrangements and comply with exchange regulations.

#### ARTICLE 7

The Parties shall endeavour to approximate as soon as possible their visa policies in order to avoid any adverse consequences that may result from the easing of controls at the common frontiers in the field of immigration and security. They shall take, if possible by 1 January 1986, the steps necessary with a view, in applying their procedures for the issue of visas and admission to their territory, to taking into account the need to assure the protection of the entire territory of the five States against illegal immigrants and activities which could jeopardise security.

#### ARTICLE 8

With a view to easing the controls at the common frontiers and in the light of the significant differences in the laws of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic, the Parties shall undertake to combat vigorously on their territories illicit drug trafficking and to co-ordinate effectively their action in this area.

#### ARTICLE 9

The Parties shall reinforce the co-operation between their customs and police authorities, notably in fighting crime, particularly illicit traffic in drugs and arms, the unauthorised entry and residence of persons and customs and tax fraud and smuggling. To that end and in accordance with their national laws, the Parties shall endeavour to improve the exchange of information and to reinforce it where information likely to be of interest to the other Parties in combating crime is concerned.

The Parties shall reinforce in the context of their national laws mutual assistance in respect of irregular capital movements.

#### ARTICLE 10

With a view to assuring the co-operation provided for in Articles 6, 7, 8 and 9, meetings between the competent authorities of the Parties shall be held at regular intervals.

#### ARTICLE 11

In regard to the cross-frontier carriage of goods by road, the Parties shall forego, from 1 July 1985, the systematic completion at the common frontiers of the following controls:

- control of driving and rest periods (Council Regulation (EEC) No 543/69 of 25 March 1969 on the harmonisation of certain social legislation relating to road transport and AETR);

- control of the weight and size of commercial vehicles; this provision shall not exclude the introduction of automatic weighing systems with a view to spot checks on weight;

- controls on the technical state of the vehicles.

Measures shall be taken to prevent the duplication of controls within the territories of the Parties.

#### ARTICLE 12

From 1 July 1985 control of documents giving details of transport operations not carried out under licence or quota pursuant to Community or bilateral rules shall be replaced at the common frontiers by spot checks. The vehicles carrying out the transport under these systems shall be distinguished when crossing the frontier by means of a visible symbol.

The competent authorities of the Parties shall determine the features of this symbol by common agreement.

#### ARTICLE 13

The Parties shall endeavour to harmonise by 1 January 1986 the systems for the licensing of commercial road transport in force among them for cross-frontier traffic with the aim of simplifying, easing and possibly replacing licenses for journeys by licenses for a period of time, with a visual check on the crossing of the common frontiers.

The procedures for converting the licenses for journeys into licenses for periods shall be agreed on a bilateral basis, account being taken of the road transport requirements in the different countries concerned.

#### ARTICLE 14

The Parties shall seek solutions to reduce the waiting times of rail transport at the common frontiers caused by completion of frontier formalities.

#### ARTICLE 15

The Parties shall recommend to their respective rail transport companies:

- to adapt technical procedures in order to reduce to a minimum the waiting time at the common frontiers;
- to do everything possible to apply to certain types of carriage of goods by rail to be defined by the rail companies, a special

routing system such that the common frontiers can be crossed rapidly without any appreciable stops (goods trains with reduced waiting times at frontiers).

#### ARTICLE 16

The Parties shall harmonise the opening times and dates of customs posts for waterway traffic at the common frontiers.

### TITLE II Measures Applicable in the Long Term

#### ARTICLE 17

In regard to the movement of persons, the Parties shall endeavour to abolish the controls at the common frontiers and transfer them to their external frontiers. To that end, they shall endeavour to harmonise in advance, where necessary, the laws and administrative provisions concerning the prohibitions and restrictions which form the basis for the controls and to take complementary measures to safeguard security and combat illegal immigration by nationals of States that are not members of the European Communities.

#### ARTICLE 18

The Parties shall open discussions, notably on the following matters, account being taken of the results of the short-term measures:

(a) drawing up arrangements for police co-operation on the prevention of delinquency and on search;

(b) examining any difficulties in applying agreements on international judicial assistance and extradition in order to determine the most appropriate solutions for improving co-operation between the Parties in those fields;

(c) seeking means to permit the joint combating of crime, *inter alia*, by studying possible introduction of a right of pursuit for police officers, taking into account existing means of communication and judicial assistance.

#### ARTICLE 19

The Parties shall seek to harmonise laws and regulations, in particular on:

- drugs,
- arms and explosives,
- registration of travellers in hotels.

#### ARTICLE 20

The Parties shall endeavour to harmonise their visa policies and conditions for entry to their territories. In so far as necessary, they shall also prepare for harmonisation of their rules governing certain aspects of the law on aliens in regard to nationals of States that are not members of the European Communities.

#### ARTICLE 21

The Parties shall undertake common initiatives within the European Communities:

- (a) to arrive at an increase in the duty-free allowances granted to travellers;
- (b) to remove in the context of the Community allowances, restrictions which might remain on entry to the Member States in respect of goods whose possession is not prohibited for their nationals.

The Parties shall take steps within the European Communities to attain harmonised charging in the country of departure of VAT on tourism transport services within the European Communities.

#### ARTICLE 22

The Parties shall endeavour both among themselves and within the European Communities:

- to increase the duty-free allowance for fuel to bring it into line with the normal contents of bus and coach tanks (600 litres);
- to harmonise the taxation of diesel fuel and increase the duty-free allowances for the normal contents of lorry tanks.

#### ARTICLE 23

The Parties shall also endeavour in the area of road transport to reduce, at the adjacent national control offices, waiting times and numbers of stopping points.

#### ARTICLE 24

In regard to the movement of goods, the Parties shall seek means to transfer to the external frontiers or to within their own territories the controls now carried out at the common frontiers.

To that end, they shall take, where necessary, common steps among themselves and within the European Communities to harmonise the provisions which form the basis for the control of goods at the common frontiers. They shall ensure that these measures are without prejudice to the necessary protection of the health of persons, animals and plants.

#### ARTICLE 25

The Parties shall develop their co-operation with a view to facilitating the customs clearance of goods crossing a common frontier, thanks to a systematic, automatic exchange of the necessary data collected by means of the single document.

#### ARTICLE 26

The Parties shall examine how taxes (VAT and excise duties) can be harmonised in the framework of the European Communities. To that end they shall support the initiatives undertaken by the European Communities.

#### ARTICLE 27

The Parties shall examine whether, on a reciprocal basis, the limits on the duty-free allowances granted at the common frontiers to frontier-zone residents, as authorised under Community law, can be abolished.

#### ARTICLE 28

Any conclusion on a bilateral or multilateral basis of arrangements similar to this Agreement with States that are not Parties thereto shall be preceded by consultation between the Parties.

#### ARTICLE 29

This Agreement shall apply also to the Land of Berlin, unless a declaration to the contrary is made by the Government of the Federal Republic of Germany to the Governments of the States of the Benelux Economic Union and the Government of the French Republic within three months of entry into force of this Agreement.

#### ARTICLE 30

The measures provided for in this Agreement which are not applicable as soon as it enters into force shall be applied by 1 January 1986 as regards the measures provided for in Title 1 and if possible by 1 January 1990 as regards the measures provided for in Title II, unless other deadlines

are fixed in this Agreement.

#### ARTICLE 31

This Agreement shall apply subject to the provisions of Articles 5 and 6, and 8 to 16 of the Agreement concluded at Saarbrücken on 13 July 1984 between the Federal Republic of Germany and the French Republic.

#### ARTICLE 32

This Agreement shall be signed without being subject to ratification or approval or subject to ratification or approval followed by ratification or approval.

This Agreement shall be applied on a provisional basis from the day following its signature.

This Agreement shall enter into force thirty days after deposit of the last instrument of ratification or approval.

#### ARTICLE 33

The Government of the Grand Duchy of Luxembourg shall be depository of this Agreement.

In witness whereof, the representatives of the Governments duly empowered to that effect have signed this Agreement.

Done at Schengen, Grand Duchy of Luxembourg, on 14 June 1985, the German, French and Dutch texts of this Agreement being equally authentic.

