CHAPTER FIVE

The Schengen Agreement and the Schengen "acquis"

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The Schengen Agreement of 14 June 1985

Introduction

In July 1984 France and Germany signed an agreement in Saarbrucken to lift border controls. In October 1984 Belgium, Luxembourg and the Netherlands joined this Agreement. These five original "Schengen" member states then signed this first Schengen Agreement in June 1985. It is now described as an "Accord" and is the forerunner to the main Agreement (Document no 57).

The Schengen Agreement of 14 June 1985

Reference: original text, 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 I
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.

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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 checks at their common borders

Introduction

The Schengen Agreeement was signed by the five original member states on 19 June 1990. Italy signed the Agreement in November 1990, Portugal and Spain in June 1991 and Greece in 1992. The Agreement came into operation in March 1995 after long delays in setting up the Schengen Information System.

It should be considered in conjunction with the *Schengen acquis* (Document no 60), which is to be incorporated into the *acquis communautaire* when the Amsterdam Treaty (June 1997) comes into force.

The Schengen Agreement (1990)

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 checks at their common borders

Reference: original text, 1990

The Kingdom of Belgium, the Federal Republic of Germany, the French Republic, the Kingdom of the Netherlands, hereinafter called Grand Duchy of Luxembourg and the Contracting Parties,

Taking as their basis the Schengen Agreement of 14 June 1985 on the gradual abolition of checks at their common borders,

Having decided to implement the intention expressed in that agreement of bringing about the abolition of checks at their common borders on the movement of persons and facilitating the transport and movement of goods,

Whereas the Treaty establishing the European Communities, supplemented by the Single European Act, provides that the internal market shall comprise an area without internal frontiers,

Whereas the aim pursued by the Contracting Parties coincides with that objective, without prejudice to the measures to be taken to implement the provisions of the Treaty,

Whereas the implementation of that intention requires a series of appropriate measures and close cooperation between the Contracting Parties,
Have agreed as follows:

TITLE I
Definitions

Article 1 For the purposes of this Convention:

Internal borders

shall mean the common land borders of the Contracting Parties, their airports for internal flights and their sea ports for regular trans-shipment connections exclusively from or to other ports within the territories of the Contracting Parties not calling at any ports outside those territories;

External borders

shall mean the Contracting Parties' land and sea borders and their airports and sea ports, provided they are not internal borders;

Internal flight

shall mean any flight exclusively to or from territories of the Contracting Parties not landing within the territory of a Third State;

Third State

shall mean any State other than the Contracting Parties:

Alien

shall mean any person other than a national of a Member State of the European Communities;

Alien reported as a person not to be permitted entry

shall mean any alien listed reported as a person not to be permitted entry in the Schengen Information System in accordance with Article 96;

Border crossing point

shall mean any crossing point-authorized by the competent authorities for the crossing of external borders;

Border control

shall mean a check made at a border in response solely to an intention to cross that border, regardless of any other consideration.

Carrier

shall mean any natural or legal person whose occupation it is to provide passenger transport by air, sea or land;

Residence permit

shall mean an authorization of any type issued by a Contracting Party giving the right of residence within its territory. This definition shall not include temporary admission to residence within the territory of a Contracting Party for the purpose of the processing of an application for asylum or an application for a residence permit;

Application for asylum

shall mean any application submitted in writing, orally or other-wise by an alien at an external border or within the territory of a Contracting Party with a view to obtaining recognition as a refugee in accordance with the Geneva Convention of 28 July 1951 relating to the Status of Refugees, as amended by the New York Protocol of 31 January 1967 and as such obtaining the right of residence;
Applicant for asylum

shall mean any alien who has submitted an application for asylum within the meaning of this Convention, on which no final decision has been taken;

Processing of an application for asylum

shall mean all the procedures for examining and taking a decision on an application for asylum, including measures taken in implementation of a final decision thereon, with the exception of the determination of the Contracting Parties responsible for the processing of an application for asylum under this Convention.

TITLE II
Abolition of checks at internal borders and movement of persons

CHAPTER 1
Crossing internal frontiers

Article 2

1. Internal borders may be crossed at any point without any checks on persons being carried out.

2. Where public policy or national security so require, however, a Contracting Party may, after consulting the other Contracting Parties, decide that for a limited period national border checks appropriate to the situation will be carried out at internal borders. If public policy or national security require immediate action, the Contracting Party concerned shall take the necessary measures and shall inform the other Contracting Parties thereof at the earliest opportunity.

3. The abolition of checks on persons at internal borders shall not affect either Article 22 below or the exercise of police powers by the competent authorities under each Contracting Party's legislation throughout its territory, or the obligations to hold, carry and produce permits and documents provided for in its legislation.

4. Checks on goods shall be carried out in accordance with the relevant provisions of this Convention.

CHAPTER 2
Crossing external borders

Article 3

1. External borders may in principle be crossed only at border crossing points during the fixed opening hours. More detailed provisions, and exceptions and arrangements for minor border traffic, as well as the rules applicable to special categories of maritime traffic such as yachting and coastal fishing, shall be adopted by the Executive Committee.

2. The Contracting Parties undertake to introduce penalties for the unauthorized crossing of external borders at places other than crossing points or at times other than the fixed opening hours.

Article 4

1. The Contracting Parties guarantee that as from 1993 passengers on flights from Third States who board internal flights will first be subject, upon arrival, to personal and hand baggage checks in the airport of arrival of their external flight. Passengers on internal flights who board flights bound for Third States will first be subject, on departure, to personal and hand baggage checks in the airport of departure of their external flight.

2. The Contracting Parties shall take the measures required for checks to be carried out in accordance with paragraph 1.

3. Neither paragraph 1 nor paragraph 2 shall affect checks on registered luggage; such checks shall be carried out either in the airport of final destination or in the airport of initial departure.
4. Until the date laid down in paragraph 1, airports shall, by way of derogation from the definition of internal borders, be considered as external borders for internal flights.

Article 5

1. For visits not exceeding three months entry into the territories of the Contracting Parties may be granted to an alien who fulfils the following conditions:

(a) in possession of a valid document or documents permitting them to cross the border, as determined by the Executive Committee;

(b) in possession of a valid visa if required;

(c) if applicable, submits documents substantiating the purpose and the conditions of the planned visit and has sufficient means of support, both for the period of the planned visit and to return to their country of origin or to travel in transit in a Third State, into which their admission is guaranteed, or is in a position to acquire such means legally:

(d) has not been reported as a person not to be permitted entry;

(e) is not considered to be a threat to public policy, national security or the international relations of any of the Contracting Parties.

2. Entry to the territories of the Contracting Parties must be refused to any alien who does not fulfil all the above conditions unless a Contracting Party considers it necessary to derogate from that principle on humanitarian grounds or in the national interest or because of international obligations. In such cases permission to enter will be restricted to the territory of the Contracting Party concerned, which must inform the other Contracting Parties accordingly.

These rules shall not preclude the application of special provisions concerning the right of asylum or of the provisions of Article 18.

3. An alien who holds a residence permit or a return visa issued by one of the Contracting Parties or, if required, both documents, shall be permitted to enter in transit, unless their name is on the national list of persons reported as not to be refused entry which is held by the Contracting Party at the external borders of which they arrive.

Article 6

1. Cross-border movement at external borders shall be subject to checks by the competent authorities. Checks shall be made in accordance with uniform principles, within the scope of national powers and national legislation, account being taken of the interests of all Contracting Parties throughout the Contracting Parties' territories.

2. The uniform principles referred to in paragraph 1 shall be as follows:

(a) Checks on persons shall include not only the verification of travel documents and of the other conditions governing entry, residence, work and exit but also checks to detect and prevent threats to the national security and public policy of the Contracting Parties. Such checks shall also cover vehicles and objects in the possession of persons crossing the border. They shall be carried out by each Contracting Party in accordance with its legislation, in particular as regards searches.

(b) All persons must be subject to at least one check making it possible to establish their identities on the basis of their presentation of travel documents.

(c) On entry aliens must be subject to a thorough check as defined in (a).
(d) On exit checks shall be carried out as required in the interest of all Contracting Parties under the law on aliens in order to detect and prevent threats to the national security and public policy of the Contracting Parties. Such checks shall be made in all cases in respect of aliens.

(e) If such checks cannot be made because of particular circumstances priorities must be established. In this connection, entry cheeks shall in principle take priority over exit checks.

3. The competent authorities shall use mobile units to exercise surveillance on external borders between crossing points: the same shall apply to border crossing points outside normal opening hours. This surveillance shall be carried out in such a way as not to encourage people to circumvent the checks at crossing points. The surveillance procedures shall, where appropriate, be fixed by the Executive Committee.

4. The Contracting Parties undertake to deploy enough appropriate

officers to conduct checks and maintain surveillance along external borders.

5. An equivalent level of control shall be exercised at external frontiers.

Article 7

The Contracting Parties shall assist each other and shall maintain constant, close cooperation with a view to the effective exercise of checks and surveillance. They shall in particular exchange all relevant, important information, with the exception of data relating to named individuals, unless otherwise provided in this Convention, shall as far as possible harmonize the instructions given to the authorities responsible for checks and shall promote the uniform training and retraining of officers manning checkpoints. Such cooperation may take the form of the exchange of liaison officers.

Article 8

The Executive Committee shall take the necessary decisions relating to the practical procedures for implementing border checks and surveillance.

CHAPTER 3
Visas

Section 1
Visas for short visits

Article 9

1. The Contracting Parties undertake to adopt a common policy on the movement of persons and in particular on the arrangements for visas. They shall give each other assistance to that end. The Contracting Parties undertake to pursue by common agreement the harmonization of their policies on visas.

2. The visa arrangements relating to Third States, the nationals of which are subject to visa arrangements common to all the Contracting Parties at the time when this Convention is signed or later, may be amended only by common agreement of all the Contracting Parties. A Contracting Party may exceptionally derogate from the common visa arrangements with respect to a Third State for over-riding, reasons of national policy that require an urgent decision. It must first consult the other Contracting Parties and, in its decision, must take account of their interests and of the consequences of that decision.

Article 10

1. A uniform visa valid for the entire territory of the Contracting Parties shall be introduced. This visa, the period of validity of which shall be determined by Article 11, may be issued for visits not exceeding three months.
2. Until this visa is introduced the Contracting Parties shall recognize their respective national visas, insofar as these are issued on the basis of common conditions and criteria determined within the framework of the relevant provisions of this Chapter.

3. By way of derogation from paragraphs 1 and 2 above each Contracting Party shall reserve the right to restrict the territorial validity of the visa in accordance with common arrangements determined in the context of the relevant provisions of this Chapter.

Article 11

1. The visa provided for in Article 10 may be:

(a) a travel visa valid for one or more entries, provided that neither the length of a continuous visit nor the total length of successive visits may exceed three months in any half year as from the date of first entry:

(b) a transit visa allowing its holder to pass through the territories of the Contracting Parties once, twice or exceptionally several times en route to the territory of a Third State, provided that no transit shall last longer than five days.

2. Paragraph 1 shall not preclude a Contracting Party from issuing a new visa, the validity of which is limited to its own territory, within the half year in question if necessary.

Article 12

1. The uniform visa provided for in Article 10(1) shall be issued by the diplomatic and consular authorities of the Contracting Parties and, where appropriate, by the authorities of the Contracting Parties designated under Article 17.

2. The Contracting Party competent to issue such a visa shall in principle be that of the principal destination. If this cannot be determined the visa shall in principle be issued by the diplomatic or consular post of the Contracting Party of first entry.

3. The Executive Committee shall specify the implementing arrangements and, in particular, the criteria for determining the principal destination.

Article 13

1. No visa shall be apposed on a travel document that has expired.

2. The period of validity of a travel document must be greater than that of the visa, taking account of the period of use of the visa. It must enable an alien to return to his country of origin or to enter a third country.

Article 14

1. No visa may be apposed to a travel document if that travel document is valid for none of the Contracting Parties. If a travel document is valid only for one Contracting Party or for a number of Contracting Parties the visa to be apposed shall be limited to the Contracting Party or Parties in question.

2. If a travel document is not recognized as valid by one or more of the Contracting Parties a visa may be issued in the form of an authorization in place of a visa.

Article 15

In principle the visas referred to in Article 10 may be issued only if an alien fulfils the conditions of entry laid down in Article 5(l)(a), (c), (d) and (e).

Article 16

If a Contracting Party considers it necessary to derogate, on one of the grounds listed in Article 5(2), from the principle enunciated in Article 15 by issuing a visa to an alien who does not fulfil all the conditions of entry referred to in Article 5(1), the validity of this visa shall be restricted to the territory of that Contracting Party, which must inform the other Contracting Parties accordingly.

Article 17

1. The Executive Committee shall adopt common rules for the examination of applications for a visa, shall ensure their correct implementation and shall adapt them to new situations and circumstances.

2. The Executive Committee shall also specify the cases in which the issue of a visa shall be subject to consultation with the central authority of the Contracting Party to which application is made and, where appropriate, the central authorities of other Contracting Parties.

3. The Executive Committee shall also take the necessary decisions regarding the following points:

(a) the travel documents to which a visa may be apposed;

(b) the bodies responsible for the issue of visas;

(c) the conditions governing the issue of visas at borders;

(d) the form, content, and period of validity of visas and the charges to be imposed for their issue;

(e) the conditions for the extension and refusal of the visas referred to in (c) and (d) above, in accordance with the interests of all the Contracting Parties;

(f) the procedures for the limitation of the territorial validity of visas:

(g) the principles governing the preparation of a common list of aliens reported as not to be permitted entry, without prejudice to Article 96.

Section 2
Visas for long visits

Article 18

Visas for visits of more than three months shall be national visas issued by one of the Contracting Parties in accordance with its own legislation. Such a visa shall enable its holder to transit through the territories of the other Contracting Parties in order to proceed to the territory of the Contracting Party which issued the visa, unless he fails to fulfil the conditions of entry referred to in Article 5(l)(a), (d) and (e) or he is on the national reporting list of the Contracting Party through the territory of which he seeks to transit.

CHAPTER 4
Conditions governing the movements of aliens

Article 19

1. Aliens holding, a uniform visa who have legally entered the territory of a Contracting Party may move freely within the territories of all the Contracting Parties throughout the period of validity of their visas, provided they fulfil the conditions of entry referred to in Article 5(1)(a), (c), (d) and (e).

2. Pending the introduction of a uniform visa, aliens holding a visa issued by one of the Contracting Parties who have legally entered the territory of one Contracting Party may move freely within the territories of all the Contracting Parties during the period of validity of their visa up to a maximum of three months from the date of first entry, provided they fulfil the conditions of entry referred to in Article 5(l)(a), (c), (d) and (e).

3. Paragraphs 1 and 2 shall not apply to visas of which the validity is subject to territorial limitation in accordance with Chapter 3 of this Title.

4. This Article shall apply without prejudice to Article 22.

Article 20

1. Aliens not subject to a visa requirement may move freely within the territories of the Contracting Parties for a maximum period of three months during the six months following the date of first entry, provided they fulfil the conditions of entry referred to in Article 5(1)(a), (c), (d) and (e).

2. Paragraph 1 shall not affect the rights of each Contracting Party to extend beyond three months the visit of an alien within its territory in exceptional circumstances or in implementation of a bilateral agreement concluded before the entry into force of this Convention.

3. This Article shall apply without prejudice to Article 22.

Article 21

1. An alien holding a residence permit issued by one of the Contracting Parties may, under cover of that permit and of a travel document, both documents still being valid, move freely for up to three months within the territories of the other Contracting Parties provided he fulfils the conditions of entry referred to in Article 5(1)(a), (c) and (e) and is not on the national reporting list of the Contracting Party concerned.

2. Paragraph 1 shall also apply to an alien holding a provisional residence permit issued by one of the Contracting Parties and a travel document issued by that Contracting Party.

3. The Contracting Parties shall communicate to the Executive Committee a list of the documents which they issue that are valid as residence permits or provisional residence permits and travel documents within the meaning of this Article.

4. This Article shall apply without prejudice to Article 22.

Article 22

1. An alien who has legally entered the territory of one of the Contracting Parties shall be obliged to declare himself, in accordance with the conditions imposed by each Contracting Party, to the competent authorities of the Contracting Party the territory of which he enters. Such declaration may be made, at each Contracting Party's choice, either on entry or, within three working days of entry, within the territory of the Contracting Party which he enters.

2. An alien resident within the territory of one of the Contracting Parties who enters the territory of another Contracting Party shall be subject to the obligation to declare himself referred to in paragraph 1.

3. Each Contracting Party shall enact exceptions to paragraphs 1 and 2 and shall communicate them to the Executive Committee.

Article 23

1. An alien who does not fulfil or who no longer fulfils the short visit conditions applicable within the territory of a Contracting Party must in principle leave the territories of the Contracting Parties without delay.

2. An alien who holds a valid residence permit or temporary residence permit issued by another Contracting Party must enter the territory of that Contracting Party without delay.
3. Where such an alien has not left voluntarily or where it may be assumed that he will not so leave or if his immediate departure is required for reasons of national security or public policy, he must be expelled from the territory of the Contracting Party within which he has been arrested as laid down in the national law of that Contracting Party. If the application of that law does not permit expulsion, the Contracting Party concerned may allow the person concerned to remain within its territory.

4. Expulsion may be effected from the territory of that State to the alien's country of origin or to any other State to which he may be permitted entry, in particular under the relevant provisions of the re-entry agreements concluded by the Contracting Parties.

5. Paragraph 4 shall not preclude the application of national provisions on the right of asylum, of the Geneva Convention of 28 July 1951 relating to the Status of Refugees as amended by the New York Protocol of 31 January 1967, or of paragraph 2 of this Article or Article 33(1) of this Convention.

Article 24

Subject to the Executive Committee's definition of the appropriate practical criteria and arrangements, the Contracting Parties shall compensate each other for any financial imbalances resulting from the compulsory expulsion provided for in Article 23 where such expulsion cannot be effected at the alien's expense.

CHAPTER 5
Residence permits and reporting as a person not to be permitted entry

Article 25

1. Where a Contracting Party considers issuing a residence permit to an

alien who has been reported as a person not to be permitted entry it shall first consult the reporting Contracting Party and shall take account of its interests; the residence permit shall be issued only on serious grounds, in particular of a humanitarian nature or pursuant to international obligations.

If a residence permit is issued the reporting Contracting Party shall withdraw the report but may put the alien concerned on its national reporting list of persons not to be permitted entry.

2. Where it emerges that an alien holding a valid residence permit issued by one of the Contracting Parties has been reported as a person not to be permitted entry the reporting Contracting Party shall consult the Party which issued the residence permit in order to determine whether there are sufficient grounds for the withdrawal of the residence permit.

If the residence permit is not withdrawn the reporting Contracting Party shall withdraw the report but may put the alien in question on its national reporting list.

CHAPTER 6
Measures relating to organized travel

Article 26

1. Subject to the obligations arising out of their accession to the Geneva Convention of 28 July 1951 relating to the Status of Refugees, as amended by the New York Protocol of 31 January 1967, the Contracting Parties undertake to incorporate the following rules in their national legislation:

(a) If an alien is refused entry into the territory of one of the Contracting Parties the carrier which brought him to the external border by air, sea or land shall be obliged to assume responsibility for him again without delay. At the request of the border surveillance authorities the carrier must return the alien to the Third State from which he was transported, to the Third State which issued the travel document on which he travelled or to any other Third State to which he is guaranteed entry.
(b) The carrier shall be obliged to take all necessary measures to ensure that an alien carried by air or sea is in possession of the travel documents required for entry into the territory of the Contracting Parties.

2. The Contracting Parties undertake, subject to the obligations arising out of their accession to the Geneva Convention of 28 July 1951 relating to the Status of Refugees, as amended by the New York Protocol of 31 January 1967, and in accordance with their constitutional law, to impose penalties on carriers who transport aliens who do not possess the necessary travel documents by air or sea from a Third State to their territories.

3. Paragraph l(b) and paragraph 2 shall also apply to carriers of groups by coach over international road links, with the exception of border traffic.

Article 27

1. The contracting Parties undertake to impose appropriate penalties on any person who, for purposes of gain, assists or tries to assist an alien to enter or reside within the territory of one of the Contracting Parties contrary to the laws of that Contracting Party on the entry and residence of aliens.

2. If a Contracting Party is informed of the facts referred to in paragraph 1 which constitute an infringement of the legislation of another Contracting Party, it shall inform the latter accordingly.

3. Any Contracting Party which requests another Contracting Party to prosecute, on the grounds of the infringement of its own legislation, offences such as those referred to in paragraph 1, must specify, by means of an official denunciation or a certificate from the competent authorities, the provisions of law which have been infringed.

CHAPTER 7
Responsibility for the processing of applications for asylum

Article 28

The Contracting parties hereby reaffirm their obligations under the Geneva Convention of 28 July 1951 relating to the status of Refugees as amended by the New York Protocol of 31 January 1967, without any geographical restriction on the scope of those instruments, as also their commitment to cooperate with the United Nations High Commissioner for Refugees in the implementation of those instruments.

Article 29

1. The Contracting Parties undertake to process any application for asylum lodged by an alien within the territory of any one of them.

2. This obligation shall not bind a Contracting Party to authorize every applicant for asylum to enter or to remain within its territory.

Every Contracting Party shall retain the right to refuse entry or to expel any applicant for asylum to a Third State on the basis of its national provisions and in accordance with its international commitments.

3. Regardless of the Contracting Party to which an alien addresses an application for asylum, only one Contracting Party shall be responsible for processing that application. It shall be determined by the criteria laid down in Article 30.

4. Notwithstanding paragraph 3 every Contracting Party shall retain the right, for special reasons concerning national law in particular, to process an application for asylum even if under this Convention the responsibility for doing so is that of another Contracting Party.
Article 30

1. The Contracting Party responsible for the processing of an application for asylum shall be determined as follows:

(a) If a Contracting Party has issued to the applicant for asylum a visa of any type, or a residence permit, it shall be responsible for processing the application. If the visa was issued on the authorization of another Contracting Party, the Contracting Party who gave the authorization shall be responsible.

(b) If two or more Contracting Parties have issued to the applicant for asylum a visa of any type or a residence permit, the Contracting Party responsible shall be the one which issued the visa or the residence permit that will expire last.

(c) As long as the applicant for asylum has not left the territory of the Contracting Parties the responsibility defined in accordance with (a) and (b) shall subsist even if the period of validity of the visa of any type or of the residence permit has expired. If the applicant for asylum has left the territory of the Contracting States after the issue of the visa or the residence permit, these documents shall be the basis for the responsibility as defined in (a) and (b) unless they have expired in the interval under national provisions.

(d) If the Contracting Parties exempt the applicant for asylum from the requirement for a visa, the Contracting Party across the external borders of which the applicant for asylum has entered the territory of the Contracting Parties shall be responsible.

Until the harmonization of visa policies is completed, and if the applicant for asylum is exempted from the requirement for a visa by certain Contracting Parties only, the Contracting Party across the external border of which the applicant for asylum has entered the territory of the Contracting Parties by means of an exemption from the requirement of a visa shall be responsible, subject to (a) (b) and (c).

If the application for asylum is submitted to a Contracting Party which has issued a transit visa to the applicant - whether the applicant has passed passport checks or not - and if the transit visa was issued after the country of transit had ascertained from the consular or diplomatic authorities of the Contracting Party of destination that the applicant for

asylum fulfilled the conditions for entry into the Contracting Party of destination, the Contracting Party of destination shall be responsible for processing the application.

(e) If the applicant for asylum has entered the territory of the Contracting Parties without being in possession of one or more documents permitting the crossing of the border, determined by the Executive Committee, the Contracting Party across the external borders of which the applicant for asylum has entered the territory of the Contracting Parties shall be responsible.

(f) If an alien whose application for asylum is already being processed by one of the Contracting Parties submits a new application the Contracting Party responsible shall be the one processing the first application.

(g) If an alien on whose previous application for asylum a Contracting Party has already taken a final decision submits a new application, the Contracting Party responsible shall be the one that processed the previous request unless the applicant has left the territory of the Contracting Parties,

2. If a Contracting Party has undertaken the processing of an application for asylum in accordance with Article 29(4) the Contracting Party responsible under paragraph 1 of the present Article shall be relieved of its obligations.

3. If the Contracting Party responsible cannot be determined by means of the criteria laid down in paragraphs 1 and 2 the Contracting Party to which the application for asylum was submitted shall be responsible.

Article 31

1. The Contracting Parties shall endeavour to determine as quickly as possible which of them is responsible for the processing of an application for asylum.

2. If an application for asylum is addressed to a Contracting Party which is not responsible under Article 30 by an alien resident within its territory that Contracting Party may request the Contracting Party responsible to take responsibility for the applicant for asylum in order to process his application for asylum.

3. The Contracting Party responsible shall be bound to take responsibility for the applicant for asylum referred to in paragraph 2 if the request is made within six months of the submission of the application for asylum. If the request is not made within that time the Contracting Party to which the application for asylum was submitted shall be responsible for processing the application.

Article 32

The Contracting Party responsible for the processing of an application for asylum shall process it in accordance with its national law.

Article 33

1. If an applicant for asylum is illegally within the territory of another Contracting Party while the asylum procedure is in progress the Contracting Party responsible shall be bound to take him back.

2. Paragraph 1 shall not apply where the other Contracting Party has issued an applicant for asylum with a residence permit valid for one year or more. In this case responsibility for the processing of the application shall be transferred to the other Contracting Party.

Article 34

1. The Contracting Party responsible shall be bound to take back an alien whose application for asylum has been finally rejected and who has entered the territory of another Contracting Party without being authorized to reside there.

2. Paragraph 1 shall not, however, apply where the Contracting Party responsible expelled the alien from the territories of the Contracting Parties.

Article 35

1. The Contracting Party which granted an alien the status of refugee and gave him the right of residence shall be bound, provided that those concerned are in agreement, to be responsible for processing any application for asylum made by a member of his family.

2. A family member for the purposes of paragraph 1 shall be the spouse or the unmarried child less than 18 years old of the refugee or, if the refugee is an unmarried child less than 18 years old, his father or mother.

Article 36

Any Contracting Party responsible for the processing of an application for asylum may, on humanitarian grounds based on family or cultural reasons, ask another Contracting Party to assume that responsibility insofar as the person concerned so wishes. The Contracting Party to whom such a request is made shall consider whether it can grant it.

Article 37

1. The competent authorities of the Contracting Parties shall at the earliest opportunity send each other details of:

(a) any new rules or measures adopted as regards the law of asylum or of the treatment of applicants for asylum no later than their entry into force:

(b) statistical data concerning the monthly arrivals of applicants for asylum, indicating the principal countries of origin, and decisions on applications for asylum insofar as they are available;

(c) the emergence of, or significant increases in, certain groups of applicants for asylum and any information available on this subject:

(d) many fundamental decisions as regards the law of asylum.

2. The Contracting Parties shall also guarantee close cooperation in the collection of information on the situation in the countries of origin of applicants for asylum with a view to reaching a common assessment.

3. Any instruction given by a Contracting Party concerning the confidential processing of the information that it communicates must be complied with by the other Contracting Parties.

Article 38

1. Every Contracting Party shall send every other Contracting Party that requests it the information it holds on an applicant for asylum that is necessary for purposes of.-

- determining the Contracting Party responsible for processing the application for asylum;
- processing the application for asylum;
- implementing the obligations arising under this chapter.

2. Such information may concern only

(a) the identity (name and forename, any previous names. appellations or aliases, date and place of birth, present nationality and any previous nationalities of the applicant for asylum and, where appropriate, the members of his family);

(b) the identity and travel documents (references, periods of validity, dates of issue, issuing authorities, place of issue, etc.):

(c) any other particulars necessary for establishing the applicant's identity:

(d) places of residence and the itineraries of journeys;

(e) residence permits or visas issued by a Contracting Party;

(f) the place where the application for asylum was submitted;

(g) where appropriate, the date of submission of any previous application

for asylum, the date of submission of the present application, the point reached in the procedure and the import of the decision taken.

3. In addition, a Contracting Party may ask another Contracting Party to inform it of the grounds invoked by an applicant for asylum in support of his application and, where appropriate, the grounds for the decision taken on it. The Contracting Party requested shall consider whether it can comply with the request made to it. In any case the communication of such information shall be subject to the consent of the applicant for asylum.

4. Exchanges of information shall be effected at the request of a Contracting Party and may be effected only between the authorities the designation of which has been communicated by each Contracting Party to the Executive Committee.

5. The information exchanged may be used only for the purposes set out in paragraph 1, Such information may be communicated only to the authorities and jurisdictions responsible for:
- determining the Contracting Party responsible for the processing of an application for asylum;

- processing an application for asylum;.

- implementing obligations arising under this Chapter.

6. A Contracting Party that communicates information shall ensure it is correct and up to date.

If it emerges that this Contracting Party supplied information that was not correct or should not have been communicated the recipient Contracting Parties shall be informed without delay. They shall be bound to correct that information or to delete it.

7. An applicant for asylum shall be entitled to be informed, at his request, of the information exchanged regarding him as long as it is available.

If he ascertains that this information is incorrect or should not have been communicated he shall be entitled to require its correction or deletion. Corrections shall be effected as laid down in paragraph 6.

8. In each Contracting Party concerned the communication and receipt of information exchanged shall be recorded.

9. Information communicated shall be preserved no longer than the time necessary for the purposes for which it was exchanged. The need for its preservation must be assessed in due course by the Contracting Party concerned.

10. Information communicated shall in any case have at least the same protection as that laid down in the law of the recipient Contracting Party for information of a similar nature.

11. If information is not processed automatically but in another manner each Contracting Party must take appropriate measures to ensure that this Article is complied with by means of effective checks. If a Contracting Party has a service of the type referred to in paragraph 12 it may instruct that service to carry out those checks.

12. If one or more Contracting parties want to computerize the processing of all or part of the information referred to in paragraphs 2 and 3, computerization shall be authorized only if the Contracting Parties concerned have adopted legislation relating to such processing that implements the principles of the Council of Europe Convention of 28 January 1981 for the Protection of Individuals with regard to Automatic Processing of Personal Data and if they have entrusted an appropriate national body with the independent control of the processing and use of data communicated under this Convention.

TITLE III
Police and security

CHAPTER 1
Police-cooperation

Article 39

1. The Contracting Parties undertake to ensure that their police authorities shall, in compliance with national legislation and within the limits of their responsibilities, assist each other for the purposes of preventing and detecting criminal offences, insofar as national law does not stipulate that the request is to be made to the legal authorities and provided the request or the implementation thereof does not involve the application of coercive measures by the requested Contracting Party. Where the requested police authorities do not have Jurisdiction to implement a request, they shall forward it to the competent authorities.

2. The written information provided by the requested Contracting Party under paragraph 1 may not be used by the requesting Contracting Party as evidence of the criminal offence other than with the agreement of the relevant legal authorities of the requested Contracting Party.

3. Requests for assistance referred to in paragraph 1 and the replies to such requests may be exchanged between the central bodies responsible in each Contracting Party for international police cooperation. Where the request cannot be made in good time by the above procedure, it may be addressed by the police authorities of the requesting Contracting Party directly to the competent authorities of the requested Party, which may reply directly. In such cases, the requesting police authority shall as soon as possible inform the central body responsible in the requested Contracting Party for international police cooperation of its direct application.

4. In border regions. cooperation may be covered by arrangements between the responsible Ministers of the Contracting Parties.

5. The provisions of this Article shall not preclude more detailed present or future bilateral agreements between Contracting Parties with a common border. The Contracting Parties shall inform each other of such agreements.

Article 40

1. Police officers of one of the Contracting Parties who, within the framework of a criminal investigation, are keeping under observation in their country, a person who is presumed to have taken part in a criminal offence to which extradition may apply, shall be authorized to continue their observation in the territory of another Contracting Party where the latter has authorized cross-border observation in response to a request for assistance which has previously been submitted. Conditions may be attached to the authorisation.

On request, the observation will be entrusted to officers of the Contracting Party in whose territory it is carried out.

The request, for Assistance referred to in the first subparagraph must be sent to an authority designated by each of the Contracting Parties and having jurisdiction to grant or to forward the requested authorization.

2. Where, for particularly urgent reasons, prior authorization of the other Contracting Party cannot be requested, the officers conducting the observation shall be authorized to continue beyond the border the observation of a person presumed to have committed offences listed in paragraph 7, provided that the following conditions are met:

(a) the authorities of the Contracting Party designated under paragraph 5, in whose territory the observation is to be continued, must be notified immediately, during the observation that the border has been crossed:

(b) A request for assistance submitted in accordance with paragraph 1 and outlining the grounds for crossing the border without prior authorization shall be submitted without delay.

Observation shall cease as soon as the Contracting Party in whose

territory it is taking place so requests, following the notification referred to in (a) or the request referred to in (b) or where authorization has not been obtained five hours after the border was crossed.

3. The observation referred to in paragraphs 1 and 2 shall be carried out only under the following general conditions:

(a) The officers conducting the observation must comply with the provisions of this Article and with the law of the Contracting Party in whose territory they are operating; they must obey the instructions of the local responsible authorities.

(b) Except in the situations provided for in paragraph 2, the officers shall, during the observation, carry a document certifying that authorization has been granted.

(c) The officers conducting the observation must be able at all times to provide proof that they are acting in an official capacity.

(d) The officers conducting the observation may carry their service weapons during the observation save where specifically otherwise decided by the requested party; their use shall be prohibited save in cases of legitimate self-defence.

(e) Entry into private homes and places not accessible to the public shall be prohibited.

(f) The officers conducting the observation may neither challenge nor arrest the person under observation.

(g) All operations shall be the subject of a report to the authorities of the Contracting Party in whose territory they took place; the officers conducting the observation may be required to appear in person.

(h) The authorities of the Contracting Party from which the observing officers have come shall, when requested by the authorities of the Contracting Party in whose territory the observation took place, assist the enquiry subsequent to the operation in which they took part, including legal proceedings.

4. The officers referred to in paragraphs 1 and 2 shall be:

- as regards the Kingdom of Belgium: members of the "police judiciaire pres les Parquets", the "gendarmerie" and the "police communale" as well as customs officers, under the conditions laid down in appropriate bilateral agreements referred to in paragraph 6, with respect to their powers regarding illicit traffic in narcotic drugs and psychotropic substances, traffic in arms and explosives, and the illicit carriage of toxic and dangerous waste:

- as regards the Federal Republic of Germany, officers of the "Polizeien des Bundes und der Lander" as well as, with respect only to illegal traffic in narcotic drugs and psychotropic substances and arms traffic, officers of the “Zollfahndungsdienst” (customs investigation service) in their capacity as auxiliary officers of the public ministry;

- as regards the French Republic: officers and criminal police officers of the national police and national "gendarmerie" as well as customs officers, under the conditions laid down in appropriate bilateral agreements referred to in paragraph 6, with respect to their powers regarding illicit traffic in narcotic drugs and psychotropic substances, traffic in arms and explosives, and the illicit carriage of toxic and dangerous waste:

- as regards the Grand Duchy of Luxembourg: officers of the "gendarmerie" and the police as well as customs officers, under the conditions laid down in appropriate bilateral agreements referred to in paragraph 6, with respect to their powers regarding illicit traffic in narcotic drugs and psychotropic substances, traffic in arms and explosives, and the illicit carriage of toxic and dangerous waste:

- as regards the Kingdom of the Netherlands: Officers of the "Rijkspolitie" and the "Gemeentepolitie" as well as, under the conditions laid down in appropriate bilateral agreements referred to in paragraph 6, with respect to their powers regarding illicit traffic in narcotic drugs and psychotropic substances, traffic in arms and explosives and the illicit carriage of toxic and dangerous waste, officers of the fiscal information and research service responsible for entry and excise duties.

5. The authority referred to in paragraphs 1 and 2 shall be:

- as regards the Kingdom of Belgium: the "Commissariat general de la Police judiciaire";

- as regards the Federal Republic of Germany: the "Bundeskriminalamt";

- as regards the French Republic: the "Direction centrale de la Police judiciaire";

- as regards the Grand Duchy of Luxembourg: the "Procureur general d'Etat":

- as regards the Kingdom of the Netherlands: the "Landelijk Officier van Justitie" responsible for cross-border observation.

6. The Contracting Parties may, at bilateral level, extend the scope of this Article and adopt additional measures in implementation thereof.

7. The observation referred to in paragraph 2 may take place only for one of the following criminal offences:

- assassination
- murder
- rape
- arson
- counterfeiting
- armed robbery and receiving of stolen goods
- extortion
- kidnapping and hostage taking
- traffic in human beings
- illicit traffic in narcotic drugs and psychotropic substances
- breach of the laws on arms and explosives
- use of explosives
- illicit carriage of toxic and dangerous waste

Article 41

1. Officers of one of the Contracting Parties following, in their country, an individual apprehended in the act of committing one of the offences referred to in paragraph 4 or participating in one of those offences, shall be authorized to continue pursuit in the territory of another Contracting Party without prior authorization where given the particular urgency of the situation it was not possible to notify the competent authorities of the other Contracting Party by one of the means provided for in Article 44 prior to entry into that territory or where these authorities have been unable to reach the scene in time to take over the pursuit.

The same shall apply where the person pursued has escaped from provisional custody or while serving a custodial sentence.

The pursuing officers shall, not later than when they cross the border, contact the competent authorities of the Contracting Party in whose territory the pursuit is to take place. The pursuit will cease as soon as the Contracting Party on the territory of which the pursuit is taking place so requests. At the request of the pursuing officers, the competent local authorities shall challenge the pursued person so as to establish his identity or to arrest him.

2. The pursuit shall be carried out in accordance with one of the following procedures, defined by the declaration provided for in paragraph 9:

(a) The pursuing officers shall not have the right to apprehend.

(b) If no request to cease the pursuit is made and if the competent local authorities are unable to intervene quickly enough, the pursuing officers may apprehend the person pursued until the officers of the Contracting Party in the territory of which the pursuit is taking place, who must be informed without delay, are able to establish his identity or arrest him.

3. Pursuit shall be carried out in accordance with paragraphs 1 and 2 in one of the following ways as defined by the declaration provided for in paragraph 9:

(a) in an area or during a period as from the crossing of the border, to be established in the declaration:

(b) without limit in space or time.

4. In a declaration referred to in paragraph 9, the Contracting Parties shall define the offenses referred to in paragraph 1 in accordance with one of the following procedures:

(a) The following offences:

- assassination,
- murder,
- rape,
- arson,
- counterfeiting,
- armed robbery and receiving of stolen goods,
- extortion,
- kidnapping and hostage taking,
- traffic in human beings,
- illicit traffic in narcotic drugs and psychotropic substances,
- breach of the laws on arms and explosives,
- use of explosives,
- illicit carriage of toxic and dangerous waste,
- taking to flight after an accident which has resulted in death or serious injury.

(b) Extraditable offenses.

5. Pursuit shall be subject to the following general conditions:

(a) The pursuing officers must comply with the provisions of this Article and with the law of the Contracting Party in whose territory they are operating; they must obey the instructions of the competent local authorities.

(b) Pursuit shall be solely over land borders.

(c) Entry into private homes and places not accessible to the public shall be prohibited.

(d) The pursuing officers shall be easily identifiable, either by their uniform or by means of an armband or by accessories fitted to their vehicle; the use of civilian clothes combined with the use of unmarked vehicles without the aforementioned identification is prohibited; the pursuing officers must at all times be able to prove that they are acting in an official capacity.

(e) The pursuing officers may carry their service weapons; their use shall be prohibited save in cases of legitimate self-defence.

(f) Once the pursued person has been apprehended as provided for in paragraph 2(b), for the purpose of bringing him before the competent local authorities he may be subjected only to a security search; handcuffs may be used during his transfer; objects carried by the pursued person may be seized.

(g) After each operation mentioned in paragraphs 1, 2 and 3, the pursuing officers shall present themselves before the local competent authorities of the Contracting Party in whose territory they were operating and shall give an account of their mission: at the request of those authorities, they must remain at their disposal until the circumstances of their action have been adequately elucidated; this condition shall apply even where the pursuit has not resulted in the arrest of the pursued person.

(h) The authorities of the Contracting Party from which the pursuing officers have come shall, when requested by the authorities of the Contracting Party in whose territory the pursuit took place assist the enquiry subsequent to the operation in which they took part, including legal proceedings.

6. A person who, following the action provided for in paragraph 2, has been arrested by the competent local authorities may, whatever his nationality, be held for questioning. The relevant rules of national law shall apply by analogy.

If the person is not a national of the Contracting Party in the territory of which he was arrested, he shall be released no later than six hours after his arrest, not including the hours between midnight and 9.00 in the morning, unless the competent local authorities have previously received a request for his provisional arrest for the purposes of extradition in any form whatever.

7. The officers referred to in the previous paragraphs shall be:

- as regards the Kingdom of Belgium: members of the "police Judiciaire pres les Parquets", the "gendarmerie" and the "police communale" as well as customs officers, under the conditions laid down in appropriate bilateral agreements referred to in paragraph 10, with respect to their powers regarding illicit traffic in narcotic drugs and psychotropic substances, traffic in arms and explosives, and the illicit carriage of toxic and dangerous waste;

- as regards the Federal Republic of Germany: officers of the "Polizeien des Bundes und der Lander" as well as, with respect only to illegal traffic in narcotic drugs and psychotropic substances and arms traffic, officers of the "Zollfahndungsdienst" (customs investigation service) in their capacity as auxiliary officers of the public ministry;

- as regards the French Republic: officers and criminal police officers of the national police and national "gendarmerie" as well as customs officers, under the conditions laid down in the appropriate bilateral agreements referred to in paragraph 10, with respect to their powers regarding illicit traffic in narcotic drugs and psychotropic substances, traffic in arms and explosives, and the illicit carriage of toxic and dangerous waste;

- as regards the Grand Duchy of Luxembourg: officers of the "gendarmerie" and the police as well as customs officers, under the conditions laid down in the appropriate bilateral agreements referred to in paragraph 10, with respect to their powers regarding illicit traffic in narcotic drugs and psychotropic substances, traffic in arms and explosives, and the illicit carriage of toxic and dangerous waste:

- as regards the Kingdom of the Netherlands: officers of the "Rijkspolitie" and the "Gemeentepolitie" as well as, under the conditions laid down in the appropriate bilateral agreements referred to in paragraph 10, with respect to their powers regarding the illicit traffic in narcotic drugs and psychotropic substances, traffic in arms and explosives and the illicit carriage of toxic and dangerous waste, officers of the fiscal information and research service responsible for entry and excise duties.

8. This Article shall be without prejudice where the Contracting Parties are concerned, to Article 27 of the Benelux Treaty of 27 June 1962 on Extradition and Mutual Assistance in Criminal Matters as amended by the Protocol of 11 May 1974.

9. On signing this Convention, each Contracting Party shall make a declaration in which it shall-define, on the basis of paragraphs 2, 3 and 4 above, the procedures for implementing pursuit in its territory for each of the Contracting Parties with which it has a common border.

A Contracting Party may at any moment replace its declaration by another declaration, provided the latter does not restrict the scope of the former.

Each declaration shall be made after consultations with each of the Contracting Parties concerned and with a view to obtaining equivalent arrangements on both sides of internal borders.

10. The Contracting Parties may, on a bilateral basis, extend the scope of paragraph 1 and adopt additional provisions in implementation of this Article.

Article 42

During the operations referred to in Articles 40 and 41, officers operating on the territory of another Contracting Party shall be regarded as officers of that Party with respect to offences committed against them or by them.

Article 43

1. Where, in accordance with Articles 40 and 41 of this Convention, officers of Contracting Party are operating in the territory of another Contracting Party, the first Contracting Party shall be responsible for any damage caused by them during the course of their mission, in accordance with the law of the Contracting Party in whose territory they are operating.

2. The Contracting Party in whose territory the damage referred to in paragraph 1 is caused shall repair such damage under the conditions applicable to damage caused by its own officers.

3. The Contracting Party whose officers have caused damage to whomsoever in the territory of another Contracting Party shall reimburse in full to the latter any sums it has paid out to the victims or other entitled persons.

4. Without prejudice to the exercise of its rights vis-a-vis third parties and without prejudice to paragraph 3, each Contracting Party shall refrain, in the case provided for in paragraph 1, from requesting reimbursement of the amount of the damages it has sustained from another Contracting Party.

Article 44

1. In accordance with the relevant international agreements and account being taken of local circumstances and the technical possibilities, the Contracting Parties shall set up, in particular in border areas, telephone, radio, and telex lines and other direct links to facilitate police and customs cooperation, in particular for the transmission of information in good time for the purposes of cross-border observation and pursuit.

2. In addition to these short-term measures they will in particular examine the following possibilities:

(a) the exchange of equipment or the assignment of liaison officials provided with appropriate radio equipment;.

(b) the widening of the frequency bands used in border areas:

(c) the establishment of a common link for police and customs services operating in these same areas;

(d) coordination of their programmes for the procurement of communications equipment, with a view to achieving the introduction of standardized compatible communications systems.

Article 45

1. The Contracting Parties undertake to take the measures required to guarantee that:

(a) the managers of establishments providing lodging or their employees ensure that aliens accommodated therein, including nationals of the other Contracting Parties as well as those of other Member States of the European Communities, with the exception of accompanying spouses or minors or members of travel groups, personally complete and sign declaration forms and confirm their identity by the production of a valid identity document;

(b) the declaration forms thus completed will be kept for the competent authorities or forwarded to them where such authorities deem this necessary for the prevention of threats, for criminal proceedings or to ascertain what has happened to persons who have disappeared or who have been the victim of an accident, save where national law provides otherwise.

2. Paragraph 1 shall apply by analogy to persons staying in any accommodation provided by professional lessors, in particular tents, caravans and boats.

Article 46

1. In particular cases, each Contracting Party may, in compliance with its national legislation and without being asked, send the Contracting Party concerned any information which may be of interest to it in helping prevent future crime and to prevent offences against or threats to public order and security.

2. Information shall be exchanged, without prejudice to the arrangements for cooperation in border areas referred to in Article 39(4), through a central body to be designated. In particularly urgent cases, the exchange of information within the meaning of this Article may take place directly between the police authorities concerned, save where national provisions provide otherwise. The central body shall be informed of this as soon as possible.

Article 47

1. The Contracting Parties may conclude bilateral agreements providing for the secondment, for a specified or unspecified period, of liaison officers from one Contracting Party to the police authorities of the other Contracting Party.

2. The secondment of liaison officers for a specified or unspecified period is intended to promote and to accelerate cooperation between the Contracting Parties, particularly by providing assistance.

(a) in the form of the exchange of information for the purposes of fighting crime by means both of prevention and of punishment.

(b) in complying with requests for mutual police assistance and legal assistance in criminal matters;

(c) for the purposes of missions carried out by the authorities responsible for the surveillance of external borders.

3. Liaison officers shall have the task of giving advice and assistance. They shall not be competent to take independent police action. They shall supply information and perform their duties in accordance with the instructions given to them by the Contracting Party of origin and by the Contracting Party to which they are seconded. They shall make reports regularly to the head of the police service to which they are seconded.

4. The Contracting Parties may agree within a bilateral or multilateral framework that liaison officers from a Contracting Party seconded to third States shall also represent the interests of one or more other Contracting Parties. Under such agreements. liaison officers seconded to third States shall supply information to other Contracting Parties when requested to do so or on their own initiative and shall, within the limits of their powers, perform duties on behalf of such Parties. The Contracting Parties shall inform one another of their intentions as regards the secondment of liaison officers to third States.

CHAPTER 2
Mutual assistance in criminal matters

Article 48

1. The provisions of this Chapter are intended to supplement the European Convention of 20 April 1959 on Mutual Assistance in Criminal Matters as well as, in relations between the Contracting Parties which are members of the Benelux Economic Union, Chapter II of the Benelux Treaty on Extradition and Mutual Assistance in Criminal Matters of 27 June 1962, as amended by the Protocol of 11 May 1974, and to facilitate the implementation of these agreements.

2. Paragraph 1 shall not affect the application of the broader provisions of the bilateral agreements in force between the Contracting Parties.

Article 49

Mutual assistance shall also be afforded:

(a) in proceedings brought by the administrative authorities in respect of offences which are punishable in one of the two Contracting Parties or in both Contracting Parties by virtue of being infringements of the rules of law, where the decision may give rise to proceedings before a criminal court;

(b) in proceedings for compensation in respect of unjustified prosecution or conviction;

(c) in proceedings in non-contentious matters;

(d) in civil proceedings joined to criminal proceedings, as long as the criminal court has not yet given a final ruling in the criminal proceedings;

(e) to communicate legal statements relating to the execution of a sentence or measure, the imposition of a fine or the payment of costs or proceedings;

(f) in respect of measures relating to the suspension of delivery of a sentence or measure, conditional release or the postponement or suspension of execution of a sentence or measure.

Article 50

1. The Contracting Parties undertake to afford each other, in accordance with the Convention and the Treaty referred to in Article 48, mutual assistance as regards infringements of their rules of law with respect to excise duty, value added tax and customs duties. Customs provisions are the rules laid down in Article 2 of the Convention of 7 September 1967 between Belgium, the Federal Republic of Germany, France, Italy, Luxembourg and the Netherlands on mutual assistance between customs administrations, as well as Article 2 of Council Regulation (EEC) No 1468/81 of 19 May 1981.

2. Requests based on evasion of excise duties may not be rejected on the grounds that the country requested does not levy excise duties on the goods referred to in the request.

3. The requesting Contracting Party shall not forward or use information or evidence obtained from the requested Contracting Party for enquiries, proceedings or procedures other than those referred to in its request, without the prior assent of the requested Contracting Party.

4. The mutual assistance provided for in this Article may be refused where the alleged amount of duty underpaid or evaded is no more than ECU 25,000 or where the presumed value of the goods exported or imported without authorization is no more than ECU 100,000, unless, given the circumstances or the identity of the accused, the case is deemed to be extremely serious by the requesting Contracting Party.

5. The provisions of this Article shall also apply when the mutual assistance requested concerns infringements punishable only by a fine as infringements of the rules of law in proceedings brought by the administrative authorities, where the request for assistance emanates from a judicial authority.

Article 51

The Contracting Parties may not make the admissibility of letters rogatory for search or seizure dependent on conditions other than the following:

(a) the offence giving rise to the letters rogatory is punishable under the law of both Contracting Parties by a custodial sentence or a security measure restricting liberty of a maximum of at least six months or is punishable under the law of one of the two Contracting Parties by an equivalent penalty and under the law of the other Contracting Party as an infringement of the regulations which is prosecuted by the administrative authorities where the decision may give rise to proceedings before a criminal court.
(b) execution of the letters rogatory is consistent with the law of the requested Contracting Party.

Article 52

1. Each Contracting Party may address procedural documents directly by post to persons who are in the territory of another Contracting Party. The Contracting Parties shall send the Executive Committee a list of the documents which may be forwarded in this way.

2. Where there is reason to believe that the addressee does not understand the language in which the document is drafted, the document - or at least the important passages in it - must be translated into (one of) the language(s) of the Contracting Party in the territory of which the addressee is staying. If the authority forwarding the document knows that the addressee speaks only another language, the document - or at least the important passages thereof - must be translated into that other language.

3. An expert or witness who has failed to answer a summons to appear, sent to him by post, shall not, even if the summons contains a notice of penalty, be subjected to any punishment or measure of restraint, unless subsequently he voluntarily enters the territory of the requesting Party and is there again duly summoned. The authority sending a summons to appear by post shall ensure that it does not involve penalties. This provision shall be without prejudice to Article 34 of the Benelux Treaty on Extradition and Mutual Assistance in Criminal Matters of 27 June 1962 as amended by the Protocol of 11 May 1974.

4. If the offence on which the request for assistance is based is punishable under the law of both Contracting Parties as an infringement of the regulations which is being prosecuted by the administrative authorities where the decision may give rise to proceedings before a criminal court, the procedure outlined in paragraph 1 must in principle be used for the forwarding of procedural documents.

5. Notwithstanding paragraph 1, procedural documents may be forwarded through the legal authorities of the requested Contracting Party where the addressee's address Is unknown or where the requesting Contracting Party requires a formal service.

Article 53

1. Requests for assistance may be made directly between legal authorities and returned through the same channels.

2. Paragraph 1 shall not prejudice the possibility of requests being sent and returned between ministries of Justice or through the intermediary of national central offices of the International Criminal Police Organization.

3. Requests for the temporary transfer or transit of persons provisionally under arrest or detained or who are the subject of a measure depriving them of their liberty, and the periodic or occasional exchange of data from the Judicial records must be effected through the Ministries of Justice.

4. Within the meaning of the European Convention of 20 April 1959 on Mutual Assistance in Criminal Matters Ministry of Justice means, where the Federal Republic of Germany is concerned, the Federal Minister of Justice and the Justice Ministers or Senators of the Federal States.

5. Information laid with a view to proceedings in respect of infringements of the legislation on driving and rest time, in accordance with Article 21 of the European Convention of 20 April 1959 on Mutual Assistance in Criminal Matters or with Article 42 of the Benelux Treaty on Extradition and Mutual Assistance in Criminal Matters of 27 June 1962, as amended by the Protocol of 11 May 1974, may be sent by the legal authorities of the requesting Contracting Party directly to the legal authorities of the requested Contracting Party.

CHAPTER 3
Application of the *non bis in idem* principle

Article 54

A person who has been finally judged by a Contracting Party may not be prosecuted by another Contracting Party for the same offences provided that, where he is sentenced, the sentence has been served or is currently

being served or can no longer be carried out under the sentencing laws of the Contracting Party.

Article 55

1. A Contracting Party may, when ratifying, accepting or approving this Convention, declare that it is not bound by Article 54 in one or more of the following cases:

(a) where the acts to which the foreign judgment relates took place in whole or in part in its own territory: in the latter case, this exception shall not however apply if the acts took place in part in the territory of the Contracting Party where the judgment was given;

(b) where the acts to which the foreign judgment relates constitute an offence against State security or other equally essential interests of that Contracting Party:

(c) where the acts to which the foreign judgement relates were committed by an official of that Contracting Party in violation of the obligations of his office.

2. A Contracting Party which has made a declaration regarding the exception referred to in paragraph l(b) shall specify the categories of offences to which this exception may apply.

3. A Contracting Party may at any moment withdraw a declaration relating to one or more of the exceptions referred to in paragraph 1.

4. The exceptions which were the subject of a declaration under paragraph 1 shall not apply where the Contracting Party concerned has, in respect of the same acts, requested the other Contracting Party to prosecute or has granted the extradition of the person concerned.

Article 56

If further proceedings are brought by a Contracting Party against a person who has been finally judged for the same offences by another Contracting Party, any period of deprivation of liberty served on the territory of the latter Contracting Party on account of the offences in question must be deducted from any sentence handed down. Account will also be taken, to the extent that national legislation permits, of sentences other than periods of imprisonment already undergone.

Article 57

1. Where a Contracting Party accuses an individual of an offence and the competent authorities of that Contracting Party have reason to believe that the accusation relates to the same offences as those for which the individual has already been finally judged by another Contracting Party, these authorities shall, if they deem it necessary, request the relevant information from the competent authorities of the Contracting Party in whose territory judgment has already been delivered.

2. The information requested shall be provided as soon as possible and shall be taken into consideration as regards further action to be taken in the proceedings in progress.

3. At the time of ratification, acceptance or approval of this Convention, each Contracting Party will nominate the authorities which will be authorized to request and receive the information provided for in this Article.

Article 58

The above provisions shall not preclude the application of wider national provisions on the "non bis in idem" effect attached to legal decisions taken abroad.

CHAPTER 4
Extradition

Article 59

1. The provisions of this Chapter are intended to supplement the European Convention of 13 September 1957 on Extradition as well as, in relations between the Contracting Parties which are members of the Benelux Economic Union, Chapter I of the Benelux Treaty on Extradition and Mutual Assistance in Criminal Matters of 27 June 1962, as amended by the Protocol of 11 May 1974, and to facilitate the implementation of these agreements.

2. Paragraph 1 shall not affect the application of the broader provisions of the bilateral agreements in force between Contracting Parties.

Article 60

In relations between two Contracting Parties, one of which is not a party to the European Convention on Extradition of 13 September 1957, the provisions of the said Convention shall apply, subject to the reservations and declarations made at the time of ratifying this Convention or, for Contracting Parties which are not parties to the Convention, at the time of ratifying, approving or accepting the present Convention.

Article 61

The French Republic undertakes to extradite, at the request of one of the Contracting Parties, persons against whom proceedings are being taken for offences punishable under French law by deprivation of liberty or under a detention order for a maximum period of at least two years and under the law of the requesting Contracting Party by deprivation of liberty or under a detention order for a maximum period of at least a year.

Article 62

1. As regards interruption of prescription, only the provisions of the requesting Contracting Party shall apply.

2. An amnesty granted by the requested Contracting Party shall not prevent extradition unless the offence falls within the jurisdiction of that Contracting Party.

3. The absence of a charge or an official notice authorizing proceedings, necessary only under the legislation of the requested Contracting Party, shall not affect the obligation to extradite.

Article 63

The Contracting Parties undertake, in accordance with the Convention and the Treaty referred to in Article 59, to extradite between themselves persons being prosecuted by the legal authorities of the requesting Contracting Party for one of the offences referred to in Article 50(1), or being sought by them for the purposes of execution of a sentence or detention order imposed in respect of such an offence.

Article 64

A report included in the Schengen Information System in accordance with Article 95 shall have the same force as a request for provisional arrest under Article 16 of the European Convention on Extradition of 13 September 1957 or Article 15 of the Benelux Treaty on Extradition and Mutual Assistance in Criminal Matters of 27 June 1962, as amended by the Protocol of 11 May 1974.

Article 65

1. Without prejudice to the option to use the diplomatic channel, requests for extradition and transit shall be sent by the relevant Ministry of the requesting Contracting Party to the relevant Ministry of the requested Contracting Party.

2. The relevant Ministries shall be:

- as regards the Kingdom of Belgium: the Ministry of Justice;

- as regards the Federal Republic of Germany: the Federal Ministry of Justice and the Justice Ministers or Senators of the Federal States;

- as regards the French Republic: the Ministry of Foreign Affairs;

- as regards the Grand Duchy of Luxembourg: the Ministry of Justice;

- as regards the Kingdom of the Netherlands: the Ministry of Justice.

Article 66

1. If the extradition of a wanted person is not obviously prohibited under the laws of the requested Contracting Party, that Contracting Party may authorize extradition without formal extradition proceedings, provided that the wanted person agrees thereto in a statement made before a member of the Judiciary after being examined by the latter and informed of his right to formal extradition proceedings. The wanted person may have access to a lawyer during such examination.

2. In cases of extradition under paragraph 1, a wanted person who explicitly states that he will not invoke the rule of speciality may not revoke that statement.

CHAPTER 5
Transfer of the execution of criminal judgments

Article 67

The following provisions shall apply between the Contracting Parties who are parties to the Council of Europe Convention of 21 March 1983 on the Transfer of Sentenced Persons, for the purposes of supplementing that Convention.

Article 68

1. The Contracting Party in whose territory a sentence of deprivation of liberty or a detention order has been imposed in a judgment which has obtained the force of res judicata in respect of a national of another Contracting Party who, by escaping to his own country, has avoided the execution of that sentence or detention order, may request the latter Contracting Party, if the escaped person is in its territory, to take over the execution of the sentence or of the detention order.

2. The requested Contracting Party may, at the request of the requesting Contracting Party, prior to the arrival of the documents supporting the request that the execution of the sentence or of the detention order or part of the sentence be taken over, and prior to the decision on that request, take the convicted person into police custody or take other measures to ensure that he remains in the territory of the requested Contracting Party.

Article 69

The transfer of execution under Article 68 shall not require the consent of the person on whom the sentence or the detention order has been imposed, The other provisions of the Council of Europe Convention of 21 March 1983 on the Transfer of Sentenced Persons shall apply by analogy.

CHAPTER 6
Narcotic drugs

Article 70

1. The Contracting Parties shall set up a permanent working party to examine common problems relating to the combating of offences involving narcotic drugs and to draw up proposals, where necessary, to improve the practical and technical aspects of cooperation between the Contracting Parties. The working party shall submit its proposals to the Executive Committee.

2. The working party referred to in paragraph 1, the members of which are nominated by the relevant national authorities, shall include representatives of the police and of the customs authorities.

Article 71

1. The Contracting Parties undertake as regards the direct or indirect sale of narcotic drugs and psychotropic substances of whatever type, including cannabis, and the possession of such products and substances for sale or export, to take, in compliance with the existing United Nations Conventions (*) all measures necessary for the prevention and punishment of the illicit traffic in narcotic drugs and psychotropic substances.

[(*) Single Conventions on Narcotic Drugs of 1961 as amended by the 1972 Protocol amending the 1961 Single Convention on Narcotic Drugs: the 1971 Convention on Psychotropic Substances: the United Nations Convention of 20 December 1988 on Illicit Traffic in Narcotic Drugs and Psychotropic Substances.]

2. The Contracting Parties undertake to prevent and to punish by administrative and penal measures the illegal export of narcotic drugs and psychotropic substances, including cannabis, as well as the sale, supply and handling of such products and substances, without prejudice to the relevant provisions of Articles 74, 75 and 76.

3. To combat the illegal importation of narcotic drugs and psychotropic substances, including cannabis, the Contracting Parties shall strengthen the checks on the movement of persons and goods and of means of transport at their external borders. Such measures shall be drawn up by the working party provided for in Article 70. This working party shall consider inter alia the reassignment of some of the police and customs staff released from internal border duty, as well as recourse to modern drug-detection methods and sniffer dogs.

4. To ensure compliance with this Article, the Contracting Parties shall specifically maintain surveillance on places known to be used for drug trafficking.

5. The Contracting Parties shall do all in their power to prevent and combat the negative effects of the illicit demand for narcotic drugs and psychotropic substances of whatever kind, including cannabis. The measures adopted to this end shall be the responsibility of each Contracting Party.

Article 72

The Contracting Parties shall, in accordance with their constitution and their national legal system, ensure that legislation is enacted to permit the seizure and confiscation of assets deriving from illicit traffic in narcotic drugs and psychotropic substances.

Article 73

1. The Contracting Parties undertake, in accordance with their constitution and their national legal system, to take measures to allow monitored deliveries to take place in the illicit traffic In narcotic drugs and psychotropic substances.

2. In each individual case, a decision to allow monitored deliveries will be taken on the basis of prior authorization by each of the Contracting Parties concerned.

3. Each Contracting Party shall retain responsibility for and control over the operation on its own territory and shall be empowered to intervene.

Article 74

With respect to legal trade in narcotic drugs and psychotropic substances, the Contracting Parties agree to transfer inside the country, wherever possible, checks conducted at the border and arising from obligations under the United Nations Conventions listed in Article 71.

Article 75

1. As regards the movement of travellers to the territory of the Contracting Parties or within such territory, individuals may carry narcotic drugs and psychotropic substances in connection with medical treatment, provided they produce at any check a certificate issued or authenticated by a competent authority of the State of residence.

2. The Executive Committee shall adopt the form and content of the

certificate referred to in paragraph 1 and issued by one of the Contracting Parties, with particular reference to the data regarding the nature and quantity of the products and substances and the duration of the journey.

3. The Contracting Parties shall notify each other of the authorities responsible for the issue and authentication of the certificate referred to in paragraph 2.

Article 76

1. The Contracting Parties shall, if necessary, and in accordance with their medical, ethical and practical usage, adopt the appropriate measures for the monitoring of narcotic drugs and psychotropic substances subjected in the territory of one or more Contracting Party to more rigorous checks than in their own territory so that the effectiveness of such checks is not prejudiced.

2. Paragraph 1 shall also apply to substances frequently used for the manufacture of narcotic drugs and psychotropic substances.

3. The Contracting Parties shall notify each other of the measures taken in order to monitor the legal trade in the substances referred to in paragraphs 1 and 2.

4. Problems experienced in this connection shall be regularly raised in the Executive Committee.

CHAPTER 7
Firearms and ammunition

Article 77

1. The Contracting Parties undertake to bring into line with the provisions of this Chapter their national laws, regulations and administrative provisions relating to the purchase, possession, sale and surrender of firearms and ammunition.

2. This Chapter covers the purchase, possession, sale and surrender of firearms and ammunition by natural and legal persons; it does not cover their supply to the central and territorial authorities, the armed forces or the police, nor the purchase or possession by them of firearms and ammunition nor the manufacture of firearms and ammunition by public undertakings.

Article 78

l. For the purposes of this Chapter. firearms shall be classified as follows:

(a) prohibited arms.

(b) arms subject to authorization.

(c) arms subject to declaration.

2. The locking mechanism, the magazine and the barrel of firearms shall be subject mutatis mutandis to the provisions which apply to the-weapon of -which they form or are intended to form a part.

3. For the purposes of this Convention, "short firearms" means firearms with a barrel which is not more than 30 cm long or with a total length of not more than 60 cm; "long firearms" means all other firearms.

Article 79

1. The list of prohibited firearms and ammunition shall include the following items:

(a) firearms normally used as war firearms;

(b) automatic firearms, even if they are not war firearms;

(c) firearms disguised as other items;

(d) armour-piercing, explosive or incendiary ball ammunition and projectiles for such ammunition;

(e) ammunition for pistols and revolvers with dum-dum or hollow-pointed projectiles and such projectiles.

2. The competent authorities may, in special cases, grant authorizations for the firearms and ammunition referred to in paragraph 1, if public order and security do not preclude it.

Article 80

1. The list of firearms, the purchase and possession of which is subject to authorization, shall include at least the following firearms if they are not prohibited:

(a) semi-automatic or repeater short firearms;

(b) single-shot short firearms with centrefire;

(c) single-shot short firearms with rimfire, with a total length under 28 cm:

(d) semi-automatic long firearms of which the magazine and chamber can contain more than three cartridges;

(e) repeater semi-automatic long firearms with a smoothbore barrel, the barrel of which is not longer than 60 cm;

(f) semi-automatic civilian firearms which resemble automatic war firearms.

2. The list of firearms subject to authorization shall not include:

(a) arms used as warning devices, teargas guns or alarms, provided that it can be technically proved that such arms cannot be converted, using ordinary tools, to fire ball amunition and provided the firing of an irritant substance does not cause irreversible injury to persons;

(b) semi-automatic long firearms of which the magazine and chamber cannot contain wore than three cartridges without being reloaded, provided that the loader is immovable or that it can be proved these firearms cannot be converted, using ordinary tools, into firearms of which the magazine and chamber can contain more than three cartridges.

Article 81

The list of firearms subject to declaration shall include, if such arms are neither prohibited nor subject to authorization:

(a) repeater long firearms;

(b) single-shot long firearms with a rifled barrel or barrels;

(c) single-shot short firearms with rimfire with a total length exceeding 28 cm:

(d) the arms listed in Article 80(2)(b).

Article 82

The list of arms referred to in Articles 79, 80 and 81 shall not include:

(a) firearms, the model or year of manufacture of which, save in exceptional cases, predates 1 January 1870, provided that they cannot fire ammunition intended for prohibited or authorized arms:

(b) reproduction of arms under (a), provided that they cannot be used with metal-case cartridges;

(c) firearms adapted, in accordance with technical procedures guaranteed by the stamp of an official body or recognized by such a body, so that they cannot fire ammunition.

Article 83

A permit to purchase and possess a firearm listed in Article 80 may be issued only:

(a) if the person concerned is over 18 years of age, with the exception of dispensations for hunting and sport purposes;

(b) if the person concerned is not unfit to purchase or possess a firearm as a result of mental illness or any other mental or physical disability;

(c) if the person concerned has not been convicted of an offence or if there are no other indications that he might be a danger to public order and security:

(d) if the reasons given by the person concerned for purchasing or possessing firearms can be considered legitimate.

Article 84.

1. Declarations in respect of the firearms mentioned in Article 81 shall be entered in a register kept by the persons referred to in Article 85.

2. If a firearm is disposed of by a person not referred to in Article 85, a declaration of disposal must be made in accordance with the detailed rules to be laid down by each Contracting Party.

3. The declarations referred to in this Article must contain the necessary details to identify the persons and the arms concerned.

Article 85

1. The Contracting Parties undertake to subject to an obligation of authorization persons who manufacture firearms subject to authorization and persons selling such firearms, and to subject to an obligation of declaration persons who manufacture firearms subject to declaration and persons selling such firearms. Authorization in respect of firearms subject to authorization shall also cover firearms subject to declaration. The Contracting Parties shall make effective checks on persons who manufacture arms and persons who sell arms.

2. The Contracting Parties undertake to adopt measures to ensure that, as a minimum requirement, all firearms are marked durably with a serial number permitting their identification and carry the manufacturer's mark.

3. The Contracting Parties shall oblige manufacturers and dealers to keep a register of all firearms subject to authorisation or to declaration; the register must make it possible rapidly to determine the nature of firearms, their origin and the purchaser.

4. As regards firearms subject to authorization subject to Articles 79 and 80, the Contracting Parties undertake to adopt measures to ensure that the aerial number and the manufacturer's mark on the firearm are reproduced on the permit supplied to its holder.

Article 86

1. The Contracting Parties undertake to adopt measures prohibiting legitimate holders of firearms subject to authorization or declaration from transferring these arms to persons not holding a permit for their purchase or a declaration certificate.

2. The Contracting Parties may authorize the temporary transfer of such firearms in accordance with procedures which they lay down.

Article 87

1. The Contracting Parties shall incorporate in their national legislation provisions permitting permits to be withdrawn from persons who no longer satisfy the conditions for the issue of permits laid down in Article 83.

2. The Contracting Parties undertake to take appropriate measures, including seizure of firearms and withdrawal of permits and to punish in an appropriate way infringements of the laws and administrative provisions applicable to firearms. Such penalties may provide for the confiscation of firearms.

Article 88

1. Persons who have a permit to purchase a firearm shall not require an authorization to purchase ammunition for such firearms.

2. The purchase of ammunition by persons who do not have a permit to purchase arms shall be subject to the system governing the arm for which the ammunition is intended. Such authorization may cover a single category or all categories of ammunition.

Article 89

The lists of firearms which are prohibited, subject to authorization or subject to declaration may be amended or supplemented by the Executive Committee to take account of technical developments, economic trends and State security.

Article 90

The Contracting Parties shall have the right to adopt more stringent laws and provisions on the purchase and possession of firearms and ammunition.

Article 91

The Contracting Parties agreed, on the basis of the European Convention of 28 June 1978 on the Control of the Acquisition and Possession of Firearms by individuals, to create within the framework of their national legislation an exchange of information on the acquisition of firearms by persons - whether private individuals or retailing gunsmiths - normally resident or established in the territory of another Contracting Party. A retailing gunsmith is deemed to be any person whose professional activity consists, in whole or in part, in trade in or the retailing of firearms.

2. The exchange of information shall concern:

(a) between two Contracting Parties having ratified the Convention referred to in paragraph 1, the firearms listed in Annex 1(A) (1) (a) to (h) of that Convention;

(b) between two Contracting Parties at least one of which has not ratified the Convention referred to in paragraph 1, firearms which are subject to authorization or declaration in each of the Contracting Parties.

3. Information regarding the acquisition of firearms shall be communicated without delay and shall include the following data:

(a) the date of the acquisition and the identity of the purchaser, viz.:

- in the case of a physical person: name, forenames, date and place of birth, address and passport or identity card number, and date of issue and indication of the issuing authority, whether gunsmith or not;

- in the case of a legal person: the name or business name and registered place of business as well as the name, forenames, date and place of birth, address and passport or identity card number of the person authorized to represent the legal person;

(b) the model, manufacturer's number, calibre and other characteristics of the firearm in question as well as its serial number.

4. Each Contracting Party shall designate the national authority responsible for sending and receiving the information referred to in paragraphs 2 and 3 and shall notify the other Contracting Parties without delay of any change in the identity of that authority.

5. The authority designated by each Contracting Party may forward the information notified to it to the competent local police authorities and to the authorities responsible for checks at the borders, for the purposes of preventing or prosecuting punishable offences and breaches of the rules.

TITLE IV
The Schengen Information System

CHAPTER 1
Setting up of the Schengen Information System

Article 92

1. The Contracting Parties shall set up and maintain a joint information system, hereinafter referred to as the Schengen Information System, consisting of a national section in each of the Contracting Parties and a technical support function. The Schengen Information System shall enable the authorities designated by the Contracting Parties, by means of an automated search procedure, to have access to reports on persons and objects for the purposes of border checks and controls and other police and customs checks carried out within the country in accordance with national law and, in the case of the single category of report referred to in Article 96, for the purposes of issuing visas, the issue of residence permits and the administration of aliens in the context of the application of the provisions of this Convention relating to the movement of persons.

2. Each Contracting Party shall set up and maintain, for its own, account and at its own risk, its national section of the Schengen Information System, the data file of which shall be made materially identical to the data files of the national sections of each of the other Contracting Parties using the technical support function. To ensure the rapid and effective transmission of data as referred to in paragraph 3, each Contracting Party shall observe, when creating its national section, the protocols and procedures which the Contracting Parties have jointly established for the technical support function. Each national section's data file shall be available for the purposes of automated search in the territory of each of the Contracting Parties. It shall not be possible to search the data files of other Contracting Parties' national sections.

3. The Contracting Parties shall set up and maintain jointly and with joint liability for risks, the technical support function of the Schengen Information System, the responsibility for which shall be assumed by the French Republic: the technical support function shall be located in Strasbourg. The technical support function shall comprise a data file which ensures that the data files of the national sections are kept identical by the on-line transmission of information. The data file of the technical support function shall contain reports on persons and objects where these concern all the Contracting Parties. The data file of the technical support function shall contain no data other than those referred to in this paragraph and in Article 113(2).

CHAPTER 2
Operation and utilization of the Schengen Information System

Article 93

The purpose of the Schengen Information System shall be in accordance with this Convention to maintain public order and security, including State security, and to apply the provisions of this Convention relating to the movement of persons, in the territories of the Contracting Parties, using information transmitted by the system.

Article 94

1. The Schengen Information System shall contain only the categories of data which are supplied by each of the Contracting Parties and are required for the purposes laid down in Articles 95 to 100. The Contracting Party providing a report shall determine whether the importance of the case warrants the inclusion of the report in the Schengen Information System.

2. The categories of data shall be as follows:

(a) persons reported
(b) objects referred to in Article 100 and vehicles referred to in Article 99.

3. The items included in respect of persons, shall be no more than the following:

(a) name and forename, any aliases possibly registered separately;
(b) any particular objective and permanent physical features;
(c) first letter of second forename;
(d) date and place of birth;
(e) sex;
(f) nationality;
(g) whether the persons concerned are armed;
(h) whether the persons concerned are violent;
(i) reason for the report;
(j) action to be taken.

Other references, in particular the data listed in Article 6, first sentence of the Council of Europe Convention of 28 January 1981 for the Protection of Individuals with regard to Automatic Processing of Personal Data, shall not be authorized.

4. Insofar as a Contracting Party considers that a report in accordance with Articles 95, 97 or 99 is incompatible with its national law, its international obligations or essential national interests, it may subsequently add to the report in the data file of the national section of the Schengen Information System a note to the effect that the action referred to will not be taken in its territory in connection with the report. Consultations must be held in this connection with the other Contracting Parties. If the reporting Contracting Party does not withdraw the report it will continue to apply in full for the other Contracting Parties.

Article 95

1. Data relating to persons wanted for arrest for extradition purposes shall be included at the request of the Judicial authority of the requesting Contracting Party.

2. Prior to making a report, the reporting Contracting Party shall check whether the arrest is authorized by the national law of the requested Contracting Parties. If the reporting Contracting Party has doubts it must consult the other Contracting Parties concerned.

The reporting Contracting Party shall send the requested Contracting Parties together with the report, by the swiftest means, the following essential information relating to the case:

(a) the authority which issued the request for arrest;

(b) whether there is an arrest warrant or a document having the same force, or an enforceable Judgment;

(c) the nature and legal classification of the offence;

(d) a description of the circumstances in which the offence was committed, including the time, place and degree of participation in the offence by the person reported;

(e) as far as possible, the consequences of the offence.

3. A requested Contracting Party may add to the report in the file of the national section of the Schengen Information System a note prohibiting arrest in connection with the report, until such time as the note is deleted. The note shall be deleted no later than 24 hours after the report is included, unless the Contracting Party refuses to make the requested arrest on legal grounds or for special reasons of expediency. Where, in particularly exceptional cases, this is justified by the complexity of the facts underlying the report, the above time limit may be extended to one week. Without prejudice to a qualifying note or a decision to refuse arrest, the other Contracting Parties may make the arrest requested in the report.

4. If, for particularly urgent reasons, a Contracting Party requests an immediate search, the Party requested shall examine whether it is able to withdraw its note. The Contracting Party requested shall take the necessary steps to ensure that the action to be taken can be carried out without delay if the report is validated.

5. If the arrest cannot be made because an investigation has not been completed or owing to a refusal by the requested Contracting Party, the latter must regard the report as being a report for the purposes of communicating the place of residence of the person concerned.

6. The requested Contracting Parties shall carry out the action to be taken as requested in the report in compliance with extradition Conventions in force and with national law. They shall not be required to carry out the action requested where one of their nationals is involved, without prejudice to the possibility of making the arrest in accordance with national law.

Article 96

1. Data relating to aliens who are reported for the purposes of being refused entry shall be included on the basis of a national report resulting from decisions taken, in compliance with the rules of procedure laid down by national legislation, by the administrative authorities or courts responsible.

2. Decisions may be based on a threat to public order or national security and safety which the presence of an alien in national territory may pose.

Such may in particular be the case with:

(a) an alien who has been convicted of an offence carrying a custodial sentence of at least one year;

(b) an alien who, there are serious grounds for believing, has committed serious offences, including those referred to in Article 71, or against whom there is genuine evidence of an intention to commit such offences in the territory of a Contracting Party.

3. Decisions may also be based on the fact that the alien has been the subject of a deportation, removal or expulsion measure which has not been rescinded or suspended, including or accompanied by a prohibition on entry or, where appropriate, residence, based on non-compliance with national regulations on the entry or residence of aliens.

Article 97

Data relating to persons who have disappeared or to persons who, in the interests of their own protection or in order to prevent threats, need to be placed provisionally in a place of safety at the request of the competent authority or the competent Judicial authority of the reporting Party, shall be included in order that the police authorities can communicate their whereabouts to the reporting Party or can remove the person to a place of safety for the purposes of preventing him from continuing his journey, if so authorized by national legislation. This shall apply in particular to minors and to persons who must be interned by decision of a competent authority. Communication of the information shall be subject to the consent of the person who has disappeared, if of full age.

Article 98

1. Data relating to witnesses, to persons summoned to appear before the judicial authorities in connection with criminal proceedings in order to account for acts for which they are being prosecuted, or to persons who are to be notified of a criminal Judgment or of a summons to appear in order to serve a custodial sentence, shall be included, at the request of the competent Judicial authorities, for the purposes of communicating their place of residence or domicile.

2. Information requested shall be communicated to the requesting Party in accordance with national legislation and with the Conventions in force concerning mutual Judicial assistance in criminal matters.

Article 99

1. Data relating to persons or vehicles shall be included, in compliance with the national law of the reporting Contracting Party, for the purposes of discreet surveillance or specific checks, in accordance with paragraph 5.

2. Such a report may be made for the purposes of prosecuting criminal offences and for the prevention of threats to public safety:

(a) where there are real indications to suggest that the person concerned intends to commit or is committing numerous and extremely serious offences, or

(b) where an overall evaluation of the person concerned, in particular on the basis of offences committed hitherto, gives reason to suppose that he will also commit extremely serious offences in future.

3. In addition, a report may be made in accordance with national law, at the request of the authorities responsible for State security, where concrete evidence gives reason to suppose that the information referred to in paragraph 4 is necessary for the prevention of a serious threat by the person concerned or other serious threats to internal or external State security. The reporting Contracting Party shall be required to consult the other Contracting Parties beforehand.

4. For the purposes of discreet surveillance, the following information may in whole or in part be collected and transmitted to the reporting authority when border checks or other police and customs checks are carried out within the country:

(a) the fact that the person reported or the vehicle reported has been found:
(b) the place, time or reason for the check:
(c) the route and destination of the journey;
(d) persons accompanying the person concerned or occupants of the vehicle;
(e) the vehicle used;
(f) objects carried;
(g) the circumstances under which the person or the vehicle was found.

When such information is collected, steps must be taken to ensure that the discreet nature of the surveillance is not jeopardized.

5. In the context of the specific checks referred to in paragraph 1, persons, vehicles and objects carried may be searched in accordance with national law, in order to achieve the purpose referred to in paragraphs 2 and 3. If the specific check is not authorized in accordance with the law of a Contracting Party, it shall automatically be converted, for that Contracting Party, into discreet surveillance.

6. A requested Contracting Party may add to the report in the file of the national section of the Schengen Information System a note prohibiting, until the note is deleted, performance of the action to be taken pursuant to the report for the purposes of discreet surveillance or specific checks. The note must be deleted no later than 24 hours after the report has been included unless the Contracting Party refuses to take the action requested on legal grounds or for special reasons of expediency. Without prejudice to a qualifying note or a refusal decision, the other Contracting Parties may carry out the action requested in the report.

Article 100

1. Data relating to objects sought for the purposes of seizure or of evidence in criminal proceedings shall be included in the Schengen Information System.

2. If a search brings to light the existence of a report on an item which has been found, the authority noticing the report shall contact the reporting authority in order to agree on the requisite measures. For this purpose, personal data may also be transmitted in accordance with this Convention. The measures to be taken by the Contracting Party which found the object must comply with its national law.

3. The categories of object listed below shall be included:

(a) motor vehicles with a capacity in excess of 50 cc which have been stolen, misappropriated or lost;

(b) trailers and caravans with an unladen weight in excess of 750 kg which have been stolen, misappropriated or lost;

(c) firearms which have been stolen, misappropriated or lost:

(d) blank documents which have been stolen, misappropriated or lost:

(e) identification documents issued (passports, identity cards, driving licences) which have been stolen, misappropriated or lost:

(f) bank notes (registered notes).

Article 101

1. Access to data included in the Schengen Information System and the right to search such data directly shall be reserved exclusively for the authorities responsible for

(a) border checks:
(b) other police and customs checks carried out within the country, and the coordination of such checks.

2. In addition, access to data included in accordance with Article 96 and the right to search such responsible for issuing visas, the central authorities responsible for examining visa applications and the authorities responsible for issuing residence permits and the administration of aliens within the framework of the application of the provisions on the movement of persons under this Convention. Access to data shall be governed by the national law of each Contracting Party.

3. Users may only search data which are necessary for the performance of their tasks.

4. Each of the Contracting Parties shall communicate to the Executive Committee a list of the competent authorities which are authorized to search the data included in the Schengen Information System directly. That list shall indicate for each authority the data which it may search, and for what purposes.

CHAPTER 3
Protection of personal data and security of data under the Schengen Information System

Article 102

1. The Contracting Parties may use the data provided for in Articles 95 to 100 only for the purposes laid down for each type of report referred to in those Articles.

2. Data may be duplicated only for technical purposes, provided that such duplication is necessary for direct searching by the authorities referred to in Article 101. Reports by other Contracting Parties may not be copied from the national section of the Schengen Information System in other national data files.

3. In connection with the types of report provided for in Articles 95 to 100 of this Convention, any derogation from paragraph 1 in order to change from one type of report to another must be justified by the need to prevent an imminent serious threat to public order and safety, for serious reasons of State security or for the purposes of preventing a serious offence. The prior authorization of the reporting Contracting Party must be obtained for this purpose.

4. Data may not be used for administrative purposes. By way of derogation, data included in accordance with Article 96 may be used, in accordance with national law of each of the Contracting Parties, only for the purposes of Article 101(2).

5. Any use of data which does not comply with paragraphs 1 to 4 shall be considered as a misuse in relation to the national law of each Contracting Party.

Article 103

Each Contracting Party shall ensure that, on average, every tenth transmission of personal data is recorded in the national section of the Schengen Information System by the data file managing authority for the purposes of checking the admissibility of searching. The recording may be used only for this purpose and shall be deleted after six months.

Article 104

1. The law applying to reports shall be the national law of the reporting Contracting Party, unless more rigorous conditions are laid down in this Convention.

2. Insofar as this Convention does not lay down specific provisions, the law of each Contracting Party shall apply to data included in the national section of the Schengen Information System.

3. Insofar as this Convention does not lay down specific provisions concerning performance of the action requested in the report, the national law of the Contracting Party requested which carries out the action shall apply. Insofar as this Convention lays down specific provisions concerning performance of the action requested in the report, responsibility for the action to be taken shall be governed by the national law of the requested Contracting Party. If the action requested cannot be performed, the requested Contracting Party shall inform the reporting Contracting Party without delay.

Article 105

The reporting Contracting Party shall be responsible for the accuracy, up-to-dateness and lawfulness of the inclusion of data in the Schengen Information System.

Article 106

1. Only the reporting Contracting Party shall be authorized to amend, supplement, correct or delete data which it has introduced.

2. If one of the Contracting Parties which has not made the report has evidence to suggest that an item of data is legally or factually inaccurate, it shall advise the reporting Contracting Party thereof as soon as possible; the latter must check the communication and, if necessary, correct or delete the item in question without delay.

3. If the Contracting Parties are unable to reach agreement, the Contracting Party which did not generate the report shall submit the case to the joint supervisory authority referred to in Article 115(1) for its opinion.

Article 107

Where a person has already been the subject of a report in the Schengen Information System, a Contracting Party which introduces a further report shall come to an agreement on the inclusion of the reports with the Contracting Party which introduced the first report. The Contracting Parties may also adopt general provisions to this end.

Article 108

1. Each of the Contracting Parties shall designate an authority which shall have central responsibility for the national section of the Schengen Information System.

2. Each of the Contracting Parties shall make its reports via that authority.

3. The said authority shall be responsible for the correct operation of the national section of the Schengen Information System and shall take the measures necessary to ensure compliance with the provisions of this Convention.

4. The Contracting Parties shall inform one another, via the Depositary, of the authority referred to in paragraph 1.

Article 109

1. The right of any person to have access to data relating to him which are included in the Schengen Information System shall be exercised in

accordance with the law of the Contracting Party before which it invokes that right. If the national law so provides, the national supervisory authority provided for in Article 114(1) shall decide whether information shall be communicated and by what procedures. A Contracting Party which has not made the report may communicate information concerning such data only if it has previously given the reporting Contracting Party an opportunity to state its position.

2. Communication of information to the person concerned shall be refused if it may undermine the performance of the legal task specified in the report, or in order to protect the rights and freedoms of others. It shall be refused in any event during the period of reporting for the purposes of discreet surveillance.

Article 110

Any person may have factually inaccurate data relating to him corrected or have legally Inaccurate data relating to him deleted.

Article 111

1. Any person may, in the territory of each Contracting Party, bring before the courts or the authority competent under national law an action to correct, delete or provide information or obtain compensation in connection with a report concerning him.

2. The Contracting Parties shall undertake amongst themselves to execute final decisions taken by the courts or authorities referred to in paragraph 1, without prejudice to the provisions of Article 116.

Article 112

1. Personal data included in the Schengen Information System for the purposes of locating persons shall be kept only for the time required to achieve the purposes for which they were supplied. No later than three years after their inclusion, the need for their retention must be reviewed by the reporting Contracting Party. This period shall be one year in the case of reports referred to in Article 99.

2. Each of the Contracting Parties shall, where appropriate, set shorter review periods in accordance with its national law.

3. The technical support function of the Schengen Information System shall automatically inform the Contracting Parties of a scheduled deletion of data from the system, giving one month's notice.

4. The reporting Contracting Party may, within the review period, decide to retain the report if its retention is necessary for the purposes for which the report was made. Any extension of the report must be communicated to the technical support function. The provisions of paragraph 1 shall apply to report extension.

Article 113

1. Data other than those referred to in Article 112 shall be retained for a maximum of ten years, data relating to identity documents issued and to registered bank notes for a maximum of five years and those relating to motor vehicles, trailers and caravans for a maximum of three years.

2. Data deleted shall continue to be retained for one year in the technical support function. During that period they may be consulted only for the purposes of subsequently checking their accuracy and the lawfulness of their inclusion. Afterwards they must be destroyed.

Article 114

1. Each Contracting Party shall designate a supervisory authority responsible,. in compliance with national law, for carrying out independent supervision of the data file of the national section of the Schengen Information System and for checking that the processing and utilization of data included in the Schengen Information System are not in violation of the rights of the person concerned. For this purpose the supervisory authority shall have access to the data file of the national section of the Schengen Information System.
2. Any person shall have the right to ask the supervisory authorities to check the data concerning him which are included in the Schengen Information System, and the use which is made of such data. That right shall be governed by the national law of the Contracting Party to which the request is made. If the data have been included by another Contracting Party, the check shall be carried out in close coordination with that Contracting Party's supervisory authority.

Article 115

1. A joint supervisory authority shall be set up, with responsibility for supervising the technical support function of the Schengen Information System. This authority shall consist of two representatives of each national supervisory authority. Each Contracting Party shall have one vote. Supervision shall be carried out in accordance with the provisions of this Convention, of the Council of Europe Convention of 28 January 1981 for the Protection of Individuals with regard to the Automatic Processing of Personal Data, taking into account Recommendation R (87) 15 of 17 September 1987 of the Committee of Ministers of the Council of Europe regulating the use of personal data in the police sector, and in accordance with the national law of the Contracting Party responsible for the technical support function.

2. As regards the technical support function of the Schengen Information System, the joint supervisory authority shall have the task of checking that the provisions of this Convention are properly implemented. For this purpose it shall have access to the technical support function.

3. The joint supervisory authority shall also be competent to examine any difficulties of application or interpretation which may arise during the operation of the Schengen Information System, to study problems which may arise with the exercise of independent supervision by the national supervisory authorities of the Contracting Parties or in the exercise of the right of access to the system, and to draw up harmonized proposals for the purpose of finding joint solutions to problems.

4. Reports drawn up by the joint supervisory authority shall be forwarded to the authorities to which the national supervisory authorities submit their reports.

Article 116

1. Each Contracting Party shall be responsible, in accordance with its national law, for any injury caused to a person through the use of the national data file of the Schengen Information System. This shall also be the case where the injury was caused by the reporting Contracting Party, where the latter included legally or factually inaccurate data.

2. If the Contracting Party against which an action is brought is not the reporting Contracting Party, the latter shall be required to reimburse, on request, sums paid out as compensation, unless the data were used by the requested Contracting Party in contravention of this Convention.

Article 117

1. With regard to the automatic processing of personal data which are transmitted pursuant to this Title, each Contracting Party shall, not later than when this Convention enters into force, make the national arrangements necessary to achieve a level of protection of personal data at least equal to that resulting from the principles of the Council of Europe Convention of 28 January 1981 for the Protection of Individuals with regard to the Automatic Processing of Personal Data, and in compliance with Recommendation R (87) 15 of 17 September 1987 of the Committee of Ministers of the Council of Europe regulating the use of personal data in the police sector.

2. The transmission of personal data provided for in this Title may take place only where the arrangements for the protection of personal data provided for in paragraph 1 have entered into force in the territory of the Contracting Parties concerned by the transmission.

Article 118

1. Each of the Contracting Parties shall undertake, in respect of the national section of the Schengen Information System, to take the measures necessary to:

(a) prevent any unauthorized person from having access to installations used for the processing of personal data (checks at the entrance to installations);

(b) prevent data media from being read, copied, modified or removed by unauthorized persons (control of data media):

(c) prevent the unauthorized entry of data into the file and any unauthorized consultation, modification or deletion of personal data included in the file (control of data entry):

(d) prevent automated data processing systems from being used by unauthorized persons by means of data transmission equipment (control of utilization);

(e) guarantee that, with respect to the use of an automated data processing system, authorized persons have access only to data for which they are responsible (control of access);

(f) guarantee that it is possible to check and establish to which authorities personal data may be transmitted by data transmission equipment (control of transmission):

(g) guarantee that it is possible to check and establish a posteriori what personal data has been introduced into automated data processing systems, when and by whom (control of data introduction);

(h) prevent the unauthorized reading, copying, modification or deletion of personal data during the transmission of data and the transport of data media (control of transport).

2. Each Contracting Party must take special measures to ensure the security of data when it is being transmitted to services located outside the territories of the Contracting Parties. Such measures must be communicated to the joint supervisory authority.

3. Each Contracting Party may designate for the processing of data in its national section of the Schengen Information System only specially qualified persons subject to security checks.

4. The Contracting Party responsible for the technical support function of the Schengen Information System shall take the measures laid down in paragraphs 1 to 3 in respect of the latter.

CHAPTER 4
Apportionment of the costs of the Schengen Information System

Article 119

1. The costs of setting up and using the technical support function referred to in Article 92(3), including the cost of cabling for connecting the national sections of the Schengen Information System to the technical support function, shall be defrayed jointly by the Contracting Parties. Each Contracting Party's share shall be determined on the basis of the rate for each Contracting Party applied to the uniform basis of assessment of value-added tax within the meaning of Article 2(l)(c) of the Decision of the Council of the European Communities of 24 June 1988 on the system of the Communities' own resources.

2. The costs of setting up and using the national section of the Schengen Information System shall be borne by each Contracting Party individually.

TITLE V
Transport and movement of goods

Article 120

1. The Contracting Parties shall jointly ensure that their laws, regulations or administrative provisions do not unjustifiably impede the movement of goods at internal borders.

2. The Contracting Parties shall facilitate the movement of goods at internal borders by carrying out formalities relating to prohibitions and restrictions at the time goods are cleared through customs for release for consumption. Such customs clearance may, at the option of the party concerned, be conducted either within the country or at the internal border. The Contracting Parties shall endeavour to encourage customs clearance within the country.

3. Insofar as it is not possible in certain spheres to achieve the simplifications referred to in paragraph 2 in whole or in part, the Contracting Parties shall endeavour to bring about the conditions therefor amongst themselves or within the framework of the European Communities.

This paragraph shall apply in particular to the monitoring of compliance with rules concerning transport permits, to technical inspection of means of transport, to veterinary checks and animal health checks, veterinary checks on health and hygiene, to plant health checks and to the monitoring of transport of dangerous goods and waste.

4. The Contracting Parties shall endeavour to harmonize formalities concerning the movement of goods at external borders and to monitor compliance therewith in accordance with uniform principles. The Contracting Parties shall, to that end, work closely together within the Executive Committee, within the framework of the European Communities and within other international fora.

Article 121

1. The Contracting Parties shall, while complying with Community law, waive the checks and cease to require submission of the plant health certificates, prescribed by Community law for certain plants and plant products.

The Executive Committee shall adopt the list of plants and plant products to which the simplification specified in the first sentence above shall apply. It may amend this list and shall set the date of entry into force for such amendments. The Contracting Parties shall inform each other of the measures adopted.

2. Should there be a danger of harmful organisms being introduced or propagated, a Contracting Party may request the temporary reinstatement of the surveillance measures prescribed by Community law, and may implement them. It shall immediately inform the other Contracting Parties thereof in writing, giving the reasons for its decision.

3. Plant health certificates may continue to be used as the certificate required by virtue of the law on the protection of species.

4. The competent authority shall, upon request, issue a plant health certificate when a consignment is intended in whole or in part for re-exportation, insofar as plant health requirements are met in respect of the plants or plant products concerned.

Article 122

1. The Contracting Parties shall step up their cooperation in order to ensure the safe transport of dangerous goods, and undertake to harmonize the national provisions adopted pursuant to international Conventions in force. They undertake, moreover, particularly with a view to maintaining the existing level of safety, to:
(a) harmonize their requirements in respect of the vocational qualifications of drivers;
(b) harmonize the procedures for and the frequency of checks conducted in the course of transport and within undertakings;
(c) harmonize the descriptions of offences and the legal provisions concerning the relevant sanctions:
(d) ensure a permanent exchange of information, and of experience acquired, with regard to the measures implemented and the checks carried out.

2. The Contracting Parties shall step up their cooperation in order to conduct checks on transfers of dangerous and of non-dangerous waste across internal borders.

To that end, they shall endeavour to adopt a common position as regards the amendment of Community Directives on the monitoring and

management of transfers of dangerous waste and in respect of the introduction of Community acts concerning non-dangerous waste, with the aim of setting up an appropriate infrastructure for the disposal thereof and of introducing standards on such disposal harmonized at a high level.

In the absence of Community rules on non-dangerous waste, checks on transfers of such waste shall be conducted on the basis of a special procedure whereby transfers to the point of destination may be checked at the time of processing.

The provisions of the second sentence of paragraph 1 above shall also apply to this paragraph.

Article 123

1. The Contracting Parties undertake to consult each other for the purposes of abolishing amongst themselves the current obligation to provide a permit for the export of strategic industrial products and technologies, and to replace such a permit if necessary, by a flexible procedure in instances where the countries of first and final destination are Contracting Parties.

Subject to such consultations, and in order to guarantee the effectiveness of such checks as may prove necessary, the Contracting Parties shall, by cooperating closely within a coordination system, endeavour to conduct such exchanges of information as are appropriate in the light of national legislation.

2. With regard to products other than the strategic industrial products and technologies referred to in paragraph 1, the Contracting Parties shall endeavour, on the one hand, to have export formalities conducted within the country and, on the other, to harmonize their monitoring procedures.

3. Within the framework of the objectives set out in paragraphs 1 and 2 above, the Contracting Parties shall undertake consultations with the other partners concerned.

Article 124

The number and frequency of checks on goods during movements of travellers at internal borders shall be reduced to the lowest level possible. Further reductions in and the final abolition of such checks will depend on the gradual increase of travellers' exemptions and on future developments in the rules applicable to travellers crossing borders.

Article 125

1. The Contracting Parties shall conclude arrangements on the secondment of liaison officers from their customs administrations.

2. The secondment of liaison officers shall be for the general purposes of promoting and accelerating cooperation between the Contracting Parties, in particular within the framework of existing Conventions and Community acts on mutual assistance.

3. The duties of liaison officers shall be of a consultative nature, and to provide assistance. They shall not be empowered to take customs administration measures on their own initiative. They shall provide information and shall perform their duties in accordance with the instructions given to them by the Contracting Party of origin.

TITLE VI
Protection of personal data

Article 126

1. With regard to the automatic processing of personal data transmitted pursuant to this Convention, each Contracting Party shall, no later than the time of entry into force of this Convention, adopt the national provisions required to achieve a level of protection of personal data at least equal to that resulting from the principles of the Council of Europe Convention of 28 January 1981 for the protection of individuals with regard to automatic processing of personal data.

2. Personal data for which this Convention provides may not be transmitted until after the provisions for the protection of personal data as specified in paragraph 1 have entered into force within the territory of the Contracting Parties involved in such transmission.

3. The following provisions shall, moreover, apply in respect of the automatic processing of personal data transmitted pursuant to this Convention:

(a) the data may be used by the recipient Contracting Party solely for the purposes for which this Convention stipulates that such data may be transmitted; such data may be used for other purposes only with the prior authorization of the Contracting Party which transmitted the data and in compliance with the legislation of the recipient Contracting Party: such authorization may be granted insofar as the national legislation of the Contracting Party transmitting the data permits;

(b) the data may be used only by the judicial authorities and by the departments and authorities carrying out a task or performing a function in connection with the aims mentioned in paragraph (a);

(c) the Contracting Party transmitting the data shall be obliged to ensure the accuracy thereof; should it note, either on its own initiative or further to a request by the person concerned, that the data are inaccurate or should not have been transmitted or provided, the recipient Contracting Party or Parties must be informed thereof forthwith: the latter shall be obliged to correct or destroy the data, or state that such data are inaccurate or should not have been transmitted

(d) a Contracting Party may not plead that another Contracting Party had transmitted inaccurate data in order to avoid its liability under its national legislation vis-a-vis an injured party; if damages are awarded against the recipient Contracting Party because of its use of inaccurate data transmitted, the Contracting Party which transmitted the data shall refund in full to the recipient Contracting Party the sums paid in damages;

(e) the transmission and receipt of personal data must be recorded both in the data file from which they originated and in the data file in which they are incorporated;

(f) the joint supervisory authority mentioned in Article 115 may, at the request of one of the Contracting Parties, issue an opinion on the difficulties of implementing and interpreting this Article.

4. This Article shall not apply to the transmission of data provided for under Title 11, Chapter 7 and in Title IV, Paragraph 3 shall not apply to the transmission of data provided for under Title III, Chapters 2, 3, 4 and 5.

Article 127

1. Where personal data are transmitted to another Contracting Party pursuant to the provisions of this Convention, the provisions of Article 126 shall apply to the transmission of data from a non-automated data file and to their incorporation in another non-automated data file.

2. Where, in cases other than those governed by Article 126(1), or by paragraph 1 of the present Article, personal data are transmitted to another Contracting Party pursuant to this Convention, Article 126(3) shall, with the exclusion of subparagraph (e), apply. The following provisions shall also apply:

(a) a written record shall be kept of the transmission and receipt of personal data; this obligation shall not apply where there is no need, in order to use them, to record such data, particularly if they are not used or are used only very briefly:

(b) the recipient Contracting Party shall guarantee, for the use of transmitted data a level of protection at least equal to that stipulated under its national legislation for the use of data of a similar nature;

(c) access to data and the conditions under which it shall be granted, shall be governed by the national legislation of the Contracting Party to which the person concerned applies.

3. This Article shall not apply to the transmission of data provided for under Title II, Chapter 7, and Title III, Chapters 2, 3, 4 and 5 as also in Title IV.

Article 128

1. The transmission of personal data for which this Convention makes provision may not take place until the Contracting Parties involved in that transmission have instructed a national supervisory authority to monitor independently, in respect of the processing of personal data in data files, compliance with the provisions of Article 126 and Article 127 and the provisions adopted in implementation thereof.

2. Insofar as the Contracting Party has, in accordance with its national legislation, instructed a supervisory authority to monitor independently, in one or more areas, compliance with the provisions on the protection of personal data not incorporated in a data file, that Contracting Party shall instruct the same authority to supervise compliance with the provisions of this Title in the areas involved.

3. This Article shall not apply to the transmission of data provided for under Title II, Chapter 7 and in Title III, Chapters 2, 3, 4, and 5.

Article 129

With regard to the transmission of personal data pursuant to Title III, Chapter 1, the Contracting Parties undertake, without prejudice to the provisions of Articles 126 and 127, to implement a level of protection for personal data which complies with the principles of Recommendation R (87) 15 of 17 September 1987 of the Committee of Ministers of the Council of Europe regulating the use of personal data in the police sector. Moreover, with regard to transmission pursuant to Article 46, the following provisions shall apply:

(a) the data may be used by the recipient Contracting Party solely for the purposes indicated by the Contracting Party which provided such data and in compliance with the conditions imposed by that Contracting Party:

(b) the data may be forwarded only to police departments and authorities: such data may be communicated to other departments only with the prior authorization of the Contracting Party which provided them;
(c) the recipient Contracting Party shall, upon request, inform the Contracting Party which transmitted the data of the use made of them and of the results thus obtained.

Article 130

If personal data are transmitted through a liaison officer is referred to in Article 47 or Article 125, the provisions of this Title shall apply only where that liaison officer transmits such data to the Contracting Party which seconded him to the territory of the other Contracting Party.

TITLE VII
Executive Committee

Article 131

1. An Executive Committee shall be set up for the implementation of this Convention.

2. Without prejudice to the special powers granted to it by this Convention, the general purpose of the Executive Committee is to ensure that this Convention is implemented correctly.

Article 132

1. Each of the Contracting Parties shall have one seat on the Executive Committee. The Contracting Parties shall be represented on the Committee by a Minister responsible for the implementation of this Convention; he may be assisted by the requisite experts who may participate in the deliberations.

2. The Executive Committee shall take its decisions unanimously. It shall draw up its own rules of procedure; in this connection it may provide for a written procedure for the taking of decisions.

3. At the request of the representative of a Contracting Party, the final decision on a draft on which the Executive Committee has taken its decision may be postponed until no more than two months after the submission of that draft.

4. The Executive Committee may set up Working Parties comprising representatives of the administrations of the Contracting Parties in order to conduct preparations for decisions or for other work.

Article 133

The Executive Committee shall meet in the territory of every Contracting Party in turn. It shall meet as often as necessary in order to discharge its duties effectively.

TITLE VIII
Final Provisions

Article 134

The provisions of this Convention shall apply only insofar as they are compatible with Community law.

Article 135

The provisions of this Convention shall apply subject to the provisions of the Geneva Convention of 28 July 1951 relating to the Status of Refugees, as amended by the New York Protocol of 31 January 1967.

Article 136

1. A Contracting Party which envisages conducting negotiations on border checks with a Third State shall inform the other Contracting Parties thereof in good time.

2. No Contracting Party shall conclude with one or more Third States agreements simplifying or abolishing border checks without the prior agreement of the other Contracting Parties, subject to the right of the Member States of the European Communities to conclude such agreements jointly.

3. The provisions of paragraph 2 shall not apply to agreements on local border traffic since these agreements comply with the exemptions and arrangements laid down under Article 3(1).

Article 137

This Convention shall not be the subject of any reservations, save for those referred to in Article 60.

Article 138

As regards the French Republic, the provisions of this Convention shall apply only to the European territory of the French Republic.

As regards the Kingdom of the Netherlands, the provisions of this Convention shall apply only to the territory of the Kingdom of the Netherlands situated in Europe.

Article 139

1. The present Convention shall be subject to ratification, acceptance or approval. The instruments of ratification, acceptance or approval shall be deposited with the Government of the Grand Duchy of Luxembourg, which shall notify all the Contracting Parties thereof.

2. This Convention shall enter into force on the first day of the second month following the deposit of the final instrument of ratification, acceptance or approval. The provisions concerning the setting up, activities and jurisdiction of the Executive Committee shall apply as

from the entry into force of this Convention. The other provisions shall apply as from the first day of the third month following the entry into force of this Convention.

3. The Government of the Grand Duchy of Luxembourg shall notify all the Contracting Parties of the date of entry into force.

Article 140

1. Any Member State of the European Communities may become a Party to this Convention. Such accession shall be the subject of an agreement between that State and the Contracting Parties.

2. Such an agreement shall be subject to ratification, acceptance or approval by the acceding State and by each of the Contracting Parties. It shall enter into force on the first day of the second month following the deposit of the final instrument of ratification, acceptance or approval.

Article 141

1. Any Contracting Party may submit to the depository a proposal to amend this Convention. The depository shall forward that proposal to the other Contracting Parties. At the request of one Contracting Party, the Contracting Parties shall re-examine the provisions of the Convention if, in their opinion, there has been a fundamental change in the conditions obtaining when the Convention entered into force.

2. The Contracting Parties shall adopt amendments to this Convention by mutual consent.

3. Amendments shall enter into force on the first day of the second month following the date of deposit of the final instrument of ratification, acceptance or approval.

Article 142

1. When Conventions are concluded between the Member States of the European Communities with a view to the completion of an area without internal frontiers, the Contracting Parties shall agree on the conditions under which the provisions of the present Convention are to be replaced or amended in the light of the corresponding provisions of such Conventions.

The Contracting Parties shall, to that end, take account of the fact that the provisions of this Convention may provide for more extensive cooperation than that resulting from the provisions of the said Conventions.

Provisions which are in breach of those agreed between the Member States of the European Communities shall in any case be adapted in any circumstances.

2. Amendments to this Convention deemed necessary by the Contracting Parties shall be subject to ratification, acceptance or approval. The provision contained in Article 141(3) shall apply, it being understood that the amendments will not enter into force before the said Conventions between the Member States of the European Communities come into force.

FINAL ACT

At the time of signing, the Convention implementing 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 regarding the gradual abolition of checks at their common borders, the Contracting Parties adopted the following statements:

1. Joint statement concerning Article 139

The signatory States shall, prior to the entry into force of the Convention, inform each other of all circumstances of significance for the matters covered by the Convention and for its entry into force.

The Convention shall not enter into force until the prior conditions for its implementation are fulfilled in the signatory States and checks at external borders are effective.

2. Joint statement concerning Article 4

The Contracting Parties undertake to make every effort to comply with this deadline simultaneously and to preclude any shortcomings in security. Before 31 December 1992, the Executive Committee shall examine what progress has been made. The Kingdom of the Netherlands stresses that difficulties in meeting the deadline in a particular airport cannot be excluded but that this will not give rise to any shortcomings in security. The other Contracting Parties will take account of this situation although this may not be allowed to lead to difficulties for the internal market.

In the event of difficulties, the Executive Committee shall examine the optimal conditions for the simultaneous implementation of these measures at airports.

3. Joint statement regarding Article 71(2)

Insofar as a Contracting Party derogates from the principle referred to in Article 71(2) in connection with its national policy on the prevention and treatment of addiction to narcotic drugs and psychotropic substances, all Contracting Parties shall adopt the requisite administrative measures and penal sanctions to prevent and penalize the illicit import action and export action of such products and substances, particularly towards the territory of the other Contracting Parties.

4. Joint statement concerning Article 121

The Contracting Parties shall, while complying with Community law, waive the checks and cease to require submission of the plant health certificates, prescribed by Community law for the plants and plant products [Editor's note: details of plants have been omitted]

5. Joint statement on national asylum policies

The Contracting Parties shall make an inventory of national asylum policies with a view to the harmonization thereof.

6. Joint statement concerning Article 132

The Contracting Parties shall Inform their national Parliaments of the implementation of this Convention.

In witness whereof, the undersigned, duly authorized to that end, have hereunto set their hands.

Done at Schengen, this nineteenth day of June in the year one thousand nine hundred and ninety, in a single original, in the Dutch, French and German languages, all three texts being equally authentic, which shall be deposited in the archives of the Government of the Grand Duchy of Luxembourg, which shall transmit a certified copy to each of the Contracting-Parties.

For the Government of the Kingdom of Belgium,
For the Government of the Federal Republic of Germany,
For the Government of the French Republic,
For the Government of the Grand Duchy of Luxembourg,
For the Government of the Kingdom of the Netherlands.

Minutes

Further to the Final Act of the Convention implementing 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 regarding the gradual abolition of checks at their common borders, the Contracting Parties adopted the following joint statement and took note of the following unilateral declarations made in respect of the said Convention,

I. Statement on the scope of the Convention

The Contracting Parties note that, after the unification of the two German States, the scope of the Convention shall under international law also extend to the current territory of the German Democratic Republic.

II. Declarations by the Federal Republic of Germany concerning the interpretation of the Convention

1. The Convention has been concluded in the light of the prospective unification of the two German States.

The German Democratic Republic is not a foreign country in relation to the Federal Republic of Germany.

Article 136 shall not apply in relations between the Federal Republic of Germany and the German Democratic Republic.

2. This Convention shall not jeopardize the arrangements agreed in the German-Austrian exchange of letters of 20 August 1984 simplifying checks at their common borders for nationals of both States. Such arrangements will however have to be implemented in the light of the over-riding security and immigration requirements of the Schengen Contracting Parties so that such facilities will in practice be restricted to Austrian nationals.

III. Declaration by the Kingdom of Belgium concerning Article 67

The procedure which will be implemented internally for taking over the execution of a foreign judgment will not be that specified in the Belgian law on the transfer of sentenced persons between States, but rather a special procedure which will be determined when this Convention is ratified.

JOINT STATEMENT by the Ministers and State Secretaries meeting in Schengen on 19 June 1990 The Governments of the Contracting Parties to the Schengen Agreement will commence or continue discussions in the following spheres in particular:

- improving and simplifying practice in respect of extradition;

- Improving cooperation on proceedings in respect of road traffic offences;

- arrangements for the mutual recognition of loss of entitlement to drive motor vehicles;

- possibilities of reciprocal collection of fines:

- introduction of rules on reciprocal transfers of criminal proceedings including the possibility of transferring the accused person to his country of origin;

- introduction of rules on the repatriation of minors who have been unlawfully removed from the authority of the person responsible for exercising parental authority:

- further simplification of checks on commercial movements of goods.

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Protocol on the consequences of the Dublin Agreement coming into effect for some regulations of the Schengen Supplementary Agreement (Bonn Protocol)

Introduction

Protocol of 26 April 1994 seeks to reconcile the Dublin Convention and the provisions of the Schengen Agreement. It aimed to: “regulate the question as to which asylum regulations are applied if both Agreements are binding for Member States.” The countries concerned were the five original members of Schengen plus Portugal and Spain.

Protocol on the consequences of the Dublin Agreement coming into effect for some regulations of the Schengen Supplementary Agreement (Bonn Protocol)

Reference: Statewatch translation from original 26 April 1994.

The parties to this Protocol,

based on Article 142 of the Agreement signed in Schengen on 19 June 1990 on the implementation of the Schengen Agreement of 14 June 1985 between the governments of the Benelux states, the Federal Republic of Germany and the French Republic concerning the gradual abolition of controls at common borders (Implementation Agreement of 1990), and joined by the Italian Republic on 27 November 1990, the Kingdom of Spain and the Portuguese Republic on 25 June 1991 and the Greek Republic on 6 November 1992,

considering that the Convention signed in Dublin on 15 June 1990 on the determination of the state responsible for examining an asylum application made in a member state of the EC, represents an agreement which was concluded between the member states of the EC with regard to the realisation of an area without internal borders according to Article 142 paragraph 1 of the Supplementary Agreement of 19 June 1990,

have agreed the following:

Article 1

With the Convention signed in Dublin on 15 June 1990 on the determination of the state responsible for examining an asylum application made in a member state of the EC coming into effect, the regulations according to Section II Chapter 7 and the definitions "asylum request", "asylum requester" and "processing an asylum request" according to Article 1 of the Supplementary Agreement of 1990 are no longer used.

Article 2

No reservations can be made to this Protocol.

Article 3

1) This Protocol requires ratification, adoption or approval. The ratification, adoption or approval documents will be deposited with the

government of the Grand Duchy of Luxembourg. The latter will notify the other member states when they are deposited.

2) This Protocol comes into effect on the first day of the second month after the last ratification, adoption or approval documents have been deposited, in the states in which the Supplementary Agreement of 1990 has already come into effect.

In the other states this Protocol comes into effect on the first day of the second month after their ratification, adoption or approval documents have been deposited, provided that this Protocol has come into effect in accordance with the preceding paragraph.

3) The government of the Grand Duchy of Luxembourg notifies all parties when it comes into effect.

In witness whereof, the authorised signatories have signed this Protocol.

Done at Bonn, on the twenty-sixth of April in the year 1994 in the German, French, Greek, Italian, Dutch, Portuguese and Spanish languages, whereby each wording is equally binding, in an original which is deposited in the archives of the government of the Grand Duchy of Luxembourg; the latter sends an authenticated copy to each party.

MEMORANDUM

A. General

I. Dublin Convention of 15 June 1990 and Schengen Supplementary Agreement of 19 June 1990

On 15 June 1990 the states of the EC concluded an Agreement in Dublin, which determines which member state is responsible for examining an asylum application which is made in the territory of the EU.

The necessary domestic prerequisites for incorporating the Dublin Convention with all its rights and duties were achieved with the amendment to the [German] Basic Law - Article 16a paragraph 5 of the Basic Law - and the revision of the asylum law.

The aim of the Dublin Convention is to be seen in the context of the completion of the single European market. The reduction in travel restrictions associated with this will lead to an increase in the movement of foreigners from third countries seeking asylum between the member states of the EU. The following difficulties result from this:

- asylum seekers can become 'refugees in orbit' within the area of the Community, with no member state in the end feeling responsible for their asylum application for technical reasons;

- a foreigner could make asylum applications in several member states at the same time or one after another.

The Dublin Convention aims to respond to such difficulties and to create clear responsibilities for the processing of asylum applications. The asylum seeker is always guaranteed that his application will be examined. The resources available for examining asylum applications will not be overstretched by multiple examinations.

The regulations concerning asylum in the Schengen Supplementary Agreement of 19 June 1990 are also based on this objective and are essentially the same in content as the regulations of the Dublin Convention.

With the Dublin Convention the principles relating to the asylum process are extended to all member states of the European Union.

Domestic regulations on the examining of asylum applications and the legal position of refugees are not affected by the Dublin Convention. It regulates the relations between the member states by establishing their reciprocal obligations.

The legal acts are closely linked with other legal instruments of Article 7a of the EC Treaty, in particular with the draft agreement on external borders which has not yet been signed.

II. Aim of the Protocol of 26 April 1994

The Schengen Supplementary Agreement was published on 23 July 1993 in the Federal Republic of Germany in the Federal Law Gazette (BGBl, 1993 II page 1010). It came into effect on 1 September 1993, although has not yet been put into effect in accordance with Figure 1 of the Final Act. It should be applied between the five initial signatory states (Benelux states, France, Germany) and the states which joined from 1 March 1994 (Spain and Portugal) as soon as the Schengen Information system (SIS) is functioning.

The Dublin Convention of 15 June 1990 was agreed in law by the German Parliament on 28 April 1994 (225th sitting, German Parliament circular 12/6485). The law was promulgated on 6 July 1994 in the Federal Law Gazette (BGBl 1994 II page 791). The ratification will soon be concluded. It is expected that the Convention will come into effect at the beginning of 1995.

The Protocol of 26 April 1994 regulates the question as to which asylum regulations are applied if both legal acts are binding for member states.

III. Essential content of the Protocol

According to Article 1, with the Dublin Convention coming into effect, "the regulations according to Section II, Chapter 7 and the definitions 'asylum request', 'asylum requester' and 'processing an asylum request' according to Article 1 of the Supplementary Agreement are no longer used". Then the regulations of the Dublin Convention apply exclusively for all member states of the European Union.

B. Specific

1. Definitions according to Article 1 of the Schengen Supplementary Agreement.

The definitions of the terms "asylum request", "asylum requester" and "processing an asylum request" should not be used and should be replaced by the definitions of the Dublin Convention. In Article 1 (a - d) of the Dublin Convention definitions are referred to which are almost identical ie the terms "foreigner", "asylum application", "asylum seeker" and "examining an asylum application".

The "asylum request" in the Schengen text is described in the Dublin Convention as "asylum application". The "asylum request" contains additional indications regarding the type and form of the application. Both definitions are however equal in that a member state is requested to protect a person according to the Geneva Agreement with reference to the refugee status in the sense of Article 1 of the Geneva Convention in the version of the New York Protocol.

The terms "asylum requester" in the Schengen Supplementary Agreement and "asylum seeker" in the Dublin Convention have corresponding definitions as regards content.

2. Responsibility for processing asylum requests

The asylum regulations in the Schengen Supplementary Agreement are contained in Section II (abolition of controls at internal borders and movement of people).

The responsibility for processing asylum requests is regulated in Chapter 7 (Articles 28-38). According to the Protocol of 26 April 1994, these regulations are not used when the Dublin Convention has come into effect.

The Dublin Convention corresponds in the main to the asylum regulations of the Schengen Supplemetary Agreement. But some details of the regulations differ from each other:

The following are cited in detail as examples of this:

a) Criteria for responsibility - "residence permit"

According to the Schengen Supplentary Agreement, a visa and a residence permit are used as equal criteria for the question of responsibility according to Article 30. In the Dublin Convention there is an order of rank: the residence permit counts as a priority criteria for responsibility over the visa.

This regulation is justified from a factual point of view, as residence permits are as a rule valid for longer periods than visas.

b) Responsibility in the case of legal entry and legal continuation of the journey

If an asylum seeker legally entered a treaty state through another treaty state, the state which is responsible for the asylum process according to Article 30 paragraph 1 (d) of the Schengen Supplementary Agreement, is the one whose external border was first crossed.

According to the Dublin Convention, an identical regulation arises from Article 7 paragraph 1, but which contains a qualification: if a foreigner has legally entered a member state where he does not need to have a visa and he makes his asylum application in another state where he also does not need a visa (legal continuation of the journey), then it is the second state which is responsible for examining the asylum application.

c) Responsibility in the case of illegal entry and illegal continuation of the journey

In the case of unauthorised crossing of external borders, the Schengen Supplementary Agreement according to Article 30 paragraph 1 (e) takes into account which borders the asylum seeker has illegally crossed when assessing responsibility. The treaty state which he first entered is responsible for processing the asylum application.

According to the Dublin Convention the same consequence results in accordance with Article 6 paragraph 1. Paragraph 2 of this regulation establishes another legal consequence for the case of the continuation of the journey: the responsibility of the state expires if it can be proved that the foreigner stayed in another member state for at least six months, before he had made his asylum application. The member state of residence is no longer responsible.

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Agreement of 29 March 1991 between the governments of the Schengen states and the government of the Republic of Poland on the readmission of persons with unauthorised residence

Introduction

The first of a series of agreements between the Schengen countries and countries in Central and Eastern Europe covering the readmission of refugees and asylum seekers and those who are considered “unauthorised” residents. See also Document no 43.

Agreement of 29 March 1991 between the governments of the Schengen states and the government of the Republic of Poland on the readmission of persons with unauthorised residence

Reference: Statewatch translation from original, 29 March 1991.

The governments of the Kingdom of Belgium, the Federal Republic of Germany, the French Republic, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands and the Republic of Poland, hereinafter called the "parties",

- in developing a common visa policy for the parties to the Agreement signed in Schengen on 14 June 1985,

- with a view to balancing out in particular the burdens which can result from the nationals of the states which are parties to this Agreement being able to travel without visas,

- in striving to facilitate the deportation of persons with unauthorised residence in the spirit of cooperation and on the basis of reciprocity,

- being prepared to invite the governments of other states to join this Agreement, have agreed the following:

Article 1

1) At the request of another party and without filling in any forms, each party will readmit any person, who does not fulfil or no longer fulfils the current conditions for entry or residence in the territory of the requesting party, in so far as it is proven or substantiated that the person possesses the nationality of the requested party.

2) The requesting party takes this person back under the same conditions, if checks show that the person, at the time of leaving the territory of the requesting party, did not possess the nationality of the requested party.

Article 2

1) The party whose external border was crossed by the person, who does not fulfil or no longer fulfils the current conditions for entry or residence in the territory of the requesting party, readmits this person at the request of this party and without filling in any forms.

2) "External border" in the sense of this Article denotes the first border which is crossed, which is not an internal border of the parties in accordance with the Agreement of 14 June 1985 concerning the abolition of controls at common borders.

3) The obligation to readmit a person according to paragraph 1 does not exist in relation to a person, who, when entering the territory of the requesting party, was in possession of a valid visa or a valid residence permit of this party, or who was issued a visa or a residence permit by this party after their entry.

4) If the person according to paragraph 1 has a valid residence permit issued by another party or a valid visa, then this party readmits this person at the request of the requesting party and without filling in any forms.

5) "Residence permit" according to paragraphs 3 and 4 denotes any permit issued by a party, which entitles the bearer to reside in their territory. It does not include the limited authorisation to reside in the territory of one of the parties in relation to the processing of an asylum application or an application for a residence permit.

Article 3

1) The requested party will answer requests made to them to readmit a person within eight days.

2) The requested party readmits the person, whom it was agreed would be readmitted, within one month. This deadline can be extended at the request of the requesting party.

Article 4

The central or local authorities who are responsible for carrying out the requests to readmit a person will be specified by the ministers responsible for border controls, and communicated through diplomatic channels to the other parties at the latest when this Agreement is signed or when a country joins it.

Article 5

1) The application of the Geneva Convention of 28 July 1951 on the status of refugees in the version of the New York Protocol of 31 January 1967, remains unaffected.

2) The obligations of the parties as member states of the European Community, which result from Community law, remain unaffected.

3) The application of the Schengen Agreement of 14 June 1985 on the gradual abolition of controls at common borders, the Supplementary Agreement of 19 June 1990, and the Dublin Convention of 15 June 1990 on determining the state responsible for examining an asylum application made in a member state of the European Community, by the parties to these Agreements, remains unaffected.

Article 6

1) The signing of this Agreement takes place without a reservation of ratification or approval or with the reservation of ratification or approval, followed by ratification or approval.

2) This Agreement is provisionally applicable from the first day of the month after it has been signed.

3) This Agreement comes into effect on the first day of the second month after two parties have expressed their agreement to be bound by the Agreement according to paragraph 1.

4) For each party which later expresses their agreement to be bound by the Agreement, it comes into effect on the first day of the second month after the depositary has received the corresponding notification.

Article 7

1) The parties can, by joint decision, invite other states to join this Agreement. This decision is taken unanimously.

2) Joining this Agreement with provisional application can take place from when the Agreement is provisionally applied.

3) For the joining state, this Agreement comes into effect on the first day of the second month after the confirmation of membership has been lodged with the depositary, but at the earliest on the day that this Agreement comes into effect.

Article 8

1) Each party can notify the depositary of a suggestion for an amendment to this Agreement.

2) The parties conjointly determine amendments to this Agreement.

3) Amendments come into effect on the first day of the month after the day when the last party has expressed their agreement to be bound by the amendments to the Agreement.

Article 9

1) Each party can suspend or terminate this Agreement for an important reason after consultation with the other parties by addressing a notification to the depositary.

2) The suspension or cancellation takes effect on the first day of the month after the depositary has received the notification.

Article 10

The government of the Grand Duchy of Luxembourg is the depositary of this Agreement.

In witness whereof, the properly authorised signatories have signed this Agreement.

Done at Brussels, on the twenty-ninth of March in the year 1991 in the German, French, Italian, Dutch, and Polish languages, whereby each wording is equally binding, in an original which is deposited in the archives of the government of the Grand Duchy of Luxembourg.

Protocol

On signing the Agreement on the readmission of persons with unauthorised residence, the parties to the Schengen Agreement of 14 June 1985, hereinafter called the parties, made the following joint statements:

1. Statement about Articles 1, 2 and 5 paragraph 3:

At the request of a party, the parties will come to a more detailed agreement about the methods for returning foreigners from third countries in view of the objectives of the Supplementary Agreement of 19 June 1990, in particular about the question of returning a person according to Articles 1 and 2 of the Agreement on the readmission of persons, in a way which burdens the parties as little as possible. They will take the balancing out of financial imbalances in the sense of Article 24 of the Supplementary Agreement of 19 June 1990 into consideration.

2. Statement about Articles 2 and 5 paragraph 3:

The parties' obligation to readmit a person back on the basis of this Agreement is provisionally limited to the nationals of the Republic of Poland. The obligation to take a person back can be extended to nationals of other states on the basis of a decision of the executive committee set up according to Article 131 (after the Supplementary Agreement of 19 June 1990 has come into effect), or on the basis of a decision of the minister responsible according to national law (until the Supplementary Agreement comes into effect).

3. Statement about Articles 8 and 5 paragraph 3:

The parties agree, on the occasion of the Supplementary Agreement of 19 June 1990 coming into effect, together to check whether amendments to the readmission Agreement are required.

4. Statement about Articles 9 and 5 paragraph 5:

If a party suspends or cancels this Agreement, then the other parties can also suspend or cancel it.

Done at Brussels, on the twenty-ninth of March in the year 1991 in the German, French, Italian, Dutch, and Polish languages, whereby each wording is equally binding, in an original which is deposited with the government of the Grand Duchy of Luxembourg.

Joint statement

On signing the Agreement on the readmission of persons with unauthorised residence on 29 March 1991 in Brussels, the parties undertake:

- not to apply the Agreement to nationals of third countries, if it is established that these persons entered the territory of the requesting party before the time of the provisional application;

- not to refer to the Agreement in the case of nationals of one of the signatory states if it is established that these persons entered the territory of the requesting party before the time of the provisional application.

The parties reaffirm their commitment to readmit their own nationals according to the general principles of international law.

Done at Brussels, on the twenty-ninth of March in the year 1991 in the German, French, Italian, Dutch, and Polish languages, whereby each wording is equally binding, in an original which is deposited with the government of the Grand Duchy of Luxembourg.

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The "Schengen acquis" 1990 - 1993

Introduction

Listed here are the 77 agreements and decisions constituting the "Schengen acquis" up to December 1993 taken by the Schengen Executive Committee.

All the decisions comprising the "Schengen acquis" are to be incorporated into the *acquis communautaire* when the Amsterdam Treaty (June 1997) comes into effect.

It should be noted that these decisions taken by the Schengen Executive Committee were not subject to democratic scrutiny by national parliaments nor by the European Parliament. Moreover, like the decisions taken by the Trevi and Immigration Ministers they were discussed and agreed in secret meetings.

The "Schengen acquis"

Reference: Statewatch translation, October 1996

1990

1. The Schengen Agreement of June 19, 1990 to fulfil the original agreement of June 14, 1985. The original agreement of June 14, 1985 between the governments in the states of the Benelux Economic Union, Germany and France on gradual abolition of control at common internal borders.

2. Agreement with appendixes of November 27, 1990 about Italy entering.

1991

3. The re-admission agreement of March 29, 1991, between the Schengen countries and Poland.

1992

JUNE 1992

4. Minister-statement of June 19, 1992. SCH/M (92) 1. Statement on the possibilities of allocating the Court a certain competence.

5. Minister-statement of June 19, 1992. SCH/M (92) 2. Statement on exchange of letters between Italy and Austria.

6. Minister-statement of June 19, 1992. SCH/M (92) 3. Statement concerning SIS and article 115.

7. Minister-statement of June 19, 1992, SCH/M (92) 4. Statement on drugs and the fulfilment of article 70.

8. Minister-statement of June 19, 1992. SCH/M (92) 5. Statement on the readmission agreement with Poland.

9. Minister-statement of June 19, 1992. SCH/M (92) 6. Statement concerning SIS.

10. Minister-statement of June 19, 1992. SCH/M (92) 7. Statement concerning the common handbook.

11. Minister-statement of June 19, 1992. SCH/M (92) 8. Statement about the start of the Supplementary Convention.

12. Minister-statement of June 19, 1992. SCH/M (92) 10. Statement concerning visas.

13. Minister-statement of June 19, 1992. SCH/M (92) 11. Statement concerning visas.

14. Minister-statement of June 19, 1992. SCH/M (92) 12. Statement on airports.

15. Agreement with appendixes of June 25, 1991 on Spain's entry (16 pages). Agreement with appendixes of June 25, 1991 on Portugal's entry.

NOVEMBER 1992

16. Agreement with appendixes of November 6, 1992 on Greece's entry (16 pages). Minister-statement of June 19, 1992. SCH/M (92) 9. Statement concerning Greece's entering.

17. Minister-statement of November 6, 1992. SCH/M (92) 14. Statement on control of the external borders.

18. Minister-statement of November 6, 1992. SCH/M (92) 15 rev. Statement according to article 7 and 47 concerning the liaison officers.

19. Minister-statement of November 6, 1992. SCH/M 15 rev. Statement in relation to article 7 and 47 concerning the liaison officers.

20. Minister-statement of November 6, 1992. SCH/M (92) 17. Statement on a circular letter concerning consular cooperation with regard to issuing visa for a short term stay.

21. Minister-statement of November 6, 1992. SCH/M (92) 18. Statement on strengthening the control at the external borders in relation to fighting illegal drugs import.

22. Minister-statement of November 6, 1992. SCH/M (92) 19. Statement on reciprocal decision to take away drivers licenses. References to the judicial cooperation of November 13, 1991.

23. Minister-statement of November 6, 1992. SCH/M (92) 20. Statement based in article 44 on radio communications and other matters.

24. Minister-declaration of November 6, 1992. SCH/M (92) 21. Declaration on the budget for 1993.

25. Minister-statement of November 6, 1992. SCH/M (92) 22. Statement on rules for calculation and paying the member states share to run the SIS-system.

DECEMBER 1992

26. Minister-statement of December 15, 1992. SCH/M (92) 23. Statement on letter of authority to issue standard visa.

27. Minister-statement of December 15, 1992. SCH/M 1992 24. rev. Statement on the SIRENE-handbook.

28. Minister-statement of December 15, 1992. SCH/M (92) 25 rev. Statement on readmission of persons from third countries.

29. Minister-statement of December 15, 1992. SCH/M (92) 27 rev. Statement on article 8A in the Rome Treaty.

30. Minister-statement of December 15. 1992. SCH/M 1992. SCH/M (92) 28 rev. Statement on transport of narcotics and psycothropic substances, which are needed for medical treatment.

31. Minister-statement of December 15, 1992. SCH/M (92) 29. Statement on narcotics - including controlled deliveries.
32. Minister-statement of December 15, 1992. SCH/M (92) 30. Statement on information/radiocommunication.

33. Minister-statement of December 15, 1992. SCH/M (92) 31. Statement on chemical substances with several purposes.

34. Minister-statement of December 15, 1992. SCH/M (92) 32, rev. Decision concerning the most relevant criteria for accepting countries on the common list of countries from which visa is required.

1993

JUNE 1993

35. Minister-statement of June 30, 1993. SCH/M (93) 1. Statement on handling asylum applications.

SEPTEMBER 1993

36. Note of September 17, 1993. SCH/gem - hand (93) 15. Note on tagging in relation to the common handbook.

OCTOBER 1993

37. Note of October 1, 1993. SCH/Contr - fr (93) 60, 2. rev. Note from the external border group with recommendations to make sure of a more efficient control - hereunder in relation to the common handbook.

38. Committee-statement of October 18, 1993. SCH/Com-ex (93) decl. 1. Statement on the future of the SIS.

39. Committee-statement of October 18, 1993. SCH/Com-ex (93) decl. 2. Statement on drugs.

40. Committee-statement of October 18, 1993. SCH/Com-ex (93) decl.3. Statement on the status in connection to control at the external borders.

41. Committee-statement of October 18, 1993. SCH/com-ex (93) decl. 4. Statement about the start (February 1, 1994).

42. Note of October 27, 1993. SCH/Contr - fr (93) 66. Perspectives for the satisfactory planning of external border controls.

NOVEMBER 1993

43. Note of November 30, 1993. SCH/I - Exp - jur (93) 40. Note from the Italian delegation concerning among other things the question of judicial help. Interpretation of article 62 and others.

44. Committee-decision of November 14, 1993. SCH/Com-ex (93) 13. Decision to accept the 1994 budget for the C.SIS.

DECEMBER 1993

45. Committee-decision of December 14, 1993 - SCH/Con-ex (93) 1 rev 2. Decision on changes in the internal rules as mentioned in article 2, no. 4, and article 9, no. 2 and 3.

46. Committee-decision of December 14, 1993. SCH/Com-ex (93) 2. Master for the decisions which can be made by the minister-committee according to article 132.

47. Committee-decision of December 14, 1993. SCH/Com-ex (93) 3. Decision on the adoption of the administrations and financing rules.

48. Committee-decision of December 14, 1993. SCH/Com-ex (93) 3. Decision on the adoption of administration and financing.

49. Committee-statement of December 14, 1993. SCH/Com-ex (93) decl. 5 Statement on the SIRENE-handbook.

50. Committee-decision of December 14, 1993. SCH/Com-ex (93) 5, rev, Corr. Decision on adopting the common consular instruction.

51. Committee-statement of December 14, 1993. SCH/Com-ex (93) decl.6. Statement on cooperations steps between border control authorities with appendixes SCH/Grenskontr. (93) 60, 2. rev.

52. Committee-decision of December 14, 1993. SCH/Com-ex (93) 7. Decision regarding issuing of visa.

53. Committee-decision of December 14, 1993. SCH/Com-ex (93) 8. Decision on adopting the SIRENE-handbook.

54. Committee-statement of December 14, 1993. SCH/Com-ex (93) decl. 8 rev. 2. Statement about article 6 and article 132, no. 3.

55. Committee-decision of December 14, 1993. SCH/Com-ex (93) 9. Decision on confirmation of declarations concerning drugs and psycotropic substances.

56. Committee-statement of December 14, 1993. SCH/Com-ex (93) decl. 9. Statement about the internal rules.

57. Committee-decision of December 10, 1993. SCH/Com-ex (93) 10. Confirmation of the statements of June 19, 1992 and June 30, 1993 on commencement the Schengen Convention.

58. Committee-statement of December 14, 1993. SCH/Com-ex (93) decl. 10. Statement about the planning of and correct use of the convention and its rules.

59. Committee-decision of December 14, 1993. SCH/Com-ex (93) 11. Statement of confirmation of all 10 previously adopted documents covering the period 1991 - 1993.

60. Committee-decision of December 14, 1993. SCH/Com-ex (93) 12. Statement about the receipt of the necessary notifications from the individual Schengen-countries.

61. Committee-statement of December 14, 1993. SCH/Com-ex (93) decl. 12 rev 2. Statement on Austria and observer status.

62. Committee-statement of December 14, 1993. SCH/Com-ex (93) decl. 13. Declaration on fighting drugs including recognition of Dok. SCH/STUP (93) 81.

63. Committee-statement of December 14, 1993. SCH/Com-ex (93) decl 13. Statement on fighting drugs including recognition of Dok. SCH/STUP (93) 81.

64. Committee-statement of December 22, 1994. SCH/Com-ex (94) decl. 13. rev 2. Stating that the parties in the Schengen-cooperation must send the Committee lists of judicial documents, which can be send directly through the mail.

65. Committee-statement of December 14, 1993. SCH/Com-ex (93) 13. 17 rev. 3. Statement on the report from the independent experts and the report from the crisis-unit established at the Central Group.

66. Committee-decision of December 14, 1993. SCH/Com-ex (93) 14. Decision that the parties in connection with application for support in drugs cases must give an explanation for a refusal of the application.

67. Committee-statement of December 14, 1993. SCH/Com-ex (93) decl.15. Statement concerning external border control.

68. Committee-decision of December 14, 1993. SCH/Com-ex (93) 15 Corr. Decision on handling of asylum seekers. Report on integration of the implementing measures within the framework of the 12 EU-countries.

69. Committee-statement of December 14, 1993. SCH/Com-ex (93) decl. 16. Statement on fighting drugs.

70. Committee-decision of December 14, 1993. SCH/Com-ex (93) 16. Decision on finance rules concerning costs of installating technical support function for the SIS.

71. Committee-decision of December 14, 1993. SCH/Com-ex (93) 17. Budget for 1994.

72. Committee-decision of December 14, 1993. SCH/Com-ex (93) 19. Decision to ask the Central Group to present a report on the development on the work between the states on a major harmonization of trafficking of persons - especially in the visa area.

73. Committee-decision of December 14, 1993. SCH/Com-ex (93) 20 rev. Decision on harmonizing fees for standard visa.

74. Committee-decision of December 14, 1993. SCH/Com-ex (93) 21. Decision on extension of standard visas according to common principles.

75. Committee-decision of December 14, 1993. SCH/Com-ex (93) 22 rev. Decision on documents (confidentiality and content) and which documents can be incorporated in national instructions and handbooks.

76. Committee-decision of December 14, 1993. SCH-Com-ex (93) 23. Decision to let Germany take over the Chairmanship from January 1, 1994.

77. Committee-decision of December 14, 1993. SCH/Com-ex (93) 24. Decision on common principles for standard visas.