

No. 24347

**FRANCE
and
BELGIUM**

**Convention on mutual assistance in the event of disasters or
serious accidents. Signed at Paris on 21 April 1981**

Authentic texts: French and Dutch.

Registered by France on 30 September 1986.

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**Convention sur l'assistance mutuelle en cas de catastrophes
ou d'accidents graves. Signée à Paris le 21 avril 1981**

Textes authentiques : français et néerlandais.

Enregistrée par la France le 30 septembre 1986.

[TRANSLATION — TRADUCTION]

CONVENTION¹ BETWEEN THE GOVERNMENT OF THE FRENCH REPUBLIC AND THE GOVERNMENT OF THE KINGDOM OF BELGIUM ON MUTAL ASSISTANCE IN THE EVENT OF DISASTERS OR SERIOUS ACCIDENTS

The Government of the French Republic and the Government of the Kingdom of Belgium,

Convinced of the need for co-operation between the competent institutions of both States in order to facilitate mutual assistance in the event of disasters or serious accidents and to expedite the dispatch of emergency personnel and equipment,

Have agreed as follows:

Article 1

1. Each Contracting Party undertakes to assist the other Contracting Party in the event of disasters or serious accidents, to the extent of its ability and in accordance with the provisions of this Convention.

2. The nature and extent of assistance shall be determined by mutual agreement according to each specific case by the competent authorities designated in article 3 below.

Article 2

1. The assistance referred to in article 1 shall consist, in the dispatch to the site of the disaster or serious accident, of emergency teams which are specially trained, *inter alia*, in fire fighting, nuclear and chemical hazards control, first aid, rescue or clearing and which have the required specialized equipment for their operation.

Assistance shall be provided as a rule by civil defence units (*Protection civile*) and, if need be, in any other appropriate way.

2. The emergency teams may be dispatched by land, air or water.

Article 3

1. The authorities of the Contracting Parties competent to request and initiate emergency measures shall be:

(a) The Minister of the Interior of the French Republic and the Minister of the Interior of the Kingdom of Belgium;

(b) In the frontier area:

- on the French side, the prefects of the frontier *départements*;
- on the Belgian side, the governors of the frontier provinces.

2. However, where necessary, assistance shall be requested directly and granted by the competent authorities of frontier communes and districts.

¹ Came into force on 1 February 1984, i.e., the first day of the second month following the date of receipt of the last of the notifications by which the Contracting Parties had informed each other (on 10 February and 19 December 1983) of the completion of the required constitutional procedures, in accordance with article 14.

3. The Ministers of the Interior of the two Contracting Parties shall, as necessary, inform one another of the competent authorities referred to in paragraph 1, sub-paragraph (b), of this article and shall take the necessary action to establish contact between them.

Article 4

1. In order to ensure the effectiveness and speed necessary for an emergency operation, the Contracting Parties shall undertake to limit common frontier crossing formalities to the absolute minimum.

2. The leader of an emergency team shall merely be required to carry a certificate indicating the emergency operation, the type of unit and the number of persons comprising it. The certificate shall be issued by the authority to which the unit reports. The members of the emergency team shall be exempt from passport and residence permit requirements.

3. If, in a particularly urgent case, the certificate referred to in paragraph 2 above cannot be presented, any other appropriate certificate indicating that the frontier is to be crossed for the purpose of carrying out an emergency operation shall suffice.

4. If the urgent nature of the case so requires, the frontier crossing may take place at points other than the authorized crossing points. The competent frontier surveillance authorities shall be given prior notification to that effect.

Article 5

1. For the purposes of this article and the following article:

“items of equipment” means the material, vehicles and personal equipment intended for use by emergency teams;

“means of emergency aid” means additional equipment and other goods brought in for a given operation and intended for distribution among the affected populations;

“operational goods” means the goods necessary for using the items of equipment and for supplying the teams.

2. The Contracting Parties shall facilitate frontier crossings for the items of equipment, means of emergency aid and operational goods required for emergency operations and belonging to the emergency teams dispatched in accordance with article 2 above. Such items of equipment, means of emergency aid and operational goods shall, in the territory of the requesting Contracting Party, be deemed subject to a régime of temporary admission.

3. The emergency teams shall bring in no goods other than the items of equipment, means of emergency aid and operational goods necessary for emergency operations.

4. The means of emergency aid and operational goods brought in shall be exempt from any import taxes in so far as they are used during emergency operations. The items of equipment and any means of emergency aid and operational goods which have not been used up during the emergency operation shall be re-exported.

If, owing to special circumstances, they cannot be re-exported, their nature and quantity as well as their situation shall be reported to the authority responsible for the emergency operations, who shall notify the competent customs service; in that case, the domestic legislation of the requesting Contracting Party shall be applicable.

5. The prohibitions and restrictions on transfrontier traffic of goods shall not be applicable to goods which are exempt from taxes under paragraphs 2 and 4 of this article. The import of narcotic drugs into the territory of the other Contracting Party in the context of assistance under article 1 and the re-export of the unused quantities shall not be regarded as import or export within the meaning of the Single Convention on Narcotic Drugs of 30 March 1961.¹ Narcotic drugs may be brought in only to meet an urgent medical need and may be used only by qualified medical personnel acting in accordance with the legal provisions of the requested Contracting Party. The foregoing shall be without prejudice to the right of the requesting Contracting Party to conduct on-the-spot inspections.

6. No import or export documents shall be required or issued for the items of equipment, means of emergency aid or operational goods. The leader of an emergency team shall, however, carry a brief inventory of the items of equipment, means of emergency aid and operational goods brought in, certified, except in urgent cases, by the authority to which the emergency team reports.

7. The import of items of equipment, means of emergency aid and operational goods at points other than the authorized frontier crossing points shall be reported as soon as possible to the competent customs service.

Article 6

1. Aircraft may be used not only for the speedy transport of emergency teams, but also directly for other emergency operations.

2. Each Contracting Party shall authorize aircraft used by the other Contracting Party for the purposes specified in paragraph 1 of this article to overfly its territory and to land in and take off from its territory even at points outside airfields.

3. The intention to use aircraft shall be reported without delay to the competent authorities designated in article 3 above, with information as precise as possible on the type and registration mark of the aircraft and its crew, cargo, departure time, anticipated route and landing site.

4. The following shall apply, *mutatis mutandis*:

- (a) The provisions of article 4 above, to the crew of the aircraft and the transported emergency teams;
- (b) The provisions of article 5 above, to the aircraft and other items of equipment, means of emergency aid and operational goods brought in.

5. The procedures for implementing paragraph 3 of this article may be set forth in the special arrangements provided for in article 10 below.

6. Subject to the provisions of paragraph 2 of this article, the air traffic legislation of each Contracting Party shall remain applicable, in particular the obligation to transmit flight information to the competent control bodies.

Article 7

1. In all cases, the authorities of the requesting Contracting Party shall be responsible for directing the rescue and emergency operations.

2. Instructions for the emergency teams of the requested Contracting Party shall be transmitted solely to their leaders, who shall brief their personnel on the plan

¹ United Nations, *Treaty Series*, vol. 520, p. 151. See also vol. 557, p. 280 (corrigendum to vol. 520, p. 309); vol. 570, p. 346 (procès-verbal of rectification of the authentic Russian text), and vol. 590, p. 325 (procès-verbal of rectification of the authentic Spanish text).

of action. The competent authorities of the Contracting Party requesting assistance shall, if possible, specify in the request for assistance the duties which they intend to assign to the emergency teams of the requested Contracting Party.

3. The authorities of the requesting Contracting Party shall extend protection and assistance to the emergency teams of the requested Contracting Party.

Article 8

1. The cost of the assistance provided by the emergency teams of the requested Contracting Party under article 2 above, including expenses arising from the loss and total or partial destruction of objects brought in, shall not be borne by the authorities of the requesting Contracting Party.

2. However, the emergency teams of the requested Contracting Party shall be provided with food and lodging throughout the operation at the expense of the requesting Contracting Party and supplied with operational goods if the stocks brought in have been used up. They shall also receive, if necessary, any required medical assistance.

3. In the event of assistance provided by aircraft, the requested Contracting Party may require that one half of the expenses arising from the use of aircraft be borne by the requesting Contracting Party. The amount of these expenses shall be assessed on the basis of the general tariffs in effect in each of the two States, as set forth in the special arrangements provided for in article 10 below.

Article 9

1. Each Contracting Party shall waive any claim for compensation against the other Contracting Party in the event of damage to property belonging to it, if such damage was caused by a member of an emergency team of the other Contracting Party in the performance of his duties in implementation of this Convention.

2. Each Contracting Party shall waive any claim for compensation against the other Contracting Party arising from damage to a member of an emergency team who has been injured or has died in the line of duty in implementation of this Convention.

3. If, in the territory of the requesting Contracting Party, damage is caused to a third party by a member of an emergency team of the requested Contracting Party in the performance of his duties, the requesting Contracting Party shall be responsible for the damage, in accordance with the provisions which would have applied if such damage had been caused by a member of its own emergency teams.

4. The authorities of the Contracting Parties shall co-operate closely so as to facilitate the settlement of claims for compensation. They shall, in particular, exchange all the information at their disposal concerning damages cases covered by this article.

5. This article shall also apply to exercises organized in accordance with article 10, paragraph 5, below.

Article 10

1. The authorities referred to in article 3, paragraph 1, above shall conclude the special arrangements necessary for implementing this Convention.

2. A special arrangement shall include the following information essential for carrying out operations:

- (a) The duties of the persons authorized to request, offer and grant assistance and the name, address and telephone number of the services to which these persons belong;
- (b) The duties of the person to whom the leader of the emergency team is to report on his arrival at the place of assignment and the name, address and telephone number of the service to which that person belongs;
- (c) The nature, strength, equipment and site of the units which can, on request, be dispatched for emergency operations;
- (d) Any other information likely to accelerate and facilitate the assistance, in particular, concerning telecommunication links which exist or may be established between the services referred to in subparagraphs (a) and (b) above, and concerning landing sites for aircraft.

3. Another special arrangement shall be concluded for the operation of radio installations with which the emergency teams are equipped or which are placed at their disposal.

4. A special arrangement shall also be concluded concerning the expenses referred to in article 8, paragraph 3, above.

5. A special arrangement may, where necessary, provide for the joint holding of exercises on either side of the frontier.

Article 11

1. In order to improve the forecasting and prevention of disasters or serious accidents and, where they occur, to ensure more effective action, the Contracting Parties shall establish permanent and close co-operation between themselves. To that end, they shall exchange all useful information of a scientific and technical nature and schedule regular meetings.

2. This co-operation shall be implemented:

- for the French Republic, by the Minister of the Interior (Office of Civil Security), and
- for the Kingdom of Belgium, by the Minister of the Interior (Office of Civil Defence).

3. In addition, the Contracting Parties may carry out joint investigations and schedule conferences with a view, in particular, to gaining further insight into the causes of disasters or serious accidents and thus to improving the ways and means of preventing and dealing with them.

4. Training courses may be organized on the initiative of either Contracting Party for technicians and supervisory staff of the other Contracting Party and, in particular, for emergency teams.

5. The procedures for implementing this article shall be set forth in special arrangements.

Article 12

Any dispute relating to the implementation of this Convention which cannot be settled directly by the authorities referred to in article 3 shall be settled through the diplomatic channel.

Article 13

This Convention is concluded for an indefinite period. Five years after its entry into force, it may be denounced at any time on one year's notice.

Article 14

Each of the Contracting Parties shall notify the other of the completion of the procedures required under its Constitution for the entry into force of this Convention, which shall take effect on the first day of the second month after the date on which the latter of these notifications is received.

DONE at Paris, on 21 April 1981, in duplicate in the French and Dutch languages, both texts being equally authentic.

For the Government
of the French Republic:

[JEAN MEADMORE]

For the Government
of the Kingdom of Belgium:

[PATERNOTTE DE LA VALLÉE]
