

No. 26466

**NETHERLANDS
and
BELGIUM**

**Convention on mutual assistance in combating disasters and
accidents. Signed at The Hague on 14 November 1984**

Authentic texts: Dutch and French.

Registered by the Netherlands on 14 March 1989.

**PAYS-BAS
et
BELGIQUE**

**Convention sur l'assistance mutuelle dans la lutte contre
les catastrophes et les accidents. Signée à La Haye le
14 novembre 1984**

Textes authentiques : néerlandais et français.

Enregistrée par les Pays-Bas le 14 mars 1989.

[TRANSLATION — TRADUCTION]

CONVENTION¹ BETWEEN THE KINGDOM OF THE NETHERLANDS AND THE KINGDOM OF BELGIUM ON MUTUAL ASSISTANCE IN COMBATING DISASTERS AND ACCIDENTS

The Kingdom of the Netherlands and the Kingdom of Belgium,

Convinced of the need for cooperation between the two States in combating disasters and accidents;

Whereas it is desirable that, in cases to be determined, the competent authorities of both States should be able to solicit the mutual provision and deployment of assistance;

Whereas it is desirable to take measures to facilitate the mutual provision of assistance by action units in the event of disasters;

Have agreed as follows:

GENERAL PROVISIONS

Article 1

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

Article 2

For the purposes of this Convention:

Equipment: the vehicles, materials, means of communication and items of personal equipment intended for use by emergency units;

Means of emergency aid: the goods intended for the affected population;

Operational goods: goods intended for the maintenance and use of the equipment and for supplying the emergency unit.

COMPETENT AUTHORITIES

Article 3

1. For the purposes of this Convention the authorities competent to request and provide assistance are:

(a) In the case of assistance to be provided by and to adjacent provinces:

— For Belgium: the Governor of the province concerned,

— For the Netherlands: the Queen's Commissioner in the province concerned.

¹ Came into force on 1 November 1988, i.e., the first day of the second month following the date of the last of the notifications (effected on 23 July 1985 and 16 September 1988) by which the Contracting Parties had informed each other of the completion of the required constitutional procedures, in accordance with article 15 (1).

(b) In the case of assistance to be provided by and to non-adjacent provinces:

- For Belgium: the Minister of the Interior,
- For the Netherlands: the Minister of the Interior.

2. The competent authorities of each of the Contracting Parties shall be empowered to request assistance if, in their opinion, the location, the extent and the nature of the disaster are such as to render assistance necessary, having regard to the personnel and material available.

3. The competent authority of the requesting Contracting Party shall supply as much detailed information as possible concerning the assistance it requires and the tasks which will be entrusted to the emergency unit.

4. The extent and the nature of the assistance shall be determined in each specific case by the competent authority of the assisting Contracting Party, by agreement with the competent authority of the requesting Contracting Party.

5. The competent authorities shall be responsible for carrying out requests for assistance.

6. Any request for assistance covered by the provisions of paragraph 1 (a) shall be communicated immediately by the respective competent authorities to the Minister of the Interior of the Kingdom of Belgium and to the Minister of the Interior of the Kingdom of the Netherlands.

PROVISION OF ASSISTANCE

Article 4

1. Assistance shall consist in the dispatch to the sites affected by the disaster, or to any other location designated by the competent authorities, of emergency units trained and equipped to combat disasters, or of the dispatch of aircraft.

2. The emergency units may be dispatched by land, air, river or sea.

Article 5

1. The person in command of an emergency unit shall report to the authorities responsible for dealing with the disaster at the sites affected.

2. The instructions to be followed by an emergency unit shall be given exclusively to the person in command of that unit, who shall be responsible for the manner in which the unit executes the instructions.

3. The authority responsible for combating a disaster at the affected sites shall ensure that the unit receives all the protection and support required.

FRONTIER FORMALITIES

Article 6

1. In order to ensure the effectiveness of emergency assistance, the Contracting Parties shall, as far as possible, limit the formalities involved in crossing the common frontier.

2. The person in command of an emergency unit shall be required to carry a certificate indicating the extent and the nature of the assistance to be provided. This certificate shall be issued by, or on behalf of, a competent authority as defined in article 3 of this Convention.

3. The members of an emergency unit shall be exempt from the requirement to carry a valid document for crossing the frontier.

4. In circumstances of particular urgency, the frontier may be crossed elsewhere than at an authorized crossing point. The competent frontier surveillance authorities and customs and excise authorities must be given prior notification to that effect.

Article 7

1. The equipment, the means of emergency aid and the operational goods brought in by an emergency unit shall be deemed subject, while in the territory of the requesting Contracting Party, to a regime of temporary admission.

2. No import or export documents shall be issued in respect of the equipment, the means of emergency aid or the operational goods. The person in command of an emergency unit must be in possession of an inventory of the equipment, the means of emergency aid and the operational goods brought in, to be presented on request.

3. No goods other than the equipment, the means of emergency aid and the operational goods required may be brought in.

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

5. If, owing to special circumstances, goods cannot be re-exported or can only be re-exported at a later date, and consequently not at the same time as the return of the emergency unit, the nature and the quantity of the goods and their location must be reported to the competent customs service by the person in command of the emergency unit. In such a case, the domestic legislation of the requesting Contracting Party shall be applicable.

6. Measures relating to the trans-frontier movement of goods shall not be applicable to goods which are exempt from import taxes under paragraphs 1 and 4 of this article. The import of narcotic drugs into the territory of the requesting Contracting Party, in the context of efforts to combat disasters, and the re-export of the unused quantities shall not be regarded as import or export for the purposes of the Single Convention on Narcotic Drugs of 30 March 1961.¹ Narcotic drugs may be imported only to meet an urgent need and may be used only by qualified medical personnel acting in accordance with the legal provisions of the assisted Contracting Party. The foregoing shall be without prejudice to the right of the requesting Contracting Party to conduct on-the-spot inspections.

THE USE OF AIRCRAFT

Article 8

1. Aircraft may be used for the transport of emergency units and for direct assistance.

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

2. Each Contracting Party shall authorize aircraft, used in accordance with the provisions of paragraph 1, to overfly its territory and to land therein and take off therefrom, even at points outside airfields, subject to the special arrangements provided for in article 11, paragraph 1 (b), of this Convention.

3. The intention to use aircraft must be notified without delay, together with as precise information as possible concerning the type and registration mark of the aircraft and its crew, cargo, departure time, anticipated route and landing site:

— For Belgium: to the Régie des Voies aériennes,

— For the Netherlands: to the Director-General of the Rijksluchtvaartdienst.

4. Articles 6 and 7 of this Convention shall be applicable, *mutatis mutandis*, to the aircraft, the crew, and the emergency units transported and also to the equipment, the means of emergency aid and the operational goods brought in.

5. Subject to the provisions of paragraph 2 of this article, the air traffic legislation of each Contracting Party shall remain applicable.

COSTS AND INDEMNIFICATION

Article 9

1. The costs of the assistance provided, including expenses arising from the loss or the total or partial destruction of the equipment or operational goods brought in, shall not be borne by the requesting Contracting Party, unless a special agreement has been concluded between the Contracting Parties concerning such indemnification.

2. The emergency units shall be provided with lodging and food throughout their stay in the territory of the requesting Contracting Party, at that Party's expense, and shall be supplied with operational goods if the stocks brought in have been used up. They shall also receive any medical support or assistance required.

3. Either Contracting Party may stipulate that a maximum of one half of the costs arising from the use of aircraft should be borne by the requesting Contracting Party. In such a case, the amount of those costs shall be determined 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 11 of this Convention.

Article 10

1. Each Contracting Party shall waive, in its own right and on behalf of its administrative authorities, any claim against the other Contracting Party for compensation in the event of damage to property belonging to it or to another administrative authority, if such damage has been caused by a member of an emergency unit of the other Contracting Party in the performance of his duties under this Convention, except in the case of duly established fraud or serious misconduct.

2. Each Contracting Party shall waive, in its own right and on behalf of its administrative authorities, any claim against the other Contracting Party for compensation in respect of damage caused to a member of an emergency unit who has been injured or has died in the course of or as a consequence of duties performed in implementation of this Convention.

3. The requesting Contracting Party or one of its administrative authorities shall be responsible, in accordance with the legislative provisions of the said Party,

for damage caused to a third party by a member of an emergency unit in the performance of duties in the territory of the said Contracting Party.

4. The Contracting Parties shall cooperate closely to ensure the speedy settlement of claims for compensation. They shall, in particular, exchange promptly all the information at their disposal concerning cases of damage covered by this article.

5. Unless a special arrangement exists, the provisions of this article shall also be applicable with respect to damage resulting from exercises organized in accordance with article 11, paragraph 2, of this Convention.

SPECIAL ARRANGEMENTS

Article 11

1. In implementing this Convention, in all cases, special arrangements must be concluded with regard to:

- (a) The utilization of means of communication;
- (b) The utilization of landing sites by aircraft;
- (c) The use of special visual and sound signals utilized by emergency units;
- (d) The costs referred to in article 9, paragraph 3, of this Convention.

2. The following may also be covered by special arrangements:

- (a) The procedure to be followed with respect to requests for assistance;
- (b) The procedure to be followed when an emergency unit arrives on the scene of the disaster;
- (c) The types of unit which may be called upon to intervene, their equipment and their size;
- (d) The organization of joint exercises in preparation for common action to combat disasters;
- (e) Cooperation under the terms of article 13 of this Convention.

ASSISTANCE OTHER THAN ON THE BASIS OF REQUESTS MADE PURSUANT TO THIS CONVENTION

Article 12

1. Articles 4 to 10 of this Convention shall be applicable, *mutatis mutandis*, to the assistance provided under agreements between the authorities of adjacent districts of each of the Contracting Parties who are responsible for combating disasters and accidents, when and in so far as such agreements relate to mutual assistance in the form of manpower and materials placed at the disposal of the said authorities for the purpose of the routine performance of their duties.

2. Without prejudice to the relevant provisions of the national legislation of each of the Contracting Parties, the agreements referred to in paragraph 1 must in all cases be notified to the competent authorities referred to in article 3, paragraph 1 (a), of this Convention.

COOPERATION

Article 13

1. In order to contribute to the prevention of disasters and to ensure more effective action, the Contracting Parties shall establish permanent and close cooperation between themselves. To this end, they shall exchange all useful information of a scientific and technical nature and organize regular meetings.

2. The Contracting Parties may carry out joint studies and organize meetings with a view, in particular, to gaining further insight into the causes of disasters and improving the ways and means of planning for, preventing and dealing with them.

3. Courses for technicians and supervisory staff of the other Contracting Party may be organized on the initiative of either Contracting Party.

4. The Contracting Parties shall exchange information relating to risks and disasters liable to have repercussions on the territory of the other Contracting Party.

5. Cooperation shall be the responsibility of the competent authorities referred to in article 3 of this Convention.

DISPUTES

Article 14

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

FINAL PROVISION

Article 15

1. This Convention shall come into force on the first day of the second month following the date when each of the Contracting Parties will have notified the other of the completion of the required constitutional procedures.

2. It shall be valid for a period of 10 years and extended by automatic renewal for a further period of 10 years, unless denounced by one of the Contracting Parties with not less than six months' notice.

3. With regard to the Kingdom of the Netherlands, this Convention shall apply only to its territory in Europe.

DONE at The Hague, on 14 November 1984, in duplicate, in the Dutch and French languages, both texts being equally authentic.

For the Kingdom of the Netherlands:

H. VAN DEN BROEK

M. J. J. VAN AMELSVOORT

For the Kingdom of Belgium:

F. BAEKELANDT