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FRANCE



Treaty Series No. 33 (2002)

## Additional Protocol to the Sangatte Protocol

between the  
Government of the United Kingdom of Great Britain and Northern Ireland  
and the Government of the French Republic on the

Establishment of Bureaux responsible for Controls on Persons  
travelling by train between the United Kingdom and France

Brussels, 29 May 2000

with Exchange of Letters

Paris, 28 January and London, 31 January 2002

[The Additional Protocol entered into force on 25 May 2001]

*Presented to Parliament  
by the Secretary of State for Foreign and Commonwealth Affairs  
by Command of Her Majesty  
August 2002*

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**ADDITIONAL PROTOCOL TO THE SANGATTE PROTOCOL BETWEEN THE  
GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND  
NORTHERN IRELAND AND THE GOVERNMENT OF THE FRENCH REPUBLIC  
ON THE ESTABLISHMENT OF BUREAUX RESPONSIBLE FOR CONTROLS ON  
PERSONS TRAVELLING BY TRAIN BETWEEN THE UNITED KINGDOM AND  
FRANCE**

The Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the French Republic, desiring to improve controls on persons travelling by train between the United Kingdom and France and to supplement the Protocol signed at Sangatte on 25 November 1991<sup>1</sup> with this Additional Protocol,

Have agreed as follows:

ARTICLE 1

Any terms defined in Article 1 of the Protocol signed at Sangatte have the same meaning in this Additional Protocol. For the purposes of this Additional Protocol, the following definitions shall be added:

- “State of departure” means the State in which the persons board the train;
- “State of arrival” means the State in which the persons alight from the train.

ARTICLE 2

The authorities of the two States shall jointly put in place control bureaux, for persons using through trains and wishing to travel to the State of arrival, in the stations of London–Waterloo, London–St. Pancras and Ashford on British territory, and the stations of Paris–Gare du Nord, Calais, and Lille–Europe on French territory.

The provisions of the Protocol signed at Sangatte concerning the officers of the adjoining State shall be applicable, under the same conditions, to the officers of the State of arrival who are on duty in the stations mentioned in the preceding paragraph.

ARTICLE 3

The purpose of the controls carried out by the authorities of the State of departure shall be to check whether the person can leave its territory.

The purpose of the controls carried out by the authorities of the State of arrival shall be to check whether the person is in possession of the necessary travel documents and fulfils the other conditions for entry to its territory. If this is not the case, the person shall be immediately handed over to the authorities of the State of departure who shall apply their domestic law procedures.

The authorities of the State of departure and of the State of arrival shall carry out their controls in accordance with this Additional Protocol, with their laws and regulations and with their international obligations.

The controls mentioned in the preceding paragraphs are without prejudice to customs and security controls.

ARTICLE 4

Notwithstanding the third paragraph of Article 3 of this Additional Protocol, when a person submits a request for refugee status or any other kind of protection provided for in international law or in the domestic law of the State of departure during a control carried

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<sup>1</sup>Treaty Series No. 70 (1993) Cm 2366.

out at the State of departure by the officers of the State of arrival, this request shall be examined by the authorities of the State of departure in accordance with the rules and procedures of its domestic law.

The same provisions shall be applicable when the request is submitted after the person has passed through this control and before the train doors close at the last scheduled stop at a station located in the territory of the State of departure. If such a request is made after the train doors have closed, it shall be processed by the State of arrival in accordance with the rules and procedures of its domestic law.

#### ARTICLE 5

The controls referred to in Article 3 of this Additional Protocol shall be carried out in accordance with Article 12 of the Sangatte Protocol.

#### ARTICLE 6

The procedures for the implementation of this Additional Protocol may, as far as necessary, be the subject of technical or administrative arrangements between the competent authorities of the two States.

#### ARTICLE 7

Either Government may at any time request consultations with a view to revising the provisions of this Additional Protocol in order to adapt it to new circumstances or needs, such as, for example, determining the stations in which control bureaux shall be established.

#### ARTICLE 8

Any disputes concerning the interpretations or application of this Additional Protocol shall be settled in accordance with Article 49 of the Sangatte Protocol.

#### ARTICLE 9

The provisions of this Additional Protocol shall enter into force on the date of the later of the notifications by the two States of the completion of their necessary internal procedures.

Done at Brussels on 29 May 2000 in duplicate, in the English and French languages, both texts being equally authentic.

For the Government of the United  
Kingdom of Great Britain and  
Northern Ireland:

For the Government of the French  
Republic:

JACK STRAW

J-P CHEVENEMENT

**EXCHANGE OF LETTERS BETWEEN THE GOVERNMENT OF THE UNITED  
KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE  
GOVERNMENT OF THE FRENCH REPUBLIC CONCERNING THE  
ADDITIONAL PROTOCOL TO THE SANGATTE PROTOCOL**

**No. 1**

*The Director for Public Freedoms and Legal Affairs, Ministry of the Interior of the French Republic to the Deputy Director General, Immigration and Nationality Directorate, Home Office*

*Paris*

*28 January 2002*

Comme vous le savez, l'article 48 de la loi relative à la sécurité quotidienne a été voté par le Parlement français et peut désormais être appliqué.

Cet article prévoit que les passagers de l'Eurostar à destination du Royaume-Uni sont soumis aux contrôles frontaliers, prévus par le protocole additionnel au protocole de Sangatte, quelle que soit leur gare de destination. Ainsi, en application de cet article, les passagers à destination de Calais devront justifier des documents requis pour entrer au Royaume-Uni.

Je vous propose, suite aux échanges qui ont eu lieu entre nos services pour discuter des modalités de mise en oeuvre, que ces passagers soient soumis au contrôle des agents britanniques qui sont installés en gare du Nord à Paris, dans les mêmes conditions que celles appliquées aux passagers à destination du Royaume-Uni.

En pratique, les voyageurs à destination de Calais seront soumis au contrôle de sortie effectué par la police aux frontières française suivi du contrôle d'entrée au Royaume-Uni effectué par les agents britanniques, au niveau des postes de contrôle qui existent actuellement.

Naturellement, pour toute difficulté d'application de cette nouvelle modalité de contrôle, nos services pourront, comme le prévoit l'article 3 du protocole de Sangatte, se prêter mutuellement assistance et agir de manière concertée.

Conformément aux dispositions de l'article 48, les voyageurs seront informés lors de l'acquisition du billet, de l'obligation qui leur est faite de détenir les documents nécessaires pour l'entrée au Royaume-Uni. La SNCF, en liaison avec mes services, prend actuellement les dispositions nécessaires pour satisfaire à cette obligation d'information des voyageurs.

Je vous propose de retenir comme date officielle de mise en oeuvre de cette nouvelle procédure le 4 février 2002, sous réserve que vous me fassiez connaître, par retour de courrier, votre accord sur les mesures envisagées.

Je vous prie d'agréer, Monsieur le directeur général, l'expression de mes sentiments les meilleurs.

S. FRATACCI

## Translation of No. 1

As you are aware, the French Parliament has adopted Article 48 of the Law on Daily Security which may be applied henceforth.

Under that article, passengers travelling on Eurostar services bound for the United Kingdom are subject to the frontier controls provided for in the Additional Protocol to the Sangatte Protocol, irrespective of their destination railway station. Thus, in accordance with that article, passengers travelling to Calais must present the documents required to enter the United Kingdom.

Following the discussions held between our respective departments on the practical arrangements for implementation, I should like to propose that those passengers be subject to control by the UK immigration officials operating at Paris Gare du Nord under the same conditions as those applying to passengers travelling to the United Kingdom.

In practice, persons travelling to Calais will first be subject to the exit control operated by the French Frontier Police and then to the control for entry into the United Kingdom operated by UK immigration officials at the current control posts.

Of course, in the event of any difficulty in implementing that new control arrangement, our departments may, as stipulated in Article 3 of the Sangatte Protocol, lend each other assistance and take concerted action.

Under Article 48 travellers are to be informed when purchasing tickets that they are required to have in their possession the documents necessary to enter the United Kingdom. The SNCF, in consultation with my department, is currently taking the measures necessary to comply with the obligation to inform travellers.

I should like to propose that 4 February 2002 be accepted as the official date of implementation of this new procedure, on condition that you notify me by return of post of your agreement to the planned measures.

S. FRATACCI

## No. 2

*The Deputy Director General of the Immigration and Nationality Directorate, Home Office to the Director for Public Freedoms and Legal Affairs, Ministry of the Interior of the French Republic*

*London*

*31 January 2002*

Thank you very much for your letter of 28 January confirming that Article 48 of the new French security legislation has been approved by the French Parliament, and proposing that the arrangements to be made under this Article for the control of Eurostar passengers take effect from 4 February 2002.

I am pleased to confirm that I find the arrangements set out in your letter acceptable. I am content that these should take effect from 4 February 2002.

I am very grateful to you and your colleagues for your co-operation in this matter.

PETER WRENCH





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