



## **FACILITATION PANEL (FALP)**

### **SEVENTH MEETING**

**Montréal, 22 to 26 October 2012**

#### **Agenda Item 5: Amendments to Annex 9**

### **COUNCIL OF EUROPE TREATY ON THE AGREEMENT ON THE TRANSFER OF CORPSES (26 OCTOBER 1973)**

(Presented by IATA)

#### **1. INTRODUCTION**

1.1 This Information Paper relates to FALP/7-WP/16, *Standards Related to the Repatriation of Human Remains*, also presented by IATA.

1.2 The Council of Europe's *Agreement on the Transfer of Corpses*, signed in Strasbourg on 26 October 1973, that addresses harmonised standards on the matter for signatory States, is found in the Appendix to this paper.

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FALP/7-IP/3  
Appendix

**APPENDIX**



COUNCIL OF EUROPE    CONSEIL DE L'EUROPE

*European Treaty Series - No. 80*

**AGREEMENT  
ON THE TRANSFER  
OF CORPSES**

**Strasbourg, 26.X.1973**

The member States of the Council of Europe, signatory hereto,

Considering that there is an increasing need to simplify formalities relating to the international transfer of corpses;

Bearing in mind that the transfer of corpses does not create a risk to health even if death was due to a communicable disease provided that appropriate measures are taken, in particular with regard to the imperviousness of the coffin,

Have agreed as follows:

### **Article 1**

1. The Contracting Parties shall apply, as between themselves, the provisions of this Agreement.
2. For the purpose of this Agreement, transfer of corpses is understood to be the international transport of human remains from the State of departure to the State of destination; the State of departure is that in which the transfer began; in the case of exhumed remains, it is that in which burial had taken place; the State of destination is that in which the corpse is to be buried or cremated after the transport.
3. This Agreement shall not apply to the international transport of ashes.

### **Article 2**

1. The provisions of this Agreement embody the maximum requirements which may be stipulated in connection with the despatch of corpses from, their transit through, or their admission to the territory of a Contracting Party.
2. The Contracting Parties remain free to grant greater facilities either by means of bilateral agreements or by decisions arrived at by common accord in special cases and in particular in the case of transfer between frontier regions. For such agreements or decisions to be applicable in any given case, the consent of all the States involved must be obtained.

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### **Article 3**

1. Any corpse shall, during the transfer, be accompanied by a special document (laissez passer for a corpse) issued by the competent authority of the State of departure.
2. The laissez passer shall include at least the information set out in the model annexed to the present Agreement; it shall be made out in the official language or one of the official languages of the State in which it was issued and in one of the official languages of the Council of Europe.

**Article 4**

With the exception of the documents required under international conventions and agreements relating to transport in general, or future conventions or arrangements on the transfer of corpses, neither the State of destination nor the transit State shall require any documents other than the laissez passer for a corpse.

**Article 5**

The laissez passer is issued by the competent authority referred to in Article 8 of this Agreement, after it has ascertained that:

- a) all the medical, health, administrative and legal requirements of the regulations in force in the State of departure relating to the transfer of corpses and, where appropriate, burial and exhumation have been complied with;
- b) the remains have been placed in a coffin which complies with the requirements laid down in Articles 6 and 7 of this Agreement;
- c) the coffin only contains the remains of the person named in the laissez passer and such personal effects as are to be buried or cremated with the corpse.

**Article 6**

1. The coffin must be impervious; the inside must contain absorbent material. If the competent authority of the State of departure consider it necessary the coffin must be provided with a purifying device to balance the internal and external pressures. It may consist of:
  - i. either an outer coffin in wood with sides at least 20 mm thick and an inner coffin of zinc carefully soldered or of any other material which is self destroying;
  - ii. or a single coffin in wood with sides at least 30 mm thick lined with a sheet of zinc or of any other material which is self destroying.
2. If the cause of death is a contagious disease, the body itself shall be wrapped in a shroud impregnated with an antiseptic solution.
3. Without prejudice to the provisions of paragraphs 1 and 2 of this article the coffin, if it is to be transferred by air, shall be provided with a purifying device or, failing this, present such guarantees of resistance as are recognised to be adequate by the competent authority of the State of departure.

**Article 7**

If the coffin is to be transported like an ordinary consignment, it shall be packaged so that it no longer resembles a coffin, and it shall be indicated that it be handled with care.

### **Article 8**

Each Contracting Party shall communicate to the Secretary General of the Council of Europe the designation of the competent authority referred to in Article 3, paragraph 1, Article 5 and Article 6, paragraphs 1 and 3 of this Agreement.

### **Article 9**

If a transfer involves a third State which is a Party to the Berlin Arrangement concerning the conveyance of corpses of 10 February 1937, any Contracting State to this Agreement may require another Contracting State to take such measures as are necessary for the former Contracting State to fulfil its obligations under the Berlin Arrangement.

### **Article 10**

1. This Agreement shall be open to signature by the member States of the Council of Europe, who may become Parties to it either by:
  - a) signature without reservation in respect of ratification or acceptance, or
  - b) signature with reservation in respect of ratification or acceptance, followed by ratification or acceptance.
2. Instruments of ratification or acceptance shall be deposited with the Secretary General of the Council of Europe.

### **Article 11**

1. This Agreement shall enter into force one month after the date on which three member States of the Council shall have become Parties to the Agreement, in accordance with the provisions of Article 10.
2. As regards any member State who shall subsequently sign the Agreement without reservation in respect of ratification or acceptance or who shall ratify or accept it, the Agreement shall enter into force one month after the date of such signature or after the date of deposit of the instrument of ratification or acceptance.

### **Article 12**

1. After the entry into force of this Agreement, the Committee of Ministers of the Council of Europe may invite any non member State to accede thereto.
2. Such accession shall be effected by depositing with the Secretary General of the Council of Europe an instrument of accession which shall take effect one month after the date of its deposit.

**Article 13**

1. Any Contracting Party may, at the time of signature or when depositing its instrument of ratification, acceptance or accession, specify the territory or territories to which this Agreement shall apply.
2. Any Contracting Party may, when depositing its instrument of ratification, acceptance or accession or at any later date, by declaration addressed to the Secretary General of the Council of Europe, extend this Agreement to any other territory or territories specified in the declaration and for whose international relations it is responsible or on whose behalf it is authorised to give undertakings.
3. Any declaration made in pursuance of the preceding paragraph may, in respect of any territory mentioned in such declaration, be withdrawn according to the procedure laid down in Article 14 of this Agreement.

**Article 14**

1. This Agreement shall remain in force indefinitely.
2. Any Contracting Party may, in so far as it is concerned, denounce this Agreement by means of a notification addressed to the Secretary General of the Council of Europe.
3. Such denunciation shall take effect six months after the date of receipt by the Secretary General of such notification.

**Article 15**

The Secretary General of the Council of Europe shall notify the member States of the Council and any State which has acceded to this Agreement of:

- a) any signature without reservation in respect of ratification or acceptance;
- b) any signature with reservation in respect of ratification or acceptance;
- c) the deposit of any instrument of ratification, acceptance or accession;
- d) any date of entry into force of this Agreement, in accordance with Article 11 thereof;
- e) any declaration received in pursuance of the provisions of paragraphs 2 and 3 of Article 13;
- f) any notification received in pursuance of the provisions of Article 14 and the date on which denunciation takes effect;
- g) any communication made to him under Article 8.

In witness whereof the undersigned, being duly authorised thereto, have signed this Agreement.

Done at Strasbourg, this 26th day of October 1973, in the English and French languages, both texts being equally authoritative, in a single copy which shall remain deposited in the archives of the Council of Europe. The Secretary General of the Council of Europe shall transmit certified copies to each of the signatory and acceding States.

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APPENDIX

*Laissez-passer* for a corpse

This *laissez-passer* is issued in accordance with the Agreement on the Transfer of Corpses, in particular Articles 3 and 5<sup>1</sup>.

Authority is hereby given for the removal of the body of:

Name and first name of the deceased .....  
.....  
died on ..... at .....  
State cause of death (if possible)<sup>2</sup> and <sup>3</sup> .....  
.....  
at the age of ..... years .....  
Date and place of birth (if possible) .....

\_\_\_\_\_

The body is to be conveyed .....  
..... (means of transport)  
from ..... (place of departure)  
via ..... (route)  
to ..... (destination)

The transport of this corpse having been duly authorised, all and sundry authorities of the States over whose territory the corpse is to be conveyed are requested to let it pass without let or hindrance.

Done at ..... on .....

Signature of the competent authority                      Official stamp of the competent authority

presented to the competent authority in the State of destination. The sealed envelope, which shall bear some external indication for identification purposes, shall be securely attached to the *laissez-passer*.

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<sup>1</sup> 1. The text of Articles 3 and 5 of the Agreement is to appear on the reverse side of the *laissez-passer*.  
2. The cause of death should be stated in English or French or in the numerical WHO code of the international classification of diseases.  
3. If cause of death is not stated for reasons of professional secrecy then a certificate indicating the cause of death should be placed in a sealed envelope accompanying the corpse during transport and be presented to the competent authority in the State of destination. The sealed envelope, which shall bear some external indication for identification purposes, shall be securely attached to the *laissez-passer*.

Alternatively, an indication should be made on the *laissez-passer* as to whether the person died of natural causes and of a non-contagious disease.

If this is not the case, the circumstances of the death or the nature of the contagious disease should be indicated.

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