

Status of the armed forces of the Member States of Western Union (London, 21 December 1949)

Caption: Status of members of the armed forces of the Member States of Western Union, signed in London on 21 December 1949.

Source: Status of Members of the armed forces of the Brussels Treaty Powers, Certified to be a true copy of the original document deposited in the archives of the Secretariat-General of the Brussels Treaty Permanent Commission. London: Brussels Treaty Permanent Commission, 21.12.1949. 19 p.

Archives nationales du Grand-Duché de Luxembourg, Luxembourg. <http://anlux.lu/>, Ministère des Affaires Etrangères, 1732-1999. Ministère des Affaires Etrangères - Traités et Conventions (à partir de 1945). Statut des Forces Armées des Pays du Traité de Bruxelles -s. à Londres ; Protocole spécial signé par la Belgique, le Luxembourg et les Pays-Bas -fait à Londres, AE TC 434.

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Last updated: 09/02/2024

**STATUS OF MEMBERS OF THE ARMED FORCES OF THE
BRUSSELS TREATY POWERS**

His Royal Highness the Prince Regent of Belgium, the President of the French Republic, President of the French Union, Her Royal Highness the Grand Duchess of Luxembourg, Her Majesty the Queen of the Netherlands and His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas,

Desiring to define the conditions applicable to armed forces of any one of them stationed in the territory of any other of them in conformity with the Treaty signed at Brussels the 17th March, 1948, hereinafter referred to as the Brussels Treaty,

Have appointed as their Plenipotentiaries:

His Royal Highness the Prince Regent of Belgium
His Excellency Vicomte Obert de Thieusies, Ambassador Extraordinary and Plenipotentiary of Belgium in London,

The President of the French Republic, President of the French Union
His Excellency Monsieur René Massigli, Ambassador Extraordinary and Plenipotentiary of the French Republic in London,

Her Royal Highness the Grand Duchess of Luxembourg
His Excellency Monsieur André Clasen, Envoy Extraordinary and Minister Plenipotentiary of Luxembourg in London,

Her Majesty the Queen of the Netherlands
His Excellency Jonkheer E. Michiels van Verduynen, Ambassador Extraordinary and Plenipotentiary of the Netherlands in London,

His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas
for the United Kingdom of Great Britain and Northern Ireland
The Right Honourable Ernest Bevin, Member of Parliament,
Principal Secretary of State for Foreign Affairs,

who, having exhibited their full powers found in good and due form, have agreed as follows:—

ARTICLE 1

Definitions

In this Agreement the expression—

- (a) “*foreign force*” means an armed force maintained by a Contracting Party in the execution of duties under the Brussels Treaty situated in the territory of another Contracting Party;
- (b) “*sending State*” means the Party maintaining the force; and
- (c) “*receiving State*” means the Party in the territory of which the force is stationed or through which it is passing in transit;

- (d) “members of a foreign force” means members of that force travelling or resident in the execution of their duties under the Brussels Treaty in the territory of a Contracting Party other than the “sending State.”

ARTICLE 2

1. For the purposes of this Agreement, the members of an armed force are classified as follows:—

- (i) Personnel on permanent duty;
- (ii) Personnel on temporary duty;
- (iii) Regularly constituted units or formations.

2. The nominal roll of personnel in category (1) above shall be kept up to date by the Secretariat-General of the Brussels Treaty Defence Organisation and forwarded to the representatives on the Permanent Commission of the Brussels Treaty for transmission to their Governments.

ARTICLE 3

1. On the conditions specified in paragraph 2, the “members of a foreign force” shall be exempt from passport and visa regulations on entering or leaving the territory of any of the Contracting Parties. They shall also be exempt from the regulations on the registration and control of aliens.

2. The following documents only will be required in respect of “members of a foreign force.” They must be presented on demand:

- (i) Personnel on permanent duty—
 - (a) Officers: Tri-lingual identity card.
(As in Appendix A.)
 - (b) N.C.O.’s and Other Ranks:
Personal service identity card;
Individual tri-lingual Movement Order.
(As in Appendix B.)
- (ii) Personnel on temporary duty—
Personal service identity card;
Individual tri-lingual Movement Order.
(As in Appendix B.)
- (iii) Regularly constituted units or formations—
Personal service identity card;
Collective tri-lingual Movement Order.
(As in Appendix C.)

Tri-lingual identity cards will be made out and issued to officers on permanent duty by the Secretariat-General of the Brussels Treaty Defence Organisation.

Individual tri-lingual Movement Orders will be filled in and issued by the Service Ministries of the “sending State.”

Collective tri-lingual Movement Orders will be filled in and issued by Service Ministries of the “sending State” and counter-signed by the representative of the Service Minister concerned of the “receiving State” or, if necessary, “receiving States.”

ARTICLE 4

The "receiving State," during the period before the provisions of the Convention on Road Traffic signed at Geneva, the 19th September, 1949, relating to driving licences or permits come into force so far as it is concerned, will either—

- (a) accept as valid without a driving test the driving licences or military driving permits issued by the "sending State"; or
- (b) issue its own licence to any "member of a foreign force" who holds a driving licence or military permit issued by the "sending State" without requiring him to undergo a driving test. Unless he holds an international driving permit, the statutory fee will be payable.

After this period the "receiving State" will follow alternative (a) above exclusively.

ARTICLE 5

1. The "members of a foreign force" will wear uniform.

They may, however, wear civilian dress; the regulations governing the wearing of civilian dress will be those in force in the "receiving State" for its own forces.

Regularly constituted units or formations of a "foreign force" must be in uniform when crossing a frontier.

2. Military vehicles shall carry, in addition to their registration number, a distinctive nationality mark, the form of which shall be agreed by the Military Committee of the Defence Organisation of the Brussels Treaty.

ARTICLE 6

1. The possession and carrying of arms by "members of a foreign force" shall be subject to the same laws and regulations as are applied to the forces of the "receiving State."

2. "Members of a foreign force" in transit may carry arms, on condition that this is authorised by their Movement Orders, and that the weapons are unloaded and are carried in the regulation manner.

3. In any case, officers of a "foreign force" are always authorised to retain possession of their regulation personal weapons.

ARTICLE 7

1. It is the duty of "members of a foreign force" to respect the laws in force of the "receiving State" and to abstain from any activity inconsistent with the spirit of the present Agreement, and, in particular, from any political activity.

2. "Members of a foreign force" who commit an offence in the "receiving State" against the laws in force in that State can be prosecuted in the courts of the "receiving State."

When the act is also an offence against the law of the "sending State," the authorities of the "receiving State" will examine with the greatest sympathy any request, received before the court has declared its verdict, for the transfer of the accused for trial before the courts of the "sending State."

Where a "member of a foreign force" commits an offence against the security of, or involving disloyalty to, the "sending State" or an offence against its property, or an offence against a member of the force to which he belongs, the authorities of the "receiving State" where the offence was committed will prosecute only if they consider that special considerations require them to do so.

The competent military authorities of the "foreign force" shall have, within the "receiving State," any jurisdiction conferred upon them by the law of the "sending State" in relation to an offence committed by a member of their own armed forces.

3. In all cases where a "member of a foreign force" commits on the territory of the "receiving State" an offence either against the law of the "receiving State" or against the law of the "sending State," the authorities of both States will assist each other in the collection of evidence and the carrying out of all necessary investigations, including the seizure, and in proper cases the handing over of exhibits and of objects connected with the offence.

The handing over of the exhibits and of the objects seized may, however, be made subject to their return within the time specified by the authority delivering them.

4. Where the authorities of the "receiving State" consider that, in respect of an offence committed in the "receiving State" by a "member of a foreign force," the necessities of the investigation, trial and execution of sentence require the imprisonment of the offender, the authorities of the "foreign force" will assist in making the arrest, if the offender can be found and arrested in the territory of the "receiving State."

The authorities of the "receiving State" will, in the same way, furnish every facility for the tracing and arrest of "members of a foreign force" wanted by the "sending State" in respect of an offence committed in the "receiving State." These authorities will, as soon as possible, hand over on their own territory to the "sending State" any "member of a foreign force" so arrested. They will also hand over to the "sending State" any "member of a foreign force" whom they may have imprisoned on a charge against their laws but whom they have decided not to prosecute.

5.—(a) A "foreign force" shall have, in the conditions and within the limits defined in (b) and (d) below, the right to police any camps, establishments or other premises (hereinafter referred to under the general term "camp") which they have occupied as a result of an agreement with the "receiving State."

(b) The military police of the "foreign force" may take all appropriate measures to ensure the maintenance of order in such camps. They shall hand over to the police of the "receiving State," without delay, any person caught in the act of committing or about to commit or just having committed an offence against the laws of the "receiving State."

(c) The police of the "receiving State" may enter any camp for the purpose of arresting any person who is suspected of being guilty of an offence against the laws of the "receiving State."

(d) The military police of a "foreign force" may only be employed outside its camps at the request of the authorities of the "receiving State" and in liaison with those authorities and in so far as such employment is necessary to maintain order and discipline among the members of the force. The "foreign force" shall comply with any such request.

ARTICLE 8

1. Subject to paragraph 2 of this Article, each Contracting Party will be responsible for paying compensation for damage to third parties, caused in

its territory by armed forces which are present there as a consequence of the Brussels Treaty in all cases where there would be a right to compensation if the damage had been caused by its own armed forces.

Subject to paragraph 6 below, claims by third parties in respect of this damage will be filed and considered, and decisions will be taken thereon, in accordance with the laws and regulations applicable in the "receiving State" to claims for damage caused by its own armed forces. If these claims are not settled by agreement, they shall be decided by the tribunals of the "receiving State," who are competent in case of damage caused by its own armed forces and in that case the Government of the "receiving State" will ensure the defence against the claims.

2. The provisions of this Article do not apply to :—

(a) Maritime salvage claims against a vessel used in connection with the Brussels Treaty or claims against such a vessel for damage caused by collision. These claims will be brought against the authorities of the Party to whom the vessel belongs.

(b) Any damage suffered (i) to his person by a "member of an armed force" of any Party, while on duty, or (ii) by any property belonging to the State and used by Service Ministries (Navy, Army, Air Force) of any Party or its forces.

In both these cases no claim shall lie against the State to whose forces the person responsible for the damage belongs.

3. Subject to paragraph 4 of this Article, the cost of satisfying the claims referred to in paragraph 1 will be, at such intervals as may be agreed, distributed between the Parties in proportions which shall be provisionally, in default of subsequent agreement to the contrary, as follows :—

	<i>Per cent.</i>
United Kingdom	50
France	25
Belgium-Netherlands-Luxembourg	25

4. The State on whose territory the damage has been caused will have no claim to contributions under paragraph 3 in respect of the cost of damage for which its own forces are exclusively responsible.

5. The Chiefs-of-Staff Committee of the Brussels Treaty Defence Organisation will decide in case of doubt whether the provisions of paragraph 4 are applicable in any particular case.

6. In the case of damage to State property (not excluded by paragraph 2 above and not covered by paragraph 4 above), the amount of the damage will be assessed by an arbitrator nominated by the "receiving State," after consultation with the other Parties, and chosen from amongst its own nationals who hold or who have held high judicial office and will be distributed in accordance with paragraph 3 above.

This paragraph does not apply if the amount of the damage is less than—

Belgium	B.fr. 70,000
France	F.fr. 490,000
Luxembourg	L.fr. 70,000
Netherlands	fl. 5,320
United Kingdom	£ 500

In the case of considerable variation in the rates of exchange between these currencies the Contracting Parties shall, by exchange of letters, agree on the appropriate adjustments of these amounts.

7. Claims arising out of contracts concluded by "members of a foreign force" in the course of their duties are excluded from the operation of the preceding provisions of this Article. They shall be dealt with by the authorities of the "foreign force" and the courts of the "receiving State" shall have jurisdiction in regard thereto if they cannot otherwise be settled.

ARTICLE 9

1. Claims (other than contractual claims) against "members of a foreign force" arising out of tortious acts or omissions, not relating to the performance of their duties, shall be dealt with in accordance with the following paragraphs of this Article.

2. The Governments of the "receiving State" will consider the claim and assess the compensation in a just and fair manner, taking into account all the circumstances of the case, including the conduct of the injured person, and will prepare a report on the matter. This report will then be delivered to the authorities of the "sending State," who will then decide without delay whether they will offer an *ex gratia* payment and, if so, of what amount. If these authorities decide to offer an *ex gratia* payment, they will offer to settle the claim by making this payment themselves. If this offer is accepted, they will inform the "receiving State" of their decision and of the sum paid.

3. Nothing in the preceding paragraphs of this Article shall affect the jurisdiction of the courts of the "receiving State" to entertain the claims to which this Article relates brought against "members of a foreign force."

ARTICLE 10

If any question arises whether a tortious act or an omission of a "member of a foreign force" relates to the performance of his duties, the question shall be submitted to the arbitrator referred to in paragraph 6 of Article 8, whose decision on this point shall be final and conclusive in any court before which the claim for compensation may be brought. The arbitrator shall be furnished with all the information necessary to enable him to render a decision judicially.

ARTICLE 11

1. "Members of a foreign force" may purchase locally goods necessary for their own consumption and such services as they need under the same conditions as the nationals of the "receiving State."

2. Goods required for the subsistence of a "foreign force" will normally be purchased through the competent service departments which purchase such goods for the armed forces of the "receiving State." In order to avoid such purchases having any adverse effect on the economy of the "receiving State," the competent authorities of this State will indicate, when necessary, any articles the purchase of which should be restricted or entirely forbidden.

3. After agreement between the military authorities of the "sending" and "receiving States," the competent military authorities of the "receiving State" will assume sole responsibility for making suitable arrangements to

make available to a "foreign force" the buildings and ground which it requires. These agreements and arrangements will be, as far as possible, in accordance with the regulations governing the accommodation and billeting of troops of the "receiving State." In the absence of a specific contract, the laws of the "receiving State" shall determine the rights, arising out of the occupation, of the owner of the buildings or ground occupied.

4. Civilian labour requirements of a "foreign force" will be satisfied in the same way as those of the military authorities of the "receiving State" and with the assistance of those authorities through the employment exchanges. The conditions of employment and work, in particular wages, supplementary payments and conditions for the protection of workers, shall be those laid down by the legislation of the "receiving State." Civilian workers employed by a "foreign armed force" shall not be regarded for any purpose as being members of that "force."

5. When a "foreign force" has at the place where it is stationed inadequate medical or dental facilities, the members of that force may receive medical and dental care, including hospitalisation, under the same conditions as the forces of the "receiving State."

6. The "receiving State" will give the most favourable consideration to requests for the grant to "members of a foreign force" of travelling facilities on its railways and of concessions with regard to fares. These facilities and concessions will be the subject of special arrangements to be made between the Governments concerned.

7. Subject to any general or particular financial arrangements between the Parties, payment in local currency for goods, accommodation and services furnished under paragraphs 2, 3, 4 and, if necessary, 5, will be made promptly by the military authorities of the "foreign force."

8. The "foreign force" shall not by reason of this Article enjoy any exemption from taxes or duties relating to purchases and services chargeable under the fiscal regulations of the "receiving State."

ARTICLE 12

1. "Members of a foreign force" shall—

(a) enjoy exemption from income tax levied in the "receiving State" on any pay or allowances which they receive from the Government of the "sending State." Such other exemptions from income tax as may be desirable to avoid any appreciable prejudice to "members of a foreign force" by reason of their service abroad, shall be agreed by the Parties and put into force as soon as possible;

(b) be entitled to temporary exemption from duty and taxes on private motor vehicles imported temporarily for their own personal use. There is no obligation under this Article to grant any exemption from taxes payable in respect of the use of the roads by motor vehicles.

2. For the purpose of the levy of death duties on the estate of a deceased "member of a foreign force," the fact that he has been present in the "receiving State" shall not be regarded as creating a change of domicile or residence so far as he is concerned, and the tangible movable property of the deceased which is situated on the territory of the "receiving State"

only by reason of his service there, shall be considered as not being situated on that territory.

ARTICLE 13

1. Save as provided expressly to the contrary in this Agreement, "members of a foreign force" are subject to the laws and regulations administered by the Customs Authorities of the "receiving State."

In particular, the Customs Officers will have the right, under the general conditions laid down by the laws and regulations of the "receiving State," to search "members of a foreign force" and to examine their luggage and vehicles.

2. The entry, departure and use of registered military vehicles shall be authorised free of all tax or duty on presentation of a triptyque in the form shown in Appendix D. These vehicles shall also be exempted from any tax payable in respect of the use of vehicles on the roads.

3. Official documents under official seal will not be subject to Customs inspection. Couriers carrying these documents, whatever their rank, must be in possession of an individual Movement Order, issued in accordance with Article 3. This Movement Order will show the number of despatches carried and certify that they contain only official documents.

4. Reasonable quantities of provisions, supplies and other goods, imported by the authorities of a "foreign force" for the exclusive use of that force, shall be exempt from Customs duties and all other duties and taxes payable on importation. This duty-free importation shall be subject to the deposit, at the Customs Office, together with the Customs documents, of a certificate signed by an Officer authorised for that purpose.

A specimen of this certificate is given in Appendix E. The list of the Officers authorised in each "foreign force" to sign the certificates, as well as specimens of their signatures and the stamps used, shall be sent to the Customs administration of the "receiving State."

Imports made by the authorities of a "foreign force" other than for the exclusive use of their force, and imports effected personally by "members of a foreign force" are not, by reason of this Article, entitled to any exemption from taxes and duties or other conditions.

5. Goods which have been imported duty-free under paragraph 4 above—

- (i) can be re-exported to the country of origin of the goods or to the "sending State" provided that a certificate, issued in accordance with paragraph 4 above, is presented to the Customs Office. The Customs Authorities, however, may verify that goods re-exported are as described in the certificate and have in fact been imported under the conditions of paragraph 4;
- (ii) cannot normally be disposed of in the "receiving State" by way of either sale or gift. However, in particular cases, such disposal may be authorised on conditions imposed by the Customs Authorities (for instance on payment of duty and tax and compliance with the requirements of the controls of trade and exchange).

6. Goods purchased in the “receiving State” can only be exported therefrom in accordance with the regulations in force in the “receiving State.”

7. Special facilities for crossing frontiers shall be granted by the Customs Authorities to regularly constituted units or formations, provided that the Customs Authorities concerned have been duly notified sufficiently in advance.

8. Special arrangements shall be made so that fuel oil and lubricants for use on service in military vehicles, aircraft and vessels, may be delivered free of all duties and taxes.

ARTICLE 14

1. The Customs or Fiscal Authorities of the “receiving State” may, as a condition of the grant of any Customs or Fiscal exemption or concession provided for in this Agreement, require such conditions to be observed as they may deem necessary to prevent abuse.

2. These authorities may refuse any exemption provided for by this Agreement in respect of the importation into the “receiving State” of articles grown, produced or manufactured in that State which have been exported therefrom without payment of, or upon repayment of, taxes or duties which would have been chargeable but for such exportation.

Goods removed from a Customs warehouse shall be deemed to be imported if they were regarded as having been exported by reason of being deposited in the warehouse.

ARTICLE 15

1. In order to prevent offences against Customs and Fiscal Laws and Regulations of a “receiving State,” the Customs and Fiscal Authorities of the “receiving State” and the Military Authorities of a “foreign force” will afford each other mutual assistance in the conduct of enquiries and the collection of evidence.

2. The Military Authorities of the “foreign force” will render all assistance within their power to ensure that articles liable to seizure by or on behalf of the Customs or Fiscal Authorities of the “receiving State” are handed to those authorities.

3. “Members of a foreign force” committing offences against the Customs, Foreign Exchange and Fiscal Laws and Regulations of the “receiving State” will be dealt with under the normal rules of the “receiving State,” but before any offender is prosecuted in a Court of Law, the facts shall be communicated to the competent military authority of the “foreign force.” This authority will render all assistance within its power to ensure the payment of duties, taxes and penalties payable by “members of the foreign force.”

4. Military vehicles and articles belonging to a “foreign force” seized in connection with an offence against the Customs and Fiscal Laws and Regulations will be handed over to the appropriate authorities of the “foreign force” concerned.

ARTICLE 16

1. “Members of a foreign force” remain subject to the Foreign Exchange Regulations of the “sending State,” and are also subject to the regulations of the “receiving State.”

2. The Foreign Exchange Authorities of the "sending" and the "receiving States" may, however, issue special regulations applicable to a "foreign force."

ARTICLE 17

If any Party is involved in war, each of the Contracting Parties shall have the right to suspend immediately the application of any of the provisions of this Agreement so far as its own territory is concerned.

If this right is exercised, the Parties will immediately consult with a view to agreeing on suitable provisions to replace the provisions suspended.

ARTICLE 18

All differences between the Contracting Parties relating to the interpretation or application of the Agreement shall be settled between the Parties and there shall be no recourse to any outside jurisdiction. Except where express provision is made to the contrary in the Agreement, the Parties will make use of the machinery of the Permanent Commission for the settlement of such differences.

ARTICLE 19

Any Party may at any time request that a meeting of representatives of all the Parties to this Agreement should be held to consider the revision of any Article of this Agreement. The request for a meeting shall be addressed to the Secretary-General of the Permanent Commission, who shall convoke a meeting within three months from the date of the receipt of this request. If at any such meeting agreement is reached on the revision of any provisions of this Agreement, a protocol containing the revised provisions shall be drawn up, and shall come into force as soon as it has been approved by all the Contracting Parties.

ARTICLE 20

The present Agreement shall be ratified. The Instruments of Ratification shall be deposited as soon as possible with the Secretary-General of the Permanent Commission. It shall enter into force one month after the receipt of the fifth ratification.

ARTICLE 21

1. After the expiry of four years from the entry into force of the Agreement, any Contracting Party may transmit a notice of Denunciation to the Secretary-General of the Permanent Commission. He shall immediately inform all the other Contracting Parties of the receipt of the notice of Denunciation and shall as soon as possible convoke a conference of all the Contracting Parties to consider the situation. A notice of Denunciation shall take effect one year after the date on which it is deposited, unless it is withdrawn.

2. The present Agreement shall remain in force until notice of Denunciation deposited in accordance with paragraph 1 of this Article has taken effect.

In witness whereof the above-mentioned Plenipotentiaries have signed the present Agreement and have affixed thereto their seals.

En foi de quoi, les Plénipotentiaires ci-dessus désignés ont signé le présent Accord et y ont apposé leur sceau.

Done this 21st day of December, 1949, in English and French, both texts being equally authoritative, in a single copy which will remain deposited in the archives of the Permanent Commission. The Secretary-General of the Permanent Commission shall transmit certified copies of this Agreement to all signatory Governments.

Fait le 21 décembre 1949 en anglais et en français, les deux textes faisant également foi, en un simple exemplaire qui restera déposé dans les archives de la Commission Permanente. Le Secrétaire Général de la Commission Permanente transmettra des copies authentiques du présent Accord à tous les Gouvernements signataires.

As soon as possible, a text of this Agreement in the Netherlands language will be prepared and as soon as this text has been agreed by all signatory Governments the text in the Netherlands language will also be authoritative.

Dans le plus bref délai, il sera établi un texte du présent Accord en langue néerlandaise et, aussitôt que ce texte aura été approuvé par les Gouvernements signataires, il fera également foi.

For Belgium :

Pour la Belgique :

OBERT DE THIEUSIES.

For France:

Pour la France :

R. MASSIGLI.

For Luxembourg :

Pour le Luxembourg :

A. J. CLASEN.

For the Netherlands :

Pour les Pays-Bas :

E. MICHIELS VAN VERDUYNEN.

For the United Kingdom
of Great Britain and
Northern Ireland :

Pour le Royaume-Uni
de Grande-Bretagne et
d'Irlande du Nord :

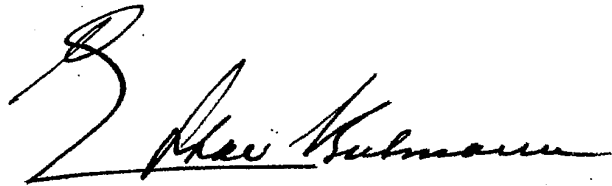
ERNEST BEVIN.

Certified to be a true copy of the original document deposited in the archives of the Secretariat-General of the Brussels Treaty Permanent Commission,

Copie certifiée conforme à l'exemplaire original unique en langues anglaise et française, déposé aux archives du Secrétariat Général de la Commission Permanente du Traité de Bruxelles à Londres,

Minister Plenipotentiary, Secretary-General of the Brussels Treaty Permanent Commission,

Le Ministre Plénipotentiaire, Secrétaire Général de la Commission Permanente du Traité de Bruxelles,

A handwritten signature in black ink, appearing to read "Alex Kulmann". The signature is written in a cursive style with a large initial "A" and "K".