

No. 4372

**BELGIUM
and
LUXEMBOURG**

**Agreement concerning trade in pharmaceutical products.
Signed at Luxembourg, on 28 March 1958**

Official text: French.

Registered by Belgium on 18 June 1958.

**BELGIQUE
et
LUXEMBOURG**

Accord concernant le commerce des préparations pharmaceutiques. Signé à Luxembourg, le 28 mars 1958

Texte officiel français.

Enregistré par la Belgique le 18 juin 1958.

[TRANSLATION — TRADUCTION]

No. 4372. AGREEMENT¹ BETWEEN THE KINGDOM OF BELGIUM AND THE GRAND DUCHY OF LUXEMBOURG CONCERNING TRADE IN PHARMACEUTICAL PRODUCTS. SIGNED AT LUXEMBOURG, ON 28 MARCH 1958

The Government of the Kingdom of Belgium and the Government of the Grand Duchy of Luxembourg,

Have agreed as follows :

Article 1

The sale of pharmaceutical products manufactured or prepared in Belgium or imported into Belgium from a third country shall be authorized in the territory of the Grand Duchy and shall be exempt from the provisions of the Luxembourg Ministerial Order of 23 September 1957.

Article 2

The sale of pharmaceutical products manufactured or prepared in Luxembourg or imported into Luxembourg from a third country shall be authorized in the territory of Belgium and shall be exempt from the provisions of article 11 of the Belgian Royal Order of 20 August 1955.

Article 3

The two countries shall periodically carry out tests of drugs put up in pharmaceutical form, similar to those they carry out for domestic products. The cost of such tests shall be borne by the State which makes them. The results of the analysis shall be transmitted to the other Party.

Article 4

The pharmacy divisions of the public health services of the two countries shall keep up to date a list of the firms and proprietary medicines to which this Agreement relates.

Article 5

They shall by common agreement prepare and keep up to date a list of :

¹ Came into force on 28 March 1958, in accordance with article 13. Is not applicable to the Territories of the Belgian Congo and Ruanda-Urundi.

- (a) Proprietary medicines so expensive to analyse that it is virtually impossible to test every batch manufactured ;
- (b) Products which can be partially tested ;
- (c) Products which it is deemed impossible to test in the present state of knowledge of analytical methods.

Article 6

The pharmacy inspection services of the two countries shall exercise systematic and especially careful supervision over factories manufacturing proprietary medicines which cannot be tested.

Article 7

If a batch found not to conform with the declared formula is put on the market, or if a sample submitted for analysis is found not to belong to the batch which has been put on the market, the firm concerned shall cease to benefit under this Agreement.

At the request of the firm concerned, the respective administrations shall, by common agreement and within two months, fix the date on which the firm may again be permitted to benefit under this Agreement.

Article 8

This Agreement shall remain in force for three years and shall be renewable by tacit agreement. It may be denounced at the end of each three-year period, subject to six months' notice.

If the scope of this Agreement is changed as a result of new legal or administrative provisions introduced by one of the Parties, the other Party shall have the right to denounce the Agreement with immediate effect.

Article 9

The competent administration of each of the two countries shall communicate to the competent administration of the other country, at its express request, analysis reports on drugs put up in pharmaceutical form, whether locally manufactured or imported.

Article 10

Pending the conclusion of a joint agreement within the framework of Benelux, the Grand Duchy of Luxembourg shall grant to the Netherlands treatment not less favourable than the preferential treatment established under the Belgium-Netherlands Agreement of 9 January 1957.

Article 11

If the Grand Duchy of Luxembourg should grant to the Netherlands treatment more favourable than that provided under the Belgium-Netherlands Agreement of 9 January 1957, the Grand-Ducal authorities shall, in the absence of previous agreement between the Belgian and Luxembourg administrations, take all necessary measures to prevent re-export to Belgium.

Article 12

In the event of differences of interpretation or difficulties of application, the two administrations shall consult together within the framework of the Belgium-Luxembourg Mixed Administrative Commission.

Article 13

This Agreement shall enter into force with immediate effect.

DONE in duplicate at Luxembourg on 28 March 1958.

For the Government of the Kingdom of Belgium :

R. TAYMANS

[SEAL]

For the Government of the Grand Duchy of Luxembourg :

BECH

[SEAL]