

**No. 5471**

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**BELGIUM, LUXEMBOURG and NETHERLANDS**

**Treaty instituting the Benelux Economic Union (with annexed Convention containing the transitional provisions, and with Protocol of Application and Protocol of Signature). Signed at The Hague, on 3 February 1958**

*Official texts: French and Dutch.*

*Registered by Belgium on 5 December 1960.*

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**BELGIQUE, LUXEMBOURG et PAYS-BAS**

**Traité instituant l'Union économique Benelux (avec, en annexe, Convention transitoire, et avec Protocole d'exécution et Protocole de signature). Signé à La Haye, le 3 février 1958**

*Textes officiels français et néerlandais.*

*Enregistré par la Belgique le 5 décembre 1960.*

No. 5471. TREATY<sup>1</sup> INSTITUTING THE BENELUX ECONOMIC UNION. SIGNED AT THE HAGUE, ON 3 FEBRUARY 1958

[TRANSLATION<sup>2</sup> — TRADUCTION<sup>3</sup>]

His Majesty the King of the Belgians,

Her Royal Highness the Grand Duchess of Luxembourg,

Her Majesty the Queen of the Netherlands,

*Being resolved* to strengthen the economic ties between their countries by means of free movement of persons, goods, capital and services;

*Desiring* to co-ordinate their policies in the economic, financial and social fields in order to attain the most satisfactory level of employment and the highest standard of living in keeping with economic circumstances and compatible with the maintenance of monetary stability;

*Desiring* to pursue a joint trade policy directed towards the most favourable development of the exchange of goods and services with third countries by means of the freest possible trade;

*Believing* that economic progress, forming the principal aim of their union, must lead to the advancement of the individual and social welfare of their peoples;

*Noting* that, by virtue of Article 233 of the Treaty establishing the European Economic Community<sup>4</sup> and Article 202 of the Treaty establishing the European Atomic Energy Community,<sup>5</sup> signed at Rome on the twenty-fifth day of March, 1957, those Treaties do not preclude the existence or creation of an Economic Union between their countries in so far as the objects of this Union are not attained by the application of the said Treaties;

*Having decided* to establish the Economic Union between their countries as envisaged by the Customs Convention signed in London on the fifth day of September, 1944, defined and interpreted in accordance with the Protocol signed at The Hague on the fourteenth day of March, 1947,

<sup>1</sup> Came into force on 1 November 1960, the first day of the third month following the deposit with the Belgian Government of the third instrument of ratification, in accordance with article 100. The instruments of ratification were deposited at Brussels by Belgium on 13 July 1960, by the Netherlands on 15 July 1960 and by Luxembourg on 29 August 1960. This Treaty is not applicable to the Trust Territory of Ruanda-Urundi.

<sup>2</sup> *European Yearbook*, vol. V, published under the auspices of the Council of Europe. The Hague, Martinus Nijhoff, 1959.

<sup>3</sup> *Annuaire européen*, vol. V, publié sous les auspices du Conseil de l'Europe. La Haye, Martinus Nijhoff, 1959.

<sup>4</sup> United Nations, *Treaty Series*, Vol. 298, p. 3.

<sup>5</sup> United Nations, *Treaty Series*, Vol. 298, p. 167.

Have thereto appointed as their plenipotentiaries :

His Majesty the King of the Belgians :

His Excellency A. van Acker, Prime Minister, and

His Excellency V. P. H. Larock, Minister for Foreign Affairs.

Her Royal Highness the Grand Duchess of Luxembourg :

His Excellency J. Bech, Prime Minister for Foreign Affairs.

Her Majesty the Queen of the Netherlands :

His Excellency W. Drees, Prime Minister, and

His Excellency, J. M. A. H. Luns, Minister for Foreign Affairs;

who, having exchanged their full powers, found in good and due form, have agreed to the following provisions :

#### PART I

#### BASIC PROVISIONS

##### *Article 1*

1. An Economic Union is established between the Kingdom of Belgium, the Grand Duchy of Luxembourg and the Kingdom of the Netherlands, entailing free movement of persons, goods, capital and services.

2. This Union implies :

a) the co-ordination of economic, financial and social policies;

b) the pursuit of a joint policy in economic relations with third countries and regarding payments related thereto.

##### *Article 2*

1. The nationals of each High Contracting Party may freely enter and leave the territory of any other Contracting Party.

2. They shall enjoy the same treatment as nationals of that State as regards :

a) freedom of movement, sojourn and settlement;

b) freedom to carry on a trade or occupation, including the rendering of services;

c) capital transactions;

d) conditions of employment;

e) social security benefits;

f) taxes and charges of any kind;

g) exercise of civil rights as well as legal and judicial protection of their person, individual rights and interests.

*Article 3*

1. Goods traffic between the territories of the High Contracting Parties, irrespective of origin, last exporting country or destination of the goods, shall be free of import and excise duty and any other duties, charges, imposts or dues of whatsoever kind.

2. It shall likewise be free from all prohibitions or restrictions of an economic or financial nature, such as quotas, restrictions applying to certain types of goods or currency restrictions.

3. Goods originating from the territory of one of the High Contracting Parties shall receive in the territories of the other Contracting Parties the same treatment as national products.

*Article 4*

There shall be no prohibition or restriction for transfers of capital between the territories of the High Contracting Parties.

*Article 5*

1. The rendering of services between the territories of the High Contracting Parties shall be free of taxes, charges, imposts or dues of whatsoever kind.

2. It shall likewise be free from all prohibitions or restrictions of an economic or financial nature, such as quotas, restrictions applying to certain types of goods or currency restrictions.

*Article 6*

Without prejudice to the provisions of Articles 2 to 5 above, the High Contracting Parties shall jointly ensure that no law or regulation, in particular public health regulations, should unduly hinder freedom of movement.

*Article 7*

The High Contracting Parties shall jointly ensure that no law or regulation has the effect of disturbing competitive conditions in their territories.

*Article 8*

1. The High Contracting Parties shall, in close consultation, pursue a co-ordinated policy in the economic, financial and social fields.

2. The High Contracting Parties shall co-ordinate their policies in respect of private commercial agreements of abuses arising from the dominant position of one or more concerns; they shall take steps to prevent the abuse of economic power.

### Article 9

In so far as the attitude they may wish to adopt, or the commitments they wish to undertake, either in their relations with third countries or *vis-à-vis* or within the framework of international institutions or conferences, affect the aims of the Union, the High Contracting Parties shall hold consultations in order that these attitudes and commitments may be conducive to the realisation of these aims.

### Article 10

In their relations with third countries the High Contracting Parties shall :

- a) accept and pursue a joint policy in the field of foreign trade and of payments related thereto;
- b) jointly conclude treaties and conventions regarding foreign trade and the customs tariff;
- c) conclude, either jointly or concurrently, treaties and conventions regarding payments in connection with foreign trade.

### Article 11

1. As regards goods coming from or destined for third countries, import duties and excise duties as well as all other taxes, imposts or dues whatsoever, to be imposed on account of imports, exports or transit traffic shall be fixed in accordance with a common tariff with identical rates, the regulations for levying the same being co-ordinated.

2. The procedure in the matter of licenses and quotas with regard to imports, exports and transit shall be identical.

3. The High Contracting Parties shall co-ordinate all regulations, either legal or executive, and other stipulations of public law of an economic or financial nature regarding imports, exports or transit traffic, which are not covered by the first and second paragraphs of this Article.

### Article 12

1. As regards the rate of exchange between the Netherlands guilder and the Belgian- and the Luxembourg franc, the High Contracting Parties shall determine their policies by mutual agreement. Likewise, by mutual agreement they shall fix their exchange rates in relation to the currencies of third countries.

2. In particular they shall not effect any alteration of rates of exchange except by mutual agreement.

### Article 13

Measures taken by the High Contracting Parties in carrying into effect the joint and co-ordinated policy covered by this Treaty should take account of the

necessity of ensuring monetary stability and may not entail for a High Contracting Party the necessity of sustaining losses in foreign currency reserves which are incompatible with its responsibility for its national currency; nor should they involve the necessity of accepting inconvertible foreign currencies or of granting credits, unless previous agreement has been reached as to the limits permitted.

#### *Article 14*

1. In the event of the vital interests of one of the High Contracting Parties being endangered, the Committee of Ministers, after advice has been sought from the Consultative Interparliamentary Council and from the Economic and Social Advisory Council, may decide what measures may be taken in derogation of the stipulations of this Treaty during a certain period, the length of which is to be fixed simultaneously.

2. If urgent reasons make it impossible to take previous advice as specified in paragraph 1 of this Article or to obtain the said advice in due time, the Committee of Ministers shall report to the Consultative Interparliamentary Council and to the Economic and Social Advisory Council regarding the measures taken and also in respect of the circumstances justifying the same.

### PART 2

## INSTITUTIONS

#### *Article 15*

The institutions of the Union shall consist of :

- a.* the Committee of Ministers;
- b.* the Consultative Interparliamentary Council;
- c.* the Council of the Economic Union;
- d.* the Committees and the Special Committees;
- e.* the General Secretariat;
- f.* Joint Services;
- g.* the College of Arbitrators;
- h.* the Economic and Social Advisory Council.

### Chapter 1

## THE COMMITTEE OF MINISTERS

#### *Article 16*

The Committee of Ministers shall see to the application of this Treaty and ensure the realisation of the aims covered thereby. It shall institute any measures required for these purposes, in accordance with the provisions of the present Treaty.

*Article 17*

1. Each High Contracting Party shall appoint at least three members of its Government to sit on the Committee.

2. Each Government may invite other members to take part in a particular session, whenever it so desires.

*Article 18*

The Committee shall take decisions unanimously. Each High Contracting Party shall have one vote. The abstention of one High Contracting Party shall not prevent a decision being taken.

*Article 19*

In carrying out its appointed tasks the Committee of Ministers :

*a)* may take decisions setting forth the manner in which the provisions of this Treaty are to be put into effect in accordance with the conditions laid down in the Treaty. These decisions of the Committee shall commit the High Contracting Parties.

*b)* may draft conventions to be submitted to the High Contracting Parties in order that they may become operative in accordance with the rules of the Constitution of each High Contracting Party.

*c)* may make recommendations for the functioning of the Union. These recommendations of the Committee do not commit the High Contracting Parties.

*d)* may issue directives to the Council of the Economic Union, the Committees and Special Committees, the Secretariat-General and to the Joint Services.

*Article 20*

1. The Committee of Ministers shall meet at least once every three months. In an emergency it shall assemble at the request of the Government of any one of the High Contracting Parties.

2. For each successive period of six months the Chair will be taken in rotation by a Belgian, Luxembourg or Netherlands member, irrespective of the place of meeting.

*Article 21*

The Committee may set up Working Parties to which it may delegate certain of its competences. These Working Parties shall consist of members of the Committee or of other members of the Government of each of the High Contracting Parties.

*Article 22*

The Committee shall establish its own standing orders.

## Chapter 2

## THE CONSULTATIVE INTERPARLIAMENTARY COUNCIL

*Article 23*

The Convention signed on the fifth day of November, 1955,<sup>1</sup> establishing the Consultative Interparliamentary Council shall determine the composition, competence and procedures of that Council.

*Article 24*

The Committee of Ministers shall act for the three Governments in their joint relations with the Consultative Interparliamentary Council with regard to questions directly related to the functioning of the Union.

## Chapter 3

## THE COUNCIL OF THE ECONOMIC UNION

*Article 25*

The Council of the Economic Union shall be responsible for :

- a) co-ordinating the activities of Committees and Special Committees. To this end it may issue any directives required. Proposals from Committees and Special Committees will be forwarded by the Council to the Committee of Ministers together with its opinion, if required;
- b) carrying into effect decisions of the Committee of Ministers as far as the Council is concerned;
- c) submitting proposals to the Committee of Ministers which it may deem advantageous for the functioning of the Union.

*Article 26*

1. The Committee of Ministers shall fix the number of delegates forming the Council.
2. The chairmanship of the Council shall be held in rotation by three persons, each appointed by his Government. The Committee of Ministers shall arrange the way in which the chairmanship will rotate.
3. Each Government shall appoint its other delegates from among the persons delegated to the various Committees.

<sup>1</sup> United Nations, *Treaty Series*, Vol. 250, p. 201.



4. Special Committees will be represented in the meetings of the Council whenever the order paper contains questions within their competence.

*Article 27*

1. The Council shall fix its own standing orders and shall submit these to the approval of the Committee of Ministers.

2. These standing orders will determine in particular the contingencies in which committees may have access directly to the Committee of Ministers.

3. These standing orders will also contain provisions for the exercising of certain functions of the Council by the Council meeting in restricted composition.

Chapter 4

COMMITTEES AND SPECIAL COMMITTEES

*Article 28*

The following Committees shall be set up :

- Committee for foreign economic relations;
- Committee for monetary and financial question;
- Committee for industry and trade;
- Committee for agriculture, food and fisheries;
- Committee for customs tariffs and taxes;
- Committee for transport questions;
- Committee for social questions.

*Article 29*

The following Special Committees shall be appointed :

- Special Committee for the co-ordination of statistics;
- Special Committee for the comparison of budgets of public and semi-public institutions;
- Special Committee for tenders;
- Special Committee for public health;
- Special Committee for the middle classes.

*Article 30*

The Committees and Special Committees, each within its own province, shall be responsible for :

- a) carrying into effect decisions of the Committee of Ministers; they will report to the Committee of Ministers through the medium of the Council of the Economic Union;

b) submitting proposals such as may promote the functioning of the Economic Union to the Committee of Ministers through the medium of the Council of the Economic Union;

c) keeping track of the execution by national administrations of resolutions adopted.

#### *Article 31*

The Committee of Ministers shall establish the competence of each Committee and each Special Committee. It may establish new Committees and Special Committees; and it may abolish such Special Committees.

#### *Article 32*

1. The Committee of Ministers shall settle the way in which each Committee and each Special Committee is composed.

2. Each Government shall appoint its delegates in accordance with the regulations laid down by the Committee of Ministers in compliance with the first paragraph of this Article.

3. The Committees and Special Committees shall fix their standing orders and submit them for approval to the Council of the Economic Union.

### Chapter 5

#### THE SECRETARIAT-GENERAL

#### *Article 33*

The seat of the Secretariat-General shall be established at Brussels.

#### *Article 34*

1. The management of the Secretariat-General shall be entrusted to a Secretary-General of Dutch nationality.

2. The Secretary-General shall be assisted by an Assistant Secretary-General of Belgian nationality and another of Luxembourg nationality.

3. The Committee of Ministers shall appoint and dismiss the Secretary-General and the Assistant Secretary-General. After consultation with the Council of the Economic Union meeting in restricted composition, the Committee of Ministers shall fix the scales of their salaries, pensions and allowances and all other conditions of employment.

#### *Article 35*

1. The members of the staff shall be of Belgian, Luxembourg or Netherlands nationality.

2. The Secretary-General shall appoint and dismiss the personnel of the Secretariat-General in accordance with the rules laid down in the third paragraph of the present Article.

3. The regulations for the personnel, for its formation, salary scales, pensions and allowances, and all other conditions of employment shall be proposed by the Secretary-General and determined by the Committee of Ministers after due consultation with the Council of the Economic Union meeting in restricted composition.

#### *Article 36*

1. The Secretary-General shall be responsible for the secretariat of the Committee of Ministers, of the Council of the Economic Union, of the Committees and Special Committees and of their subordinate organs, if any. It will be his task to co-ordinate the administrative activities of these institutions and to arrange for any contacts required; he should also make any proposals which may be useful for the execution of the present Treaty but should take into account the competence of other institutions of the Union. The services of the Registry of the College of Arbitrators will be provided by the Secretary-General.

2. The Committee of Ministers may call upon the Secretary-General to fulfil other duties.

#### *Article 37*

1. The Secretary-General shall prepare each year a draft budget for the several institutions of the Union and submit his draft for approval to the Committee of Ministers together with the opinion thereon of the Council of the Economic Union.

2. The High Contracting Parties shall lay down regulations in a separate convention for :

- a) the supervision of the implementation of the budgets;
- b) the closing of accounts;
- c) the granting of advances required;
- d) the sharing-out among the High Contracting Parties of the deficit between receipts and expenditure.

3. The provisions of this Article shall not be applicable to the Consultative Interparliamentary Council or the Economic and Social Advisory Council.

#### *Article 38*

The records of the Secretariat-General shall be inviolate.

*Article 39*

In Belgium the Secretary-General shall enjoy privileges and immunities in conformity with those granted to the Head of a diplomatic Mission accredited in that State. If required by circumstances, his judicial immunity may be withdrawn by the Committee of Ministers.

## Chapter 6

## JOINT SERVICES

*Article 40*

The Committee of Ministers may set up such Joint Services as are required for the functioning of the Union; it shall determine the competence, the organisation and the procedure of such Services.

## Chapter 7

## THE COLLEGE OF ARBITRATORS

*Article 41*

The College of Arbitrators shall be entrusted with the task of settling such disputes as may arise between the High Contracting Parties with regard to the application of the present Treaty and of Conventions related to the aims of this Treaty.

*Article 42*

1. The College of Arbitrators will be composed of divisions according to the nature of the points at issue.

2. Each High Contracting Party will appoint a national arbitrator and a substitute national arbitrator for each division.

3. For each object of litigation the division will be composed of the national arbitrator of each of the parties to the dispute as well as of a person appointed in rotation from a list established by the Committee of Ministers. This person will preside over the division.

*Article 43*

If the President holds the view that such is required by the importance of legal problems arising during the hearing, he may decide, either spontaneously, or at the request of one of the parties, that the division be supplemented by two arbitrators registered in the list specified in the third paragraph of Article 42 of the present Treaty. These arbitrators should be of the same nationality as the parties to the dispute.

*Article 44*

A dispute which cannot be settled in the Committee of Ministers shall be submitted to the College of Arbitrators, either at the joint request of the parties to the dispute or at the request of either of these.

*Article 45*

1. The College of Arbitrators shall base its judgment on the rule of law. Before passing judgment and in any phase of the hearing it may submit a compromise to the approval of the parties to the dispute.

2. With the consent of the parties to a dispute, the College of Arbitrators may pronounce judgment *ex aequo et bono*.

*Article 46*

1. The College of Arbitrators shall pronounce its judgments or propose a compromise arrangement by a majority of votes. The judgments will be final and not open to appeal. A compromise arrangement accepted by the parties and a judgment given by the College will be equally valid.

2. Unless there is any provision to the contrary, the College of Arbitrators may, in any phase of the action and after having gathered sufficient information, take such conservatory measures as it may deem necessary.

*Article 47*

1. After proving its interest in the solution of the point at issue, each High Contracting Party may join one of the parties to a dispute; such intervention may only be in order to support the claims of one of the parties.

2. Any such intervention may not involve a change in the composition of the division to which the dispute is submitted.

*Article 48*

The College of Arbitrators may pass judgment that a judicial decision or a measure taken by any other authority of one of the High Contracting Parties is wholly or partially contrary to the provisions of this Treaty or of a convention related to the aims of this Treaty. If the national law of the said High Contracting Party does not allow of undoing the consequences of this decision or measure, the injured State shall have a right to just compensation. Failing agreement between the parties, the College of Arbitrators shall fix the nature and quantity of the compensation to be paid at the request of the party concerned.

*Article 49*

After submitting a dispute to the College of Arbitrators, the parties shall refrain from any action which might endanger the solution of the dispute or might aggravate the dispute.

*Article 50*

If one of the parties does not put into effect a judgment of the College of Arbitrators or a conservatory measure prescribed by the said College, the other party shall be entitled to appeal to the International Court of Justice in accordance with the provisions of the second paragraph of Article 36 of the Statute of that Court, unless the parties agree to solve the dispute in some other way.

*Article 51*

1. The High Contracting Parties shall undertake not to settle the category of disputes referred to in Article 41, in any way not covered by the present Treaty.

2. With regard to disputes in which the interpretation or the application of the Treaty for the European Economic Community or of the Treaty for the establishment of the European Atomic Energy Community are at stake, the High Contracting Parties shall, however, agree to submit such disputes to the Court of Justice established by the above Treaties. If this Court declares itself incompetent to settle the dispute, the College of Arbitrators provided for in Article 15 of the present Treaty, shall be competent.

*Article 52*

1. The Committee of Ministers may request the College of Arbitrators to supply advisory opinions regarding questions of law in respect of the provisions of the present Treaty and of conventions related to the aims of this Treaty.

2. Such advisory opinions will be rendered by a majority of votes of the presidents of the divisions assembled in joint session.

*Article 53*

The statutory rules of the College of Arbitrators shall be laid down by decisions of the Committee of Ministers.

## Chapter 8

## THE ECONOMIC AND SOCIAL ADVISORY COUNCIL

*Article 54*

1. At the request of the Committee of Ministers the Economic and Social Advisory Council shall give advisory opinions regarding questions directly

related to the functioning of the Union; to that end the Committee of Ministers will supply the Council with the necessary information. The Council shall be equally competent to offer advice spontaneously to the Committee of Ministers regarding such questions.

2. The Advisory Council shall be composed of 27 members and of 27 substitute members, as a maximum strength, a third of which may be appointed by each of the High Contracting Parties. The members and substitute-members will be appointed in agreement with the national corporate body or corporate bodies representing the highest level of the economic and social organisations of that country.

3. The Advisory Council shall appoint its Charman from among its members.

4. The Advisory Council shall fix its standing orders by a bare majority of votes cast and submit these orders for approval to the Committee of Ministers.

### PART 3

## SOCIAL PROVISIONS REGARDING CERTAIN ASPECTS OF THE ECONOMIC UNION

### Chapter 1

#### NATIONAL TREATMENT, FREEDOM OF MOVEMENT AND THE EXERCISE OF ECONOMIC AND PROFESSIONAL ACTIVITIES

#### *Article 55*

The High Contracting Parties shall conclude a convention determining, in the interests of public order, public security, public health or morality, such and such provisions which may be applied to nationals of a High Contracting Party in the territory of another High Contracting Party with regard to their entering or leaving its territory, to their freedom of movement, of sojourn and of establishment therein, and to their expulsion.

#### *Article 56*

The High Contracting Parties shall, as far as may be required, conclude a convention determining the treatment of nationals of a High Contracting Party in the territory of another Contracting Party with regard to legal and judicial protection of their person, and their rights and interests.

#### *Article 57*

In so far as house-rents are governed by regulations laid down by legal or administrative authorities, the nationals of each High Contracting Party shall

enjoy the same treatment in the territories of the other Contracting Parties as apply to their own nationals.

#### *Article 58*

1. The activities of companies established under the legislation of one of the High Contracting Parties shall be made subject to the national law of the other Contracting Party in whose territory they perform their activities either directly or through the medium of branch-establishments or agencies.

2. These activities may not be subjected to stricter conditions than those applied to national companies. Albeit, the companies of one of the High Contracting Parties may not enjoy more rights in the territory of another Contracting Party than similar national companies of the latter Party.

3. Inasmuch as any departure from the rules will have as its principal object the protection of insured persons, insurers, depositors with a building society and financially injured persons, the High Contracting Parties may depart from the second paragraph of this Article in the field of insurances, capital issues and mortgage arrangements. Any such derogations shall be specified in a convention.

4. Companies within the meaning of the present Article are companies according to civil- and commercial law including co-operative societies and other legal persons in accordance with civil law. Albeit, as regards the application of this Article, legal persons in civil law, not seeking profit, are considered companies only with regard to their activities in the field of insurances, tontine or mortgage societies. Luxembourg agricultural associations shall also be considered as companies in the sense of this Article.

#### *Article 59*

1. Companies established according to the legislation of a High Contracting Party and having their fiscal domicile within the territory of one of the High Contracting Parties shall not be subjected to higher fiscal charges in the territory of the other Contracting Parties than those borne by similar national companies, irrespective of the fact whether the former companies have one or several branch-establishments or agencies in the territory of the other Contracting Parties.

2. Companies within the meaning of the first paragraph of this Article are those defined in Article 58 of this Treaty.

#### *Article 60*

The High Contracting Parties shall conclude a convention determining the treatment of nationals of the Contracting Parties with regard to their employment as wage-earners in the service of a private employer and to their enjoying social security benefits.



*Article 61*

1. Contrary to the provisions of Article 2, paragraph 2 *b*) of the present Treaty each High Contracting Party shall remain entitled to reserve the exercise of the following economic and professional activities for its own nationals.

*a*) officials posts, public functions or professions, including those of notary public, solicitor and bailiff;

*b*) the profession of lawyer;

*c*) the medical profession and related occupations in the Grand Duchy of Luxembourg;

*d*) fisheries in inland waterways, pilotage and inland harbour-services.

2. The provisions of Article 2, paragraph 2 *b*) of the present Treaty shall not affect national regulations concerning the qualifications required for exercising certain professions.

*Article 62*

In the field of public contracts and tenders, the authorities of a High Contracting Party may not discriminate in any way whatsoever in favour of national products or of their nationals and to the detriment of products or nationals of other High Contracting Parties.

*Article 63*

The following are to be considered, for the application of Article 62 of the present Treaty :

*A.* as public contracts and tenders :

All public contracts and tenders for the execution of works or the purchase of goods by the authorities for their own requirements, irrespective of the way the order is given.

*B.* as public institutions :

*a*) all organs of the State.

*b*) all regional and local organs in Belgium and in the Grand Duchy of Luxembourg as well as subordinate authorities of public law in the Netherlands.

*c*) inasmuch as the State effectively influences their public contracts : the "parastatal" institutions in Belgium and in the Grand Duchy of Luxembourg and the semi-public institutions in the Netherlands.

## Chapter 2

## CO-ORDINATION OF POLICY

*Article 64*

1. In the field of investments the Committee of Ministers shall decide as to the expediency of accepting general or special objectives for a co-ordinated

investment policy which may cover the entire economy or only one or several parts.

2. In establishing such objectives the Committee of Ministers shall simultaneously determine the methods appropriate for realising this co-ordinated policy; these methods may involve harmonising legislations concerning investments.

#### *Article 65*

In the field of agricultural policy the High Contracting Parties shall undertake :

*a)* to advance systematically technical progress.

*b)* to take measures as may make it possible to harmonise production and the sale of agricultural products and to secure farmers and farm labourers of the three countries a safe existence in well-managed and economically and socially warranted enterprises; these measures should also make it possible to develop productivity and to maintain agricultural cost prices at the lowest possible level required fully to satisfy home demand and to build up the strongest possible position in foreign markets.

#### *Article 66*

1. If one of the High Contracting Parties ascertains that the situation in a certain field of agriculture, food supply or fisheries is developing in such a way that a serious crisis is to be feared, the Committee of Ministers may take the necessary decisions to prevent or remedy such a crisis, after previously obtaining an advisory opinion from the Consultative Interparliamentary Council and the Economic and Social Advisory Council. These decisions may temporarily derogate from the provisions of the present Treaty.

2. If for urgent reasons it proves impossible to ask for the advice referred to in the first paragraph of this Article or to obtain it in due time, the Committee of Ministers shall report as soon as possible to the Consultative Interparliamentary Council and to the Economic and Social Advisory Council both regarding the measures taken and the circumstances warranting them.

#### *Article 67*

When applying the provisions of Article 66 of the present Treaty the High Contracting Parties shall take into account the special situation of Luxembourg agriculture as long as the latter is determined by less favourable natural factors of production.

#### *Article 68*

In the field of transport the co-ordinated policy, provided for in Article 8 of the present Treaty, shall rest on the following basic principles :

a) the harmonising of competitive conditions between the various media of inland transport within the territory of each High Contracting Party by the abolition of charges imposed on transport undertakings and advantages granted to the same.

b) the profitable operation of public and private transport undertakings.

#### *Article 69*

The High Contracting Parties shall undertake to direct their joint policy towards the promotion of a harmonious development of, and active co-operation between, their seaports.

#### *Article 70*

In the field of social policy the High Contracting Parties shall pursue a co-ordinated policy in consultation with corporate organisations of trade and industry which aims at the advancement of social progress and at the introduction of social welfare measures providing a maximum of protection and of social security to their people.

#### *Article 71*

In the monetary field and in respect of international payments the High Contracting Parties shall authorise their National Banks to participate in the elaboration of their co-ordinated and their joint policies, in particular by securing these banks an adequate representation in the Committee for monetary and financial questions.

### Chapter 3

#### ECONOMIC AND FINANCIAL RELATIONS WITH THIRD COUNTRIES

#### *Article 72*

1. The Committee of Ministers shall determine a joint trade policy in economic relations with third countries and shall establish measures for its application.

2. In particular, the Committee will fix joint import- and export quotas.

#### *Article 73*

The Committee of Ministers shall decide as to the expediency :

a) of all negotiations with third countries directed to the conclusion of treaties and agreements concerning foreign trade and payments related to same, and regarding the customs tariff;

b) of joint participation in international economic conferences and organisations.

*Article 74*

1. Negotiations as provided for in Article 73 of the present Treaty shall be carried out by a joint delegation. Its composition will be determined by the Committee of Ministers, which will also appoint its chairman.

2. The Committee of Ministers shall determine the instructions to be followed by the joint delegation. Its chairman shall be responsible for the negotiations *vis-à-vis* the Committee of Ministers.

*Article 75*

The High Contracting Parties shall consult one another regarding any intended measures for promoting exports. They shall jointly see to it that these measures do not disturb competitive conditions for their export goods in foreign markets.

*Article 76*

1. The High Contracting Parties shall assist one another in applying legal and executive provisions regarding imports, exports and transit goods and regarding payments related thereto, as well as in preventing and combating offences against these provisions.

2. The High Contracting Parties shall conclude a convention outlining executive measures for the provisions contained in the first paragraph of this Article.

*Article 77*

If joint trade and financial relations with certain third countries or groups of third countries should imply granting or accepting credits or accepting inconvertible currencies the resulting charge shall be divided among the High Contracting Parties in proportions to be arranged.

## Chapter 4

## CUSTOMS AND FINANCIAL QUESTIONS

*Article 78*

1. Import and excise duties, as well as all other taxes, duties and imposts whatsoever, imposed in connection with import, export or transit movements, shall be determined jointly or in multilateral conventions in which the High Contracting Parties will participate.

2. The ways and means whereby the taxes referred to in the first paragraph of this Article are to be collected shall be determined simultaneously with the establishment of the joint tariffs.

*Article 79*

A system ensuring the free traffic, provided for in Articles 3 to 5 inclusive of the present Treaty, shall be established with regard to the turn-over tax, the purchase tax and other similar taxes.

*Article 80*

1. Joint tariffs shall be established and methods of collection shall be co-ordinated for excise duties and for the hallmark duty levied on goods of precious metals.

2. Domestic natural non-sparkling wines prepared from fresh grapes shall not be liable to excise.

*Article 81*

1. Unless previously agreed otherwise, the High Contracting Party which breaks the equivalence of the specific tariffs established for unified duties, taxes and imports of any kind whatsoever, by altering its currency parity, shall undertake to adapt the money-rates of these tariffs, expressed in its own currency, to the new parity rate, from the day that this rate becomes operative.

2. After applying the provisions of the first paragraph of the present Article the High Contracting Parties shall consult one another as soon as possible in order to fix definitely in each of their currencies the new joint money-rates of the duties, taxes and imposts referred to in the first paragraph of the present Article.

*Article 82*

The duties, taxes and levies specified in Articles 11, 78, 79 and 80 of this Treaty shall be determined in the legal tender of the country where the claim arises.

*Article 83*

1. The High Contracting Parties shall assist one another in everything concerning the collection and recovery of the duties, taxes and imposts referred to in Articles 11, 78, 79 and 80 of the present Treaty as well as in preventing and combating abuses.

2. The High Contracting Parties shall conclude a convention defining executive measures for the provision contained in the first paragraph of the present Article.

*Article 84*

The High Contracting Parties shall take all measures required to ensure the allotment of the yield of duties, taxes or charges referred to in Articles 11, 78, 79 and 80 of the present Treaty.

## Chapter 5

## FREE TRAFFIC FOR TRANSPORT SERVICES

*Article 85*

The Committee of Ministers shall lay down conditions for participating in national transport by road or by inland waterways with regard to the nationals of a High Contracting Party who are not established in the territory where they wish to render their services.

*Article 86*

1. Transport of goods by road and irregular passenger traffic by road between the territories of the High Contracting Parties shall be submitted to joint executive and control measures determined by the Committee of Ministers. In order to promote a harmonious development of this transport of goods the Committee of Ministers shall, in addition, take all necessary measures in particular those regarding price-formation.

2. The Committee of Ministers shall establish the regime of regular passenger transport by road between the territories of the High Contracting Parties.

*Article 87*

1. With regard to international road transport, excluding irregular passenger transport by road from the territory of one of the High Contracting Parties to a third country, the Committee of Ministers shall lay down conditions for participation by the nationals of a High Contracting Party who are not established in the territory of the High Contracting Party concerned.

2. The Committee of Ministers shall establish executive and control measures for irregular passenger traffic by road from the territory of one of the High Contracting Parties to a third country.

*Article 88*

As regards transport by road or by inland waterways effected by nationals of the High Contracting Parties, each High Contracting Party shall guarantee to persons not established in their territory a system which—compared to the system applied to persons established in its own territory—is at least as favourable as the system applied to the latter at the date at which the present Treaty becomes operative.

*Article 89*

Subject to the provisions of Article 5 of the present Treaty each High Contracting Party shall apply a liberal policy in respect of granting commercial

aerial rights to the other Contracting Parties for the exploitation of regular international air services which cross its territory or are affected within its territory.

## Chapter 6

### STATISTICS

#### *Article 90*

The High Contracting Parties shall undertake to compile such statistics as are indispensable for obtaining comparable data required for judging the economic, financial and social situation of their countries and to exchange these statistics with one another.

#### *Article 91*

No High Contracting Party shall be obliged to give information corresponding to the description given in Article 90 of the present Treaty contrary to national regulations attaching a confidential character to certain data which might, owing to the limited number of informants, yield an insight into the situation of individual persons, enterprises or institutions.

#### *Article 92*

The Committee of Ministers may decide that statistical analyses be made in collaboration regarding goods and means of transport for the same, crossing the joint frontiers of the High Contracting Parties.

## PART 4

### FINAL PROVISIONS

#### *Article 93*

1. The present Treaty shall apply only to the territories of the High Contracting Parties in Europe.

2. The Kingdom of the Netherlands reserves the right to insert provisions concerning Surinam, the Netherlands Antilles and Netherlands New Guinea in the treaties and conventions referred to in Article 10 of the present Treaty.

3. The Kingdom of Belgium reserves the right to insert in the said treaties and conventions provisions concerning the Belgian Congo and Ruanda Urundi.

#### *Article 94*

1. The provisions of the present Treaty shall not be contrary to the existence or possible development of the Economic Union between the Kingdom

of Belgium and the Grand Duchy of Luxembourg insofar as the objectives of that Union are not attained by the application of the present Treaty.

2. The Belgian and Luxembourg Governments shall examine the aggregate of treaties and conventions constituting the Economic Union between these countries; prior to establishing provisions on which they agree, these countries will inform the Netherlands Government of the result of this examination.

#### *Article 95*

1. The Union shall enjoy in the territory of each High Contracting Party the same immunities as are accorded to foreign States.

2. The Union shall enjoy in the territory of each High Contracting Party the same legal competence required for the discharge of its duties and for attaining its objectives as is accorded to legal persons in civil law; in particular, the Union may acquire and alienate real and personal property and may appear in a legal capacity. For these purposes the Union shall be represented by the Secretary-General.

3. If a dispute arises regarding the competence of the courts of the High Contracting Parties in a lawsuit to which the Union is a party, the court within the jurisdiction of which the Secretariat-General has its seat shall be solely competent.

#### *Article 96*

The official languages of the institutions of the Union shall be the Netherlands and French languages.

#### *Article 97*

The provisions of the present Treaty shall be fully applied from the day it becomes operative, provided that the Convention for a Transitional Period does not contain provisions to the contrary.

#### *Article 98*

The Convention containing Transitional Provisions<sup>1</sup> and the Protocol<sup>2</sup> implementing the provisions of the Treaty shall form an integral part of the present Treaty.

#### *Article 99*

1. The present Treaty shall be concluded for a period of fifty years.
2. Thereafter the Treaty remains operative for consecutive periods of ten years unless one of the High Contracting Parties notifies the other Contracting

<sup>1</sup> See p. 283 of this volume.

<sup>2</sup> See p. 296 of this volume.



Parties one year before the expiration of the current period of its intention to terminate the present Treaty.

*Article 100*

This Treaty shall be ratified and the instruments of ratification shall be deposited with the Belgian Government, which shall transfer them to the Secretariat-General as soon as the present Treaty becomes operative. The Treaty shall become operative on the first day of the third month following the deposit of the third instrument of ratification.

IN WITNESS WHEREOF the Ministers Plenipotentiary have placed their signatures and their seals at the end of the present Treaty.

SIGNED at The Hague, on the third day of February of the year 1958 in triplicate in the Netherlands and French languages, each of which texts having equal force of law.

For the Kingdom of Belgium :

A. v. ACKER                      V. LAROCK

For the Grand Duchy of Luxembourg :

BECH

For the Kingdom of the Netherlands :

W. DREES                      J. LUNS

CONVENTION CONTAINING THE TRANSITIONAL PROVISIONS

[TRANSLATION<sup>1</sup> — TRADUCTION<sup>2</sup>]

The High Contracting Parties to the Treaty setting up the Benelux Economic Union, signed on this same date<sup>3</sup> and hereinafter referred to as the "Treaty for the Union";

*Acknowledging* that circumstances require temporary derogations from certain provisions of that Treaty;

*Desiring* progressively to abolish these derogations by joint action;

*Have decided* to conclude a Convention containing Transitional Provisions and have agreed as follows :

<sup>1</sup> *European Yearbook*, vol. V, published under the auspices of the Council of Europe. The Hague, Martinus Nijhoff, 1959.

<sup>2</sup> *Annuaire européen*, vol. V, publié sous les auspices du Conseil de l'Europe. La Haye, Martinus Nijhoff, 1959.

<sup>3</sup> See p. 260 of this volume.

## Chapter 1

## NATIONAL TREATMENT, FREEDOM OF MOVEMENT AND THE EXERCISE OF ECONOMIC AND PROFESSIONAL ACTIVITIES

*Article 1*

Before the first day of January, 1959, the High Contracting Parties will conclude a convention determining the way in which Articles 55 and 56 of the Treaty for the Union shall be applied.

*Article 2*

1. As long as the laws regarding the exercise of independent economic and professional activities have not been harmonised and important difficulties for one or more High Contracting Parties might therefore arise, the Committee of Ministers may during a period which shall not exceed five years authorise each High Contracting Party to impose on the nationals of other High Contracting Parties conditions for the exercise of professional activities in the field of handicrafts, retail and wholesale trade, industry and professional services, which are not required of its own nationals; these conditions may derogate from the provisions of the second paragraph, sub-para. *b*) of Article 2 of the Treaty for the Union.

2. If a High Contracting Party imposes stricter conditions for the nationals of the other Contracting Parties than for its own nationals, such conditions may under no circumstances be stricter than those which the other Contracting Parties require of their nationals nor stricter than those which the first-mentioned Party applies to the nationals of third countries.

*Article 3*

During a period not exceeding five years, the provisions of sub-para. *b*) of the second paragraph of Article 2 of the Treaty for the Union shall not apply to fisheries in territorial waters.

*Article 4*

1. During a period not exceeding three years, measures may be taken derogating from the provisions of Article 62 of the Treaty for the Union, in accordance with the terms of conventions concluded between the High Contracting Parties, if an important disparity exists between public contracts awarded by the public authorities of one High Contracting Party to nationals of another High Contracting Party and public contracts awarded by the public authorities of the latter Party to the nationals of the former Party.

2. In the case referred to in the first paragraph of the present article the College of Arbitrators, referred to in Article 15 of the Treaty for the Union, shall decide exclusively *ex aequo et bono*.

*Article 5*

During a period not exceeding three years, Article 62 of the Treaty for the Union shall only be applied to public contracts by public authorities, referred to in Article 63, sub-para. B. *b*) thereof, in so far as the State effectively influences the award of these contracts.

### Article 6

1. Within a period not exceeding five years the High Contracting Parties shall conclude the convention, referred to in the third paragraph of article 58 of the Treaty for the Union.

2. Until the convention mentioned in the first paragraph of the present article enters into force, the second paragraph of Article 58, of the Treaty for the Union shall not apply in the field of insurance, savings societies and mortgage arrangements.

### Article 7

1. If the situation of the labour market does not allow the employment of salaried workers in certain periods, regions or trades, the High Contracting Parties shall immediately consult one another in order to determine by mutual agreement what temporary measures are required.

2. In applying these measures, the High Contracting Parties undertake to limit as far as possible any disadvantages which might result for the salaried workers concerned.

3. After the expiration of a period of five years at most from the date at which the Treaty for the Union enters into force, the system instituted by the present article shall come to an end; the Committee of Ministers may end it at any time before the expiration of the said period.

### Article 8

Unless the Committee of Ministers decides to the contrary, the provisions of the second paragraph, sub-para. *b*), of Article 2 of the Treaty for the Union shall not apply during a period not exceeding five years to workers who have been engaged as members of a ship's crew.

## Chapter 2

### TRADE BETWEEN THE TERRITORIES OF THE HIGH CONTRACTING PARTIES

### Article 9

The High Contracting Parties undertake to co-ordinate within a period not exceeding five years any legal or administrative regulations and any other provisions of public law, referred to in Articles 6 and 7 of the Treaty for the Union, which constitute undue restrictions on freedom of movement, with a view to the abolition of such restrictions.

### Article 10

1. Without prejudice to the provisions of Articles 11 to 24 inclusive of the present Convention and notwithstanding the provisions of Article 3 of the Treaty for the Union each High Contracting Party shall be authorised to maintain those restrictions on the free movement of goods which are in force at the date at which the Treaty for the Union enters into force.

2. The Committee of Ministers shall establish a list of these restrictions which it shall gradually abolish within a period not exceeding five years.

3. In any case the High Contracting Parties shall grant to each other the most favourable treatment accorded to third countries.

### Chapter 3

#### AGRICULTURE

##### *Article 11*

Pending the achievement of conditions permitting complete free trade in agricultural products between the territories of the High Contracting Parties, each Party may take price-support measures within its own territory; these measures may include limiting or prohibiting exports of the products affected.

Each High Contracting Party may also take measures to protect its home-market against the other Contracting Parties within the limits and provisions of Articles 12 to 24 inclusive of the present Convention.

##### *Article 12*

Notwithstanding the provisions of Articles 3, 7, 10 and 11 of the Treaty for the Union, each High Contracting Party is entitled to submit imports and exports of agricultural products and foodstuffs to duties or licensing.

However such duties may only be applied to the other Contracting Parties if they are also applied to third countries.

The yield of such duties or licences shall not constitute joint receipts.

##### *Article 13*

Notwithstanding the provisions of Articles 3, 7, 10 and 11 of the Treaty for the Union, the products set out in list A<sup>1</sup> attached to this Convention, shall be subject to a system of minimum prices.

##### *Article 14*

1. Minimum prices shall be determined by common agreement by the Committee for Agriculture, Food and Fisheries and shall be based on cost price augmented by a reasonable margin of profit. In case of disagreement in this Committee regarding a minimum price or its application, the dispute shall immediately be submitted to a Working Party instituted according to Article 21 of the Treaty for the Union. The decisions of this Working Party shall be applicable forthwith.

If no decision can be reached within a week after the meeting of the Working Party, the Government of the importing country concerned may immediately put into effect the measures which it deems indispensable for the protection of its interests. In that case, it shall take full account of the necessity to damage the interests of the exporting country as little as possible.

2. If required, the Committee for Agriculture, Food and Fisheries shall determine the qualities, types and varieties of products submitted to the system of minimum prices.

<sup>1</sup> See p. 292 of this volume.

*Article 15*

1. In order to ensure the application of minimum prices established according to the provisions of Article 14 of the present Convention, a permanent delegation from the Committee for Agriculture, Food and Fisheries, composed of delegates of the High Contracting Parties, shall be charged with permanently observing the evolution of prices. When this delegation ascertains that prevailing prices are below the established level, the importing country shall be automatically entitled, as a protective measure, to suspend imports of the products concerned until the Committee for Agriculture, Food and Fisheries, convened for that purpose within three days, or the Working Party referred to in Article 14 of this Convention shall have reached a decision.

In the same manner, the recovery of prices to the established level, ascertained by the said delegation, shall automatically entail the suspension of the measures taken by the importing country.

2. In discharging these functions, the permanent delegation shall follow the procedure laid down for it by the Committee for Agriculture, Food and Fisheries.

*Article 16*

1. In order to guarantee the minimum prices fixed in accordance with Article 14 of this Convention, levies shall be established equal to the difference between the agreed minimum price and the price free-frontier. The price free-frontier shall be computed by taking as a basis the home market price and adding any real costs.

2. Unless the Committee of Ministers decides otherwise, these levies shall be collected by the exporting country.

3. Every three months the total yield of these levies imposed on trade between the Netherlands and the Belgian-Luxembourg Economic Union shall be equally divided between the two parties.

*Article 17*

The High Contracting Parties shall grant each other preference for imports of agricultural products for which minimum prices are in force. Products mentioned in list A shall be liberalised in respect of third countries only by common agreement.

*Article 18*

The provisions of Article 12 of this Convention shall not apply to products for which a minimum price is in force.

*Article 19*

1. Notwithstanding the provisions of Articles 3, 7, 10 and 11 of the Treaty for the Union, each High Contracting Party shall be entitled to apply a special system established by the Committee of Ministers to products set out in List B<sup>1</sup> attached to this Convention.

2. In any case, the High Contracting Parties shall grant one another the most favourable treatment accorded to third countries.

<sup>1</sup> See p. 292 of this volume.

*Article 20*

1. The Grand Duchy of Luxembourg shall be entitled to apply an autonomous import system towards the other Contracting Parties with regard to products mentioned in List C<sup>1</sup> attached to this Convention.

2. In any case the Grand Duchy of Luxembourg shall grant the other Contracting Parties the most favourable treatment accorded to third countries.

*Article 21*

Lists A, B and C may be modified by the Committee of Ministers on the proposal of the Committee for Agriculture, Food and Fisheries.

*Article 22*

1. Agricultural policies shall be harmonised within a period not exceeding five years.

2. Subject to the special system granted to the agriculture of the Grand Duchy of Luxembourg, the provisions of Articles 12 to 21 inclusive of the present Convention shall be progressively abolished by the Committee of Ministers according to the progress realized in harmonising agricultural policies.

3. In the autumn of every year, a Working Party established in accordance with Article 21 of the Treaty for the Union shall investigate the progress made in harmonising agricultural policies and determine the programme for the following year.

*Article 23*

Notwithstanding the provisions of Articles 3, 10 and 11 of the Treaty for the Union, each High Contracting Party may take measures during a period not exceeding five years which prohibit or limit exports of certain agricultural products or foodstuffs with a view to the regular supply of its home market, provided no joint arrangements exist.

*Article 24*

Until a co-ordinated system has been established, each High Contracting Party is entitled, notwithstanding the provisions of Articles 3, 10 and 11 of the Treaty for the Union, to take measures regarding the composition and quality of agricultural products and foodstuffs and for breeding.

*Article 25*

Until such time as the Committee of Ministers shall decide to the contrary, the Committee for the study of cost prices and the Committee for harmonising agricultural policies set up by the decision of the Committee of Ministers of the 3rd May, 1955, as referred to in the Protocol regarding the co-ordination of economic and social policies, signed on the 24th July, 1953,<sup>2</sup> shall continue to discharge their functions, notwithstanding the abrogation of the said decision of the Committee of Ministers.

<sup>1</sup> See p. 295 of this volume.

<sup>2</sup> United Nations, *Treaty Series*, Vol. 250, p. 108,

## Chapter 4

## ECONOMIC AND FINANCIAL RELATIONS WITH THIRD COUNTRIES

*Article 26*

1. Before the 1st January, 1959 and in accordance with the provisions of Article 10 of the Treaty for the Union, the High Contracting Parties undertake to put into effect a joint policy regarding foreign trade and regarding payments relating thereto.

2. Until that date and as long as this joint policy has not been put into effect with regard to certain products imported from or exported to certain third countries, the High Contracting Parties may limit the free movement of these products between their territories.

3. As long as one of the High Contracting Parties negotiates separately trade agreements under the provisions of the present article, observers of the other Contracting Parties may attend these meetings.

*Article 27*

1. The import and export quotas shall not be jointly managed for products which cannot be freely traded as a result of the provisions of Articles 10 to 24 inclusive of this Convention.

2. The Committee of Ministers may establish exceptions to the provisions of the first paragraph of the present article.

*Article 28*

The Committee of Ministers may establish separate quotas for exports to a third country of products for which a Contracting Party has taken measures or has granted guarantees in respect of price, quality or of the management of the quota, provided that the other Contracting Parties cannot take the same measures or grant the same guarantees.

*Article 29*

Before the first day of January, 1959 the High Contracting Parties shall conclude the conventions referred to in the second paragraph of Article 76 of the Treaty for the Union.

## Chapter 5

## PAYMENTS

*Article 30*

1. As soon as and in such measure as the international payments situation permits, the High Contracting Parties undertake to abolish any measures which they apply at the date at which this Treaty enters into force in the field of payments between the residents of their respective countries and which are contrary to the provisions of the Treaty for the Union. The Committee for monetary and financial questions shall report at least once a year to the Committee of Ministers on this subject.

2. Notwithstanding the provisions of Articles 2 and 4 of the Treaty for the Union, capital transactions shall remain subject to any restrictions which the High Contracting Parties apply at the date at which the Treaty for the Union enters into force.

3. Notwithstanding the provisions of Articles 3 and 5 of the Treaty for the Union, the movement of goods and the rendering of services shall remain subject to those restrictions on payments which the High Contracting Parties apply at the date at which the Treaty for the Union enters into force.

## Chapter 6

### CUSTOMS AND FISCAL QUESTIONS

#### *Article 31*

1. Pending the solution of difficulties arising from the complete application of the Convention for unifying excise and hall mark duties, signed at the Hague on the eighteenth day of February, 1950,<sup>1</sup> and notwithstanding the provisions of Articles 3, 11, 78 and 80 of the Treaty for the Union, each High Contracting Party may without restriction collect such duties on imports from third countries or from the territories of the other Contracting Parties.

2. The High Contracting Parties shall continue their policy of gradually applying the Convention mentioned in the first paragraph of the present article.

#### *Article 32*

1. Pending the solution of difficulties connected with the establishment of the system provided in Article 79 of the Treaty for the Union and notwithstanding the provisions of Articles 3, 5, 11, 78 and 79 of the Treaty for the Union, each High Contracting Party may without restriction collect purchase-tax, turnover-tax and other similar taxes on imports from third countries or from the territories of the other Contracting Parties.

2. The High Contracting Parties shall continue their policy of gradually establishing the system mentioned in the first paragraph of the present article.

#### *Article 33*

As regards taxes, not mentioned in Articles 78 to 80 inclusive of the Treaty for the Union, the High Contracting Parties shall gradually reduce any disparities by which competitive conditions are prejudiced.

## Chapter 7

### TRANSPORT

#### *Article 34*

Within a period not exceeding three years the High Contracting Parties shall gradually abolish any quantitative restrictions :

<sup>1</sup> United Nations, *Treaty Series*, Vol. 123, p. 45, and Vol. 180, p. 344.



a) regarding road-transport of goods and non-scheduled passenger traffic by road between their territories;

b) regarding non-scheduled passenger traffic by road from the territory of a High Contracting Party to third countries.

*Article 35*

During a period of five years, transport by river-vessels of gravel and sand from the Netherlands to Belgium may take place as river traffic according to the regulations applied to imports of sand and gravel at the date at which the Treaty for the Union enters into force.

Chapter 8

FINAL PROVISIONS

*Article 36*

Without prejudice to the provisions of Article 22 of the present Convention, the Committee of Ministers shall review once a year the derogations permitted by the present Convention in order to decide whether they can be abolished.

*Article 37*

If necessary, the Committee of Ministers may prolong by two years the periods of time provided for in the present Convention.

IN WITNESS WHEREOF the Plenipotentiaries of the High Contracting Parties have signed and sealed this Convention.

DONE at The Hague, the third day of February, 1958, in triplicate in the Netherlands and French languages, each of which shall be equally authoritative.

For the Kingdom of Belgium :

A. VAN ACKER

V. LAROCK

For the Grand Duchy of Luxemburg :

BECH

For the Kingdom of the Netherlands :

W. DREES

J. LUNS

## [TRANSLATION — TRADUCTION]

## LIST A

<i>Tariff Item No.</i>	<i>Description of Goods</i>
3 (ex- cluding 3 b 5)	Bovine cattle, excluding oxen.
6	Swine.
13 a 1	Butchers' meat, beef and veal, fresh or chilled.
ex 13 c	Butchers' meat, pork, excluding bacon, fresh or chilled.
17	Bacon.
18	Meat, salted, dried, smoked or otherwise simply prepared.
22	Fresh milk, whole or skimmed; buttermilk, curdled milk, fermented milk.
23	Milk cream.
24 a 1	Preserved milk and cream, condensed (syrupy) without addition of sugar.
25	Butter, fresh or salt, also if melted.
27 a 1	Eggs of poultry in the shell.
27 b 1	Eggs shelled, egg yolks, suitable for use as food.
47	Tomatoes.
ex 48	Onions.
49 a	New potatoes imported from 1 January to 25 May both inclusive.
49 c	Potatoes, not specially mentioned.
ex 50	Cauliflower, white and red cabbage, witloof, cabbage-lettuce, carrots, beans and peas, fresh.
57 a	Grapes, fresh.
59 a-b	Apples and pears, fresh.
60 b	Cherries, fresh.
60 c	Plums, fresh.
ex 61 a	Strawberries, fresh.
85	Sugar beet, whether or not cut up and dried.

## LIST B

<i>Tariff Item No.</i>	<i>Description of Goods</i>	<i>Countries applying a special regime, together with the reasons (1) and the measures adopted (2)</i>
13 d 1	Horseflesh, fresh	B.L.E.U. (1) Valorization of horseflesh. (2) Regulation of imports and exports.
24 a 1	Preserved milk and cream, condensed (syrupy) without addition of sugar.	B.L.E.U. (1) Valorization of milk. (2) Import quotas from 1 February 1956, in accordance with decisions taken or to be taken by the Committee of Ministers; imposition by the Netherlands of a levy to absorb the difference between the Belgian and Netherlands cost prices.
24 a 2	Preserved milk and cream, in powder, without addition of sugar.	Netherlands. (1) Valorization. (2) Domestic support measures. B.L.E.U. (1) Valorization of milk. (2) Subsidies to manufacturers.
24 b	Preserved milk and cream, in blocks, in powder or condensed (syrupy) with addition of sugar.	Netherlands. (1) Valorization. (2) Domestic support measures. B.L.E.U. (1) Valorization of milk. (2) Subsidies to manufacturers.
26	Cheese of all kinds.	Netherlands. (1) Valorization. (2) Domestic support measures. B.L.E.U. (1) Valorization of milk. (2) Subsidies to manufacturers.

Tariff Item No.	Description of Goods	Countries applying a special regime, together with the reasons (1) and the measures adopted (2)	
43 a	Cut flowers and buds for bouquets or for ornaments, fresh	B.L.E.U.	(1) Valorization. (2) Imposition of quotas for a period of three years (from 1 October 1954 to 1 October 1957) to be progressively removed, together with an <i>ad valorem</i> levy ( <i>heffing</i> ) of 12 per cent during the first two years. In the third year the levy shall be converted into a specific levy.
49 b	See potatoes.	Netherlands. and Belgium.	(1) Valorization. (2) Domestic support measures.
ex 68	Wheat.	Netherlands and Belgium.	(1) Valorization. (2) Regulation of imports and exports; domestic support measures.
ex 68	Spelt and meslin.	Netherlands and Belgium.	(1) Valorization. (2) Domestic support measures.
ex 69	Rye.	Netherlands and Belgium.	(1) Valorization. (2) Domestic support measures.
ex 69	Seed rye.	Netherlands and Belgium.	(1) Differences in working methods between the Netherlands and Belgian seed control departments. (2) Regulation of exports and imports.
ex 71	Barley.	Netherlands and B.L.E.U.	(1) Valorization. (2) Domestic support measures.
ex 71	Seed barley.	Netherlands and B.L.E.U.	(1) Differences in working methods between the Netherlands and Belgian seed control departments. (2) Regulation of exports and imports.
ex 72	Oats.	Netherlands and B.L.E.U.	(1) Valorization. (2) Domestic support measures.
ex 72	Seed oats.	Netherlands and B.L.E.U.	(1) Differences in working methods between the Netherlands and Belgian seed control departments. (2) Regulation of exports and imports.
75 a	Wheat flour.	Netherlands and Belgium.	(1) Valorization. (2) Regulation of imports and exports; domestic support measures.
76 a	Wheat groats.	Netherlands and Belgium.	(1) Valorization. (2) Regulation of imports and exports; domestic support measures.
ex 100	Lard and other pig fats; lard oil; poultry fats; nationalized and refined.	B.L.E.U.	(1) Valorization of the meat industry. (2) Regulation of imports.
105 (excluding b, g, h and i)	Fixed oils, fluid or solid, of vegetable origin, crude, purified or refined.	Netherlands.	(1) Protection against disparity of prices in the world market for seeds and oils. (2) Disparity subsidy.
		B.L.E.U.	(1) Protectionist policy pursued in the Netherlands. (2) Domestic support measures, if necessary a special tax on imports of Netherlands origin.
ex 111	Hydrogenated fats and oils, prepared from the oils referred to under item 105 (excluding b, g, h and i).	Netherlands.	(1) Protection against disparity of prices in the world market for seeds and oils. (2) Disparity subsidy.

<i>Tariff Item No.</i>	<i>Description of Goods</i>	<i>Countries applying a special regime, together with the reasons (1) and the measures adopted (2)</i>	
		B.L.E.U.	(1) Protectionist policy pursued in the Netherlands. (2) Domestic support measures, if necessary a special tax on imports of Netherlands origin.
112 a	Margarine.	Netherlands.	(1) Valorization of the meat and dairy-produce sectors. (2) Regulation of imports and exports; provisions concerning blending.
		B.L.E.U.	(1) Valorization of butter. (2) Production quotas, if necessary; provisions concerning blending and regulation of imports and exports, if necessary.
122	Beet sugar, cane sugar and like sugars.	Netherlands.	(1) Price control for sugar, guaranteed price of sugar. (2) Regulation of intra-Benelux trade.
		B.L.E.U.	(1) Price control for sugar beet and sugar. (2) Regulation of intra-Benelux trade.
123 c	Invert sugar and artificial honey.	Netherlands.	(1) Price control for sugar, guaranteed price of sugar. (2) Regulation of intra-Benelux trade.
		B.L.E.U.	(1) Price control for sugar beet and sugar. (2) Regulation of intra-Benelux trade.
ex 165	Oil-cake and other residues from the extraction of the vegetable oils referred to under item 105 (excluding b, g, h and i), whether hydrogenated or not. (See item ex 111).	Netherlands.	(1) Protection against disparity of prices in the world market for seeds and oils. (2) Disparity subsidy.
		B.L.E.U.	(1) Protectionist policy pursued in the Netherlands. (2) Domestic support measures, if necessary special tax on imports of Netherlands origin.
171	Tobacco, raw or unmanufactured, and waste thereof.	B.L.E.U.	(1) Valorization. (2) Domestic support measures.
ex 344 b	Thomas's slag.	Luxembourg.	(1) Establishment of a maximum price for Thomas's slag to be supplied to Luxembourg agriculture under the terms of mining concessions. (2) Prohibition of the export of Thomas's slag supplied under the terms of mining concessions.
24 b	Preserved milk and cream, in blocks, in powder or condensed (syrupy), with addition of sugar.		
81	Malt extracts.		
123 d	Syrups and caramelized sugars.		
125	Sugar confectionery.		
126	Edible sugar preparations, not elsewhere specified or included.		
ex 131	Cocoa powder with addition of sugar.		

These products are shown separately because cases occur, or may occur, in which the sugar referred to in this schedule B is used in these products. In view of the differences in policy

<i>Tariff Item No.</i>	<i>Description of Goods</i>	<i>Countries applying a special regime, together with the reasons (1) and the measures adopted (2)</i>
132	Chocolate and chocolate goods.	regarding sugar prices and import duties and of the fact that the Netherlands and Belgium are parties to the International Sugar Agreement <sup>1</sup> Netherlands products containing sugar for export to B.L.E.U. shall be prepared exclusively with sugar on which the Netherlands shall levy a special duty in order to bring the price of the sugar thus added to these products up to a level substantially equivalent to the price of Belgian sugar. In the reverse case, the B.L.E.U. shall take similar measures.
ex 133	Flour, starch and malt extracts, prepared for infants' foods or for dietetic or culinary use, with or without added cocoa or chocolate, with addition of sugar.	
136	Fine bakers' wares, pastry and biscuits, whether or not containing cocoa or chocolate.	
ex 139	Other preserved vegetables, pot-herbs and parts of plants, with addition of sugar.	
ex 140	Preserved fruit, whole, in quarters or in pieces, with addition of sugar.	
141	Fruit, fruit-peel, plants or parts of plants, preserved in sugar (candied).	
142 b	Other jams, fruit jellies, marmalades, fruit pulp and pastes.	
144	Liquid fruit juices, sweetened, and syrups for beverages, without alcohol.	
152	Beer.	
159	Liqueurs and other spirituous beverages, sweetened, aromatized or not.	
160	Lemonade and beverages not elsewhere specified or included.	

## LIST C

<i>Tariff Item No.</i>	<i>Description of Goods</i>
3	Bovine cattle.
6	Swine.
13 a	Butchers' meat, beef and veal.
13 c	Butchers' meat, pork, excluding bacon.
17	Bacon.
18	Meat, salted, dried, smoked or otherwise simply prepared.
22	Fresh milk whole or skimmed; buttermilk, curdled milk, fermented milk.
23	Milk cream.
24 a	Preserved milk and cream, in blocks, in powder or condensed (syrupy) without addition of sugar.
25	Butter, fresh or salt, also if melted.
27 a 1	Eggs of poultry in the shell; from 1 February to 1 September following.

<sup>1</sup> United Nations, *Treaty Series*, Vol. 258, p. 153; Vol. 264, p. 390; Vol. 274, p. 376, and Vol. 326, p. 314.

<i>Tariff Item No.</i>	<i>Description of Goods</i>
27 b 1	Eggs shelled, egg yolks, suitable for use as food; from 1 February to 1 September following.
49 b	Seed potatoes; from 1 August to 30 March following.
49 c	Potatoes, not specially mentioned (excluding new potatoes imported from 1 January to 25 May inclusive); from 1 August to 30 March following.
59 a	Apples; from 1 September to 31 December following.
68	Wheat, spelt and meslin.
69	Rye.
75 a	Flour of wheat, spelt and meslin.
75 b	Rye flour.
76 a	Wheat groats, wheat meal and husked or pearled wheat.
ex 78	Bran and sharps from the milling of wheat and rye.
116	Sausages and the like.
117 c	Other prepared or preserved meat not included under item 18.
134	Macaroni, spaghetti and like products.
ex 135	Bread.

### PROTOCOL OF APPLICATION

The High Contracting Parties to the Treaty instituting the Benelux Economic Union, signed this day<sup>1</sup> and hereinafter referred to as the "Treaty for the Union";

*Recognizing* the need to prescribe procedures for the application of certain provisions of the Treaty for the Union and of the Convention containing the transitional provisions<sup>2</sup> annexed to the Treaty;

*Have decided* to conclude a Protocol of Application and have agreed as follows :

#### *Article 1*

Pending the entry into force of the convention provided for in article 1 of the Convention containing the transitional provisions, the Convention regarding establishment and labour between Belgium and the Netherlands, signed at Geneva on 20 February 1933,<sup>3</sup> and the Convention concerning establishment and labour between the Grand Duchy of Luxembourg and the Netherlands, signed at The Hague on 1 April 1933,<sup>4</sup> shall determine, within the limits of their fields of application, the procedures for the application of articles 55 and 56 of the Treaty for the Union.

#### *Article 2*

1. The Protocol concerning national treatment in the award of public works contracts and the purchase of goods, signed at Brussels on 6 July 1956,<sup>5</sup> shall determine the procedures for the application of articles 62 and 63 of the Treaty for the Union and article 4 of the Convention containing the transitional provisions.

2. The powers conferred by the Protocol referred to in paragraph 1 of this article on the Committee of Ministers, the meeting of the Presidents of the Councils, the Ar-

<sup>1</sup> See p. 260 of this volume.

<sup>2</sup> See p. 283 of this volume.

<sup>3</sup> League of Nations, *Treaty Series*, Vol. CLXV, p. 383.

<sup>4</sup> League of Nations, *Treaty Series*, Vol. CLXXIX, p. 11.

<sup>5</sup> United Nations, *Treaty Series*, Vol. 312, p. 109.

bitration Board and the Commission for Awards shall be exercised respectively by the Committee of Ministers, the Council of the Economic Union, the College of Arbitrators and the Special Committee for tenders provided for in Part 2 of the Treaty for the Union.

3. The Committee of Ministers may amend the provisions of articles 3, 4, A to D inclusive, 5, 6, 7 and 8, paragraphs 4 to 9 inclusive, of the Protocol referred to in paragraph 1 of this article.

#### *Article 3*

1. The Labour Treaty signed at The Hague on 7 June 1956<sup>1</sup> shall determine the procedures for the application of article 60 of the Treaty for the Union concerning the treatment of nationals of the High Contracting Parties with regard to their employment as wage-earners in the service of a private employer.

2. Any dispute between the High Contracting Parties concerning the interpretation, application or implementation of the Labour Treaty which cannot be resolved through administrative channels shall be settled in accordance with the provisions of Part 2, Chapter 7, of the Treaty for the Union.

3. The Chairmen of the national delegations to the Committee for social questions provided for in article 28 of the Treaty for the Union shall be seated or represented in the Joint Advisory Committee provided for in article 13 of the Labour Treaty.

4. The application of the Labour Treaty shall not preclude the application of national economic regulations concerning the profession of commercial traveller.

#### *Article 4*

1. With respect to entitlement to social security benefits, nationals of each of the High Contracting Parties shall be treated in accordance with the existing bilateral conventions between the High Contracting Parties and the multilateral conventions to which they are parties.

2. In the event of the adoption of any new legislation, in particular any legislation instituting a new branch of social security or extending the existing systems to a new category of beneficiaries, the High Contracting Parties undertake to consult together and to take the necessary measures to extend to such new legislation the application of the conventions referred to in paragraph 1 of this article. Such measures shall ensure, in particular, that the application of the conventions referred to in paragraph 1 of this article does not confer or perpetuate entitlement in more than one country to benefits arising from the same circumstance, or of the same nature, in respect of a single period of insurance or membership of a social security scheme.

3. In the bilateral conventions referred to in paragraph 1 of this article, the provisions under which the conventions may be denounced may take effect only where those conventions are replaced by new instruments regulating the procedures for the application of article 60 of the Treaty for the Union in so far as concerns entitlement to social security benefits.

<sup>1</sup> See p. 145 of this volume.

4. The provisions of the bilateral conventions referred to in paragraph 1 of this article which relate to disputes concerning the application of those conventions shall be replaced, so long as the Treaty for the Union is in force, by the provisions of Part 2, Chapter 7, of that Treaty.

#### *Article 5*

1. The common tariff of import duties provided for in articles 11 and 78 of the Treaty for the Union shall be the tariff applied by the High Contracting Parties at the time when the Treaty for the Union, including the Preliminary Regulations for that tariff, enters into force.

2. The powers conferred on the Customs Administrative Board under the Preliminary Regulations for the tariff mentioned in paragraph 1 of this article shall be exercised by the Committee for customs tariffs and taxes provided for in article 28 of the Treaty for the Union.

#### *Article 6*

1. The Convention relating to the unification of excise duties and of fees for the warranty of articles of precious metals, signed at The Hague on 18 February 1950,<sup>1</sup> and the Supplementary Protocols<sup>1</sup> to that Convention, shall determine the procedures for the application of articles 11, 78 and 80 of the Treaty for the Union.

2. The powers conferred on the Customs Administrative Board under the Convention referred to in paragraph 1 of this article shall be exercised by the Committee for customs tariffs and taxes provided for in article 28 of the Treaty for the Union.

#### *Article 7*

The Convention concerning reciprocal assistance in the collection of taxes<sup>2</sup> and the Convention concerning co-operation with regard to customs and excise, signed at Brussels on 5 September 1952,<sup>3</sup> shall determine, within the limits of their fields of application, the procedure for the application of article 83 of the Treaty for the Union.

#### *Article 8*

1. The Agreement concerning the removal of restrictions on capital transfers between the Belgo-Luxembourg Economic Union and the Netherlands, signed at Brussels on 8 July 1954,<sup>4</sup> shall determine the procedures for the application of article 4 of the Treaty for the Union and article 30 of the Convention containing the transitional provisions.

2. In article 10 of the Agreement referred to in paragraph 1 of this article, the words " Committee of Ministers established under article 12 of the Protocol concerning the co-ordination of economic and social policies, signed at The Hague on 24 July 1953 "<sup>5</sup> shall be replaced by the words " Committee of Ministers provided for in article 15 of the Treaty instituting the Benelux Economic Union ".

<sup>1</sup> United Nations, *Treaty Series*, Vol. 123, p. 45, and Vol. 180, p. 344.

<sup>2</sup> United Nations, *Treaty Series*, Vol. 256, p. 3.

<sup>3</sup> United Nations, *Treaty Series*, Vol. 247, p. 329.

<sup>4</sup> United Nations, *Treaty Series*, Vol. 287, p. 27.

<sup>5</sup> United Nations, *Treaty Series*, Vol. 250, p. 108.



*Article 9*

1. With a view to the implementation of articles 2, 5, 6, 7, 85 and 87 of the Treaty for the Union, the High Contracting Parties shall endeavour to harmonize the legislative and administrative provisions and other provisions of public law relating to national rail, road and inland waterway transport.

2. For the purpose of the implementation of article 7 of the Treaty for the Union, the High Contracting Parties shall rescind any measures of support or protection, through the medium of domestic transport systems, in favour of one or more enterprises or industries. This provision shall not apply to competitive tariffs.

3. Where the Committee for transport questions, under the powers conferred on it, investigates specific cases to which the provisions of paragraph 2 of this article are applicable, it shall receive in confidence, at the request of the delegates of any one of the High Contracting Parties, any information it requires concerning the transport prices and conditions imposed.

4. For the purpose of the application of article 68 of the Treaty for the Union, the word "charges" in sub-paragraph (a) shall be deemed to mean charges borne by transport enterprises which should in fact be borne by the community and taxation likely to disturb competitive conditions between the various transport media. The word "advantages" shall be deemed to mean charges borne by the community which should in fact be borne by transport enterprises.

5. No provision of the Treaty for the Union shall affect :

(a) any measures which have been or may be taken, in the application of principles adopted before the entry into force of the Treaty for the Union, by any one of the High Contracting Parties for the purpose of improving the financial administration of the national railway undertakings, provided that such measures are in conformity with the provisions of article 68 of the Treaty for the Union;

(b) any credit facilities or other measures for promoting the development or modernization of any transport medium in so far as such facilities or measures do not affect economic relations between the High Contracting Parties in a manner incompatible with the aims of the Union.

6. With respect to air transport, the High Contracting Parties shall apply the provisions of article 9 of the Treaty for the Union in particular to technical questions which are the subject of study or discussion by international civil aviation organizations. They shall, at the request of any one of them, examine the possibility and desirability of extending the co-ordination of policies to other questions, in particular to their relations with third countries.

*Article 10*

1. With a view to the implementation of articles 6 and 7 of the Treaty for the Union, each of the High Contracting Parties shall undertake to consult the other Contracting Parties before taking a decision concerning measures which its public economic agencies are required to submit to it for its approval and which, in addition, are of material importance to another Contracting Party.

2. Where one of the High Contracting Parties confers on its public economic agencies power to make statutory regulations, it shall stipulate, wherever possible, that the measures which those agencies are empowered to take and which, in addition, are of material importance to another Contracting Party must be approved in advance by the High Contracting Party to which those agencies are responsible.

3. Each of the High Contracting Parties undertakes to inform the other Contracting Parties of any measures taken or proposed which are not subject to its approval and which, in addition, are of material importance to another Contracting Party. Where the High Contracting Parties agree that any such measure is not consistent with any of the provisions of articles 2 to 7 inclusive of the Treaty for the Union, the High Contracting Party concerned shall suspend or annul the measure in question.

4. The procedure of prior consultation provided for in paragraph 1 of this article shall not apply where there are compelling reasons of urgency or of commercial practice to the contrary. In such cases, the procedure referred to in paragraph 3 of this article shall apply. The High Contracting Party concerned shall inform the other Contracting Parties of the compelling reasons which it cites.

#### *Article 11*

1. With a view to the implementation of article 8 of the Treaty for the Union, where one of the High Contracting Parties is requested by another Contracting Party to take steps against abuse of economic power arising from private commercial agreements or from the dominant position of one or more concerns, it shall take a decision only after prior consultation with the other Contracting Parties; the same shall apply where one of the High Contracting Parties proposes to take steps to deal with such abuses which are of material importance to another Contracting Party.

2. Each of the High Contracting Parties undertakes to consult the other Contracting Parties before granting any request that a private commercial agreement of material importance to another Contracting Party should be given binding force.

3. The High Contracting Parties shall assist one another in investigating abuses of economic power and in supervising the application of private agreements which have been given binding force to the extent that such assistance is necessary for the co-ordination of their policies.

4. A decision taken by one of the High Contracting Parties under its domestic laws shall automatically have the effect of civil law in the territories of the other Contracting Parties, provided that it has been approved by the Committee of Ministers provided for in Part 2 of the Treaty for the Union.

5. The provisions of paragraphs 1 to 4 of this article shall apply as and when legislation enabling the High Contracting Parties to take co-ordinated measures enters into force in the three countries. Nevertheless, this provision shall not affect the obligations assumed by the High Contracting Parties under article 8 of the Treaty for the Union and shall not preclude action by the Committee of Ministers, under the authority vested in it, to ensure the discharge of those obligations.

*Article 12*

1. The following shall be abrogated with effect from the entry into force of the Treaty for the Union :

(1) the Customs Convention, signed at London on 5 September 1944, defined and interpreted in accordance with the Protocol signed at The Hague on 14 March 1947, together with the exchange of letters relating thereto, but excluding the tariff annexed to the Protocol of 14 March 1947 and the Protocols<sup>1</sup> modifying that tariff;

(2) the Protocol of the talks held at The Hague on 17 and 18 April 1946 between Belgian, Luxembourg and Netherlands Ministers concerning economic relations between the three countries;

(3) the Protocol of talks held at Brussels on 2 and 3 May 1947 between Belgian, Luxembourg and Netherlands Ministers concerning economic relations between the three countries;

(4) the Protocol of talks held at Brussels on 9 May 1947 between the Ministers of Agriculture of Belgium, Luxembourg and the Netherlands concerning agricultural problems;

(5) the Protocol of talks held at Luxembourg on 29, 30 and 31 January 1948 between Belgian, Luxembourg and Netherlands Ministers, it being understood, however, that the Scheldt Technical Commission established by the Protocol shall continue to exercise its functions;

(6) the Protocol of Talks held at the Château d'Ardenne on 6, 7 and 8 June 1948 between Belgian, Luxembourg and Netherlands Ministers;

(7) the Protocol of the fifth conference of Ministers of Belgium, Luxembourg and the Netherlands, held at The Hague on 10, 11, 12 and 13 March 1949;

(8) the Pre-Union Agreement between the Belgium-Luxembourg Economic Union and the Kingdom of the Netherlands signed at Luxembourg on 15 October 1949, together with the Protocol of Signature, the Declaration annexed thereto and the Annexes;

(9) the Protocol drawn up by the Governments of Belgium, Luxembourg and the Netherlands on the discussions between Ministers held at Luxembourg on 13, 14 and 15 October 1949;

(10) article 23 of the Convention relating to the unification of excise duties and of fees for the warranty of articles of precious metals between Belgium, Luxembourg and the Netherlands, signed at The Hague on 18 February 1950, it being understood that, unless otherwise agreed by the High Contracting Parties, that Convention shall remain in force for the same period as the Treaty for the Union;

(11) the Protocol drawn up by the Governments of Belgium, Luxembourg and the Netherlands on the discussions between Ministers held at Ostend on 29, 30 and 31 July 1950;

<sup>1</sup> United Nations, *Treaty Series*, Vol. 32, p. 143; Vol. 123, p. 292; Vol. 137, pp. 314 and 322; Vol. 189, pp. 346 and 353; Vol. 287, pp. 316, 322 and 335; Vol. 306, pp. 308, 314, 318 and 326, and Vol. 356, pp. 334 and 339.

(12) the Protocol drawn up by the Governments of Belgium, Luxembourg and the Netherlands on the discussions between Ministers held at Luxembourg on 20 and 21 October 1950;

(13) the Conclusions of the meeting of Ministers held at The Hague on 28 and 29 December 1950;

(14) the Conclusions of the meeting of Ministers held at Ulvenhout on 14 February 1952;

(15) the Declaration of the Governments concerning the development of the Pre-Union and preparations for the Economic Union, signed at Knokke on 14 October 1952;

(16) the Conclusions of the first meeting of the Permanent Ministerial Group held at Ulvenhout-lez-Breda on 20 December 1952;

(17) the Declaration of the Permanent Ministerial Group, signed at Liège on 28 February 1953;

(18) the Protocol concerning the co-ordination of economic and social policies, signed at The Hague on 24 July 1953;

(19) the Agreement-Annex to the Protocol concerning the co-ordination of economic and social policies, signed at The Hague on 24 July 1953, concerning a Re-adaptation Fund, signed at Brussels on 16 November 1953;<sup>1</sup>

(20) the Protocol concerning commercial policy, signed at Luxembourg on 9 December 1953;<sup>2</sup>

(21) the Agreement concluded by an exchange of notes dated 24 June 1954, 4, 9 and 29 November 1954<sup>3</sup> between the Belgian, Luxembourg and Netherlands Governments concerning the liberalization of trade in fishing products between the three countries;

(22) the Decision of the Committee of Ministers on harmonization of agricultural policies, adopted at Brussels on 3 May 1955;

(23) the Decision of the Committee of Ministers concerning the implementation of arbitration measures in agricultural matters, adopted at Brussels on 3 May 1955;

(24) the Agreement concluded by an exchange of letters dated 24 October, 29 September and 21 December 1955<sup>4</sup> between the Belgian, Luxembourg and Netherlands Governments concerning the exchange of cut flowers on a commercial basis between the three countries;

(25) the Protocol establishing a special regime for workers engaged as members of a ship's crew, signed at The Hague on 7 June 1956;<sup>5</sup>

(26) articles 1, 2, 11 and 12, paragraph 3, of the Protocol concerning national treatment in the award of public works contracts and the purchase of goods, signed at Brussels

<sup>1</sup> United Nations, *Treaty Series*, Vol. 250, p. 108.

<sup>2</sup> United Nations, *Treaty Series*, Vol. 249, p. 197.

<sup>3</sup> United Nations, *Treaty Series*, Vol. 287, p. 209.

<sup>4</sup> United Nations, *Treaty Series*, Vol. 292, p. 63.

<sup>5</sup> See p. 145 of this volume.

on 6 July 1956, it being understood that, unless otherwise agreed by the High Contracting Parties, that Protocol shall remain in force for the same period as the Treaty for the Union;

(27) the Agreement between Belgium, Luxembourg and the Netherlands concerning the liberalization of trade in fishing products, signed at The Hague on 16 August 1956;<sup>1</sup>

(28) the Interim Labour Agreement, signed at Brussels on 20 March 1957.

#### Article 13

Articles 9 and 10 of the Protocol concerning national treatment in the award of public works contracts and the purchase of goods, signed at Brussels on 6 July 1956, shall be abrogated at the end of the period referred to in article 4 of the Convention containing the transitional provisions.

#### Article 14

The following shall be suspended for the term of the Treaty for the Union :

(1) articles 3, 15 and 18 of the Labour Treaty, signed at The Hague on 7 June 1956;

(2) articles 17 and 18 of the Convention between Belgium and the Netherlands on the application of the legislation of the two countries in matters affecting social insurance, signed at The Hague on 29 August 1947;<sup>2</sup>

(3) article 2, paragraph 2, and article 32 of the General Convention between Belgium and the Grand Duchy of Luxembourg on social security, signed at Luxembourg on 3 December 1949;<sup>3</sup>

(4) article 2, paragraph 2, and article 26 of the General Convention between the Grand Duchy of Luxembourg and the Netherlands on social security, signed at Luxembourg on 8 July 1950;<sup>4</sup>

(5) article 21, paragraph 2, of the Convention concerning co-operation with regard to customs and excise, signed at Brussels on 5 September 1952.

IN WITNESS WHEREOF the Plenipotentiaries of the High Contracting Parties have signed this Protocol and have thereto affixed their seals.

DONE at The Hague on 3 February 1958 in triplicate, in the French and Dutch languages, both texts being equally authentic.

For the Kingdom of Belgium :

A. VAN ACKER

V. LAROCK

For the Grand Duchy of Luxembourg :

BECH

For the Kingdom of the Netherlands :

W. DREES

J. LUNS

<sup>1</sup> United Nations, *Treaty Series*, Vol. 287, p. 223.

<sup>2</sup> United Nations, *Treaty Series*, Vol. 36, p. 349, and Vol. 363, p. 396.

<sup>3</sup> United Nations, *Treaty Series*, Vol. 91, p. 31, and Vol. 261, p. 401.

<sup>4</sup> United Nations, *Treaty Series*, Vol. 135, p. 229, and Vol. 186, p. 329.

## PROTOCOL OF SIGNATURE

Having signed this day a Treaty instituting the Benelux Economic Union,<sup>1</sup> the High Contracting Parties have agreed as follows :

1. The joint executive and control measures referred to in article 86, paragraph 1, and article 87, paragraph 2, of the Treaty for the Union shall be determined by the Committee of Ministers, on the basis of proposals by an Expert Group established for that purpose at the time of signature of the Treaty for the Union, not later than two years after the entry into force of the Treaty.

2. With regard to the transport of goods by road between the territories of the High Contracting Parties, the Expert Group shall prepare draft tariffs, comprising minima and maxima, to be applied by all carriers. To that end, the High Contracting Parties shall inform one another of their respective prices based on the cost prices of the transport enterprises concerned.

3. In preparing the draft common tariffs, the Expert Group shall take into account :

- (a) the distance covered;
- (b) standard categories of loads (5, 10, 15 and 20 tons);
- (c) a uniform classification of goods;
- (d) the extent to which the capacity of the vehicle is utilized.

IN WITNESS WHEREOF the Plenipotentiaries of the High Contracting Parties have signed this Protocol and have thereto affixed their seals.

DONE at The Hague on 3 February 1958 in triplicate, in the French and Dutch languages, both texts being equally authentic.

For the Kingdom of Belgium :

A. VAN ACKER

V. LAROCK

For the Grand Duchy of Luxembourg :

BECH

For the Kingdom of the Netherlands :

W. DREES

J. LUNS

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<sup>1</sup> See p. 260 of this volume.