

No. 8285

**JAPAN
and
NETHERLANDS and BELGO-LUXEMBOURG
ECONOMIC UNION**

**Protocol concerning trade relations. Signed at Tokyo, on
30 April 1963**

Official text: English.

Registered by Japan on 28 July 1966.

**JAPON
et
PAYS-BAS et UNION ÉCONOMIQUE
BELGO-LUXEMBOURGEOISE**

**Protocole relatif aux relations commerciales. Signé à Tokyo,
le 30 avril 1963**

Texte officiel anglais.

Enregistré par le Japon le 28 juillet 1966.

No. 8285. PROTOCOL¹ CONCERNING TRADE RELATIONS BETWEEN JAPAN ON THE ONE HAND AND THE KINGDOM OF THE NETHERLANDS AND THE BELGO-LUXEMBURG ECONOMIC UNION ON THE OTHER HAND. SIGNED AT TOKYO, ON 30 APRIL 1963

At the time of signing the Protocol² Amending the Agreement on Commerce between Japan on the One Hand and the Kingdom of the Netherlands and the Belgo-Luxemburg Economic Union on the Other Hand, the undersigned representatives, duly authorized by their respective Governments, have confirmed that the General Agreement on Tariffs and Trade³ will be applied between Japan and the Benelux countries on the coming into force of the said Protocol, and have agreed on the following provisions :

1. If, in the view of either Contracting Party, there is reasonable evidence that, as a result of unforeseen developments, any product of the other Contracting Party is being imported into its territory under such conditions as to cause or threaten serious injury to its domestic producers of like or directly competitive products and that certain action is required to prevent or remedy such injury, it shall give to the other Contracting Party written notice to this effect with a reasonable explanation of the circumstances. The Contracting Parties shall, upon such notice, enter into consultations immediately for the purpose of finding a mutually satisfactory solution.
2. If the consultations referred to above do not result within a reasonable period of time in a mutually satisfactory solution, the importing Contracting Party may, in respect of the product in question, apply quantitative import restrictions to the extent and for such time as may be necessary to prevent or remedy the injury referred to in paragraph 1 above.
3. In critical circumstances where delay would cause damage which it would be difficult to repair, action under paragraph 2 above may be taken provisionally after the notice mentioned in paragraph 1 above has been given or before the

¹ In accordance with paragraph 7 (a), the Protocol came into force on 21 October 1964, the date of entry into force of the Protocol amending the Agreement on commerce of 8 October 1960 (see p. 332 of this volume). The instruments of ratification were deposited with the Government of Japan on the same dates as those in respect of the said amending Protocol.

² See p. 332 of this volume.

³ United Nations, *Treaty Series*, Vol. 55, p. 187; for subsequent actions relating to this Agreement, see references in Cumulative Indexes Nos. 1 to 6, as well as Annex A in volumes 501, 525, 543 and 551.

consultations referred to in that paragraph are completed, provided that such consultations shall be continued in an endeavour to find a mutually satisfactory solution.

4. (a) If the exporting Contracting Party deems that the action taken by the importing Contracting Party under paragraph 2 or 3 of the present Protocol affects such a number of products or such a volume of trade that the interests of that exporting Contracting Party are seriously impaired, it may request in writing consultations with the importing Contracting Party on the situation which has developed including the action taken.

(b) If no satisfactory agreement can be reached within a reasonable period of time the exporting Contracting Party may apply quantitative import restrictions to such an extent as is substantially equivalent to the effect of the action taken by the importing Contracting Party.

(c) If the importing Contracting Party terminates its action under the present Protocol, the exporting Contracting Party shall terminate its action forthwith.

5. In case the action provided for in paragraph 2, 3 or 4 above is taken, the Contracting Parties shall exert their best endeavours, individually as well as in cooperation with each other, so that such action may be terminated as soon as possible.

6. (a) In case import restrictions have been continuously in force either Contracting Party with regard to some specific products of the other Contracting Party and the sudden removal of restrictions on such products would result in serious injury to domestic producers of like or directly competitive products, the importing Contracting Party may, as a transitional period measure, apply such import restrictions as may be agreed upon between the Governments of the Contracting Parties.

(b) The Contracting Party applying the above restrictions undertakes :

- (i) to grant to the trade of the other Contracting Party a fair and reasonable share of the market, and
- (ii) to carry out a policy which is aimed at the relaxation or removal of such restrictions at the earliest possible date.

(c) The Contracting Parties shall annually review the operation of the measures taken in accordance with sub-paragraph (a) above, with a view to removing such measures as soon as possible.

7. (a) The present Protocol shall be ratified and the instruments of ratification shall be deposited with the Government of Japan. It shall enter into force on the date of the coming into force of the Protocol Amending the Agreement on Commerce referred to above, provided that the third instrument of ratification shall have been deposited by that time.

(b) The present Protocol shall be terminated on the date of expiry of a period of six years from its entry into force if the Contracting Parties so agree in the consultations which shall be held well before the end of such period at the request of either Contracting Party. The Contracting Parties shall consult together from time to time at the request of either Contracting Party for the purpose of examining the possibility of terminating the present Protocol.

(c) Notwithstanding sub-paragraph (b) above, the present Protocol shall terminate either when a joint trade agreement between Japan on the one hand and the countries of the European Economic Community on the other hand shall have entered into force, or when a general and multilateral solution, acceptable to the Contracting Parties, to the problem of market disruption within the framework of the General Agreement on Tariffs and Trade shall have been reached.

IN WITNESS WHEREOF, the undersigned representatives have signed the present Protocol.

DONE at Tokyo, in triplicate in the English language, this thirtieth day of April, nineteen hundred and sixty-three.

For the Government
of Japan :

Masayoshi OHIRA

For the Government
of the Kingdom
of the Netherlands :

N. A. J. DE VOOGD

For the Government
of the Belgo-Luxemburg
Economic Union :

Albert HUPPERTS
