

No. 10432

**BELGIUM
and
LUXEMBOURG**

**Protocol concerning the provision of supplies in time of need (with
protocol of signature). Signed at Brussels on 29 January 1963**

Authentic texts: French and Dutch.

Registered by Belgium on 30 April 1970.

**BELGIQUE
et
LUXEMBOURG**

**Protocole concernant l'approvisionnement en période de nécessité
(avec protocole de signature). Signé à Bruxelles le 29 janvier
1963**

Textes authentiques: français et néerlandais.

Enregistré par la Belgique le 30 avril 1970.

[TRANSLATION — TRADUCTION]

PROTOCOL ¹ BETWEEN BELGIUM AND THE GRAND
DUCHY OF LUXEMBOURG CONCERNING THE PROVI-
SION OF SUPPLIES IN TIME OF NEED

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

Taking account of the conventions governing the Belgo-Luxembourg
Economic Union;

Desiring to establish close co-operation between their countries with a
view to feeding the population and supplying enterprises in time of need,

Have agreed as follows:

Article 1

The Contracting Parties shall adopt a common policy in the matter of
providing supplies in time of need.

Article 2

Time of need shall be taken to mean any period which, in the view of
the Contracting Parties, requires action by the public authorities with respect
to feeding the population and supplying enterprises.

The beginning and end of the time of need, in each sector in which action
is taken, shall be fixed by mutual agreement and at the same time in both
countries.

In the event that action by the public authorities is necessary only in
one country, owing to a situation peculiar to that country, the authorities of
the latter may take all necessary measures, while the authorities of the other
country shall, at the partner's request, make all appropriate arrangements to
guarantee the effects of the measures taken by the latter.

Article 3

The Luxembourg and Belgian administrations shall inform each other of
the studies undertaken and plans prepared by them with respect to feeding the
population and supplying enterprises in anticipation of a time of need.

¹ Came into force on 7 February 1970, one month after the exchange of the instruments of
ratification, which took place at Luxembourg on 7 January 1970, in accordance with article 18.

Article 4

Existing legislation shall be progressively co-ordinated and new provisions introduced through mutual consultation.

The main purpose of this co-ordination of regulations is to achieve identical results. It is also intended, so far as possible, to facilitate relations at the various stages of distribution between suppliers and customers on both sides of the common frontier.

Article 5

In time of need, the available stocks of both countries shall be pooled and considered as a whole. Available stocks shall be taken to mean production or the mobilized part of production, plus imports and stocks covered by the regulations and minus exports authorized by mutual agreement.

Article 6

Available stocks shall be distributed between the Contracting Parties as follows:

- (a) For supplying enterprises: in proportion to production and consumption during an identical reference period or in proportion to one of those two factors;
- (b) For feeding the population: in proportion to the population.

In special cases, the Contracting Parties may by mutual agreement adopt any other basis for distribution which is equitable and consistent with the principle of equal treatment of individual recipients in both countries.

Each Contracting Party's allocation may be adjusted under special arrangements instituted by mutual agreement in favour of certain categories of enterprises or persons.

Article 7

Equal treatment of individual recipients shall imply equality in respect of quotas and rations; however, each Contracting Party may, subject to the agreement of the other Party, make adjustments in the internal distribution of its allocation to take account of particular factors.

Article 8

The right to supplies shall entail a corresponding priority with respect to storage, transport and delivery.

Article 9

Purchases made through State bodies shall be effected under joint programmes and on joint account. Each Contracting Party may waive all or part of its allocation before the conclusion of the purchase contract. Unless the other Party so agrees at that time, it may not avail itself of such a waiver in order to claim a larger share of a subsequent purchase.

Article 10

Each Contracting Party shall be responsible for financing its share of purchases made on joint account.

Article 11

The price which the country receiving supplies through a State body is charged shall be the price set under the procedure determined by the Belgo-Luxembourg Committee on Supplies established under article 17 of this Protocol. These prices shall serve as a basis for the periodic settlement of accounts between the two Contracting Parties.

Article 12

Costs which would be charged to the national public budgets as a result of measures taken by mutual agreement in anticipation of or during a time of need, and storage costs in particular, shall be deemed common to the Contracting Parties and divided between them in accordance with the provisions of article 6.

Article 13

The Contracting Parties shall consult together in time of need with a view to preventing the price regulations or subsidy arrangements applied by them from impeding the effective operation of this Protocol.

Article 14

The administrations of the Contracting Parties shall render each other the necessary mutual assistance as regards enforcing regulations and detecting violations.

Article 15

The Contracting Parties shall submit their requests for and offers of supplies jointly to international organizations.

At the request of the Government of Luxembourg, Belgium may represent the Grand Duchy of Luxembourg in such organizations.

Article 16

This Protocol shall not apply to products falling within the competence of the European Coal and Steel Community.

Article 17

A Belgo-Luxembourg Committee on Supplies is hereby established to ensure the application of this Protocol and lay down the regulations for its implementation.

Article 18

This Protocol shall be ratified and the instruments of ratification shall be exchanged at Luxembourg as soon as possible.

It shall enter into force one month after the exchange of the instruments of ratification.

Article 19

This Protocol shall remain in force as long as and under the same conditions as the Consolidated Convention instituting the Belgo-Luxembourg Economic Union.¹

DONE at Brussels, on 29 January 1963, in two original copies, in the Dutch and French languages, both texts being equally authentic.

For Belgium:

Th. LEFÈVRE

P.-H. SPAAK

For the Grand Duchy of Luxembourg:

P. WERNER

E. SCHAUS

¹ United Nations, *Treaty Series*, vol. 547, p. 39.

PROTOCOL OF SIGNATURE

Having this day signed a Protocol concerning the provision of supplies in time of need,

The Contracting Parties to that Protocol have agreed as follows:

The Belgo-Luxembourg Committee on Supplies established under article 17 of the Protocol concerning the provision of supplies in time of need shall be attached to the Belgo-Luxembourg Joint Administrative Commission until the entry into force of the Protocol amending the Conventions¹ instituting the economic union. As from the entry into force of the latter Protocol, it shall be attached to the Administrative Commission established under that Protocol.

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For Belgium:

Th. LEFÈVRE

P.-H. SPAAK

For the Grand Duchy of Luxembourg:

P. WERNER

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¹ League of Nations, *Treaty Series*, vol. IX, p. 223; vol. CXXXIV, p. 394; vol. CLX, p. 327, and vol. CLXI, p. 335.