

25. PROTOCOL CONCERNING IMPORTS INTO THE EUROPEAN UNION OF PETROLEUM PRODUCTS REFINED IN THE NETHERLANDS ANTILLES

THE HIGH CONTRACTING PARTIES,

BEING DESIROUS of giving fuller details about the system of trade applicable to imports into the Union of petroleum products refined in the Netherlands Antilles,

HAVE AGREED on the following provisions, which shall be annexed to the Treaty establishing a Constitution for Europe:

Article 1

This Protocol is applicable to petroleum products coming under the Combined Nomenclature headings 2710, 2711, 2712 (paraffin wax and petroleum wax), ex 2713 (paraffin residues) and 2714 (shale wax), imported for use in the Member States.

Article 2

Member States shall undertake to grant to petroleum products refined in the Netherlands Antilles the tariff preferences resulting from the Association of the latter with the Union, under the conditions provided for by this Protocol. These provisions shall hold good whatever may be the rules of origin applied by the Member States.

Article 3

1. When the Commission, at the request of a Member State or on its own initiative, establishes that imports into the Union of petroleum products refined in the Netherlands Antilles under the system provided for in Article 2 are giving rise to real difficulties on the market of one or more Member States, it shall adopt a European decision establishing that customs duties on the said imports shall be introduced, increased or reintroduced by the Member States in question, to such an extent and for such a period as may be necessary to meet that situation. The rates of the customs duties thus introduced, increased or reintroduced may not exceed the customs duties applicable to third countries for these same products.

2. The provisions of paragraph 1 can in any case be applied when imports into the Union of petroleum products refined in the Netherlands Antilles reach two million tonnes a year.

3. The Council shall be informed of European decisions adopted by the Commission in pursuance of paragraphs 1 and 2, including those directed at rejecting the request of a Member State. The Council shall, at the request of any Member State, assume responsibility for the matter and may at any time adopt a European decision to amend or revoke such decisions.

Article 4

1. If a Member State considers that imports of petroleum products refined in the Netherlands Antilles, made either directly or through another Member State under the system provided for in Article 2, are giving rise to real difficulties on its market and that immediate action is necessary to meet them, it may on its own initiative decide to apply customs duties to such imports, the rate of which may not exceed those of the customs duties applicable to third countries in respect of the same products. It shall notify its decision to the Commission, which shall within one month adopt a European decision establishing whether the measures taken by the State should be maintained or must be amended or cancelled. Article 3(3) shall be applicable to such decision of the Commission.

2. When the quantities of petroleum products refined in the Netherlands Antilles imported either directly or through another Member State, under the system provided for in Article 2, into a Member State or States exceed during a calendar year the tonnage shown in the Annex to this Protocol, the measures taken in pursuance of paragraph 1 by that or those Member States for the current year shall be considered to be justified. The Commission shall, after assuring itself that the tonnage fixed has been reached, formally record the measures taken. In such a case the other Member States shall abstain from formally placing the matter before the Council.

Article 5

If the Union decides to apply quantitative restrictions to petroleum products, no matter whence they are imported, these restrictions may also be applied to imports of such products from the Netherlands Antilles. In this case preferential treatment shall be granted to the Netherlands Antilles as compared with third countries.

Article 6

1. Articles 2 to 5 may be reviewed by the Council, by unanimous decision, after consulting the European Parliament and the Commission, when a common definition of origin for petroleum products from third countries and associated countries is adopted, or when decisions are taken within the framework of a common commercial policy for the products in question or when a common energy policy is established.

2. When such revision is made, however, equivalent preferences shall in any case be maintained in favour of the Netherlands Antilles in a suitable form and for a minimum quantity of 2 1/2 million tonnes of petroleum products.

3. The Union's commitments in regard to equivalent preferences as referred to in paragraph 2 may, if necessary, be broken down State by State taking into account the tonnage indicated in the Annex to this Protocol.

Article 7

For the implementation of this Protocol, the Commission is responsible for following the pattern of imports into the Member States of petroleum products refined in the Netherlands Antilles. Member States shall communicate to the Commission, which shall see that it is circulated, all useful information to that end in accordance with the administrative conditions recommended by it.

ANNEX

For the implementation of Article 4(2), the High Contracting Parties have decided that the quantity of 2 million tonnes of petroleum products from the Antilles shall be allocated among the following Member States as follows:

Germany	625 000 tonnes
Belgo/Luxembourg Economic Union	200 000 tonnes
France	75 000 tonnes
Italy	100 000 tonnes
Netherlands	1 000 000 tonnes