

C O N V E N T I O N

to amend the Treaty setting up
the European Economic Community
with the object of making the special system of
Association defined in Part Four of that Treaty
applicable to the Netherlands Antilles

CAN/e/1

HIS MAJESTY THE KING OF THE BELGIANS, THE PRESIDENT OF THE FEDERAL REPUBLIC OF GERMANY, THE PRESIDENT OF THE FRENCH REPUBLIC, THE PRESIDENT OF THE ITALIAN REPUBLIC, HER ROYAL HIGHNESS THE GRAND DUCHESS OF LUXEMBOURG, HER MAJESTY THE QUEEN OF THE NETHERLANDS -

TAKING INTO CONSIDERATION the Treaty setting up the European Economic Community signed in Rome on 25 March 1957, and also the Declaration of Intention in regard to the Association of the Netherlands Antilles to the Community made on the same day by their Governments and appended to the Final Act of the inter-Governmental Conference for the Common Market and Euratom,

BEING DESIROUS of bringing the economic association of the Netherlands Antilles with the European Economic Community, requested by the Kingdom of the Netherlands, within the application of the special system defined in Part IV of the Treaty together with special provisions regarding imports into the Community of petroleum products refined in the Netherlands Antilles,

HAVING REGARD to the favourable opinion of the Council dated 22 October 1962 arrived at after consulting the Assembly and the Commission -

CAN/e/2

HAVE DECIDED to that end to amend the Treaty setting up the European Economic Community in accordance with the provisions of Article 236 thereof, and have to that end appointed as their plenipotentiaries:

HIS MAJESTY THE KING OF THE BELGIANS:

M. Henri Fayat, Minister attached to Foreign Affairs;

THE PRESIDENT OF THE FEDERAL REPUBLIC OF GERMANY:

M. Rolf Lahr, Secretary of State in the Ministry of Foreign Affairs;

THE PRESIDENT OF THE FRENCH REPUBLIC:

M. Jean-Marc Boegner, Ambassador, President of the French Delegation at the Conference;

THE PRESIDENT OF THE ITALIAN REPUBLIC:

M. Carlo Russo, Under Secretary of State in the Ministry for Foreign Affairs;

HER ROYAL HIGHNESS THE GRAND DUCHESS OF LUXEMBOURG:

M. Eugène Schaus, Vice-President of the Government and Minister for Foreign Affairs;

HER MAJESTY THE QUEEN OF THE NETHERLANDS:

M. H.R. van Houten, Secretary of State in the Ministry for Foreign Affairs;

M. W.F.M. Lampe, Plenipotentiary Minister for the Netherlands Antilles

CAN/e/3

WHO, having been convened by the President of the Council of the Community, and having exchanged their full powers, found in good and due form,

HAVE AGREED as follows:

Article 1

The Netherlands Antilles shall be entered on the list in Annex IV of the Treaty setting up the European Economic Community. The "Protocol concerning goods originating in and coming from certain countries and enjoying special treatment upon importation into one of the Member States" therefore ceases to be applicable to that country.

As regards relations between that country, of the one part, and the Member States and overseas Territories, of the other part, the system which results from the application of the Treaty on the date of entry into force of this Convention and which will afterwards result from it in respect of other overseas countries and territories shall be applicable to the Netherlands Antilles.

Article 2

There shall be added to the Protocols appended to the Treaty setting up the European Economic Community, to form an integral part thereof, the following Protocol: "Protocol concerning imports into the European Economic Community of petroleum products refined in the Netherlands Antilles" the text of which is appended hereto.

Article 3

This Convention shall be ratified by the High Contracting Parties in accordance with their respective constitutional rules. The instruments of ratification shall be lodged with the Government of the Italian Republic.

This Convention shall come into force on the first day of the month following the lodging of the instrument of ratification of the last signatory State to carry out this formality. If, however, such lodging takes place less than fifteen days before the beginning of the following month, entry into force of the Convention is postponed until the first day of the second month following the date of the lodging of the instrument of ratification.

Article 4

This Convention, drawn up in a single original in the German, French, Italian and Dutch languages, all four texts being equally authentic, shall be deposited in the archives of the Government of the Italian Republic, which shall transmit a certified copy to each of the Governments of the other signatory States.

IN WITNESS WHEREOF the undersigned plenipotentiaries have placed their signatures below this Convention.

DONE at Brussels, the thirteenth day of November, one thousand nine hundred and sixty-two.

(s.) H. FAYAT

(s.) R. LAHR

(s.) J.M. BOEGNER

(s.) C. RUSSO

(s.) E. SCHAUS

(s.) H.R. VAN HOUTEN W.F.M. LAMPE

P R O T O C O L

concerning imports into the
European Economic Community
of petroleum products refined
in the Netherlands Antilles

CAN/e/7

THE HIGH CONTRACTING PARTIES -

BEING DESIROUS of giving fuller details about the system of trade applicable to imports into the European Economic Community of petroleum products refined in the Netherlands Antilles -

HAVE AGREED on the following provisions to be appended to that Treaty:

Article 1

This Protocol is applicable to petroleum products coming under the Brussels Nomenclature numbers 27.10, 27.11, 27.12, ex 27.13 (paraffin wax, petroleum or shale wax and paraffin residues) and 27.14, imported for use in 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 Community, under the conditions provided for in 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 Community of petroleum products refined in the Netherlands Antilles under the system provided for in Article 2 above

are giving rise to real difficulties on the market of one or more Member States, it shall decide that Customs duties on the said imports shall be introduced, increased or re-introduced 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 re-introduced 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 Community of petroleum products refined in the Netherlands Antilles reach two million metric tons a year.
3. The Council shall be informed of decisions taken 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 amend or revoke them by a decision taken by a qualified majority.

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 above, 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 decide within one month whether the measures taken by the State should be maintained or must be amended or cancelled. The provisions of 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 above, into a Member State or States of the EEC 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 Community 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 such a case preferential treatment shall be granted to the Netherlands Antilles as compared with third countries.

Article 6

1. The provisions of Articles 2 to 5 shall be reviewed by the Council, by unanimous decision, after consulting the Assembly 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 must in any case be maintained in favour of the Netherlands Antilles in a suitable form and for a minimum quantity of 2½ million metric tons of petroleum products.
3. The Community's commitments in regard to equivalent preferences as mentioned in paragraph 2 of this Article may, if necessary, be broken down country by country 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.

IN WITNESS WHEREOF the undersigned plenipotentiaries have placed their signatures below this Protocol.

DONE at Brussels, the thirteenth day of November, one thousand nine hundred and sixty-two.

(s.) H. FAYAT

(s.) R. LAHR

(s.) J.M. BOEGNER

(s.) C. RUSSO

(s.) E. SCHAUS

(s.) H.R. VAN HOUTEN W.F.M. LAMPE

ANNEX TO THE PROTOCOL

CAN/e/13

For the implementation of Article 4 (2) of the Protocol concerning imports into the European Economic Community of petroleum products refined in the Netherlands Antilles, the High Contracting parties have decided that the quantity of 2 million metric tons of petroleum products from the Antilles shall be allocated among the Member States as follows:

Germany	625,000 metric tons
Belgo/Luxembourg Economic Union	200,000 metric tons
France	75,000 metric tons
Italy	100,000 metric tons
Netherlands	1,000,000 metric tons

FINAL ACT

CAN/e/15

The plenipotentiaries

OF HIS MAJESTY THE KING OF THE BELGIANS,
OF THE PRESIDENT OF THE FEDERAL REPUBLIC OF GERMANY,
OF THE PRESIDENT OF THE FRENCH REPUBLIC,
OF THE PRESIDENT OF THE ITALIAN REPUBLIC,
OF HER ROYAL HIGHNESS THE GRAND DUCHESS OF LUXEMBOURG,
OF HER MAJESTY THE QUEEN OF THE NETHERLANDS,

assembled at Brussels on the 13th November 1962, at a
Conference of the Representatives of the Governments of
the Member States for the purpose of amending the Treaty
setting up the European Economic Community in accordance
with the terms of Article 236 thereof,

HAVE TAKEN FORMAL NOTE of the following documents:

- Draft submitted to the Council on 4th June 1962 by the
Government of the Kingdom of the Netherlands for amend-
ment of the Treaty with a view to making the special
system of Association defined in Part Four of the Treaty
applicable to the Netherlands Antilles,
- Opinion adopted by the Assembly on 19th October 1962,
- Opinion dated 10th September 1962 of the Commission of
the European Economic Community,
- Opinion dated 22nd October 1962 of the Council of the
European Economic Community in favour of a meeting of a
Conference of Representatives of the Governments of the
Member States in respect of the Association of the
Netherlands Antilles to the European Economic Community;

CAN/e/17

HAVE ADOPTED the following documents:

- Convention to amend the Treaty setting up the European Economic Community with the object of making the special system of Association defined in Part Four of that Treaty applicable to the Netherlands Antilles,
- Protocol concerning imports into the European Economic Community of petroleum products refined in the Netherlands Antilles, and Annex to this Protocol.

AT THE TIME of signing these documents, the Conference has adopted the following Declarations:

- Declaration concerning the trade system between the Netherlands Antilles and the Associated Overseas States:

The Representatives of the Governments of the Member States are in agreement, in view of the Opinion submitted to the Council by the Commission, that the system of commercial relations between the Netherlands Antilles and the Associated Overseas States shall be determined in agreement with those States.

- Declaration regarding the definitive system for imports into the Community of petroleum products refined in the Netherlands Antilles,

The Representatives of the Governments of the Member States agree that when the definitive system, provided for in Article 6 of the Protocol concerning imports into the European Economic Community of petroleum products refined in the Netherlands Antilles, is determined, account shall be taken of the necessity of seeing that equivalent treatment is given to the Netherlands Antilles and to other Associated Overseas Countries and Territories in pursuance of Part Four of the Treaty setting up the Community.

IN WITNESS WHEREOF the undersigned plenipotentiaries have placed their signatures below this Final Act.

DONE at Brussels, the thirteenth day of November, one thousand nine hundred and sixty-two.

(s.) H. FAYAT

(s.) R. LAHR

(s.) J.M. BOEGNER

(s.) C. RUSSO

(s.) E. SCHAUS

(s.) H.R. VAN HOUTEN, W.F.M. LAMPE

CAN/e/19