

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 1

### 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