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No. 7955

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**BELGIUM**  
and  
**LUXEMBOURG**

**Protocol amending the Conventions instituting the Belgo-Luxembourg Economic Union;**  
**Special Protocol relating to agriculture, and**  
**Special Protocol relating to the system of monetary association. All three signed at Brussels, on 29 January 1963**  
**Protocol of Application of the above-mentioned Special Protocol relating to the system of monetary association. Signed at Brussels, on 21 May 1965**  
**Consolidated Convention instituting the Belgo-Luxembourg Economic Union. Initialled at Brussels, on 29 January 1963**

*Official texts: French and Dutch.*

*Registered by Belgium on 11 October 1965.*

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**BELGIQUE**  
et  
**LUXEMBOURG**

**Protocole portant revision des Conventions instituant l'Union économique belgo-luxembourgeoise;**  
**Protocole spécial relatif à l'agriculture, et**  
**Protocole spécial relatif au régime d'association monétaire. Tous trois signés à Bruxelles, le 29 janvier 1963**  
**Protocole d'exécution du Protocole spécial susmentionné relatif au régime d'association monétaire. Signé à Bruxelles, le 21 mai 1965**  
**Convention coordonnée instituant l'Union économique belgo-luxembourgeoise. Paraphée à Bruxelles, le 29 janvier 1963**

*Textes officiels: français et néerlandais.*

*Enregistrés par la Belgique le 11 octobre 1965.*

[TRANSLATION — TRADUCTION]

No. 7955. PROTOCOL<sup>1</sup> BETWEEN BELGIUM AND THE GRAND DUCHY OF LUXEMBOURG AMENDING THE CONVENTIONS INSTITUTING THE BELGO-LUXEMBOURG ECONOMIC UNION. SIGNED AT BRUSSELS, ON 29 JANUARY 1963

His Majesty the King of the Belgians and

Her Royal Highness the Grand Duchess of Luxembourg,

Desiring to strengthen the economic union which exists between their countries, at the same time introducing therein the adaptations rendered necessary by the existence of the Benelux Economic Union and of the European Communities, and bearing in mind also the result of acquired experience,

Having decided to make the appropriate amendments to the Convention of 25 July 1921<sup>2</sup> for the establishment of an Economic Union and to the Convention of 23 May 1935<sup>3</sup> instituting a Common Regime for the Regulation of Imports, Exports and Transit,

Have to that end appointed their plenipotentiaries, who, having exchanged their full powers, found in good and due form, have agreed on the following provisions :

CHAPTER 1

AMENDMENTS TO THE CONVENTION OF 25 JULY 1921 FOR THE ESTABLISHMENT OF AN ECONOMIC UNION BETWEEN BELGIUM AND THE GRAND DUCHY OF LUXEMBOURG

*Article I*

Articles 1 and 2 shall be replaced by the following provisions :

*Article 1.* An economic union based on a customs union shall be instituted between the Kingdom of Belgium and the Grand Duchy of Luxembourg.

*Article 2.* The territories of the High Contracting Parties shall be considered to form one single territory as regards customs, common excise duties and common measures for the regulation of external economic transactions ; the customs boundaries between the two countries shall be abolished.

<sup>1</sup> Came into force on 1 August 1965, the first day of the third month following the exchange of the instruments of ratification which took place at Luxembourg on 28 May 1965, in accordance with article XXVI.

<sup>2</sup> League of Nations, *Treaty Series*, Vol. IX, p. 223 ; Vol. CXXXIV, p. 394, and Vol. CLX, p. 327.

<sup>3</sup> League of Nations, *Treaty Series*, Vol. CLXI, p. 335.

*Article II*

Article 3 shall be amended as follows :

(a) The second and third sentences of the second paragraph, and the third and fifth paragraphs, shall be abrogated.

(b) The fourth paragraph shall be replaced by the following provision :

As regards the supply of fuel, power and raw materials, the two countries shall be placed on a footing of absolute equality.

(c) The sixth paragraph shall be replaced by the following provision :

As regards participation in the markets for supplies and work offered by the State, provinces, communes and, generally speaking, by public administrations and administrations and establishments controlled by the public authorities, nationals of one of the High Contracting Parties shall be subjected by the other Contracting Party to the same conditions as the nationals of the latter ; they shall enjoy the same rights, advantages and facilities, without any distinction in law or in fact.

*Article III*

Articles 4 and 5 shall be replaced by the following provisions :

*Article 4.* Legal provisions and regulations as regards customs shall be common to the whole of the union.

*Article 5.* 1. Treaties and agreements relating to tariffs and trade, and international payment agreements relating to external trade, shall be common.

They shall be concluded by Belgium on behalf of the union, subject to the right of the Luxembourg Government to sign such treaties or agreements jointly with the Belgian Government. No such treaty or agreement may be concluded, modified or denounced without the Luxembourg Government's having been consulted.

2. In the case of multilateral treaties and agreements relating to the subjects specified in paragraph 1, the two Governments shall agree, according to the circumstances, on the procedure to be followed.

The same provision shall apply to all other bilateral or multilateral treaties and agreements which are connected with the union or of which only certain clauses relate to the subjects specified in paragraph 1.

3. The two Governments shall take the necessary measures to ensure the uniform application, in the territory of the two countries, of all provisions of the treaties and agreements referred to in this article, relating to the subjects specified in paragraph 1, irrespective of the procedure applied in the conclusion of such treaties and agreements.

4. The two Governments shall consult together with a view to defending the interests of the union in relations with third States and in international organizations of an economic character of which both Contracting Parties are members. To that end, they shall endeavour so far as possible to arrive at a common position.

5. The Committee of Ministers shall determine the manner in which the preceding provisions are to be applied.

#### *Article IV*

The first and second paragraphs of article 6 shall be abrogated.

#### *Article V*

Article 7 shall be replaced by the following provision :

*Article 7.* 1. The Committee of Ministers shall discuss the institution, modification and abolition of common excise duties.

Any common excise duty shall be the subject of common legal provisions and regulations.

2. Goods subject to a common excise duty may be forwarded from the territory of one of the High Contracting Parties to the territory of the other without the imposition of, or the granting of any drawback or rebate on, excise duties in respect of import or export.

#### *Article VI*

The second paragraph of article 8 shall be replaced by the following provision :

The Governments of the High Contracting Parties shall pursue a co-ordinated price policy.

#### *Article VII*

(a) The first paragraph of article 9 shall be replaced by the following provision :

Each of the High Contracting Parties reserves the right to issue such decrees prohibiting traffic as it may deem necessary in the interests of law and order and national security or for sanitary reasons, more particularly to prevent the spread of epidemics and epizootic diseases or to protect agriculture from the introduction or propagation of noxious insects, provided always that such prohibitions do not affect traffic between the Contracting Parties in any other way, or more injuriously, than they affect the internal traffic of the Contracting Party which has resorted to them.

The High Contracting Parties undertake to harmonize the sanitary provisions referred to in the preceding paragraph, including the measures applied

at frontiers other than the common frontier, in such a manner that they shall cause a minimum of inconvenience to traffic within the union.

(b) The third paragraph of article 9 shall be abrogated.

### *Article VIII*

Articles 10, 11 and 12 shall be replaced by the following provisions :

*Article 10.* Unless otherwise provided by the Board of Customs, each of the two Governments shall arrange for the administration and collection of customs and excise duties within its own territory in accordance with the laws and regulations of the customs union.

*Article 11.* 1. The proceeds of the following shall be regarded as common receipts :

- (a) Import duties ;
- (b) Common excise duties ;
- (c) Charges levied for special work performed in connexion with customs operations or operations relating to goods subject to a common excise duty ;
- (d) Interest charged by reason of late payment of import duties or common excise duties.

2. These common receipts, less repayments and expenses of collection and administration, shall be divided between the High Contracting Parties in proportion to the population of their territories.

For this purpose, a census of the population shall be taken every ten years in the whole territory of the union on the same day and in accordance with the same principles.

3. The Board of Customs shall, at the end of each quarter, draw up provisional accounts of the receipts in question and of the expenses to be deducted and shall, in accordance with the method of distribution indicated above, determine the share due to each of the High Contracting Parties, together with the sum to be repaid by the country whose receipts exceed this share.

The same procedure shall be followed with regard to the detailed accounts to be drawn up immediately after the final closure of each year.

*Article 12.* 1. The following shall be entered in the accounts as common expenses to be deducted from the common receipts :

- (a) The working expenses of the Board of Customs, such expenses to be advanced by the Belgian Government ;
- (b) The expenses of administration and collection, including those of the central administrations, in connexion with import duties and common excise duties on imported products ;