

# GENERAL AGREEMENT ON TARIFFS AND TRADE

RESTRICTED

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## EUROPEAN ECONOMIC COMMUNITY

### Association between the EEC and Certain Non-European Countries and Territories Maintaining Special Relations with France and the Netherlands

At the request of the Member States of the European Economic Community in accordance with their undertaking to communicate any changes in the plan and schedule for the implementation of the Rome Treaty, the Council of the European Economic Community has advised by a communication dated 22 November 1964 as follows:

"I have the honour to inform you that on 25 February 1964 the Council of the EEC, having regard in particular to Article 136 of the Rome Treaty, drew up a decision which defines for a further period of five years the provisions for the association between the EEC and certain non-European countries and territories maintaining special relations with France and the Netherlands.

"These countries and territories are as follows:

"St. Pierre and Miquelon, Comoro Archipelago, the French Somali Coast, New Caledonia and dependencies, Wallis and Futuna Island, French Polynesia, the Southern and Antarctic territories, Surinam and the Netherlands Antilles.

"The above-mentioned Decision took effect on 1 June 1964 for the associated countries and territories, with the exception of the Netherlands Antilles for which it became applicable on 1 October 1964. The extension of the association régime to the Netherlands Antilles derives from the Convention of 13 November 1962 revising the Treaty of Rome in conformity with the declaration of intention annexed to the Final Act of the Intergovernmental Conference on the Common Market and Euratom<sup>1</sup>, Convention which entered into force on 1 October 1964."

The texts of the above-mentioned Decision and Convention are distributed herewith.

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<sup>1</sup>"Declaration of intention with a view to the association with the EEC of Surinam and the Netherlands Antilles", dated 25 March 1957.

DECISION OF THE COUNCIL OF 25 FEBRUARY 1964  
CONCERNING THE ASSOCIATION OF THE OVERSEAS COUNTRIES AND TERRITORIES  
WITH THE EUROPEAN ECONOMIC COMMUNITY

THE COUNCIL OF THE EUROPEAN ECONOMIC COMMUNITY

having regard to the Treaty establishing the European Economic Community and in particular Article 136 thereof,

having regard to the internal agreement concerning financing and the administration of Community aids signed at Yaoundé on 20 July 1963, and in particular Article 7 thereof,

having regard to the proposal of the Commission,

having regard to the opinion of the Assembly,

considering that it is necessary to establish for a further period the provisions applicable to the association of the overseas countries and territories with the Community, hereinafter referred to as "the countries and territories",

DECIDE AS FOLLOWS:

TITLE I

TRADE

Chapter 1

Customs duties and quantitative restrictions

Article 1

1. Goods originating in the countries and territories shall, when imported into Member States, benefit from the progressive abolition of customs duties and charges having an effect equivalent to such duties, resulting between Member States under the provisions of Articles 12, 13, 14, 15 and 17 of the Treaty and the decisions which have been or may be adopted to accelerate the rate of achieving the aims of the Treaty.
2. Application of the provisions of this Article shall not predetermine the treatment to be applied to certain agricultural products under the provisions of Article 10 of this Decision.

## Article 2

1. Identical tariff treatment shall be accorded in each country or territory to goods originating in any of the Member States or the other countries and territories; where this rule is not being applied on the entry into force of this Decision, this requirement shall be met within the following six months.
2. In each country or territory, goods originating in Member States and in the other countries and territories shall benefit, under the terms set out in Annex I to this Decision, from the progressive abolition of customs duties and charges having an effect equivalent to such duties which are applied to imports of these goods into each country or territory.

In each country or territory, however, there may be retained or introduced customs duties and charges having an effect equivalent to such duties which correspond to its development needs or its industrialization requirements or which are intended to contribute to its budget.

The customs duties and charges having an effect equivalent to such duties levied in the countries and territories in accordance with the foregoing subparagraph, as also any alteration which may be made in these duties and charges under the provisions of Annex I to this Decision, may not either de jure or de facto give rise to any direct or indirect discrimination in the treatment applicable to the Member States and the other countries and territories.

## Article 3

In so far as export duties are levied in a country or territory on exports of products of that country or territory to Member States or other countries or territories, these duties may not give rise de jure or de facto to any direct or indirect discrimination in the treatment applicable to the Member States and the other countries and territories, and may not be greater than those applied to products exported to the most favoured third country.

## Article 4

With regard to the abolition of quantitative restrictions, Member States shall apply to imports of goods originating in the countries and territories the relevant provisions of the Treaty, and of the decisions which have been or may be adopted to accelerate the rate of achieving the aims of the Treaty, which they apply in their relations with each other.

#### Article 5

1. In each country or territory, all quantitative restrictions on imports of goods originating in Member States and in other countries and territories and all measures having equivalent effect shall be abolished no later than four years after the entry into force of this Decision. The abolition shall be carried out progressively under the conditions set forth in Annex II to this Decision.
2. The responsible authorities shall refrain from introducing in the countries and territories any new quantitative restrictions or measures having equivalent effect on imports of goods originating in Member States and other countries and territories.
3. Notwithstanding the provisions of the two foregoing paragraphs and subject to the terms of Annex II to this Decision, quantitative restrictions on imports of goods originating in Member States and other countries and territories may be retained or introduced should the measures provide for in Article 2 prove insufficient to meet their development needs and their industrialization requirements, or in the event of difficulties in their balance of payments or, where agricultural products are concerned, in connexion with the requirements arising from existing regional market organizations.
4. Where, in a country or territory, imports come within the province of a public trading monopoly or of any body which, de jure or de facto, either directly or indirectly limits, controls, directs or influences them, any steps necessary shall be taken to attain the objectives defined in this Title and to abolish progressively any discrimination in conditions of supply and marketing of goods.

The steps taken to implement the provisions of this paragraph shall be notified to the Commission by the Member State maintaining special relations with the country or territory concerned. The Commission shall inform the other Member States thereof.

#### Article 6

Without prejudice to the special provisions for border trade, the treatment applied in the countries and territories by virtue of this Title to goods originating in Member States and in other countries and territories shall in no case be less favourable than that applied to goods originating in the most favoured third country.

#### Article 7

This Decision shall not preclude the maintenance or establishment of customs unions or free-trade areas between one or more countries or territories and one or more third countries in so far as they neither are nor prove to be incompatible with the principles and provisions of the said Decision.

#### Article 8

The provisions of the foregoing Articles 2, 3 and 5 shall not preclude prohibitions or restrictions on imports, exports or goods in transit justified on grounds of public morality, public order, public security, the protection of human, animal or plant life or health, the protection of national treasures possessing artistic, historic or archaeological value, or the protection of industrial and commercial property. Provided always that such prohibitions or restrictions shall not be used as a means of arbitrary discrimination nor as a disguised restriction on trade.

#### Article 9

1. The Council, acting by means of a unanimous vote on a proposal by the Commission, shall, not later than the first day of the seventh month following the entry into force of this Decision, define the concept of "goods originating in..." for purposes of application of this Title. It shall also determine the methods of administrative co-operation.
2. Pending the implementation of the new provisions, the system in force on 31 December 1962 shall continue to be applied.

#### Chapter 2

#### Provisions concerning certain agricultural products

#### Article 10

When drawing up its common agricultural policy, the Community shall take the interests of the countries and territories into consideration as regards products similar to and competitive with European products.

The treatment applicable to imports into the Community of these products if they have originated in the countries and territories shall be determined by the Community in the course of defining its common agricultural policy.

Chapter 3Provisions concerning commercial policy

## Article 11

1. On matters of commercial policy, the Member State which maintains special relations with countries and territories shall inform the other Member States and the Commission of measures concerning trade between those countries and territories and third countries. At the request of a Member State or of the Commission, consultations shall be held within the Council if these measures are liable to harm the interests of one or more Member States.
2. Consultations may also be held at the request of a Member State or of the Commission if measures of trade policy taken by a Member State with respect to third countries are liable to harm the interests of a country or territory.

## Chapter 4

Safeguard clauses

## Article 12

1. Notwithstanding the provisions of Article 2, paragraph 2, sub-paragraph 1, and Article 5, paragraphs 1, 2 and 4, protective measures may be taken if serious disturbances occur in one sector of the economy of a country or territory or jeopardize its external financial stability.
2. For the purpose of implementing the foregoing paragraph, priority shall be given to such measures as will least disturb the functioning of the association and of the Common Market. These measures shall not exceed the limits strictly necessary to remedy the difficulties that have arisen.
3. These measures, and the methods of applying them, shall be notified immediately to the Commission by the Member State maintaining special relations with the country or territory concerned. The Commission shall inform the other Member States thereof.
4. At the request of any interested Member State, or of the Commission, consultations shall take place within the Council regarding measures taken under paragraph 1 above.

Chapter 5

General provisions

Article 13

Without prejudice to the special provisions laid down in this Decision and particularly those of Article 2 above, no Member State or country or territory shall, whether directly or indirectly, apply on products originating in another Member State, country or territory, any internal charge of any kind that directly or indirectly sets up any discrimination between its own products and similar products originating in such other Member State, country or territory.

TITLE II

FINANCIAL AND TECHNICAL CO-OPERATION

Article 14

Under the conditions determined below, the Community shall participate in measures to promote the economic and social development of the countries and territories by supplementing the efforts achieved by their responsible authorities.

Article 15

For the purposes set out in Article 14 and for the duration of this Decision, an aggregate amount of 70 million units of account shall be provided as follows:

(a) 64 million units of account by the Member States; this amount to be paid into the European Development Fund, hereinafter referred to as "the Fund", shall be employed up to 60 million units of account in the form of grants and the balance in the form of loans on special terms; by way of indication a distribution table is given in Annex III to this Decision;

(b) Up to 6 million units of account by the European Investment Bank, hereinafter referred to as "the Bank", in the form of loans granted by it under the terms set out in Annex V to this Decision, concerning the administration of financial aids; by way of indication a distribution table is given in Annex IV to this Decision.

#### Article 16

Under the terms laid down by this Decision and by Annex V, the amount fixed in Article 15 above shall be employed as follows:

1. In the field of economic and social investments,
  - for basic economic and social schemes,
  - for productive schemes of general interest,
  - for productive schemes providing normal financial returns,
  - for relevant technical assistance before, during and after such investments;
2. In the field of general technical co-operation,
  - for surveying the development prospects of the economies of the countries and territories,
  - for staff training and vocational training programmes.

#### Article 17

The Bank loans referred to in Article 15(b) may carry a rebate on the interest. The rate of such rebates may be up to 3 per cent on loans of a maximum duration of twenty-five years.

The amounts required to pay such rebates shall, so long as the Fund exists, be charged to the amount of the grants provided for in Article 15(a).

#### Article 18

In order to finance the measures referred to in Article 16, the authorities responsible for the countries and territories concerned shall, in agreement with the local authorities or the people's representatives in the countries and territories concerned, and as prescribed in Annex V to this Decision, open a file for each scheme or programme for which it is requesting financial assistance. The responsible authorities shall present this file to the Community.

#### Article 19

The Community shall examine the requests that are brought before it by virtue of the provisions of the foregoing Article. It shall maintain such contacts with the responsible authorities of the countries and territories as it may require in order that its decisions on the schemes or programmes submitted to it may be formulated in full knowledge of the facts. The responsible authorities concerned shall be informed of the decision taken regarding their request.

Article 20

Aid contributed by the Community for the purpose of carrying out certain schemes or programmes may take the form of participation in financing in which, in particular, third countries, international finance organizations, or credit and development institutions and authorities, whether of Member States or of the countries and territories, may take part.

Article 21

1. The following shall be entitled to benefit from aids from the Fund:

(a) As regards grants:

- for economic and social investment schemes: either the countries and territories, or legal persons who are non-profit making in their main capacity, who have a status of general or social interest, and who are subject in those countries and territories to inspection by the public authorities;

- for staff training and vocational training programmes and for economic surveys: the competent authorities of the countries and territories, specialized bodies and institutions; or on exceptional grounds, scholars and trainees;

(b) As regards loans on special terms and rebates on interest:

- for economic and social investment schemes: either the countries and territories, or legal persons who are non-profit making in their main capacity, who have a status of general or social interest, and who are subject in those countries and territories to inspection by the public authorities, or, possibly, private enterprises by special decision of the Community.

2. Financial aids may not be used to cover current administrative, maintenance and operating expenses.

Article 22

As regards operations financed by the Fund or by the Bank, participation in the letting out of contracts, invitations for tenders, purchasing and other contracts shall be open, on equal terms, to all natural and legal persons who are nationals of the Member States or the countries and territories.

Article 23

The use made of the amounts earmarked for the financing of projects or programmes under the provisions of this Title must be in conformity with approved allotments and carried out in the best economical conditions.

Article 24

The provisions of this Title and those of Annexes III, IV and V to this Decision shall likewise apply to the French overseas departments.

TITLE III

RIGHT OF ESTABLISHMENT, SERVICES, PAYMENTS AND CAPITAL

Article 25

Without prejudice to measures adopted in implementation of the Treaty, in each country or territory nationals and companies of every Member State shall be placed on an equal footing as regards the right of establishment and provision of services, progressively and not later than three years after the entry into force of this Decision.

Nevertheless, in a country or territory nationals and companies of a Member State may benefit from the provisions of the first sub-paragraph, in respect of a given activity, only in so far as the State to which they belong grants similar advantages for the same activity to nationals and companies of the Member State having special relations with the country or territory concerned when established in such country or territory, and also to companies covered by the law of the country or territory concerned and established in such country or territory.

Article 26

Should an Associated State grant nationals or companies of a State which is neither a Member State of the Community nor a country or territory within the meaning of this Decision, more favourable treatment than that which implementation of the provisions of this Title affords to nationals or companies of Member States, such treatment shall be extended to nationals or companies of the Member States, excepting where it arises out of regional agreements.

Article 27

Subject to the provisions relating to movements of capital, the right of establishment within the meaning of this Decision, shall include the right to engage in and carry on non-wage-earning activities, to set up and manage undertakings and in particular companies, and to set up agencies, branches or subsidiaries.

#### Article 28

Services within the meaning of this Decision shall be deemed to be services normally provided against remuneration in so far as they are not governed by the provisions relating to trade, the right of establishment and movements of capital. Services shall include in particular activities of an industrial character, activities of a commercial character, artisan activities and activities of the liberal professions, excluding wage-earning activities.

#### Article 29

Companies within the meaning of this Decision shall be deemed to be companies under civil or commercial law, including co-operative societies and other legal persons under public or private law, but not including non-profit-making companies.

Companies of Member States within the meaning of Article 25, first paragraph, shall be deemed to be companies constituted in accordance with the law of a Member State and having their registered office, central administration or main establishment in a Member State; nevertheless, should they have only their registered office in a Member State, their business must be actively and continuously linked with the economy of that Member State.

Within the meaning of Article 25, second paragraph, companies of the Member State having special relations with the country or territory concerned and established in such country or territory, shall be companies constituted in accordance with the law of a Member State having special relations with a particular country or territory and having in such country or territory their registered office, central administration or main establishment; nevertheless, should they have only their registered office in such country or territory, their business must be actively and continuously linked with the economy of that country or territory.

Within the meaning of Article 25, second paragraph, companies covered by the law of the country or territory concerned and established in such country or territory, shall be companies constituted in accordance with the law applicable in a particular country or territory and having their registered office, central administration or main establishment in that country or territory; nevertheless, should they have only their registered office in that country or territory, their business must be actively and continuously linked with the economy of that country or territory.

#### Article 30

Payments relating to trade in goods, services and capital and to wages, as also the transfer of such payments to the Member State or country or territory in which the creditor or the beneficiary is resident, shall be authorized in so far as the movement of such goods, services, capital or persons has been liberalized in implementation of this Decision.

Article 31

Throughout the whole duration of the loans referred to in Chapters III and IV of Annex V to this Decision, the foreign currency necessary for the repayment of capital and interest on loans granted for schemes to be carried out in the countries and territories shall be made available to debtors.

Article 32

So far as possible, no new exchange restrictions shall be introduced that would affect the treatment applied to investments and to current payments connected with the movements of capital resulting therefrom, where these are effected by persons residing in the Member States. Furthermore, the existing controls shall, as far as possible, not be made more restrictive.

To the extent necessary for achieving the objectives of this Decision, nationals and companies of Member States shall, progressively and not later than 1 January 1965, be treated in the countries and territories on an equal footing in respect of investments made by them as from the date of the entry into force of this Decision, as also of movements of capital resulting therefrom.

Article 33

The Council shall take the necessary measures for implementation of this Title, in accordance with the same voting rules as are laid down in the Treaty in the fields concerned.

For this purpose, it shall draw up directives and take decisions on a proposal by the Commission. In addition, it shall make recommendations and give opinions.

TITLE IV

GENERAL AND FINAL PROVISIONS

Article 34

This Decision shall enter into force at the same time as the internal agreement concerning financing and the administration of Community aids, signed at Yaoundé on 20 July 1963.

Article 35

This Decision shall be valid for a period of five years from the date of its entry into force.

Article 36

The countries and territories to which this Decision applies are listed in Annex VII hereto.

Article 37

Before the expiry of this Decision the Council, acting by a unanimous vote, shall determine the provisions to be made for implementation of the principles set forth in Articles 131 to 135 of the Treaty.

Article 38

The date of entry into force of this Decision shall be published in the Official Gazette of the European Communities.

Article 39

This Decision, which replaces the provisions of the Implementing Convention concerning the Association with the Community of the Overseas Countries and Territories, shall be published in the Official Gazette of the European Communities.

Done at Brussels on 25 February 1964.

By the Council  
The President  
H. Fayat

ANNEX I

CONCERNING THE IMPLEMENTATION OF ARTICLE 2 OF THE DECISION

Article 1

1. For the purpose of implementing Article 2 of the Decision, the Member State maintaining special relations with the country or territory concerned shall, within a period of two months from the entry into force of this Decision, communicate to the Commission, which shall inform the other Member States thereof, the customs tariff of the said country or territory or the complete list of customs duties and charges having an effect equivalent to such duties imposed by such country or territory on 31 December 1962 on imported goods, indicating the duties and charges that apply to goods originating in Member States and other countries and territories, those that apply to goods originating in third countries, and the export duties.

In this communication the Member State shall specify those of the duties or charges referred to in the foregoing paragraph which, in the opinion of the country or territory, correspond to the development needs or industrialization requirements of the country or territory or are intended to contribute to its budget. It shall give the reasons for their retention or introduction.

2. The Commission shall examine the customs tariffs or lists referred to in paragraph 1 above and shall present its comments thereon to the Council.

Article 2

On the basis of the tariffs or lists referred to in the preceding Article and without prejudice to the provisions of Article 2, paragraph 1 of the Decision, the customs duties and charges having an effect equivalent to such duties applicable to imports of goods originating in Member States and in the other countries and territories shall be reduced annually by 15 per cent as from the first day of the seventh month after the entry into force of the Decision, with the exception of duties and charges recognized as being necessary to the development and industrialization of each country or territory or which are intended to contribute to its budget.

Article 3

In each country or territory the customs duties and charges having an effect equivalent to such duties shall be reduced, in respect of Member States and of the other countries and territories, more rapidly than is provided for under the foregoing Article, if the economic situation of the country or territory so permits.

Article 4

Any increase in customs duties and charges having an effect equivalent to such duties which are recognized as necessary to the development and industrialization of a country or territory or which are intended to contribute to its budget shall be communicated to the Commission before entering into force by the Member State which maintains special relations with the said country or territory. The Commission shall inform the other Member States thereof.

The Commission shall examine the measure as a matter of urgency and shall present its comments thereon to the Council.

ANNEX II

CONCERNING THE IMPLEMENTATION OF ARTICLE 5 OF THE DECISION

Article I

For any product originating in Member States, imports of which into a country or territory are subject to quantitative restrictions or measures having an effect equivalent to such restrictions, a global quota shall be established in that country or territory which shall be open without discrimination to Member States other than that State, imports from which are already unrestricted, as well as to the other countries and territories.

Where the Commission finds that imports of a given product have, for two consecutive years, been less than the quotas opened under Article 2 below, all quotas on this product shall be abolished in the country or territory.

Article 2

The global quota referred to in the first sub-paragraph of Article 1 above shall be established and increased in accordance with the following provisions:

(a) In each country or territory where imports are limited by quantitative restrictions, the amount of the basic quota shall be equal to the amount of the quota for the year 1959, calculated in accordance with Article 11 of the Implementing Convention concerning the Association with the Community of the Overseas Countries and Territories, signed on 25 March 1957 and annexed to the Treaty, and increased by 75 per cent. This basic quota shall amount to at least 15 per cent of the total imports of the said product into the country or territory during the last year for which statistical data are available.

Where, in respect of a non-liberalized product, no quota has been opened for imports into a country or territory, a quota shall be established equal to at least 15 per cent of the total imports of the said product during the last year for which statistical data are available.

If no imports of this product are recorded in the statistics, the Commission shall, by a decision, establish an appropriate quota.

The basic quota thus established shall be increased by 20 per cent for the first year and then annually, in relation to the previous year, by 20 per cent for the second year, by 30 per cent for the third year and by 40 per cent for the fourth year.

(b) In each country or territory into which imports are limited other than by quantitative restrictions, a global quota shall be established for each non-liberalized product from the date of the entry into force of the Decision; the quota shall be open without discrimination to the Member States and to the other countries or territories and shall be equal to the amount of the product imported from Member States and from the other countries or territories by that country or territory during the last year for which statistics are available. This quota shall not be less than 15 per cent of the total imports of the same product during the reference year.

The basic quota thus established shall be increased in accordance with the terms set out in the fourth sub-paragraph of paragraph (a) above.

#### Article 3

In each country or territory the quotas established in conformity with Article 2 above shall, not later than 1 February of each year, be opened for imports of goods originating in Member States and in the other countries and territories. These measures, as also those referred to in Article 5 below, shall be published in the Official Gazette of the country or territory concerned as well as in that of the Member State with which it maintains special relations and shall furthermore be the subject of a communication to the Commission and to the other Member States.

#### Article 4

In each country or territory, quantitative restrictions on imports and measures having equivalent effect shall be abolished more rapidly than is provided for in this Annex if the economic situation of the country or territory so permits.

#### Article 5

1. Under the conditions set out in Article 5, paragraph 3 of the Decision, quantitative restrictions on imports of goods originating in Member States or in the other countries and territories may be retained or introduced, subject to prior examination by the Commission and to the establishment of global quotas open without discrimination to goods originating in Member States and in the other countries and territories.
2. The Commission shall carry out the examination referred to in the foregoing paragraph not later than two months after the date on which the Member State maintaining special relations with the country or territory concerned has indicated that the said country or territory wishes to adopt the measures referred to in the said paragraph. It shall inform the Council of the result of that examination.
3. The provisions of paragraphs 1 and 2 above shall not apply to measures taken under Article 12 of the Decision.

ANNEX III

ANNEX REFERRED TO IN ARTICLE 15, PARAGRAPH (a) OF THE DECISION

Country Interventions	Overseas territories with which France maintains special relations and French overseas departments	Overseas countries with which the Netherlands maintain special relations	Total of interventions
Grants	from 29 to 31 million U.A.	from 29 to 31 million U.A.	60 million U.A. <sup>1</sup>
Loans on special terms	from 1 to 3 million U.A.	from 1 to 3 million U.A.	4 million U.A. <sup>1</sup>
Total of grants and loans on special terms	32 million U.A.	32 million U.A.	64 million U.A.

<sup>1</sup>See Article 15, paragraph (a) of the Decision.

ANNEX IV

ANNEX REFERRED TO IN ARTICLE 15, PARAGRAPH (b) OF THE DECISION

Country	Overseas territories with which France maintains special relations and French overseas departments	Overseas countries with which the Netherlands maintain special relations	Total of interventions
Amount of interventions in the form of loans by the Bank	maximum of 3 million U.A.	maximum 3 million U.A.	6 million U.A. <sup>1</sup>

<sup>1</sup>See Article 15, paragraph (b) of the Decision.

ANNEX V  
CONCERNING THE ADMINISTRATION OF THE FINANCIAL AIDS

Chapter I

ECONOMIC AND SOCIAL INVESTMENTS AND TECHNICAL ASSISTANCE  
CONNECTED WITH INVESTMENTS

Article 1

1. For the financing of the measures referred to in Article 16, paragraph 1 of the Decision, the competent authorities of the countries or territories shall establish, where appropriate within the framework of a development plan, basic economic and social schemes, productive schemes of general interest and productive schemes providing normal financial returns, and shall prepare requests for technical assistance connected with investments.
2. Nevertheless the Community may, where necessary, set up technical assistance schemes connected with investments, for the benefit of a country or territory and with the consent of the responsible authorities.

Article 2

Schemes shall be financed by grants, by loans on special terms, by loans granted by the Bank possibly carrying rebates of interest, or by the simultaneous use of several of the above means.

Article 3

Schemes submitted to the Community under the conditions set forth in Article 18 of the Decision shall be addressed to the Commission. However, those schemes for which a loan is requested from the Bank shall be addressed to the Bank in accordance with its Statutes.

Article 4

1. Technical assistance connected with investments shall be financed by grants.
2. Such assistance shall cover the following measures in particular:
  - planning,
  - special regional and development surveys,
  - technical and economic surveys needed for the preparation of investment schemes,

- help in preparing files,
- help with the technical execution and supervision of work,
- temporary help in setting up, starting, and running a particular investment or plant,
- temporary responsibility for expenses in respect of the technicians and supplies needed to carry out an investment scheme efficiently.

#### Article 5

The competent authorities of the countries and territories shall be responsible for carrying out the schemes submitted by the responsible authorities and financed by the Community.

### Chapter II

#### TECHNICAL CO-OPERATION

#### Article 6

The financing of the measures referred to in Article 16, paragraph 2 of the Decision, shall be effected either at the request of the responsible authorities of the countries and territories, to be presented preferably within the context of programmes covering one or more years, or on a proposal of the Community with the consent of the responsible authorities.

#### Article 7

Measures taken by the Community in the field of technical co-operation shall be financed by grants.

#### Article 8

Requests from the responsible authorities of countries and territories shall be submitted to the Community, addressed to the Commission.

#### Article 9

The Community's financial measures in the field of technical co-operation shall in particular include:

- (a) Sending experts, advisers, technicians and instructors to the countries and territories, at the request of the latter, for a definite task and a limited period;

- (b) Supplying materials for experiments and demonstrations;
- (c) Preparing surveys of the development and diversification prospects of the economies of the countries and territories, surveys of problems of interest to the countries and territories as a whole, such as the preparation and distribution of standard plans for certain buildings or market surveys;
- (d) Granting scholarships for the purpose of training staff, in the universities and specialized institutions of the countries and territories, or of Member States
- (e) Vocational training by means of grants or training schemes in the countries and territories, or in Member States;
- (f) Organizing short training courses for nationals of the countries or territories;
- (g) General information and documentation for the purpose of encouraging the economic and social development of the countries and territories, the development of trade between the latter and the Community, and the efficient attainment of the Fund's objectives.

#### Article 10

The competent authorities of the countries and territories and, where appropriate, specialized institutions or other specialized bodies of Member States or countries and territories, shall be responsible for carrying out the technical co-operation programmes submitted pursuant to the provisions of Article 6 above.

### Chapter III

#### LOANS ON SPECIAL TERMS

#### Article 11

The loans on special terms referred to in Article 15 of the Decision shall be used for financing investment schemes of general interest to the countries and territories in so far as the capacity of these schemes to show direct profits, as also the economic situation of the countries and territories at the time when the loan is granted, permit of such financing.

#### Article 12

Such loans may be granted for a maximum period of forty years and may be exempted from amortization for a period of up to ten years. They shall enjoy favourable terms of interest.

Article 13

The Community shall lay down the terms under which loans are to be granted and the procedures for effecting and recovering them.

Chapter IV

LOANS BY THE EUROPEAN INVESTMENT BANK

Article 14

The examination by the Bank of the eligibility of schemes and the granting of loans to the countries and territories or to enterprises under their jurisdiction shall be carried out in accordance with the terms, conditions and procedures laid down by the Statutes of the Bank. The Bank shall finance only those schemes upon which the responsible authorities concerned have expressed a favourable opinion.

Article 15

The length of the amortization period for each loan shall be determined on the basis of the economic characteristics of the scheme to be financed; this period may not exceed twenty-five years.

Article 16

Loans may be used to meet import expenditure and local expenditure needed for carrying out approved investment schemes.

Article 17

Loans shall carry the same rate of interest as that employed by the Bank at the time when the loan is signed. At the request of the recipients, loans may carry a rebate on interest under the terms of Article 17 of the Decision.

Article 18

The Decision to grant rebates on interest shall be taken by the Community. The amount of the rebates shall be paid directly to the Bank.

Chapter V

MISCELLANEOUS PROVISIONS

Article 19

Financing and administrative expenses arising out of the administration of the Fund shall be charged to the resources set aside for grants.

Article 20

Goods imported into a country or territory under a supply contract financed by the Community shall not be counted in the quotas open to Member States.

Goods imported into a country or territory under a supply contract financed by the Community shall be exempt from all customs duties and charges having an effect equivalent to such duties.

Article 21

The Community shall ensure that the amounts assigned by it are utilized in accordance with the provisions of Article 23 of the Decision.

ANNEX VI

CONCERNING THE VALUE OF THE UNIT OF ACCOUNT

Article 1

The value of the unit of account used to express sums in the Decision or in the provisions adopted in implementation of this Convention shall be 0.88867088 grams of fine gold.

Article 2

The parity of the currency of a Member State in relation to the unit of account defined in Article 1 shall be the relation between the weight of fine gold contained in this unit of account and the weight of fine gold corresponding to the parity of such currency as declared to the International Monetary Fund. Should there be no declared parity, or should the rates of exchange applied to current payments differ from the parity by a margin greater than that authorized by the Monetary Fund, the weight of fine gold corresponding to the parity of the currency shall be calculated on the basis of the rate of exchange applied in the Member State, for current payments, on the date of the calculation, to a currency directly or indirectly defined and convertible into gold, and on the basis of the parity of that convertible currency as declared to the Monetary Fund.

Article 3

The unit of account, as defined in Article 1 above, shall remain unchanged throughout the whole effective duration of the Decision. However, if before the date of expiry of the Decision there should ensue a uniformly proportionate alteration in the parity of all currencies in relation to gold, by a decision of the International Monetary Fund, under Article 4, section 7 of its Statutes, then the weight of fine gold defining the unit of account shall vary in inverse ratio to such alteration.

If one or more Member States should not implement the decision of the International Monetary Fund referred to in the preceding paragraph, the weight of fine gold defining the unit of account shall vary in inverse ratio to the alteration decided upon by the International Monetary Fund. However, the Council of the European Economic Community shall examine the situation thus created and, on a proposal of the Commission and after obtaining the opinion of the Monetary Committee, shall take the necessary measures by the qualified majority vote provided for in Article 11, paragraph 2 of the internal agreement concerning financing and the administration of Community aids.

ANNEX VII

LIST OF COUNTRIES AND TERRITORIES REFERRED TO  
IN ARTICLE 36 OF THE DECISION

St. Pierre and Miquelon, Comoro Archipelago, the French Somali Coast, New Caledonia and dependencies, Wallis and Futuna Islands, French Polynesia, the Southern and Antarctic territories, Surinam and the Netherlands Antilles.<sup>1</sup>

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<sup>1</sup>The Decision concerning the association with the European Economic Community of the overseas countries and territories will become applicable to the Netherlands Antilles on the entry into force of the Convention of 13 November 1962; the text of that Convention and also the date of its entry into force will be published in the Official Gazette.

ANNEX VIII

DECLARATION BY THE REPRESENTATIVES OF THE MEMBER STATES  
CONCERNING THE IMPLEMENTATION OF ARTICLE 1 OF THE DECISION

"As a result of the combined provisions of Article 1 of the Decision of the Council concerning the association with the European Economic Community of the overseas countries and territories and of Article 1 of the Decision of the representatives of the governments of the Member States, meeting in the Council on 25 February 1964, concerning the customs duties levied on imports of certain tropical products, the customs duties and charges having an effect equivalent to such duties which the Member States apply to the products listed in the annex to the latter Decision, when originating in the countries and territories, are to be abolished on the entry into force of this Decision. Simultaneously, the duties of the common customs tariff of the Community are to enter into force in the Member States with respect to those products."

ANNEX IX

DECLARATION BY THE GOVERNMENT OF THE KINGDOM OF THE NETHERLANDS

The Government of the Kingdom of the Netherlands draws attention to the constitutional structure of the Kingdom resulting from the Statute of 29 December 1954 and in particular to the autonomy of the non-European parts of the Kingdom so far as certain provisions of the Decision are concerned and to the fact that this Decision has consequently been taken in co-operation with the Governments of Surinam and of the Netherlands Antilles pursuant to the constitutional procedures in force in the Kingdom.

It declares that accordingly, and without prejudice to the rights and obligations deriving for it from the Treaty and the Decision, the Governments of Surinam and of the Netherlands Antilles will carry out the obligations deriving from that Decision.

CONVENTION

REVISING THE TREATY ESTABLISHING THE EUROPEAN ECONOMIC  
COMMUNITY WITH A VIEW TO MAKING APPLICABLE TO THE  
NETHERLANDS ANTILLES THE SPECIAL RÉGIME OF ASSOCIATION  
DEFINED IN THE PART FOUR OF THE TREATY

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 Luxemburg,  
Her Majesty the Queen of the Netherlands,

taking into consideration the Treaty establishing the European Economic Community, signed in Rome on 25 March 1957, as well as the declaration of intention with a view to association with the Community of the Netherlands Antilles made on the same day by their Governments and annexed to the Final Act of the Intergovernmental Conference on the Common Market and Euratom,

desirous of placing the economic association of the Netherlands Antilles with the European Economic Community, requested by the Kingdom of the Netherlands, under the special régime defined in Part Four of the Treaty together with special provisions concerning imports into the Community of petroleum products refined in the Netherlands Antilles,

considering the favourable opinion given by the Council on 22 October 1962, after consultation of the Assembly and the Commission,

have decided to revise for this purpose the Treaty establishing the European Economic Community in conformity with the provisions of Article 236 thereof and to this end have designated as their plenipotentiaries:

HIS MAJESTY THE KING OF THE BELGIANS:

Mr. Henri Fayat, Deputy Minister of Foreign Affairs,

THE PRESIDENT OF THE FEDERAL REPUBLIC OF GERMANY:

Mr. Rolf Lahr, Secretary of State, Ministry of Foreign Affairs,

THE PRESIDENT OF THE FRENCH REPUBLIC:

Mr. Jean-Marc Boegner, Ambassador, President of the French delegation to the Conference,

THE PRESIDENT OF THE ITALIAN REPUBLIC:

Mr. Carlo Russo, Under-Secretary of State, Ministry of Foreign Affairs,

HER ROYAL HIGHNESS THE GRAND DUCHESS OF LUXEMBURG:

Mr. Eugène Schaus, Vice-President of the Government and Minister of Foreign Affairs,

HER MAJESTY THE QUEEN OF THE NETHERLANDS:

Mr. H.R. van Houten, Secretary of State, Ministry of Foreign Affairs

Mr. W.F.M. Lampe, Minister Plenipotentiary of the Netherlands Antilles

WHO, having met upon the convocation of the President of the Community and after having exchanged their full powers, found in good and due form,

HAVE AGREED as follows:

#### Article 1

The Netherlands Antilles shall be inscribed on the list included in Annex IV to the Treaty establishing the European Economic Community. By this act the "Protocol relating to goods originating in and coming from certain countries and enjoying special treatment on importation into one of the Member States" shall cease to be applicable to that country.

As regards relations between that country, on the one hand, the Member States and the overseas territories, on the other hand, the treatment resulting on the date of entry into force of this Convention and which will result subsequently for the other associated overseas countries and territories from the application of the Treaty shall become applicable to the Netherlands Antilles.

#### Article 2

The following protocol shall be added to the protocols annexed to the Treaty establishing the European Economic Community as an integral part of the Treaty: "Protocol concerning imports into the European Economic Community of petroleum products refined in the Netherlands Antilles" the text of which is annexed 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 deposited with the Government of the Italian Republic.

This Convention shall enter into force on the first day of the month following the deposit of the instrument of ratification by the last signatory State to comply with this formality. If, however, such deposit is made less than fifteen days before the beginning of the following month, this Convention shall not enter into force until the first day of the second month following the date of such deposit.

Article 4

This Convention, drawn up in a single original in the German, French, Italian and Netherlands 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 FAITH WHEREOF, the undersigned Plenipotentiaries have placed their signatures at the end of the present Convention:

H. FAYAT  
R. LAHR  
J.M. BOEGNER  
C. RUSSO  
E. SCHAUS  
H.R. VAN HOUTEN, W.F.M. LAMPE

Done at Brussels on the thirteenth day of November in the year one thousand nine hundred and sixty-two.

PROTOCOL

CONCERNING IMPORTS INTO THE EUROPEAN ECONOMIC COMMUNITY OF PETROLEUM  
PRODUCTS REFINED IN THE NETHERLANDS ANTILLES

THE HIGH CONTRACTING PARTIES,

DESIROUS of clarifying the treatment applicable to imports into the European Economic Community of petroleum products refined in the Netherlands Antilles,

HAVE AGREED upon the following provisions which are annexed to the Treaty:

Article 1

This protocol shall be applicable to petroleum products under headings 27.10, 27.11, 27.12, ex 27.13 (paraffin, petroleum waxes and shale oils and paraffin residues) and 27.14 of the Brussels Nomenclature when imported for consumption in the Member States.

Article 2

The Member States undertake to grant to petroleum products refined in the Netherlands Antilles the tariff advantages resulting from the association of the Netherlands Antilles with the Community, under the conditions set forth in this Protocol. These provisions shall be valid regardless of the rules of origin applied by the Member States.

Article 3

1. Where the Commission, at the request of a Member State or on its own initiative, finds that imports into the Community of Petroleum products refined in the Netherlands Antilles under the treatment provided for in Article 2, above, are causing real difficulties on the market of one or more Member States, it shall decide that the customs duties applicable to such imports shall be introduced, increased or re-introduced by the Member States concerned to the extent and for the time necessary to meet this situation. The customs duty rates thus introduced, increased or re-introduced may not exceed those applicable to third countries for the same products.
2. The provisions in the preceding paragraph may be applied in any event whenever imports into the Community of petroleum products refined in the Netherlands Antilles reach two million tons per annum.
3. Decisions taken by the Commission under the preceding paragraph, including those rejecting the request of a Member State shall be brought to the attention of the Council. The Council may examine with them at the request of any Member State and may at any time modify or cancel them by a qualified majority vote.

#### Article 4

1. If a Member State considers that the imports of petroleum products refined in the Netherlands Antilles carried out directly or via another Member State under the treatment provided for in Article 2 above are causing real difficulties on its market and that immediate action is necessary to meet these difficulties, it may decide on its own initiative to apply customs duties to such imports, at rates not exceeding those of the customs duties applicable to third countries in respect of the same products. The said State shall notify its decision to the Commission which shall decide within one month whether the measures taken by the State can be maintained, or whether they must be modified or removed. The provisions of Article 3, paragraph 3, shall be applicable to this decision of the Commission.

2. Where imports into one or more Member States of the EEC of petroleum products refined in the Netherlands Antilles carried out directly or via another Member State under the treatment provided for in Article 2 above are, over one calendar year, in excess of the tonnages indicated in the Annex to this Protocol, any measures taken under paragraph 1 by such Member State or States for the current year, shall be considered as lawful; the Commission, after assuring itself that the fixed tonnages have been reached, will take note of the measures taken. In such case, the other Member States shall refrain from bringing the matter before the Council.

#### Article 5

If the Community decides to apply quantitative restrictions to imports of petroleum products from all sources, those restrictions may likewise be applied to the imports of those products from the Netherlands Antilles. In such case, preferential treatment as compared to third countries shall be assured to the Netherlands Antilles.

#### Article 6

1. The provisions set forth in Articles 2 to 5 shall be reviewed by the Council, which shall rule unanimously after consultation with the Assembly and the Commission, when adopting a common definition of origin for petroleum products coming from third countries and from associated countries, or when taking decisions within the framework of a common commercial policy for the products concerned, or during the establishment of a common energy policy.

2. However, when such a review is made, advantages of equivalent scope must, in all cases, be maintained for the Netherlands Antilles in an appropriate form and for a quantity of not less than two and one-half million tons of petroleum products.

3. The commitments of the Community as regards the advantages of equivalent scope mentioned in paragraph 2 of this Article may, should the need arise, be the subject of a country-by-country allocation, taking into account the tonnages indicated in the Annex to this Protocol.

Article 7

For the implementation of this Protocol, the Commission is instructed to follow the evolution of imports into the Member States of petroleum products refined in the Netherlands Antilles. All relevant information to this end shall be communicated by the Member States to the Commission which shall disseminate it according to the administrative procedures which it shall recommend.

IN FAITH WHEREOF, the undersigned Plenipotentiaries have placed their signatures at the end of the present Protocol.

H. FAYAT  
R. LAHR  
J.M. BOEGNER  
C. RUSSO  
E. SCHAUS  
H.R. VAN HOUTEN,                      W.F.M. LAMPE

Done at Brussels on the thirteenth day of November in the year one thousand nine hundred and sixty-two.

ANNEX TO THE PROTOCOL

For the application of paragraph 2 of Article 4 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 two million tons of Antillean petroleum products shall be distributed as follows among the Member States:

Germany	625,000 tons
Belgian-Luxemburg Economic Union	200,000 tons
France	75,000 tons
Italy	100,000 tons
Netherlands	1,000,000 tons

FINAL ACT

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 Luxemburg,  
of Her Majesty the Queen of the Netherlands,

met at Brussels on 13 November 1962 in a conference of representatives of the Governments of the Member States for the purpose of the revision of the Treaty establishing the European Economic Community; pursuant to Article 236 thereof,

have taken note of the following texts:

- draft submitted to the Council on 4 June 1962, by the Government of the Kingdom of the Netherlands for revision of the Treaty with a view to making applicable to the Netherlands Antilles the special régime of association defined in Part Four of the Treaty,
- the opinion adopted by the Assembly on 19 October 1962,
- the opinion of 10 September 1962, of the Commission of the European Economic Community,
- the favourable opinion of 22 October 1962 of the Council of the European Economic Community, concerning the convening of a conference of representatives of the Governments of the Member States for the association of the Netherlands Antilles with the European Economic Community;

have drawn up the following texts:

- Convention revising the Treaty establishing the European Economic Community with a view to making applicable to the Netherlands Antilles the special régime of association defined in Part Four of the Treaty.
- Protocol concerning imports into the European Economic Community of petroleum products refined in the Netherlands Antilles and the Annex to that Protocol.

At the time of signing these texts, the conference adopted the following declarations:

- Declaration concerning the régime for trade between the Netherlands Antilles and the associated overseas States

The representatives of the Governments of the Member States have agreed to note that, having regard to the opinion submitted to the Council by the Commission, the régime for trade relations between the Netherlands Antilles and the associated overseas States shall be defined in agreement with those States.

- Declaration concerning the definitive régime for imports into the Community of petroleum products refined in the Netherlands Antilles

The representatives of the Governments of the Member States agree that at the time of determining the definitive treatment as required by Article 6 of the Protocol concerning imports into the European Economic Community of petroleum products refined in the Netherlands Antilles, account shall be taken of the need to afford equivalent treatment for the Netherlands Antilles and the other associated overseas countries and territories pursuant to Part Four of the Treaty establishing the Community.

IN FAITH WHEREOF, the undersigned Plenipotentiaries have placed their signatures at the end of this Final Act.

H. FAYAT  
R. LAHR  
J.M. BOEGNER  
C. RUSSO  
E. SCHAUS  
H.R. VAN HOUTEN            W.F.M. Lampe

Done at Brussels on the thirteenth day of November in the year one thousand nine hundred and sixty-two.