

Protocol concerning imports into the European Economic Community of petroleum products refined in the Netherlands Antilles (13 November 1962)

Caption: Protocol signed in Brussels on 13 November 1962 concerning imports into the European Economic Community of petroleum products refined in the Netherlands Antilles.

Source: EUR-Lex – Treaties. Protocol concerning imports into the European Economic Community of petroleum products refined in the Netherlands Antilles. [ON-LINE]. [Brussels]: Europa, [01.11.2013]. <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:11962E/CNV/NL:EN:PDF>.

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http://www.cvce.eu/obj/protocol_concerning_imports_into_the_european_economic_community_of_petroleum_products_refined_in_the_netherlands_antilles_13_november_1962-en-50983b9c-c6b2-479c-86d2-ed7f6fd21eb7.html

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P R O T O C O L

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

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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

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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

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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.

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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.

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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

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ANNEX TO THE PROTOCOL

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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 |

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