

**No. 6476**

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**JAPAN  
and  
NETHERLANDS and BELGO-LUXEMBOURG  
ECONOMIC UNION**

**Agreement on commerce (with Protocols, exchange of notes  
and Agreed Minutes). Signed at Tokyo, on 8 October  
1960**

*Official text: English.*

*Registered by Japan on 17 January 1963.*

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**JAPON  
et  
PAYS-BAS et UNION ÉCONOMIQUE  
BELGO-LUXEMBOURGEOISE**

**Accord commercial (avec Protocoles, échange de notes et  
procès-verbaux d'accord). Signé à Tokyo, le 8 octobre  
1960**

*Texte officiel anglais.*

*Enregistré par le Japon le 17 janvier 1963.*

No. 6476. AGREEMENT<sup>1</sup> ON COMMERCE BETWEEN JAPAN ON THE ONE HAND AND THE KINGDOM OF THE NETHERLANDS AND THE BELGO-LUXEMBURG ECONOMIC UNION ON THE OTHER HAND. SIGNED AT TOKYO, ON 8 OCTOBER 1960

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The Government of Japan on the one hand, and

The Government of the Kingdom of the Netherlands, and

The Government of the Kingdom of Belgium, acting in their own name and on behalf of the Government of the Grand Duchy of Luxemburg according to existing agreements,

Acting together under the Protocol concerning Commercial Policy concluded between them on December 9, 1953,<sup>2</sup> on the other hand,

Inspired by the wish to promote to the greatest possible extent trade between their territories,

Have agreed as follows :

*Article I*

With respect to customs duties and charges of any kind imposed on or in connection with importation or exportation or imposed on the international transfer of payments for imports or exports, and with respect to the method of levying such duties and charges, and with respect to all rules and formalities in connection with importation and exportation, and with respect to the application of internal taxes to exported goods and with respect to all internal taxes or other internal charges of any kind imposed on or in connection with imported goods and with respect to all laws, regulations and requirements affecting internal sale, offering for sale, purchase, distribution or use of imported goods, any advantage, favour, privilege or immunity which has been or may hereafter be granted by either Contracting Party to any product originating in or destined for any third country shall be accorded immediately and unconditionally to the like product originating in or destined for the other Contracting Party.

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<sup>1</sup> Came into force on 10 April 1962, the date of deposit of the third instrument of ratification, in accordance with article VII (1).

<sup>2</sup> United Nations, *Treaty Series*, Vol. 249, p. 197.

*Article II*

1. Neither Contracting Party shall impose restrictions or prohibitions on the importation of any product of the other Contracting Party, or on the exportation of any product to the territory of the other Contracting Party, unless the importation of the like product of, or the exportation of the like product to, all third countries is similarly restricted or prohibited.

2. Notwithstanding the provisions of the preceding paragraph, either Contracting Party may apply restrictions or controls on importation and exportation of goods that have effect equivalent to, or which are necessary to make effective, exchange restrictions applied pursuant to the Articles of Agreement of the International Monetary Fund.<sup>1</sup>

*Article III*

1. The provisions of the present Agreement shall not be regarded as conferring any more favourable treatment on the trade of either Contracting Party than the other Contracting Party is entitled or obliged to accord to those countries in respect of which it applies the General Agreement on Tariffs and Trade.<sup>2</sup> The Contracting Parties shall, so far as practicable and as may be agreed between their Governments from time to time, apply the provisions of the General Agreement on Tariffs and Trade to their commercial relations in respect of matters not covered by the present Agreement.

2. The provisions of the present Agreement or any action taken pursuant to the provisions thereof shall not affect the rights of either Contracting Party

<sup>1</sup> United Nations, *Treaty Series*, Vol. 2, p. 40; Vol. 19, p. 280; Vol. 141, p. 355; Vol. 199, p. 308; Vol. 260, p. 432; Vol. 287, p. 260; Vol. 303, p. 284; Vol. 316, p. 269; Vol. 406, p. 282, and Vol. 426, p. 334.

<sup>2</sup> United Nations, *Treaty Series*, Vol. 55, p. 187; Vols. 56 to 64; Vol. 65, p. 335; Vol. 66, pp. 358 and 359; Vol. 68, p. 286; Vol. 70, p. 306; Vol. 71, p. 328; Vol. 76, p. 282; Vol. 77, p. 367; Vol. 81, pp. 344 to 377; Vol. 90, p. 324; Vol. 92, p. 405; Vol. 104, p. 351; Vol. 107, p. 83; Vol. 117, p. 387; Vol. 123, p. 303; Vol. 131, p. 316; Vol. 135, p. 336; Vol. 138, p. 334; Vol. 141, p. 382; Vols. 142 to 146; Vol. 147, p. 159; Vol. 161, p. 365; Vol. 163, p. 375; Vol. 167, p. 265; Vol. 172, p. 340; Vol. 173, p. 395; Vol. 176, p. 3; Vol. 180, p. 299; Vol. 183, p. 351; Vol. 186, p. 314; Vol. 188, p. 366; Vol. 189, p. 360; Vol. 191, p. 364; Vol. 220, p. 154; Vol. 225, p. 258; Vol. 226, p. 342; Vol. 228, p. 366; Vol. 230, p. 430; Vol. 234, p. 310; Vol. 243, p. 314; Vols. 244 to 246; Vol. 247, p. 386; Vol. 248, p. 359; Vol. 250, p. 290; Vol. 253, p. 316; Vol. 256, p. 338; Vol. 257, p. 362; Vol. 258, p. 384; Vol. 261, p. 390; Vol. 265, p. 328; Vol. 271, p. 386; Vol. 274, p. 322; Vol. 277, p. 346; Vol. 278, p. 168; Vol. 280, p. 350; Vol. 281, p. 394; Vol. 283, p. 308; Vol. 285, p. 372; Vol. 287, p. 343; Vol. 300, p. 371; Vol. 306, p. 332; Vol. 309, p. 362; Vol. 317, p. 317; Vol. 320, p. 326; Vol. 321, p. 244; Vol. 324, p. 300; Vol. 328, p. 290; Vol. 330, p. 352; Vol. 338, p. 334; Vol. 344, p. 304; Vol. 346, p. 312; Vol. 347, p. 362; Vol. 349, p. 314; Vol. 350, p. 3; Vol. 351, p. 380; Vol. 355, p. 406; Vol. 358, p. 256; Vol. 362, p. 324; Vol. 363, p. 402; Vol. 367, p. 314; Vol. 373, p. 350; Vol. 376, p. 406; Vol. 377, p. 396; Vol. 381, p. 380; Vol. 382, p. 330; Vol. 386, p. 376; Vol. 387, p. 330; Vol. 388, p. 334; Vol. 390, p. 348; Vol. 398, p. 316; Vol. 402, p. 308; Vol. 405, p. 298; Vol. 411, p. 296; Vol. 419, p. 344; Vol. 421, p. 286; Vol. 424, p. 324; Vol. 425, p. 314; Vol. 429, p. 268; Vol. 431, p. 202; Vol. 435, p. 310; Vol. 438, p. 342; Vols. 440 and 441; Vol. 442, p. 302; Vol. 444, p. 322; Vol. 445, p. 290, and Vol. 449, p. 280.

under Article XXXV of the General Agreement on Tariffs and Trade nor detract from the freedom of either Contracting Party in any negotiations for the application of the General Agreement on Tariffs and Trade between the Contracting Parties.

#### *Article IV*

The Contracting Parties agree to promote the availability of shipping services to the commerce of the world without discrimination. To this end, they agree to encourage the removal of discriminatory action and unnecessary restrictions by governments affecting shipping engaged in international trade.

#### *Article V*

1. Each Contracting Party shall accord sympathetic consideration to representations made by the other Contracting Party on matters arising out of the operation of the present Agreement and shall afford to the other Contracting Party adequate opportunity for consultation.

2. Consultation shall in any event be held annually on the operation of the present Agreement.

#### *Article VI*

1. The present Agreement shall apply to Ruanda Urundi.

2. (a) The present Agreement shall not apply to Surinam and the Netherlands Antilles, respectively, until one month after the receipt by the Government of Japan of written notice of such application from the Government of the Kingdom of the Netherlands.

(b) The Government of the Kingdom of the Netherlands may, by giving three months written notice to the Government of Japan, terminate the application of the present Agreement to Surinam or the Netherlands Antilles at the end of the initial three year period mentioned in paragraph 2 of Article VII or at any time thereafter.

#### *Article VII*

1. The present Agreement shall be ratified and the instruments of ratification shall be deposited with the Government of Japan. The Agreement shall come into force on the date when the third instrument of ratification has been deposited.

2. The present Agreement shall remain in force for a period of three years from its entry into force and shall continue in force thereafter provided that it shall be terminated on the date of expiry of the above-mentioned three

year period or thereafter if the Government of either Contracting Party have previously given to the Government of the other Contracting Party at least three months written notice of their intention to terminate the present Agreement.

IN WITNESS WHEREOF, the undersigned representatives, duly authorized for the purpose, have signed the present Agreement.

DONE at Tokyo, in triplicate in the English language, this eighth day of October, nineteen hundred and sixty.

For the Government  
of Japan :

For the Government  
of the Kingdom  
of the Netherlands :

For the Governments  
of the Belgo-Luxem-  
burg Economic Union :

Zentaro KOSAKA

N. A. J. DE VOOGD

Eugène DU BOIS

#### FIRST PROTOCOL

At the time of signing the Agreement on Commerce between Japan on the One Hand and the Kingdom of the Netherlands and the Belgo-Luxemburg Economic Union on the Other Hand,<sup>1</sup> the undersigned representatives, duly authorized by their respective Governments, have further agreed on the following provisions which shall be considered integral parts of the aforesaid Agreement :

1. The most-favoured-nation treatment provisions of the Agreement shall not apply to advantages which are or may hereafter be accorded by Japan to such areas as are set forth in Article 3 of the Treaty of Peace with Japan signed at the city of San Francisco on September 8, 1951,<sup>2</sup> so long as the situation set forth in the second sentence of the said Article continues with respect to the administration, legislation and jurisdiction over those areas.

2. If the Member States of the European Economic Community should decide to adopt a common commercial policy, and if such policy so requires, negotiations shall be opened with as little delay as possible in order to find mutually acceptable solutions, including any necessary amendments in the Agreements.

IN WITNESS WHEREOF, the undersigned representatives have signed the present Protocol.

<sup>1</sup> See p. 310 of this volume.

<sup>2</sup> United Nations, *Treaty Series*, Vol. 136, p. 45; Vol. 163, p. 385; Vol. 184, p. 358; Vol. 199, p. 344; Vol. 243, p. 326, and Vol. 260, p. 450.