

Brussels, September 1964
P-58/64

INFORMATION MEMO

ASSOCIATION OF THE NETHERLANDS ANTILLES WITH THE EEC

The association agreement between the Netherlands Antilles and the European Economic Community came into force on October 1, 1964. Henceforward, the Commission will apply to that country the association arrangements set out in Part Four of the Rome Treaty (which already apply to the associated African countries and to Madagascar). In this case, however, there is a supplementary protocol concerning EEC imports of refined petroleum products from the Netherlands Antilles.

I. The background. In 1957, when the Rome Treaty was signed, the Netherlands Antilles and Surinam had special relations with the Netherlands, and were thus eligible for association as defined in Part Four of the Rome Treaty and the relevant implementation clauses. At that time, therefore, the Netherlands Government could have included the Netherlands Antilles and Surinam in the list of countries and territories contained in Annex IV of the Treaty. However, in view of the constitutional structure of the Netherlands, as established by the Statute of December 29, 1954, prior consultation with the Governments of the two countries would have taken a considerable time, and the Netherlands Government, with the consent of the other contracting parties, preferred not to delay the signing of the Treaty and left the problem of association to be settled later. To this end, a protocol was drawn up dealing with "the application of the Treaty ... to the non-European parts of the Kingdom of the Netherlands". Under this protocol, the Netherlands Government was entitled, notwithstanding the provisions of Article 227, to ratify the Treaty only on behalf of the Kingdom in Europe and Netherlands New Guinea. Exercising this option, the Netherlands Government did not ratify the Treaty in respect of the Netherlands Antilles and Surinam. However, with an eye to their future association, the representatives of the six member Governments signed a declaration of intention in which they expressed their readiness, as soon as the treaty came into force, to open negotiations at the request of the Netherlands with a view to concluding conventions for the economic association of the Netherlands Antilles and Surinam with the Community.

II. The Netherlands Government duly presented its request and the outcome of the ensuing negotiations was as follows:

1. With regard to Surinam, it is recalled that at the Council meeting of 25-27 September 1961, it was unanimously decided to assimilate Surinam to the associated overseas countries and territories. Surinam was thus granted the full benefit of association as provided for in Part Four of the Treaty and the Implementing Convention. Meeting again from October 23 to 25, 1961, the Council adopted the simplest procedure for establishing this association and agreed that the Netherlands Government should deposit, in addition to their instrument of ratification of the Rome Treaty, a further act making Surinam an effective associate. The Netherlands Government having notified the Community of the completion of this formality, Surinam became an effective associate of the EEC on 1 September 1962, on the basis of Part Four of the Rome Treaty and the Implementing Convention.

2. The association of the Netherlands Antilles raised a special problem for the EEC in so far as the economic situation of that country differs from that of the other associated overseas countries and territories: it possesses oil refineries whose products account for a large proportion of its exports.

For this reason, the procedure for association and the arrangements agreed upon differ from those applying to Surinam.

Thus, the Community's agreement to admit the Netherlands Antilles to association as defined in Part Four of the Rome Treaty is supplemented by a protocol dealing with EEC imports of petroleum products refined in the Netherlands Antilles. For this purpose representatives of the six member Governments, meeting in Brussels on November 13, 1962, drew up, on a proposal by the Netherlands Government and after reference to the European Parliament and the Commission, a "Convention revising the Treaty establishing the European Economic Community to make the association arrangements set out in Part Four of the Treaty applicable to the Netherlands Antilles", a protocol dealing with EEC imports of refined petroleum products from the Netherlands Antilles, an annex to this protocol and the final act of signature of all three.

In accordance with Article 236 of the Treaty, the above instruments were ratified by the six Member States as required by their respective constitutional procedures.

The effect of ratification was to make the association of the Netherlands Antilles effective from October 1, 1964, applying to that country the association arrangements laid down in the

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above-mentioned texts, including the implementation clauses of Part Four of the Rome Treaty, particularly the Council's decision of 25 February 1964 on the association of overseas countries and territories, published in the official gazette of the European Communities dated June 11, 1964.

This decision sets out the terms and conditions which will govern, until 31 May 1969, the association of overseas countries and territories which have special relations with France and the Netherlands. It provides amongst other things that the countries and territories concerned may draw upon the European Development Fund and the European Investment Bank to a total of 70 million units of account.

In addition, the Netherlands Antilles will be able to take advantage of the arrangements made recently by the Community for the use of balances outstanding from the first European Development Fund, as there are still some funds available for countries which have special relations with the Netherlands.
