

# *Belgo-Luxembourg Economic Union*

## RECIPROCAL TRADE

*Exchange of notes at Washington February 27, 1935*<sup>1</sup>  
*Proclaimed by the President of the United States April 1, 1935*  
*Published by Belgium April 1, 1935*  
*Entered into force May 1, 1935*  
*Modified by agreement of May 4 and July 11, 1946*<sup>2</sup>  
*Made inoperative by agreement of October 30, 1947*<sup>3</sup>  
*Terminated February 10, 1963*<sup>4</sup>

49 Stat. 3680; Executive Agreement Series 75

*The Acting Secretary of State to the Plenipotentiary of the Belgo-Luxembourg  
Economic Union*

DEPARTMENT OF STATE  
*Washington, February 27, 1935*

MR. MINISTER:

The undersigned, Acting Secretary of State of the United States of America, being duly empowered thereto by the President of the United States of America, in pursuance of the authority conferred upon him by the Act of Congress of the United States of America, approved June 12, 1934,<sup>5</sup> entitled "An Act to amend the tariff act of 1930", has the honor to advise you that the Government of the United States of America, being desirous of strengthening the traditional bonds of friendship with the Belgo-Luxembourg Economic Union, agrees (1) to accord unconditionally to the commerce of the Belgo-Luxembourg Economic Union, the treatment now or hereafter accorded to the commerce of the most favored foreign nation, the Republic of Cuba excepted; and (2) to exempt the products of the soil or industry of the Belgo-Luxembourg Economic Union, listed in Schedule II<sup>1</sup> annexed hereto, on their importation into the customs territory of the United States of Amer-

<sup>1</sup> For tariff schedules annexed to notes, see 49 Stat. 3684 or p. 5 of EAS 75.

<sup>2</sup> TIAS 1572, *post*, p. 715.

<sup>3</sup> TIAS 1701, *post* p. 718.

<sup>4</sup> Pursuant to notice of termination given by the United States Aug. 10, 1962.

<sup>5</sup> 48 Stat. 943.

ica, from ordinary customs duties in excess of those specified in the said Schedule.

It is understood that the Belgo-Luxemburg Economic Union, on its part, agrees (1) to accord unconditionally to the commerce of the United States of America the treatment now or hereafter accorded to the commerce of the most favored foreign nation; (2) to exempt the products of the soil or industry of the United States of America listed in Schedule I annexed hereto, on their importation into the customs territory of the Belgo-Luxemburg Economic Union, from ordinary customs duties in excess of those specified in the said Schedule; (3) with respect to products for which import quotas are specified in the said Schedule, to permit the importation of quantities not less than those specified therein; and (4) with respect to products for which luxury or license taxes are specified in the said Schedule, to exempt such products from taxes in excess of those specified therein.

In the event that the Government of either country adopts any measure which, even though it does not conflict with the terms of this Agreement, is considered by the Government of the other country to have the effect of nullifying or impairing any object of the Agreement, the Government which has adopted any such measure shall consider such representations and proposals as the other Government may make with a view to effecting a mutually satisfactory adjustment of the matter.

The present Agreement shall come into force on the thirtieth day following proclamation thereof by the President of the United States of America and the simultaneous publication of the said Agreement in the *Moniteur Belge*; and, except as hereinafter provided, shall remain in force and effect until six months from the day on which either Government shall give notice of its intention to terminate it. It is understood, however, that:

(1) In the event that a wide variation occurs in the rate of exchange between the currencies of the United States of America and the Belgo-Luxemburg Economic Union, the Government of either country, if it considers the variation so substantial as to prejudice the industries or commerce of the country, shall be free to propose negotiations for the modification of this Agreement or to terminate it on thirty days' written notice.

(2) The Government of each country reserves the right to withdraw the concession granted on any article under this Agreement, or to impose quantitative restrictions on any such article if at any time there should be evidence that, as a result of the extension of such concession to third countries, such countries will obtain the major benefit of such concession and in consequence thereof an unduly large increase in importations of such article will take place: Provided that before the Government of either country shall avail itself of the foregoing reservation, it shall give notice in writing to the other Government of its intention to do so, and shall afford such other Government an opportunity within thirty days after receipt of such notice

to consult with it in respect of the proposed action; and if an agreement with respect thereto is not reached within thirty days following receipt of the aforesaid notice, the Government which proposes to take such action shall be free to do so at any time thereafter, and the other Government shall be free within fifteen days after such action is taken to terminate this Agreement in its entirety on thirty days' written notice.

The provisions of this Agreement shall be supplemented as soon as possible by provisions of a general character concerning the treatment to be accorded in each country to the commerce of the other.

As long as the present Agreement shall remain in force, it shall supersede any provisions of the Treaty of Commerce and Navigation between the United States of America and His Majesty the King of the Belgians, concluded March 8, 1875,<sup>6</sup> which may be inconsistent with the said Agreement. However, upon the expiration of the present Agreement, the provisions of the aforesaid Treaty of 1875 which have been temporarily superseded shall automatically resume operation and shall continue in full force and effect subject to termination as provided in that Treaty.

I shall be glad to have your confirmation of the accord thus reached.

I avail myself of this opportunity to offer to you, Mr. Minister, the assurances of my highest consideration.

WILLIAM PHILLIPS  
*Acting Secretary of State  
of the United States of America*

The Honorable  
PIERRE FORTHOMME, Senator  
*Envoy Extraordinary and Minister Plenipotentiary  
Chief of the Belgian Delegation*

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*The Plenipotentiary of the Belgo-Luxemburg Economic Union  
to the Acting Secretary of State*

[TRANSLATION]

BELGIAN EMBASSY

WASHINGTON, *February 27, 1935*

MR. SECRETARY OF STATE:

I have the honor to acknowledge receipt of Your Excellency's letter dated the 27th instant, advising me of the friendly decisions made by the United States of America in regard to the treatment to be accorded to the commerce of the Belgo-Luxemburg Economic Union with respect to the duties to be applied to certain products of the soil and industry of the Belgo-Luxemburg Economic Union.

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<sup>6</sup> TS 38, *ante*, p. 489.

My Government, being equally desirous of strengthening the traditional bonds of friendship with the United States of America, has given me the necessary powers to declare to you in its name that the Belgo-Luxemburg Economic Union has decided, on its part:

(1) To accord unconditionally to the commerce of the United States of America the treatment which is or will be accorded to the most favored foreign nation; (2) to exempt the products of the soil or the industry of the United States of America listed in schedule I attached hereto, at the time of their importation into the customs territory of the Belgo-Luxemburg Economic Union, from all ordinary customs duties in excess of those specified in the said schedule, (3) with respect to those for which import quotas are specified in the said schedule, to permit the importation of quantities not less than those indicated therein, and (4) with respect to the products for which luxury or license taxes are specified in the annexed schedule, to exempt such products from taxes in excess of those specified therein.

It is understood that the United States of America agrees on its part, (1) to accord unconditionally to the commerce of the Belgo-Luxemburg Economic Union the treatment which is or will be accorded to the commerce of the most favored foreign nation, with the exception of the Republic of Cuba, and (2) to exempt the products of the soil or industry of the Belgo-Luxemburg Economic Union, listed in schedule II attached hereto, at the time of the importation into the customs territory of the United States of America, from all ordinary customs duties in excess of those specified in the said schedule.

In the event that the Government of either country adopts any measure which, even though it does not conflict with the terms of this agreement, is considered by the Government of the other country to have the effect of nullifying or impairing any clause of the agreement, the Government which has adopted any such measure shall consider such representations and proposals as the other Government may submit to it with a view to effecting an adjustment of the matter satisfactory to the two parties.

The present agreement shall come into force on the thirtieth day following proclamation thereof by the President of the United States of America and the simultaneous publication of the said agreement in the *Moniteur Belge*, and, except as hereinafter provided, shall remain in force and effect until 6 months from the day on which either Government shall give notice of its intention to terminate it. It is understood, however, that:

(1) In the event that a wide variation occurs in the rate of exchange between the currencies of the Belgo-Luxemburg Economic Union and the United States of America, the Government of either country, if it considers that such variation is of a nature to prejudice the industries or the commerce of the country, shall have the right to propose that negotiations be opened

with a view to modifying the agreement or terminating it on 30 days' written notice;

(2) Each of the two Governments reserves the right to withdraw the concession granted on any article under this agreement, or to impose quantitative restrictions on the importation of such article, if at any time there should be evidence that, as a result of the extension of such concession to third countries, the latter will obtain the major benefit of such concession and that, in consequence thereof, an unduly large increase of the importations of such article will take place; provided that before availing itself of the right above mentioned, the Government concerned shall give notice in writing to the other Government of its intention to do so, and shall furnish such other Government an opportunity, within 30 days after the receipt of such notice, to consult with it in regard to the measures that it proposes to take; and if an agreement is not reached with respect thereto within 30 days following receipt of the aforesaid notice, the Government which proposes to take the measures in question shall have the right to do so at any time thereafter, and the other Government shall have the right within 15 days after such measures have been put into effect, to terminate this agreement in its entirety on 30 days' written notice.

The provisions of this agreement shall be supplemented, as soon as possible, by provisions of a general character relative to the treatment to be accorded in each of the two countries to the commerce of the other.

As long as the present agreement shall remain in force, it shall supersede any provisions of the Treaty of Commerce and Navigation between the United States of America and His Majesty the King of the Belgians concluded March 8, 1875, which may be inconsistent with the said agreement. However, upon the expiration of the present agreement, the provisions of the aforesaid treaty of 1875 which have been temporarily superseded, shall automatically resume operation, and shall continue in full force and effect, subject to termination as provided in that treaty.

I take this occasion to renew to Your Excellency the assurances of my highest consideration.

P. FORTHOMME

*Head of the Belgian Delegation*

To His Excellency

Mr. WILLIAM PHILLIPS

*Acting Secretary of State*

*Department of State*

*Washington, D.C.*

[For tariff schedules annexed to notes, see 49 Stat. 3684 or p. 5 of EAS 75.]