

Modified Brussels Treaty (Paris, 23 October 1954)

Caption: The Brussels Treaty of 17 March 1948, modified and completed by the protocols signed in Paris on 23 October 1954 which enter into force on 6 May 1955. The Federal Republic of Germany (FRG) and Italy accede to the modified Treaty. The 'Consultative Council' becomes the 'Council of Western European Union' (Article VIII), and the organisation established by the Treaty is renamed 'Western European Union' (WEU).

Source: Text of Modified Brussels Treaty (Paris, 23 October 1954). [ON-LINE]. [Brussels]: Western European Union, [06.10.2000]. Available on <http://www.weu.int/index.html>.

Brussels Treaty as amended by the Protocol modifying and completing the Brussels Treaty, signed at Paris on October 23, 1954, Texts of the Treaty and the Protocols. Brussels: Western European Union, [s.d.]. 40 p.

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Last updated: 25/10/2016

WESTERN EUROPEAN UNION

BRUSSELS TREATY

As amended by the Protocol modifying
and completing the Brussels Treaty,
signed at Paris on October 23, 1954

Texts of the Treaty and the Protocols



WESTERN EUROPEAN UNION

UNION DE L'EUROPE OCCIDENTALE

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ΕΠΙΧΕΙΡΗΣΙΑΚΟ ΠΡΟΓΡΑΜΜΑ
ΑΝΑΠΤΥΞΗ ΑΝΘΡΩΠΙΝΩΝ ΠΟΡΩΝ
ΠΡΟΤΥΠΟ ΠΡΟΓΡΑΜΜΑ
ΕΠΙΧΕΙΡΗΣΙΑΚΟ ΠΡΟΓΡΑΜΜΑ



ΕΠΙΧΕΙΡΗΣΙΑΚΟ ΠΡΟΓΡΑΜΜΑ

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ΕΠΙΧΕΙΡΗΣΙΑΚΟ ΠΡΟΓΡΑΜΜΑ

**TREATY OF ECONOMIC, SOCIAL AND
CULTURAL COLLABORATION AND COLLECTIVE SELF-DEFENCE
SIGNED AT BRUSSELS ON MARCH 17, 1948,
AS AMENDED BY THE "PROTOCOL MODIFYING AND
COMPLETING THE BRUSSELS TREATY"**

Signed at Paris on October 23, 1954

[The High Contracting Parties]

Resolved:

To reaffirm their faith in fundamental human rights, in the dignity and worth of the human person and in the other ideals proclaimed in the Charter of the United Nations;

To fortify and preserve the principles of democracy, personal freedom and political liberty, the constitutional traditions and the rule of law, which are their common heritage;

To strengthen, with these aims in view, the economic, social and cultural ties by which they are already united;

To co-operate loyally and to co-ordinate their efforts to create in Western Europe a firm basis for European economic recovery;

To afford assistance to each other, in accordance with the Charter of the United Nations, in maintaining international peace and security and in resisting any policy of aggression;

To promote the unity and to encourage the progressive integration of Europe;

To associate progressively in the pursuance of these aims other States inspired by the same ideals and animated by the like determination;

Desiring for these purposes to conclude a treaty of collaboration in economic, social and cultural matters and for collective self-defence;

Have agreed as follows:

ARTICLE I

Convinced of the close community of their interests and of the necessity of uniting in order to promote the economic recovery of Europe, the High Contracting Parties will so organise and co-ordinate their economic activities as to produce the best possible results, by the elimination of conflict in their economic policies, the co-ordination of production and the development of commercial exchanges.

The co-operation provided for in the preceding paragraph, which will be effected through the Council referred to in Article VIII, as well as through other bodies, shall not involve any duplication of, or prejudice to, the work of other economic organisations in which the High Contracting Parties are or may be represented, but shall on the contrary assist the work of those organisations.

ARTICLE II

The High Contracting Parties will make every effort in common, both by direct consultation and in specialised agencies, to promote the attainment of a higher standard of living by their peoples and to develop on corresponding lines the social and other related services of their countries.

The High Contracting Parties will consult with the object of achieving the earliest possible application of recommendations of immediate practical interest, relating to social matters, adopted with their approval in the specialised agencies.

They will endeavour to conclude as soon as possible conventions with each other in the sphere of social security.

ARTICLE III

The High Contracting Parties will make every effort in common to lead their peoples towards a better understanding of the principles which form the basis of their common civilisation and to promote cultural exchanges by conventions between themselves or by other means.

ARTICLE IV

In the execution of the Treaty, the High Contracting Parties and any Organs established by Them under the Treaty shall work in close co-operation with the North Atlantic Treaty Organisation.

Recognising the undesirability of duplicating the military staffs of NATO, the Council and its Agency will rely on the appropriate military authorities of NATO for information and advice on military matters.

ARTICLE V

If any of the High Contracting Parties should be the object of an armed attack in Europe, the other High Contracting Parties will, in accordance with the provisions of Article 51 of the Charter of the United Nations, afford the Party so attacked all the military and other aid and assistance in their power.

ARTICLE VI

All measures taken as a result of the preceding Article shall be immediately reported to the Security Council. They shall be terminated as soon as the Security Council has taken the measures necessary to maintain or restore international peace and security.

The present Treaty does not prejudice in any way the obligations of the High Contracting Parties under the provisions of the Charter of the United Nations. It shall not be interpreted as affecting in any way the authority and responsibility of the Security Council under the Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security.

ARTICLE VII

The High Contracting Parties declare, each so far as he is concerned, that none of the international engagements now in force between him and any other of the High Contracting Parties or any third State is in conflict with the provisions of the present Treaty.

None of the High Contracting Parties will conclude any alliance or participate in any coalition directed against any other of the High Contracting Parties.

ARTICLE VIII

1. For the purposes of strengthening peace and security and of promoting unity and of encouraging the progressive integration of Europe and closer co-operation between Them and each other European organisations, the High Contracting Parties to the Brussels Treaty shall create a Council to consider matters concerning the execution of this Treaty and of its Protocols and their Annexes.
2. This Council shall be known as the "Council of Western European Union"; it shall be so organised as to be able to exercise its functions continuously; it shall set up such subsidiary bodies as may be considered necessary: in particular it shall establish immediately an Agency for the Control of Armaments whose functions are defined in Protocol No. IV.
3. At the request of any of the High Contracting Parties the Council shall be immediately convened in order to permit Them to consult with regard to any situation which may constitute a threat to peace, in whatever area this threat should arise, or a danger to economic stability.
4. The Council shall decide by unanimous vote questions for which no other voting procedure has been or may be agreed. In the cases provided for in Protocols II, III and IV it will follow the various voting procedures, unanimity, two-thirds majority, simple majority, laid down therein. It will decide by simple majority questions submitted to it by the Agency for the Control of Armaments.

ARTICLE IX

The Council of Western European Union shall make an annual report on its activities and in particular concerning the control of armaments to an Assembly composed of representatives of the Brussels Treaty Powers to the Consultative Assembly of the Council of Europe.

ARTICLE X

In pursuance of their determination to settle disputes only by peaceful means, the High Contracting Parties will apply to disputes between themselves the following provisions;

The High Contracting Parties will, while the present Treaty remains in force, settle all disputes falling within the scope of Article 36, paragraph 2, of the Statute of the International Court of Justice, by referring them to the Court, subject only, in the case of each of them, to any reservation already made by that Party when accepting this clause for compulsory jurisdiction to the extent that that Party may maintain the reservation.

In addition, the High Contracting Parties will submit to conciliation all disputes outside the scope of Article 36, paragraph 2, of the Statute of the International Court of Justice.

In the case of a mixed dispute involving both questions for which conciliation is appropriate and other questions for which judicial settlement is appropriate, any Party to the dispute shall have the right to insist that the judicial settlement of the legal questions shall precede conciliation.

The preceding provisions of this Article in no way affect the application of relevant provisions or agreements prescribing some other method of pacific settlement.

ARTICLE XI

The High Contracting Parties may, by agreement, invite any other State to accede to the present Treaty on conditions to be agreed between them and the State so invited.

Any State so invited may become a Party to the Treaty by depositing an instrument of accession with the Belgian Government.

The Belgian Government will inform each of the High Contracting Parties of the deposit of each instrument of accession.

ARTICLE XII

The present Treaty shall be ratified and the instruments of ratification shall be deposited as soon as possible with the Belgian Government.

It shall enter into force on the date of the deposit of the last instrument of ratification and shall thereafter remain in force for fifty years.

After the expiry of the period of fifty years, each of the High Contracting Parties shall have the right to cease to be a party thereto provided that he shall have previously given one year's notice of denunciation to the Belgian Government.

The Belgian Government shall inform the Governments of the other High Contracting Parties of the deposit of each instrument of ratification and of each notice of denunciation.

**PROTOCOL MODIFYING AND COMPLETING
THE BRUSSELS TREATY**

*Signed at Paris on October 23, 1954;
entered into force on May 6, 1955*

His Majesty the King of the Belgians, the President of the French Republic, President of the French Union, Her Royal Highness the Grand Duchess of Luxembourg, Her Majesty the Queen of the Netherlands and Her Majesty The Queen of the United Kingdom of Great Britain and Northern Ireland and of Her other Realms and Territories, Head of the Commonwealth, Parties to the Treaty of Economic, Social and Cultural Collaboration and Collective Self-Defence, signed at Brussels on March 17, 1948, hereinafter referred to as the Treaty, on the one hand,

and the President of the Federal Republic of Germany and the President of the Italian Republic on the other hand,

Inspired by a common will to strengthen peace and security;

Desirous to this end of promoting the unity and of encouraging the progressive integration of Europe;

Convinced that the accession of the Federal Republic of Germany and the Italian Republic to the Treaty will represent a new and substantial advance towards these aims;

Having taken into consideration the decisions of the London Conference as set out in the Final Act of October 3, 1954, and its Annexes;

Have appointed as their Plenipotentiaries:

His Majesty the King of the Belgians
His Excellency M. Paul-Henri Spaak, Minister of Foreign Affairs.

The President of the French Republic, President of the French Union
His Excellency M. Pierre Mendès-France, Prime Minister, Minister of Foreign Affairs.

The President of the Federal Republic of Germany
His Excellency Dr. Konrad Adenauer, Federal Chancellor, Federal Minister of Foreign
Affairs.

The President of the Italian Republic
His Excellency M. Gaetano Martino, Minister of Foreign Affairs.

Her Royal Highness the Grand Duchess of Luxembourg
His Excellency M. Joseph Bech, Prime Minister, Minister of Foreign Affairs.

Her Majesty the Queen of the Netherlands
His Excellency M. Johan Willem Beyen, Minister of Foreign Affairs.

Her Majesty The Queen of the United Kingdom of Great Britain and Northern Ireland and of Her
other Realms and Territories, Head of the Commonwealth
For the United Kingdom of Great Britain and Northern Ireland
The Right Honourable Sir Anthony Eden, K.G., M.C., Member of Parliament, Principal
Secretary of State for Foreign Affairs.

Who, having exhibited their full powers found in good and due form,

Have agreed as follows:

ARTICLE I

The Federal Republic of Germany and the Italian Republic hereby accede to the Treaty as modified and
completed by the present Protocol.

The High Contracting Parties to the present Protocol consider the Protocol on Forces of Western
European Union (hereinafter referred to as Protocol No. II), the Protocol on the Control of Armaments and
its Annexes (hereinafter referred to as Protocol No. III), and the Protocol on the Agency of Western
European Union for the Control of Armaments (hereinafter referred to as Protocol No. IV) to be an integral
part of the present Protocol.

ARTICLE II

The sub-paragraph of the preamble to the Treaty: "to take such steps as may be held necessary in the event of renewal by Germany of a policy of aggression" shall be modified to read: "to promote the unity and to encourage the progressive integration of Europe".

The opening words of the second paragraph of Article I shall read: "The co-operation provided for in the preceding paragraph, which will be effected through the Council referred to in Article VIII ...".

ARTICLE III

The following new Article shall be inserted in the Treaty as Article IV: "In the execution of the Treaty the High Contracting Parties and any organs established by Them under the Treaty shall work in close co-operation with the North Atlantic Treaty Organisation.

Recognising the undesirability of duplicating the military staffs of NATO, the Council and its Agency will rely on the appropriate military authorities of NATO for information and advice on military matters".

Articles IV, V, VI and VII of the Treaty will become respectively Articles V, VI, and VIII.

ARTICLE IV

Article VIII of the Treaty (formerly Article VII) shall be modified to read as follows:

"1. For the purposes of strengthening peace and security and of promoting unity and of encouraging the progressive integration of Europe and closer co-operation between Them and with other European organisations, the High Contracting Parties to the Brussels Treaty shall create a Council to consider matters concerning the execution of this Treaty and of its Protocols and their Annexes.

2. This Council shall be known as the "Council of Western European Union"; it shall be so organised as to be able to exercise its functions continuously; it shall set up such subsidiary bodies as may be considered necessary: in particular, it shall establish immediately an Agency for the Control of Armaments whose functions are defined in Protocol No. IV.

3. At the request of any of the High Contracting Parties the Council shall be immediately convened in order to permit Them to consult with regard to any situation which may constitute a threat to peace, in whatever area this threat should arise, or a danger to economic stability.

4. The Council shall decide by unanimous vote questions for which no other voting procedure has been or may be agreed. In the cases provided for in Protocols II, III and IV it will follow the various voting procedures, unanimity, two-thirds majority, simple majority, laid down therein. It will decide by simple majority questions submitted to it by the Agency for the Control of Armaments".

ARTICLE V

A new Article shall be inserted in the Treaty as Article IX: "The Council of Western European Union shall make an annual report on its activities and in particular concerning the control of armaments to an Assembly composed of representatives of the Brussels Treaty Powers to the Consultative Assembly of the Council of Europe".

The Articles VIII, IX and X of the Treaty shall become respectively Articles X, XI, XII.

ARTICLE VI

The present Protocol and other Protocols listed in Article I above shall be ratified and the instruments of ratification shall be deposited as soon as possible with the Belgian Government.⁽¹⁾

They shall enter into force when all instruments of ratification of the present Protocol have been deposited with the Belgian Government and the instruments of accession of the Federal Republic of Germany to the North Atlantic Treaty has been deposited with the Government of the United States of America.⁽²⁾

(1)	RATIFICATIONS	Date of deposit
	Italy	April 20, 1955
	Belgium	April 22, 1955
	Netherlands	May 1, 1955
	Luxembourg	May 4, 1955
	France	May 5, 1955
	Federal Republic of Germany	May 5, 1955
	United Kingdom	May 5, 1955
(2)	May 6, 1955.	

The Belgian Government shall inform the Governments of the other High Contracting Parties and the Government of the United States of America of the deposit of each instrument of ratification.

In witness whereof the above-mentioned Plenipotentiaries have signed the present Protocol and have affixed thereto their seals.

Done at Paris this twenty-third day of October, 1954, in two texts, in the English and French languages, each text being equally authoritative in a single copy which shall remain deposited in the archives of the Belgian Government and of which certified copies shall be transmitted by that Government to each of the other signatories.

For Belgium:

(L.S.) P.-H. SPAAK.

For France:

(L.S.) P. MENDES-FRANCE.

For the Federal Republic of Germany:

(L.S.) ADENAUER.

For Italy:

(L.S.) G. MARTINO.

For Luxembourg:

(L.S.) JOS. BECH.

For the Netherlands:

(L.S.) J.W. BEYEN.

For the United Kingdom of Great Britain and Northern Ireland:

(L.S.) ANTHONY EDEN.

A N N E X E S

No. I A

LETTER CONCERNING THE APPLICATION AND INTERPRETATION
OF ARTICLE X OF THE MODIFIED BRUSSELS TREATY, ADDRESSED
BY THE GOVERNMENT OF THE FEDERAL REPUBLIC OF GERMANY
TO THE OTHER GOVERNMENTS SIGNATORY TO THE PROTOCOL
MODIFYING AND COMPLETING THE BRUSSELS TREATY

Paris, October 23, 1954

Your Excellency,

I have the honour to make the following communication to your Excellency in order to place on record the undertaking of the Federal Government regarding the application and interpretation of Article X (formerly Article VIII) of the Brussels Treaty.

The Federal Government undertake, before the Protocol modifying and completing the Brussels Treaty and related Protocols and their Annexes are ratified by the High Contracting Parties, to declare their acceptance of the compulsory jurisdiction of the International Court of Justice in accordance with Article X (formerly Article VIII) of the Treaty, having made known to the Parties the reservation accompanying their acceptance.

The Federal Government understand, that, in the view of the other High Contracting Parties, paragraph 5 of Article X (formerly Article VIII) of the Treaty leaves the way open for concluding agreements on other means of settling disputes between them, and that the undertaking in question shall in no way prejudice the possibility of opening discussions immediately with a view to establishing other methods of settling possible disputes in the application or interpretation of the Treaty.

Moreover, in the opinion of the Federal Government, the widening of the Brussels Treaty may give rise to a number of doubts and disputes as to the interpretation and application of the Treaty, the Protocols and their Annexes, which may not be of fundamental importance but mainly of a technical nature. The Federal Government consider that it is desirable to establish another simpler procedure for the settlement of such matters.

The Federal Government therefore propose that the High Contracting Parties should discuss the problems set out above at once, with a view to reaching agreement on an appropriate procedure.

I should be grateful if your Excellency would confirm that ... (the Government concerned) agree with this letter. The exchange of letters thus effected will be considered as an Annex to the Protocol modifying and completing the Brussels Treaty, within the meaning of Article IV, paragraph 1, of the said Protocol.

Accept, Your Excellency, the renewed assurance of my highest consideration.

(signed) ADENAUER
Chancellor of the Federal Republic of Germany
Federal Minister of Foreign Affairs

No. I B

REPLY TO THE LETTER OF THE GOVERNMENT OF THE
FEDERAL REPUBLIC OF GERMANY BY THE OTHER GOVERNMENTS
SIGNATORY TO THE PROTOCOL MODIFYING AND COMPLETING
THE BRUSSELS TREATY

Paris, October 23, 1954

Your Excellency,

I have the honour to acknowledge receipt of your Excellency's communication of October 23, 1954, and to state that ... (the Government concerned) have noted with satisfaction that the Government of the Federal Republic of Germany undertake to declare their acceptance of the compulsory jurisdiction of the International Court of Justice in accordance with Article X (formerly Article VIII) of the Brussels Treaty, having made known to the High Contracting Parties the reservations accompanying their acceptance.

I confirm that ... (the Government concerned) interpret paragraph 5 of Article X (formerly Article VIII) of the Treaty as stated in the third paragraph of your Excellency's communication.

With regard to the fourth and fifth paragraphs of your Excellency's communication, ... (the Government concerned) are in agreement with the proposal of the Federal Government that the High Contracting Parties should discuss at once the question of establishing an appropriate procedure for the settlement of the possible disputes to which the Federal Government draw attention.

They also agree to consider this exchange of letters as an Annex to the Protocol modifying and completing the Brussels Treaty within the meaning of Article IX, paragraph 1, of the said Protocol.

Accept, Your Excellency, the renewed assurance of my highest consideration.

(signature)

LETTER CONCERNING THE APPLICATION AND INTERPRETATION
OF ARTICLE X OF THE MODIFIED BRUSSELS TREATY,
ADDRESSED BY THE GOVERNMENT OF ITALY TO THE OTHER
GOVERNMENTS SIGNATORY TO THE PROTOCOL MODIFYING
AND COMPLETING THE BRUSSELS TREATY

Paris, October 23, 1954

Yours Excellency,

I have the honour to make the following communication to your Excellency in order to place on record the undertaking of the Italian Government regarding the application and interpretation of Article X (formerly Article VIII), of the Brussels Treaty.

The Italian Government undertake, before the Protocol modifying and completing the Brussels Treaty and related Protocols and their Annexes are ratified by the High Contracting Parties, to declare their acceptance of the compulsory jurisdiction of the International Court of Justice in accordance with Article X (formerly Article VIII) of the Treaty, having made known to the Parties the reservations accompanying their acceptance.

The Italian Government understand that, in the view of the other High Contracting Parties, paragraph 5 of Article X (formerly Article VIII) of the Treaty leaves the way open for concluding agreements on other means of settling disputes between them, and that the undertaking in question shall in no way prejudice the possibility of opening discussions immediately with a view to establishing other methods of settling possible disputes in the application or interpretation of the Treaty.

I should be grateful if your Excellency would confirm that ... (the Government concerned) agree with this letter. The exchange of letters thus effected will be considered as an Annex to the Protocol modifying and completing the Brussels Treaty, within the meaning of Article IV, paragraph 1, of the said Protocol.

Accept, Your Excellency, the renewed assurance of my highest consideration,

(signed) G. MARTINO
Minister of Foreign Affairs

No. II B

REPLY TO THE LETTER OF THE GOVERNMENT OF ITALY BY
THE OTHER GOVERNMENTS SIGNATORY TO THE PROTOCOL
MODIFYING AND COMPLETING THE BRUSSELS TREATY

Paris, October 23, 1954

Your Excellency,

I have the honour to acknowledge receipt of your Excellency's communication of October 23, 1954, and to state that ... (the Government concerned) have noted with satisfaction that the Italian Government undertake to declare their acceptance of the compulsory jurisdiction of the International Court of Justice in accordance with Article X (formerly Article VIII) of the Brussels Treaty, having made known to the High Contracting Parties the reservations accompanying their acceptance.

I confirm that ... (the Government concerned) interpret paragraph 5 of Article X (formerly Article VIII) of the Treaty as stated in the third paragraph of your Excellency's communication.

They also agree to consider this exchange of letters as an Annex to the Protocol modifying and completing the Brussels Treaty within the meaning of Article IV, paragraph 1, of the said Protocol.

Accept, Your Excellency, the renewed assurance of my highest consideration,

(signature)

**PROTOCOL No. II ON FORCES OF
WESTERN EUROPEAN UNION**

*Signed at Paris on October 23, 1954;
entered into force on May 6, 1955*

His Majesty the King of the Belgians, the President of the French Republic, President of the French Union, the President of the Federal Republic of Germany, the President of the Italian Republic, Her Royal Highness the Grand Duchess of Luxembourg, Her Majesty the Queen of the Netherlands, and Her Majesty the Queen of the United Kingdom of Great Britain and Northern Ireland and of Her other Realms and Territories, Head of the Commonwealth, Signatories of the Protocol Modifying and Completing the Brussels Treaty,

Having consulted the North Atlantic Council,

Have appointed as their Plenipotentiaries:

His Majesty the King of the Belgians
His Excellency M. Paul-Henri Spaak, Minister of Foreign Affairs.

The President of the French Republic, President of the French Union
His Excellency M. Pierre Mendès-France, Prime Minister, Minister of Foreign Affairs.

The President of the Federal Republic of Germany
His Excellency Dr. Konrad Adenauer, Federal Chancellor, Federal Minister of Foreign Affairs.

The President of the Italian Republic
His Excellency M. Gaetano Martino, Minister of Foreign Affairs.

Her Royal Highness the Grand Duchess of Luxembourg
His Excellency M. Joseph Bech, Prime Minister, Minister of Foreign Affairs.

Her Majesty the Queen of the Netherlands
His Excellency M. Johan Willem Beyen, Minister of Foreign Affairs.

Her Majesty The Queen of the United Kingdom of Great Britain and Northern Ireland and of Her
other Realms and Territories, Head of Commonwealth
For the United Kingdom of Great Britain and Northern Ireland
The Right Honourable Sir Anthony Eden, K.G., M.C., Member of Parliament, Principal
Secretary of State for Foreign Affairs.

Have agreed as follows:

ARTICLE I

1. The land and air forces which each of the High Contracting Parties to the present Protocol shall place under the Supreme Allied Commander, Europe, in peacetime on the mainland of Europe shall not exceed in total strength and number of formations:
 - (a) for Belgium, France, the Federal Republic of Germany, Italy and the Netherlands, the maxima laid down for peacetime in the Special Agreement annexed to the Treaty on the Establishment of a European Defence Community signed at Paris, on May 27, 1952; and
 - (b) for the United Kingdom, four divisions and the Second Tactical Air Force;
 - (c) for Luxembourg, one regimental combat team.
2. The number of formations mentioned in paragraph 1 may be brought up to date and adapted as necessary to make them suitable for the North Atlantic Treaty Organisation, provided that the equivalent fighting capacity and total strengths are not exceeded.
3. The statement of these maxima does not commit any of the High Contracting Parties to build up or maintain forces at these levels, but maintains their right to do so if required.

ARTICLE II

As regards naval forces, the contribution to NATO Commands of each of the High Contracting Parties to the present Protocol shall be determined each year in the course of the Annual Review (which takes into account the recommendations of the NATO military authorities). The naval forces of the Federal Republic of Germany shall consist of the vessels and formations necessary for the defensive missions assigned to it by the North Atlantic Treaty Organisation within the limits laid down in the Special Agreement mentioned in Article I, or equivalent fighting capacity.

ARTICLE III

If at any time during the Annual Review recommendations are put forward, the effect of which would be to increase the level of forces above the limits specified in Articles I and II, the acceptance by the country concerned of such recommended increases shall be subject to the unanimous approval of the High Contracting Parties to the present Protocol expressed either in the Council of Western European Union or in the North Atlantic Treaty Organisation.

ARTICLE IV

In order that it may establish that the limits specified in Articles I and II are being observed, the Council of Western European Union will regularly receive information acquired as a result of inspections carried out by the Supreme Allied Commander, Europe. Such information will be transmitted by a high-ranking officer designated for the purpose by the Supreme Allied Commander, Europe.

ARTICLE V

The strength and armaments of the internal defence and police forces on the mainland of Europe of the High Contracting Parties to the present Protocol shall be fixed by agreements within the Organisation of Western European Union, having regard to their proper functions and needs and to their existing levels.

ARTICLE VI

Her Majesty The Queen of the United Kingdom of Great Britain and Northern Ireland will continue to maintain on the mainland of Europe, including Germany, the effective strength of the United Kingdom forces which are now assigned to the Supreme Allied Commander, Europe, that is to say four divisions and the Second Allied Commander, Europe, regards as having equivalent fighting capacity. She undertakes not to withdraw these forces against the wishes of the majority of the High Contracting Parties who should take their decision in the knowledge of the views of the Supreme Allied Commander, Europe. This undertaking shall not, however, bind her in the event of an acute overseas emergency. If the maintenance of the United Kingdom forces on the mainland of Europe throws at any time too great a strain on the external finances of the United Kingdom, she will, through Her Government in the United Kingdom of Great Britain and Northern Ireland, invite the North Atlantic Council to review the financial conditions on which the United Kingdom formations are maintained.

In witness whereof, the above-mentioned Plenipotentiaries have signed the present Protocol, being one of the Protocols listed in Article I of the Protocol modifying and completing the Treaty, and have affixed thereto their seals.

Done at Paris this twenty-third day of October, 1954, in two texts, in the English and French languages, each text being equally authoritative, in a single copy, which shall remain deposited in the archives of the Belgian Government and of which certified copies shall be transmitted by that Government to each of the other Signatories.

For Belgium:

(L.S.) P.-H. SPAAK.

For France:

(L.S.) P. MENDES-FRANCE.

For the Federal Republic of Germany:

(L.S.) ADENAUER.

For Italy:

(L.S.) G. MARTINO.

For Luxembourg:

(L.S.) JOS. BECH.

For the Netherlands:

(L.S.) J.W. BEYEN.

For the United Kingdom of Great Britain and Northern Ireland:

(L.S.) ANTHONY EDEN.

PROTOCOL No. III ON THE CONTROL OF ARMAMENTS

*Signed at Paris on October 23, 1954;
entered into force on May 6, 1955*

His Majesty the King of the Belgians, the President of the French Republic, President of the French Union, the President of the Federal Republic of Germany, the President of the Italian Republic, Her Royal Highness the Grand Duchess of Luxembourg, Her Majesty the Queen of the Netherlands, Her Majesty the Queen of the United Kingdom of Great Britain and Northern Ireland and of Her Other Realms and Territories, Head of the Commonwealth, Signatories of the Protocol modifying and completing the Brussels Treaty,

Have appointed as their Plenipotentiaries:

His Majesty the King of the Belgians
His Excellency M. Paul-Henri Spaak, Minister of Foreign Affairs.

The President of the French Republic, President of the French Union
His Excellency M. Pierre Mendès-France, Prime Minister, Minister of Foreign Affairs.

The President of the Federal Republic of Germany
His Excellency Dr. Konrad Adenauer, Federal Chancellor, Federal Minister of Foreign Affairs.

The President of the Italian Republic
His Excellency M. Gaetano Martino, Minister of Foreign Affairs.

Her Royal Highness the Grand Duchess of Luxembourg,
His Excellency M. Joseph Bech, Prime Minister, Minister of Foreign Affairs.

Her Majesty The Queen of the Netherlands,
His Excellency M. Johan Willem Beyen, Minister of Foreign Affairs.

Her Majesty The Queen of the United Kingdom of Great Britain and Northern Ireland and of Her
other Realms and Territories, Head of the Commonwealth
For the United Kingdom of Great Britain and Northern Ireland
The Right Honourable Sir Anthony Eden, K.G., M.C., Member of Parliament, Principal
Secretary of State for Foreign Affairs.

Have agreed as follows:

PART I

ARMAMENTS NOT TO BE MANUFACTURED

ARTICLE I

The High Contracting Parties, members of Western European Union, take note of and record their agreement with the Declaration of the Chancellor of the Federal Republic of Germany (made in London on 3rd October 1954, and annexed hereto as Annex I) in which the Federal Republic of Germany undertook not to manufacture in its territory atomic, biological and chemical weapons. The types of armaments referred to in this Article are defined in Annex II. These armaments shall be more closely defined and the definitions brought up to date by the Council of Western European Union.

ARTICLE II

The High Contracting Parties, members of Western European Union, also take note of and record their agreement with the undertaking given by the Chancellor of the Federal Republic of Germany in the same Declaration that certain further types of armaments will not be manufactured in the territory of the Federal Republic of Germany, except that if in accordance with the needs of the armed forces ⁽¹⁾ a recommendation for an amendment to, or cancellation of, the content of the list of these armaments is made by the competent Supreme Commander of the North Atlantic Treaty Organisation, and if the Government of the Federal Republic of Germany submits a request accordingly, such an amendment or cancellation may be made by a resolution of the Council of Western European Union passed by a two-thirds majority. The types of armaments referred to in this Article are listed in Annex III.

(1) In the French text the words "qui lui sont affectées" appear here.

PART II

ARMAMENTS TO BE CONTROLLED

ARTICLE III

When the development of atomic, biological and chemical weapons in the territory on the mainland of Europe of the High Contracting Parties who have not given up the right to produce them has passed the experimental stage and effective production of them has started there, the level of stocks that the High Contracting Parties concerned will be allowed to hold on the mainland of Europe shall be decided by a majority vote of the Council of Western European Union.

ARTICLE IV

Without prejudice to the foregoing Articles, the types of armaments listed in Annex IV will be controlled to the extent and in the manner laid down in Protocol No. IV.

ARTICLE V

The Council of Western European Union may vary the list in Annex IV by unanimous decision.

In witness whereof, the above-mentioned Plenipotentiaries have signed the present Protocol, being one of the Protocols listed in Article I of the Protocol modifying and completing the Treaty, and have affixed thereto their seals.

Done at Paris on the twenty-third day of October 1954, in two texts, in the English and French languages, each text being equally authoritative, in a single copy, which shall remain deposited in the archives of the Belgian Government and of which certified copies shall be transmitted by that Government to each of the other Signatories.

For Belgium:
(L.S.) P.-H. SPAAK

For France:
(L.S.) P. MENDES-FRANCE

For the Federal Republic of Germany:
(L.S.) ADENAUER

For Italy:
(L.S.) G. MARTINO

For Luxembourg:
(L.S.) JOS. BECH

For the Netherlands:
(L.S.) J.W. BEYEN

For the United Kingdom of Great Britain and Northern Ireland:
(L.S.) ANTHONY EDEN

A N N E X I

The Federal Chancellor declares:

that the Federal Republic undertakes not to manufacture in its territory any atomic weapons, chemical weapons or biological weapons, as detailed in paragraphs I, II and III of the attached list;

that it undertakes further not to manufacture in its territory such weapons as those detailed in paragraphs IV, V and VI of the attached list. Any amendment to or cancellation of the substance of paragraphs IV, V, VI can, on the request of the Federal Republic, be carried out by a resolution of the Brussels Council of Ministers by a two-thirds majority, if in accordance with the needs of the armed forces a request is made by the competent Supreme Commander of the North Atlantic Treaty Organisation;

that the Federal Republic agrees to supervision by the competent authority of the Brussels Treaty Organisation to ensure that these undertakings are observed.

A N N E X II

This list comprises the weapons defined in paragraphs I to III and the factories earmarked solely for their production. All apparatus, parts, equipment, installations, substances and organisms, which are used for civilian purposes or for scientific, medical and industrial research in the fields of pure and applied science shall be excluded from this definition.

I. ATOMIC WEAPONS

(a) An atomic weapon is defined as any weapon which contains, or is designed to contain or utilise, nuclear fuel or radioactive isotopes and which, by explosion or other uncontrolled nuclear transformation of the nuclear fuel, or by radioactivity of the nuclear fuel or radioactive isotopes, is capable of mass destruction, mass injury or mass poisoning.

(b) Furthermore, any part, device, assembly or material especially designed for, or primarily useful in, any weapon as set forth paragraph (a), shall be deemed to be an atomic weapon.

(c) Nuclear fuel as used in the preceding definition includes plutonium, uranium 233, uranium 235 (including uranium 235 contained in uranium enriched to over 2.1 per cent by weight of uranium 235) and any other material capable of releasing substantial quantities of atomic energy through nuclear fission or fusion or other nuclear reaction of the material. The foregoing materials shall be considered to be nuclear fuel regardless of the chemical or physical form in which they exist.

II. CHEMICAL WEAPONS

(a) A chemical weapon is defined as any equipment or apparatus expressly designed to use, for military purposes, the asphyxiating, toxic, irritant, paralysant, growth-regulating, anti-lubricating or catalysing properties of any chemical substance.

(b) Subject to the provisions of paragraph (c), chemical substances, having such properties and capable of being used in the equipment or apparatus referred to in paragraph (a), shall be deemed to be included in this definition.

(c) Such apparatus and such quantities of the chemical substances as are referred to in paragraphs (a) and (b) which do not exceed peaceful civilian requirements shall be deemed to be excluded from this definition.

III. BIOLOGICAL WEAPONS

(a) A biological weapon is defined as any equipment or apparatus expressly designed to use, for military purposes, harmful insects or other living or dead organisms, or their toxic products.

(b) Subject to the provisions of paragraph (c), insects, organisms and their toxic products of such nature and in such amounts as to make them capable of being used in the equipment or apparatus referred to in (a) shall be deemed to be included in this definition.

(c) Such equipment or apparatus and such quantities of the insects, organisms and their toxic products as are referred to in paragraphs (a) and (b) which do not exceed peaceful civilian requirements shall be deemed to be excluded from the definition of biological weapons.

A N N E X I I I

This list comprises the weapons defined in paragraphs IV to VI and the factories earmarked solely for their production. All apparatus, parts, equipment, installations, substances and organisms, which are used for civilian purposes or for scientific, medical and industrial research in the fields of pure and applied science shall be excluded from this definition.

*IV. LONG-RANGE MISSILES AND GUIDED MISSILES

This paragraph has been cancelled.⁽¹⁾

*V. WARSHIPS, WITH THE EXCEPTION OF SMALLER SHIPS FOR DEFENCE PURPOSES

This paragraph has been cancelled.⁽²⁾

*VI. BOMBER AIRCRAFT FOR STRATEGIC PURPOSES

This paragraph has been cancelled.⁽³⁾

* For the unamended texts of paragraphs IV, V and VI, see page 32.

(1) Amendment of 27th June, 1984
(Paragraph IV was previously amended on 9th May, 1958;
21st October, 1959; 24th May, 1961; 2nd October, 1968;
15th September, 1971)

(2) Amendment of 21st July, 1980
(Paragraph V was previously amended on 16th October, 1958;
24th May, 1961; 19th October, 1962; 9th October, 1963;
2nd October, 1968; 26th September, 1973)

(3) Amendment of 27th June, 1984.

A N N E X I V

LIST OF TYPES OF ARMAMENTS TO BE CONTROLLED

1. (a) Atomic,
- (b) biological, and
- (c) chemical weapons

in accordance with definitions to be approved by the Council of Western European Union as indicated in Article I of the Present Protocol.

2. All guns, howitzers and mortars of any types and of any roles of more than 90 mm. calibre including the following component for these weapons, viz., the elevating mass.

3. All guided missiles.

Definition: Guided missiles are such that the speed or direction of motion can be influenced after the instant of launching by a device or mechanism inside or outside the missile; these include V-type weapons developed in the recent war and modifications thereto. Combustion is considered as a mechanism which may influence the speed.

4. Other self-propelled missiles of a weight exceeding 15 kilogrammes in working order.

5. Mines of all types except anti-tank and anti-personnel mines.

6. Tanks, including the following component parts for these tanks, viz.:

- (a) the elevating mass;
- (b) turret castings and/or plate assembly.

7. Other armoured fighting vehicles of an overall weight of more than 10 metric tons.

8.
 - (a) Warship over 1,500 tons displacement;
 - (b) submarines;
 - (c) all warship powered by means other than steam, diesel or petrol engines or gas turbines;
 - (d) small craft capable of a speed of over 30 knots, equipped with offensive armament.
9. Aircraft bombs of more than 1,000 kilogrammes.
10. Ammunition for the weapons described in paragraph 2 above.
11.
 - (a) Complete military aircraft other than:
 - (i) all training aircraft except operational types used for training purposes;
 - (ii) military transport and communication aircraft;
 - (iii) helicopters;
 - (b) air frames, specifically and exclusively designated for military aircraft except those at (i), (ii) and (iii) above;
 - (c) jet engines, turbo-propeller engines and rocket motors, when these are the principal motive power.

UNAMENDED TEXTS OF PARAGRAPHS IV AND V

IV. LONG-RANGE MISSILES, GUIDED MISSILES
AND INFLUENCE MINES

(a) Subject to the provisions of paragraph (d), long-range missiles and guided missiles are defined as missiles such that the speed or direction of motion can be influenced after the instant of launching by a device or mechanism inside or outside the missile, including V-type weapons developed in the recent war and subsequent modifications thereof. Combustion is considered as a mechanism which may influence the speed.

(b) Subject to the provisions of paragraph (d), influence mines are defined as naval mines which can be exploded automatically by influences which emanate solely from external sources, including influence mines developed in the recent war and subsequent modifications thereof.

(c) Parts, devices or assemblies specially designed for use in or with the weapons referred to in paragraphs (a) and (b) shall be deemed to be included in this definition.

(d) Proximity fuses, and short-range guided missiles for anti-aircraft defence with the following maximum characteristics are regarded as excluded from this definition:

Length, 2 metres;
Diameter, 30 centimetres;
Speed, 660 metres per second;
Ground range, 32 kilometres;
Weight of war-head, 22.5 kilogrammes.

V. WARSHIPS, WITH THE EXCEPTION OF
SMALLER SHIPS FOR DEFENCE PURPOSES

"Warships, with the exception of smaller ships for defence purposes" are:

- (a) Warships of more than 3,000 tons displacement;
- (b) Submarines of more than 350 tons displacement;
- (c) All warships which are driven by means other than steam, diesel or petrol engines or by gas turbines or by jet engines.

VI. BOMBER AIRCRAFT FOR STRATEGIC PURPOSES

**PROTOCOL NO. IV ON THE
AGENCY OF WESTERN EUROPEAN UNION
FOR THE CONTROL OF ARMAMENTS**

*Signed at Paris on October 23, 1954;
entered into force on May 6, 1955*

His Majesty the King of the Belgians, the President of the French Republic, President of the French Union, the President of the Federal Republic of Germany, the President of the Italian Republic, Her Royal Highness the Grand Duchess of Luxembourg, Her Majesty the Queen of the Netherlands, Her Majesty the Queen of the United Kingdom of Great Britain and Northern Ireland and of Her other Realms and Territories, Head of the Commonwealth, Signatories of the Protocol modifying and completing the Brussels Treaty,

Having agreed in accordance with Article IV of the Protocol modifying and completing the Treaty, to establish an Agency for the Control of Armaments,

Have appointed as their Plenipotentiaries:

His Majesty the King of the Belgians,
His Excellency M. Paul-Henri Spaak, Minister of Foreign Affairs.

The President of the French Republic, President of the French Union,
His Excellency M. Pierre Mendès-France, Prime Minister, Minister of Foreign Affairs.

The President of the Federal Republic of Germany
His Excellency Dr. Konrad Adenauer, Federal Chancellor, Federal Minister of Foreign Affairs.

The President of the Italian Republic
His Excellency M. Gaetano Martino, Minister of Foreign Affairs.

Her Royal Highness the Grand Duchess of Luxembourg
His Excellency M. Joseph Bech, Prime Minister, Minister of Foreign Affairs.

Her Majesty the Queen of the Netherlands
His Excellency M. Johan Willem Beyen, Minister of Foreign Affairs.

Her Majesty the Queen of the United Kingdom of Great Britain and Northern Ireland and of Her
other Realms and Territories, Head of the Commonwealth
For the United Kingdom of Great Britain and Northern Ireland
The Right Honourable Sir Anthony Eden, K.G., M.C., Member of Parliament, Principal
Secretary of State for Foreign Affairs.

Have agreed as follows:

PART I - CONSTITUTION

ARTICLE I

The Agency for the Control of Armaments (hereinafter referred to as "the Agency") shall be responsible to the Council of Western European Union (hereinafter referred to as "the Council"). It shall consist of a Director assisted by a Deputy Director, and supported by a staff drawn equitably from nationals of the High Contracting Parties, Members of Western European Union.

ARTICLE II

The Director and his staff, including any officials who may be put at the disposal of the Agency by States Members, shall be subject to the general administrative control of the Secretary-General of Western European Union.

ARTICLE III

The Director shall be appointed by unanimous decision of the Council for a period of five years and shall not be eligible for reappointment. He shall be responsible for the selection of his staff in accordance with the principle mentioned in Article I and in consultation with the individual States Members concerned. Before filling the posts of Deputy Director and of the Heads of Departments of the Agency, the Director shall obtain from the Council approval of the persons to be appointed.

ARTICLE IV

1. The Director shall submit to the Council, through the Secretary-General, a plan for the organisation of the Agency. The organisation should provide for departments dealing respectively with:
 - (a) the examination of statistical and budgetary information to be obtained from the members of Western European Union and from the appropriate NATO authorities;
 - (b) inspections, test checks and visits;
 - (c) administration.
2. The organisation may be modified by decision of the Council.

ARTICLE V

The costs of maintaining the Agency shall appear in the budget of Western European Union. The Director shall submit, through the Secretary-General, to the Council an annual estimate of these costs.

ARTICLE VI

Officials of the Agency shall be bound by the full NATO code of security. They shall in no circumstances reveal information obtained in connection with the execution of their official tasks except and only in the performance of their duties towards the Agency.

PART II - FUNCTIONS

ARTICLE VII

1. The tasks of the Agency shall be:
 - (a) to satisfy itself that the understandings set out in Protocol No. III not to manufacture certain types of armaments mentioned in Annexes II and III to that Protocol are being observed;

- (b) to control, in accordance with Part III of the present Protocol, the level of stocks of armaments of the types mentioned in Annex IV to Protocol N. III held by each member of Western European Union on the mainland of Europe. This control shall extend to production and imports to the extent required to make the control of stocks effective.
2. For the purposes mentioned in paragraph 1 of this Article, the Agency shall:
- (a) scrutinise statistical and budgetary information supplied by members of Western European Union and by the NATO authorities;
 - (b) undertake on the mainland of Europe test checks, visits and inspections at production plants, depots and forces (other than depots or forces under NATO authority);
 - (c) report to the Council.

ARTICLE VIII

With respect to forces and depots under NATO authority, test checks, visits and inspections shall be undertaken by the appropriate authorities of the North Atlantic Treaty Organisation. In the case of the forces and depots under the Supreme Allied Commander, Europe, the Agency shall receive notification of the information supplied to the Council through the medium of the high-ranking officer to be designated by him.

ARTICLE IX

The operations of the Agency shall be confined to the mainland of Europe.

ARTICLE X

The Agency shall direct its attention to the production of end-items and components listed in Annexes II, III and IV of Protocol No. III, and not to processes. It shall ensure that materials and products destined for civilian use are excluded from its operations.

ARTICLE XI

Inspections by the Agency shall not be of a routine character, but shall be in the nature of tests carried out at irregular intervals. Such inspections shall be conducted in a spirit of harmony and co-operation. The Director shall propose to the Council detailed regulations for the conduct of the inspections providing, inter alia, for due process of law in respect of private interests.

ARTICLE XII

For their test checks, visits and inspections the members of the Agency shall be accorded free access on demand to plants and depots, and the relevant accounts and documents shall be made available to them. The Agency and national authorities shall co-operate in such checks and inspections, and in particular national authorities may, at their own request, take part in them.

PART III - LEVEL OF STOCKS OF ARMAMENTS

ARTICLE XIII

1. Each member of Western European Union shall, in respect of its forces under NATO authority stationed on the mainland of Europe, furnish annually to the Agency statements of:

- (a) the total quantities of armaments of the types mentioned in Annex IV to Protocol No. III required in relation to its forces;
- (b) the quantities of such armaments currently held at the beginning of the control years;
- (c) the programmes for attaining the total quantities mentioned in (a) by:
 - (i) manufacture in its own territory;
 - (ii) purchase from another country;
 - (iii) end-item aid from another country.

2. Such statements shall also be furnished by each member of Western European Union in respect of its internal defence and police forces and its other forces under national control stationed on the mainland of Europe including a statement of stocks held there for its forces stationed overseas.

3. The statements shall be correlated with the relevant submissions to the North Atlantic Treaty Organisation.

ARTICLE XIV

As regards the forces under NATO authority, the Agency shall verify in consultation with the appropriate NATO authorities that the total quantities stated under Article XIII are consistent with the quantities recognised as required by the units of the members concerned under NATO authority, and with the conclusions and data recorded in the documents approved by the North Atlantic Council in connection with the NATO Annual Review.

ARTICLE XV

As regards internal defence and police forces, the total quantities of their armaments to be accepted as appropriate by the Agency shall be those notified by the members, provided that they remain within the limits laid down in the further agreements to be concluded by the members of Western European Union on the strength and armaments of their internal defence and police forces on the mainland of Europe.

ARTICLE XVI

As regards other forces remaining under national control, the total quantities of their armaments to be accepted as appropriate by the Agency shall be those notified to the Agency by the members.

ARTICLE XVII

The figures furnished by members for the total quantities of armaments under Articles XV and XVI shall correspond to the size and mission of the forces concerned.

ARTICLE XVIII

The provisions of Articles XIV and XVII shall not apply to the High Contracting Parties and to the categories of weapons covered in Article III of Protocol No. III. Stocks of the weapons in question shall be determined in conformity with the procedure laid down in that Article and shall be notified to the Agency by the Council of the Western European Union.

ARTICLE XIX

The figures obtained by the Agency under Articles XIV, XV, XVI, XVIII shall be reported to the Council as appropriate levels for the current control year for the members of Western European Union. Any discrepancies between the ... stated under Article XIII, paragraph 1, and the quantities recognised under Article XIV will also be reported.

ARTICLE XX

1. The Agency shall immediately report to the Council if inspection, or information from other sources reveals:
 - (a) the manufacture of armaments of a type which the member concerned has undertaken not to manufacture;
 - (b) the existence of stocks of armaments in excess of the figures and quantities ascertained in accordance with Articles XIX and XXII.
2. If the Council is satisfied that the infraction reported by the Agency is not of major importance and can be remedied by prompt local action, it will so inform the Agency and the member concerned, who will take the necessary steps.
3. In the case of other infractions, the Council will invite the member concerned to provide the necessary explanation within a period to be determined by the Council; if this explanation is considered unsatisfactory, the Council will take the measures which it deems necessary in accordance with a procedure to be determined.
4. Decisions of the Council under this Article will be taken by majority vote.

ARTICLE XXI

Each member shall notify to the Agency the names and locations of the depots on the mainland of Europe containing armaments subject to control and of the plants on the mainland of Europe manufacturing such armaments, or, even though not in operation, specifically intended for the manufacture of such armaments.

ARTICLE XXII

Each member of Western European Union shall keep the Agency informed of the quantities of armaments of the types mentioned in Annex IV to Protocol No. III, which are to be exported from its territory on the mainland of Europe. The Agency shall be entitled to satisfy itself that the armaments concerned are in fact exported. If the level of stocks of any item subject to control appears abnormal, the Agency shall further be entitled to enquire into the orders for export.

ARTICLE XXIII

The Council shall transmit to the Agency information received from the Governments of the United States of America and Canada respecting military aid to be furnished to the forces on the mainland of Europe of members of Western European Union.

In witness whereof, the above-mentioned Plenipotentiaries have signed the present Protocol, being one of the Protocols listed in Article I of the Protocol modifying and completing the Treaty, and have affixed thereto their seals.

Done at Paris this twenty-third day of October, 1954, in two texts, in the English and French languages, each text being equally authoritative, in a single copy, which shall remain deposited in the archives of the Belgian Government and of which certified copies shall be transmitted by that Government to each of the other Signatories.

For Belgium:

(L.S.) P.-H. SPAAK.

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(L.S.) ANTHONY EDEN.