

N° 542.

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**BELGIQUE, LUXEMBOURG  
ET POLOGNE**

Traité de commerce, signé à Bruxelles le 30 décembre 1922.

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**BELGIUM, LUXEMBURG  
AND POLAND**

Commercial Treaty, signed at Brussels, December 30, 1922.

<sup>1</sup> TRADUCTION — <sup>1</sup> TRANSLATION.No. 542. — COMMERCIAL TREATY<sup>2</sup> BETWEEN BELGIUM, THE GRAND DUCHY OF LUXEMBURG AND POLAND, SIGNED AT BRUSSELS, DECEMBER 30, 1922.

*French official text communicated by the Minister for Foreign Affairs of Belgium. The registration of this Treaty took place December 29, 1923.*

HIS MAJESTY THE KING OF THE BELGIANS, acting both on his own behalf and on behalf of the GRAND DUCHESS OF LUXEMBURG, in virtue of existing agreements, of the one part, and the PRESIDENT OF THE POLISH REPUBLIC, of the other part, animated by an equal desire to assist and develop commercial relations between the two countries, have resolved to conclude a Commercial Treaty suited to the temporary regime in force for the time being in their respective countries, and have appointed for this purpose, as their Plenipotentiaries :

HIS MAJESTY THE KING OF THE BELGIANS :

M. Henri JASPAR, His Minister for Foreign Affairs,

THE PRESIDENT OF THE POLISH REPUBLIC :

Count Ladislas SOBANSKI, Envoy Extraordinary and Minister Plenipotentiary of the Polish Republic at the Court of his Majesty the King of the Belgians,

who, having communicated their full powers, found in good and due form, have agreed upon the following articles :

*Article 1.*

The nationals of either of the Contracting Parties, established or temporarily resident in the territory of the other Contracting Party, shall enjoy, as regards the establishment and carrying on of trade and industry in the territory of the other Contracting Party, the same rights, privileges, immunities, benefits and exemptions as the nationals of the most-favoured nation.

*Article 2.*

The nationals of each Contracting Party shall receive in the territory of the other Contracting Party, as regards their legal status, their movable and immovable property and their rights and interests, the same treatment as that accorded to the nationals of the most-favoured nation.

They shall be at liberty to transact their business in the territory of the other Contracting Party either in person or through some agent of their own choice and, provided that they conform

<sup>1</sup> Traduit par le Secrétariat de la Société des Nations.

<sup>1</sup> Translated by the Secretariat of the League of Nations.

<sup>2</sup> The exchange of ratifications took place September 20, 1923.

to the laws of the country, they shall have the right to plead in court and shall have free access to the authorities. They shall enjoy all the rights and immunities possessed by the nationals of the country itself and, like the latter, they shall be entitled to employ counsel or agents of their own choice to safeguard their interests.

#### *Article 3.*

Registered associations and trading corporations, legally constituted in accordance with the laws of one of the Contracting Parties and having their headquarters within its territory, shall be recognised as legal entities in the territory of the other Contracting Party, provided that they are engaged in no illegal or immoral pursuits, and they shall have free and unimpeded access to the courts of justice either as plaintiffs or defendants, provided that they conform to the laws and regulations of the country.

Any civil bodies and trading corporations thus recognised by each of the Contracting Parties may, provided that they conform to the laws of the other country, establish themselves in the territory of the latter, set up offices and agencies and carry on their industry there.

This stipulation does not, however, apply to those branches of trade and industry, such as insurance companies and financial houses, which by reason of their public character would be subjected to special restrictions applicable to all countries.

When these bodies or corporations have been recognised in accordance with the laws and regulations which are or may be in force in the territory of the country concerned, they shall have free and unimpeded access to the courts of justice and shall not be subject to any charges, taxes or fiscal dues of any kind other or higher than those which are imposed on the bodies or corporations of that country.

#### *Article 4.*

Internal duties and charges which are or may be levied by the State, the provinces, the communes or other public bodies, in respect of the production or preparation of goods or the consumption of an article in the territory of one of the Contracting Parties, may not be imposed upon the products, goods or articles of the other country to a greater degree or in a more irksome manner than upon the similar products, goods or articles of the country itself or of the most-favoured nation.

#### *Article 5.*

The nationals and the civil bodies and trading corporations of each of the two Contracting Parties may not, under any circumstances, be subjected, as regards the carrying on of their trade or industry in the territory of the other Contracting Party, to any duties, charges, freights, imposts, limitation of prices or of areas in which goods may be sold or dues of any kind whatsoever other or more onerous than those imposed on the nationals of the country concerned.

They shall be exempted from forced loans and national levies, as well as from contributions of any kind whatever which may be levied for purposes of war.

The nationals of each of the Contracting Parties shall be exempt within the territory of the other from all military service and compulsory official duties of an administrative or judicial nature, except in the matter of guardianship. They shall not be liable either in time of peace or war to any military loans or requisitions other than those imposed upon nationals; they shall be liable only to the same extent and on the same conditions as nationals, and shall, in all cases, be entitled to compensation.

#### *Article 6.*

All produce of the soil or industry originating in or coming from the Customs territory of one of the Contracting Parties and imported into the Customs territory of the other Contracting Party and intended either for consumption, warehousing, re-exportation or transit, shall be subject, for

the duration of the present Convention, to most-favoured-nation treatment. In particular, they may not under any circumstances be subjected to other or higher duties or to restrictions other than those imposed upon the produce or goods of the most-favoured nation.

Exports destined for one of the Contracting Parties shall not be subjected by the other to duties or charges other or higher than those imposed on the same articles when exported to the country which is most favoured in this respect, or be subjected to any other restrictions.

Each of the Contracting Parties undertakes, therefore, to render immediately and unconditionally applicable to the other all benefits, privileges or reductions of duties or charges which it has already accorded or may subsequently accord in the above-mentioned connection, either permanently or temporarily, to a third nation.

The Contracting Parties agree that restrictions or prohibitions concerning the importation or exportation of certain classes of goods will only be maintained for so long and to such an extent as may be recognised to be indispensable under present economic conditions.

*Article 7.*

The provisions laid down in Article 6 shall not apply :

- (1) to privileges which have been or which may subsequently be accorded by one of the Contracting Parties in the matter of frontier traffic with neighbouring States ;
- (2) to special benefits resulting from a Customs or economic union ;
- (3) to the provisional Customs regime established between the Polish and German portions of Upper Silesia.

*Article 8.*

Subject to the obligation of re-exportation or re-importation within a period of three months and to the furnishing of proof of identity, and subject if necessary to the deposit of caution money or of duties and charges for transmission or of the tax on turnover, and, generally speaking, provided that the regulations in force in this connection are duly observed, freedom from import and export duties shall be accorded reciprocally :

- (1) to samples liable to Customs duty, including commercial travellers' samples ;
- (2) to articles destined for exhibitions or competitions.

*Article 9.*

Both Contracting Parties undertake to accord to each other reciprocally freedom of transit, over the lines of communication most suitable for international transit, to persons, baggage, goods, and articles of every kind, postal packets, vessels, boats, carriages, waggons, and other means of transport, and shall guarantee to each other in this respect most-favoured-nation treatment.

Goods of every kind crossing one of the two countries shall be reciprocally exempt from all Customs duties, except statistical dues and supervision charges.

Neither of the two Contracting Parties shall, however, be bound to ensure the transit of travellers who are forbidden to enter its territory.

The transit of goods may be prohibited :

- (a) for reasons of public safety and order or for reasons of national security ;
- (b) for reasons of health or as a precaution against diseases in animals or plants ;
- (c) in the case of counterfeit goods and goods which constitute a State monopoly in one of the Contracting Parties.

*Article 10.*

Merchants, manufacturers, and other industrialists, who prove by the production of a trading certificate issued by the authorities of their own country that they are authorised to carry on an industry in the State in which they are normally resident, may, either in person or through commercial travellers in their employ, make purchases and even carry samples and solicit orders in the territory of the other Contracting Party. As long as the said merchants, manufacturers, and other industrialists or commercial travellers established in Belgium or in the Grand Duchy of Luxemburg are exempt, when travelling in Polish Customs territory on behalf of a Belgian or Luxemburg firm, from the payment of income tax, the same shall reciprocally hold good in the case of merchants, manufacturers, and other industrialists or commercial travellers established in Polish Customs territory when travelling in Belgium or in the Grand Duchy of Luxemburg on behalf of a firm established in Polish Customs territory — without prejudice to the reciprocal right to claim most-favoured-nation treatment.

Industrialists (commercial travellers) in possession of a trading certificate may take samples with them but not goods.

Trading certificates will be issued in conformity with the specimen attached as an annex.

Each of the Contracting Parties shall give information to the other Contracting Party as to the authorities which are instructed to issue trading certificates, and as to the regulations to which travellers must conform in the pursuit of their business.

Articles liable to Customs duty which are imported as samples by these travellers shall, as regards both States, be admitted free of import and export duties, provided that these articles are, within three months, re-exported without having been sold and that there is no doubt concerning the identity of the articles imported and subsequently re-exported.

The re-exportation of samples must be guaranteed in both countries on their importation, either by the deposit of the sum due on account of the respective Customs duties or by the deposit of caution money.

*Article 11.*

Emigration organisations recognised in one of the two countries shall enjoy in every respect in the territory of the other country the same rights, privileges, immunities and exemptions as similar enterprises of the most-favoured-nation. They may appoint indifferently as their official representative a Belgian or a Polish national.

Emigration agents recognised in one of the two countries shall enjoy in the other, provided that they conform to its laws, decrees and regulations on the subject, and whatever may be the port of embarkation of the emigrants, the same treatment as regards authorisations, charges and other facilities as are accorded to the nationals of the country concerned.

*Article 12.*

Vessels and boats flying the flag of one of the two Contracting Parties entering in ballast or in freight the waters and ports of the other Party, or leaving the same, whatever may be their place of departure or destination, shall not be subjected as regards their entry, exit, or passage to any duty or charge of any nature whatsoever levied in the name and on behalf of the Government, a public administration, the communes, or any other organisations, other or higher than those which are at present or may in the future be levied on the vessels of the country concerned. Their cargoes, whatever may be their place of origin, shall not pay other or higher import duties and shall not be subjected to other charges than those which would be levied if they had been imported in a ship flying the flag of the country concerned. Their passengers and the passengers' baggage shall receive the same treatment as if they had been travelling in a vessel flying the flag of the country concerned.

As regards the berthing of vessels and boats, their lading and unloading in ports, roadsteads, harbours and docks, and in general as regards all formalities and regulations whatever to which

trading vessels and their crews and cargoes may be subjected, it is agreed that no privilege or benefit shall be granted to vessels of the country concerned which is not also granted to those of the other State — it being the desire of the Contracting Parties that in this respect also their vessels should be treated on a footing of absolute equality.

The foregoing provisions shall not in any way prevent each of the two Contracting Parties from reserving the coasting trade and fisheries in its territorial waters as well as the towage and other port services to vessels flying its own flag.

Vessels and boats sailing under the flag of one of the Contracting Parties and carrying the ship's papers and other documents required by the laws of that country shall be recognised *ipso facto* as possessing that country's nationality in the territorial waters, inland waters, and ports of the other Contracting Party, without being required to furnish any further proof.

Tonnage certificates issued on the Moorsom system to vessels of each of the two countries shall be recognised reciprocally on conditions to be fixed subsequently after an exchange of the regulations which apply in each country to such matters.

#### Article 13.

The two Contracting Parties reciprocally guarantee to each other most-favoured-nation treatment within their respective territories as regards the various administrative or other formalities necessitated by the application of the provisions of the present Treaty.

It is, however, understood that the stipulations set out in the preceding articles, in so far as they guarantee most-favoured-nation treatment, shall not in any way affect such special laws, decrees and regulations with regard to trade, industry, public order and security or the exercise of certain callings and professions as are, or may be, in force in each of the two countries and as are applicable to all foreigners.

#### Article 14.

The present Treaty shall be ratified, and the ratifications shall be exchanged at Brussels, as soon as possible.

It shall come into force on the fifteenth day after the exchange of ratifications.

The Treaty is concluded for a period of one year. If, however, it is not denounced on the expiration of that period, it shall be prolonged for an indefinite period without further formality, but may be denounced at any time.

Should it be denounced, it shall continue in force for a period of three months reckoned from the date on which one of the Contracting Parties notifies the other of its intention to terminate the Treaty.

In faith whereof the plenipotentiaries have signed the present Treaty.

Done in duplicate at Brussels on the thirtieth day of December, 1922.

(Signed) HENRI JASPAR.

(Signed) Cte. L. SOBANSKI.

ANNEX.

TRADING CERTIFICATE FOR COMMERCIAL TRAVELLERS

For the year 19.....

No. ....

(Arms)

Valid for Belgium, the Grand Duchy of Luxemburg and Poland.

Bearer .....

(Christian names and surname)

Given at ..... 19.....

(Seal)

(Authority)

(Signature) .....

It is hereby certified that the bearer of the present certificate possesses a (description of factory or business) in ..... known as ..... (or) is employed as a commercial traveller by the firm of ..... in ..... which possesses a (description of factory or business) there.

It is further declared, since the bearer of the present certificate proposes to solicit custom and make purchases on behalf of this firm, and likewise of the following firm(s) (description of factory or business) in ..... that the legally established taxes must be paid in respect of the business activities of the aforementioned firm(s) in this country.

Description of Bearer :

Age .....

Height.....

Hair.....

Special characteristics.....

Signature of bearer :

.....

N. B. — The bearer of the present certificate is only entitled to solicit custom and to make purchases as a commercial traveller and on behalf of the aforesaid firm(s). He may take with him samples of goods but no goods. Further, he must comply with the regulations in force in each State.

(In cases in which the specimen contains two alternative texts, the form to be used in making out the certificates must leave sufficient space for the insertion of one or the other of the texts, according to special circumstances or cases.)

## FINAL PROTOCOL

Present at Brussels :

FOR BELGIUM AND THE GRAND DUCHY OF LUXEMBURG :

M. Henri JASPAR, Minister for Foreign Affairs ;

FOR POLAND :

Count Ladislas SOBANSKI, Envoy Extraordinary and Minister Plenipotentiary of the Polish Republic at the Court of His Majesty the King of the Belgians.

Before proceeding to the signature of the Treaty of Commerce between Belgium, the Grand Duchy of Luxemburg and the Polish Republic, the undersigned plenipotentiaries have agreed as follows :

*I. Arbitration Procedure.*

Should any dispute arise between the Contracting Parties as to the interpretation or application of the provisions of the present Treaty, such dispute shall, if either of the Contracting Parties so requests, be settled by arbitration.

For the purpose of each dispute, the arbitral tribunal shall be constituted as follows : each of the Contracting Parties shall appoint two properly qualified representatives from among its own nationals as arbitrators ; the Contracting Parties shall agree upon the choice of an umpire who shall be a national of a third State. The Contracting Parties reserve the right to designate in advance, and for a period to be determined, the person who shall, in the event of a dispute, exercise the functions of umpire.

In dealing with the first case of arbitration, the arbitral tribunal shall sit in the territory of the defendant Contracting Party ; in the second case, in the territory of the other Party, and so on alternately in the territory of each of the Contracting Parties. The Party in whose territory the tribunal sits shall designate the place at which the tribunal is to meet ; it shall be the duty of such Party to supply the premises, office staff and servants necessary for the work of the tribunal. The tribunal shall be presided over by the umpire. Decisions shall be taken by a majority.

The Contracting Parties shall agree, either as each case of arbitration occurs or generally, upon the procedure to be adopted by the tribunal. In the absence of such agreement, the procedure shall be settled by the tribunal itself. The proceedings may be conducted in writing if neither of the Parties raises any objection.

As regards the summoning and hearing of witnesses and experts, the authorities of each of the Contracting Parties shall, upon a request to that effect being addressed by the arbitration tribunal to the Government concerned, lend their assistance as they would to the civil tribunals of their own country.

*II. With regard to Article 2.*

It is understood that the provisions of Article 2, according to which the nationals of the two Contracting Parties shall have the right to plead in court on a footing of equality with the nationals of the country concerned, do not apply to free legal assistance, exemption from the necessity of making payment into court, the administration of succession in the matter of movable property, or to the position as regards his creditors of a national of one of the Contracting Parties declared bankrupt upon the territory of the other Contracting Party, since these matters will be dealt with in special agreements.

*III. With regard to Article 6.*

- (a) As the products enumerated in Article 6 must originate in the territory of the two Contracting Parties, the Customs authorities shall have the right to require the production of certificates of origin.



- (b) Inasmuch as Article 6 of the present Treaty grants most-favoured-nation treatment to the products of the soil and industry of the two Contracting Parties, the two Contracting Parties declare that the establishment, owing to currency depreciation, of surcharges or of coefficients of increase in respect of import duties on products of the soil or industry of the other Party, which do not apply to all other countries, would be contrary to the spirit of the present Treaty.

IV. *With regard to Article II.*

The Belgian Government, in conformity with Belgian emigration law, will accord to Polish emigrants, both in the Kingdom itself and on vessels conveying such emigrants, the same protection which it accords to Belgian emigrants.

It further undertakes that each vessel which calls at the port of Antwerp and which transports Polish emigrants shall carry an interpreter approved by the Belgian emigration authorities.

V. *Transfer of Funds.*

As long as restrictions are imposed in Poland in respect of the export of capital, Poland will authorise Belgian companies or firms, or Polish companies or firms, in which Belgian capital is employed and which carry on industry or trade in Poland, to export freely from Poland such sums as may be necessary for the payment of their dividends and bond or share certificates and for the payment of interest on and the amortisation of loans or other debts.

The exportation of capital thus authorised shall take place under the supervision of the Polish Ministry of Finance.

Comte L. SOBANSKI.  
HENRI JASPAR.