

N° 424.

**ROYAUME DES SERBES,
CROATES ET SLOVÈNES
ET TCHÉCOSLOVAQUIE**

Traité relatif au règlement provisoire
des relations commerciales entre
les deux pays, signé à Prague le
18 octobre 1920.

**KINGDOM OF THE SERBS,
CROATS AND SLOVENES
AND CZECHOSLOVAKIA**

Treaty with regard to the provisional
settlement of commercial relations
between the two countries, signed
at Prague, October 18, 1920.

TEXTE SERBO-CROATE. — SERBCROAT TEXT.

No. 424. — UGOVOR¹ O PRIVREMENOM UREDJENJU TRGOVINSKIH
ODNOSA IZMEDJU KRALJEVINE SRBA, HRVATA I SLOVENACA
ICEHOSLOVACKE REPUBLIKE.

Czech and Serb-Croat official texts communicated by the Minister for Foreign Affairs of the Czechoslovak Republic. The registration of this Treaty took place May 19, 1923.

U ime NJEGOVOG VELIČANSTVA PETRA I., KRALJA SRBA, HRVATA i SLOVENACA, NJEGOVO KRALJEVSKO VISOCANSTVO ALEXANDAR, Naslednik Prestola, s jedne i PREDSEDNIK REPUBLIKE CEHOSLOVACKE, s druge strane, u želji da prijateljskim načinom privremeno urede trgovinske odnose medju svijim državama, rešili su da zaključe, toga radi pogodbu i naimenovali su za svoje punomoćnike :

U ime KRALJA SRBA, HRVATA i SLOVENACA Naslednik Prestola :

Gospodina Mihaila POPOVIČA, doktora državnih nauka i bivšeg Ministra ;

PREDSEDNIK REPUBLIKE CEHOSLOVACKE :

Gospodina Vaclava SHUSTERA, doktora prava, državnog sekretara čehoslovačkog Ministarstva Trgovine, Industrije i Obrta,

koji su, pošto su jedan drugome pokazali svoja punomoćstva i našli da su ispravna, ugovorili ovo :

Član 1.

Obe strane ugovornice sporazumele su se, da svojoj međusobnoj trgovini priznadu sva prava i sve olakšice, koje sada, po postojećim propisima ili po propisima koji se budu doneli u jednoj ili u drugoj zemlji ugovornici, uživa ili će uživati trgovina ma koje druge države. Uopšte, sva naredjenja, koja se odnose na uvoz izvoz, bilo da se tiču carina, taksa, unutrašnjih dažbina, smetanja u magacine, daljeg otpravljanja, carinskog postupanja i. t. d., ne mogu pogadjati ni teže ni drugojačije, nego što pogadjaju ili će pogadjati trgovinu ma koje druge države.

Član 2.

Nikakvim naročitim merama strane ugovornice neće ometati međusobni trgovinski promet, već naprotiv staraće se, da se uzajamni trgovinski odnosi izmedju obeju zemalja razvijuju što jače i učvrste što bolje. I pri poduzimanju na kakvih mera opšteg karaktera, vodiće se račun, pre nego što se zavedu i naredje, u kojoj će meri to pogadjati interese jedne ili druge strane i u kojoj će meri smetati razvijanju međusobnih trgovinskih odnosa, i s obzirom na to po mogućstvu izbegavaće se.

¹ The exchange of ratifications took place at Prague April 5, 1923.

¹ TRANSLATION.

No. 424. — TREATY BETWEEN THE KINGDOM OF THE SERBS, CROATS AND SLOVENES AND CZECHOSLOVAKIA, WITH REGARD TO THE PROVISIONAL SETTLEMENT OF COMMERCIAL RELATIONS BETWEEN THE TWO COUNTRIES, SIGNED AT PRAGUE ON OCTOBER 18, 1920.

HIS ROYAL HIGHNESS ALEXANDER, Heir to the Throne, in the name of HIS MAJESTY PETER THE FIRST, KING OF THE SERBS, CROATS AND SLOVENES of the one part, and the PRESIDENT of the CZECHOSLOVAK REPUBLIC of the other part, desirous of effecting a provisional settlement of the commercial relations between the two countries, have decided to conclude a Convention for that purpose and have, therefore, appointed as their plenipotentiaries :

ALEXANDER, Heir to the Throne, in the name of the KING OF THE SERBS, CROATS AND SLOVENES :

M. Michael POPOVITCH, Doctor of Political Science and former Minister ;

The PRESIDENT of the CZECHOSLOVAK REPUBLIC :

M. Venceslas SCHUSTER, Doctor of Laws and Secretary of State for the Department of Commerce and Industry of the Czechoslovak Republic,

Who, after communicating their full powers, found in good and due form, have agreed upon the following articles :

Article 1.

The Contracting Parties agree to grant to each other in their mutual commercial relations all rights and privileges which the trade of any other State enjoys or may enjoy, in accordance with the regulations which are at present in force or which may in future be in force in the territory of either of the Contracting Parties. In general, all regulations concerning export or import and those concerning customs duties, dues, internal taxation, warehousing, transit, the accomplishment of customs formalities etc., shall not be enforced in respect of trade with the other Contracting Party in a manner which is different or less advantageous than that in which they are or may be enforced in respect of trade with another State.

Article 2.

The Contracting Parties shall not hamper their mutual traffic by special measures ; they shall, on the contrary, endeavour to develop and intensify their commercial relations. Before measures of a general character are decided upon or put into force, regard shall be had to their effect upon the interests of one or the other Contracting Party, and should they be liable to hinder the development of mutual commercial relations, they shall as far as possible be avoided.

¹ Translated by the Secretariat of the League of Nations.

Article 3.

In view of present conditions, which have not yet become normal, the two Contracting Parties reserve the right to forbid or restrict as they please the import or export of goods, and to fix a scale of customs tariffs. Nevertheless the two Contracting Parties shall only enjoy this right on condition that they apply the same measures in respect of all other countries. In view of the intention of both Parties, to develop and intensify their mutual commercial relations to the highest possible degree, care shall in all cases be taken to avoid, as far as may be, the adoption of measures tending to prohibit or restrict the import or export of goods or to raise customs tariffs.

Article 4.

Each of the two Contracting Parties shall take steps to ensure freedom of access to the territory of the other Contracting Party for traders and manufacturers during their journeys on business, such as the purchase and sale of goods, their despatch, insurance or warehousing, pending despatch to the territory of the other Contracting Party. They shall enjoy the same legal protection in the territory of the other Party as the nationals of that country, and in the conduct of their business they shall be entitled to claim all the rights and privileges which the nationals of any other State enjoy or may enjoy.

Article 5.

The Contracting Parties agree to guarantee each other freedom of transit for goods across their territories on railways, navigable rivers and canals, in accordance with the international regulations. An exception to the principle laid down above may be made :

- (1) In the case of the carriage of war material ;
- (2) For reasons of public health ;
- (3) For reasons affecting public safety in accordance with the international regulations in force ;
- (4) In the case of the transport of goods subject to a State monopoly. A general prohibition of transit may not be ordered.

Should one of the Contracting Parties be led, as a measure of reprisal, to forbid the passage in transit through its territory of goods coming from or consigned to another country, the other Contracting Party shall consent to the prohibition of the passage of such goods in transit on condition that a similar prohibition applies to all other countries and that it be not contrary to the provisions of the Treaty of Peace.

Article 6.

The speedy import or export by rail or waterway (rivers and canals) of goods consigned to the territory of either of the Contracting Parties shall not be hampered by any measure ; all possible measures shall, on the contrary, be taken to enable both Parties to overcome the present transport difficulties with a view to re-establishing the speedy despatch of goods from one country to the other and thus to make mutual commercial relations easy and advantageous. No measure affecting transport tariffs and formalities in respect of despatch, insurance and transport shall be taken unless it also applies to the goods of the country taking the measure or to those of all other States.

Article 7.

The Contracting Parties mutually guarantee the despatch of articles requiring repairs or improvements, particularly that of machines of all kinds, scientific and technical instruments and implements of any sort. Arrangements shall also be made for the despatch from one country to the other of raw materials intended to be returned to the former country after undergoing a complete or partial process of manufacture, on condition that the connection between the raw materials and the manufactured article has been first proved; each of the two Contracting Parties shall have the right to decide as to this last point. Every effort shall be made to encourage trade of this kind by removing obstacles and difficulties; and the customs formalities themselves shall be adapted to the requirements of this kind of trade.

Article 8.

The Contracting Parties shall see that empty receptacles and packing-cases which have been used for the carriage of goods from one country to the other shall be returned, without restriction and without payment of entrance or exit duty to the country from which they were despatched. Empty receptacles and packing-cases sent to the other country to be returned when filled or loaded shall also be entitled to this favourable treatment. In these two cases, should the receptacles or packing-cases be subject to customs duties, the customs may insist on a deposit until they leave the country. Should a period during which they must be returned be provided for by the Customs Regulations in force in the territory of either Contracting Party, the said period may be extended should there be serious reason to do so.

Article 9.

The two Contracting Parties agree not to oppose the amendment or completion of this present Treaty in accordance with the spirit in which it has been drawn up, should necessity for such action arise while the Treaty remains in force. Should difference of opinion arise as to the interpretation or enforcement of the provisions of the present Treaty, the Contracting Parties shall as soon as possible decide the exact meaning of the provisions of the Treaty by recourse to a Mixed Commission, composed of an equal number of members from each Party. The interpretation given by this Commission shall have the force of a contractual obligation.

Article 10.

The present Treaty shall come into force as soon as it shall have been ratified, and shall be valid until June 30, 1921. Should neither of the two Contracting Parties have denounced it three months before the expiration of that date, it shall remain in force for successive periods of three months.

The present Treaty is drawn up in duplicate, both copies being identical and authentic and in the Serbo-Croat and Czechoslovak languages.

Done at Prague, on October 18, 1920.

(L. S.) D^r MICHAEL POPOVITCH.

(L. S.) D^r VENCESLAS SCHUSTER.

FINAL PROTOCOL

RELATING TO THE TREATY WITH REGARD TO THE PROVISIONAL SETTLEMENT OF COMMERCIAL RELATIONS BETWEEN THE KINGDOM OF THE SERBS CROATS, AND SLOVENES AND THE CZECHOSLOVAK REPUBLIC.

At the time of signing the Treaty on the provisional settlement of the commercial relations between the Kingdom of the Serbs, Croats and Slovenes and the Czechoslovak Republic, the plenipotentiaries agreed to the provisions contained in the present protocol, which forms an integral part of the Treaty.

To Article 1.

Neither of the Contracting Parties shall be entitled to claim any special facilities which the other Party may grant to another country by concluding a Convention with it relating to rationing and offsetting of goods. Should, however, such a Convention include provisions with regard to the reduction or remission of Customs duties, the other Contracting Party shall share in such reduction or remission.

To Articles 1 and 3.

The two Contracting Parties agree that the provisions of the present Treaty shall in no way affect Customs facilities hitherto granted.

To Article 4.

(1) It shall be understood that the right to carry on their business cannot be refused to nationals of either Contracting Party, so long as they comply with the regulations in force for the nationals of other countries, provided that both Contracting Parties grant the same treatment to the foreign nationals in question.

(2) Traders and manufacturers shall be entitled either to travel personally or to send their representatives, their agents, or persons empowered to act on their behalf. They shall be allowed to bring samples with them, but under no circumstances the goods themselves. Should they be able to prove by official papers that they have paid industrial taxes in their own country, they shall not be subject to any tax in the territory of the other Contracting Party in respect of contracts of purchase or sale concluded with traders and manufacturers who trade in the same goods and have their own factories. Samples shall be subject to the same Customs formalities as samples coming from any other country.

To Article 5.

(1) It is obvious that goods in transit cannot be subject to any Customs duties or to any other similar charge.

(2) Should the regulations in force in the territory of one of the Contracting Parties require the obtainment of previous authority for the passage in transit of a certain class of goods — for instance, in the Serb-Croat-Slovene Kingdom for the transit of goods subject to a State monopoly — the authority in question shall be obtained in sufficient time beforehand. Such traffic in transit shall be subject to no formalities with the exception of the formalities required for Customs control.

To Article 6.

(1) The Contracting Parties shall, without regard to regulations concerning export, allow the crews of ships arriving with goods to obtain food supplies during their stay in the waters of one of the contracting States in accordance with the regulations laid down for crews belonging to that nation leaving their national waters with goods consigned to other countries.

Nevertheless, the authority in question shall be granted only on condition of reciprocity.

(2) Since the position in respect of those portions of private railway line which are of national concern, and which cross the territory of the Serb-Croat-Slovene Kingdom, has not yet been settled, the Royal Government shall endeavour to apply the same tariff, without the distinction based on origin or destination, to goods which are imported by these railways into the Kingdom of the Serbs, Croats and Slovenes, since they are intended to pass through the Kingdom in transit.

To Article 7.

In case of the despatch of articles requiring repair or improvement, or of raw materials for manufacture, either of the Contracting Parties may require the payment of a deposit at the Customs or the giving of any other security. Should no improper practice be discovered when the article leaves the country, the whole of the deposit shall be repaid. Should the articles not leave the country the deposit shall not be repaid.

To Article 8.

The terms "receptacles" and "packing-cases" shall include bottles, vats, sacks, baskets, demi-johns, cylinders, tanks, trunks, and in general all articles used to contain goods. Save in special cases, these objects need not bear any distinctive mark, and shall be returned in the same quantity, dimensions, and quality.

Done at Prague, October 18, 1920.

(L. S.) Dr. MICHAEL POPOVITCH.

(L. S.) Dr. VENCELSAS SCHUSTER.