

N° 907.

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**UNION ÉCONOMIQUE  
BELGO - LUXEMBOURGEOISE  
ET JAPON**

Traité de Commerce et de Navigation,  
avec Protocole additionnel,  
signé à Bruxelles, le 27 juin 1924,  
et Échange de notes y relatif de  
la même date.

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**ECONOMIC UNION OF  
BELGIUM AND LUXEMBURG  
AND JAPAN**

Treaty of Commerce and Navigation,  
with Additional Protocol, signed  
at Brussels, June 27, 1924, and  
Exchange of Notes relating thereto  
bearing the same Date.

<sup>1</sup> TRADUCTION. — TRANSLATION.

## No. 907. — TREATY OF COMMERCE AND NAVIGATION BETWEEN THE ECONOMIC UNION OF BELGIUM AND LUXEMBURG AND JAPAN, SIGNED AT BRUSSELS, JUNE 27, 1924.

*French official text communicated by the Belgian Minister for Foreign Affairs and by the Head of the Japanese Bureau accredited to the League of Nations. The registration of this Treaty took place July 3 1925.*

HIS MAJESTY THE KING OF THE BELGIANS, acting both on his own behalf and on behalf of HER ROYAL HIGHNESS THE GRAND DUCHESS OF LUXEMBURG, in virtue of existing agreements, of the one part, and HIS MAJESTY THE EMPEROR OF JAPAN, of the other part, being desirous of strengthening the friendly and cordial relations which happily exist between them and between the nationals of the two countries, and being convinced that a clear and definite settlement of the rules which shall in future govern commercial relations between the two countries, will contribute towards the realisation of this highly desirable result, have decided to conclude for this purpose a Treaty of commerce and navigation and have appointed as their Plenipotentiaries,

HIS MAJESTY THE KING OF THE BELGIANS, :

M. Paul HYMANS, Grand Officer of the Order of Leopold, Grand Cordon of the Imperial Order of the Rising Sun, His Majesty's Minister for Foreign Affairs, Member of the Chamber of Representatives,

And HIS MAJESTY THE EMPEROR OF JAPAN :

M. Mineitcuro ADATCI, Jusammi, Grand Cordon of the Imperial Order of the Rising Sun, Grand Cordon of the Order of Leopold, Envoy Extraordinary and Plenipotentiary accredited to His Majesty the King of the Belgians,

Who, having communicated to each other their full powers, found in good and due form, have agreed upon the following articles :

*Article I.*

The nationals of each of the High Contracting Parties may freely enter or stay in any part whatsoever of the territory of the other Party provided that they conform to the laws of the country in question ;

(1) They shall in all matters connected with travelling and residence, study and research, the exercise of their trade or profession, the conduct of their industrial or manufacturing enterprises, be granted the same status in every respect as nationals of the most favoured nation.

<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 at Brussels, May 30, 1925.

(2) They shall, in the same manner as nationals, be entitled to trade in all articles of lawful commerce, unless such articles are subject to special regulations for reasons of public order, and provided that these regulations are applied without distinction to the nationals of all other countries.

(3) They may own or rent and occupy such houses, factories, warehouses, shops and premises as they may require, and they may acquire property on lease for the purpose of residing therein or of utilising it for a lawful commercial, industrial, manufacturing or other purpose. Similarly they may acquire and possess all kinds of movable or immovable property on the same footing as nationals of the most favoured nation. They shall, however, be subject to the condition of reciprocity if the laws of the country or special arrangements so require. They may dispose of such property by sale, exchange, gift, marriage contract, will, or any other manner, on the same conditions as those which are or may hereafter be laid down in the case of nationals. They shall also, provided they comply with the laws of the country, be free to export any proceeds arising out of the sale of their property and goods in general, without being subject, as foreigners, to any taxes other or higher than those levied on nationals in the same circumstances.

(4) They shall enjoy constant and complete protection and security of person and property; they shall have free access to the Courts of Justice for the purpose both of enforcing and defending their rights. They shall, moreover, be entitled to bring claims against the State or its organisations before the Courts or other competent authorities.

(5) They shall be exempted from all compulsory military service, whether in the army, navy, air-force, national guard or militia; they shall also be exempted from any contribution in lieu of compulsory personal service. They shall be exempted from any forced loan. They shall not be subject in time of peace or in time of war to any military loans or requisitions other than those which are levied on nationals, and they shall be reciprocally entitled to obtain such indemnities as are accorded to nationals by the laws in force in the respective countries. As regards the foregoing, the nationals of either High Contracting Party shall not be subject in the territory of the other Party to treatment less favourable than that which is or may hereafter be accorded to nationals of the most favoured nation.

(6) They shall not be obliged to undertake responsibilities or to pay imposts, duties or contributions of any kind whatsoever, other or higher than those which are or may hereafter be imposed on the nationals of the most favoured nation.

#### Article II.

The dwellings, warehouses, factories and shops of nationals of each of the High Contracting Parties situated in the territory of the other Party, and the premises appertaining thereto, used for lawful purposes, shall be respected. It shall not be lawful for domiciliary visits or perquisition to be carried out therein, or for books, papers or accounts to be examined or inspected, except under the conditions and rules which are laid down by the laws and which are applicable to nationals.

#### Article III.

In case of the decease of a Belgian or a citizen of Luxemburg in Japan, or of a Japanese in Belgium or Luxemburg, the competent local authorities shall immediately advise the nearest Consul-General, Consul, Vice-Consul, or Consular Agent of the country of which the deceased was a national, similarly the said consular officers, on their side, shall advise the local authorities when they receive information first.

In addition to furnishing the above information the competent local authorities shall transmit a copy of the death certificate in due form and free of charge.

In the event of legal incapacity or absence of heirs or the absence of testamentary executors, the officers of the consular service, acting with the competent local authorities shall be entitled,

in conformity with the laws of their respective countries, to execute all acts necessary for the conservation, administration and liquidation of the estate, and to take all necessary steps to safeguard the interests of heirs, except where disputes arise, in which case such disputes must be settled by the competent courts of the country in which the succession is opened.

The above provisions shall also be applicable in the case of a national of one of the High Contracting Parties, owning property in the territory of the other Party, who dies outside the territories in question without leaving, in the place in which this property is situated, any person entitled to take charge of the estate and to administer it.

#### *Article IV.*

There shall be entire freedom of commerce and navigation between the territories of the two High Contracting Parties. The nationals of each of the High Contracting Parties shall have full liberty, on the same terms as the nationals of the most favoured nation, to proceed with their vessels or cargoes to all places, ports and rivers in the territories of the other Party which are or may hereafter be open to foreign trade. Provided thus they conform to the laws of the country in which they arrive they shall enjoy the same rights, privileges, freedom immunities and exemptions in the matter of commerce and navigation as are enjoyed or may hereafter be enjoyed by nationals of the country.

#### *Article V.*

Articles, which are natural or manufactured products of the territories of one of the High Contracting Parties shall, on importation into the territory of the other Party, enjoy the lowest Customs rates applicable to similar articles originating in any other foreign country.

Neither of the High Contracting Parties shall impose, on the exportation of any articles destined for the territory of the other Party, duties or charges other or higher than those which are or may hereafter be imposed on the exportation of similar articles destined for any other foreign country.

Similarly no prohibition or restriction shall be maintained or imposed by either of the High Contracting Parties on the importation or exportation of any article whatsoever coming from or consigned to the territory of the other Party unless such prohibition or restriction also applies to similar articles coming from or consigned to any other country. This last provision shall not, however, be applicable to prohibitions or restrictions maintained or imposed as war measures, health measures or for the protection of animals or useful plants.

#### *Article VI.*

Articles which are natural or manufactured products of the territories of one of the High Contracting Parties and which are duly imported into the territories of the other Contracting Party shall not be subjected to taxes or octroi, toll, warehousing, excise or consumption duties, other or higher than those which are or may be imposed on similar articles produced in the country in question, whether such charges are imposed in the name and on behalf of the State, provinces, communes, public institutions or any other bodies.

Articles which are, natural or manufactured products of the territories of one of the High Contracting Parties, and which pass in transit through the territories of the other Party, in conformity with the laws of the country in question, shall be reciprocally exempt from all transit dues, whether they pass direct or whether they have to be unloaded, warehoused and reloaded during transit.

#### *Article VII.*

The High Contracting Parties agree to dispense, as a general rule, with the obligation to produce certificates of origin. If however Customs duties are levied at different rates on certain

imports, when they are admitted to the territory of one of the High Contracting Parties certificates of origin may, as an exceptional measure, be required in order that articles coming from the territories of the other Party may be allowed the benefit of the lowest Customs charges.

#### *Article VIII.*

Merchants and manufacturers who are nationals of one of the High Contracting Parties may make purchases or solicit orders on sample or otherwise in the territory of the other Party, either in person or through commercial travellers. Such merchants, manufacturers and their commercial travellers shall, when making purchases or soliciting the orders in question, enjoy most-favoured-nation treatment in regard to the imposition of charges and the granting of facilities.

Subject to the obligation of re-forwarding or re-exporting within six months, and of the proof of identity of the goods being supplied, and subject if necessary to the payment of caution money or to the deposit of the duties and of the transfer charge, or of the tax on business turnover and, generally speaking, provided that the regulations in force with regard to such questions are complied with, freedom from all import and export duties shall be granted reciprocally :

(1) To samples subject to Customs duty which form part of the baggage of commercial travellers ;

(2) to objects destined for exhibitions and competitions which are recognised by the Customs Administration as being of a public nature.

#### *Article IX.*

Commercial, industrial and financial companies and associations, including insurance companies, which are or may hereafter be constituted in conformity with the laws of one of the High Contracting Parties and which have their head-offices in the territory of that Party, shall be authorised within the territory of the other, provided that they conform to the laws of such Party to exercise their rights and to appear before the courts, to which they shall have free and unhindered access, either as plaintiffs or defendants.

#### *Article X.*

Vessels and boats flying the flag of one of the High Contracting Parties entering, in ballast or in cargo, the waters and ports under the jurisdiction of the other Party or leaving these waters and ports, whatever may be the place of their departure or destination shall not be subject either on entering, leaving or during passage, to any duty or tax of any sort whatsoever levied in the name and on behalf of the State, provinces, communes, public institutions or any other bodies, other or higher than those which are, or may hereafter be levied on national vessels. Their cargoes, no matter where they have been shipped, shall not pay other or higher import duties and shall not be subject to charges other than those levied on goods imported on national vessels, it being understood that all articles which are, or which may hereafter, be legally imported into the ports of one High Contracting Party on national vessels may also be imported into these ports by vessels of the other High Contracting Party. Passengers and their baggage carried on such vessels shall similarly be treated as if they were travelling on vessels flying the national flag.

As regards the stationing, loading and unloading of vessels in ports, roadsteads, havens and basins, and generally as regards all formalities and regulations applicable to merchant vessels, their crews and cargoes, it is agreed that no privilege or special facilities shall be granted to national vessels which are not also granted to vessels of the other State, it being the desire of the Contracting Parties that their vessels shall, in these respects also, be placed on terms of complete equality.

Vessels and boats sailing under the flag of one of the High Contracting Parties and carrying ships papers as required by the laws of the country whose flag they fly, shall be recognised, as of

right, as possessing the nationality of this country in the territorial waters, internal waters and ports of the other High Contracting Party without being required to furnish further evidence of the fact.

*Article XI.*

Vessels flying the flag of one of the High Contracting Parties and regularly carrying mails of one of these Parties, whether such vessels are State-owned or subsidised by the State for that purpose, shall be accorded in the territorial waters of the other Party, the same facilities, privileges and immunities as those granted to similar vessels of the most favoured nation.

*Article XII.*

The provisions of the present Treaty shall not apply to vessels engaged in coasting trade, the regime of this trade being subject to the laws of the respective High Contracting Parties.

It is agreed, however, that in this respect the vessels of the High Contracting Parties shall enjoy, free of charge the rights and privileges which are or which may hereafter be accorded to vessels of any other country, provided that such rights have been granted free of charge to a third party, and subject to reciprocity or to compensation if conditions of that nature have been laid down in the case of the country in question.

Any vessel of one of the High Contracting Parties which has brought from abroad a cargo consigned to one or more ports of entry in the territories of the other Party, may discharge part of its cargo in one port and may continue its voyage to the other port or ports of destination for the purpose of discharging the rest of its cargo therein, provided that it conforms to the Customs laws, tariffs and regulations of the country of destination. Similarly, and subject to the same restriction, any vessel of one of the Contracting Parties may ship cargo at any of the ports of the other country in the course of one and the same voyage to a foreign country.

*Article XIII.*

In case of shipwreck, damage or forced putting into port each of the High Contracting Parties shall render to the vessels of the other Party, whether belonging to the State or to private individuals, the same assistance and protection and shall accord to them the same immunities as are granted in similar circumstances to national vessels. The articles salvaged from these vessels shall be exempt from all Customs duties unless cleared for internal consumption, in which case they shall pay the regular duties.

*Article XIV.*

Except where expressly provided otherwise in the present Treaty, the High Contracting Parties agree that in everything affecting commerce, navigation and industry all privileges, facilities or immunities whatsoever, which one of the Parties has already granted or may hereafter grant to nationals of any other State, shall immediately and unconditionally be extended to the nationals of the other High Contracting Party.

*Article XV.*

The provisions of the present Treaty shall not apply :

- (1) To national fisheries, or to fisheries on the same footing as national fisheries :
- (2) To concessions in the matter of tariffs which one of the High Contracting Parties has accorded, or may hereafter accord as an exceptional measure, to neighbouring States with a view to facilitating frontier traffic.

*Article XVI.*

Each of the High Contracting Parties may appoint consuls-general, consuls, vice-consuls and consular agents in all the ports, towns and localities of the other Party, excepting places in which it would be undesirable to admit such consular officers. This exception however shall not be applied to one of the High Contracting Parties unless it is applied to all other Powers.

When the above mentioned consuls-general, consuls, vice-consuls and consular agents have received from the Government of the country in which they are appointed their exequatur or other necessary authorisations, they shall, subject to reciprocity, be entitled to carry out all their duties and enjoy all the privileges, exemptions and immunities which are or may be granted to consular officers of the same rank belonging to the most favoured nation. The Government issuing the exequatur, or other authorisation, shall have the right to annul it at its own discretion. In such a case it must however explain the reasons which induced it to take such action.

*Article XVII.*

The competent consular officers of each of the High Contracting Parties shall alone be entrusted with the duty, in the territories of the other Party, of maintaining order on board the merchant vessels of their own country, and shall alone be competent to deal with disputes which may arise, either at sea or in the territorial waters and ports of the other Party, between masters of vessels, officers and crews, particularly as regards the payment of wages and the execution of contracts. The territorial authorities may however exercise jurisdiction in case there should occur, on board a merchant vessel of one of the High Contracting Parties in the territorial waters and ports of the other Party any disorders which the competent local authorities may regard as endangering, or as likely to endanger the maintenance of peace and order in these waters or on shore.

*Article XVIII.*

If a sailor deserts or irregularly leaves a merchant vessel flying the flag of one of the High Contracting Parties in the territorial waters, ports and internal waters of the other, the local authorities shall be bound, within the limits of the law, to afford all assistance in their power to secure the arrest and surrender of the sailor, if requested to do so by the competent consular authority of the country to which the vessel in question belongs. They shall be refunded any expenses which they have incurred in this connection by the consular officer in question.

If the sailor in question has been guilty of any infraction of the law his surrender shall be deferred until the competent court has pronounced sentence and such sentence has been carried out.

It is understood that the stipulations of the first paragraph shall not apply to nationals of the country in which the desertion or abandonment takes place.

*Article XIX.*

The provisions of the present Treaty shall be applicable to all the territories and possessions belonging to either of the High Contracting Parties, or administered by such Party, subject however to the provisions of any international Conventions by which these Parties are bound or may hereafter be bound.

*Article XX.*

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

It shall come into force two months after the exchange of the instruments of ratification.

The Treaty has been concluded for a period of five years. If however it is not denounced at the end of that period it shall be renewed by tacit agreement for an indefinite period and may be denounced at any time.

If the Treaty is denounced it shall continue to remain in force for six months, reckoned from the date on which one of the High Contracting Parties shall have notified the other of its intention to terminate it.

The stipulations of Article 5 may be denounced at any time by either of the High Contracting Parties after the expiration of one year reckoned from the coming into force of the Treaty. In such case the stipulations in question shall cease to have effect six months after they have been denounced.

In faith whereof the Plenipotentiaries have signed the present Treaty and have thereto affixed their seals.

Done in duplicate at Brussels on June 27, 1924.

(Signed) M. ADATCI.

(Signed) HYMANS.

#### ADDITIONAL PROTOCOL.

On proceeding to sign the Treaty of Commerce and Navigation concluded between the Belgo-Luxemburg Economic Union and Japan, the undersigned Plenipotentiaries have made the following declarations which shall form an integral part of the Treaty :

As regards the first paragraph of Article V, it is understood that goods of one of the High Contracting Parties accompanied by a through bill of lading, which are transhipped or warehoused in an intermediate port, shall be regarded as coming direct from the said Party if the port in which the operation in question takes place is situated in a country which enjoys most-favoured-nation treatment in respect of similar goods in the territories of the other Party.

Should Belgium apply a differential tariff to a country which at present enjoys most-favoured-nation treatment, Belgium undertakes to enter into negotiations with Japan with a view to arriving at a formula which will safeguard Japanese interests. If the negotiations have not resulted in an agreement within three months, Japan shall be entitled, at any time, and notwithstanding the last paragraph of Article XX, to denounce Article V of the present Treaty. Such denunciation shall take effect three months after notification.

(Signed) M. ADATCI.

(Signed) HYMANS.

#### EXCHANGE OF NOTES.

*The registration of this Exchange of Notes took place July 29, 1925.*

##### I.

YOUR EXCELLENCY,

*June 27, 1924.*

Before proceeding to sign the Belgo-Japanese Treaty of Commerce and Navigation, the Imperial Government would be glad to learn whether His Majesty's Government is willing to agree to the following two points :



It is understood that any concession of special Customs facilities granted by one of the High Contracting Parties in respect of frontier traffic for the exceptional reasons mentioned in Article VII of the Statute on Maritime Ports, adopted by the Second General Conference on Communications and Transit in 1923, is not contrary to the provisions of paragraph 1 of Article V of the Treaty.

It is understood, moreover, that in applying these facilities to the products of one of the Contracting Parties passing over the frontier referred to in the preceding paragraph, the products in question shall be accorded most-favoured-nation treatment by the other Party.

I shall be glad if Your Excellency can inform me that His Majesty's Government is in agreement with the foregoing.

I have the honour, etc..

(Signed) M. ADATCI.

His Excellency M. HYMANS,  
Minister for Foreign Affairs,  
Brussels.

II.

BRUSSELS, *June 27, 1924.*

YOUR EXCELLENCY,

With regard to the Treaty of Commerce and Navigation between Japan and Belgium, Your Excellency wrote to me that the Imperial Government would be glad to learn whether His Majesty's Government is willing to agree to the following two points :

It is understood that any concession of special Customs facilities granted by one of the High Contracting Parties in respect of frontier traffic for the exceptional reasons mentioned in Article VII of the Statute on Maritime Ports, adopted by the Second General Conference on Communications and Transit in 1923, is not contrary to the provisions of paragraph 1 of Article V of the Treaty.

It is understood, moreover, that in applying these facilities to the products of one of the Contracting Parties passing over the frontier referred to in the preceding paragraph, the products in question shall be accorded most-favoured-nation treatment by the other Party.

I have the honour to inform Your Excellency that His Majesty's Government is in agreement with the Imperial Government on the two points specified above.

I have the honour, etc.,

(Signed) HYMANS.

His Excellency M. ADATCI,  
Japanese Ambassador,  
Brussels.