

N° 930.

POLOGNE ET SUÈDE

**Traité de commerce et de navigation
avec Protocole final, signé à Var-
sovie, le 2 décembre 1924.**

POLAND AND SWEDEN

**Treaty of Commerce and Navigation
with Final Protocol, signed at War-
saw, December 2, 1924.**

¹ TRADUCTION. — TRANSLATION.

No. 930. — TREATY ² OF COMMERCE AND NAVIGATION BETWEEN POLAND AND SWEDEN, SIGNED AT WARSAW, DECEMBER 2, 1924.

French official text communicated by the Polish Delegate accredited to the League of Nations. The registration of this Treaty took place July 22, 1925.

The PRESIDENT OF THE POLISH REPUBLIC, of the one part, and His MAJESTY THE KING OF SWEDEN, of the other part, equally desirous of encouraging and developing commercial relations between the two countries, have decided to conclude a Treaty of Commerce and Navigation, and have for this purpose appointed, as their Plenipotentiaries :

THE PRESIDENT OF THE POLISH REPUBLIC :

M. Aleksander SKRZYŃSKI, Doctor of Laws, Minister for Foreign Affairs ;

M. Józef KIEDROŃ, Minister for Industry and Commerce ;

HIS MAJESTY THE KING OF SWEDEN :

M. COSSVA ANCKARSVÄRD, His Envoy Extraordinary and Minister Plenipotentiary to the Polish Republic,

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

Article I.

(1) The nationals of either Contracting Party established or temporarily resident in the territory of the other Party shall, in all matters connected with the establishment and pursuit of commerce and industry in the territory of the other Party, enjoy the same rights, privileges, immunities, favours and exemptions as the nationals of the most favoured nation.

(2) They shall not be required to pay any tax, charge, duty or fee, under whatever name, other or higher than those which are or may in future be levied upon nationals of the most favoured nation.

Article II.

(1) The nationals of either Contracting Party shall receive in the territory of the other Party the same treatment as regards their situation in law, their movable and immovable property, their rights and interests, as is or may in future be granted to the nationals of the most favoured nation.

¹ Traduit par le Secrétariat de la Société des Nations.

¹ Translated by the Secretariat of the League of Nations.

² The exchange of ratifications took place at Warsaw, June 30, 1925.

(2) They shall be free to carry on their business in the territory of the other Party, either in person or through an agent of their own choice, and they shall, provided that they observe the laws of the country, have the right to appear in court, and have free access to the courts and to the authorities. In judicial matters they shall enjoy all the rights and immunities of nationals, and shall, in the same way as nationals, be entitled to employ advocates or attorneys selected by themselves to defend their interests.

(3) They shall be exempted from forced national loans and donations, and any other contribution of whatever kind which may be imposed to meet the exigencies of war or in view of exceptional circumstances.

(4) The nationals of either Party shall be exempt in the territory of the other Party from all compulsory personal military service and from compulsory official duties, administrative or judicial, with the exception of guardianship, and from all payments in cash or in kind exacted in lieu of compulsory personal service. Both in time of peace and in time of war, they shall only be subject to the military contributions and requisitions imposed upon nationals, in the same measure and according to the same principles as the said nationals, and shall in all cases be granted equitable compensation.

Article III.

(1) The legal existence of limited and other companies, which are regularly constituted under the laws of one of the Contracting Parties and have their headquarters in its territory, shall be recognised in the territory of the other Party, provided that their objects are not illicit or contrary to public morals. As long as they observe the laws and regulations, they shall have free and unhindered access to the courts of law, both to bring and to defend actions, as well as to the other authorities.

(2) In regard to the granting to the limited and other companies mentioned in paragraph 1 of authorisation to carry on their trade or industry in the territory of the other Contracting Party, the legislation in force in that country shall be applicable.

(3) Such companies, when authorised in accordance with the laws and regulations which are or may in future be in force in the country concerned, shall not be subject to any taxes, or imposts, or fiscal dues in general of any kind, whatsoever, other or higher than those imposed on companies of any third State.

(4) They shall be exempted from forced national loans or donations and from any other contribution of whatever kind, which may be imposed to meet the exigencies of war or in view of exceptional circumstances.

Article IV.

Internal duties and taxes which are or may in future be levied, for the benefit of the State, Provinces, Communes or public institutions, on the production or preparation of goods or on the consumption of any article in the territory of one of the Contracting Parties, shall not bear more severely or vexatiously on the products, goods or articles of the other Party than on the products, goods or articles of the same kind of the most favoured nation.

Article V.

(1) All products of the soil or of industry, originating in and consigned from the Customs territory of one of the Contracting Parties, which may be imported into the Customs territory of the other Party for consumption, warehousing or re-export, or in transit, shall, during the validity of the present Treaty, be subject to the treatment which is or may in future be granted to the most favoured nation, and shall in no case be subject to duties, coefficients, supplementary or addi-

tional taxes or other higher charges or to any restrictions other than those which are or may in future be imposed upon the products of the most favoured nation.

(2) Exports consigned to the territory of one of the Contracting Parties shall not be subjected by the other Party to any duties or taxes other or higher than those imposed on the export of similar articles to the country most favoured, in that regard, nor shall they be subject to any other restrictions.

(3) Each Party accordingly undertakes to concede to the other, at once and unconditionally, all favours, privileges and reductions of duties or taxes which it has already granted or may in future grant, permanently or temporarily, to any third nation in respect of the matters above-mentioned.

(4) The provisions of this article shall not apply :

- (a) To privileges which have been or may in future be granted by either of the Contracting Parties in respect of frontier traffic with contiguous countries ;
- (b) To special favours arising out of a Customs union ;
- (c) To the provisional Customs régime between the Polish and German portions of Upper Silesia.

Article VI.

Products originating in and consigned from any other country which are in transit through the territory of one of the Contracting Parties, whether they do or do not utilise the warehouse facilities in free ports, free dépôts, transit dépôts or other Customs dépôts, shall, when imported into the territory of the other Party, enjoy, in respect of import duties and all other duties and in all other respects, treatment at least as favourable as that granted to products imported direct from the country of origin.

Article VII.

(1) The Contracting Parties shall not establish or maintain any prohibitions or restrictions in respect of their import and export trade with each other which do not apply in the same manner to the import or export of the same products to or from any other country.

(2) The Contracting Parties agree that the restrictions and prohibitions imposed by reason of existing economic conditions on the import and export of certain goods shall only be maintained for such period and in such measure as the said conditions may absolutely require.

Article VIII.

Nevertheless it is understood that the Contracting Parties shall have the right to impose import and export prohibitions or restrictions relating to :

- (a) Public order or the internal or external security of the State ;
- (b) Public health or precautions against diseases of animals or plants ;

(c) Goods which are the subject of a State monopoly ;

(d) Seeds which are not suitable for use in the importing country by reason of their

origin.

Article IX.

Should one of the Contracting Parties establish a monopoly over any class of goods or make the import or export of certain goods dependent upon special conditions as to price, sale or purchase, such conditions being sanctioned by the Government or by the bodies empowered by it thereto,

the conditions applicable to the other Party shall be the most favourable conditions which are or may in future be applied to the products or nationals of any third State.

Article X.

(1) Goods which are subject to import duties and which are imported as samples, with the exception of prohibited goods, shall be temporarily admitted free of duty by either Party on the import duties being deposited or on an undertaking being given, with security, for the payment of such duties if required; provided always that the Customs formalities necessary to ensure the re-export of the samples in their entirety within a period of not less than six months are duly observed.

Each Party guarantees to the other Party most-favoured-nation treatment in regard to the above-mentioned formalities.

(2) Distinguishing marks affixed to samples by the authorities of one of the Contracting Parties shall be recognised by the authorities of the other Party as establishing their identity; nevertheless the latter authorities shall have the right to affix additional distinguishing marks whenever they may think fit.

(3) The privilege of freedom from duties may be withdrawn from any travellers or firms failing to observe the conditions laid down.

Article XI.

(1) Merchants, manufacturers and other producers of one of either Contracting Party, who can produce an identification card issued by the competent authorities of their own country showing that they are authorised to carry on their trade or industry in that country and that they pay taxes required by the laws on that ground, shall have the right to make purchases, either in person or through commercial travellers employed by them, from merchants or producers or in public places of sale in the territory of the other Party. They may also take orders from merchants or others who make use of the goods in question in their trade or industry. In regard to the payment of trading-license fees and in all other respects they shall receive most-favoured-nation treatment. They may carry with them samples, but not goods.

(2) The Contracting Parties shall inform each other as to the authorities which are empowered to issue identification cards, shall exchange specimens of these cards, and shall communicate to each other the regulations to which commercial travellers must conform in prosecuting their business.

(3) The foregoing provisions shall not apply to itinerant traders, hawkers or individuals canvassing orders from persons not engaged in any industry or trade; in this respect each of the Parties reserves entire freedom to legislate as it thinks fit.

Article XII.

As regards transit conditions, the two Contracting Parties undertake to apply reciprocally in their mutual relations the provisions of the Convention¹ and Statute on Freedom of Transit signed at Barcelona on April 21, 1921, and in this respect they guarantee to each other most-favoured-nation treatment.

Article XIII.

The Goods of either Contracting Party shall enjoy most-favoured-nation treatment as regards transport by rail in the territory of the other Party, in respect of despatch, freights, public charges in connection with transport, and all other matters.

It is agreed that the same treatment shall be reciprocally granted to passengers and baggage.

¹ Vol. VII, page 11; Vol. XI, page 406; Vol. XV, page 304; Vol. XIX, page 278; Vol. XXIV, page 154; Vol. XXXI, page 244 and Vol. XXXV, page 298 of this Series.

Article XIV.

(1) Vessels and boats flying the flag of either Contracting Party, and their cargoes, shall enjoy in the territorial waters of the other Party the same treatment, in all respects, as national vessels and their cargoes, irrespective of the port of departure or destination of such ships and boats and of the place of origin or destination of their cargoes. Accordingly the vessels and boats of one of the Parties and their cargoes shall not be subject in the territory of the other Party to any dues or fees of whatever kind or denomination which are or may in future be levied for the benefit of the State, Provinces, Communes or any institutions empowered thereto by the Government, other or higher than the dues or charges levied on national vessels and their cargoes.

(2) In regard to the stationing of vessels and boats, their loading and unloading in ports, roadsteads, harbours and basins, and in general all formalities and regulations whatever to which merchant vessels, their crews and cargoes may be subject, it is agreed that no privilege or favour shall be granted to national vessels which is not also granted to vessels of the other State, it being the desire of the Parties that in this respect also their vessels shall be treated on a footing of complete equality.

(3) All privileges and exemptions which either Party may grant to any third Power in any of the respects above-mentioned shall simultaneously and unconditionally be granted to the other Party. The following shall, however, be excepted from the provisions of this article :

- (a) Favours which have been or may in future be granted in either of the two countries to the fisheries of that country and their products.
- (b) The coasting traffic.

(4) In regard to navigation on natural or artificial inland navigable waterway, in respect of which the ships and boats of the Parties and their cargoes shall be subject to the same conditions as the ships and boats of the most favoured nation and their cargoes, the dues to be charged on the ships and boats and their cargoes shall not in any case exceed the scale applicable to national vessels and their cargoes.

Article XV.

(1) The nationality of ships and boats shall be recognised by either Party as established by the documents and certificates issued for that purpose by the competent authorities of the respective States in accordance with the laws and regulations of each country.

(2) Tonnage certificates and other documents relating to tonnage measurement issued by either Contracting Party shall be recognised by the other Party in accordance with special arrangements to be concluded between the Contracting Parties.

Article XVI.

Vessels and boats of either Contracting Party entering a port of the other Party for the sole purpose of completing their cargoes or unloading a part thereof may, provided that they observe the laws and regulations of the State concerned, retain on board and re-export such part of their cargo as may be consigned to another port or to another country, and shall not be required to pay in respect of such part any dues or charges except supervision dues, which shall only be imposed at the lowest rate laid down for national shipping or for the shipping of the most favoured nation.

Article XVII.

(1) Complete exemption from all dues imposed upon vessels and boats and upon navigation in the ports of the country concerned shall be granted to :

- (a) Vessels and boats arriving in ballast and subsequently leaving in ballast, irrespective of their last port of call ;
- (b) Vessels on their way from a port in either country to a port or ports in the same country, if they can prove that they have already paid the dues in question at another port in the same country during the same voyage ;
- (c) Vessels and boats entering a port with cargo, either voluntarily or owing to stress of circumstances, and leaving such port without effecting any commercial operation.

(2) The exemption specified in the previous paragraph shall not apply to pilotage, harbour, towage, quarantine or to any other dues which are imposed upon ships and boats and which national ships and boats and those of the most favoured nation are required to pay in the same circumstances for services rendered or arrangements made in the interests of navigation.

(3) When a vessel puts into a port owing to stress of circumstances commercial operations shall not be deemed to include the disembarkation and reembarkation of passengers and their property or of material for the repair of the ship or boat ; transhipment to another ship or boat if the first ship or boat is unseaworthy ; the purchase of provisions required for crews and passengers : or the sale of damaged goods if authorised by the Customs administration.

Article XVIII.

(1) In the event of a vessels or boat of either Contracting Party running aground or being wrecked in the territorial waters of the other Party, the vessel or boat, its passengers and its cargo shall enjoy the same favours and immunities as the laws and regulations of the country in question concede, or may in future concede, in similar circumstances to national vessels and boats, or to those of the most favoured nation. Aid and assistance shall be given, in the same measure as to nationals, to the captain and the crew both for themselves and in regard to the vessel or boat, the passengers and the cargo.

(2) As regards the right of salvage, the legislation of the country in which salvage takes place shall apply.

(3) Goods saved from a vessel or boat which has run aground or been wrecked shall not be subject to any Customs duty unless they are cleared for internal consumption.

Article XIX.

Except as otherwise provided in the articles of the present Treaty, the two Contracting Parties undertake to grant each other most-favoured-nation treatment in all matters connected with the various administrative or other formalities necessitated by the application of the provisions of the present Treaty.

Article XX.

Poland shall not be entitled, in virtue of the provisions of the present Treaty, to claim the special privileges which are or may in future be granted by Sweden to Denmark or Norway or to both those countries, unless the same privileges have also been granted to other States.

Article XXI.

The Polish Government, which is responsible, under Article 104 of the Treaty of Versailles and Articles 2 and 6 of the Paris Convention¹ of November 9, 1920, between Poland and the Free City of Danzig, for the conduct of the foreign affairs of the Free City of Danzig, reserves the right to declare that the Free City is a Contracting Party under the present Treaty and accepts the obligations and acquires the rights arising therefrom.

This reservation does not apply to the provisions of the present Treaty which the Polish Republic undertakes to observe as regards the Free City of Danzig in accordance with the rights acquired by it under the relevant Treaties.

Article XXII.

(1) The present Treaty shall be ratified by the President of the Polish Republic with the assent of the Polish Diet, and by H. M. the King of Sweden with the approval of the Riksdag. The exchange of ratifications shall take place at Warsaw as soon as possible.

(2) The present Treaty shall come into force on the fifteenth day following the exchange of ratifications.

(3) The present Treaty is concluded for one year. Nevertheless, if it is not denounced on the expiry of this period, it shall be prolonged by tacit agreement for an indefinite period, and may be denounced at any time. If denounced, it shall remain in force for three months, reckoned from the date on which one of the Contracting Parties shall have notified the other of its intention to cease to execute the Treaty.

In witness whereof the Plenipotentiaries have signed the present Treaty.

Done in duplicate at Warsaw on December 2, 1924.

(Signed) AL. SKRZYŃSKI.

(Signed) C. ANCKARSVÄRD.

(Signed) JÓZEF KIEDROŃ.

FINAL PROTOCOL.

Before signing the Treaty of Commerce and Navigation between Poland and Sweden, the undersigned Plenipotentiaries have agreed as follows :

I. As regards Articles II and III.

It is understood that the provisions of Article II whereby the subjects of the two Contracting Parties shall have the right to appear in Court on a footing of equality with nationals, and the provisions of Article III concerning the right of companies to free access to the courts of law, shall not apply to free legal assistance or to exemption from the security "*judicatum solvi*", which matters shall be dealt with by special agreements.

II. As regards Article III.

It is understood that Swedish limited and other companies may, provided they observe the laws in force, establish themselves in the territory of the other Contracting Party, set up subsidiary and branch establishments there and carry on their trade or industry. The right of admission cannot, however, be claimed by companies which, being of general utility, may be subject to special restrictions applicable to all countries, and such treatment shall also be applicable to insurance and financial companies.

¹ Vol. VI, page 189 of this Series.

In respect of the establishment and pursuit of their trade or industry in Sweden, limited and other companies of the other Contracting Party shall enjoy the same rights as are or may in future be granted to similar companies of other nationalities.

III. *As regards Article V.*

In order to reserve the benefits provided in Article V of the products of their respective countries, the Contracting Parties shall have the right to require that products and goods imported into their respective territories shall be accompanied by certificates of origin.

In regard to the form and tenour of certificates of origin, and also in regard to their use, the two Contracting Parties undertake to accord each other most-favoured-nation treatment.

IV. *As regards Articles V and VI.*

The two Contracting Parties agree that the expression "all products originating in and consigned from", used in Articles V and VI, shall not refer to goods cleared through the Customs in any third country.

V. *As regards Article XII.*

As long as the frontier between Poland and one of the contiguous countries shall remain for any reason closed to travellers or goods from Poland or from the contiguous country in question, the Polish Government shall not be held bound to grant to Sweden, on the frontier of the said country, the facilities specified in Article XII.

VI. *As regards Article XIV.*

Poland may not, in virtue of the provisions of this article, lay claim to the privileges granted by Sweden to Finland and mentioned in the Declaration of August 17, 1872 in connection with the obligation to take pilots, even if the privileges granted in the said Declarations should hereafter be extended to Finnish ships and boats up to 100 tons net register.

VII. *As regards Article XV.*

The two Contracting Parties mutually undertake to conclude a special convention on tonnage certificates as soon as possible.

VIII. *Transfer of Funds.*

As long as restrictive measures concerning the export of capital remain in force in Poland, Poland shall authorise Swedish limited and other industrial or commercial companies and firms, and Polish limited and other industrial or commercial companies and firms in which Swedish capital is invested, carrying on any industry or trade in Poland, to export freely from Poland any funds which they may require for the payment of their dividends, bond or share coupons, and for the service or repayment of loans or other debts.

In witness whereof the Plenipotentiaries have signed the present Protocol.

Done in duplicate at Warsaw on December 2, 1924.

(Signed) AL. SKRZYŃSKI.

(Signed) C. ANCKARSVÄRD.

(Signed) JÓZEF KIEDRON.