

N° 1035.

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

Traité de commerce et de navigation  
et Protocole, signés à Vienne, le  
16 novembre 1923.

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

Treaty of Commerce and Navigation  
and Protocol, signed at Vienna,  
November 16, 1923.

<sup>1</sup> TRADUCTION. — TRANSLATION.No. 1035. — TREATY<sup>2</sup> OF COMMERCE AND NAVIGATION BETWEEN JAPAN AND THE KINGDOM OF THE SERBS, CROATS AND SLOVENES, SIGNED AT VIENNA, NOVEMBER 16, 1923.

*French official text communicated by the Head of the Japanese Bureau of the League of Nations. The registration of this Treaty took place December 7, 1925.*

HIS MAJESTY THE EMPEROR OF JAPAN and HIS MAJESTY THE KING OF THE SERBS, CROATS AND SLOVENES, desirous of strengthening the amicable relations and the good understanding which happily exist between them and between their subjects, and of facilitating and extending their reciprocal commercial relations, have decided to conclude for this purpose a treaty of commerce and navigation, and have appointed as their Plenipotentiaries :

HIS MAJESTY THE EMPEROR OF JAPAN :

His Excellency Monsieur Kumataro HONDA, Jôshii, Member of the Second Class of the Imperial Order of the Sacred Treasure, etc., etc., Ambassador Extraordinary and Plenipotentiary ; and

HIS MAJESTY THE KING OF THE SERBS, CROATS AND SLOVENES :

His Excellency M. Tihomir A. POPOVITCH, Grand Cordon de Saint Sava, etc., etc., his Envoy Extraordinary and Minister Plenipotentiary ;

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

*Article I.*

The subjects of each of the High Contracting Parties shall enjoy in the territory of the other Party the full and entire protection of the laws of the country for their persons and property on the same footing as nationals of that country.

They shall be entitled on the same footing as nationals to defend their rights in general before the authorities of the other Contracting Party and to appear in the courts of justice as plaintiffs or defendants in accordance with the laws of that country.

*Article II.*

The subjects of each of the High Contracting Parties shall be free to enter the territories of the other Party, to travel therein and to reside or sojourn temporarily at any place in those territories

<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 Belgrade, January 13, 1925.

They shall be placed upon the same footing as nationals of the most-favoured nation in regard to their right to own or rent and occupy houses, factories, shops and other premises which they may require and to take on lease land for residential, commercial, industrial, manufacturing or other lawful purposes ; and in general in all matters connected with the right to acquire and dispose of movable and immovable property, the direct or indirect exercise, severally or collectively, of their commerce, industries, trades and professions, and their scientific studies and investigations.

In the enjoyment of these liberties they shall not be subject to any dues, contributions, taxes or charges other or higher or more onerous than those imposed upon the nationals of the most-favoured nation.

It is understood that they shall be required to observe in this regard the laws and regulations in force in the country.

#### *Article III.*

The subjects of each of the High Contracting Parties shall be exempt in the territories of the other Party from all military service, whether in the army, navy or air force or in the national guard or militia, and from all taxes and charges in lieu of personal service.

They shall also be exempt from all forced loans and all military requisitions or contributions except such as may be imposed upon them in respect of their ownership, tenancy or occupation of immovable property.

In the above-mentioned matters, the subjects of either of the High Contracting Parties in the territory of the other Party shall not receive less favourable treatment than is or may in future be granted to nationals of the most-favoured nation.

#### *Article IV.*

Each of the High Contracting Parties shall, on a basis of reciprocity, have the right to appoint consular representatives in the territory of the other Party, in accordance with the principles of international public law and with international usage.

#### *Article V.*

As between the territories of the two High Contracting Parties there shall be reciprocal freedom of commerce and navigation.

#### *Article VI.*

The High Contracting Parties undertake not to maintain or establish in the commercial relations between them any import, export or transit prohibitions or restrictions affecting products originating or manufactured in the territory of one of the Parties, unless the same measure applies to similar goods originating in or consigned to any other country.

Exceptions may be made to this rule in the following cases :

1. For reasons of public safety ;
2. For reasons of public health or for the protection of useful animals or plants ;
3. In exceptional circumstances, by reason of war requirements ;
4. In regard to existing State monopolies or State monopolies which may be established in future.

*Article VII.*

Products originating or manufactured in the territory of one of the High Contracting Parties, irrespective of the place from which they come, shall, on their importation into the territories of the other Party, benefit by the lowest Customs duties applicable to similar goods of any other foreign origin.

*Article VIII.*

Products originating or manufactured in the territory of the Kingdom of the Serbs, Croats and Slovenes exported to Japan and products originating or manufactured in the territory of Japan exported to the Kingdom of the Serbs, Croats and Slovenes shall not be subject in respect of their exportation to duties other or higher than those imposed upon similar goods consigned to any other foreign country.

*Article IX.*

Products originating or manufactured in the territory of one of the High Contracting Parties in transit through the territories of the other Party in conformity with the law of that country shall be exempt in the territories of the other Party from all transit dues, whether they pass direct or are unloaded, warehoused and reloaded during transit.

*Article X.*

Internal production, manufacture or consumption duties levied for the benefit of the State, local authorities, or corporations, which affect or may affect products of any other foreign origin, shall not for any reason be a higher or more burdensome charge on similar products of the other High Contracting Party.

*Article XI.*

Commercial, industrial and financial companies and associations, including insurance companies, domiciled in the territories of one of the High Contracting Parties and duly constituted in those territories according to the laws and regulations, shall be entitled in the territories of the other Party and in accordance with its laws and regulations to appear in the courts of justice as either plaintiffs or defendants.

As regards their admission to the pursuit of their commerce or industry in the territories of the other Contracting Party, these companies and associations shall enjoy the same rights as are or may in future be granted by that Contracting Party to the legally recognised companies and associations of any third Power.

*Article XII.*

The High Contracting Parties agree that all goods, the importation, exportation and transit of which are authorised in the territories of one of them, may, regardless of their origin or destination, be transported by the vessels of the other Party, regardless of the country of departure or destination of those vessels, and shall enjoy the same privileges as, and shall not be subject to other taxes or higher Customs duties or other or more burdensome charges than, the vessels of any other country and their cargoes.

The same shall apply to the carriage of passengers.

*Article XIII.*

In all matters concerning the berthing, loading and unloading of vessels of the two countries in the harbours, docks and roadsteads of the High Contracting Parties and concerning tonnage, transit, canal, harbour, pilotage, lighthouse and quarantine fees and dues or other dues of any kind levied for or on behalf of the State, public officials, private individuals, corporations or establishments of any kind, the High Contracting Parties agree to accord to each other the same privileges and facilities as are or may in future be accorded to any third Power in these respects.

*Article XIV.*

The nationality of vessels shall be recognised by either Party in accordance with the rules and regulations of the High Contracting Party to which the vessels belong as established by papers and certificates carried on board the vessel and issued (or accepted) by the competent authorities.

*Article XV.*

The foregoing provisions relating only to maritime navigation, it is agreed between the High Contracting Parties that navigation on the rivers in their respective territories shall be governed by the laws and regulations of the country concerned.

As regards navigation on the Danube, the High Contracting Parties agree to observe the international arrangements in force and the regulations which have been or may in future be issued in virtue of those arrangements.

*Article XVI.*

Except as otherwise specifically provided by this Treaty the High Contracting Parties agree that all favours, privileges and immunities of any kind which either Government may have granted or may in future grant to any third Power in connection with commerce, navigation and industry shall immediately, unconditionally and automatically be extended to the other High Contracting Party, in order to ensure that the nationals and the commerce, navigation and industry of each Party shall enjoy in the territory of the other Party most-favoured-nation treatment in all respects.

*Article XVII.*

The provisions of this Treaty shall not apply :

1. To privileges which are now or may in future be granted to any contiguous State in order to facilitate local traffic within a limited zone on either side of the frontier.
2. To obligations imposed on either of the Contracting Parties in respect of a Customs union into which it has entered or may in future enter.
3. To the coasting trade and fisheries in territorial waters, these being governed by the laws which are or may in future be in force in the territories of each of the High Contracting Parties. Nevertheless Japanese or Serb-Croat-Slovene vessels may proceed from a port of one of the High Contracting Parties to a port or ports of the other to discharge all or part of their cargo brought from another country or to take up or complete their cargo for a destination in another country.

4. To special privileges which have been or may in future be granted by the High Contracting Parties to the produce of their respective national fisheries or to special tariff privileges which have been or may in future be granted by the High Contracting Parties to the produce of the fisheries in neighbouring foreign waters.

*Article XVIII.*

The present Treaty shall be ratified and the exchange of ratifications shall take place as soon as possible.

It shall come into force on the tenth day after the date of the exchange of ratifications and shall remain in operation until the expiration of a period of six months from the day on which either of the High Contracting Parties shall have given notice to the other of its intention to denounce it.

In witness whereof the Plenipotentiaries of the two countries have signed the present Treaty and have thereto affixed their seals.

Done at Vienna, in duplicate, on November 16, 1923.

(L.S.) K. HONDA.

(L.S.) T. POPOVITCH.

ANNEXED PROTOCOL.

At the moment of proceeding this day to the signature of the present Treaty of Commerce and Navigation between Japan and the Kingdom of the Serbs, Croats and Slovenes, the undersigned Plenipotentiaries of the two High Contracting Parties have agreed as follows :

I. As regards transit, derogations may be made in exceptional cases to the provisions of Article 6 of the present Treaty in the form of measures, involving the total or partial suspension of transit, which each of the High Contracting Parties might be obliged to take if events affecting the safety of the State or the vital interests of the country occurred : it is understood, however, that the duration and extent of such measures shall be restricted as far as possible.

II. The provisions of the present Treaty shall not apply to the relevant clauses of the treaties, conventions and arrangements concluded by the Kingdom of the Serbs, Croats and Slovenes with the Kingdom of Italy for settling affairs connected with territories acquired from the former Austro-Hungarian Monarchy, unless the said clauses are applied to any third Power other than Italy.

III. The two High Contracting Parties undertake to conclude as soon as possible special agreements with regard to the reciprocal recognition of tonnage-measurement certificates.

The present Protocol, which shall be deemed to be approved and sanctioned by the High Contracting Parties without other special ratification by the fact of the exchange of ratifications of the Treaty to which it relates, has been drawn up in duplicate and signed by the same Plenipotentiaries.

VIENNA, *November 16, 1923.*

(L.S.) K. HONDA.

(L.S.) T. POPOVITCH.