

N° 1332.

ALLEMAGNE ET FINLANDE

Arrangement commercial provisoire,
avec protocole final. Signés à Ber-
lin, le 26 juin 1926.

GERMANY AND FINLAND

Provisional Commercial Agreement,
with Final Protocol. Signed at
Berlin, June 26, 1926.

TRADUCTIONS — TRANSLATIONS

¹ TRANSLATION.

No. 1332. — PROVISIONAL COMMERCIAL AGREEMENT BETWEEN GERMANY AND FINLAND. SIGNED AT BERLIN, JUNE 26, 1926.

THE PRESIDENT OF THE GERMAN REICH and THE PRESIDENT OF THE FINNISH REPUBLIC, being desirous of promoting economic relations between the two countries, have resolved to conclude a provisional Commercial Agreement and have appointed for this purpose as their Plenipotentiaries :

THE PRESIDENT OF THE GERMAN REICH :

Dr. Edmund, Baron VON THERMANN, German Consul-General at Danzig ;

THE PRESIDENT OF THE FINNISH REPUBLIC :

Dr. Harri HOLMA, Envoy Extraordinary and Minister Plenipotentiary ;

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

Article 1.

The nationals of each of the Contracting Parties shall enjoy in the territory of the other Party the same privileges, exemptions and favours of all kinds, in regard to trade and industry as the nationals of the most favoured nation.

The nationals of each of the Contracting Parties may in the same manner as the nationals of the most favoured nation enter the territory of the other Contracting Party and travel, reside or settle therein, and shall be free to leave that territory at any time, provided that they comply with the national laws. They shall not be subject to any restrictions or imposts of any kind other or more burdensome than those to which the nationals of the most favoured nation are, or may hereafter be, subject. They shall also enjoy complete freedom, in the same manner as the nationals of the most favoured nation, to carry on any kind of industry, trade or vocation in the territory of the other Contracting Party, within the limits fixed by the national laws.

The nationals of each of the Contracting Parties shall be authorised, in the territory of the other Party, to acquire, possess or transfer movable or immovable property, in the same manner as the nationals of the most favoured nation.

Article 2.

The nationals of each of the Contracting Parties shall receive, in the territory of the other Party, in respect of their persons, their property, rights and interests, as regards taxes (imposts and Customs duties), fees, in so far as these are similar to taxes, and other like charges, in every way the same treatment and the same protection at the hands of the financial authorities and Courts as the nationals of that Party or of the most favoured nation.

¹ Translated by the Secretariat of the League of Nations.

Article 3.

Legal persons, in particular limited liability companies and other commercial companies, including industrial, financial, forwarding, transport and insurance companies, which have their registered offices in the territory of one of the Contracting Parties and are legally constituted therein, shall be recognised in the territory of the other Party as being legally constituted. They shall be entitled to transact their business and to exercise all other rights in that territory, subject to the legal regulations and restrictions in force.

The legal persons and companies mentioned in the first paragraph, shall, in respect of the conditions required for their admission to and for the transaction of their business in the territory of the other Contracting Party, enjoy the same rights as those granted in this respect to similar legal persons and companies of the most favoured nation.

The provisions concerning taxes contained in Article 2 shall apply *mutatis mutandis* to the legal persons and companies mentioned above.

Article 4.

The nationals of each of the Contracting Parties shall be exempt in the territory of the other Party from all military or other service and from all compulsory public service and also from all military requisitions or exactions, in so far as they are not subject to such obligations in their capacity as owners or possessors of immovable property. In the latter case they shall receive the same treatment as the nationals of that Party or of the most favoured nation.

In case of expropriation effected upon grounds of public utility, the expropriated person shall receive due compensation.

The nationals of each of the Contracting Parties, including the legal persons and companies mentioned in Article 3, shall in the territory of the other, be exempt from all compulsory loans.

Article 5.

The Contracting Parties undertake not to impede traffic between their territories by any export or import prohibitions.

Exceptions shall however be permitted to this rule provided always that such exceptions are at the same time applicable to other countries in which the same conditions prevail :

- (a) On grounds of public security ;
- (b) On sanitary grounds, or for the protection of animals and useful plants against diseases or pests ;
- (c) In respect of seeds, if there is reason to fear that they will not thrive in the importing country on account of their origin or nature ;
- (d) In respect of arms, ammunition and implements of war, and, in exceptional circumstances, also in respect of other war material ;
- (e) In respect of goods which constitute, or may hereafter constitute, a State monopoly in the territory of one of the Contracting Parties, and for the purpose of extending to foreign goods all other prohibitions and restrictions which are, or may hereafter be, imposed by internal legislation upon the sale, transport and consumption in the territory of that country of similar goods produced therein.

Article 6.

The Contracting Parties undertake to apply reciprocally the provisions of the Convention and Statute concerning the Freedom of Transit, signed at Barcelona on April 20, 1921.

Article 7.

Products of the soil and industry of one of the Contracting Parties imported into the territory of the other Party, or exported from the territory of the one Party into the territory of the other, shall be given most-favoured-nation treatment in respect of the amount, collection and deposit on security of Customs duties and charges, and in respect of all Customs formalities. Similarly, all favours granted in this respect by one of the Contracting Parties to a third country, shall *ipso facto* be extended to the other Contracting Party.

Article 8.

The provisions of the present Agreement concerning the reciprocal grant of the most-favoured-nation treatment shall not be applicable to :

(a) Favours which are, or may hereafter be, granted by one of the Contracting Parties to an adjoining State to facilitate traffic in the frontier districts, such favours as a rule not extending beyond fifteen kilometres on either side of the frontier ;

(b) Obligations which have been, or may hereafter be, assumed by one of the Contracting Parties in virtue of a Customs Union ;

(c) Favours granted by one of the Contracting Parties to a third State in Treaties for the avoidance of double taxation for the adjustment of taxation at home and abroad, more especially in the field of direct taxation and succession duties, and also in treaties concerning legal safeguards and legal assistance in matters of taxation or in penal matters relating to taxation ;

(d) Customs favours or similar facilities which Finland has granted or may hereafter grant to Estonia, provided that these favours or facilities are not granted to a third country.

Article 9.

Finnish products of the soil and manufactures enumerated in the annexed Tariff A shall be imported into the German Customs territory, under the conditions laid down in the said tariff.

German products of the soil and manufactures which are enumerated in the annexed Tariff B shall be imported into Finland under the conditions laid down in the said tariff.

Article 10

German products of the soil and manufactures which are imported into Finland through the territory of other countries, and Finnish products of the soil or manufactures which are imported into Germany through the territory of other countries, and also products of the soil or manufactures of other countries which are imported through the territory of one of the Contracting Parties into the territory of the other Contracting Party, shall not be subject to duties or charges other or higher than if they had been imported direct from the country of origin or through any other country.

This provision shall also apply to goods in through transit, and also to goods which during transit are transhipped, repacked or warehoused.

Article 11.

The products of either Contracting Party shall not, under any circumstances, be subjected to any internal duties, which are, or may hereafter, be imposed for the profit of the State, or of a pro-

vince, commune or corporation, on the production, manufacture, transport or consumption of a commodity in the territory of the other Contracting Party, higher or more burdensome than those imposed on similar national products

Neither of the two Contracting Parties shall levy new or increased duties, under the pretext of internal taxation, upon the importation of articles which are not produced in its own territory and which are mentioned in the tariff annexes referred to in Article 9 of the present Agreement.

Article 12.

Identity cards for German commercial travellers in Finland and for Finnish commercial travellers in Germany shall be drawn up in accordance with the specimen inserted in the International Convention relating to the Simplification of Customs Formalities, signed at Geneva on November 3, 1923. No consular or other visa shall be required.

The Contracting Parties shall apply to samples and specimens the provisions contained in the Convention mentioned in the first paragraph. The period allowed for re-exportation shall be fixed at not less than six months.

Article 13.

The production of certificates of origin will not be required as a general rule for products of one Contracting Party imported into the other.

If, however, one of the Contracting Parties subjects the products of a third country to duties higher than those imposed upon the products of the other Contracting Party, or if it subjects the products of a third country to import prohibitions or restrictions which are not imposed on the products of the other Party, it may, if it thinks fit, make the application of the reduced duties to the products of the other Party or their admission for importation conditional upon the production of certificates of origin.

The Contracting Parties undertake to ensure that trade shall not be impeded by superfluous formalities in connexion with the issue of certificates of origin.

The said certificates of origin may be issued by the Customs authorities at the place of despatch in the interior or on the frontier, or by the competent chamber of Industry or Commerce. Both Governments may enter into agreements with a view to conferring upon authorities other than those mentioned above, or upon economic associations in one of the two countries, the necessary powers to issue certificates of origin, which shall be accepted by the Customs authorities of the other country. Should the certificates have been issued by a State authority which is not empowered therefor, the Government of the country of destination may require the certificate to be authenticated by its competent diplomatic or consular authority at the place of despatch.

Certificates of origin may be drawn up both in the language of the country of destination and in the language of the country of export; in the latter case, the Customs authorities of the country of destination may demand a translation.

In the case of products of any third country imported through the territory of one of the Contracting Parties into the territory of the other Contracting Party, the Customs authorities of the latter Party shall also accept the certificates of origin issued in conformity with the provisions of the present Article in the territory of the former Party.

Article 14.

The Contracting Parties undertake to conclude treaties for the avoidance of double taxation and for the grant of legal safeguards and legal assistance in matters of taxation, and to exchange drafts of such treaties within six months after the signing of the present Agreement.

Article 15.

The Convention of April 21, 1922 between the German Reich and Finland shall be maintained save in so far as otherwise provided in the present Agreement.

Article 16.

The present Agreement shall be ratified. The exchange of ratifications shall take place in Berlin as soon as the formalities prescribed by the legislation of both countries have been completed.

The present Agreement shall come into force on the thirtieth day after the exchange of ratifications and remain in force for an indefinite period; it shall cease to be binding three months after denunciation by one of the Contracting Parties. Neither the present Agreement nor the Convention of April 21, 1922, shall, however, be denounced within less than one year from the date of the coming into force of the present Agreement.

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

Berlin, June 26, 1926.

(L. S.) Dr. Harri HOLMA.

(L. S.) Dr. Baron VON THERMANN.

TARIFF A.

Tariff No.	Description of Goods	Duty per 100 kgs. in Reichmarks
ex 47	Cranberries	free
ex 126	Oleomargarine for the manufacture of margarine or artificial edible fat, upon production of an import licence, and subject to supervision of use.	6
ex 133	Cream, fresh, sterilised or peptonised	20
ex 134	Butter, fresh, salt or melted (clarified butter)	27.50
ex 135	Cheese :	
	Soft cheese from skimmed milk.	5
	Table cheese in retail packets of 2½ kgs. gross weight or less	30
	Cheeses similar to Emmental and Edam cheese and other hard cheese, not in retail packets of 2½ kgs. gross weight or less	20
208	Milk, condensed, with or without the addition of sugar.	40
ex 219	Milk and cream in hermetically sealed receptacles	40
ex 616 B	Plywood, consisting of two outer sheets of birch, and inner sheets of birch, pine, fir, or aspen.	8
ex 624	Spools (wooden) :	
	Rough	6
	Worked	8
	With iron fittings	25
ex 650	Wood pulp (mechanically prepared wood meal, wood grindings), chemically prepared wood pulp (cellulose)	1.75
	<i>Note</i> : Wood pulp, mechanically or chemically prepared, containing 50% or more of water.	1.15
ex 651 A	Board of mechanical or chemical wood pulp ; wen of such pulp made of steamed wood, solidified by rolling brown woodboard, (so-called leather board), even dyed in the pulp	2.50
	Straw-board even dyed in the pulp smooth	3.50
654	Packing paper dyed in the pulp smooth on one side or not	3.
ex 655 B	Packing paper consisting wholly or chiefly of mechanical wood pulp (wood meal, wood grindings) dyed in the mass and smooth on both sides	4.50
	Newsprint paper in rolls weighing not less than 45 and not more than 55 grs. per square metre, machine smoothed (not glazed) containing not more than 25% of chemical wood pulp (cellulose)	6
	<i>Note</i> : In order to secure the application of the reduced tariff rate for newsprint paper, the importer must produce for each consignment a certificate issued by an official Finnish authority attesting that the paper does not contain more than 25 per cent of chemical wood pulp.	
	The Governments of the Contracting Parties will come to an agreement as to the designation of the authorities entrusted with the duty of issuing the certificates and as to the form of such certificates ; in doubtful cases the German authorities reserve the right to verify the accuracy of the information given in the certificate.	

TARIFF B.

Tariff No.	Description of Goods and Quantity	Duty in Finnish marks
ex 25	Meat extract per kg.	15
47	Macaroni and vermicelli »	1.75
	Meal and groats, other kinds »	1.50
ex 48	Starch, except potato starch »	1
49	Bran of all kinds »	0.08
	<i>Note</i> : The minimum ash content of bran (dry substance) is fixed at 3.2%.	
	Plants, not specially mentioned :	
	Living :	
95	Planted »	2.50
96	Other kinds »	5
	Dried or otherwise prepared :	
97	Suitable for ornamental use »	20
ex 98	Other kinds, except medicinal plants »	1
	Yarn of wool and other animal hair mixed or not with other natural textiles, except silk :	
211	In small packets put up for retail sale, such as skeins, balls, reels and the like ; also loop and fancy yarn »	6
	Tissues :	
	Of other textile materials falling under this heading, even with admixture of cotton, or jute ; also, paper tissues not elsewhere mentioned :	
	Other kinds, with their whole surface similarly woven :	
	Other kinds, containing in square centimetre together :	
	More than 35 but not more than 60 warp and weft of threads :	
261	Bleached, dyed or printed »	22.—
	Clothing and other sewn articles not specially mentioned :	
	Of other textile materials :	
331	With embroideries or lace ; also such articles with linings, facings or other trimmings of wares containing silk »	150
	Finished wooden wares, not specially mentioned :	
	Weighing more than 2 kgs. net each :	
375	Stained, waxed, lacquered, polished or similarly worked on the surface »	4
	Weighing not more than 2 kgs. net each :	
380	Stained, waxed, lacquered, polished, also painted, varnished or oiled or similarly worked on the surface »	8
381	Other kinds »	4
	<i>Note</i> : Stuff with uncovered articles of wood specified in Nos. 375, 380 and 381 pay an additional 40% ; if covered, an additional 100% on the duties shown.	
	Coopers' wares, including notched staves for casks and barrel heads, wholly or partly planed or so prepared that they can be directly made into casks :	
382	Staves for puncheons of beech —	free

Tariff No.	Description of Goods and Quantity	Duty in Finnish marks
	Wares, not specially mentioned, of paper, cardboard, paste-board, and paper pulp, when combined with other materials :	
	Other kinds :	
431	Not having undergone such treatment ; masks, prepared in any manner per kg.	16
436	Books, printed, not specially mentioned :	
	Other kinds ; newspapers, journals, manuscripts, also books with raised characters (for the blind) —	free
438	Maps, geographical and topographical, astronomical charts, mariners' charts and other charts for scientific purposes :	
	Other kinds ; also globes of all kinds with or without stands —	free
440	Printed matter not specially mentioned, such as business circulars, catalogues and other commercial printed matter :	
ex 441	With foreign text and not falling under the following number —	free
	Other kinds, including visiting cards, business cards and publicity and advertising posters, with letterpress, and paper provided with stamps of firms and other similar letterpress per kg.	10
	<i>Note to Nos. 440 and 441 : Advertisement cards and placards with pictures and texts relating thereto shall be dutiable under this number.</i>	
ex 658	Electric machines, such as dynamos, electro-motors, converters, transformers, choking coils, etc. :	
	Weighing more than 250 kgs. but not more than 500 kgs net each »	5.60
675	Incandescent lamps »	6
677	Electrotechnical special apparatus not specially mentioned, and parts thereof not specially mentioned :	
	Electro-magnetic ignition for motors and the like, wireless receiving apparatus and parts thereof, electric arc system and induction system stoves, welding apparatus, magnetic rotary and fixed apparatus for removing iron particles from grain and similar material »	12
ex 700	Others »	6.50
	Machinery and apparatus of other kinds not specially mentioned :	
	Others :	
	Machines to domestic use »	3
	Others »	2
733	Clocks of other kinds :	
	Wall clocks and alarum clocks each	12
	Others »	24
	Windowglass, coloured or not, and mirror glass :	
	Silvered :	
798	Other kinds per kg.	10
ex 862	Amylacetate ; andronalacetate ; butylacetate ; methylacetate ; solvents of methanol, methylacetate, and acetone ; phtalicester »	3

Tariff No.	Description of Goods and Quantity	Duty in Finnish marks
ex 874	Calcium nitrate, with or without admixture of ammonium nitrate up to 10%, nitrates of ammonium sulphate (leunasalpeter), wera, if for use as fertilisers	free
ex 941	Synthetic tanning materials : Liquid : Neradol ND Maste : Neradol D Solid : Neradol FB ; Ordoval G ; Ordoval 2 G ; tanning material FC	free

FINAL PROTOCOL.

Upon signing the provisional Commercial Agreement concluded to-day between the German Reich and the Republic of Finland, the undersigned Plenipotentiaries made the following reservations and declarations, which shall form an integral part of the Agreement.

Ad Article 1, second paragraph.

Nothing in this paragraph shall affect the passport regulations or the provisions whereby the acceptance of employment by aliens in the territory of either Contracting Party is made subject to special conditions.

It is further agreed that the right of either of the Contracting Parties to refuse residence to any national of the other Party either in consequence of the judgment of a Court or for reasons of the internal or external security of the State, or on account of police regulations — more especially Poor Law, Health, or “public morality” regulations — shall not be affected by the provisions of the present Agreement. Expulsion shall not, however, in such cases, be ordered merely on general grounds of shortage of housing or lack of employment.

Ad Article 3.

It is agreed that the provisions of Article 3 shall apply to co-operative societies and also to associations formed for economic purposes.

Ad Article 5.

It is agreed that import and export prohibitions or restrictions which may, at any time, exist in Finland, in respect of alcoholic beverages may be maintained.

It is further agreed that the import and export prohibitions which still exist in Germany and which have been notified to the Finnish Government may be maintained.

Ad Article 6.

The reservation made by the Finnish Government at the time of signing the Additional Protocol to the Barcelona Convention on the Régime of Navigable Waterways of International Concern shall be maintained.

Ad Article 8.

It is agreed that the most-favoured-nation treatment, conceded in the foregoing Agreement, shall not apply in any way to privileges which Finland has granted, or may hereafter grant, to the Union of Socialist Soviet Republics in regard to fishing and sealing in the Arctic ocean.

Ad Article 11.

The Turnover Tax shall be included among the internal taxes mentioned in Article 11.

Ad Article 12.

The tax in Finland on the exercise of their vocation by German commercial travellers shall not exceed 3,000 Finnish marks for one entire year. The tax for six weeks shall not exceed 1,000 Finnish marks and, should the commercial traveller continue to exercise his vocation without interruption over and beyond the first six weeks, the tax shall not exceed 500 Finnish marks for every immediately recurring period of three weeks.

Ad Article 13.

It is agreed that the Customs authorities shall be empowered to verify the accuracy of certificates of origin.

Finland will not charge a sum exceeding 10 Finnish marks for the authentication of certificates of origin. The charge in the German Reich shall not exceed the same amount.

Ad Tariff A, No. 133.

In the case of imports of milk and cream in glass bottles only fitted with cork stoppers, such bottles shall not be regarded as hermetically sealed if the corks have been impregnated with paraffin before use.

Ad Tariff B, Nos. 862 and 941.

In the event of other products which are, from an economic point of view, similar to the technical solvents specified in No. 862, or to the synthetic tanning materials specified in No. 941, being placed on the market the Finnish Government will be prepared to enter into negotiations with the German Government concerning the possibility of extending the agreed Customs rates to the new products.

In faith whereof the Plenipotentiaries have signed the present Protocol at Berlin this twenty-sixth day of June, one thousand nine hundred and twenty-six.

(Signed) Dr Harri HOLMA.

(Signed) Dr. Baron VON THERMANN.

IMPORT AND EXPORT PROHIBITIONS IN FORCE IN GERMANY WHICH HAVE BEEN NOTIFIED TO THE FINNISH GOVERNMENT.

A. GERMAN IMPORT PROHIBITIONS.	
Customs Tariff N°	
ex 38 to 42	Alpine plants and parts of plants.
ex 95	Pine and fir seeds.
ex 238	Fossil fuels.
ex 300	Oxide of lead, etc.
ex 317 V	Calcium nitrate.
ex 324	Red lead, white lead.
ex 380	Morphine and codein.
ex 640	Exposed cinematograph films.
ex 844	Aluminium, crude (in blocks, bars, ingots, grains), also cast in slabs.
B. GERMAN EXPORT PROHIBITIONS.	
153 and 154	Hides and skins ; also parts (except leather glue stock).
ex 156	Bones, except horns or antlers, cut or not cut, in cross sections into parts ; bone pegs (horn core), for other than carving purposes, unprepared ; after removal of grease or otterwire.
ex 238	Fossil fuels (except peat).
ex 244	Mineral- crude tar.
ex 843	Iron waste (scrap) ; iron turnings, borings and shavings ; iron filings ; bar iron ends, sheet iron corners and other iron waste fit only for smelting or fusing ; hammer slag and rolling mill waste ; grindings and bar iron for remalting articles classified under Import No. 785 A-2. and including articles mentioned in the Goods Statistics schedule under Export Nos. 785 A-1, 785 A-2, 795 A, 795b, 796 a, 796 b, 796 c, 796 d, and 797, if the said articles are fit for use and no matter whether or not their condition excludes use for purposes other than smelting or fusing.
	Waste from tin plate and from galvanized tin plate not, more than 5 mm. thick.