

N° 1530.

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## NORVÈGE ET POLOGNE

Traité de commerce et de navigation, avec protocole final, signés à Varsovie, le 22 décembre 1926, et échange de notes relatif à l'adhésion de la Ville libre de Dantzig à ce traité, Oslo, les 23 et 28 décembre 1927.

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## NORWAY AND POLAND

Treaty of Commerce and Navigation, with Final Protocol, signed at Warsaw, December 22, 1926, and Exchange of Notes regarding the Accession of the Free City of Danzig to this Treaty, Oslo, December 23 and 28, 1927.

<sup>1</sup> TRADUCTION. — TRANSLATION.No 1530. — TREATY<sup>2</sup> OF COMMERCE AND NAVIGATION BETWEEN NORWAY AND POLAND. SIGNED AT WARSAW, DECEMBER 22, 1926.

*French official text communicated by the Norwegian Minister for Foreign Affairs. The registration of this Treaty took place September 12, 1927.*

HIS MAJESTY THE KING OF NORWAY, of the one part, and the PRESIDENT OF THE REPUBLIC OF POLAND, of the other part, being equally desirous of promoting and developing the commercial relations between the two countries, have resolved to conclude a treaty of commerce and navigation and have for that purpose appointed as their Plenipotentiaries,

HIS MAJESTY THE KING OF NORWAY :

M. Nils Christian DITLEFF, Acting Chargé d'Affaires for Norway at Warsaw ;

THE PRESIDENT OF THE REPUBLIC OF POLAND :

M. August ZALESKI, Minister for Foreign Affairs ; and

M. Eugenjusz KWIATKOWSKI, Minister for Industry and Commerce ;

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

*Article I.*

1. The nationals of either Contracting Party shall enjoy in the territory of the other Party, as regards the exercise of commerce and industry, the same rights, privileges, immunities, favours, and exemptions as the nationals of the most favoured nation.

2. They shall not be subjected to any imposts, taxes, duties or charges whatever, other or higher than those which are or may hereafter be imposed upon the nationals of the most favoured nation. This provision shall not prevent the levying where necessary of the so-called "taxe de séjour" or of charges on account of police formalities.

*Article II.*

1. The nationals of each Contracting Party shall receive in the territory of the other Party, as regards their legal status, their movable or immovable property and their rights and interests

<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 Oslo, August 30, 1927.

in connection with the exercise of commerce and industry, the same treatment as that which is accorded or may hereafter be accorded to the nationals of the most favoured nation.

2. They shall be at liberty to transact their business in the territory of the other Contracting Party either in person or through an agent of their own choice and, provided that they observe the laws of the country, they shall be entitled to appear in court as plaintiffs or defendants and to have free access to the authorities. As regards other matters relating to the administration of justice, they shall further enjoy all the rights and privileges possessed by the nationals of the country itself and shall like them be entitled to employ counsel or agents of their own choosing to safeguard their interests.

3. They shall be exempt from the payment of forced national loans or compulsory national levies and from all other contributions of whatever nature which may be imposed for war requirements or as the result of exceptional circumstances caused by war.

4. The nationals of each of the Contracting Parties shall not be subjected, in peace or war, to any contributions or requisitions for military purposes other than those to which nationals of the country are liable, and only to the same extent and according to the same principles as are applicable to such nationals.

#### *Article III.*

1. Civil and commercial companies which are legally constituted according to the laws of one of the Contracting Parties and which have their headquarters in its territory, shall, provided that they do not engage in illegal or immoral transactions, be recognised as legal entities in the territory of the other Contracting Party, and shall have free and unimpeded access to the Courts, either as plaintiffs or as defendants, provided that they observe the laws and regulations of the country.

2. Civil and commercial companies thus recognised by either Contracting Party may, provided that they comply with the laws of the other country, establish themselves in the territory of the latter country, set up affiliated companies and branches and carry on their business therein. The above provision shall not affect the question whether such a company, being established in either country, is or is not entitled to trade or to carry on business in the other country, and this right shall continue to be governed by the laws and regulations in force in the respective countries.

3. The above right of admission shall not, however, apply to trades and industries which by reason of their character as public utility undertakings are subject to special restrictions applicable to all countries. The same treatment shall apply to insurance and financial companies.

4. These companies, when once admitted according to the laws and regulations which are or may hereafter be in force in the territory of the country concerned, shall not be subject to any imposts, taxes, or contributions, or in general, to any fiscal dues other or higher than those imposed on the companies of the most favoured nation.

5. They shall be exempt from the payment of forced national loans and levies and of all other contributions of any kind which may be imposed to meet war requirements or as a result of exceptional circumstances caused by war.

#### *Article IV.*

Nationals of the other Contracting Party and civil or commercial companies which have their headquarters in its territory may only be subjected to the imposts, taxes and contributions mentioned in Articles I and III in respect of assets situated in the country in which the said imposts, taxes and contributions are levied, or in respect of trade or industry which they carry on therein, or in respects of any income which they receive therein.

*Article V.*

Internal duties and taxes levied for the benefit of the State, cantons, communes or corporations, which affect or may hereafter affect the production and manufacture of goods or the consumption of any article in the territory of one Contracting Party, shall not constitute a higher or more burdensome charge upon the products, goods or articles of the other Contracting Party than that imposed upon the similar products, goods or articles of the most favoured nation.

*Article VI.*

1. All products of the soil or industry originating in or coming from the Customs territory of either Contracting Party, which are imported into the Customs territory of the other Party, with a view to their being consumed, warehoused, re-exported or carried in transit, shall be subject, so long as the present Treaty is in force, to the treatment accorded or to be hereafter accorded to the most favoured nation and may not, in any case be subjected to other or higher duties, co-efficients, surcharges, increases or other taxes, or to other restrictions than those which are applied or may in future be applied to the products or goods of the most favoured nation.

2. Neither of the Contracting Parties shall impose upon articles exported to the country of the other Contracting Party any other or higher dues or taxes or any other restrictions than those which are imposed upon similar articles when exported to the country which is most favoured in this respect.

3. Each Party accordingly undertakes to grant immediately and unconditionally to the other Party the benefit of any favour, privilege or reduction of duties or taxes which it has already conceded or may hereafter concede, whether permanently or temporarily, to any third nation in regard to the matters referred to above.

4. The Contracting Parties agree that import and export restrictions or prohibitions on certain categories of goods shall only be maintained during such time and to such an extent as is necessitated by existing economic conditions.

*Article VII.*

The provisions of Article VI shall not apply :

- (a) To privileges which are or may hereafter be granted by one of the Contracting Parties in respect of frontier traffic with neighbouring countries ;
- (b) To special concessions made in consequence of a Customs union ;
- (c) To the provisional Customs régime in force between the Polish and German parts of Upper Silesia.

*Article VIII.*

Subject to the obligation to re-export or re-import the articles in question within one year and to furnish proof of the identity of such articles, exemption from all import and export duties shall be reciprocally granted :

- (a) To samples, including those of commercial travellers, which are subject to Customs duties.
- (b) To articles intended for experiments, tests, exhibitions and competitions.

*Article IX.*

1. Merchants, manufacturers and other producers of either country and their commercial travellers, being nationals of one of the two countries, who produce special identity cards similar

to the annexed model issued by the competent authorities of their own country, showing that they are authorised to carry on their trade or industry therein and that they pay the taxes and imposts established therein by law, shall be entitled, without having to pay any licence fees other or higher than those paid by the nationals of the most favoured nation, to effect purchases in the latter country for their own business or manufacture and to solicit orders from persons or business firms which sell the goods in question or use them for the purposes of their business. They may carry with them samples or patterns, but they may not hawk goods unless they have been authorised to do so under the laws of the country in which they are travelling.

2. Samples or patterns imported by the said merchants or commercial travellers shall be admitted by both Parties free of all import and export duties. Security for the re-exportation within one year of the samples and patterns must be furnished by the deposit (in cash) at the Customs office of entry of the amount of the Customs duties applicable, or by a valid security.

3. The above provisions shall not be applicable to itinerant merchants, or to the hawking or soliciting of orders from persons who are not engaged in trade or industry, each Party reserving full legislative freedom in this respect.

#### Article X.

As regards conditions of transit, the two Contracting Parties undertake to apply reciprocally in their relations with one another the provisions of the Convention<sup>1</sup> and Statute on Freedom of Transit, signed at Barcelona on April 21, 1921, and to guarantee most-favoured-nation treatment to each other in this respect.

#### Article XI.

1. Ships and vessels flying the flag of one of the Contracting Parties, and their cargoes shall enjoy in the territorial waters of the other Party the same treatment in all respects as national vessels and cargoes, irrespective of the place of departure or the destination of the said ships and vessels and irrespective of the place of origin or the destination of their cargoes. Accordingly, the ships and vessels of either Party, and their cargoes, cannot be subjected, when in the territory of the other Party, to any taxes or charges of any sort or kind whatsoever, which are or may hereafter be levied on behalf of the State, or of the communes, or of any institutions whatever empowered by the Government to collect taxes, other or higher than are applicable to national vessels and to their cargoes. Passengers and their baggage on board the ships and vessels of either Contracting Party shall receive in the territorial waters of the other Party the same treatment as passengers and baggage conveyed under the flag of the latter Party.

2. With regard to the stationing, loading and unloading of vessels in ports, roadsteads, harbours and docks, and, in general, with regard to all formalities and regulations to which merchant vessels, their crews and cargoes may be subject, it is agreed that all privileges or facilities accorded by either of the Contracting Parties to its own vessels shall also be accorded to the vessels of the other Party, the desire of both Parties being that, in this respect also, their vessels shall be treated on terms of absolute equality.

3. Any privilege or exemption which either Contracting Party may accord to any third Power in regard to any of the above-mentioned matters shall also be accorded simultaneously and unconditionally to the other Contracting Party. Exceptions shall, however, be made to the provisions of the present Article in the case of :

(a) Favours which have been or may hereafter be granted in either country to national fisheries and their products ;

(b) The coasting trade.

<sup>1</sup> Vol. VII, page 11 ; Vol. XI, page 406 ; Vol. XV, page 304 ; Vol. XIX, page 278 ; Vol. XXIV, page 154 ; Vol. XXXI, page 244 ; Vol. XXXV, page 298 ; Vol. XXXIX, page 166 ; and Vol. LIX, page 344, of this Series.

4. Without prejudice to the other provisions of the present Article, and subject to the provisions of the first paragraph in so far as they concern pilotage dues, it is understood that the laws and regulations in force in either country concerning the obligation to employ pilots shall apply to the vessels of the other Contracting Party to the same extent as to other foreign vessels.

*Article XII.*

1. The documents and certificates issued for the purpose, in conformity with the laws and regulations of the respective countries, by the competent authorities of the said countries shall be recognised as establishing the nationality of the vessels.

2. Tonnage certificates and other documents relating to tonnage, issued by one of the Contracting Parties, shall be recognised by the other Party in conformity with special arrangements to be concluded between the contracting countries.

*Article XIII.*

Ships and vessels of either Contracting Party entering ports of the other Party and desiring to unload a portion only of their cargo shall be entitled, provided that they comply with the laws and regulations of the State in question, to retain on board any portion of the cargo which is consigned to another port, either in the same country or in another country, and to re-export it without being liable to pay any duties other or higher than those which would be levied on national vessels or on vessels of another country in the same circumstances. Similarly the said vessels may take cargo on board in one port and add to it or complete it in one or more other ports of the same country without being obliged to pay any duties other or higher than those which are applicable to national vessels or to those of the most favoured nation.

*Article XIV.*

1. If a vessel belonging to either Contracting Party should be stranded or wrecked in the waters of the other State, the vessel and her cargo shall enjoy the same favours and immunities as are or may hereafter be accorded by the laws and regulations of the country in question in similar circumstances to national vessels or to those of the most favoured nation.

Assistance and relief shall be afforded to the master and crew, both for themselves and for the vessel and her cargo, to the same extent as would be afforded to nationals of the country in question.

2. As regards salvage charges, the laws of the country in which the salvage takes place shall be applicable.

3. Goods salvaged from a stranded or wrecked vessel shall not be subject to any Customs duties, unless they are admitted into the country as articles of consumption.

*Article XV.*

1. The Contracting Parties undertake to accord to each other in their respective territories most favoured nation treatment as regards the various administrative or other formalities necessitated by the application of the present Treaty.

2. It is nevertheless understood that nothing in the preceding Articles guaranteeing most-favoured-nation treatment shall in any way affect the laws, decrees or special regulations concerning commerce, industry, police, public security or the exercise of certain trades and professions which are or may hereafter be in force in either of the countries and which are applicable to all foreigners.

*Article XVI.*

Poland may not invoke the provisions of the present Treaty in order to claim the advantages which Norway has accorded or may hereafter accord to Sweden, Denmark, or Iceland or conjointly to those three countries so long as the said advantages are not accorded to States other than those named above.

*Article XVII.*

The Polish Government, which is responsible for the conduct of the foreign relations of the Free City of Danzig in virtue of Article 104 of the Treaty of Versailles and Articles 2 and 6 of the Treaty<sup>1</sup> of Paris concluded between Poland and the Free City of Danzig on November 9, 1920, reserves the right to declare that the Free City is a Contracting Party to the present Treaty and accepts the obligations and acquires the rights resulting therefrom.

This reservation does not apply to the provisions of the present Treaty which the Polish Republic accepts on behalf of the Free City of Danzig, in conformity with her rights under the treaties relating thereto.

*Article XVIII.*

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

2. It shall come into force on the thirtieth day after the exchange of ratifications.

3. The Treaty shall be concluded for one year reckoned from the date of its coming into force. It shall be prolonged by tacit agreement for an indeterminate period unless it is denounced by either of the High Contracting Parties at least three months before the expiration of this annual term. If the Treaty is prolonged by tacit agreement, each of the Contracting Parties reserves the right to denounce it at any time, in which case it will cease to be valid after a period of two months.

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

Done in duplicate at Warsaw, on December 22, 1926.

(L. S.) (Signed) N. Chr. DITLEFF.

(L. S.) (Signed) August ZALESKI.

(L. S.) (Signed) E. KWIATKOWSKI.

<sup>1</sup> Vol. VI, page 189, of this Series.

## ANNEX.

Identity Card for commercial travellers.

(Arms.)

For the year 192 ..... No. .... of the card .....  
 Valid for Norway and Poland

Bearer  
 (Christian name and surname.)

Done at ..... the ..... 192.....

(Seal)

(Competent Authority.)  
 (Signature.)

It is certified that the bearer of this card possesses (description of the factory or business) at.....  
 ..... under the name of .....  
 And that he is employed as a commercial traveller in the firm of .....  
 at ..... which there possesses (description of the factory  
 or business).

As the bearer of this card intends to solicit orders and to make purchases on account of his firm and  
 for the following firm (s) (description of the factory or business) at.....  
 it is further certified that the said firm (s) is (are) liable to pay the taxes required by law for the carrying  
 on of its (their) business (industry) in that country.

## Description of bearer :

Age .....  
 Height .....  
 Hair .....  
 Special Marks .....

Signature of Bearer

## NOTICE.

The bearer of this card shall not be entitled to solicit orders or to make purchases except when  
 travelling, and on account of the above-mentioned firm(s). He may carry samples with him but not  
 goods. He must also comply with the regulations in force in each State.

NOTE. Where alternative words appear in the model form, sufficient room should be left in the  
 identity card to allow either wording to be inserted according to the requirements of the case.



## FINAL PROTOCOL.

Before proceeding to sign the Treaty of Commerce and Navigation between Norway and Poland, the undersigned Plenipotentiaries agreed on the following provisions :

I. *As regards Articles II and III :*

It is understood that the provisions of Article II, according to which nationals of either Contracting Party shall have the right to appear as plaintiffs or defendants before the courts on an equal footing with nationals, and also the provisions of Article III concerning the free access of companies to the courts of the country concerned, do not apply to free legal assistance and to exemption from the *cautio judicatum solvi*, these matters being reserved for special agreements.

II. *As regards Article VI.*

(a) Without prejudice to the provisions of Article VI, Norwegian nitrate of lime ("Norgesaltpetet", in item 103, p. 3 of the Polish Customs Tariff) shall enjoy the same Customs treatment and other import facilities as Chile saltpetre (item 103, p. 1. of the Polish Customs Tariff).

(b) In order to ensure that products originating in the two contracting countries shall benefit by the provisions of Article VI and of paragraph (a) above, and in order to ensure that products originating in countries which are not entitled to the said advantages may not make use of the route, through their territories, the Contracting Parties may stipulate that the products and goods imported into their respective territories shall be accompanied by certificates of origin.

III. *As regards Article X.*

(a) It is understood that the provisions of Article X concerning transit do not in any way limit the right of the Polish Government to prohibit or restrict the transit of arms and military equipment, in conformity with Article 22, Section 4, of the Treaty<sup>1</sup> signed at Riga on March 18, 1921, between the Polish Republic, of the one part, and the Federative Socialist Republic of the Russian Soviets, the Socialist Republic of the White-Ruthenian Soviets, and the Socialist Republic of the Ukrainian Soviets, of the other part.

(b) So long as the frontier between Poland and one of the neighbouring countries shall remain closed for any reason whatsoever to travellers or goods from Poland or the neighbouring country in question, the Polish Government shall not be obliged to grant to Norway on the frontier of such country the facilities provided for in Article X.

IV. *As regards the purchase of products which are subject to a State monopoly.*

It is understood that each of the Contracting Parties when purchasing goods which are subject to a State monopoly in its territory shall give favourable consideration to any offers relating thereto emanating from the other Party.

In faith whereof the Plenipotentiaries have signed the present Protocol.

Done at Warsaw in duplicate, December 22, 1926.

(Signed) N. Chr. DITLEFF.

(Signed) August ZALESKI.

(Signed) E. KWIATKOWSKI.

<sup>1</sup> Vol. VI, page 51, of this Series.

EXCHANGE OF NOTES REGARDING THE ACCESSION OF THE FREE CITY OF DANZIG TO THE TREATY OF COMMERCE AND NAVIGATION, SIGNED AT WARSAW, DECEMBER 22, 1926. OSLO, DECEMBER 23 AND 28, 1927.

*Communicated by the Norwegian Minister for Foreign Affairs, January 16, 1928.*

POLISH LEGATION.

OSLO, *December 23, 1927.*

YOUR EXCELLENCY,

I am directed by my Government to inform you as follows :

The Polish Government, which is responsible for the conduct of the foreign relations of the Free City of Danzig, in virtue of Article 104 of the Treaty of Versailles and Articles 2 and 6 of the Convention between Poland and the Free City of Danzig, declares that the City of Danzig, as laid down in Article XVII of the Treaty of Commerce and Navigation between Poland and Norway, signed at Warsaw on December 22, 1926, becomes a Contracting Party to the said Treaty on the 15th day after the receipt of this notification by His Majesty's Government.

The Polish Government requests His Majesty's Government to be good enough to acknowledge the receipt of this letter.

I have the honour, etc.,

*(Signed)* Leszek MALCZEWSKI.

His Excellency M. Ivar Lykke,  
Prime Minister, Minister for Foreign Affairs,  
Etc., etc., etc.

MINISTRY OF FOREIGN  
AFFAIRS.

OSLO, *December 28, 1927.*

SIR,

I have the honour to acknowledge the receipt of your letter dated December 23, which runs as follows :

“ The Polish Government, which is responsible for the conduct of the foreign relations of the Free City of Danzig, in virtue of Article 104 of the Treaty of Versailles, and Articles 2 and 6 the Convention between Poland and the Free City of Danzig, declares that the Free City of Danzig, as laid down in Article XVII of the Treaty of Commerce and

Navigation between Poland and Norway, signed at Warsaw on December 22nd, 1926, becomes a Contracting Party to the said Treaty on the 15th day after the receipt of this notification by His Majesty's Government.

“ The Polish Government requests His Majesty's Government to be good enough to acknowledge receipt of this letter. ”

I have the honour to inform you that the Royal Norwegian Government has noted the above letter, and will, when the Free City of Danzig becomes a Contracting Party to the Treaty of Commerce and Navigation between Norway and Poland, signed at Warsaw on December 22, 1926, apply to it the provisions of this Treaty as from January 11, 1928.

I have the honour, etc..

(Signed) I. LYKKE.

Monsieur Leszek Malezewski,  
Polish Chargé d'affaires,  
Etc., etc.