

N° 1399.

ITALIE ET POLOGNE

Convention commerciale. Signée à
Gênes, le 12 mai 1922.

ITALY AND POLAND

Commercial Convention. Signed at
Genoa, May 12, 1922.

¹ TRADUCTION. — TRANSLATION.No. 1399. — COMMERCIAL CONVENTION ² BETWEEN POLAND AND ITALY, SIGNED AT GENOA, MAY 12, 1922.

French official text communicated by the Polish Delegate accredited to the League of Nations and by the Italian Minister for Foreign Affairs. The registration of this Convention took place February 1, 1927.

THE HEAD OF THE POLISH STATE, of the one part, and HIS MAJESTY THE KING OF ITALY, of the other part, being equally desirous of encouraging and developing commercial relations between their respective countries, have decided to conclude a Commercial Convention adapted to the provisional régime still in force in their respective countries, and have appointed for this purpose as their Plenipotentiaries :

THE HEAD OF THE POLISH STATE :

H. E. Konstanty SKIRMUNT, Minister for Foreign Affairs ;

H. E. Henryk STRASBURGER, Under-Secretary of State for Industry and Commerce ;

HIS MAJESTY THE KING OF ITALY :

H. E. Dr Carlo SCHANZER, Minister for Foreign Affairs ; and

H. E. Count Avv. Teofilo ROSSI, Minister of Industry and Commerce ;

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

Article 1.

The nationals of either of the Contracting Parties, established or temporarily resident in the territory of the other Contracting Party, shall enjoy, as regards the establishment and carrying on of trade and industry in the territory of the other Contracting Party, the same rights, privileges, immunities, benefits and exemptions as the nationals of the most favoured nation.

Article 2.

The nationals of each Contracting Party shall receive in the territory of the other Contracting Party as regards their legal status, their movable and immovable property, and their rights and interests, the same treatment as that accorded 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 Rome, March 15, 1923.

This undertaking shall not, however, apply to exceptions and restrictions in respect of the purchase, the possession and use of immovable property, which have been or may be applied to the nationals of all foreign countries in the interests of national security.

The nationals of either Contracting Party shall be at liberty to transact business in the territory of the other Contracting Party either in person or through some agent of their own choice and, provided they conform to the laws of the country, they shall have the right to appear in court and shall have free access to the authorities. They shall enjoy all the rights and immunities possessed by the country's own nationals and, like the latter, they shall be entitled to employ counsel or agents of their own choice to safeguard their interests.

Article 3.

Civil and commercial companies which, in virtue of the laws of the respective countries, have been established in the territory of one of the Contracting Parties and are domiciled there, shall, provided they conform to the laws of the other Contracting Party, be entitled to establish themselves in the territory of the latter and exercise their rights and industries, and acquire, possess or rent the premises necessary for the proper transaction of their business.

This undertaking shall not apply to those industries which by reason of their public utility are or may be subject to special restrictions applicable to all countries.

Once they have been admitted in accordance with the laws and regulations which are or may subsequently be in force in the territory of the respective countries, such companies shall enjoy liberty and facility of access to the courts and shall not be subject to any taxes, rates or any kind of fiscal dues other or higher than those claimed from companies belonging to the country. The Polish Government undertakes on condition of reciprocal treatment to grant Italian companies established in Poland the treatment granted to the most favoured nation in respect of other conditions affecting the transaction of business should such treatment be granted to any third Power which is not contiguous to Poland.

Article 4.

Duties and internal taxes collected by the State, provinces, communes or corporations, which are imposed or may subsequently be imposed on the production, preparation or consumption of any goods in the territory of one of the Contracting Parties shall not affect the product, goods or articles of the other Party in a greater degree or more onerously than the native products, goods or articles of the same kind or those of the most favoured nation.

Article 5.

In no case shall nationals of either of the Contracting Parties be subjected in the exercise of their trade or industry in the territory of the other Contracting Party to any duties, taxes, dues or charges under whatever denomination other or higher than those levied upon that Party's own nationals.

They shall be exempt from payment of forced national loans or levies, and any other contribution of any kind whatsoever, which may be imposed for war requirements.

The nationals of either Contracting Party shall be exempt from any military service and compulsory official duties either judicial, administrative, or municipal within the territory of the other Party. They shall only be liable in time of peace and war to such forced labour or payments and military requisitions as are imposed on the native population, to the same extent and on the same principles as the latter, and shall always receive proper compensation.

Article 6.

All produce of the soil or of industry imported into Italy which originates in and comes from Poland, and all produce of the soil or of industry imported into Poland which originates in and

comes from Italy, and is intended for consumption, warehousing, re-export, or transit, shall, so long as the present Convention remains in force, be subject to the treatment accorded to the most favoured nation and in particular, shall not be subjected to other or higher duties than those imposed on the produce or goods of the most favoured nation.

Each of the Contracting Parties undertakes, therefore, immediately and without any further conditions, to give the other Party the benefit of any facilities, privileges or reductions or coefficients of increase of taxes, which it has accorded or may subsequently accord in such respects either temporarily or permanently to a third nation.

No other or higher duties or taxes shall be imposed in Italy on goods exported to Poland or in Poland on goods exported to Italy, than are imposed on the export of the same goods to the most favoured nation in this respect.

Article 7.

The provisions laid down in Article 6 shall not apply :

- (1) To privileges which have been or may subsequently be granted by each of the Contracting Parties in respect of frontier traffic with neighbouring countries ;
- (2) To special facilities resulting from a Customs Union ;
- (3) To the provisional Customs régime established between the Polish and German parts of Upper Silesia.

Article 8.

The Contracting Parties agree that restrictions and prohibitions affecting the import and export of certain goods shall only be maintained so long, and in such a degree, as may be absolutely necessary under existing economic conditions.

Until liberty of import and export is established, they agree to take all necessary measures for reducing to a minimum the obstacles which result from the said prohibitions, by granting exemptions, or by other suitable means.

The Contracting Parties always, however, reserve their right to establish restrictions on import and export :

- (a) For reasons of public safety.
- (b) For reasons of health regulation or the protection of animals and plants which are useful for combating disease or noxious insects and parasites, and particularly in the interests of public health in conformity with the international principles adopted in this connection.
- (c) For goods which are the subject of a State monopoly.
- (d) With a view to applying to foreign goods prohibitions and restrictions which have been or may in future be established by the national legislation on the production, sale and transport, or consumption within the country of similar native goods.

Article 9.

Subject to the goods being re-exported or re-imported within one year and to proof of identity, reciprocal exemption from all kinds of import and export duties is stipulated by both Parties in respect of :

- (1) Articles destined for fairs, exhibitions and shows ;
- (2) Iron and steel casks and barrels used for packing naphtha products.

The re-exportation of these Articles shall be guaranteed by a cash deposit at the Customs office of entry for the amount of the duty or by some valid security.

Article 10.

Products of the soil and industry of one of the two countries which are imported into the territory of the other for warehousing or transit to any destination whatsoever, shall not be subject to any Customs duty or to any internal dues other than the charge for affixing seals or statistical duty ; or any other dues and taxes which are imposed exclusively for the purpose of covering costs of supervision and administration entailed by transit, without prejudice to fiscal dues applicable to transactions of which the goods may form the object while in warehouse or transit.

Goods originating in a third State which are imported into the territory of one of the Contracting Parties after having been warehoused in that of the other shall be subject to the same treatment as they would receive on importation through the warehouses of the most-favoured-nation in this respect.

Article 11.

Merchants, manufacturers and other producers of one of the two countries, and also their commercial travellers, who prove by means of a trading certificate conforming to the model in Annex A, and issued by the authorities of their own country, that they are authorised to carry on their trade or industry and that they pay the duties and taxes prescribed by the law of the country shall be entitled, without payment of any trading licence, to make purchases in the other country for the purpose of their trade or manufacture and to solicit orders from persons or firms engaged in the re-sale of such articles or making use of such articles for their professional requirements. They may have with them samples or patterns but shall not be allowed to hawk goods except under authority given in conformity with the legislation of the country in which they are travelling.

The samples or patterns imported by the said traders and commercial travellers shall be admitted by both Parties free of import or export duties. The re-exportation of these samples and patterns within a year shall be guaranteed by a cash deposit at the Customs office of entry for the amount of the relative duty or by a valid security.

Article 12.

The two Contracting Parties undertake to allow each other most-favoured-nation treatment in their respective territories with regard to all administrative or other formalities necessitated by the application of the measures contained in the present Convention.

Article 13.

In the ports of both countries, Italian and Polish ships and their crews and cargoes, their passengers and luggage, shall receive equal treatment in respect of general or special taxes, classification of ships, facilities for mooring, loading or unloading, and generally, in respect of all formalities and measures whatsoever which may be applicable to trading ships, their cargoes and crews, their passengers and their luggage.

The privileges and rights mentioned above shall not apply :

- (a) To special laws protecting the national mercantile marine ;
- (b) To special concessions granted to nautical clubs and to yachts ;
- (c) To harbour services and to the coasting trade reserved to the national mercantile marine, or to the services between Italy and her colonies ;
- (d) To national fisheries.

The two Contracting Parties shall recognise tonnage certificates issued to their respective ships in accordance with the relative laws of each country.

Article 14.

The nationals of both Contracting Parties, their luggage and goods, shall enjoy the railway rights allowed to the most favoured nation both in respect of charges and means of transport and in respect of conditions of delivery, public taxes and duties.

Article 15.

Should one of the Contracting Parties submit the importation or exportation of certain products or goods to conditions regarding prices which are controlled by the Government or by any organisation instituted by the Government, the conditions applied to the other Party shall be the same as are or may be applied to the most favoured nation or nationals of the latter.

Article 16.

The Polish Government declares that it is prepared to facilitate the journey of its own emigrant nationals and that of emigrants in transit to Italian ports and also that of emigrants who are returning to their countries through the said ports.

The Polish Government agrees to the establishment by Italian navigation companies, subject to Polish legislation, of booking offices in Poland and to their carrying on their business there in respect of direct transports from Trieste to South American or Mediterranean ports.

The Italian Government shall, in conformity with the Italian Emigration Laws, guarantee to Polish emigrants both in the Kingdom and on ships carrying emigrants the same protection that it gives to Italian emigrants. It further undertakes to ensure that there shall be an interpreter approved by the Italian emigration authorities on every ship plying between Trieste and other ports and carrying Polish emigrants.

Article 17.

The present Convention shall be ratified and the ratifications exchanged at Rome as soon as possible.

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

The present Convention shall be binding for a year from the date of its coming into force.

After this period, it shall be prolonged by tacit agreement and shall remain in force for three months after its denunciation by one of the Contracting Parties.

In faith whereof the Plenipotentiaries have signed the present Convention.

Done in duplicate at Genoa, the twelfth day of May, One thousand nine hundred and twenty-two.

(L. S.) (—) Carlo SCHANZER

(L. S.) (—) Teofilo ROSSI.

(L. S.) (—) SKIRMUNT.

(L. S.) (—) Henryk STRASBURGER.

ANNEX A.

IDENTITY CARD FOR COMMERCIAL TRAVELLERS.

(Model).

IDENTITY CARD
FOR
COMMERCIAL TRAVELLERS

It is hereby certified that the bearer of this card
is travelling for the firm(s) of

- 1..... at
- 2..... at
- 3..... at

and that this (these) firm(s) pay(s) the legal taxes for
the year 19.....

For the year 19.....

No. of card

Description of bearer :

.....

Arms.

Age

Height

Hair

Distinguishing marks

Valid
in Italy and Poland.

Bearer

(Name and Christian names)

Signature of Bearer :

.....

.....

Date of birth

L. S. (Authority issuing the card).

Signature

.....