

N° 1475.

UNION ÉCONOMIQUE
BELGO-LUXEMBOURGEOISE
ET ESTONIE

Traité de commerce et de navigation.
Signé à Bruxelles, le 28 septem-
bre 1926.

ECONOMIC UNION OF
BELGIUM AND LUXEMBURG
AND ESTONIA

Treaty of Commerce and Navigation.
Signed at Brussels, September 28,
1926.

¹ TRADUCTION. — TRANSLATION.No. 1475. — TREATY² OF COMMERCE AND NAVIGATION BETWEEN ESTONIA AND THE ECONOMIC UNION OF BELGIUM AND LUXEMBURG. SIGNED AT BRUSSELS, SEPTEMBER 28, 1926.

French official text communicated by the Estonian and Belgian Ministers for Foreign Affairs. The registration of this Treaty took place May 31, 1927.

THE CHIEF OF THE STATE OF THE REPUBLIC OF ESTONIA, of the one part, and HIS MAJESTY THE KING OF THE BELGIANS acting both in his OWN NAME and in THE NAME OF HER ROYAL HIGHNESS THE GRAND DUCHESS OF LUXEMBURG, in virtue of existing agreements, of the other part, being equally desirous of promoting and developing the commercial relations between the respective countries, have decided to conclude a Treaty of Commerce and Navigation, and have appointed as their Plenipotentiaries for that purpose :

THE CHIEF OF THE STATE OF THE REPUBLIC OF ESTONIA :

M. Charles PUSTA, Envoy Extraordinary and Minister Plenipotentiary ;

HIS MAJESTY THE KING OF THE BELGIANS :

M. Emile VANDERVELDE, Minister of State, His Minister for Foreign Affairs ;

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 High Contracting Parties domiciled or temporarily resident in the territory of the other shall, provided they comply with the laws of the country, enjoy the same rights, privileges, immunities, favours and exemptions as the nationals of the most favoured nation as regards establishment and the exercise of their commerce, industry or trade.

The stipulations of this Article shall not in any way affect such laws, decrees, and special police regulations concerning the exercise of commerce, industry, and trade as are or may in future be put into force for general reasons in the territories of the Contracting Parties and be applied to the nationals of all other Powers without distinction.

Article 2.

Most-favoured-nation treatment shall also be granted in regard to the acquisition, occupation, leasing and disposal of movable and immovable property.

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 Brussels, May 21, 1927.

Article 3.

The nationals of each of the High Contracting Parties may in the same way, provided they comply with the laws of the country, export the proceeds of the sale of their property and goods in general without being liable on that account to pay duties other or higher than those which the nationals of the most favoured nation would have to pay in similar circumstances.

Article 4.

The nationals of each of the High Contracting Parties shall enjoy in the territory of the other Party constant and complete protection and security for their persons and property. They shall have free and ready access to the Courts of Justice, for the purpose both of enforcing and defending their rights. They shall also be entitled to bring claims against the State and its organs before the Courts or other competent authorities.

The provisions of Articles 1-24 of the International Convention¹ relating to Civil Procedure, concluded at the Hague on July 17, 1905, shall be applied in each of the Contracting States so far as concerns nationals of the other country.

Article 5.

The houses, stores, factories and shops belonging to nationals of each of the High Contracting Parties and situated in the territory of the other, together with all premises attached thereto and employed for lawful purposes, shall be respected. They shall not be subjected to any domiciliary visit or search, nor shall the books, papers or accounts be examined or inspected, except under the conditions and in the forms prescribed by law for nationals of the country.

Article 6.

Nationals of each of the High Contracting Parties shall be exempt in the territory of the other Party from all compulsory military service, either in the land, naval or air forces, or in the national guard or militia, and from all contributions imposed in lieu of personal service. They shall also be exempted from all forced loans; both in time of peace and in time of war they shall be liable only to those military contributions and requisitions which are imposed upon nationals, and they shall reciprocally be entitled to the compensation granted to nationals by the laws in force.

Article 7.

Nationals of either of the High Contracting Parties shall not be subject to any burdens, taxes, charges or contributions of any kind other or higher than those which are or may be imposed on nationals of the most favoured nation.

Article 8.

The High Contracting Parties reciprocally recognise that all commercial, industrial, financial and insurance companies and other associations constituted and authorised in accordance with their national legislation shall have free and ready access to the courts of the other country, on the sole condition that they observe the laws of that country.

¹ *British and Foreign State Papers*, Vol. 99, p. 990.

Such companies and associations belonging to each of the High Contracting Parties may, if the laws and regulations of the other country permit it, and provided that they comply with all the formalities required under those laws and regulations, pursue their activities and take up residence in that country. As regards conditions of residence they shall enjoy the treatment granted to the companies and associations of the most favoured nation, it being understood that the foregoing provisions shall not prejudice the question of the right of any company or association established in one of the contracting countries to carry on trade or industry in the other; this right shall always be determined in accordance with the laws and regulations in force in the country concerned.

In no case shall companies and associations of one of the Contracting Parties be subject in the territory of the other to any duties, charges or taxes of any description other or higher than those which are or may be levied on the companies and associations of the latter country. It is understood that the régime under which companies and associations of one of the Contracting Parties shall be authorised to operate in the territory of the other shall be that of most-favoured-nation treatment.

Article 9.

The consuls-general, consuls, vice-consuls and consular agents of Belgium and Luxemburg in Estonia and the Estonian agents of the corresponding ranks in Belgium and the Grand Duchy of Luxemburg shall enjoy all the privileges, exemptions and immunities granted to agents of the same rank and standing belonging to the most favoured nation.

Nevertheless, exemption from taxation shall only be granted to consular agents of all ranks who possess the nationality of the country for which they act and who are not engaged in any profession, industry or trade whatever apart from their official duties.

The clerical staff appointed and paid by the Government, employed in the Legations and Consulates of each of the High Contracting Parties, shall enjoy on a footing of reciprocity, in Belgium and the Grand Duchy of Luxemburg, on the one hand, and in Estonia, on the other, the exemptions and immunities granted to agents of the same class belonging to the most favoured nation.

Article 10.

Should a national of one of the High Contracting Parties die in the territory of the other, the competent local authorities shall at once notify the nearest consul-general, consul, vice-consul or consular agent of the country of which the deceased was a national; if the consular officer is the first to be informed, he shall similarly notify the local authorities.

The competent local authority shall complete the notification by forwarding a copy of the death certificate in due form.

In case of the legal incapacity or absence of the heirs or absence of executors, the consular officers, in conjunction with the competent local authority, shall have the right, in accordance with the laws of their country, to take all necessary steps for the preservation and administration of the estate, and in particular to affix and remove seals, to take an inventory, and to administer and wind up the estate; in short, to take all necessary measures to safeguard the interests of the heirs, unless any dispute should arise, in which case such dispute shall be decided by the competent courts of the country in which the succession is opened.

The foregoing provisions shall similarly apply to cases in which a national of one of the Contracting Parties who possesses property in the territory of the other dies outside that territory without leaving in the place where his property is situated any person authorised to take charge of the estate and administer it.

The two Contracting Parties agree to conclude a consular convention as soon as possible.

Article 11.

Natural products or manufactured goods originating in the territory of one of the High Contracting Parties and imported into the territory of the other Party either for consumption or storage or re-export or in transit, shall not be liable in respect of importation, exportation, re-exportation and transit to any general or local duties, fees, surtaxes, taxes, contributions or obligations other or more burdensome than those imposed on products of the most favoured nation.

Neither of the Contracting Parties shall impose on the exportation of any article whatever to the territory of the other Party any duties or charges other or higher than those which may be imposed on the export of similar articles to any other foreign country.

Likewise, no prohibition or restriction shall be maintained or imposed by either of the Contracting Parties on the importation or exportation of any article whatever coming from or consigned to the territory of the other, unless such prohibition or restriction also applies to similar articles coming from or proceeding to any other country. This latter provision shall not, however, apply to prohibitions or restrictions maintained or imposed on account of a state of war, or for reasons of health or public safety or with a view to the protection of animals or useful plants, or in respect of goods which form a State monopoly in one of the Contracting States.

It is agreed that the High Contracting Parties may, should circumstances so dictate, make the advantages of the foregoing provisions conditional upon the production of certificates of origin.

Article 12.

Natural products or manufactured goods originating in the territory of one of the High Contracting Parties and imported in due form into the territory of the other, shall not be subjected to any fees or duties in respect of octroi, tolls, warehousing, excise, or consumption, levied in the name and on behalf of the State, provinces, communes, public institutions or corporate bodies of any kind, other or higher than those which are or may be imposed on similar articles originating in any other most favoured country.

Natural products or manufactured goods originating in the territory of one of the Contracting Parties and passing in transit through the territory of the other, in conformity with the laws of the country, shall be reciprocally free from all transit duties, whether they pass through direct or whether during transit they are unloaded, warehoused and reloaded. Nevertheless, traffic in transit may be subjected to dues or taxes levied solely to cover the expenses of supervision and administration involved by such transit.

Article 13.

Merchants, manufacturers and other industrialists who are nationals of one of the High Contracting Parties, and who prove by the production of an identity card issued by the competent authorities that they are authorised to carry on their trade or industry in the territory of that Party, shall have the right to make purchases either in person or through travellers in their employ, and, even if they carry samples with them, to take orders in the territory of the other Party, provided they conform to the laws and regulations in force in that country, including the provisions which concern taxation.

Industrials and commercial travellers in possession of trading licences shall have the right to carry with them samples, but not goods.

Articles subject to Customs duty or any other similar charge, except goods the importation of which is prohibited, shall, when imported as samples or patterns by commercial travellers, be admitted reciprocally free of import and export duties, subject to the deposit of security if required, provided that the said articles are re-exported during the period specified by the laws of the country and that the identity of the imported articles with the re-exported articles is not open to question, irrespective of the office open to re-exportation in transit through which they pass on leaving the country.

Article 14.

There shall be full and complete freedom of navigation between the territories of the High Contracting Parties ; nationals of either Party shall have full liberty, on the same footing as nationals of the most favoured nation, to proceed with their vessels and cargoes to such places, ports and rivers in the territory of the other Party as are or may be open to foreign trade ; they shall enjoy, provided they observe the laws of the country in which they arrive, the same rights, favours, liberties, immunities and exemptions in regard to navigation as are or may be enjoyed by nations of the country.

Article 15.

Vessels and boats flying the flag of one of the two Contracting Parties, entering in ballast or in freight the waters and ports of the other Party or leaving the same, whatever may be their place of departure or destination, shall not be subjected, as regards their entry, stay or exit, to any duty or charge of any nature whatsoever levied in the name and on behalf of the State, provinces, communes, public institutions or corporate bodies of any kind, other or higher than those which are at present or may in the future be levied on the vessels of the country concerned. Their cargoes, whatever may be their place of origin, shall not pay other or higher import duties and shall not be subjected to other charges than those which would be levied if they had been imported in a ship flying the flag of the country concerned, provided always that all articles which are or may in future be legally imported at the ports of one of the Contracting Parties by vessels belonging to that Party may likewise be imported at those ports by vessels belonging to the other Contracting Party. Their passengers and their baggage shall receive the same treatment as if they had been travelling in a vessel flying the flag of the country concerned.

As regards the berthing of vessels and boats, their loading and unloading in ports, roadsteads, harbours and docks, and, in general, as regards all formalities and regulations whatever to which merchant vessels and their crews and cargoes may be subject, it is agreed that no privilege or favour shall be granted to the vessels and boats of one of the Contracting Parties which is not also granted to the vessels and boats of the other, it being the desire of the two Parties that, in this respect also, their vessels shall be placed on terms of complete equality.

The foregoing provisions shall not prevent either of the two Contracting Parties from reserving to vessels flying the national flag the coasting trade and fishing in its territorial waters, as also towage and other port services.

Vessels and boats sailing under the flag of one of the Contracting Parties and carrying the ship's papers and documents required by the laws of that country shall be *ipso facto* recognised as possessing that country's nationality in the territorial waters, inland waters and ports of the other Contracting Party, without being required to furnish any further proof.

Article 16.

The competent consular officers of each of the High Contracting Parties shall in the territory of the other have exclusive charge of the maintenance of order on board merchant vessels of their own country, and shall alone be competent to deal with any disputes which may arise either at sea or in the territorial waters of the other country between masters, officers and crews, particularly as regards the payment of wages and the fulfilment of contracts. The territorial authorities shall, however, be entitled to take action if there occur on board a merchant vessel of one of the Contracting Parties, in the territorial waters of the other, disorders which, in the opinion of the competent local authorities, are calculated to disturb peace and order in such waters or on land.

Article 17.

If a sailor deserts or irregularly leaves a merchant vessel flying the flag of one of the High Contracting Parties in the territorial waters, ports or inland waters of the other, the local authorities shall be bound, within the limits of the law, to afford all the assistance in their power to secure the arrest and surrender of the sailor in question, if requested to do so by the competent consular officer of the country to which the vessel in question belongs ; any expenses incurred by them shall be reimbursed by the consul.

If the sailor has committed any offence, his surrender shall be delayed until the competent Court has passed sentence and the sentence has been executed.

It is understood that the stipulations of the first paragraph shall not apply to nationals of the country in which the vessel was deserted or abandoned.

Article 18.

In the case of shipwreck, damage at sea, or putting into harbour through stress of weather or accident, each of the High Contracting Parties shall, so far as the duties of neutrality permit, afford the vessels of the other, whether State-owned or privately owned, the same assistance and protection and the same immunities as are granted in like cases to vessels flying the national flag. Goods salvaged from such vessels shall be exempt from all Customs duties unless introduced for consumption within the country, in which case they shall be required to pay the duties in force.

If a vessel of one of the High Contracting Parties should run aground or be wrecked upon the coasts of the other, the local authorities shall notify the nearest competent consular officer.

The consular officers of the respective countries shall be authorised to give all necessary assistance to their nationals.

Article 19.

In all matters connected with the various administrative and other formalities necessary for the application of the provisions of the present Treaty, the two Contracting Parties guarantee each other most-favoured-nation treatment in their respective territories.

Article 20.

The following exemptions, immunities and privileges shall not be deemed to infringe the principle of most-favoured-nation treatment on which the present Treaty is based :

(a) Privileges which have been or may be granted to neighbouring States, with a view to facilitating local traffic within the respective frontier zones.

(b) Privileges which have been or may be granted by one of the High Contracting Parties to a third State in virtue of a Customs or economic union already in existence or which may be concluded in the future.

(c) Exemptions, immunities and privileges which are granted or may be granted by Estonia to one of the Baltic States (Finland, Latvia or Lithuania) by reason of special agreements.

The same applies to privileges which Estonia may grant to the Union of Socialist Soviet Republics in virtue of special Customs conventions or agreements.

It is understood, however, that the Economic Union of Belgium and Luxemburg shall immediately enjoy the same advantages should they be granted by Estonia to any third State not mentioned above.

Article 21.

Within a period of six months from the date of the ratification of the present Convention, the High Contracting Parties undertake to negotiate an agreement protecting each other, so far as concerns emigration, against any measure or regulation liable to divert emigrant traffic from its normal channels or impede the normal recruiting of emigrants.

Article 22.

The two Contracting Parties mutually undertake to settle by special agreement the question of the reciprocal recognition of tonnage-measurement certificates.

Article 23.

All disputes and differences of opinion between the two Contracting Parties with reference to the application and interpretation of the present Treaty shall be decided by a joint arbitral tribunal.

A separate arbitral tribunal shall be formed for each case, and shall consist of an equal number of representatives of each of the two Parties. If these representatives fail to come to an agreement, they shall appeal to a neutral arbitrator, whom the President of the Permanent Court of International Justice may be requested to appoint.

Article 24.

The present Treaty shall be ratified, and the ratifications shall be exchanged at Brussels as soon as possible.

It shall come into force on the fifteenth day after the exchange of ratifications. The Treaty is concluded for one year. If, however, it is not denounced at the close of this period, it shall be prolonged by tacit consent for an indefinite period, and may be denounced at any time.

If denounced, it shall continue in force for three months from the day on which one of the Contracting Parties notifies the other of its intention to allow the Treaty to lapse.

In witness whereof, the Plenipotentiaries have signed the present Treaty.

Done in duplicate at Brussels on September 28, 1926.

Ch. PUSTA.

VANDERVELDE.