

N° 1848.

BULGARIE ET TURQUIE

Traité de commerce et de navigation,
avec protocole de signature et
annexes. Signés à Angora, le
12 février 1928.

BULGARIA AND TURKEY

Treaty of Commerce and Navigation,
with Protocol of Signature and
Annexes. Signed at Angora,
February 12, 1928.

¹ TRADUCTION. — TRANSLATION.

No. 1848. — TREATY ² OF COMMERCE AND NAVIGATION BETWEEN BULGARIA AND TURKEY. SIGNED AT ANGORA, FEBRUARY 12, 1928.

French official text communicated by the Bulgarian Chargé d'Affaires at Berne. The registration of this Treaty took place September 27, 1928.

HIS MAJESTY THE KING OF THE BULGARIANS, of the one part, and THE PRESIDENT OF THE TURKISH REPUBLIC, of the other part, being desirous of promoting and developing commercial relations between Bulgaria and Turkey, have decided to conclude a Treaty of Commerce and Navigation, and have appointed for this purpose as their Plenipotentiaries :

HIS MAJESTY THE KING OF THE BULGARIANS :

- M. Theodore PAVLOFF, Envoy Extraordinary and Minister Plenipotentiary of Bulgaria in Turkey ; and
- M. Jordan MITKOFF, Head of the Customs Section at the Ministry of Finance ; and

HIS EXCELLENCY THE PRESIDENT OF THE TURKISH REPUBLIC :

- Ali DJENANI Bey, Deputy for Ghazi Ayintab at the Grand National Assembly, and Former Minister of commerce ; and
- Ali SHEVKI Bey, Deputy for Tokat, and Former Under-Secretary of State at the Ministry of Foreign Affairs.

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

Article 1.

There shall be reciprocal freedom of commerce and navigation between the two Contracting Parties.

Products of the soil and of industry originating in the territories of one of the Contracting Parties and imported into the territories of the other Contracting Party shall not be subject to any duties, coefficients, charges or dues other or higher than those which are or may hereafter be levied on like products of the most favoured nation.

It is understood that most-favoured-nation treatment shall be extended also to the application of Customs regulations, to Customs treatment, to the methods employed in the examination and analysis of imported goods, to the conditions for the payment of Customs duties and charges, to tariff classification, and to the application of monopolies.

¹ Traduit par le Secrétariat de la Société des Nations, à titre d'information.

¹ Translated by the Secretariat of the League of Nations, for information.

² The exchange of ratifications took place at Sofia, August 31, 1928.

Article 2.

Products originating in the two countries, as specified in Annexes A and B, whilst enjoying the benefits provided in the preceding Article, shall not be subject to import duties higher than those specified in the aforesaid Annexes.

Article 3.

Products of the soil and of industry originating in one of the Contracting Countries and imported into the territories of the other shall enjoy therein, as regards internal taxes of any kind whatsoever, the treatment granted to like products of a third country.

Article 4.

Either Contracting Party may, in order to satisfy itself as to the country of origin of the goods imported, require the production of a certificate of origin stating that such goods are products of the soil and industry of the said country, or that they must be considered as such in view of the labour expended on them therein.

Certificates of origin, prepared according to the annexed model (C), shall be issued either by the Departments of Commerce or Agriculture, or by the Chamber of Commerce to which the consignor belongs, or by any other organ or body which the country of destination may have accepted. The Government of the country of destination may require certificates of origin to be legalised by its diplomatic or consular representative.

Certificates of origin will be dispensed with in the case of postal packages if the non-commercial nature of such packages is recognised by the country of destination.

Article 5.

The Contracting Parties undertake not to hamper their reciprocal commercial relations by import or export prohibitions or restrictions.

Exceptions to this rule, in so far as they are applicable to all countries or to countries in the like circumstances, shall be admissible in the following cases only :

- (1) To maintain the resources indispensable for the food of the people and to safeguard the economic activity of the nation.
- (2) For the safety of the State and for reasons of public security ;
- (3) For reasons connected with public health, or to protect animals and useful plants against disease and noxious insects and parasites, in conformity with the international principles adopted with regard to this matter.
- (4) In the case of goods which are the subject of a State monopoly, and with a view to applying to foreign goods such prohibitions and restrictions as are or may hereafter be imposed by the national laws in regard to production, sale, transport, or domestic consumption of like goods of native origin.
- (5) To prevent the export of gold coin or gold bullion.

Article 6.

The two Contracting Parties shall grant each other freedom of transit across their respective territories, on the routes which are most suitable for international transit, in respect of persons, baggage, goods and articles of all sorts, vessels, boats, carriages, wagons or other means of transport, and guarantee each other most-favoured-nation treatment in this respect.

Goods of all kinds conveyed across the Customs territory of either Contracting Party shall be reciprocally exempted from all Customs duties and other dues with the exception of duties and taxes for supervision, sealing, loading, unloading, statistical records and warehousing.

The provisions of this Article shall also apply to goods in transit which have been transhipped or warehoused, whether they have been repacked or not.

It is understood, however, that the transit of such goods shall be guaranteed in conformity with the respective Customs regulations, in order to prevent their clandestine introduction into the country.

Neither Contracting Party shall be bound to allow the passage in transit of travellers whose admission to its territory is prohibited.

The transit of goods may be prohibited :

- (a) For reasons relating to the safety of the State and public security ;
- (b) For reasons connected with public health or as a precaution against diseases of animals and plants.

The passage in transit of products which, in the territories of the Contracting Parties, are the subject of a State monopoly, or of which the production or sale is prohibited, may be subjected to a special supervision under the statutory and administrative regulations now in force or which may hereafter be adopted. This supervision shall be exercised in such a manner as not to hamper the normal course of free transit traffic.

Article 7.

The two Contracting Parties guarantee each other most-favoured-nation treatment in their respective territories as regards transport rates and methods, conditions of delivery and public taxes and dues on their railways for the like merchandise carried on the same lines and in the same direction. The two Governments shall further be free to regulate details concerning railway communications and transit by rail in either country by means of direct agreements between the railway administrations.

Article 8.

Goods of all kinds exported from the territories of either Contracting Party to the territories of the other Contracting Party shall not be subject on export to Customs duties, taxes, imposts or charges other or higher than those imposed upon the like goods despatched to a third State, or to treatment other than that applied to such goods.

Article 9.

Treatment on terms of equality with a third State may not be claimed in respect of :

- (1) Privileges which are or may hereafter be granted by one of the Contracting Parties in frontier traffic with contiguous countries over an area extending on both sides of the frontier and as a rule not exceeding a breadth of 15 kilometres on either side of the frontier ;
- (2) To special privileges resulting from a Customs union ;
- (3) To special privileges which are or may hereafter be established in respect of Customs tariffs and generally in all other commercial transactions between Turkey and the territories detached from the Ottoman Empire in 1923.

Article 10.

Merchants, manufacturers and other industrialists of one of the Contracting Parties, who prove by the production of an identity card issued by the competent authorities of their country certifying that they are authorised to carry on their trade or industry and that they pay the duties and taxes prescribed by the laws of their country, shall be entitled to make purchases in the territories of the other Contracting Party, either personally or through commercial travellers employed by them, from merchants or producers or in the public market. They shall also be permitted to accept orders from merchants or other persons who make use of the goods corresponding to their samples for the purpose of their commerce or industry. They shall further be entitled to take samples and specimens with them or have them forwarded. They shall not be liable to any special tax or due on account of the transactions enumerated in the present paragraph. All objects representative of a specified category of goods shall be considered as samples or specimens, provided, first, that the said articles are such that they can be duly identified on re-exportation, and secondly, that the articles thus imported are not of such quantity or value that, taken as a whole, they no longer constitute samples in the usual sense.

The identity card shall conform to the model in Annex D. The Contracting Parties shall notify one another of the authorities empowered to issue cards and of the regulations with which commercial travellers must comply in the exercise of their trade.

It is understood, however, that the commercial travellers referred to above shall not be entitled to transact sales on behalf of merchants or manufacturers other than those referred to on their cards.

With the exception of goods the importation of which is prohibited, articles liable to Customs duty or any other tax which are imported as samples or specimens shall, provided they are to be re-exported, be provisionally admitted free from import or export duties by both Parties upon the following conditions :

(a) When making their Customs declarations the travellers shall submit three copies of a descriptive list certified by the Customs authorities of the exporting country, describing in detail the samples or specimens imported by them.

If they are not in possession of the descriptive list they shall, when making their declaration, submit a new list in triplicate describing in detail the samples and specimens.

The Customs authorities of the country of import may require that the list be translated into the language of the country.

(b) In order that samples and specimens may be identified on re-exportation they shall be stamped or sealed with wax or lead, according to their nature and form, in the country of export. The Customs authorities of each Party shall provide the other through official channels with patterns of these stamps and seals by which the authenticity of the marks affixed to the samples may be verified. Should it be impossible or inconvenient to affix a mark, identification by means of photographs, drawings, or complete and detailed descriptions shall be admissible. The Customs authorities of the country of import may, however, affix supplementary marks on the samples at the expense of the parties concerned, whenever they consider such a step necessary for guaranteeing the identity of these samples at the time of their re-exportation.

Except in the latter case, Customs verification shall be confined to identifying the samples and deciding the total duties and charges to which they may be liable.

If the samples and specimens do not bear signs affixed in the country of export, the Customs authorities of the country of import shall affix fresh marks.

(c) After the importer has submitted the descriptive list or the declaration of the samples at the Customs office, the Customs examination shall take place, and, if the list or declaration corresponding to the marks and signs affixed thereto is found in order, the Customs duties on each of the samples and the excise duties, if any, shall be determined and the amount of the said duties and taxes shall be deposited either

in specie or in the form of a guarantee considered adequate by the competent authorities of the country of import. The rules for guarantees shall be settled by the respective Governments on general lines. The cost of weighing and any other costs shall be finally paid and the descriptive list, or one of the copies of the declaration duly legalised by the Customs authorities, shall be returned to the importer.

The importer shall, however, be entitled instead of depositing the duty on each sample, according to the articles of the tariff referring thereto, to pay duty on the whole of the samples at the rate applicable to the sample which is subject to the highest tariff rates. The Customs authorities shall be bound to accept this proposal.

(d) Samples and specimens imported in this manner shall be returned within a period of one year to the country of export or re-exported to some other country either through the Customs office through which they were imported or through another. The period of one year may be prolonged, if need be, by the Customs authorities of the country of import.

(e) The descriptive list, or the declaration, and the samples or specimens to be re-exported shall be presented by the importer at the Customs, and the latter, after examination, shall without delay and against a receipt effect the refund of the total amount of the duties paid on import or the release of the security for payment of these duties. This refund or release shall only be effected in the case of re-exported samples or specimens. The Customs duties held on deposit for samples and specimens not re-exported after the expiry of the period provided for under (d) or sold within the country shall be credited to the Administration or collected from the guarantors.

(f) The refund of duties paid on importation or the release of the security for payment of these duties may be effected by any Customs office on the frontier or by any Customs office in the interior which has been authorised so to act. The Contracting Parties shall communicate to each other the lists of the offices thus authorised.

The principle of treatment on terms of equality with any third State continues, however, to be reciprocally assured in respect of the provisions of this Article.

The provisions of this Article shall not be applicable to hawking.

Article 11.

Nationals of either Contracting Party travelling to fairs or markets for the purpose of carrying on trade therein shall not be treated less favourably in the territory of the other Party than nationals of the latter, provided that they can produce an identity card made out in accordance with the model in Annex E issued by the authorities of the country of which they are nationals.

The provisions of paragraph 1 shall not apply to itinerant traders and manufacturers nor to hawking or the soliciting of orders from persons not engaged in trade or industry, each of the Contracting Parties reserving full legislative freedom in this respect.

Article 12.

Vessels and boats flying the flag of one of the Contracting Parties and entering or remaining in harbour or leaving the waters and ports of the other Party in ballast or with cargo, whatever may be their place of departure or destination, shall be accorded within these waters and ports the same treatment in all respects as national vessels, and shall not be subjected to any duty or tax of any nature whatsoever levied in the name and on behalf of the State, provinces, communes or any organisations authorised by the Government other than those which are or may hereafter be levied on national vessels.

Cargoes of vessels, whatever may be their place of departure or destination, shall not pay other or higher duties or charges, nor be subject to other treatment than goods imported or exported under

the national flag. Passengers and their baggage shall be treated in the same manner as if they were travelling under the national flag.

Article 13.

Each of the High Contracting Parties reserves to its national flag the fishing in its territorial waters, maritime coastal trade, that is to say, transport by sea of goods and passengers embarked in one port of its territory for another port in the same territory, and also port services, that is to say, towage, pilotage and all internal services of every description, and navigation on inland waters.

The assimilation of ships and their cargoes to ships and cargoes under the national flag shall not be extended to subsidies and bounties of any kind which are or may hereafter be granted to the national mercantile marine.

Article 14.

The documents and certificates issued for the purpose by the competent authorities of the respective States, in accordance with their laws and regulations, shall be recognised by both Parties as establishing the nationality of boats and vessels.

Tonnage measurement certificates and other tonnage measurement documents issued by either Contracting Party shall be recognised by the other Party pending the conclusion of a special agreement between the two Contracting Parties.

Article 15.

Vessels and boats under the flag of one of the Contracting Parties entering a port belonging to the other Party with the sole object of completing their cargo or unshipping or transhipping some portion thereof shall be entitled, provided that they comply with the laws and regulations of the State concerned, to retain on board any portion of the cargo which is consigned to another port or to another country, and to re-export such portion of the cargo without being liable to pay any duty charges thereon except supervision fees. The latter shall, however, be levied at the lowest rates paid by national vessels.

Article 16.

If a vessel of one of the two Contracting Parties should be wrecked, run aground, be damaged at sea or compelled through stress of weather or accident to put into harbour in the waters of the other Party, the vessel and her cargo shall enjoy the same benefits and immunities as are granted, by the laws and regulations of the country concerned, in similar circumstances, to national vessels. Assistance and relief shall be given to the master, the crew and the passengers both for themselves and for the vessel and her cargo, to the same extent as would be afforded to nationals.

As regards salvage charges, the law of the country where salvage takes place shall be applicable.

Goods salvaged from a stranded or wrecked vessel shall not be subject to any Customs duties unless they are admitted into the country for consumption therein.

Article 17.

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

It shall come into force one month after the date of the exchange of ratifications and shall remain in force for a period of one year. After that date, it shall remain in force until it is denounced by one of the Contracting Parties, such denunciation not to take effect until the expiry of a period of six months.

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

Done in duplicate at Angora on February 12, 1928.

(Signed) TH. PAVLOFF.

(Signed) ALI DJÉNANY.

(Signed) JOR. MITKOFF.

(Signed) A. CHEVKI.

PROTOCOL OF SIGNATURE.

On proceeding to sign the present Treaty the undersigned Plenipotentiaries have agreed upon the following explanatory provisions :

Ad Article 2.

The two Contracting Parties agree to readjust the coefficients quoted in list B according to the fluctuations of the exchange upon the same conditions as are provided in Article 2 of the Commercial Convention¹ signed at Lausanne on July 24, 1923, between Turkey and the other Powers.

Ad Article 3.

It is understood that Turkey may further continue to exact, subject to the same condition of equality between her nationals and Bulgarian nationals, the consumption duties set out in the schedule annexed to the present Protocol in respect of the products specified in that schedule.

Ad Articles 5 and 17.

The Contracting Parties agree that the prohibitions and restrictions established upon the basis of Article 5, paragraph 2, No. 1, shall not be applied to goods which, at the time of the promulgation of import or export prohibitions or restrictions, may already have been ordered or despatched.

The Contracting Parties also agree that the Party whose interests may be prejudiced by the prohibitions and restrictions provided for above with regard to a certain number of goods specified in the list annexed to the present Treaty, shall be entitled to denounce the Treaty at three months' notice, even before the expiry of the period of one year provided for in Article 17, paragraph 2.

Ad Article 5, paragraph 2, No. 3.

The Governments of the Contracting Parties reserve the right to conclude a special veterinary convention concerning livestock, animal products and articles which are liable to act as carriers of infection.

¹ Vol. XXVIII, page 175, of this Series.

Ad Article II.

The two Contracting Parties agree that the provisions of Article II shall be subject to the laws and regulations relating to the police and the passport system.

The present Protocol shall have the same force, value and duration as the present Treaty, of which it shall form an integral part.

Done in duplicate at Angora on February 12, 1928.

(Signed) Th. PAVLOFF.

(Signed) Ali DJÉNANY.

(Signed) Jor. MITKOFF.

(Signed) A. CHEVKI.

ANNEX TO THE PROTOCOL OF SIGNATURE.

CONSUMPTION DUTIES.

| | |
|--|---|
| Tea | 40 piastres per kg. |
| Coffee | 20 " " " |
| Petroleum | 5 " " " |
| Rice | 10 " " " |
| Margarine, oleomargarine and other animal fats | 80 " " " |
| Stearin candles | 30 " " " |
| Common soap | 5 " " " |
| Rags, new and used | 5 " " " |
| Spices | 30 " " " |
| Matches | ½ piastre per box of 60 matches |
| Wax matches | 1 piastre per box of 60 matches |
| Cigarette paper | 1 piastre per 50 leaves |
| Lighters | 25 piastres per briquette |
| Sugar | 15 piastres per kg. |
| Biscuits | } Subject to consumption duty according to the percentage of sugar content. |
| Chocolate | |
| Condensed milk | |
| Confectionery and glucose | |
| Non-alcoholic beverages | |
| Effervescent waters and lemonades | } 40 piastres per kg. |
| All other sugared products | |
| Tobacco | |

LIST A.

| No. of Bulgarian Tariff | Goods | Import duty per 100 kg. levas C. |
|-------------------------------|--|--|
| 30 | Fish of all kinds, live, fresh and frozen | 14 |
| 31 | Salted fish of all kinds : | |
| | (b) Tunny (pilcher) fish : | |
| | (1) Sliced (<i>lakërda</i>) | 70 |
| | (2) Not sliced | 45 |
| | (c) Other | 19 |
| 43 | Chick-peas of all kinds | 10 |
| 44 | Chick-peas, cooked (<i>leblébi</i>) | 30 |
| ex 53 | Oranges, mandarine cedrates | 19 |
| 54 | Figs : | |
| | (a) In bags and cases containing 10 kg. or more : | |
| | (1) In bulk (in cases or bags) | 32 |
| | (2) Strung | 38 |
| | (b) In boxes or small white bags containing up to 10 kg. (including the actual make-up) | 63 |
| | (c) In other receptacles or wrappings | 63 |
| 56 | Olives : | |
| | (a) Fresh or salted | 12 |
| 62 | Grapes and raisins : | |
| | (c) Raisins : | |
| | (1) Black | 50 |
| | (2) White | 63 |
| 66 | Nuts : | |
| | (a) In shells | 32 |
| | (b) Without shells | 63 |
| 67 | Fruits not specially mentioned : | |
| | (a) Lemon | 12 |
| | <i>Cham fistik</i> | 50 |
| 79 | Oleaginous seeds not specially mentioned : | |
| | (a) Sesame : | |
| | Raw | 3 |
| 114 | Edible olive oil : | |
| | (a) In receptacles containing 10 kg. or more | 50 |
| 124 | Animal and vegetable wax : | |
| | (a) Beeswax and wax in combs | 140 |
| 176 | Tanning materials : | |
| | (a) All kinds of vegetable parts (<i>valonia</i> , gall nuts) | Exempt |

LIST B.

| No. of Turkish Tariff | Goods | Import Duty | Coefficient | |
|-----------------------|---|--------------------|-------------|-----|
| ex 7 | Buffaloes | per head | 195 | 3 ½ |
| 8 | Oxen | ” | 150 | 3 ½ |
| 9 | Cows and cow-buffaloes | ” | 180 | 3 ½ |
| ex 12 | Rams and sheep called “Kavardjik”, ewes and he-goats | ” | 25 | 4 |
| 13 W | Lambs and kids | ” | 12 | 3 ½ |
| 14 | Pigs | ” | 69 | 3 ½ |
| 32 (a) | Cheese : | | | |
| | (a) Common, kachkaval, salamoura, kacher, tulum, and the like | per 100 kg. | 210 | 5 |
| 46 | Corn, wheat, spelt and meslin | ” | 30 | 12 |
| 47 | Rye, maize and millet | ” | 19 | 12 |
| ex 52 | Haricots | ” | 60 | 12 |
| 53 | Flour : | | | |
| | (a) Of corn or of wheat | ” | 95 | 12 |
| 65 | Potatoes of all kinds | ” | 30 | 9 |
| 82 | Fresh vegetables : | | | |
| | (a) Onions | ” | 75 | 12 |
| | (b) Garlic and other fresh vegetables not enumerated elsewhere | ” | 250 | 12 |
| 115 | Sugar : | | | |
| | (b) Refined, in loaves, whether whole or broken, crushed or in powder, also sugar candy | ” | 76 | 5 |
| 203 | Firewood | ” | 2 | 8 |
| 323 | Tissues and stuffs not specified elsewhere, pressed or not, for men's or women's clothing, furniture stuffs, and other uses, made of wool or mixed with other materials other than silk : | | | |
| | (a) Pure wool : | | | |
| | (2) Weighing from 200 to 600 gr. per square metre | per m ² | 1,400 | 5 |
| | (3) Weighing more than 600 gr. per square metre | ” | 1,300 | 5 |
| | (b) Cotton warp : | | | |
| | (3) Weighing more than 600 gr. per square metre | ” | 600 | 5 |
| | (4) Aba and chayak, coarse, and chayaks woven from ordinary goat hair (pure or mixed with cotton) | per 100 kg. | 1,000 | 5 |
| ex 332 | Kaitan | ” | 2,500 | 3 |
| 368 | Charcoal | ” | 10 | 4 |
| 513 | Spare parts for machinery and apparatus not enumerated elsewhere | ” | 100 | 5 |

ANNEX C.

FORM OF

CERTIFICATE OF ORIGIN.

Consignor Consignee

Name Name
 Residing at Residing at
 Street..... Street

| Number of packages | Method of packing | Marks Number | Gross and net weight in kilogrammes and value | Means of despatch (railway, post, ship, etc). |
|--------------------|-------------------|--------------|---|---|
| | | | | |

Contents.

Certified that the goods specified above have their commercial origin
 in the 192...

(Seals)

(Description of competent authority and signature).

ANNEX D.

(NAME OF STATE.)

(Issuing Authority.)

IDENTITY CARD FOR COMMERCIAL TRAVELLERS

Available for twelve months, including the date of issue.

Valid inNo. of card.....

It is herewith certified that the holder of this card, M.....
 born at residing at
 Street No
 owns¹..... at
 under the trade name of
 or is a commercial traveller in the service of the firm(s) of
 at
 which own(s)
 under the trade name of

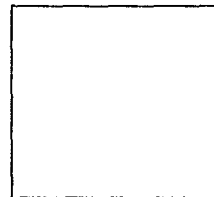
As the holder of this card wishes to solicit orders in the above-mentioned countries and to make purchases for the firm(s) in question, it is herewith certified that the aforesaid firm(s) is (are) authorised to engage in its (their) industry and trade at and pays(s) the legal taxes for that purpose.

..... the 192....,

Signature of the Head of the firm(s).

Description of the holder :

Age.....
 Height
 Hair
 Distinctive marks



Signature of holder :

.....

¹ Indication of the factory or business.

N. B. — This space should only be filled in the case of the head of a commercial or industrial establishment.

ANNEX E.

IDENTITY CARD

FOR TRAVELLERS TO FAIRS OR MARKETS.

It is certified that M.....
holder of this card, desiring to travel with his goods to fairs and markets in
..... (for Bulgarian nationals :
in Turkey, for Turkish nationals : in Bulgaria) is resident at.....
and that he is bound to pay the legal taxes and duties for the exercise of his commerce or industry.

The present card is available for a period of months.

(Place, date, signature, seal of the authority
issuing the certificate.)
