

N° 1645.

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**AUTRICHE ET FINLANDE**

Convention de commerce et de navigation, avec protocole de signature.  
Signés à Vienne, le 8 août 1927.

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**AUSTRIA AND FINLAND**

Convention of Commerce and Navigation, with Protocol of Signature.  
Signed at Vienna, August 8, 1927.

<sup>1</sup> TRADUCTION. — TRANSLATION.

No. 1645. — CONVENTION<sup>2</sup> OF COMMERCE AND NAVIGATION  
BETWEEN AUSTRIA AND FINLAND. SIGNED AT VIENNA,  
AUGUST 8, 1927.

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*French official text communicated by the Finnish Minister for Foreign Affairs and the Representative of the Federal Government of Austria accredited to the League of Nations. The registration of this Convention took place February 16, 1928.*

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THE PRESIDENT OF THE REPUBLIC OF FINLAND, of the one part, and THE FEDERAL PRESIDENT OF THE REPUBLIC OF AUSTRIA, of the other part, being desirous of promoting and developing commercial relations between the two countries, have decided to conclude a Convention of Commerce and Navigation, and have for that purpose appointed as their Plenipotentiaries :

THE PRESIDENT OF THE REPUBLIC OF FINLAND :

M. Harri HOLMA, D. Litt, Envoy Extraordinary and Minister Plenipotentiary of Finland at Vienna ;

THE FEDERAL PRESIDENT OF THE REPUBLIC OF AUSTRIA :

Monsignor Ignatius SEIPEL, D. D., Federal Chancellor,

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

*Article I.*

1. The nationals, boats, vessels and merchandise, including both natural and manufactured products, of each of the Contracting Parties shall enjoy in the territory of the other Party all rights, privileges, immunities or advantages which are accorded to the most favoured nation.

2. Nothing in the provisions of this Article shall be deemed to modify in any respect the laws, ordinances and special regulations affecting commerce, industry and police which are in force in the territories of the respective Contracting Parties and are applicable to the nationals of any other Power.

*Article II.*

1. Nationals of either Contracting Party who are established in the territories of the other Party or are temporarily resident therein shall enjoy, as regards the conduct of commerce or industry, the same treatment as the nationals of the most favoured nation.

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<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 Helsingfors, January 18, 1928.

2. The nationals of each of the Contracting Parties shall have free access to the courts of justice and other authorities of the other Contracting Party, in conformity with the laws in force, for the prosecution of their rights ; they shall enjoy in these respects the same rights and privileges as the nationals of the country and shall, like them, have full liberty to employ advocates or agents to represent them in all cases.

3. Joint stock companies and other commercial, industrial or financial companies, including insurance companies, co-operative and economic associations, which have their headquarters in the territory of one of the contracting States and are duly incorporated under the laws in force therein, may, provided that they observe the laws of the other State, exercise therein all their rights, and in particular appear before the courts either as plaintiffs or as defendants.

4. The conditions under which the above-mentioned companies and co-operative and other associations may be permitted to conduct their commerce or industry in the territories of the other Contracting Party shall be determined by the laws and regulations which are or may hereafter be in force therein ; the aforesaid companies and co-operative and other associations shall enjoy, in the territories of the other Party, the same rights and treatment as are or may hereafter be accorded to companies of like character belonging to any other country.

5. The nationals of either Contracting Party, including commercial companies, firms, and other associations of like character, shall not be required to pay, in the territory of the other Party, any taxes, dues or charges in respect of their commercial or industrial business, other or higher than those levied on the nationals of the country in question.

6. Finnish nationals, not being domiciled in Austria, and Finnish companies, co-operative societies and economic associations, exporting goods from Finland to Austria, shall, so long as they have no establishment in the latter country, be exempted in Austria from taxation on the profits from such export trade. The same treatment shall be granted to Austrian nationals, companies, co-operative societies and economic associations exporting goods to Finland.

7. Nationals, companies, co-operative societies and economic associations of either Contracting Party having business establishments in the territories of the other Party shall only be liable to imposts or taxes therein to an extent proportionate to the business carried on by the aforesaid establishments.

#### *Article III.*

Internal taxation which is, or may hereafter be levied no matter on whose behalf in the territories of either Contracting Party, upon the manufacture or consumption of any article, shall not upon any pretext whatever constitute a higher or more burdensome charge upon the products of the other Party than upon native products of like character, or, should there be none of these, than upon those of the most favoured nation.

#### *Article IV.*

1. Articles, the produce or manufacture of one of the Contracting Parties shall not be subjected on import into the territories of the other Party to other or higher duties, charges or dues than those paid on the like articles when imported from any other country.

2. Articles manufactured in the territory of one of the Contracting Parties with imported materials which have been provisionally admitted and transformed in process of manufacture shall also be regarded, subject to any special regulations of the importing country, as having been manufactured in that territory.

3. Articles exported to the territories of the other Contracting Party shall not be subjected to any export duties or taxes other or higher than those paid on the like articles when exported to any other foreign country.

4. As regards imports and exports, each Contracting Party undertakes not to apply to the commerce of the other Party any treatment other or less favourable than is applied to that of any third State. This undertaking extends in particular to the application of Customs regulations, Customs formalities, the verification and analysis of imported goods, the payment of duties and charges, and the classification and interpretation of Customs tariffs.

*Article V.*

Without prejudice to the provisions of Article IV, the undermentioned manufactured products of Austria shall, on importation into Finland, be entitled to the following percentage reductions, applicable to all surtaxes or coefficients of increase which are or may hereafter be in force.

No. in Finnish tariff	Description of Goods	Duty in Kronen per 100 kg.
481	Boxes, belts, parts of belts and braces, cases, portfolios and purses, leather bags, with or without accessories, combined or not with other materials, weighing up to half a kilogramme each . . . . .	75 %
945	Jewellery of all kinds other than gold, silver or platinum jewellery, bracelets, brooches, studs, scarf-pins, necklaces and watchchains, hat-clasps, hair-clasps and other hair ornaments not falling under any other number, cuff-and sleeve-links, watch-hooks, and other ornaments for personal use . . . . .	80 %

The undermentioned articles, the produce or manufacture of Finland, shall not be subjected, on importation into Austria, to other or higher duties than those specified below :

No. in Austrian tariff.	Description of Goods	Percentage reduction
ex 298 b/1	Veneers, provided that the two external layers are of birch-wood and the internal layers of pine wood, deal or aspen . . . . .	10
ex 302	Bobbins for thread . . . . .	4
Note 1.		
ex 510 (a)	Casein . . . . .	Exempt
ex 548 a/2	Skis . . . . .	50
	Disci and javelins . . . . .	35

*Article VI.*

In order that trade between the two countries may enjoy the advantages provided in the present Convention, and in order at the same time to prevent any possible irregularities, either Contracting Party may require that articles the produce or manufacture of the other Contracting Party, be accompanied, when imported into its territories, by a certificate of origin, as evidence that the

goods in question are products of the soil or industry of the aforesaid country, or must be considered as such in view of the transformation which they have undergone therein. The said certificates of origin, drawn up in an agreed form, shall be issued by Chambers of Commerce or any other body or association approved by the country of destination. The Contracting Parties will take steps to ensure that no hindrances are placed in the way of trade either by charging excessive fees for such certificates or by unnecessary formalities in connection with their issue.

#### Article VII.

The Contracting Parties undertake to apply the provisions of the Convention <sup>1</sup> and Statute on Freedom of Transit, signed at Barcelona on April 20, 1921, to transit through their respective territories.

#### Article VIII.

The following privileges shall not be deemed to infringe the principle of most-favoured-nation treatment laid down in the present Convention :

- (1) Privileges which are or may hereafter be granted either to contiguous States with a view to facilitating trade in the frontier zones or to the inhabitants of certain districts bordering on the frontier.
- (2) Privileges which Finland has granted or may hereafter grant to Estonia, so long as such privileges are not extended to any third Power.
- (3) Privileges which Finland has granted or may hereafter grant to neighbouring States with respect to navigation in the Baltic Sea and its gulfs north of latitude 58° N.
- (4) Privileges which Finland has granted or may hereafter grant to Russia in regard to fishing and sealing in Finnish territorial waters in the Arctic Ocean.
- (5) Privileges which Finland has granted or may hereafter grant to France in regard to the importation of wines and alcoholic liquors into Finland.

#### Article IX.

The Contracting Parties undertake not to establish or maintain any prohibition or restriction on articles imported or exported in the course of trade between the two countries which is not applicable in like manner to the same articles when imported or exported in the course of trade with any other country similarly situated.

#### Article X.

1. Merchants, manufacturers and other traders who can produce identity-cards issued by the competent authorities of their own country showing that they are authorised to carry on their trade or industry in the State in which they are domiciled, and that they pay therein the dues and taxes required by law, shall be entitled to effect purchases in the territories of the other Contracting Party, either personally or through travellers in their employ, from merchants or producers or in the

<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 ; Vol. LIX, page 344 ; and Vol. LXIX, page 70, of this Series.

public market, and to accept orders from merchants or other persons who make use in their own trade or industry of goods of the same nature as those offered.

2. If either of the Contracting Parties should impose special taxes or trading-licence fees in respect of the business referred to in the preceding paragraph, the other Party shall be entitled to adopt similar measures in order to re-establish reciprocity.

3. Merchants, manufacturers and commercial travellers in their employ holding identity-cards shall be entitled to carry with them samples, but not goods. They shall not be entitled to transact business on behalf of merchants or manufacturers other than those mentioned on their cards. They may only solicit orders or effect purchases when travelling.

4. Nothing in the preceding provisions shall be deemed to modify the import and export restrictions in force in the respective countries.

5. The identity-cards shall be drawn up in accordance with the model annexed to the Convention<sup>1</sup> relating to the Simplification of Customs Formalities, signed at Geneva on November 3, 1923.

6. As regards all formalities with which merchants and manufacturers (commercial travellers) have to comply in the territories of the Contracting Parties, the two Parties undertake to grant each other treatment not less favourable than that which is or may hereafter be granted to any other country.

7. Articles liable to Customs duties or any other similar charges shall, when imported as samples or models by commercial travellers, be admitted free of Customs duties or other taxes on condition that they are re-exported within the period laid down and that there is no doubt of their identity. The Customs officers of the importing country may, if they think fit, in particular cases, affix supplementary marks, in addition to those affixed officially in the exporting country, in order to identify the samples or models.

8. The re-exportation of samples or models must be guaranteed either by the deposit of the amount of the duties payable or by any other methods approved by the competent authorities of the importing country.

If it is found that the samples or models have not been re-exported before the expiration of the period laid down, the amount of the duties shall accrue to the Treasury.

The provisions of this Article shall not apply to hawkers or other itinerant traders.

#### *Article XI.*

Goods consigned for transport in the territory of either Contracting Party shall not receive less favourable treatment on the railways in the territory of the other Contracting Party as regards rates, methods of transport, conditions of delivery, taxes and public charges, than is accorded to the like goods having their origin in any third State and consigned under the same conditions in the same direction and by the same route.

#### *Article XII.*

1. Vessels belonging to either Contracting Party, as also their crews, passengers and cargoes, shall enjoy in the ports and territorial waters of the other Party the same treatment in all respects as is accorded to the vessels, crews, passengers and cargoes of the most favoured nation.

<sup>1</sup> Vol. XXX, page 371 ; Vol. XXXV, page 324 ; Vol. XXXIX, page 208 ; Vol. XLV, page 140 ; Vol. L, page 161 ; Vol. LIV, page 398 ; Vol. LIX, page 365 ; and Vol. LXIX, page 79, of this Series.

2. Tonnage measurement certificates and other documents relating to the tonnage-measurement of Austrian vessels shall be recognised in Finland in accordance with the terms of the special Agreements concluded by Finland with the States in which the above-mentioned documents were issued.

Tonnage-measurement certificates and other documents relating to the tonnage-measurement of Finnish vessels shall be recognised in Austria.

#### Article XIII.

1. The two Contracting Parties shall grant each other the right to appoint consular representatives in all ports, towns and places in which consular representatives of any third country may be appointed.

2. When they have received the exequatur from the Government of the country in which they reside, the consular representatives of each Contracting Party shall enjoy in the territory of the other Party all the privileges, immunities and powers which are or may hereafter be granted to the consular representatives of like rank of any third Power. Nevertheless, such privileges, immunities and powers shall not be granted to the consular representatives of either country in the territory of the other to a more generous extent than they are granted to the consular representatives of like rank of the latter country in the territory of the former.

#### Article XIV.

1. The present Convention shall be ratified, and the ratifications shall be exchanged at Helsingfors.

2. It shall come into force one month after the exchange of ratifications, and shall continue to be binding until denounced by either Party. If denounced, it shall cease to be binding on the expiry of three months, reckoned from the date on which the denunciation was notified to the other Party.

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

Done at Vienna in duplicate this eighth day of August, one thousand nine hundred and twenty-seven.

(L. S.) Harri HOLMA.

(L. S.) SEIPEL.

#### PROTOCOL OF SIGNATURE.

At the time of signing the Convention on Commerce and Navigation concluded this day between Finland and Austria, the undersigned Plenipotentiaries have made the following declarations, which shall form an integral part of the Convention.

#### *Ad Article II, paragraph 5.*

The Contracting Parties declare that they are wholly in favour of the principle of preventing double taxation, but consider that in view of the technical and complicated nature of the subject it would be preferable to endeavour to put that principle into effect by means of a special convention.

*Ad Article V.*

The two Contracting Parties agree that Austria shall grant in respect of "Emmental" cheese, including rindless cheese, of Finnish origin (ex No. 98 of the Austrian Customs Tariff), the reduction granted in respect of that cheese by the Treaty<sup>1</sup> of Commerce of January 6th, 1926, between the Austrian Republic and the Swiss Confederation.

Austria undertakes to grant in respect of "Edam" cheese (ex No. 98 of the Austrian Customs Tariff) of Finnish origin the same conventional duties as she has granted in respect of the like cheese of Dutch origin.

Austria undertakes to apply to cheeses (No. 98 of the Austrian Customs Tariff) of Finnish origin the same conventional duties as she has granted or may hereafter grant in respect of the like cheeses coming from any other country.

The two Contracting Parties agree that Austria shall grant in respect of condensed milk of Finnish origin (No. 107a of the Austrian Customs Tariff) the reduction granted by the Treaty of Commerce of January 6th, 1926, between the Austrian Republic and the Swiss Confederation.

*Ad Article VI.*

The fee charged by Finland for the legalisation of a certificate of origin shall not exceed 10 Finnish marks. Should a similar fee be charged by Austria, it shall not exceed the corresponding amount.

*Ad Article IX.*

The two Contracting Parties undertake to impede trade between the two countries as little as possible by import or export prohibitions or restrictions.

It is understood, however, that certain prohibitions or restrictions of this nature may be established or maintained in the following cases :

- (1) To ensure the safety of the State ;
- (2) For reasons of public health or as sanitary or prophylactic measures against epizootic and epiphytic diseases ;
- (3) In respect of seeds which, owing to their origin, are not suited to be grown in the importing country ;
- (4) In the case of State monopolies which are already in force or which may be established in future, and in order to apply to foreign goods prohibitions and restrictions which are or may hereafter be imposed by the national legislation on the production, sale, transport or consumption within the country of similar goods produced therein ;
- (5) Also, in Finland, in order to prevent or control the importation of wines and alcoholic liquors.

*Ad Article X.*

It is understood that commercial travellers who are nationals of one of the Contracting Parties shall enjoy in the territory of the other Contracting Party all the privileges granted in this respect to the most favoured nation.

Done at Vienna in duplicate on August the eight one thousand nine hundred and twenty-seven.

Harri HOLMA.  
SEIPEL.

<sup>1</sup> Vol. XLVI, page 299, of this Series.