

## ALLEMAGNE ET FRANCE

Arrangement au sujet des échanges commerciaux du Territoire de la Sarre avec l'Allemagne, avec protocole de signature, signés à Paris, le 5 août 1926, et protocole relatif à la prolongation de cet arrangement, signé à Paris, le 16 février 1927.

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## GERMANY AND FRANCE

Agreement regarding Commercial Exchanges between the Saar Territory and Germany, with Protocol of Signature, signed at Paris, August 5, 1926, and Protocol concerning the Prolongation of this Agreement, signed at Paris, February 16, 1927.

N<sup>o</sup> 1711. — ARRANGEMENT<sup>1</sup> CONCLU ENTRE L'ALLEMAGNE ET LA FRANCE AU SUJET DES ÉCHANGES COMMERCIAUX DU TERRITOIRE DE LA SARRE AVEC L'ALLEMAGNE. SIGNÉ A PARIS, LE 5 AOUT 1926.

*French and German official texts communicated by the German Consul General at Geneva. The registration of this Agreement took place May 18, 1928.*

LE GOUVERNEMENT ALLEMAND et LE GOUVERNEMENT FRANÇAIS, reconnaissant qu'il est utile d'apporter quelques tempéraments et adaptations au régime d'union douanière que le Traité de Versailles a institué entre la France et le Territoire du Bassin de la Sarre, à l'effet d'assurer à la production sarroise quelques facilités pour son ravitaillement en matières premières et de lui garantir, en échange, certains des débouchés que ledit territoire trouvait jusqu'ici dans ce pays, ont, en conséquence, décidé ce qui suit, d'un commun accord :

*Article premier.*

Le Gouvernement français admettra les produits originaires et en provenance d'Allemagne, énumérés à la liste A, à leur importation sur le territoire de la Sarre, au bénéfice du traitement douanier mentionné à la même liste et dans la limite des contingents qui y sont fixés.

*Article 2.*

Le Gouvernement allemand admettra les produits originaires et en provenance du Territoire de la Sarre énumérés à la liste B, ci-annexée, au bénéfice du traitement douanier mentionné à ladite liste et dans la limite des contingents qui y sont fixés.

*Article 3.*

Les Hautes Parties contractantes s'engagent à limiter strictement aux contingents prévus aux listes A et B, ci-annexées, les avantages tarifaires stipulés auxdites listes, et les quantités excédant ces contingents seront soumises au régime du droit commun.

Les contingents ci-dessus prévus sont fixés pour la durée de six mois.

<sup>1</sup> Came provisionally into force August 21, 1926.

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

## No. 1711. — AGREEMENT BETWEEN GERMANY AND FRANCE REGARDING COMMERCIAL EXCHANGES BETWEEN GERMANY AND THE SAAR TERRITORY, SIGNED AT PARIS, AUGUST 5, 1926.

THE GERMAN and FRENCH GOVERNMENTS, recognising the expediency of introducing certain modifications and adjustments in the Customs Union régime as established by the Treaty of Versailles for France and the Saar Territory, with a view to providing the industries of the Saar Territory with certain facilities for obtaining supplies of raw materials, and securing for them, on the other hand, certain outlets which the said Territory has hitherto possessed in Germany, have decided upon the following provisions :

*Article 1.*

The French Government shall permit the importation into the Saar Territory of the products originating in and coming from Germany included in List A under the favoured tariff treatment described in that list, and within the limits of the quotas laid down therein.

*Article 2.*

The German Government shall permit the importation of the products originating in and coming from the Saar Territory included in the annexed List B under the favoured tariff treatment described in the said list and within the limits of the quotas laid down therein.

*Article 3.*

The High Contracting Parties undertakes to confine the tariff favours laid down in the annexed Lists A and B strictly to the quotas specified in the said Lists ; the ordinary régime shall be applicable to quantities in excess of those quotas.

The above-mentioned quotas shall be fixed for a period of six months.

*Article 4.*

With regard to the distribution of the quotas laid down in the preceding Articles, the two Governments undertake to proceed in accordance with the following provisions, to which the Governing Commission of the Saar Territory has declared its accession, so far as it is concerned, in an exchange of Notes dated June 16/18, 1925 :

## I. DISTRIBUTION OF QUOTAS.

Import and export quotas shall be allocated to the parties concerned under the direction of the Governing Commission for the duration of the rationing period.

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

<sup>1</sup> Translated by the Secretariat of the League of Nations, for information.

Immediately after the entry into force of the present Agreement, the Governing Commission shall invite the Commercial firms concerned to submit proposals in regard to the allocation of quotas within a short time limit which it shall itself determine. After the expiry of this period the Governing Commission shall draw up the scheme of allocation. This scheme shall be presented to the parties concerned who must submit their observations or objections in regard to it within eight days.

If objections are raised, whether in regard to the refusal of an application to share in a quota, or whether to obtain the exclusion of any person or firm wrongfully admitted to participation therein, or whether with a view to securing an increased share in a quota, such objections shall be adjudicated upon by a Committee of three members, none of whom may have any connection with the interests concerned, or may be in a position to benefit, either directly or indirectly, from the allocation of the quota. One member of the Committee, who shall be its chairman, shall be appointed by the President of the Saarbruck District Court, who shall select him, when possible, from the panel of sworn experts attached to this Court; the second member shall be appointed by the Governing Commission, and the third member shall be chosen by the said Commission from a list of three persons submitted to it by the vocational organisation officially recognised as representing the interests concerned (Chambers of Commerce, Chambers of Agriculture, Operatives' Associations, etc.). Should the State mines of France be interested in the allocation of the quotas, a representative of their interests may be attached to the above-mentioned Committee by the Governing Commission.

The members of the Committee, having been appointed in the manner described above, shall give a solemn undertaking to render equitable decisions.

The Committee's decisions shall be taken by a majority vote, and where the votes are equally divided the chairman shall have the deciding vote. Decisions shall be rendered within ten days from the lodging of the objections. Where such decisions involve modifications of shares allotted to parties which have not raised objections, the extent of such modifications must be proportionate, in each case, to the amount of the share.

The Governing Commission shall forward a certified copy of the scheme of allocation, as finally determined, to the German and French Governments and to the official representatives of the vocational organisations, which shall be responsible for notifying the parties concerned.

The scheme of allocation may not be modified during the rationing period. Any shares of quotas not utilised by the parties entitled to them shall lapse. Quotas are not transferable.

## II. CONTROL OF QUOTAS.

### A. *Exports from the Saar Territory to Germany.*

Goods exported from the Saar Territory to Germany, which, in virtue of the present Agreement, enjoy special Customs favours within the limit of the quotas must, on crossing the German frontier, be accompanied by a rationing certificate issued by a representative of the Reich Ministry of Commerce in the Saar Territory. The certificate shall be submitted to the German Customs Office of entry. It shall give the following particulars:

- (1) Name address and of the exporter.
- (2) Nature of goods: their nomenclature according to the German Customs tariff, and the number of the heading in the Customs tariff respect of which the party concerned obtained an export quota.
- (3) The total of such quota.
- (4) The proportion of the said quota already accounted for by previous exportations on the date of issue of the certificate.
- (5) The description, marks and numbers of the packages and the gross and net weight of the goods in respect of which the certificate was issued.

If the German administrative authorities so require, the exported goods must, in addition, be accompanied by a certificate of origin.

B. *Exports from Germany to the Saar Territory.*

German goods imported directly into the Saar Territory, which, in virtue of the present Agreement, enjoy special Customs favours within the limit of the quotas, shall only be granted the said favours if a rationing certificate, issued by the Director of Customs in Saarbrück, is produced, in support of the declaration for clearance.

Rationing certificates shall be made out in respect of the whole share of the quota allotted to each party, in accordance with the scheme of allocation laid down by the Saar Governing Commission, and shall be valid for the whole rationing period. On the occasion of each importation the Customs office of entry shall note on the certificate the quantity of goods imported, and state the balance still to be imported. The certificates shall then be returned to the parties concerned.

Proof of German origin must be offered in the case of goods which it is sought to import under the quota system.

Moreover, if the French Government so desires, the arrival of the said goods at the destination shown on the import declarations and their utilisation within the Territory of the Saar shall be guaranteed by a bond, in accordance with the provisions of French Customs law.

The High Contracting Parties undertake to collect no taxes or fees for the issue of the aforementioned rationing certificates or for the control of quotas.

C. *Control on Exportation.*

If either of the High Contracting Parties subjects goods included in the aforementioned quotas, or exported in excess of the said quotas, to a measure of control on exportation, such control shall be solely for statistical purposes and shall be exercised in such a manner that it does not constitute any impediment to trade.

*Article 5.*

The provisions of the aforementioned Articles shall be without prejudice to the special facilities which the High Contracting Parties may accord in respect of frontier traffic, in virtue of a special convention.

*Article 6.*

Each of the High Contracting Parties undertakes not to impede the application of the special régime constituted by the present Agreement for the exchange of commodities between the Saar Territory and Germany by means of laws and regulations, and in particular by import and export prohibitions.

*Article 7.*

The present Agreement is concluded for a period of six months. It shall take effect from the date of the enforcement of the Commercial Agreement signed this day. It shall be ratified and the instruments of ratification shall be exchanged at Paris as soon as possible. If ratification necessitates in either country the approval of Parliament, steps to obtain such approval shall be taken with due diligence.

In faith whereof the following Plenipotentiaries, being furnished with full powers, found in good and due form, have signed the present Agreement, and have thereto affixed their seals.

Done at Paris, in duplicate, August 5, 1926.

(L. S.) (Signed) VON HESCH.

(L. S.) (Signed) POSSE.

(L. S.) (Signed) A. BRIAND.

(L. S.) (Signed) M. BOKANOWSKI.

## LIST A.

Number of French Tariff	Description of Goods	Treatment	Contingent
ex 89	Seeds for sowing : beet seeds . . . . .	Free	25 tons
ex 93	Sugar beet . . . . .	»	200 tons
ex 112	Thymol . . . . .	Minimum tariff	30 kg.
	Menthol . . . . .	Minimum tariff	60 kg.
ex 128	Wood (for mining)	Minimum tariff	15,000 tons
133	Perches, poles and staffs, rough, of more than 1.10 m. in length and with a circumference at the thick end of not more than 60 cm.	Minimum tariff	30,000 tons
136	Charcoal and charred boon . . . . .	Minimum tariff	250 tons
ex 177	Rhine basalt and lava, worked . . . . .	Minimum tariff	1,000 tons
179	Kaolin . . . . .	Minimum tariff	500 tons
ex 181(b)	Hollow bricks . . . . .	Minimum tariff	7,500 tons
ex 181(d)	Tiles, shaped or for dovetailing . . . . .	Minimum tariff	1,250 tons
183	Paving-stones of natural stone . . . . .	Minimum tariff	10,000 tons
183(b)	Stone broken up in pieces for road-making . . . . .	Minimum tariff	30,000 tons
ex 184(b)	Lime, hydraulic, in lumps or powder, howsoever packed or despatched . . . . .	Minimum tariff	2,000 tons
185(b)	Pipes and other moulded articles made of ordinary cement, concrete or reinforced concrete.	Minimum tariff	75 tons
ex 186	Bricks of pumice-stone, shaped . . . . .	Minimum tariff	21,500 tons
ex 210	Flat sheets of iron or steel, having silicon content, polished . . . . .	Minimum tariff	15 tons
011 and 012	Potassium nitrate, natural and transformed . . . . .	Minimum tariff	200 tons
021 and 022	Other ammonia salts . . . . .	Minimum tariff	400 tons
ex 0129	Perchloride of iron . . . . .	Minimum tariff	500 kg.
0131	Sulphate of iron . . . . .	Minimum tariff	500 kg.
0139	Sulphate of magnesium . . . . .	Minimum tariff	400 kg.
ex 0144	Precipitated white of mercury . . . . .	Minimum tariff	10 kg.
	Yellow mercury oxide . . . . .	Minimum tariff	18 kg.
0156	Mercury bichloride . . . . .	Minimum tariff	112 kg.
0157	Caustic potash . . . . .	Minimum tariff	300 kg.
ex 0208	Potassium carbonate . . . . .	Minimum tariff	500 kg.
ex 0222	Subacetate of lead . . . . .	Minimum tariff	2,000 kg.
0224	Lactic acid, pure . . . . .	Minimum tariff	300 kg.
0246	Lactate of iron . . . . .	Minimum tariff	75 kg.
0249	Diethylsulphonedimethylmethane (Sulphonal) . . . . .	Minimum tariff	20 kg.
	Diethylmalonyl urea (diethylbarbituric acid) (veronal) . . . . .	Minimum tariff	20 kg.
0272	Pyrogallol (pyrogallic acid) . . . . .	Minimum tariff	33 kg.
ex 0329	Dimethylaminophenyldimethylpyrazolone . . . . .	Minimum tariff	250 kg.
ex 0330	Salicylate of phenyldimethylpyrazolone . . . . .	Minimum tariff	300 kg.
ex 0350	Tropacocaine . . . . .	Minimum tariff	1 kg.
ex 0351	Phosphate of codeine . . . . .	Minimum tariff	30 kg.
ex 0368	Santonine pastilles . . . . .	Minimum tariff	20,000 kg.
ex 0370	Nitrate of strychnine . . . . .	Minimum tariff	5 kg.
0381	Chemical products not specially mentioned :		
	Chrome alum . . . . .	Minimum tariff	10 tons
	Arsenic acid . . . . .	Minimum tariff	10 kg.
	Anæsthesin (ethylparamidobenzoat) . . . . .	Minimum tariff	50 kg.
	Homatropin hydrobromide . . . . .	Minimum tariff	500 gr.

Number of French Tariff	Description of Goods	Treatment	Contingent
0381 (continued)	Chemical products not specially mentioned :		
	Apomorphine hydrochloride . . . . .	Minimum tariff	1 kg.
	Hydrosticine hydrochloride . . . . .	Minimum tariff	280 gr.
	Scopolanine hydrochloride . . . . .	Minimum tariff	250 gr.
	Eucaine B . . . . .	Minimum tariff	1 kg.
	Iron, pulverized . . . . .	Minimum tariff	50 kg.
	Iron, reduced . . . . .	Minimum tariff	50 kg.
	Lactophenine . . . . .	Minimum tariff	5 kg.
	Pastilles of mercury bichloride . . . . .	Minimum tariff	20,000 numb.
	Phenolphthaleine . . . . .	Minimum tariff	50 kg.
	Mercury salicylate . . . . .	Minimum tariff	2.5 kg.
	Artificial Karlsbad salts . . . . .	Minimum tariff	5,000 kg.
	Tannalbin . . . . .	Minimum tariff	150 kg.
	Tannigen . . . . .	Minimum tariff	50 kg.
	Tannoform . . . . .	Minimum tariff	70 kg.
	Theophylline . . . . .	Minimum tariff	5 kg.
	Other unspecified chemical products. . . . .	Minimum tariff	10 tons
303 and 304	Ochres and earths of Cologne, Cassel, Italy, Umber, crushed or prepared with water . .	Minimum tariff	75 tons
305	Schweinfurt green, with or without an addition of barium sulphate, lime, ochre and carbonates of barium, lime and silica, etc.	Minimum tariff	5 tons
306	Mountain and Brunswick greens, and greens resulting from a mixture of chromates of lead, barium or tin with Prussian blue. . .	Minimum tariff	20 tons
ex 307	Quartz, pulverized . . . . .	Minimum tariff	500 tons
308	Colours ground in oil . . . . .	Minimum tariff	1,250 kg.
316	Compound medicaments, not specified . . . .	Free	600,000 Fr.
ex 467	Albums, simply mounted on boards, with pictures, collections or drawings, white, black or coloured, with an explanatory text in the German language only . . . . .	Minimum tariff	1,250 kg.
600	Wood, planed, grooved and (or) tongued, planks, strips and veneers for floors, planed, grooved and (or) tongued . . . . .	Minimum tariff	500 tons
601	Doors, windows, Venetian blinds or shutters, roll shutters, roller blinds, wood panelling and joiners' work, whether put together or not . . . . .	Minimum tariff	300 tons
ex 646 and 646(b)	Playthings and decorations for Christmas trees, with the exception of other " articles de bimbeloterie " . . . . .	Free	60 tons

The minimum tariff shall be allowed on the packing of German tobaccos imported into the Saar Territory.

## LIST B.

Number of German Tariff	Description of Goods	Treatment	Contingent for the Period of the Agreement
ex 220	Manufactured tobacco : Smoking tobacco . . . . . Chewing tobacco . . . . . Cigars . . . . .  Cigarettes . . . . .	14 Reichsmarks 15 Reichsmarks 40 Reichsmarks  28 Reichsmarks	500 tons 18 tons To the number of 15,000,000 To the number of 165,000,000
ex 230	Ground lime . . . . .	Free	10,000 tons
322	Prussian blue, pure or mixed with mineral substances or starch, dry or in the form of paste	"	50 tons
364	Gunpowder, blasting powder, and other explosives not specified in No. 363 of the General Tariff . . . . .	"	200 tons
388	Prepared medicaments and other pharmaceutical products, not mentioned in or included under other tariff numbers . . . . .	"	375 kg.
390	Chemicals not mentioned in or included under other tariff number . . . . .	"	500 kg.
	(596/7) Brooms, other than brushwood brooms, also brushes and paint-brushes :		
596	Coarse, combined or not with unlacquered, unpolished wood, cane or iron . . . . .		
597	Coarse, combined with lacquered, polished wood or iron ; fine (particularly all those of hair or yarn, and also dusting brushes of dyed feathers), combined or not with wood, cane or iron ; scrubbing brushes and scrubbing-gloves, and horse, brushes of bristles, horsehair and the like, combined with coarse textile materials plumes of horsehair and buffalo hair ; carpet sweepers	"	37.5 tons
599	Brooms, other than those made of brushwood, paint and other brushes, combined with other materials, in so far as they do not thereby become subject to higher rates of duty . .	"	10 tons
657	Impressions obtained by any process in so far as they are not included in the 12th Section or under No. 655 A of the General Tariff ; also " picture paper " including that produced by a copying process on paper and cardboard ; also paper or cardboard, coloured or black-edged, or ornamented in any other way	"	75 tons
655	Cornets, paper bags, sacks, folding bags and boxes, and similar receptacles ; also envelopes, whether printed or plain . . . . .	"	40 tons
670/672	Articles made of " carton pierre ", cellulose, or papier-maché, in so far as they are not included under the previous numbers of the General Tariff ; also articles of hard paper (cartridge paper) . . . . .	"	50 tons
713/14	Bricks for building, of brick-clay coloured in the burning, whether baked or not, unglazed	"	15,000 tons



Number of German Tariff	Description of Goods	Treatment	Contingent for the Period of the Agreement
717/18 720	Roofing tiles of clay, whether baked or unbaked Articles of common stoneware (with the exception of those specified in Nos. 716 and 728 of the General Tariff) . . . . .	Free »	5,000 tons 1,000 tons
727	Architectural ornaments (capitals, cornices, friezes, parts of balustrades, sculpture and similar ornaments) of clay or clayey substances, glazed or unglazed, even if coloured or painted . . . . .	»	77 tons
728	Paving tiles of clay or calcined clayey substances, including paving tiles of earthenware or common stoneware, 3 cm. or less in thickness, whether glazed or unglazed, plain or ornamented . . . . .	»	16,000 tons
729	Wall-facing tiles of clay, calcined clayey substances, or faïence, glazed or unglazed. . .	»	3,500 tons
730/731	Articles of faïence fine stoneware, and fine clayey materials not otherwise specified in the General Tariff :		
730	Of one colour . . . . .	»	1,250 tons
731	Of more than one colour, with or without enamelled or metallic coating . . . . .	»	1,250 tons
732	Articles of earthenware of all kinds (with the exception of china and articles similar to china porcelain), in combination with other materials, in so far as they do not thereby become liable to higher rates of duty . . .	»	40 tons
ex 737	Glass bottles, neither polished by grinding, smoothed, frosted, engraved or cut, of natural colour . . . . .	»	6,000 tons
738	Table glass, neither polished by grinding, smoothed, frosted, engraved or cut . . . . .	»	25 tons
739	Hollow glass not mentioned elsewhere in the General Tariff, polished by grinding (also polished), smoothed, frosted, engraved or cut . . . . .	»	50 tons
ex 741	Hollow glass not mentioned elsewhere in the General Tariff, painted, gilt or silvered, also figured by colours being applied or burnt in, in so far as it does not thereby become liable to higher Customs duties . . . . .	»	12 ½ tons
743	Sheet glass, including " crude " glass, 5 mm. or less in thickness, not mentioned elsewhere in the General Tariff, neither polished by grinding, polished, cut, figured, ribbed, scalloped, curved, frosted, engraved, ornamented, bevelled (cut in facets), nor foliated, neither coloured nor transparent . . . . .	»	11,000 tons
743	Plate and sheet glass not mentioned elsewhere in the General Tariff, polished by grinding, polished, cut, figured, ribbed (with the exception of ribbed " crude " glass) scalloped, curved (including curved " crude " glass), frosted, engraved, ornamented, but not bevelled (not cut in facets) nor foliated . . . . .	»	500 tons
751	Pantile and skylight tiles of " crude " glass, sheet glass, or wired glass . . . . .	»	300 tons

PROTOCOL OF SIGNATURE.

The High Contracting Parties, while giving effect, as from this day, to the Agreement concluded between them on July 11, 1925, concerning the exchanges of commodities between Germany and the Saar Territory, declare that they will be prepared to consider any modifying and complementary measures, which might be added to the provisions of their present Agreement, on the occasion of the negotiations for the definitive Commercial Treaty ; and, in so far as the metallurgical industry is concerned, that they are prepared to consider such measures in connection with the negotiations now proceeding for a private agreement between the iron industries of the two countries.

In regard to the application of Article 2, the French Government declares that it will introduce a Bill into Parliament to prolong the Arrangement of July 11, 1925, for two months, since the said Arrangement, as ratified by the French Parliament, was only concluded for a period of four months.

In regard to the interpretation of Article 3, the High Contracting Parties agree that it only represents a provisional compromise between their divergent views concerning the legitimacy of the Customs favours which Germany may grant to Saar products imported into German Customs territory without the consent of the French Government.

The German Government, for its part, declares that, so long as the Customs problems of the Saar Territory remain in any degree unsolved, the aforementioned Article shall, in conformity with its text, exclude only those goods specified in List B from autonomous measures adopted by the German Government in relation to the Saar Territory.

The French Government makes the most express reservations in regard to this declaration, and, for its part, declares that the German Government would not be entitled to grant Customs favours to products of the Saar Territory, without the consent of the French Government, unless such favours should apply also to the same or similar products of any part of the French Customs territory ; and that, in consequence, any measure of this kind adopted by the German Government could only have a provisional character ; and further, that the final Agreement between the two Governments, or any other procedure agreed upon between them, must provide a solution of these fundamental questions.

With regard to the application of List A, when the quota laid down for Tariff No. 316 is exhausted, products of a similar kind may be imported into the Saar Territory up to a maximum value of a further 600,000 francs, on payment of the minimum tariff duty which shall be refunded to the importers in the event of the French Parliament agreeing, at the request of the French Government, to admit the supplementary quota free of duty.

The two Governments have concluded the Agreement signed by them to-day with the common conviction that the special favours, limited in degree and in time, which they have agreed to grant to the Saar Territory in order to meet its peculiar economic needs, cannot be claimed or objected to by any State to which either of the High Contracting Parties has granted most-favoured-nation treatment.

Should, however, the Government of any third State claim the benefit of any of these special favours or object thereto, such favour shall only remain in force for a period of forty-five days as from the notification of the claim or the objection by the Government to which it has been addressed to the Government of the other Contracting Party.

During this period, the two Governments shall open negotiations to secure the withdrawal of the claim or objection. Neither of the two Governments, however, undertakes to grant any countervailing advantage or compensation for maintaining the régime which has been claimed or objected to.

If the negotiations have not proved successful on the expiry of this period, the favour claimed or objected to shall be cancelled, and the two Contracting Parties will confer regarding the consequences of such a partial modification of the present Agreement.

(Signed) VON HÆSCH.

(Signed) A. BRIAND.

(Signed) POSSE.

(Signed) M. BOKANOWSKI.

PROTOCOL

SIGNED AT PARIS, FEBRUARY 16, 1927.

(This Protocol has been published in Vol. LXII, page 195, of this Series.)