

N° 2059.

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## ESPAGNE ET GRÈCE

Traité consulaire, de navigation, de droits civils et commerciaux et d'établissement, avec protocole de signature, signés à Athènes, le 23 septembre 1926, et protocole additionnel, signé à Athènes, le 7 août 1927.

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## SPAIN AND GREECE

Treaty regarding Consular Matters, Navigation, Civil and Commercial Rights, and Establishment, with Protocol of Signature, signed at Athens, September 23, 1926, and Additional Protocol, signed at Athens, August 7, 1927.

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

No. 2059. — TREATY<sup>2</sup> BETWEEN SPAIN AND GREECE, REGARDING CONSULAR MATTERS, NAVIGATION, CIVIL AND COMMERCIAL RIGHTS AND ESTABLISHMENT. SIGNED AT ATHENS, SEPTEMBER 23, 1926.

*French official text communicated by the Hellenic Chargé d'Affaires p. i. at Berne. The registration of this Treaty took place June 18, 1929.*

THE PRESIDENT OF THE GREEK REPUBLIC and HIS MAJESTY THE KING OF SPAIN, being equally desirous of facilitating and extending the commercial and maritime relations between Greece and Spain, and realising the expediency of determining as clearly as possible the rights of their nationals, and the mutual rights, privileges, immunities and attributes of Greek and Spanish consuls-general, consuls, vice-consuls and consular agents mutually admitted to residence in the respective States, have resolved to conclude a Consular, Navigation, Civil and Commercial Rights, and Establishment Treaty, and for this purpose have appointed as their Plenipotentiaries :

THE PRESIDENT OF THE GREEK REPUBLIC :

H. E. M. Thrasybule PETIMEZAS, Minister of the Interior and Acting Minister for Foreign Affairs ;

HIS MAJESTY THE KING OF SPAIN :

Don Pedro DE PRAT Y SOUTZO, Acting Spanish Chargé d'Affaires in Greece ;

Who, having communicated their respective full powers, have agreed upon the following Articles :

*Article I.*

There shall be full and complete freedom of commerce and navigation between Greece and Spain.

The subjects of each of the High Contracting Parties shall enjoy in the territories of the other the same rights as are or may in the future be granted to those of the most favoured nation. They shall in particular be entitled to possess any kind of property, movable or immovable, to acquire and to dispose of such by sale, exchange, donation, testamentary disposition or in any other manner and to inherit *ab intestato*, within the limits laid down by the laws and regulations in force.

They shall similarly enjoy the treatment accorded, or which may in the future be accorded, to the subjects of the most favoured nation with regard to the exercise of commerce and industry, occupations and trades, and shall not be liable to any taxation other or higher than the above-mentioned persons.

<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.

<sup>2</sup> The exchange of ratifications took place at Athens, August 11, 1928.

They shall be exempted from all public or municipal functions and from all personal service, whether in the army, navy or air force or in the militia or national guard, as well as from all military requisitions and exactions and from all kinds of military contributions and from extraordinary war contributions of every kind.

They shall, however, be subject in case of war to the military exactions or requisitions and to the compulsory billeting which may be imposed on them as land owners in respect of their immovable property.

In case one of the High Contracting Parties should impose any military exaction or requisition whatever on the nationals of the other it shall grant them the same compensation as that accorded in similar circumstances to its own nationals. In all the above cases neither Contracting Party may treat the nationals of the other Party less favourably than it would treat its own nationals or the nationals of the most favoured nation in similar circumstances.

#### *Article 2.*

Nationals of each of the High Contracting Parties shall be exempted in the territories and possessions of the other Party from payment of all transit dues and shall be treated as nationals of the most favoured nation in everything respecting warehousing, premiums, facilities and refund of dues, in accordance with the International Convention of Barcelona<sup>1</sup>, dated April 21, 1921, or any other similar convention dealing with such questions in future.

#### *Article 3.*

Joint stock companies and other commercial, industrial and financial associations, as well as navigation and insurance companies legally incorporated in the territory of one of the High Contracting Parties in accordance with the laws in force in that country, may exercise in the territory of the other Party all the rights accorded to similar companies of the most favoured nation.

#### *Article 4.*

The subjects of each of the High Contracting Parties shall enjoy in the territory of the other Party the same protection as nationals in respect of property in trade marks and industrial designs or models of every kind.

The exclusive right of exploiting an industrial design or model may not have a longer duration for the benefit of Spanish subjects in Greece and, reciprocally, for the benefit of Greek subjects in Spain, than that fixed by the law of the country in question in respect of its own nationals.

If the industrial design or model is common property in the country of origin it shall not be accorded exclusive protection in the other country.

The provisions of the two preceding paragraphs shall also apply to trade marks.

Greek subjects may not claim in Spain, the adjacent islands and Spanish possessions, exclusive property in a mark, design or model, unless they have previously complied with the laws and regulations on the subject which are or may be in force in Spain.

Similarly, Spanish subjects may not claim in Greece exclusive property in a mark, model or design, unless they have previously complied with the laws and regulations on this subject which are or may be in force in Greece.

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<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 ; Vol. LXIX, page 70 ; and Vol. LXXXIII, page 373, of this Series.

In general, the provisions of the Paris Convention of 1883, revised by the Washington Convention<sup>1</sup> of 1911, shall apply to everything relating to property in trade marks.

*Article 5.*

Commercial travellers proceeding to Greece on behalf of a firm established in Spain shall be treated, in respect of trading licences, taxes and the re-exportation of any samples accompanying them, in the same way as the commercial travellers of the most favoured nation and reciprocally, the same shall apply to Greek commercial travellers in Spain, provided that their sojourn does not exceed six months in either case.

*Article 6.*

All vessels which are to be deemed Greek or Spanish vessels according to the laws of the Greek Republic and the Kingdom of Spain respectively shall be deemed Greek or Spanish vessels.

No tonnage, harbour, pilotage, lighthouse, quarantine, brokerage, buoyage or quay dues, or other charges of whatever denomination levied on the hull of a vessel on behalf or for the profit of the Government, public officials, private individuals, corporations or establishments of any kind shall be imposed in the ports of one of the two countries, on arrival, during the stay, or on departure, on the vessels of the other, which would not similarly and in the same circumstances be imposed on the vessels of the most favoured nation.

This equality of treatment shall apply reciprocally to the vessels of the respective countries from whatsoever place they may arrive and whatever may be their destination on departure.

*Article 7.*

It is mutually agreed that the coasting trade, both maritime and river, and the various branches of fishing in the respective territorial waters shall be reserved for the national shipping of the respective States.

*Article 8.*

Each of the High Contracting Parties agrees to admit consuls-general, consuls, vice-consuls and consular agents to all its ports, towns and possessions with the exception of the localities which they may deem it desirable to exclude, provided that such reservation shall apply equally to all other States. The said officials shall enjoy, subject to reciprocity, in the territory of the other Party all the privileges, exemptions and immunities enjoyed by agents of the same rank and of the same character of the most favoured nation.

Consuls-general, consuls, vice-consuls and consular agents shall, subject to reciprocity, enjoy in the territory of the other Party, when they are not nationals of the country in which they exercise their functions, exemption from all luxury taxes and other direct or indirect taxation at present in force or which may in the future be introduced. It is, however, understood that both Governments reserve the right to refuse their exequatur in case of an objection to the person appointed to such functions.

Consuls-general, consuls, vice-consuls and consular agents, subjects of the State appointing them, may neither be arrested nor taken into custody, except for acts or deeds which the penal laws of the country in which they reside characterise as delicts and punish accordingly.

Should the said officials desire to engage in commerce, they shall be obliged to comply, in respect of their trade and commercial transactions with the same laws and customs to which private persons

<sup>1</sup> *British and Foreign State Papers*, Vol. 108, page 404.

of their own country and the nationals of the most favoured nations are subject in their place of residence.

*Article 9.*

The consular archives shall be inviolable, and the local authorities may not examine or seize documents forming part thereof.

These documents must always be kept entirely separate from the books or documents relating to the trade or industry in which the respective consular agents may be engaged.

*Article 10.*

Consuls-general, consuls, vice-consuls and consular agents shall be solely responsible for intern order on board the merchant vessels of their nation, and shall themselves decide all disputes which may arise at sea or in harbour between the captains, officers and men of the crew. The local authorities may only intervene when the disorders arising on board are such as to disturb public peace in the port or on land, or when one of their own nationals or a person who is not a member of the crew is concerned in the case.

The said consular agents may assist masters in complying with all the formalities concerning the vessels of their nation and accompany them to the courts or administrative offices for the purpose of acting as interpreters and agents in any business they may have to transact or in presenting any requests they may have to make.

National officials may not, in the ports where a consul or consular agent of one of the two States is resident, conduct inspections or searches other than the usual Customs or health inspections on board merchant ships without giving previous notice to the consul in order that he may be present at the inspection. The invitation to this effect sent to consuls-general, consuls, vice-consuls and consular agents shall specify the exact hour, and if the officer should fail to attend personally or to send a representative, the case shall be dealt with in his absence.

Notice shall similarly be given to consular agents to enable them to be present when any statements are made by masters or crews of vessels of their nation before the courts or local administrative authorities. Should they fail to attend personally or to send representatives at the time indicated in the notice, the case shall be dealt with in their absence.

*Article 11.*

Consuls-general, consuls, vice-consuls and consular agents shall be entitled to apply to the competent authorities of the respective States throughout the whole of their consular district to protest against any breach of the treaties or conventions in force between Greece and Spain and to protect the rights and interests of their nationals. Should their protests be ignored, the said representatives, in the absence of a diplomatic representative of their nation, may appeal direct to the Government of the country in which they exercise their functions.

*Article 12.*

Consuls-general, consuls, vice-consuls and consular agents shall have the right to receive in their offices, at their private residence, at that of the parties or on board vessels, the depositions of masters, of members of the crew of their national vessels, of passengers on board, and of all other subjects of their nation.

The said consuls and agents shall be entitled to accept any notarial act for execution in their country concluded between their own nationals and nationals of the country in which they reside. They may similarly receive acts to which the subjects of the country where they reside are the sole

parties, when such acts relate exclusively to property situated or business to be transacted in the territory of the nation which has appointed the consul or agent before whom the acts are concluded.

All the acts and documents referred to, whether in original, copy or translation, duly certified and authorised by the said officers and sealed with the official seal of the consulates and vice-consulates, shall be admitted in all the courts of the Greek Republic and in those of Spain, the adjacent islands and Spanish possessions.

*Article 13.*

Consuls-general, consuls, vice-consuls and consular agents may cause to be arrested the officers, seamen and any other persons who belong to the crews of warships or merchant vessels of their nation charged or accused of having deserted the said vessels even on the territory of one of the High Contracting Parties, and have them sent back on board or transported home. For this purpose they shall apply in writing to the competent local authorities of the respective countries and request that such deserters should be handed over to them, proving, where necessary, by submitting the ship's registers or the muster roll of the crew or other official documents, that the men claimed belonged to the said crew. On the receipt of such duly authenticated request, the handing over of the deserters may not be refused, unless it can be duly proved that they were subjects of the country from which extradition is demanded at the moment when they were entered on the muster-roll.

The said consular agents shall be afforded every help and assistance in the search for, seizure and arrest of such deserters, who shall, moreover, be detained and kept in custody in the prisons of the country on the request and at the expense of the consuls until the latter have found an opportunity to repatriate them. If, however, no such opportunity should occur within three months from the date of arrest or if the costs of their detention are not paid regularly, the deserters shall be released and may not be rearrested on the same charge.

If the deserter has committed any crime or offence ashore, his extradition shall be postponed until the competent Court has passed sentence and the sentence has been served.

*Article 14.*

In the absence of any stipulation to the contrary between shipowners, freighters and underwriters, all damage sustained at sea by vessels of the two countries, whether they enter harbour voluntarily or are forced to put in shall be settled by the consuls-general, consuls, vice-consuls and consular agents of the respective countries. If, however, inhabitants of the country or subjects of a third nation should be concerned in the said damage and the parties should be unable to arrive at a friendly arrangement, recourse may be had to the local competent authorities.

*Article 15.*

All operations connected with the salvage of Spanish vessels shipwrecked on the coasts of Greece and of Greek vessels shipwrecked on the coasts of Spain, the adjacent islands, possessions and territories under Spanish Protectorate, shall be directed by Greek consuls-general, consuls, vice-consuls and consular agents in Spain and by the corresponding Spanish consular officials in Greece. At places and ports where there is no consular agency, the local authorities, pending the arrival of the consul in whose district the shipwreck has occurred, who shall be immediately notified, shall take all the necessary steps to protect the persons and articles shipwrecked. The local authorities shall, moreover, intervene only for the purpose of keeping order, safeguarding the interests of persons saved who are not members of the shipwrecked crews, and ensuring the execution of the provisions to be observed for the import and export of the salvaged goods. It is understood that

such goods shall not be subject to any Customs duty unless they are cleared for consumption in the country where the shipwreck took place.

No charges of any kind shall be made in respect of the intervention of the local authorities in these various cases except those necessitated by salvage operations and the preservation of the salvaged effects and those to which national vessels would be liable in similar circumstances.

*Article 16.*

In the case of the death of a Spaniard in Greece or of a Greek in Spain, the respective consular and local authorities shall comply with the rules laid down in the Greeco-Spanish Treaty<sup>1</sup> signed at Madrid on March 6, 1919.

It is understood that any denunciation of the present Treaty shall not involve denunciation of the Convention mentioned above.

The respective consular authorities shall alone be competent to make official inventories and carry out all other transactions for the safeguarding of the estate left by seamen, passengers and other travellers of their nation who have died on board national vessels, either during the voyage or in the port of destination or ashore.

*Article 17.*

The present Treaty shall remain in force until the expiration of one year from the date on which either of the High Contracting Parties shall have informed the other of its intention to denounce it.

If on the expiration of this period of one year the present Treaty is not replaced by a new treaty, it shall be deemed to be extended for a further period of one year and shall thereafter be automatically renewed for successive periods of one year until the entry into force of the new treaty.

The present Treaty shall be ratified as soon as possible and the ratifications shall be exchanged at Athens. It shall come into force ten days after the exchange of the ratifications.

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

Done at Athens on September 23, 1926.

(Signed) Thr. PETIMEZAS.

(Signed) Pedro DE PRAT Y SOUTZO.

PROTOCOL OF SIGNATURE.

At the time of signing the Consular, Navigation, Civil and Commercial Rights, and Establishment Treaty between Greece and Spain, the respective Plenipotentiaries have agreed to maintain in force, as from September 11, 1926, the provisions of the Consular, Navigation, Civil and Commercial Rights, and Establishment Treaty<sup>2</sup> dated September 23, 1903, until the present Treaty shall come into force.

In faith whereof the Plenipotentiaries have signed the present Protocol.

ATHENS, *September 23, 1926.*

Thr. PETIMEZAS.

Pedro DE PRAT Y SOUTZO.

<sup>1</sup> Vol. III, pages, 81 and 282, of this Series.

<sup>2</sup> *British and Foreign State Papers*, Vol. 96, page 621.

## ADDITIONAL PROTOCOL

TO THE TREATY REGARDING CONSULAR MATTERS, NAVIGATION, CIVIL AND COMMERCIAL RIGHTS AND ESTABLISHMENT BETWEEN GREECE AND SPAIN. SIGNED AT ATHENS SEPTEMBER 23, 1926.

The undersigned, duly authorised by their Governments, have agreed to declare that Articles 2 and 8 of the Consular, Navigation, Civil and Commercial Rights, and Establishment Treaty between Greece and Spain, signed at Athens on September 23, 1926, shall be replaced by the following :

*Article 2.*

The nationals of each of the High Contracting Parties shall be exempt in the territory and possessions of the other Party from payment of all transit dues and shall be treated in the same way as nationals of the most favoured nation in everything respecting warehousing, bounties, facilities and refund of dues.

*Articles 8.*

Each of the High Contracting Parties agrees to admit consuls-general, consuls, vice-consuls and consular agents to all its ports, towns and possessions, save in the case of localities which they may deem it desirable to exclude, provided that such reservation shall apply equally to all other States. The said officials shall, subject to reciprocity, enjoy in the territory of the other Party all the privileges, exemptions and immunities enjoyed by agents of the same rank and of the same character of the most favoured nation. It is, however, understood that both Governments reserve the right to refuse their exequatur in case of an objection to the person appointed to such functions.

These officials, when they are subjects of the State appointing them, may neither be arrested nor taken into custody except for acts and deeds which the penal laws of the country in which they reside characterise as delicts and punish accordingly.

Consuls-general, consuls, vice-consuls and consular agents, subjects of the State appointing them, shall be exempt from compulsory billeting, military requisitions and exactions, as well as from all war contributions and direct taxes whether levied on persons, property or articles of luxury, by the State or by the communes ; if, however, they are owners of immovable property or engaged in commerce or the practice of any industry or occupation, they shall be subject to all taxes, charges and imposts payable by the subjects of the most favoured nation who, being consuls-general, consuls, vice-consuls and consular agents, are owners of landed property, traders, manufacturers or engaged in any occupation.

The present additional Protocol shall be annexed to the aforesaid Treaty and shall form an integral part thereof.

In faith whereof the Plenipotentiaries have hereto affixed their signatures and seals.

ATHENS, *August 7, 1927.*

A. MICHALACOPOULOS.  
Pedro DE PRAT Y SOUTZO.