

N° 2095.

CHINE ET FRANCE

Traité réglant les relations douanières entre les deux pays, signé à Nankin, le 22 décembre 1928, et échange de notes y relatif, Nankin, les 22 et 23 décembre 1928.

CHINA AND FRANCE

Treaty regulating Customs Relations between the two Countries, signed at Nanking, December 22, 1928, and Exchange of Notes relating thereto, Nanking, December 22 and 23, 1928.

1. TRANSLATION. — TRANSLATION.

No. 2095. — TREATY REGULATING CUSTOMS RELATIONS BETWEEN FRANCE AND CHINA. SIGNED AT NANKING, DECEMBER 22, 1928.

THE GOVERNMENT OF THE FRENCH REPUBLIC and THE GOVERNMENT OF THE CHINESE REPUBLIC, being desirous of strengthening still further the ties of friendship happily existing between the two countries and of developing their commercial relations, have decided to conclude a Treaty and have for this purpose appointed as their respective Plenipotentiaries :

THE PRESIDENT OF THE FRENCH REPUBLIC :

His Excellency Count D. DE MARTEL, Minister Plenipotentiary and Envoy Extraordinary of the French Republic in China, Commander of the Legion of Honour ;

THE PRESIDENT OF THE NATIONAL GOVERNMENT OF THE CHINESE REPUBLIC :

His Excellency Dr. Chengting T. WANG, Minister for Foreign Affairs of the National Government of the Chinese Republic ;

Who, having communicated their full powers, found in good and due form, have agreed as follows :

Article 1.

All provisions in the treaties concluded between France and China and hitherto in force, with regard to the rate of import and export duties on goods, drawbacks, transit charges and tonnage dues in China, shall be cancelled and become inoperative, and the principle of complete autonomy shall henceforward be applied to the Customs tariff and kindred questions, on condition, however, that each of the High Contracting Parties enjoys in the territories, possessions, colonies and protectorates of the other, as regards the questions specified above and other kindred questions, treatment in no wise less favourable than that actually accorded to any other Power.

Article 2.

The nationals of each of the High Contracting Parties may not under any pretext be required to pay, within the limits of the territories, possessions, colonies and protectorates of the other, any duties, charges or internal taxes on imports or exports other or higher than those paid by the nationals of the country or the nationals of any other Power.



Article 3.

The present Treaty has been drawn up in French and Chinese and both texts have been carefully compared and checked, but should there be any difference in meaning between them, the French text shall prevail.

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.

The present Treaty shall be ratified as soon as possible and the ratifications shall be exchanged in Paris. It shall come into force on the date on which the two Governments notify each other that ratification has been effected.

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

Done at Nanking on the twenty-second day of December, one thousand nine hundred and twenty-eight, corresponding to the twenty-second day of the twelfth month of the seventeenth year of the Chinese Republic.

(L. S.) (Signed) DE MARTEL.

(L. S.) (Signed) Chengting T. WANG.

EXCHANGE OF NOTES.

I.

FRENCH LEGATION
IN CHINA.

NANKING, *December 22, 1928.*

YOUR EXCELLENCY,

With reference to Article 1 of the Treaty concluded this day, I have the honour to confirm that the French minimum tariff shall continue to be applied to the Chinese goods enumerated in the attached list, pending the conclusion of the agreement mentioned in the following paragraph.

As regards other articles which the Chinese Government desires to be accorded the benefit of the French minimum tariff, owing to the impossibility for the French Government, by reason of its Customs legislation, to grant its minimum tariff *en bloc*, it is understood that it agrees to negotiate a separate agreement establishing a reciprocal conventional tariff.

I have the honour to be, etc.,

(Signed) D. DE MARTEL.

To His Excellency
Dr. Chengting T. Wang,
Minister for Foreign Affairs
at Nanking.

LIST OF CHINESE GOODS

ADMITTED AT THE MINIMUM TARIFF ON ENTRY INTO FRANCE.

Pure silk tissues ;
Pure silk foulards ;
Pure silk crêpes ;
Pure silk tulles ;
Pure silk trimmings ;
Pepper ;
Pimento ;
Cinnamon ;
Nutmegs, unshelled or shelled ;
Cloves ;
Tea.

II.

MINISTRY
OF FOREIGN AFFAIRS.

NANKING, December 22, 1928.

YOUR EXCELLENCY,

I have the honour to acknowledge the receipt of your letter of to-day, with reference to the application of Article 1 of the Treaty which has just been concluded between the National Government and the French Government.

I hasten to inform you that I am entirely in agreement with the terms of this communication.

I have the honour to be, etc.,

(Signed) C. T. WANG.

To His Excellency
Count D. de Martel,
Envoy Extraordinary and Minister Plenipotentiary
of the French Republic
in China.

III.

FRENCH LEGATION
IN CHINA.

NANKING, December 23, 1928.

YOUR EXCELLENCY,

In the course of the negotiations which have happily been brought to a successful conclusion, we examined in an equally friendly spirit various questions outstanding between our two countries, and I desire to state hereunder the result of our exchange of views :]

(1) The French Government is prepared without delay to enter into negotiations for the conclusion of a new convention to replace the Franco-Chinese Convention¹ of April 25, 1886, the additional Commercial Convention² of June 26, 1887, and the Supplementary Convention to this Convention, dated June 10, 1895.

In the interest of both Governments, no change will be made, while negotiations are proceeding, in the present régime in Indo-China, it being understood that the principle of tariff uniformity on the land and sea frontiers will hold good, so that the tariff in force on Chinese sea frontiers will likewise apply on Indo-Chinese frontiers. Nevertheless, the present reduced rates of import and export duties will remain in force during the negotiations, which the French Government is prepared, for its part, to conclude rapidly.

(2) In the interest of the development of Franco-Chinese economic relations, it is essential to avoid excessive charges on goods.

For this reason, both the French and Chinese Governments considered it advisable to abolish *likins*. Similarly, the addition to the actual Customs duties of provincial charges in the place of *likins* would be likely to paralyse trade. The French Government has no doubt that the National Government will abolish *likins* as soon as possible after the entry into force of the new Customs régime, and that it will effectively prevent the establishment of the provincial charges in question.

¹ *British and Foreign State Papers*, Vol. 85, page 735.

² *British and Foreign State Papers*, Vol. 85, page 744.

(3) The service of certain loans in which French capital is invested, concluded by the Chinese Government, is at present suspended owing to lack of funds. The allocation of part of the supplementary funds furnished by the Customs to the service of these loans would be a measure which should serve to encourage the development of Franco-Chinese economic relations, and the French Government has no doubt that the National Government will take the necessary action in the matter.

I have the honour to be, etc.

(Signed) D. DE MARTEL.

To His Excellency
Dr. Chengting T. Wang,
Minister for Foreign Affairs,
at Nanking.

IV.

MINISTRY
OF FOREIGN AFFAIRS.

NANKING, December 23, 1928.

YOUR EXCELLENCY,

I have the honour to acknowledge the receipt of your letter of to-day concerning :

(1) The early application of the new Chinese Customs tariff to the Indo-Chinese frontiers and the maintenance of the present régime in Indo-China, pending the conclusion of a new convention ;

(2) The advisability of abolishing *likins* ;

(3) The desirability of taking the necessary steps to ensure the service of certain loans.

I hasten to inform you that I am entirely in agreement with you on these matters.

I have the honour to be, etc.,

(Signed) C. T. WANG.

To His Excellency
Count D. de Martel,
Envoy Extraordinary and Minister Plenipotentiary
of the French Republic
in China.

V.

MINISTRY
OF FOREIGN AFFAIRS.

NANKING, December 23, 1928.

YOUR EXCELLENCY,

I have the honour to inform you that the National Government hopes to be able to conclude with the French Government, prior to March 31, 1929, the new convention concerning Indo-China, in regard to which negotiations are to be begun at an early date.

Nevertheless, the stipulation relating to reduced import and export duties on the Indo-Chinese frontier, referred to in Your Excellency's letter of to-day's date, will cease to apply as from March 31, 1929, even if the new convention has not been concluded by that date.

I have the honour to be, etc.

(Signed) C. T. WANG.

To His Excellency
Count D. de Martel,
Envoy Extraordinary and Minister Plenipotentiary
of the French Republic
in China.

VI.

FRENCH LEGATION
IN CHINA.

NANKING, *December 23, 1928.*

YOUR EXCELLENCY,

Your Excellency transmitted to me to-day a Note informing me that the present reduced rates of import and export duties in force on the Indo-Chinese frontier will cease to apply as from March 31, 1929, even if negotiations for the conclusion of a new convention have not been completed by that date.

I hasten to acknowledge the receipt of this communication, for all necessary purposes.

I have the honour to be, etc.,

(Signed) D. DE MARTEL.

To His Excellency
Dr. Chengting T. Wang,
Minister for Foreign Affairs
at Nanking.