

N° 1937.

GUATÉMALA ET PAYS-BAS

Traité de commerce. Signé à Guatémala, le 12 mai 1927.

**GUATEMALA
AND THE NETHERLANDS**

Treaty of Commerce. Signed at Guatemala, May 12, 1927.

¹ TRANSLATION.

No. 1937. — TREATY OF COMMERCE BETWEEN THE NETHERLANDS AND GUATEMALA. SIGNED AT GUATEMALA, MAY 12, 1927.

HER MAJESTY THE QUEEN OF THE NETHERLANDS and THE PRESIDENT OF THE REPUBLIC OF GUATEMALA, being desirous of promoting the development of commercial relations between the two countries, have resolved to conclude a commercial treaty and for this purpose have appointed as their Plenipotentiaries :

HER MAJESTY THE QUEEN OF THE NETHERLANDS :

M. René Charles Théodore ROOSMALE NEPVEU, Her Envoy Extraordinary and Minister Plenipotentiary accredited to the Government of the Republic of Guatemala.

THE PRESIDENT OF THE REPUBLIC OF GUATEMALA :

Dr. don José MATOS, Minister for Foreign Affairs of the Republic ;

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

Article I.

1. The nationals of each of the High Contracting Parties shall, within the territory of the other Party, be treated in all respects, and especially as regards establishment and the carrying on of trade, industry and navigation, the protection of their persons, and their movable and immovable property, at least as favourably as the nationals of the most favoured nation.

2. They shall be free to conduct their business in the territory of the other Party, either personally or through an agent of their own choice, without being subject in this respect to any restrictions other than those prescribed by the laws and regulations in force in the said territory.

3. They shall not be liable to pay in respect of the exercise of their trade, industry or navigation in the territory of the other Party any impost, charge or duty, other or higher than those which are applied to nationals.

Article II.

1. Joint stock and other commercial, industrial or financial companies, including shipping companies, which are domiciled in the territory of one of the High Contracting Parties and are legally constituted according to the laws of the said Party, shall also be authorised in the territory of the other Party to defend all their rights, and shall, in particular, have free access to the Courts provided they observe the relevant laws and ordinances in force in the territory of the other Party.

2. The admission of the aforementioned companies, legally constituted in the territory of one of the High Contracting Parties, which desire, after the entry into force of the present Treaty,

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

to extend their activities to the territory of the other Party and which require a special permit for this purpose, shall be governed by the laws and ordinances in force within the territory of the said State.

3. All companies, once they have been legally established, shall in all respects enjoy the treatment granted to the most favoured nation.

Article III.

1. Natural or manufactured products originating in the Netherlands, the Dutch Indies Surinam, or Curaçao, and imported into Guatemala, and natural or manufactured products originating in Guatemala and imported into the Netherlands, the Dutch Indies, Surinam or Curaçao, shall not be liable to any duties other or higher than those levied on natural or manufactured products originating in any third State.

No prohibitions or restrictions shall be maintained or imposed in respect of the importation into Guatemala of a natural or manufactured product originating in the Netherlands, the Dutch Indies, Surinam or Curaçao, or in respect of the importation into the Netherlands, the Dutch Indies, Surinam or Curaçao, of a natural or manufactured product originating in Guatemala, which are not also applied to the importation of the same articles coming from any third State.

2. Natural or manufactured products originating in the Netherlands, the Dutch Indies, Surinam or Curaçao, and exported to Guatemala, and natural or manufactured products originating in Guatemala and exported to the Netherlands, the Dutch Indies, Surinam or Curaçao, shall not be liable to any duties other or higher than those applied to the same articles exported to the territory of any third State.

No prohibitions or restrictions shall be maintained or imposed in respect of the exportation to Guatemala of a natural or manufactured product originating in the Netherlands, the Dutch Indies, Surinam or Curaçao, or in respect of the exportation to the Netherlands, the Dutch Indies, Surinam or Curaçao, of a natural or manufactured product originating in Guatemala, which are not also applied to the exportation of the same articles to the territory of any third State.

3. Natural or manufactured products originating in the Netherlands, the Dutch Indies, Surinam or Curaçao, and passing in transit through Guatemala, and natural or manufactured products originating in Guatemala and passing in transit through the Netherlands, the Dutch Indies, Surinam or Curaçao, shall be reciprocally exempt from all transit duty, whether they are conveyed in transit direct or whether the transit be interrupted for the purposes of unloading, warehousing, or reloading.

Article IV.

1. Articles liable to duty and used as samples, with the exception of prohibited goods, shall be admitted by both Parties temporarily free of duty, subject to compliance with the Customs formalities necessary to ensure the reexportation of the whole of the said articles.

2. The distinguishing marks placed on samples by the authorities of one of the High Contracting Parties in order to establish their identity shall be recognized by the authorities of the other Party, who also retain the right, in all cases in which they deem this necessary, to affix national distinguishing marks as well.

3. The benefit of this exemption from duty may be withdrawn from commercial travellers and firms who do not observe the laws in force in this respect.

Article V.

The High Contracting Parties mutually undertake, with regard to navigation, to treat the nationals of the other Party in the same way as their own nationals; the Governments of the Netherlands oversea territories shall, nevertheless, retain complete freedom of legislation regarding the coasting trade.

Article VI.

1. The High Contracting Parties reciprocally grant each other most-favoured-nation treatment in all cases not provided for in the preceding Articles relating to commerce, industry, navigation and the consular service.

2. It is understood that the most-favoured-nation clause shall not apply to Customs favours which have been or may in future be granted by Guatemala to products originating in the four Central American republics (Honduras, Salvador, Nicaragua and Costa Rica).

3. The Consular Convention concluded between the Netherlands and Guatemala on the seventh day of March, one thousand nine hundred and fourteen, shall remain in force.

Article VII.

Any dispute concerning the interpretation, application or execution of the present Treaty, which cannot be settled between the High Contracting Parties through the diplomatic channel, shall be referred to the Permanent Court of International Justice.

Article VIII.

The provisions of the present Treaty are applicable to the Netherlands, the Dutch Indies, Surinam and Curaçao.

Curaçao includes the islands of Curaçao, Aruba, Bonaire, St. Eustatius, Saba and St. Martin (Netherlands portion).

Article IX.

The present Treaty shall be ratified and the ratifications shall be exchanged at Guatemala as soon as possible. It shall come into force one month after the exchange of the ratifications, and shall be binding for a period of one year from the date on which it comes into force. It shall be renewed for an equal period by tacit agreement unless it shall have been denounced by either of the High Contracting Parties at least six months before the date of its expiration.

In faith whereof the Plenipotentiaries have signed the present Treaty.

Done in duplicate at Guatemala on the twelfth day of May, one thousand nine hundred and twenty-seven.

José MATOS.

R. ROOSMALE NEPVEU.