

N° 1994.

SUÈDE ET TURQUIE

Convention de commerce et de navigation, avec protocole de signature.
Signés à Angora, le 4 février 1928.

SWEDEN AND TURKEY

Convention of Commerce and Navigation, with Protocol of Signature.
Signed at Angora, February 4, 1928.

¹ TRADUCTION. — TRANSLATION.No. 1994. — CONVENTION² OF COMMERCE AND NAVIGATION BETWEEN SWEDEN AND TURKEY. SIGNED AT ANGORA, FEBRUARY 4, 1928.

French official text communicated by the Swedish Minister for Foreign Affairs. The registration of this Convention took place April 20, 1929.

SWEDEN, of the one part, and TURKEY, of the other part, being desirous of strengthening the ties of friendship which so fortunately exist between the two countries, of regulating the conditions concerning the establishment of their nationals in the two countries, and of developing their commercial relations, have resolved to conclude a Convention for this purpose and have appointed as their Plenipotentiaries :

HIS MAJESTY THE KING OF SWEDEN :

M. G. O. WALLENBERG, Envoy Extraordinary and Minister Plenipotentiary of Sweden in Turkey; and

HIS EXCELLENCY THE PRESIDENT OF THE TURKISH REPUBLIC :

Ali DJÉNANY Bey, Deputy to the Turkish Grand National Assembly for Ghazi-Aintab, Former Minister of Commerce ; and

Ali CHEVKI Bey, Deputy for Tokat, former Under-Secretary of State at the Ministry of Foreign Affairs ;

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

SECTION I.

ESTABLISHMENT.

Article 1.

The nationals of either Contracting Party shall have the right to establish themselves, and reside, to come and go, and to move about freely in the territory of the other Party, and to leave that territory, subject to compliance with the laws and regulations in force therein.

As regards any taxes or dues payable in respect of residence or establishment, the nationals of the two Parties shall enjoy most-favoured-nation treatment.

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

² Translated by the Secretariat of the League of Nations, for information.

³ The exchange of ratifications took place at Stockholm, March 21, 1929.

This Convention was denounced on August 6, 1929, the denunciation to take effect as from November 6, 1929. (Communicated by the Swedish Minister for Foreign Affairs, November 15, 1929.)

It is nevertheless agreed that these provisions shall in no way restrict the right of each of the Contracting Parties, in individual cases, to refuse nationals of the other Party permission to reside in the country, either in virtue of a judicial decision, or for reasons connected with the internal or external security of the State, or with public order, and particularly on grounds connected with public relief, public health or morals.

Each of the Contracting Parties retains full liberty of action with regard to immigration.

Article 2.

The nationals of either Contracting Party shall have the right, upon the same conditions as nationals of the most favoured nation, to acquire, possess and dispose of any kind of movable or immovable property in the territory of the other Party, except in the cases laid down in the laws of the respective countries, and provided they comply with the laws and regulations of the country. They may, under the same conditions, dispose of such property freely by sale, gift, transfer, marriage settlement, will, succession *ab intestato*, or by any other means.

They shall not in any of the above cases be liable to dues, taxes, or imposts of any kind whatsoever, other or higher than those which are or may hereafter be imposed on nationals.

Article 3.

Nationals of either Contracting Party shall, under the same conditions as nationals of the most favoured nation, have the right in the territory of the other Party to carry on any kind of industry or commerce and to engage in any trade or profession the exercise of which is not, or may not hereafter be, restricted to nationals, provided they comply with the laws and regulations of the country.

Article 4.

Nationals of either Contracting Party shall not be liable in the territory of the other Party, as regards their persons, property, rights and interests, and as regards the exercise of any kind of commerce, industry, trade or profession, to any direct or indirect charges, taxes or imposts, other or higher than those which may be levied on nationals.

They shall in particular be entitled, subject to compliance with the laws in force in the country, freely to export the property they have acquired by their activities, by inheritance or bequest, or by any other legal means, without thereby being subjected as foreigners to higher imposts, duties and taxes than those which nationals would have to pay.

Article 5.

The nationals of either Contracting Party shall not be liable, in the territory of the other Party, to any military service, whether in the land, naval or air forces, or in the national guard or militia, nor to any obligation or charge in lieu of military service.

They shall be exempt from any forced loans.

They shall only be liable to other military contributions and requisitions to the same extent as nationals and under the same conditions.

Article 6.

Nationals of either Contracting Party may not be expropriated in the territory of the other Party save on legally recognised grounds of public utility and on receipt of fair compensation.

No expropriation may take place without previous notice and before compensation is paid or duly deposited.

Article 7.

Nationals of either Contracting Party in the territory of the other Party shall enjoy, as regards the legal and judicial protection of their persons and property, the same treatment as is given to nationals. They shall accordingly have free and unhindered access to the Courts, and may appear in Court under the same conditions as nationals. An exception to the above shall be made in respect of provisions relating to the *cautio judicatum solvi* and to free legal aid, which questions shall be settled later by a special agreement to be concluded between the two Parties.

Article 8.

Joint stock companies and other commercial companies, including industrial and financial, companies, companies for communications and transport, and insurance, which have been legally incorporated and which have their seat in the territory of one of the Contracting Parties, shall be recognised in the territory of the other Party and shall therefore be entitled to have access to the courts of that Party, either as plaintiffs or defendants. As regards the right to carry on their activities in the territory of the other Contracting Party, they shall be entitled to all the rights and privileges which are or may hereafter be recognised to similar companies of the most favoured nation. The said companies shall not be liable to imposts, taxes or charges higher than those imposed on similar companies of the most favoured nation.

In all other matters, the companies referred to in the present Article shall receive most-favoured-nation treatment.

Article 9.

It is agreed that neither Contracting Party may invoke the most-favoured-nation clause, referred to in this Section, as a reason for claiming on behalf of its nationals or companies, rights other or more extensive than those which it grants itself to the nationals or companies of the other Contracting Party.

SECTION II.

COMMERCE AND NAVIGATION.

Article 10.

The products of the soil and industry of Turkish origin enumerated in List A attached to the present Convention shall not be subject, on importation into Sweden, to any duties, including all co-efficients of increase or surtaxes, which are other or higher than those fixed in the said List A.

The products of the soil and industry of Swedish origin enumerated in List B attached to the present Convention shall not be subject, on importation into Turkey, to any duties, including all co-efficients of increase or surtaxes, which are other or higher than those fixed in the said List B.

Article 11.

The products of the soil and industry originating in either of the two countries, including those enumerated in Lists A and B, shall not in any case be subject on importation into the other country, as regards Customs duties and co-efficients or taxes, or in any other respect whatever, to less favourable treatment than that which is or may hereafter be accorded to similar products of a third country.

Article 12.

Products exported from the territory of either of the High Contracting Parties and consigned to the territory of the other shall not be subject to dues or charges other or higher than those which are or may hereafter be imposed on similar products exported to the most favoured nation.

Treatment on a footing of equality with third countries shall also extend to the method of levying import and export duties, to the placing of goods in bonded warehouses, to Customs charges and formalities, and to the treatment and handling by the Customs of goods imported, exported or passing through in transit.

Article 13.

All products of the soil and of industry originating in the territory of either of the Contracting Parties shall enjoy in the territory of the other Party, as regards internal taxes of any kind whatsoever, the same treatment as that which has been or may hereafter be granted to like products of a third country.

Article 14.

Either Contracting Party may, in order to establish the country of origin of the goods imported, require the production of a certificate of origin stating that such goods are products of the soil or industry of the said country, or that they must be considered as such in view of the labour expended on them therein.

The certificates of origin shall be issued either by the Department of Commerce or Agriculture or by the competent Customs authorities or by the Chamber of Commerce, or by any other authority or association which the country of destination may accept. The Government of the country of destination may require certificates of origin to be legalised by its diplomatic or consular representative.

The authorities of the country of destination may require that certificates of origin be translated into French.

Certificates of origin will be dispensed with in the case of postal packages unless the country of destination considers that they are of a commercial character.

Article 15.

No prohibition or restriction on the import or export of any goods originating in the territory of the other Party or destined for export thereto shall be maintained or established by either of the Contracting Parties unless the said prohibition or restriction also applies under the same conditions to similar goods, if any, coming from any other country, or destined for export thereto. The provisions of this Article shall not, however, be regarded as applying to prohibitions or restrictions which have been or may hereafter be established for reasons of public safety, for the

security of the State or for public health, or as prophylactic measures against diseases of animals or against diseases, deterioration or disappearance of useful plants, or in respect of goods which are subject to a State monopoly.

Article 16.

The two Contracting Parties guarantee each other most-favoured-nation treatment in all matters connected with the transit through their territories of persons, baggage, goods of all kinds, packages, vessels, vehicles and railway wagons or other means of transport.

Article 17.

As regards the carriage by rail of passengers, baggage and goods, the two Contracting Parties guarantee each other most-favoured-nation treatment in respect of consignment, transport rates and public taxes on transport.

Article 18.

Commercial travellers of either Contracting Party shall enjoy the same treatment as commercial travellers of the most favoured nation in the territory of the other Party in all matters connected with their activities, and particularly as regards Customs facilities granted for samples.

Article 19.

Swedish vessels and boats and their cargoes shall be accorded in Turkey, and Turkish vessels and boats and their cargoes shall be accorded in Sweden, the same treatment as national vessels and boats and their cargoes, whatever be the place from which the said vessels and boats come or to which they are proceeding, and whatever be the place from or to which their cargoes are consigned.

The provisions of the present Article shall not apply to the coasting trade, to pilotage, towage and other port services, to fisheries or to special privileges which have been or may hereafter be granted in either country to the products of the national fisheries.

Article 20.

The documents and certificates issued for the purpose by the competent authorities of the respective States in conformity with their laws and regulations shall be recognised by both Parties as establishing the nationality of boats and vessels.

Tonnage measurement certificates and other tonnage measurement documents issued by either Contracting Party shall be recognised by the other Party in conformity with any special agreements which have been or may be concluded between the two Contracting Parties.

Article 21.

Vessels and boats flying the flag of either of the Contracting Parties and entering a port of the other Party with the sole object of completing their cargo therein or of unloading some portion thereof shall be entitled, provided that they observe the laws and regulations of the State concerned, to retain on board the portion of their cargo which is consigned to another port or to another country, and to re-export such portion of the cargo without being liable to pay any duties or charges thereon, except supervision fees. The latter may, moreover, only be levied at the lowest rate fixed for national vessels.

Article 22.

Should a vessel or boat of one of the Contracting Parties be stranded or wrecked on the coasts of the other Party, the vessel or boat and its cargo shall be granted the same privileges and immunities as are granted by the laws and regulations of the country in similar circumstances to national vessels and boats. Assistance and relief shall be given to the master and crew, both as regards themselves and the vessel or boat and its cargo, to the same extent as to nationals.

As regards salvage charges, the laws of the country where salvage takes place shall apply.

The two Contracting Parties furthermore agree that goods salvaged from a stranded or wrecked vessel shall not be subject to any Customs duties unless they are admitted into the country for consumption therein.

Article 23.

In so far as the provisions of the present Convention provide for the reciprocal granting of most-favoured-nation treatment, they shall not apply :

(a) To special privileges which have been or may hereafter be granted by one of the two Contracting Parties to contiguous States for the purpose of facilitating frontier traffic within an area which as a rule shall not extend more than fifteen kilometres on each side of the frontier ;

(b) To obligations which have been or may hereafter be entered into by either of the Contracting Parties with a view to a Customs union ;

(c) To special privileges which Sweden has granted or may hereafter grant to Denmark or Norway or to both those countries so long as the same privileges have not been granted to any other State ;

(d) To special privileges and benefits which are or may hereafter be established in respect of Customs tariffs and generally in all other commercial transactions between Turkey and the territories detached from the Ottoman Empire in 1923, so long as the same privileges and benefits have not been granted to any other State.

Article 24.

The present Convention shall be ratified by both Parties after having been approved by their respective legislative assemblies, and the exchange of ratifications shall take place at Stockholm as soon as possible.

The present Convention shall come into force thirty days after the date of the exchange of ratifications and shall remain in force until the expiry of a period of three months reckoned from the date of its denunciation by either of the Contracting Parties.

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

Done in duplicate at Angora, February 4, 1928.

G. O. WALLENBERG.

Ali DJÉNANY.

A. CHEVKI.

LIST A.

No. in Swedish Tariff	Description of Goods	Amount of duty to be levied in Swedish crowns per kilogramme
ex 109 (b)	Dry figs	0.15
110 (a)	Dry raisins	0.15
ex 113	Walnuts and Hazel Nuts	0.30
ex 115	Pistachio Nuts	0.50
395	Carpets knotted exceeding 250 knots per metre of length.	6.—
1242	Vegetable tanning materials and tanning extracts	free

LIST B.

No. in Turkish Tariff	Description of Goods	Amount of duty to be levied in piastres per 100 kilogram- mes
235	Packing paper, corrugated or not, and tarred paper	70 × 5
359	Goloshes, boots and top-boots of rubber and guttapercha.	525 × 5
ex 435	Nails and tacks of iron or steel :	
	(c) Horse shoe nails	90 × 5
ex 445	Mincing machines :	
	(a) Ordinary	100 × 5
	(b) Enamelled, or galvanised	160 × 5
ex 464	Oil Stoves and soldering lamps :	
	(a) Crude, not lacquered, not polished	400 × 5
	(b) Finished, lacquered, polished, oxidised or nickelled.	1,750 × 4

PROTOCOL OF SIGNATURE.

On proceeding to sign the present Convention, the two Contracting Parties have agreed on the following provisions :

Ad Article 3.

The Plenipotentiary of Sweden declares, on behalf of his Government, that the most-favoured-nation clause referred to in Article 3 of the present Convention may not be invoked in order to claim for Swedish nationals the right — recognised by Turkey in virtue of Article 4 of the Convention¹ respecting conditions of Residence and Business and Jurisdiction concluded at Lausanne on July 24, 1923, — which was acquired by nationals of the States which signed that Convention.

¹ Vol. XXVIII, page 151, of this Series.

Ad Article 4.

The two Contracting Parties agree that the granting of national treatment as regards taxation shall not affect the applicability to Turkish nationals of the Swedish Decree of October 23, 1908, concerning duties to be paid in respect of special privileges and rights, and of December 31, 1913, concerning the right of foreign nationals and Swedish nationals domiciled abroad to give public performances, etc. in Sweden or to assist in such performances.

Turkish nationals shall, however, be entitled to the same treatment as nationals of the most favoured nation in respect of the application of the above-mentioned Decrees.

Ad Article 10.

The two Contracting Parties agree to readjust the coefficients appearing in List B annexed to the present Convention according to the rate of exchange provided for in Article 2 of the Commercial Convention¹ signed at Lausanne on July 24, 1923. The readjustment of coefficient 4 will be subject to the same conditions as that of coefficient 5.

The present Protocol forms an integral part of the present Convention and shall be binding as soon as the Convention comes into force.

G. O. WALLENBERG.

Ali DJÉNANY.

A. CHEVKI.

¹ Vol. XXVIII, page 175, of this Series.