

N° 2527.

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**AUTRICHE ET PAYS-BAS**

Traité de commerce et de navigation,  
avec protocole final. Signés à La  
Haye, le 28 mars 1929.

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**AUSTRIA  
AND THE NETHERLANDS**

Treaty of Commerce and Navigation,  
with Final Protocol. Signed at  
The Hague, March 28, 1929.

<sup>1</sup> TRADUCTION. — TRANSLATION.No. 2527. — TREATY <sup>2</sup> OF COMMERCE AND NAVIGATION BETWEEN AUSTRIA AND THE NETHERLANDS. SIGNED AT THE HAGUE, MARCH 28, 1929.

*French official text communicated by the Netherlands Minister at Berne. The registration of this Treaty took place November 13, 1930.*

HER MAJESTY THE QUEEN OF THE NETHERLANDS and THE FEDERAL PRESIDENT OF THE REPUBLIC OF AUSTRIA, being desirous of establishing closer economic relations between the two States, have decided to conclude a Treaty of Commerce and Navigation, and have for that purpose appointed as their Plenipotentiaries :

HER MAJESTY THE QUEEN OF THE NETHERLANDS :

Jonkheer Frans BEELAERTS VAN BLOKLAND, Her Minister for Foreign Affairs ;

THE FEDERAL PRESIDENT OF THE REPUBLIC OF AUSTRIA :

HIS EXCELLENCY AdOLF DUFFEK, Envoy Extraordinary and Minister Plenipotentiary of the Republic of Austria at The Hague ;

Who, having communicated their full powers, found in full and good form, have agreed on the following Articles :

*Article 1.*

1. The nationals of each of the High Contracting Parties shall be treated in all respects in the territory of the other Party, at least as favourably as the nationals of the most favoured nation. They shall have the same rights as nationals of the country so far as concerns settlement and the conduct of trade, industry and navigation. They shall, like nationals of the country, also be entitled to protection of their persons and property, and shall have the right to acquire and dispose of movable and immovable property of every kind. The nationals of each of the High Contracting Parties shall have free access to the courts of justice of the other Party, whether as plaintiffs or as defendants. They shall be entitled to choose their own notaries, advocates and representatives and employ them to defend their rights before the said Courts in the same manner as nationals of the country.

2. It is, however, understood that the above provisions shall in no way involve any exception to the laws, ordinances and special regulations concerning trade, industry, police, public safety and the exercise of certain trades and professions, in force in the territories of the High Contracting Parties and applicable to all foreigners generally

3. The nationals of each of the two Parties shall be free to settle their affairs in the territory of the other Party, either in person or through an intermediary of their own choice, subject to no restrictions other than those provided for by the laws and regulations in force in the territory in question.

<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 The Hague, August 13, 1930.

4. They shall not have to pay for the exercise of their trade, industry and navigation in the territory of the other Party any tax, fee or duty other or higher than those levied on nationals of the country.

5. Nationals of each Party who are foreigners according to the legislation of the other Party, and who have duly notified their nationality, shall be exempt in the territory of the other Party from any compulsory personal service, and from any contribution, either in money or in kind, imposed in lieu of such compulsory personal service. They shall not be liable, either in time of peace or in time of war, to any military services or requisitions other than those imposed on nationals of the country, and only to the same extent and according to the same principles as the latter. They shall be entitled to the compensation provided by law for nationals of the country.

#### *Article 2.*

1. Joint stock companies and other commercial, industrial and financial companies, including shipping and insurance companies, having their headquarters in the territory of one of the High Contracting Parties and legally incorporated in that territory according to the laws of that Party, shall also be authorised in the territory of the other Party to defend all their rights and more particularly to bring legal proceedings, so long as they comply with the relevant laws and decrees in force in the territory of the said other Party.

2. The admission of the above-mentioned companies, legally incorporated in the territory of one of the High Contracting Parties, which after the coming into force of the present Treaty, may desire to extend their activities to the territory of the other Party and which may have need of special permission for that purpose, shall be governed by the laws and decrees in force in the territory of the State in question.

3. The said companies, once admitted in accordance with the laws and regulations in force in the territory of the country in question, shall not be liable for taxes or contributions or, in a general way, for any fiscal dues other or higher than those imposed on companies belonging to any third State, and shall in all respects enjoy most-favoured-nation treatment.

#### *Article 3.*

1. Each of the High Contracting Parties undertakes to grant the other the most favourable treatment which it grants or may hereafter grant to any third State, so far as concerns the export, import, bonding and transit of goods, the payment of duties or charges and the discharge of Customs formalities.

2. Natural or manufactured products originating in the Netherlands, the Dutch Indies, Surinam and Curaçao shall be granted in Austria, and natural or manufactured products originating in Austria shall be granted in the Netherlands, the Dutch Indies, Surinam and Curaçao, the most favourable tariff régime which each of the High Contracting Parties grants or may hereafter grant to any third State, both as regards all duties and charges and all coefficients, surtaxes or increases which are or may hereafter be applied to the duties and charges in question.

3. Should import or export prohibitions which are or may hereafter be imposed by one of the High Contracting Parties hamper trade between the said Parties, each of them declares itself ready to enter, at the request of the other, into negotiations for the conclusion of an agreement concerning the granting of facilities for imports or exports.

4. The provisions of paragraph 3 shall not apply to import or export prohibitions and restrictions which are or may hereafter be imposed for any of the following reasons :

- (a) Under exceptional circumstances on war supplies ;
- (b) For reasons of public safety ;

(c) In respect of State monopolies which are at present in force or may hereafter be established ;

(d) For the purpose of applying to foreign goods prohibitions or restrictions which have been or may hereafter be imposed by internal legislation on the production, sale, transport or consumption of similar native goods within the country ;

(e) In respect of sanitary police measures and for the protection of useful animals and plants against diseases or noxious insects and parasites, and particularly in the interests of public health in accordance with the international principles adopted with regard to such matters.

#### Article 4.

Internal duties, levied on account of the State or communes or corporations, which are or may hereafter be imposed on the production, manufacture or consumption of an article in the territory of one of the High Contracting Parties, shall in no case fall more severely on the products of the other Party than on similar products of the most favoured nation.

#### Article 5.

1. While always enjoying any wider advantages which they may devise from most-favoured-nation treatment, traders, manufacturers and other producers of either country, and their commercial travellers, shall have the right on producing an identity-card issued by the authorities of their country and provided that they comply with the formalities prescribed in the territory of the other country, to make purchases in the said country for the purposes of their trade, manufacture or other undertaking from traders in or producers of such goods, or in the open market, and to solicit orders from persons or firms reselling such goods or making a professional or industrial use of the goods offered, without thereby becoming liable for any duty or tax. They shall be entitled to carry with them samples or patterns, but not goods, except when commercial travellers who are nationals of the country are allowed to do so.

2. The above-mentioned identity-card shall be made out in accordance with the model annexed to the Convention<sup>1</sup> relating to the Simplification of Customs Formalities concluded at Geneva on November 3, 1923.

3. Articles liable to duty and used as samples, with the exception of goods the import of which is prohibited, shall be temporarily admitted duty-free by both parties, provided that the Customs formalities necessary to ensure their re-export are complied with.

4. It is understood that the regulation to the effect that prohibited goods are not allowed to be imported temporarily free of duty shall only apply to samples of goods the import of which is prohibited on humanitarian grounds or under police regulations, or with a view to the protection of human beings, animals or plants against contagious diseases.

5. The identification marks affixed to samples by the authorities of either High Contracting Party shall be recognised by the authorities of the other Party as establishing their identity, but it is understood that the latter shall have the right, in all cases in which it appears to them to be necessary, to affix their own national identification marks alongside.

6. The above privileges may be withdrawn from travellers and commercial firms who do not comply with the conditions laid down.

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<sup>1</sup> Vol. XXX, page 371 ; Vol. XXXV, page 324 ; Vol. XXXIX, page 208 ; Vol. XLV, page 140 ; Vol. L, page 161 ; Vol. LIV, page 398 ; Vol. LIX, page 365 ; Vol. LXIX, page 79 ; Vol. LXXXIII, page 394 ; Vol. LXXXVIII, page 319 ; and Vol. XCII, page 370, of this Series.

*Article 6.*

1. In all matters relating to the régime of railways and transit traffic, the High Contracting Parties undertake to grant each other all reasonable transport facilities and to take all necessary measures to ensure that transport is effected normally and without difficulty.

2. The above provisions shall not involve any exception to the Customs regulations concerning the treatment of consignments in transit, nor to the regulations concerning the traffic and trade in goods which are subject to an internal tax or which form a State monopoly. The transit of such goods shall not, however, be interfered with more than is necessary for the levying of the internal tax on the goods if they remain in the country, or for the purposes of the monopoly.

*Article 7.*

1. The High Contracting Parties declare themselves in agreement that the transport over the territory of the High Contracting Parties of passengers of any nationality whatsoever and of their baggage shall be subject to a régime as favourable in respect of despatch, transport rates, public taxation of transport and routing as the general régime applicable to the transport of passengers in land traffic or in traffic to and from a third State under the same conditions, in the same direction and over the same route.

2. Goods consigned from the Netherlands to an Austrian station or in transit through Austria shall not be treated on the Austrian railways less favourably in respect of despatch and routing transport rates and public charges connected with transport, than the same goods consigned from one Austrian station to another under the same conditions, in the same direction and over the same route.

3. These regulations shall also be observed by the Dutch railways in respect of goods consigned from Austria to a Dutch station, or when such goods pass through Dutch territory in transit.

4. The above provisions shall not affect reduced rates granted to charitable organisations or organisations for public instruction and education, nor to reductions in passenger and goods rates granted in the case of a public calamity, nor to reduced rates applicable to military traffic, to public officials, to railway employees and persons in similar services and members of their families, nor to consignments of goods belonging to inland transport undertakings.

5. It is likewise understood that on secondary railways (light railways, small local railways, tramways) which are mainly used for tourist traffic, reductions in fares may be reserved for native inhabitants of neighbouring communes.

*Article 8.*

1. Vessels belonging to either of the High Contracting Parties, as also their crews, their passengers and their cargoes, shall enjoy in the ports and on the navigable waterways of the other Party all advantages granted to the most favoured nation.

2. Tonnage-measurement certificates of the vessels and ships of one of the High Contracting Parties shall be accepted by the authorities of the other Party without fresh verification or measurement on condition that the tonnage-measurement rules of the country in which the certificate was issued are recognised as being equivalent to the rules laid down in the country of the other Party.

*Article 9.*

The provisions of the present Treaty shall not apply to the coasting trade on the coasts of the Kingdom of the Netherlands, the said coasting trade remaining exclusively subject to the laws and regulations *ad hoc*.

*Article 10.*

1. Furthermore, in cases not provided for by the above Articles, the High Contracting Parties grant each other most-favoured-nation treatment in all matters concerning trade, industry, navigation and the consular service.

2. It is nevertheless understood that the most-favoured-nation clause shall not apply to concessions which either of the High Contracting Parties grants or may hereafter grant to contiguous States for the purpose of facilitating frontier traffic, or to the inhabitants of certain frontier districts.

*Article 11.*

Any dispute as to the interpretation, application or execution of the present Treaty which it has not been possible to settle between the High Contracting Parties through the diplomatic channel shall be submitted to the Permanent Court of International Justice.

*Article 12.*

The provisions of the present Treaty shall also apply to the Dutch Indies, to Surinam and to Curaçao, with the exception of the provisions of Article 1, paragraph 1, concerning immovable property, most-favoured-nation treatment applying reciprocally so far as this matter is concerned.

*Article 13.*

The present Treaty shall be ratified, and the ratifications exchanged at The Hague as soon as possible. It shall come into force three months after the exchange of ratifications, and shall remain binding for one year from the date of its coming into force, being extended by tacit consent for a similar period every time that it is not denounced by one of the High Contracting Parties at least three months before the expiry of such periods.

In faith whereof the Plenipotentiaries have signed the present Treaty.

Done in duplicate at The Hague on the twenty-eighth day of March in the year one thousand nine hundred and twenty-nine.

BEELAERTS VAN BLOOKLAND.

DUFFEK.

FINAL PROTOCOL.

On signing the Treaty of Commerce and Navigation concluded on to-day's date between the Netherlands and Austria, the undersigned Plenipotentiaries have made the following declarations, which shall form an integral part of the said Treaty :

It is understood that where, in the present Treaty, it is provided that one of the High Contracting Parties shall grant the other Party the same treatment as its own nationals, the Party in question shall also be entitled to claim most-favoured-nation treatment.

It is understood, however, that the mutual granting of most-favoured-nation treatment as regards taxation, dues, contributions and internal duties is conditional on the observation of reciprocity by the other High Contracting Party in fiscal matters, and that it shall not apply to special clauses of Treaties concluded between either of the High Contracting Parties and another State for the purpose of balancing internal and foreign taxation, for the purpose of defining the sovereignty of the two countries in fiscal matters, and particularly for the purpose of avoiding double taxation.

It is also understood that the most-favoured-nation clause cannot be invoked by one of the High Contracting Parties for the purpose of obtaining rights or privileges deriving from multilateral Conventions of a general character or from Conventions in private international law.

Done in duplicate at The Hague on the twenty-eighth day of March in the year one thousand nine hundred and twenty-nine.

BEELAERTS VAN BLOKLAND.  
DUFFEK.