

PERSE ET POLOGNE

Convention de commerce, signée à Téhéran, le 19 mars 1927, avec protocole concernant la substitution d'un nouveau texte au texte de l'article VI, signé à Téhéran, le 14 avril 1928, échange de notes de la même date, et échange de notes comportant un accord additionnel à la convention, Varsovie, le 4 novembre 1930.

PERSIA AND POLAND

Commercial Convention, signed at Teheran, March 19, 1927, with Protocol regarding the Substitution of a New Text for the Text of Article VI, signed at Teheran, April 14, 1928, Exchange of Notes of the same date, and Exchange of Notes constituting an Additional Agreement to the Convention. Warsaw, November 4, 1930.

TEXTE POLONAIS. — POLISH TEXT.

N^o 2528. — UMOWA¹ HANDLOWA POMIĘDZY NAJJAŚNIEJSZĄ RZECZĄPOSPOLITĄ POLSKĄ A CESARSTWEM PERSKIEM. PODPISANA W TEHERANI^w, DNIA 19 MARCA 1927, r.²

N^o 2528. — CONVENTION¹ DE COMMERCE ENTRE L'EMPIRE DE PERSE ET LA SÉRÉNISSIME RÉPUBLIQUE DE POLOGNE. SIGNÉE À TÉHÉRAN, LE 19 MARS 1927².

Textes officiels français, persan et polonais, communiqués par le chargé d'Affaires a. i. de la Délégation polonaise auprès de la Société des Nations et le délégué permanent de la Perse auprès de la Société des Nations. L'enregistrement de cette convention a eu lieu le 14 novembre 1930.

French, Persian and Polish official texts communicated by the Chargé d'Affaires a. i. of the Polish Delegation accredited to the League of Nations and the Permanent Delegate of Persia accredited to the League of Nations. The registration of this Convention took place November 14, 1930.

PREZYDENT NAJJAŚNIEJSZEJ RZECZYPOSPOLITEJ POLSKIEJ z jednej strony, a JEGO CESARSKA MOŚĆ SZACH PERSJI z drugiej strony,
ożywnieni jednakowem pragnieniem rozwoju i poparcia w miarę wszelkiej możności stosunków handlowych pomiędzy obydwoma Państwami w zastosowaniu artykułu V Traktatu³ Przyjaźni między Polską i Persją,

i uznając, że zasada klauzuli największego uprzywilejowania nie zawiera w sobie dla każdej z Wysokich Układających się Stron na terytorjum drugiej strony praw, przeciwnych zasadom wzajemności i zupełnej równości, na jakich oparte są wogóle stosunki traktatowe, ustalone pomiędzy obydwoma Wysokimi Układającymi się Stronami,

LE PRÉSIDENT DE LA SÉRÉNISSIME RÉPUBLIQUE DE POLOGNE, d'une part, et SA MAJESTÉ IMPÉRIALE LE CHAH DE PERSE, d'autre part, animés d'un égal désir de développer et de favoriser dans toute la mesure possible les relations commerciales entre les deux pays en application de l'article V du Traité³ d'amitié entre la Pologne et la Perse,

Et reconnaissant que le principe de la clause de la nation la plus favorisée n'implique pas pour l'une des Hautes Parties contractantes sur le territoire de l'autre de droits contraires aux principes de réciprocité et de parfaite égalité sur lesquels sont fondées en général les relations contractuelles établies entre les deux Hautes Parties contractantes,

¹ L'échange des ratifications a eu lieu à Varsovie, le 7 octobre 1930.

² Cette Convention s'applique à la Ville libre de Dantzig.

³ Voir page 87, de ce volume.

¹ The exchange of ratifications took place at Warsaw, October 7, 1930.

² This Convention applies to the Free City of Danzig.

³ See page 87, of this Volume.

¹ TRADUCTION. -- TRANSLATION.

No. 2528. -- COMMERCIAL CONVENTION BETWEEN THE PERSIAN EMPIRE AND THE MOST SERENE REPUBLIC OF POLAND. SIGNED AT TEHERAN, MARCH 19, 1927.

THE PRESIDENT OF THE MOST SERENE REPUBLIC OF POLAND, of the one part, and HIS IMPERIAL MAJESTY THE SHAH OF PERSIA, of the other part,

Being equally desirous of developing and promoting commercial relations between the two countries as far as possible, in execution of Article V of the Treaty of Friendship between Poland and Persia,

And recognising that the principle of the most-favoured-nation clause does not imply for either of the High Contracting Parties, within the territory of the other Party, any rights incompatible with the principles of reciprocity and perfect equality upon which the contractual relations between the two High Contracting Parties are in general established,

Have resolved to conclude a Commercial Convention, and have for that purpose appointed as their Plenipotentiaries :

THE PRESIDENT OF THE MOST SERENE REPUBLIC OF POLAND :

Monsieur Stanisław HEMPEL, Polish Chargé d'Affaires in Persia,

HIS IMPERIAL MAJESTY THE SHAH OF PERSIA :

His Excellency Ali Gholi Khan ANSARI, Persian Minister for Foreign Affairs,

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

Article I.

The nationals of either High Contracting Party shall, subject to the laws and regulations in force, be entitled to establish themselves and to reside within the territory of the other Party, and may accordingly enter and leave the country and travel therein without let or hindrance.

Article II.

The nationals of either High Contracting Party shall, provided always that they comply with the laws and regulations in force, be entitled to carry on within the territory of the other Party, on an equal footing with nationals of the country, every kind of industry and commerce, and to engage in any skilled trade or profession, with the exception of those reserved to nationals alone in accordance with the respective laws and regulations.

The nationals of either High Contracting Party shall not be subject, within the territory of the other Party, either as regards their property, rights and interests or as regards the acquisition, possession and enjoyment of the said property, and its transfer by cession, change of ownership, or inheritance, to any charge, or direct or indirect imposition or tax other or higher than those which are or may hereafter be imposed upon nationals.

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.

Article III.

The nationals of either High Contracting Party shall enjoy, within the territory of the other Party, the same treatment as nationals in everything that concerns the legal and judicial protection of their persons and their property.

They shall accordingly have free and unhindered access to the courts, and may appear before the courts as plaintiffs or defendants under the same conditions as nationals, except as regards the provisions concerning security for costs and free legal aid, which shall be settled if necessary by a special convention.

Article IV.

The nationals of either High Contracting Party shall, subject to reciprocity, be entitled to acquire, possess and dispose of all kinds of movable property within the territory of the other Party.

With regard to immovable property, the nationals of either High Contracting Party shall be entitled, provided they comply with the laws and regulations of the country, to lease the houses required by them as dwellings, as well as premises and shops for their commerce and industry, or to acquire the freehold thereof.

Subject to the provisions, laws and regulations concerning the acquisition of immovable property, it is stipulated that, in the event of either of the two High Contracting Parties according now or hereafter to nationals of other States, by means of a legal enactment, the right to acquire or lease landed estate within its territory, such right shall be automatically conferred upon the nationals of the other Party.

Article V.

Joint-stock or other companies which have their headquarters within the territory of the one High Contracting Party, and which are constituted in accordance with the laws of that Party, shall be recognised as legally constituted and having legal capacity within the territory of the other Party.

Subject to reciprocity and to compliance with the laws and regulations in force within the territory of the other Party, they shall be entitled to establish themselves and engage in every form of industry, trade or sale within that country, and to acquire therein all kinds of movable and immovable property, other than landed estate, required for the business of the company, provided that in such a case the acquisition is not the object of the company's operations.

Joint-stock or other companies of either High Contracting Party shall in no circumstances be liable, in respect of their commercial, banking or industrial business in the territory of the other Party, to duties, fees, taxes or any kind of charge of whatever description, other or higher than those which are or may hereafter be imposed on national companies.

Article VI.

All products of the soil and industry originating in or coming from the Customs territory of either High Contracting Party, imported into the Customs territory of the other, and intended for consumption or redespach, shall be subject, so long as the present Treaty is in force, to the treatment extended to goods and products originating in or coming from the territory of the most favoured nation. In particular they shall in no circumstances be subject to duties, taxes or charges on production, consumption or sale, other or higher than those applied to products or goods originating in or coming from the territory of the most favoured nation.

In order to secure for goods originating in or coming from the territory of either High Contracting Party the benefit of tariff reductions, the High Contracting Parties may require such goods to be accompanied by certificates of origin on importation.

Neither of the High Contracting Parties shall impose upon articles exported to the country of the other High Contracting Party any dues or taxes other or higher than those imposed upon the same goods and products when exported to the countries most favoured in this respect.

Any favour, privilege, or reduction of Customs duties accorded to a third country by either High Contracting Party, as well as the advantages accruing from the specialisations or changes which either High Contracting Party may introduce into its Customs nomenclature, shall be automatically extended to the products and goods of the other Party.

Article VII.

There shall be reciprocal freedom of commerce and navigation between the territories of the High Contracting Parties. Accordingly, the High Contracting Parties undertake not to hamper their mutual commercial relations by any prohibition or restriction on importation, exportation or transit.

Nevertheless, the High Contracting Parties reserve to themselves the right to establish import and export prohibitions and restrictions :

- (1) In order to preserve indispensable food supplies and safeguard the economic life of the nation ;
- (2) For reasons concerning the safety of the State ;
- (3) For reasons of public health administration or in order to protect animals and useful plants from diseases, noxious insects and parasites, and particularly in the interests of public health, in accordance with the international principles adopted in this connection ;
- (4) In the case of goods which are the object of State monopolies.

Article VIII.

The provisions of Article VI shall not apply :

- (1) To the special régime which is or may hereafter be established in regard to frontier traffic within a zone not to exceed 25 km. in depth in Persian territory and 15 km. in Polish territory ;
- (2) To the provisional Customs régime in force between the Polish and German parts of Upper Silesia ;
- (3) To special concessions made in consequence of a Customs union.

Article IX.

The High Contracting Parties undertake to grant to each other within their territory the right of warehousing and transit for persons, luggage, and goods and articles of all kinds, and all kinds of transport consignments, material and appliances, guaranteeing each other most-favoured-nation treatment in this connection.

Goods of all kinds, passing through the Customs territory of either High Contracting Party, shall only be required to pay in respect of warehousing and transit the duties and charges intended to cover the expenses of supervision and administration, without prejudice, however, to any fiscal charges in connection with the transactions of which the said products may be the object during their warehousing or transit.

Neither of the High Contracting Parties shall, however, be required to ensure the transit of passengers whose entry into its territory is prohibited.

The transit of goods may be prohibited :

- (a) For reasons of public security and the safety of the State ;
- (b) For reasons of public health or as a prophylactic measure against diseases of animals and plants.

Article X.

The Polish Government, which is responsible for the conduct of the foreign relations of the Free City of Danzig, in virtue of Article 104 of the Treaty of Versailles and of Articles 2 and 6 of the Treaty of Paris concluded between Poland and the Free City of Danzig on November 9, 1920, reserves the right to declare that the Free City of Danzig is a Contracting Party to the present Treaty and that it accepts the obligations and acquires the rights resulting therefrom.

This reservation does not apply to those provisions of the present Convention which the Polish Republic accepts on behalf of the Free City of Danzig, in conformity with its rights under the treaties relating thereto.

Article XI.

The present Convention shall be ratified, and the ratifications shall be exchanged at Warsaw. It shall come into force fifteen days after the exchange, and shall remain in force for two years. If it is not denounced by either of the High Contracting Parties six months prior to the expiry of the first period of two years, it shall remain in force until it is denounced and shall cease to have effect six months thereafter.

Article XII.

The present Convention shall be drawn up in two copies in each of the following languages : Persian, Polish and French.

In the event of divergent interpretations of the text, the French text shall be authentic.

In faith whereof the respective Plenipotentiaries, being duly authorised for that purpose, have signed the present Convention and have thereto affixed their seals.

Done in duplicate at Teheran, March 19, one thousand nine hundred and twenty-seven of the Christian Era, and Esfand 27, one thousand three hundred and five of the Solar Year.

(Signed) S. HEMPEL.

(Signed) Aligholikhan ANSARI.

PROTOCOL

CONCERNING THE SUBSTITUTION OF A NEW TEXT FOR THE FORMER TEXT OF ARTICLE VI OF THE COMMERCIAL CONVENTION CONCLUDED BETWEEN POLAND AND PERSIA ON MARCH 19, 1927, AT TEHERAN.

The High Contracting Parties, having agreed to amend the text of Article VI of the Commercial Convention concluded between Poland and Persia on March 19, 1927, at Teheran, have resolved to replace the said Article by a new text, which shall form an integral part of the aforesaid Convention and have for this purpose appointed as their Plenipotentiaries :

THE PRESIDENT OF THE MOST SERENE REPUBLIC OF POLAND :

Monsieur Stanislaw HEMPEL, Chargé d'Affaires of the Polish Republic in Persia ;

HIS IMPERIAL MAJESTY THE SHAH OF PERSIA :

His Excellency Mirza Fathollah Khan PAKREVAN, Acting Minister for Foreign Affairs ;

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

1. The text of Article VI of the Commercial Convention concluded between Poland and Persia on March 19, 1927, at Teheran is by common agreement hereby deleted.

2. The following text shall be substituted for the deleted text of Article VI and shall in its stead be deemed an integral part of the Commercial Convention concluded between Poland and Persia on March 19, 1927, at Teheran.

Natural and industrial products originating in and coming from Polish Customs territory shall, on their entry into Persia, be subject to the payment of the minimum duties and charges prescribed in the Customs tariff applied at the frontier of importation and in accordance with the laws in force. After payment of such duties and charges, such products shall in no circumstances be treated otherwise than like products imported from any third country.

Natural and industrial products originating in Persia shall, on their exportation from Persia to Polish Customs territory, be subject, on leaving Persia, to the payment of the minimum duties and charges prescribed in the Customs tariff applied in accordance with the laws in force at the frontier of exportation from Persia. After payment of such duties and charges, such products shall in no circumstances be treated otherwise than like products exported to any third country.

Natural and industrial products originating in and coming from Persia shall, on their entry into Polish Customs territory, be subject to the payment of the minimum duties and charges prescribed in the Customs tariff in force in Poland. After payment of such duties and charges, such products shall in no circumstances be treated otherwise than like products imported from any third country.

Natural and industrial products originating in Polish Customs territory shall, on their exportation from Polish Customs territory to Persia, be subject, on leaving Polish Customs territory, to the payment of the minimum duties and charges prescribed in the Customs tariff in force in Poland. After payment of such duties and charges, such products shall in no circumstances be treated otherwise than like products exported to any third country.

Should Persia at any time establish an autonomous Customs tariff, the benefits of the minimum tariff accorded to the Polish products imported into Persia, mentioned in paragraph 1, and also to the Persian exports to Poland, mentioned in paragraph 2, shall not extend beyond a period of two years reckoned from the coming into force of this Convention, even if the latter remains in force by tacit consent.

Should the minimum duties and rates stipulated in the above-mentioned tariff and in accordance with the laws applied at the frontiers crossed undergo any total or partial reductions, each of the two High Contracting Parties undertakes to extend such reductions to the other Party, until the expiry of two years reckoned from the coming into force of this Convention.

In order to secure for goods originating in and coming from the territory of either High Contracting Party the benefits of the present Convention, the High Contracting Parties may require such goods to be accompanied by certificates of origin on importation.

3. The complete text of the Commercial Convention shall be submitted for ratification, including the new text of Article VI replacing the deleted text.

In faith whereof the respective Plenipotentiaries, being duly authorised for that purpose, have signed the present Protocol and have thereto affixed their seals.

Done in duplicate at Teheran, April 14, one thousand nine hundred and twenty-eight of the Christian Era, and Favardine 25, one thousand three hundred and seven of the Solar Year.

(Signed) Stanisław HEMPEL.

(Signed) F. PAKREVAN.

EXCHANGE OF NOTES

I.

No. 874.

TEHERAN, *April 14, 1928, Fawardine 25, 1307.*

MONSIEUR LE CHARGÉ D'AFFAIRES,

With a view to defining the significance of certain of the provisions of the Commercial Convention concluded between Persia and Poland on March 19, 1927, at Teheran, the Persian Government requests the Polish Government to be good enough to confirm the following interpretation of the said provisions :

(1) The provisions of Article I of the Commercial Convention shall not in any way limit the right of each of the High Contracting Parties to prevent the entry of undesirable persons into their territories and the residence of such persons therein.

(2) It is understood that, in virtue of Article II of the Commercial Convention, the respective Governments are authorised both now and hereafter to reserve certain industries, trades, handicrafts and professions for their nationals alone.

(3) In the case of Persia, the expression " other States " employed in Article IV of the Commercial Convention shall not apply to Mussulman States.

(4) The right to acquire immovable property necessary for the business of the company, referred to in paragraph 2 of Article V, shall not be more extensive than the like right accorded to natural persons in paragraph 2 of Article IV.

(5) The provisions of Article IX of the Commercial Convention with regard to transit shall also be applicable to warehousing.

The Government of His Imperial Majesty the Shah requests the Polish Government to be good enough to acknowledge the receipt of the present Note.

I have the honour to be, etc.

(Signed) F. PAKREVAN.

Monsieur Stanislas Hempel,
Polish Chargé d'Affaires,
Teheran.

II.

No. 402/28.

TEHERAN, *April 14, 1928.*

YOUR EXCELLENCY,

I have the honour to acknowledge the receipt of the Note No. 874, dated Farvardine 25, 1307, in which the Persian Government requests the Polish Government to be good enough to confirm the following interpretation of certain of the provisions of the Commercial Convention concluded between Poland and Persia on March 19, 1927 at Teheran :

(1) The provisions of Article I of the Commercial Convention shall not in any way limit the right of each of the High Contracting Parties to prevent the entry of undesirable persons into their territories and the residence of such persons therein.

(2) It is understood that, in virtue of Article II of the Commercial Convention, the respective Governments are authorised both now and hereafter to reserve certain industries, trades, handicrafts and professions for their nationals alone.

(3) In the case of Persia, the expression " other States " employed in Article IV of the Commercial Convention shall not apply to Mussulman States.

(4) The right to acquire immovable property necessary for the business of the company, referred to in paragraph 2 of Article V, shall not be more extensive than the like right accorded to natural persons in paragraph 2 of Article IV.

(5) The provisions of Article IX of the Commercial Convention with regard to transit shall also be applicable to warehousing.

I am instructed by my Government to inform you that the Polish Government, having noted the aforementioned communication, is prepared to give the Persian Government its confirmation of the above-mentioned interpretation.

I have the honour to be, etc.

(Signed) S. HEMPEL.

His Excellency
Mirza Fathollah Khan Pakrevan,
Acting Minister for Foreign Affairs,
Teheran.

¹ TRADUCTION. — TRANSLATION.

EXCHANGE OF NOTES

CONSTITUTING AN ADDITIONAL AGREEMENT TO THE COMMERCIAL CONVENTION OF MARCH 19, 1927.
WARSAW, NOVEMBER 4, 1930.

Communicated by the Polish Delegate accredited to the League of Nations, August 7, 1931.

RZECZPOSPOLITA.

Polish Republic.

MINISTERSTWO SPRAW ZAGRANICZNYCH.

Ministry of Foreign Affairs.

WARSAW, November 4, 1930.

SIR,

In view of our respective Government's unanimous desire that the Commercial Convention between the Polish Republic and the Empire of Persia signed at Teheran on March 19, 1927, should be completed by certain additional provisions, I have the honour, being duly authorised thereto, to communicate to you the following :

I. The Polish Government undertakes to levy Customs duty on the goods originating in and coming from Persia enumerated hereunder, upon importation into the Polish Customs territory at the following rate :

Number of the Polish Customs tariff	Designation of Goods
ex. No. 7.— I.	Dried fruits of the exotic type of apricot tree known as " Gejsi ", not cut up, with their kernels corresponding to the samples deposited at the Customs Offices of Warsaw, Stolpce, Zdolbunowo, Gdynia, Zebrzydowice, Danzig. Zl. 34.46.

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.

2. The Polish Government notes that the Imperial Persian Government undertakes for its part for the duration of the Polish-Persian Commercial Convention of March 19, 1927, not to increase the Customs duty on the following Polish article :

Number of the Persian Customs tariff	Designation of Goods
ex. No. 32 letter E.	Table silver, the Customs Duty on which is at present fixed at 20 %.

The foregoing provisions, which are accepted by both parties shall be regarded as constituting the supplementary agreement to the above-mentioned Commercial Convention. The present agreement shall come into force on the fifteenth day after the date on which the Polish Government shall have notified the Imperial Persian Government of the ratification of the said agreement by the President of the Polish Republic, and shall cease to take effect on the expiry of the Polish-Persian Commercial Convention of March 19, 1927.

I have the honour to be, etc.

(Signed) Auguste ZALESKI.

H. E. Monsieur A. K. Assad Bahador,
Envoy Extraordinary and Minister Plenipotentiary of Persia
at Warsaw.

PERSIAN LEGATION.

No. 331.

WARSAW, November 4, 1930.

SIR,

In view of our respective Government's unanimous desire that the Commercial Convention between the Empire of Persia and the Polish Republic signed at Teheran on March 19, 1927, should be completed by certain additional provisions, I have the honour, being duly authorised thereto, to communicate to you the following :

1. The Imperial Persian Government undertakes for the duration of the Polish-Persian Commercial Convention of March 19, 1927, not to increase the Customs duty on the following Polish article :

Number of the Persian Customs tariff	Designation of Goods
ex No. 32 letter E.	Table silver, the Customs duty on which is fixed at present at 20 %.

2. The Imperial Persian Government notes that the Polish Government undertakes for its part to levy Customs duty on the goods originating in and coming from Persia enumerated hereunder upon importation into the Polish Customs territory at the following rate :

Number of the Polish Customs tariff	Designation of Goods
ex. No. 7.— 1.	Dried fruits of the exotic type of apricot tree known as " Gejsi ", not cut up, with their kernels corresponding to the samples deposited at the Customs Offices of Warsaw, Stołpce, Zdołbunowo, Gdunia, Zedrzydowice, Danzig. Zł. 34.46.

The foregoing provisions, which are accepted by both parties shall be regarded as constituting the supplementary agreement to the above-mentioned Commercial Convention. The present agreement shall come into force on the fifteenth day after the date on which the Polish Government shall have notified the Imperial Persian Government of the ratification of the said agreement by the President of the Polish Republic, and shall cease to take effect on the expiry of the Polish-Persian Commercial Convention of March 19, 1927 :

I have the honour to be, etc.

(Signed) A. Assad BAHADOR.

H. E. Monsieur Auguste Zaleski,
Minister for Foreign Affairs,
at Warsaw.