

¹ TRADUCTION. — TRANSLATION.No. 2534. — COMMERCIAL CONVENTION ² BETWEEN HUNGARY AND TURKEY. SIGNED AT ANKARA, MAY 21, 1930.

French official text communicated by the Resident Minister, Head of the Hungarian Delegation accredited to the League of Nations. The registration of this Convention took place November 19, 1930.

HUNGARY, of the one part and TURKEY, of the other part, desirous of developing the economic relations between the two countries, have decided to conclude a Commercial Convention, and have appointed as their Plenipotentiaries for that purpose :

HIS SERENE HIGHNESS THE REGENT OF THE KINGDOM OF HUNGARY :

His Excellency M. Ladislas TAHY OF TAHVÁR AND TARKEÖ, Envoy Extraordinary and Minister Plenipotentiary of Hungary in Turkey ;

HIS EXCELLENCY THE PRESIDENT OF THE TURKISH REPUBLIC :

His Excellency ZEKÂI Bey, Former Minister, Turkish Ambassador and Member of Parliament for Diarbekr ;

His Excellency Mustafa SEREF Bey, Member of Parliament for Burdur ;

His Excellency Menemenli NUMAN Bey, Minister Plenipotentiary and Under-Secretary of State at the Ministry of Foreign Affairs ;

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

Article I.

Natural and manufactured products originating in the territory of one of the High Contracting Parties and imported into the territory of the other shall not be subject to any duties, co-efficients, charges or other dues whatsoever, other or higher than those which are or may hereafter be levied on like products of any third country.

The principle of the most-favoured-nation clause shall also be extended to export duties and other levies on natural and manufactured products exported from the territory of one of the two High Contracting Parties to the territory of the other Party.

Products originating in the two countries, as specified in Annexes A and B, whilst enjoying the benefits provided in the first paragraph, shall be allowed to benefit by the import duties or percentage reductions specified in the said Annexes.

It is understood that most-favoured-nation treatment shall extend also to the application of Customs regulations, to Customs treatment, to the methods employed for examining and analysing imported goods, and to the conditions for the payment of Customs duties and charges.

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 exchange of ratifications took place at Budapest, September 27, 1930.

Article 2.

Natural and manufactured products of one of the High Contracting Parties shall not be subject, when imported into the territory of the other Party after passing in transit through the territory of one or more third countries, to duties or charges other or higher than those for which they would have been liable if imported direct from their country of origin.

This provision shall apply both to goods in direct transit and to goods passing in transit after transshipment, repacking or warehousing.

Article 3.

Natural and manufactured products originating in the territory of one of the High Contracting Parties and imported into the country of the other Party shall enjoy therein, as regards internal taxes of any kind whatsoever, the treatment granted to like products of a third country.

Article 4.

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 natural and manufactured products of the said country, or that they must be considered as such under the law of the country of destination in view of the processes to which they have been subjected therein.

The certificates of origin, prepared according to the model adopted by each of the High Contracting Parties, shall be issued either by the Departments of Commerce or Agriculture, or by the Chamber of Commerce to which the consignor belongs, or by any organ or body which the country of destination may approve. The Government of the country of destination may require certificates of origin to be legalised by its diplomatic or consular representative.

Postal packets, the value of which does not exceed £T 50 or 150 pengős, shall not require a certificate of origin.

Article 5.

The High Contracting Parties undertake that in all matters connected with import and export prohibitions and restrictions or other limitations of freedom of commerce, they will grant each other most-favoured-nation treatment.

Exceptions shall only be made to this treatment for the following purposes :

- (a) Reasons of public safety or national defence ;
- (b) Safeguarding public health and protecting the health of men, animals and plants ;
- (c) Controlling the import of arms, ammunition, implements of war, and all war stores ;
- (d) The exercise of State monopolies ;
- (e) Preventing unfair competition.

The above provisions shall in no way affect the rights of the High Contracting Parties to take all measures in respect of imports which may be necessary to protect the vital economic interests of the country, on condition that such measures are of a temporary character and that no discrimination is made.

Should one of the High Contracting Parties set up a system of import control by means of licences, it shall, so far as concerns such licences, apply to products of the other Party provisions as favourable as those to which the natural or manufactured products of any other country are subject.

Under these provisions the conditions to be complied with and formalities to be carried out for the purpose of obtaining the said licences shall immediately be brought to the notice of the public in the clearest and most detailed manner. Applications shall be examined as speedily as possible.

The same shall apply to the granting of licences, the method of issue of which shall be as simple and unvarying as possible, and be arranged in such a manner as to prevent any traffic in such documents. For this purpose the licences, when granted to individuals, must bear the name of the holder and not be capable of being used by any other person.

Any cancelling of a prohibition granted as a temporary measure by one of the High Contracting Parties to the products of a third Power shall immediately and unconditionally apply to identical or similar products originating in and coming from the territory of the other Party.

Should one of the High Contracting Parties establish prohibitions or restrictions, the quotas shall be fixed and the exceptions, if any, granted in such a manner as to interfere as little as possible with commercial relations between the two countries.

Article 6.

The High Contracting Parties undertake to allow each other transit on the routes which are most suitable for international transit, for persons, baggage, goods and articles of all sorts, vessels, boats, carriages, wagons or other means of transport, and to guarantee each other most-favoured-nation treatment in this respect.

Goods of all kinds conveyed across the Customs territory of either of the High Contracting Parties shall be reciprocally exempt from all Customs duties and other dues, with the exception of duties and taxes for supervision, statistical duties and warehousing dues.

The provisions of this Article shall apply to goods in transit which have been transhipped or warehoused, whether or not their packing has been changed.

It is understood, however, that the transit of such goods shall be guaranteed in conformity with the respective Customs regulations, in order to prevent their secret introduction into the country.

Neither High Contracting Party shall be bound to ensure the transit of travellers whose admission to its territory may be prohibited. The High Contracting Parties reserve the right to take all necessary precautions to ensure that goods, and particularly those the import of which is prohibited under Article 5, be not introduced secretly into the country, but really pass through in transit.

The transit of goods may be prohibited :

- (a) For reasons connected with the safety of the State and public security ;
- (b) For reasons connected with public health or as a precaution against diseases of animals and plants ;
- (c) In the case of imitations of goods, the originals of which are manufactured or produced in the interior of the country and are recognised as a speciality of that country.

The transit of products which, in the territories of the High Contracting Parties, form the subject of a State monopoly, may be placed under special supervision by legislative and administrative provisions at present in force or hereafter to be enacted.

Article 7.

The two High Contracting Parties guarantee each other most-favoured-nation treatment in their territories as regards transport rates and methods, conditions of delivery, and public taxes and dues on their respective railways, in respect of similar goods on the same lines, under the same conditions and in the same direction.

Article 8.

Treatment on terms of equality with a third State shall not apply :

(1) To privileges which are or may hereafter be granted by one of the High Contracting Parties in frontier traffic with contiguous countries within a zone not exceeding a breadth of 15 kilometres on either side of the frontier ;

(2) To special favours resulting from a Customs union ;

(3) To special advantages and favours which are or may hereafter be established in respect of Customs tariffs between Turkey and the territories detached from the Ottoman Empire in 1923.

Article 9.

Merchants, manufacturers and other business men of one of the High Contracting Parties, who prove by the production of an identity-card issued by the competent authorities of their country that they are authorised to carry on their trade or industry in that country and that they pay the duties and taxes prescribed by the laws of that country, shall be entitled to make purchases in the territory of the other High Contracting Party, either personally or through commercial travellers in their employ, from merchants or producers or in the public market. They may also take orders from merchants and other persons who make use of goods corresponding to those offered for the purpose of their commerce or industry. They may take with them or have forwarded to them only samples and specimens. They shall not be liable to any special tax or fee on account of the transactions enumerated in the present paragraph, other than those to which merchants and commercial travellers of the country itself are subject. All objects representative of a specified category of goods shall be regarded as samples or specimens, provided, first, that the said articles are such that they can be duly identified on re-exportation, and secondly, that the articles thus imported are not of such quantity or value that, taken as a whole, they no longer constitute samples in the usual sense.

The identity-card shall conform to the model in Annex C. The High Contracting Parties shall notify one another of the authorities empowered to issue cards and of the regulations with which commercial travellers must comply in the conduct of their business.

It is understood, however, that the commercial travellers referred to above shall not be entitled to transact sales on behalf of merchants or manufacturers other than those specified on their cards.

With the exception of goods the importation of which is prohibited, articles liable to Customs duty or any other tax which are imported as samples or specimens shall, provided they are to be re-exported, be temporarily admitted free of import and export duties upon the following conditions :

(a) When making their Customs declarations, the travellers shall submit in triplicate a descriptive list certified by the Customs authorities of the exporting country, specifying in detail the samples or specimens imported by them. If they are not in possession of such descriptive list, they shall, when making their declaration, submit a new list in triplicate specifying in detail the samples and specimens.

The Customs authorities of the importing country may require that the list be translated into the language of that country.

(b) In order that samples and specimens may be identified on re-exportation, they shall be stamped or sealed with wax or lead, according to their nature and form, in the exporting country. The Customs authorities of each Party shall furnish the other, through official channels, with patterns of these stamps and seals by which the authenticity of the marks affixed to the samples may be verified.

Should it be impossible or inconvenient to affix a mark, identification by means of photographs, drawings, or complete and detailed descriptions shall be admissible.

The Customs authorities of the importing country may, however, as an exception, affix supplementary marks on the samples at the expense of the parties concerned, whenever they consider such a step necessary for guaranteeing the identity of these samples at the time of their re-exportation.

Except in the latter case, Customs verification shall be confined to identifying the samples and deciding the total duties and charges to which they may be liable.

If the samples and specimens do not bear marks affixed in the exporting country, the Customs authorities of the importing country shall affix fresh marks.

(c) After the importer has submitted the descriptive list or declaration of the samples at the Customs office, the Customs examination shall take place, and, if the list or declaration corresponding to the samples and the signs affixed thereto are found in order, the Customs duties on each of the samples and the excise duties, if any, shall be determined, and the amount of the said duties shall be deposited either in cash or in the form of a guarantee considered adequate by the competent authorities of the importing country. The rules for guarantees shall be settled by the respective Governments in accordance with their own legislation. The cost of weighing and any other costs shall be finally paid and the descriptive list, or one of the copies of the declaration, duly legalised by the Customs authorities, shall be returned to the importer.

The importer shall, however, be entitled, instead of having the duties on each sample calculated and depositing them according to the articles of the tariff referring thereto, to pay duty on the whole of the samples at the rate applicable to the sample which is subject to the highest tariff rates. The Customs authorities shall be bound to accept this proposal.

(d) Samples and specimens imported in this manner shall be returned within six months to the exporting country or re-exported to some other country either through the Customs office through which they were imported or through another. The periods of six months may be prolonged, if need be, by the Customs authorities of the country of import.

(e) The descriptive list, or the declaration, and the samples or specimens to be re-exported, shall be presented by the importer at the Customs, and the latter, after examination, shall without delay, against a receipt, refund the whole amount of the duties paid on import or release the security for the payment of these duties. This refund or release shall only take place in the case of re-exported samples or specimens. The Customs duties held on deposit for samples and specimens not re-exported after the expiry of the period provided for or sold within the country shall be credited to the administration or collected from the guarantors.

(f) The refund of duties paid on importation or the release of the security for payment of these duties may be effected by any Customs office on the frontier or by any Customs office in the interior which has been authorised so to act. The High Contracting Parties shall communicate to each other the lists of the offices thus authorised.

The principle of treatment on terms of equality with any third State continues, however, to be reciprocally assured in respect of the provisions of this Article.

The provisions of this Article shall not be applicable to hawking, to itinerant trades and to the soliciting of orders from persons not engaged in trade or industry.

Article 10.

Nationals of either High Contracting Party travelling to fairs or markets not reserved for nationals for the purpose of carrying on trade therein shall not be treated less favourably in the territory of the other Party than nationals of the latter, provided that they can produce an identity-

card made out in accordance with the model in Annex D, issued by the authorities of the country of which they are nationals.

The provisions of Article 1 shall not apply to itinerant traders nor to hawking or the soliciting of orders from persons not engaged in trade or industry, each of the High Contracting Parties reserving full legislative freedom in this respect.

Article 11.

The vessels and boats of one of the High Contracting Parties shall enjoy most-favoured-nation treatment, reciprocally and in all respects, in the waters and harbours of the other.

Article 12.

The present Convention shall be ratified, and the instruments of ratification exchanged at Budapest as soon as possible.

It shall come into force fifteen days after the exchange of ratifications, and shall remain in force for two years. After the expiry of that period, it shall remain in force so long as it has not been denounced by one of the High Contracting Parties, such denunciation to take effect only after six months.

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

Done in duplicate at Ankara, May 21, 1930.

(L. S.) (Signed) TAHY.
 (L. S.) (Signed) ZEKÂI.
 (L. S.) (Signed) Mustafa ŞEREF.
 (L. S.) (Signed) M. NUMAN.

ANNEX A.

Number of the Hungarian Tariff	Designation of the goods	Entrance duty in gold crowns per 100 kg.
ex 88	"Sultana" Raisins <i>Note: The denomination "Sultana" raisins should be understood to mean raisins originating in the Levant and Asia Minor, dried, of yellowish-brown colour, without pips.</i>	12

ANNEX B.

Number of the Turkish Tariff	Designation of the goods	Percentage reduction granted per 100 kg.
ex 19	Salami of all kinds	33 $\frac{1}{3}$ %

ANNEX C.

(NAME OF COUNTRY.)
(Issuing Authority.)

IDENTITY-CARD FOR COMMERCIAL TRAVELLERS

Available for twelve months from date of issue.



Valid in No. of card

It is hereby certified that the holder of this card,

M., born at
residing at Street No.
owns¹
under the trade name of
(or) is a commercial traveller in the service of the firm (s) of
at
which own (s)
under the trade name of

As the holder of this card wishes to solicit orders in the above-mentioned countries and to make purchases for the firm (s) in question, it is hereby certified that the aforesaid firm (s) is (are) authorised to engage in its (their) business at and pay (s) the legal taxes for that purpose.

..... the19.....

Signature (s) of the head (s) of the firm (s) :

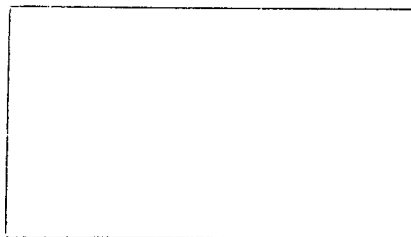
.....

Description of holder :

Age
Height
Hair
Distinctive marks

Signature of holder :

.....



¹ Description of factory or business.

N. B. — Only heading 1 should be filled in in the case of the head of a commercial or industrial establishment.

ANNEX D.

IDENTITY-CARD

FOR TRAVELLERS TO FAIRS OR MARKETS.

It is certified that M
holder of this card, desiring to travel with his goods to fairs and markets in
(for Hungarian nationals : in Turkey ; for Turkish nationals : in Hungary) is resident at
and that he is bound to pay the legal taxes and duties for the conduct of his commerce or industry.

This certificate is available for a period of months.

(Place, date, signature, seal of issuing authority.)

PROTOCOL OF SIGNATURE.

At the moment of proceeding to sign the present Convention, the delegate of the Royal Hungarian Government declares, in the name of his Government, that the Hungarian Tobacco Monopoly undertakes to purchase each year to meet its requirements, 500,000 kg. of Turkish tobacco.

Should the present Convention be denounced, the quantity of tobacco to be purchased yearly should be fixed in view of the period to elapse at the moment of denunciation.

It is understood that raisins "Sultanas" of Turkish origin shall not be liable in Hungary to any import duty, tax or charge of any kind higher than those to which the same products of any other country, and particularly currants, products of Greece, are or may hereafter be liable in the said country.

It is also understood that the most-favoured-nation clause shall be applied in respect of certificates of origin.

The present Protocol forms an integral part of the present Convention and shall come into force at the same time.

(Signed) TAHY.

(Signed) ZEKÂI.

(Signed) Mustafa ŞEREF.

(Signed) M. NUMAN.