

N° 2951.

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**PAYS-BAS  
ET YOUGOSLAVIE**

Traité de commerce et de navigation,  
avec protocole final. Signés à Bel-  
grade, le 28 mai 1930.

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**THE NETHERLANDS  
AND YUGOSLAVIA**

Treaty of Commerce and Navigation,  
with Final Protocol. Signed at  
Belgrade, May 28, 1930.

<sup>1</sup> TRADUCTION. — TRANSLATION.No. 2951. — TREATY <sup>2</sup> OF COMMERCE AND NAVIGATION BETWEEN THE KINGDOM OF THE NETHERLANDS AND THE KINGDOM OF YUGOSLAVIA. SIGNED AT BELGRADE, MAY 28, 1930.

*French official text communicated by the Permanent Delegate of the Kingdom of Yugoslavia accredited to the League of Nations and the Netherlands Minister at Berne. The registration of this Treaty took place May 2, 1930.*

HIS MAJESTY THE KING OF YUGOSLAVIA, of the one part, and HER MAJESTY THE QUEEN OF THE NETHERLANDS, of the other part, being equally desirous of promoting and developing commercial relations and thus strengthening the ties of friendship between the two countries, have decided to substitute a new treaty of commerce and navigation for that concluded on October 17, 1881, between Serbia and the Netherlands, and have for this purpose appointed as their Plenipotentiaries :

HIS MAJESTY THE KING OF YUGOSLAVIA :

Dr. Voislav MARINKOVITCH, His Minister for Foreign Affairs ; and  
M. Youraï DÉMETROVITCH, His Minister of Commerce and Industry ;

HER MAJESTY THE QUEEN OF THE NETHERLANDS :

M. Christiaan Dirk SCHULLER TOT PEURSUM, Her Envoy Extraordinary and Minister Plenipotentiary at Belgrade ;

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

*Article 1.*

1. The nationals of each of the High Contracting Parties shall be treated in the territory of the other Party in all that concerns establishment and the exercise of trade, industry and navigation as favorably as the nationals of the most favoured nation.

2. Similarly they shall have the right to acquire, possess and alienate movable and immovable property in the same manner as nationals of the most favoured nation.

*Article 2.*

They shall be entitled to the protection of their persons, rights and interests like nationals of the country or nationals of the most favoured nation.

<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, April 2, 1932.

<sup>3</sup> *British and Foreign State Papers*, Vol. 72, page 565.

*Article 3.*

Joint stock companies and other commercial, industrial or financial companies, including shipping companies, having their registered offices in the territory of one of the High Contracting Parties and legally constituted therein shall be recognised in the territory of the other Party and once legally established therein, shall in all respects enjoy most-favoured-nation treatment.

*Article 4.*

1. Natural and manufactured products originating in or coming from either country shall not be subject on importation into the territory of the other to any duties or charges, including any coefficients, surtaxes and increases, other or higher than those which are or may hereafter be applied to products of the same nature from the most favoured nation.

2. The assurance of most-favoured-nation treatment shall also extend to the method of collecting import and export duties, the warehousing of goods, Customs charges and formalities, methods of verifying and analysing articles, the conditions for the payment of Customs duties and charges, the classification and interpretation of tariffs and the Customs treatment and clearance of goods, whether imported, exported or in transit.

*Article 5.*

1. The High Contracting Parties undertake not to hamper their reciprocal commercial relations by any import or export prohibitions or restrictions.

2. Exceptions to this rule, which must in any case apply to all countries or to the countries in which identical conditions prevail, may be made in the following cases only :

(a) For reasons of public security or the safety of the State ;

(b) On moral or humanitarian grounds ;

(c) In regard to traffic in arms, ammunition and implements of war or, in exceptional circumstances, all other military supplies ;

(d) In regard to sanitary police measures and for the protection of animals and useful plants from extinction or degeneration and against disease and noxious insects or parasites, in accordance with the international principles adopted with regard to such matters ;

(e) For the protection of national treasures of artistic, historic or archæological value ;

(f) For the purpose of preventing or restricting the import or export of gold, silver, coins, currency notes, banknotes or securities ;

(g) For products which are subject to State monopolies and for the application to foreign goods of prohibitions and restrictions which are or may hereafter be imposed by internal legislation on the production, sale, transport or consumption within the country of the same native goods.

3. Nothing in the present Article shall affect the right of the High Contracting Parties to adopt measures prohibiting or restricting importation or exportation for the purpose of protecting, in extraordinary and abnormal circumstances, the vital interests of the country. Nevertheless, the High Contracting Parties mutually guarantee each other most-favoured-nation treatment in the above matters and undertake reciprocally not to impose prohibitions or restrictions on importation, exportation or transit, which are not applicable to all other countries without distinction.

*Article 6.*

1. Most-favoured-nation treatment shall also be applicable to products exported fromer consigned in transit through either of the two countries. The régime provided for in the previous Article shall also apply to the above products.

2. The High Contracting Parties undertake to grant each other freedom of transit over their respective territories, both for goods in direct transit and those to be transshipped or warehoused in the course of transit.

*Article 7.*

1. Business men of either of the High Contracting Parties and also their commercial travellers when provided with an identity card issued by the competent authorities of their country in accordance with the model established by the International Convention<sup>1</sup> relating to the Simplification of Customs Formalities concluded at Geneva on November 3, 1923, shall enjoy in the territory of the other Party treatment as favourable as that granted to national commercial travellers or those of the most favoured nation in all that concerns the disposal of their goods.

2. The provisions of the present Article shall not be applicable to itinerant trading or to hawking or soliciting orders from persons not engaged in commerce or industry, each High Contracting Party reserving in this respect full legislative freedom.

3. Dutiable articles used as samples, with the exception of prohibited goods, shall be temporarily admitted duty free by both Parties subject to compliance with the Customs formalities — including the deposit of the import duties or security for the payment of such duties if required — necessary to ensure their re-export.

4. 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.

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

*Article 8.*

1. The persons mentioned in Article 1 shall not have to pay for the exercise of their activities in the territory of the other High Contracting Party any tax, fee or duty, other or higher than those which are or may in future be levied on nationals of the country or nationals of the most favoured nation.

2. Most-favoured-nation treatment shall also be granted to the companies mentioned in Article 3 in regard to the matter mentioned in the previous paragraph.

*Article 9.*

Internal charges of every kind, including the turnover tax, which are or may in future be levied in the territory of either High Contracting Party on the production, preparation, circulation,

<sup>1</sup> Vol. XXX, page 371 ; Vol. XXXV, page 325 ; 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 ; Vol. XCII, page 370 ; and Vol. CXI, page 404. of this Series.

transport or consumption of a product, whether for the account of the State or of the communes or corporations, shall not on any pretext fall more heavily or be imposed in a more onerous manner on products of the territory of the other High Contracting Party than internal charges on similar national products or similar products of the most favoured nation.

*Article 10.*

1. Each of the High Contracting Parties shall in all respects grant to the shipping of the other Party as favourable treatment as is granted to national shipping.
2. The provision of the preceding paragraph shall not, however, be applied to the coasting trade or to fishing in national waters, which matters shall remain exclusively subject to laws and regulations of the High Contracting Parties.
3. The provisions of this Article shall apply only to maritime navigation.

*Article 11.*

1. If a vessel of either High Contracting Party runs aground or is wrecked on the coast or in the waters of the other Party, assistance and relief shall be given to the master, the crew and the passengers, both for themselves and their property and for the vessel and her cargo, to the same extent as would be afforded to nationals of the country.
2. The consular official concerned shall be authorised to give assistance and relief if the master or any other representative of the ship-owner or the underwriters is absent or although present, has asked for the help of the consular official in question.
3. The vessel and her crew, passengers and cargo shall enjoy the same privileges and immunities as are granted or may in future be granted under the laws and regulations of the respective countries in similar circumstances to national vessels or to vessels of the most favoured nation. The authorities of the country where the shipwreck took place shall always have the right to take any measures they deem necessary in regard to the wrecked vessel for the safety of navigation or the protection of coastal works, harbours or navigable channels.
4. As regards salvage charges, the law of the country where salvage takes place shall be applicable.
5. Goods salvaged from a stranded or wrecked vessel shall not be subject to any Customs duties unless they are brought into the country for consumption therein.

*Article 12.*

The High Contracting Parties agree that in all matters relating to consular representation any privilege, favour or immunity which one of them has already granted or may hereafter grant in this matter to a third State shall immediately be extended to the other High Contracting Party subject to reciprocity.

*Article 13.*

It is understood that the most-favoured-nation clause shall not apply to concessions which either High Contracting Party grants or may hereafter grant to contiguous States for the purpose of facilitating frontier traffic within a zone not exceeding fifteen kilometres on both sides of the frontier or to a State with which that Party has concluded or may hereafter conclude a Customs union.

*Article 14.*

The provisions of the present Treaty shall also apply to the Dutch Indies, to Surinam and to Curaçao, with the exception of Article 12, concerning the admission and powers of Yugoslav consular officials in the Dutch Indies, Surinam and Curaçao, this matter being subject to a special consular convention.

*Article 15.*

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 at the request of either or both of the High Contracting Parties.

*Article 16.*

1. The present Treaty shall be ratified and the ratifications exchanged at The Hague as soon as possible. It shall come into force fifteen days after the exchange of ratifications, it being understood that, as regards the Dutch Indies, Surinam and Curaçao, it shall come into force three months after the said exchange of ratifications.

2. The Treaty shall be concluded for a period of three years. If, however, it has not been denounced six months before the expiration of that period, it shall be extended by tacit agreement for an indefinite period and may be denounced at any time.

3. In the event of denunciation it shall remain in force for a period of six months from the date on which either High Contracting Party shall have notified the other of its intention to terminate it.

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

Done, in duplicate, at Belgrade, May the twenty-eighth, one thousand nine hundred and thirty.

(L. S.) Dr. V. MARINKOVITCH, *m. p.*

Juraj DÉMETROVITCH, *m. p.*

(L. S.) C. D. SCHULLER TOT PEURSUM, *m. p.*

## FINAL PROTOCOL.

On proceeding to sign the present Treaty of Commerce and Navigation between the Kingdom of Yugoslavia and the Kingdom of the Netherlands, the undersigned Plenipotentiaries have agreed on the following provisions, which shall form an integral part of the Treaty itself :

*Ad Articles 2, 7, 8 and 9.*

1. It is understood that wherever it is provided in the present Treaty that one of the High Contracting Parties shall grant to the other Party the same treatment as it grants to its own nationals or to the nationals of the most favoured nation, the more favourable of these two treatments shall be granted.

2. This régime shall apply to the internal charges levied on the products of either High Contracting Party in the territory of the other (Article 9), it being understood, however, that the Netherlands may maintain the difference between imported and native products as regards the excise on wine from fresh fruits other than grapes, whether fermented or not, the excise on spirits, the excise on molasses and other liquids containing sugar, and the charge for hall-marking gold or silver articles, but may not increase the differences existing at the time of the signing of the present Treaty or discriminate between the products of Yugoslavia and those of the most favoured nation.

*Ad Article 5.*

If as a result of prohibitions decreed by either High Contracting Party in virtue of Article 5, paragraph 3, the other Party considers that its trade is suffering serious prejudice and that the equilibrium of the present Treaty is thereby disturbed, the latter Party may ask for the immediate opening of negotiations, and if such negotiations have not reached a conclusion within one month, may denounce the present Treaty, the denunciation to take effect one month later.

*Ad Articles 5 and 6.*

1. It is understood that exceptions to the rule in Article 5, paragraph 2, must not be applied so as to constitute a disguised restriction on international trade.

2. As long as the International Convention<sup>1</sup> for the Abolition of Import and Export Prohibitions and Restrictions concluded at Geneva on November 8, 1927, has not been accepted for the Dutch Indies, Surinam and Curaçao, the provisions of Articles 5 and 6 relating to that matter shall not apply to the Dutch Indies, Surinam and Curaçao.

*Ad Article 7.*

If either High Contracting Party imposes taxes on commercial travellers who are nationals of the other Party, the latter may take the necessary measures to restore reciprocity.

*Ad Article 10.*

The following shall not be considered as coasting trade :

1. The movement of ships between one port and another, either to land therein passengers or unload all or part of the cargo arriving from abroad or to take on board therein passengers or all or part of the cargo consigned to a foreign country.

2. The transport from a port in a foreign country to a Yugoslav port or *vice versa* of passengers with through tickets issued abroad or made out for some foreign destination, and also the transport of goods taken on board with through bills of lading issued abroad or made out for a foreign destination.

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<sup>1</sup> Vol. XCVII, page 391 ; Vol. C, page 264 ; Vol. CVII, page 538 ; and Vol. CXVII, page 304, of this Series.

## GENERAL PROVISIONS.

1. It is further understood that the most-favoured-nation clause shall not confer any right :

(a) To advantages deriving exclusively from multilateral conventions of a general character which emanate from the League of Nations and to which all Powers may accede unless the High Contracting Party not participating in these conventions actually grants the same rights and privileges ;

(b) To advantages deriving from bilateral or multilateral treaties or unilateral measures designed to prevent double taxation ;

(c) To advantages deriving from treaties of private international law and in particular from the Hague treaties relating thereto.

2. The High Contracting Parties further agree that they will take steps to prevent detailed specifications in the Customs tariffs and differentiation of duties for similar articles corresponding to them from nullifying the practical value and significance of the most-favoured-nation clause.

Done, in duplicate, at Belgrade, May the twenty-eighth, one thousand nine hundred and thirty.

(L. S.) Dr. V. MARINKOVITCH, *m. p.*

Juraj DÉMETROVITCH, *m. p.*

(L. S.) C. D. SCHULLER TOT PEURSUM, *m. p.*