

N° 2683.

LETTONIE ET POLOGNE

Traité de commerce et de navigation,
avec annexes et protocole final.
Signés à Riga, le 12 février
1929.

LATVIA AND POLAND

Treaty of Commerce and Navigation,
with Annexes and Final Protocol.
Signed at Riga, February 12, 1929.

¹ TRADUCTION. — TRANSLATION.No. 2683. — TREATY² OF COMMERCE AND NAVIGATION BETWEEN
LATVIA AND POLAND. SIGNED AT RIGA, FEBRUARY 12, 1929.

French official text communicated by the Latvian Minister for Foreign Affairs and the Polish Delegate accredited to the League of Nations. The registration of this Treaty took place April 21, 1931.

THE PRESIDENT OF THE REPUBLIC OF LATVIA, of the one part, and THE PRESIDENT OF THE
REPUBLIC OF POLAND, of the other part, being equally desirous of promoting and developing
commercial and maritime relations between the two countries, have decided to conclude a Treaty
of Commerce and Navigation, and have, for that purpose, appointed as their Plenipotentiaries :

THE PRESIDENT OF THE REPUBLIC OF LATVIA :

His Excellency M. Antons BALODIS, Minister for Foreign Affairs ;

THE PRESIDENT OF THE REPUBLIC OF POLAND :

His Excellency M. Jules LUKASIEWICZ, Envoy Extraordinary and Minister Plenipotentiary ;

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

Article 1.

Nationals of either Contracting Party established or residing in the territory of the other
Party shall enjoy the treatment accorded to the nationals of the most favoured nation in respect of
establishment, the exercise of trade and industry, their legal position, their movable and immovable
property and their rights and interests connected with the exercise of trade and industry. They
shall be free to transact their affairs in that territory either in person or through an intermediary
chosen by them, without being subject in this respect to restrictions other than those provided for
by the laws and regulations in force and applied equally to all foreigners.

Article 2.

Nationals of either Contracting Party shall have free access to the courts and to all authorities
either as plaintiffs or defendants and they shall enjoy in this respect all the rights and privileges
enjoyed by nationals. They shall be entitled to employ advocates or attorneys chosen by themselves
to safeguard their interests.

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 Warsaw, March 18, 1931.
Came into force April 17, 1931.

Article 3.

Nationals of either Contracting Party shall not be subject in the territory of the other Party to any compulsory service either in the land or sea forces or in the national guards or militia. They shall be exempt from all taxes of any kind whatever imposed in lieu of personal military service and from all personal military contributions and requisitions, but they shall be subject in respect of the movable or immovable property which they possess in the country to military requisitions and to military billeting under the same conditions as nationals.

Article 4.

Nationals of either Contracting Party shall enjoy in the territory of the other Party the same treatment and the same protection in regard to the financial authorities in the matter of taxes and dues of all kinds, alike for their persons, their property, rights and interests as nationals of the most favoured nation. This provision shall not prevent the levy, if necessary, of so-called visitors' taxes or taxes connected with the accomplishment of police formalities.

Article 5.

1. Commercial and industrial companies, including insurance and financial companies, which are duly constituted in accordance with the laws of one of the Contracting Parties and have their seat in its territory, shall be recognised as legally constituted in the territory of the other Party provided they do not pursue an illegal or immoral aim and, if they comply with the laws and regulations, shall have free and ready access to the courts both as plaintiffs and defendants.

2. The above provision shall not in any way effect the question whether a company of this kind established in one of the two countries shall be entitled to carry on trade or industry in the other country, such right being always subject to the laws and regulations in force in the country concerned.

3. Once the above-mentioned companies have been admitted, they shall enjoy the same rights and advantages as are or may hereafter be granted to similar companies of a third power.

Article 6.

Internal taxes and duties levied at any time for account of the State, provinces, communes or public institutions on the production or manufacture of goods or the consumption of an article in the territory of either of the Contracting Parties may not be levied on the products, goods or articles of the other Party to a greater extent or in a more onerous manner than on like products, goods or articles of the most favoured nation.

Article 7.

1. All products of the soil or industry originating in and coming from the Customs territory of either High Contracting Party imported into the Customs territory of the other Party and intended for consumption, warehousing, re-export or transit, shall be subject, so long as the present Treaty is in force, to the treatment at any time granted to the most favoured nation; in particular they shall in no circumstances be subject to duties, coefficients, additional charges, increases or other higher taxes or to restrictions other than those at any time imposed on the products or goods of the most favoured nation.

2. Goods intended to be exported to the territory of either of the Contracting Parties shall not be subjected by the other Party to duties or taxes other or higher than those applied to the exportation of the same goods to the most favoured country in this respect, nor shall they be subject to other restrictions.

3. Each Party therefore undertakes to give the other Party immediately and unconditionally the benefit of any favour, privilege or reduction in duties or taxes that it has already granted or may hereafter grant in the above-mentioned respect either permanently or temporarily, to a third nation.

Article 8.

1. The products enumerated in the annexed list A originating in and coming from Latvia shall, on importation into the Customs territory of the Republic of Poland, be granted the benefit of the percentages of reduction mentioned in the said list.

2. The products enumerated in the annexed list B originating in and coming from the Customs territory of the Republic of Poland shall, on importation into Latvia, be granted the benefit of the minimum tariff.

3. The provisions of the present Article shall in no way affect the most-favoured-nation clause contained in Article 7 of the present Treaty.

Article 9.

1. In order to reserve the benefits of the above provision for products originating in their respective countries the Contracting Parties shall be entitled to require that products and goods imported into their territory be accompanied by a certificate of origin in a form to be determined by a special agreement between the two Contracting Parties.

2. Certificates of origin shall be issued by the competent Government authorities, by the Chambers of Commerce in the district of the sender or by any other organ or body approved by the country of destination. They shall be legalised by a diplomatic or consular representative of the country of destination.

Article 10.

1. There shall be reciprocal freedom of trade and navigation between the territories of the Contracting Parties. The import and export restrictions and prohibitions on certain goods established in consequence of special economic conditions shall only be maintained for the period and to the extent necessitated by those conditions.

2. It is nevertheless understood that the Contracting Parties shall be entitled to establish import or export prohibitions or restrictions :

- (a) For reasons of public order or the internal or external security of the State,
- (b) For reasons of public health or as precautionary measures against diseases of animals and plants ;
- (c) In respect of goods which are the object of a State monopoly.

Article 11.

1. Articles liable to import duties and used as samples shall, with the exception of prohibited goods, be admitted by each Party provisionally free of duty, provided the import duties are deposited or security is given guaranteeing the payment of such duties, subject to the observance of the necessary Customs formalities to ensure their integral re-exportation within a period laid down by the legislation of the importing country ; nevertheless the Contracting Parties are agreed that the

said period may not be less than six months. As regards the said formalities, most-favoured-nation treatment is reciprocally guaranteed.

2. The identification marks placed on samples by the authorities of either of the Contracting Parties shall be recognised as establishing their identity by the authorities of the other Party; it is, however, understood that the latter shall be entitled in all cases where they think fit to affix supplementary identity marks.

3. The benefit of this exemption may be withdrawn from travellers and business houses who do not comply with the stipulated conditions.

Article 12.

1. Merchants, manufacturers and other producers of either of the Contracting Parties who can produce an identity card issued by the competent authorities of their country, showing that they are authorised to carry on their trade and industry in that country and that they pay therein the taxes, as provided by law, for that purpose, shall be entitled to effect purchases in the territory of the other Party, either personally or through travellers in their employ, from merchants or producers or in the places of public sale. They may also accept orders from merchants or other persons who use the goods in question in their trade or industry. The merchants, manufacturers, industrialists and their commercial travellers, when making purchases or accepting orders, shall enjoy in this respect most-favoured-nation treatment.

2. The form of the identity cards shall be determined by common agreement between the two Contracting Parties.

3. The Contracting Parties shall communicate to each other the names of the authorities qualified to issue identity cards and the regulations which commercial travellers must observe in transacting their business.

4. The above provisions shall not apply to itinerant traders or to hawkers, or to the soliciting of orders from persons who are not engaged in industry or in trade, each Party having in this respect full liberty of legislation.

Article 13.

As regards transit conditions, the Contracting Parties undertake to apply reciprocally, in their relations, the provisions of the Convention and Statute on the Freedom of Transit¹ signed at Barcelona on April 20, 1921, while guaranteeing to each other most-favoured-nation treatment in this respect.

Article 14.

1. Vessels flying the flag of either of the Contracting Parties, together with their cargo, shall enjoy the same treatment in every respect as national vessels and their cargoes, irrespective of the place of departure or the destination of the said vessels and irrespective of the place of origin or destination of their cargoes. Consequently these vessels of one of the High Contracting Parties and their cargoes shall not be subject in the territory of the other Party to any tax or charge of any kind or denomination whatsoever, whether levied or to be levied on behalf of the State or on behalf

¹ Vol. VII, page 11; Vol. XI, page 407; Vol. XV, page 305; Vol. XIX, page 279; Vol. XXIV, page 155; Vol. XXXI, page 245; Vol. XXXV, page 299; Vol. XXXIX, page 166; Vol. LIX, page 344; Vol. LXIX, page 70; Vol. LXXXIII, page 373; Vol. XCII, page 363; Vol. XCVI, page 181; and Vol. CIV, page 495, of this Series.

of any communes or institutions authorised by the Government, other or higher than those applicable to national vessels and their cargoes.

2. As regards the berthing of vessels, their loading and unloading in the ports, roadsteads and docks and, in general, any formalities and provisions to which merchant vessels, their crews and cargoes may be subject, it is agreed that no privilege or favour shall be accorded to national vessels which are not also accorded to those of the other State, it being the desire of the Parties that, in this respect also, their vessels should be treated on a footing of complete equality.

3. Any privilege or exemption which either of the Parties may accord to any third Party in regard to any of the above matters shall also be granted simultaneously and unconditionally to the other Party. Exceptions shall, however, be made to the provisions of the present Article in the case of :

(a) Favours which have been or may hereafter be granted in either country to national fisheries and their products ;

(b) The coasting trade, in regard to which the Contracting Parties shall grant each other most-favoured-nation treatment, and towing ;

(c) Facilities, reductions in taxes, or rebates, which each of the Contracting Parties may grant to its nationals as a premium on national shipbuilding.

Article 15.

1. The documents and certificates issued by the competent authorities of the respective States, in accordance with their laws and regulations, shall be recognised by either Party as establishing the nationality of vessels.

2. Tonnage measurement certificates and other documents regarding tonnage measurement issued by one of the Contracting Parties shall be recognised by the other Party in accordance with special agreements to be concluded between the Contracting Parties.

Article 16.

Vessels of each of the Contracting Parties entering a port of the other Party and wishing to unload only a part of their cargo shall be entitled, provided that they conform to the laws and regulations of the country concerned, to retain on board any part of the cargo which may be consigned to another port, either in the same country or any other country, and to re-export it without being obliged to pay duties other or higher than those levied on national vessels or on those of another country in the same case. The same vessels may also load their cargo in a port and may supplement or complete it in another port or several other ports in the same country without being obliged to pay duties other or higher than those to which national vessels or those of the most-favoured-nation are subject in the same case.

Article 17.

1. If a vessel of one of the Contracting Parties has run aground or is wrecked in the waters of the other State, the vessel, its passengers and cargo shall enjoy the same benefits and immunities as are granted by the laws and regulations of the country concerned in similar circumstances to national vessels or to those of the most favoured nation. Assistance and relief shall be given to the master and crew, both for themselves and for the vessel, and to the passengers and cargo to the same extent as would be afforded to nationals.

2. As regards salvage charges, the law of the country where salvage takes place shall be applicable.

3. 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 18.

Unless otherwise provided in the Articles of the present Treaty, the two Contracting Parties guarantee to each other most-favoured-nation treatment in all matters that concern the various administrative or other formalities necessitated by the application of the provisions contained in the present Treaty.

Article 19.

1. Nationals of either Contracting Party shall be accorded in the territory of the other Party the benefits arising out of the laws and regulations relating to the protection of labour, compensation for labour accidents and social insurance on a basis of equality with nationals. The nationals of the Contracting Parties and their families, if any, shall be entitled to benefits arising out of insurance or compensation for labour accidents, insurance against incapacity for work and old age and death insurance, irrespective of the country to which the person entitled to compensation (insured person) may have emigrated after acquiring the right to such benefits and without regard to the place of residence of his family.

2. Detailed provisions to be laid down regarding the application of the above-mentioned principles of reciprocal treatment shall be determined by special agreements between the two Contracting Parties.

Article 20.

The following exemptions, immunities and privileges shall not be regarded as affecting the principle of most-favoured-nation treatment on which the present Treaty is based :

(a) Privileges which have been or may hereafter be granted to adjacent States with a view to facilitating local traffic within both frontier zones ;

(b) Privileges which have been or may hereafter be granted by one of the Contracting Parties to a third State in consequence of a Customs or economic Union which already exists or may be concluded in the future ;

(c) Customs preferences or facilities of any kind whatever which Latvia has granted or may hereafter grant to Estonia, Finland, Lithuania and the U.S.S.R. ;

(b) The provisional régime between the Polish and German parts of Upper Silesia.

Article 21.

1. The Polish Government, which is responsible for the conduct of the foreign affairs of the Free City of Danzig in virtue of Article 104 of the Treaty of Versailles and of Articles 2 and 6 of the Convention¹ of Paris, concluded between Poland and the Free City of Danzig on November 9, 1920, reserves the right to declare that the Free City is a Contracting Party to the present Treaty and that it accepts the obligations and acquires the rights resulting therefrom.

¹ Vol. VI, page 189 ; and Vol. CVII, page 459, of this Series.

2. This reservation does not apply to those provisions of the present Treaty which the Republic of Poland accepts on behalf of the Free City of Danzig in conformity with its rights under the Treaties relating thereto.

Article 22.

1. The present Treaty shall be ratified and the ratifications shall be exchanged at Warsaw as soon as possible.

2. It shall come into force thirty days after the exchange of ratifications.

3. The Treaty is concluded for a period of one year from the date on which it comes into force. It shall be prolonged by tacit consent for an indefinite period unless it is denounced by either of the Contracting Parties at least three months before the expiration of this annual period. In the case of prolongation by tacit consent, each of the Contracting Parties reserves the right to denounce the present Treaty at any time and it shall cease to have effect two months thereafter.

In faith whereof the Plenipotentiaries have signed the present Treaty.

Done at Riga, in duplicate, February 12, 1929.

(L. S.) (Signed) A. BALODIS.

(L. S.) (Signed) L. LUKASIEWICZ.

LIST A.

LATVIAN PRODUCTS.

Polish Customs tariff items	Designation of goods	Reductions
ex 37	Fish : ex. p. 2. a. Sprats, marinated, preserved in oil, Kiel sprats, in sauce, with or without spices, of the " clupea sprattus " kind . .	70 %
	ex. p. 3. b. II Common flounder (<i>fladra</i>) smoked	20 %
	ex. p. 3. b. II Smoked cod	30 %
ex 88	Rubber, semi-manufactures, and manufactures : ex. p. 4. Footwear of rubber combined with tissues, with or without buckles	60 %
	ex. p. 5. Goloshes	20 %
	ex. p. 5. Snowboots (<i>sniegowce</i>)	11.8 %
ex 130	Ultramarine blue, etc. : ex. p. 1. and 2. Ultramarine blue (only)	15 %
ex 131	Whites : ex. p. 1. White lead	15 %
ex 132	Litharge, and red oxide of lead	15 %
ex 194	Linoleum, etc. : p. 1. a. Linoleum, of single colour, not printed, in rolls	10 %
	p. 1. b. Linoleum, printed of several colours, in rolls, and linoleum of any kind, in pieces	23.07 %

LIST B.

POLISH PRODUCTS.

Latvian Customs tariff items	Designation of goods
ex I p. 4 ex 167 p. 1	Barley. Machines for working wood and metals, transport installations, machines for the textile and sugar industries, dredging installations, transmissions, wagonnettes of all kinds.
ex 197 p. 1	Half-silk velvet and plush.

The minimum tariffs shall be applied to products coming under the following items of the Custom tariffs :

4 pp. 1, 3, 4 ; 22 ; 23 p. 2 ; 24 p. 1 ; 33 pp. 1, 3 ; 47 ; 52 pp. 2a, 4 ; 57 p. 6 ; 61 ; 62 p. 3 ; 65 p. 5 ; 75 p. 1 ; 77 pp. 1b, 1c, 2, 6a ; 79 p. 1 ; 80 p. 1 ; 85 pp. 1b, 2b, 3 ; 101 pp. 1, 2, 3 ; 104 p. 2 ; 105 pp. 1, 3 ; 108 p. 1a ; 131 ; 132 ; 139 ; 140 pp. 1, 2, 3, 4 ; 141 ; 142 pp. 1, 2, 3, 4 ; 146 ; 147 ; 149 pp. 2, 3, 4 ; 150 ; 151 ; 152 ; 154 p. 1 ; 156 p. 1e ; 163 pp. 2c, 2d ; 167 p. 4 ; 177 p. 1b ; 181 p. 3 ; 183 ; 184 ; 186 pp. 1, 3 ; 187 pp. 1b, 2b ; 188 pp. 1, 2a, 2b ; 189 ; 191 pp. 1, 3 ; 194 p. 3 ; 198 ; 199 p. 1 ; 201 ; 202 p. 2 ; 209 pp. 4a, 4b ; 210 pp. 1, 2.

FINAL PROTOCOL.

Before proceeding to sign the Treaty of Commerce and Navigation between Latvia and Poland, the under-signed Plenipotentiaries have agreed as follows :

As regards Articles 2 and 5.

It is agreed that the provisions of Article 2, according to which the nationals of the two Contracting Parties shall have the right to appear before the Courts on an equal footing with nationals, and the provisions of Article 5 regarding the free access of companies to the Courts, do not apply to free legal aid or to the exemption from the deposit of security for costs ("cautio judicatum solvi") these matters being reserved for special agreements ; moreover, the Contracting Parties agree that the provisions of Article 2 of the present Treaty guaranteeing national treatment to the nationals of the two Contracting Parties, must be understood in such a manner as in no way to affect the laws and regulations in force in the territory of the Contracting Parties and applicable equally to all foreigners.

As regards Article 19.

It is agreed that the provisions of Article 19 do not refer to the citizens and to the territory of the Free City of Danzig.

As regards List A.

In applying the Polish Customs tariff, salted Baltic herrings shall be classified in Item 37 p. 4, b, of the Customs tariff.

Smoked Baltic herrings shall be classified in Item 37 p. 4, c. 1, of the Customs tariff.

NEW AGREEMENTS.

The two Contracting Parties have agreed to conclude a veterinary convention, a convention for social relief and an agreement regarding rafting on the Dvina.

Done at Riga, February 12, 1929.

(Signed) A. BALODIS.

(Signed) J. ŁUKASIEWICZ.