

N° 2686.

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## ESTONIE ET POLOGNE

Traité de commerce et de navigation, avec annexe et protocole final, signés à Tallinn, le 19 février 1927, échange de notes y relatif de la même date, et protocole additionnel, signé à Tallinn, le 5 juillet 1929.

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## ESTONIA AND POLAND

Treaty of Commerce and Navigation, with Annex and Final Protocol, signed at Tallinn, February 19, 1927, Exchange of Notes relating thereto of the same date, and Additional Protocol, signed at Tallinn, July 5, 1929.

<sup>1</sup> TRADUCTION. — TRANSLATION.No. 2686. — TREATY<sup>2</sup> OF COMMERCE AND NAVIGATION BETWEEN ESTONIA AND POLAND. SIGNED AT TALLINN, FEBRUARY 19, 1927.

*French official text communicated by the Estonian Minister for Foreign Affairs and the Polish Delegate accredited to the League of Nations. The registration of this Treaty took place April 24, 1931.*

THE GOVERNMENT OF THE REPUBLIC OF ESTONIA, 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 GOVERNMENT OF THE REPUBLIC OF ESTONIA :

His Excellency Dr. Frédéric AKEL, Minister for Foreign Affairs ;

THE PRESIDENT OF THE REPUBLIC OF POLAND :

His Excellency M. François CHARWAT, 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 I.*

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 and the exercise of trade and industry within the territory of the other Party, and in respect of their legal position, their movable and immovable property and, in general, the 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 by the laws and regulations in force and applied equally to all foreigners.

*Article II.*

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

<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 Warsaw, March 25, 1931.

The Treaty came into force provisionally as regards Customs treatment, February 15, 1928.

The Treaty and Additional Protocol came finally into force April 24, 1931.

enjoyed by nationals. They shall be entitled to employ advocates or attorneys chosen by themselves to safeguard their interests.

*Article III.*

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 exempted 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 IV.*

1. 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, dues of all kinds as nationals, alike for their persons, their property, rights and interests.

This provision shall not prevent the levy, if necessary, of so-called visitors' taxes or taxes connected with the accomplishment of police formalities.

2. They shall be exempted from loans and subscriptions to payment of forced national contributions imposed for war purposes or on account of exceptional circumstances caused by war.

*Article V.*

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 head office 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 provided they comply with the laws and regulations, they shall have free and ready access to the courts both as plaintiffs and defendants.

2. Commercial and industrial companies thus recognised by each Contracting Party may, if they submit to the laws and regulations of the other Party, establish themselves in the territory of the latter, found branches and subsidiary establishments and carry on their commerce and industry in that territory. It is, however, understood that the admission of branches of commerce and industry of general utility, together with that of insurance and financial companies, shall be subject to special restrictions applicable to all countries.

3. Once these companies have been admitted in accordance with the laws and provisions at any time in force in the territory of the respective country, they shall not be subject to taxes or contributions or, in general, to fiscal dues of any kind other or higher than those imposed on the companies of the country.

4. They shall be exempted from subscription to loans and the payment of forced national contributions which may be imposed for war purposes, or as a result of exceptional circumstances caused by war. The movable or immovable property which the said companies possess in the country shall be subject to military requisitions and to military billeting, under the same conditions as national companies.

*Article VI.*

Nationals of the other Contracting Party or of commercial and industrial companies having their registered head offices in its territory may only be subjected to the taxes, dues and contributions

mentioned in Articles IV and V on their assets in the country where these taxes, dues and contributions are levied or on account of a business or industry which they carry on there, or of any revenue which they receive therefrom.

*Article VII.*

Internal taxes and duties at any time levied for account of the State, the communes or corporations 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 VIII.*

1. All products of the soil and 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 duties, 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.

4. The provisions laid down by this Article shall not apply :

(a) To privileges which have been or may hereafter be granted by each Contracting Party in frontier traffic with adjacent countries ;

(b) To special concessions made in consequence of a Customs union with a third State ;

(c) To the provisional Customs régime between the Polish and German parts of Upper Silesia ;

(d) To the benefit of any Customs preferences or facilities of any kind which Estonia has granted or may hereafter grant to Finland and Latvia in view of the special conditions existing between these countries ;

(e) To special concessions which have been or may hereafter be granted by either of the Contracting Parties to Lithuania.

*Article IX.*

1. In order to reserve the benefits of the above provisions for products originating in their respective countries and to prevent products originating in countries that do not enjoy the said benefits from being sent through their territory, the Contracting Parties shall be entitled to require that products and goods imported into their territory shall be accompanied by a certificate of origin attesting, in the case of a natural product, that it originates in the other country, and, in the case of a manufactured product, that at least half its value is represented by the value of materials originating in the other country and by the cost of transformation.

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 X.*

1. The Contracting Parties have agreed that the import and export restrictions and prohibitions on certain goods, established as a result of existing 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 and export prohibitions or restrictions :

- (a) For reasons of public order or the internal and 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 State monopolies.

*Article XI.*

1. Articles liable to import duties and used as samples shall, with the exception of prohibited goods, be admitted by each country provisionally free of duty provided the import duties are deposited or security is given guaranteeing the payment of such duties in case of need, 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 understood, however, 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 XII.*

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 or 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 Contracting Party, either personally or through travellers in their employ, from merchants or producers or in the places of public sale without being obliged to pay a special tax for that purpose. They may also accept orders from merchants or other persons who use the goods in question in their trade or industry.

2. The identity cards shall be issued in accordance with the annexed specimen.

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 trade, each Party having in this respect full liberty of legislation.

*Article XIII.*

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 Transit<sup>1</sup>, signed at Barcelona, April 20, 1921, while guaranteeing to each other most-favoured-nation treatment in this respect.

*Article XIV.*

As regards transport by railway, goods coming from or intended for either of the Contracting Parties shall enjoy most-favoured-nation treatment in the territory of the other Party in respect of despatch, freight rates, public charges on transports and in all other respects.

It is understood that the same treatment shall be granted reciprocally to persons and luggage.

*Article XV.*

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 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, harbours and docks and, in general, any formalities and provisions to which merchant ships, 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 ;

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

4. The Contracting Parties agree that the provisions of this Article shall not apply to navigation on internal or artificial waterways.

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<sup>1</sup> 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.

*Article XVI.*

1. The documents and certificates issued for the purpose by the competent authorities of the respective States, in accordance with their laws and regulations, shall be recognised 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 arrangements to be concluded between the Contracting Parties.

*Article XVII.*

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 in another 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 dues other or higher than those to which national vessels or those of the most favoured nation are subject in the same case.

*Article XVIII.*

1. If a vessel of one of the Contracting Parties has run aground or is wrecked in the waters of the other Party, 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 XIX.*

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 XX.*

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, social relief, compensation for labour accidents, social insurance, and assistance to unemployed, 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 in which they reside after acquiring the right to such benefits.

Detailed provisions to be laid down regarding the application of the above-mentioned principles of reciprocal treatment shall be determined by a special agreement between the competent authorities of the two contracting countries.

#### *Article XXI.*

The Polish Government, which is responsible for the conduct of the 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 Convention of Paris,<sup>1</sup> 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 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 XXII.*

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 three months before the expiration of this annual period. In 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 Tallinn, in duplicate, on February the nineteenth, one thousand nine hundred and twenty-seven.

FR. AKEL.

F. CHARWAT.

<sup>1</sup> Vol. VI, page 189 ; and Vol. CVII, page 459, of this Series.



ANNEX.

NAME OF STATE.

Issuing office.

Identity card for commercial travellers  
(valid for twelve months including the day of issue).

Good for : Esthonia No. of identity card .....  
: Poland

It is hereby certified that the bearer of this card

M ..... born at .....  
living at ..... street ..... No.....  
is the owner of <sup>1</sup> .....  
trading under the name .....  
is a commercial traveller employed by ..... : the firm of .....  
at ..... : the firms of .....  
who : possesses <sup>1</sup> .....  
: possess .....  
trading under the name.....

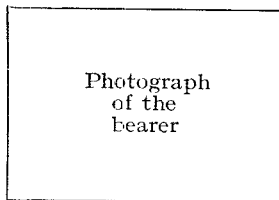
The bearer of this card intends to solicit orders in the above-mentioned countries and to make purchases for the firm(s) referred to. It is hereby certified that the said firm (s) is (are) authorised to carry on its (their) business and trade at (.....) and that it pays (they pay) the taxes, as provided by law, for that purpose.

..... 192...

Signature of the issuing office.

Description of the bearer :

Age .....  
Height .....  
Hair .....  
Special marks .....



Signature of the bearer.

<sup>1</sup> Name of the factory or business.

<sup>2</sup> N. B. The head of a commercial or industrial establishment must fill in only item 1 of the form and a commercial traveller only item 2.

(This document must be drawn up in duplicate.)

## FINAL PROTOCOL.

Before proceeding to sign the Treaty of Commerce and Navigation between Estonia and Poland, the undersigned Plenipotentiaries have agreed as follows :

## I. As regards Articles II and V.

It is agreed that the provisions of Article II, 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 V, 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 II 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.

## II. As regards Article VIII.

Should either of the High Contracting Parties have the intention of concluding with an adjacent State (apart from the cases provided for in Article VIII, paragraph 4), a commercial treaty or any other commercial arrangement, the benefits of which it does not find it possible to grant by virtue of the most-favoured-nation clause to the other Contracting Party, it shall be entitled to do so provided it informs the other Contracting Party of the fact and proposes that it should fore go its claim to the said benefits.

If the High Contracting Parties cannot reach an agreement on this question, the present Treaty shall be regarded as abrogated on the day when the treaty or arrangement concluded with the third State in question comes into force, of which fact the other Contracting Party shall be informed at least two months in advance.

## III. As regards Article XIII.

So long as the frontier between Poland and one of the adjacent countries, for any reason, remains closed to travellers or goods from Poland or from the adjacent country in question, the Polish Government shall not be considered as bound to grant to Estonia the facilities provided for by Article XIII on the frontier of the said country.

It shall be understood that the provisions of Article XX do not refer to the citizens and to the territory of the Free City of Danzig.

In faith whereof the Plenipotentiaries have signed the present Protocol.

Done at Tallinn in duplicate on February the nineteenth, one thousand nine hundred and twenty-seven.

FR. AKEL.

F. CHARWAT.

## EXCHANGE OF NOTES.

## I.

POLISH MINISTER.

No. 37.

YOUR EXCELLENCY,

TALLINN, *February* 19, 1927.

During the negotiations on the Estonian-Polish Commercial Treaty, it was suggested that the interests of Estonian exports might suffer on account of the import regulations at present in force in Poland.

Although the Polish Government cannot, for general reasons, abandon the principle of individual treatment of quotas, I am authorised by my Government to assure you, on the occasion of signing the Commercial Treaty, that Estonian requests regarding the importation into Poland of goods of Estonian origin will be treated with the greatest good-will. I am therefore convinced that no difficulty in principle is likely to arise in this matter.

I have the honour, etc.

His Excellency Dr. Frédéric Akel,  
Minister for Foreign Affairs,  
Tallinn.

F. CHARWAT.

## II.

MINISTER FOR FOREIGN  
AFFAIRS.

February 19, 1927.

SIR,

In acknowledging receipt of Your Excellency's note of to-day's date, in which, on the occasion of signing the Estonian-Polish Treaty of Commerce and Navigation, you were good enough to give me the assurance that Estonian requests regarding quotas for import into Poland of goods of Estonian origin will be treated by the Polish Government with the greatest good-will and that no difficulty in principle is likely to arise in this matter, I have the honour to inform you that the Estonian Government has taken note of this declaration.

I have the honour, etc.

His Excellency M. F. Charwat,  
Polish Minister,  
Tallinn.

F. AKEL.

## ADDITIONAL PROTOCOL<sup>1</sup>

TO THE TREATY OF COMMERCE AND NAVIGATION CONCLUDED BETWEEN ESTONIA AND POLAND  
AT TALLINN, FEBRUARY 19, 1927.

The undersigned Plenipotentiaries of the Head of the Republic of Estonia and the President of the Republic of Poland, with the intention of modifying certain provisions of the Treaty of Commerce and Navigation concluded between their two countries on February 19, 1927, have agreed on the following provisions :

### I.

The following text is substituted for Article VIII, paragraph 4 (*d*) of the Treaty :

(*d*) To the benefit of any Customs preference or facilities of any kind which Estonia has granted or may hereafter grant to Latvia, Finland, Lithuania and the Union of Soviet Socialist Republics.

<sup>1</sup> The exchange of ratifications took place at Warsaw, March 25, 1931.

Nevertheless, if the advantages covered by this reservation are for any reason granted by Estonia to a third State, Poland will automatically benefit by these advantages.

Paragraph (e) of the same paragraph and the provisions of the Final Protocol ad Article VIII are omitted.

## II.

Article IX, paragraph 2, is supplemented by the following provisions :

If either Contracting Party subjects such legalisation to a charge or tax of any kind, the other Party shall be entitled to do likewise in order to re-establish reciprocity, it being understood that the certificates of origin issued by the Customs authorities shall be dispensed from the consular visa as from April 1st, 1930.

## III.

Two new Articles, IX (a) and IX (b), shall be inserted between Articles IX and X.

IX (a). The products of the soil and of industry of the High Contracting Parties imported through the territory of a third country shall enjoy the same Customs treatment as the products of the most favoured nation imported under the same conditions.

IX (b). In respect of Customs formalities, the High Contracting Parties grant each other most-favoured-nation treatment.

## IV.

The text of Article XII is replaced by the following new wording :

(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 or industry in that country and pay therein the taxes provided by law for that purpose shall be entitled to effect purchases in the territory of the other Contracting 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. Merchants, manufacturers, industrialists and their travellers, when thus making purchases and soliciting orders shall enjoy in this respect most-favoured-nation treatment.

(2) The form of identity cards shall be established 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) If either of the High Contracting Parties introduces in its territory special taxes on the exercise of the trade of commercial traveller, the other Contracting Party may apply the principle of reciprocity in this respect.

(5) 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.

In faith whereof the undersigned Plenipotentiaries have drawn up and signed the present Protocol, which is subject to ratification and will come into force thirty days after the exchange of the instruments of ratification.

Done at Tallinn, July 5, 1929.

J. LATTIK.

Konrad LIBICKI.