

N° 2740.

SUÈDE ET TURQUIE

Traité de commerce et de navigation, avec protocole de signature.
Signés à Ankara, le 29 septembre
1929.

SWEDEN AND TURKEY

Treaty of Commerce and Navigation, with Protocol of Signature.
Signed at Ankara, September 29,
1929.

¹TRADUCTION — TRANSLATION.

No. 2740. — TREATY ² OF COMMERCE AND NAVIGATION BETWEEN SWEDEN AND TURKEY. SIGNED AT ANKARA, SEPTEMBER 29, 1929.

French official text communicated by the Swedish Minister for Foreign Affairs. The registration of this Treaty took place June 28, 1931.

SWEDEN, of the one part, and TURKEY, of the other part, being desirous of strengthening the ties of friendship which fortunately exist between the two countries, of regulating the conditions concerning the establishment of their nationals in the two countries and of developing their economic relations, have resolved to conclude a Treaty for this purpose and have appointed as their Plenipotentiaries :

HIS MAJESTY THE KING OF SWEDEN :

His Excellency M. G. O. WALLENBERG, Envoy Extraordinary and Minister Plenipotentiary of Sweden in Turkey, and

HIS EXCELLENCY THE PRESIDENT OF THE TURKISH REPUBLIC :

His Excellency ZEKÂI Bey, Former Minister, Ambassador of Turkey and Member of Parliament for Diarbekir ;

His Excellency Menemenli NUMAN Rifat 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 :

CHAPTER I.

ESTABLISHMENT.

Article I.

The nationals of either High Contracting Party shall have the right to establish themselves and to stay, to come and to go and to move about freely in the territory of the other Party and to leave the said territory, subject to compliance with the laws and regulations which are in force in that territory.

With regard to any charges or taxes payable in respect of residence or establishment, the nationals of the two Parties shall enjoy most-favoured-nation treatment.

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 Stockholm, May 29, 1931.

It is, however, agreed that these provisions shall in no way restrict the right of each of the High Contracting Parties in individual cases, either as a result of a judicial decision or for reasons relating to the internal or external security of the State or to public policy, and particularly for reasons connected with public relief, sanitary regulations or morality, to refuse nationals of the other Party permission to reside in the country.

Each of the Contracting Parties shall retain complete freedom of action as regards immigration.

Article 2.

Subject to compliance with the laws and regulations of the country in question, the nationals of either Contracting Party shall have the right to acquire, possess and alienate any kind of movable and immovable property in the territory of the other Party, except in the cases provided for in their respective laws, under the same conditions as nationals of the most favoured nation. They may, under the same conditions, dispose freely thereof by sale, gift, transfer, marriage settlement, testament, succession *ab intestato*, or in any other way.

In none of the above-mentioned cases shall they be subject to any taxes, charges or imposts of any description whatever, other or higher than those which are or may in future be imposed on nationals of the country.

Article 3.

Nationals of either High Contracting Party shall have the right, in the territory of the other Party and under the same conditions as nationals of the most favoured nation, provided they observe the laws and regulations of the country, to engage in any kind of industry or commerce, and to follow any trade or profession the pursuit of which is not now or in the future reserved for nationals of the country.

Article 4.

Nationals of either Contracting Party shall not be liable in the territory of the other Party in respect of their persons, property, rights and interests, and in respect of the exercise of any kind of commerce, industry, trade or profession, to any charge, tax or impost, direct or indirect, other or higher than those levied on nationals of the country.

They shall in particular have the right freely to export the property which they have acquired by their activities, by inheritance or by testament or in any other lawful way.

Article 5.

Nationals of either High Contracting Party shall not be liable to any military service in the territory of the other, either in the army, navy or air force, or in the national guard or militia, or any obligation or payment in lieu of military service.

They shall only be liable to other military contributions and requisitions to the same extent and under the same conditions as nationals of the country.

Article 6.

Nationals of either High Contracting Party may not be expropriated in the territory of the other Party except on grounds of public utility recognised by law and on payment of fair compensation.

No expropriation may take place without public notification being made beforehand and until compensation has been paid or security given for payment.

Article 7.

Nationals of either High Contracting Party shall, in all matters connected with the legal and judicial protection of their person and property, enjoy in the territory of the other the same treatment as nationals of the country. Consequently, they shall have free and unhindered access to the courts and may sue or be sued under the same conditions as nationals of the country. An exception shall be made to the above clauses in respect of provisions concerning security for costs and free legal aid, which questions shall be settled later by a special agreement to be concluded between the two Parties.

Article 8.

Joint stock companies and other economic companies, including industrial, financial, communications, transport and insurance companies, which have been legally constituted and have their seat in the territory of one of the High Contracting Parties, shall be recognised in the territory of the other Party and shall therefore be entitled to bring or defend actions before the courts of that country. With regard to the right of carrying on their activities in the territory of the other Contracting Party, they shall enjoy all rights and privileges which are or may in future be granted to similar companies of the nation most favoured in that respect. The said companies shall not be liable to any imposts, taxes or charges higher than similar companies of the most favoured nation.

In all other respects, most-favoured-nation treatment shall be granted to the companies referred to in this Article.

Article 9.

It is agreed that neither High Contracting Party may appeal to the benefits resulting from the most-favoured-nation clause as stipulated in the present chapter for the purpose of claiming for its nationals or companies any rights other or more extensive than those which it grants itself to the nationals and companies of the other Contracting Party.

CHAPTER II.

COMMERCE AND NAVIGATION.

Article 10.

Products of the soil and industry originating in one of the two countries shall in no case, when imported into the other country, receive less favourable treatment as regards Customs duties and co-efficients or extra charges in any respect whatever than that which is granted or may in future be granted to similar products of any third country.

Article 11.

Products exported from the territory of one of the High Contracting Parties and consigned to the territory of the other shall not be liable to duties or charges other or higher than those that are or may in future be applied to similar products exported to the territory of the most favoured nation.

Treatment on a footing of equality with a third country shall also extend to the manner in which import and export duties are levied, to the warehousing of goods in bond, to Customs charges and formalities, and to the treatment and handling in the Customs of goods imported, exported or passing through the country in transit.

Article 12.

All products of the soil and industry originating in the territory of either High Contracting Party shall enjoy in the territory of the other Party as regards internal duties of any kind the same treatment as that which has been or may in future be granted to similar products of a third country.

Article 13.

In order to determine the country of origin of imported goods, either High Contracting Party may require the production of a certificate of origin attesting that the said goods are products of the soil or industry of the said country, or that they must be regarded as such in view of the labour expended on them in that country.

Certificates of origin shall be issued either by the Departments of Commerce or Agriculture, or by the competent Customs authorities or Chamber of Commerce, or by any other authority or association approved by the country of destination. The Government of the country of destination shall have the right to require that certificates of origin shall be legalised by its diplomatic or consular representative.

The authorities of the country of destination may require that certificates of origin be translated into French.

Certificates of origin will not be required in the case of postal packets unless the country of destination is of opinion that the consignments are of a commercial character.

Article 14.

Neither High Contracting Party shall maintain or establish any import or export prohibition or restriction on any goods whatsoever originating in the territory of the other Party or intended to be exported thither unless the said prohibition or restriction applies, under the same conditions, to like goods, if any such exist, coming from any other country or intended to be exported to any other country. Nevertheless, prohibitions or restrictions which are or may in future be established for reasons of public security, for the safety of the State or for public health, or as a measure of prophylaxis against epizooties or diseases or the degeneration or disappearance of useful plants, or in respect of goods which are the subject of a State monopoly, shall not be regarded as contrary to the provisions of this Article.

Article 15.

The two High Contracting Parties guarantee each other most-favoured-nation treatment in all matters concerning the transit through their territories of persons, baggage, goods of every kind, consignments, vessels, vehicles and railway rolling stock or other means of transport.

Article 16.

The two High Contracting Parties guarantee each other most-favoured-nation treatment with regard to the transport by rail of persons, baggage and goods in respect of forwarding, transport rates and public taxes on transport.

Article 17.

Commercial travellers of either High Contracting Party shall enjoy in the territory of the other Party in all matters connected with their activities, and particularly in respect of Customs facilities granted for samples, the same treatment as commercial travellers of the most favoured nation.

Article 18.

Swedish ships and boats and their cargoes shall enjoy in Turkey, and Turkish ships and boats and their cargoes shall enjoy in Sweden, the same treatment as national ships and boats and their cargoes, regardless of the place of departure and the destination of the said ships or boats and also regardless of the origin and destination of their cargoes.

The provisions of the present Article shall not apply :

(1) To the coasting trade, which shall continue to be governed by the laws which are or may in future be in force in the territories of either High Contracting Party ;

(2) To assistance in the form of subsidies which are now or which may in future be granted to the national merchant marine, or to the privileges granted by the State to its own vessels under Government management or in which the Government has a share, or to privileges granted to yacht clubs ;

(3) To fishing in the territorial waters of the High Contracting Parties, or to special privileges which have been or may in future be granted in either country to the products of the national fisheries ;

(4) To the exercise of the maritime service of ports, roadsteads and beaches, or to the exercise of pilotage and towage, assistance and salvage at sea, in so far as such operations are carried out in the territorial waters of the two countries, and in the case of Turkey in the Sea of Marmora.

Article 19.

The nationality of ships and boats shall be recognised by both Parties in accordance with the documents and certificates issued for the purpose by the competent authorities of the respective States, in conformity with the laws and regulations of each country.

Tonnage measurement certificates and other tonnage measurement documents issued by either High Contracting Party shall be recognised by the other Party in conformity with any special agreements which have been or may in future be concluded between the two Parties.

Article 20.

Ships and boats flying the flag of either High Contracting Party and entering a port of the other Party with the sole object of completing their cargo for a foreign destination or of unloading a portion thereof which has been brought from a foreign country, shall be entitled, provided that they observe the laws and regulations of the State concerned, to retain on board the portion of their cargo which is consigned to another port or to another country, and to reexport the same without being liable to pay any duties or charges thereon, except supervision fees. The latter may, moreover, only be levied at the lowest rate fixed for national shipping.

Article 21.

If a ship or boat of either High Contracting Party is stranded or wrecked on the coast of the other, the ship or boat and its cargo shall be granted the same privileges and immunities as are

granted by the laws and regulations of the country concerned in similar circumstances to national ships and boats. Assistance and relief shall be given to the master and the crew, both as regards themselves and the ship or boat and its cargo, to the same extent as to nationals.

As regards salvage charges the law of the country in which salvage takes place shall apply.

The two High Contracting Parties further agree that goods salvaged from a vessel which has been stranded or wrecked shall not be subject to any Customs duties unless they are imported into the country for consumption therein.

Article 22.

In so far as the provisions of the present Treaty deal with the mutual guarantee of most-favoured-nation treatment they shall not apply :

(a) To special privileges which have been or may in future be granted by either High Contracting Party to neighbouring States with a view to facilitating frontier traffic in an area which may not as a general rule extend to more than 15 kilometres, on each side of the frontier ;

(b) To obligations which have been or may in future be entered into by either High Contracting Party with a view to a Customs union ;

(c) To special privileges which Sweden has granted or may in future grant to Denmark or Norway or to both of those countries, so long as the said privileges have not been granted to any other State ;

(d) To the special advantages or benefits which at present exist or may subsequently be established in the matter of Customs tariffs and, generally, in any other commercial matter between Turkey and the countries which were detached from the Ottoman Empire in 1923, so long as the same advantages or benefits are not granted to any other State.

Article 23.

The present Treaty shall be ratified by both Parties after being approved by the Legislative Assemblies of the two countries, and the exchange of ratifications shall take place at Stockholm as soon as possible.

The present Treaty shall come into force thirty days after the exchange of ratifications and shall remain in force for two years. After that date it shall remain in force so long as it has not been denounced by either High Contracting Party, such denunciation to take effect only on the expiry of a period of six months.

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

Done in duplicate at Ankara, September 29, 1929.

(Signed) G. O. WALLENBERG.

(Signed) ZEKÂI.

(Signed) M. NUMAN.

PROTOCOL OF SIGNATURE.

On proceeding to sign the present Treaty the two High Contracting Parties agreed on the following conditions :

Ad Article 3.

The Swedish Plenipotentiary declares, on behalf of his Government, that the advantages of the most-favoured-nation clause, as this is defined in Article 3 of the present Treaty, may not be invoked on behalf of Swedish nationals as regards the respect for acquired rights recognised by Turkey in virtue of Article 4 of the Convention¹ concerning Conditions of Residence and Business concluded at Lausanne on July 24, 1923, in favour of the nationals of the States which have signed that Convention.

Ad Article 4.

The two High Contracting Parties agree that the granting of national treatment in respect of taxation does not preclude the possibility of applying to Turkish nationals the Swedish Ordinances of October 23, 1908 concerning the duties to be paid in respect of special privileges and rights, and of December 31, 1913 with regard to the right of foreign nationals and Swedish nationals domiciled abroad to give public performances, etc., in Sweden, or to assist in such performances.

Turkish nationals shall, however, be entitled to the same treatment as nationals of the most favoured nation so far as concerns the application of the above ordinances.

Ad Article 10.

Subject to the provisions of Article 10, the Turkish Government undertakes to grant a reduction of 20 % on No. 447 (a) of its Customs tariff of June 8, 1929, in respect of footwear entirely made of rubber or with the vamp wholly or partly made waterproof by means of rubber, imported from Sweden into Turkish territory, and on its side the Swedish Government, subject to the same reservation, undertakes to continue to grant the reduced Customs duty of 6 kr. per kilogramme in respect of knotted carpets with more than 250 knots per lineal metre (No. 395 of the Swedish tariff) imported from Turkey into Swedish territory.

Nevertheless, it is understood that each of the two High Contracting Parties shall have the right to recover its freedom of action on giving three months' notice.

The present Protocol shall form an integral part of the present Treaty and shall take effect as soon as the Treaty has come into force.

(Signed) G. O. WALLENBERG.

(Signed) ZEKÂI.

(Signed) M. NUMAN.

¹ Vol. XXVIII, page 151, of this Series.