

N° 2662.

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**DANEMARK ET LITHUANIE**

Traité de commerce et de navigation, avec protocole final. Signés à Kaunas, le 21 juin 1930.

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**DENMARK AND LITHUANIA**

Treaty of Commerce and Navigation, with Final Protocol. Signed at Kaunas, June 21, 1930.

<sup>1</sup> TRADUCTION. — TRANSLATION.No. 2662. — TREATY<sup>2</sup> OF COMMERCE AND NAVIGATION BETWEEN DENMARK AND LITHUANIA. SIGNED AT KAUNAS, JUNE 21, 1930.

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*French official text communicated by the Permanent Delegate of Denmark accredited to the League of Nations and the Lithuanian Minister for Foreign Affairs. The registration of this Treaty took place April 3, 1931.*

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HIS MAJESTY THE KING OF DENMARK AND ICELAND and HIS EXCELLENCY THE PRESIDENT OF THE REPUBLIC OF LITHUANIA, being equally desirous of strengthening the ties of friendship and of consolidating and extending the economic relations between the two countries, have resolved to conclude a Treaty of Commerce and Navigation and have appointed as their Plenipotentiaries:

HIS MAJESTY THE KING OF DENMARK AND ICELAND :

M. Erik Andreas Mathias BIERING, Consul-General, His Chargé d'Affaires at Kaunas ;

HIS EXCELLENCY THE PRESIDENT OF THE REPUBLIC OF LITHUANIA :

Dr. Dovas ZAUNIUS, Minister for Foreign Affairs of the Republic of Lithuania ;

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

*Article I.*

Unless otherwise provided in the following Articles, the High Contracting Parties undertake to grant each other, as regards their commerce, industry, professions, agriculture, navigation and all economic activities in general, treatment at least as favourable as that which is or may in future be granted to the most favoured nation.

*Article II.*

Natural or manufactured products originating in and coming from Denmark and natural or manufactured products originating in and coming from Lithuania shall, on their importation into the territory of the other Party, enjoy in all matters relating to Customs duties, the application of coefficients of increase and all other duties which, in addition to import duties, may be levied on the importation of products, treatment at least as favourable as that which is or may in future be granted to the products of the most favoured nation. The said treatment shall also extend to the Customs régime, to all Customs formalities, to the refunding of duties paid, to warehousing and to certificates of origin.

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<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 Kaunas, March 19, 1931. Came into force April 3, 1931.

Certificates of origin shall be issued by the authorities and organs empowered to do so by the Contracting Parties in their own territory. The Contracting Parties shall communicate to each other the lists of authorities and organs thus empowered.

*Article III.*

Products originating in and coming from any other country which pass in transit through the territory of either Party, whether or not they are warehoused in free ports, free warehouses, transit warehouses or other Customs warehouses, shall, on their importation into the territory of the other Party, enjoy as regards import duties and all other duties and in every other respect treatment at least as favourable as that which may be granted to products imported direct from the country of origin.

The provisions of the last paragraph of Article II shall also include the issue of certificates of origin for goods in transit.

*Article IV.*

Products exported from Denmark to Lithuania or products exported from Lithuania to Denmark shall, in all matters relating to export duties, the application of coefficients of increase and all other duties which, in addition to export duties, may be levied on the exportation of products of the two countries, enjoy treatment at least as favourable as that which is or may in future be granted to products exported to the most favoured nation.

*Article V.*

As regards transit, the two Contracting Parties undertake to grant each other most-favoured-nation treatment.

The transit of goods, may, however, be prohibited :

- (a) For reasons of public safety and the security of the State ;
- (b) For reasons of health or as a precaution against diseases of animals and plants.

Goods in transit through either country, coming from or consigned to the other, shall not be liable to any duty other than charges intended exclusively to cover the costs of supervision and administration involved by such transit, without prejudice, however, to fiscal charges on any transactions relating to these goods during their warehousing or transport.

*Article VI.*

Passengers, baggage and goods conveyed from the territory of either Contracting Party and consigned to the territory of the other Contracting Party or forwarded through that territory to a third State shall, as regards this transport, enjoy the same treatment as national passengers, baggage and products or those of the most favoured nation. Goods despatched from a third State and forwarded through the territory of either Contracting Party to the territory of the other Contracting Party shall be treated in a like manner.

Goods intended to be exported from either country to the other shall likewise enjoy, as regards transport in the territory of the first country, the same treatment as goods for export to the most favoured nation.

*Article VII.*

In all matters relating to duties on consumption, production and sale, to monopoly duties and all other internal duties, products originating in and coming from the territory of either Contracting Party shall enjoy in the territory of the other the same treatment as that which is or may in future be granted to products of the most favoured nation.

*Article VIII.*

As regards the imposition of import or export prohibitions or restrictions, the two Contracting Parties undertake to grant each other the same treatment as is or may in future be granted to products imported from or exported to any third country.

Any removal or relaxation of an import or export prohibition or restriction, granted even temporarily by either Contracting Party to the products of a third Power, shall immediately and unconditionally apply to identical or similar products coming from or consigned to the territory of the other country.

The provisions of this Article shall not apply to :

- (a) Prohibitions or restrictions relating to public safety ;
- (b) Prohibitions or restrictions designed to protect public health or for the protection of animals or plants against diseases, insects and harmful parasites ;
- (c) Prohibitions or restrictions concerning the traffic in arms, ammunition and war materials, or in exceptional circumstances, all other military supplies.

*Article IX.*

If either Contracting Party should subject the importation or exportation of certain products to special conditions affecting price, sale or purchase sanctioned by the Government or by organs empowered by it, the conditions applicable to the other Party shall be the most favourable that are or may in future be applied to the products or the nationals of any third State.

*Article X.*

The nationality of vessels shall be reciprocally recognised in accordance with the papers and certificates on board issued for this purpose by the competent authorities of either country in conformity with the legal provisions in force which authorise the vessels to fly the flag of the country in question.

The reciprocal recognition of tonnage measurement certificates and certificates of seaworthiness issued by the competent authorities shall be governed by a special convention.

*Article XI.*

Vessels in ballast or with cargo belonging to one of the Contracting Parties, which enter or leave the ports of the other Party, shall be treated in the territory of that Party, whatsoever may be the place from which they come or to which they are proceeding, on the same footing in every respect as national vessels or those of the most favoured nation. On entry, during their stay and on departure, they shall not pay any light, tonnage, pilotage, port, towage or quarantine dues or other charges levied on the hull of the vessel, howsoever they may be entitled, which are collected on behalf of the State, communes corporations or public officials, other or higher than those which are or may hereafter be levied on national vessels or the vessels of the most favoured nation.

As regards the berthing of vessels, their loading and unloading in ports, roads, harbours and docks, and generally in regard to all formalities and regulations whatever to which merchant vessels, their crews and their cargoes may be liable, it is agreed that no privilege or favour shall be granted to the vessels of either of the Contracting Parties or to the vessels of any other country which shall not be similarly granted to the vessels of the other Party, it being the desire of both Parties that in this respect also their vessels shall be treated on a footing of perfect equality.

*Article XII.*

The provisions of the present Treaty shall not authorise either Contracting Party to engage in the maritime coasting trade in the other country, or to require favours which are or may in future be granted to the national fishing industry.

*Article XIII.*

The vessels of each of the Contracting Parties entering one of the ports of the other Party and only desiring to unload a portion of their cargo therein may, subject to compliance with the laws and regulations of the country concerned, retain on board that portion of the cargo which is destined for another port, either in the same or another country, and re-export it without being required to pay on the said portion of their cargo any duty except supervision charges, which may only be levied at the rates fixed for national vessels or vessels of the most favoured nation. On continuing their voyage to the other port or ports of destination, the said vessels may, subject to compliance with the laws and regulations of the country, unload therein the remainder of their cargo. Similarly, and subject to the same restrictions, any vessel of either Contracting Party may, when bound for abroad, load in the various ports of the other.

*Article XIV.*

Should a vessel of either Contracting Party be stranded on the coasts of the other the vessel, cargo and crew shall enjoy in every respect the same treatment as that accorded by the legislation of the respective countries in these circumstances to their own vessels or to the vessels of the most favoured nation.

The nearest consular official of the country to which the vessel belongs shall be informed as soon as possible, so that he may arrange for means to be placed at the disposal of the captain with a view to refloating the vessel under the supervision and with the assistance of the local authorities and for him to supervise the operation.

The local authorities shall in any case assist the consular official in the discharge of his duties with a view to safeguarding all interests concerned in the salvage of the vessel and cargo.

In the event of shipwreck or the abandonment of the vessel, the authorities shall consult the consular official as to the measures to be taken with a view to safeguarding all interests concerned in the salvage of the vessel and cargo until such time as the owners or their authorised agents appear.

Such goods as are salvaged shall not be liable to any Customs duties unless they are admitted for consumption within the country. Victuals which are not sold and which are used for the crew shall, however, be exempted from duty. In so far as duties and expenses in connection with the salvage and preservation of the vessel and cargo are concerned, a stranded vessel shall be treated like a national vessel in similar circumstances.

*Article XV.*

All products which may now or hereafter be legally imported into the ports of one of the Contracting Parties in ships belonging to that Party or to the most favoured nation may likewise

be imported into these ports in ships belonging to the other Contracting Party without being liable to the payment of import duties or taxes or imposts of any kind whatsoever other or higher than those which would be payable of the products in question had been imported in national vessels or in vessels of the most favoured nation. This reciprocal equality shall be recognised whether the products in question come direct from the country of origin or from any other place abroad.

All products which may now or hereafter be legally exported from the ports of one of the High Contracting Parties in vessels belonging to the most favoured nation may likewise be exported from those ports in vessels belonging to the other Contracting Party without being liable to the payment of export duties of any kind whatsoever other or higher than those which would be payable if the products in question had been exported in vessels of the most favoured nation. In the case of any product whatsoever which may now or hereafter be legally exported in a vessel belonging to the other Party the same bounties and allowances shall be granted as if that product was exported in a vessel belonging to the most favoured nation.

#### *Article XVI.*

Emigration undertakings authorised in either country shall, in the territory of the other country, enjoy in all respects the same rights, privileges, immunities and exemptions as similar undertakings of the most favoured country.

#### *Article XVII.*

The nationals of either Contracting Party shall, in conformity with the laws in force, have free access to the territory of the other Party and free and unhindered access to the courts of law therein.

They may, under the conditions laid down by the laws of the other country, establish themselves therein and carry on their commerce, industry, profession or agriculture there. They shall in this respect enjoy treatment as favourable as that which is granted to nationals of the most favoured nation and may acquire movable and immovable property therein devolving on them by inheritance, by gift, by testamentary disposition, by purchase, by exchange or in any other legal manner and they may possess and dispose of such property on the same conditions as nationals of the most favoured nation.

Neither Contracting Party may require from nationals of the other Party dues, taxes or contributions of any nature whatsoever other or higher than those collected from nationals of the country or the subjects of the most favoured nation.

#### *Article XVIII.*

Commercial, industrial, financial and insurance companies, and in general all companies of an economic character, which are constituted in the territory of either Contracting Party in accordance with its laws and which have their domicile therein, may, provided they comply with the laws and regulations of the other Party, maintain all their rights and appear in the courts either as plaintiffs or defendants in the territory of the other Party.

The said companies may, provided they comply with the laws of the other Party and obtain the necessary authority in cases where such authority is required by the said laws, establish themselves in the latter country, set up branches and agencies and carry on their activities therein.

The said companies when once admitted shall, as regards the exercise of their activities and the right to acquire, possess or lease movable and immovable property, enjoy treatment as favourable as that which is or may hereafter be granted to companies of the most favoured nation.

Neither their activities nor their property shall be subject to taxes, dues or contributions of any nature whatsoever, other or higher than those which are now or may hereafter be imposed on companies of the most favoured nation.

As regards taxes on capital, income or profits, each of the High Contracting Parties shall only tax companies of the other, according to the nature of the taxes, in respect of such part of their assets as they have invested in its territory, the property which they possess, the profits which they make or the business which they transact therein.

*Article XIX.*

Nationals of either Contracting Party established in the territory of the other Party or residing temporarily therein, shall be reciprocally exempted from all compulsory official duties, whether administrative or judicial, except in cases of guardianship. They shall likewise be exempted in time of peace and in time of war from all military service on land, sea or in the air, whether in the armed forces of the State or in other military institutions or institutions organised on a military basis for the defence of the State or the maintenance of security and order within the country, and also from all other personal duties of a military nature and from the payment of all taxes or charges whether in money or in kind, in lieu thereof.

Nationals of either Contracting Party established in the territory of the other Party or residing temporarily therein and companies of either Contracting Party established in the territory of the other shall be exempted therein from payment of forced national loans and gifts and from any extraordinary contribution of whatsoever nature levied in time of war or in exceptional circumstances.

They shall be exempt in time of peace and in time of war from military requisitions and compulsory charges unless they are liable to those obligations as the owners or possessors of immovable property. In that case, they shall be treated, both as regards the amount of the charges and the principles governing the imposition thereof, as favourably as the nationals and companies of the country, or the nationals and companies of the most favoured nation.

*Article XX.*

Merchants, manufacturers and other persons engaged in industry of either country who prove by the production of identity cards issued by the authorities of their country that they are authorised therein to carry on their trade or industry, and that they pay therein all taxes and charges provided by law, shall, subject to compliance with the regulations in force in the two countries, be entitled, either personally or through commercial travellers employed by them, to effect purchases in the territory of the other Contracting Party from merchants or producers or in places of public sale, and may, even when carrying samples with them, solicit orders from merchants or other persons who in their trade and industry use goods corresponding to those samples.

Merchants, manufacturers and other persons engaged in industry or commercial travellers established in Denmark and travelling in Lithuania for account of a Danish firm, and similarly, merchants, manufacturers or other persons engaged in industry or commercial travellers established in Lithuania and travelling in Denmark for account of a Lithuanian firm, shall be treated, as regards payment of income-tax, in the same manner as merchants, manufacturers and other persons engaged in industry or commercial travellers belonging to the most favoured nation.

Persons engaged in industry (commercial travellers) who are furnished with identity cards may carry with them samples but no goods.

Identity cards shall be issued in accordance with the annexed model.

The Contracting Parties shall inform each other of the authorities appointed to issue identity cards and of the provisions with which travellers must comply in carrying on their trade.

Articles liable to Customs duty imported as samples by the said travellers shall be admitted by both Parties free of import and export duties, provided that these articles are not sold and are re-exported within six months, and that there is no doubt as to the identity of the articles imported.

The re-exportation of the samples must be guaranteed in both countries on their entry by deposit of the amount of the proper Customs duties or in some other manner recognised by the competent authority.

As regards any formalities whatsoever to which persons engaged in industry (commercial travellers) are subject in the territories of the Contracting Parties and in all other respects, the two countries guarantee each other treatment not less favourable than that which would be accorded to the most favoured nation.

*Article XXI.*

The Contracting Parties shall reciprocally grant each other the right to appoint consular representatives in the ports and towns of the other Party. Before a consular official may exercise his functions, he must, in accordance with the customary formalities, be recognised by the Government in whose territory he will reside.

Consular officials of either Contracting Party shall enjoy, in the territory of the other Party, the same rights, exemptions and privileges as are granted to consular officials of the same rank belonging to the most favoured nation.

*Article XXII.*

As regards the settlement of questions relating to arbitration clauses in commercial contracts, the two Contracting Parties undertake to apply the provisions of the Protocol on Arbitration Clauses<sup>1</sup> concluded at Geneva on September 24, 1923.

*Article XXIII.*

The provisions of the present Treaty shall not apply to the privileges which have been or may hereafter be granted by either Contracting Party in the frontier traffic with neighbouring countries.

Lithuania shall not make use of the provisions of the present Treaty to support a claim to the advantages which Denmark has granted or may in future grant to Norway or Sweden, or to both these countries, so long as the said advantages are not granted to States other than those named.

The provisions of the present Treaty shall not apply to Greenland, where commerce and navigation are reserved for the Danish State.

The granting of the most-favoured-nation clause shall not authorise Denmark to claim the benefit of advantages which have been or may hereafter be granted by Lithuania to Estonia or Latvia.

*Article XXIV.*

Any dispute between the Contracting Parties as to the contents, interpretation or application of the present Treaty, which it has not been possible to settle through the diplomatic channel, shall, at the request of either Party be submitted to the Permanent Court of International Justice at The Hague, which shall settle it according to the summary procedure mentioned in Article 29 of the Statute<sup>2</sup> of the Court, unless the High Contracting Parties agree that the ordinary procedure shall apply.

<sup>1</sup> Vol. XXVII, page 157; Vol. XXXI, page 261; Vol. XXXV, page 315; Vol. XXXIX, page 190; Vol. XLV, page 116; Vol. L, page 161; Vol. LIX, page 355; Vol. LXIX, page 79; Vol. LXXII, page 452; Vol. LXXXIII, page 393; Vol. LXXXVIII, page 312; Vol. XCVI, page 190; Vol. C, page 211; Vol. CIV, page 499; Vol. CVII, page 470; and Vol. CXI, page 403, of this Series.

<sup>2</sup> Vol. VI, page 379; Vol. XI, page 405; Vol. XV, page 305; Vol. XXIV, page 153; Vol. XXVII, page 417; Vol. XXXIX, page 165; Vol. XLV, page 96; Vol. L, page 159; Vol. LIV, page 387; Vol. LXIX, page 70; Vol. LXXII, page 452; Vol. LXXXVIII, page 435; Vol. LXXXVIII, page 272; Vol. XCII, page 362; Vol. XCVI, page 180; Vol. C, page 153; Vol. CIV, page 492; Vol. CVII, page 461; and Vol. CXI, page 402, of this Series.



*Article XXV.*

The present Treaty shall be ratified and the ratifications thereof shall be exchanged at Kaunas as soon as possible.

It shall come into force on the fifteenth day after the exchange of ratifications and shall remain in force for six months after denunciation by either Contracting Party.

In faith whereof the Plenipotentiaries, duly authorised for this purpose, have signed the present Treaty and have thereto affixed their seals.

Done at Kaunas, in duplicate, on the twenty-first day of June, one thousand nine hundred and thirty.

(L. S.) (*Signed*) E. A. BIERING.

(L. S.) (*Signed*) ZAUNIUS.

## FINAL PROTOCOL.

On proceeding to sign the present Treaty, concluded on to-day's date, the undersigned Plenipotentiaries have agreed as follows :

In view of the relations which, according to the terms of the Law of Union of November 30, 1918, exist between Denmark and Iceland, it is understood that the provisions of the above-mentioned Treaty may not be used by Lithuania to support a claim to the special advantages which Denmark has accorded or may hereafter accord to Iceland.

Notwithstanding the provisions of the third paragraph of Article XXIII of the present Treaty, the most-favoured-nation treatment stipulated in Article II shall apply to products originating in Greenland on their importation into Lithuania, and also to products originating in Lithuania on their importation into Greenland.

In faith whereof the Plenipotentiaries duly authorised for this purpose have signed the present Protocol.

Done at Kaunas, in duplicate, on the twenty-first day of June, one thousand nine hundred and thirty.

(*Signed*) E. A. BIERING.

(*Signed*) ZAUNIUS.

(Name of State)  
(Issuing authority).

IDENTITY CARD FOR COMMERCIAL TRAVELLERS

valid for twelve months from the date of issue.

Valid for..... Number of card .....

It is hereby certified that the holder of this card,

M ..... born at .....

resident in ..... street ..... Number .....

owns <sup>1</sup> .....

at .....

under the trade name of .....

(or) is a commercial traveller in the service of the firm(s) .....

at .....

who own(s) <sup>1</sup> .....

under the trade name of .....

Whereas the holder of this card intends to solicit orders in the above-named countries and to make purchases for the firm(s) in question, it is certified that the said firm(s) is (are) authorised to carry on its (their) trade and commerce at ..... and pays (pay) there the charges imposed by law on this account.

..... 19.....

Signature of the head of the firm(s).

.....

Description of holder :

Age .....

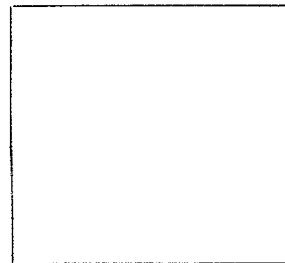
Height .....

Hair .....

Distinctive marks .....

Signature of the holder :

.....



<sup>1</sup> Description of factory or business.

N.B. — Only Section I of this form should be completed in the case of the head of a commercial or industrial undertaking.