

N° 2977.

NORVÈGE ET PORTUGAL

Convention de commerce et de navigation, avec protocole additionnel.
Signés à Lisbonne, le 13 novembre 1931.

NORWAY AND PORTUGAL

Convention of Commerce and Navigation, with Additional Protocol.
Signed at Lisbon, November 13, 1931.

¹ TRADUCTION. — TRANSLATION.

No. 2977. — CONVENTION² OF COMMERCE AND NAVIGATION
BETWEEN NORWAY AND PORTUGAL. SIGNED AT LISBON,
NOVEMBER 13, 1931.

French official text communicated by the Head of the Portuguese Office accredited to the League of Nations and by the Norwegian Minister for Foreign Affairs. The registration of this Convention took place June 15, 1932.

Article 1.

The Portuguese Government shall apply most-favoured-nation treatment to Norwegian goods in general when imported into Portugal, her adjacent islands and her colonies.

The Norwegian Government shall apply most-favoured-nation treatment to goods originating in and coming from Portugal, her adjacent islands and her colonies.

Article 2.

The Norwegian Government undertakes, for the duration of the present Convention to allow the free import, transport and sale within the country, of all Portuguese wines of a strength of 21° or less in casks or bottles, without limit of the consumption, provided they are pure wines solely derived from fermentation and juice of fresh grapes without any addition of spirits, other than what is absolutely necessary to define their type.

Commercial travellers or traders travelling in Norway on behalf of a Portuguese firm shall be allowed to obtain orders, with or without the use of samples, from any persons or institutions engaged in the wine trade, whether wholesale or retail, but not to bring consignments with them for sale.

The Norwegian Government undertakes to grant Portuguese wines of a strength of 21° or less a treatment as favourable in all respects as that which may be hereafter granted in respect of the import of products of the same alcoholic content coming from any other country and, so far as concerns transport, sale and consumption, the most favourable treatment now or hereafter granted either to products of the same alcoholic content coming from countries other than Portugal, or to beverages produced in the country and having the same alcoholic content as Portuguese wines.

Nevertheless, the national treatment thus provided in respect of Portuguese wines shall not imply a complete assimilation of the system in regard to the sale and consumption of wines to that prevailing in the case of fruit beverages of the same alcoholic content as wines, provided always

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 ratification by Norway was notified to Lisbon on May 16, 1932.

Came into force June 15, 1932.

that wines shall not be subject to less favourable treatment than fruit beverages in so far as administrative and fiscal regulations are concerned.

Whatever the system adopted in Norway in respect of the import, sale, transport and consumption of the above-mentioned wines, the Norwegian Government undertakes to allow private persons, proprietors of restaurants and wine merchants to import and transport all brands of the Portuguese wines referred to above for purposes of consumption or trade, without limit of quantity.

The above assurances of the Norwegian Government shall override all local regulations which run counter to them, where such exist.

Article 3.

Whatever the system adopted in Norway in respect of the import, production, sale, transport and consumption of wines having more than 14° and not more than 21° of alcoholic content inclusive, the Norwegian Government undertakes for the duration of the present Convention to allow the import, transport and sale within the country of Port and Madeira wines having more than 14° and not more than 21° alcoholic content inclusive.

Whatever the system adopted in Norway in respect of the import of wines having more than 14° and not more than 21° alcoholic content inclusive, the Norwegian Government undertakes to take steps to ensure that persons or institutions authorised to sell Port and Madeira wines, Setubal Muscatel, and Carcavelos to the public shall always have the right to require delivery of products coming from Portuguese firms designated by them.

Article 4.

The Norwegian Government undertakes not to establish in respect of the products to which Articles 2 and 3 relate any special prohibitions, duties or surtaxes for the purpose of restricting the import of such products.

It is understood that the Norwegian Wine Monopoly shall not make excessive profits on the products to which the present Convention relates.

It is further understood that in Norway no obstacle shall be placed in the way of the import of samples necessary either for commercial travellers or traders travelling on behalf of Portuguese firms, or (subject always to the same conditions as those provided for in the case of traders and commercial travellers) for local agents of Portuguese firms, when such samples are consigned by Portuguese producers or traders to the said commercial travellers, traders or local agents.

Article 5.

The provisions of the present Convention shall not apply to such special privileges as Norway may grant now or hereafter to contiguous countries or to Denmark or Iceland, nor to such special privileges as Portugal may grant now or hereafter to Brazil or Spain.

Article 6.

The Norwegian Government recognises that the appellations "Porto" (Port, Oporto, Port wine, Portwein and similar composite names), and Madeira (Madère, Madeira wine, Madeirawein and similar composite names), Setubal Muscatel and Carcavelos are regional appellations, and are exclusively applicable to wines produced in the Portuguese territories of the Douro, the Island of Madeira, Setubal and Carcavelos, and undertakes not to allow the import into Norwegian territory of wines bearing the above-mentioned appellations which do not originate in these Portuguese regions and are not exported by the ports of Oporto, Funchal or Lisbon, with certificates of origin issued by the competent Portuguese authorities.

These provisions shall apply even when the original appellation is accompanied by an indication giving the name of the actual place of production or the expression " type ", " kind ", " quality ", or any other similar expression.

The Norwegian Government undertakes through the agency of its wine Monopoly to prevent by seizure or other adequate penalties in accordance with Norwegian law, the import, storage, export, manufacture, circulation, sale or marketing of wines bearing the appellations Port, Madeira, Setubal Muscatel and Carcavelos, which are not produced in the districts in question. Seizure of suspected products and other penalties shall be effected either on the initiative of the competent authorities or on application from a party concerned, or an individual, company or syndicate.

Article 7.

For the duration of the present Convention, the Norwegian Government shall grant Portuguese vessels most-favoured-nation treatment. On its side, the Portuguese Government shall grant Norwegian vessels most-favoured-nation treatment in its home country, its adjacent islands and its colonies.

Article 8.

The present Convention shall come into force on the thirtieth day after its ratification by Norway has been notified at Lisbon, and shall take effect for one year from that date. If not denounced three months before this period has expired, the Convention shall be extended by tacit consent until six months from the date on which one of the two Governments has notified the other of its intention to abrogate it.

The provisions of the Declaration¹ of April 11, 1923, shall apply until the present Convention comes into force.

Article 9.

It is understood that the interpretation contained in the memorandum attached to the Note of the Norwegian representative at Lisbon, dated April 11, 1923, exchanged against a Note of the same date and a memorandum of the same tenor signed by the Minister for Foreign Affairs, shall continue to apply to the provisions of the present Convention.

It is also understood that the provisions contained in the Protocol signed at Lisbon on November 23, 1925, shall remain in force.

Done at Lisbon, in duplicate, November 13, 1931.

Fernando Augusto BRANCO.

Finn KOREN.

¹ Vol. XVI, page 379, of this Series.

ADDITIONAL PROTOCOL.

The Norwegian Government and the Portuguese Government agree that the *Vinmonopolet* Company shall observe the provisions of the Convention on Commerce and Navigation, so far as concerns the import of wine by private persons in the manner indicated in the Protocol below. The present Protocol shall come into force at the same time as the said Convention, and shall remain subject to the same rules in respect of denunciation and extension.

1. Orders placed by Norwegian clients or received by commercial travellers, agents or traders travelling in Norway on behalf of a Portuguese firm and exercising their profession subject to the conditions laid down by the Convention of Commerce between Norway and Portugal of November 13, 1931, must be submitted to the *Vinmonopolet* Company which will transmit them as soon as possible, should it not have in stock wines supplied by the Portuguese firm in question.

2. Orders transmitted must be exactly identical with those taken by the commercial travellers, agents or traders travelling in Norway for a Portuguese firm or placed direct by the Norwegian clients.

No change shall be made in the conditions concerning prices indicated in the said orders.

3. Shipments of wines for private clients shall pass through the Customs in the ports of Oslo, Bergen or Trondhjem, until such time as the *Vinmonopolet* Company increases the number of ports available for Customs clearing. Nevertheless, if the consignee is in some other place, the *Vinmonopol* Company shall be responsible for the transport charges to destination, and shall assume responsibility for the transport. A number of different consignments of wines from a Portuguese firm for one single city or commune may be despatched together as a single shipment.

4. The *Vinmonopolet* Company shall take a commission of 18 % of the f. o. b. price as remuneration for services rendered.

5. The *Vinmonopolet* Company shall accept for storage in so far as the warehouses at its disposal allow, for sale under the ordinary Monopoly conditions, such wines as may be entrusted to it by Portuguese firms in order to bring them to the notice of Norwegian clients.

6. The *Vinmonopolet* Company shall not restrict the application of Article 2 of the present Convention by taking the place, without their consent, of Portuguese firms in respect of products which they sold direct to Norwegian clients before the establishment of the *Vinmonopolet* Company, or by attempting to make orders from the said clients subject to an agreement or to contracts between the Monopoly and the Portuguese supplying firms.

Done at Lisbon, in duplicate, November 13, 1931.

Fernando Augusto BRANCO.

Finn KOREN.