

N° 2964.

SUISSE ET TURQUIE

Convention de commerce, avec protocole de signature, annexes et procès-verbal. Signés à Ankara, le 13 décembre 1930.

SWITZERLAND AND TURKEY

Commercial Couvention, with Protocol of Signature, Annexes, and Procès-Verbal. Signed at Ankara, December 13, 1930.

¹ TRADUCTION. — TRANSLATION.No. 2964. — COMMERCIAL CONVENTION ² BETWEEN SWITZERLAND AND TURKEY. SIGNED AT ANKARA, DECEMBER 13, 1930.

French official text communicated by the Swiss Federal Council. The registration of this Convention took place May 12, 1932.

THE SWISS FEDERAL COUNCIL and THE PRESIDENT OF THE TURKISH REPUBLIC, being desirous of developing commercial relations between the two countries, have decided to conclude a Commercial Convention and have, for this purpose, appointed as their respective Plenipotentiaries:

THE SWISS FEDERAL COUNCIL :

M. Henri MARTIN, Envoy Extraordinary and Minister Plenipotentiary of the Swiss Confederation in Turkey ;

THE PRESIDENT OF THE TURKISH REPUBLIC :

ZEKÂI Bey, Minister of Public Works ;
Mustafa SEREF Bey, Minister of National Economy ;
Menemenli NUMAN Bey, Under-Secretary of State at the Ministry for Foreign Affairs ;

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

Article I.

Natural or manufactured products originating in the territory of either High Contracting Party shall in no case, when imported into the territory of the other Party, be subject to any duties, taxes or charges other or higher or to rules or formalities other or more burdensome than those which are at present or may in future be applicable to products of the same nature originating in the territory of any third country.

Similarly natural or manufactured products exported from the territory of either of the High Contracting Parties to the territory of the other Contracting Party shall in no case be subject to duties, taxes or charges other or higher or to rules or formalities more burdensome than those which are at present or may in future be applicable to the same products consigned to the territory of any third country.

All benefits, favours, privileges or immunities that have been or may in future be granted by one of the two High Contracting Parties in the aforesaid matter to natural or manufactured products originating in the territory of any other country or consigned to the territory of any other country shall, immediately and without compensation, be applied to products of the same nature originating in the territory of the other High Contracting Party or consigned to the territory of that Party.

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 Berne, April 22, 1932. Came into force May 12, 1932.

Article 2.

The undertakings laid down in Article 1 shall not apply :

(a) To favours which are at present or which may subsequently be granted to other neighbouring States with a view to facilitating frontier traffic within a zone not exceeding 15 km. in breadth on either side of the frontier ;

(b) To favours resulting from a Customs Union already concluded or which may in future be concluded by one of the High Contracting Parties ;

(c) To the special benefits which Turkey has granted or may in future grant, in regard to Customs tariffs, to countries detached from the Ottoman Empire since 1923.

It is understood that this Article may not be invoked, if the special benefits and favours enumerated under (c) are granted to a third State.

Article 3.

Natural or manufactured products originating in the territory of one of the High Contracting Parties, shall not be subject, when imported into the territory of the other Party after passing in transit through the territory of one or more third countries, to Customs duties or charges other or higher than those to which they would have been liable had they been imported directly from their country of origin.

This provision shall apply both to goods in direct transit and to goods passing in transit after transshipment, repacking or warehousing.

Article 4.

No prohibition or restriction shall be maintained or imposed in respect of the importation into the territory of either of the High Contracting Parties of any article which has been produced or manufactured in the territory of the other, whatever be the place from which it has last been despatched, unless such prohibition or restriction is also applicable in respect of the importation of like articles produced or manufactured in any other foreign country whatsoever.

No prohibition or restriction shall be maintained or imposed in respect of the exportation of any article from the territory of either of the High Contracting Parties to the territory of the other which is not also applicable in respect of the exportation of like articles to any other foreign country.

Exceptions to the general rules laid down in the previous paragraphs of this Article shall only be allowed in the cases set out below, it being always understood that the prohibitions or restrictions in question shall be extended at the same time and in the same manner to any other foreign country in which the same conditions prevail :

1. Prohibitions or restrictions for reasons of public security ;
2. Prohibitions or restrictions for reasons connected with public health ;
3. Prohibitions or restrictions intended to protect animals or plants against diseases and parasites, and to preserve plants from degeneration and the extinction of the species.

Article 5.

For all questions relating to international transit, the High Contracting Parties shall apply in their reciprocal relations the provisions of the Convention and Statute¹ of Barcelona of April 20, 1921, on freedom of transit.

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.

Article 6.

Internal charges which are or may in future be imposed in the territory of one of the two High Contracting Parties on the production, preparation or consumption of a product, whether on account of the State or on account of communes or corporations, shall in no case fall more heavily or more vexatiously on the products from the territory of the other Party than on like products of the country itself or, failing these, on like products of the most-favoured nation.

Article 7.

Should circumstances call for such a measure, either of the High Contracting Parties may, in order to establish the country of origin of the products imported, require the production by the importer of a certificate of origin stating that the article imported is a natural or manufactured product of the said country, or is to be considered such, under the law of the country of destination, on the grounds that it has for economic reasons been subjected to some process or operation therein.

The certificates of origin, prepared according to the model annexed to the present Convention (Annex I), shall be issued by the Chambers of Commerce and Industry to which the consignor belongs or by the Customs authorities or by any organ or body that the country of destination may approve. The Government of the country of destination may require certificates of origin to be legalised by its diplomatic or consular representatives.

No certificate of origin shall be required for postal packets or consignments by air if the country of destination declares that such consignments are not of a commercial nature.

Article 8.

Merchants, manufacturers and other industrialists of one of the High Contracting Parties who prove by the production of an identity card issued by the competent authorities of their country that they are authorised to carry on their trade or industry and that they pay therein the duties and taxes prescribed by law, shall be entitled to make purchases in the territory of the other Contracting Party, either personally or through commercial travellers employed by them, from merchants or producers in places of public sale. They shall also be permitted to accept orders from merchants or other persons who make use in their trade or industry of goods corresponding to those offered. They may only take with them, or have forwarded to them, samples and specimens. They shall not be liable to any special tax or due on account of the activities enumerated in the present paragraph. All objects representative of a specified category of goods shall be regarded as samples or specimens, provided, first, that they can be duly identified on re-exportation, and secondly, that the articles thus imported are not of such quantity or value that, taken as a whole, they no longer constitute samples in the usual sense.

The identity card shall conform to the model in Annex II. The High Contracting Parties shall notify one another of the authorities empowered to issue such cards and of the regulations with which commercial travellers must comply in the pursuit of their calling.

It is understood, however, that the commercial travellers referred to above shall not be entitled to transact sales on behalf of merchants or manufacturers other than those referred to on their cards.

With the exception of goods the importation of which is prohibited, articles liable to Customs duty or any other tax which are imported as samples or specimens shall, provided they are to be re-exported, be provisionally admitted free of import or export duties by both Parties upon the following conditions :

(a) When making their Customs declarations, the travellers in question shall submit three copies of a descriptive list certified by the Customs authorities of the

exporting country, indicating in detail the samples or specimens imported by them. If they are not in possession of the descriptive list, they shall when making their declaration, submit a new list in triplicate indicating in detail the samples and specimens.

The Customs authorities of the country of importation may require that the list be translated into the language of the country.

(*b*) In order that samples and specimens may be identified on re-exportation, they shall be stamped or sealed with wax or lead, according to their nature and form, in the country of exportation. The Customs authorities of each Party shall provide the other Party through official channels with patterns of these stamps and seals, by which the authenticity of the marks affixed to the samples may be verified.

Should it be impossible or inconvenient to affix a mark, identification by means of photographs, drawings or complete and detailed descriptions shall be admissible. Nevertheless, the Customs authorities of the country of importation may affix supplementary marks on the samples, at the expense of the parties concerned, whenever they consider such a step necessary for guaranteeing the identity of these samples at the time of their re-exportation.

Except in the latter case, Customs verification shall be confined to identifying the samples and deciding the total duties and charges to which they may be liable.

If the samples and specimens do not bear marks affixed in the country of export, the Customs authorities of the country of import shall affix fresh marks.

(*c*) After the importer has submitted the descriptive list or the declaration of the samples at the Customs office, the Customs examination shall take place, and, if the list or declaration corresponding to the samples and the marks affixed thereon are found in order, the Customs duties on each of the samples and the consumption duties, if any, shall be determined, and the amount of the said duties and taxes shall be deposited either in cash or in the form of a guarantee considered adequate by the competent authorities of the country of import. The provisions in respect of the guarantee shall be settled by the respective Governments in accordance with their own legislation. The cost of weighing and any other costs shall be finally paid, and the descriptive list or one of the copies of the declaration duly legalised by the Customs authorities shall be returned to the importer.

Nevertheless, the importer shall be entitled, instead of having the duty on each sample calculated according to the articles of the tariff referring thereto and depositing the same, to pay duty on the whole of the samples at the rate applicable to the sample which is subject to the highest tariff rates. The Customs authorities shall be bound to accept this proposal.

(*d*) Samples or specimens imported in this manner shall be returned within a period of one year to the country of export or re-exported to some other country, either through the Customs office through which they were imported or through another. The period of one year may be prolonged, if need be, by the Customs authorities of the country of import.

(*e*) The descriptive list or the declaration and the samples or specimens to be re-exported shall be presented by the Party concerned at the Customs, and the latter after examination, shall without delay and against a receipt refund the total amount, of the duties deposited on import or release the security for payment of these duties. This refund or release shall only be effected in the case of reexported samples or specimens. The Customs duties held on deposit for samples and specimens that are not re-exported after the expiry of the period provided for under (*d*) or that are sold within the country shall be credited to the Administration or collected from the guarantors.

(*f*) The refund of the duties deposited on importation or the release of the security for payment may be effected by any Customs office on the frontier or by any Customs office in the interior which has received the requisite authority for the purpose. The High Contracting Parties shall communicate to each other the lists of the offices thus authorised.

The provisions of this Article not being applicable to itinerant traders or to hawking or the soliciting of orders from persons not engaged in trade or industry, each of the High Contracting Parties shall retain full legislative freedom in this respect.

Article 9.

Nationals of either High Contracting Party travelling to fairs or markets not reserved for national products, for the purpose of carrying on trade therein, shall not be treated less favourably in the territory of the other Party than nationals of the latter, provided that they can produce an identity card made out in accordance with the model (Annex III) issued by the authorities of the country of which they are nationals.

As the provisions of paragraph 1 do not apply to itinerant traders or to hawking or the soliciting of orders from persons not engaged in industry or commerce, each of the High Contracting Parties reserves full legislative freedom in this respect.

Article 10.

The following articles shall be admitted duty free, provided that they are identified and subject to the guarantees provided by the laws of each of the High Contracting Parties, if they are re-exported within the time-limit allowed :

1. Articles imported into either of the Contracting States for the purpose of being repaired. It is understood that such articles, if they are reimported into the exporting country, shall on reimportation be exempt from import duty. Materials or spare parts liable to Customs duty, when added to such articles in considerable quantities at the time of repair, shall pass through the Customs, in so far as the law of the country prescribes this, independently of the articles themselves and according to the tariff to which they were subject before incorporation ; the weight taken as a basis for Customs clearing purposes may be assessed.

2. Sacks, barrels and other packing material imported from the territory of one of the High Contracting Parties into the territory of the other Party for use in the exportation of goods from that country.

3. Articles intended for fairs, exhibitions and competitions. The persons concerned shall take care to have the duration of the use of the articles in question fixed at the time of their entry into the country. This period may be extended, if necessary, by the Customs authorities, as prescribed by law.

Article 11.

The High Contracting Parties undertake to take the necessary measures to enable traders to procure official information concerning Customs tariffs and, in particular, the rate of duty to be levied on a given article. The request shall contain, according to the regulations in the country of importation, a sample of the article or a detailed description, a copy or a photograph thereof.

Should the person making the Customs declaration not be in possession of the necessary facts, the Customs administration shall allow him to ascertain for himself the particulars regarding the consignment, prior to the declaration and at his own expense, in premises which it shall indicate.

Article 12.

The present Convention shall apply also to the Principality of Liechtenstein so long as the latter is bound to Switzerland by a Customs Union Treaty.

Article 13.

The High Contracting Parties guarantee one another most-favoured-nation treatment as regards the matters dealt with in the following Articles of the present Convention : 3, 4, 5, 6, 7, 8, 9, 10 and 11.

Article 14.

Subject to any provisions resulting from a Convention of arbitration between the two countries, disputes which may arise between the two High Contracting Parties concerning the interpretation of the present Convention and which it has not been possible to settle through the diplomatic channel, shall by common consent be submitted to arbitration under a special agreement.

Article 15.

The present Convention shall be substituted for that¹ of May 4, 1927.

It shall be concluded for a period of one year. It shall be ratified and shall come into force twenty days after the exchange of the instruments of ratification, which shall take place at Berne.

If it has not been denounced three months before it is due to expire, it shall be extended by tacit agreement, each Party then reserving the right to denounce it at three months' notice, at any time after the expiry of the period of one year.

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

Done at Angora, in duplicate, the thirteenth day of December, one thousand nine hundred and thirty.

(Signed) Henri MARTIN.

(L. S.) (Signed) ZEKÂI.

(L. S.) (Signed) Mustafa SEREF.

(L. S.) (Signed) M. NUMAN.

PROTOCOL OF SIGNATURE.

At the moment of signing the present Commercial Convention, the undersigned Plenipotentiaries have agreed upon the following detailed provisions :

Ad Article 1.

It is understood that Article 3 of the Turkish Law No. 1499 of June 8, 1929, shall not be affected by the provisions of this Article.

It is further understood that Article 4, paragraph 2, of the Federal Law on the Swiss Customs Tariff, of October 10, 1902, shall not be affected by the provisions of this Article.

When the import duty on an article entering the territory of one of the High Contracting Parties depends upon the duty fixed for another article, the lowest rate fixed by the authorities or by Convention for that other article shall always serve as a basis in calculating the import duty on the article in question.

¹ Vol. LXVII, page 141, of this Series.

Ad Article 7.

It is understood that when goods originating in Turkey are imported into Swiss territory, after being handled or repacked at an intermediate port in a third country, the certificates of origin declaring that the said goods are of Turkish origin may at the request of Turkey, be submitted to the Turkish consular authorities at that intermediate port for purposes of legalisation.

Ad Article 10.

Used household articles (objects for removal) intended for personal use, if imported by a person who has just established himself or if despatched from the place which he has left, not more than two months before and not more than three months after his arrival, shall be exempted from Customs duty and other charges on exportation and on importation.

Done at Ankara, in duplicate, the thirteenth day of December, one thousand nine hundred and thirty.

(Signed) Henri MARTIN.

(Signed) ZEKÂI.

(Signed) Mustafa SEREF.

(Signed) M. NUMAN.

ANNEX I.

Model.

CERTIFICATE OF ORIGIN.

Consignor :

Consignee :

Name :

Name :

Domicile :

Domicile :

Street :

Street :

Number of Packages	Nature of Packing	Mark No	Gross and Net weight in kg. and value	Method of forwarding (rail, post, ship, etc.)	Contents

It is hereby certified that the above-mentioned goods are of origin.
..... Date.

(Seals.)

(Name of competent office and signature.)

ANNEX II.

NAME OF COUNTRY.

(Issuing Authority.)

IDENTITY-CARD FOR COMMERCIAL TRAVELLERS.

(Valid for twelve months from date of issue.)

Valid in

No. of card

It is hereby certified that the holder of this card,

M.

born at

residing at

Street No.

owns.....¹

at

under the trade name of

.....

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

.....

at

which own (s)

under the trade name of

As the holder of this card wishes to solicit orders in the above-mentioned countries and to make purchases for the firm (s) in question, it is hereby certified that the aforesaid firm (s) is (are) authorised to engage in its (their) business at and pay (s) the legal taxes for that purpose.

....., *the* 19.....*Signature (s) of the head (s) of the firm (s)*

Description of holder :

Age :

Height :

Hair :

Distinctive marks :

Signature of holder :

.....

¹ Description of factory or business.

N. B. — Only heading I should be filled in in the case of the head of a commercial or industrial establishment.

ANNEX III.

IDENTITY-CARD FOR TRAVELLERS TO FAIRS OR MARKETS.

It is certified that M.holder of this card, desiring to travel with his goods to fairs and market in
 (for Swiss nationals : in Turkey, for Turkish nationals : in Switzerland), is resident at
 and that he is bound to pay the legal taxes and duties for the conduct of his commerce or industry.

This certificate is valid for a period of months.

(Place, date, signature, seal of issuing authority.)

PROTOCOL OF THE MEETING OF SIGNATURE

HELD AT THE SEAT OF THE TURKISH DELEGATION FOR TREATIES AND COMMERCIAL CONVENTIONS
 AT ANKARA, DECEMBER 13, 1930.

Present :

M. Henri MARTIN, Envoy Extraordinary and Minister Plenipotentiary of the Swiss Confederation in Turkey ;

ZEKÂI Bey, Minister of Public Works ;

Mustafa SEREF Bey, Minister of National Economy ;

Menemenli NUMAN Bey, Under-Secretary of State at the Ministry for Foreign Affairs.

At the moment of signing the present Commercial Convention, the President of the Swiss Delegation and the President of the Turkish Delegation declare, with reference to *Ad Article 10* of the Protocol of Signature of the Convention, that it is understood that the objects for removal must arrive at the Customs Office of importation not later than four weeks after the period of three months there provided for, except in cases of delay resulting from *force majeure*.

ANKARA, December 13, 1930.

(Signed) Henri MARTIN.

(Signed) ZEKÂI.