

N° 3303.

ESPAGNE ET ESTONIE

Convention de commerce et de navigation, avec protocole, signés à Tallinn, le 23 juin 1932, et échange de notes y relatif, de la même date.

SPAIN AND ESTONIA

Convention of Commerce and Navigation, and Protocol, signed at Tallinn, June 23, 1932, and Exchange of Notes relating thereto of the Same Date.

¹ TRADUCTION. — TRANSLATION.No. 3303. — CONVENTION² OF COMMERCE AND NAVIGATION
BETWEEN SPAIN AND ESTONIA. SIGNED AT TALLINN, JUNE
23, 1932.

French official text communicated by the Estonian Minister for Foreign Affairs. The registration of this Convention took place December 5, 1933.

THE GOVERNMENT OF THE ESTONIAN REPUBLIC and THE GOVERNMENT OF THE SPANISH REPUBLIC, being desirous of promoting commercial relations between their countries, have decided to conclude a Convention of Commerce and Navigation, and have for this purpose appointed as their Plenipotentiaries :

THE GOVERNMENT OF THE ESTONIAN REPUBLIC :

His Excellency M. Jaan TÕNISSON, Minister for Foreign Affairs ;

THE GOVERNMENT OF THE SPANISH REPUBLIC :

His Excellency M. Manuel GARCIA DE ACILU, Envoy Extraordinary and Minister Plenipotentiary of the Spanish Republic in Estonia ;

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

Article 1.

Nationals of either High Contracting Party shall have the right freely to enter the territory of the other, and to travel, reside or establish themselves therein, and engage in their trade, industry or other occupation under the same conditions as the nationals of the most favoured nation, provided they comply with the laws and regulations of the country.

The provisions of this article shall be subject to the laws, decrees and special police regulations in force in the two countries and applicable equally to the nationals of other Powers.

Article 2.

Nationals of either High Contracting Party shall have the right, under the conditions applicable to nationals of the most favoured nation, to acquire, possess and alienate movable and immovable property of all kinds in the territory of the other, save in cases provided for by the laws of the respective Parties, and subject to compliance with the laws and regulations of the country.

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 Helsinki, October 31, 1933.
Came into force November 1st, 1933.

Article 3.

Nationals of either High Contracting Party shall not be subject, in the territory of the other, to taxes, dues, charges, contributions, trade licences *et cetera*, higher than those which are or may be imposed on nationals of the most favoured nation, in respect of their persons, property, rights and interests, or in the exercise of their trade, industry, business or profession.

The High Contracting Parties reciprocally guarantee most-favoured-nation treatment with regard to the fulfilment of Customs formalities relating to the transit, warehousing, re-export and transhipment of goods, and to any other operations to which goods imported, exported or in transit may be subject, as well as to the charges relating thereto.

Article 4.

Nationals of either High Contracting Party shall enjoy complete security and protection in the territory of the other. They shall have free access to the courts, either as plaintiffs or defendants, and shall, subject to reciprocity, enjoy in this respect all the rights and privileges granted by nationals.

As regards legal assistance in civil matters the High Contracting Parties will comply with the provisions of the Convention¹ relating to civil procedure signed at The Hague on July 17, 1905, to which the High Contracting Parties are parties.

Article 5.

Natural or manufactured products originating in and coming from Spain, the Balearic Islands and the Canaries shall, on importation into Estonia, enjoy the benefit of the lowest rates which Estonia accords or may hereafter accord to any third Power.

Article 6.

The natural or manufactured products enumerated in the annexed list A and originating in or coming from Spain, the Balearic Islands and the Canaries shall, on importation into Estonia, be liable to the Customs duties specified in the said list.

Article 7.

Natural or manufactured products originating in or coming from Estonia shall, on importation into the territory of Spain and the Balearic Islands, be liable to the duties specified in the second column of the Spanish Customs tariff in force ; such of these products as are mentioned in the Spanish Customs tariff at present in force under the items enumerated in the annexed list B shall enjoy the benefit of most-favoured-nation treatment, and none of them may in any event be subjected to charges, coefficients or any other temporary increases whatsoever higher than those imposed on the goods of the most favoured nation.

Article 8.

The High Contracting Parties agree that the cases in which production of certificates of origin is required shall be limited in so far as the country of import considers this to be advisable.

¹ *British and Foreign State Papers*, Vol. 99, page 990.

Certificates of origin shall be issued by either the Ministry for Economic Affairs, or the Customs authorities, or the Chambers of Commerce officially recognised by the country of consignment. They shall be drawn up in the language of the country of origin or in that of the country of destination, and shall be accompanied by a translation into French.

Certificates of origin shall be visaed by the consular authorities of the country of destination.

Certificates of origin shall be dispensed with in the case of postal packets, consignments by post, and travellers' trade samples.

Article 9.

Each of the High Contracting Parties agrees to take all necessary steps to prohibit the improper use, in its territory, of the geographical appellations of origin of these products of the other country which owe their specific qualities to the soil and climate, including more particularly the products of the wine industry, provided that such appellations are duly protected in the country of origin and have been notified by the Government.

The appellations of origin of either country shall be regarded as improperly used when they are applied to products which are not entitled to them under that country's laws or regulations.

With regard more particularly to the products of the wine industry, Estonia expressly recognises the special appellations of Jerez, Malaga and Tarragona wines as belonging exclusively to wines produced in these Spanish regions, and undertakes not to allow the use of these appellations of origin to describe wines other than Jerez, Malaga and Tarragona, even when the real place of origin of the wines is mentioned, or the improperly used appellation is accompanied by such corrective expressions as "kind", "manner", "type", "variety" or other expressions that may give a misleading idea of the true origin of the wine.

In order that the authenticity of the origin of Jerez, Malaga and Tarragona wines may be established, it is stipulated that the use of these appellations shall be confined to wines which, on importation into Estonia, are accompanied by a certificate of origin and analysis issued by the Spanish Oenological Stations and Agronomic Sections testifying that they actually come from the regions of Jerez, Malaga and Tarragona.

Article 10.

The measures which the High Contracting Parties agree to take shall provide for the punishment by seizure, prohibition or other appropriate penalties, more particularly of the import, export, warehousing, manufacture, distribution, sale and offer for sale of products bearing upon the casks, bottles, wrapping of the cases in which they are packed or on the invoices, commercial documents or waybills any marks, names, description or devices whatsoever improperly suggesting appellations of origin.

The products concerned shall be seized, or the other penalties imposed, either by the administration or at the request of the Public Ministry or of any other interested person, association or syndicate, in conformity with the respective laws of each High Contracting Party.

Article 11.

The merchant vessels of each High Contracting Party shall enjoy most-favoured-nation treatment in the ports and territorial waters of the other Party in respect of the shipping régime and of pilotage, lighthouse, port, berthing, quarantine and other maritime charges and dues.

The provisions of the present article shall apply to all vessels, whether they belong to either of the two Contracting States, to private individuals, to companies or to public corporations.

With regard to the reciprocal recognition of tonnage measurement certificates, the two High Contracting Parties agree to conclude a special agreement within a period not exceeding three months.

Article 12.

The exemption from duties, immunities and privileges which :

(1) Estonia has granted or may hereafter grant to Finland, Latvia, Lithuania or the U. S. S. R., or to all these countries in so far as such benefits are not accorded to a third State not mentioned above, or which :

(2) Spain has granted or may grant to Portugal, the Spanish possessions and colonies, the Zone of the Protectorate of Morocco or the Spanish American Republics,

shall not be deemed an exception to the principle of most-favoured-nation treatment upon which the present Convention is based.

Article 13.

The present Convention shall be ratified and the instruments of ratification shall be exchanged at Helsingfors.

It shall come into force on the first day of the month following that in which the instruments of ratification are exchanged and shall remain in force for an indefinite period, each High Contracting Party reserving the right to denounce it with three months' notice.

In faith whereof, the respective Plenipotentiaries, duly authorised for that purpose, have signed the present Convention and have thereto attached their seals.

Done at Tallinn in duplicate, June 23, 1932.

(L. S.) J. TÖNISSON.

(L. S.) Manuel G. DE ACILU.

LIST A.

Number in the Estonian tariff	Description of Goods	Unit of Taxation	Duty in gold Estonian crowns
ex § 6	Fresh fruit :		
ex item 2	Bananas	kg. b.	0.30
ex item 4	Grapes	kg. b.	0.75
	<i>Note</i> : Imports effected between June 1st and October 1st do not benefit by the duty referred to under Item 4.		
ex § 7	Dried fruits and berries, not specially mentioned under other paragraphs, prepared without sugar :		
ex item 4	Large dried Malaga raisins	kg. b.	0.075
ex § 28	Wine made from grapes :		
ex item 1	In casks :		
b	" Jerez ", " Malaga " and " Tarragona " wines containing over 16 and under 25 degrees of alcohol	kg. b.	2.00
	<i>Note</i> : This duty shall only apply to wines accompanied by a certificate of origin and analysis issued by the Spanish Oenological Stations and Agronomic Sections and stating that they actually come from the regions of Jerez, Malaga and Tarragona and certifying their purity.		

LIST B.

Numbers in the Spanish tariff :

36	103	1025	ex 1186	1203
37	106	1026	ex 1187	1204
38	110	1027	1194	1354
39	117	1028	1195	1416
98	124	1029	1196	1432
99	792	1030	1197	1455
100	997	1031	1198	1456
101	1021	1181	1201	
102	1022	1185	1202	

PROTOCOL.

On proceeding to sign the present Convention of Commerce and Navigation concluded on to-day's date between Estonia and Spain, the undersigned Plenipotentiaries, duly authorised for this purpose by their respective Governments, have made the following declaration :

The two Contracting Parties agree that if either of the Governments should be compelled to modify the import system or to increase one or more of the duties on the following goods during the period of validity of the Convention :

For Spain : Those mentioned under Items 27 and 28 of the Estonian Customs tariff,

For Estonia : Those mentioned under Items 98 to 103, 1021, 1022 and 1432 of the Spanish Customs tariff,

The other Party shall have the right to request that negotiations be immediately opened with a view to the establishment of a supplementary agreement in respect of the trade in the products affected by such modifications and increases. Should these negotiations not lead, within a reasonable period, to an amicable agreement, the injured Party shall have the right to denounce the Convention, which shall cease to have effect one month after the date of denunciation.

The present Protocol shall form an integral part of the Convention to which it relates.

In faith whereof, the respective Plenipotentiaries have signed the present Protocol at Tallinn on June 23, 1932.

J. TÖNISSON.

Manuel G. DE ACILU.

EXCHANGE OF NOTES.

TALLINN, *June 23, 1932.*

YOUR EXCELLENCY,

During the negotiations with a view to the conclusion of the Convention of Commerce and Navigation signed to-day, the Estonian delegation pointed out that Estonia considers it important that the question of the reciprocal recognition of tonnage measurement certificates, which is held over for special negotiation, should be subject, during this transitional period, to a provisional regime under which tonnage measurement certificates issued by the Estonian authorities would, in so far as they are in conformity with the rules of the Board of Trade of Great Britain for

calculating the measurement of ships, be accepted by the Spanish port authorities without remeasurement of the said ships.

In this connection, I am authorised to state that my Government will agree to the above provisional regime proposed by the Estonian delegation, provided the Estonian authorities extend strictly reciprocal treatment to Spanish ships in Estonian ports.

This regime shall apply to the transitional period prior to the conclusion of the final agreement mentioned in Article 11 of the Estonian-Spanish Convention signed this day.

I have the honour, Monsieur le Ministre, etc.

Manuel G. DE ACILU.

His Excellency
Monsieur Jaan Tõnisson,
Minister for Foreign Affairs,
Tallinn.

TALLINN, *June 23, 1932.*

MONSIEUR LE MINISTRE,

Your Excellency was good enough to address to me, under to-day's date, a letter the contents of which are as follows :

" During the negotiations with a view to the conclusion of the Convention of Commerce and Navigation signed to-day, the Estonian delegation pointed out that Estonia considers it important that the question of its reciprocal recognition of tonnage measurement certificates, which is held over for special negotiation, should be subject, during this transitional period, to a provisional regime under which tonnage measurement certificates issued by the Estonian authorities would, in so far as they are in conformity with the rules of the Board of Trade of Great Britain for calculating the measurement of ships, be accepted by the Spanish port authorities without remeasurement of the said ships.

" In this connection, I am authorised to state that my Government will agree to the above provisional regime proposed by the Estonian delegation, provided the Estonian authorities extend strictly reciprocal treatment to Spanish ships in Estonian ports.

" This regime shall apply to the transitional period prior to the conclusion of the final agreement mentioned in Article 11 of the Estonian-Spanish Convention signed this day. "

I have the honour to acknowledge receipt of this communication and to inform your Excellency of the Estonian Government's agreement on this subject.

I have the honour, Monsieur le Ministre,

J. TÕNISSON.

His Excellency,
Monsieur Manuel Garcia de Acilu,
Minister of Spain,
Tallinn.