

N° 3180.

NORVÈGE ET TURQUIE

Traité d'établissement, de commerce
et de navigation, avec protocole
de signature. Signés à Ankara, le
16 mars 1931.

NORWAY AND TURKEY

Treaty of Establishment, Commerce
and Navigation, with Protocol of
Signature. Signed at Ankara,
March 16, 1931.

¹ TRADUCTION. — TRANSLATION.No. 3180. — TREATY² OF ESTABLISHMENT, COMMERCE AND NAVIGATION BETWEEN NORWAY AND TURKEY. SIGNED AT ANKARA, MARCH 16, 1931.

French official text communicated by the Permanent Delegate of Norway accredited to the League of Nations. The registration of this Treaty took place May 1, 1933.

HIS MAJESTY THE KING OF NORWAY,
of the one part, and

THE PRESIDENT OF THE TURKISH REPUBLIC,
of the other part,

Being equally desirous of strengthening and developing the economic relations between the two countries, have decided to conclude, in accordance with the Treaty³ of Friendship between Norway and Turkey of May 2, 1925, a Treaty of Establishment, Commerce and Navigation, and have appointed as their Plenipotentiaries:

HIS MAJESTY THE KING OF NORWAY :

M. Sigurd BENTZON, Envoy Extraordinary and Minister Plenipotentiary ;

THE PRESIDENT OF THE TURKISH REPUBLIC :

ZEKÂI Bey, Minister of National Defence ;

Mustafa ŞEREF Bey, Minister of National Economy ;

Menemenli NUMAN Bey, 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 Articles :

Article I.

Nationals of either High Contracting Party shall have the right in the territory of the other Party, subject to compliance with the laws, regulations and ordinances relating to the admission, movement, residence and establishment of foreigners, to establish themselves, to reside, to come and go, and to leave that territory freely, without prejudice to the relevant police regulations.

It is understood that these provisions shall in no way restrict the right of either High Contracting Party to refuse nationals of the other Party permission to establish themselves or reside within

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 Ankara, April 1st, 1933.
The Treaty came into force May 1st, 1933.

³ Vol. LVI, page 51, of this Series.

the country, to expel them, and to issue regulations governing passport visas and the issue of residence certificates in accordance with the laws and regulations applicable to all foreigners.

Each of the High Contracting Parties reserves full freedom of action with regard to immigration.

Article II.

Nationals of either High Contracting Party shall have complete freedom in the territory of the other to acquire and possess any kind of movable or immovable property, the acquisition or possession of which is or may hereafter be allowed by the laws of the other High Contracting Party to nationals of the most favoured nation, except of course in the cases laid down in the laws of the respective States. They may, under the same conditions, dispose freely thereof by sale, gift, transfer, marriage settlement, will, succession *ab intestato*, or by any other means.

They shall not in any of the above cases be liable to charges, duties or taxes of any kind whatsoever other or higher than those which are or may hereafter be imposed on nationals of the country.

Article III.

Nationals of either High Contracting Party shall, under the same conditions as nationals of the most favoured nation and subject to compliance with the laws and regulations of the country, have the right, in the territory of the other Party, to carry on any kind of industry or commerce and to engage in any trade or profession the pursuit of which is not at present or may not hereafter be reserved for nationals of the country.

Article IV.

Nationals of either High Contracting Party shall not be liable in the territory of the other Party, as regards their persons, property, rights and interests, including their commerce, industry, trade or profession, to any tax, duty or charge whatsoever other or higher than those levied on nationals.

As regards any duties and charges payable in respect of residence and establishment, the nationals of the two Parties shall enjoy most-favoured-nation treatment.

They shall be authorised, subject to compliance with the laws in force in the country, freely to export the proceeds of the sale of their property and the property itself, without thereby being liable as foreigners to higher taxes, dues and charges than those payable by nationals of the country.

Article V.

Nationals of each of the High Contracting Parties shall be exempt in the territory of the other Party from any military service in the army, navy or air forces and in the national guard or militia, and from any obligation or charge in lieu of military service.

They shall only be liable to other military contributions and requisitions to the extent and under the conditions laid down for nationals of the country.

Nationals of either High Contracting Party shall also be exempt in the territory of the other Party from any judicial or administrative functions, subject to the specific exemptions provided for in the respective laws.

Article VI.

Nationals of either High Contracting Party may not be expropriated in the territory of the other Party save for reasons laid down by law. They shall be reciprocally entitled to the compensation provided for nationals of the country by the law in force therein.

No expropriation may take place without previous notice and before compensation is paid or duly deposited.

Article VII.

Nationals of either High Contracting Party shall, in the territory of the other Party, enjoy in all matters concerning the legal and judicial protection of their persons and property the same treatment as nationals of the country.

They shall accordingly have free and unhindered access to the Courts, and may appear therein under the same conditions as nationals of the country. Subject to reciprocity, they shall enjoy in the territory of the other Party, under the same conditions as nationals of the country, free legal aid and exemption from security for costs. Exemption from security for costs may only be asked for if the applicant is domiciled in the State in which the proceedings were instituted.

Article VIII.

Limited companies and other commercial companies, including industrial, financial, insurance and transport companies, which have their seat in the territory of either High Contracting Party and are legally constituted therein in accordance with the laws of that Party, shall be recognised by the other Party as being legally constituted, provided they do not pursue any unlawful object in that territory.

The said companies may, subject to compliance with the laws and regulations of the other country which are or may hereafter be in force and on condition that they obtain an authorisation where such authorisation is required by the law of the country, establish themselves in the territory of that country, set up subsidiary undertakings, branches or agencies therein and appear in the courts as plaintiffs or defendants.

The activities of the said companies constituted under the laws of either High Contracting Party shall, in so far as they are pursued in the territory of the other Party, be subject to the laws and regulations of the latter. They shall not be treated in respect of their activities less favourably than companies of the most favoured nation.

As regards the legal and judicial protection of their property, they shall enjoy in the other country the same treatment as national companies. The provisions of Article VI shall also apply *mutatis mutandis* to the companies mentioned in the present Article. The provision of Article VII on the exemption from security for costs shall also apply to the companies mentioned in the present Article.

The companies of either High Contracting Party and their subsidiary undertakings, branches or agencies shall not be liable in the territory of the other Party, as regards duties, imposts and taxes, to a fiscal charge higher than that imposed on companies of the most favoured nation. It is understood that they shall be required to pay the fees for obtaining the documents of authorisation and registration for foreign companies and to deposit the security provided for by law. They shall only be liable to other contributions and to military requisitions to the extent and under the conditions laid down for national companies.

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

These companies may, under the same conditions as companies of the most favoured nation and subject to the laws of the country, acquire any kind of movable property. The same shall apply, in accordance with Article II, to the acquisition of immovable property necessary for the operations of the company, it being understood in this case that the acquisition of such property does not constitute the object of the company's existence.

Article IX.

Natural or manufactured products originating in Turkey shall not be subject, on importation into Norway, as regards Customs duties, surtaxes or coefficients of increase or any other duty or charge whatsoever, to less favourable treatment than that which is or may in future be accorded to similar products of the most favoured country.

Similarly, natural or manufactured products originating in Norway shall not be subject, on importation into Turkey, as regards Customs duties, surtaxes and coefficients of increase or any other duty or charge whatsoever, to less favourable treatment than that which is or may in future be accorded to similar products of the most favoured country.

Article X.

There shall not be levied in Norway upon exports to Turkey or in Turkey upon exports to Norway any duties other than, or any export duties or other taxes higher than, those which are or may in future be levied on the exportation of similar products to the country most favoured in this respect.

Treatment on a footing of equality with third countries shall also extend to the manner of levying import and export duties, to the placing of goods in bonded warehouses, to Customs charges and formalities and to the treatment and handling by the Customs of goods imported, exported or passing through in transit.

Article XI.

Natural or manufactured products of one of the contracting countries imported into the territory of the other after passing in transit through the territory of one or more third countries shall not be subject on importation to Customs duties or charges other or higher than those to which they would have been subject if they had been imported direct from their country of origin.

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

Article XII.

Natural or manufactured products of one of the High Contracting Parties imported into the territory of the other Party shall be granted therein, as regards internal taxes of any kind whatsoever, the treatment granted to similar products of a third country.

Article XIII.

Either High Contracting Party may, in order to establish the country of origin of the goods imported, require the production by the importer of a certificate of origin stating that the said goods are natural or manufactured products of the said country or that, according to the law of the importing country they must be regarded as such in view of the fact that labour has been expended on them or that they have been subjected to treatment in that country for economic reasons.

The certificates of origin shall be issued by the Departments of Commerce or Agriculture, or by the Customs authorities, or by the competent Chambers of Commerce and Industry, or by any other authority or association which the country of destination may accept. The Government of the country of destination may require certificates of origin to be legalised by its diplomatic or consular representative.

Certificates of origin shall not be required for postal parcels when the country of destination considers that, according to its law, the consignments in question are not of a commercial character.

The High Contracting Parties shall grant one another in all matters relating to certificates of origin the advantages accorded to the most favoured nation.

Article XIV.

No prohibition or restriction on the import or export of any commodity whatsoever, originating in the territory of the other Party or intended for export thereto shall be maintained or imposed by either High Contracting Party unless the said prohibition or restriction applies under the same conditions to similar commodities, if any such exist, coming from any other country or intended for export thereto. Nevertheless, prohibitions or restrictions which have been or may hereafter be imposed for reasons of public safety, the security of the State or public health, or as prophylactic measures against epizooties or diseases, the deterioration or disappearance of useful plants, or in respect of goods which are subject to a State monopoly, shall not be regarded as contrary to the provisions of the present Article.

Article XV.

Merchants, manufacturers, and other business men or commercial travellers belonging to either High Contracting Party shall enjoy the same treatment in the territory of the other Party, in all matters concerning their activities, and more particularly in regard to Customs facilities granted for samples, as the merchants, manufacturers and other business men or commercial travellers belonging to the most favoured nation.

Nationals of either High Contracting Party proceeding to exhibitions, fairs or markets which are not reserved for nationals of the country, in order to carry on their business therein, shall not be treated, in the territory of the other Party less favourably than nationals of the most favoured nation.

As the above provisions are not applicable to itinerant traders soliciting orders from persons not engaged in trade or industry or to hawking, each of the High Contracting Parties reserves complete legislative freedom in regard thereto.

Article XVI.

The High Contracting Parties shall grant each other freedom of transit by guaranteeing each other most-favoured-nation treatment in this respect. They undertake not to levy any transit duty on this account, with the exception of statistical dues and costs of supervision and warehousing.

Generally speaking, the High Contracting Parties shall observe, as regards transit, the provisions contained in the Statute forming an integral part of the Convention¹ on Freedom of Transit, signed at Barcelona on April 14, 1921 or in any other conventions of the same nature which may in future govern transit and to which the High Contracting Parties have acceded.

Article XVII.

As regards the carriage by rail of passengers, baggage and goods, the High Contracting Parties guarantee each other most-favoured-nation treatment in respect of consignment, transport rates and public taxes and charges regarding transport.

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 ; Vol. CIV, page 495 ; and Vol. CXXXIV, page 393, of this Series.

Article XVIII.

Nationals and companies of each of the High Contracting Parties shall, in the territory of the other, enjoy the same rights as nationals or companies of the latter as regards patents of invention and trade marks, subject to compliance with the formalities required by law.

Article XIX.

Each High Contracting Party shall be entitled to appoint consuls-general, consuls and vice-consuls in the towns and ports of the territories of the other Party to which the respective Governments admit similar representatives of any other nation. Nevertheless, consuls-general, consuls and vice-consuls shall not take up their duties until they have obtained, in the usual form, the consent of the Government to which they are sent.

Consular officers of either High Contracting Party shall enjoy, in the territory of the other Party, the same rights, privileges and exemptions, subject to reciprocity, as those which are or may in future be accorded to similar officers of any foreign country.

Article XX.

Consular officers of either High Contracting Party residing in the territories of the other Party shall receive from the local authorities all assistance allowed by law for the recapture of seamen, not nationals of the latter, who have deserted from the vessels of the first High Contracting Party.

Article XXI.

Each of the two High Contracting Parties undertakes, subject to reciprocity, to grant to the vessels of the other Party the same treatment as to its own vessels in its seaports as regards freedom of access to the port, use of the port and full enjoyment of the facilities accorded to shipping, commercial operations for ships, their cargoes and passengers, facilities for loading and unloading, and duties and taxes of all kinds collected on behalf of or for account of the Government, the public authorities, concession holders or establishments of all kinds.

Article XXII.

Vessels and boats flying the flag of either High Contracting Party and entering a port of the other Party with the object of taking on board or completing their cargo therein for a destination abroad or of unloading the whole or some portion of their cargo brought from abroad, shall be entitled, provided they observe the laws and regulations of the country concerned, to retain on board the portion of their cargo which is consigned to another port or to another country, and to re-export it without paying any duties other than those which are or may in future be imposed on national vessels in a similar case.

Article XXIII.

Should a vessel of one of the High Contracting Parties be wrecked, stranded, damaged at sea or forced to put into a port on the coast of the other Party, the vessel itself, and the cargo and crew, shall enjoy in all respects the same treatment as is granted by the laws of each of the High Contracting Parties in similar circumstances to its own vessels. Assistance and relief shall be given to the master, crew and passengers both as regards their persons and the vessel and its cargo, to

the same extent as to nationals of the country. Salvage operations shall be governed by the laws of the country. Everything salvaged from the vessel or its cargo, or the proceeds thereof, if sold, shall be restored to the owners or to the persons entitled, and no salvage costs shall be paid higher than those imposed on nationals of the country in a similar case.

The High Contracting Parties also agree that the goods salvaged shall not be subject to the payment of any Customs duty unless they are intended for consumption within the country.

Article XXIV.

The nationality of vessels shall be established, according to the laws of the State to which the vessel in question belongs, by means of the documents and certificates on board issued by the competent authorities of each country. Pending the conclusion of a special agreement for the mutual recognition of tonnage measurement certificates, the vessels of each of the High Contracting Parties shall not be subject, in the ports of the other, to any fresh tonnage measurement formality, and the amount of the shipping dues and taxes to be paid shall be established in accordance with the tonnage measurement certificates issued by the competent authorities of the country whose flag the vessels are flying.

Article XXV.

The provisions of this Treaty relating to the reciprocal granting of national treatment in the matter of navigation shall not apply to the services and activities specified hereunder, which shall be governed by the laws and regulations that are or may hereafter be in force in the territory of each of the High Contracting Parties :

- (1) The coasting trade ;
- (2) Fishing in the territorial waters of the High Contracting Parties ;
- (3) Facilities and advantages which are or may hereafter be accorded to the merchant fleet of the country and to State vessels operated as a monopoly or with Government participation ;
- (4) Privileges granted to nautical sports clubs ;
- (5) The service of harbours, roadsteads and beaches, and pilotage, towage, salvage and maritime assistance, in so far as these operations are effected within the limits of the territorial waters of the High Contracting Parties and, as regards Turkey, in the Sea of Marmora.

Article XXVI.

Treatment on a footing of equality with a third State shall not apply :

- (1) To any special privileges which are or may subsequently be accorded by one of the High Contracting Parties in the matter of frontier traffic with neighbouring countries within a zone extending to fifteen kilometres on either side of the frontier ;
- (2) To special benefits resulting from a Customs Union already concluded, or to be concluded, with one or more countries ;
- (3) To the special advantages or benefits which at present exist or may subsequently be established in the matter of Customs tariffs between Turkey and the countries which were detached from the Ottoman Empire in 1923, in so far as the said advantages or benefits are not accorded to any other State ;
- (4) To any advantages which Norway has accorded or may in future accord to Denmark and to Sweden, or to both these countries, in so far as the said advantages are not accorded to States other than those already named.

Article XXVII.

Any disputes arising between the two High Contracting Parties with regard to the interpretation of the present Treaty which it has not been possible to settle through the diplomatic channel shall be submitted by common consent to arbitration by means of a special agreement.

Article XXVIII.

The present Treaty, together with the Protocol of Signature, shall be ratified and the letters of ratification shall be exchanged at Ankara as soon as possible.

It shall come into force thirty days after the exchange of ratifications and the Provisional Arrangement shall immediately cease to be operative.

The present Treaty shall be valid for two years as from the date of its coming into force.

If it is not denounced by one of the High Contracting Parties at least six months before the expiration of the said period, the present Treaty shall be prolonged by tacit agreement and shall remain in force for a period of six months as from the date of its denunciation.

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

Done, in duplicate, at Ankara, March 16, 1931.

(S.) Sigurd BENTZON.

(S.) ZEKÂİ.

(S.) Mustafa ŞEREF.

(S.) M. NUMAN.

PROTOCOL OF SIGNATURE.

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

Ad Article II, paragraph 2. — This reservation shall not apply to taxes or charges relating to the acquisition or exploitation of waterfalls, power produced by waterfalls, mines or forests.

Ad Articles II and III. — It is understood that most-favoured-nation treatment may not be put forward to support a claim for benefits accorded in individual cases to private persons under the laws in force.

Ad Article III. — It is understood that most-favoured-nation treatment may not be put forward to support a claim to the benefit resulting from the acquired rights recognised by the provisional Article of the Law on the Rights and Obligations of Foreigners in Turkey, of February 23, 1330 (1914).

Ad Article VIII. — The provisions of this Article do not imply that the High Contracting Parties intend to withdraw foreign companies carrying out their main transactions in Turkey from the effects of Article 15 of the Turkish Law of November 30, 1330 (1914).

Ad Article IX. — Dried grapes from Turkey (sultanas) shall not be subject in Norway to Customs duty or any other duty, surtax or coefficient of increase, or to less favourable treatment than that which is accorded or may in future be accorded to currants (Greece).

Ad Article XIV. — The High Contracting Parties shall always have the right to take the necessary measures against dumping.

Ad Article XXI. — It is understood that the provisions of Article XXI shall not be deemed to have been infringed by the fact of Turkey according a reduction of lighthouse charges to vessels flying the national flag and regularly ensuring the transport of Turkish mails between Turkish ports.

Ad Article XXVII. — It is understood that no cases coming under the sovereignty or within the exclusive competence of the State, in accordance with the usages of international law, may be the subject of arbitration.

Moreover, it is understood that the expression “any other duty or charge whatsoever” employed in the present Treaty also comprises the fees collected by consuls for visas on certificates of origin for goods imported from the territory of either High Contracting Party into the territory of the other Party.

It is also agreed that the Turkish Government shall apply to the fish called “brislings” or “sild”, of the species “*clupea sprattus*” and “*clupea harengus*”, in oil or tomato, without heads, in airtight packing, the Customs treatment and other facilities which are accorded to sardines in airtight packing from any third country, on importation into Turkey.

In faith whereof the respective Plenipotentiaries have signed the present Protocol of Signature.

Done, in duplicate, at Ankara, March 16, 1931.

(s.) Sigurd BENTZON.

(s.) ZEKÂL.

(s.) Mustafa ŞEREF.

(s.) M. NUMAN.