

N° 3420.

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**ESTONIE ET LITHUANIE**

Convention commerciale, avec annexes et protocole. Signés à Tallinn, le 13 janvier 1934.

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**ESTONIA AND LITHUANIA**

Commercial Convention, with Annexes and Protocol. Signed at Tallinn, January 13th, 1934.

<sup>1</sup> TRADUCTION. — TRANSLATION.No. 3420. — COMMERCIAL CONVENTION <sup>2</sup> BETWEEN ESTONIA AND LITHUANIA. SIGNED AT TALLINN, JANUARY 13TH, 1934.

*French official text communicated by the Estonian Minister for Foreign Affairs. The registration of this Convention took place May 12th, 1934.*

THE HEAD OF THE REPUBLIC OF ESTONIA,  
of the one part, and  
THE PRESIDENT OF THE REPUBLIC OF LITHUANIA,  
of the other part,

Being equally desirous of promoting and extending the economic relations between the two countries, have decided to conclude an agreement, and for this purpose have appointed as their Plenipotentiaries :

THE HEAD OF THE REPUBLIC OF ESTONIA :

M. J. SELJAMAA, Minister for Foreign Affairs of Estonia ;

THE PRESIDENT OF THE REPUBLIC OF LITHUANIA :

M. B. DAILIDE, Envoy Extraordinary and Minister Plenipotentiary of Lithuania at Tallinn,

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

*Article I.*

Nationals of each of the High Contracting Parties, admitted into the territory of the other High Contracting Party, shall enjoy therein, provided they comply with the laws and regulations of that Party, the same rights to travel, sojourn, settle, choose their place of residence, and move from place to place, as nationals of the most-favoured nation, without being subject to any conditions or regulations other than those to which nationals of the most-favoured nation are subject in respect of each of the said rights.

Such nationals shall be on an equal footing with the nationals of the most-favoured nation as regards the exercise of all commercial and industrial activities.

The nationals of each of the High Contracting Parties shall enjoy, in the territory of the other High Contracting Party, the same treatment as the nationals of the most-favoured nation as regards the legal and judicial protection of their persons, property and interests.

<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> Came into force April 6th, 1934.

The nationals of each of the High Contracting Parties shall receive the same treatment as nationals of the most-favoured nation as regards the right to own immovable property, and shall be entitled to dispose of such property on the same conditions as nationals of the most-favoured nation.

With regard to the right to acquire immovable property, the High Contracting Parties reciprocally guarantee most-favoured-nation treatment.

*Article 2.*

In the matter of taxes and duties of every kind, and any other charges of a fiscal nature, no matter on whose behalf they are levied, the nationals of each of the High Contracting Parties shall enjoy in every respect, in the territory of the other Contracting Party, the same treatment and the same protection by the fiscal authorities and courts dealing with fiscal matters as nationals of the most-favoured nation, both for their persons and their property, rights and interests, including their trade and industry.

*Article 3.*

The nationals of each of the High Contracting Parties shall enjoy, in the territory of the other High Contracting Party, the same treatment as nationals of the most-favoured nation as regards the laws and regulations relating to the protection of labour and social insurance. The nationals of the High Contracting Parties, and their families when affected, shall be entitled to benefits, compensation for industrial accidents, and insurance in respect of disablement, old age and death, irrespective of the country to which the victim of the accident (the insured person) emigrated after having acquired the right to such benefit, and of the place of residence of his family.

*Article 4.*

Joint-stock companies and other commercial, industrial or financial companies properly constituted in conformity with the legislation of one of the High Contracting Parties and having their head offices in the territory of that Party shall be recognised by the other High Contracting Party as being properly constituted. The recognition of such companies by one of the High Contracting Parties shall not imply the right for such companies to establish themselves or operate in the territory of the other High Contracting Party or in general carry out the transactions provided for in their Articles of Association.

After admission, such companies shall enjoy the same rights as are or may in future be accorded to similar companies of the most-favoured nation.

With regard to legal protection and taxes and other duties of whatever nature, most-favoured-nation treatment shall be applied reciprocally to such companies.

*Article 5.*

The products originating in and coming from Estonia enumerated in List A annexed hereto shall, on their importation into Lithuania, enjoy the benefit of the percentage reductions, consolidated Customs duties and import quotas indicated in the said list.

The products originating in and coming from Lithuania enumerated in List B annexed hereto shall, on their importation into Estonia, enjoy the benefit of the percentage reductions, consolidated Customs duties and import quotas indicated in the said list.

*Article 6.*

Without prejudice to the provisions of Article 5, the High Contracting Parties agree to grant each other unconditional and unrestricted most-favoured-nation treatment in respect of all matters relating to Customs duties and all accessory duties, and the method of collecting the duties, and also in respect of the rules, formalities and charges to which Customs clearing operations may be subjected.

Accordingly, natural or manufactured products originating in the territory of either High Contracting Party shall in no case be subject, in the above-mentioned respects, to other or higher duties, dues or charges, or to other or more burdensome rules and formalities, than those which are or may in future be applied to products of the same kind originating in any third country whatsoever.

Similarly, natural or manufactured products exported from the territory of either High Contracting Party to the territory of the other High Contracting Party shall in no case be subject, in the same respects, to other or higher duties, dues or charges, or to more burdensome rules and formalities, than those which are or may in future be applied to the same products consigned to the territory of any other country whatsoever.

Any advantages, favours, privileges and immunities, which either Contracting Party has granted or may in future grant in the aforesaid respects to natural or manufactured products originating in any other country or consigned to the territory of any other country, shall be extended immediately and without compensation to products of the same kind originating in the territory of the other Contracting Party or consigned to the territory of that Party.

The following shall, however, be excepted from the engagements laid down in the present Article :

- (1) Privileges which are or may hereafter be granted to other contiguous States with the object of facilitating frontier traffic ;
- (2) Privileges in virtue of a Customs union already existing or concluded hereafter by one of the High Contracting Parties ;
- (3) Privileges which are or may hereafter be granted by Lithuania to Latvia ;
- (4) Privileges which are or may hereafter be granted by Estonia to Latvia, Finland and the Union of Soviet Socialist Republics.

*Article 7.*

Internal taxes which are levied or which may in future be levied on goods — no matter on whose behalf they are collected — in the territory of one of the High Contracting Parties, may not on any grounds be so levied on the products of the other High Contracting Party as to involve fiscal charges more burdensome than those imposed on national products of the same nature.

*Article 8.*

The High Contracting Parties agree to grant each other unconditional and unrestricted most-favoured-nation treatment in respect of commercial travellers and samples.

*Article 9.*

The High Contracting Parties undertake not to hinder trade between the two countries by means of import or export prohibitions or restrictions.

The following prohibitions or restrictions shall be excepted from this rule, so far as they are applicable to all countries or to countries in an identical situation :

- (1) Prohibitions or restrictions relating to public security ;
- (2) Prohibitions or restrictions regarding traffic in arms, ammunition and implements of war, or, in exceptional circumstances, any other military supplies ;
- (3) Prohibitions or restrictions imposed for the protection of public health or for the protection of animals or plants against disease, insects and harmful parasites ;
- (4) Prohibitions or restrictions designed to extend to foreign products the régime established within the country in respect of the production of, trade in and transport and consumption of national products of the same kind ;
- (5) Prohibitions and restrictions applied to products which, as regards production or trade, are or may in future be subject within the country to State monopolies or to monopolies exercised under State control.

*Article 10.*

Ships flying the flag of one of the High Contracting Parties and their cargoes shall in all respects enjoy the same treatment as national vessels and their cargoes in the territorial waters and ports of the other High Contracting Party, whatever their origin or destination.

Fishing, the coasting trade, pilotage and the internal services of ports, navigation on inland waterways, and facilities, rebates or reductions, which the High Contracting Parties may grant to their nationals by way of a bounty for national shipbuilding, shall, however, be excepted from the provisions of the present Article.

*Article 11.*

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

It shall come into force on the tenth day after the exchange of ratifications, replacing on the same date the provisional Agreement<sup>1</sup> concluded by an exchange of notes at Kaunas on January 15th, 1931.

The present Convention is concluded for a period of two years from the date on which it is put into force. It shall be prolonged by tacit consent for an indefinite period, unless it is denounced by one of the High Contracting Parties at least three months before the expiry of the two-year period. In the event of the Convention's being prolonged by tacit consent, each of the High Contracting Parties reserves the right to denounce it at any time with effect as from three months after the date of denunciation.

In faith whereof the Plenipotentiaries have signed the present Convention.

Done at Tallinn, in duplicate, the thirteenth of January 1934.

(Signed) Jul. SELJAMAA.

(Signed) Br. DAILIDE.

<sup>1</sup> Volume CXIV, page 141, of this Series.

## LIST "A".

## ESTONIAN PRODUCTS.

Numbers of the Lithuanian Customs tariff	Designation of goods	Annual quotas	Rebates	Consolidated Customs duty	Customs duties in force at the moment of signature of the Treaty
ex § 40 p. 1 (c)	Neat cattle for breeding purposes .  <i>Note: The neat cattle enumerated in this number are only allowed to be imported subject to a permit from the Ministry of Agriculture.</i>				Free of duty
ex § 61	Chair seats of veneered wood . . .	8000 t.			Lt. 1 50
ex § 66 p. 1	Calcite . . . . .	150 t.			
ex § 68 p. 3	Lactonite . . . . .	150 t.	50%		
ex § 77 p. 6 (a)	Window glass of a thickness not exceeding 3.5 mm. . . . .	150 t.	50%		
ex § 77 p. 6 (b)	Window glass of a thickness from 3.6 mm. up to 5 mm. . . . .	150 t.	25%		
ex § 80 p. 2	Crude oil extracted from bituminous shale . . . . .		50%		
ex § 81	Carbolineum, phenol and unrefined oils for impregnating wood . . .		50%		
ex § 83 p. 1	Bitumen, hard or in cakes, asphalt-mastic . . . . .		50%		
ex § 83 p. 2	Liquid oils derived from bituminous shale . . . . .		75%		
ex § 150 p. 2 (a)	Cable sleeves of cast iron ( <i>Kabelmuffen</i> ) . . . . .				Lt. 0.60
ex § 150 p. 2 (b)	Cast iron junction boxes for dwellings ( <i>Hausanschlusskasten</i> ) . . .				Lt. 0.75
ex § 150 p. 6	Central heating boilers . . . . .				Lt. 0.30
ex § 150 p. 8	High pressure water supply pipes and specially worked parts of same . . . . .	100 t.	50%		
ex § 167 p. 1	Cold storage installations . . . . .				Lt. 0.10
ex § 167 p. 1	Road-building machines, including planes for road-building . . . . .				Lt. 0.10
ex § 167 p. 1	Stone-crushers . . . . .				Lt. 0.10
ex § 167 p. 5	Agricultural machines n. s. d. . . . .				Free of duty
ex § 167 p. 10(a)	Thrashing machines for clover . . . . .				Lt. 0.20
ex § 169 p. 2 (c)	Telephonic apparatus . . . . .				Lt. 2.00
ex § 177 p. 1 and 2	Bristol board, drawing paper, and other paper not manufactured in Lithuania . . . . .	100 t.			
ex § 183 p. 1 (a) and (b)	Cotton threads non-twisted, unbleached, unwashed, up to No. 18	60 t.	30%		
§ 199 p. 1 (a)	Woollen tissues not exceeding 2 m <sup>2</sup> per kg. . . . .	1 t.			

## LIST " B ".

## LITHUANIAN PRODUCTS.

Numbers of the Estonian Customs tariff	Designation of goods	Annual quotas	Re- bates	Consolidated Customs duty
ex § 1 p. 2	Barley . . . . .	5000 t.		Est. c. 0.075
ex § 41	Superphosphates . . . . .			Free of duty
ex § 46 ex p. 1	Pigs' bristles, horsehair . . . . .			Free of duty
ex § 54	Hides and skins, undressed, of ox, bull, cow, calf, horse . . . . .			Free of duty
ex § 55 ex rem. 4	Sheepskins, depillated . . . . .		50%	
ex § 55 p. 4	Kid and chevrette . . . . .		25%	
ex § 58 ex p. 2	Sole leather . . . . .	2 t.		Free of duty
ex § 58 ex p. 3	Oak, in beams and logs . . . . .			Free of duty
ex p. 5	Oak, in planks, not thicker than 9 cm. . . . .			Free of duty
ex § 59 ex p. 1	Oak, in planks of more than 0.5 up to 9 cm. of thickness . . . . .			Free of duty
	Oak logs, of a thickness between 10 to 100 mm., 55 to 250 mm. broad, and 250 to 2,000 mm. long. . . . .			Free of duty
ex § 61 ex p. 1 (a)	Parquet flooring, finished and planed . . . . .		75%	
ex § 61 ex p. 1 (b) and ex 3	Parts of furniture, cornices and friezes . . . . .		50%	
ex § 62 ex p. 4 (a)	Fresh peas, vetches, dried peas . . . . .			Free of duty
ex § 62 p. (b)	Linseed . . . . .	500 t.		Free of duty
ex § 62 ex p. 4 (d)	Common clover . . . . .			} Free of duty
	White clover . . . . .			
	Timothy grass . . . . .			
ex § 125 ex p. 2 (a)	Ochre, umber, black oxyde of iron ( <i>caput mortuum</i> ) . . . . .			Free of duty
ex § 151 p. 4	Rivets, not specially mentioned . . . . .			Free of duty
ex § 153 ex p. 1	Chains with twisted links, springs with chains			Free of duty
ex p. 2	Padlocks and locks of all kinds, and keys for same . . . . .			Free of duty
ex p. 3	Iron-wood screws and piano keys, n.s.d. . . . .			Free of duty
ex p. 4	Nuts, threaded bolts, unpolished, unnickelled, unbronzed, and not worked up in any similar manner . . . . .			Free of duty
ex § 154 ex p. 2	Bergman tubes . . . . .		75%	
ex § 154 ex p. 2	Zinc-plated buckets and hardware . . . . .			Free of duty
ex § 156	Rivets, pins and pegs for pianos . . . . .			Free of duty
ex § 156 p. 1 (c)	Barbed wire, even when zinc-plated . . . . .			Free of duty
ex § 176 p. 1	Rags :			
	(a) Linen, cotton, and all kinds other than wool and silk; pieces of rope, threads and nets . . . . .			Est. c. 0.15
	(b) Of wool, including strips and cuttings of new woollen fabrics, not being imported as patterns (No. 218) and not being suitable for use as material . . . . .			Est. c. 0.20

## PROTOCOL.

## I.

It is understood that the present Convention in no way affects any conventional obligations existing between the two States which may guarantee treatment more favourable than that provided in the Articles of this Convention.

## II.

The provisions of Article 10 of the present Convention which expressly provide for the granting of national treatment imply the unconditional granting of most-favoured-nation treatment.

## III.

The question of transit as well as that of transit rates shall be settled by a special agreement between the two High Contracting Parties.

## IV.

The reciprocal reductions and consolidations of Customs tariffs in respect of those products enumerated in Lists A and B annexed to the present Convention, which have fixed quotas, can only be applied within the limits of the said quotas.

## V.

*Ad Articles 5 and 6.*

In order to reserve to the products originating in their respective countries the benefits of the provisions of Articles 5 and 6, the High Contracting Parties may require the products and goods imported into their territory to be accompanied by a certificate of origin.

## VI.

*Ad Articles 5 and 11.*

The lists of goods " A " and " B " to which Article 5 of the Convention relates may be revised or denounced separately, without affecting the present Convention. The lists may only be revised once a year ; such annual periods to date from the coming into force of the Convention. Revision to be followed by a new agreement within three months ; failing which, the lists shall be regarded as cancelled.

As regards Customs duties on certain products, particularly those designated in List " A " under Nos. 150 p. 2 (a), p. 2 (b), p. 6, 167, p. 1, p. 5, p. 10 (a) and 169 p. 2 (c), the Lithuanian Government reserves the right to denounce them either partly or *in toto* without prejudice to the validity of the other provisions of the Convention.

The Estonian Government reserves the same right in respect of the Customs duties provided for in List " B " under Nos. 1 p. 2 and 178 p. 1.

## VII.

Lithuania declares that for the duration of the present Convention she has no intention of granting to any third State, including Latvia, in respect of the items of her Customs tariff enumerated in List " D " below, reductions on the tariff rates which would not be extended to Lithuania.



## LIST " D ".

*Sections of the Lithuanian Tariff.*

§ 55, 3, 4, 5, 6	§ 177, 2
§ 57, 1, 2	§ 183
§ 61, 2	§ 186
§ 65, 3	§ 187
§ 169, 2	§ 188

Estonia declares that for the duration of the present Convention she has no intention of granting to any third State (including Latvia, Finland and the Union of Soviet Socialist Republics) in respect of the items of her Customs tariff enumerated in List " C " below, reductions on the tariff rates which would not be extended to Lithuania.

## LIST " C ".

*Sections of the Estonian Tariff.*

§ 1	§ 36, 5
§ 3	§ 37, 1
§ 4	§ 40
§ 5, 1, 4	§ 43
§ 6, 1, 5, 6	§ 55
§ 13	§ 62, 3
§ 14, 1, 2.	§ 161
§ 32	§ 176, 1 (a), 1 (b).
§ 34	

Done at Tallinn on January 13th, 1934.

(Signed) Jul. SELJAMAA.

(Signed) Br. DAILIDE.