

N° 3678.

ESPAGNE ET ESTONIE

Echange de notes comportant un
modus vivendi commercial. Madrid,
le 8 mai 1935.

SPAIN AND ESTONIA

Exchange of Notes constituting a
Commercial *modus vivendi*. Madrid,
May 8th, 1935.

¹ TRADUCTION. — TRANSLATION.

No. 3678. — EXCHANGE OF NOTES ² BETWEEN THE SPANISH AND ESTONIAN GOVERNMENTS CONSTITUTING A COMMERCIAL *MODUS VIVENDI*. MADRID, MAY 8TH, 1935.

French official text communicated by the Estonian Minister for Foreign Affairs. The registration of this Exchange of Notes took place June 22nd, 1935.

I.

MADRID, *May 8th*, 1935.

YOUR EXCELLENCY,

Duly authorised by my Government and in its behalf, I have the honour to propose to Your Excellency, as a provisional arrangement pending the conclusion of a Commercial Treaty, the regulation of trade relations between Estonia and Spain by a " *Modus Vivendi* " in accordance with the provisions hereinafter following :

I.

Natural or manufactured products, originating in and coming from Spain, the Balearic Islands, the Canaries, the Spanish Possessions or the zone of the Spanish Protectorate in Morocco, shall enjoy the benefit, on import into Estonian territory, of the most favourable rates and dues, autonomous or conventional, which the Estonian Government accords or may in future accord to any foreign country.

Such treatment shall be understood as implying immediate and unconditional admission to the benefit of any reduction or exemption in respect of dues or charges, or of other tariff regulations.

II.

Natural or manufactured products of the kinds enumerated in List A attached to the present Agreement, originating in and coming from Estonia, shall enjoy the benefit, on import into Spain, the Balearic Islands, the Canaries and the Spanish Possessions, of the most favourable rates and dues, autonomous or conventional, which the Spanish Government accords or may in future accord to any third country.

Such treatment shall, as regards the products enumerated in List A, be understood as implying immediate and unconditional admission to the benefit of any reduction or exemption in respect of dues or charges, or of other tariff regulations.

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 Came into force June 1st, 1935.

III.

Each High Contracting Party undertakes to give the other the benefit, immediately and without compensation, of any privilege, favour or reduction it accords, or may in future accord, to any other country in the matter of re-export, transit, bonding, transshipment of goods, compliance with Customs formalities, and all dues or charges connected with such operations, and in the matter of Customs rules, formalities and fees.

The High Contracting Parties undertake to accord one another unconditional and unlimited most-favoured-nation treatment in all cases of dues, charges or internal imposts of whatever kind, as well as in the collection of such imposts.

IV.

Natural or manufactured products of the kinds enumerated in List B attached to the present Agreement, originating in and coming from Spain, the Balearic Islands, the Canaries, the Spanish Possessions or the zone of the Spanish Protectorate in Morocco, shall not be liable, on import into Estonia, to duties other or higher than those fixed in the case of each product in the said List.

V.

The High Contracting Parties are agreed to limit the number of cases, as the importing country shall see fit, in which certificates of origin are required.

Certificates of origin shall be issued either by the Ministry of Economic Affairs, or by the Customs authorities, or by the Chambers of Commerce officially recognised by the exporting country. They shall be made out either in the language of the country of origin or in the language of the country of destination, and shall be accompanied by a translation in French.

The High Contracting Parties shall communicate to one another lists of the authorities empowered to issue certificates of origin.

Postal packets and mail and commercial travellers' samples shall not require certificates of origin.

VI.

Each of the High Contracting Parties undertakes to take all requisite steps with a view to the repression within its territory of the misuse of geographical appellations to indicate the origin of products of the other Party, the specific quality of which is derived from the soil or climate, and in particular products of the grape, provided such appellations are properly protected in the country of origin and are duly notified by the Government of the same.

Appellations of origin in the case of either country shall be deemed to be misused when they are applied to products not entitled under the laws or regulations of such country to be so styled.

In the particular case of products of the grape, Estonia expressly recognises the specific designation of the wines "Jerez", "Xeres", "Sherry", "Malaga" and "Tarragona" as applying exclusively to wines vintaged in the parts of Spain concerned, and undertakes to prevent the use of such appellations of origin as a description of wines other than the wines of Jerez, Malaga and Tarragona respectively, even though the true origin of such wines is indicated or the misused appellation is accompanied by the addition of some such qualifying expression as "kind", "manner", "type", "variety" or the like calculated to mislead as to the true origin of the commodity.

As a means of establishing the authentic origin of the wines of Jerez, Malaga and Tarragona, it is hereby stipulated that no wines are entitled to be styled "Jerez",

“ Malaga ” or “ Tarragona ” unless they are accompanied on their entry into Estonia by certificates of origin and analysis issued by the Spanish Oenological Stations and Agricultural Sections attesting that they are in fact from the Jerez, Malaga or Tarragona districts, as the case may be.

VII.

The repressive action which the two High Contracting Parties undertake to apply in this connection shall include provision for seizure, prohibition or other appropriate penalty in connection with the import, export, bonding, manufacture, circulation, sale or marketing of products in regard to which the casks, bottles or cases in which they are contained, or the invoices, papers of sale or way-bills, carry marks, names, inscriptions or other signs suggestive of false appellations of origin.

The seizure of products infringing the above provisions or other penalties shall be imposed either on the initiative of the administrative authorities concerned, or on the motion of the Public Prosecutor or any other interested party, individual, association or syndicate, in accordance with the law of the High Contracting Party concerned.

VIII.

Merchant vessels of each High Contracting Party shall enjoy most-favoured-nation treatment in the ports and territorial waters of the other Party in all matters connected with navigation rules and with pilotage, lighthouse, harbour, stationing and quarantine duties and other maritime dues or charges.

The High Contracting Parties recognise without further measurement the tonnage certificates issued by the competent authorities of each other's countries, provided they comply with the rules laid down for the calculation of tons register by the United Kingdom Board of Trade.

IX.

The most-favoured-nation treatment for which preceding Articles provide shall not include the exemptions, immunities or privileges which :

(1) Estonia has in the past accorded, or may in the future accord, to Finland, Latvia, Lithuania or the Union of Soviet Socialist Republics, or to all these countries, provided such benefits are not accorded to any country other than those mentioned ;

(2) Spain has in the past accorded, or may in the future accord, to Portugal, the Spanish Possessions or Colonies, the zone of the Spanish Protectorate in Morocco or the Spanish-American Republics.

X.

The Spanish Government accords to the Estonian Government an annual quota of 5,000 tons of wood-pulp (cellulose) for the period January 1st-December 31st of each year. The Spanish Government reserves the right to allot the total by quarters or half-years, any shortage in any given quarter or half-year being made up in subsequent quarters or half-years.

It is, however, understood that the quota shall be exhausted by the end of the fourth quarter of each year, and no part of it may be carried forward to the first quarter of the following year.

XI.

The present Agreement shall be ratified by the High Contracting Parties and shall come into force not later than June 1st, 1935, and shall remain in force for one year from

that date, unless a Commercial Treaty is concluded in the interval. Failing denunciation of the Agreement three months before the expiry of the year for which it is concluded, it shall be tacitly prolonged until one month from the date of notice being given by one High Contracting Party to the other of its intention to allow the Agreement to lapse.

I have the honour to be, etc.

Ed. VIRGO.

His Excellency

Monsieur J. José Rocha,
Minister for Foreign Affairs,
Madrid.

LIST A.

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

E. V.

LIST B.

Nos. in Estonian Tariff	Designation of goods	Unit	Duties in Estonian crowns
Ex § 6	Fresh fruits :		
p. 2	Oranges, mandarines, bitter oranges and bananes :		
p. 2 (a)	Oranges, mandarines, bitter oranges	kg. gross	0.20
p. 2 (b)	Bananas	kg. gross	0.30
p. 3	Lemons	kg. gross	0.10
ex p. 4	Grapes	kg. gross	0.75
	<i>Note</i> : Imports effected between June 1st and December 15th shall not be accorded the benefit of the duties for which provision is made in p. 2, p. 3 and p. 4.		
Ex § 7	Fruits and berries, dried, not specially mentioned in the other headings, unsweetened :		
ex p. 4	Raisins, large size, from Malaga		0.40
§ 11	Nuts and hazels :		
p. 2	Almonds and pistachio nuts		1.00
§ 24	Preparations with fruits, etc. :		
ex p. 4 (a)	Prepared orange or lemon juice, without sugar, according to samples deposited		1.00
Ex § 28	Grape wines :		
ex p. 1	In barrels :		
(b)	Wines of Jerez or Malaga, containing over 16° and below 25° of alcohol.		2.00
ex (b)	Wines of Tarragona, containing over 16° of alcohol		0.80
	<i>Note</i> : Only such wines as are accompanied by a certificate of origin and analysis issued by the Spanish Oenological Stations and Agricultural Sections, attesting that they are in fact from the Jerez, Malaga or Tarragona districts, as the case may be, and certifying their purity, shall enjoy the benefit of these duties.		
§ 33 p. 1	Salt		free
p. 2			free
p. 3			0.03

E. V.

II.

MADRID, *May 8th*, 1935.

MONSIEUR LE DIRECTEUR,

You have this day addressed to me a note in the following terms :

Duly authorised by my Government and in its behalf, I have the honour to propose to Your Excellency, as a provisional arrangement pending the conclusion of a Commercial Treaty, the regulation of trade relations between Estonia and Spain by a " *Modus Vivendi* " in accordance with the provisions hereinafter following :

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Such treatment shall be understood as implying immediate and unconditional admission to the benefit of any reduction or exemption in respect of dues or charges, or of other tariff regulations.

II.

Natural or manufactured products of the kinds enumerated in List A attached to the present Agreement, originating in and coming from Estonia, shall enjoy the benefit, on import into Spain, the Balearic Islands, the Canaries and the Spanish Possessions, of the most favourable rates and dues, autonomous or conventional, which the Spanish Government accords or may in future accord to any third country.

Such treatment shall, as regards the products enumerated in List A, be understood as implying immediate and unconditional admission to the benefit of any reduction or exemption in respect of dues or charges, or of other tariff regulations.

III.

Each High Contracting Party undertakes to give the other the benefit, immediately and without compensation, of any privilege, favour or reduction it accords, or may in future accord, to any other country in the matter of re-export, transit, bonding, transshipment of goods, compliance with Customs formalities, and all dues or charges connected with such operations, and in the matter of Customs rules, formalities and fees.

The High Contracting Parties undertake to accord one another unconditional and unlimited most-favoured-nation treatment in all cases of dues, charges or internal imposts of whatever kind, as well as in the collection of such imposts.

IV.

Natural or manufactured products of the kinds enumerated in List B attached to the present Agreement, originating in and coming from Spain, the Balearic Islands, the Canaries, the Spanish Possessions or the zone of the Spanish Protectorate in Morocco, shall not be liable, on import into Estonia, to duties other or higher than those fixed in the case of each product in the said List.

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I have the honour to be, etc.

I have the honour to acknowledge the receipt of the communication in question, and to confirm to you the Spanish Government's agreement with the proposal therein contained.

I have the honour to be, etc.

J. José ROCHA.

Monsieur Edward Virgo,
Director of Commercial Affairs
in the Estonian Ministry of
Foreign Affairs.

LIST A.

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