

N° 3661.

ESPAGNE ET ROUMANIE

Convention commerciale, signée à
Bucarest, le 21 mars 1934, avec
protocole final et annexes.

SPAIN AND ROUMANIA

Commercial Convention, signed at
Bucharest, March 21st, 1934, with
Final Protocol and Annexes.

¹ TRADUCTION. — TRANSLATION.No. 3661. — COMMERCIAL CONVENTION ² BETWEEN SPAIN AND ROUMANIA. SIGNED AT BUCHAREST, MARCH 21ST, 1934.

French official text communicated by the Roumanian Envoy Extraordinary and Minister Plenipotentiary accredited to the League of Nations. The registration of this Convention took place June 7th, 1935.

HIS MAJESTY THE KING OF ROUMANIA, of the one part, and
THE PRESIDENT OF THE SPANISH REPUBLIC, of the other part, being equally desirous of promoting and extending commercial relations between their respective countries, have resolved to conclude a Commercial Convention and have appointed as their Plenipotentiaries :

HIS MAJESTY THE KING OF ROUMANIA :

His Excellency Monsieur Savel RĂDULESCO, Minister Under-Secretary of State at the Ministry of Foreign Affairs ;

THE PRESIDENT OF THE SPANISH REPUBLIC :

His Excellency Don Pedro DE PRAT Y SOUTZO, Envoy Extraordinary and Minister Plenipotentiary of Spain at Bucharest ;

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

Article 1.

The Government of His Majesty the King of Roumania and the Government of the Spanish Republic undertake, in virtue of the present Convention, to regulate their commercial relations in accordance with the prescriptions set out hereunder and to do their utmost to facilitate the exchange of their products with a view to promoting their reciprocal economic interests.

Article 2.

Natural or manufactured products originating in and coming from the Spanish Republic (peninsular territory, the Balearic and Canary Islands, and Spanish possessions) enumerated in list A annexed to the present Convention shall be admitted into Roumania on payment of the duties and charges laid down therein for each article.

Article 3.

Other articles, natural or manufactured products, originating in and coming from the Spanish Republic (peninsular territory, the Balearic and Canary Islands, and Spanish possessions) shall,

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 Madrid, May 21st, 1935.

on importation into Roumania, be accorded the benefit of the same duties and charges as products originating in and coming from the most-favoured nation, together with the benefit of the minimum tariff rates.

Article 4.

Natural or manufactured products originating in and coming from the Kingdom of Roumania enumerated in list B annexed to the present Convention shall, on importation into Spain (peninsular territory, the Balearic and Canary Islands, and Spanish possessions), be accorded the benefit of the same duties and charges as the same products originating in and coming from the country which enjoys most-favoured-nation treatment.

Article 5.

Other articles, natural or manufactured products, originating in and coming from the Kingdom of Roumania shall, on importation into Spain (peninsular territory, the Balearic and Canary Islands, and Spanish possessions), pay the duties laid down in the second column of the Spanish Customs tariff which is at present or may in future be in force.

Article 6.

The High Contracting Parties agree to grant each other unconditional and unlimited most-favoured-nation treatment in everything concerning accessory duties (internal duties or consumption taxes, surtaxes, coefficients of currency depreciation, turnover tax), the method of levying the duties and the rules, formalities and charges applicable to Customs clearing operations.

Accordingly, the natural or manufactured products of either High Contracting Party shall in no case be subject, in the above-mentioned respects, to duties, taxes or charges other or higher than, 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 from any third country.

Similarly, natural or manufactured products exported from the territory of either High Contracting Party to the territory of the other Party shall in no case be subject to duties, taxes or charges other or higher than, 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 other country.

All benefits, favours, privileges or immunities that have been or may in future be granted by either of the Contracting Parties in the aforesaid matter to natural or manufactured products originating in 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 from the other Contracting Party or consigned to the territory of that Party.

Article 7.

The two High Contracting Parties shall grant one another's goods freedom of transit through their respective territories and undertake not to impose any duty or tax on this account.

The goods of the two High Contracting Parties shall be exempt, in so far as such operations are concerned, from the payment of any transit duties and shall enjoy, in the same conditions as the goods of the most-favoured nation, all the advantages accorded to them in respect of warehousing, bounties, Customs facilities and return of duty.

Article 8.

Each of the High Contracting Parties undertakes to extend, immediately and without compensation, to the goods of the other, whether mentioned in the present Convention or not, any privilege, favour or reduction which is or may in future be accorded to any other Power in respect of the re-

export, transit, warehousing and transshipment of goods and the completion of Customs formalities, and also in respect of the duties and taxes relating to such operations.

Article 9.

The nationals of each of the two High Contracting Parties shall, in the territory of the other Party, enjoy the same protection as is extended to nationals of the country in everything that concerns property in trade-marks and marks of origin, as well as rights of ownership over industrial and trade designs and models of all kinds.

Article 10.

Each of the High Contracting Parties undertakes to adopt all necessary measures to prevent within its territory the improper use of geographical appellations of origin of products of the other High Contracting Party which owe their specific qualities to the conditions of the soil and climate, in particular products of the wine industry and "Pimenton", provided that these names are duly protected in the country of origin and have been notified to the other High Contracting Party by the Government concerned.

The notification mentioned above shall give details of the documents issued by the competent authority of the country of origin establishing the right to the said appellation of origin.

Appellations of origin of each of the two countries shall be deemed to be improperly used if they are applied to products not entitled thereto under the laws and regulations of the country concerned.

In particular, it is prohibited to make use of geographical appellations of origin to describe products other than those genuinely entitled thereto, even if the real origin of the products is mentioned or the false appellations are accompanied by certain qualifying terms such as "kind", "make", "type", "variety", or other expressions likely to convey false information as to the real origin of the products.

Notwithstanding the above provisions, the seller of the goods may place his name and address on the outside of the product. However, if no regional or local appellation exists and if the use of his name and address is liable to cause confusion with a region or locality situated in another country, he shall also indicate the country of origin of the product in plain characters.

Article 11.

Each of the High Contracting Parties undertakes to adopt all necessary measures effectively to guarantee the natural or manufactured products originating in the territory of the other High Contracting Party against unfair competition in commercial transactions, and in particular to prohibit and repress by seizure and any other penalties, the importation, warehousing and placing on the market, the sale within the country and the export of all products bearing either on themselves, their immediate make-up or their external wrappings, or on invoices, waybills or commercial papers, any marks, names, inscriptions, illustrations or signs whatsoever constituting either directly or indirectly a false indication of the origin, kind, nature or specific qualities of such products or goods.

The seizure of the products shall be effected, or the other penalties imposed, at the request of the Administration, or on the application of the Public Prosecutor or any person, association or syndicate concerned, in accordance with the legislation of the High Contracting Parties.

Article 12.

The High Contracting Parties shall recognise the validity of sanitary and phytopathological certificates of analysis and, in general, any certificates testifying to the identity, purity, and good condition of the goods, issued by the competent authorities of the country of origin.

The said certificates shall also prove that the goods accompanying them are in accordance with the provisions of the internal legislation of the country of origin, and the visa of the diplomatic or consular representatives of the country of destination may be required.

The High Contracting Parties retain the right, if necessary, and particularly where fraud is suspected, to take all requisite measures for the purpose of establishing the identity of the goods, notwithstanding the production of the above-mentioned certificates.

The High Contracting Parties shall jointly decide upon the guarantees required as proof of the identity of the goods exported and of the sample submitted for analysis. They shall also agree as to what authorities shall issue the certificates in question, the content of these certificates, the rules to be followed in issuing them, and the method of taking samples.

The list of authorities entitled to issue such certificates shall be communicated to the other High Contracting Party as soon as possible.

Similarly, as regards products entitled to a geographical appellation of origin, each High Contracting Party shall communicate to the other specimen copies of the documents attesting the fact.

Article 13.

The two High Contracting Parties may require the production of certificates of origin for the purpose of verifying the origin of the goods, but they undertake to see that trade is not hampered by unnecessary formalities in establishing the said certificates.

Certificates of origin may be issued by the competent Chambers of Commerce, Industry or Agriculture. The two Governments may agree to confer on authorities other than those mentioned above the right to issue certificates of origin.

The Government of the country of destination may require certificates of origin to be furnished with the visa of the competent diplomatic or consular authority of the place from which the goods are consigned.

Certificates of origin shall not be required in the case of postal parcels when the country of destination recognises that the consignments are not of a commercial character.

Article 14.

Commercial travellers furnished with identity cards issued by the competent authorities of the country of origin shall enjoy the same rights and advantages, in everything that concerns the importation and exportation of the samples in their possession, as commercial travellers of the most-favoured nation.

Article 15.

Most-favoured-nation treatment as provided for in the preceding Articles shall not apply to :

(a) Privileges which are or may hereafter be granted by either High Contracting Party with a view to facilitating frontier traffic with adjacent States within a zone not exceeding fifteen kilometres on either side of the frontier ;

(b) Any special tariff regime which has been or may hereafter be instituted by Spain in respect of imports from Portugal or the Spanish zone of the Protectorate of Morocco ;

(c) Rights and privileges granted to one or more other adjacent States with a view to concluding an economic agreement or Customs union.

Article 16.

Should either High Contracting Party take steps to modify the import regime in existence at the time of signature of the present Convention, the High Contracting Party whose interests are prejudiced shall be entitled to ask that negotiations be opened immediately with a view to remedying the new situation created or granting the injured party fair compensation, apart from the exceptions for which provision is made in this Convention.

Article 17.

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

It shall come into force fifteen days after the exchange of ratifications and shall remain operative for an indefinite period, each High Contracting Party reserving the right to denounce it by giving three months' notice.

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

Done in duplicate at Bucharest, the twenty-first day of March, 1934.

(Signed) Savel RĂDULESCU.

(Signed) Pedro DE PRAT Y SOUTZO.

FINAL PROTOCOL

TO THE COMMERCIAL CONVENTION BETWEEN ROUMANIA AND SPAIN.

On proceeding to sign the Commercial Convention between Roumania and Spain, concluded this day, the undersigned Plenipotentiaries have made the following declarations, which shall form an integral part of the Convention itself :

Ad Article 10.

The rules laid down in Article 10 of the present Convention in respect of appellations of origin relate more particularly to " Jerez " (" Xeres ", " Sherry "), " Malaga " and " Tarragona ", appellations belonging exclusively to wines originating in these Spanish localities.

Ad Article 13.

The tax levied on the issue of consular visas on certificates of origin may not exceed 6 gold pesetas in Spain or 200 lei in Roumania.

Ad Article 17.

The two High Contracting Parties agree to put the present Convention into force provisionally ten days after its signature.

LIST A.

Item	Designation of goods	Import duty in lei per 100 kg.
Ex 72(b)	<i>Note</i> : Tunny-fish preserved in vinegar or prepared in any other way except in oil, and packed in air-tight tins, will pay the same duty as rollmops, Bismarck herrings and herrings.	
73(c)	<i>Note</i> : Tunny-fish preserved in oil and packed in air-tight tins will pay the same duty as sardines similarly packed.	

Item	Designation of goods	Import duty in lei per 100 kg.
93	Skins : sheep, ram, she-goat, buck-goat, kid and lamb, tanned with mineral products, called kid skin and chevrette :	
	(a) Black or natural colour	16,000
Ex 132	(b) Coloured	18,000
Ex 332	" Alpargatas " shoes (cotton cloth footwear with soles of cord, hemp or jute)	12,000
	Pure olive oil, maximum acidity 2 ^o , accompanied by a certificate of analysis from the country of origin :	
	(a) In casks or other receptacles weighing more than 15 kg.	800
	(b) In bottles or other receptacles weighing 15 kg. or less	1,300
	<i>Note</i> : For such time as the special arrangements concerning the difference between items (a) and (b) remain in force, Spain will also benefit from them.	
397	Oranges, mandarines	270
397	<i>Note</i> : Grape-fruit (Pomelos) will pay the same tax as oranges and mandarines.	
Ex 400	Canary bananas imported direct from the producing country and accompanied by certificates of origin	1,500
406(c)	Dried raisins, so-called Malaga	1,200
415	Saffron	1 kg. 300
420	Pounded pimento, sweet Spanish " pimenton ", accompanied by certificates of origin	100 " 2,500
Ex 425(c)	Green or split olives, preserved by any process	400
Ex 425(c)	Olives stuffed with anchovies or red pimento and preserved in oil in air-tight glass or metal receptacles	500
Ex 440	Malaga, Sherry and other generous wines originating in and coming from Spain, with an alcoholic strength of at least 16 ^o , accompanied by certificates of origin :	
	(a) In receptacles of any kind, except bottles and jars	4,000
701	(b) In bottles or jars	5,500
702	Cork in slabs, plates, cubes, etc.	225
	Cork stoppers :	
	(a) Plain	525
	(b) Combined with other materials	1,050
703	Discs, washers and small wheels, of cork	375
704	Cork hats, with or without ribbon, sweat-band or lining.	1,500
Ex 705	All other articles made of cork, not specified :	
	(a) Plain	500
	(b) Combined with other materials	900
706	Wares made of cork waste or peat, even combined with other materials, such as plates, bricks, sockets, used as insulating material against heat loss, cold, dampness or sound	1,000
856	Colophany :	
	(a) Crude	50
	(b) Prepared or fashioned in any shape	600
I,175	Razor blades	15,000
I,213	Revolvers and pistols, also accessory parts thereof	8,000
I,214	Sporting guns, not rifled :	
	(a) Single barrelled	100
	(b) Double barrelled	300

LIST B.

Number in Spanish Tariff	Designation of Group or Item
1—4	Agate, alabaster, azurite, malachite, lapis lazuli, onyx, etc.
17	Lime, fat and ordinary.
18	Cement, hydraulic lime.
22	Other earths and stones, including gypsum in powder or in lumps.
36—48	Liquid mineral fuel and its derivatives.
50	Natural phosphate of lime.
96—110	Wood.
111—122	Appliances and utensils of wood.
123—131	Furniture.
132	Charcoal.
161—175	Animals.
176—195	Hides and skins, not made up.
205—210	Feathers.
211—218	Other products (animal products).
795—797	Artificial organic colouring materials (derived from coal and the like).
804	Crude animal oils, except cod-liver oil.
811—821	Animal, mineral and vegetable waxes, soap and glycerine.
997—999	Linseed, castor-oil seed and other oleaginous seeds.
1,021—1,026	Raw materials for paper, etc.
1,215—1,219	Hair and horsehair.
1,220—1,230	Wool, woollen rags and wool waste and hair, combed or carded.
1,278—1,279	Silkworms' eggs, silk cocoons and waste thereof.
1,321—1,326	Poultry and meat.
1,337—1,351	Cereals, pulse and flour.
1,325—1,359	Vegetables and fruits.
1,362—1,363	
1,371—1,374	
1,390	Alcohol and plain spirits, tzuica.
1,395—1,398 and 1,399	Wines.
1,401—1,406	Fodder and seeds.
1,407—1,419	Milk and its derivatives.
1,420	Miscellaneous food products.
1,422—1,427	
1,429—1,438	
1,444—1,446	
1,448—1,454	Amber, jet, coral, tortoiseshell, ivory and mother-of-pearl. Horn and articles manufactured therefrom.