

N° 3981.

**ÉTATS-UNIS D'AMÉRIQUE
ET FINLANDE**

Accord tarifaire, avec annexes. Signé
à Washington, le 18 mai 1936.

**UNITED STATES OF AMERICA
AND FINLAND**

Agreement concerning Tariff Ques-
tions, with Annexes. Signed at
Washington, May 18th, 1936.

No. 3981. — AGREEMENT¹ CONCERNING TARIFF QUESTIONS
BETWEEN THE UNITED STATES OF AMERICA AND FINLAND.
SIGNED AT WASHINGTON, MAY 18TH, 1936.

Finnish and English official texts communicated by the Permanent Delegate a. i. of Finland to the League of Nations and by the Envoy Extraordinary and Minister Plenipotentiary of the United States of America at Berne. The registration of this Agreement took place October 26th, 1936.

THE PRESIDENT OF THE REPUBLIC OF FINLAND and THE PRESIDENT OF THE UNITED STATES OF AMERICA, being desirous of strengthening the traditional bonds of friendship between the two countries by maintaining the principle of equality of treatment as the basis of commercial relations and by granting mutual and reciprocal concessions and advantages for the promotion of trade, have through their respective Plenipotentiaries arrived at the following Agreement :

Article I.

Articles the growth, produce or manufacture of the United States of America, enumerated and described in Schedule I annexed to this Agreement and made a part thereof, shall, on their importation into Finland, be exempt from ordinary Customs duties in excess of those set forth and provided for in the said Schedule. The said articles shall also be exempt from all other duties, taxes, fees, charges or exactions, imposed on or in connection with importation, in excess of those imposed on the day of the signature of this Agreement, or required to be imposed thereafter, under laws of Finland in force on the day of the signature of this Agreement.

Article II.

Articles the growth, produce or manufacture of Finland, enumerated and described in Schedule II annexed to this Agreement and made a part thereof, shall, on their importation into the United States of America, be exempt from ordinary Customs duties in excess of those set forth and provided for in the said Schedule. The said articles shall also be exempt from all other duties, taxes, fees, charges or exactions, imposed on or in connection with importation, in excess of those imposed on the day of the signature of this Agreement, or required to be imposed thereafter, under laws of the United States of America in force on the day of the signature of this Agreement.

Article III.

The provisions of Articles I and II of this Agreement shall not prevent the Government of either country from imposing at any time on the importation of any product a charge equivalent to an internal tax imposed in respect of a like domestic product or in respect of a commodity from which the imported product has been manufactured or produced in whole or in part.

¹ Came into force November 2nd, 1936.

Article IV.

Finland and the United States of America agree that the notes included in Schedules I and II are hereby given force and effect as integral parts of this Agreement.

Article V.

Articles the growth, produce or manufacture of Finland or the United States of America, shall, after importation into the other country, be exempt from all internal taxes, fees, charges or exactions other or higher than those payable on like articles of national origin or any other foreign origin.

Article VI.

In respect of articles the growth, produce of manufacture of Finland or the United States of America, enumerated and described in Schedules II and I, respectively, imported into the other country, on which *ad valorem* rates of duty, or duties based upon or regulated in any manner by value, are or may be assessed, it is understood and agreed that the bases and methods of determining dutiable value and of converting currencies shall be no less favorable to importers than the bases and methods prescribed under laws and regulations of the United States of America and Finland, respectively, in force on the day of signature of this Agreement.

Article VII.

No prohibitions, import or Customs quotas, import licenses, or any other form of quantitative regulation, whether or not operated in connection with any agency of centralized control, shall be imposed by Finland on the importation or sale of any article the growth, produce or manufacture of the United States of America enumerated and described in Schedule I, except as specifically provided for in that Schedule, nor by the United States of America on the importation or sale of any article the growth, produce or manufacture of Finland enumerated and described in Schedule II.

The foregoing provision shall not apply to quantitative restrictions in whatever form imposed by either country on the importation or sale of any article the growth, produce or manufacture of the other country in conjunction with governmental measures operating to regulate or control the production, market supply or prices of like domestic articles, or tending to increase the labor costs of production of such articles. Whenever the Government of either country proposes to establish or change any restriction authorized by this paragraph, it shall give notice thereof in writing to the other Government and shall afford such other Government an opportunity within thirty days after receipt of such notice to consult with it with respect to the proposed action; and if an agreement with respect thereto is not reached within thirty days following receipt of the aforesaid notice, the Government which proposes to take such action shall be free to do so at any time thereafter, and the other Government shall be free within fifteen days after such action is taken to terminate this Agreement in its entirety on thirty days' written notice.

Article VIII.

1. If the Government of Finland or the Government of the United States of America establishes or maintains any form of quantitative restriction or control of the importation or sale of any article in which the other country has an interest, or imposes a lower import duty or charge on the impor-

tation or sale of a specified quantity of any such article than the duty or charge imposed on importation in excess of such quantity, the Government taking such action shall :

(a) Give public notice of the total quantity, or any change therein, of any such article permitted to be imported or sold, or permitted to be imported or sold at such lower duty or charge, during a specified period ;

(b) Unless otherwise mutually agreed, allot to the other country for such specified period a share of such total quantity as originally established, or subsequently changed in any manner, equivalent to the proportion of the total importation of such article which such other country supplied during a previous period, such period to be such as to result in a fair and equitable allotment to the other country ; and

(c) Give public notice of the allotments of such quantity among the several exporting countries, and at all times upon request advise the Government of the other country of the quantity of any such article the growth, produce or manufacture of each exporting country which has been imported or sold or for which licenses or permits for importation or sale have been granted.

2. Neither Finland nor the United States of America shall regulate the total quantity of importations into its territory or sales therein of any article in which the other country has an interest, by import licenses or permits issued to individuals or organizations, unless the total quantity of such article permitted to be imported or sold, during a quota period of not less than three months, shall have been established, and unless the regulations covering the issuance of such licenses or permits shall have been made public before such regulations are put into force.

Article IX.

In the event that the Government of Finland or the Government of the United States of America establishes or maintains a monopoly for the importation, production or sale of a particular commodity or grants exclusive privileges, formally or in effect, to one or more agencies to import, produce or sell a particular commodity, the Government of the country establishing or maintaining such monopoly, or granting such monopoly privileges, agrees that in respect of the foreign purchases of such monopoly or agency the commerce of the other country shall receive fair and equitable treatment. To this end it is agreed that in making its foreign purchases of any product such monopoly or agency will be influenced solely by those considerations, such as price, quality, marketability, and terms of sale, which would ordinarily be taken into account by a private commercial enterprise interested solely in purchasing such product on the most favorable terms.

Article X.

The tariff advantages and other benefits provided for in this Agreement are granted by Finland and the United States of America to each other subject to the condition that if the Government of either country shall establish or maintain, directly or indirectly, any form of control of foreign exchange, it shall administer such control so as to insure that the nationals and commerce of the other country will be granted a fair and equitable share in the allotment of exchange.

With respect to the exchange made available for commercial transactions, it is agreed that the Government of each country shall be guided in the administration of any form of control of foreign exchange by the principle that, as nearly as may be determined, the share of the total available exchange which is allotted to the other country shall not be less than the share employed in a previous representative period, prior to the establishment of any exchange control, for the settlement of commercial obligations to the nationals of such other country.

The Government of each country shall give sympathetic consideration to any representations which the other Government may make in respect of the application of the provisions of this Article.

Article XI.

With respect to (1) Customs duties or charges of any kind imposed on or in connection with importation or exportation ; (2) the method of levying such duties or charges ; (3) all rules and formalities in connection with importation or exportation ; and (4) all laws or regulations affecting the sale or use of imported goods within the country, any advantage, favor, privilege or immunity which has been or may hereafter be granted by Finland or the United States of America to any article originating in or destined for any third country, shall be accorded immediately and unconditionally to the like article originating in or destined for the United States of America or Finland, respectively.

The provisions of the first paragraph of this Article shall not extend :

(1) To the treatment which is accorded by the United States of America to the commerce of Cuba under the provisions of the Commercial Convention concluded by the United States and Cuba on December 11th, 1902, or any other commercial agreement thereafter concluded by the United States with Cuba ; or to the advantages now accorded or which may hereafter be accorded by the United States of America, its territories or possessions or the Panama Canal Zone to one another or to the Republic of Cuba. This provision shall continue to apply in respect of any advantages now or hereafter accorded by the United States of America, its territories or possessions or the Panama Canal Zone to the Philippine Islands irrespective of any change in the political status of the Philippine Islands ;

(2) To the benefits which either country has accorded, or may accord, to its neighboring States in order to facilitate local traffic ;

(3) To the treatment which Finland accords or may hereafter accord to the commerce of Estonia.

Article XII.

Greater than nominal penalties will not be imposed in Finland or in the United States of America upon importations of articles the growth, produce or manufacture of the other country because of errors in documentation obviously clerical in origin or where good faith can be established.

The Government of each country will accord sympathetic consideration to, and when requested afford adequate opportunity for consultation regarding, such representations as the other Government may make with respect to the operation of Customs regulations, quantitative restrictions or the administration thereof, the observance of Customs formalities, and the application of sanitary laws and regulations for the protection of human, animal, or plant life.

In the event that the Government of either country makes representations to the Government of the other country in respect of the application of any sanitary law or regulation for the protection of human, animal, or plant life, and if there is disagreement with respect thereto, a committee of technical experts on which each Government will be represented shall, on the request of either Government, be established to consider the matter and to submit recommendations to the two Governments.

Article XIII.

In the event that a wide variation occurs in the rate of exchange between the currencies of Finland and the United States of America, the Government of either country, if it considers the variation so substantial as to prejudice the industries or commerce of the country, shall be free to propose negotiations for the modification of this Agreement or to terminate this Agreement in its entirety on thirty days' written notice.

Article XIV.

Laws, regulations of administrative authorities and decisions of administrative or judicial authorities of Finland or the United States of America, respectively, pertaining to the classification

of articles for Customs purposes or to rates of duty shall be published promptly in such a manner as to enable interested persons to become acquainted with them. Such laws, regulations and decisions shall be applied uniformly at all ports of the respective country, except as otherwise specifically provided in statutes of the United States of America relating to articles imported into Puerto Rico.

Article XV.

Except as otherwise provided in the second paragraph of this Article, the provisions of this Agreement relating to the treatment to be accorded by Finland and the United States of America, respectively, to the commerce of the other country, shall not apply to the Philippine Islands, the Virgin Islands, American Samoa, the Island of Guam, or to the Panama Canal Zone.

The provisions of this Agreement regarding most-favored-nation treatment shall apply to articles the growth, produce or manufacture of any territory under the sovereignty or authority of Finland or the United States of America, imported from or exported to any territory under the sovereignty or authority of the other country. It is understood, however, that the provisions of this paragraph do not apply to the Panama Canal Zone.

Article XVI.

Nothing in this Agreement shall be construed to prevent the adoption of measures prohibiting or restricting the exportation or importation of gold or silver, or to prevent the adoption of such measures as either Government may see fit with respect to the control of the export, or sale for export, of arms, ammunition or implements of war, and, in exceptional circumstances, all other military supplies.

Subject to the requirement that there shall be no arbitrary discrimination by either country against the other country in favor of any third country under like circumstances, the provisions of this Agreement shall not extend to regulations for the enforcement of police or revenue laws of Finland or of the United States relating to imports the importation, transportation, or sale of which is prohibited or restricted; or to prohibitions or restrictions (1) imposed on moral or humanitarian grounds; (2) designed to protect human, animal or plant life or health or (3) relating to prison-made goods.

Article XVII.

In the event that the Government of Finland or the Government of the United States of America adopts any measure or takes any action which, even though it does not conflict with the terms of this Agreement, is considered by the Government of the other country to have the effect of nullifying or impairing any object of the Agreement, the Government which has adopted such measure or taken such action shall consider such representations and proposals as the other Government may make with a view to effecting a mutually satisfactory adjustment of the matter.

Article XVIII.

Nothing in this Agreement shall be deemed to affect the rights and obligations arising out of the Treaty¹ of Friendship, Commerce and Consular Rights, signed at Washington on February 13th, 1934.

Article XIX.

The present Agreement shall come into full force on the thirtieth day following approval thereof by the President of Finland and proclamation thereof by the President of the United States of America, or should the approval be given and the proclamation be issued on different days, on the thirtieth day following the date of the later in time of such approval or proclamation, and shall remain in force for the term of three years thereafter, subject to the provisions of Article VII and

¹ Vol. CLII, page 45, of this Series.

Article XIII. The Government of each country shall notify the Government of the other country of the date of its approval or proclamation.

Unless at least six months before the expiration of the aforesaid term of three years the Government of either country shall have given to the other Government notice of intention to terminate this Agreement upon the expiration of the aforesaid term, the Agreement shall remain in force thereafter, subject to the provisions of Article VII and Article XIII, until six months from such time as the Government of either country shall have given notice to the other Government.

In witness whereof the respective Plenipotentiaries have signed this Agreement and have affixed their seals hereto.

Done in duplicate, in the Finnish and English languages, both authentic, at the City of Washington, this eighteenth day of May, nineteen hundred and thirty-six.

For the President of the United States of America :

(Seal) (L. S.) Cordell HULL.

For the President of Finland :

(Seal) (L. S.) Eero JÄRNEFELT.

SCHEDULE I.

Finnish Tariff Number	Description of Articles	Rate of Duty in Finnish Marks
28 (a)	Lard (" ihra ja rasva "), rendered. <i>Note</i> : On imports of United States lard, including neutral lard, not in excess of 1,000,000 net kilograms per each successive 12-month period and entering through the ports of Helsinki, Turku, Viipuri or Vaasa, the duty shall not exceed 4.00 Finnish marks per net kilogram.	
Ex 48 (b)	Cornstarch 1 kg.	1.00
Ex 75 (b) 2	Apples, fresh, entering during the period :	
Ex 75 (b) 3	December 15 to June 15, inclusive 1 kg.	1.50
Ex 75 (b) 4	Pears and plums, fresh or merely cooked 1 kg.	1.00
Ex 76 (b)	Grapefruit, fresh or merely cooked 1 kg.	0.50
Ex 76 (c)	Raisins, dried or desiccated 1 kg.	0.50
Ex 80	Prunes, all kinds, dried or desiccated 1 kg.	0.70
	Pears, apricots, peaches and mixed fruit for salad, dried, desiccated, or salted 1 kg.	3.00
	<i>Note</i> : The proportion of dried apples in mixed fruit for salad shall not exceed 15 % by weight.	
Ex 147 (c)	Preserved pineapples, pears, peaches, apricots, mixed fruit for salad, grapefruit, tomato juice and asparagus, including sweet-preserved, in hermetically sealed containers . . . 1 kg.	6.50

Finnish Tariff Number	Description of Articles	Rate of Duty in Finnish Marks
167	Cotton, uncarded, including bleached or dyed	Free
305 (a)	Sacks, manifestly used, of jute	Free
Ex 462 (b)	Motion picture film, developed 1 kg.	34.00
Ex 468 (a)	Patent leather in pieces weighing each more than 1 kilo net 1 kg.	16.00
Ex 468 (b)	Patent leather in pieces weighing each less than 1 kilo but not less than 0.5 kilo net 1 kg.	20.00
Ex 468 (c) 3	Patent leather in pieces weighing each less than 0.5 kilo net . . Minimum duty 1 kg.	15 % <i>ad valorem</i> 26.00
Ex 489 (b)	Drive and conveyor belts, of rubber, gutta percha or balata, including those combined with textile materials . . . 1 kg.	14.00
490 (a) 1	Automobile tires without iron rims (including inner tubes) 1 kg.	20.00
Ex 537	Desks and chairs for office use, of iron or steel sheet, lacquered, painted, enamelled, oxydized, bronzed, nickel plated, or covered with other base metals, n. o. s., or of stainless steel 1 kg.	3.00
Ex 637	Copper rods, including those in bundles or coils, of 5 mm. or more in greatest dimension of cross-section, rolled, drawn, forged or pressed to profile, but not further elaborated 1 kg.	0.30
683 (b)	Refrigerating machines weighing each 500 kilos net or less 1 kg.	2.50
Ex 684 (a)	Refrigerating machines weighing each over 500 kilos but not over 2,500 kilos net 1 kg.	1.60
Ex 685 (a)	Refrigerating machines weighing each over 2,500 kilos net, per kilo in excess of that weight 1 kg.	1.20
	<i>Note</i> : The present Customs treatment of parts of mechanical refrigerators and of refrigerating machines will continue to apply.	
700 (a)	Calculating machines and cash registers 1 kg.	15.00
700 (b)	Typewriters and duplicating machines 1 kg.	10.00
	<i>Ex Note to Tariff No. 700</i> : In case the importer is able to prove that machines falling under tariff number 700, sections (a) and (b), are not manufactured in Finland, the duties are reduced by 50 %.	
708(a) 1(aa) 2	Passenger automobiles of a maximum value of 80,000 Finnish marks each, when the cylinder volume exceeds 1,600 cubic centimeters, and chassis and other parts, n. o. s., for passenger automobiles of all kinds; also chassis for motor trucks and parts, n. o. s., for such chassis	14% <i>ad valorem</i> 3.50
708(a) 1(ab)	Motor trucks and parts, n. o. s., therefor	14% <i>ad valorem</i>
	Minimum duty 1 kg.	3.50
708 (a) 2	Passenger automobiles of a value over 80,000 Finnish marks but not over 160,000 Finnish marks each	21% <i>ad valorem</i>
	Minimum duty 1 kg.	5.25
708 (a) 3	Passenger automobiles of a value over 160,000 Finnish marks each	28% <i>ad valorem</i>
	Minimum duty 1 kg.	7.00
Ex 811 (b) 2	Gasoline 1 kg.	2.00

SCHEDULE II.

Note : The provisions of this Schedule shall be construed and given the same effect, and the application of collateral provisions of the Customs laws of the United States to the provisions of this Schedule shall be determined, insofar as may be practicable, as if each provision of this Schedule appeared respectively in the statutory provision noted in the column at the left of the respective descriptions of articles.

In the case of articles enumerated in this Schedule, which are subject on the day of the signature of this Agreement to additional or separate ordinary Customs duties, whether or not imposed under the statutory provision noted in the column at the left of the respective description of the article, such separate or additional duties shall continue in force, subject to any reduction indicated in this Schedule or hereafter provided for, until terminated in accordance with law, but shall not be increased.

United States Tariff Act of 1930 Paragraph	Description of Articles	Rate of Duty
234(a)	Granite suitable for use as monumental, paving, or building stone, not specially provided for : Hewn, dressed, pointed, pitched, lined, or polished, or otherwise manufactured (including paving blocks) Unmanufactured, or not dressed, pointed, pitched, lined, hewn, or polished <i>Note</i> : The existing Customs classification treatment of granite suitable for use as monumental, paving, or building stone, which has been roughly squared merely for the purpose of facilitating its shipment to the United States, as " unmanufactured, or not dressed, pointed, pitched, lined, hewn, or polished " in accordance with the ruling announced in Treasury Decision 44791-4 (59 Treasury Decisions 850) shall be continued during the effective period of this Agreement.	30% <i>ad valorem</i> 12 1/2 ¢ per cubic foot
372	Cream separators valued at more than \$50 and not more than \$100 each	12 1/2% <i>ad valorem</i>
405	Plywood wholly or in chief value of birch	20% <i>ad valorem</i> and in addition thereto 5% <i>ad valorem</i>
412	Spools wholly of wood suitable for thread, not including bobbins	25% <i>ad valorem</i>
710	Cheese having the eye formation characteristic of the Swiss or Emmenthaler type ; and Gruyere process-cheese	5 ¢ per lb., but not less than 20% <i>ad valorem</i>
1402	Paper board, wallboard, and pulpboard, including cardboard, and leather board or compress leather, not plate finished, supercalendered or friction calendered, laminated by means of an adhesive substance, coated, surface stained or dyed, lined or vat-lined, embossed, printed, decorated, or ornamented in any manner, nor cut into shapes for boxes or other articles and not specially provided for, except pulpboard in rolls for use in the manufacture of wallboard	10% <i>ad valorem</i>

United States Tariff Act of 1930 Paragraph	Description of Articles	Rate of Duty
1405	Vegetable parchment paper by whatever name known	2 ¢ per lb. and 10% <i>ad valorem</i>
1409	Wrapping paper not specially provided for : Sulphate	20% <i>ad valorem</i>
1413	Other, except straw paper Paper board and pulpboard, including cardboard and leatherboard or compress leather, plate finished, supercalendered or friction calendered, laminated by means of an adhesive substance, coated, surface stained or dyed, lined or vat-lined, embossed, printed, or decorated or ornamented in any manner, except pulpboard in rolls for use in the manufacture of wallboard	25% <i>ad valorem</i> \$14.50 per ton of 2,000 lbs., but not less than 15% nor more than 30% <i>ad valorem</i>
1516	Matches, friction or lucifer, of all descriptions, per gross of one hundred and forty-four boxes, containing not more than one hundred matches per box	17½ ¢ per gross
1604	Cream separators valued at not more than \$50 each, whether in whole or in parts, including repair parts	Free
1716	Mechanically ground wood pulp, chemical wood pulp, unbleached or bleached,	Free
1772	Standard newsprint paper	Free

Copie certifiée conforme :

Harald Tanner,
Chef des Archives
du Ministère des Affaires étrangères.

Certified to be a true and complete textual
copy of the original Agreement, including two
Schedules annexed thereto, in all the languages
in which it was signed.

For the Secretary of State
of the United States of America :

C. E. MacEachran,
Chief Clerk and Administrative Assistant.