

N° 3826.

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**BELGIQUE ET FRANCE**

Echange de notes comportant un accord relatif au commerce ambulancier. Paris, le 30 décembre 1935.

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**BELGIUM AND FRANCE**

Exchange of Notes constituting an Agreement relating to Itinerant Trade. Paris, December 30th, 1935.

<sup>1</sup> TRADUCTION. — TRANSLATION.

No. 3826. — EXCHANGE OF NOTES <sup>2</sup> BETWEEN THE BELGIAN AND FRENCH GOVERNMENTS CONSTITUTING AN AGREEMENT RELATING TO ITINERANT TRADE. PARIS, DECEMBER 30TH, 1935.

*French official text communicated by the Belgian Minister for Foreign Affairs. The registration of this Exchange of Notes took place February 6th, 1936.*

I.

FRENCH REPUBLIC.  
MINISTRY  
OF FOREIGN AFFAIRS.

PARIS, *December 30th, 1935.*

YOUR EXCELLENCY,

I have the honour to inform you that the French Government is prepared to give effect to the following stipulations of the international Agreement concluded at Paris on December 21st, 1935, between the representatives of the French and Belgian administrations concerned, with regard to the rules applicable to itinerant traders in our respective countries :

I. RESIDENT ITINERANTS.

The nationals of either contracting country may only engage, in the territory of the other country, in any itinerant occupation, industry or trade, provided they have resided there regularly and continuously for at least five years. Time spent on military service in either country shall not be regarded as interrupting the period of residence, but shall not be counted in calculating that period.

Provided the qualification of five years' residence is fulfilled, the persons concerned shall not be subject, in carrying on their activities, to conditions other than those imposed on nationals. In particular, they shall not be liable to differential taxes or charges or to any other conditions whatsoever.

With a view to securing the equivalence of interests and assimilating the legislation of the two countries, it is agreed that nationals of either contracting country who reside in the territory of the other country and were engaged there in itinerant trading before December 1st, 1935, shall be entitled to an itinerant trader's card, irrespective of the residential qualification.

II. FRONTIER ITINERANTS.

Nationals of either country who are domiciled in the frontier zone of the country and as a rule return there every night and have their stock of goods or their shop in that country shall be

<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 January 1st, 1936.

permitted to engage in their itinerant occupation, industry or trade in the frontier zone of the other country, provided they hold frontier cards marked "hawker". Such cards, which shall be issued for two years, free of charge, shall be visaed free of charge by the competent authority of the country in which they are permitted to engage in their activities.

For the purposes of the present Agreement, the frontier zones shall be those fixed by the Franco-Belgian Agreement<sup>1</sup> of May 9th, 1935, relating to frontier workers and by any additional agreements which have been concluded since that date, or which may hereafter be concluded.

### III. NON-RESIDENT ITINERANTS OTHER THAN FRONTIER RESIDENTS.

As a temporary measure for a period of five years as from January 1st, 1936, nationals of either country who reside in the territory of that country and visit the other country periodically to engage there in an itinerant occupation, industry or trade outside the frontier zone shall continue to benefit personally from this privilege, provided they hold :

In Belgium, an itinerant trader's card ;

In France, anthropometric record books marked "hawker authorised to engage in his occupation in pursuance of the Agreement of...".

This temporary measure shall apply only to the following :

In Belgium, French nationals who applied for cards before December 1st, 1935 ;

In France, Belgian nationals holding anthropometric record books of the same date.

The persons concerned shall, of course, always be in possession of an official national document establishing conclusively their identity and nationality.

IV. The methods of applying the present Agreement shall be settled in an exchange of notes between the administrations responsible for applying it in each country.

Subject to the above provisions, the two Governments agree to maintain Article 20 of the Commercial Agreement<sup>2</sup> of February 23rd, 1928, which would recover its full effect should the present Agreement cease to be valid.

The present Agreement, which shall come into force on January 1st, 1936, is concluded for a period of one year and shall be renewable by tacit consent from year to year.

Each Party reserves the right to denounce it by giving three months' notice before the end of any year.

I should be very much obliged if Your Excellency would be good enough to inform me whether the Royal Government approves the preceding provisions and agrees to put them into effect.

I have the honour to be, etc.

For the Minister for Foreign Affairs  
and by delegation :

(Signed) Alexis LÉGER,

*French Ambassador,  
Secretary-General.*

His Excellency  
Count de Kerchove de Denterghem,  
Belgian Ambassador,  
Paris.

<sup>1</sup> Vol. CLXII, page 437, of this Series.

<sup>2</sup> Vol. LXXII, page 61, of this Series.

## II.

BELGIAN EMBASSY,  
PARIS.

No. 22.050/B. 35.

PARIS, December 30th, 1935.

YOUR EXCELLENCY,

In reply to your letter of to-day's date, I have the honour to inform you that His Majesty's Government is prepared to give effect to the stipulations of the following Agreement :

The undersigned, representatives of the French and Belgian administrations concerned, at a meeting held at the Ministry of the Interior on December 21st, 1935, for the purpose of examining the rules applicable to itinerant traders in the respective countries, reached agreement on the following points, which they put forward for the approval of their respective Governments :

## I. RESIDENT ITINERANTS.

The nationals of either contracting country may only engage, in the territory of the other country, in any itinerant occupation, industry or trade provided they have resided there regularly and continuously for at least five years. Time spent on military service in either country shall not be regarded as interrupting the period of residence, but shall not be counted in calculating that period.

Provided the qualification of five years' residence is fulfilled, the persons concerned shall not be subject, in carrying on their activities, to conditions other than those imposed on nationals. In particular, they shall not be liable to differential taxes or charges or to any other conditions whatsoever.

With a view to securing the equivalence of interests and assimilating the legislation of the two countries, it is agreed that nationals of either contracting country who reside in the territory of the other country and were engaged there in itinerant trading before December 1st, 1935, shall be entitled to an itinerant trader's card, irrespective of the residential qualification.

## II. FRONTIER ITINERANTS.

Nationals of either country who are domiciled in the frontier zone of the country and as a rule return there every night and have their stock of goods or their shop in that country shall be permitted to engage in their itinerant occupation, industry or trade in the frontier zone of the other country provided they hold frontier cards marked "hawker". Such cards, which shall be issued for two years, free of charge, shall be visaed free of charge by the competent authority of the country in which they are permitted to engage in their activities.

For the purposes of the present Agreement, the frontier zones shall be those fixed by the Franco-Belgian Agreement of May 9th, 1935, relating to frontier workers and by any additional agreements which have been concluded since that date or which may hereafter be concluded.

## III. NON-RESIDENT ITINERANTS OTHER THAN FRONTIER RESIDENTS.

As a temporary measure for a period of five years as from January 1st, 1936, nationals of either country who reside in the territory of that country and visit the other country periodically to engage there in an itinerant occupation, industry or trade outside the frontier zone shall continue to benefit personally from this privilege, provided they hold :

In Belgium, an itinerant trader's card ;

In France, anthropometric record books marked "hawker authorised to engage in his occupation in pursuance of the Agreement of..."

This temporary measure shall apply only to the following :

In Belgium, French nationals who applied for cards before December 1st, 1935 ;

In France, Belgian nationals holding anthropometric record books of the same date.

The persons concerned shall, of course, always be in possession of an official national document establishing conclusively their identity and nationality.

IV. The methods of applying the present Agreement shall be settled in an exchange of notes between the administrations responsible for applying it in each country.

Subject to the above provisions, the two Governments agree to maintain Article 20 of the Commercial Agreement of February 23rd, 1928, which would recover its full effect should the present Agreement cease to be valid.

The present Agreement which shall come into force on January 1st, 1936, is concluded for a period of one year and shall be renewable by tacit consent from year to year.

Each Party reserves the right to denounce it by giving three months' notice before the end of any year.

I have the honour to be, etc.

(Signed) Count DE KERCHOVE DE DENTERGHEM.

His Excellency Monsieur Laval,  
President of the Council,  
Minister for Foreign Affairs,  
Paris.