

N° 3885.

ESPAGNE ET PAYS-BAS

Traité de commerce et de navigation,
avec annexes et protocole addi-
tionnel, signés à Madrid, le
16 juin 1934, et échange de notes
y relatif, Madrid, le 14 décembre
1934.

SPAIN AND THE NETHERLANDS

Treaty of Commerce and Navigation,
with Annexes and Additional
Protocol, signed at Madrid,
June 16th, 1934, and Exchange
of Notes relating thereto, Madrid,
December 14th, 1934.

¹ TRADUCTION. — TRANSLATION.

No. 3885. — TREATY ² OF COMMERCE AND NAVIGATION BETWEEN SPAIN AND THE NETHERLANDS. SIGNED AT MADRID, JUNE 16TH, 1934.

French official text communicated by the Netherlands Minister for Foreign Affairs. The registration of this Treaty took place April 27th, 1936.

HER MAJESTY THE QUEEN OF THE NETHERLANDS and HIS EXCELLENCY THE PRESIDENT OF THE SPANISH REPUBLIC, being equally desirous of developing economic relations between their respective countries, have decided to conclude a Treaty of Commerce and Navigation and have appointed as their Plenipotentiaries for that purpose :

HER MAJESTY THE QUEEN OF THE NETHERLANDS :

His Excellency R. C. T. Roosmale NEPVEU, Envoy Extraordinary and Minister Plenipotentiary of the Netherlands in Spain ;

HIS EXCELLENCY THE PRESIDENT OF THE SPANISH REPUBLIC :

His Excellency Juan José ROCHA GARCÍA, Minister of Marine, in charge of the Department of Foreign Affairs ;

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

Article 1.

Natural and manufactured products enumerated in Schedule A hereto annexed, originating in and coming from Spain, the Balearic Islands, the Canary Islands, the Spanish possessions, or the zone of the Spanish Protectorate in Morocco, shall, on importation into the Kingdom of the Netherlands, be admitted at the most favourable rates and duties which the Government of the Netherlands grants, or may hereafter grant, to any foreign country whatsoever, either of its own accord or in application of a convention.

The application of this treatment to the products enumerated in Schedule A shall be held to involve the immediate and unconditional extension to such products of any reduction in or exemption from duties and charges and also of the rules for the application of the tariff.

Article 2.

Natural or manufactured products enumerated in Schedule B hereto annexed, originating in and coming from the Kingdom of the Netherlands, shall, on importation into Spain, the Balearic Islands, the Canary Islands and the Spanish possessions be admitted at the most favourable rates

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 The Hague, March 28th, 1936.

Came into force provisionally December 15th, 1934, and, finally, April 28th, 1936.

The present Treaty applies to the Netherlands Indies, Surinam and Curaçao.

and duties which the Spanish Government grants or may hereafter grant to any third country whatsoever, either of its own accord or in application of a convention.

The application of this treatment to the products enumerated in Schedule B shall be held to involve the immediate and unconditional extension to such products of any reduction in or exemption from duties and charges and also of the rules for the application of the tariff.

Article 3.

Natural or manufactured products enumerated in Schedule C hereto annexed, originating in and coming from Spain, the Balearic Islands, the Canary Islands, the Spanish possessions or the zone of the Spanish protectorate in Morocco, shall not be subject, on importation into the Netherlands, to duties, taxes, surtaxes, coefficients or other increases other or higher than those fixed for each product in the said Schedule.

Article 4.

Natural or manufactured products enumerated in Schedule D hereto annexed, originating in and coming from the Kingdom of the Netherlands, shall not be subject, on importation into Spain, the Balearic Islands, the Canary Islands or the Spanish possessions, to duties, taxes, surtaxes, coefficients or other increases other or higher than those fixed for each product in the said Schedule.

Article 5.

Natural or manufactured products originating in and coming from Spain, the Balearic Islands, the Canary Islands, the Spanish possessions or the zone of the Spanish Protectorate in Morocco, not enumerated in Schedules A or C, shall, on importation into the territory of the Kingdom of the Netherlands, enjoy most-favoured-nation treatment as provided for in Article 1. Should the Government of the Netherlands change the existing tariff system, the products mentioned in the present Article shall be granted tariff treatment approximating as closely as possible to the treatment applicable, under Article 6, to the products of the Kingdom of the Netherlands.

Article 6.

Natural or manufactured products originating in and coming from the Kingdom of the Netherlands, not enumerated in Schedules B and D, shall be liable, on importation into Spain, the Balearic Islands, the Canary Islands and the Spanish possessions, to the duties provided for in the second column of the present or any future Spanish Customs tariff.

Article 7.

Natural or manufactured products exported from the territory of either of the High Contracting Parties to the territory of the other shall not be subjected to duties, taxes or charges other or higher, or to regulations and formalities more burdensome, than those applicable to similar products exported to the territory of any other country whatsoever.

Article 8.

All advantages, favours, privileges and immunities which have been, or may hereafter be, granted by one of the High Contracting Parties in respect of natural or manufactured products originating in and coming from any other country, or consigned to any other country, shall be applicable, immediately and without compensation, to products of the same character originating in and coming from the other Party or consigned to its territory.

The natural or manufactured products of each of the High Contracting Parties shall therefore never be subjected to duties, taxes or charges other or higher, or to regulations and formalities

other or more burdensome, than those applicable to the similar products of any other country whatsoever.

Article 9.

Each of the High Contracting Parties undertakes to grant the other, immediately and without compensation, in respect of all goods, whether mentioned in the present Treaty or not, any privilege, favour or reduction which it grants, or may hereafter grant, to any other country, in regard to re-export, transit, warehousing and transshipment and the fulfilment of Customs formalities, and in regard to the duties and charges connected with the handling of the goods for these various purposes, as also in the matter of regulations, formalities and charges in connection with Customs operations.

Article 10.

The High Contracting Parties undertake to grant each other unconditional and unlimited most-favoured-nation treatment in all matters connected with internal duties, charges and taxes of whatsoever character, taxes on consumption, turnover taxes, monopoly, octroi and excise duties or charges, stamp duties and also in respect of the procedure for tax collection.

The pharmaceutical products and specialities of one High Contracting Party, imported or manufactured, prepared or made up in the territory of the other, shall not be subjected to any tax, duties or charges other or higher, nor to regulations or formalities other or more burdensome, than those applicable to the same products of the most-favoured nation.

Article 11.

The most-favoured-nation treatment provided for in the foregoing Articles shall not include :

(a) Privileges which are, or may hereafter be, granted by either of the High Contracting Parties for the purpose of facilitating frontier traffic with contiguous countries in a zone not exceeding 15 kilometres on either side of the frontier ;

(b) The special Customs régime which Spain has introduced, or may hereafter introduce, in respect of imports from Portugal or the zone of the Spanish Protectorate in Morocco ;

(c) The special Customs régime which the Netherlands have introduced, or may hereafter introduce, in respect of imports from their overseas territories ;

(d) Rights and privileges granted to one or more States with a view to a Customs union.

Article 12.

Certificates of origin shall not, as a general rule, be required for the importation of the goods of one of the High Contracting Parties into the territory of the other.

Nevertheless, in order to establish the origin of imported goods, each of the High Contracting Parties may require the importer to produce an official statement to the effect that the article imported was produced or manufactured in the territory of the other, or that it should be regarded as having originated in that country in view of the transformation which it has there undergone.

Certificates of origin shall be issued either by the Chamber of Commerce to which the consignor belongs or by any other body or group approved by the country of import ; the visa of a consular representative of the country of import may be required.

Goods bearing national marks or collective or private trade marks guaranteed by the country of export and already recognised by the country of import may be admitted without further proof of their origin. For this purpose such marks shall be communicated by the diplomatic representatives of the country of export to the Government of the country of import, which shall notify its recognition of the same.

When certificates of origin are required for the goods of overseas territories, visas may, if necessary, be obtained at any port in the home country or any other port on the normal route of shipment in which there resides a consular agent of the country of import.

Certificates of origin shall not be required in respect of postal parcels, whenever the latter are recognised by the country of import as being of a non-commercial character.

Article 13.

The High Contracting Parties, while reserving their right to apply the provisions of their own laws, undertake, each in so far as concerns itself, to recognise health, veterinary, phytopathological and analysis certificates issued by the official authorities of the other country as proof that the products of that country, imported into its own territory, satisfy the requirements of the laws of the country of origin.

Both High Contracting Parties reserve the right, in case of any suspicion of fraud, to carry out any further examination that may be required, even if the certificate provided for has been produced.

Should the certificate further state that the products therein referred to are entitled to an appellation of origin recognised by the laws of the country of issue, such goods shall, on importation into the other country, not require to be accompanied by the certificate of origin provided for in Article 12 of the present Treaty. The High Contracting Parties agree to take all necessary precautions to ensure that the goods exported are identical with the sample submitted for examination.

The procedure prescribed by each Government for the taking of samples, under the conditions laid down above, together with specimens of the certificates to be issued, shall be communicated to the other country and approved by it.

Each Government shall, as soon as possible, communicate to the other a list of the official authorities responsible for the issue of certificates in its territory.

Article 14.

Each of the High Contracting Parties undertakes to adopt all necessary measures to protect, as far as possible, natural or manufactured products originating in the territory of the other Party, against unfair competition in commercial transactions, particularly by prohibiting or repressing, by seizure or by any other appropriate remedies under its own laws, the importation and manufacture, distribution, sale or offering for sale of all goods designated by any marks, names, devices or descriptions whatsoever, appearing either on the goods themselves or their usual get-up or wrappings, or on bills, waybills, bills of lading, advertising documents or other commercial papers, which are calculated to convey directly or indirectly a false indication of the origin, type, nature or special characteristics of the said goods.

The above-mentioned measures shall be enforced in the territory of each of the High Contracting Parties on the initiative of the Administration or of the Public Prosecutor, in accordance with the respective laws of each of the High Contracting Parties, or at the suit of an interested party, private person, syndicate or association having the nationality of either of the High Contracting Parties.

Article 15.

The Government of the Netherlands agrees to take the necessary steps to incorporate in its internal wine laws provisions to prevent the improper use in the territory of the Netherlands of geographical appellations of Spanish wines comprising any of the appellations of origin, " Jerez ", " Sherry " or " Xerez " or " Malaga ", provided always that the said appellations of origin continue to be duly protected in Spain. The Government of Spain shall communicate to the Government of the Netherlands the official documents which should accompany exported wines in proof of their right to the said appellations in the country of origin. The importation, exportation, warehousing, manufacture, distribution, sale or offering for sale of wines shall more particularly be prohibited and repressed, by seizure or by any other appropriate remedies, if either the casks,

bottles, packing or cases containing them or the bills, waybills, bills of lading, advertising documents or other commercial papers in respect of them bear any marks, names, inscriptions or signs in which any of the above-mentioned appellations is improperly used. The prohibition of the use of such false appellations shall hold good even when the real origin of the goods is stated or the false appellations are accompanied by such qualifications as "similar to", "type", "kind", "as good as" or some other specific regional or other indication.

The above-mentioned measures shall be enforced on the initiative of the Administration or of the Public Prosecutor, in accordance with the laws of the Netherlands or at the suit of an interested party, private person, syndicate or association having the nationality of either of the High Contracting Parties.

Article 16.

The Government of the Netherlands undertakes to amend the provisions of the Royal Decree of March 15th, 1922 (Staatsblad No. 123), as amended by the Royal Decree of December 24th, 1929 (Staatsblad No. 586), containing special provisions regarding the payment of excise duties, as follows :

I. Sweet wines and non-sweet wines not strengthened with spirits, originating in and coming from Spain, shall not be subject to the excise duty on spirits provided that, at a temperature of 15° Centigrade, they do not contain more than 16 litres of alcohol per hectolitre.

II. The following wines shall be subject to the excise duty on spirits, the amount payable being equal to the excise duty on 3 litres of pure alcohol :

(a) Wine originating in and consigned from Spain containing, at a temperature of 15° Centigrade, more than 16 but not more than 18 litres of alcohol per hectolitre.

(b) The wines known as "Jerez", "Sherry" or "Xerez" and "Malaga", originating in and coming from the like-named districts of Spain, containing, at a temperature of 15° Centigrade, not more than 22 litres of alcohol per hectolitre, provided always that such wines are accompanied by a certificate of origin issued by the competent Spanish authorities.

Article 17.

It shall be understood that the spirits excise duty payable on the wines enumerated in Article 16, Section II (a), shall be calculated in respect of wines, originating in and coming from Spain, containing, at a temperature of 15° Centigrade, more than 16 but not more than 17 litres of alcohol per hectolitre, on the basis of tenths of a litre, in such a way that for every tenth of a litre over 16 litres there shall be added an amount equal to the excise duty — including the additional centimes — payable on 0.15 litres of pure alcohol measured at a temperature of 15° Centigrade.

Article 18.

As regards quality tests, Spanish wines shall not be subjected to a régime less favourable than the wines of any other country.

Article 19.

Commercial travellers, in possession of an identity card issued by the competent authorities of their country of origin, shall enjoy, in all respects and particularly in all matters relating to the import and export of the samples accompanying them, the same rights and privileges as commercial travellers of the most-favoured nation.

Article 20.

The High Contracting Parties shall grant each other freedom of transit through their respective territories and undertake not to levy any duty or tax in respect thereof.

The nationals of the High Contracting Parties shall be exempted from payment of all transit dues, and shall be entitled, under the same conditions, to all advantages granted to the subjects of the most-favoured nation as regards warehousing, bounties, Customs facilities and repayment of duties.

Article 21.

Each of the High Contracting Parties undertakes to grant to vessels flying the flag of the other Party and to their crews, passengers and cargoes the same treatment, in all respects, as it grants to the vessels of the most-favoured nation and to their crews, passengers and cargoes.

The foregoing paragraph shall not apply to the coasting trade in the overseas territories of the High Contracting Parties, such trade being exclusively governed by the relevant laws and regulations in force in such territories.

Article 22.

Commercial, industrial, financial, insurance, transport and communication companies duly constituted in accordance with the laws of either of the High Contracting Parties and having their registered offices in its territory shall be legally recognised in the other country. Their ability and right to institute legal proceedings shall be determined according to the law under which they have been constituted.

The said companies shall be entitled, subject to compliance with the formalities prescribed for such purposes by the laws and regulations in force, to extend their activities and particularly those of a commercial character, to the territory of the other Party, there to acquire and exercise rights and carry on their business activities.

The said companies shall, in all respects, enjoy the treatment granted to companies constituted in the territory of the most-favoured country; more particularly they shall not be liable for any tax or fiscal charge, of any description or kind whatsoever, other, higher or more burdensome than those which are, or may hereafter be, imposed on companies of the most-favoured nation. They shall be exempted from payment of any forced loan.

Article 23.

The present Treaty shall be ratified and the ratifications exchanged at The Hague as soon as possible. It shall enter into force one month after the exchange of ratifications and shall remain binding for a period of one year as from the date of its entry into force, being successively renewed, by tacit consent, for like periods unless denounced by either of the High Contracting Parties at least three months before the expiry of any such period.

The present Treaty shall take the place of the following agreements, which shall cease to apply as from the date on which it comes into force, namely :

The Exchange of Notes¹ of December 30th, 1921, and of January 5th and 6th, 1922, between the Netherlands and Spain; the Exchange of Notes of September 27th, 1929, between the Netherlands and Spain, concerning the Spanish territories in the Gulf of Guinea.

In faith whereof the undersigned, duly authorised for the purpose, have signed the present Treaty and have thereto affixed their seals.

Done in duplicate at Madrid, this 16th day of June, 1934.

(L. S.) R. ROOSMALE NERVEU.

(L. S.) J. JOSÉ ROCHA.

¹ Vol. IX, page 257; and Vol. XCII, page 363, of this Series.

SCHEDULE A.

Number of the Netherlands Tariff	Description of goods
2	Perfumery containing alcohol.
128	Other perfumery.
9, 13, 56, 113	Kitchen utensils, etc.
13 A—X ¹	Casks of sheet iron.
13 A—VIII	Wooden casks.
13 A—X	Steel containers.
20	Untanned skins of wool-bearing animals.
20	Goatskins.
20	Hides in the hair, tanned and greased.
× ²	Other tanned hides, skins, etc.
28	Manufactured rubber.
30	Albumen, fibrine, etc.
30, 37	Curds and yeast.
30	Lead salts.
30	The other articles, etc.
30	Chemical salts, various.
30	Potassium salts for fattening.
30	Tartaric acid and tartrates.
30	Potassic carbonate.
32	Vermin killers for use on live-stock.
35	Extract of liquorice.
35	Sticks of liquorice.
41	Ropework of manila hemp or other vegetable fibre.
43	Pills, capsules, etc.
43	Pharmaceutical specialities.
45	Hollow glass.
53	Felt and other hats.
55	Bee honey.
59	Amber, jet, etc.
59	Horn, unworked, etc.
59	Whalebone, meerschaum, etc.
61	Cheeses.
62	Office requisites.
68 A—XIV	Colouring matter, etc.
68 A—XIV	Varnishes, etc.
69	Horn buttons, cuff-links, etc.
70, 139	Sweets, jams, etc.
75	Calcium carbide.
83 A—X	Machinery, various.
85	Cotton textiles.
85	Textiles of jute, manila hemp, etc.
85	Textiles of jute, manila hemp, etc., weighing less than 500 grammes.
88	Knives, clasp knives, etc.
88	Razor blades.
88 (e)—(a)	Ironmongery.
90	Guitars, mandolines, etc.

¹ Decree of May 5th, 1925 (Staatsblad 183).² × : The items marked thus are not mentioned in the Netherlands tariff.

Number of the Netherlands Tariff	Description of goods
96	Turpentine.
96	Colophony.
96 A—XI	Olive oil.
96 A—XI	Pea-nut oil.
96 A—XI	Various industrial oils.
96	Animal wax, in lumps.
96	Wax, fashioned.
96	Crude glycerine.
96	Distilled glycerine.
96	Volatile oils, etc.
97	Paper, various.
97	Paper, with other matter.
97	Cigarette paper, etc.
97	Pictures, prints, etc.
105	Essences, various.
113	Coffee mills, etc.
123	Woollen carpets, etc.
×	Cement.
×	Clay used in arts and industries.
125 A—IX	Telegraph apparatus, etc.
132	Surgical instruments, etc.
133	Flowers and ornaments of earthenware, pottery, etc.
134	Chassis, etc., for automobiles.
134 A—X	Spare parts for engines.
136	Partly salted fish.
136	Preserved sardines, in tins.
136	Preserved fish.
37, 136, 137	Food pastes.
×	Live poultry.
137	Hams.
137	Salt pork, bacon and lard.
137	Poultry, etc.
×	Dried leather.
×	Leather.
×	Salted tripe.
137	Other offal.
×	Live plants.
139	Oil seed.
139	Vegetable products used for medicinal purposes.
139	Other vegetable products.
139	Husked rice.
139	Garlic and onions.
139	Potatoes.
139	Tomatoes.
139	Cauliflowers.
139	Melons.
139	Other vegetables.
139	Salad (lettuce).
139	Lemons.
139	Grape-fruits.
139	Oranges.
139	Tangerines.
139	Fresh grapes.
139	Bananas.
139	Plums.
139	Apricots.

Number of the Netherlands Tariff	Description of goods
139	Other fresh fruit (pears, apples, etc.).
139	Fruit pulp.
139	Almonds, unpeeled.
139	Almonds in shell.
139	Chestnuts.
139	Olives, green and pickled.
139	Hazel-nuts, shelled and unshelled.
139	Walnuts.
139	Dried figs.
139	Raisins.
139	Other dried fruit (prunes, apricots, etc.).
139	Olives.
139	Aniseed.
139	Other seeds.
12, 139	Oil cake, etc., for cattle.
139	Preserved vegetables, etc.
139	Preserved kitchen vegetables.
139	Preserved fruit.
139	Preserves not included above.
139	Sweet pimento.
139	Saffron.
142	Firearms, short and for sporting purposes.
2	Cognac and brandy.
146	Malaga wine.
146	Muscatel, white and red.
146	Other wines.
146	Various wines in casks or similar containers.
146	Bottled wines.
146	Vermouth.
147 A—XV	Toilet soaps.
147 A—XV	Soap for industrial purposes.
150	Chloride of sodium.
X	Iron ore.
X	Iron pyrites.
X	Copper ore, etc.
X	Wooden poles.
X	Fine woods in lengths.
X	Cork in sheets.
X	Cork chips and shavings.
112 (e)—(a)	Cork stoppers and manufactured articles.
135 A—X	Radiators.
76	Testers, beds, etc.
A—X	Copper (rosettes).
X	Pig lead.
X	Lead in bars.
X	Mercury.
A—X	Textile machinery, etc.
139	Unhusked rice.
136	Fishmeal.
139	Ground nuts.
139	Fruit jam.
150	Kainite.
30	Carbonate of magnesia.
X	Okoyme wood.
A—VIII	Okoyme planks.
108	Footwear.

Number of the Netherlands Tariff	Description of goods
8, 31, 143	Sanitary pottery.
124	Pottery squares and tiles.
85	Jute sacks.
67	Cotton stockings and socks.
67	Silk stockings and socks.
105	Fruit juice.
114	Toys.
124	Paving stones.
139	Quinces.
85	Velveteen.
139	Fir cone kernels.
150	Karnallite.
68	Ochre, crude or ground.
x	Bismuth.
85	Wool or hair felt.
123	Carpets.
20	Birds' feathers.

SCHEDULE B.

CATEGORY I.

11 to 13 inclusive, 18 to 21 inclusive, 22, 24, 26 to 29 inclusive, 33, 39, 44, 45, 47, 54, 56, 57 (b), 58 to 61 inclusive, 63 to 66 inclusive, 72, 77, 81 to 84 inclusive, 86, 88, 89, 91, 92, 94, 95.

CATEGORY II.

96 to 141 inclusive, 142 to 150 inclusive.

CATEGORY III.

161 to 166 inclusive, 174, 176 to 180 inclusive, 182, 187 to 189 inclusive, 191, 192, 193, 211, 212, 216, 218.

CATEGORY IV.

245, 251 to 253 inclusive, 257 (a) and (b), 268, 277, 287, 288, 298, 306, 307, 309 to 312 inclusive, 318, 327, 329, 332, 341, 350, 355, 358, 360, 362, 363, 364, 370, 375, 377, 382, 387, 389, 396, 440, 441, 453, 454, 460, 463, 464, 469, 470, 471, 474, 475, 477, 481, 492.

CATEGORY V.

499 to 502 inclusive, 533, 544, 546, 547, 554, 557, 572, 573, 584, 590, 591, 594, 597, 598, 599, 601, 615, 620 to 634 inclusive, 640, 641, 643, 644, 645, 645 bis, 646, 648, 651, 657, 674 to 676 inclusive, 681, 685, 687, 690, 694 to 696 inclusive, 697, 709, 711, 712, 721, 723, 732, 737, 745, 754, 756, 773 to 784 inclusive.

CATEGORY VI.

786, 788, 795, 796, 798 to 829 inclusive, 832, 833, 834, 836, 837, 839, 841, 842, 844, 845, 848 to 852 inclusive, 858, 867, 870, 872, 881, 883, 884, 886 to 890 inclusive, 893, 894, 901 (a), 901 (b), 902, 916, 918, 919, 922, 924, 925, 930, 934, 935, 936, 938, 940, 941, 949, 950, 952, 955, 956, 957, 961, 975, 976, 978, 981, 982, 986, 988 to 990 inclusive, 993, 996 to 1,006 inclusive, 1,011 to 1,020 inclusive.

CATEGORY VII.

1,022 to 1,064 inclusive, 1,067, 1,069, 1,073, 1,074, 1,075, 1,077, 1,079, 1,084 (a), 1,085 (a), 1,088, 1,097, 1,098, 1,101, 1,102.

CATEGORY VIII.

1,103, 1,105, 1,111, 1,112, 1,168, 1,169, 1,175.

CATEGORY IX.

1,181, 1,182, 1,184, 1,185 to 1,187 inclusive, 1,188 *bis*, 1,192, 1,193, 1,196, 1,201 to 1,204 inclusive, 1,211.

CATEGORY X.

1,219, 1,221, 1,223, 1,254, 1,255.

CATEGORY XI.

1,281, 1,288, 1,298.

CATEGORY XII.

1,321, 1,323, 1,325, 1,325 *bis*, 1,326, 1,327, 1,331, 1,335 to 1,344 inclusive, 1,346 to 1,377 inclusive, 1,379, 1,380, 1,382 to 1,402 inclusive, 1,405, 1,406, 1,408, 1,410, 1,416 to 1,420 inclusive, 1,422, 1,422 (a), 1,423, 1,424, 1,425, 1,425 (a), 1,427 to 1,429 inclusive, 1,432, 1,433, 1,434.

CATEGORY XIII.

1,444, 1,448, 1,455, 1,456, 1,460, 1,471, 1,483, 1,484, 1,488, 1,491, 1,492, 1,495, 1,496, 1,499, 1,507, 1,508, 1,510, 1,513, 1,517, 1,518, 1,519, 1,531, 1,539.

SCHEDULE C.

Number of the Netherlands Tariff	Description of goods	"Ad valorem" import duty
Ex 136	Anchovies, fresh or salted, with less than 40% salt and in packages of more than 1,200 grammes	exemption
Ex 139 I 8	Saffron	10%
—	Sweet pepper	10%
Ex 139 I 10	Prepared rice, ready for consumption (in packages weighing more than 1,200 grammes)	exemption
Ex 139 I 10	Lemons	13%
<i>bis</i>	Oranges	13%
—	Mandarines	13%
Ex 139 III C	Apricot pulp	10%
3 (a)	Pyrite	exemption
× ¹	Iron ore	exemption
×	Lead ore	exemption
×		

¹ × : The items thus marked are not mentioned in the Netherlands tariff.

SCHEDULE D.

Number of the Spanish Tariff	Description of goods	Reduction on present duties	Conventional duties
Ex 59	Glass rods and tubes of first manufacture, neither end of which has been smoothed or annealed and which have undergone no transformation or complementary process, uncoloured or coloured in the paste, also with a trademark in the form of one or two coloured lines traced in the direction of the cylinder axis.	20 % on 30 gold pesetas per 100 kg.	24 gold pesetas per 100 kg.
Ex 63	Glass bulbs, uncoloured, obtained by machinery, of even thickness throughout, suitable for the manufacture of incandescent lamps.	20 % on 70 gold pesetas per 100 kg.	56 gold pesetas per 100 kg.
Ex 64	Glass bulbs, coloured or opaline, obtained by machinery, of even thickness throughout, suitable for the manufacture of incandescent lamps.	20 % on 100 gold pesetas per 100 kg.	80 gold pesetas per 100 kg.
Ex 643	Reduction, as indicated in the margin, on the present duty of 2.88 gold pesetas per kg. for the following special parts for radiotelephony apparatus : (1) Variable condensers ; oil condensers ; electrolytic condensers ; paper condensers ; mica condensers ; regulating condensers (Trimmer). (2) Carbon resistances and potentiometers. (3) High frequency metal-clad coils. (4) Cores (nucleos) of special magnetised steel for loud-speakers. (5) Loud-speaker cones. (6) Special interrupters for changing the wavelength. (7) Current interrupters. (8) Microphones.	20 % on 2.88 gold pesetas per kg.	2.30 gold pesetas per kg.
Ex 695	X-ray or Röntgen-ray apparatus, for radioscopy, radiography, radiotherapeutics and diagnosis.	20 % on 10 gold pesetas per kg.	8 gold pesetas per kg.
834	<i>Note</i> : As regards artificial mineral materials included in this item, ultramarine blue excepted, a margin not exceeding 5% will be allowed for admixture with organic artificial colouring materials.		
836	<i>Note</i> : Where liquid paints included in this item are imported in tins contained in wooden boxes, they are entitled to a 20% tare to be deducted from the total gross weight.		
	<i>Note</i> : As regards blue or red liquid paints, a margin not to exceed 3% will be allowed for admixture with organic artificial colouring materials.		

Number of the Spanish Tariff	Description of goods	Reduction on present duties	Conventional duties
Ex 978	Feculae of potatoes for industrial use and feculae of manioc, in the rough, not discoloured, not purified and unrefined, for industrial use.	10 % on 15 gold pesetas per 100 kg.	13.50 gold pesetas per 100 kg.
Ex 1,418	Cheese : Edam, Gouda and Leyden. Edam, Gouda and Leyden cheese shall be deemed to mean hard cheese, solely manufactured from cows' milk, pressed in ball or rectangular form or in round-flat shape, furnished with a registered mark of the "Nederlandsche Kaascontrol onder Rijkstoezicht", which mark is made with casein inserted into the crust.	33.33 % on the present duty of 1.50 gold pesetas per kg. for a quantity of 1 million kg. so far as indicated above.	1.00 gold peseta per kg.

ADDITIONAL PROTOCOL

TO THE TREATY OF COMMERCE AND NAVIGATION.

I.

The Government of the Netherlands undertakes to reduce, of its own accord and at latest on the coming into force of the present Treaty, the duties levied by the Fruit and Vegetable Monopoly on oranges and tangerines imported from Spain to one florin per 100 kg. during the period from November 15th to June 15th.

II.

The Government of the Netherlands undertakes to instruct the Fruit and Vegetable Monopoly to accept all such *bona fide* contracts for the purchase of oranges and tangerines and other fruits and vegetables, originating in and coming from Spain, as may be submitted to it.

III.

It shall be understood that, should any reduction be made in the duties levied by the Fruit and Vegetable Monopoly on oranges and tangerines or other fruits and vegetables imported from any other country whatsoever during the period specified in Article I, such reduction shall be applied immediately and without compensation in respect of oranges and tangerines or other fruits and vegetables imported from Spain during the same period.

IV.

The Spanish Government undertakes to issue such instructions as may be necessary to enable importers in Spain to obtain foreign exchange to settle for their purchases of Netherlands goods under the same conditions as importers of goods originating in and coming from countries enjoying most-favoured-nation treatment in currency matters.

V.

The levying or establishment of duties or charges on imported goods to off-set or balance an internal tax or levy shall not be regarded as contrary to the provisions of Articles 3 and 4 of the present Treaty.

VI.

The Spanish Government declares that it has no intention of increasing, as long as the present Treaty remains in force, the Customs duties at present payable on the radio-telephonic articles included in Article 643 of the Spanish Customs tariff when their weight exceeds 5 kilos.

Should it consider it necessary for reasons of a domestic character to consider revision of the duties at present in force, the Spanish Government shall notify the Netherlands Government accordingly with a view to the initiation of conversations relating to such revision.

MADRID, *June 16th*, 1934.

(L. S.) R. ROOSMALE NĒPVEU.

(L. S.) J. JOSÉ ROCHA.

ÉCHANGE DE NOTES

I.

LÉGATION DES PAYS-BAS.

N° 1910.

MADRID, le 14 décembre 1934.

MONSIEUR LE MINISTRE,

Le Traité de commerce conclu entre l'Espagne et les Pays-Bas et signé à Madrid le 16 juin 1934 ayant été approuvé définitivement par les Cortes espagnoles, mais n'ayant pas encore été approuvé par le Parlement néerlandais, il serait dans l'intérêt des deux Parties de mettre le traité en vigueur provisoirement, en attendant que l'échange des ratifications puisse avoir lieu.

Comme ledit traité a déjà été soumis à l'approbation des instances compétentes néerlandaises, mais qu'il est à prévoir que la ratification prendra encore quelque temps, le Gouvernement des Indes néerlandaises devant être entendu, j'ai, d'ordre de mon gouvernement, l'honneur de proposer à Votre Excellence la mise en vigueur provisoire de commun accord à partir du 15 décembre 1934.

Veillez agréer, Monsieur le Ministre, les assurances réitérées de ma très haute considération.

R. ROOSMALE NEPVEU.

Son Excellence

Monsieur J. José Rocha,
Ministre d'Etat,
Madrid.

1 TRADUCTION. — TRANSLATION.

II.

MINISTERIO DE ESTADO.

S. D. P.
N° 86.

MADRID, 14 de diciembre de 1934.

EXCMO SEÑOR,

Muy Señor mio : La atenta Nota de V. E. de fecha 14 del actual hace referencia al Tratado de Comercio celebrado entre España y los Países Bajos y firmado en Madrid el 16 de junio del corriente y aprobado ya por las Cortes de mi país ; añadiendo V. E. en la Nota mencionada que, por no haber sido todavía aprobado el susodicho Convenio por el Parlamento neerlandés, propone V. E. en atención al mútuo interés de España y los Países Bajos, se ponga provisionalmente en vigor el Convenio que venimos mencionando a partir del 15 de diciembre de 1934.

II.

MINISTÈRE
DES AFFAIRES ÉTRANGÈRES.

S. D. P.
N° 86.

MADRID, le 14 décembre 1934.

MONSIEUR LE MINISTRE,

Par votre note du 14 de ce mois relative au Traité de commerce entre l'Espagne et les Pays-Bas, signé à Madrid le 16 juin de la présente année et déjà approuvé par les Cortes espagnoles, Votre Excellence propose, dans l'intérêt de l'Espagne et des Pays-Bas, que, le traité n'ayant pas encore été approuvé par le Parlement néerlandais, il soit mis en vigueur provisoirement à partir du 15 décembre 1934.

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.

Abundando en los mismos sentimientos de V. E., me complazco en manifestarle mi completa aprobación a la propuesta de V. E. para cuya realización se dan las oportunas órdenes.

Aprovecho esta ocasión para reiterar a V. E. las seguridades de mi alta consideración.

J. José ROCHA.

Je suis heureux d'informer Votre Excellence que je partage son point de vue et approuve entièrement sa proposition pour l'exécution de laquelle les ordres nécessaires sont donnés.

Veillez agréer, etc.

J. José ROCHA.

Excmo Señor
René C. T. Roosmale Nepveu,
Enviado Extraordinario
y Ministro Plenipotenciaria
de Paisés Bajos.

Son Excellence
Monsieur René C. T. Roosmale Nepveu,
Envoyé extraordinaire et
Ministre plénipotentiaire
des Pays-Bas.

¹ TRADUCTION. — TRANSLATION.

EXCHANGE OF NOTES.

I.

LEGATION OF THE NETHERLANDS.

No. 1910.

MADRID, *December 14th*, 1934.

YOUR EXCELLENCY,

The Treaty of Commerce between Spain and the Netherlands, signed at Madrid on June 16th, 1934, having been finally approved by the Spanish Cortes, but not, as yet, by the Parliament of the Netherlands, it would be to the interest of both Parties to bring the Treaty into force provisionally, pending exchange of ratifications.

The said Treaty has already been submitted for approval to the competent authorities in the Netherlands, but it is probable that ratification will still require some time, the views of the Government of the Netherlands Indies having to be ascertained. Such being the case, I am instructed by my Government, to propose to Your Excellency that the Treaty be brought into force by mutual agreement as from December 15th, 1934.

I have the honour to be, etc.

R. ROOSMALE NEPVEU.

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

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.

II.

MINISTRY OF FOREIGN AFFAIRS.

S. D. P.
No. 86.

MADRID, *December 14th*, 1934.

YOUR EXCELLENCY,

In your note of the 14th instant with reference to the Treaty of Commerce between Spain and the Netherlands, signed at Madrid on the 16th June of this year and already approved by the Spanish Cortes, Your Excellency proposes, in the interests both of Spain and the Netherlands, that, as it has not yet been approved by the Parliament of the Netherlands, the said Treaty be brought into force provisionally as from December 15th, 1934.

I am happy to inform Your Excellency that I share your views and entirely approve of your proposal for the execution of which the necessary orders are now being issued.

I have the honour to be, etc.

J. José ROCHA.

Monsieur René C. T. Roosmale Nepveu,
Envoy Extraordinary and Minister Plenipotentiary
of the Netherlands.
