

N° 4114.

FRANCE ET NORVÈGE

Convention concernant les vins et les spiritueux, avec protocole de signature, signés à Paris, le 12 avril 1927, et échange de notes relatif à l'interprétation du paragraphe 5 dudit protocole, Paris, le 18 juillet 1927.

FRANCE AND NORWAY

Convention concerning Wines and Spirits, with Protocol of Signature, signed at Paris, April 12th, 1927, and Exchange of Notes relating to the Interpretation of Paragraph 5 of the said Protocol, Paris, July, 18th, 1927.

¹ TRADUCTION. — TRANSLATION.

No. 4114. — CONVENTION² BETWEEN FRANCE AND NORWAY
CONCERNING WINES AND SPIRITS. SIGNED AT PARIS, APRIL
12TH, 1927.

*French official text communicated by the Permanent Delegate of Norway to the League of Nations.
The registration of this Convention took place May 20th, 1937.*

Being desirous of establishing by agreement new regulations for the importation of French wines and spirits into Norway, THE NORWEGIAN GOVERNMENT and THE FRENCH GOVERNMENT have agreed upon the following provisions to replace those of the Convention³ of April 23rd, 1921, and the protocols of signature and interpretation relating thereto.

Article I.

(a) Throughout the duration of the present agreement, the Norwegian Government shall permit the importation in tuns and in bottles, and the transport and sale in Norway, of French wines and sparkling wines of alcoholic content equal to or less than 21°, without limiting their consumption.

(b) In view of the fact that the provisions of French legislation against fraudulent trade-marks are sufficient to furnish consumers of French wines and sparkling wines in Norway with satisfactory guarantees from a health point of view, the Norwegian Government undertakes to accept the certificates of analysis issued by the official French laboratories as proof that the products imported fulfil the conditions required from a health point of view.

(c) French wines of alcoholic content equal to or less than 21° shall enjoy, in regard to their importation, transport, sale and consumption, treatment in all respects as favourable as that which is or may in future be accorded to national products of the same alcoholic content, with the exception of beers, or to such products coming from any country other than France. While the national treatment thus prescribed for French wines does not imply that the conditions regulating the wholesale and retail trade in wines and fruit drinks having the same alcoholic content as wines shall be identical, it is understood that wines shall not be subject to less favourable administrative and fiscal regulations than fruit drinks.

(d) For the purposes of selling wines in Norway, it is understood that representatives of French firms may apply to the Vinmonopolet Company and to any other person or institution authorised to deal in such products on a wholesale or retail basis. They may make offers on sample or otherwise, without actually carrying goods for sale.

The representatives of French firms shall have the right to send private customers the prospectuses of the French firms which they represent and to endeavour to sell wines by any form of advertisement, provided they do so in the name of the French firms engaged in selling such wines.

¹ Traduit par le Secrétariat de la Société des Nations, à titre d'information.

¹ Translated by the Secretariat of the League of Nations, for information.

² Came into force April 21st, 1927.

³ Vol. XIV, page 375 ; and Vol. XLV, page 107, of this Series.

In regard to offers made and samples given to private customers, French firms shall at all times enjoy the same facilities as the agents of the Vinmonopolet Company.

(e) Whatever regulations may be adopted in Norway for the importation, sale, transport and consumption of the above-mentioned wines and sparkling wines, the Norwegian Government shall allow private individuals, as well as hotel and restaurant proprietors and institutions authorised to sell wine, to import and transport, either for their own consumption or for purposes of trade, all brands of French wines and sparkling wines referred to above, with no restriction as to quantity.

French wines and sparkling wines shall not be subject to special restrictions, or to dues or internal taxes aimed at restricting the importation authorised by the present Article.

The Vinmonopolet Company shall not be entitled to make excessive profits on the products referred to in the present Article.

The provisions of the present Article shall, if necessary, prevail over any local regulations which may tend to hinder their application.

Article 2.

(a) As from the date when the prohibition of spirits is abolished, the Norwegian Government shall authorise the Vinmonopolet Company, which shall alone enjoy this right, to import spirits of wine, cider, marc, quetsch, rum, tafia, gin and alcohol for drinking purposes, irrespective of their alcoholic content, on condition that these products are accompanied by certificates issued by official French laboratories to the effect that they satisfy the requirements of French legislation and that, moreover, the appellations of origin which these products are entitled to bear are correct. It is understood that the sale in Norway of products having an alcoholic content exceeding 60° shall only take place as an exception and subject to the approval of the Crown.

(b) The composition of the natural products referred to in the preceding paragraph shall be guaranteed by the certificate of analysis issued by the official French laboratories. The composition of the products referred to in the preceding Article, if covered by a trade or commercial mark, shall be guaranteed by a single analysis, carried out once for all by the official French laboratories. The certificate of analysis shall be sent to the Norwegian Ministry of Finance and Customs, which shall take note of it and shall transmit instructions to the Customs offices of the Kingdom, authorising the importation for a subsequent period of one year of products to which the previously approved certificate applies, without further certificates being required for each consignment.

The composition of products, other than those referred to above, for use under the pharmacopœia or for veterinary purposes and for technical and scientific use, shall be guaranteed by a certificate of analysis issued by the official French laboratories, and, failing such a certificate, their composition shall be analysed if necessary by the Norwegian authorities.

A list of the official French laboratories authorised to issue the above-mentioned certificates of analysis, and models of the said certificates, shall be communicated to the Norwegian Government by the French Government.

Certificates of the issue of a local "Cognac" or "Armagnac" *acquit à caution* shall serve as a certificate of analysis.

(c) While the representatives of French firms may only offer spirits to the Vinmonopolet Company, they may advertise such spirits, provided they do so only in the name of the French firms which they represent and provided the names of the said representatives are not mentioned.

The Vinmonopolet Company shall publish in its price lists all brands of spirits which any French firm entered in the Commercial Register may ask it to include.

Persons or institutions authorised to sell the said products or to employ them in their industry or for pharmaceutical, scientific or industrial purposes shall have the right at any time to require the delivery of products advertised in the Company's price list.

(d) Alcoholic liquors of more than 21° alcoholic content imported from France shall enjoy as favourable treatment from every point of view as that accorded to products of every kind of the same alcoholic content produced in Norway or coming from any other country.

The Vinmonopolet Company shall not be entitled to make excessive profits on the products referred to in the present Article.

(e) Fiscal charges which are or may be imposed under any name (consumers' tax, distribution tax, excise, etc.) on spirits in Norway may not, under any circumstances, be aimed at restricting the importation of the latter.

Article 3.

Customs duties on wines in tuns shall be fixed at the present level, and shall not be liable to increase; duties on non-sparkling wines in bottles shall not, under any circumstances, amount to more than twice the duties imposed on wines in tuns.

The Customs duties, including the temporary supplement, at present charged on French spirits in Norway shall not be increased.

Article 4.

The Norwegian Government shall ensure the recognition of the regional appellations of origin to which French wine products are entitled in accordance with the laws in force, with administrative decisions reached in conformity with those laws and with the judicial opinions given regarding the application of the said laws, which shall be communicated to it by the French Government and which determine or regulate the right to a regional appellation for all these products or the conditions under which the use of a regional appellation may be authorised. It shall forbid the importation, storage, exportation, manufacture, distribution, sale or offering for sale of wine products bearing regional appellations which are not in conformity with the laws and decisions formally notified by the French Government.

The said notification may refer to :

- (1) Regional appellations of origin ;
- (2) Delimitation of the territories to which such appellations apply ;
- (3) Formalities for the issue of regional certificates of origin.

Products which are not in conformity with the regulatory shall be seized either at the request of the Customs administration or upon the demand of the Ministry or of a party concerned, whether the latter is an individual or a company, in conformity with Norwegian legislation.

The provisions of the present Article shall also apply when the regional appellation is accompanied by an indication of the true place of origin or by the expression " type ", " genre ", " façon ", " ceps " or any other similar expression. This provision shall not prevent the Norwegian seller from mentioning on the receptacles, in addition to the regional appellation or designation of vintage (*cru*) which the product is entitled to bear, his name and address in smaller characters. If there is no regional appellation or designation of vintage, the French origin shall always be indicated on the receptacles in characters larger than those of any other description.

Article 5.

The declarations of February 20th, 1909¹, and April 15th, 1911², shall be abrogated, in so far as they are incompatible with the provisions of the present agreement.

Article 6.

The present agreement shall come into force as soon as the prohibition of spirits has been abolished in Norway.

It shall remain in force for the same period as the Commercial Convention³ of January 13th, 1892, and shall be subject to quarterly renewal in the same manner.

¹ *British and Foreign State Papers*, Vol. 102, page 425.

² *British and Foreign State Papers*, Vol. 105, page 621.

³ *British and Foreign State Papers*, Vol. 84, page 110.

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

Done at Paris, in duplicate, this 12th day of April, 1927.

(Signed) F. Wedel JARLSBERG.

(Signed) Hans HALVORSEN.

(Signed) A. BRIAND.

(Signed) M. BOKANOWSKY.

PROTOCOL OF SIGNATURE.

At the moment of concluding the Convention concerning the wine and spirit trade, the French Government and the Norwegian Government, being desirous of avoiding all disputes which may arise regarding the application of the said Convention, have thought it desirable to define the following points :

(1) Regarding the application of Article 1, it is understood that no obstacle shall be placed in the way of the introduction into Norway of samples required either by representatives or traders travelling for French firms or, under the same conditions, by local agents of the said French firms, and consigned by the French producers or traders to the said representatives, traders or local agents.

(2) Regarding the sale to Norwegian customers of wines with an alcoholic content of 21° or less which the Vinmonopolet Company does not possess in stock, the Norwegian and French Governments have agreed on the following provisions :

Orders placed by Norwegian customers or obtained by representatives or traders travelling in Norway on behalf of a French firm, and carrying on their trade under the conditions prescribed by the present Convention, shall be forwarded to the Vinmonopolet Company, which shall transmit them as quickly as possible, if it does not possess a stock of wines of the vintage, year and brand required.

The orders thus transmitted shall be identical with those obtained by the representatives or traders travelling in Norway on behalf of a French firm or placed directly by Norwegian customers. No change shall be made in the prices indicated in the said orders.

The Vinmonopolet Company may require a payment in advance in respect of all or part of any order exceeding 4,000 francs. Moreover, it shall have the option of returning, at the sender's expense, wines ordered on these terms which are refused by the customer or are not paid for within 25 days of the date on which the customer is advised of the arrival of the goods.

The Vinmonopolet Company shall charge for its services a commission of 18 % of the price f.o.b.

Consignments of wine for private customers shall be cleared from Customs in the ports of Oslo, Bergen and Trondhjem until the Vinmonopolet Company has increased the number of Customs clearing ports ; if, however, the consignee lives elsewhere, the Vinmonopolet Company shall bear the cost of transport to the destination, and shall be responsible for the said transport.

Two or more consignments of wine from a French firm to the same town or commune may be despatched in a single consignment.

(3) The Vinmonopolet Company agrees, in so far as the space at its disposal allows and for purposes of sale under ordinary conditions, to receive on consignment wines sent to it by French firms with a view to their introduction by the Company to Norwegian customers.

(4) The Vinmonopolet Company shall not hinder the application of Article 1 of the present Convention by taking the place of French firms, without the latter's consent, in regard to products which the said firms sold direct to Norwegian customers before the constitution of the Vinmonopolet Company, nor by rendering the transmission of orders placed by the said customers conditional on the existence of an agreement or contracts between the Company and the French vendors.

(5) Only French firms which sold their wines before July 1st, 1921, to private customers through representatives in Norway and which continued to do so after the constitution of the Vinmonopolet Company until November 13th, 1925, shall be authorised to make offers and submit samples to private customers through their own representatives. The said representatives shall be authorised to take orders on behalf and in the name of the firms which they represent, provided they fulfil the conditions mentioned in Article 2 of the Royal resolution of November 13th, 1925. Orders taken by them shall be transmitted by the Vinmonopolet Company, even if they are entered on printed forms.

(6) Should the use of the trade names known as countermarks, which are not backed by real commercial capital, result in difficulties for equitable trade between the Vinmonopolet Company and French producers or traders, the French organisations created for that purpose shall give the Vinmonopolet Company every assistance in investigating and settling such disputes in full agreement with those concerned. Should these difficulties not be settled in this manner, they shall be referred to the two Governments.

(7) Regarding the application of paragraph 2 of section (c) of Article 2, it is understood that the undertaking entered into by Vinmonopolet shall be limited to products imported in bottles and guaranteed by a duly registered trade-mark or commercial name.

Should the Vinmonopolet Company not have the required product in stock, it shall order it from France, provided the quantity ordered is not less than 12 bottles; in respect of such transactions, the Company shall be entitled to its normal profit on sales of similar spirits.

In regard to alcoholic liquors in tuns, paragraph 2 of section (c) of Article 2 shall be applied only in the case of sales by firms which themselves produce the products ordered and then only in the case of orders of 100 litres or more.

Done at Paris, in duplicate, this 12th day of April, 1927.

(Signed) F. Wedel JARLSBERG.

(Signed) Hans HALVORSEN.

(Signed) A. BRIAND.

(Signed) M. BOKANOWSKY.

EXCHANGE OF NOTES.

I.

MINISTRY
OF FOREIGN AFFAIRS.

PARIS, *July 18th, 1927.*

SIR,

You were good enough to inform me that the application of Section 5 of the Protocol of Signature annexed to the Franco-Norwegian Convention on the wine and spirit trade, signed on April 12th, 1927, had given rise to certain difficulties. With a view to their avoidance in future, it would seem desirable to state that the Section in question should be interpreted as follows :

(1) It is understood that a French firm may only be regarded as having engaged in regular business with private customers in Norway if it carried out orders of an annual average value of at least 5,000 crowns between 1921 and 1925.

(2) Firms which fulfil this condition and that stipulated in the last Convention and in the interpretative Protocol annexed thereto, and which desire to carry on business with private customers in Norway, shall be required to make an application and to produce their evidence within a maximum period of six months. They must also communicate to the Royal Department of Social Affairs at Oslo their replies to the attached questionnaire. This questionnaire must be signed, and the signature certified and legalised in the usual way.

(3) The firms in question may not have more than three agents or assistant agents in Norway (at Oslo, Bergen and Trondhjem). An authorisation to be represented by one or other of the said agents in another town may, if necessary, be granted by the Royal Ministry of Social Affairs at Oslo.

In accordance with the Convention signed on April 12th, the said agents must comply with the regulations laid down in Article 2 of the Royal resolution of November 13th, 1925. They must therefore hold a licence, and the said licence shall be issued to agents selling wines from France to private customers on condition that they sell only French wines in Norway.

(4) Firms which, in the opinion of the semi-official Commission appointed by the Government to settle disputes between private customers and the Vinmonopolet, have consigned to Norway wines bearing fraudulent appellations, and which have in consequence been prosecuted under French law and found guilty in France, shall forfeit the advantages accorded to them in Article 5.

(5) It is understood that, in the expression " only French firms which sold their wines before July 1st, 1921, etc.," used in the above-mentioned Section 5 of the Protocol of Signature, the word " wines " shall be taken in the sense given to it by the Convention of April 23rd, 1921, i.e., it shall only cover wines having an alcoholic content of less than 14°, with a margin of acceptance similar to that laid down in Section 1 of the Protocol of Signature of the 1921 Convention, in which the two Governments reached an agreement in regard to natural Bordeaux and Burgundy wines entitled to an appellation of origin.

I have the honour to be, etc.

(Signed) A. BRIAND.

Monsieur S. Bentzon, Counsellor,
Norwegian Chargé d'Affaires,
Paris.

QUESTIONNAIRE TO BE FURNISHED TO THE ROYAL DEPARTMENT
OF SOCIAL AFFAIRS AT OSLO

by firms wishing to carry on business with private customers in Norway under Article 5 of the Protocol of Signature of the Convention between Norway and France dated April 12th, 1927.

- (1) Name Domicile
 Seat Name of Owner (Manager)
 If a limited liability company : Capital Names of members of the Board of Directors
 Information regarding branches, countermarks
 and associated firms.
- (2) Date on which the agent or agents of the said firms began business
 Name and domicile of the agent or agents representing the firm in Norway on July 1st, 1921
 Date on which the said agents began business
- (3) Names of agent or agents on July 1st, 1927
 Domicile When they began business :
 (Month) Year
- (4) Exports to private customers in Norway in 1918-1919-1920-1921-1922-1923-1924-1925.
 Quantity Value (fr.)
- (5) If established in Bordeaux, address of firm's offices and warehouses.
- (6) Types of wine exported to Norway.
 Table wines (Quantity Value)
 Liqueur wines do. do.
 Foreign wines do. do.

This questionnaire must be countersigned and certified in France by the Chamber of Commerce to which the firm represented as above is amenable.

II.

NORWEGIAN LEGATION.

PARIS, July 18th, 1927.

YOUR EXCELLENCY,

I have the honour to acknowledge receipt of Your Excellency's letter of to-day's date, in which you were good enough to inform me that you were in agreement with my Government regarding the following interpretation to be given to Section 5 of the Protocol of Signature annexed to the Franco-Norwegian Convention on the wine and spirit trade, signed on April 12th, 1927.

(1) It is understood that a French firm may only be regarded as having engaged in regular business with private customers in Norway if it carried out orders of an annual average value of at least 5,000 crowns between 1921 and 1925.

(2) Firms which fulfil this condition and that stipulated in the last Convention and in the interpretative Protocol annexed thereto, and which desire to carry on business with private customers in Norway, shall be required to make an application and to produce their evidence within a maximum period of six months. They must also communicate to the Royal Department of Social Affairs at Oslo their replies to the attached questionnaire. This questionnaire must be signed, and the signature certified and legalised in the usual way.

(3) The firms in question may not have more than three agents or assistant agents in Norway (at Oslo, Bergen and Trondhjem). An authorisation to be represented by one or other of the said agents in another town may, if necessary, be granted by the Royal Ministry of Social Affairs at Oslo.

In accordance with the Convention signed on April 12th, the said agents must comply with the regulations laid down in Article 2 of the Royal resolution of November 13th, 1925. They must therefore hold a licence, and the said licence shall be issued to agents selling wines from France to private customers on condition that they sell only French wines in Norway.

(4) Firms which, in the opinion of the semi-official Commission appointed by the Government to settle disputes between private customers and the Vinmonopolet, have consigned to Norway wines bearing fraudulent appellations and which have in consequence been prosecuted under French law and found guilty in France, shall forfeit the advantages accorded to them in Article 5.

(5) It is understood that, in the expression "only French firms which sold their wines before July 1st, 1921, etc.," used in the above-mentioned Section 5 of the Protocol of Signature, the word "wines" shall be taken in the sense given to it by the Convention of April 23rd, 1921, i.e., it shall only cover wines having an alcoholic content of less than 14°, with a margin of acceptance similar to that laid down in Section 1 of the Protocol of Signature of the 1921 Convention, in which the two Governments reached an agreement in regard to natural Bordeaux and Burgundy wines entitled to an appellation of origin.

I have the honour to be, etc.

His Excellency Monsieur Briand,
Minister for Foreign Affairs,
etc., etc., etc.,
Paris.

(Signed) Sigurd BENTZON.