

N° 4372.

UNION SUD-AFRICAINNE
ET FRANCE

Echange de notes comportant un
accord commercial préliminaire.
Paris, le 11 février 1935.

UNION OF SOUTH AFRICA
AND FRANCE

Exchange of Notes constituting a
Preliminary Commercial Agree-
ment. Paris, February 11th, 1935.

¹ TRADUCTION. — TRANSLATION.

No. 4372. — EXCHANGE OF NOTES BETWEEN THE GOVERNMENT OF THE UNION OF SOUTH AFRICA AND THE FRENCH GOVERNMENT CONSTITUTING A PRELIMINARY COMMERCIAL AGREEMENT. PARIS, FEBRUARY 11TH, 1935.

French official text communicated by the Accredited Representative of the Union of South Africa to the League of Nations. The registration of this Exchange of Notes took place June 22nd, 1938.

I.

24, Rue de Berri, February 11th, 1935.

MONSIEUR LE PRÉSIDENT,

You were good enough to inform me, in a letter dated this day, of the facilities which the French Government have decided to accord to South African imports of fruits and crustacea, namely :

1. A minimum tariff in the case of certain fresh fruits (Ex No. 84) and of dried fruits, with the exception of prunes (Ex No. 85), originating in and coming from the Union of South Africa ;

2. A guarantee that the Union of South Africa and South West Africa will be assured percentages of the aggregate quotas of fresh and preserved lobsters (Ex No. 49) and apples, pears and other fruits (Ex No. 84).

In consideration of the facilities which South African trade will thus obtain in French territory, I have the honour to inform you below of the concessions my Government undertakes to grant to French trade.

A.

I. The Government of the Union of South Africa will take the necessary steps, as soon as possible after the opening of the first Parliamentary session of 1935, to prohibit the export of all wines and spirits bearing French geographical appellations of origin, provided that the French Government has duly notified the Government of the Union of South Africa of the said appellations.

II. The Government of the Union of South Africa will take the necessary steps, as soon as possible after the opening of the first Parliamentary session of 1935, to prohibit the use of French geographical appellations of origin for wines and spirits imported in the Union of South Africa and originating in countries other than France.

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.

III. The Government of the Union of South Africa undertakes to adopt the necessary legislative and administrative measures, within a period of 18 months from the date of signature of the present letter, to prohibit the use, in the territory of the Union, of French appellations of origin, which might be used for South African wines or spirits. This undertaking shall be subject to the notification specified in paragraph I. In the case of the geographical name " Champagne ", the period from the date of signature of the present letter shall be three years.

IV. It is understood that the prohibition of French geographical appellations of origin specified in the foregoing paragraphs shall apply to casks, cases or packages, bottles and containers of all kinds. This prohibition shall likewise apply to any indications that may be given in advertisements, bills of lading, invoices, way-bills and any other commercial papers or documents.

V. It is likewise agreed (subject to the provisions of paragraph I relating to notification) that the prohibition of the use of French geographical appellations of origin shall be absolute and alterations or additions, such as " type ", " kind ", " sort " in apposition to a French geographical appellation of origin shall be prohibited.

VI. It is also agreed that the above provisions shall be accompanied by the necessary penalties and that the Government of the Union of South Africa will take the necessary measures to punish any breaches of the above provisions which may be brought to its notice.

VII. The above undertaking shall likewise apply to the mandated territory of South West Africa, in so far as the Government of the Union is authorised to legislate on the matter in the case of that territory.

VIII. The Government of the Union of South Africa has duly noted the assurances given by the French Government that the same protection shall be accorded in France to geographical appellations of origin describing South African products which may have been brought to the notice of the French Government.

IX. The Government of the Union of South Africa undertakes to embody the above provisions in the proposed commercial agreement between France and the Union of South Africa.

B.

In the course of the negotiations it has been stated that French exporters of tin shall each year place a certain tonnage of tin at the disposal of South African lobster canners at a price and of a quality which will ensure their normal sale on the South African market.

The Government of the Union of South Africa, for its part, will endeavour to promote such purchases, taking into account the quantity of tin necessary for the manufacture of the tins used for the export of preserved crustacea to France.

I have the honour to be, etc.

(Signed) Eric H. Louw.

His Excellency Monsieur Pierre Laval,
Minister for Foreign Affairs,
Paris.

II.

24, Rue de Berri, February 11th, 1935.

MONSIEUR LE PRÉSIDENT,

I have the honour to confirm to Your Excellency the undertaking that, in the case of the wines specified below, my Government will raise no objections, based on the Treaty concluded

between it and the Canadian Government, to France's enjoying the same rights in Canada as those applied to South African wines in Canadian territory.

1. Fresh grapewines of all kinds, non-sparkling, imported in casks or bottles containing not more than 23% of proof spirit ;
2. Non-sparkling wines for sacramental purposes, containing not more than 26% of proof spirit ;
3. Champagnes and sparkling wines, imported in bottles.

I have the honour to be, etc.

(Signed) Eric H. Louw.

His Excellency
Monsieur Pierre Laval,
Minister for Foreign Affairs,
Paris.

III.

24, Rue de Berri, *February 11th*, 1935.

MONSIEUR LE PRÉSIDENT,

I. I have the honour to inform you that my Government notes the statements made by the representatives of the French Government in the course of the negotiations, according to which the Government of the Republic would be prepared to investigate the means of granting compensations to the Union of South Africa, should the suppression of the quotas at present applied to South African imports modify the present conditions on the French market.

II. I have also the honour to confirm the opinion of my Government that the letters exchanged on this day's date constitute a preliminary Agreement, to be supplemented as soon as possible by the conclusion of a more complete Commercial Convention between France and the Union of South Africa.

In this connection, I would inform you that, during the negotiations for the conclusion of the said Commercial Convention, my Government is prepared to give its most favourable consideration to the requests addressed to it by the French Government with a view to obtaining tariff or other advantages for French products imported into the territory of the Union of South Africa.

III. Furthermore, I would confirm the fact that the anti-dumping duties recently applied by Proclamation No. 254 of the Union Government do not apply to metallurgical products originating in French territory.

IV. Finally, I would specify to Your Excellency that my Government is prepared, should the French Government so request, to examine the possibility of concluding an agreement concerning the relations between the Union of South Africa and Madagascar, or to insert special provisions that effect in the aforesaid Commercial Convention.

I have the honour to be, etc.

(Signed) Eric H. Louw.

His Excellency Monsieur Pierre Laval,
Minister for Foreign Affairs,
Paris.

IV.

FRENCH REPUBLIC.

MINISTRY OF FOREIGN AFFAIRS.

DEPARTMENT OF POLITICAL
AND COMMERCIAL AFFAIRS.

COMMERCIAL RELATIONS.

PARIS, February 11th, 1935.

MONSIEUR LE MINISTRE,

In your letter dated this day you were good enough to inform me of the measures which the Government of the Union of South Africa proposes to adopt :

1. To provide, in its territory, for the protection of geographical appellations of origin of French wines and spirits ;
2. To promote purchases of tin in France for canning factories in the Union of South Africa.

You were also good enough to inform me, in a letter dated the same day, that your Government was prepared to amend the Treaty at present in force between the Union of South Africa and Canada so that the French wines specified in the said letter would enjoy in Canadian territory the rights granted to South African wines.

In consideration of the facilities French trade will thus obtain, I have the honour to inform you that the French Government undertakes, for its part, to accord South African products the following advantages as from to-day :

1. On importation into France, the minimum tariff will be accorded to the South African products listed below :

Ex No. 84 : Apples and pears, peaches and nectarines, apricots, plums, grapes, cherries, strawberries, gooseberries, black currants, almonds and quinces, pineapples and grapefruits : throughout the year.

Ex No. 84 : Oranges and lemons : from June 1st to October 31st.

Ex No. 85 : Dried fruits other than prunes : throughout the year.

2. A reduction of 15 % on the general tariff duties will be applied to prunes (Ex No. 85) originating in the Union of South Africa.

3. The following percentages of the aggregate quotas will be guaranteed to the Union of South Africa and to South West Africa for the importation of the following products :

No. of Tariff	Designation of Goods	Quotas (percentages)
Ex 49	Fresh lobsters	1.56 %
	Lobsters preserved in the natural state or prepared . .	35.7 %
Ex 84	Apples and pears :	
	(1st quarter)	2.5 %
	(4th quarter)	2.5 %
	Other fruits :	
	Peaches, nectarines, apricots, plums, quinces, grapes, cherries, strawberries, gooseberries, black currants and almonds :	
	(1st quarter)	50 %
	(2nd quarter)	4 %
	(4th quarter)	2.5 %

These percentages will not be reduced, whether the aggregate quota is increased or diminished. This undertaking shall not prevent quota provisions from being discontinued.

III. It is also understood that import licences for apples, pears and the other fruits enumerated in the preceding paragraph shall be valid for 120 days as from the date of issue.

IV. The quotas of crustacea, fresh, or preserved in a natural state or prepared (Ex. 49 of the French Customs Tariff) granted to the Union of South Africa and to South West Africa for the first quarter of 1935, shall be dealt with by the Government of the Union of South Africa.

Goods accompanied by quota certificates, issued by the said Government for that purpose, shall be offered for sale on the French market not later than April 30th, 1935.

Quotas of fresh and preserved crustacea for the subsequent quarters shall be dealt with in their entirety by the French Government.

V. The above facilities will be granted pending the conclusion of a commercial agreement between France and the Union of South Africa. Should it not prove possible to conclude such an agreement within a period of one year, the present provisions may be prolonged by tacit consent. In that event, the percentages that may be accorded in 1936 and 1937 to fresh and preserved lobsters and also to apples, pears, and other fruits of South African origin, shall be fixed as follows :

Ex 49	Fresh lobsters : 1936.	1.56	%
	Lobsters, preserved in the natural state or prepared :		
	1936	53.6	%
	1937	53.6	%
Ex 84	Apples and pears :		
	1936 (first quarter)	2.5	%
	1937 (fourth quarter)	2.5	%
	Other fruits :		
	Peaches, nectarines, apricots, plums, quinces, grapes, cherries, strawberries, gooseberries, black currants and almonds :		
	1936 (first quarter)	50	%
	1937 (second quarter)	4	%
	(fourth quarter)	2.5	%

I have the honour to be, etc.

(Signed) Pierre LAVAL.

Eric Louw, Esq.,
Minister of the Union of South Africa
in Paris.

V.

FRENCH REPUBLIC.
MINISTRY OF FOREIGN AFFAIRS.
DEPARTMENT OF POLITICAL
AND COMMERCIAL AFFAIRS.
COMMERCIAL RELATIONS.

PARIS, February 11th, 1935.

MONSIEUR LE MINISTRE,

In your letter dated this day you were good enough to confirm your Government's opinion that the present exchange of letters constitutes a preliminary Agreement, to be supplemented as soon as possible by the conclusion of a more complete Commercial Convention between

France and the Union of South Africa. In that connection, you informed me that during the negotiations for the conclusion of the said Commercial Convention, your Government would give its most favourable consideration to any requests addressed to it by the French Government with a view to obtaining tariff or other advantages for French products imported into the territory of the Union of South Africa.

You also confirmed the fact that the anti-dumping duties recently applied by Proclamation No. 254 of the Union Government do not apply to metallurgical products originating in French territory.

Finally, you were good enough to specify that your Government is prepared, should the French Government so request, to examine the possibility of concluding an agreement concerning the relations between the Union of South Africa and Madagascar, or to insert special provisions to that effect in the aforesaid Commercial Convention.

I have the honour to acknowledge receipt of that communication, and to inform you that the French Government agrees.

I have the honour to be, etc.

(Signed) Pierre LAVAL.

Eric Louw, Esq.,
Minister of the Union of South Africa
in Paris.