

N° 397.

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**ROUMANIE  
ET TCHÉCOSLOVAQUIE**

Convention commerciale signée à  
Bucarest le 23 avril 1921.

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**ROUMANIA  
AND CZECHOSLOVAKIA**

Commercial Convention signed at  
Bucarest, April 23, 1921.

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

## No. 397. — COMMERCIAL CONVENTION BETWEEN ROUMANIA AND CZECHOSLOVAKIA SIGNED AT BUCHAREST, APRIL 23, 1921.

*Official French text communicated by the Minister for Foreign Affairs of the Czechoslovak Republic.  
The registration of this Convention took place March 28, 1923.*

THE PRESIDENT OF THE CZECHOSLOVAK REPUBLIC of the one part, and HIS MAJESTY THE KING OF ROUMANIA of the other part, being mutually desirous of promoting commercial relations and economic cooperation between the two countries, and of solidly establishing the bonds of friendship which unite them, have agreed to conclude a commercial convention appropriate to the transitory regime at present in force in their respective countries, and have appointed as their Plenipotentiaries :

THE PRESIDENT OF THE CZECHOSLOVAK REPUBLIC,

M. Ferdinand VEVERKA, Envoy Extraordinary and Minister Plenipotentiary of the Republic in Roumania, and

M. Jean DVORACEK, Councillor of Legation,

HIS MAJESTY THE KING OF ROUMANIA,

M. Take JONESCO, Minister, Secretary of State for the Department of Foreign Affairs :

who, after exchanging their full powers, which were found in good and due form, agreed upon the following articles :

*Article 1.*

The nationals, boats, vessels and goods, the produce of the soil and industry of each of the Contracting Parties shall enjoy, in the territory of the other, all privileges, immunities and advantages granted to the most favoured nation.

It is understood, however, that the provisions of the present Convention shall not in any way affect the special laws, decrees and regulations in respect of commerce, industry, police and public security and the exercise of certain trades and professions, which are in force or may come into force in the territory of the Contracting Parties and are applicable to foreigners in general.

*Article 2.*

All goods which are the produce of the soil or industry of Roumania and are imported into Czechoslovakia, and all goods which are the produce of the soil or industry of Czechoslovakia

<sup>1</sup> Traduit par le Secrétariat de la Société des Nations.

<sup>1</sup> Translated by the Secretariat of the League of Nations.

<sup>2</sup> The exchange of ratifications took place at Prague March 10, 1923.

and are imported into Roumania, and are destined either for consumption, warehousing or re-exportation, or are in transit, shall be subject, during the duration of the present Convention, to the treatment accorded to the most favoured nation, and, in particular, shall not be subjected to taxation or duties other or higher than those levied on the produce or goods of the most favoured nation.

No export duties or taxation of any kind other or higher than those levied on goods of the same category of the nation most favoured in this respect shall be levied in Czechoslovakia on goods exported to Roumania, or in Roumania on goods exported to Czechoslovakia.

Each of the Contracting Parties accordingly undertakes that the other shall immediately benefit by every facility, privilege or reduction of duties or taxation of every kind which it has already granted or may grant in the future, under the above-mentioned conditions, to a third Power with the exception of facilities which have been granted or which may subsequently be granted to border States in order to facilitate frontier traffic having regard to local requirements.

Goods coming from another country which have undergone by means of industrial transformation processes within the territory of one of the Contracting Parties shall be considered, on being imported into the territory of the other Contracting Party, as produce of the country in which the transformation took place.

#### *Article 3.*

Internal duties levied by the State, communes or corporations in respect of the production, manufacture or consumption of any article in the territory of one of the Contracting Parties shall not on any consideration be levied on the produce of the other Party in a greater measure or a more inconvenient manner than on national produce of the same category or failing such produce on similar goods of the most-favoured nation.

#### *Article 4.*

The nationals of each of the Contracting Parties shall be exempt, within the territory of the other, from all military service and all contributions levied in lieu of personal military service, and, in addition, they shall not be prevented in any way from carrying out their military obligations in their own country.

They shall be subjected in peace-time and in war-time to the forced loans and military requisitions which are levied on nationals, only to the same extent and under the same conditions as these nationals, and in every case they shall always receive compensation.

They shall also be exempted from all compulsory official service, whether of a judicial, administrative or municipal nature, with the exception of the duties of trusteeship over their co-nationals.

#### *Article 5.*

In their mutual relations as regards railways and navigable waterways, the two Contracting Parties shall apply their tariff policy, in conformity with the principle of the most favoured nation clause.

#### *Article 6.*

Until the conclusion of a General Convention on the International Transit Régime, the two Contracting Parties undertake to grant reciprocal freedom of transit over the most convenient routes to individuals, goods, postal consignments, vessels, boats, carriages, wagons or other means of transport, and guarantee each other in this connection the most favoured nation treatment.

Accordingly, the transit traffic shall not be subjected to any restrictions other than those which are necessitated by technical requirements connected with the general traffic situation and the operation of railroads and waterways.

Individuals, goods, postal consignments, vessels, boats, carriages, wagons or other means of transport in transit shall not, in either State, be subjected to any special duties or taxation in respect of their transit, whether they are transhipped or warehoused in transit or not, and whether bulk is broken or the means of transport changed or not.

#### *Article 7.*

In view of the exceptional economic difficulties which still exist, the two Contracting Parties declare that they are unable at present to cancel the restrictions and prohibitions now in force, or any measures of this nature which may be adopted in the future in regard to the importation or exportation of certain goods.

The two Contracting Parties, however, being desirous of abolishing by degrees these import and export prohibitions, will do everything in their power in order to strengthen commercial relations between the two countries.

But, so long as the above-mentioned restrictions or prohibitions remain in force, the two Contracting Parties agree to apply them mutually on the basis of the most favoured nation clause.

It is understood that this principle shall not apply to special contracts which have been, or may be, concluded in respect of the importation or exportation of goods by way of compensation.

#### *Article 8.*

Apart from the restrictions mentioned in Article 7, no exception shall be made with regard to the provisions regarding freedom of transit and the full commercial freedom which both Contracting Parties desire, except in the following cases and subject to the condition that such exceptions shall be applicable to all countries or to countries similarly situated :

- (a) for reasons of public security ;
- (b) for health reasons, or as a precaution against diseases in animals or plants, if such measures are in conformity with universally recognised international regulations ;
- (c) in the case of goods which are a monopoly of the State in one of the Contracting Parties ;
- (d) in the case of serious emergencies affecting the security of the State.

#### *Article 9.*

Detailed provisions concerning railway transport are contained in Annex A.

#### *Article 10.*

Postal, telegraphic and telephonic relations between Roumania and the Czechoslovak Republic shall form the subject of a special Convention between the two States on the basis of existing international arrangements.

Questions affecting legal assistance in civil and penal matters, the extradition of criminals, the execution of judicial sentences, and Lealth questions, shall also be regulated by means of special Conventions.

*Article 11.*

Limited companies and other commercial, industrial or financial companies, including insurance companies, established within the territory of one of the Contracting Parties, in conformity with the laws of the country, and whose head offices are therein situate, may, by conforming to the laws of the other country, establish and carry on their trade or industry within the territory of the latter, except in the case of branches of commerce and industry which, by reason of their character of public utility, are subjected to special regulations applicable to all countries. The above-mentioned companies shall have free and unimpeded access to the tribunals of both countries.

The granting of permission to the above-mentioned companies to carry on their trade or industry within the territory of the other Contracting Party, shall be subject to the laws and regulations now or in future in force in that territory.

In addition, once the establishment of these companies has been permitted, they shall enjoy, within the territory of the other Contracting Party, the same treatment as is or may be accorded to other similar companies of another State.

*Article 12.*

Traders, manufacturers and other industrialists of one of the two countries who prove by showing an industrial permit issued by the proper authorities of their own country that they are authorised to carry on their trade or industry in that country, and that they have paid the taxes and charges required by the law, shall be entitled, either in person or through travellers in their employment, to make purchases in the territory of the other Contracting Party from traders or producers, or at public sales. They may also take orders, including orders on sample, from traders or other persons who in their trade or industry utilise goods corresponding to such samples. In neither of the two countries shall they be required to pay any special tax in this respect.

Roumanian and Czechoslovak commercial travellers in possession of an industrial permit, issued by the authorities of their respective countries, shall be mutually entitled to carry samples or models but not actual goods. This permit must be drawn up in conformity with the model given in Annex B.

Each Contracting Party shall communicate to the other which are the authorities competent to issue these permits, and what regulations traders must conform to when exercising their calling.

Articles liable to customs duty or other similar taxation — with the exception of goods, the importation of which is prohibited — imported as samples or models by commercial travellers, shall in both countries be admitted free of import and export duties on the condition that these articles are re-exported within the prescribed time, and that no doubt exists as to the identity of the articles imported and re-exported, irrespective of the Customs Office through which they pass on leaving the country.

The re-exportation of samples or models must be guaranteed in both countries at the Customs Office of entry, either by depositing a sum equal to the amount of the duties leviable, or by providing satisfactory surety. Formal guarantees may, however, in every case, if necessary, be required for the import and export of manufactured articles in platinum, gold or silver.

When the prescribed time has expired, the amount of the duties, whether deposited or guaranteed, shall be paid into the Treasury, or shall become payable to its accounts, unless it has been proved that the samples or models have been re-exported within this period.

If, before the expiration of the regulation period, the samples or models are presented for re-exportation at a special Customs Office established for this purpose, this Office must ascertain by examination whether the articles presented are really those for which the permit of entry was issued. If there is no doubt in this respect, the Office shall certify that the goods have been re-exported, and shall refund the amount of the duty deposited when the goods were imported, or shall take the necessary steps to liberate the surety.

The importer shall not be required to pay any charges, except stamp duty, for the delivery of the certificate or permit, and the affixing of identification marks on the samples or models.

*Article 13.*

The two Contracting Parties agree to permit the free return to the country of the consignor, without levying any Customs duty on exportation or importation, of empty receptacles of every kind used for the importation of products from the territory of one of the Contracting Parties into the territory of the other. The same facilities shall be granted in the case of receptacles of every kind sent into the territory of the other Contracting Party to be filled and returned. But in both cases guarantee may be required in the case of receptacles liable to Customs duty.

*Article 14.*

Articles sent to be repaired, provided their nature and commercial character remain unchanged, and provided that no new essential parts which are liable to import duty are added thereto, shall be admitted into and exported from either country free of all duty on condition that their identity is established beyond doubt, and that they are sent back within a definite time limit established beforehand.

*Article 15.*

With a view to facilitating the work of the Customs service the two Contracting Parties declare that they agree in principle to establish their Customs Offices at the frontier in the same place wherever the local situation permits.

*Article 16.*

Roumanian vessels and their cargoes in Czecho-Slovakia, and Czechoslovak vessels and their cargoes in Roumania, on their arrival either direct from the country of origin or from another country, and whatever may be the place of despatch or the destination of the cargo, shall enjoy in every respect in the ports and on the waterways of both countries, the same treatment as the country's own vessels and their cargoes.

All privileges and exemptions from Customs accorded in this respect to a Third Power by one of the Contracting Parties shall be immediately and unconditionally accorded to the other Party.

In particular, vessels and boats of each of the two contracting Parties shall be authorised to transport goods of every nature and passengers travelling to or coming from all ports or localities situated within the territory of the other Party, to which the vessels or boats of the latter may have access, under conditions which shall not be more onerous than those applied in the case of the country's own vessels and boats.

No duties, taxes, or charges of any kind leviable in any form whatever on the hull, flag or cargo of a vessel, and collected in the name or on behalf of the Government, public officials, individuals, corporations or institutions of any sort shall be levied on craft of one of the two States in the ports of the other, on their arrival, during their stay in the port, or on leaving, which are not also, and under the same conditions, levied on that of the country's own vessels.

Similarly, vessels and their cargoes shall not be subjected to formalities other than those connected with Customs, police, public health, immigration and emigration measures, or the control of importation and exportation of prohibited goods.

The territorial coastwise traffic of each country shall be reserved for the nationals of the country, and permission to carry on such traffic may not be accorded to subjects of the other country except by special decision of the Government concerned. In all cases, however, Roumanian and Czechoslovak vessels may pass from a port in one of the two countries to another port or other ports in the same country, either to discharge the whole or part of their cargo brought from abroad, or in order to make up or complete a consignment for abroad.

*Article 17.*

The traffic of the neighbouring frontier zones of both countries is regulated in Annexes C and D.

*Article 18.*

The present Convention shall be ratified, and the instruments of ratification shall be exchanged at Prague as soon as possible.

It shall enter into force on the 15th day after the exchange of the ratifications. The present Convention shall continue in force for one year from the day of its coming into force.

On the expiration of this period, it shall be extended by tacit consent, and shall remain in force for three months after its denunciation by of the two Contracting Parties.

In faith whereof the respective Plenipotentiaries have signed the present Convention.

Done in duplicate at Bucarest, on the twenty-third day of April, nineteen hundred and twenty-one.

(Signed) DR FERDINAND VEVERKA.

(Signed) J. DVORACEK.

(Signed) TAKE JONESCO.

## ANNEX A.

## Paragraph 1.

Goods-traffic between the two States shall be carried on in conformity with the regulations of the International Conference of Berne on Railway Transport of October 14, 1890<sup>1</sup>, with all additions and provisions supplementary thereto ; in view, however, of the present difficulties connected with traffic this Convention may be departed from in certain matters which form the subject of a special agreement between the railway administrations of the two countries.

## Paragraph 2.

The two Contracting Parties shall take all possible steps to ensure a rapid and reliable passenger and goods service between the two countries by the most convenient routes, and, if necessary, by means of complete through trains with a view to facilitating the exportation and importation of goods to and from both countries.

## Paragraph 3.

The two Contracting Parties agree to take the necessary steps to fix a scale of through charges as soon as possible, at least in the case of the main categories of goods and the most important kinds of traffic, in order to facilitate the through traffic of passengers and goods.

## Paragraph 4.

The two Contracting Parties recognise the absolute necessity of concluding a General International Convention for the reciprocal exchange and utilisation of rolling stock, and agree to take common action to obtain the conclusion of this Convention as soon as possible.

Until the International Convention has been concluded, the provisional arrangements at present in force between the railway administrations of the two States shall continue to be valid as regards the exchange and utilisation of trucks.

## Paragraph 5.

It is understood that the exchange of wagons which are considered not to belong to the common stock of the former Austro-Hungarian Monarchy shall be regulated in accordance with the provisions laid down at the Conference of Experts held in Vienna from August 3, to August 12, 1920.

<sup>1</sup> See footnote 1 page 31 of this Volume.

## ANNEX B (Model).

## PERSONAL PERMIT FOR COMMERCIAL TRAVELLERS.

Valid for the year..... No. of Permit.....

(Arms of the State)

Valid in Czechoslovakia and Roumania.

Surname and Christian names of bearer .....

..... Issued at .....

(seal)

on (day, month, year) .....

Signature of the competent Authority.

We hereby certify that the Bearer of this Permit owns a (description of factory or business) at .....  
 ..... for the purpose of .....  
 ..... is employed as commercial traveller for the firm of .....  
 ..... at .....  
 ..... which owns there a (description of factory or business) .....

Moreover, as the Bearer of this Permit is desirous of soliciting orders and buying for his firm and for the following  $\frac{\text{firm}}{\text{firms}}$  (description of the factory or business) at .....

we hereby certify that the said  $\frac{\text{firm is}}{\text{firms are}}$  bound to pay in this country the duties imposed by law for the exercise of  $\frac{\text{its}}{\text{their}}$  business (industry).

Description of Bearer :

Special characteristics ..... Age ..... Height .....

Hair .....

Signature :

N. B. : The Bearer of this Permit shall not be entitled to solicit orders or buy in any capacity other than that of traveller acting for the above-mentioned  $\frac{\text{firm}}{\text{firms}}$ . He shall be entitled to carry samples but not goods. Moreover, he will conform to the regulations in force in each country.

Note : Where alternative texts appear in the above model, the form to be used for the issue of permits will leave a sufficient space for the insertion of one or other of the texts, according to the circumstances of each particular case.



## ANNEX C.

In order to facilitate traffic in the limitrophe frontier zones according to the current requirements of the population the two Contracting Parties have agreed to the following provisions :

(1) The following articles shall be exempted from all customs duties and other charges and all special import or export permits when imported or exported over the common frontier :

Medicaments made up in small quantities according to the consumer's requirements, despatched by neighbouring pharmacies on the prescription of a physician qualified to practise within the territory of one of the Contracting Parties. Such consignments shall require no special authorisation.

No doctor's prescription will be required, however, in the case of simple medicinal drugs or pharmaceutical products and ordinary chemicals in small quantities, according to the consumer's requirements, which are definitely and clearly stated to be such on the package, on condition that the regulations of the respective countries permit their retail sale.

(2) Inhabitants of limitrophe districts engaged in agriculture on land (fields, meadows, forests, etc.) owned or leased by them and situated in the limitrophe zone of the neighbouring State, shall be authorised — so far as the necessary precautionary measures for the protection of the respective customs duties permit — to transport over the common frontier free of customs duty and every other sort of duty and charge and without any import or export permit, draught animals, machinery, tools, seed and seedlings required for their work on the land referred to above.

(3) Produce of the soil, as, for instance, wheat in sheaf or in ear, leguminous plants, tubers, grass for feeding live-stock, hay, straw, fodder, etc., gathered on land separated from the respective farm buildings by the customs frontier, may be carried to the buildings or places in which they are to be stored free of all customs duty and any other sort of duty or charge and without export or import permit.

(4) Stock being taken to pasture or winter quarters from one territory to the other shall be admitted temporarily free of all import or export duties and without export or import permit, provided that they are brought back, and subject to the reservation that customs regulations are respected and the identity of the animals verified on return. Produce of stock in pasture or in winter quarters, such as milk, butter, cheese, wool and young born during this period, may also be reintroduced customs free, but only in proportion to the number of the live-stock and the actual duration of the pasturage or wintering periods.

The effects and furniture of peasants or herdsmen accompanying the livestock shall also pass customs-free.

In all cases referred to in Articles 2, 3 and 4, the frontier may be crossed by roads other than customs routes provided that the local regulations are observed.

It is understood that the respective import duties shall be paid, on the re-entry of the herds, on animals not returned except such as may die in pasturage.

(5) Freedom from import or export duties shall be granted also in respect of articles for the inhabitants' personal use despatched from one territory into the other in order to be repaired or treated provided that this traffic is limited to limitrophe zones and to the current needs of the inhabitants of these zones.

(6) The facilities granted under Articles 1-5 shall be confined to the inhabitants and produce of the limitrophe zone, which shall not exceed the international maximum width of 15 kilometres, in conformity with the internal regulations of each State.

(7) The facilities granted under Articles 1-5 shall not affect the right of each Contracting Party to take such measures as it may consider necessary for reasons of public health, veterinary inspection, customs supervision, or any other necessary supervision deemed to be an unavoidable precaution against possible abuse.

(8) The Roumanian and Czechoslovak Governments will make every effort to ensure that customs supervision over frontier traffic shall be carried out by their respective organs as far as possible simultaneously and in the same place.

The two Governments shall reach an agreement as soon as possible concerning customs supervision and routes generally authorised for the passage of the common customs frontier.

(9) The Contracting Parties undertake to make united efforts to prevent, by means of appropriate measures, contraband over their common frontier : regarding penalties for offences against the customs regulations, the Contracting Parties agree to maintain their respective penal legislation.

(10) In order to afford facilities to the inhabitants of the limitrophe zone for crossing the common frontier, the two Governments shall authorise local administrative authorities to regulate the crossing of the frontier by means of personal identity cards for " minor frontier traffic ". In conformity with this arrangement the inhabitants of the frontier zone shall be permitted to cross the common frontier on showing a certificate (identity card) issued in their name, for the purpose of crossing the frontier and valid for a definite period.

(11) The following articles shall be exempt from import and export duties and import and export permits when crossing and recrossing the common frontier, except in so far as the measures referred to in Article 7 of this Annex shall apply :

- (a) The effects of travellers, carters and workpeople, such as underlinen, clothing, travelling utensils, tools and machinery for their own use, in a quantity proportionate to the circumstances ;
- (b) Carriages actually used for transporting individuals and goods, handcars, baskets and similar articles used for transport, on condition that they have already been used, are not new and not destined to be sold, and are used for the transport or packing of effects or goods ; beasts of burden and draught animals.

In order to ensure the re-exportation of new carriages and other vehicles and beasts of burden and draught animals, the deposit of security may be required in conformity with the laws of the respective countries.

The provisions of this Article shall not be in any way derogatory to the general regulations in force under the customs legislation of the country concerned.

- (12) (a) Doctors, veterinary surgeons and persons entitled to render sanitary assistance living near the Roumanian-Czechoslovak frontier shall be authorised to exercise their profession even in the limitrophe frontier zone of the other country to the same extent as in their own country, subject to the following reservations :
- (b) Persons referred to in paragraph (a) shall not be entitled when exercising their profession in the other country to administer to patients; medicine brought by themselves except in cases of extreme urgency.
- (c) Persons exercising their profession within the limitrophe frontier zone, in conformity with paragraph (a) shall not be entitled to settle or take up their abode there unless they conform to the laws in force in the country concerned and particularly to regulations concerning the practice of medicine and veterinary surgery.
- (d) Doctors, veterinary surgeons and persons entitled to render sanitary assistance who desire to avail themselves of the right accorded under paragraph (a) of this Article, must obviously conform when exercising their profession to the laws and regulations in force in the country in which they practice. The two Governments undertake to exchange all information concerning the regulations in force as regards the practice of medicine and veterinary surgery, in order that doctors, veterinary surgeons and persons authorised to render sanitary assistance may be informed thereof.

(13) Further provisions may if necessary be added to the above Articles particularly in respect of facilities for passing goods through the customs and the commercial supervision of articles required for the current and personal needs of the inhabitants of the limitrophe frontier zone.

## ANNEX D.

It is agreed as regards the provisions contained in Article 6 of Annex C. that the two Governments may extend the width of the limitrophe zone to beyond 15 kilometres, whenever it is proved that such extension is necessary.

## FINAL PROTOCOL.

At the moment of signing the Commercial Convention concluded this day the undersigned Plenipotentiaries have made the following reservations and declarations which shall be considered as forming an integral part of the Convention itself :

*To Article 2.*

The provisions regarding the most favoured nation clause shall not in any way affect, as regards customs formalities, the special provisions of Article 222 of the Treaty of Peace of Saint-Germain and Article 205 of the Treaty of Peace of Trianon.

*To Article 6.*

Charges exclusively levied to cover legitimate expenditure on supervision and administration involved by transit, may however be levied on goods in transit.

*To Article 7.*

Special arrangements which have been concluded or may be concluded by one of the two Contracting Parties with a third Power concerning consignments by way of compensation shall be considered as special contracts within the meaning of the last paragraph of Article 7.

*To Article 11.*

The expression "branches of commerce" (paragraph 1) refers to commercial, industrial and financial companies and to insurance companies.

*To article 13.*

The following articles be regarded as receptacles : casks, tuns, barrels, sacks, baskets, bottles, drums, cisterns, cases, etc. These recipients should ordinarily be marked in order to guarantee their identity but if this is not required by the customs regulations of the country concerned an equal number of receptacles of the same size and quality may be returned.

*To Article 16.*

(a) It is understood that in all matters regarding the berthing of vessels, their lading and unloading, and in general all formalities and regulations to which trading vessels, their crews and

their cargos may have to conform in ports or docks, no privilege or favour shall be accorded to the vessels of one State which is not also accorded to the vessels of the other.

(b) Food-stuffs and articles for lighting purposes taken on board in the ports of the two Contracting Parties for the every-day use of the crew, and all articles required for provisioning vessels leaving port, shall be exempt from all export duties provided they are not in excess of the quantities which are absolutely indispensable.

In cases in which these quantities seem too great the captains or officers commanding the vessels will have to prove to the customs office that the quantities in question are really necessary in view of the number of the crew and the probable duration of the voyage.

Temporary prohibitions to export certain foodstuffs shall not apply to foodstuffs for the provisioning of ships' crews.

Done in duplicate at Bucharest on the twenty-third day of April nineteen hundred and twenty-one.

(L. S.) DR. FERDINAND VEVERKA.

(L. S.) ING. J. DVOŘÁČEK.

(L. S.) TAKE JONESCO.