

No. 705.

**EMPIRE BRITANNIQUE, FRANCE, ITALIE,
JAPON, GRÈCE, &c., ET TURQUIE.**

**Convention commerciale, signée à Lausanne
le 24 juillet 1923.**

**BRITISH EMPIRE, FRANCE, ITALY, JAPAN,
GREECE, &c., AND TURKEY.**

**Commercial Convention, signed at Lausanne,
July 24, 1923.**

Traduction.—Translation.*

**No. 705.—Commercial Convention⁽¹⁾, signed at
Lausanne, July 24, 1923.**

Official French text communicated by the French Delegation at the Fifth Assembly of the League of Nations. The registration of this Convention took place September 5, 1924.

THE BRITISH EMPIRE, FRANCE, ITALY, JAPAN, GREECE, ROUMANIA and the SERB-CROAT-SLOVENE STATE, of the one part,

And TURKEY, of the other part,

Animated with a desire to establish their economic relations on a basis of international law and under conditions most likely to encourage commerce and to facilitate trade, have resolved to conclude a Convention for this purpose, and have appointed as their Plenipotentiaries :—

HIS MAJESTY THE KING OF THE UNITED KINGDOM OF GREAT BRITAIN AND IRELAND AND OF THE BRITISH DOMINIONS BEYOND THE SEAS, EMPEROR OF INDIA :

The Right Honourable Sir Horace George Montagu Rumbold, Baronet, G.C.M.G., High Commissioner at Constantinople ;

THE PRESIDENT OF THE FRENCH REPUBLIC :

General Maurice Pellé, Ambassador of France, High Commissioner of the Republic in the East, Grand Officer of the National Order of the Legion of Honour ;

HIS MAJESTY THE KING OF ITALY :

The Honourable Marquis Camillo Garroni, Senator of the Kingdom, Ambassador of Italy, High Commissioner at Constantinople, Grand Cross of the Orders of Saints Maurice and Lazarus, and of the Crown of Italy ;

M. Giulio Cesare Montagna, Envoy Extraordinary and Minister Plenipotentiary at Athens, Commander of the Order of Saints Maurice and Lazarus, Grand Officer of the Crown of Italy ;

* Communiquée par le Ministère des Affaires étrangères de Sa Majesté britannique. * Communicated by His Britannic Majesty's Foreign Office.

⁽¹⁾ The deposit of the instruments of ratification took place by Greece, February 11, 1924 ; by Turkey, March 31, 1924 ; by the British Empire, Italy and Japan, August 6, 1924,

HIS MAJESTY THE EMPEROR OF JAPAN :

Mr. Kentaro Otchiai, Jusammi, First Class of the Order of the Rising Sun, Ambassador Extraordinary and Plenipotentiary at Rome ;

HIS MAJESTY THE KING OF THEHELLENES :

M. Eleftherios K. Veniselos, formerly President of the Council of Ministers, Grand Cross of the Order of the Saviour ;

M. Demetrios Caclamanos, Minister Plenipotentiary at London, Commander of the Order of the Saviour ;

HIS MAJESTY THE KING OF ROUMANIA :

M. Constantine I. Diamandy, Minister Plenipotentiary ;

M. Constantine Contzesco, Minister Plenipotentiary ;

HIS MAJESTY THE KING OF THE SERBS, THE CROATS AND THE SLOVENES :

Dr. Miloutine Yovanovitch, Envoy Extraordinary and Minister Plenipotentiary at Berne ;

THE GOVERNMENT OF THE GRAND NATIONAL ASSEMBLY OF TURKEY :

Ismet Pasha, Minister for Foreign Affairs, Deputy for Adrianople ;

Dr. Riza Nour Bey, Minister for Health and for Public Assistance, Deputy for Sinope ;

Hassan Bey, formerly Minister, Deputy for Trebizond ;

Who, having produced their full powers, found in good and due form, have agreed as follows :—

SECTION I.

Article 1.

From the coming into force of the present Convention, the tariffs applicable on the importation into Turkey of the produce or manufactures originating and emanating from the territories of the other contracting countries shall be those of the Turkish specific tariff which came into operation on the 1st September, 1916.

Article 2.

The duties prescribed by the Turkish tariff of the 1st September, 1916, in Turkish paper money, will be subjected to coefficients of

increase periodically adjusted according to the rate of exchange under the conditions hereinafter provided.

These coefficients shall be those which were in force on the 1st March, 1923. Nevertheless, the articles set out in the annexed Schedule 1 shall be subjected to the coefficient 9.

The coefficients referred to above shall be adjusted in accordance with the rate of exchange as provided by the following rules:—

These coefficients having been determined at a time when the pound sterling represented 745 paper piastres, if the Turkish pound shows an average increase of more than 30 per cent. over this rate during the month preceding the coming into force of this Convention, the coefficients 12 and 9 will be reduced proportionately to the average rate of exchange for that month; the coefficient will remain in force, as thus adjusted, for the following three months; at the expiration of that period of three months, the coefficient will, should the case arise, be readjusted in accordance with the average rate of exchange of the last month of the period.

In the same way, if the Turkish pound shows an average decrease of more than 30 per cent. compared with the initial rate of 745 piastres for a pound sterling during the month preceding the coming into force of this Convention, the coefficients 12 and 9 may be increased proportionately to the average rate of exchange for that month; the coefficient will remain in force, as thus adjusted, for the following three months; at the expiration of that period of three months, the coefficient will, should the case arise, be readjusted in accordance with the average rate of exchange of the last month of the period.

The coefficient 5 may be increased, in the event of a decrease in value of the Turkish pound, in the same conditions as the coefficients 12 and 9, but, in the event of an increase in value of the Turkish pound, that coefficient need only be reduced from the time when the pound sterling is worth less than 5 Turkish pounds paper.

In the event of monetary reform, the various coefficients fixed above will be modified to the extent of the difference between the new and the old currency in such a way as not to alter the incidence of customs duties.

Article 3.

Turkey undertakes to abolish from the coming into force of the present Convention, and not to re-establish during its continuance, all prohibitions of import and export, except those which may be necessary:—

- (1) to maintain the resources indispensable for the food of the people, and to safeguard the economic activity of the nation;
- (2) to ensure the security of the State;
- (3) to protect persons, animals and plants against contagious diseases, epizooties and epiphyties;
- (4) to prevent the use of opium and other poisons;

- (5) to prohibit the import of alcoholic products, the use of which is forbidden in Turkey;
- (6) to prevent the export of gold money or gold metal;
- (7) to establish or support State monopolies.

Subject to equitable reciprocity being accorded to her by each of the other Contracting Powers in accordance with its legislation, Turkey undertakes to apply the prohibitions without discrimination of any kind, and in the event of her granting exemptions or licences in respect of prohibited produce, not to favour in any way the trade of any one Contracting Power to the prejudice of the trade of any other Contracting Power, or to favour in any way the trade of any non-contracting Power to the prejudice of the trade of any Contracting Power.

Article 4.

Subject to reciprocity, no consumption or excise duty shall be applicable in Turkey to goods originating or emanating from the other contracting countries except to the extent to which it is exacted in respect of identical or similar articles produced in Turkey.

Turkey may, however, continue to exact, under the same conditions of equality between her nationals and the nationals of the other contracting countries, the consumption duties set out in the schedule contained in Annex II in respect of the products specified in that Schedule.

Subject to reciprocity, octroi duties and any other taxes exacted by local authorities will, if they are imposed on articles produced in Turkey, be applied without discrimination between Turkish products and products originating or emanating from the other contracting countries, and, if they are imposed on articles not produced in Turkey, will similarly be applied, without discrimination of any kind, to all identical or similar foreign products, whatever may be their origin.

Article 5.

Subject to an equitable reciprocity being accorded to Turkey by each of the other Contracting Powers in accordance with its legislation, every export duty, which Turkey may have imposed or may impose on any goods, natural or manufactured, shall be applied equally whatever the country of destination. No discrimination to the prejudice of the commerce of any one of the other Contracting Powers shall be established by any means.

Article 6.

Turkey will accord to the other Contracting Parties the benefit of any more favourable treatment in respect of the matters referred to in Articles 1 to 5 which she may grant to any other country, except

such special advantages as regards tariffs or generally in regard to all other commercial matters which she may grant to any one of the territories detached from Turkey under the Treaty of Peace signed this day, or, as regards frontier trade, to a limitrophe State.

Article 7.

In order to determine the country of origin of imported goods, Turkey and any of the other Contracting Powers may respectively require the production by the importer of an official certificate stating that the article imported is the national produce or manufacture of the said country, or that it should be so considered having regard to the transformation which it has undergone in that country.

Certificates of origin in accordance with the form annexed to this Section numbered VII will be granted by the Ministry of Commerce or of Agriculture, or by the Chamber of Commerce to which the consignor belongs, or by any other authority or association which may be agreed upon by the country of destination. They will be authenticated by a diplomatic or consular representative of the country of destination.

Parcel post packages will be exempt from the requirement of a certificate of origin when the country of destination recognises that no transaction of a commercial character is involved.

Article 8.

The benefit of the provisions of this Section cannot be claimed by any of the Contracting Powers which does not grant to Turkey during the whole period of the Convention a treatment as favourable as that which it grants to any other foreign country.

ANNEX I.

LIST OF ARTICLES SUBJECT TO THE COEFFICIENT 9.

Number in Tariff.				
65	...	...	...	Potatoes.
69	...	...	...	Oranges.
121	...	...	...	Confectionery (sweetmeats).
130	...	...	...	Mineral waters.
178	...	...	...	Dressed leather.
180	...	...	...	Pigskin.
185, 187, 188	...	...	...	Footwear.
192	...	...	...	Gloves.
200, 201	...	...	...	Peltry, raw or prepared.
217, 218	...	...	...	Furniture.
273, 274, 275	...	...	...	Cotton, embroidery, lace and ribbons.
302	...	...	...	Silk waste.
305	...	...	...	Gauze, &c.
306	...	...	...	Silk tulle, &c.
308	...	...	...	Silk tissue.
311, 312	...	...	...	Silk hosiery.
314	...	...	...	Silk passementerie.
324	...	...	...	Woollen shawls and belts.
339	...	...	...	Clothing.
348	...	...	...	Sunshades, umbrellas, parasols, &c.

ANNEX II.

CONSUMPTION TAXES.

Tea	...	...	...	40	piastres per kilo.
Coffee	...	...	...	20	" "
Petroleum	...	...	...	6	" "
Rice	...	...	...	10	" "
Margarine, oleomargarine and other animal fats	...	...	...	80	" "
Candles, stearic	...	...	...	30	" "
Ordinary soap	...	...	...	5	" "
Sacks, old and new	...	...	...	5	" "
Spices	...	...	...	30	" "
Matches	...	...	...	$\frac{1}{2}$	piastre per box of 60 matches.
Wax matches	...	...	...	1	" " "
Cigarette paper	...	...	...	1	piastre per 50 sheets.
Tinder boxes	...	...	...	25	piastres per tinder box.
Sugar	...	...	...	15	" kilo.
Biscuits	...	...	...	}	Subject to a consumption tax according to percentage of sugar they contain.
Chocolate	...	...	...
Condensed milk	...	...	...
Sweet stuffs and glucose	...	...	...
Non-alcoholic beverages (gaseous and lemonades)	...	...	...
Other products containing sugar	...	...	...	}	40 piastres per kilo.
Tombac	...	...	...

ANNEX III.

FORM OF CERTIFICATE OF ORIGIN.

We (authority which grants the certificates) (1) certify that—

Mr..... }
 { Producer or manufacturer,
 Agent of Mr. } (2).
 { Residing at }
 { Authorised dealer,

residing at.....
 has declared before us, on his responsibility, that the goods specified below are of (Turkish or) origin or manufacture in accordance with reliable documents which have been produced to us by the consignor. (3) These goods are sent to to the order of Mr merchant or trader at by (land or ship)

Number and Nature of Packages.	Marks Number.	Gross and Net Weight (in kilogrammes) or Measure of Capacity and Value.	Nature of the Goods.

Certified on my responsibility, the

(Signature of the declarant.)

Confirmed by us (authority which grants the certificate), who attest also that the sale of the goods specified above has been actually concluded in this country.

(Date and signature of the authority which grants the certificate.)

Seen at the Consulate of for verification of this signature.

(Date, signature and seal of the Consulate.)

(1) The certificates will be granted either by the Ministries of Commerce or Agriculture or by the Chamber of Commerce to which the consignor belongs, or by any other authority or association which may be agreed upon by the country of destination.

(2) Strike out the words which are inapplicable.

(3) When the certificate is obtained by the producer or manufacturer, or his agent, the words "in accordance with reliable documents which have been produced to us by the consignor" should be struck out.

SECTION II.

Article 9.

Turkey undertakes, on condition that reciprocity is accorded in this matter, to grant to the ships of the other Contracting Powers a treatment equal to that which she grants to national ships, or any more favourable treatment that she grants or may grant to the ships of any other Power.

Turkey retains, as regards each of the other Contracting Powers, and each of these Powers retains as regards Turkey the right of reserving to the national flag fishing, maritime cabotage, that is to say, transport by sea of goods and passengers embarked in one port of its territory for another port in the same territory, and port services, that is to say, towage, pilotage and all interior services of whatever nature they may be.

Article 10.

Subject to the exceptions referred to in the preceding article with respect to fishing, maritime cabotage and port services, a treatment equal to that granted to national ships will be granted reciprocally by Turkey on the one hand and by each of the other Contracting Parties on the other hand as regards the right to import or export goods of every description or to transport passengers going to or coming from the country and the enjoyment of all facilities with regard to stationing, loading and unloading of vessels at ports, docks, quays and roads.

There shall also be an absolute equality, subject to the same condition of reciprocity, as regards dues, charges and payments of all kinds levied on ships, such as sanitary dues, port, quay, harbour, pilotage, quarantine, lighthouse and other similar dues levied in the name of or for the profit of the Government, public functionaries, private individuals, corporations or establishments of any kind.

Turkey also undertakes, on condition of reciprocity, not to subject imported or exported goods to any differential due, surtax, or increase of any nature or kind based on the flag of the ship by which the goods are imported or exported, on the ports of arrival or departure, on the voyage of the ship or the ports at which it has called, the dues and taxes leviable on goods imported or exported being determined only on their origin or their destination, and being applied equally as regards all the other Contracting Powers in accordance with the provisions of Section I.

Article 11.

All classes of certificates or documents relating to vessels, their cargoes and passengers which were recognised as valid by Turkey before the war or which may hereafter be recognised as valid by the principal maritime States shall be recognised by Turkey, as regards the vessels belonging to the other Contracting Powers, as valid and as equivalent to the corresponding certificates issued to Turkish vessels.

These provisions will only have effect if the certificates and documents delivered by Turkey to Turkish vessels, in conditions equivalent to those adopted in the principal maritime countries, are regarded by the other Contracting Powers as equivalent to the certificates and documents delivered by them.

SECTION III.

Article 12.

Turkey undertakes, on condition of reciprocity, to adopt all the necessary legislative and administrative measures, and to allow access to the Courts in order to protect goods the produce or manufacture of any one of the other Contracting Powers from all forms of unfair competition in commercial transactions.

Turkey undertakes, also on condition of reciprocity, to prohibit and repress by appropriate remedies the importation, exportation, manufacture, distribution, sale or offering for sale in her territory of all goods bearing upon themselves or their get-up or wrappings any marks, names, devices or descriptions whatsoever which are calculated to convey, directly or indirectly, false indications of the origin, type, nature or special characteristics of such goods.

Article 13.

Turkey undertakes, on condition that reciprocity is accorded in these matters, to respect any law or any administrative or judicial decision given in conformity with such law in force in any other Contracting State and duly communicated to her by the proper authorities, defining or regulating the right to any regional appellation in respect of products which derive their special qualities from the soil or the climate, or the conditions under which the use of any such appellation may be permitted; and the importation, exportation, manufacture, distribution, sale or offering for sale of products or articles bearing regional appellations inconsistent with such laws or orders shall be prohibited by Turkey and repressed by the measures prescribed by article 12.

Article 14.

Turkey undertakes, within a period of twelve months from the coming into force of the present Convention:—

- (1) To accede in the prescribed form to the International Convention of Paris of the 20th March, 1883, for the protection of industrial property, revised at Washington on the 2nd of June, 1911;
- (2) To accede also to the International Convention of Berne of the 9th September, 1886, for the protection of literary and artistic works, revised at Berlin on the 13th November, 1908, and the additional protocol of Berne of the 20th March, 1914, relating to the protection of literary and artistic works.

The other Powers signatory to the present Convention will raise no objection, while it remains in force, to the reserve which Turkey proposes to make with regard to the provisions of the aforesaid Conventions and Protocol respecting the right of translation into the Turkish language, if the other Powers, co-signatories of those Conventions and Protocol, have not themselves raised any objection to the said reserve during the year following the coming into force of the present Convention.

In the event of the Powers signatory to the present Convention not maintaining their adherence to the Turkish reserve respecting the rights of translation, Turkey will not be bound to maintain her adherence to the Conventions and Protocol mentioned above ;

- (3) Within the same period to recognise and protect by effective legislation, in accordance with the principles of the said Conventions, the industrial, literary and artistic property of the nationals of the other Contracting Powers.

Article 15.

Special conventions between the countries interested shall determine all questions relative to the records, registers and designs in connection with the services relating to industrial, literary and artistic property, and their eventual transmission or communication by the Turkish offices to the offices of the States in favour of which territory is detached from Turkey.

GENERAL PROVISIONS.

Article 16.

The Contracting Powers reserve the right of declaring at the time of the coming into force of the present Convention, that its provisions do not apply to all or any of their Dominions enjoying responsible government, of their colonies, protectorates, possessions or territories beyond the sea subject to their sovereignty or authority, and in this case Turkey will be released from her obligations under the present Convention to the said dominions, colonies, protectorates, possessions and territories.

The said Powers may, however, accede subsequently in the name of every Dominion enjoying responsible government, colony, protectorate, possession or territory for which they have, in accordance with the terms of the present Convention, made a declaration of exclusion

Article 17.

Natural and manufactured products coming from or going to Libya will receive in Turkey the same treatment as Italian natural or manufactured products. Natural and manufactured products coming from or going to Turkey will receive in Libya most-favoured-nation treatment.

Article 18.

The present Convention will remain in force for a period of five years.

As regards Section I, Turkey on the one hand, and Greece, Roumania and the Serb-Croat-Slovene State on the other hand, recognising the necessity of settling a new basis for their commercial exchanges within a shorter period, agree to recognise in each other's favour the right to denounce this Convention at any time after the termination of the first period of thirty months; the Convention will cease to have effect six months after the denunciation.

Turkey on the one hand and each of the other Contracting Powers on the other hand undertake at any time during the periods hereinbefore fixed for the duration of the Convention, on request being made, to begin negotiations for new commercial treaties, and to proceed actively with those negotiations so that they may be concluded before the expiration of the said periods.

If the said negotiations have not been concluded before the expiration of the aforesaid periods, each of the High Contracting Parties will resume its freedom of action.

Article 19.

The present Convention shall be ratified.

The ratifications shall be deposited at Paris as soon as possible.

It shall enter into force in the same way as the Treaty of Peace signed this day.

In faith whereof, the above-mentioned Plenipotentiaries have signed the present Convention.

Done at Lausanne, the 24th July, 1923, in a single copy, which will be deposited in the archives of the Government of the French Republic, which will transmit a certified copy thereof to each of the Signatory Powers.

(L.S.)	HORACE RUMBOLD.
(L.S.)	PELLÉ.
(L.S.)	GARRONI.
(L.S.)	G. C. MONTAGNA.
(L.S.)	K. OTCHIAI.
(L.S.)	E. K. VENISÉLOS.
(L.S.)	D. CACLAMANOS.
(L.S.)	CONST. DIAMANDY.
(L.S.)	CONST. CONTZESCO.
()
(L.S.)	M. ISMET.
(L.S.)	DR. RIZA NOUR.
(L.S.)	HASSAN.

At the deposit of the instruments of ratification by His Britannic Majesty of the instruments signed at Lausanne, the representative of the British Government deposited a declaration under which the provisions of the Commercial Convention, signed at Lausanne, July 24, 1923, shall not be deemed to apply to any of His Britannic Majesty's Dominions which possess a responsible Government, colonies, possessions, protectorates or territories under His Britannic Majesty's sovereignty or authority, and which are mentioned in the following list :—

Canada.
The Commonwealth of Australia.
Papua.
Norfolk Islands.
Mandated Territory of New Guinea.
Union of South Africa.
Mandated Territory of South-West Africa.
Irish Free State.
India.
Kenya.
Mauritius Island.
Bahamas.
Gibraltar.
Sierra Leone.
Fiji.
Gilbert and Ellis Islands.
British Protectorate of Solomon Islands, and other islands
under the jurisdiction of the High Commissioner of
Western Pacific.
Tonga.
Basutoland.
Bechuanaland.
Swaziland.
Northern Rhodesia.
Anglo-Egyptian Sudan.
Mandated Territory of Nauru.
