

N° 786.

**PAYS-BAS
ET TCHÉCOSLOVAQUIE**

Convention de commerce et Protocole, signés à la Haye, le 20 janvier 1923, et Echange de notes relatif à cette Convention. Prague, le 17 octobre 1924.

**THE NETHERLANDS
AND CZECHOSLOVAKIA**

Commercial Convention and Protocol, signed at the Hague, January 20, 1923, and Exchange of Notes relating to this Convention. Prague, October 17, 1924.

¹ TRADUCTION. — TRANSLATION.No. 786. — COMMERCIAL CONVENTION² BETWEEN CZECHOSLOVAKIA AND THE NETHERLANDS, SIGNED AT THE HAGUE, JANUARY 20, 1923.

French official text communicated by the Netherlands Minister at Berne and the Minister of the Czechoslovak Republic at Berne. The registration of this Convention took place December 16, 1924.

HER MAJESTY THE QUEEN OF THE NETHERLANDS and THE PRESIDENT OF THE CZECHOSLOVAK REPUBLIC, being desirous of strengthening the bonds of friendship and promoting economic relations between the two countries, have decided to conclude a commercial Agreement, and for this purpose have appointed as their Plenipotentiaries :

HER MAJESTY THE QUEEN OF THE NETHERLANDS :

His Excellency Jonkheer H. A. van KARNEBEEK, Her Minister for Foreign Affairs ;

THE PRESIDENT OF THE CZECHOSLOVAK REPUBLIC :

M. Zdeněk FIERLINGER, Envoy Extraordinary and Minister Plenipotentiary of the Czechoslovak Republic at The Hague, and

M. Jan DVOŘÁČEK, Minister Plenipotentiary and Head of the Economic Department in the Ministry of Foreign Affairs of the Czechoslovak Republic,

who, being duly authorised for this purpose, have agreed upon the following provisions :

I.

(1) In all respects, and particularly as regards the establishment and exercise of trade, industry and shipping, as regards their juridical status, their movable and immovable property, and their rights and interests, the nationals of each of the High Contracting Parties shall, in the territory of the other Party, enjoy treatment as favourable as that accorded to nationals of the most-favoured nation.

(2) They shall be free to conduct their affairs in the territory of the other Party either personally or by proxy of their own choosing, without being subjected in this respect to restrictions other than those provided by the laws and regulations in force in the territory concerned.

(3) In respect of the exercise of their trade, industry or shipping within the territory of the other Party, they shall not be required to pay any duties, taxes or rates other or higher than those levied on that Party's own nationals.

¹ Traduit par le Secrétariat de la Société des Nations.

¹ Translated by the Secretariat of the League of Nations.

² The exchange of ratifications took place at Prague, October 17, 1924.

II.

(1) Incorporated companies and other commercial, industrial or financial companies, including shipping companies, which have their registered head offices in the territory of one of the High Contracting Parties and are legally constituted in conformity with that Party's laws, shall also be entitled within the territory of the other Party to defend all their rights, and particularly to appear in Court both as plaintiffs and defendants, provided they submit to the laws and corresponding ordinances in force in the territory of that Party.

(2) The admission of the companies referred to above which have been legally constituted in the territory of one of the High Contracting Parties, and which desire after the coming into force of the present Convention to extend their activities to the territory of the other Party, and may require special authorisation for this purpose, shall be governed by the laws and ordinances in force in the territory of the latter State, it being understood that the admission of banks and insurance companies shall be governed by the special laws and ordinances relative thereto in the State concerned.

(3) All companies, once they have been legally established, shall enjoy in every respect the same treatment as that accorded to the most-favoured nation.

III.

(1) Each of the High Contracting Parties shall undertake to grant to the other the most favourable treatment it has granted or hereafter may grant to any third State as regards exportation, importation, warehousing and the transit of goods, the payment of duties or taxes and compliance with Customs formalities.

(2) Natural products or manufactured articles originating in the Czechoslovak Republic shall be admitted into the Netherlands and the Netherlands colonies, and the natural products or manufactured articles originating in the Netherlands and the Netherlands colonies shall be admitted into the Czechoslovak Republic, at rates not less favourable than those which either of the High Contracting Parties has granted, or may hereafter grant, to any third State, both as regards all charges and taxes, and all co-efficients, additional charges or increases to which such duties are or may hereafter be subject.

IV.

(1) Articles liable to Customs duty and imported as samples — with the exception of goods the import of which is prohibited — shall temporarily be admitted by both Parties duty free, subject to the observance of the Customs formalities required to ensure that these articles will be re-exported exactly as they entered the country.

(2) The recognition marks affixed to the samples by the authorities of one of the High Contracting Parties shall, for the purpose of establishing their identity, be recognised by the authorities of the other Party, though the latter shall be entitled, whenever they think necessary, to add their own national recognition marks.

(3) This privilege of exemption from Customs duties may be withdrawn in the case of commercial travellers and firms which do not conform to the established regulations.

V.

In addition, in cases not provided for in the preceding articles, the High Contracting Parties shall grant each other the same treatment as that accorded to the most-favoured nation in all matters connected with trade, industry, shipping and the consular service.

VI.

It is understood that the present Convention shall not in any way prejudice the advantages or the benefits accruing to the Czechoslovak Republic in virtue of Article 222 of the Treaty of Saint Germain and Article 205 of the Treaty of Trianon¹, nor the concessions which one of the High Contracting Parties has granted or may hereafter grant to neighbouring States with a view to facilitating frontier traffic.

VII.

Any dispute in regard to the interpretation, application or execution of the present Convention which cannot be settled between the High Contracting Parties by the diplomatic channel, shall be submitted to the Permanent Court of International Justice.

VIII.

The provisions of this Convention shall apply to the Netherlands and the Netherlands colonies.

IX.

The present Convention shall be ratified and the ratifications shall be exchanged at Prague as soon as possible. It shall come into force fifteen days after the exchange of ratifications and it shall remain binding for one year as from the date of its coming into force and shall be regarded as tacitly renewed for every subsequent year unless it is denounced by one of the High Contracting Parties not later than six months before the expiration of this term.

VAN KARNEBEEK.

ZD. FIERLINGER.
J. DVOŘÁČEK.

PROTOCOL.

On signing the Convention concluded this day, the undersigned Plenipotentiaries made the following declarations :

Paragraph 1.

The Government of the Czechoslovak Republic, being obliged to maintain temporarily the system which it has set up for the control of imports and exports, but being anxious, in conformity with the Convention signed to-day, to guarantee to products and goods of the Netherlands and the Netherlands colonies treatment at least as favourable as that accorded to any third country, will allow the products and goods originating in the Netherlands and in the Netherlands colonies set out in List A to be imported freely into the Czechoslovak Republic.

Paragraph 2.

Similarly, the Government of the Czechoslovak Republic will, except in respect of existing prohibitions, allow the importation into the Czechoslovak Republic of the products and goods originating in the Netherlands and the Netherlands colonies set out in List B to the extent of the annual quotas fixed therein.

¹ Vol. VI, page 187 of this Series.

Paragraph 3.

The annual quotas mentioned in List B shall be imported in proportionate quarterly consignments, it being understood that, if the importation for one three-monthly period is less than one quarter of the stipulated quota, the difference shall be added to the quota for the following quarter.

Paragraph 4.

Similarly, favourable treatment will be accorded by the Czechoslovak Republic as regards the granting of permits to import goods into the Czechoslovak Republic, particularly in the case of the products and goods originating in the Netherlands and Netherlands colonies set out in List C.

Paragraph 5.

It is understood that the exceptions referred to in Paragraphs 1, 2, and 4 shall not in any way detract from the force of the other provisions which apply to imports and exports in general.

Paragraph 6.

As regards restrictions on imports and exports in general, the High Contracting Parties refer to Articles III and V of the above-mentioned Convention, it being understood that the question of quotas shall be regulated by the provisions of this Protocol.

Paragraph 7.

(1) If circumstances so require, the Government of the Czechoslovak Republic may request that products and goods imported into its territory shall be accompanied by certificates of origin. Certificates of origin shall be issued by the competent authority. The Czechoslovak Government may require the legalisation of these certificates free of charge by Czechoslovak Consulates in the Netherlands or in the Netherlands colonies.

(2) In the same way, the Netherlands Government reserves to itself the right, if circumstances so require, to demand that products and goods originating in the Czechoslovak Republic and imported into the Netherlands or the Netherlands colonies be accompanied by similar documents.

Paragraph 8.

The provisions of the present Protocol are based on the existing import and export regulations in the Netherlands. Should the Netherlands Government be obliged in this connection to introduce restrictions which may affect the importation of Czechoslovak goods, it shall come to an agreement with the Czechoslovak Government for the fixing, in respect of such goods, of quotas according to the requirements of both countries.

Paragraph 9.

(1) The provisions of the present Protocol shall come into force at the same time as the Commercial Convention between the Czechoslovak Republic and the Netherlands signed this day, it being understood that the Protocol shall be approved in conformity with the laws and ordinances in force in each State.

(2) Without prejudice to paragraph 8 of this Protocol, the Protocol shall remain in force for the same period as the above-mentioned Commercial Convention, it being understood that the Protocol shall cease to have effect as soon as the system of restrictions shall have been abolished.

(3) During this period the High Contracting Parties may, by common agreement, modify the provisions of the Protocol if circumstances connected with the economic relations of the two countries render such a course desirable.

Done in duplicate, at The Hague, this twentieth day of January, one thousand nine hundred and twenty-three.

(Signed) VAN KARNEBEEK.

(Signed) ZD. FIERLINGER.

(Signed) J. DVOŘÁČEK.

A. LIST OF GOODS WHICH MAY BE FREELY IMPORTED INTO CZECHOSLOVAKIA.

Coffee.

Tea.

Herrings (fresh and smoked) and other fish.

Wool.

Cereals.

Linseed.

Seeds : Numbers in the Czechoslovak Tariff 46 and 47.

Ex. 49 : *Ornithopus sativus*.

Ex. 50 : *Phleum pratensis*.

Lolium italicum.

Lolium perenne.

Avena elatior.

Poa pratensis.

Poa trivialis.

Trisetum flavescens.

Cynosurus cristatus.

Daktylis glomerata.

And the seeds of other grasses, provided none are mixed.

Ex. 52 : All flower and vegetable seeds.

Copra.

Cocoa beans.

Potatoes for agricultural purposes.

Tanning material (colonial).

Cotton.

India-rubber.

Raftan, rush.

Fibres, vegetable down, etc.

Metals, including tin.

Flour.

Benzoin.

Leather and raw hides.

Artificial horn.

Foreign wood.

Damar and gum.

Kapok.

Condensed milk and cream.

Milk, cream and butter (under the separate free list at present in force).

B. LIST OF YEARLY QUOTAS.

Vegetable oils and fats (except linseed oil, rape-seed oil, colza oil) (proportionately)	10,000 tons
Mineral lubricating oils	250 "
Linseed oil	1,000 "
Stearin	300 "
Candles	100 "
Olein	500 "
Glycerine	50 "
Potato starch }	2,000 "
Dextrin }	
Bulbs, nursery plants, etc.	500 "
Peas, haricot beans.	1,000 "
Vegetables	1,000 "
Horses and cattle	5,000 head
Chocolate, bonbons and sweets	500 tons
Cocoa, in powder	1,000 "
Cocoa butter	250 "
Cakes and biscuits	50 "
Woollen fabrics	500 "
Jute tissues	100 "
Artificial silk	150 "
Rubber goods and motor-car and bicycle tyres	250 "
Bicycles	1,000 machines
Motor-cars	150 "
Chemical goods (proportionately)	50 tons
Pharmaceutical products	10 "
Quinine and cocaine	10 "
Electric lamps	750,000 lamps
Lacquers, varnishes and paints	50 tons
Caraway seed	500 "
Leather and leather articles	500 "
Brushes of every kind	5 "
Glues, gelatines and by-products :	
(1) cattle-hoof glue	100 "
(2) table gelatine (foodstuffs)	50 "
Precipitated phosphates (by-products from the manufacture of gelatine)	200 "
Chemical fertilisers	5,000 "
Groceries	750 "
Rice	5,000 "
Essences (i.e., all ethereal oils, except juniper and coriander oils)	10 "

LIST C.

Colza oil.
 Soap and soap powder.
 Cotton goods.
 Underclothing.
 Bone glue.
 Sarcocol.
 Gelatine for industrial purposes.
 Surgical, laboratory, and optical and other apparatus.
 Metal goods.
 Electrical apparatus and motors.
 Seeds other than those mentioned in List A.
 Margarine.
 Cheese.

EXCHANGE OF NOTES.

151,367/IV-3/24.

YOUR EXCELLENCY,

In conformity with paragraph 9 of the Protocol signed at the time of the conclusion of the Czechoslovak-Netherlands Commercial Convention, dated January 20, 1923, the Czechoslovak Government, through the Czechoslovak Legation at The Hague, has submitted to the Royal Netherlands Government a request that it be good enough to agree to the modification of the Protocol so as to allow the cereals and flour included in the list of goods which may be freely imported into Czechoslovakia (List A) to be withdrawn from this List A and transferred to List B, with an annual quota of 40,000 tons (4,000 trucks) of cereals and flour.

In bringing the above to the notice of Your Excellency, I would request you — having been duly authorised for this purpose — kindly to inform me whether the Royal Netherlands Government consents to this modification.

At the same time I have the honour to inform Your Excellency that the Czechoslovak Government agrees that the annual quota for vegetables fixed in List B at 1,000 tons should be replaced by an annual quota of 3,500 tons, and that there should be added to this list an annual quota of potatoes to the extent of 2,000 tons.

It is understood that all the above-mentioned modifications shall come into force fifteen days after the exchange of ratifications of the Convention in question.

I have the honour, etc.

PRAGUE, *October 17, 1924.*

DR. V. GIRSA.

His Excellency

Dr. Hendrik MULLER VAN WERENDYCKE,

Envoy Extraordinary and Minister Plenipotentiary,
Prague.

ROYAL NETHERLANDS LEGATION,

No. 926.

PRAGUE, *October 17, 1924.*

YOUR EXCELLENCY,

In reply to Your Excellency's Note No. 151367/IV, of October 17, 1924, I have the honour — being specially authorised for this purpose by my Government — to state that the latter, in conformity with paragraph 9, sub-section 3, of the Protocol signed at the conclusion of the Commercial Convention between the Netherlands and Czechoslovakia, dated January 20, 1923, agrees with the following modifications to be made in the Protocol :

Flour and cereals shall be withdrawn from List A and shall be transferred to List B, with an annual quota of 40,000 tons (namely, 4,000 trucks).

In List B the annual quota of vegetables shall be increased to 3,500 tons and a quota of 2,000 tons of potatoes shall be added thereto.

It is agreed that all these modifications shall come into force fifteen days after the exchange of ratifications of the Convention in question.

I have the honour, etc.

HENDRIK MULLER VAN WERENDYCKE.

His Excellency

M. Eduard BENEŠ,

Minister of Foreign Affairs,
Prague.

No. 786