

N° 1264.

ALLEMAGNE ET ESPAGNE

Convention commerciale, avec protocole. Signée à Madrid, le 7 mai 1926.

GERMANY AND SPAIN

Commercial Agreement, with Protocol. Signed at Madrid, May 7, 1926.

¹ TRANSLATION.

No. 1264. — COMMERCIAL AGREEMENT BETWEEN GERMANY AND SPAIN. SIGNED AT MADRID, MAY 7, 1926.

THE PRESIDENT OF THE GERMAN REICH and HIS MAJESTY THE KING OF SPAIN, being desirous of fostering commercial relations between the two countries, have resolved to conclude a commercial Agreement, and have appointed for this purpose as their Plenipotentiaries :

THE PRESIDENT OF THE GERMAN REICH :

Dr. Fred HAGEDORN, Secretary of State in the Ministry of Food and Agriculture ;

HIS MAJESTY THE KING OF SPAIN :

H. E. M. José DE YANGUAS MESSÍA, Minister of State ;

Who, having communicated their full powers, found in good and due form, have agreed upon the following provisions :

Article 1.

Products of the soil or of industry mentioned in Annex A originating in and coming from Spain shall not be subject, on import into Germany, to any duties other or higher than those specified in the said Annex, irrespective of the privileges which the said products may enjoy in virtue of most-favoured-nation treatment.

Article 2.

Germany shall accord most-favoured-nation treatment as regards import duties on products of the soil or of industry originating in and coming from Spain and mentioned in Annex B.

Article 3.

Products of the soil or of industry originating in and coming from Germany shall, in general, be subject on import into Spain to the duties mentioned in the second column of the Spanish Customs tariff at the time in force.

Article 4.

Spain shall grant most-favoured-nation treatment in respect of import duties on the products of the soil or of industry mentioned in Annex C originating in and coming from Germany. Nevertheless, this most-favoured-nation treatment shall not extend to reductions which exceed the limit

¹ Translated by the Secretariat of the League of Nations.

of 20 % below the duties contained in the second column of the Spanish Customs tariff at the time in force. Should Spain, however, in the future grant a larger reduction than the 20 % mentioned to any third country, with the exception of Portugal, the Spanish Zone in Morocco or the Spanish-American Republics, similar German products shall, automatically and without previous application by the German Government, enjoy the same privilege.

Article 5.

Products of the soil or of industry originating in or coming from Germany shall be subject, on import into Spain, to no additional taxes which would denote an increase on the duties in the second column of the Spanish Customs tariff at the time in force, as fixed by the Spanish Government for application to all countries.

Article 6.

Products of the soil or of industry originating in and coming from Spain and products of the soil and of industry originating in and coming from Germany shall, on import into Germany and Spain respectively, enjoy most-favoured-nation treatment as regards Customs quotas and Customs formalities, more particularly certificates of origin, classification and interpretation of Customs tariffs, as regards the warehousing of goods and internal duties, and also as regards any other similar privilege which is or may in future be granted to a third country and which is calculated to encourage the import, circulation and sale of the products.

The principle of most-favoured-nation treatment shall also be applied to the shipping of both countries, including dues and charges of every kind.

Similarly, the principle of most-favoured-nation treatment shall be applied in each of the two countries to the commercial travellers of the other country, especially as regards the taxes to which they are liable and the samples which they import.

Spain and Germany guarantee to one another the privileges of most-favoured-nation treatment as regards everything relating to the simplification of formalities in the case of consignments of samples and the transit of goods originating in or intended for the territory of one of the two Contracting Parties.

Article 7.

No prohibitions or restrictions shall be introduced or maintained in respect of import and export trade between the two Contracting States, except such as are of a general character. The Contracting Parties reserve the right to issue prohibitions or restrictions which shall apply to all countries in the same circumstances and which are dictated by considerations of public safety, health or the protection of animals and plants, or which relate to war material and Government monopolies.

Article 8.

No higher export duties or charges shall be levied on exports to the territory of the other Contracting Party than are imposed on the export of the same goods to any other country.

Article 9.

Nationals of either of the Contracting Parties may, provided that they comply with the laws of the country at the time in force, freely enter the territory of the other Party, in order to travel

in that country or reside and settle there, and may freely leave it. They shall be subject to no other or more onerous general or local restrictions or payments of any kind than those to which the nationals of the country, and where special regulations exist for foreigners, the subjects of the most favoured nation, are or may be subject.

As regards the exercise of trade or industry, the nationals of each of the two Contracting Parties shall enjoy in the territory of the other Party the same privileges, exemptions and advantages as are granted to the nationals and subjects of the most favoured nation.

The nationals of each of the Contracting Parties, including commercial companies, shall be exempt from all compulsory loans in the territory of the other Party.

The nationals of each of the Contracting Parties shall in the territory of the other Party be entitled in the same way and under the same conditions as subjects of the most favoured nation to acquire, possess and transfer movable or immovable property of every kind. They shall also have the right to inherit property.

Article 10.

The principle of most-favoured-nation treatment as laid down in the present Agreement for the settlement of economic relations between the two countries shall not apply :

(1) To privileges which are granted to contiguous States with a view to facilitating local traffic within the frontier districts of both countries to a breadth of not more than 15 kilometres on either side reckoned from the frontier ;

(2) To privileges granted by one of the two Contracting Parties to a third country in virtue of a Customs union either existing or which may in the future be established ;

(3) To those privileges which one of the two Contracting Parties accords to another country by treaties for the avoidance of double taxation and the granting of legal protection and legal co-operation (*Rechtshilfe*) in matters of taxation or in criminal proceedings concerned with taxation ;

(4) To the privileges which Spain has granted or may in future grant to Portugal, the Spanish Zone in Morocco or the Spanish-American Republics, provided that these privileges are not also granted to another country.

Article 11.

The present Agreement shall be ratified and the instruments of ratification shall be exchanged at Madrid as soon as the formalities prescribed by the legislation of the two States have been complied with.

The Agreement shall come into force on the day following the date of the exchange of the instruments of ratification and shall be operative for an indefinite period, expiring three months after denunciation by either of the Contracting Parties. It cannot, however, be denounced until nine months after the date of its ratification, so that the Agreement remains in force for at least a year.

Notwithstanding the foregoing provision, the present Agreement may be denounced at any time, on three months' notice being given, by the Contracting Party to whose prejudice the other Party shall have increased the Customs tariffs for any one of the items mentioned in Annexes B and C.

In faith whereof, the Plenipotentiaries of the two Parties have signed the present Agreement and have thereto affixed their seals.

Done at Madrid in duplicate, in Spanish and in German, on May the seventh, One thousand nine hundred and twenty-six.

(Signed) Fred DE HAGEDORN.

(Signed) José DE YAGUAS.

ANNEX A.

German Tariff No.	Description of Goods	Duty per 100 Kilos in Reichsmarks
ex 45	Grapes, fresh (table grapes) : Sent by post in packages weighing not more than 5 kg. between September 1 and December 31 Otherwise imported : In receptacles weighing not more than 15 kg. between Septem- ber 1 and December 31 In casks with sawdust, weighing more than 15 kg., between September 1 and December 31	5.— 7.— 5.—
ex 49	Apricots, peaches and plums, pulped, in receptacles not hermetically sealed <i>Note.</i> — The conventional duty applies irrespective of whether the goods consist of whole or half fruits.	5.—
ex 50	Bananas, fresh, in bunches, imported by the score	Free
ex 51	Oranges, fresh.	2.50
ex 52	Raisins (except those coming under No. 53).	8.—
ex 53	Grape raisins (Traubenrosinen)	8.—
ex 66	Paprika (Spanish pepper), dried, ground or unground or otherwise crushed	25.—
ex 67	Saffron, ground or unground	40.—
ex 166	Olive oil, pure, in casks	Free
ex 167	Olive oil, pure, in other receptacles	10.—
ex 180	Red wine, containing not less than 95 grammes and not more than 140 grammes of alcohol to one litre of liquid, and which contains at least 28 grammes of dried extract to every litre of liquid, for blending in the case of native red wine not yet blended, under Customs control	20.—
ex 219	Pulp, in hermetically sealed receptacles, weighing 5 kg. or more : Apricot pulp Peaches or plums, pulped	5.— 20.—
636	<i>Note.</i> — The conventional duties apply irrespective of whether the goods consist of whole or half fruits. Cut sheets, strips and cubes, with the bark ; bungs ; paving-blocks, bricks, tubes and parts thereof, of cork waste ; cork fenders <i>Note.</i> — Strips made of small pieces of cork put together, manufactured from cork waste, without the addition of other materials except for the purposes of sticking and binding, are included under this number.	5.—
637	Cut sheets, strips and cubes, without the bark ; cork discs	10.—
638	Cork wares (except hats) combined or not with other materials, so far as they do not become subject to higher rates of duty by reason of combination with other materials <i>Note.</i> — Cork paper, whether on spools or not, is included under this number.	12.—

ANNEX B.

ITEMS IN THE GERMAN CUSTOMS TARIFF.

10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 27, 32, 33, 36, 37, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 63, 66, 67, 68, 69, 70, 71, 74, 75, 76, 84, 85, 90, 91, 92, 93, 94, 95, 97, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 115, 116, 117, 118, 119, 120, 123, 124, 126, 129, 130, 131, 132, 135, 139, 140, 141, 142, 144, 145, 153, 154, 156, 157, 163, 164, 165, 166, 167, 171, 172, 173, 174, 178, 179, 180 (*), 181, 182, 183, 184, 185, 187, 188, 189, 190, 192, 193, 194, 195, 196, 197, 200, 202, 204, 213, 214, 215, 216, 219, 224, 232, 236, 237, 247, 248, 250, 253, 254, 255, 256, 257, 265, 279, 280, 300, 311, 324, 325, 326, 327, 328, 329, 335, 353, 356, 358, 384, 385, 387, 413, 414, 415, 416, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 553, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 484, 486, 487, 508, 509, 510, 524, 525, 532, 544, 545, 546, 547, 549, 550, 556, 590, 591, 592, 593, 594, 623, 635, 636, 637, 638, 642, 653, 654, 655, 656, 674, 850, 851, 852, 853, 854, 855, 856, 857, 858, 869, 870, 871, 872, 915, 926.

* *Note ad* 180. — Spanish wines containing more than 140, but not more than 180 grammes of alcohol to one litre of liquid, shall benefit by the lowest duty which is or may in future be granted to any third country for wines of any description, kind or alcoholic content.

ANNEX C.

ITEMS IN THE SPANISH CUSTOMS TARIFF.

29, 64, ex 73, 76, 80, 86, 90, 91, 95, 98, 99, 100, 101, 102, 107, 115, 182, 183, 195, 198, 199, 205, 206, 207, 224, 226, 227, 228, 229, 244, 245, 246, 250, 259, 288, 289, 298, 301, 302, 309, 311, 313, 315, 316, 317, 318, 324, 327, 328, 329, 330, 343, 344, 345, 346, 352, 353, 354, ex 357, 363, 364, 365, 370, 375, 377, 381, 382, 459, 462, 463, ex 495, 496, 497, 502, 502 bis, ex 503, ex 504, 505, 506, 507, 510, 511, 512, 513, 514, 515, 516, 517, 518, 520, 521, 522, ex 524, 525, 526, 529, 530, 531, 537, 538, 540, 541, 542, 543, 548, 567, 570, 577, 580, 582, 585, 586, 587, 590, 591, 592, 593, 593 ter, 599, 600, 601, 615, 616, 624, 625, 626, 627, 629, 633, 643, 678, 681, 682, 684, 703, 704, 705, 706, 707, 708, 717, 723, 729, 730, 731, 732, 784, 797, 816, 817, 818, 819, ex 826, 836, 844, 873, 883, 886, 900, 901, 906, 913, 918, 944, 948, 952, 958, 971, 984, 985, 986, 1006, ex 1031, 1049, 1077, 1078, 1079, 1080, 1084, 1086, 1093, 1142, 1143, 1144, 1191, 1260, 1261, 1272, 1274, 1275, 1276, 1277, 1288, 1297, 1298, 1302, 1303, 1308, 1309, 1310, 1311, 1312, 1313, 1314, 1315, 1316, 1320, 1327, 1409, 1424, 1445, 1446, 1462, 1463, 1464, 1465, 1466, 1471, 1474, 1475, 1476, 1477, 1485, 1486, 1497, 1498, 1499, 1500, 1501, 1502, 1503, 1509, 1510, 1511, 1512, 1513, 1514, 1516, 1517, 1518, 1519, 1520, 1524, 1525, 1526, 1527, 1528, 1529, 1530, ex 1537, 1539.

SPECIMEN.

CERTIFICATE OF ORIGIN.

.....
(Issuing authority)

hereby certifies that, in accordance with the papers submitted, the firm of

M. (Manufacturer, merchant, etc.)

at

has consigned (No. of pieces and form of packing)

..... (marks) No.

Gross (net) weight kg.

The consignment includes the following (general description of goods) :

.....
These goods have been produced in

and are being sent to (name and residence of consignee)

for further transmission to

(designation of recipient)

at (place of destination)

.....
(Place, date, signature, stamp.)

Above signature certified by the Consulate at

at

(Place, date, signature and stamp of Consulate.)

SPECIMEN.

TRADING CERTIFICATE FOR COMMERCIAL TRAVELLERS.

Valid for twelve months from date of issue. Issuing authority
 Number

VALID FOR GERMANY AND SPAIN.

Bearer

.....
 (Christian names and surname).

Place of issue Day of issue

(Stamp of issuing authority) (Official designation and signature of issuing authority)

It is hereby certified that the bearer of this certificate possesses a.....
 at trading under the name of
 is a commercial traveller in the service of the firm (firms) of
 at which possesses (possess) a
 trading under the name of

It is further declared that, since the bearer proposes to solicit custom and to make purchases on behalf of this firm (these firms) in Germany (Spain), the said firm (firms) is (are) entitled to carry on its (their) business and trade in (.....) and that it has (they have) paid the legal charges therefor.

DESCRIPTION OF BEARER.

Age.....

Photograph.

Height.....

Colour of hair

Special characteristics.....

.....
 (Signature of Bearer.)

PROTOCOL.

For the purpose of applying the foregoing Agreement the undersigned Plenipotentiaries have agreed upon the following provisions :

(1) When it is necessary for goods to be accompanied by certificates of origin, the latter shall correspond to the specimen annexed to the foregoing Agreement.

(2) The commercial travellers of each of the two countries must be provided with a trading certificate issued by the authorities of the respective country in accordance with a specimen which is also annexed.

(3) With reference to the provisions of Article 9 of the Agreement, it is agreed that the provisions which regulate the acceptance of work by foreign workmen in both countries shall remain in force.

(4) The term " Spain ", within the meaning of Articles 1 and 2 of the foregoing Agreement, shall be understood to include the Spanish Peninsula, the Balearic Islands, the Canary Islands, Ceuta and Melilla.

(5) Products of the soil or industry originating in and coming from Germany shall, on import to the Canary Islands, Ceuta and Melilla, enjoy all privileges which Spain grants, or may in the future grant, to any third country.

In faith whereof, the present Protocol has been drawn up and signed by the above Plenipotentiaries.

Done in duplicate, in Spanish and in German, on May 7, 1926.

(Signed) Fred HAGEDORN.

(Signed) José DE YANGUAS.