

N° 1362.

ALLEMAGNE ET PAYS-BAS

Traité de douane et de crédit, avec
deux protocoles y relatifs. Signés
à Berlin, le 26 novembre 1925.

**GERMANY
AND THE NETHERLANDS**

Treaty concerning Customs and Cre-
dit, with two Protocols relating
thereto. Signed at Berlin, Novem-
ber 26, 1925.

¹ TRANSLATION.No. 1362. — TREATY BETWEEN GERMANY AND THE NETHERLANDS
CONCERNING CUSTOMS AND CREDIT. SIGNED AT BERLIN,
NOVEMBER 26, 1925.

THE PRESIDENT OF THE GERMAN REICH and HER MAJESTY THE QUEEN OF THE NETHERLANDS, considering it desirable to ensure certain economic benefits to Germany and the Netherlands, reciprocally, and thereby to promote economic relations between these two countries, have for this purpose appointed as their Plenipotentiaries :

THE PRESIDENT OF THE GERMAN REICH :

D^r Hans Gerald MARCKWALD, Councillor of Legation and *vortragender Rat* in the Foreign Office ; and

HER MAJESTY THE QUEEN OF THE NETHERLANDS :

D^r Johan Alexander NEDERBRAGT, Head of the Department for Economic Affairs in the Foreign Office,

Who, having communicated their full powers, found to be in good and due form, have agreed on the following Articles :

Article 1.

The products of the soil and industry of the Netherlands specified in the Annex shall not be subject on importation into the German Customs area, to any other or higher import duties than those agreed to in the Annex. The Annex shall form an integral part of this Treaty.

Article 2.

As regards the import of coal of all descriptions, neither Contracting Party shall introduce less favourable conditions than at present exist. The German Government will observe a benevolent attitude towards the importation of Netherlands coal of all descriptions.

The German Government shall introduce no prohibition or restriction of the export of scoured bones to the Netherlands. It shall observe a benevolent attitude towards the exportation of unscoured bones to the Netherlands.

Article 3.

The following modifications shall be made in the Treaty of May 11, 1920, between Germany and the Netherlands Governments concerning credit and coal :

(1) In Annex A of that Treaty, the opening of a credit of 140 million gulden to Germany for the purchase of raw materials (Account B), shall be prolonged for seven years and accordingly be redeemable in seventeen years ;

¹ Translated by the Secretariat of the League of Nations.

- (2) The rate of interest on these 140 million gulden shall, as from January 1, 1927, be reduced to 5 $\frac{1}{2}$ %;
- (3) 70 million gulden shall be repaid by Germany by December 31, 1936, at the latest;
- (4) The remainder shall be fully repaid in the course of the year 1937;
- (5) The rate of interest and the date of maturity of the Treasury Bonds mentioned in paragraph 4 of Annex A of the Treaty between the German and Netherlands Governments concerning Credit and Coal of May 11, 1920, shall be modified in accordance with the above Articles;
- (6) With the exception of the modifications laid down in the above Articles, the provisions of the Treaty of May 11, 1920, shall remain in force.

Article 4.

The present Treaty shall be ratified, and the instruments of ratification shall be exchanged at Berlin as soon as possible. The Treaty shall come into force one week after the exchange of ratifications, with the exception of Article 1, which shall be put into force retrospectively as from December 2, 1925.

The provisions of Article 1, with the Annex thereto, and of Article 2, shall remain in force until December 31st, 1932; the provisions of Article 1, and the Annex thereto, may, however, be denounced by Germany, subject to six months notice, at any time after the lapse of two and a half years from the coming into force of the Treaty. Nevertheless, before the German Government proceeds to denounce the Treaty on account of the position given to any of the tariff items mentioned in the Annex, it shall enter, in good time, into negotiations with the Netherlands Government with a view to substituting other Customs tariff concessions for the tariff items which gave grounds for denunciation. Should no agreement be reached on this point, and should the German Government consequently be obliged to denounce the Treaty, the Netherlands Government may limit the observance of the provisions of paragraph 1 of Article 3 regarding the prolongation of credit to the period during which the tariff arrangements in Article 1 were in force. The provisions of paragraphs 3 and 4 shall in that case be adjusted to the period reckoned for the prolongation of the credit.

Done in duplicate in German and Dutch at Berlin on November 26, 1925.

(L. S.) H. G. MARCKWALD.

(L. S.) NEDERBRAGT.

ANNEX TO ARTICLE I.

CUSTOMS DUTIES FOR IMPORTS INTO THE GERMAN CUSTOMS AREA.

Tariff No.	Name of the article	Customs duty per 100 Kg. R. M.
ex 23	Potatoes fresh, dug before December 1st of the previous year, from February 15 to April 15 <i>Note</i> : In order to benefit from the reduced Customs rate the importer must produce for each consignment a certificate of a Netherlands official showing that the potatoes were dug in the Netherlands before December 1st of the previous year. The Governments of the Contracting Parties shall agree as to the designation of the officials entrusted with preparing the certificates and the procedure to be observed. In case of doubt the German officials shall be empowered to verify whether the imported potatoes were dug in the Netherlands before December 1.	1.—
ex 33	Kitchen vegetables, fresh : White cabbage Red cabbage and Savoys : From January 1 to May 31 From June 1 to December 31 Tomatoes : From May 1 to September 30 From October 1 to April 30 Cauliflower Brussels Sprouts : From December 1 to March 31 From April 1 to November 30 Cucumbers and Gherkins : From April 16 to September 15 Onions Carrots Lettuce	2.— 2.— 3.— 4.— 6.— 5.— 5.— 10.— 5.— 4.— 5.— 7.—
ex 38	Trees, vine plants, bushes, shrubs, cuttings for re-planting and other live plants with or without clods of mould even when in pots or tubs ; grafts : Plants in pots : Pelargonias, fuchsias, cinerarias, mignonette Plants without mould clods Others : Magnolias and bay laurels with mould clods Ilex, aucuba, rhododendrons and azalias with mould clods Taxus and buxus with mould clods Blue firs and chamaecypris with mould clods	60.— 40.— 15.— 20.— 25.— 30.—
ex 40	Hyacinth, tulip and narcissus bulbs	20.—
ex 45	Grapes, fresh (table grapes) in postal packages weighing : Not more than 5 Kg. including package For more than 5 Kg. and not more than 15 Kg.	15.— 20.—
ex 47	Other fruit, fresh : Cherries Strawberries	6.— 15.—
ex 115	Fish, live or dead, fresh, also in ice : Tench	20.—

Tariff No.	Name of the article	Customs duty per 100 Kg. R. M.
ex 119	Sea shell — fish, live or merely cooked or salted, whether shelled or not : Oysters, approximate weight.	250.—
ex 135	Cheese : Other kinds : Edam and Gouda cheese	20.—
	<i>Note.</i> (1) If Germany accords to a third country for any other special kind of hard cheese a lower Customs tariff than for the above-named Dutch cheeses, the latter shall also be subject to the same Customs tariff. (2) At the Customs inspection the shape and outward appearance of the goods shall not be alone sufficient for deciding as to the brand.	
ex 166	Fatty oils, in casks : Colza and rapeseed oil Beech-nut, ground nut, poppy seed, niger, sesame and sunflower oils, from 1 August, 1926 Cottonseed oil Other fatty oils not specially mentioned in the tariff	2.50 2.50 2.50 2.50
ex 207 A	Solidified fatty oils	3.—
208	Milk condensed, with or without the addition of sugar	40.—
ex 335	White lead and zinc white	7.50

PROTOCOL

TO THE TREATY BETWEEN GERMANY AND THE NETHERLANDS CONCERNING CUSTOMS AND CREDIT.

When proceeding on this day to sign the Treaty concluded between Germany and the Netherlands concerning Customs and Credit, the Plenipotentiaries of the two Contracting Parties have declared as follows :

Paragraph 1.

The Netherlands Government shall, if requested so to do, enter into negotiations with the German Government at an appropriate time before the introduction of a new German autonomous Customs tariff with a view to the provisions relating to Customs tariffs in the Annex to Article 1 being adjusted to the new Customs tariff. This adjustment shall ensure that the new proposals shall not as a whole press more heavily on Netherlands goods of the nature under consideration when imported into Germany than the present tariff which has been established by Treaty between Germany and the Netherlands.

Should the two Parties be unable to come to an agreement as to whether the German proposals as a whole do or do not press more heavily on the importation into Germany of Netherlands goods of the nature under consideration, the question shall be referred to an arbitration tribunal at the request of one of the Parties.

The arbitration tribunal shall consist of five members and shall be constituted in the following manner. Each of the Parties shall appoint an arbitrator of its own selection within one month from the date on which the request for arbitration was made; the three other arbitrators shall be appointed within the same period by agreement between the Parties. These three arbitrators shall

be experts on economic questions and shall belong to different States, and must not have a domicile in the territory or be employed in the service of either of the Parties. The Chairman shall be selected from these arbitrators by agreement between the Parties. If the appointment of the arbitrators to be selected by agreement, or the election of the Chairman, cannot be carried out within a period of one month, either Party may request the President of the Permanent Court of International Justice at The Hague to appoint the arbitrators or to select the Chairman.

The Chairman shall appoint the place of meeting of the arbitration tribunal.

The tribunal shall be competent to take decisions if all the members have been regularly convened, and if all the members not appointed by either of the Parties at least are present. Decisions shall be taken by simple majority. In case of equality of votes, the Chairman shall have the casting vote.

For the rest, the tribunal shall decide on its own procedure.

Each of the Parties shall pay the allowances of the arbitrators appointed by itself and one half of the allowances of the other arbitrators. Each Party shall bear half the cost of the proceedings.

The decision of the arbitration tribunal shall deal solely with the question whether the requirement that the German proposals, considered as a whole, must be equivalent to the terms of the existing agreements, has been fulfilled and shall not deal with the individual items of the Customs tariff. So long as no agreement has been reached, or until the arbitration tribunal has ruled that the German offer, as a whole, does not impose an increased burden on Netherlands goods, of the nature under consideration, when imported into Germany, the former Customs rates shall remain in force.

Paragraph 2.

If, in the coming negotiations for the Treaty of Commerce, no concessions, or only concessions which do not specifically meet the special interests of The Netherlands in the matter of exports, should be made in respect of hollow glass, item No. 737 of the Customs tariff, or in respect of cables, the German Government is prepared to enter into fresh negotiations for the completion of the present tariff in these respects, without claiming any particular compensation.

Paragraph 3.

This Protocol forms an integral part of the above-mentioned Treaty which has been signed to-day, and it shall remain in force for the same period.

The ratification of the said Treaty shall be considered as a ratification of the present Protocol.

In faith whereof the Plenipotentiaries of the two Contracting Parties have signed the present Protocol.

Done in duplicate in German and Dutch at Berlin on November 26, 1925.

(L. S.) H. G. MARCKWALD.

(L. S.) NEDERBRAGT.

PROTOCOL OF SIGNATURE.

TO THE TREATY BETWEEN GERMANY AND THE NETHERLANDS CONCERNING CUSTOMS AND CREDIT AND TO THE ADDITIONAL TREATY TO THE TREATY OF COMMERCE AND NAVIGATION BETWEEN GERMANY AND THE NETHERLANDS OF DECEMBER 31, 1851.

When proceeding to sign the Treaties concluded on the present day the two Contracting Parties have agreed as follows :

- (1) The provisions of paragraph 4 of Article 3 of the Treaty concerning Customs and Credit shall not preclude the repayment of the remaining balance of the credit at the end of 1937.
- (2) Products of cattle-raising are included in products of the soil and industry in the meaning of these agreements.
- (3) The Customs tariffs agreed upon under Article 1 of the Treaty Concerning Customs and Credits shall not be increased by means of coefficients of multiplication or similar methods.

Done in duplicate in German and Dutch at Berlin on November 26, 1925.

(L. S.) H. C. MARCKWALD.

(L. S.) NEDERBRAGT.