

N° 1407.

ITALIE ET LETTONIE

Convention commerciale avec protocole final. Signée à Rome, le 25 juillet 1925.

ITALY AND LATVIA

Commercial Convention, with Final Protocol. Signed at Rome, July 25, 1925.

¹ TRADUCTION. — TRANSLATION.No. 1407. — COMMERCIAL CONVENTION² BETWEEN THE KINGDOM OF ITALY AND THE LATVIAN REPUBLIC. SIGNED AT ROME, JULY 25, 1925.

French official text communicated by the Latvian and the Italian Ministers for Foreign Affairs. The registration of this Convention took place February 17, 1927.

THE PRESIDENT OF THE LATVIAN REPUBLIC and HIS MAJESTY THE KING OF ITALY, being equally desirous of promoting the development of economic relations between the two countries, have agreed to conclude a Commercial Convention and have for this purpose appointed as their Plenipotentiaries ;

THE PRESIDENT OF THE LATVIAN REPUBLIC :

His Excellency M. Zigfrids A. MEIEROVICS, Minister for Foreign Affairs ;

HIS MAJESTY THE KING OF ITALY :

His Excellency M. Benito MUSSOLINI, Prime Minister, Minister for Foreign Affairs ;

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

Article 1.

There shall be complete freedom of commerce and navigation between the nationals of the two Contracting Parties.

The nationals of each of the Contracting Parties established in the territory of the other Party or residing there temporarily shall enjoy in all that relates to the carrying on of commerce and industry the same rights, privileges, immunities, benefits and exemptions as are enjoyed by the nationals of that country and shall not be subject to any kind of impost other or higher than those applied to nationals. They shall enjoy in all these respects, within the territory of the other Party, the same rights, privileges, immunities, benefits and exemptions as are or shall hereafter be enjoyed by the nationals of the most favoured nation.

The provisions of this Article shall not invalidate the laws, decrees and special regulations in force in the two countries which are equally applicable to the nationals of all other countries.

Article 2.

The nationals of each Contracting Party shall enjoy within the territory of the other Party the same treatment in respect of their legal status, their movable and immovable property, and their rights and interests, as that granted to the nationals of the most favoured nation.

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 Rome, January 25, 1927.

Latvians in Italy and Italians in Latvia shall be completely free to transact their business in the same way as nationals, either personally or through agents of their own choice, without being required to pay remuneration or fees to agents, etc. whom they may not wish to employ and without being in this respect subject to other restrictions than those determined by the general laws of the country.

They shall likewise have free and full access to the law courts of any instance and jurisdiction both as plaintiffs and defendants.

For this purpose they may employ the counsel, notaries and agents whom they may consider necessary to defend their interests and in general enjoy as regards legal matters the same rights and privileges as are or may hereafter be granted to nationals.

Article 3.

In respect of the amount, guarantee and collection of import and export duties and in respect of transit, temporary import or export, re-export, warehousing, local dues and Customs formalities, transshipment of goods, railway transport and generally, in respect of all that relates to the carrying on of commerce and industry, each Contracting Party undertakes to extend to the other any benefit or immunity allowed to a third country. Similarly, all benefits or immunities which may hereafter be allowed in this respect to a third country shall be extended immediately without compensation and *ipso facto* to the other Contracting Party.

Accordingly, natural and manufactured products of Italy imported into Latvia and natural and manufactured products of Latvia imported into Italy for consumption, warehousing, temporary import, transit or re-export shall receive the same treatment and shall not be subject to other or higher duties, than those which are or may be applicable to similar products of the most favoured nation.

Similarly, no export duties or other taxes shall be levied in Latvia on goods exported to Italy or in Italy on goods exported to Latvia other or higher than those levied on similar goods exported to the most favoured nation in this respect.

It is understood that the Contracting Parties shall be entitled, where circumstances demand it, to make the benefit of the above provisions conditional upon the production of certificates of origin.

Article 4.

The provisions of the present Convention shall not prejudice :

(a) Benefits already granted or which may hereafter be granted to contiguous countries in order to facilitate frontier commerce ;

(b) Obligations incurred by one of the Contracting Parties in respect of a Customs union contracted or which may hereafter be contracted ;

(c) Preferential treatment which Latvia has granted or may hereafter grant to Estonia, Lithuania and Finland. The same applies to privileges which Latvia may grant to the Union of Soviet Socialist Republics in virtue of special conventions or Customs agreements. Nevertheless, it is understood that Italy shall be entitled to claim the same advantages immediately if they have been or should be extended by Latvia to any third State.

(d) Preferential treatment which Italy may have granted or may hereafter grant to her colonies, protectorates or possessions.

Article 5.

The Contracting Parties undertake not to impede trade between the two countries in any way by import, export or transit prohibitions.

Exceptions to this rule, provided they are applied to all countries, or to such countries as are subject to identical conditions, may only be made in the following cases :

- (1) In exceptional circumstances in relation to war supplies ;
- (2) For reasons of public safety ;
- (3) In regard to State monopolies actually in force or which may hereafter be established.
- (4) For the application to foreign goods of prohibitions or restrictions which have been or may be established by national legislation with regard to the production, sale transport or consumption within the country of similar goods produced within the country.
- (5) Measures with regard to health supervision and the protection of useful animals or plants against disease, noxious insects and parasites and particularly in the interests of public health and in conformity with the international principles adopted in this respect.

Article 6.

Duties and taxes which are or may hereafter be levied within the country on behalf of the State, provinces, communes or public bodies on the production, manufacture and consumption of goods within the territory of either of the Contracting Parties shall not be levied on the products of the other Party at a higher rate or in a more burdensome way than on similar national products.

Article 7.

Without prejudice to the transit provisions of the Barcelona Convention of April 20, 1921, to which both Contracting Parties have adhered, the two Contracting Parties allow each other reciprocal freedom of transit across their territories by railway and navigable waterways and canals for persons, luggage, goods, railway rolling-stock, shipping and postal services.

Goods of any kind coming from the territory of one of the Contracting Parties or proceeding thither shall, reciprocally, be free of all transit duty in the territory of the other Contracting Party.

Neither of the Contracting Parties shall be required in virtue of this Article to allow free passage to travellers who are not allowed to enter its territories or possessions.

Article 8.

Civil, commercial, industrial or financial companies (including insurance companies and public life insurance institutes) which have been or may be formed in accordance with the laws of one of the Contracting Parties and which are domiciled in the territory of that Party shall be recognised, subject to the formalities and restrictions of the laws in force, as having legal existence in the territory of the other Party, and shall there enjoy the same rights, privileges, immunities or benefits, even in respect of duties or taxes, as are or may be granted to similar societies of any third country.

Article 9.

In the ports of both countries Italian and Latvian ships, their crews and cargoes, their passengers and luggage shall be treated on a footing of full equality in respect of general or special taxes, classification of ships, facilities for mooring, loading or unloading and generally, in respect

of all formalities or measures whatsoever which may be applied to trading ships, their cargoes and crews, their passengers and their luggage.

Similarly, any other benefit granted or which may hereafter be granted by one of the Contracting Parties to a third Power in respect of navigation, shall immediately and unconditionally be extended to the other Party.

The privileges and rights mentioned above shall not apply to :

- (a) Special laws protecting the national mercantile marine ;
- (b) Special privileges granted to yachting clubs and pleasure yachts.
- (c) Harbour services and coasting trade reserved to the national mercantile marine ;
- (d) National fisheries.

The two Contracting Parties shall recognise tonnage certificates issued to their respective ships in conformity with the laws of each country.

Article 10.

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

It shall come into force fifteen days after the exchange of ratifications and shall remain in force for one year as from the date of its coming into force. Should it not be denounced six months before the expiration of this period, it shall be prolonged by tacit consent for an indefinite period and shall then be denounceable at any time, but shall remain in force for six months from the date of denunciation.

In faith whereof the Plenipotentiaries have signed the present Convention and have thereto affixed their seals.

Done at Rome in duplicate on the twenty fifth day of July, One thousand nine hundred and twenty-five.

(L. S.) (Signed) Z. A. MEIEROVICS.

(L. S.) (Signed) Benito MUSSOLINI.

FINAL PROTOCOL.

On signing today the commercial Convention concluded between Latvia and Italy, the undersigned Plenipotentiaries have made the following declarations which shall form an integral part of the said Convention.

Ad article 3.

The two Contracting Parties agree that the most favoured nation clause laid down in Article 3 of the Convention shall be interpreted as meaning that foodstuffs and raw materials from overseas (e.g. coffee, tea, tobacco, cotton, wool, oil-seeds), whatever their place of origin, imported into one of the two countries through the territory of the other, whether or not they have been stored or re-conditioned in the free ports or bonded warehouses of the latter country, shall not be subject to a treatment in any respect less favourable than that granted to similar products of like origin imported into either country through any third country, whether or not they have been stored or re-conditioned in the free ports or bonded warehouses of the said third country.

Ad article 5.

It is agreed that the Contracting Parties, with a view to carrying fully into effect as soon as possible the principle established in the first paragraph of Article 5 of the Commercial Convention concluded this day, shall not institute or maintain import or export prohibitions or restrictions unless such should be absolutely necessary, and then for no longer than the exceptional circumstances which have given rise to them shall continue.

The present Protocol, which shall be considered as having been approved and sanctioned by the Contracting Parties, with no other special ratification, in virtue of the exchange of ratifications of the Treaty to which it refers, has been drawn up in duplicate at Rome, the twenty-fifth day of July, One thousand nine hundred and twenty-five.

(Signed) Z. A. MEIEROVICS.

(Signed) Benito MUSSOLINI.