

N° 1408.

BULGARIE ET POLOGNE

Arrangement provisoire sur le commerce et la navigation, avec protocole de clôture. Signés à Sofia, le 29 avril 1925.

BULGARIA AND POLAND

Provisional Agreement concerning Commerce and Navigation, with Final Protocol. Signed at Sofia, April 29, 1925.

¹ TRADUCTION. — TRANSLATION.No. 1408. — PROVISIONAL AGREEMENT² REGARDING COMMERCE AND NAVIGATION BETWEEN BULGARIA AND POLAND, SIGNED AT SOFIA, APRIL 29, 1925.

French official text communicated by the Chargé d'Affaires a. i. of the Polish Delegation accredited to the League of Nations. The registration of this Agreement took place February 19, 1927.

THE PRESIDENT OF THE REPUBLIC OF POLAND, of the one part, and HIS MAJESTY THE KING OF THE BULGARS, of the other part, being equally desirous of promoting and developing commercial relations between the two countries, have decided to conclude a provisional Agreement regarding commerce and navigation, and for this purpose have appointed as their Plenipotentiaries, namely:

THE PRESIDENT OF THE REPUBLIC OF POLAND :

H. E. Dr. Thaddeus St. GRABOWSKI, Envoy Extraordinary and Minister Plenipotentiary of the Republic of Poland at Sofia ;

HIS MAJESTY THE KING OF THE BULGARS :

M. Christo KALFOFF, Minister for Foreign Affairs and Public Worship ;

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

Article I.

The nationals of either of the High Contracting Parties established in the territory of the other Party or residing there temporarily shall enjoy, as regards the setting up and carrying on of trade and industry in the territory of the other Party, the same rights, privileges, immunities, favours and exemptions as the nationals of the most favoured nation.

Article II.

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

2. They shall be free to conduct their business in the territory of the other Party either personally or through an intermediary chosen by them, and provided that they conform to the laws of the country, they shall have the right to appear in court and shall have free access to the

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 Warsaw, January 12, 1927.

authorities. They shall enjoy all the rights and immunities possessed by the nationals and like them shall be entitled to employ counsel or agents chosen by themselves to safeguard their interests.

3. They shall not be subject on the commerce and industry carried on by them in the territory of the other Party to any impost, tax, duty or charge of any description other or higher than those which are or may hereafter be imposed upon nationals.

4. They shall be exempt from the payment of any forced loans or national levies which may be imposed to meet war requirements or as a result of exceptional circumstances.

5. The nationals of each Party shall be exempt in the territory of the other Party from all compulsory personal military service and compulsory official duties, administrative or judicial, other than the duty of guardianship, as well as from all contributions whether in cash or in kind imposed in lieu of compulsory personal military service; in time both of peace and war they shall only be subject to such contributions and military requisitions as are imposed on nationals and to the same extent and on the same principles as the latter. As regards compensation they shall be subject to the same regulations as nationals.

Article III.

1. Joint stock and other companies which, according to the laws of one of the Contracting Parties, are regularly constituted and have their headquarters within its territory, shall be recognised as legal entities in the territory of the other Party, provided that they are not established for an illegal or immoral object, and they shall have free and unimpeded access to the courts of justice either as plaintiffs or defendants provided that they conform to the laws and regulations of the country.

2. Joint stock and other companies of each Party thus recognised may, provided that they conform to the laws of the other country, establish themselves in the territory of the latter, set up offices and branches and carry on their commerce and industry there. This stipulation does not apply, however, to companies such as insurance and financial companies, which, by reason of their public character, would be subject to special restrictions applicable to all countries.

3. When these companies have been recognised in accordance with the laws and regulations which are or may hereafter be in force in the territory of the country concerned, they shall not be subject to any taxes or contributions, nor in general to any fiscal dues of any kind whatever, other or higher than those imposed on companies of any third State.

4. They shall be exempted from payment of forced loans or national levies which may be imposed to meet war requirements or as a result of exceptional circumstances.

5. Only such part of their assets may be taxed as are actually in the country where the imposts, taxes and contributions are levied, and only such business as is carried on there.

Article IV.

Internal duties and taxes levied for the benefit of the State, provinces, communes or public institutions which affect or may affect the production or manufacture of goods or the consumption of an article in the territory of one of the Contracting Parties shall not constitute a higher or more burdensome charge on goods or articles of the other Party than on similar products, goods or articles of the most favoured nation.

Article V.

1. All products of the soil or of industry originating in the Customs territory of either of the Contracting Parties which are imported into the Customs territory of the other Party, with a view to their being consumed, warehoused, re-exported or carried in transit, shall be subject, so long as

the present Provisional Agreement is in force, to the treatment granted now or hereafter to the most favoured nation. In particular, they may in no case be subject to duties, coefficients, surtaxes, increases or other taxes higher than those which apply or may hereafter apply to the products and goods of the most favoured nation.

2. Exports consigned to the country of one of the Contracting Parties shall not be subject by the other Party to duties or taxes other or higher than those leviable on similar articles exported to the most favoured nation.

3. Each Party therefore undertakes to grant the other, immediately and without further conditions, the benefit of all favours, privileges and reductions of duties or taxes which it has already granted or may hereafter grant to any third country in regard to the matters referred to above, whether as a permanent or as a temporary measure.

4. The provisions of this Article shall not apply :

(a) To privileges which are or may hereafter be granted by either of the Parties in respect of frontier traffic with adjoining countries ;

(b) To special favours arising out of a Customs Union ;

(c) To the provisional Customs régime in force between the Polish and German parts of Upper Silesia.

Article VI.

1. In order to reserve for the products originating in their respective countries the benefits of the above provisions, the Contracting Parties may require that the products and goods imported into their territory shall be accompanied by certificates of origin.

2. Certificates of origin shall be issued either by the Chamber of Commerce to which the consigner belongs or by any other organ or group approved by the country of destination. They shall be authenticated by a diplomatic or consular representative of the country of destination.

Article VII.

1. Objects liable to duty which are employed as samples, with the exception of prohibited goods, shall be granted temporary free admission by both Parties on condition that such Customs formalities are observed as are necessary to ensure the re-export of such articles in their entirety within a period of twelve months.

2. The marks of identification placed on samples by the authorities of one of the Contracting Parties shall be recognised by the authorities of the other Party for the purpose of establishing their identity, it being understood, however, that the latter may also affix their own identification marks whenever they deem it necessary.

3. The benefits of temporary free admission may be withdrawn from commercial travellers or firms failing to comply with the conditions laid down.

Article VIII.

1. Traders, manufacturers and other producers of one of the Contracting Parties who prove by presenting a special identity card issued by the competent authorities of their own country that they are authorised to carry on their trade or industry shall have the right, without paying any trader's licence fee, to make purchases in the territory of the other country, either personally or by means of travellers in their employment, from traders or producers or in the public market. They may also take orders from traders or other people who use the goods in question for their own trade or industry. They may also take with them samples or patterns, but not goods. Nevertheless, the

Parties reserve the right to prohibit them from hawking goods unless they have been authorised to do so in accordance with the laws of the country in which they are travelling.

2. The Parties shall communicate to each other the names of the authorities responsible for the issue of identity cards and the regulations which travellers must observe in carrying on their business.

3. The above provisions shall not be applicable to itinerant merchants or to hawking or the soliciting of orders from persons not engaged in industry or commerce, each Party reserving to itself full legislative freedom in this respect.

Article IX.

The Contracting Parties undertake to grant each other freedom of international transit for persons, luggage, merchandise and articles of all kinds, postal packages, ships, vessels, waggons, cars and other means of transport, and guarantee each other most-favoured-nation treatment in this respect.

2. Merchandise of all kinds crossing the territory of one of the Parties shall be exempt from all Customs duty, with the exception of administrative and statistical duties.

3. Nevertheless, neither of the Parties shall be required to provide for the transit of travellers whose entry into its territory has been prohibited. The transit of merchandise may be prohibited :

(a) For reasons of security and public and national safety ;

(b) For reasons of public health or as a precaution against diseases of animals or plants.

4. The transit of merchandise, the importation of which into one of the Contracting States is forbidden or which constitutes a State monopoly, may be subject to the inspection prescribed by the relevant laws of the country concerned.

Article X.

1. Persons, luggage or produce despatched in the territory of one of the Contracting Parties to the territory of the other Party or through the latter's territory to a third State shall not receive less favourable treatment as regards despatch, transport rates and public charges on consignments, than persons, luggage or produce of the home country or of any other country, which have been despatched in the territory of the other Party or a third State under the same conditions, to the same destination and by the same route.

2. The above provision shall not apply to tariff reductions granted to charitable institutions or for purposes of public education, or in cases of public disaster, or to public officials travelling in their private capacity, or to railway service transport.

3. The Parties shall endeavour to promote communication between their respective countries by instituting direct transport by rail and sea or by the conclusion of a Convention regarding through communication by rail.

Article XI.

1. The ships and vessels flying the flag of one of the Contracting Parties, and their cargoes, shall enjoy in the waters of the other Party the same treatment in every respect as national vessels and their cargoes, whatever the place of departure or the destination of the said ships and vessels,

and whatever the place of origin or the destination of their cargoes. Consequently, the ships and vessels of one of the Parties and their cargoes shall not be subject in the territory of the other to any tax or charge of whatsoever kind or description, whether leviable now or hereafter for the benefit of the State or of provinces, communes or any institutions duly empowered by the Government to collect taxes other or higher than those which apply to national ships and their cargoes.

2. As regards the berthing of ships and vessels, their loading and unloading in ports, roadsteads, harbours and docks, and in general as regards all formalities and provisions to which merchant vessels and their crews or cargoes may be subjected, it is agreed that no privilege or favour will be granted to national vessels which is not equally granted to those of the other State, the Parties being desirous that in this respect their vessels shall be treated on a footing of absolute equality.

3. Any privilege or exemption that one of the Parties may grant to a third Power in regard to any of the above matters shall also be accorded simultaneously and unconditionally to the other Party.

4. As regards navigation on navigable inland waterways, whether natural or artificial, in regard to which the ships and vessels of the Parties and their cargoes shall be subject to the same conditions as the ships and vessels of the most favoured nation and their cargoes, the dues to be levied on ships or vessels and on their cargoes, shall not be at a higher rate than is applicable to national vessels and their cargoes.

5. Without prejudice to the other provisions of the present Article, and subject to the provisions of paragraph (1) in so far as they concern pilotage dues, it is understood that the laws and regulations in force in each country regarding the obligation to employ pilots shall apply to the ships and vessels of the other Party to the same extent as to the national ships and vessels.

6. The foregoing provisions shall not prevent either of the Contracting Parties from reserving to its own flag the fishing and coasting and river trade (*cabotage maritime et fluvial*), as well as the port services, that is to say, towage, pilotage and all internal services of every kind.

Article XII.

The documents and certificates issued for the purpose by the competent authorities of the respective States in accordance with their laws and regulations shall be recognised as establishing the nationality of vessels.

2. The tonnage certificates issued to the vessels of either of the two countries according to the Moorsom method shall be mutually recognised ; the procedure to be followed shall be defined later after the regulations on this subject have been exchanged.

Article XIII.

The ships and vessels of one of the Contracting Parties entering a port of the other Party with the sole object of completing their cargoes or of unloading a portion shall be entitled, provided that they conform to the laws and regulations of the country concerned, to retain on board any portion of the cargo which may be consigned to another port, or to another country, and to re-export it without being obliged to pay any duties or charges thereon, with the exception of the inspection fees, which, however, must be calculated at the lowest rate payable by the national shipping or by that of the most favoured nation.

Article XIV.

The ships and vessels of either of the Contracting Parties shall be accorded the benefit of all reductions and exemptions of duties and taxes which are or may be granted, in accordance with the laws and regulations in force in the country, to the national ships and vessels.

Article XV.

1. If a ship or vessel of one of the Contracting Parties should run aground or be wrecked in the waters of the other State, the ship or vessel and its passengers and cargo shall enjoy the same benefits and immunities as the laws and regulations of the respective country grant, or may hereafter grant in similar circumstances to national ships and vessels or to those of the most favoured nation. Assistance and relief shall be given to the master and crew both for themselves and for the ship or vessel, its passengers and cargo, to the same extent as would be afforded to nationals of the country in question.

2. As regards salvage charges, the law of the country where the salvage takes place shall be applicable.

3. Goods salvaged from a stranded or wrecked ship or vessel shall not be subject to any Customs duty unless they are admitted into the country as articles of consumption.

Article XVI.

1. The Contracting Parties mutually undertake to grant each other most-favoured-nation treatment in their respective territory as regards the various administrative and other formalities necessitated by the application of the present Provisional Agreement.

2. It is understood, however, that the stipulations set forth in the preceding Articles, in so far as they guarantee most-favoured-nation treatment, shall in no way affect the laws, decrees and regulations concerning the maintenance of order generally or those relating to certain occupations and professions which are or may be in force in either of the countries and which are applicable to all foreigners.

Article XVII.

The Polish Government, which is responsible for the conduct of the foreign affairs of the Free City of Danzig in virtue of Article 104 of the Treaty of Versailles and of Articles 2 and 6 of the Convention¹ of Paris concluded between Poland and the Free City of Danzig on November 9, 1920, reserves the right to declare that the Free City is a Contracting Party to the present Provisional Agreement and that it accepts the obligations and acquires the rights resulting therefrom.

This reservation shall not apply to the terms of the present Provisional Agreement which the Republic of Poland contracts on behalf of the Free City of Danzig in conformity with its rights under the Treaties relating thereto.

Article XVIII.

1. The present Agreement shall be ratified and the ratifications shall be exchanged at Warsaw as soon as possible.

2. It shall come into force one month after the exchange of ratifications.

3. The Agreement is concluded for a period of one year. If, however, it is not denounced at the end of that period, it shall be prolonged for an indefinite period by tacit agreement, but may be

¹ Vol. VI, page 189, of this Series.

denounced at any time. Should it be denounced, it shall remain in force for three months, reckoned from the date on which one of the High Contracting Parties notifies the other of its intention to terminate the Agreement.

4. In case of dispute the French text shall be considered to be authentic.

In faith whereof the Plenipotentiaries have signed the present Agreement.

Done in duplicate, at Sofia, the twenty-ninth day of April, One thousand nine hundred and twenty-five.

(Signed) Dr Thaddeus St. GRABOWSKI.

(Signed) Chr. KALFOFF.

PROTOCOLE DE CLOTURE

SOFIA, April 29, 1925.

Present :

FOR POLAND :

His Excellency Dr Thaddeus St. GRABOWSKI, Envoy Extraordinary and Minister Plenipotentiary at Sofia ;

FOR BULGARIA :

M. Christo KALFOFF, Minister for Foreign Affairs and Public Worship.

When proceeding to sign the Agreement on Commerce and Navigation between Poland and Bulgaria, the undersigned Plenipotentiaries have agreed as follows :

I. *Ad Article II.*

It is understood that the provisions of Article II under which nationals of the High Contracting Parties are accorded the right to appear in Court on the same footing as nationals, and also the provisions of Article III concerning the free access of joint stock and other companies to the Courts, shall not apply to free judicial assistance nor to cases in which the *cautio judicatum solvi* has been dispensed with.

II. *Ad Articles V and VI.*

It is understood that the provisions of Articles V and VI do not apply to the products of the soil or of industry originating in the territory of one of the High Contracting Parties if they have been cleared through the Customs in a third State.

III. *Ad Article X.*

1. So long as the frontier between Poland and any of the adjoining countries shall remain, for any reason whatever, closed to travellers or goods from Poland or from the adjoining country in question, the Polish Government shall not be bound to afford Bulgaria the facilities specified in Article X on the frontier of the above-mentioned country.

2. The provisions concerning railway communications with a third State shall only apply in cases in which a convention concerning through railway traffic has been concluded with the said State.

IV. *Ad Article XIV.*

It is understood that the High Contracting Parties reserve the right to accord subsidies for the encouragement of national shipping.

NAME OF COUNTRY

(Authority issuing the card.)

IDENTITY CARD FOR COMMERCIAL TRAVELLERS

Valid for twelve months as from the date of issue.

Available for

No. (of the card).....

We hereby certify that the bearer of this card M.....
 born..... at..... residing..... at (address)
 possesses ¹..... at
 (name of firm) (or) is a commercial traveller employed by the firm(s)
 at
 who possesse(s).....
 (name of firm).....

As the Bearer of this card proposes to solicit orders in the above-mentioned country and make purchases for the firm(s) in question, we hereby certify that the above firm(s) is (are) authorised to carry on their industry and business at..... and pay the taxes required by law.

..... (date)..... 19.....

Signature of the Head(s) of the firm(s)

.....

Description of bearer

Age

Height

Hair

Special characteristics



Bearer's signature.....

(Signed) D^r T. GRABOWSKI.

(Signed) Chr. KALFOFF.

¹ Description of the factory or business.

N. B. — The particulars under the first heading only need be given in the case of the Head of a commercial or industrial establishment.