

N° 1668.

DANEMARK ET ESPAGNE

Convention de commerce et de navigation, avec protocole final et protocole additionnel. Signés à Madrid, le 2 janvier 1928.

DENMARK AND SPAIN

Convention of Commerce and Navigation, with Final Protocol and Additional Protocol. Signed at Madrid, January 2, 1928.

¹ TRADUCTION. — TRANSLATION.

No. 1668. — CONVENTION² OF COMMERCE AND NAVIGATION
BETWEEN DENMARK AND SPAIN. SIGNED AT MADRID,
JANUARY 2, 1928.

French official text communicated by the Danish Minister at Berne. The registration of this Convention took place March 14, 1928.

HIS MAJESTY THE KING OF DENMARK AND ICELAND and HIS MAJESTY THE KING OF SPAIN, being both animated by a desire to strengthen the bonds of friendship uniting their two States and wishing to consolidate and develop the commercial and maritime relations between their two countries, have decided to conclude a Convention of Commerce and Navigation and have appointed as their Plenipotentiaries :

HIS MAJESTY THE KING OF DENMARK AND ICELAND :

M. Herman ANKER BERNHOFT, His Envoy Extraordinary and Minister Plenipotentiary at the Court of His Catholic Majesty ;

HIS MAJESTY THE KING OF SPAIN :

His Excellency Don Miguel PRIMO DE RIVERA Y ORBANEJA, Marquis de Estella, His Prime Minister and Minister of State, Lieutenant-General of the Armies, decorated with the Grand Cross, with laurels, of the Royal and Military Order of St. Ferdinand, Knight Grand Cross of the Order of St. Hermenegilde, the Order of Military Merit, the Order of Naval Merit, the Order of the Holy See of Pius IX, the French Legion of Honour, the Portuguese Order of St. Benedict of Aviz, the Italian Order of St. Maurice and St. Lazarus, and the Chilian Order of Merit, His Gentleman of the Chamber ;

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

Article 1.

There shall be reciprocal freedom of commerce between Denmark and Spain.

The nationals of each of the High Contracting Parties shall have the right to the free exercise of their religion within the territory of the other Party according to the laws of the respective countries.

Article 2.

The nationals of the High Contracting Parties shall not be liable to any seizure, nor may they be compelled, with their vessels, crews, cargoes and goods of whatsoever nature, to furnish assistance

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 Madrid, March 1, 1928.

for any military expedition or any public service unless the Parties concerned have been given compensation previously agreed upon.

Nevertheless, they shall be liable to requisitions for transport (baggage), but in this case they shall have a right to the remuneration officially fixed for the nationals of the country concerned by the competent authorities in each department or locality.

Article 3.

Unless otherwise provided in the present Convention, the High Contracting Parties undertake to grant to each other, in so far as their commerce, industry, professions, agriculture, navigation and all other forms of industry are concerned, treatment at least as favourable as that which is accorded, or which may hereafter be accorded, to the most favoured nation.

Most-favoured-nation treatment shall apply more particularly to the following matters :

(a) The amount, the guaranteeing and the collection of import and export duties, supplementary or additional duties, bonded warehouses, Customs formalities and Customs treatment of consignments. It is agreed that no certificate of origin shall be required for cod imported direct into Spain from a Danish port as soon as all countries supplying cod pay the same Customs duty on the importation of this product into Spain :

(b) Transit and re-exportation ;

(c) Transport of goods ;

(d) Duties on consumption, production and sale, monopoly duties and all other internal duties ;

(e) Import and export prohibitions or restrictions, with the exception of such temporary restrictions as one or other of the Contracting Parties may deem it necessary to impose on sanitary grounds or in the case of war ;

(f) Special conditions affecting prices, sale or purchase, sanctioned by the Government or by bodies duly authorised by it, to which one or other of the countries may subject the importation or exportation of specified goods ;

(g) Regulations and treatment applied to merchants, manufacturers, agents and commercial travellers, both as regards their right to make purchases and to take orders, either with or without samples, and also as regards dues and the temporary importation of samples (but not goods).

Article 4.

Vessels in ballast or with cargo belonging to one of the High Contracting Parties which enter or leave the ports of the other Party, shall be treated in the territory of that Party, whatsoever may be the place from which they come or to which they are proceeding, on the same footing in every respect as national vessels. On entry, during their stay and on departure, they shall not pay any lighting, tonnage, pilotage, port, towage or quarantine dues, or other charges levied on the hull of the vessel, howsoever they may be entitled, which are collected on behalf of the State, public officials, local authorities or other corporations, other or higher than those which are or may hereafter be levied on national vessels.

As regards the berthing of vessels, their loading and unloading in ports, roads, harbours and docks, and generally in regard to all formalities and regulations whatever to which trading vessels, their crews and their cargoes may be liable, it is agreed that no privilege or favour shall be granted to the national vessels of either of the Contracting Parties which shall not be similarly granted to the vessels of the other Party, it being the desire of both Parties that, in this respect also, their vessels, with the exception of vessels employed in the service of the State, shall be treated on a footing of perfect equality.

Article 5.

The provisions of the present Convention shall not apply to the régime of the coasting trade, nor to fishing in the territorial waters of either of the High Contracting Parties, in both of which cases the nations and vessels of the said Contracting Parties shall be entitled to most-favoured-nation treatment.

However, the vessels of each of the High Contracting Parties entering one of the ports of the other Party and only desiring to unload a portion of their cargo may, subject to compliance with the laws and regulations of the country concerned, retain on board that portion of the cargo which is destined for another port, either in the same or another country, and re-export it without being liable to pay dues other or higher than those which are levied on national vessels in the same circumstances. It is likewise agreed that such vessels may begin to load in one port and continue the loading in one or more other ports of the same country, or complete their cargo there, without being liable to pay port dues other than those which are levied on national vessels.

Article 6.

Should a Danish vessel be stranded on the coasts of Spain or a Spanish vessel on the coasts of Denmark, the consul in the district where the vessel has run aground shall be immediately informed so that he may arrange for means to be placed at the disposal of the captain with a view to refloating the vessel under the supervision and with the assistance of the local authorities.

The local authorities shall give all possible assistance to the consul in the discharge of his duties with a view to safeguarding all interests concerned in the salvage of the vessel and of the cargo.

In the event of shipwreck or the abandonment of the vessel, the authorities shall consult the consul as to the measures to be taken with a view to safeguarding all interests concerned in the salvage of the vessel and the cargo until such time as the owners or their authorised agents appear.

Such goods as are salvaged shall not be liable to any Customs duties unless they are admitted for consumption within the country. Victuals which are salvaged but not sold, and which are used for the crew, shall, however, be exempted from duty. In so far as duties and expenses in connection with the salvage and preservation of the vessel and its cargo are concerned, a stranded vessel shall be treated like a national vessel in similar circumstances.

Article 7.

All goods which may now or hereafter be legally imported into the ports of one of the High Contracting Parties in ships belonging to the country itself may likewise be imported into these ports in ships belonging to the other Contracting Party without being liable to the payment of other or higher import duties, or other taxes or imposts of any kind whatsoever, than those which would be payable if the goods in question had been imported in national vessels. This reciprocal equality shall be recognised whether the articles in question come direct from the country of origin or from any other place abroad.

Similarly, there shall be complete equality as regards the treatment of exports, so that, in the case of any goods whatsoever which may be now or hereafter legally exported, the same export duties shall be paid and the same allowance shall be granted in each of the contracting countries, no matter whether exportation takes place on board Danish or Spanish vessels, and whether the destination be a port of the other Party or a port in some third country.

Article 8.

The nationals of each of the High Contracting Parties shall, in accordance with the laws in force, have free access to the territory of the other Party, and, subject to the conditions prescribed

by the laws of the other country, may establish themselves there and duly pursue their business. They shall enjoy in this respect treatment as favourable as that granted to the nationals of the most favoured nation.

The nationals of each of the High Contracting Parties shall have free and unhindered access to the courts in the territory of the other Party, and may acquire movable and immovable property devolving on them by inheritance, gift, will, purchase, exchange or in any other legal manner, may hold the same and may dispose thereof on the same conditions as the nationals of the most favoured nation.

Neither of the High Contracting Parties may exact from the nationals of the other Party taxes, imposts or contributions of any kind whatsoever other or higher than those which may be collected from nationals of the most favoured nation.

Article 9.

Joint-stock companies, and other companies of an economic character, including insurance companies, which are constituted in the territory of one of the High Contracting Parties under the law of that Party and are domiciled therein, shall be legally recognised in the territory of the other Party and shall there have free and unhindered access to its courts.

Companies thus recognised may, subject to compliance with the laws of the other Party and on the understanding that the necessary authorisation is obtained in cases where this is prescribed by the said laws, establish themselves in the latter country, create branches and agencies there and carry on their business.

Companies, once admitted, shall enjoy the same treatment as that accorded to companies of the most favoured nation as regards the pursuit of their business and the right to acquire, possess and dispose of movable and immovable property.

Article 10.

Denmark undertakes not to invoke the provisions of the present Convention in order to claim any privileges which Spain has granted or may hereafter grant to Portugal, to the Spanish zone of the Protectorate of Morocco or to the Spanish-American Republics, provided that these privileges are not granted to any third State.

Spain may not invoke the provisions of the present Convention in order to claim any privileges which Denmark has granted or may hereafter grant to Norway, to Sweden or to both these countries, provided that the said privileges are not granted to States other than those already mentioned.

Moreover the provisions of the present Convention shall not apply to such advantages as are or may hereafter be accorded to contiguous States with a view to promoting frontier traffic to meet local requirements.

The provisions of the present Convention shall not apply to Greenland, in which country commerce and navigation are reserved to the Danish State.

Article 11.

Any dispute between the High Contracting Parties regarding the subject-matter, interpretation or application of the present Convention which it has not been possible to settle by diplomacy, shall, on the request of one of the Parties, be submitted to the Permanent Court of International Justice at The Hague, which shall decide the same according to the summary procedure set forth in Article 29 of the Statute¹ of the Court, unless the High Contracting Parties agree to avail themselves of the ordinary procedure provided for in Chapter III of the Statute of the Permanent Court.

¹ Vol. VI, page 379; Vol. XI, page 404; Vol. XV, page 304; Vol. XXIV, page 152; Vol. XXVII, page 416; Vol. XXXIX, page 165; Vol. XLV, page 96; Vol. L, page 159; Vol. LIV, page 387; and Vol. LXIX, page 70, of this Series.

Article 12.

The present Convention shall be ratified and the instruments of ratification shall be exchanged at Madrid with all possible despatch, if possible before March 1, 1928. It shall come into force immediately after the exchange of ratifications and shall remain valid for a period of twelve months. If three months prior to the expiry of the said period neither of the Contracting Parties has denounced the Convention, it shall remain in force until the expiry of a period of three months as from the date of its denunciation by one or other of the Contracting Parties.

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

Done in duplicate at Madrid on January 2, 1928.

(L. S.) (*Signed*) H. A. BERNHOFT.

(L. S.) (*Signed*) Miguel PRIMO DE RIVERA.

FINAL PROTOCOL.

The undersigned, having met to-day in order to sign the Convention of Commerce and Navigation attached hereto, have agreed upon the following :

In consideration of the relations which, under the Union Law of November 30, 1918, exist between Denmark and Iceland, it is understood that the provisions of the aforesaid Convention may not be invoked by Spain in order to claim any special privileges which Denmark has already granted or may hereafter grant to Iceland.

It is understood that wherever mention is made of Spain, Spanish ports and Spanish goods, this shall be taken to include, in addition to the territory of the Peninsula, the Balearic Islands, the Canary Islands and the Spanish possessions in Northern Africa, as also their ports and goods.

Notwithstanding the provisions of the fourth paragraph of Article 10 of the present Convention, the most-favoured-nation treatment stipulated in Article 3 *a* shall apply both to products originating in Greenland on being imported into Spain, and to products originating in Spain on being imported into Greenland.

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

Done in duplicate at Madrid, January 2, 1928.

(L. S.) (*Signed*) H. A. BERNHOFT.

(L. S.) (*Signed*) Miguel PRIMO DE RIVERA.

ADDITIONAL PROTOCOL.

I. The Danish Government undertakes to abolish, as from the coming into force of the Convention of Commerce and Navigation between Denmark and Spain signed this day, the internal duty imposed on wine under Law No. 314 of December 20, 1924, III. No. 1, cf. Law No. 57 of March 31, 1927.

Further, wines of Spanish origin included under Nos. 27 and 28 of the current Danish Customs tariff shall not in any case be liable, when imported into Denmark, to import duties higher than those mentioned therein, namely :

Non-sparkling wines in receptacles other than bottles, glass carboys, stoneware pots or pitchers containing three litres or under :

		Kr. øre
No. 27	Table wines whose fermentation is completed (red and white wines of the Bordeaux, Burgundy, Rhine and Moselle types) containing not more than 14 % of alcohol	1 kg. 0.75
	<i>Note.</i> Wines will be dutiable under this number provided that they are declared to be table wines whose fermentation is complete and whose alcohol content does not exceed 14 % provided that this declaration is recognised as valid.	
No. 28	Other wines	1 kg. 1.15

II. Notwithstanding the period of denunciation, stipulated in Article 12 of the aforementioned Convention, namely three months, the Spanish Government shall have the right to denounce the said Convention at one month's notice in the event of the Danish Government increasing the existing import duties on the following articles :

No. in the Danish Tariff		Kr. øre
ex. 57	Olive oil	1 kg. 0.05
ex. 64	Currants and dried figs	1 » 0.04
ex. 66	Oranges, tangerines and their peel (fresh)	1 » 0.06,5
ex. 67	Almonds	1 » 0.20
ex. 68	Grapes and crushed grapes	1 » 0.25
ex. 72	Bananas	1 » 0.01
ex. 241	Small fire-arms (revolvers and pistols)	ad val. 15 %
ex. 287	Husked rice	1 kg. 0.02
ex. 308	Tinned sardines	1 » 0.24
ex. 338	Cork stoppers	1 » 0.07,2

In faith whereof the respective Plenipotentiaries have signed the present Additional Protocol which forms an integral part of the Convention of Commerce and Navigation concluded to-day, and have affixed thereto their seals.

Done in duplicate at Madrid, January 2, 1928.

(L. S.) (Signed) H. A. BERNHOFT.

(L. S.) (Signed) Miguel PRIMO DE RIVERA.