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**AUTRICHE ET DANEMARK**

Traité de commerce, avec protocole  
final. Signés à Vienne, le 6 avril  
1928.

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**AUSTRIA AND DENMARK**

Treaty of Commerce, with Final Pro-  
tocol. Signed at Vienna, April 6,  
1928.

<sup>1</sup> TRADUCTION. — TRANSLATION.No. 1943. — TREATY OF COMMERCE <sup>2</sup> BETWEEN AUSTRIA AND DENMARK. SIGNED AT VIENNA, APRIL 6, 1928.

*French official text communicated by the Permanent Delegate of Denmark accredited to the League of Nations. The registration of this Treaty took place February 9, 1929.*

HIS MAJESTY THE KING OF DENMARK AND ICELAND and THE FEDERAL PRESIDENT OF THE AUSTRIAN REPUBLIC, being equally desirous of strengthening the ties of friendship between Denmark and Austria and of consolidating and extending the economic relations between the two countries, have resolved to conclude a commercial treaty and have appointed as their Plenipotentiaries :

HIS MAJESTY THE KING OF DENMARK AND ICELAND :

M. Paul Victor BIGLER, His Envoy Extraordinary and Minister Plenipotentiary at Vienna ;

THE FEDERAL PRESIDENT OF THE AUSTRIAN REPUBLIC :

Monseigneur Ignaz SEIPEL, Doctor of Theology, Federal Chancellor ;

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

*Article I.*

Unless otherwise provided in the following Articles, the Contracting Parties undertake to grant each other, as regards their commerce, industry, professions, agriculture and navigation, treatment at least as favourable as that which is or may in future be granted to the most favoured nation.

*Article II.*

Natural or manufactured products originating in and coming from Denmark or originating in and coming from Austria shall, on their importation into the territory of the other Party, enjoy in all matters relating to Customs duties, the application of coefficients of increase and all other duties which, in addition to import duties, may be levied on the importation of products, treatment at least as favourable as that which is or may in future be granted to the products of the most favoured nation. The said treatment shall also extend to the Customs régime, to all Customs formalities, to the refunding of duties paid, to warehousing, and to the regulations and formalities concerning the issue and recognition of certificates of origin.

<sup>1</sup> Traduit par le Secrétariat de la Société des Nations, à titre d'information.

<sup>1</sup> Translated by the Secretariat of the League of Nations, for information.

<sup>2</sup> The exchange of ratifications took place at Vienna, January 19, 1929.

*Article III.*

Products originating in and coming from any other country which have passed in transit through the territory of either of the Parties, whether or not they have been warehoused in free ports, free warehouses, transit warehouses or other Customs warehouses, shall, on their importation into the territory of the other Party, enjoy as regards import duties and all other duties and in every other respect treatment at least as favourable as that which may be granted to products imported direct from the country of origin.

*Article IV.*

Products exported from Denmark to Austria or products exported from Austria to Denmark shall, in all matters relating to export duties, the application of coefficients of increase and all other duties levied on the exportation of products of the two countries, enjoy treatment at least as favourable as that which is or may in future be granted to products exported to the most favoured nation.

*Article V.*

The two Contracting Parties undertake to grant each other freedom of transit for persons, baggage, goods, ships, boats, carriages and waggons or other means of transport.

Each Contracting Party shall also grant to goods in transit through either country, despatched from or consigned to the other country, the same treatment as to goods in transit despatched from or consigned to the most favoured country.

Neither Contracting Party shall, however, be bound to ensure the transit of travellers whose entry into its territory may be forbidden.

Transit of goods may be prohibited,

(a) For reasons of public safety and the security of the State.

(b) For reasons of health or as a protection against diseases of animals and plants.

Either Contracting Party shall be entitled to take special precautions to ensure that goods subject to a monopoly are genuinely in transit.

Products in transit through either country, coming from or consigned to the other, shall not be liable to any duty other than charges intended exclusively to cover the costs of supervision and administration involved by such transit, without prejudice however to fiscal charges on any transactions relating to these goods during their warehousing or transport.

*Article VI.*

As regards the transport of passengers and baggage by rail, the nationals of either Contracting Party shall not be treated in like circumstances less favourably, either as regards forwarding or as regards transport rates and public charges connected with transport, than nationals of the country or the subjects of any third State.

Goods despatched from the territory of either Contracting Party to the territory of the other Party or in transit through the territory of the other Party shall not be treated on the railways in the territory of that other Party less favourably, as regards forwarding, transport rates and public charges connected with transport, than the same national goods or than goods coming from a third State despatched under the same conditions in the same direction and over the same route.

It is understood that the preceding provisions do not refer to tariff reductions granted to charitable or public educational organisations, or to reductions granted on the transport of passen-

gers, baggage and goods in the case of a public disaster, or to reductions granted to military transports, to consignments for the use of national communication undertakings or to persons employed in the public service, the railway service or similar services, and to members of the families of such persons.

It is likewise understood that on secondary railways (light railways, local railways, tramways) which are principally used for tourist traffic, reduced fares may be reserved for the native inhabitants of the neighbouring communes.

The Contracting Parties agree to take all suitable steps to remove any hindrance which may arise in certain cases as regards passenger, baggage and goods traffic between their territories and between the territory of either Contracting Party and that of a third State through the territory of the other Contracting Party.

Consequently, in the case of any restrictions on the inland traffic of either Contracting Party, the reciprocal traffic and the transit traffic shall not be subjected to any restrictions other than those in force for inland traffic and for transit in the same direction.

#### *Article VII.*

In all matters relating to duties on consumption, production and sale, to monopoly duties and to all other internal duties, products originating in and coming from either Contracting Party shall enjoy in the other the same treatment as that which is or may in future be granted to products of the most favoured nation.

#### *Article VIII.*

As regards the imposition of import or export prohibitions or restrictions, the two Contracting Parties undertake to grant each other the same treatment as is or may in future be granted to products imported from or exported to any third Country.

Any removal or relaxation of an import or export prohibition or restriction, granted even temporarily by either Contracting Party to the products of a third Power, shall immediately and unconditionally apply to identical or similar products coming from or consigned to the territory of the other country.

The provisions of this Article shall not apply when the imposition or maintenance of a prohibition or restriction

- (a) Is intended for public safety or the security of the State.
- (b) Is the result of sanitary or precautionary measures against diseases of animals or plants.
- (c) Relates to products forming the subject of a State monopoly.
- (d) Is designed to extend to foreign goods prohibitions or restrictions which have been or may in future be imposed by internal legislation on the production, sale, transport, or consumption within the country of similar native goods.

#### *Article IX.*

If either Contracting Party should subject the importation or exportation of certain products to special conditions affecting price, sale or purchase sanctioned by the Government or by organs empowered by it, the conditions applicable to the other Party shall be the most favourable that are or may in future be applied to the products or the nationals of any third State.

#### *Article X.*

The nationality of vessels shall be reciprocally recognised in accordance with the papers and certificates on board issued for this purpose by the competent authorities of either country in

conformity with the legal provisions in force which authorise the vessels to fly the flag of the country in question.

The tonnage measurement certificates of the vessels of either Contracting Party shall be accepted by the authorities of the other without further verification or re-measurement being required, and shall be assimilated to the certificates of the other Party, in particular in respect of the payment of duties and charges, provided that the rules and methods of tonnage measurement of the country where the certificate was issued are recognised as being identical with or equivalent to the rules and methods of tonnage measurement employed in the preparation of certificates in the other country.

#### *Article XI.*

Austrian vessels in Danish ports shall, on entry, during their stay, and on leaving, be treated on the same footing as national vessels or vessels of the most favoured nation, both with respect to duties and charges, of whatever nature or denomination, collected on behalf of the State, communes, corporations, public officials or establishments of any kind, and with respect to the stationing of these vessels, their loading and unloading in ports, roadsteads, bays, basins and docks, and in general as regards all formalities and regulations whatsoever to which the vessels, their crews and their cargoes may be subjected.

The said vessels shall, in the case of shipwreck or damage on the Danish coast or territory, or in the case of their being compelled to put into port, enjoy any benefit granted in the same circumstances by Denmark to vessels of the nation most favoured in this respect.

The same provisions are applicable to Danish vessels and to their crews and cargoes on the navigable waters and in the ports and basins of Austria.

#### *Article XII.*

The provisions of the present Treaty shall not authorise either Contracting Party to engage in the maritime coasting trade in the other country, or to require favours which are or may in future be granted to the national fishing industry.

#### *Article XIII.*

Emigration undertakings authorised in either country shall, in the territory of the other country, enjoy in all respects the same rights, privileges, immunities and exemptions as similar undertakings of the most favoured country.

#### *Article XIV.*

The nationals of either Contracting Party shall, in conformity with the laws in force, have free access to the territory of the other Party and may, under the conditions laid down by the laws of the other country, establish themselves therein and carry on their commerce or industry there. They shall, in this respect, enjoy treatment as favourable as that which is granted to nationals of the most favoured nation.

Nationals of either Contracting Party may, in the territory of the other Party, acquire movable and immovable property devolving on them by inheritance, by gift, by testamentary disposition, by purchase, by exchange, or in any other legal manner and they may possess and dispose of such property on the same conditions as nationals of the most favoured nation.

They shall, like nationals of the country, be entitled to attend to their business themselves, or to entrust the management thereof to a person of their own choice, without being subject in this respect to any restrictions other than those which are imposed by the general laws of the country.

They shall, like nationals of the country and the subjects of any other country, have free access to all courts and other authorities of the other Party for the purpose of establishing their rights and defending themselves therein ; they shall be entitled, for the defence of their interests, to employ, counsel or representatives, whom they shall choose themselves, without being subject in this respect to any restrictions other than those generally imposed by the laws of the country, and they shall in general be treated in this respect like nationals of the country or the subjects of any other nation.

Neither Contracting Party may require from nationals of the other Party dues, taxes or contributions of any nature whatsoever other or higher than those collected from nationals of the country or the subjects of the most favoured nation.

#### *Article XV.*

Joint stock companies and other companies of an economic character, including insurance companies, which are constituted in the territory of either Contracting Party in accordance with its laws and which have their domicile therein, shall have their legal existence recognised in the territory of the other Party, and shall have free and unhindered access to the courts.

Companies thus recognised may, provided they comply with the laws of the other Party and provided they obtain the necessary authority in cases where such authority is required by the said laws, establish themselves in the latter country, set up branches and agencies and carry on their activities therein.

Companies when once admitted shall, as regards the exercise of their activities and the right to acquire and possess movable and immovable property and to dispose thereof, enjoy the same treatment as is granted to companies of the most favoured nation.

Neither their activities nor their property shall be subject to taxes, dues or contributions of any nature whatsoever, other or higher than those imposed on companies of the most favoured nation.

#### *Article XVI.*

Nationals of either Contracting Party established in the territory of the other Party or residing temporarily therein, shall be reciprocally exempted from all compulsory official duties, whether administrative or judicial, except in cases of guardianship. They shall also be exempted from all military service and other personal duties relating to the defence of the country, and from the payment of all taxes or charges in lieu thereof.

Nationals of either Contracting Party established in the territory of the other Party or residing temporarily therein, and companies of either Contracting Party established in the territory of the other, shall be exempted therein from forced loans and military contributions and requisitions, unless these obligations are imposed upon them as being owners of immovable property. In that case they shall enjoy the same treatment as nationals of the country or the subjects of the most favoured nation.

#### *Article XVII.*

Nationals of the Contracting Parties and companies having their seat in the territory of either Contracting Party who extend to the territory of the other Party the commercial or industrial activity which they exercise in the State where they have their domicile or their seat respectively, shall not be liable therein to any direct taxes upon their activity and on the income accruing therefrom unless they maintain an establishment therein. The taxation shall then be in proportion to the activity exercised by that establishment.

*Article XVIII.*

Merchants, manufacturers and other persons engaged in industry who prove by the production of identity cards issued by the competent authorities of their country that they are authorised therein to carry on their trade or industry and that they pay therein all taxes and charges provided by law shall, subject to compliance with the regulations in force in the two countries, be entitled, either personally or through commercial travellers employed by them, to effect purchases in the territory of the other Contracting Party from merchants and producers or in places of public sale, and may, even when carrying samples with them, solicit orders from merchants or other persons who in their trade and industry use products corresponding to those samples.

Persons engaged in industry (commercial travellers) who are furnished with identity cards may carry with them samples, but no goods.

Identity cards shall be issued in accordance with the annexed model.

The Contracting Parties shall inform each other of the authorities appointed to issue identity cards and of the provisions with which travellers must comply in carrying on their trade.

Articles liable to Customs duty imported as samples by the said travellers shall be admitted by both Parties free of import and export duties provided that these articles are not sold and are re-exported within six months, and that there is no doubt as to the identity of the articles imported and re-exported. It is understood that the above-mentioned period of six months is a minimum period.

The re-exportation of the samples must be guaranteed in both countries, on their entry, by deposit of the amount of the proper Customs duties or in some other manner recognised by the competent authority.

As regards any formalities whatsoever to which merchants, manufacturers and other persons engaged in industry (commercial travellers) are subject in the territories of the Contracting Parties, they shall, in these as in all other respects, reciprocally enjoy treatment not less favourable than that which would be accorded to the most favoured nation.

*Article XIX.*

The Contracting Parties reciprocally grant each other the right to appoint consular representatives in the ports and towns of the other Party. Before a consular official may exercise his functions he must, in accordance with the customary formalities, be recognised by the Government in whose territory he will reside.

Consular officials of either Contracting Party shall enjoy, in the territory of the other Party, the same rights, exemptions and privileges as are granted to consular officials of the same rank belonging to the most favoured nation.

*Article XX.*

Austria may not make use of the provisions of the present Treaty in order to support a claim to the advantages which Denmark has accorded or may hereafter accord to Norway or to Sweden, or to both these countries, so long as the said advantages are not accorded to States other than those named above.

Neither Contracting Party may, in virtue of the provisions of the present Treaty, demand favours which are or may in future be granted to neighbouring countries to facilitate frontier traffic in view of local needs.

The provisions of the present Treaty shall not apply to the territory of Greenland, where commerce and navigation are reserved for the Danish State.

*Article XXI.*

Any dispute between the Contracting Parties as to the contents, interpretation or application of the present Treaty which it has not been possible to settle through the diplomatic channel shall, at the request of either Party, be submitted to the Permanent Court of International Justice at the Hague, which shall settle it according to the summary procedure mentioned in Article 29 of the Statute of the Court, unless the Contracting Parties agree that the ordinary procedure shall apply.

*Article XXII.*

The present Treaty shall be ratified and the ratifications thereof shall be exchanged at Vienna as soon as possible.

It shall come into force ten days after the exchange of ratifications.

The Treaty shall be concluded for one year. If not denounced three months before the expiration of this period, it shall be prolonged by tacit agreement for an indeterminate period, and may be denounced at any time.

In case of denunciation, it shall still remain in force for three months from the date on which either Contracting Party notifies the other of its intention to terminate it.

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

Done at Vienna, in duplicate, on the sixth day of April, one thousand nine hundred and twenty-eight.

(L. S.) (Signed) P. V. BIGLER.

(L. S.) (Signed) SEIPEL.

<sup>1</sup> 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; Vol. LXIX, page 70; Vol. LXXII, page 452; and Vol. LXXVIII, page 435, of this Series.



(Name of State.)  
(Issuing authority.)

IDENTITY CARD

for commercial travellers, valid for twelve months from the date of issue.

Valid for..... Number of card.....

It is hereby certified that the holder of this card,

M .....  
 born at .....  
 resident in .....  
 street ..... Number.....  
 owns <sup>1</sup> .....  
 at .....  
 under the trade name of ..... (or)  
 is a commercial traveller in the service of the firm (s) .....  
 who own (s) ..... at .....  
 under the trade name of .....

Whereas the holder of this card intends to solicit orders in the above-named countries and to make purchases for the firm (s) in question, it is certified that the said firm (s) is (are) authorised to carry on its (their) trade and commerce at..... and pays (pay) there the charges imposed by law on this account.

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

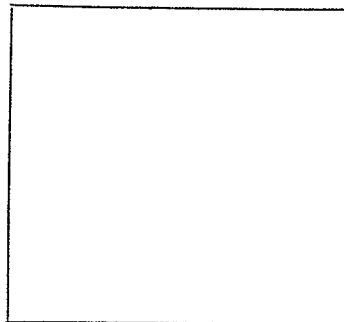
Signature of the head of the firm (s).  
 .....

Description of holder :

Age .....  
 Height .....  
 Hair .....  
 Distinctive marks .....

Signature of the holder :

.....



<sup>1</sup> Description of factory or business.

N.B. Only Part I of this form should be completed in the case of the head of a commercial or industrial undertaking.

## FINAL PROTOCOL.

On proceeding to sign the present Treaty, concluded on to-day's date, the undersigned Plenipotentiaries have agreed as follows :

(1) In view of the relations which, according to the terms of the Law of Union of November 30, 1918, exist between Denmark and Iceland, it is understood that the provisions of the above-mentioned Treaty may not be used by Austria to support a claim to the special advantages which Denmark has accorded or may hereafter accord to Iceland.

(2) As regards Article II :

The Contracting Parties agree that any reduction in duties which Austria has granted or may in future grant on cheese originating in a third State shall also apply to cheese of Danish origin of the same kind.

(3) As regards Article VIII :

The Contracting Parties undertake to give sympathetic consideration to all applications for permits for the importation of goods which are or may in future be subject to import prohibitions or restrictions.

(4) As regards Article XIV, paragraph 1 :

The Contracting Parties agree that, so long as Austrian nationals who according to the provisions of the said paragraph are entitled in Denmark to most-favoured-nation treatment with regard to the carrying on of their industry or commerce enjoy national treatment therein by reason of treaties concluded between Denmark and third countries, the condition of formal reciprocity, required by the Austrian laws for the carrying on of industry or commerce in Austria by foreign nationals, shall be considered as complied with in respect of Danish nationals.

(5) As regards Article XIV, paragraph 5, and Article XV, paragraph 4 :

The Contracting Parties agree that the stipulations for most-favoured-nation treatment with regard to taxes, charges and contributions do not apply to special clauses of treaties concluded between either Contracting Party and a third country in order to equalise internal and foreign taxation, to delimit the sovereignty of the two contracting countries with regard to taxation, and in particular to obviate double taxation.

(6) As regards Article XX, paragraph 3 :

Notwithstanding the provisions of Article XX, paragraph 3, the most-favoured-nation treatment stipulated in Article II shall apply to products originating in and coming from Greenland on their importation into Austria and also to products originating in and coming from Austria on their importation into Greenland.

Done at Vienna, in duplicate, on the sixth day of April, one thousand nine hundred and twenty-eight.

(Signed) P. V. BIGLER.

(Signed) SEIPEL.