

N° 2704.

ESTONIE ET TURQUIE

Traité de commerce et de navigation,
avec protocole de signature.
Signés à Ankara, le 16 septembre
1929.

ESTONIA AND TURKEY

Treaty of Commerce and Navigation,
with Protocol of Signature. Signed
at Ankara, September 16, 1929.

¹ TRADUCTION. — TRANSLATION.No. 2704. — TREATY² OF COMMERCE AND NAVIGATION BETWEEN ESTONIA AND TURKEY. SIGNED AT ANKARA, SEPTEMBER 16, 1929.

French official text communicated by the Estonian Minister for Foreign Affairs. The registration of this Treaty took place May 18, 1931.

ESTONIA, of the one part, and TURKEY, of the other part, being desirous of strengthening the ties of friendship which so fortunately exist between the two countries and of regulating the conditions concerning the establishment of their nationals in the two countries, and of developing their commercial relations, have resolved to conclude a Treaty for this purpose, and have appointed as their Plenipotentiaries :

HIS EXCELLENCY THE PRESIDENT OF THE REPUBLIC OF ESTONIA :

M. Ernest C. VEBERMAN, Former Minister, Government Delegate of the Republic of Estonia ;

HIS EXCELLENCY THE PRESIDENT OF THE TURKISH REPUBLIC :

His Excellency ZEKÂI bey, former Minister, Turkish Ambassador and Deputy for Diyaribekir ;

His Excellency Menemenli NUMAN Rifat bey, Minister Plenipotentiary and Under-Secretary of State at the Ministry of Foreign Affairs ;

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

CHAPTER I.

ESTABLISHMENT.

Article I.

The nationals of either High Contracting Party shall have the right to establish themselves, and to stay, to come and to go and to move about freely in the territory of the other Party, subject to compliance with the laws and regulations which are in force in that country.

Each of the High Contracting Parties reserves full freedom of action as regards immigration, and also the right to forbid by means of individual measures, for reasons connected with public security and public order, entrance into its territory or residence therein.

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

¹ Translated by the Secretariat of the League of Nations, for information.

² The exchange of ratifications took place at Ankara, April 18, 1931. Came into force May 18, 1931.

With regard to any charges or taxes payable in respect of residence or establishment, the nationals of the two High Parties shall enjoy most-favoured-nation treatment.

Article II.

Subject to compliance with the laws and regulations of the country in question, the nationals of either High Contracting Party shall have the right to acquire, possess and dispose of any kind of movable and immovable property in the territory of the other Party, except in the cases provided for in their respective laws, under the same conditions as nationals of the most favoured nation. They may, under the same conditions, dispose thereof freely by purchase, sale, gift, transfer, marriage settlement, testament, succession *ab intestato*, or in any other way.

In none of the above-mentioned cases shall they be subject to any taxes, charges or imposts of any description whatever other or higher than those which are or may in future be imposed on nationals.

Article III.

The nationals of either High Contracting Party shall, provided they observe the laws and regulations of the country, have the right, in the territory of the other Party and under the same conditions as nationals of the most favoured nation, to engage in any kind of industry or commerce, and to follow any trade or profession whatsoever, the exercise of which is not, or may not in future, be reserved for nationals of the country.

Article IV.

The nationals of either High Contracting Party shall not be subject in the territory of the other Party, in respect of their persons, property, rights and interests, and in respect of the exercise of any commerce, industry, trade or profession, to any charge, tax, or impost, direct or indirect, other or higher than those which may be levied on nationals.

They shall more particularly be authorised freely to export the proceeds of the sale of their property and their property itself, provided that they observe the legal provisions in force in the country, and they shall not in such cases be subject, by reason of their being aliens, to taxes and fees higher than those which nationals of the country would have to pay.

Article V.

The nationals of either High Contracting Party shall not be liable to any military service in the territory of the other, either in the army, navy or air force, or in the national guard or militia, or to any obligation or payment in lieu of such service.

They shall only be liable to such military contributions and requisitions as may lawfully be imposed on nationals of the country.

Article VI.

Nationals of either High Contracting Party may not be expropriated in the territory of the other Party except for reasons of public interest recognised by law as such and in return for fair compensation, in accordance with the procedure laid down in the respective laws.

Article VIII.

Nationals of either High Contracting Party shall, in all matters connected with the legal and judicial protection of their person and property, enjoy in the territory of the other the same treatment as nationals of the country.

Consequently, they shall have free and unhindered access to the courts and may sue or be sued under the same conditions as nationals, subject to the provisions relating to security for costs and free legal aid, which shall be governed by local legislation pending the settlement of these questions in a special convention to be concluded between the two Parties.

Article VIII.

Joint stock companies, cooperative societies and other commercial companies, including industrial, financial, insurance, communication and transport companies, which have their seat in the territory of one of the High Contracting Parties and which are constituted therein under the laws of that country, shall be recognised as legal in the territory of the other Party and shall be entitled to bring or defend actions before the courts in that territory.

The admission of the said companies to carry on their commerce or industry in the territory of the other High Contracting Party shall be subject to compliance on their part with the laws and regulations which are or may hereafter be in force in that territory and to regulations concerning taxes and other charges for admission.

Imposts, taxes or charges, whatever be their denomination or character, levied on such companies, shall not be higher or more onerous in their incidence than those imposed on similar national companies.

Subject to compliance with the laws of the country, these companies may, under the same conditions as those applicable to the most favoured nation, acquire any kind of movable property and such immovable property as is necessary for the operations of the company, it being understood in this case that the acquisition of such property does not constitute the object of the company's existence.

Article IX.

Nationals of either High Contracting Party, or companies or cooperative societies domiciled in the territory of that Party, shall not be taxed in the country of the other Party on assets other than those in the country levying the tax or on income which they receive elsewhere.

Article X.

It is agreed that neither High Contracting Party may invoke the benefits resulting from the most-favoured-nation clause as stipulated in the present Chapter for the purpose of claiming, for its nationals, companies or cooperative societies, any rights other or more extensive than those which it grants itself to the nationals, companies and cooperative societies of the other High Contracting Party.

CHAPTER II.

COMMERCE AND NAVIGATION.

Article XI.

Products of the soil and industry originating in either of the contracting countries and imported into the other shall not be liable to any higher duties, co-efficients, taxes or other charges whatsoever than those imposed on the same products of any third country, whatever their regional appellations.

The same shall apply with regard to export duties and other charges on products of the soil and industry which are exported from the territory of either High Contracting Party into the territory of the other High Party.

The guarantee providing for treatment equal to that accorded to any third country shall likewise extend to the manner of levying the import and export duties, to warehousing in bonded stores, to Customs charges and formalities, and to the Customs treatment and clearance of goods, whether imported, exported, or in transit.

Article XII.

Products of the soil and industry of either of the High Contracting Parties imported into the territory of the other Party after passing in transit through the territory of one or more third countries shall not be subject on importation to duties or taxes other or higher than would be applied if they had been imported direct from the country of origin.

Article XIII.

Products of the soil and industry originating in the territory of one of the High Contracting Parties shall, on importation into the country of the other Party, enjoy therein, as regards internal duties of any kind whatsoever, the treatment granted to the same products of any third country.

Article XIV.

In order to reserve the advantages conferred by the above Articles for products originating in their respective countries, the High Contracting Parties may require that the products and goods imported into their territories shall be accompanied by a certificate of origin attesting that the said goods are products of the soil and industry of the said country or must be regarded as such in view of the transformation which they have undergone therein.

Certificates of origin shall be issued either by the Departments of Economic Affairs, Commerce or Agriculture, or by the Chamber of Commerce to which the consignor belongs, or by any organisation or body approved by the country of destination.

Each of the High Contracting Parties shall reciprocally be entitled to require that certificates of origin should be legalised by its diplomatic or consular representative.

Certificates of origin shall not be required in the case of postal packets if the country of destination recognises that the consignments are not of a commercial nature.

Article XV.

There shall be reciprocal freedom of trade and navigation between the territories of the High Contracting Parties. Consequently, neither High Contracting Party shall maintain or establish any prohibition or restriction on the importation, exportation or transit of any commodity whatsoever originating in the territory of the other High Contracting Party, or intended to be exported thereto, if such prohibition or restriction does not apply under the same conditions to like goods, if any, coming from any other country or intended to be exported thereto.

Nevertheless, the High Contracting Parties agree that the following categories of import or export prohibitions or restrictions shall not be forbidden, provided they are not applied in such a manner as to constitute a means of arbitrary discrimination between foreign countries in which identical conditions prevail :

- (1) Prohibitions or restrictions relating to public security ;
- (2) Prohibitions or restrictions imposed for moral or humanitarian motives ;
- (3) Prohibitions or restrictions in respect of the importation of arms, ammunition and war material ;

(4) Prohibitions or restrictions imposed for the protection of public health or the protection of animals and plants against disease, insects and harmful parasites ;

(5) Export prohibitions or restrictions for the protection of national treasures of an artistic, historical or archæological nature ;

(6) Prohibitions or restrictions applicable to gold, silver, coin, paper money or securities ;

(7) Prohibitions or restrictions designed to extend to foreign goods the régime imposed within the country itself on the production of, traffic in, transport and consumption of home products of the same kind ;

(8) Prohibitions or restrictions in respect of products which, as regards production or trade are or may hereafter be the subject of State monopolies or of monopolies controlled by the State.

It is understood that the High Contracting Parties shall have the right to apply prohibitions or restrictions to products which are accorded, either openly or secretly, bounties, subsidies or other special favours.

Article XVI.

The High Contracting Parties undertake to accord reciprocally transit over the routes most suitable for international transit, to passengers, baggage, goods and articles of every kind, consignments, vessels, boats, carriages and wagons or other means of transport, and they guarantee each other most-favoured-nation treatment in this respect.

Goods of every kind passing through the Customs territory of one of the High Contracting Parties shall be reciprocally exempted from any Customs duties and other charges with the exception of supervisory and statistical dues and charges and other administrative charges.

The provisions of the present Article apply to goods in transit which have been transhipped or warehoused, whether they have been repacked or not.

It is nevertheless understood that the transit of such goods shall be guaranteed in conformity with the respective Customs laws in order to prevent their introduction into the country.

Neither of the High Contracting Parties shall be required to ensure the transit of travellers whose entry into its territory has been prohibited.

The transit of goods may be prohibited :

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

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

The High Contracting Parties shall have the right to take the necessary precautions to satisfy themselves that goods which in their territories constitute a State monopoly are genuinely in transit.

Article XVII.

The two High Contracting Parties guarantee each other most-favoured-nation treatment within their territory in regard to rates and methods of transport, conditions of delivery, and public taxes and charges on their respective railways.

Article XVIII.

Vessels and boats flying the flag of either High Contracting Party and entering the waters and ports of the other Party in ballast or with cargo, or leaving the waters and ports of that Party, shall, whatever may be the place from which they come or to which they are proceeding, be

accorded within those waters and ports the same treatment in all respects as national vessels, and shall not be liable therein to any duties or charges of any description whatsoever, levied on behalf and for the profit of the State, provinces, communes or any body authorised by the Government, other or higher than those which are or may in future be levied on national vessels.

Article XIX.

Cargoes of vessels, whatever may be the place from which they come or to which they are proceeding, shall not be liable to other or higher duties or charges, nor be treated otherwise than goods imported or exported under the national flag ; their passengers, together with the baggage of those passengers, shall similarly be treated as if they were conveyed on vessels flying the national flag.

Article XX.

The provisions of Articles XVIII and XIX shall not be extended :

(1) To the coasting trade which shall continue to be governed by the laws which are or may be in force in the territories of each of the High Contracting Parties ;

(2) To encouragements in the form of subsidies which have been or may hereafter be granted to the national merchant marine or privileges granted by the State to its own vessels which are operated by it wholly or in part or to the privileges granted to rowing and sailing clubs ;

(3) To the exercise of fishing, including seal-hunting, in the territorial waters of the High Contracting Parties or special privileges which have been or may hereafter be granted in either country to products of the national fisheries ;

(4) To the working of port, roadstead and beach services, to navigation in inland waters, or to pilotage and towage, assistance and salvage at sea, in so far as these operations are carried out in their respective territorial waters and, in the case of Turkey, in the Sea of Marmora.

Article XXI.

The nationality of vessels and boats shall be recognised by both Parties in accordance with the documents and certificates issued for the purpose by the competent authorities of the respective States, in conformity with the laws and regulations of each country.

Tonnage measurement certificates and other tonnage measurement documents issued by either High Contracting Party shall be recognised by the other Party in conformity with any special agreements which may be concluded between the two High Contracting Parties.

Article XXII.

Vessels and boats flying the flag of either High Contracting Party and entering a port of the other Party with the sole object of completing their cargo therein when this is intended for export abroad or of unloading some portion thereof which has been brought from abroad, shall be entitled, provided that they observe the laws and regulations of the State concerned, to retain on board the portion of their cargo which is consigned to another port or to another country, and to re-export such portion of the cargo without being liable to pay any duties or charges thereon, except supervision fees. The latter may, moreover, only be levied at the lowest rates fixed for national vessels.

Article XXIII.

If a vessel of one of the High Contracting Parties should be wrecked, stranded, damaged or forced to put into the waters of the other Party, the vessels and its cargo shall be granted the same

privileges and immunities as are granted by the laws and regulations of the country in similar circumstances to national vessels. Assistance and relief shall be given to the master, crew and passengers, both as regards themselves and the vessel and its cargo, to the same extent as to nationals.

As regards the right of salvage, the laws of the country where salvage takes place shall apply.

Goods salvaged from a stranded or wrecked vessel shall not be subject to any Customs duties unless they are imported into the country for consumption therein.

Article XXIV.

Each of the High Contracting Parties undertakes that, in its territory, the provisions of the Paris International Convention¹ of March 20, 1883, for the Protection of Industrial Property, as revised at Washington on June 2, 1911, shall apply to the goods of the other Party.

Article XXV.

The provisions of the present Treaty shall not apply :

(1) To the treatment which has been or may subsequently be accorded by one of the High Contracting Parties in the matter of frontier traffic with neighbouring States ;

(2) To special benefits resulting from a Customs union ;

(3) To the special advantages or benefits which at present exist or may subsequently be established in the matter of Customs tariffs and, generally, in any other commercial matter, between Turkey and the countries which were detached from the Ottoman Empire in 1923 ;

(4) To the advantages or benefits which Estonia has granted or may subsequently grant to Finland, Latvia or Lithuania.

The same shall apply to privileges which Estonia may subsequently grant to the Union of Soviet Socialist Republics under special conventions or Customs agreements.

Article XXVI.

The present Treaty shall come into force one month after the date of the exchange of ratifications, and shall remain in force for a period of three years as from that date. Unless either of the two High Contracting Parties notifies its intention of denouncing the Treaty one year before that date, it shall remain in force until the expiry of one year as from the date on which either of the High Contracting Parties has denounced it.

Article XXVII.

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

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

Done in duplicate at Ankara, September 16, 1929.

E. VEBERMAN.

ZEKÂI.

M. NUMAN.

¹ Vol. LXXIV, page 289; Vol. LXXXIII, page 464; Vol. LXXXVIII, page 366; Vol. XCII, page 403; Vol. C, page 246; Vol. CIV, page 512; and Vol. CVII, page 506, of this Series.

PROTOCOL OF SIGNATURE.

On proceeding to sign the present Treaty, the High Contracting Parties have agreed on the following provisions :

Ad Article III.

The Delegate of the Estonian Republic declares, on behalf of his Government, that the advantages resulting from the most-favoured-nation clause, as laid down in Article III of the present Treaty, cannot be claimed in favour of Estonian nationals as regards the rights acquired by nationals of the States signing the Convention¹ respecting Conditions of Residence and Business concluded at Lausanne on July 24, 1923, which Turkey has, in virtue of Article 4 of the said Convention, undertaken to respect.

Ad Article XI.

Subject to the provisions of Article XI, the Estonian Government undertakes during the period of validity of the present Treaty to apply to raisins of every kind, not sweetened, including sultanas, with the exception of large raisins (of the kind known as Malaga and the like), the duty of gold fr. 0.10 per kilogram (ex. 7 of the Estonian tariff), and to dried figs not sweetened the duty of gold fr. 1.10 per kilogram (ex. 7 of the Estonian tariff), when these products originate in Turkey and are imported into Estonia, and the Turkish Government undertakes for its part and subject to the same reservation to grant, during the period of validity of the present Treaty, a reduction of 25 % on items (ex 106 (b) and ex 107 (b)) of its Customs tariff of June 8, 1929, in the case of fabrics coming under the said items, when those fabrics originate in Estonia and are imported into Turkey.

It is understood, however, that each of the High Contracting Parties shall have the right to recover its freedom of action for the above-mentioned items on giving three months' notice. Should use be made of this right, the régime applicable to the product or products of which the duty has been denounced, will be that of the most favoured nation.

It is clearly understood that such denunciation shall not affect the validity of all the other provisions of the present Treaty.

Similarly, it is agreed that the High Contracting Parties mutually guarantee each other most-favoured-nation treatment as regards duties and all taxes levied on exportation, whatever be their name or character.

Ad Article XV.

Measures taken by either of the High Contracting Parties with a view to controlling the condition and quality of products exported, and for the purpose of facilitating the exercise of such control shall not be regarded as contrary to the provisions of Article XV.

The present Protocol forms an integral part of the present Treaty and shall be binding as soon as the Treaty comes into force.

September 16, 1929.

E. VEBERMAN.

ZEKÂI.

M. NUMAN.

¹ Vol. XXVIII, page 151, of this Series.