

N° 2591.

ALLEMAGNE ET PERSE

Convention de commerce, de douanes et de navigation, avec protocole final, signés à Téhéran, le 17 février 1929, et échange de notes y relatif, de la même date.

GERMANY AND PERSIA

Convention of Commerce, Customs and Navigation, with Final Protocol, signed at Teheran, February 17, 1929, and Exchange of Notes relating thereto of the same date.

TEXTE ALLEMAND. — GERMAN TEXT.

N^o 2591. — HANDELS-, ZOLL- UND SCHIFFFAHRTSABKOMMEN¹ ZWISCHEN DEM DEUTSCHEN REICH UND DEM KAISERREICH PERSIEN. GEZEICHNET IN TEHERAN, AM 17. FEBRUAR 1929.

N^o 2591. — CONVENTION¹ DE COMMERCE, DE DOUANES ET DE NAVIGATION ENTRE L'ALLEMAGNE ET L'EMPIRE DE PERSE. SIGNÉE A TÉHÉРАН, LE 17 FÉVRIER 1929.

Textes officiels allemand, français et persan communiqués par le délégué permanent de la Perse auprès de la Société des Nations. L'enregistrement de cette convention a eu lieu le 10 janvier 1931.

German, French and Persian official texts communicated by the Permanent Delegate of Persia accredited to the League of Nations. The registration of this Convention took place January 10, 1931.

SEINE KAISERLICHE MAJESTÄT DER SCHAH VON PERSIEN, und DER DEUTSCHE REICHSPRÄSIDENT von dem Wunsche beseelt, die wirtschaftlichen Beziehungen zwischen den beiden Staaten weiter zu befestigen, haben entsprechend dem heute unterzeichneten persisch-deutschen Freundschaftsvertrag² beschlossen, ein Handels-, Zoll- und Schifffahrtsabkommen abzuschliessen, und haben zu diesem Zwecke zu ihren Bevollmächtigten ernannt,

SA MAJESTÉ IMPÉRIALE LE SCHAH DE PERSE et LE PRÉSIDENT DU REICH ALLEMAND, également animés du désir de resserrer les relations économiques entre les deux Etats, conformément au traité d'amitié² en date de ce jour ont décidé de conclure une convention de commerce, douanes et navigation, et ont nommé à cet effet pour leurs plénipotentiaires,

SEINE KAISERLICHE MAJESTÄT DER SCHAH VON PERSIEN :

SA MAJESTÉ IMPÉRIALE LE SCHAH DE PERSE :

Seine Exzellenz Herrn Mirza Mohamed Ali Khan FARZINE, Gerenten Seines Ministeriums der Auswärtigen Angelegenheiten ;

Son Excellence Mirza Mohamed Ali Khan FARZINE, gérant de son Ministère des Affaires étrangères ;

DER DEUTSCHE REICHSPRÄSIDENT :

LE PRÉSIDENT DU REICH ALLEMAND :

Herrn Friedrich Werner Graf von der SCHULENBURG, Deutschen Ausserordentlichen Gesandten und Bevollmächtigten Minister in Teheran,

M. Friedrich Werner Graf von der SCHULENBURG, envoyé extraordinaire et ministre plénipotentiaire allemand à Téhéran.

die nach gegenseitiger Mitteilung ihrer in guter und gehöriger Form befundenen Vollmachten die nachstehenden Bestimmungen vereinbart haben :

Lesquels, après s'être communiqué leurs pleins-pouvoirs, reconnus en bonne et due forme, sont convenus des dispositions suivantes :

¹ L'échange des ratifications a eu lieu à Téhéran, le 10 décembre 1930.

² Voir page 19 de ce volume.

¹ The exchange of ratifications took place at Teheran, December 10, 1930.

² See page 19 of this Volume.

No. 2591.

TEXTE PERSAN. — PERSIAN TEXT.

قرار داد تجارتی و گمرکی و بحر پیمائی
 بین دولتین ایران و آلمان
 اعلیحضرت شاهنشاه ایران

و

رئیس مملکت آلمان

نظر باینکه مایل هستند روابط اقتصادی بین دولتین را بر طبق عهد نامه مودت مورخه امروز تحکیم نمایند بمقدور داد تجارتی و گمرکی و بحر پیمائی تصمیم نموده و برای این مقصود اختیار داران خود را معین نمودند

اعلیحضرت شاهنشاه ایران:

جناب مستطاب اجل آقای میرزا محمدعلی خان فرزین

کفیل وزارت امور خارجه

¹ TRADUCTION. — TRANSLATION.

No. 2591. — CONVENTION OF COMMERCE, CUSTOMS AND NAVIGATION BETWEEN GERMANY AND THE PERSIAN EMPIRE. SIGNED AT TEHERAN, FEBRUARY 17, 1929.

HIS IMPERIAL MAJESTY THE SHAH OF PERSIA and THE PRESIDENT OF THE GERMAN REICH, being equally desirous of strengthening the economic relations between the two States, in accordance with the Treaty of Friendship dated this day, have decided to conclude a Convention of Commerce, Customs and Navigation, and have for that purpose appointed as their Plenipotentiaries :

HIS IMPERIAL MAJESTY THE SHAH OF PERSIA :

His Excellency Mirza Mohamed Ali Khan FARZINE, Head of His Ministry for Foreign Affairs ;

THE PRESIDENT OF THE GERMAN REICH :

M. Friedrich Werner Graf VON DER SCHULENBURG, Envoy Extraordinary and Minister Plenipotentiary of Germany at Teheran ;

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

Article I.

German natural or manufactured products shall not be subjected, on importation into Persia, to Customs duties, coefficients, surtaxes or import charges of any description other or higher than those levied on the like products of the nation most favoured in this respect.

German natural or manufactured products, on exportation from Germany into Persia, shall not be subjected to any Customs duties or export charges whatsoever, other or higher than the Customs duties and export charges which are or may hereafter be levied on the exportation of like products intended for the country enjoying most-favoured-nation treatment in this respect.

Article II.

Persian natural or manufactured products, on importation into Germany, shall not be subjected to any Customs duties, coefficients, surtaxes or import charges whatsoever, other or higher than the duties, coefficients, surtaxes or import charges which are or may hereafter be levied on the like products of the nation most favoured in this respect.

Persian natural or manufactured products, on exportation from Persia into Germany, shall not be subjected to any Customs duties or export charges whatsoever, other or higher than the Customs duties and export charges which are or may hereafter be levied on the exportation of like products intended for the country enjoying most-favoured-nation treatment in this respect.

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

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

Article III.

Products of either of the Contracting Parties which are duly imported into the territory of the other Party and have paid the import duties and charges prescribed by the laws and regulations for foreign products shall not receive less favourable treatment in any respect than that accorded to the like natural or manufactured products of any third country.

Article IV.

As regards any conditions relating to the collection of Customs duties, security and any other import and export formalities, each of the Contracting Parties undertakes to extend to the other Party the treatment granted to the nation most favoured in this respect.

Article V.

If the origin of a commodity gives rise to doubt, the Customs authorities of each of the Contracting Parties may, so far as they consider it necessary, require the production of certificates of origin. These certificates shall be issued by the Customs authorities or other competent organs of the exporting country. The Contracting Parties shall communicate to each other a list of those organs and any changes which may be made in such list. If the certificates of origin are not issued by a Customs authority, the Government of the country of destination may require them to be authenticated by the Customs authorities of the country from which the goods were exported.

Certificates of origin may be drawn up both in the language of the country of destination and in that of the exporting country. In this latter case the Customs offices of the country of destination may require a French translation.

Goods which are imported into either country from abroad and have subsequently undergone transformation or industrial treatment therein, shall be regarded as products of that country.

Article VI.

The Contracting Parties undertake not to hamper the exchange of goods between the two countries by imposing any import or export prohibitions or restrictions, with the exception of the following categories of prohibitions or restrictions provided that they are not so applied as to constitute a means of arbitrary discrimination against or disguised restriction upon the goods :

- (1) Prohibitions or restrictions relating to public safety.
- (2) Prohibitions or restrictions imposed for moral or humanitarian reasons.
- (3) Prohibitions or restrictions concerning the traffic in arms, ammunition and war material or, in exceptional circumstances, all other military supplies.
- (4) Prohibitions or restrictions imposed for the protection of public health, or to protect animals or plants against diseases, insects or harmful parasites.
- (5) Export prohibitions or restrictions for the protection of national artistic, historical or archaeological treasures.
- (6) Prohibitions or restrictions applicable to gold, silver, specie, paper money or securities.
- (7) Prohibitions or restrictions designed to extend to foreign products the régime established within the country as regards the production of, trade in or transport or consumption of like native products.

(8) Prohibitions or restrictions applied to products which form or may in future form within the country, as regards production or trade, the subject of Government monopolies or monopolies exercised under Government supervision.

(9) Prohibitions or restrictions designed to safeguard the vital interests of the country in extraordinary and abnormal circumstances.

If measures of this kind are adopted, they shall be applied in such a way as not to make any arbitrary discrimination against the other Contracting Party.

Their duration shall be limited to the duration of the causes or circumstances which led to their imposition.

Article VII.

The Contracting Parties shall grant one another freedom of transit through their respective territories.

Exceptions may be made in the following cases, so far as they are applicable to all countries or to countries in a like situation :

(a) For reasons of public safety ;

(b) For reasons of public health or to protect animals or plants against diseases and parasites ;

(c) As regards the traffic in arms, ammunition and war material and, in exceptional circumstances, any other war supplies.

The Contracting Parties undertake not to levy any transit duties. Duties may, however, be levied on traffic in transit for the sole purpose of covering the cost of any necessary supervision.

These provisions shall apply both to goods in direct transit and to goods which during transit are transhipped, repacked or warehoused.

Article VIII.

The provisions of the present Convention shall not extend to :

(1) Special favours which have been or may hereafter be granted by one of the Contracting Parties to adjoining States to facilitate frontier traffic in a specified strip of territory on both sides of the frontier.

(2) Obligations which have been or may hereafter be contracted by either of the Parties in virtue of a Customs union.

Article IX.

As regards samples and patterns, the Contracting Parties shall apply the provisions of the International Convention, relating to the Simplification of Customs Formalities, signed at Geneva, November 3, 1923.

The period allowed for re-exportation shall be twelve months.

Article X.

German vessels and their cargoes in Persia and Persian vessels and their cargoes in Germany shall be treated in the same manner as national vessels and their cargoes and in no case less favourably than the vessels and cargoes of any other country. No tonnage, transit, canal, port, pilotage, lighthouse, quarantine or other like duties or charges of whatsoever description, levied

in the name or on behalf of the Government or of any public officials, private individuals, corporations or institutions whatsoever shall be levied in the territorial waters of either of the two countries on the vessels of the other unless they are also levied under the same conditions on national vessels. This equality of treatment shall apply to the vessels of either country from whatever place they come and whatever their destination.

These provisions shall not apply to special treatment granted by either of the Contracting Parties to fishing vessels, or to the importation into its territory of fish caught by the crews of national vessels.

Neither shall they apply to the coasting trade, which shall be regulated according to the legislation of each country. Nevertheless, as regards coasting trade, each of the Contracting Parties may claim for its vessels any favours and privileges which have been or may hereafter be granted in this respect by the other Party to a third country, provided that it grants the same favours and privileges to vessels of the other Party in its territory.

The following shall not be regarded as constituting coasting trade :

(1) The plying of vessels between two ports, either for the purpose of landing passengers or the whole or part of the cargo coming from abroad or for the purpose of embarking passengers or the whole or part of the cargo for a foreign destination.

(2) The conveyance from one port to the other of passengers provided with through tickets issued abroad or for a foreign destination and the conveyance of goods accompanied by through waybills issued abroad or for a foreign destination.

Article XI.

In the event of shipwreck, damage at sea or putting into port in distress, each of the Contracting Parties shall grant to the vessels of the other, whether they belong to the State or to private individuals, the same assistance and protection and the same privileges as are granted in like circumstances to national vessels. Articles salvaged from such wrecked or damaged vessels shall be exempt from all Customs duties provided that they are placed under the supervision of the Customs authorities or other competent local authorities.

The local authorities shall as soon as possible inform the nearest consul of the State whose flag the vessel flies of the shipwreck or damage. The consuls of the Contracting Parties shall be authorised to afford the necessary assistance to their nationals.

Article XII.

The present Convention is drawn up in two originals, in Persian, German and French. Should a dispute arise as to the interpretation of the Convention, the French text shall prevail.

The Convention shall be ratified and the ratifications exchanged as soon as possible.

The Convention shall come into force one month after the exchange of ratifications and shall remain in force for five years. Unless it is denounced six months before the expiry of this period it shall be regarded as prolonged by tacit consent for an indefinite period. It may thereafter be denounced at any time at six months' notice.

In faith whereof the respective Plenipotentiaries, duly authorised for that purpose, have signed the present Convention and have thereto affixed their seals.

Done at Teheran, February 17, 1929.

(Signed) M. FARZINE.

(Signed) Friedrich Werner Graf VON DER SCHULENBURG.

FINAL PROTOCOL.

On proceeding to sign the Convention of Commerce, Customs and Navigation concluded this day between the Persian Empire and the German Reich, the undersigned Plenipotentiaries have made the following declaration, which shall form an integral part of the Convention :

Ad Article VI.

It is understood that :

(a) The obligations undertaken by the two Contracting Parties do not refer to import or export prohibitions or restrictions other than those authorised by Article VI, which are in force in each of the two States at the time of signature of the present Convention and of which it has notified the other Party within a period of two months ;

(b) Should either of the Contracting Parties, on the basis of the exceptions provided for in Article VI, apply or bring into operation new prohibitions or restrictions likely to cause serious prejudice to the trade of the other Party, the latter may, within one year from the date of their application or entry into force, denounce the present Convention.

In such case the Convention shall cease to have effect six months after the denunciation.

TEHERAN, *February 17, 1929.*

(Signed) M. FARZINE.

(Signed) Friedrich Werner Graf VON DER SCHULENBURG.

LETTER FROM THE GERMAN MINISTER TO THE HEAD OF THE PERSIAN MINISTRY OF FOREIGN AFFAIRS.

TEHERAN, *February 17, 1929.*

MONSIEUR LE GÉRANT,

I have the honour to inform your Excellency at your request that, according to the interpretation given by my Government to Article X of the Convention of Commerce, Customs and Navigation signed this day, this Article naturally does not apply to the vessels of war of the two Contracting States.

I should be particularly grateful if you would be good enough to send me a notification that the Persian Government interprets the Article in the same way.

I have the honour, etc.

(Signed) Friedrich Werner Graf VON DER SCHULENBURG.

His Excellency,
Mirza Mohamed Ali Khan Farzine,
Head of the Ministry for Foreign Affairs
of the Persian Empire,
Teheran.

LETTER FROM THE HEAD OF THE PERSIAN MINISTRY FOR FOREIGN AFFAIRS
TO THE GERMAN MINISTER.

TEHERAN, *February 17, 1929.*

MONSIEUR LE MINISTRE,

I have duly noted the declaration contained in your letter of to-day to the effect that, according to the interpretation given by the Government of the Reich to Article X of the Convention of Commerce, Customs and Navigation signed this day, this Article naturally does not apply to the vessels of war of the two Contracting States.

I beg to inform your Excellency that my Government interprets that Article in the same way.

I have the honour, etc.

(Signed) M. FARZINE.

His Excellency,
Graf von der Schulenburg,
German Minister
at Teheran.