

N° 2744.

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## DANEMARK ET TURQUIE

Traité d'établissement, de commerce  
et de navigation, avec protocole  
final. Signés à Ankara, le 31 mai  
1930.

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## DENMARK AND TURKEY

Treaty of Establishment, Commerce  
and Navigation, with Final Proto-  
col. Signed at Ankara, May 31,  
1930.

<sup>1</sup> TRADUCTION. — TRANSLATION.No. 2744. — TREATY<sup>2</sup> OF ESTABLISHMENT, COMMERCE AND NAVIGATION BETWEEN DENMARK AND TURKEY. SIGNED AT ANKARA, MAY 31, 1930.

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*French official text communicated by the Permanent Delegate of Denmark accredited to the League of Nations. The registration of this Treaty took place July 2, 1931.*

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HIS MAJESTY THE KING OF DENMARK AND ICELAND and HIS EXCELLENCY THE PRESIDENT OF THE TURKISH REPUBLIC, being equally desirous of strengthening and extending the economic relations between the two countries, have decided, in accordance with the Treaty of Friendship<sup>3</sup> between Denmark and Turkey of January 26, 1925, to conclude a Treaty of Establishment, Commerce and Navigation, and have appointed as their Plenipotentiaries :

HIS MAJESTY THE KING OF DENMARK AND ICELAND :

M. Otto Carl MOHR, His Envoy Extraordinary and Minister Plenipotentiary in Turkey, and

HIS EXCELLENCY THE PRESIDENT OF THE TURKISH REPUBLIC :

ZEKÂI Bey, Former Minister and Ambassador, Member of Parliament for Diarbekir ;  
Mustafa ŞEREF Bey, Member of Parliament for Burdur ; and  
Menemenli NUMAN Bey, Under-Secretary of State at the Ministry of Foreign Affairs,

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

*Article I.*

Nationals of either High Contracting Party shall have the right, subject to compliance with the laws, regulations and decrees relating to the admission, movement, residence and establishment of foreigners, to establish themselves and to stay, to come and to go and to move about in the territory of the other Party and also to leave that territory freely, without prejudice to the police regulations in the matter.

It is nevertheless agreed that these provisions shall in no way restrict the right of each of the High Contracting Parties, in given cases, to refuse nationals of the other Party permission to reside in the country, either in virtue of a judicial decision, or for reasons connected with the internal or external security of the State, or with public order, and particularly on grounds connected with

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<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> Came into force July 2, 1931.

<sup>3</sup> Vol. XXXVI, page 317, of this Series.

public relief, public health or morals, to expel the said nationals on these grounds, and also to regulate the issue of passports, visas and residence permits.

Each of the High Contracting Parties shall retain complete freedom of action as regards immigration.

*Article 2.*

Subject to compliance with the laws and regulations of the country in question, nationals of either High Contracting Party shall have the right to acquire, possess and alienate any kind of movable and immovable property in the territory of the other Party, except in the cases provide 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 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 hereafter be imposed on nationals of the country.

*Article 3.*

Nationals of either High Contracting Party shall, provided they observe the laws and regulations of the country in question, 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 the exercise of which is not or may not hereafter be reserved by the law of that country, for nationals of the country.

*Article 4.*

Nationals of either High Contracting Party shall not be required to pay in the territory of the other Party in respect of their persons, property, rights or interests, including their commerce, industry, trade or profession, any impost, tax or charge of any kind other or higher than those imposed on nationals of the country.

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

They shall be authorised freely to export the proceeds of the sale of their property and their property itself, subject to compliance with the laws in force in the country, and in respect of such export they shall not, as aliens, be liable to taxes, duties and fees higher than those payable by nationals of the country.

*Article 5.*

Nationals of either High Contracting Party shall be exempt in the territory of the other Party from any military service in the army, the navy, the air force, the national guard or the militia, and from any obligation or payment in lieu of military service.

They shall only be liable to other military contributions or requisitions to the same extent and under the same conditions as nationals of the country.

Nationals of either High Contracting Party shall also be exempt in the territory of the other Party from any judicial or administrative function, subject to the specific exceptions laid down by the respective laws.

*Article 6.*

Nationals of either High Contracting Party may not be expropriated in the territory of the other Party except for reasons of public utility laid down by law. They shall be entitled reciprocally

to the compensation provided for nationals of the country by the law in force in the respective countries.

No expropriation may take place without public notice being previously given or before compensation is paid or duly deposited.

#### Article 7.

Nationals of either High Contracting Party shall, in all matters connected with the legal and judicial protection of their persons 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 of the country. Subject to reciprocity they shall be entitled in the territory of the other Party, on the same conditions as nationals of the country, to free legal aid, and shall not be required to give security for costs.

#### Article 8.

Joint stock companies and other commercial companies, including industrial, financial insurance and transport companies, which have their seat in the territory of either High Contracting Party and are regularly constituted there in accordance with the laws of that country, shall be recognised by the other Party as having legal existence, provided they are not pursuing an unlawful object there.

The said companies may, subject to compliance with the laws and regulations of the other country which are or may hereafter be in force, and, in cases where permission is required by the laws of that country, after obtaining such permission, establish themselves in the territory of that country, set up affiliated or branch establishments or agencies and appear in court there as plaintiffs or defendants.

The activity of the said companies constituted according to the laws of either High Contracting Party, in so far as it is carried on in the territory of the other Party, shall be subject to the laws and regulations of the latter country. They shall not be treated with regard to their activity less favourably than the companies of the most favoured nation.

In all matters connected with the legal and judicial protection of their property, they shall enjoy in the other country the same treatment as national companies. The provisions of Article 6 shall also apply *mutatis mutandis* to the companies referred to in the present Article.

The companies of either of the High Contracting Parties and their affiliated or branch establishments or agencies shall not be liable in the territory of the other country, in matters connected with duties, taxes and imposts, to a higher fiscal charge than that imposed upon the companies of the most favoured nation. It is understood that they shall be required to pay the taxes relating to the issue of authorisation and registration papers for foreign companies, and to furnish the security required by the law. They shall only be liable to other contributions or military requisitions to the same extent and under the same conditions as are laid down for national companies.

With regard to taxes assessed on capital, income or profits, each of the High Contracting Parties shall tax the companies of the other Party according to the nature of the imposts only in respect of the portion of their assets which they have invested in its territory, the property which they possess there, the profits which they make there, or the business which they carry on there.

Subject to compliance with the laws of the country in question, these companies may, under the same conditions as companies of the most favoured nation, acquire any kind of movable property. The same regulation shall apply, in accordance with Article 2, to the acquisition of 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 9.*

Natural or manufactured products originating in Denmark shall not, when imported into Turkey, receive less favourable treatment as regards Customs duties, surcharges and coefficients of increase or any other duty or charge whatsoever, than that which is granted or may hereafter be granted to like products of the most favoured nation.

Similarly, natural or manufactured products originating in Turkey shall not, when imported into Denmark, receive less favourable treatment as regards Customs duties, surcharges and coefficients of increase or any other duty or charge whatsoever, than that which is granted or may hereafter be granted to like products of the most favoured nation.

*Article 10.*

No other duties, and no export duties or charges of any nature higher than those which are or may hereafter be levied on the export of like products to the country most favoured in that respect, shall be levied in Turkey in respect of export to Denmark, or in Denmark in respect of export to Turkey.

The guarantee of treatment on terms of equality with third countries shall also extend to the method of levying import and export duties, to the placing of goods in bonded warehouses, to Customs charges and formalities and to the treatment and handling by the Customs of goods imported, exported or passing through in transit.

*Article 11.*

Natural or manufactured products of either Contracting Party 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 Customs duties or charges other or higher than would be applied if they had been imported direct from their country of origin.

The present provision shall apply both to goods in direct transit and to goods passing in transit after being transhipped, repacked or warehoused.

*Article 12.*

Natural or manufactured products originating in the territory of either High Contracting Party shall, on importation into the territory of the other Party, enjoy therein as regards internal duties of any kind whatsoever the treatment granted to like products of any third country.

*Article 13.*

In order to determine the country of origin of imported goods, either High Contracting Party may require the importer to produce a certificate of origin attesting that the said goods are natural or manufactured products of the said country, or that they must, according to the law of the importing country, be considered as such in view of the fact that they have been transformed or treated in some way in the said country for economic reasons.

Certificates of origin shall be issued by the Departments of Commerce or of Agriculture, or by the Customs authorities, or by the competent Chambers of Commerce and Industry, or by any other authority or association approved by the country of destination. The Government of the country of destination shall have the right to require that certificates of origin shall 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 according to its legislation recognises that the consignments are not of a commercial character.

The High Contracting Parties reciprocally grant each other the advantages accorded to the most-favoured-nation in all matters concerning certificates of origin.

*Article 14.*

No prohibition or restriction on the import or export of any goods originating in the territory of the other Party or destined for export thereto shall be maintained or imposed by either High Contracting Party unless the said prohibition or restriction is also applied under the same conditions to similar goods, if any, coming from any other country or destined for export thereto. The provisions of the Article shall not, however, be regarded as applying to prohibitions or restrictions which have been or may hereafter be established for reasons of public safety, for the security of the State or for public health, or as prophylactic measures against epizooties or against diseases, the deterioration or extinction of useful plants, or in respect of goods which are subject to a State monopoly.

It is understood that the High Contracting Parties shall have the right to impose prohibitions or restrictions on products favoured by bounties or grants or in any other manner either openly or secretly.

*Article 15.*

Merchants, manufacturers and other industrialists or commercial travellers of either High Contracting Party shall enjoy in the territory of the other Party the same treatment as the merchants, manufacturers and other industrialists or commercial travellers of the most favoured nation in all matters connected with their activities, and particularly as regards Customs facilities granted for samples.

Nationals of either High Contracting Party proceeding to exhibitions, fairs or markets, not reserved for nationals of the country, for business purposes— shall not receive less favourable treatment in the territory of the other Party than nationals of the most favoured nation.

The above provisions not being applicable to itinerant traders soliciting orders from persons who are not engaged in either commerce or industry, or to hawkers, each of the High Contracting Parties reserves to itself complete legislative freedom in this respect.

*Article 16.*

The High Contracting Parties shall reciprocally grant each other freedom of transit and shall guarantee each other most-favoured-nation treatment in this respect. They undertake to levy no transit duties on this account with the exception of statistical fees and supervision and storage charges.

In general, the High Contracting Parties shall comply, so far as transit is concerned, with the provisions contained, in the Statute which forms an integral part of the Convention<sup>1</sup> on Freedom of Transit signed at Barcelona on April 14, 1921, or in any other future convention of the same nature which may regulate transit and to which the High Contracting Parties may accede.

<sup>1</sup> Vol. VII, page 11 ; Vol. XI, page 407 ; Vol. XV, page 305 ; Vol. XIX, page 279 ; Vol. XXIV, page 155 ; Vol. XXXI, page 245 ; Vol. XXXV, page 299 ; Vol. XXXIX, page 166 ; Vol. LIX, page 344 ; Vol. LXIX, page 70 ; Vol. LXXXIII, page 373 ; Vol. XCII, page 363 ; Vol. XCVI, page 181 ; and Vol. CIV, page 495, of this Series.

*Article 17.*

As regards the carriage by rail of passengers, baggage and goods, the High Contracting Parties guarantee each other most-favoured-nation treatment in respect of consignment, transport rates and public taxes and duties relating to transport.

*Article 18.*

Nationals and companies of either High Contracting Party shall enjoy, in the territories of the other Party, the same rights as nationals or companies of the latter country in regard to patents and trade-marks, subject to compliance with the legal regulations.

*Article 19.*

Either High Contracting Party shall be free to appoint consuls-general, consuls and vice-consuls in the towns and ports of the territories of the other Party to which similar representatives of any other nation may be admitted by the respective Governments. Such consuls-general, consuls and vice-consuls shall, however, not enter upon their duties until they have obtained the consent, in the usual form, of the Government to whose country they are sent.

Consular officials of either High Contracting Party shall enjoy, in the territories of the other Party, the same rights, privileges and exemptions, subject to reciprocity, as are or may hereafter be granted to similar officials of any foreign country.

*Article 20.*

Consular officials of either High Contracting Party residing in the territories of the other shall receive from the local authorities such assistance as the law may permit for the recovery of seamen, other than nationals of the latter country, who have deserted from the vessels of the first High Contracting Party.

*Article 21.*

Each of the High Contracting Parties undertakes, subject to reciprocity, to ensure to the vessels of the other country the same treatment, in its sea-ports, as is granted to its own vessels in regard to freedom of access to the port, the use of the port and the full enjoyment of the advantages which it affords in the matter of navigation, commercial transactions for vessels, their cargoes and their passengers, loading and unloading facilities, and charges and duties of any kind levied on behalf and for the account of the Government, public authorities, concessionnaires or establishments of any sort.

*Article 22.*

Vessels and boats flying the flag of either High Contracting Party and entering a port of the other Party, either for the purpose of making up or completing therein their cargo consigned to a foreign country, or of unloading therein all or part of their cargo which has been brought from a foreign country, shall be entitled, subject to compliance with the laws and regulations of the respective Countries, to retain on board any portion of their cargo which is consigned to another port in the same country or to a foreign port, and to re-export such portion of the cargo without paying any other duties than those for which national vessels are or may hereafter be liable in a similar case.

*Article 23.*

If a vessel of either High Contracting Party should be wrecked, stranded, damaged at sea or forced into port by stress of weather or accident on the coasts of the other Party, the said vessel and its cargo and crew shall enjoy the same treatment in every respect as is granted by the laws of each High Contracting Party to its own vessels in similar circumstances. Assistance and relief shall be afforded to the master, crew and passengers, both for themselves, for the vessel and her cargo, to the same extent as to nationals. Salvage operations shall be carried out in accordance with the laws of the country in question. Everything saved from the vessel and cargo, or the proceeds of the sale of such objects if they have been sold, shall be restored to the owners or to their duly authorised representatives, and the salvage dues paid shall not be higher than those for which nationals of the country would be liable in similar circumstances.

The High Contracting Parties further agree that salvaged goods shall not be liable for any Customs duties unless intended for consumption within the country.

*Article 24.*

The nationality of a vessel shall be determined in accordance with the laws of the State to which such vessel belongs by means of the documents and certificates on board issued by the competent authorities of each country. Pending the conclusion of a special agreement for the reciprocal recognition of tonnage certificates, the vessels of either High Contracting Party shall not be liable in the ports of the other Party to any fresh tonnage measurement and the navigation dues and charges payable shall be determined in accordance with the tonnage certificates issued by the competent authorities of the country whose flag the vessels fly.

*Article 25.*

The provisions of the present Treaty concerning the reciprocal granting of national treatment as regards navigation shall not extend to the services and activities mentioned below, which shall be governed by the laws and regulations which are or may hereafter be in force in the territory of either High Contracting Party :

- (1) The coasting trade ;
- (2) Fishing in the territorial waters of the High Contracting Parties ;
- (3) The bounties and facilities which are or may hereafter be granted to the national mercantile marine and to the vessels of the State operated entirely or partly by the State ;
- (4) Privileges granted to nautical sporting societies ;
- (5) The working of the maritime ports, roadstead and shore service, and pilotage, towage, salvage and assistance at sea in so far as these operations are carried out within the limits of the territorial waters and in the Sea of Marmora.

*Article 26.*

Treatment on terms of equality with a third State shall not apply to :

- (1) Benefits which have been or may hereafter be granted by either High Contracting Party in respect of frontier traffic with adjacent countries within a zone extending for 15 kilometres on either side of the frontier ;
- (2) Special benefits granted in virtue of a Customs union which has been concluded or may hereafter be concluded with one or more countries ;



(3) Advantages which Denmark has granted or may hereafter grant to Norway or Sweden or to both these countries, as long as the said advantages are not granted to other countries than those named above ;

(4) Special advantages or benefits which at present exist or may hereafter be established in the matter of Customs tariffs between Turkey and the countries which were detached from the Ottoman Empire in 1923, as long as the said advantages and benefits are not granted to any other country.

*Article 27.*

Any dispute which may arise between the two High Contracting Parties as to the interpretation of the present Treaty and which it has not been possible to settle through the diplomatic channel, shall be submitted to arbitration by common consent by means of a special agreement.

*Article 28.*

The present Treaty, together with the Final Protocol, shall be ratified and the letters of ratification shall be exchanged at Copenhagen as soon as possible.

It shall come into force thirty days after the exchange of ratifications and the provisional arrangement shall immediately become inoperative and invalid.

The present Treaty shall remain in force for two years from the date of its coming into force.

If not denounced by either High Contracting Party at least six months before the expiry of the said period, the present Treaty shall be extended by tacit agreement and shall remain in force for six months from the date of its denouncement.

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

Done in duplicate at Ankara, May the thirty-first, one thousand nine hundred and thirty.

(L. S.) (Signed) O. C. MOHR.

(L. S.) (Signed) ZEKÂI.

(L. S.) (Signed) Mustafa ŞEREF.

(L. S.) (Signed) M. NUMAN.

FINAL PROTOCOL.

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

In view of the relations which exist between Denmark and Iceland under the terms of the Union Law of November 30, 1918, it is understood that Turkey may not avail herself of the provisions of the above-mentioned Treaty to support a claim for the special advantages which Denmark has granted or may hereafter grant to Iceland.

Subject to the clauses of Articles 9, 10 and 11, the provisions of the present Treaty shall not apply to Greenland, where commerce and navigation are reserved for the Danish State.

*Ad Articles 2 and 3.* It is understood that most-favoured-nation treatment cannot be invoked in order to claim benefits granted individually to private persons in conformity with the laws in force.

*Ad Article 3.* It is understood that most-favoured-nation treatment cannot be invoked in order to claim privileges resulting from the acquired rights recognised by the provisional Article of the Law on Rights and Obligations of Foreigners in Turkey of February 23, 1330 (1914).

*Ad Article 8.* The High Contracting Parties agree that the provisions of this Article shall not be understood as exempting foreign companies carrying on their principal business in Turkey from the application of Article 15 of the Turkish Law of November 30, 1330 (1914).

*Ad Article 9.* Dried grapes from Turkey (sultanas) shall not be subject in Denmark to Customs or other duty, surcharge or co-efficient of increase, and shall not receive less favourable treatment than that which is granted or may hereafter be granted to dried grapes from Greece (currants).

*Ad Article 21.* It is understood that the fact that Turkey grants a reduction on lighthouse dues to vessels flying the national flag and engaged regularly in transporting the Turkish mails between Turkish ports shall not be considered as a breach of the provisions of Article 21.

*Ad Article 27.* It is understood that cases relating to sovereign rights or coming within the exclusive competence of the State, in conformity with the practice of international law, cannot be submitted to arbitration.

Done in duplicate at Ankara, May 31, one thousand nine hundred and thirty.

(Signed) O. C. MOHR.

(Signed) ZEKÂI.

(Signed) Mustafa ŞEREF.

(Signed) NUMAN.