

N° 4118.

**ÉTATS-UNIS D'AMÉRIQUE
ET PAYS-BAS**

Traité de commerce, avec annexes,
signé à Washington, le 20 décembre
1935, et échanges de notes y
relatifs de la même date.

**UNITED STATES OF AMERICA
AND THE NETHERLANDS**

Treaty of Commerce, with Annexes,
signed at Washington, December
20th, 1935, and Exchanges of
Notes relating thereto of the same
Date.

No. 4118. — TREATY¹ OF COMMERCE BETWEEN THE UNITED STATES OF AMERICA AND THE NETHERLANDS. SIGNED AT WASHINGTON, DECEMBER 20TH, 1935.

English and Dutch official texts communicated by the Netherlands Minister for Foreign Affairs and by the Chargé d'Affaires a. i. of the United States of America at Berne. The registration of this Treaty took place May 28th, 1937.

HER MAJESTY THE QUEEN OF THE NETHERLANDS and THE PRESIDENT OF THE UNITED STATES OF AMERICA, being desirous of improving and extending the commercial relations between the two countries by granting mutual and reciprocal concessions and advantages for the development of trade, have resolved to conclude a Trade Agreement with that object and have appointed their respective Plenipotentiaries, as follows :

HER MAJESTY THE QUEEN OF THE NETHERLANDS :

Mr. Arnold Theodoor LAMPING, Director of Trade Agreements ; and

THE PRESIDENT OF THE UNITED STATES OF AMERICA :

Mr. Cordell HULL, Secretary of State of the United States of America ;

Who, after communicating to each other their respective full powers, found to be in good and due form, have agreed upon the following Articles :

Article I.

The Kingdom of the Netherlands and the United States of America will grant each other unconditional and unrestricted most-favored-nation treatment in all matters concerning Customs duties and charges of every kind and in the method of levying duties, and, further, in all matters concerning the rules, formalities and charges imposed in connection with the clearing of goods through the Customs, and with respect to all laws or regulations affecting the sale or use of imported goods within the country.

Accordingly, natural or manufactured products having their origin in either of the countries shall in no case be subject, in regard to the matters referred to above, to any duties, taxes or charges other or higher, or to any rules or formalities other or more burdensome, than those to which the like products having their origin in any third country are or may hereafter be subject.

Similarly, natural or manufactured products exported from the territory of the Kingdom of the Netherlands or the United States of America and consigned to the territory of the other country shall in no case be subject with respect to exportation and in regard to the above-mentioned matters, to any duties, taxes or charges other or higher, or to any rules of formalities other or more

¹ Came into force May 8th, 1937.

This Treaty is applicable also to the Netherlands Indies, Surinam and Curaçao.

burdensome, than those to which the like products when consigned to the territory of any third country are or may hereafter be subject. The provisions of this paragraph shall not apply to taxes or charges levied in the Netherlands for the purpose of equalizing in some cases the differences in prices existing in the Netherlands and in foreign countries.

Any advantage, favor, privilege or immunity which has been or may hereafter be granted by the Kingdom of the Netherlands or the United States of America in regard to the above-mentioned matters, to a natural or manufactured product originating in any third country or consigned to the territory of any third country shall be accorded immediately and without compensation to the like product originating in or consigned to the territory of the United States of America or the Kingdom of the Netherlands, respectively.

It is understood that so long as and insofar as existing law of the United States of America may otherwise require, the provisions of this Article, insofar as they would otherwise relate to duties, taxes or charges on coal, coke manufactured therefrom, or coal or coke briquettes, shall not apply to such products imported into the United States of America. If the law of the United States of America shall not permit the complete operation of the provisions of this Article with respect to the above-mentioned products, the Kingdom of the Netherlands reserves the right to impose on such products originating in the United States of America, after September 1st, 1936, duties or charges other or higher than those imposed on like products originating in third countries, or within fifteen days after the aforesaid date, to terminate this Agreement in its entirety on thirty days' written notice.

Article II.

Articles the growth, produce or manufacture of the United States of America, enumerated and described in Sections A and B of Schedule I annexed to this Agreement, shall on their importation into the Netherlands and the Netherlands Indies, respectively, be exempt from ordinary Customs duties and monopoly fees in excess of those set forth in the respective Sections of the said Schedule. The said articles shall also be exempt from all duties, taxes, fees, charges or exactions, other than ordinary Customs duties and monopoly fees, imposed on or in connection with importation, other than or in excess of those imposed on the day of the signature of this Agreement or required to be imposed thereafter under laws of the Netherlands or the Netherlands Indies, in force on the day of the signature of this Agreement. It is understood that in the application of the aforesaid laws, articles the growth, produce or manufacture of the United States of America shall receive as favorable treatment as that accorded under like circumstances and conditions to like articles of any third country.

With respect to the articles the growth, produce or manufacture of the United States of America enumerated and described in Schedule III annexed to this Agreement, the provisions set forth in the said Schedule shall be applied.

With respect to articles enumerated and described in Section B of Schedule I, the Government of the Netherland Indies reserves the right to change the *ad val rem* rates of duty specified in the said Section to specific rates of duty: Provided, that no resulting rate of duty applicable to any such article originating in the United States of America shall be higher than the average specific rate equivalent to the *ad valorem* rate of duty during the latest practicable six months' period preceding the conversion.

It is understood that an increase in the statistical duties at present levied in the Netherlands shall not be considered contrary to the provisions of this Article provided such duties do not exceed eight florin cents per package on postal importations or two-tenths of one per centum *ad valorem* on other importations.

Article III.

Articles the growth, produce or manufacture of the Kingdom of the Netherlands enumerated and described in Schedule II annexed to this Agreement, shall, on their importation into the United States of America, be exempt from ordinary Customs duties in excess of those set forth in the said Schedule. The said articles shall also be exempt from all duties, taxes, fees, charges or exactions, other than ordinary Customs duties, imposed on or in connection with importation, other than or in excess of those imposed on the day of the signature of this Agreement or required to be imposed thereafter under laws of the United States of America in force on the day of the signature of this Agreement. It is understood that in the application of the aforesaid laws, articles the growth, produce or manufacture of the Kingdom of the Netherlands shall receive as favorable treatment as that accorded under like circumstances and conditions to like articles of any third country.

Article IV.

The provisions of Articles II and III of this Agreement shall not prevent the Kingdom of the Netherlands or the United States of America from imposing on the importation of any article a charge constituting a compensation for or an equivalent of an internal tax imposed on a like domestic article or on a commodity from which the imported article has been processed or manufactured in whole or in part.

Articles the growth, produce or manufacture of the Kingdom of the Netherlands or the United States of America, enumerated and described in Schedules II and I, respectively, which are or shall be subject on their importation into the other country to a duty, tax or any other exaction, imposed solely as the equivalent of or to compensate for an internal tax or any other exaction imposed on or with respect to the processing of domestic articles, shall continue to be subject to such duty, tax or other exaction on importation only to the extent that such duty, tax or exaction shall be not more than fairly equivalent or compensatory to the internal tax or other exaction imposed on or with respect to the processing of domestic articles.

Article V.

Articles the growth, produce or manufacture of the Kingdom of the Netherlands or the United States of America, shall, after importation into the other country, be exempt from all internal taxes, fees, charges or exactions other or higher than those payable on like articles of national origin or any other foreign origin.

The provisions of this Article in regard to the granting of national treatment shall not prevent the Netherlands from maintaining the existing differential between imported and domestic articles in connection with the stamping tax for works in gold or silver or from applying the existing regulations in regard to the excise tax on the juices of fresh fruits other than grapes, whether or not fermented, and on molasses and other liquids containing sugar.

Article VI.

1. Neither the Kingdom of the Netherlands nor the United States of America shall establish or maintain any import or export prohibition or restriction on any article originating in or destined for the territory of the other country, which is not applied to the like article originating in or destined for any third country. Any abolition of an import or export prohibition or restriction which may be granted even temporarily by either country in favor of an article originating in

or destined for a third country shall be applied immediately and unconditionally to the like article originating in or destined for the territory of the other country.

2. With respect to the articles enumerated and described in Schedule IV annexed to this Agreement, which are now subject to quantitative restrictions in the Netherlands or the Netherlands Indies, the quantities of such articles originating in the United States of America which shall be permitted to be imported annually into the respective territories, beginning February 1st, 1936, shall not be less than those specified in the said Schedule.

3. With respect to articles not specified in Schedule IV, originating in the United States of America, which are now subject to quantitative restrictions in the Netherlands, the quantities permitted to be imported annually, beginning February 1st, 1936, shall not be less than those established in the form of percentages of the importations in the basic periods by the published quota decrees in effect on the day of the signature of this Agreement.

4. With respect to articles in which the United States of America has an interest and which are not now subject to quantitative restrictions in the Netherlands, it is agreed that if the Netherlands shall establish any form of quantitative restriction or control of the importation or sale of any such article, there will be allotted to the United States of America a share of the total quantity of any such article permitted to be imported or sold, during a specified period, equivalent to the proportion of the total importation of such article which the United States of America supplied in a basic period prior to the imposition of such quantitative restriction on such article, unless it is mutually agreed to dispense with such allotment. It is understood that in calculating the quotas to be allotted to the United States of America under the provisions of this paragraph, importations into the Netherlands from the Netherlands Indies, Surinam and Curaçao may be omitted from the aforesaid total quantity permitted to be imported or sold and from the aforesaid total importation in the basic period.

5. If the Netherlands imposes or shall hereafter impose on the importation or sale of a specified quantity of any article in which the United States of America has an interest a lower import duty or charge than the duty or charge imposed on importations in excess of such quantity, there will be allotted to the United States of America a share of the total quantity of any such article permitted to be imported or sold at such lower duty or charge, during a specified period, equivalent to the proportion of the total importation of such article which the United States of America supplied in a basic period prior to the imposition of any quantitative restriction on such article, unless it is mutually agreed to dispense with such allotment. It is understood that in calculating the quotas to be allotted to the United States of America under the provisions of this paragraph, importations into the Netherlands from the Netherlands Indies, Surinam and Curaçao may be omitted from the aforesaid total quantity permitted to be imported or sold at such lower duty or charge and from the aforesaid total importation in the basic period.

6. With respect to articles in which the United States of America has an interest, it is agreed that if a quota for the importation or sale of any such article, or a quota for the importation or sale of a specified quantity of any such article at a lower duty or charge than the duty or charge imposed on importations or sales in excess of such quantity, is or shall be allotted by the Netherlands Indies to any third country, other than the Netherlands, Surinam or Curaçao, there will be allotted to the United States of America a share of the total quantity of such article permitted to be imported or sold, or permitted to be imported or sold at such lower duty or charge, during a specified period, equivalent to the proportion of the total importation of such article which it supplied in a basic period prior to the imposition of such quantitative restriction on such article, unless it is mutually agreed to dispense with such allotment. It is understood that in calculating the quotas to be allotted

to the United States of America under the provisions of this paragraph, importations into the Netherlands Indies from the Netherlands, Surinam and Curaçao may be omitted from the aforesaid total quantity permitted to be imported or sold, or permitted to be imported or sold at such lower duty or charge, and from the aforesaid total importation in the basic period.

7. If the Government of the United States of America establishes or maintains any form of quantitative restriction or control of the importation or sale of any article in which the Kingdom of the Netherlands has an interest, or imposes a lower duty or charge on the importation or sale of a specified quantity of any such article than the duty or charge imposed on importations in excess of such quantity, the Government of the United States of America will allot to the Kingdom of the Netherlands a share of the total quantity of such article permitted to be imported or sold, or permitted to be imported or sold at such lower duty or charge, during a specified period, equivalent to the proportion of the total importation of such article which the Kingdom of the Netherlands supplied in a basic period prior to the imposition of such quantitative restriction on such article, unless it is mutually agreed to dispense with such allotment. It is understood that in calculating the quotas to be allotted to the Kingdom of the Netherlands under the provisions of this paragraph, importations into the United States of America from Cuba, the Philippine Islands, the Panama Canal Zone, and the territories and possessions of the United States of America may be omitted from the aforesaid total quantity permitted to be imported or sold, or permitted to be imported or sold at such lower duty or charge, and from the aforesaid total importation in the basic period.

8. If, after February 1st, 1937, the Government of the Netherlands should desire to reduce the quota established for any article under the second or the third paragraph of this Article, it shall give at least thirty days' advance notice to the Government of the United States of America, and shall give sympathetic consideration to any suggestion or request which the latter Government may make with respect to the proposed action; and if an agreement with respect thereto is not reached within thirty days following receipt of the aforesaid notice, the Government of the United States of America shall be free, within fifteen days after the expiration of the aforesaid period of thirty days, to terminate this Agreement in its entirety on thirty days' written notice.

9. The quantity allotted to the United States of America for any article on which a quota is established under the second or the third paragraph of this Article shall not in any case be reduced unless the global quota for that article is also reduced in the same proportion. If the global quota for any such article shall at any time be increased, the quantity allotted to the United States of America shall, after February 1st, 1937, be increased in the same proportion, unless it is mutually agreed to dispense with such allotment. The term "global quota" means the total quantity or value of an article permitted to be imported from all foreign countries.

10. With respect to the import quotas, which are now in effect or which may hereafter be established by either the Kingdom of the Netherlands or the United States of America, each Government will take appropriate measures to facilitate as much as possible the exhaustion of such quotas. Any representations which either Government may make with a view to effectuating this purpose shall be given the most sympathetic consideration by the other Government.

11. Sympathetic consideration will be given by either Government to any request which the other Government may make for a readjustment of the quota allotment for any article or to any request or representation with respect to any other matter relating to quotas or other quantitative restrictions.

Article VII.

With respect to the articles enumerated and described in Schedules I and II, no prohibitions, import quotas, import licenses, or any other form of quantitative regulation, whether or not operated in connection with any agency of centralized control, shall be imposed by the Kingdom of the Netherlands and the United States of America, respectively.

The foregoing provision shall not apply to quantitative restrictions in whatever form imposed by either country on the importation or sale of any article the growth, produce or manufacture of the other country in conjunction with governmental measures operating to regulate or control the production, market supply, or prices of like domestic articles, nor shall it apply to such necessary measures as may be adopted in extraordinary and abnormal circumstances to protect the vital economic or financial interests of the country. Whenever either Government establishes or changes any restriction authorized by this paragraph, it shall notify the other Government and shall afford such other Government an opportunity to consult with it in respect of such action; and if, objection being made to such action, an agreement with respect thereto is not reached within thirty days following receipt of the aforesaid notice, such other Government shall be free within fifteen days after the expiration of the aforesaid period of thirty days to terminate this Agreement in its entirety on thirty days' written notice.

The first paragraph of this Article shall not prevent the application of the quantitative restrictions in the form of quotas provided for in Schedule I nor the application of the quantitative restrictions in the form of quotas which are specified in Schedule IV for the articles enumerated and described therein.

Article VIII.

In the event that the Kingdom of the Netherlands or the United States of America establishes or maintains a monopoly for the importation, production or sale of an article or grants exclusive privileges, formally or in effect, to one or more agencies to import, produce or sell an article, the Government of the country establishing or maintaining such monopoly, or granting such monopoly privileges, shall, in respect of the foreign purchases of such monopoly or agency, accord the commerce of the other country fair and equitable treatment. In making its foreign purchases of any article such monopoly or agency shall, within the quantitative limitations permitted by other provisions of this Agreement, be influenced solely by competitive considerations, such as price, quality, marketability, and terms of sale.

Article IX.

In the event that a wide variation occurs in the rate of exchange between the currencies of the Kingdom of the Netherlands and the United States of America, the Government of either country, if it considers the variation so substantial as to prejudice the industries or commerce of the country, shall be free to propose negotiations for the modification of this Agreement; and if an agreement with respect thereto is not reached within thirty days following receipt of such proposal, the Government making such proposal shall be free to terminate this Agreement in its entirety on thirty days' written notice.

Article X.

Each Government will accord sympathetic consideration to such representations as the other Government may make regarding the operation of Customs regulations, the observance of Customs

formalities, and the application of sanitary laws and regulations for the protection of human, animal or plant health or life.

If either Government makes representations to the other Government in respect of the application of any sanitary law or regulation for the protection of human, animal or plant health or life, and if there is disagreement with respect thereto, a committee of technical experts on which each Government will be represented shall, on the request of either Government, be established as soon as possible to consider the matter and to submit recommendations to the two Governments.

Whenever practicable each Government, before applying any new measure of a sanitary character, will consult with the Government of the other country with a view to insuring that there will be as little injury to the commerce of the latter country as may be consistent with the purpose of the proposed measure. The provisions of this paragraph do not apply to actions affecting individual shipments under sanitary measures already in effect or to actions based on pure food and drug laws.

Article XI.

The provisions of this Agreement relating to the treatment to be accorded by the Kingdom of the Netherlands or the United States of America to the commerce of the other country do not apply to advantages now accorded or which may hereafter be accorded to neighboring States in order to facilitate frontier traffic, or to advantages resulting from a Customs union to which either country may become a party so long as such advantages are not extended to any other country.

Nothing in this Agreement shall be construed to prevent the adoption of measures prohibiting or restricting the exportation or importation of gold or silver, or to prevent the adoption of such measures as either Government may see fit with respect to the control of the export or sale for export of arms, ammunition, or implements of war, and, in exceptional circumstances, all other military supplies.

Subject to the requirement that, under like circumstances and conditions, there shall be no arbitrary discrimination by either country against the other country in favor of any third country, and without prejudice to Article X, the provisions of this Agreement shall not extend to prohibitions or restrictions (1) relating to public security; (2) imposed on moral or humanitarian grounds; (3) designed to protect human, animal or plant health or life; (4) relating to prison-made goods; or (5) relating to the enforcement of police or revenue laws.

Nothing in this Agreement shall prevent either Government from assessing duties or taxes on certain imported articles on the basis of arbitrary quantities in lieu of actual measurement, as required by laws in force on the day of the signature of this Agreement.

Article XII.

In the event that either Government adopts any measure which, even though it does not conflict with the terms of this Agreement, is considered by the other Government to have the effect of nullifying or materially and considerably impairing any object of the Agreement, the Government which has adopted any such measure shall consider such written representations or proposals as the other Government may make with a view to effecting a mutually satisfactory adjustment of the matter. If no agreement is reached with respect to such representations or proposals within thirty days after they are received, the Government making them shall be free,

within fifteen days after the expiration of the aforesaid period of thirty days, to terminate this Agreement in its entirety on sixty days' written notice.

Article XIII.

Except as otherwise provided in the second paragraph of this Article, the provisions of this Agreement relating to the treatment to be accorded by the Kingdom of the Netherlands and the United States of America, respectively, to the commerce of the other country, shall not apply to the Philippine Islands, the Virgin Islands, American Samoa, the Island of Guam, or to the Panama Canal Zone.

The provisions of this Agreement regarding most-favored-nation treatment shall apply to articles the growth, produce or manufacture of any territory under the sovereignty or authority of the Kingdom of the Netherlands or the United States of America, imported from or exported to any territory under the sovereignty or authority of the other country. It is understood, however, that the provisions of this paragraph do not apply to the Panama Canal Zone.

The advantages now accorded or which may hereafter be accorded by the United States of America, its territories or possessions or the Panama Canal Zone to one another or to the Republic of Cuba shall be excepted from the operation of this Agreement. The provisions of this paragraph shall continue to apply in respect of any advantages now or hereafter accorded by the United States of America, its territories or possessions or the Panama Canal Zone to the Philippine Islands irrespective of any change in the political status of the Philippine Islands.

This Agreement shall not apply to the advantages which the Netherlands and its overseas territories have granted or hereafter may grant to one another nor to the advantages which these overseas territories have granted or hereafter may grant to one another.

Article XIV.

Each Government reserves the right to withdraw or to modify the concession granted on any article under this Agreement, or to impose quantitative restrictions on any such article if, as a result of the extension of such concession to third countries, such countries obtain the major benefit of such concession and in consequence thereof an unduly large increase in importations of such article takes place: Provided, that before either Government shall avail itself of the foregoing reservations, it shall give notice in writing to the other Government of its intention to do so, and shall allow a period of not less than thirty days before such action is taken for reaching an agreement with respect thereto or with respect to such compensatory modifications of the terms of the present Agreement as may be appropriate. If at the end of the aforesaid period of thirty days a satisfactory agreement has not been reached, the Government which proposed to take such action shall be free to do so at any time thereafter, and the other Government shall be free within fifteen days after such action has been taken to terminate this Agreement in its entirety on thirty days' written notice.

Article XV.

The Kingdom of the Netherlands embraces the Netherlands, the Netherlands Indies, Surinam and Curaçao; wherever the term "Netherlands" is used in this Agreement it refers only to the territory in Europe.

Wherever the term "United States of America" is used in this Agreement, it is understood to embrace the territories of Hawaii and Alaska, and Puerto Rico, as well as continental United States.

Article XVI.

Schedules I, II, III and IV, and the notes included in them, shall have force and effect as integral parts of this Agreement.

Article XVII.

The present Agreement shall be ratified by Her Majesty the Queen of the Netherlands and shall be proclaimed by the President of the United States of America.

Pending ratification of this Agreement by Her Majesty the Queen of the Netherlands, the provisions of Articles I to XVI, inclusive, shall be applied, reciprocally, by the United States of America and the Kingdom of the Netherlands on February 1st, 1936, and thereafter until the day on which the entire Agreement shall come into force.

The entire Agreement shall come into force one month after the day on which the Government of the United States of America has communicated the proclamation of the President of the United States of America to the Netherlands Government and the Netherlands Government has communicated the ratification by Her Majesty the Queen of the Netherlands to the Government of the United States of America. The Agreement shall continue in force until January 1st, 1939, subject to the provisions of Article I, Article VI, Article VII, Article IX, Article XII, and Article XIV.

Unless at least six months before January 1st, 1939, either Government shall have given to the other Government notice of intention to terminate the Agreement on that date, the Agreement shall remain in force thereafter, subject to the provisions of Article I, Article VI, Article VII, Article IX, Article XII, and Article XIV, until six months from the day on which either Government shall have given such notice to the other Government.

In witness whereof the respective Plenipotentiaries have signed this Agreement and have affixed their seals hereto.

Done in duplicate, in the Netherlands and English languages, both authentic, at the City of Washington this twentieth day of December, nineteen hundred and thirty-five.

For Her Majesty the Queen of the Netherlands :

(Seal) LAMPING.

For the President of the United States of America :

(Seal) Cordell HULL.

SCHEDULE I.

Note 1: In determining the articles to which the treatment specified in this Schedule shall apply, the descriptions in the column headed "Articles" shall be controlling.

Note 2: The term "in packages" where used in this Schedule refers to articles in containers of 1,200 grams net or less. The term "in bulk" means articles not in containers of 1,200 grams net or less, and not in tablets or other special forms, except crystals, of 200 grams net or less.

SECTION A.

Netherlands.

Tariff Law of 1934 Tariff Number	Articles	Basis of Assessment	Rate of Duty	Monopoly Fee
Ex 6	Copy presses, letter presses and similar office equipment:			
	1) If weighing 150 kilos or less	<i>Ad val.</i>	10 %	—
	2) If weighing over 150 kilos	<i>Ad val.</i>	6 %	—
Ex 8	Automobile tires : casings	<i>Ad val.</i>	12 %	—
Ex 8	Automobile tires : inner tubes	<i>Ad val.</i>	12 %	—
Ex 59 B. B. 2a)	Lumber, American fir and pine, when merely squared	—	Free	—
62 I and II	Refrigerators and refrigerating apparatus assembled or not, and parts thereof :			
	1) If volume exceeds 2 cu. meters (outside measurement for refrigerators) or if weight exceeds 15 kilos for refrigerating units	<i>Ad val.</i>	6 %	—
	2) All other types	<i>Ad val.</i>	12 %	—
Ex 95 B.B. a), b) and d)	Copper, in pigs, bars and ingots	—	Free	—
Ex 104 II and B.B. 2b)	Turpentine, vegetable	—	Free	—
Ex 104	Pure lard and steam lard :			
	a) When used as a basic material for fabrication of margarine	—	Free	—
	b) When used as a basic material for technical production	—	Free	—
	c) When used for reexport, fabricated or not	—	Free	—
	<i>Note 1:</i> Exemption from crisis tax or refund of such crisis tax actually paid, as may be in effect at the time of importation, can be obtained if these fats are used as a basic material for :			
	a) Fabrication of margarine ;			
	b) Technical production ;			
	c) Reexport, fabricated or not.			
	<i>Note 2:</i> If quantitative limitations are placed upon the importation into the Netherlands of pure lard and steam lard for any use whatsoever, the United States of America shall be accorded, at the choice of			

Tariff Law of 1934 Tariff Number	Articles	Basis of Assessment	Rate of Duty	Monopoly Fee
Ex 104	<p>the United States, either a percentage equal to the average imports from the United States in the years 1929, 1930 and 1931, or a percentage equal to the imports from the United States in the year 1934, the total imports from the United States being calculated by adding direct imports, imports through free ports and imports out of bond.</p> <p>Oleomargarine (oleo oil) :</p> <p>a) When used as a basic material for fabrication of margarine</p> <p>b) When used as a basic material for technical production</p> <p>c) When used for reexport, fabricated or not . . .</p> <p><i>Note</i> : Exemption from crisis tax or refund of such crisis tax actually paid, as may be in effect at the time of importation, can be obtained if these fats are used as a basic material for :</p> <p>a) Fabrication of margarine ;</p> <p>b) Technical production ;</p> <p>c) Reexport, fabricated or not.</p>	— — —	Free Free Free	— — —
Ex 104 II B	<p>Oleo stearine :</p> <p>When used as a basic material for : fabrication of margarine ; technical production ; or reexport, fabricated or not :</p> <p>1) When fluid at 15° C</p> <p>2) Other</p> <p><i>Note</i> : Exemption from crisis tax or refund of such crisis tax actually paid, as may be in effect at the time of importation, can be obtained if these fats are used as a basic material for :</p> <p>a) Fabrication of margarine ;</p> <p>b) Technical production ;</p> <p>c) Reexport, fabricated or not.</p>	100 net kilos —	flr. 0.70 Free	— —
Ex 104 II B	<p>Grease stearine :</p> <p>When used as a basic material for : fabrication of margarine ; technical production ; or reexport, fabricated or not :</p> <p>1) When fluid at 15° C</p> <p>2) Other</p> <p><i>Note</i> : Exemption from crisis tax or refund of such crisis tax actually paid, as may be in effect at the time of importation, can be obtained if these fats are used as a basic material for :</p> <p>a) Fabrication of margarine ;</p> <p>b) Technical production ;</p> <p>c) Reexport, fabricated or not.</p>	100 net kilos —	flr. 0.70 Free	— —

Tariff Law of 1934 Tariff Number	Articles	Basis of Assessment	Rate of Duty	Monopoly Fee
Ex 118	Typewriters and parts	<i>Ad val.</i>	10 %	—
Ex 118	Calculating and adding machines, and parts	<i>Ad val.</i>	10 %	—
Ex 118	Bookkeeping machines and parts	<i>Ad val.</i>	10 %	—
Ex 129 I	Leaf tobacco ; seed leaf, Maryland, Kentucky, and Virginia types.	100 net kilos	flr. 1.40	—
Ex 143 VI a)	Passenger automobiles	<i>Ad val.</i>	15 %	—
Ex 143 VI a)	Commercial automobiles	<i>Ad val.</i>	15 %	—
143 VIII C 1 b)	Internal combustion engines for automobiles and tractors.	<i>Ad val.</i>	15 %	—
Ex 143 VII b)	Tractors	<i>Ad val.</i>	15 %	—
143 VIII B 1	Chassis and chassis frames for automobiles and tractors	<i>Ad val.</i>	15 %	—
Ex 143 VIII B 2 b)	Other underframes for tractors	<i>Ad val.</i>	15 %	—
Ex 146 VI B 1 b)	Horse meat, salted	100 gro. kilos	flr. 7.50	—
Ex 148 I 4	Fresh apples	<i>Ad val.</i>	12 %	—
	<i>Note</i> : Monopoly fees shall be bound, as follows :			
	1) For the period July to February, inclusive, on any quantity imported.	gro. kilo		flr. 0.04
	2) For the period March to June, inclusive, on a quantity of imports not in excess of 13,500 metric tons gross	gro. kilo		flr. 0.02
	3) For the period March to June, inclusive, on all imports in excess of 13,500 metric tons gross	gro. kilo		flr. 0.04
Ex 148 I 5	Fresh pears	<i>Ad val.</i>	12 %	—
	<i>Note</i> : Monopoly fees shall be bound, as follows :			
	1) For the period July to January, inclusive, on any quantity imported.	gro. kilo		flr. 0.04
	2) For the period February to June, inclusive, on a quantity of imports not in excess of 2,300 metric tons gross	gro. kilo		flr. 0.02
	3) For the period February to June, inclusive, on all imports in excess of 2,300 metric tons gross	gro. kilo		flr. 0.04
	Fresh apples and pears.			
	<i>Note</i> : In seasons of crop shortage in The Netherlands the period during which the monopoly fee of 2 florin cents shall be applied shall be February to June inclusive in the case of fresh apples and January to June inclusive in the case of fresh pears. The total quantities to be admitted during the periods of application of this rate shall not, however, exceed 13,500 metric tons in the case of fresh apples and 2,300 metric tons in the case of fresh pears. The Netherlands Government will at any time give sympathetic consideration to any representations which the			

Tariff Law of 1934 Tariff Number	Articles	Basis of Assessment	Rate of Duty	Monopoly Fee
	Government of the United States of America may make to the effect that conditions are such as to justify such extension of the period during which the rate of 2 florin cents shall be applied.			
Ex 148 I 6	Dried prunes	<i>Ad val.</i>	12 %	flr. 0.02 per net kilo
Ex 148 I 11	Raisins	<i>Ad val.</i>	12 %	flr. 0.01 per kilo in bales, gross ; others, net
Ex 148 I 16	Apricot kernels	<i>Ad val.</i>	10 %	None
Ex 148 I 18	Grapefruit	<i>Ad val.</i>	12 %	flr. 0.01 per gro. kilo
Ex 148 III B and C	Canned fruits :			
	1) If containing 5 % or less added sugar (except pineapple) :			
	a) For containers of 1.2 kilos or less	<i>Ad val.</i>	30 %	flr. 0.10 per net kilo
	b) For containers of over 1.2 kilos but not over 5 kilos	<i>Ad val.</i>	15 %	flr. 0.05 per net kilo
	2) If containing more than 5 % added sugar (except pineapple) :			
	a) For containers of 1.2 kilos or less	<i>Ad val.</i>	30 %	flr. 0.05 per net kilo
	b) For containers of over 1.2 kilos but not over 5 kilos	<i>Ad val.</i>	15 %	flr. 0.05 per net kilo
	3) Canned pineapple :			
	a) For containers of 1.2 kilos or less	<i>Ad val.</i>	30 %	flr. 0.075 per net kilo
	b) For containers of over 1.2 kilos but not over 5 kilos	<i>Ad val.</i>	15 %	flr. 0.075 per net kilo
	<i>Note</i> : Freedom to change the sugar duty and the crisis sugar tax is retained.			
Ex 148 III C 1 a) and 3 a)	Canned asparagus : For containers of :			
	1) 1.2 kilos or less	<i>Ad val.</i>	30 %	flr. 0.15 per net kilo

Tariff Law of 1934 Tariff Number	Articles	Basis of Assessment	Rate of Duty	Monopoly Fee
Ex 148 II and ex 148 III C 1 c)	2) Over 1.2 kilos but not over 5 kilos	<i>Ad val.</i>	15 %	flr. 0.10 per net kilo
	3) Over 5 kilos	<i>Ad val.</i>	10 %	flr. 0.10 per net kilo
	1) Rolled oats and cereal breakfast foods : In bulk.	—	Free	See Note
	2) Rolled oats and oat grits : In packages.	<i>Ad val.</i>	10 %	See Note
	<i>Note :</i> The monopoly fee on rolled oats and oat grits for human consumption is not to exceed 5/3 of the monopoly fee at any time in force on oat grain, without, however, limiting the height of such fees.			
Ex 148 I 24	“ Peeled ” and cleaned or polished rice : 1) In bulk	—	Free	} per 100 kilos flr. 1.00
	2) In packages	<i>Ad val.</i>	10 %	
Ex 33 III	Sulphur, crude or refined, in bulk	—	Free	—
Ex 33 III	Borax, in bulk	—	Free	—
Ex 104	Rosin, in bulk	—	Free	—
Ex 104	Lubricating oil, in bulk	—	Free	—
Ex 148 I	Cotton, raw, in bulk.	—	Free	—

SECTION B.

Netherlands Indies.

Tariff Number (Law of December 29, 1933, <i>Nether- lands Staats- blad</i> No 772)	Articles	Basis of Assessment	Rate of Duty		
			Import duty	Tempo- rary Surtax	Total including Surtax
Ex 34 II	Fresh apples.	<i>Ad val.</i>	20 %	10 %	30 %
Ex 34 II	Fresh grapes.	<i>Ad val.</i>	20 %	10 %	30 %
Ex 36	Dried fruits, n. e. s. except dates and tamarinds	<i>Ad val.</i>	20 %	10 %	30 %
Ex 78	Salmon, cooked, in tins.	<i>Ad val.</i>	20 %	10 %	30 %
Ex 93 and Ex 42	Oatmeal, oat flakes, corn flakes, wheat flakes, rice flakes ; and grits.	<i>Ad val.</i>	12 %	6 %	18 %
Ex 97 II	Fruits, in water, syrup or wine	<i>Ad val.</i>	20 %	10 %	30 %

Tariff Number (Law of December 29, 1933, <i>Nether- lands Staats- blad</i> N° 772)	Articles	Basis of Assessment	Rate of Duty		
			Import duty	Tempo- rary Surtax	Total including Surtax
Ex 101 and Ex 103	Vegetables, preserved; also asparagus and artichokes; in bottles and glass jars or other airtight containers	<i>Ad val.</i>	20 %	10 %	30 %
Ex 121 I	Leaf tobacco	100 net kilos	flr. 12.00	flr. 6.00	flr. 18.00
Ex 211	Patent leather and upper leather	<i>Ad val.</i>	12 %	6 %	18 %
Ex 235 I	Automobile tires: casings.	<i>Ad val.</i>	12 %	6 %	18 %
	<i>Note</i> : The right to impose an import quota on automobile tire casings in Netherlands Indies is reserved.				
Ex 235 I	Automobile tires: inner tubes.	<i>Ad val.</i>	12 %	6 %	18 %
	<i>Note</i> : The right to impose an import quota on automobile tire tubes in Netherlands Indies is reserved.				
Ex 714	Internal combustion and explosion motors and parts:				
	1) For automobiles of all kinds	<i>Ad val.</i>	20 %	10 %	30 %
	2) For rail traction	—	Free	—	—
	3) For boats and airplanes	<i>Ad val.</i>	12 %	6 %	18 %
745	Refrigerators and cooling apparatus for house- hold and commercial use (as described in the Netherlands Indian tariff of December 29th, 1933) and parts thereof.	<i>Ad val.</i>	20 %	10 %	30 %
Ex 761	Typewriters and parts	<i>Ad val.</i>	12 %	6 %	18 %
Ex 761	Calculating and adding machines and parts. .	<i>Ad val.</i>	12 %	6 %	18 %
834 I and II	Passenger automobiles, motor trucks, and motor busses:				
	1) Passenger automobiles	<i>Ad val.</i>	20 %	10 %	30 %
	2) Motor trucks and busses.	<i>Ad val.</i>	12 %	6 %	18 %
836 I and II	Automobile chassis and parts:				
	1) For trucks and busses.	<i>Ad val.</i>	12 %	6 %	18 %
	2) For passenger automobiles	<i>Ad val.</i>	20 %	10 %	30 %
837	Automobile accessories	<i>Ad val.</i>	20 %	10 %	30 %

SCHEDULE II.

Note : The provisions of this Schedule shall be construed and given the same effect, and the application of collateral provisions of the Customs laws of the United States to the provisions of this Schedule shall be determined insofar as may be practicable as if each provision of this Schedule appeared respectively in the statutory provision noted in the column at the left of the respective descriptions of articles.

In the case of articles enumerated in this Schedule, which are subject on the day of the signature of this Agreement to additional or separate ordinary Customs duties, whether or not imposed under the statutory provision noted in the column at the left of the respective description of the article, such separate or additional duties shall continue in force, subject to any reduction indicated in this Schedule or hereafter provided for, until terminated in accordance with law, but shall not be increased.

United States Tariff Act of 1930 Paragraph	Articles	Rate of Duty
4	Amyl alcohol, whether primary, secondary, or tertiary	4 ¢ per lb.
4	Fusel oil	4 ¢ per lb.
5	Laundry sour containing not less than 20 per centum of sodium silicofluoride and not less than 10 per centum of oxalic acid, not specially provided for .	15% <i>ad val.</i>
5	Ammonium silicofluoride	15% <i>ad val.</i>
5 and 23	Haarlem oil, whether or not in any form or container specified in paragraph 23	15% <i>ad val.</i>
15	Caffeine	90 ¢ per lb.
15	Theobromine	65 ¢ per lb.
24	Flavoring extracts, and natural or synthetic fruit flavors, fruit esters, oils and essences, all the foregoing and their combinations, containing more than 50 per centum of alcohol	60 ¢ per lb. and 18% <i>ad val.</i>
37	Amyl acetate	4 ¢ per lb.
41	Edible gelatin, valued at less than 40 cents per pound	12% <i>ad val.</i> and 2½ ¢ per lb.
42	Glycerin, refined	2/3 ¢ per lb., plus the lowest rate of ordinary Customs duty provided for crude glycerin the product of any foreign country except Cuba, at the time such refined glycerin is entered, or withdrawn from warehouse, for consumption ; but not more than 1 2/3 ¢ per lb.
58	Distilled or essential cajeput oil not containing alcohol	12½% <i>ad val.</i>
77	Lithopone, and other combinations or mixtures of zinc sulphide and barium sulphate containing by weight less than 30 per centum of zinc sulphide .	1½ ¢ per lb.

United States Tariff Act of 1930 Paragraph	Articles	Rate of Duty
83	Potato starch	1 $\frac{3}{4}$ ¢ per lb.
84	Dextrine, made from potato starch or potato flour	2 $\frac{1}{4}$ ¢ per lb.
353	Electrical X-ray apparatus, instruments (other than laboratory), and devices, and parts thereof; any of the foregoing, finished or unfinished, wholly or in chief value of metal, and not specially provided for	17 $\frac{1}{2}$ % <i>ad val.</i>
601	Wrapper tobacco, and filler tobacco when mixed or packed with more than 35 per centum of wrapper tobacco, entered for consumption or withdrawn from warehouse for consumption : Not later than June 30th, 1936 : If unstemmed If stemmed After June 30th, 1936 : If unstemmed If stemmed	\$ 1.875 per lb. \$ 2.525 per lb. \$ 1.50 per lb. \$ 2.15 per lb.
710	Edam and Gouda cheese	5 ¢ per lb., but not less than 25% <i>ad val.</i>
719 (4)	Herring, pickled or salted (except herring packed in oil or in oil and other substances), whether or not boned, in immediate containers weighing with their contents more than fifteen pounds each and containing each not more than ten pounds of herring, net weight	$\frac{3}{4}$ ¢ per lb., net weight.
722	Pearl barley	1 ¢ per lb.
727	Broken rice, which will pass readily through a metal sieve perforated with round holes five and one-half sixty-fourths of one inch in diameter	5/16 ¢ per lb.
753	Tulip bulbs Narcissus bulbs Crocus corms All other bulbs, roots, rootstocks, clumps, corms, tubers, and herbaceous perennials, imported for horticultural purposes and not specially provided for	\$ 3 per thousand. \$ 6 per thousand. \$ 1 per thousand. 15% <i>ad val.</i>
754	Seedlings and cuttings of Manetti, multiflora, brier, rugosa, and other rose stock, all the foregoing not more than three years' old	\$ 1 per thousand.
762	Poppy seed	16 ¢ per 100 lbs.
764	Other garden and field seeds : Beet (except sugar beet) Cabbage Carrot Kale Mangelwurz Radish Spinach Turnip Rutabaga	3 ¢ per lb. 6 ¢ per lb. 3 ¢ per lb. 3 ¢ per lb. 2 ¢ per lb. 3 ¢ per lb. $\frac{1}{2}$ ¢ per lb. 4 ¢ per lb. 4 ¢ per lb.

United States Tariff Act of 1930 Paragraph	Articles	Rate of Duty
	Flower	3 ¢ per lb.
	All other garden and field seeds not specially provided for	3 ¢ per lb.
769	Split peas	1¼ ¢ per lb.
774	Cabbage in its natural state	1½ ¢ per lb.
775	Sauerkraut	25% <i>ad val.</i>
775	Onions, pickled, or packed in brine	25% <i>ad val.</i>
776	Chicory, ground, or otherwise prepared	3 ¢ per lb.
777 (a)	Cocoa and chocolate, unsweetened	1½ ¢ per lb., net weight.
777 (b)	Cocoa and chocolate, sweetened : In bars or blocks weighing ten pounds or more each	2 ¢ per lb.
	In any other form, whether or not prepared, valued at 10 cents or more per pound.	20% <i>ad val.</i>
777 (c)	Cacao butter	12½% <i>ad val.</i>
802	Gin	\$ 2.50 per proof gallon.
912	Labels, for garments or other articles, wholly or in chief value of cotton or other vegetable fiber	25% <i>ad val.</i>
1005 (a) (1)	Cordage, including cables, tarred or untarred, composed of three or more strands, each strand composed of two or more yarns, wholly or in chief value of sisal	1 ¢ per lb.
	Any of the foregoing smaller than three-fourths of one inch in diameter shall be subject to an additional duty of	7½% <i>ad val.</i>
1005 (b)	Cords and twines (whether or not composed of three or more strands, each strand composed of two or more yarns), tarred or untarred, single or plied, wholly or in chief value of manila (abaca), sisal, henequen, or other hard fiber	20% <i>ad val.</i>
1012	Pile fabrics, whether or not the pile covers the entire surface, wholly or in chief value of vegetable fiber, except cotton, and all articles, finished or unfinished, made or cut from such pile fabrics ; if the pile is partly cut	30% <i>ad val.</i>
1407 (a)	Bristol board of the kinds made on a Fourdrinier or a multicylinder machine, weighing eight pounds or over per ream and valued at not above 15 cents per pound	2 ¢ per lb. and 10% <i>ad val.</i>
1409	Strawboard and straw paper, including such as is known as wrapping paper ; any of the foregoing less than twelve one thousandths but not less than eight one thousandths of one inch in thickness, not specially provided for	15% <i>ad val.</i>

United States Tariff Act of 1930 Paragraph	Articles	Rate of Duty
1504 (b) (5)	Hats provided for in paragraph 1504, if known as harvest hats and valued at less than \$ 3 per dozen	12½% <i>ad val.</i>
1552	Tobacco pipes having clay bowls (not including meerschäum) and mouthpieces of material other than clay	2½ ¢ each and 30% <i>ad val.</i>
1602	Aloes, which are natural and uncompounded and are in a crude state, not advanced in value or condition by shredding, grinding, chipping, crushing, or any other process or treatment whatever beyond that essential to proper packing and the prevention of decay or deterioration pending manufacture, not containing alcohol	Free.
1609	Gambier, and extracts thereof, not containing alcohol	Free.
1619	Barks, cinchona or other, from which quinine may be extracted	Free.
1681	Moleskins, undressed	Free.
1684	Kapok, not dressed or manufactured in any manner	Free.
1684	Sisal, not dressed or manufactured in any manner .	Free.
1685	Ammonium sulphate of a grade used chiefly for fertilizers, or chiefly as an ingredient in the manufacture of fertilizers.	Free.
1686	Copal	Free.
1697	Crude gutta percha and gutta siak	Free.
1731	Distilled or essential caraway oil, not containing alcohol	Free.
1731	Distilled or essential citronella oil, not containing alcohol	Free.
1732	Expressed or extracted palm oil	Free.
<p><i>Note</i> : No federal internal tax in excess of the rate of 3 ¢ per lb. now provided for in sec. 602 ½ of the Revenue Act of 1934 shall be imposed in the United States in respect of palm oil the product of the Netherlands or any of its overseas territories.</p>		
1748	Quinine sulphate and all alkaloids and salts of alkaloids derived from cinchona bark	Free.
1753	Sago, crude, and sago flour	Free.
1765	Reptile skins, raw	Free.
1768 (1)	Cassia, cassia buds, and cassia vera ; if unground . .	Free.
1768 (1)	Mace, if unground	Free.
1768 (1)	Nutmegs, if unground	Free.
1768 (1)	Black or white pepper, if unground	Free.
1768 (2)	Caraway seeds	Free.
1781	Tapioca, tapioca flour, and cassava	Free.
1806	Sticks of rattan in the rough, or not further advanced than cut into lengths suitable for sticks for umbrellas, parasols, sunshades, whips, fishing rods, or walking canes	Free.

SCHEDULE III.

1. *Wheat flour* :

The Netherlands Government undertakes to purchase annually from mills in the United States of America a quantity of wheat flour equivalent to not less than five per centum of the annual total wheat flour consumption in the Netherlands, provided that the price of such wheat flour delivered in the Netherlands is competitive with the price of other foreign wheat flour of comparable grade and quality.

2. *Milling wheat* :

The Netherlands Government undertakes to purchase annually a quantity of milling wheat originating in the United States of America equivalent to not less than five per centum of the annual total consumption of foreign milling wheat in the Netherlands, provided that the price of the milling wheat originating in the United States of America is competitive with the world price for milling wheat of comparable grade and quality.

Note 1 : Of the total annual quantities of either milling wheat or wheat flour originating in the United States of America which the Netherlands Government undertakes to purchase pursuant to the foregoing provisions, one-twelfth part thereof will be purchased each month unless purchases for one or more months are made in advance. If in any month the prices of milling wheat or wheat flour originating in the United States of America are not competitive and for this reason the monthly purchases are smaller than those provided for above, the Netherlands Government shall not be obligated to compensate for such deficiency by correspondingly increased purchases in later months.

Note 2. The Netherlands Government will give sympathetic consideration to any representations which the Government of the United States of America may make with respect to any matter pertaining to the application of the provisions of this Schedule.

SCHEDULE IV.

SECTION A.

Netherlands.

Statistical Number	Articles	Minimum quantity to be admitted annually from the United States
61	Horse meat, salted	1,000 metric tons.
231	Soybean cake	2,500 metric tons.
324	Portland cement	80 metric tons.
326	Nitrate, Chilean, including synthetic	4,508 metric tons of synthetic nitrate.
373	Wire nails and tacks	738 metric tons.
8373	Drawn wire, iron and steel	2,762 metric tons.
239I, 339I, 439I, 539I, ex 839I	Locks and parts	1,000 kilos.
397	Sheet zinc	69 metric tons.
447	" Peeled " and cleaned or polished rice	3,500 metric tons.
509	Matches	11,149 kilos — with the condition that entire quota is used for paper matches packed not more than 25 matches to each paper folder and obviously for advertising purposes.

Statistical Number	Articles	Minimum quantity to be admitted annually from the United States
667, 668, 669, 670, 671, 672, 674	Upper leather, lining leather and chamois leather	148 metric tons — granted for the statistical numbers 667, 668, 669, 670, 671, 672, 674, without fixing a special quota for each statistical number. It is understood, however, that the greatest part of this quota will be used for the imports of chrome tanned upper leather, goat and kid. No increase in quota will take place for the imports of upper leather cattle side and upper leather, patent.
675 ex 3675	Footwear, chiefly of leather	10,000 pairs.
ex 5675	Footwear, other	7,700 pairs rubber.
4713, 5713 ex 7726, ex 8726	Fabrics manufactured of artificial silk . .	1,410 kilos.
4714, 5714 ex 7726, ex 8726	Fabrics manufactured of artificial silk mixed with other materials	170 kilos.
717, 4726	Fabrics manufactured of cotton, bleached	2,114 kilos.
718, 719, 720 ex 5726	Fabrics manufactured of cotton, printed, dyed, woven figured	20,164 kilos.
723, 724, 725, 726, 2726	Fabrics manufactured of wool and mixtures	25,000 kilos.
741, 742, ex 2742	Ribbons, tape, elastic bands, et cetera . .	7,500 kilos.
754, 2754 756, 2756	Men's outer clothing (without rubber) . .	4,500 kilos.
	Ladies' outer clothing, including infants' wear (without rubber)	5,500 kilos.
757	Stockings and socks	30,000 dozen pairs.
2757, 3757	Knitted wear	36,036 kilos.
758	Under clothing	2,693 kilos.
3764	Shirts	5,400 kilos.
813, 814	Printing and writing paper, and printing and writing cardboard paper	168,600 kilos.
815, 817, 818, 2818,	" Other paper "	98,183 kilos.
3818, 819, 2819, 820, 826	Paper products	197,300 kilos.
825, 827, 828, 2828,		
829, 2829, 830, 831, 832, 833		
SECTION B.		
<i>Netherlands Indies.</i>		
359	Fertilizers, unspecified	20% of average total imports during 1931-1932.

UITWISSELING. — EXCHANGE OF NOTES.

I.

DEPARTMENT OF STATE,
WASHINGTON.

December 20th, 1935.

SIR,

I have the honor to make the following statement of my understanding of the agreement reached through recent conversations held at Washington by representatives of the Government of the United States and the Netherlands Government with reference to certain special duties.

These conversations have disclosed a mutual understanding between the two Governments, which is that neither will impose on products of territories of the other Government any antidumping duty or new or additional duty to countervail the payment or bestowal of a bounty or grant, without first giving the other Government, through an informal notice, an opportunity to present representations with respect to the proposed duty. No decision to impose such duty will be made within thirty days after the date of the informal notice, unless an earlier decision is required by law. Any representations submitted by the other Government will be carefully considered by the Government contemplating the imposition of the duty.

Accept, Sir, the assurances of my highest consideration.

Cordell HULL,

*Secretary of State of
the United States of America.*

The Honorable Arnold Theodoor Lamping,
Director of Trade Agreements,
Chief of the Netherlands Delegation,
Washington.

II.

TEXTE NÉERLANDAIS. — DUTCH TEXT.

20 December 1935.

EXCELLENTIE,

Ik heb de eer de ontvangst te erkennen van Uwer Excellentie's nota van heden, bevattende een uiteenzetting van Uwer Excellentie's opvatting met betrekking tot de overeenstemming, ten opzichte van zekere bijzondere rechten, bereikt gedurende onlangs te Washington gehouden besprekingen tusschen de vertegenwoordigers van de Nederlandsche Regeering en die van de Regeering van de Vereenigde Staten van Amerika.

Gedurende deze besprekingen is tot uiting gekomen een gelijke opvatting tusschen beide Regeeringen, dat, met name, geen van beide Regeeringen op producten van het gebied der andere eenig antidumping recht zal leggen, noch eenig nieuw of bijkomend recht ter compensatie

¹ Traduction du Gouvernement des Etats-Unis d'Amérique.

II.

¹ TRADUCTION. — TRANSLATION.

December 20th, 1935.

EXCELLENCY,

I have the honor to acknowledge the receipt of Your Excellency's note of today's date containing a statement of Your Excellency's understanding of the agreement reached through recent conversations held at Washington by representatives of the Government of the United States and the Netherlands Government with reference to certain special duties.

These conversations have disclosed a mutual understanding between the two Governments, which is that neither will impose on products of territories of the other Government any antidumping duty or new or additional duty to countervail the payment or bestowal of a bounty or

¹ Translation of the Government of the United States of America.

van de betaling of toekenning van een premie of uitkeering, zonder eerst de andere Regeering, na Haar daarvan langs informeele weg kennis te hebben gegeven, de gelegenheid te hebben geboden tot het doen van voorstellen met betrekking tot het voorgenomen recht. Geen beslissing, ten aanzien van het opleggen van een zoodanig recht, zal worden genomen binnen dertig dagen na den datum van de hiervoor bedoelde informeele kennisgeving, tenzij de wet een vroegere beslissing vereischt. Elk, door de andere Regeering ingediend, verzoeg zal door de Regeering, welke voornemens is tot de oplegging van bedoeld recht over te gaan, zorgvuldig in overweging worden genomen.

Ik heb de eer Uwer Excellentie de aldus bereikte overeenstemming te bevestigen.

Ik neem deze gelegenheid te baat U, Mijnheer de Staatssecretaris, de hernieuwde verzekering mijner hoogste achting aan te bieden.

LAMPING,

Directeur van de Handelsaccorden.

WASHINGTON, D. C.

Zijner Excellentie den Heere Cordell Hull,
Secretaris van Staat van de Vereenigde
Staten van Amerika,
Washington, D. C.

Certified to be true and complete textual copies of the original Agreement and of Notes exchanged in connection therewith, in all the languages in which they were signed.

For the Secretary of State
of the United States of America :

C. E. MacEachran,

Chief Clerk and Administrative Assistant.

III.

20 December 1935.

EXCELLENTIE,

Gedurende de onderhandelingen, die hebben geleid tot het heden ondertekende handelsver-

grant, without first giving the other Government, through an informal notice, an opportunity to present representations with respect to the proposed duty. No decision to impose such duty will be made within thirty days after the date of the informal notice, unless an earlier decision is required by law. Any representations submitted by the other Government will be carefully considered by the Government contemplating the imposition of the duty.

I beg to confirm to Your Excellency the agreement thus reached.

I avail myself of the opportunity to renew to Your Excellency the assurances of my highest consideration.

LAMPING,

Directeur of Trade Agreements.

WASHINGTON, D.C.

His Excellency Mr. Cordell Hull,
Secretary of State
of the United States of America,
Washington, D.C.

Certified to be true and complete textual copies of the original Agreement and of Notes exchanged in connection therewith, in all the languages in which they were signed.

For the Secretary of State
of the United States of America :

C. E. MacEachran,

Chief Clerk and Administrative Assistant.

III.

¹ TRADUCTION. — TRANSLATION.

December 20th, 1935.

SIR,

During the negotiations which led up to the Treaty of Commerce signed to-day, the Nether-

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.

drag, heeft de Nederlandsche delegatie bij herhaling met de Amerikaansche delegatie overleg gepleegd, ten einde voor Gouda en Edammer kaas eene omschrijving te vinden, welke in het verdrag zoude kunnen worden opgenomen, in verband met de verlaging van invoerrechten, die deze producten bij invoer in de Vereenigde Staten van Amerika zullen genieten.

De Nederlandsche delegatie wees er op, dat het gebrek aan eene passende omschrijving de waarde van de concessie voor Nederland niet onaanzienlijk zou verminderen, daar de naam Gouda en Edammer zou kunnen worden misbruikt om ook namaak van deze soorten kaas tegen het verlaagde invoerrecht in te voeren. Het bleek echter niet mogelijk, gedurende de onderhandelingen tot eene omschrijving te komen, welke beide delegaties kon bevredigen.

Wellicht is het niet uitgesloten te achten, dat, bij onderhandelingen met andere landen, toch nog eene oplossing zou kunnen worden gevonden, welke den weg zou openen om aan de Nederlandsche bezwaren tegemoet te komen.

Ik heb de eer U te verzoeken, mij wel te willen doen weten, of de Amerikaansche Regeering zich bereid verklaart om in het geval, voorzien in de vorige alinea, in welwillende overweging te nemen verzoeken van de Nederlandsche Regeering, welke er op gericht zouden zijn te bereiken, dat Nederlandsche kazen ook op dit punt niet bij de begunstigde buitenslandsche kazen zouden achterstaan.

Ik neem deze gelegenheid te baat U, Mijnheer de Minister, de verzekering aan te bieden van mijne hoogste achting.

LAMPING,

Directeur van de Handelsaccorden.

WASHINGTON, D. C.

Zijner Excellentie den Heere Cordell Hull,
Secretaris van Staat van de Vereenigde
Staten van Amerika,
Washington, D. C.

lands delegation held repeated consultations with the United States delegation for the purpose of finding a definition of Gouda and Edam cheese which could be embodied in the Treaty, in connection with the reductions in import duties which these products are to enjoy on importation into the United States.

The Netherlands delegation pointed out that, from the Netherlands point of view, the absence of a suitable definition would considerably reduce the value of this concession, as the names Gouda and Edam might be misapplied so that imitations of these kinds of cheese could also be imported at the reduced rates of import duty. It proved impossible, however, during the negotiations, to reach a definition which would satisfy both delegations.

It may still perhaps be possible, in the course of negotiations with other countries, to find a solution which could meet the Netherlands' objections.

I have the honour to request you to inform me whether the United States Government would be prepared, should the circumstances adumbrated in the foregoing paragraph arise, to give its favourable consideration to requests which the Netherlands Government might make in order to ensure that Dutch cheeses were not at a disadvantage in this respect as compared with foreign cheeses enjoying preferential treatment.

I have the honour to be, etc.

LAMPING,

Director of Trade Agreements.

WASHINGTON, D. C.

Cordell Hull, Esq.,
Secretary of State of the
United States of America,
Washington, D. C.

IV.

DEPARTMENT OF STATE,
WASHINGTON.

December 20th, 1935.

SIR,

With reference to your note of December 20th, 1935, in regard to the definition of Gouda and Edam cheese in connection with the trade Agreement between the United States and the Kingdom of the Netherlands, the proposals of the Netherlands delegation with respect to this matter have been given most careful consideration.

Owing to the fact that undue refinements in Customs classifications are regarded as being inconsistent with the principle of most-favored-nation treatment it has been found impossible, as stated in your note, to agree upon a definition which would meet the viewpoint of the Netherlands Government in this matter. However, I can assure you that it is the intention of this Government to avoid any impairment of the most-favored-nation principle not only in connection with the trade Agreement with the Kingdom of the Netherlands but in connection with similar agreements negotiated with other countries.

Accept, Sir, the assurances of my highest consideration.

Cordell HULL,
Secretary of State
of the United States of America.

The Honorable Arnold Theodoor Lamping,
Director of Trade Agreements,
Chief of the Netherlands Delegation,
Washington.

Certifié pour copie conforme :

Le Secrétaire général
du Ministère des Affaires étrangères
des Pays-Bas,

A. M. Snouck Hurgronje.

¹ TRADUCTION. — TRANSLATION.

N^o 4118. — TRAITÉ DE COMMERCE ENTRE LES ÉTATS-UNIS D'AMÉRIQUE ET LES PAYS-BAS. SIGNÉ A WASHINGTON, LE 20 DÉCEMBRE 1935.

SA MAJESTÉ LA REINE DES PAYS-BAS et LE PRÉSIDENT DES ÉTATS-UNIS D'AMÉRIQUE, désireux de faciliter et de développer les relations commerciales existant entre les deux pays en s'accordant réciproquement des concessions et avantages mutuels en vue d'accroître leurs échanges commerciaux, ont résolu de conclure à cette fin un accord commercial et ont désigné leurs plénipotentiaires respectifs :

POUR SA MAJESTÉ LA REINE DES PAYS-BAS :

M. Arnold Theodoor LAMPING, directeur des Accords commerciaux ; et

POUR LE PRÉSIDENT DES ÉTATS-UNIS D'AMÉRIQUE :

M. Cordell HULL, secrétaire d'Etat des Etats-Unis d'Amérique ;

Qui, après s'être communiqué leurs pleins pouvoirs reconnus en bonne et due forme, sont convenus des articles suivants :

Article premier.

Le Royaume des Pays-Bas et les Etats-Unis d'Amérique s'accorderont réciproquement le traitement inconditionnel et illimité de la nation la plus favorisée, pour ce qui concerne les droits de douane et les charges de tous genres et leur mode de perception, ainsi que les règlements, formalités et charges applicables à l'occasion du dédouanement des marchandises, de même qu'en ce qui concerne tous les lois et règlements relatifs à la vente ou à l'emploi de marchandises importées à l'intérieur du pays.

En conséquence, les produits naturels ou manufacturés, originaires de l'un ou de l'autre pays, ne seront assujettis en aucun cas dans les domaines susmentionnés à des droits, taxes ou charges autres ou plus élevés, ni à des règles ou formalités autres ou plus onéreuses, que ceux auxquels les produits similaires, originaires d'un tiers pays, sont ou pourront être assujettis.

De même, les produits naturels ou manufacturés, exportés du territoire du Royaume des Pays-Bas ou des Etats-Unis d'Amérique à destination du territoire de l'autre pays, ne seront assujettis en aucun cas, en matière d'exportation et dans les domaines susmentionnés, à des droits, taxes ou charges autres ou plus élevés, ni à des règles ou formalités autres ou plus onéreuses, que ceux auxquels les produits similaires expédiés à destination d'un tiers pays sont ou pourront être assujettis. Les dispositions du présent paragraphe ne s'appliqueront pas aux taxes ou charges perçues aux Pays-Bas pour compenser dans certains cas la différence de prix existant entre les Pays-Bas et des pays étrangers.

Tout avantage, faveur, privilège ou immunité qui a été ou pourra être accordé à l'avenir par le Royaume des Pays-Bas ou les Etats-Unis d'Amérique dans les domaines susmentionnés à un produit naturel ou manufacturé, originaire d'un tiers pays ou expédié à destination du territoire d'un tiers pays, sera accordé immédiatement et sans compensation à tout produit similaire, originaire ou expédié à destination des Etats-Unis d'Amérique ou du Royaume des Pays-Bas respectivement.

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.