

N° 4364.

CHILI ET SUÈDE

Traité de commerce et de navigation,
signé à Santiago, le 30 octobre
1936, et échange de notes y
relatif de la même date.

CHILE AND SWEDEN

Treaty of Commerce and Naviga-
tion, signed at Santiago, October
30th, 1936, and Exchange of
Notes relating thereto of the same
Date.

¹ TRADUCTION. — TRANSLATION.

No. 4364. — TREATY² OF COMMERCE AND NAVIGATION BETWEEN CHILE AND SWEDEN. SIGNED AT SANTIAGO, OCTOBER 30TH, 1936.

French and Spanish official texts communicated by the Swedish Minister for Foreign Affairs. The registration of this Treaty took place May 30th, 1938.

HIS MAJESTY THE KING OF SWEDEN and HIS EXCELLENCY THE PRESIDENT OF THE REPUBLIC OF CHILE, being equally desirous of encouraging the development of commercial relations between the two countries, have decided to conclude a Treaty of Commerce and Navigation to that end and have appointed as their Plenipotentiaries :

HIS MAJESTY THE KING OF SWEDEN :

Monsieur Axel PAULIN, Chargé d'Affaires *ad interim* of Sweden in Chile ;

HIS EXCELLENCY THE PRESIDENT OF THE REPUBLIC OF CHILE :

His Excellency Monsieur Miguel CRUCHAGA TOCORNAL, Minister for Foreign Affairs of Chile ;

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

Article 1.

Each of the Contracting Parties undertakes to apply in respect of the other Party, in all matters concerning the rights of citizens, the treatment of goods on importation, exportation and in transit, and with regard to shipping, the treatment applied to the most-favoured nation.

Article 2.

The nationals of one of the two countries shall be unreservedly treated in the other, in respect of the protection of their persons and property, the exercise of trade, shipping and industry, the right to acquire and possess movable and immovable property and to dispose thereof, and also in regard to the obligation to pay taxes, dues and charges, of any kind whatsoever, on the same footing as the nationals of the most-favoured nation.

Article 3.

The Contracting Parties shall grant each other unconditional and unlimited most-favoured-nation treatment with regard to Customs duties and all accessory duties, the method of collection

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

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

² The exchange of ratifications took place April 30th, 1938. Came into force May 30th, 1938.

of duties and all matters connected with the rules, formalities and charges to which Customs clearance operations may be subject.

Consequently, the natural or manufactured products of one of the two countries shall in no case be subjected in the other, in the above respects, to duties, taxes or charges other or higher than or to rules and formalities other or more severe than those to which similar products coming from any third country are or may hereafter be subject.

Similarly, the natural or manufactured products exported from the territory of one of the Contracting Parties to the territory of the other Party shall in no case be subject in the above respects, so far as exportation is concerned, to duties, taxes or charges other or higher than or to rules or formalities other or more severe than those to which similar products exported to any third country are or may hereafter be subject.

Any advantage, favour, privilege or immunity which has been or may hereafter be granted by one of the Contracting Parties, in the above respects, to natural or manufactured products coming from any third country shall be granted immediately and without compensation to similar products coming from the other Contracting Party or consigned to the territory of that Party.

Article 4.

The Contracting Parties undertake not to establish or maintain any prohibition or restriction on their imports from the territory of the other Party which is not applied to similar products coming from any third country. Any repeal of a prohibition or restriction on imports which may even temporarily be granted by one of the Parties in favour of a product coming from any third country shall be applied immediately and unconditionally to the similar product coming from the territory of the other Party. These provisions shall likewise apply to exports.

Should one of the Contracting Parties establish an import quota for a certain product, it is agreed that, in respect of the apportionment of the quantities of such product allowed to be imported, a quota shall be granted to the other Party proportionate to that Party's normal share in the trade.

In respect of all rules, formalities and charges connected with the application of any kind of quantitative restriction of the imports of any product, the Contracting Parties agree to grant each other every favour granted to any third country.

Similarly, the two Contracting Parties guarantee to each other reciprocal most-favoured-nation treatment with regard to regulations applied in any other connection by each of them in respect of the importation of goods, including the special production of certificates of origin, consular invoices or other similar documents, the fees to be paid for the legalisation of such documents, and all provisions and formalities connected therewith.

Should one of the Contracting Parties introduce or maintain in any form, directly or indirectly, the control of foreign exchange transactions, it shall be bound to exercise that control in such a way as to guarantee to the nationals and trade of the other Party a just and equitable share in the apportionment of foreign exchange.

The Government of each of the two countries shall give favourable consideration to any request concerning the application of the provisions of the present Article which may be made by the Government of the other country.

Article 5.

The vessels and boats of one of the two countries and their cargoes shall enjoy unconditionally in the other, in respect of all matters connected with duties on shipping and Customs, loading and unloading, and, in general, of all formalities, provisions and charges of any kind whatsoever, to which the said vessels and boats and their cargoes are or may hereafter be subject, the same treatment as the vessels and boats of the most-favoured nation and their cargoes.

The nationality of the vessels and boats shall be recognised by both Parties according to the documents and certificates issued for the purpose by the competent authorities of the respective countries.

Tonnage measurement certificates and other documents connected with tonnage, issued by the authorities of one of the two countries, shall be recognised by the other in accordance with special arrangements which may be made between the two Governments.

Article 6.

The Government of each of the two countries may appoint consuls-general, consuls, vice-consuls and other officials or consular agents in all ports, towns and centres of the other country where the right of appointing consular representatives has been granted to any third State.

The said consular officials and agents shall enjoy, after having received an exequatur or other necessary authorisation, all rights, privileges and immunities belonging or which may be granted to the consular representatives of the most-favoured nation in this connection.

Article 7.

In so far as they concern most-favoured-nation treatment, the provisions of the present Treaty shall not apply :

(a) To favours which have been or may hereafter be granted to adjacent States with a view to facilitating local frontier traffic ;

(b) To favours which have been or may hereafter be granted by Sweden to Denmark or Norway or to both those countries, and by Chile to one or more of the other countries of Latin America, so long as such favours have not been granted to any other State ;

(c) To favours resulting from the conclusion of a Customs union ;

(d) To coastal shipping rights.

Article 8.

The present Treaty shall be ratified and the ratifications shall be exchanged in Stockholm or Santiago as soon as possible. It shall come into force thirty days after the exchange of ratifications and may be denounced by each of the Contracting Parties at three months' notice.

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

Done in duplicate at Santiago, the 30th day of October, 1936.

(L. S.) Axel PAULIN.

(L. S.) Miguel CRUCHAGA.

ÉCHANGE DE NOTES — EXCHANGE OF NOTES.

I.

SANTIAGO DE CHILE, *le 30 octobre 1936.*

MONSIEUR LE MINISTRE,

A l'occasion de la signature du Traité de commerce et de navigation entre la Suède et le Chili, en date de ce jour, j'ai l'honneur de faire connaître à Votre Excellence, conformément aux instructions reçues de mon gouvernement, qu'en ce qui concerne les conditions d'importation en Suède, il sera accordé au nitrate de soude originaire du Chili, pendant la validité du traité, un traitement au moins aussi favorable que celui accordé aux autres engrais azotés comparables, tels que le nitrate de soude non originaire du Chili, le nitrate de chaux, le sulfate d'ammoniaque et le cyanamide de chaux.

Veillez agréer, Monsieur le Ministre, les assurances de ma très haute considération.

Axel PAULIN.

Son Excellence

Monsieur Miguel Cruchaga Tocornal,
Ministre des Affaires étrangères
de la République du Chili,
etc., etc., etc.

Certifiée pour copie conforme :

Stockholm,
au Ministère royal des Affaires étrangères,
le 6 mai 1938.

Le Chef des Archives,
Torsten Gihl.

II.

TEXTE ESPAGNOL. — SPANISH TEXT.

SANTIAGO, *30 de octubre de 1936.*

SEÑOR ENCARGADO DE NEGOCIOS,

Me es grato acusar recibo a V.S. de la Nota de esta fecha en la que el Gobierno de V.S. deja constancia de la forma como entiende que serán aplicadas las disposiciones del Tratado de Comercio y Navegación, firmado con esta misma fecha, sobre tratamiento de la nación

II.

¹ TRADUCTION. — TRANSLATION.SANTIAGO, *le 30 octobre 1936.*

MONSIEUR LE CHARGÉ D'AFFAIRES,

J'ai l'honneur d'accuser réception de la note en date de ce jour, par laquelle votre gouvernement a bien voulu me faire connaître les conditions dans lesquelles il estime que les dispositions du Traité de commerce et de navigation, également en date de ce jour,

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

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

¹ TRADUCTION. — TRANSLATION.

I.

SANTIAGO DE CHILE, *October 30th*, 1936.

YOUR EXCELLENCY,

On the occasion of the signature of the Treaty of Commerce and Navigation between Sweden and Chile of to-day's date, I have the honour to inform Your Excellency, in accordance with instructions received from my Government, that, with regard to conditions of importation into Sweden, nitrate of soda coming from Chile shall, while the Treaty is valid, receive treatment at least as favourable as that granted to other similar nitrate fertilisers, such as nitrate of soda coming from countries other than Chile, nitrate of lime, sulphate of ammonia and cyanamide of lime.

I have the honour to be, etc.,

Axel PAULIN.

His Excellency
Monsieur Miguel Cruchaga Tocornal,
Minister for Foreign Affairs
of the Republic of Chile,
etc., etc., etc.

II.

SANTIAGO, *October 30th*, 1936.

SIR,

I beg to acknowledge receipt of the note of to-day's date in which your Government informs me of the manner in which it considers that the provisions of the Treaty of Commerce and Navigation, also of to-day's date, should be applied as regards most-favoured-nation treatment of imports of Chilean nitrate into Sweden, with a view to protecting their position in relation to other similar nitrate fertilisers imported into that country. The note in question reads as follows:

“ On the occasion of the signature of the Treaty of Commerce and Navigation between Sweden and Chile of to-day's date, I have the honour to inform Your Excellency, in accordance with instructions received from my Government, that, with regard to conditions of importation into Sweden, nitrate of soda coming from Chile shall, while the Treaty is valid, receive treatment at least as favourable as that granted to other similar nitrate fertilisers, such as nitrate of soda coming from countries other than Chile, nitrate of lime, sulphate of ammonia and cyanamide of lime. ”

I beg to inform you that my Government is in entire agreement with the contents of that communication.

I avail myself of this opportunity, etc.

Miguel CRUCHAGA T.

Monsieur Axel Paulin,
Chargé d'Affaires of Sweden in Chile,
Santiago.

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