

N° 4521.

EQUATEUR ET PAYS-BAS

Traité de commerce et de navigation, signé à
Quito, le 27 mai 1937, et échange de notes
y relatif de la même date.

*Textes officiels français et espagnol communiqués par le ministre des Affaires
étrangères des Pays-Bas. L'enregistrement de ce traité a eu lieu le
20 février 1939.*

ECUADOR AND THE NETHERLANDS

Treaty of Commerce and Navigation, signed at
Quito, May 27th, 1937, and Exchange of
Notes relating thereto of the same Date.

*French and Spanish official texts communicated by the Netherlands Minister
for Foreign Affairs. The registration of this Treaty took place
February 20th, 1939.*

TEXTE ESPAGNOL. — SPANISH TEXT.

N^o 4521. — TRAITÉ¹ DE COMMERCE ET DE NAVIGATION ENTRE LA RÉPUBLIQUE DE L'ÉQUATEUR ET LE ROYAUME DES PAYS-BAS. SIGNÉ A QUITO, LE 27 MAI 1937.

N^o 4521. — TRATADO¹ DE COMERCIO Y NAVEGACION ENTRE LA REPUBLICA DEL ECUADOR Y EL REINO DE LOS PAISES BAJOS. FIRMADO EN QUITO, EL 27 DE MAYO DE 1937.

SA MAJESTÉ LA REINE DES PAYS-BAS et SON EXCELLENCE LE CHEF SUPRÊME DE LA RÉPUBLIQUE DE L'ÉQUATEUR, également animés du désir d'encore resserrer les liens d'amitié qui unissent le Royaume des Pays-Bas et la République de l'Équateur, et désireux d'affermir et d'étendre les relations commerciales et maritimes entre les deux pays, ont résolu de conclure un traité de commerce et de navigation et ont nommé à cet effet leurs plénipotentiaires respectifs, à savoir :

SA MAJESTÉ LA REINE DES PAYS-BAS :

Monsieur Arnold Theodoor LAMPING, directeur des Accords commerciaux ;

SON EXCELLENCE LE CHEF SUPRÊME DE LA RÉPUBLIQUE DE L'ÉQUATEUR :

Monsieur Carlos Manuel LARREA, ministre des Affaires étrangères ;

Lesquels, après s'être montré leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus des articles suivants :

Article premier.

Les Hautes Parties contractantes s'engagent à s'accorder réciproquement le traitement inconditionnel et illimité de la nation la plus favorisée pour tout ce qui concerne les droits de douane et les impôts accessoires, leur mode de perception, ainsi que la classification et l'interprétation des tarifs et les autres forma-

SU MAJESTAD LA REINA DE LOS PAÍSES BAJOS y SU EXCELENCIA EL ENCARGADO DEL MANDO SUPREMO DE LA REPÚBLICA DEL ECUADOR, igualmente animados del deseo de estrechar más aún los lazos de amistad que unen al Reino de los Países Bajos y a la República del Ecuador, y deseando afirmar y extender las relaciones comerciales y marítimas entre ambos países, han resuelto concluir un Tratado de Comercio y Navegación, y a este efecto han nombrado a sus respectivos Plenipotenciarios, a saber :

SU MAJESTAD LA REINA DE LOS PAÍSES BAJOS :

al Señor Don Arnold Theodoor LAMPING, Director de los Acuerdos comerciales,

SU EXCELENCIA EL ENCARGADO DEL MANDO SUPREMO DE LA REPÚBLICA DEL ECUADOR :

al Señor Don Carlos Manuel LARREA, Ministro de Relaciones exteriores ;

Quienes, después de exhibir sus Plenos Poderes y hallándose en buena y debida forma, han convenido en los artículos siguientes :

Artículo I.

Las Altas Partes contratantes se comprometen a acordarse recíprocamente el tratamiento incondicional e ilimitado de la nación más favorecida en todo lo que se refiere a los derechos de aduana y a los impuestos accesorios, al modo de percepción de los mismos, así como también a la clasificación e interpretación de

¹ L'échange des ratifications a eu lieu à La Haye, le 16 janvier 1939.

Entré en vigueur le 15 février 1939.

En ce qui concerne les Indes néerlandaises, le Surinam et Curaçao, le traité est entré en vigueur le 16 avril 1939.

¹ The exchange of ratifications took place at The Hague, January 16th, 1939.

Came into force February 15th, 1939.

As regards the Netherlands Indies, Surinam and Curaçao, the Treaty came into force April 16th, 1939.

ÉCHANGE DE NOTES. — CANJE DE NOTAS

I.

TEXTE ESPAGNOL. — SPANISH TEXT.

REPUBLICA DEL ECUADOR
 MINISTERIO
 DE RELACIONES EXTERIORES.
 N° 463.
 DIRECCION GENERAL
 DE COMERCIO Y DE ASUNTOS CONSULARES.

Asunto : Vigencia provisional
 del Tratado comercial con Holanda.

QUITO, 27 de mayo de 1937.

SEÑOR DIRECTOR :

De conformidad con el entendimiento a que se ha llegado en el curso de las negociaciones previas a la firma del Tratado de Comercio y Navegación entre nuestros dos países, respecto a la vigencia provisional de las disposiciones del Tratado, hasta que entre en vigencia este Tratado, cúmpleme proponer a usted que la vigencia provisional comience a regir el 15 de junio próximo.

Quedaré muy reconocido de usted si se digna confirmarme el acuerdo de su Gobierno sobre el particular, a fin de que la Cancillería pueda dar las instrucciones del caso, para que las Aduanas del Ecuador comiencen a otorgar, a partir del 15 de junio próximo, la Tarifa Preferencial a las mercaderías procedentes de Holanda.

Sírvase, Señor Director, aceptar las seguridades de mi distinguida consideración.

C. M. LARREA.

Al Honorable Señor
 Don A. Th. Lamping,
 Director de los Acuerdos comerciales
 de Holanda, Ciudad.

I.

TRADUCTION. — TRANSLATION.

RÉPUBLIQUE DE L'ÉQUATEUR.
 MINISTÈRE
 DES AFFAIRES ÉTRANGÈRES.
 N° 463.
 DIRECTION GÉNÉRALE DU COMMERCE
 ET DES QUESTIONS CONSULAIRES.

Sujet :
 Application provisoire du Traité de
 commerce avec les Pays-Bas.

QUITO, le 27 mai 1937.

MONSIEUR LE DIRECTEUR,

Conformément à l'accord intervenu au cours des négociations qui ont précédé la signature du Traité de commerce et de navigation entre nos deux pays, en ce qui concerne l'application provisoire des dispositions de ce traité en attendant son entrée en vigueur, j'ai l'honneur de vous proposer que cette application provisoire ait lieu à partir du 15 juin prochain.

Je vous serais reconnaissant de vouloir bien me confirmer l'accord de votre gouvernement à ce sujet, afin que la Chancellerie puisse donner les instructions nécessaires pour que les Douanes de l'Équateur commencent à accorder, à partir du 15 juin prochain, le tarif préférentiel aux marchandises en provenance des Pays-Bas.

Veuillez agréer, etc.

C. M. LARREA.

Monsieur A. Th. Lamping,
 Directeur des Accords commerciaux
 des Pays-Bas,
 Quito.

II.

MONSIEUR LE MINISTRE,

QUITO, le 27 mai 1937.

J'ai l'honneur d'accuser réception à Votre Excellence de sa note d'aujourd'hui N° 463 dans laquelle Votre Excellence, en se référant à l'accord intervenu durant les négociations qui ont précédé

TRADUCTION. — TRANSLATION.

No. 4521. — TREATY OF COMMERCE AND NAVIGATION BETWEEN THE REPUBLIC OF ECUADOR AND THE KINGDOM OF THE NETHERLANDS. SIGNED AT QUITO, MAY 27TH, 1937.

HER MAJESTY THE QUEEN OF THE NETHERLANDS and HIS EXCELLENCY THE SUPREME HEAD OF THE REPUBLIC OF ECUADOR, being equally desirous of strengthening still further the bonds of friendship which unite the Kingdom of the Netherlands and the Republic of Ecuador, and of consolidating and extending commercial and maritime relations between the two countries, have resolved to conclude a Treaty of Commerce and Navigation, and have for that purpose appointed as their respective Plenipotentiaries :

HER MAJESTY THE QUEEN OF THE NETHERLANDS :

Monsieur Arnold Theodoor LAMPING, Director of Trade Agreements ;

HIS EXCELLENCY THE SUPREME HEAD OF THE REPUBLIC OF ECUADOR :

Monsieur Carlos Manuel LARREA, Minister for Foreign Affairs ;

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

Article I.

The High Contracting Parties agree to grant each other unconditional and unrestricted most-favoured-nation treatment in all matters concerning Customs duties and accessory charges and the method of their collection and the classification and interpretation of tariffs and other formalities and surcharges to which Customs clearing operations may be subject.

Article II.

Accordingly, natural or manufactured products originating in the territory of one of the High Contracting Parties shall in no case be subject, in respect of the matters aforesaid, when imported into the other country, to duties, taxes or charges other or higher, or to regulations or formalities other or more burdensome, than those to which products of the same nature originating in any third country are or may hereafter be subject.

Article III.

Similarly, natural or manufactured products exported from the territory of one of the High Contracting Parties and consigned to the territory of the other Party shall in no case be subject to duties, taxes or charges other or higher, or to regulations or formalities other or more burdensome, than those to which products of the same nature consigned to the territory of any third country are or may hereafter be subject.

Article IV.

All advantages, favours, privileges and immunities which are or may hereafter be accorded by one of the High Contracting Parties in respect of the matters aforesaid to natural or manufactured products originating in a third country, or consigned to the territory of a third country, shall be accorded immediately and without compensation to products of the same nature originating in the territory of the other Party or consigned to the territory of that Party.

Article V.

The High Contracting Parties agree to grant each other reciprocally the most favourable treatment possible in all matters relating to import and export prohibitions and restrictions, and also in all matters relating to the control of foreign exchange and all other measures whatsoever which might hinder trade between the two countries.

Article VI.

The High Contracting Parties shall neither establish nor maintain any prohibition or restriction on imports originating in or on exports consigned to the territory of the other Party, which is not applied to articles of the same nature originating in or consigned to the territory of a third country. Should one of the Contracting Parties establish restrictions on the importation of any article whatsoever, it is understood that, in determining the quantity of goods the importation of which is authorised, there shall be accorded to the other country a quota at least equal to the total amount of the product concerned imported in any one of the last three years, such Party being free to choose the total amount imported during the most favourable year of the three years specified.

Article VII.

Should one of the High Contracting Parties establish or maintain any form of control over dealings in foreign exchange, such control shall be so applied as to ensure the allocation to the trade of the other Party of a just and equitable quota of foreign exchange, and to accord it in this respect a treatment at least equal to that accorded to any third country. This treatment shall apply also to the delivery of foreign exchange at the most favourable rate.

Article VIII.

The Government of the Netherlands declares that, for so long as the present Treaty remains in force, it does not intend to impose import duties on cocoa beans and coffee originating in Ecuador. Should the Government of the Netherlands be forced by exceptional circumstances to take measures contrary to this intention, it shall inform the Government of Ecuador thereof in due time, so that a solution favourable to the interests of Ecuador may be reached by agreement. If circumstances should not even allow of previous notification, the Government of the Netherlands shall inform the Government of Ecuador by telegraph as soon as any such measure has been taken. In that event, the Government of Ecuador shall be entitled to denounce the Treaty immediately, even without complying with the provisions of Article XIV.

Article IX.

In view of the fact that the trade balance is favourable to Ecuador, the Government of Ecuador undertakes not to impose any restrictions or obstacles on the importation of Netherlands goods of any kind whatsoever and to accord the maximum benefits of the Preferential Tariff, at present representing an abatement of 30% on the General Tariff, to products originating in the Kingdom of the Netherlands on their importation into Ecuador, provided that such products are specified in the Preferential Tariff, together with any concessions of the same nature which are or may hereafter be made to a third country.

Article X.

In accordance with the Ecuadorian law relating thereto, the Preferential Tariff shall continue to be accorded on condition that exports from Ecuador to the Kingdom of the Netherlands continue to exceed imports to Ecuador from the Kingdom of the Netherlands. Should the publication by the Customs Administration of the Republic of the half-yearly total of commercial exchanges between the two countries show that the excess of such exports over imports leaves no balance in favour of Ecuador, the Government of that country may cease to accord the Preferential Tariff. In that event, the Government of the Netherlands shall be entitled to denounce the present Treaty immediately without complying with the provisions of Article XIV.

Article XI.

Ships and boats of either country, and also their cargoes, shall, in the matter of dues levied in respect of navigation, Customs, loading and unloading and, in general, in regard to all formalities and provisions of any kind whatsoever, be unconditionally accorded in the other country the same treatment as ships and boats of the most-favoured nation and their cargoes. An exception to the above provisions shall be made in the case of :

- (1) The coastwise trade in the Netherlands Indies, Surinam and Curaçao, to which the laws and regulations in force in the said territories shall apply exclusively ;
- (2) Fishing in the territorial waters of the respective countries ;
- (3) The maritime service of the ports, roadsteads and coasts of the Netherlands Indies, Surinam and Curaçao.

Article XII.

An exception to the undertakings set forth in the preceding Articles shall, however, be made in the case of concessions which are accorded or which may hereafter be accorded to contiguous States for the purpose of facilitating frontier traffic, and also those accorded in virtue of any Customs Union which has been concluded or which may in the future be concluded by one of the High Contracting Parties.

Article XIII.

The Kingdom of the Netherlands comprises the Netherlands, the Netherlands Indies, Surinam and Curaçao. Wherever the term "Netherlands" occurs in the present Treaty it refers only to the territory in Europe.

Article XIV.

The present Treaty shall be ratified and the instruments of ratification shall be exchanged at The Hague as soon as possible. It shall come into force thirty days after the exchange of ratifications, it being understood that so far as regards the Netherlands Indies, Surinam and Curaçao, it shall come into force ninety days after such exchange. It shall remain in force for one year as from the date of the exchange of ratifications. If not denounced by one of the High Contracting Parties three months before the expiration of the first year, it shall remain in force for a further period of one year and shall be renewable by tacit agreement, unless it is denounced with three months' notice.

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

Done in duplicate, in the French and Spanish languages, at Quito, this twenty-seventh day of May, one thousand nine hundred and thirty-seven.

(L. S.) LAMPING.

(L. S.) C. M. LARREA.

EXCHANGE OF NOTES.

I.

REPUBLIC OF ECUADOR.

MINISTRY OF FOREIGN AFFAIRS.

No. 463.

DEPARTMENT OF COMMERCE AND CONSULAR AFFAIRS.

Subject : Provisional Application of the Treaty
of Commerce with the Netherlands.

SIR,

QUITO, *May 27th*, 1937.

In accordance with the agreement reached during the negotiations which preceded the signature of the Treaty of Commerce and Navigation between our two countries with reference

to the provisional application of the provisions of the Treaty until the latter comes into force, I have the honour to propose that the said provisional application should begin as from June 15th next.

I should be very grateful if you would be good enough to confirm your Government's agreement in this matter, so that the Chancellery can give the necessary instructions for the Ecuadorian Customs to begin, as from June 15th next, to grant the Preferential Tariff to goods coming from the Netherlands.

I have the honour to be, etc.

C. M. LARREA.

Monsieur A. Th. Lamping,
Director of Trade Agreements
of The Netherlands, Quito.

II.

MONSIEUR LE MINISTRE,

QUITO, *May 27th*, 1937.

I have the honour to acknowledge the receipt of Your Excellency's note No. 463 of to-day's date, in which, with reference to the agreement reached during the negotiations which preceded the signature of the Treaty of Commerce and Navigation between our two countries, you were good enough to propose that, pending its definitive entry into force, the said Treaty should be brought provisionally into force as from June 15th, 1937. Your Excellency also asks me to confirm my Government's agreement with your proposal.

In reply to your note, I have the honour to inform you that my Government is able to agree to your proposal, and that it will take the necessary steps for the Treaty of Commerce and Navigation signed this day to be brought provisionally into force as from June 15th, 1937, until the date on which it comes definitively into force.

I have the honour to be, etc.

LAMPING.

His Excellency
Monsieur Carlos Manuel Larrea,
Minister for Foreign Affairs
of the Republic of Ecuador.