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## AUTRICHE ET TURQUIE

Convention réglant les relations commerciales entre ces deux pays, avec annexes A, B, et C et Procès-verbaux I et II, signés à Constantinople, le 28 janvier 1924.

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## AUSTRIA AND TURKEY

Convention regulating the Commercial Relations between the two Countries, with Annexes A, B and C, and Procès-verbaux I and II, signed at Constantinople, January 28, 1924.

<sup>1</sup> TRADUCTION. — TRANSLATION.No. 823. — CONVENTION <sup>2</sup> BETWEEN AUSTRIA AND TURKEY REGULATING THEIR COMMERCIAL RELATIONS, SIGNED AT CONSTANTINOPLE, JANUARY 28, 1924.

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*French official text communicated by the Representative of the Austrian Federal Government accredited to the League of Nations. The registration of this Convention took place February 9, 1925.*

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AUSTRIA, of the one part, and TURKEY, of the other, being desirous of regulating their mutual commercial relations :

Have resolved to conclude a Convention and have for this purpose appointed as their Plenipotentiaries :

THE FEDERAL PRESIDENT OF THE REPUBLIC OF AUSTRIA :

Herr August KRAL, Envoy Extraordinary and Minister Plenipotentiary at Sofia ;

THE PRESIDENT OF THE TURKISH REPUBLIC :

Dr. ADNAN BEY, Delegate of the Ministry for Foreign Affairs at Constantinople and Deputy for Constantinople in the Grand National Assembly of Turkey ;

Who, having communicated their full powers found in good and due form, have agreed as follows :

*Article I.*

There shall be reciprocal freedom of commerce and navigation between the territories of the Contracting Parties. Accordingly, the latter undertake not to impede their mutual trade relations by any import, export or transit prohibitions or restrictions.

Nevertheless, they reserve the right to establish import and export prohibitions and restrictions in the following cases :

(1) In order to maintain the supplies of indispensable foodstuffs and to safeguard the economic life of the nation,

(2) To ensure the security of the State ;

(3) From considerations of health or for the protection of useful animals and plants against diseases or noxious insects and parasites, and, particularly, in the interests of public health, in accordance with the international principles adopted in this matter ;

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<sup>1</sup> Traduit par le Secrétariat de la Société des Nations.

<sup>1</sup> Translated by the Secretariat of the League of Nations.

<sup>2</sup> The exchange of ratifications took place at Angora, October 23, 1924.

(4) In the case of goods which are Government monopolies.

(5) With a view to applying to goods of foreign origin prohibitions or restrictions which have been or may be imposed by domestic legislation in regard to the production, sale, transport or consumption within the country of the same home-produced goods.

(6) In order to prevent the export of gold coins or bullion.

The Contracting Parties shall not establish or maintain any prohibitions or restrictions with regard to reciprocal import or export which shall not apply in the same way to the import or export of the same goods in trade with any other country.

#### *Article 2.*

The Contracting Parties undertake reciprocally to grant transit facilities over the routes most convenient to international traffic to passengers, baggage, goods and articles of every kind, consignments, vessels, boats, carriages, wagons or other means of transport, guaranteeing to such transit most-favoured-nation treatment.

Goods of every kind in transit through the Customs territory of either of the Contracting Parties shall be reciprocally exempt from all Customs duties, with the exception of the statistical duties and the charges for supervision.

Neither Contracting Party, however, shall be required to ensure the transit of passengers who are forbidden to enter the territory.

The transit of goods may be prohibited :

(a) for reasons of public safety and the security of the State ;

(b) for reasons of health or as a precaution against diseases of animals or plants ;

(c) in the case of colourable imitations and goods which are a Government monopoly in the territory of one of the Contracting Parties.

#### *Article 3.*

Traders, manufacturers and persons engaged in other industrial business who belong to one of the Contracting Parties and who prove by producing a trading licence issued by the competent authorities in their own country that they are entitled to carry on their trade or industry in the said country and that they pay therein the legal taxes and imposts shall have the right to purchase goods from traders or producers or in the open market in the territory of the other Contracting Party, either personally or through commercial travellers in their employ. They may also accept orders, even by means of samples, from merchants or other persons who make use in their trade or business of goods of the same nature as these samples.

Commercial travellers of the Contracting Parties, if provided with a trading licence issued by the authorities of their respective countries, shall be reciprocally entitled to carry with them samples or patterns, but not goods. This licence must be made out in accordance with the specimen reproduced as Annex A.

The Contracting Parties shall inform each other as to the authorities who are competent to issue trading licences and as to the regulations to which travellers must conform in the pursuit of their business.

Articles which are subject to a Customs duty or any other similar charge, with the exception of goods the import of which is prohibited, shall, when imported by commercial travellers as samples or patterns, be exempt in both countries from import and export duties on condition that such articles are re-exported within the time-limit prescribed in Article 5, and that the identity of the imported and re-exported articles is beyond question, irrespective of the office through which these goods are re-exported.

Security for the re-export of samples or patterns shall be furnished at the Customs office of entry, either by a cash deposit or by providing adequate security.

As regards the formalities to which traders and persons engaged in industry (commercial travellers) are subject in the territories of the Contracting Parties, both countries guarantee to grant each other most-favoured-nation treatment.

#### Article 4.

The nationals of one of the Contracting Parties, when attending fairs and markets in the country of the other Party for the purpose of practising their trade, shall not be treated less favourably than the nationals of the country, provided they can produce a trading certificate in accordance with the specimen annexed to the present Convention (Annex B) issued by the authorities of the country to which they belong.

The Contracting Parties shall inform each other as to the authorities responsible for issuing the trading certificates referred to in the foregoing paragraph.

The above provisions shall not apply to itinerant traders, hawkers or those who solicit orders from persons not engaged in industry or trade, each Contracting Party reserving full freedom of legislation in this matter.

#### Article 5.

Subject to re-export and re-import within one year and to proof of identity, and, if necessary, to the deposit of cash or security for the payment of Customs duties and, in general, upon the fulfilment of the regulations in force in the matter, exemption from all import and export duties shall be reciprocally granted :

- (1) to samples liable to Customs duty, including commercial travellers' samples.
- (2) to articles intended for exhibitions or competitions.

#### Article 6.

Vessels and boats flying the flag of one of the two Contracting Parties entering in ballast or in freight the waters and ports of the other Party, or leaving the same, whatever may be their place of departure or destination, shall not be subjected, as regards their entry, exit, or passage, to any duty or charge of any nature whatsoever levied in the name and on behalf of the Government, provincial administrations, the communes, or any other organisation, other or higher than those which are at present or may in the future be levied on the vessels of the country concerned. Their cargoes, whatever may be their place of origin, shall not pay other or higher import duties and shall not be subjected to other charges than those which would be levied if they had been imported in a ship flying the flag of the country concerned. Their passengers and their baggage shall receive the same treatment as if they had been travelling in a vessel flying the flag of the country concerned.

As regards the berthing of vessels and boats, their loading and unloading in ports, roadsteads, harbours and docks, no privilege or facility shall be granted by either of the Contracting Parties to their own vessels which is not also granted in the same circumstances to the vessels of the other Party.

The foregoing provisions shall not prevent either of the two Contracting Parties from reserving to vessels flying the national flag, fishing, coasting trade and port services, that is to say, towage, pilotage and all internal services of any kind.

Vessels and boats sailing under the flag of one of the Contracting Parties and carrying the ship's papers and documents required by the laws of that country shall be recognised *ipso facto* as pos-

sessing that country's nationality in the territorial waters, inland waters and ports of the other Contracting Party, without being required to furnish any further proof.

The tonnage certificates of the vessels of either Contracting Party shall be accepted in the ports of the other Party and placed on the same footing as the certificates of the other Party, in particular as regards the payment of duties and taxes, provided that the tonnage rules and regulations of the country where the certificate was issued are recognised as being identical with or equivalent to the tonnage rules and regulations governing the issue of certificates in the other country.

Nevertheless, it is agreed that if, owing to the diversity of the regulations and rules in force in the two countries, there is a difference between the Turkish tonnage and the Austrian tonnage, the authorities of the two Parties shall be free to accept or not to accept the tonnage estimate of a vessel and shall have the right to correct it in accordance with the rules and regulations in force among the principal maritime Powers.

#### *Article 7.*

All products of the soil or industrial products originating in and coming from the Customs territory of one of the Contracting Parties, which are imported into the Customs territory of the other Party and intended either for consumption or re-export or transit, shall be subject to most-favoured-nation treatment for the duration of the present Convention. In particular, they shall in no case be subject to duties other or higher than those imposed upon the products or goods of the most-favoured nation.

No duties or charges shall be imposed upon exports from one to the other Contracting country other or higher than are levied upon the export of the same articles to the country most favoured in this respect.

#### *Article 8.*

In order to determine the country of origin of imported products, each of the Contracting Parties may require the importer to produce a certificate of origin stating that the imported article was produced or manufactured in the country of the importer, or that it should be so considered, having regard to the transformation it has undergone in that country.

Certificates of origin, according to a specimen which the Contracting Parties will communicate to one another later, shall be issued either by the competent Ministries or by the consignor's Chamber of Commerce or by any other organ or group approved by the country of destination. The Government of the latter shall have the right to require endorsement of the certificates of origin by its diplomatic or consular representative.

Parcel-post packages shall be exempt from the requirement of a certificate of origin when the country of destination recognises that the consignment is not of a commercial nature.

#### *Article 9.*

The provisions of Article 7 shall not apply :

(1) to privileges granted or which may later be granted by one of the Contracting Parties in frontier trade with neighbouring countries ;

(2) to the special advantages and favours which exist or which may be established in the future as regards Customs tariffs and generally in regard to any other commercial question, between Turkey and the countries detached from the Ottoman Empire in 1923.

(3) to the special favours which Austria may grant to Hungary or the Czechoslovak Republic in application of Article 222 of the Treaty of Saint-Germain, provided that this clause is extended to all other Powers within the period prescribed in the said article.

*Article 10.*

The Contracting Parties guarantee to each other most-favoured-nation treatment in their territories as regards the various administrative or other formalities rendered necessary by the application of the provisions of the present Convention.

*Article 11.*

The internal duties and taxes levied on behalf of the Government, of provincial administrations, the communes or any other organisation, and which are or may be imposed upon the production and manufacture of goods or upon the consumption of an article in the territory of one of the Contracting Parties, shall not weigh more heavily upon the products, goods or articles of the other Party than upon native products, goods or articles of the same kind.

The present provision shall not prevent Turkey from continuing to exact in equal degree from her own nationals and Austrian nationals the consumption taxes specified in the table annexed to the present Convention (Annex C) and imposed upon the products and goods therein enumerated.

*Article 12.*

Railway goods traffic between the Contracting Parties shall come under the regime of the International Convention<sup>1</sup> regarding the Transport of Goods by Rail, dated October 14, 1890, together with all the conditions and supplementary clauses introduced by joint agreement between all the States taking part in this Convention.

The Contracting Parties shall take steps, as far as the rate of exchange will allow, to establish as soon as possible through tariffs, at least for passenger traffic and for traffic in the most important goods along the main routes.

The railway administrations of the Contracting Parties shall take all the necessary steps to ensure rapid and safe railway communication between the two countries.

The trucks, carriages and other rolling-stock employed in traffic between the countries of the Contracting Parties and in transit shall be subject to the provisions of the International Convention with regard to the reciprocal use of rolling-stock and to the provisions and agreements supplementing that Convention; the carriages, however, shall be subject to the technical provisions of the Convention with regard to the reciprocal use of carriages and trucks in international traffic and to the provisions and agreements supplementing that Convention.

It is agreed that all the provisions referred to in the foregoing paragraph shall only be applied to traffic with a third State in the event of an agreement regarding through communication by rail having been concluded with that State.

Passengers, baggage and goods accepted for conveyance in the territory of one of the Contracting Parties and having to be conveyed to or through the territory of the other Party in transit to the territory of a third Power shall receive from the railways of the other Contracting Party treatment, whether as regards conveyance of the price of conveyance or the public imposts levied upon consignments by rail, not less favourable than that accorded to the passengers, baggage and goods of the country concerned or of any other country which are conveyed under the same conditions over the same distance and in the same direction.

*Article 13.*

The present Convention shall enter into force one month after the date of the exchange of ratifications and shall remain in force for one year. Unless denounced by one or other of the

<sup>1</sup> British and Foreign State Papers, vol. 82, page 771, vol. 87, page 806, and vol. 92, page 433.

High Contracting Parties at least six months before the expiration of the said year, it shall remain in force until it is so denounced, such denunciation not taking effect until after the expiration of six months.

Article 14.

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

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

Done in duplicate, at Constantinople, on January 28, 1924.

(L.S.) (Signed) KRAL.

(L.S.) (Signed) DR. ADNAN.

ANNEX A.

TRADING LICENCE FOR COMMERCIAL TRAVELLERS.

Year . . . . .

No . . . . .

(Arms)

Valid for foreign travel.

Bearer (Christian name and surname) . . . . .  
Issued at . . . . . on (day, month, year) . . . . .

(Seal)

(Competent authority)

(Signature)

It is hereby certified that the bearer possesses a (designation of factory or business) . . . . .  
trading in the name of . . . . . at . . . . .  
is a commercial traveller in the service of the firm of . . . . .  
at . . . . .  
which possesses there a (name of factory or business) . . . . .

It is further declared, since the bearer proposes to solicit custom and to make purchases on behalf of his firm and likewise of the following firm(s) (description of factory or business) . . . . .  
at . . . . . that the legally established taxes have to be paid in respect of the commercial activities of the aforementioned firm(s) in this country.

Description of Bearer :

Age : . . . . .  
Height . . . . .  
Hair : . . . . .  
Special characteristics : . . . . .

(Signature) . . . . .

The bearer is only entitled to solicit custom and to make purchases as a commercial traveller and on behalf of the aforementioned firm(s). He may take with him samples, but not goods. Further, he must comply with the regulations in force in each State.

## ANNEX B.

It is hereby certified that M . . . . ., the bearer, who desires to travel with his goods to fairs and markets in . . . . . (in the case of Austrian nationals, in Turkey; in the case of Turkish nationals, in Austria) resides at . . . . . and that he has to pay the legally established taxes and imposts in respect of his commercial or industrial activities.

This certificate is valid for a period of . . . . . months.

(Place, date, signature and seal of authority issuing the certificate.)

## ANNEX C.

## CONSUMPTION TAXES.

Tea . . . . .	40	piastres	per kilo.
Coffee . . . . .	20	»	»
Petroleum . . . . .	6	»	»
Rice . . . . .	10	»	»
Margarine, oleomargarine and other animal fats	80	»	»
Candles, stearin . . . . .	30	»	»
Ordinary soap . . . . .	5	»	»
Sacks, old and new . . . . .	5	»	»
Spices . . . . .	30	»	»
Matches . . . . .	$\frac{1}{2}$	»	» box of 60 matches
Wax matches . . . . .	1	»	» box of 60 matches
Cigarette paper . . . . .	1	»	per 50 sheets
Lighters . . . . .	25	»	per lighter
Sugar . . . . .	15	»	per kilo.
Chocolate . . . . .	}	Subject to a consumption tax according to percentage of sugar they contain.	
Biscuits . . . . .			
Condensed milk . . . . .			
Sweet stuffs and glucose . . . . .			
Non-alcoholic beverages (gaseous and lemonades)			
Other products containing sugar . . . . .	}		
Tombac . . . . .			

## PROCÈS-VERBAL I.

At the moment of signing the Commercial Convention between Austria and Turkey, the undersigned Plenipotentiaries have agreed upon the following statements :

It is agreed that the provisions of Article 1 (4) and of Article 2 (c) shall apply both to existing monopolies and to those that may hereafter be created.

Whereas Article 7 of the present Commercial Convention grants most-favoured-nation treatment to the products of the soil and industrial products of the Contracting Parties, the latter hereby



declare that it would be contrary to the spirit of the present Convention for one Party to establish, by reason of a depreciation in the exchange, any surcharges or coefficients of increase on the import duties levied upon the products of the soil and industrial products of the other Party, unless such charges are applied also to all other countries.

Done in duplicate, at Constantinople, on January 28, 1924.

(Signed) KRAL.

(Signed) DR. ADNAN.

#### PROCÈS-VERBAL II.

Whereas during the discussion of Article 7 the Turkish Delegation demanded special privileges in regard to certain Turkish articles of export, the Austrian Plenipotentiary has confirmed the fact that meerschaum and vallonia, which figure among these articles, are at present exempt from import duty in Austria and that there is no likelihood of any change being made in this respect.

Done in duplicate, at Constantinople, on January 28, 1924.

(Signed) KRAL.

(Signed) DR. ADNAN.