

N° 895.

---

AUTRICHE  
ET GRANDE-BRETAGNE

Traité de commerce et de navigation, avec Déclaration y afférente, signé à Londres, le 22 mai 1924, et Echange de notes relatif à l'accession de la Rhodésie méridionale. Vienne, les 8 et 18 juin 1925.

---

AUSTRIA  
AND GREAT BRITAIN

Treaty of Commerce and Navigation, with Accompanying Declaration, signed at London, May 22, 1924, and Exchange of Notes concerning the Accession of Southern Rhodesia. Vienna, June 8 and 18, 1925.

The subjects or citizens of each of the Contracting Parties in the territories of the other Party shall not be subject in respect of their persons or property, or in respect of their commerce or industry, to any taxes, whether general or local, or to imposts or obligations, of any kind whatever, other or greater than those which are or may be imposed upon subjects or citizens of the other or subjects or citizens of the most-favoured nation.

*Article 2.*

The Contracting Parties agree that, in all matters relating to commerce, navigation and industry, any privilege, favour or immunity which either Contracting Party has actually granted or may hereafter grant to the ships and subjects or citizens of any other foreign State shall be extended simultaneously and unconditionally without request and without compensation to the ships and subjects or citizens of the other, it being their intention that the commerce, navigation and industry of each Contracting Party shall be placed in all respects on the footing of the most-favoured nation.

*Article 3.*

The subjects or citizens of each of the Contracting Parties in the territories of the other shall be at full liberty to acquire and possess every description of property, movable and immovable, which the laws of the other Contracting Party permit, or shall permit, the subjects or citizens of any other foreign country to acquire and possess. They may dispose of the same by sale, exchange, gift, marriage, testament or in any other manner, or acquire the same by inheritance under the same conditions which are or shall be established with regard to subjects or citizens of the other Contracting Party. They shall not be subjected in any of the cases mentioned to any taxes, imposts or charges of whatever denomination other or higher than those which are or shall be applicable to subjects or citizens of the other Contracting Party.

The subjects or citizens of each of the Contracting Parties shall also be permitted, on compliance with the laws of the other Contracting Party, freely to export the proceeds of the sale of their property and their goods in general without being subjected as foreigners to other or higher duties than those to which subjects or citizens of such Party would be liable under similar circumstances.

*Article 4.*

The subjects or citizens of either of the Contracting Parties in the territories of the other may, provided they conform to the laws in force in those territories, carry on their commerce either in person or by any agents whom they may think fit to employ.

The subjects of each of the two Contracting Parties in the territories of the other shall have free access to the Courts of Justice for the prosecution and defence of their rights without other conditions, restrictions or taxes beyond those imposed on native subjects, and shall, like them, be at liberty to employ, in all causes, their advocates, attorneys or agents from among the persons admitted to the exercise of those professions according to the laws of the territories in question.

*Article 5.*

The subjects or citizens of each of the Contracting Parties in the territories of the other shall be exempted from all compulsory military service whatsoever, whether in the army, navy, national

guard or militia. They shall similarly be exempted from all judicial, administrative and municipal functions whatever, other than those imposed by the laws relating to juries, as well as from all contributions, whether pecuniary or in kind, imposed as an equivalent for personal service, and, finally, from any military exaction or requisition. The charges connected with the possession by any title of landed property are, however, excepted, as well as compulsory billeting and other special military exactions or requisitions to which all subjects or citizens of the other Contracting Party may be liable as owners or occupiers of buildings or land.

In the above respects the subjects or citizens of each of the Contracting Parties shall not be accorded in the territories of the other less favourable treatment than that which is or may be accorded to subjects or citizens of the most-favoured nation.

*Article 6.*

Articles produced or manufactured in the territories of one of the Contracting Parties imported into the territories of the other, from whatever place arriving, shall not be subjected to other or higher duties or charges than those paid on the like articles produced or manufactured in any other foreign country. Nor shall any prohibition or restriction be maintained or imposed on the importation of any article, produced or manufactured in the territories of either of the Contracting Parties, into the territories of the other from whatever place arriving, which shall not equally extend to the importation of the like articles produced or manufactured in any other foreign country.

The only exceptions to this general rule shall be in the case of the sanitary and other prohibitions occasioned by the necessity of securing the safety of persons, or of cattle, or of plants useful to agriculture, and of the measures applicable in the territories of either of the Contracting Parties to articles enjoying a bounty in the territories of the other Contracting Party.

*Article 7.*

Articles produced or manufactured in the territories of either of the Contracting Parties exported to the territories of the other shall not be subjected to other or higher charges than those paid on the like articles exported to any other foreign country. Nor shall any prohibition or restriction be imposed on the exportation of any article from the territories of either of the Contracting Parties to the territories of the other which shall not equally extend to the exportation of the like articles to any other foreign country.

*Article 8.*

No internal duties shall be levied within the territories of either of the Contracting Parties for the benefit of the State, local authorities or corporations on goods the produce or manufacture of the territories of the other Party which are other or greater than the duties levied in similar circumstances on the like goods of national origin or of any other foreign origin.

*Article 9.*

The Contracting Parties agree to adopt and apply all practicable measures to reduce prohibitions on the importation and exportation of goods as soon as possible to the smallest number. In the event of licences being issued in derogation of such prohibitions, the conditions under which licences can be obtained shall be publicly announced and clearly stated in such a manner as to enable traders interested to become acquainted with them ; the licensing system shall be as

simple and unvarying as possible, and applications for licences shall be dealt with as speedily as possible.

The conditions under which licences are given for goods produced or manufactured in the territories of one of the Contracting Parties imported into or exported to the territories of the other shall be as favourable as the conditions under which licences are given in the case of any other foreign country.

*Article 10.*

The Austrian Government undertake that any temporary system of exchange control, which it may be found necessary to maintain owing to the exceptional conditions affecting the Republic of Austria, shall be so devised and worked as to cause the least possible inconvenience to British trade. The conditions under which foreign currency shall be made available to pay for imports of goods, the produce or manufacture of His Britannic Majesty's territories, shall not be less favourable in any respect than those applicable to imports the produce or manufacture of any other

*Article 11.*

The Contracting Parties agree to take the most appropriate measures by their national legislation and administration both to prevent the arbitrary or unjust application of their laws and regulations with regard to Customs and other similar matters and to ensure redress for those who have been prejudiced by such abuses.

*Article 12.*

Nothing in this Treaty shall be held to prohibit the imposition in His Britannic Majesty's territories of special rates of Customs duty on specified articles of Austrian origin other or higher than those levied on similar articles, the produce or manufacture of any other foreign country, in cases where such special rates of Customs duty are levied in pursuance of legislation of general application enabling the imposition of such duties on articles the produce or manufacture of any country where such articles are being sold or offered for sale in the part of His Britannic Majesty's territories concerned at prices which, by reason of depreciation in the value in relation to sterling of the currency of the country in which the articles are produced or manufactured, are below the prices at which similar articles can be profitably produced or manufactured in the part of His Britannic Majesty's territories concerned, and that by reason thereof employment in that part of His Britannic Majesty's territories is being or is likely to be seriously affected.

Nevertheless, no special rates of Customs duty shall be imposed on goods manufactured in Austria until the expiration of three months from the date on which the Austrian Government have been notified of the intention of the Government of the part of His Britannic Majesty's territories concerned to impose such duty. In the event of such notice being given, this Treaty shall, notwithstanding the provisions of Article 26, at the request of the Austrian Government, cease to have effect as between Austria and such part of His Britannic Majesty's territories, from the date on which the Austrian goods in question become liable to the special duty referred to.

*Article 13.*

The stipulations of the present Treaty with regard to the mutual accord of the treatment of the most-favoured nation apply unconditionally to the treatment of commercial travellers and their

samples. The certificates for commercial travellers shall be issued in the territories of His Britannic Majesty by the Chambers of Commerce or such trade associations and other recognised commercial associations as may be authorised in this behalf. In Austria these certificates shall be issued by the Police Direction in Vienna, and by the Political Authority of first instance in other places.

Articles imported by commercial travellers as samples shall, in the territories of each of the Contracting Parties, be temporarily admitted free of duty on compliance with the Customs regulations and formalities established to assure their re-exportation or the payment of the prescribed Customs duties if not re-exported within the period allowed by law. But the foregoing privilege shall not extend to articles which, owing to their quantity or value, cannot be considered as samples, or which, owing to their nature, could not be identified upon re-exportation.

*Article 14.*

No charge shall be imposed and no conditions prescribed by either of the Contracting Parties in respect of transactions with the subjects or citizens of the other Contracting Party carrying on business in its territories other or more burdensome than the charges or conditions in respect of transactions with native subjects or citizens.

*Article 15.*

Limited liability and other companies and associations already or here after to be organised in accordance with the laws of either Contracting Party are authorised, in the territories of the other, to exercise their rights and appear in the courts either as plaintiffs or defendants, *subject to the laws of such other Party.*

Furthermore, each of the Contracting Parties undertakes to place no obstacle in the way of such companies and associations which may desire to carry on in its territories, subject to the laws in force in those territories, whether through the establishment of branches or otherwise, any description of business which the companies and associations or subjects or citizens of any other foreign country are or may be permitted to carry on.

In no case shall the treatment accorded by either Contracting Party to companies and associations of the other be less favourable in respect of any matter whatever than that accorded to companies and associations of the most-favoured foreign country.

*Article 16.*

The measures taken by the Contracting Parties for regulating and forwarding traffic across their territories shall facilitate free transit by rail or waterway on routes in use convenient for international transit. No distinction shall be made which is based on the nationality of persons, the flag of vessels, the place of origin, departure, entry, exit or destination, or on any circumstances relating to the ownership of goods or of vessels, coaching or goods stock, or other means of transport.

In order to ensure the application of the foregoing provisions, the Contracting Parties will allow transit in accordance with the customary conditions and reserves across their territorial waters.

Traffic in transit shall not be subject to any special dues in respect of transit (including entry and exit), except for such dues as are intended solely to defray expenses of supervision and administration entailed by such transit.

The preceding dispositions in no way affect the Customs laws concerning the treatment of transit goods, nor the regulations concerning goods which are the subject of an internal duty or of a State monopoly. The transit of such goods shall, however, not be restricted more than is necessary to secure the eventual collection of the internal duty on the goods remaining in the territories of either Party or to assure the object of the monopoly.

Neither Contracting Party shall be bound by this article to afford transit for passengers whose admission into its territories is forbidden, or for goods of a kind of which the importation is prohibited, either on grounds of public health or security or as a precaution against diseases of animals or plants.

For the purposes of this article, persons, baggage and goods, and also vessels, coaching and goods stock and other means of transport shall be deemed to be in transit across the territory of one of the Contracting Parties when the passage across such territory, with or without transshipment, warehousing, breaking bulk, or change in the mode of transport, is only a portion of a complete journey, beginning and terminating beyond the frontier of the Party across whose territory the transit takes place.

*Article 17.*

Each of the Contracting Parties shall permit the importation or exportation of all merchandise which may be legally imported or exported, and also the carriage of passengers from or to their respective territories, upon the vessels of the other ; and such vessels, their cargoes, and passengers shall enjoy the same privileges as, and shall not be subjected to any other or higher duties or charges than, national vessels and their cargoes and passengers or the vessels of any other foreign country and their cargoes and passengers.

*Article 18.*

It shall be free to each of the Contracting Parties to appoint Consuls-General, Consuls, Vice-Consuls and Consular Agents to reside in the towns and ports of the territories of the other in which such representatives may be admitted by the respective Governments. Such Consuls-General, Consuls, Vice-Consuls and Consular Agents, however, shall not enter upon their functions until after they shall have been approved and admitted in the usual form by the Government to which they are sent.

Consuls-General, Consuls, Vice-Consuls, subjects of the Contracting Party which appoints them, will be exempted from all public service, municipal or other, and in respect of direct taxation of all kinds, levied either by the State or the local authorities, will enjoy the treatment accorded or which may be accorded to similar officials of the most-favoured nation and under the same conditions under which such most-favoured nation enjoys this treatment.

*Article 19.*

When a subject or citizen of one Contracting Party dies within the territory of the other leaving non-resident heirs, the Consular Representative of the other Party is entitled without express authorisation from such non-resident heirs to represent them, so far as the laws of the country do not expressly prohibit such representation, in all matters pertaining to administration of the property and settlement of the estate, with the right to collect the distributive shares of such heirs.

*Article 20.*

The subjects or citizens of each of the Contracting Parties shall have in the territories of the other the same rights as subjects or citizens of that Contracting Party in regard to patents for inventions, trade-marks and designs, upon fulfilment of the formalities prescribed by law.

*Article 21.*

All goods bearing marks or descriptions which state or manifestly suggest that the goods are the produce or manufacture of the territories of either of the Contracting Parties shall, if such statements or suggestions be false, be seized on importation into the territories of either of the two Parties. The seizure may also be effected in the State where the false indication of origin has been applied or in that into which the goods bearing the false indication may have been imported.

The seizure shall be effected either at the request of the proper Government Department or of an interested party, whether an individual or a society, in conformity with the domestic legislation of each Contracting Party, but the authorities are not bound to effect the seizure of goods in transit.

The competent authorities of each Contracting Party shall decide what descriptions, on account of their generic character, do not fall within the provisions of the present article.

*Article 22.*

This Treaty shall not be deemed to confer any right or to impose any obligation in contravention of any general International Convention to which either of the Contracting Parties are or hereafter may be Parties.

*Article 23.*

Nothing in this Treaty shall be held to prejudice any rights to deal with Austrian property which may have been conferred on His Britannic Majesty by the Treaty of Peace signed at Saint-Germain-en-Laye on the 10th September, 1919.

*Article 24.*

The stipulations of the present Treaty shall not be applicable to India or to any of His Britannic Majesty's self-governing Dominions, Colonies, Possessions or Protectorates, unless notice is given by His Britannic Majesty's Representative at Vienna of the desire of His Britannic Majesty that the said stipulations shall apply to any such territory.

Nevertheless, goods produced or manufactured in India or in any of His Britannic Majesty's self-governing Dominions, Colonies, Possessions or Protectorates shall enjoy in Austria complete and unconditional most-favoured-nation treatment so long as goods produced or manufactured in Austria are accorded in India or such self-governing Dominion, Colony, Possession or Protectorate treatment as favourable as that accorded to goods produced or manufactured in any other foreign country.

*Article 25.*

The terms of the preceding article relating to India and to His Britannic Majesty's self-governing Dominions, Colonies, Possessions and Protectorates shall apply also to any territory in respect

of which a mandate on behalf of the League of Nations has been accepted by His Britannic Majesty.

*Article 26.*

The present Treaty shall be ratified and the ratifications shall be exchanged at London as soon as possible. It shall come into force immediately upon ratification, and shall be binding during ten years from the date of its coming into force. In case neither of the Contracting Parties shall have given notice to the other twelve months before the expiration of the said period of ten years of its intention to terminate the present Treaty, it shall remain in force until the expiration of one year from the date on which either of the Contracting Parties shall have denounced it.

As regards, however, India or any of His Britannic Majesty's self-governing Dominions, Colonies, Possessions or Protectorates or any territory in respect of which a mandate on behalf of the League of Nations has been accepted by His Britannic Majesty to which the stipulations of the present Treaty shall have been made applicable under Article 24, either of the Contracting Parties shall have the right to terminate it separately at any time on giving twelve months' notice to that effect.

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

Done at London, in duplicate, in English and German texts, 22nd May, 1924.

(L. S.) J. RAMSAY MACDONALD.

(L. S.) GEORG FRANCKENSTEIN.

DECLARATION.

It is understood that nothing in the Treaty signed this day can be invoked by Austria to support a claim for exemption from the following disabilities to which Austrian nationals (in common with the nationals of other Powers with which His Britannic Majesty was at war) are subject by Acts of Parliament of the United Kingdom, so long as those Acts remain in force, namely :

- (a) No Austrian national may be employed or act as master, officer or member of the crew of a British ship registered in the United Kingdom (Aliens Restriction (Amendment) Act, 1919).
- (b) For a period of five years from the 31st August, 1921, no business connected with certain non-ferrous metals and metallic ores may be carried on in the United Kingdom by, or under the influence or control of, an Austrian national except under licence of the Board of Trade, in accordance with the Non-Ferrous Metal Industry Act, 1918.
- (c) For a period of five years from the 31st August, 1921, and thereafter until Parliament may otherwise determine, no banking business may be carried on in the United Kingdom for the benefit or under the control of an Austrian national (Trading with the Enemy (Amendment) Act, 1918).

Done at London, in duplicate, in English and German texts, 22nd May, 1924.

(L. S.) J. RAMSAY MACDONALD.

(L. S.) GEORG FRANCKENSTEIN.



NOTES EXCHANGED BETWEEN THE AUSTRIAN AND BRITISH GOVERNMENTS  
CONSTITUTING THE ACCESSION OF SOUTHERN RHODESIA TO THE ANGLO-  
AUSTRIAN COMMERCIAL TREATY OF MAY 22, 1924. VIENNA, JUNE 8 AND  
18, 1925.

*Communiquées par le Ministère des Affaires étrangères de Sa Majesté Britannique le 3 août 1925.*      *Communicated by His Britannic Majesty's Foreign Office August 3, 1925.*

BRITISH LEGATION

VIENNA, June 8th, 1925.

MONSIEUR LE MINISTRE,

With reference to the Anglo-Austrian Treaty of Commerce and Navigation signed at London on May 22nd, 1924, I have the honour, in accordance with instructions received from His Majesty's Principal Secretary of State for Foreign Affairs, to notify to you the accession of the Government of Southern Rhodesia to the Treaty under Article 24 thereof.

I avail myself of this opportunity to renew to you, Monsieur le Ministre, the assurance of my highest consideration.

(Signed) A. AKERS DOUGLAS.

Herrn Dr. MATAJA,  
Federal Minister for Foreign Affairs,  
Vienna.

TEXTE ALLEMAND. — GERMAN TEXT.

BUNDESKANZLERAMT  
AUSWÄRTIGE ANGELEGENHEITEN.  
13.873/18.

WIEN, am 18. Juni, 1925.

HERR GESANDTER,

Ich beehre mich, Eurer Exzellenz den Empfang der Note vom 8. Juni l. J., womit mir Eure Exzellenz im Auftrage Seiner Majestät Staatssekretär für Auswärtige Angelegenheiten den Beitritt der Regierung von Süd-Rhodesia zu dem zwischen der Republik Oesterreich und Grossbritannien abgeschlossenen Handels- und Schifffahrtsvertrag gemäss Artikel 24 dieses Vertrages notifizieren, ergebnis zu bestätigen.

Genehmigen, Herr Gesandter, den Ausdruck meiner vollkommensten Hochachtung.

*Für den Bundesminister :*  
PETER.

Seiner Exzellenz  
Honourable Aretas Akers DOUGLAS,  
königlich grossbritannischer Gesandter,  
Wien.

<sup>1</sup>TRADUCTION. — TRANSLATION.

FEDERAL CHANCELLOR'S OFFICE  
FOREIGN AFFAIRS.  
13.873/18.

VIENNA, *June 18, 1925.*

SIR,

I have the honour to acknowledge the receipt of your note of June 8, 1925, informing me in pursuance of instructions from His Britannic Majesty's Secretary of State for Foreign Affairs, of the adhesion of the Government of Southern Rhodesia to the Treaty of Commerce and Navigation concluded between the Austrian Republic and Great Britain in conformity with Article 24 of the said Treaty.

I have the honour, etc.

*For the Federal Chancellor :*  
PETER.

To His Excellency  
The Hon. Aretas Akers DOUGLAS,  
His Britannic Majesty's Minister,  
Vienna.

---

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

---

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