

N° 1045.

ESTHONIE ET NORVÈGE

Echange de notes comportant un Arrangement commercial provisoire. Tallinn, le 29 août 1925, et Echange de notes relatif à l'interprétation de certaines clauses de cet Arrangement. Tallinn, le 12 août, et Helsingfors, le 28 juillet 1926.

ESTHONIA AND NORWAY

Exchange of Notes constituting a Provisional Commercial Arrangement. Tallinn, August 29, 1925, and Exchange of Notes with regard to the Interpretation of certain Provisions of this Arrangement. Tallinn, August 12, and Helsingfors, July 28, 1926.

¹ TRADUCTION. — TRANSLATION.No. 1045. — EXCHANGE OF NOTES² BETWEEN THE ESTHONIAN AND NORWEGIAN GOVERNMENTS, CONSTITUTING A PROVISIONAL COMMERCIAL ARRANGEMENT. TALLINN, AUGUST 29, 1925.

*French official text communicated by the Esthonian and Norwegian Ministers for Foreign Affairs.
The registration of this exchange of Notes took place January 4, 1926.*

NORWEGIAN LEGATION.

TALLINN (Reval), August 29, 1925.

YOUR EXCELLENCY,

I have the honour to attach hereto a Note that I have signed this day relating to the Agreement regarding commerce and navigation between Norway and Esthonia. I also enclose the Royal full powers authorising me to proceed to the exchange of Notes.

In forwarding this Note to Your Excellency, I would add that I have been instructed by the Norwegian Government to say that it desires to retain its right to require that Esthonian nationals proceeding to Norway should be furnished with passports in due form, visaed by the competent authorities.

I have the honour to be, etc.,

(Signed) H. H. BACHKE.

His Excellency
Monsieur PUSTA,
Minister for Foreign Affairs,
etc., etc., etc.,
Tallinn (Reval).

¹ Traduit par le Secrétariat de la Société des Nations

¹ Translated by the Secretariat of the League of Nations.

² Ratified by the Esthonian Parliament, November 19, 1925. This ratification was communicated to the Norwegian Government on December 21, 1925, date on which the Arrangement came into force, in accordance with Article 5.

NORWEGIAN LEGATION.

TALLINN (Reval), August 29, 1925.

YOUR EXCELLENCY,

1. Having regard to the desire of our respective Governments to facilitate and develop the commercial relations between Norway and Esthonia, I have the honour to inform you that, subject to reciprocity, Esthonian nationals and the agricultural and industrial products of Esthonia will enjoy in Norwegian territory treatment at least as favourable in all respects as that accorded to the nationals and products or manufactured articles of the most favoured foreign country.

This treatment shall extend to everything relating to the carrying on of trade, navigation and industry, and in general to everything connected with customs duties and formalities, and the commercial operations of Esthonian nationals, their access to and permission to settle in Norwegian territory, to acquire, possess and dispose of property of all kinds in Norway, and to exercise any profession, and also to requisitions for military and public purposes, taxes and other duties or charges of any kind whatsoever.

The above provisions shall in no way restrict Norway's right to refuse leave in certain cases to Esthonian nationals to remain in the country, as a result of a legal sentence, or in the interests of the internal or external security of the State or of public order, or for reasons of social welfare, and in particular of public relief and the protection of health and public morals.

2. Esthonian vessels and their cargoes shall enjoy in Norway treatment not less favourable than that accorded to Norwegian vessels and their cargoes.

Exceptions to this treatment, and to the most-favoured-nation treatment mentioned in Article 1, shall be admitted in the following cases :

- (a) In respect of certain rights which either of the Contracting Parties applies or may apply in the case of fisheries and their products ;
- (b) In respect of facilities, rebates or reductions which either of the Contracting Parties may grant to its nationals by way of a bounty for national naval construction ;
- (c) In respect of the right to engage in the coasting trade.

3. Norway undertakes to grant free transit across her territory to merchandise, vessels, boats and wagons proceeding to or coming from Esthonia. Exceptions to the above provisions may be made only for the following reasons :

- (1) Measures for the security of the State ;
- (2) Reasons of public safety ;
- (3) The protection of public health or of useful animals or plants.

Goods in transit shall not be subject to any transit dues whatsoever.

On the railways the said goods and wagons shall enjoy, as regards carriage and the cost of transport, the treatment applied to the most favoured nation.

4. Esthonia may not, in virtue of the above provisions, claim the privileges which are accorded or may subsequently be accorded, by Norway to her neighbours, to Denmark or Iceland, or to countries which are bound to Norway by a customs union or economic union, or to all the above countries, so long as the same privileges shall not have been accorded to a third State.

5. The above provisional arrangement shall come into force as from the date on which the ratification by the Esthonian Parliament of the Note which you will be good enough to address to

me in reply to the present Note has been notified to the Norwegian Government, and shall remain in force until it is denounced by one of the Parties at three months' notice or until it is superseded by a commercial treaty.

I have the honour to be, etc.,

(Signed) H. H. BACHKE.

His Excellency Monsieur PUSTA,
Minister for Foreign Affairs,
Tallinn.

ESTHONIAN REPUBLIC.

MINISTER
FOR FOREIGN AFFAIRS.
No. 1133/4.

TALLINN (Reval), *August 29, 1925.*

YOUR EXCELLENCY,

With reference to Your Excellency's Note of August 29, 1925, I have the honour to state that the Government of the Republic has taken note of the desire of the Royal Government to retain its right to require that Esthonian nationals proceeding to Norway should be furnished with passports in due form visaed by the competent authorities.

At the same time I have the honour to inform Your Excellency that the Government of the Republic feels entitled to claim the same right, viz., that Norwegian nationals travelling to Esthonia should be furnished with passports in due form visaed by the competent authorities.

I have the honour, etc.,

(Signed) C. R. PUSTA.

His Excellency
Monsieur H. H. BACHKE,
Norwegian Envoy Extraordinary
and Minister Plenipotentiary
in Esthonia.

MINISTRY
OF FOREIGN AFFAIRS.

TALLINN (Reval), *August 29, 1925.*

YOUR EXCELLENCY,

I. Having regard to the desire of our respective Governments to facilitate and develop the commercial relations between Esthonia and Norway, I have the honour to inform you that, subject to reciprocity, Norwegian nationals and the agricultural and industrial products of Norway will enjoy in Esthonian territory treatment at least as favourable in all respects as that accorded to the nationals and products or manufactured articles of the most favoured foreign country.

This treatment shall extend to everything relating to the carrying on of trade, navigation and industry, and in general to everything connected with customs duties and formalities, and the commercial operations of Norwegian nationals, their access to and permission to settle in Esthonian territory, to acquire, possess and dispose of property of all kinds in Esthonia, and to exercise any profession, and also to requisitions for military and public purposes, taxes and other duties or charges of any kind whatsoever.

The above provisions shall in no way restrict Esthonia's right to refuse leave in certain cases to Norwegian nationals to remain in the country, as a result of a legal sentence, or in the interests of the internal or external security of the State or of public order, or for reasons of social welfare, and in particular of public relief and the protection of health and public morals.

2. Norwegian vessels and their cargoes shall enjoy in Esthonia treatment not less favourable than that accorded to Esthonian vessels and their cargoes.

Exceptions to this treatment, as also to the most-favoured-nation treatment mentioned in Article I, shall be admitted in the following cases :

- (a) In respect of certain rights which either of the Contracting Parties applies or may apply in the case of fisheries and their products ;
- (b) In respect of facilities, rebates or reductions which either of the Contracting Parties may grant to its nationals by way of a bounty for national naval construction ;
- (c) In respect of the right to engage in the coasting trade.

3. Esthonia undertakes to grant free transit across her territory to merchandise, vessels, boats and wagons proceeding to or coming from Norway. Exceptions to the above provisions may be made only for the following reasons :

- (1) Measures for the security of the State ;
- (2) Reasons of public safety ;
- (3) The protection of public health or of useful animals or plants.

Goods in transit shall not be subject to any transit dues whatsoever.

On the railways the said goods and wagons shall enjoy, as regards carriage and the cost of transport, the treatment applied to the most favoured nation.

4. Norway may not, in virtue of the above provisions, claim the privileges which are accorded or may subsequently be accorded by Esthonia to Finland, Latvia, Lithuania or the Union of Socialist Soviet Republics or to countries which are bound to Esthonia by a customs union or economic union, or to all the above countries, so long as the same privileges shall not have been accorded to a third State.

5. The above provisional arrangement shall come into force as from the date upon which the ratification of the present Note by the Esthonian Parliament has been notified to the Norwegian

Government, and shall remain in force until it is denounced by one of the Parties at three months' notice, or until it is superseded by a commercial treaty.

I have the honour to be, etc.,

(Signed) C. R. PUSTA.

His Excellency H.E. Monsieur H. H. BACHRE,
Envoy Extraordinary and
Minister Plenipotentiary
of Norway in Esthonia,
Tallinn.

ESTHONIAN LEGATION.

STOCKHOLM, *December 21, 1925.*

YOUR EXCELLENCY,

In accordance with instructions from my Government I have the honour to request Your Excellency to inform the Royal Government of Norway that the provisional commercial Arrangement between Norway and Esthonia, which was concluded at Tallinn by an exchange of Notes on August 29, 1925, was ratified by the Esthonian Parliament on November 19, 1925.

I have the honour to be, etc.,

(Signed) EDWARD WIRGO,
Chargé d'Affaires of the Esthonian Republic.

His Excellency
Monsieur J. L. MOWINCKEL,
Minister for Foreign Affairs,
etc., etc., etc.,
Oslo.

EXCHANGE OF NOTES WITH REGARD TO THE INTERPRETATION OF CERTAIN PROVISIONS OF THE PROVISIONAL COMMERCIAL AGREEMENT OF AUGUST 29, 1925, TALLINN, AUGUST 12 AND HELSINGFORS, JULY 28, 1926.

Communicated by the Norwegian Minister for Foreign Affairs, September 14, 1926.

I.

NORWEGIAN LEGATION.

HELSINGFORS, July 28, 1926.

YOUR EXCELLENCY,

On behalf of my Government I have the honour to inform Your Excellency as follows :

The Notes dated August 29th, 1925, exchanged between His Excellency M. Pusta, at that time Minister for Foreign Affairs, and myself, relating to the conclusion of a Commercial and Maritime Agreement between Norway and Esthonia, contain a provision, according to which exceptions in the most favoured nation treatment, granted in a general way in the above-mentioned Notes, are to be made in special cases, amongst others in respect of certain rights which each of the Contracting Parties apply or may apply to *fishing and its products*.

As Your Excellency will be able to see in the correspondence relating to the conclusion of the above-mentioned Agreement, the intention of the Contracting Parties was to make an exception in regard to treatment of the most favoured nation (as well as to national treatment) in so far as *national* fishing and its products was concerned and not in respect of fishing and its products in general. Although therefore the Norwegian Government thinks that there should be no doubt in regard to the meaning of paragraph (a) of Article 2 of the Notes of August 29th, 1925, it is nevertheless of opinion that it would be desirable, with a view to obviating any future misunderstandings, to specify that the words " to fishing and its products " shall be considered to mean " to national fishing and its products ", thus limiting the scope of the restriction to the general exception as laid down in these matters in international commercial agreements.

Should the Esthonian Government concur in regarding the question I have raised in the same light, I am authorised to propose to Your Excellency that both Governments should agree to consider the question as settled by the Note in which Your Excellency will be good enough to state that he is in agreement with the Norwegian Government in regard to the interpretation of the clause in question.

I have the honour to be, Sir, etc.

(Signed) H. H. BACHKE.

His Excellency
Mr AKEL,
Minister for Foreign Affairs,
etc., etc., etc.,
Reval.

II.

MINISTRY
FOR
FOREIGN AFFAIRS.

TALLINN, August 12, 1926.

YOUR EXCELLENCY,

I have the honour to acknowledge the receipt of Your Excellency's note dated July 28th, 1926, in which you were so kind as to draw the attention of the Esthonian Government to the question of the interpretation to be given to the passage "to fishing and its products" appearing in the text of the Notes exchanged between Your Excellency and His Excellency M. C. R. Pusta dated August 29th, 1925.

In reply, I have honour to confirm that the Esthonian Government entirely concurs in the point of view put forward by Your Excellency and that it is also of opinion that the words "to fishing and its products" should be considered as only referring to national fishing and that it was only in this sense that the aforesaid words were introduced into the texts of the above mentioned Notes.

In informing Your Excellency as above, I wish to note that I am in full agreement with Your Excellency in considering that the present Note should be considered as a confirmation of the Agreement between both our Governments, as regards the interpretation of the passage in question.

I have the honour to be etc.

(Signed) K. TOFER.
Assistant-Minister.

To His Excellency
M. H. H. BACHKE,
Norwegian Minister in Esthonia,
Helsinki.
