

N° 1277.

AUTRICHE ET PORTUGAL

Échange de notes comportant un arrangement provisoire au sujet des relations commerciales entre les deux pays. Vienne, le 18 décembre 1925.

AUSTRIA AND PORTUGAL

Exchange of Notes constituting a Provisional Arrangement concerning the Commercial Relations between the two Countries. Vienna, December 18, 1925.

¹ TRADUCTION. — TRANSLATION.

No. 1277. — EXCHANGE OF NOTES² BETWEEN THE AUSTRIAN AND PORTUGUESE GOVERNMENTS CONSTITUTING A PROVISIONAL ARRANGEMENT CONCERNING THE COMMERCIAL RELATIONS BETWEEN THE TWO COUNTRIES. VIENNA, DECEMBER 18, 1925.

French official text communicated by the Representative of the Austrian Federal Government accredited to the League of Nations. The registration of this Exchange of Notes took place August 23, 1926.

I.

VIENNA, December 18, 1925.

SIR,

The Commercial Agreement of July 21, 1923, having ceased to be valid as from September 22, 1925, in consequence of its denunciation by the Portuguese Government, and the respective Governments of Austria and Portugal being desirous of regulating their commercial relations, pending the conclusion of a new Agreement, the undersigned Federal Minister for Foreign Affairs has the honour to confirm to you that the Austrian Federal Government approves the following provisions, which shall regulate the commercial relations between the two Countries until December 31, 1925.

Article I.

For the period of duration of the present Agreement, Portuguese goods shall, upon importation into Austria, have the benefit of the treatment accorded to the most favoured nation.

For the period of duration of the present Agreement, Austrian goods shall, upon their importation into Portugal, have the benefit of the duties of the minimum tariff.

Article II.

During the period of the duration of the present Agreement, the import duties into Austria shall not exceed :

(a) For Portuguese wines of an alcoholic content not exceeding 13 per cent of the volume (Colares, Bucelas, Dão, Bairrada, Borba, Torres, Cartaxo, Alcobaca, Douro (*virgens*), Minho (*verdes*), Amaranto, Basto, Monção and Fusetas) accompanied by a certificate issued by the competent Portuguese authorities stating that these wines are entitled to the aforesaid appellation, in virtue of Portuguese legislature, up to a yearly quantity of 20,000 hectolitres, 45 gold crowns per 100 kilograms ;

¹ Traduit par le Secrétariat de la Société des Nations.

¹ Translated by the Secretariat of the League of Nations.

² Ratified by Austria, May 5, 1926.

(b) For wines of Porto and Madeira, in casks, accompanied by certificates of origin from the competent Portuguese authorities, 30 gold crowns per 100 kilograms if their alcoholic content exceeds 13 and does not exceed 18 per cent of the volume (excluding concentrated wines) and 40 gold crowns per 100 kilograms if their alcoholic content is between 18 and 22.5 per cent of the volume ;

(c) For other Portuguese wines of an alcoholic content exceeding 13 and not exceeding 18 per cent of the volume (excluding concentrated wines), 30 gold crowns per 100 kilograms ;

(d) For the aforesaid Portuguese wines in bottles, 80 gold crowns per 100 kilograms.

Article III.

It is understood that the protection to be accorded by Austria under the terms of Article 227 of the Treaty of Saint-Germain in respect of regional appellations of Portuguese wines, shall also be accorded in those cases in which the regional appellation is accompanied by an indication of the name of the actual place of origin or by the expression " type ", " kind ", " sort ", or any similar expression capable of casting doubt in commerce upon the true origin of the goods.

Each of the two Governments undertakes to apply, immediately and without compensation , all measures for guaranteeing the natural or manufactured products of the other Party against t any form of unfair competition and the use of false appellations in regard to origin which the y have undertaken or may undertake to apply to products of another country.

Article IV.

Austrian commercial travellers in Portugal, and Portuguese commercial travellers in Austria shall be accorded the treatment granted to the most favoured nation.

Article V.

Both Governments undertake to give retroactive force to the present Agreement, as from September 22, 1925.

Article VI.

The present Agreement shall, upon its expiration, be extended by tacit consent for periods of three months, unless one of the two Governments shall denounce it two months before the expiration of the first three-monthly period or of any subsequent three-monthly period.

I have the honour to inform you that the Federal Austrian Government considers the Agreement to be concluded by the present Note and by the Note of similar purport which you will be good enough to address to me.

I have the honour to be, etc.

(Signed) MATAJA.

Mr Fernando Quartin de Oliveira Bastos,
Portuguese Chargé d'Affaires *ad interim*,
at Vienna.

II.

VIENNA, December 18, 1925.

SIR,

The Commercial Agreement of July 21, 1923, having ceased to be valid as from September 22, 1925, in consequence of its denunciation by the Portuguese Government, and the respective Governments of Portugal and Austria being desirous of regulating their commercial relations, pending the conclusion of a new agreement, the undersigned Chargé d'Affaires *a. i.* of Portugal at Vienna has the honour to confirm to Your Excellency that the Government of the Portuguese Republic approves the following provisions, which shall regulate the commercial relations between the two Countries until December 31, 1925.

Article I.

For the period of the duration of the present Agreement, Portuguese goods shall, upon importation into Austria, have the benefit of the treatment accorded to the most favoured nation.

For the period of the duration of the present Agreement Austrian goods shall, upon their importation into Portugal, have the benefit of the duties of the minimum tariff.

Article II.

During the period of duration of the present Agreement, the import duties into Austria shall not exceed :

(a) For Portuguese wines of an alcoholic content not exceeding 13 per cent of the volume (Colares, Bucelas, Dão, Bairrada, Borba, Torres, Cartaxo, Alcobaça, Douro (*virgens*), Minho (*verdes*), Amaranto, Basto, Monção and Fusetá), accompanied by a certificate issued by the competent Portuguese authorities stating that these wines are entitled to the aforesaid appellations in virtue of Portuguese legislation, up to a yearly quantity of 20,000 hectolitres, 45 gold crowns per 100 kilograms ;

(b) For wines of Porto and Madeira in casks, accompanied by certificates of origin from the competent Portuguese authorities, 30 gold crowns per 100 kilograms, if their alcoholic content exceeds 13 and does not exceed 18 per cent of the volume (excluding concentrated wines), and 40 gold crowns per 100 kilograms if their alcoholic content is between 18 and 22.5 per cent of the volume ;

(c) For other Portuguese wines of an alcoholic content exceeding 13 and not exceeding 18 per cent of the volume (excluding concentrated wines), 30 gold crowns per 100 kilograms ;

(d) For the aforesaid Portuguese wines in bottles, 80 gold crowns per 100 kilograms.

Article III.

It is understood that the protection to be accorded by Austria, under the terms of Article 227 of the Treaty of Saint-Germain, in respect of the regional appellations of Portuguese wines, shall also be accorded in those cases in which the regional appellation is accompanied by an indication of the name of the actual place of origin or by the expression " type ", " kind ", " sort ", or any similar expression capable of casting doubt in commerce upon the true origin of the goods.

Each of the two Governments undertakes to apply, immediately and without compensation, all measures for guaranteeing the natural or manufactured products of the other Party against

any form of unfair competition and the use of false appellations in regard to origin, which they have undertaken or may undertake to apply to products of another country.

Article IV.

Austrian commercial travellers in Portugal and Portuguese commercial travellers in Austria shall be accorded the treatment granted to the most favoured nation.

Article V.

Both Governments undertake to give retroactive force to the present Agreement, as from September 22, 1925.

Article VI.

The present Agreement shall, upon its expiration, be extended by tacit consent for periods of three months, unless one of the two Governments shall denounce it two months before the expiration of the first three-monthly period, or of any subsequent three-monthly period.

I have the honour to inform you that the Portuguese Government considers the Agreement to be concluded by this Note and by the Note of similar purport which you will be good enough to address to me.

I have the honour to be, etc.

(Signed) Fernando QUARTIN DE OLIVEIRA BASTOS.

To His Excellency
Dr. Henry Mataja,
Federal Minister for Foreign Affairs,
Vienna.