

<sup>1</sup> TRADUCTION. — TRANSLATION.No. 1516. — TREATY<sup>2</sup> OF COMMERCE AND NAVIGATION BETWEEN THE AUSTRIAN REPUBLIC AND THE LATVIAN REPUBLIC. SIGNED AT RIGA, AUGUST 9, 1924.

*French official text communicated by the Representative of the Austrian Federal Government accredited to the League of Nations and the Latvian Minister for Foreign Affairs. The registration of this Treaty took place August 8, 1927.*

THE FEDERAL PRESIDENT OF THE AUSTRIAN REPUBLIC, of the one part, and THE PRESIDENT OF THE LATVIAN REPUBLIC, of the other part, being desirous of promoting the development of commercial and maritime relations between the two States,

Have resolved to conclude a Treaty of Commerce and Navigation for this purpose, and have appointed as their Plenipotentiaries :

THE FEDERAL PRESIDENT OF THE AUSTRIAN REPUBLIC :

M. Nicolas POST, Envoy Extraordinary and Minister Plenipotentiary of the Austrian Republic at Riga ;

THE PRESIDENT OF THE LATVIAN REPUBLIC :

M. Louis SEJA, Minister for Foreign Affairs ;

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

## CHAPTER I.

## GENERAL PROVISIONS AND RIGHTS OF NATIONALS.

*Article I.*

The nationals of each of the High Contracting Parties may freely enter, travel through or stay in any part of the other's territories and possessions, provided they conform to the laws of the country.

The nationals of either High Contracting 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 hereafter be imposed upon nationals of the other Party or nationals of the most favoured nation.

<sup>1</sup> Traduit par le Secretariat 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 July 26, 1927.

*Article 2.*

The nationals of each of the High Contracting Parties shall, provided they conform to the laws of the country, be granted the same status in every respect as nationals of the most favoured nation in all matters connected with travelling, residence, study and research, the exercise of their trades and professions, the conduct of their industrial and manufacturing enterprises, and the right to trade in all lawful commodities.

*Article 3.*

The nationals of each of the High Contracting Parties may also, provided they conform to the laws of the country, acquire, possess or rent and occupy such houses, factories, shops, stalls and premises as they may need, and may lease land for any lawful purpose on the same conditions as the nationals of the most favoured nation.

In all matters connected with the transfer of movable property by bequest or other form of inheritance, and the right to utilise lawfully-acquired property of any kind in any manner they may desire, they shall enjoy in the territory of the other Contracting Party, provided they conform to the laws of the country, the same privileges, immunities and rights, nor shall they be subject in this respect to any duties, charges, taxes, or imposts under any denomination whatever, other or higher than those which are or may hereafter be levied on nationals of the other Contracting Party or of the most favoured nation.

*Article 4.*

The nationals of each of the High Contracting Parties shall, provided they conform to the laws of the country, enjoy constant and complete protection and security for their persons and property; they shall have free access to the courts of justice of any degree of jurisdiction established by law, for the purpose both of claiming and of defending their rights, and they shall further be entitled to lodge claims against the Government and organs thereof before the courts or other competent authorities as regards other matters connected with the administration of justice they shall likewise enjoy all the rights and privileges enjoyed by nationals.

They may employ, in all courts, counsel, solicitors and any class of agents recognised by the laws of the country, and shall enjoy in this respect the same rights and advantages as are or may be hereafter be granted to nationals.

*Article 5.*

Houses, shops, factories and stalls belonging to nationals of one of the High Contracting Parties and situated in the territory of the other, together with all premises appurtenant thereto, which are employed for lawful purposes, shall be respected in conformity with the laws of the country.

*Article 6.*

The nationals of each of the High Contracting Parties shall be exempt from any compulsory military service, either in the army or navy or in the national guard or militia; they shall also be exempt from any monetary or other contribution in lieu of compulsory personal service.

The only exception to this provision shall be in respect of charges connected with the possession by any title of landed property, and in respect of military loans and requisitions to which all nationals may be liable as landed proprietors or leaseholders.

The nationals of each of the High Contracting Parties shall also be exempt from all judicial or municipal responsibilities or duties of any kind whatever.

*Article 7.*

The nationals of each of the Contracting Parties shall have in the territories of the other the same rights in regard to patents of inventions, trade marks, and designs, as their respective laws grant or may hereafter grant to their own nationals.

Latvia agrees, on condition of reciprocity, to recognise and protect all rights of industrial property now possessed by Austrian nationals or which, but for the war or the revolution in Russia, they would have possessed in any part of her territories before the transfer of those territories to Latvia, *i. e.*, before November 18, 1918, and for the renewal of such rights the proper extension of time will be accorded.

The Contracting Parties agree that for the purposes of the above provisions Latvia may require documentary evidence and also the registration of such rights in Latvia.

The Contracting Parties further agree that patents and rights in respect of industrial property which have been registered in Latvia before the date of the conclusion of this Treaty and would be identical with those previously registered in the names of Austrian subjects in Russia can be revoked in Latvia only by the decision of the courts of law. Latvia undertakes to promulgate within six months from the date of the ratification of this Treaty a special law concerning the revocation of patents and rights in industrial property so registered.

*Article 8.*

Incorporated or other companies and commercial, industrial or financial associations which are or may hereafter be constituted in conformity with the laws of one of the High Contracting Parties and which have their headquarters in the territories or possessions of that Party shall be authorised within the territories or possessions of the other Party, provided they conform to the laws of that Party, to exercise their rights and to bring or defend actions in the courts.

The above provision shall not in any way affect the question whether such a company established in one of the two countries has or has not the right to carry on trade or industry in the other, such right to be determined in all cases by the laws and decrees in force in the respective countries.

The above-mentioned companies and associations shall enjoy in this respect the same rights and privileges as are or may hereafter be accorded to similar organisations of a third Power.

## CHAPTER II.

### PROVISIONS RELATING TO CONSULAR OFFICERS.

*Article 9.*

Each of the High Contracting Parties shall be entitled to appoint Consuls-General, Consuls, Vice-Consuls or Consular Agents in all towns and places within the territory of the other in which such consular representatives of any other third Power are admitted.

The said Consuls-General, Consuls, Vice-Consuls and Consular Agents, having received their *exequatur* or other necessary authorisation from the Government of the country in which they

are appointed, shall be entitled, upon condition of reciprocity, to exercise all the functions and enjoy all the privileges, exemptions and immunities which are or may hereafter be conceded to consular officers of the same rank belonging to the most favoured nation. The Government granting the exequatur or other authorisation shall be entitled to annul them if it thinks fit, but must give its reasons for so doing.

#### Article 10.

Should a national of one of the High Contracting Parties die in the territories or possessions of the other Party without having left in the country where death occurred any heir or testamentary executor, the competent consular officer of the country of which the deceased was a national shall be entitled, the necessary formalities being observed, to represent *ex officio*, either personally or by proxy, the heirs or testamentary executors, and shall be officially recognised as their legal representative without being required to prove his right to do so by any special authorisation. He may therefore appear before the competent authorities, either personally or through substitutes, who must be persons authorised thereto by the legislation of the country, in order to defend the interests of the heirs in any matter relating to the succession by upholding their rights or by replying to claims lodged against them. It shall, however, be understood that no action relating to any matter concerning the succession can at any time be brought against the said consular officer personally, he being considered as the legal representative of the nationals of his country. The competent consular officer shall be entitled, provided he conforms to the laws of the country, to take with respect to the movable or immovable succession of the deceased, any measures of conservancy which he may consider to be in the interests of the heirs. He may administer it either personally or through substitutes chosen by him and acting in his name, and he shall be entitled to take over all securities belonging to the deceased person which may have been deposited either in public safe deposits or with private individuals. Nothing in this Article, however, shall be interpreted as preventing matters coming within the competence of the courts of the country where the property is situated from being referred to such courts. The rights granted under this Article to the consular officer shall not affect the regulations concerning security for duties, taxes or other charges on movable and immovable property in the State in which the said property is situated.

The foregoing provisions shall also be applicable in the case where a national of one of the Contracting Parties, possessing movable or immovable property in the territories or possessions of the other, dies outside the said territories or possessions without leaving in the country where his property is situated any heir or testamentary executor.

### CHAPTER III.

#### COMMERCE AND NAVIGATION.

#### Article 11.

There shall be between the territories of the two High Contracting Parties reciprocal freedom of commerce and navigation. The nationals of each of the Contracting Parties shall have full liberty, on the same footing as nationals of the most favoured nation, to come with their ships and cargoes to all places, ports and rivers in the territories and possessions of the other which are or may in future be open to foreign trade: they shall, however, be obliged at all times to conform to the laws of the country to which they have come.

Commercial vessels belonging to nationals or companies of each of the Contracting Parties, their crews and cargoes, whether arriving directly from the country of origin or from another country

and whatever be the place of departure or destination of their cargoes, shall in all respects enjoy in the territories or possessions of the other country treatment at least as favourable as that accorded to the vessels, crews and cargoes of the most favoured nation.

*Article 12.*

All products of the soil or of industry of one of the Contracting Parties which are imported into the territory of the other and are intended for consumption, warehousing, re-export, or transit, shall be subject to the same treatment as that accorded to the most favoured nation, and in particular shall not be subject to import taxes or duties other or higher than those imposed upon similar products or goods of the most favoured nation.

Neither of the Contracting Parties shall impose on goods exported from its territory to that of the other Party any export duties or taxes other or higher than those which may be imposed on similar articles exported to the countries most favoured in this respect.

As regards the application of Customs regulations, Customs procedure, the verification and analysis of imported goods, as well as payment of duties and charges, the classification and interpretation of Customs tariffs, and the exercise of monopolies, the Contracting Parties shall grant each other most-favoured-nation treatment.

Similarly, no prohibition or restriction shall be maintained or imposed by one of the Contracting Parties in respect of the import or export of any article whatever from or to the territory or possessions of the other Party unless such prohibition or restriction is also applied to all similar articles coming from or consigned to any other country. The latter provision shall not however be applicable to prohibitions or restrictions which are maintained or imposed either as health measures or for the protection of useful animals or plants, or in regard to contraband of war, or for reasons of public safety or in respect of goods which constitute a State monopoly in the contracting countries.

*Article 13.*

Each Contracting Party undertakes to accord freedom of transit across its territories and possessions to products, vessels, wagons, and mails proceeding to or coming from the other country, and to grant them treatment at least as favourable as that granted to the most favoured nation.

The said goods shall be granted on the railways, as regards forwarding and transport charges, the treatment applied to the most favoured nation.

Traffic in transit shall not be subjected to any special dues on account of transit (including entry and exit), except the dues imposed exclusively to cover the costs of supervision and administration involved by such transit, without prejudice, however, to revenue taxes on any transactions in goods during their warehousing or transport.

Neither of the High Contracting Parties shall be bound by this or the foregoing Article to grant freedom of passage to travellers who are forbidden to enter its territories or possessions, or to any category of goods, the importation of which is prohibited for reasons of health or public safety, or as a protection against diseases of animals or plants, or in respect of goods which constitute a State monopoly in the contracting countries.

Persons, baggage and goods, and vessels, boats, carriages, wagons, or other means of transport, shall be considered to be in transit across the territories or possessions under the sovereignty and authority of one of the Contracting Parties, if their passage through such territories or possessions, with or without transhipment, and with or without change of means of transport, constitutes only one part of a whole journey begun and to be completed outside the frontiers of the State across whose territories or possessions such transit takes place.

*Article 14.*

Merchants, manufacturers, and industrialists who are nationals of one of the High Contracting Parties, and are domiciled and carry on their trade or industry in the territory or possessions of that Party, and who prove by the production of an identity card issued by the competent authorities of their country, that they are authorised to carry on their trade or industry therein and are therein paying all legally established charges and taxes, may, in the territories or possessions of the other Party, either in person or through commercial travellers, make purchases from merchants and producers or in public markets, or solicit orders, on sample or otherwise, from merchants or other persons who for the purposes of their trade or industry make use of goods corresponding to such samples. Such merchants, manufacturers, industrialists and their commercial travellers, when thus making purchases or soliciting orders, shall, with respect to taxation and facilities for carrying on their trade, enjoy most-favoured-nation treatment.

Articles imported as samples for the above-mentioned purposes shall in both countries be temporarily admitted duty free, in accordance with the Customs regulations and formalities prescribed with a view to ensuring their re-exportation, or the payment of the requisite Customs duties in the event of their not being re-exported within the period prescribed by law. This privilege shall, however, not be extended to articles which on account of their quantity or value cannot be considered as samples, or which on account of their nature cannot be identified on re-exportation. In all cases it shall be the exclusive privilege of the competent authorities at the place at which importation takes place to decide whether a sample may or may not be admitted duty free.

*Article 15.*

The nationals, property, and flag of each of the Contracting Parties shall be treated in the ports and territorial waters and on the navigable water ways of the other Party on a footing of perfect equality with the nationals, property, and flag of that Party, and shall enjoy most-favoured-nation treatment.

The above-mentioned treatment shall be accorded with respect to the right to import, export, convey in transit, and deposit in Customs warehouses goods of any kind legally admitted, and to the contingent dues and charges connected therewith; it shall also be accorded with respect to navigation and other dues and charges, whatever the nature of such taxes or the authority levying them, the berthing of ships, port and warehousing facilities, loading of goods, Customs treatment, formalities and regulations relating to vessels, crews and cargoes, assistance in case of accident or distress, and the treatment of salvage, as well as in respect to all other matters.

*Article 16.*

The provisions of the preceding Article do not apply to the coasting trade, which shall be exclusively reserved to the national flag. This provision, however, does not apply to navigation by stages. The vessels of each of the Contracting Parties may therefore discharge at one or more ports of the other Contracting Party the whole or part of their cargoes brought from abroad, and take on board there the whole or part of their cargo for destinations abroad.

Likewise the provisions of the present Treaty do not apply to any privileges which are or may in future be granted to products of national fisheries.

It is understood, however, that nationals and vessels of each of the Contracting Parties shall enjoy most-favoured-nation treatment in these respects in the territories or possessions of the other.

*Article 17.*

Tonnage certificates of vessels of each of the Contracting Parties shall be accepted by the other Party if the tonnage measurements have been carried out according to the Moorsom system.

Vessels belonging to nationals or companies of each of the Contracting Parties, the tonnage of which is measured by the above-mentioned method, shall be admitted to the ports of both Contracting Parties without being subjected to any fresh tonnage measurement with a view to the payment of shipping dues. Shipping dues shall be calculated on the net tonnage of the vessel.

*Article 18.*

The nationality of merchant vessels of each of the two Contracting Parties shall be recognised by the other Party provided they have on board the papers required under their national laws and regulations to establish their nationality.

*Article 19.*

Except as otherwise expressly provided by the present Treaty, the High Contracting Parties agree that, in everything concerning commerce, navigation and industry, every privilege, favour, facility or immunity of any kind which is already granted or may in future be granted by one Party to nationals or to products of the soil and industry of any other State shall be immediately and unconditionally extended to the nationals and the corresponding products of the other Contracting Party, the desire of the High Contracting Parties being that in everything concerning the exercise of commerce, navigation and industry nationals of Austria shall enjoy most-favoured-nation treatment in the territories and possessions of Latvia, and nationals of Latvia reciprocally in the territories and possessions of Austria.

CHAPTER IV.

RAILWAY TRAFFIC.

*Article 20.*

The two Contracting Parties agree to make no distinction as regards forwarding, transport rates and public taxes connected with railway transport, in passenger and luggage traffic carried out under the same conditions.

*Article 21.*

Goods despatched in the territory of one of the Contracting Parties and to be conveyed to the territory of the other Contracting Party or through that territory to a third country shall not be treated less favourably, either with respect to forwarding or with respect to transport rates and public dues on consignments, than similar goods despatched in the territory of the other Contracting Party or in a third State under the same conditions, in the same direction and by the same route.

Similar treatment shall be accorded to goods despatched in a third State and to be conveyed through the territory of one of the Contracting Parties to the territory of the other Contracting Party.

*Article 22.*

The provisions of Articles 20 and 21 shall not affect tariff reductions granted to charitable and benevolent organisations or to public services or to the railway service, or reductions granted on the transport of passengers and goods on the occasion of a public calamity.

It is likewise understood that on secondary railways (light railways, local railways, tramways) which principally carry tourist traffic, special reductions in fares may be granted to natives of the country living in neighbouring communes.

*Article 23.*

The Contracting Parties agree that, as soon as circumstances permit, through tariffs for passenger and goods traffic between the territories of the Contracting Parties, as well as for traffic between the territories of one of the Contracting Parties and those of a third State through the territory of the other Contracting Party, shall be drawn up so far as they are found to be really needed.

Pending the establishment of such through tariffs, the calculation of transport rates shall be facilitated by tables made out for that purpose.

*Article 24.*

The two Contracting Parties agree to take all suitable measures to eliminate any hindrance which may arise in certain cases as regards passenger and goods traffic between their territories and between the territories of one of the Contracting Parties and those of a third State through the territories of the other Contracting Party.

The Contracting Parties will endeavour to take account of the needs of through traffic between their territories, and between the territories of one of the Contracting Parties and those of a third State through the territory of the other Contracting Party, by establishing through passenger and goods train services, and to act in a spirit of mutual conciliation with regard to traffic and transport services.

With regard to the supply of trucks, the needs of inland traffic and of export traffic to the territory of the other Contracting Party shall, as a general rule, be treated in an equitable manner.

In particular, as regards the supply of trucks for export traffic to the territories of the other Contracting Party, the treatment accorded shall not be less favourable than with respect to the supply of rolling stock for export traffic to third States.

*Article 25.*

The two Contracting Parties shall ensure that the provisions of the International Conventions on the transport of passengers and baggage and on railway goods traffic, drawn up at Berne on June 8th, 1923, shall, after ratification, be applied to the reciprocal transit of passengers, baggage, and goods by rail.

The railway administrations may, during the continuance of the present transport difficulties, allow certain derogations from the provisions of this International Convention.

The Conventions, which shall be submitted for approval to the supervisory authorities, must, as regards their application and scope, keep within the strictly necessary limits, and shall not in any case apply to the extent of the railway's responsibility for loss (total or partial) or damage to goods, or for non-observance of the periods fixed for delivery.

The two Contracting Parties shall take care that the provisions of the International Convention on railway goods traffic are also as far as possible applied unaltered to traffic with third States, in which one of the Contracting Parties is concerned.



## CHAPTER V.

## APPLICATION OF THE PROVISIONS OF THE TREATY.

*Article 26.*

The provisions of the present Treaty shall be applicable to all territories and possessions belonging to either of the High Contracting Parties or administered by them.

*Article 27.*

Disputes and differences of opinion between the two High Contracting Parties as to the application and interpretation of the present Treaty shall be settled by a Mixed Arbitral Tribunal. The Mixed Arbitral Tribunal shall be constituted *ad hoc* and shall comprise an equal number of representatives of each of the two Parties. Should these representatives fail to reach an agreement, they shall appeal to a neutral umpire who shall be appointed if necessary by the President of the Permanent Court of International Justice<sup>1</sup>.

*Article 28.*

The following exemptions, immunities and privileges shall not be considered to constitute a departure from the principle of most-favoured-nation treatment which is the object of the present Treaty :

(a) Privileges which have been or may hereafter be granted to neighbouring States with a view to facilitating local traffic in either frontier zone (that is, within an area not more than 15 kilometres in depth on either side of the frontier) ;

(b) Privileges which have been or may hereafter be granted by one of the High Contracting Parties to a third State in virtue of a Customs convention which has been or may in future be concluded ;

(c) Exemptions, immunities and privileges which Latvia grants or may hereafter grant to one of the Baltic States (Finland, Estonia and Lithuania) in virtue of separate agreements. The same applies to privileges which Latvia may grant to Russia in virtue of special Customs conventions or agreements ;

(d) Privileges which Austria may grant to Czechoslovakia and Hungary in virtue of the Treaty of Peace of Saint-Germain.

## CHAPTER VI.

## MISCELLANEOUS PROVISIONS.

*Article 29.*

The two Contracting Parties shall endeavour to facilitate and expedite as far as possible the formalities relating to travelling, particularly to journeys undertaken with a commercial purpose ; or in order to receive curative treatment at health resorts, mineral springs, watering places, sanatoria and clinics.

<sup>1</sup> Vol. VI, page 379 ; vol. XI, page 404 ; vol. XV, page 304 ; vol. XXIV, page 152 ; vol. XXVII, page 416 ; vol. XXXIX, page 165 ; vol. XLV, page 96 ; vol. L, page 159, and vol. LIV, page 387, of this Series.

*Article 30.*

The High Contracting Parties agree to conclude special conventions on the following subjects :

- (a) Customs questions,
- (b) Mutual protection of intellectual property, and in particular protection of patents,
- (c) Mutual judicial assistance.

## CHAPTER VII.

## FINAL PROVISIONS.

*Article 31.*

The present Treaty shall be ratified and the ratifications exchanged as soon as possible.

*Article 32.*

The Treaty shall come into force on the day of the exchange of ratifications, for a period of one year at the outset. At the end of this year it shall still remain in force by tacit agreement unless denounced at six months' notice by either of the High Contracting Parties. The present Treaty shall cease to be in force six months after having been denounced as above described.

In faith whereof the Plenipotentiaries of the two High Contracting Parties have signed the present Treaty and have thereto affixed their seals.

Done in duplicate in French.

RIGA, August 9, 1924.

(L. S.) (Signed) POST.

(L. S.) (Signed) SEJA.

## FINAL PROTOCOL.

At the moment of signing the present Treaty the undersigned have made the following declarations :

*Ad Article 1*

It is understood that provisions contained in Conventions concluded between one of the High Contracting Parties and a third State with a view to defining the extent of their respective rights in the matter of taxation shall not be applied to nationals of the High Contracting Parties in virtue of the most-favoured-nation clause.

*Ad Article 14 :*

Merchants and industrialists holding commercial identity cards, as well as commercial travellers in their employ may carry with them samples but not goods.

(Signed) POST.

(Signed) SEJA.

N° 1516.

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**AUTRICHE ET LETTONIE**

Traité de commerce et de navigation,  
avec protocole final. Signés à  
Riga, le 9 août 1924.

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**AUSTRIA AND LATVIA**

Treaty of Commerce and Navigation,  
with Final Protocol. Signed at  
Riga, August 9, 1924.