

N° 1406.

ESPAGNE ET HONGRIE

Convention commerciale, avec annexes et protocole final. Signés à Madrid, le 17 juin 1925.

SPAIN AND HUNGARY

Commercial Convention, with Annexes and Final Protocol. Signed at Madrid, June 17, 1925.

¹ TRADUCTION. — TRANSLATION.No. 1406. — COMMERCIAL CONVENTION² BETWEEN SPAIN AND HUNGARY. SIGNED AT MADRID, JUNE 17, 1925.

French official text communicated by the Representative of the Royal Hungarian Government accredited to the League of Nations. The registration of this Convention took place February 17, 1927.

HIS SERENE HIGHNESS THE REGENT OF HUNGARY and HIS CATHOLIC MAJESTY THE KING OF SPAIN, being equally desirous of fostering the development of commercial relations between Hungary and Spain, have resolved to conclude a Convention to that effect and have appointed as their Plenipotentiaries :

HIS SERENE HIGHNESS THE REGENT OF HUNGARY :

M. Alexander MOLDOVANYI DE RETTEGH, Councillor of Legation, Director of Economic Affairs at the Royal Hungarian Ministry of Foreign Affairs ;

HIS MAJESTY THE KING OF SPAIN :

His Excellency Don Fernando ESPINOSA DE LOS MONTEROS Y BERMEJILLO, Under-Secretary in charge of the Affairs of the Ministry of State ;

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

Article I.

The nationals of each of the two States shall enjoy in the territory of the other State, as regards their establishment, the carrying on of trade, industry and shipping, their movable and immovable property, and their rights and interests, the treatment granted to the nationals of the most favoured nation. They shall be free to conduct their business either in person or through an agent of their choice without being subject in this respect to any restrictions other than those provided for by the laws and regulations in force.

Subject to compliance with the national laws, they may sue or be sued in the courts and have free access to the authorities.

Nationals of one Party shall not be required to pay, for the carrying on of their trade, industry or shipping in the territory of the other Party, any tax, charge or duty other or higher than those which are now or may hereafter be imposed on nationals of the most favoured nation.

Article II.

1. The natural or manufactured products originating in or coming from Spain or any Spanish possession enumerated in Schedule A shall be subject on importation into Hungary to the duties

¹ Traduit par le Secrétariat de la Société des Nations.

¹ Translated by the Secretariat of the League of Nations.

² The exchange of ratifications took place at Madrid, April 8, 1926.

specified in the said schedule. They shall in any case, together with the products included among the Hungarian tariff numbers enumerated in Schedule B, enjoy the benefit of the greatest reduction of duty which Hungary grants or may hereafter grant to any other Power in virtue of tariff measures or Commercial Conventions both as regards import duties and any surtax, coefficient or supplement to which these duties are or may be subject.

2. The natural or manufactured products originating in or coming from Hungary enumerated in Schedule C shall not be subject on importation into Spain to any duties other or higher than those fixed in the said schedule.

3. The natural or manufactured products originating in or coming from Hungary included among the tariff items mentioned in Schedule D shall not be subject on importation into Spain to any duties other or higher than those which Spain imposes or may impose on the products of any other country.

Nevertheless, Hungary renounces the right to claim the benefit of the preferential treatment which Spain has established or may establish in favour of Portuguese products and of products originating in or coming from the Spanish zone in Morocco or the Spanish-American Republics.

4. All natural or manufactured products originating in or coming from Hungary, other than those enumerated in Schedule C and those referred to in Schedule D, shall be subject on importation into Spain to the duties specified in the second column of the Customs tariff in force at the time.

5. Natural or manufactured products originating in or coming from Hungary shall not be subject on importation into Spain to any surtax or increase or to any coefficient at present existing or which may in future be established, the application of which would be equivalent to an increase in the Customs duties.

6. Each of the Contracting Parties further undertakes not to apply in its trade with the other, in respect either of importation or exportation, treatment other or less favourable than that applied to a third State. This obligation relates in particular to the application of Customs regulations, Customs procedure, the checking and inspection of imported goods, the payment of duties and fees, the classification and interpretation of Customs tariffs and the exercise of monopolies.

7. Natural or manufactured products originating in or coming from Hungary shall enjoy, as regards their importation into the Canary Islands and the Spanish possessions in North Africa, all the advantages which Spain grants or may grant to a third country.

8. "Manufactured products" of the Contracting Parties shall be taken to include objects which are manufactured from material temporarily imported from abroad and subjected to industrial transformation.

9. No export duties or taxes shall be imposed on goods exported to the territory of the other Contracting Party other or higher than those imposed on similar goods exported to any other country.

10. In order that the trade of the respective countries may enjoy the advantages of the treatment stipulated in the present Convention, and in order at the same time to preclude any possibility of abuse, each of the Contracting Parties may require that the natural or manufactured products of the other country should be accompanied at the time of their importation by a certificate of origin.

This certificate of origin shall be delivered either by the Chamber of Commerce competent to issue such certificates to the consignor, or by any other authority or trade corporation which the country of destination may approve. Each of the two Parties may also require that the certificate should be legalised by a diplomatic or consular representative of the country of destination.

Certificates of origin shall be dispensed with in the case of postal packets.

11. The provisions of the present Article shall not entitle either Party to benefit by any special régime which may be established in respect of frontier traffic within a zone of an average width not exceeding fifteen kilometres on either side of the frontier and which is exclusively limited to the requirements of the population of such zone, or is justified by the special economic situation resulting from the establishment of new frontiers.

Article III.

Internal duties imposed on behalf of the State, the communes or any other authorities, which are or may be levied on the production, manufacture or consumption of an article in the territory of one of the Contracting Parties shall in no case be greater or more burdensome than the duties levied on similar goods of national origin.

Article IV.

The Contracting Parties shall not establish or maintain prohibitions or restrictions relating to the importation or exportation of each other's goods which are not applied in the same manner in respect of the importation or exportation of the same goods from or to any other country in similar circumstances.

Article V.

1. Traders or manufacturers of either of the two countries who can produce a trading licence issued by the competent authorities of their country showing that they are authorised in the country of their domicile to carry on their trade or industry and that they pay the legal taxes and duties in that country may, either personally or through travellers in their employ, make purchases in the territory of the other Contracting Party from merchants or producers or at public places of sale. They may also take orders, even by means of samples, from traders or other persons using in their trade or industry goods corresponding to such samples. In neither case shall they be subject to any special tax in this connection.

2. Traders or manufacturers and commercial travellers in their employ who are provided with a trading licence shall be entitled to carry with them samples but not goods.

3. Trading licences shall be issued in conformity with the specimen shown in Annex E. The Contracting Parties shall furnish each other with a list of the authorities competent to issue trading licences. Each of the Contracting Parties shall be entitled to charge a moderate fee for the issue of this licence.

4. Commercial travellers provided with licences shall not be entitled to do business on behalf of traders or manufacturers other than those indicated on their licences.

5. As regards the formalities to which commercial travellers may be subjected in the territories of the Contracting Parties, the two Parties shall mutually accord one another treatment not less favourable than that granted to any other nation.

6. Samples of goods liable to Customs duty which are introduced by commercial travellers or which are sent in advance or after them, shall on both sides be admitted free of import and export duty under the conditions which may at any time be laid down in the laws of the respective countries.

7. The re-exportation of samples or specimens must be guaranteed in the two countries at the Customs office of importation, either by a cash deposit equivalent to the duty payable or by the deposit of security which is valid under the law of the country in question.

Article VI.

The present Convention shall be ratified and the ratifications shall be exchanged at Madrid as soon as possible. It shall come into force on the tenth day after the exchange of ratifications.

The present Convention shall remain in force until denounced by one of the Contracting Parties. In case of denunciation, it shall cease to be valid three months after the day on which the other Party has received a notice of denunciation.

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

Done at Madrid in duplicate, June the seventeenth, One thousand nine hundred and twenty-five.

(L. S.) (Signed) Alexander DE MOLDOVANYI.

(L. S.) (Signed) Fernando Espinosa DE LOS MONTEROS.

SCHEDULE A.

Number in Hungarian Tariff	Description of Goods	Import duty per 100 kg. in gold crowns
ex 47	Saffron	700.—
54	Raw rice, wholly or partly husked	free
77	Apples, pears, and quinces, fresh : (c) Doubly packed in cases, baskets, barrels, boxes and similar containers, <i>i.e.</i> , in such a manner that each fruit is separately wrapped in paper, etc.,	22.50
79	Cherries and egriots	7.50
ex 84	Fresh almonds <i>Note.</i> — Unsugared fruit pulp, strained or not, in barrels or other containers not hermetically sealed, are subject, without reference to the time of year, to the lowest rate fixed for the corresponding fresh fruits, plus a surtax of 9 crowns.	3.—
85	Fruits, sun-dried or kiln-dried, pressed, cut, etc. : (a) In bulk or packed in sacks, barrels or cases of at least 50 kg. gross weight	10.—
87	(2) Other fruits (apricots, peaches, etc.) Fresh grapes : (a) From November 15th to December 31st (b) From January 1st to July 1st	40.— 30.—
ex 88	Raisins, even in bunches (Malaga and Denia)	30.—
89	Figs : (b) Dried : (1) In packages of less than 5 kg. for retail sale	16.—
	(2) Packed otherwise	8.—
90	Lemons and cedrates	3.—
91	Oranges and mandarins	6.—
92	Lemons, oranges, cedrates and their peel, preserved in brine	1.—
93	Dried peel of lemons, oranges, and cedrates	2.—
94	Dates : (a) In packages of less than 5 kg. for retail sale	100.—
	(b) Packed otherwise	50.—
ex 95	Bananas.	10.—

Number in Hungarian Tariff	Description of Goods	Import duty per 100 kg. in gold crowns
ex 97	Dried almonds <i>Note.</i> — For the manufacture of almond oil, by special permit, subject to such conditions as may be laid down by Ordinance and under control.	12.— free.
ex 102	Earthnuts	10.—
ex 103	Olives in brine, in packages or containers not hermetically sealed	12.—
125	Spanish cognac : (a) In casks or other containers of more than 2 litres (b) In containers of 2 litres or less	300.— 400.—
126	Spanish liqueurs and other distilled spirits, mixed with sugar : (a) In casks and other containers of more than 2 litres (b) In containers of 2 litres or less	400.— 450.—
128	Spanish spirits : (a) Whisky, gin and similar specialities (b) Others : (1) In casks or other containers of more than 2 litres	300.— 225.—
131	Grape must and wine : (a) In casks (b) In other containers : Malaga, Sherry, Tarragona, Priorato and Malmsey of an alcoholic strength of 18 to 22.5 degrees inclusive	60.— 100.—
146	Rice, husked, polished, etc.	8.—
ex 163(a)	Liquorice (inspissated, in boxes, in the shape of sticks, or lozenges). <i>Note.</i> — This régime does not include liquorice in small tubes, rolls, etc.	10.—
ex 163(c) α	Olives preserved in hermetically sealed containers : 1° Of 3 kg. gross weight and over 2° Of less than 3 kg. gross weight	60.— 60.—
ex 163(c) β	Unsugared fruit pulp in hermetically sealed containers : 1° Of 3 kg. gross weight and over 2° Of less than 3 kg. gross weight	90.— 100.—
168(b)(1)	Sardines in hermetically sealed tins	25.—
168(b)(2)	Tunny in hermetically sealed tins <i>Note.</i> — <i>Espadines</i> , <i>bocartas</i> and <i>juveles</i> originating in and coming from Spain are subject to the Customs duty levied on sardines, namely, 25 gold crowns.	150.—
178	Oil cake, etc.	free.
183	Wool, raw and washed, bleached, dyed and milled, etc.	free.
187	Raw hides and skins, etc.	free.
222	Raw cork, cork waste, grit, dust	free.
223	Wood, roots, bark, berries, flowers, etc. for the tanning and dyeing trades.	free.
233	Raw clay and colouring earths	free.
243	Rock and cooked salt, etc.	free.
244	Ores of every kind, roasted or not, but unground	free.
247	Slag, slime, dross and ashes of common metals of every kind, etc.	free.
284	Tartrates : (a) Raw tartar and tartar emetic	free.
ex 334	Olive oil : (a) In containers of 25 kg. gross weight and over (b) In containers of less than 25 kg. gross weight <i>Note.</i> — Consignments of these goods must be accompanied by a certificate of analysis issued by an official Spanish laboratory to the effect that they contain pure olive oil. In case of doubt, the purity of the	4.— 8.—

Number in Hungarian Tariff	Description of Goods	Import duty per 100 kg. in gold crowns
	oil may be tested in an official Hungarian laboratory at the expense of the person in charge of the goods.	
347	Pine resin, etc. (colophony)	free.
349	Heavy turpentine, raw turpentine oil, resinous pitch	free.
350	Refined turpentine oil	5.—
358	Candles :	
	(a) Containing 75 % and more stearine	84.—
	(b) Containing less than 75 % but not less than 25 % stearine	63.—
	(c) Containing less than 25 % but not less than 5 % stearine	45.—
	(f) Wax tapers	70.—
	(g) Tallow candles	10.—
403(a)	Resinous torches	20.—
412	Mineral dyes, ground, washed, calcined :	
	(b) Natural, iron oxide containing not more than 70 % of iron oxide	free.
414	Chemical dyeing powders :	
	(a) Artificial baryta white, etc.	free.
436(a)	Mercury	free.
533	Books, periodicals (except price-lists and other commercial printed matter), etc.	free.
578	Combed wool	free.
770(a)	Lead ingots, etc.	free.
771(a)	2. Tin and its alloys, etc.	free,
95I	Cork wares not mentioned :	
	(a) Cork in cubes, sheets or discs, etc.	
	1° In cubes	1.—
	2° In sheets or discs, etc.	4.—
	(b) Cork stoppers and other articles.	15.—

NOTE. — The products enumerated above are to be taxed on importation into Hungary at the rates indicated in the schedule and are to enjoy most-favoured-nation treatment with regard, both to duties and to the application of the notes contained in the Convention.

SCHEDULE B.

Classes I to XVII.
Classes XIX to XXVI.
Class XXVIII.
Classes XXX to XXXVI.

NOTE. — The products included in the Hungarian tariff items mentioned in the above classes, on importation into Hungary, are to enjoy most-favoured-nation treatment with regard both to duties and to the application of the notes contained in the Convention.

SCHEDULE C.

Number in Spanish Tariff	Description of Goods	Import duty in gold pesetas
511	Steam locomotives and tenders for railways with gauge less than 1 metre. 100 kg. gross	124.—
512	Steam locomotives and tenders for railways with gauge of 1 metre or more weighing less than 55 tons. 100 kg. gross	104.—
513	Steam locomotives and tenders, etc., etc., etc., weighing 55 tons or more. 100 kg. gross <i>Note.</i> — The duties under 511, 512 and 513 will be levied until the national production is sufficient to supply the requirements of internal consumption.	84.—
514	Separate parts or component parts of steam locomotives. 100 kg. gross	124.—
577	Machinery used in industrial mills and separate parts for the same. 100 kg. gross	68.—
593	Machinery not included in other tariff numbers weighing more than 1,500 kg. 100 kg. gross	50.—
ex 593	Refrigerating and freezing machines weighing more than 1,500 kg. 100 kg. gross	48.—
629	Generating sets and commutating machines weighing 1,000 kg. or more. 100 kg. net	48.—
633	Interrupters, cut-outs, switches, etc. weighing each : From 1 to 100 kg. inclusive ...100 kg. net Over 101 kg. ...100 kg. net	90.— 80.—
731	Motor lorries, vehicles and trucks, etc. ...kg. net	0.80
816	Toilet soap, not perfumed ...kg. net	2.—
873	Natural and artificial potable mineral waters : Hectolitre	32.—
986	Other pharmaceutical specialities ...kg. net	4.80
1288	Artificial silk yarn untwisted, natural colour or bleached ...kg. net	2.40
1321	Poultry, living or dead, and small game ...kg. net	1.20
1497	Rubber, guttapercha and the like : Transmission belts, discs, etc. ...kg. net	3.50
ex 1497	Non-vulcanised rubber sheets strengthened with cotton for the manufacture of "Cord" pneumatic tubes ...kg. net	3.20
1498	Rubber, etc. : outer rims or solid tyres for carriages ...kg. net	2.80
1500	Rubber, etc. : pneumatic tubes, used or not ...kg. net	6.40
1502	Articles of rubber, etc. for hygiene, orthopaedic or medical purposes, etc. ... kg. net	6.40

SCHEDULE D.

Class I. Nos. 36-48, 84, 88, 89.

Class II. Nos. 97, 100-103, 111, 113, 115, 118-122, 143, 147, 149, 150.

Class III. Nos. 187-189, 208, 209.

Class IV. Nos. 272, 273, 290-293, 312, 329, 330, 340, 347, 348, 349, 350, 364, 365, 368, 376, 377, 383, 385, 393, 397, 398, 399, 400, 401, 404-409, 413-422, 437, 453.

Class V. Nos. 493-502, 503-507, 508-510, 515, 516, 517, 520-522, 529, 530, 532, 533, 566-572, 574, 575, 576, 584-589, 590-592, 593 *bis*, 593 *ter*, 594-597, 615, 620-628, 630, 631, 632, 634, 635, 640-644, 652, 683, 701, 702, 726, 727, 728, 738-744.

Class VI. Nos. 815, 817, 818, 819, 876, 883, 932, 940-943, 947, 954, 955, 976, 977, 981, 982, 989.

Class IX. Nos. 1192, 1193.

Class X. Nos. 1252-1259.

Class XII. Nos. 1346, 1348, 1393.

Class XIII. Nos. 1474-1478, 1496, 1499, 1504, 1505, 1506, 1509-1511, 1513, 1515, 1516, 1525.

NOTE. — The products included in the tariff items mentioned above, on importation into Spain are to enjoy most-favoured-nation treatment with regard both to duties and to the application of the notes contained in the Convention.

ANNEX E.

FORM

Name of State
(Issuing Authority)

TRADE LICENCE FOR A COMMERCIAL TRAVELLER

valid for twelve months from date of issue.

Valid for No. of trade licence.....
 It is herewith certified that the holder of this licence M
 born at
 resident at
 possesses¹
 at
 under the name of
 (or) is a commercial traveller in the service of the firm(s) of
 at
 which possess(es)¹
 under the name of

As the bearer of this licence intends to solicit orders in the above-mentioned countries and to make purchases for the above firm(s), it is certified that the said firm(s) is (are) authorised to exercise its (their) trade and industry at and pay(s) the taxes required by law to this end.

..... 19.....

Signature of head of the firm(s) :

(L. S.)

Description of Bearer :

Age.....
 Height
 Hair
 Special marks

Signature of bearer :

.....

¹ Give name of factory or business.

N. B. — Only the first part of the form should be filled in in the case of the head of a commercial or industrial establishment.

FINAL PROTOCOL.

Before proceeding to sign the Commercial Convention concluded this day between Hungary and Spain, the undersigned duly authorised Plenipotentiaries made the following declarations :

(1) If at some future date Hungary grants a reduction of any description, for the importation of wines in casks or in bottles, to a third State, such concessions shall apply *ipso facto* to all Spanish wines without restriction and irrespective of their alcoholic content.

(2) It is agreed that in the case of *ex* items the concessions granted shall apply only to the part of the item specified.

MADRID, *the seventeenth day of June, One thousand nine hundred and twenty-five.*

(L. S.) (Signed) Alexander DE MOLDOVÁNYI.

(L. S.) (Signed) Fernando ESPINOSA DE LOS MONTEROS.