

N° 1544.

SUISSE ET TURQUIE

Convention de commerce, avec protocole de signature. Signés à Angora, le 4 mai 1927.

SWITZERLAND AND TURKEY

Commercial Convention, with Protocol of Signature. Signed at Angora, May 4, 1927.

¹ TRADUCTION. — TRANSLATION.

No. 1544. — COMMERCIAL CONVENTION² BETWEEN SWITZERLAND AND THE TURKISH REPUBLIC. SIGNED AT ANGORA, MAY 4, 1927.

French official text communicated by the Swiss Federal Council. The registration of this Convention took place October 11, 1927.

THE SWISS FEDERAL COUNCIL, of the one part, and THE PRESIDENT OF THE TURKISH REPUBLIC, of the other part, being desirous of developing economic relations between the two countries, have resolved, in conformity with the treaty³ of friendship between Switzerland and Turkey of September 19, 1925, to conclude a Commercial Convention, and have for this purpose appointed as their Plenipotentiaries :

THE SWISS FEDERAL COUNCIL :

M. Henri MARTIN, Swiss Chargé d'Affaires in Turkey, and

THE PRESIDENT OF THE TURKISH REPUBLIC :

Ali DJENANY Bey, Former Minister of Commerce, Deputy for Ghazi Aintab ;

Ali CHEVKI Bey, Under-Secretary of State in the Ministry of Foreign Affairs ;

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

Article 1.

Products of the soil and industry originating in Turkey and imported into Switzerland shall not be subjected to higher Customs duties than those given in Annex A.

Products of the soil and industry originating in Switzerland and imported into Turkey shall not be subjected to higher Customs duties than those given in Annex B.

The duties, coefficients, taxes or other charges imposed upon products of the soil and industry originating in either of the Contracting Countries and imported into the other, shall not exceed those imposed on similar products of any third country.

This shall also apply to export duties and other charges imposed upon products of the soil and industry which are exported from the territory of one of the two Contracting Parties into the territory of the other Party.

Treatment on the same terms as those accorded to any third country shall apply also to the method of collecting import and export duties, the storage of goods in bonded warehouses, Customs charges and formalities and the treatment and clearance at Customs offices of goods which are imported, exported or in transit.

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 Berne, September 29, 1927. The Convention came into force on October 29, 1927, in accordance with its Article 12.

³ Vol. LXI, page 395, of this Series.

Article 2.

Products of the soil and industry of one of the Contracting Countries which are imported into the territory of the other, after passing through the territory of another country or countries, shall not, when they enter the importing country, be subjected to other or higher Customs duties or charges than would be applied if they had been imported direct from their country of origin.

This provision applies whether the transit is direct or whether during transit the goods are transhipped, repacked or warehoused.

Article 3.

Each of the Contracting Parties may, in order to establish the country of origin of imported products, require the importer to produce a certificate of origin attesting that the imported article has been produced or manufactured in the country concerned or that it is to be considered as such, in view of any transformation or process which it has undergone in that country for economic reasons.

Certificates of origin drawn up in conformity with the model annexed to the present Convention (Annex C) shall be issued either by the Chamber of Commerce and Industry which is competent where the consignor is concerned, or by the Customs authorities or any other organisation or body approved by the country of destination. The Government of the country of destination shall be entitled to demand endorsement of the certificates of origin by its diplomatic or consular representatives.

Certificates of origin shall be dispensed with in the case of postal packets when it is recognised by the country of destination that they are not of a commercial character.

Article 4.

There shall be reciprocal freedom of trade and navigation between the territories of the Contracting Parties. Accordingly, the Contracting Parties undertake not to hamper their mutual commercial relations by any import, export or transit prohibitions or restrictions.

The Contracting Parties reserve the right, however, to prohibit or restrict imports and exports provided such measures apply to all countries or to all those in a like situation :

- (1) In order to retain possession of such resources as are indispensable to maintain the food supply and to safeguard the economic life of the nation ;
- (2) For reasons of public safety and national security ;
- (3) As a sanitary measure or for the protection of animals and useful plants against diseases and harmful insects and parasites, in accordance with the international principles adopted in this connection ;
- (4) In the case of goods which constitute State monopolies, and for the purpose of applying to foreign goods such prohibitions and restrictions as are or may be prescribed by domestic laws as regards the manufacture, sale, conveyance or consumption in the country of similar native goods ;
- (5) In order to prevent the export of gold specie or bullion.

Article 5.

Both Contracting Parties undertake to accord each other reciprocal freedom of transit over the lines of communication most suitable for international transit, for passengers, baggage, goods

and articles of every kind, packets, vessels, boats, carriages and wagons and other means of transport, and shall guarantee to each other in this respect most-favoured-nation treatment.

Goods of every kind crossing the territory of one of the Contracting Parties shall be reciprocally exempt from all Customs duties or other charges, except statistical dues and supervision and warehouse charges.

The Contracting Parties undertake not to hamper transit by restrictive formalities or other measures, but reserve the right to take all necessary steps to ensure that goods, especially those which constitute a State monopoly, are not clandestinely imported into the country, but are genuinely in transit.

The provisions of the present Article apply whether the transit is direct or whether during transit the goods are transhipped, repacked, or warehoused.

The transit of goods may be prohibited or restricted, provided such measures apply to all countries or to all those in a like situation :

- (1) For reasons of public safety and national security ;
- (2) As a sanitary measure or for the protection of animals and useful plants against diseases and harmful insects and parasites, in accordance with the international principles adopted in this connection.

Article 6.

Merchants, manufacturers and other industrialists of one of the Contracting Parties who prove by the production of an indentity card issued by the competent authorities of their own country that they are authorised to carry on their trade and industry in that country, and that they pay the legally-established taxes and imposts there, shall have the right to make purchases, either in person or through travellers employed by them, from merchants or producers, or in public places of sale, in the territory of the other Party. They may also take orders from merchants and others who use goods corresponding to those offered in their trade or industry. They may likewise carry samples or specimens with them or have them sent. The transactions enumerated in the present paragraph shall not render them liable to any special tax or duty. All objects representative of a specified category of goods shall be considered as samples or specimens, provided, first, that the said articles are such that they can be duly identified on re-exportation, and secondly, that the articles thus imported are not of such quantity or value that, taken as a whole, they no longer constitute samples in the usual sense.

The identity card must be drawn up in accordance with the model given in Annex D. The Contracting Parties shall communicate to each other the names of the authorities responsible for the issue of these cards, and the regulations which commercial travellers must observe when conducting their business.

It is understood, however, that the aforesaid commercial travellers shall not be entitled to do business for any merchants or manufacturers other than those named on their cards.

With the exception of goods the import of which is prohibited, articles liable to Customs duty or to any other charge, which are imported as samples or specimens, shall, conditionally on reexportation, be admitted on both sides free of import and export duties, subject to the following conditions :

A. When making their Customs declaration, travellers must produce a descriptive list, in triplicate, certified by the Customs authorities of the exporting country, containing full particulars of the samples or specimens imported by them. If they have not this descriptive list in their possession they shall, when making their declaration, present a new list in triplicate, giving details of the samples or specimens.

The Customs authorities of the importing country may require the translation of the list into the language of that country.

B. To enable samples or specimens to be identified on re-exportation, they must be stamped, or sealed with lead or wax seals, according to their nature, in the exporting country. The Customs authorities of each Party shall officially send the other specimens of these stamps and seals to enable the marks affixed to the samples to be authenticated.

When such marks are impossible or difficult to affix, identification by means of photographs, sketches or a full and detailed description shall be permitted. The Customs authorities in the importing country may, however, place additional marks on these samples, at the expense of the persons concerned, in all cases in which this additional guarantee is considered indispensable for ensuring the identification of the samples on re-exportation.

Except in the latter case, Customs verification shall be confined to identifying the samples and deciding the total duties and charges to which they may eventually be liable.

If the samples or specimens do not bear marks affixed in the exporting country, new marks shall be affixed by the Customs authorities of the importing country.

C. After the descriptive list or declaration of the samples has been presented to the Customs by the importer, the Customs inspection shall take place, and if the said list or declaration corresponding to the samples, and the marks affixed thereto, are in order, the Customs duties on each and the consumption taxes, if any, shall be determined and the amount of such duties and taxes deposited, either in cash or in the form of such security as the competent authorities in the importing country may consider adequate. The general provisions in regard to this security shall be laid down by the respective Governments. Weighing and other expenses shall be definitely paid, and the descriptive list or one of the copies of the declaration, duly endorsed by the Customs authorities, shall be returned to the importer.

Instead of depositing the duty on each of the samples calculated according to the corresponding article in the tariff, the importer may pay duty on the whole of the samples submitted, as the highest rate of the tariff. The Customs authorities shall be bound to agree to this proposal.

D. The samples or specimens imported in this way shall be returned within one year to the exporting country, or re-exported to another country, either through the Customs house of entry or through any other Customs office. This time-limit may be extended, if necessary, by the Customs authorities of the importing country.

E. The descriptive list or declaration, together with the samples or specimens to be re-exported, shall be presented to the Customs by the person concerned. After verification, the former will without delay refund (against receipt) the whole of the duties paid on importation, or will release the security for payment of those duties. This refund or release shall apply only to samples or specimens which are re-exported. Customs duties held as a deposit for samples or specimens which are not re-exported on the expiry of the time-limit allowed under D, or which are sold locally, will be placed to the credit of the administration or collected from the guarantors.

F. The refund of duties paid on importation, or the release of the security, may be effected at any of the Customs offices situated at the frontier or in the interior of the country which possesses the necessary authority. The Contracting Parties shall communicate to each other a list of the offices on which the said authority has been conferred.

The principle of equal treatment with that accorded to any third State shall apply on both sides with reference to the provisions of this Article.

The provisions of this Article shall not be applicable to hawking.

Article 7.

Nationals of one of the Contracting Parties proceeding to fairs and markets for business purposes shall not receive less favourable treatment in the territory of the other Party than its own nationals, provided they are able to produce an identity certificate (Annex E) issued by the authorities of the country of which they are nationals.

The provisions of paragraph 1 shall not be applicable to itinerant traders, hawkers or individuals canvassing orders from persons not engaged in any trade or industry, each of the Contracting Parties reserving full legislative freedom in this respect.

Article 8.

Subject to proof of identity and, if necessary, to the deposit of adequate security in some form, the following articles shall be exempt from Customs duties, provided they are re-exported or warehoused within a period corresponding to the time during which they are to be used :

(1) Articles imported into one of the contracting countries to be repaired.

It is understood that, if these articles are re-imported into the exporting country, they shall be exempt from import duties ; Customs duties payable on material or parts added in considerable quantities to the articles during repair will be collected separately, at the tariff rate originally applicable to such material or articles. The weight on which the duties are based may be fixed by valuation.

(2) Packages, bags, casks and other receptacles imported from the territory of one of the Contracting Parties into the territory of the other to be filled and then re-exported.

(3) Articles intended for fairs, exhibitions or competitions.

When importing the articles in question, the importer must state the length of time during which they are to be used. This period may be extended by the Customs authorities, if necessary.

Article 9.

Treatment on the same terms as that accorded to any other State shall not apply :

(1) To privileges which have been or may hereafter be granted by one of the Contracting Parties in respect of frontier traffic with adjacent countries within a zone of an average width not exceeding 15 kilometres on either side of the frontier ;

(2) To special privileges granted in virtue of a Customs union ;

(3) To special advantages and privileges which are now in force or may be established in future with regard to Customs tariffs and any other commercial matters in general, between Turkey and the countries detached from the Ottoman Empire in 1923.

Article 10.

Internal duties and taxes which are or may hereafter be levied either by the State or by communes and corporations, in respect of the production, manufacture or consumption of an article in the territory of one of the two Contracting Parties, must not under any pretext be imposed on the products of the other Party to a greater degree or in a more irksome manner than upon similar products of the country itself.

Article 11.

The Contracting Countries agree to take the necessary steps to enable traders to obtain official information concerning Customs tariffs and, more especially, concerning the rates payable on

any particular class of goods. The application must contain, according to the regulations of the importing country, either a sample of the goods or a detailed description, sketch or photograph.

Article 12.

The present Convention shall be ratified and the ratifications exchanged at Berne as soon as possible.

It shall come into force one month after the date of the exchange of ratifications, for a period of two years. Unless it is thereafter denounced by one of the Contracting Parties, it shall remain in force indefinitely, such denunciation not taking effect until after the expiration of six months.

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

Done in duplicate at Angora, May the fourth, one thousand nine hundred and twenty-seven.

(L. S.) (Signed) Henri MARTIN.

(L. S.) (Signed) Ali DJÉNANY.

(L. S.) (Signed) A. CHEVKI.

ANNEX A.

DUTIES ON IMPORTS INTO SWISS CUSTOMS TERRITORY.

No. in Swiss Customs Tariff	Description of Goods	Import duty per Q. Frs. Cts.
ex 33	Dried Sultana raisins, stoned or unstoned	10.—
37 (b)	Figs	10.—
ex 39 (a) 1	Hazel nuts, shelled or unshelled	10.—
ex 39 (b)	Pistachio nuts	10.—
ex 149	Bladders and guts	2.—
ex 165	Crude bones	0.05
173	Skins	0.50
	N.B. — ad 173. This items refers to the skins of small animals (calves, sheep, goats, etc.).	
341	Raw cotton	1.—
ex 482 (b)	Knotted woollen carpets	150.—
629 (a)	Raw emery	0.30
ex 966	Raw liquorice roots, whole	1.50
ex 967	Raw liquorice roots, broken up or mechanically treated in any way	15.—
ex 968	Opium	20.—
ex 988	Gum tragacanth	1.50
ex 1093	Raw volonias and gall-nuts, whole	0.30
ex 1094	Volonias and gall-nuts, broken up : cut up, ground, grated, pulve- rised, etc.	1.—

ANNEX B.

DUTIES ON IMPORTS INTO TURKISH CUSTOMS TERRITORY.

No. in Turkish Customs Tariff	Description of Goods	Import Duty	
		Piastres per 100 kg.	Coefficient
ex 32 (b)	Cheeses : Emmental, Gruyère, Saanen, Sbrinz and other Spalen cheeses, including Emmental and Gruyère in boxes	480	5
34	Condensed and sterilised milk	400	12
60	Milk foods such as Nestlé's, Mellins' and similar farinaceous specialities	600	12
112	Cocoa and chocolate containing sugar or other alimentary substances	350	12
187	Boots and shoes of kid or other fine skins, and those manufactured with textile materials of all kinds . .	3,300	9
188 (a)	Boots and shoes with uppers entirely of textile materials (soles of leather or imitation leather) of silk or silk mixed with other textile materials or of velvet of all kinds, and the same when combined with other tissues	6,000	9
ex 270	Cotton tissues : ex (d) Dyed or printed : ex (3) Gauze, burumdjuk, bobinot, muslin and similar fine transparent tissues ; also curtains and covers of these tissues	1,200	12
273	Hand or machine-made or appliqued embroideries, such as : curtains, bands, festoons, insertions, etc., embroidered or appliqued	3,500	9
303 (b)	Artificial silk	3,500	5
ex 305 (a)	Crêpe made from pure silk, floss silk or artificial silk, with or without metal threads	15,000	9
ex 308 (a)	Tissues and ribbons made from pure silk, floss silk or artificial silk, with or without metal threads	15,000	9
500	Dynamos, accumulators	380	5
ex 506 (b)	Diesel engines	60	5
533	Watches : (a) Gold (b) Silver (c) Other than gold or silver	each : 80 10 6	5 5 5
541	Meters for gas, electricity or water	p. 100 kg. 750	5
542	Telegraph and telephone instruments and apparatus and parts thereof (except wire)	900	5
545	Instruments not specially mentioned	750	5
580	Aniline dyes (picric acid, alizarine, and the like) . .	270	5
Law of March 10th, 1332/1916 Article 1	Metaldehyde ("Meta" fuel)	20 % ad valorem	

ANNEX C.

MODEL.

CERTIFICATE OF ORIGIN.

Consignor.

Consignee.

Name :
Resident at :
Street :

Name :
Resident at :
Street :

No. of packages	Nature of packing	Marks Nos.	Gross and net weight in kgms. and value	How despatched (rail, post, boat, etc.)	Contents.

It is hereby certified that the above goods are of origin.

..... 192....

(Seals)

.....

(Name of competent office and signature.)

ANNEX D.

NAME OF STATE
(Issuing Authority.)

IDENTITY-CARD FOR COMMERCIAL TRAVELLERS.
Valid for twelve months from the date of issue.

Valid for

No. of card

It is hereby certified that the holder of this card,

M.

born at

resident at

street No.

possesses ¹

at

under the name of

.....

.....

(or) is a commercial traveller in the employ of the firm(s) of

at

which possess(es) ¹

under the name of

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

..... 192....

Signature(s) of head(s) of firm(s)

Description of holder :

Age :

Height :

Colour of hair :

Special characteristics :

Signature of holder :

.....

¹ Give name of factory or business.

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

ANNEX E.

IDENTITY CARD

FOR PERSONS ATTENDING FAIRS OR MARKETS.

It is hereby certified that M.
 the bearer of this card, proceeding with his goods to the fairs and markets in
 (insert " Turkey " in the case of Swiss nationals and " Switzerland " in the case of Turkish nationals),
 is resident at
 and that the statutory taxes imposed must be paid in respect of his business.

This certificate is valid for a period of months.

(Place, date and signature and seal
 of issuing authority.)

PROTOCOL OF SIGNATURE.

At the moment of signing the present Commercial Convention, the under signed Plenipotentiaries have agreed upon the following provisions :

Ad Article 1.

If, in conformity with Article 2 of the Commercial Convention¹ signed at Lausanne on July 24th, 1923, between Turkey, of the one part, and the other signatory Powers, of the other part, the coefficients of increase provided for in the said Article should be readjusted owing to exchange fluctuations, the Contracting Parties agree that such readjustment shall likewise apply in the same conditions to the coefficients mentioned in List B annexed to the present Convention, without prejudice, however, to the full application of the provisions of Article 1, paragraph 3.

Ad Articles 4 and 12.

The two Parties also agree that a Party whose interests are prejudiced by prohibitions based on Article 4, paragraph 2, No. 1, is entitled, subject to six months' notice, to denounce the Convention even before the expiry of the period of two years stipulated in Article 12, paragraph 2.

The above provisions do not apply, however, to prohibitions existing at the time of the signature of the present Convention. Lists of such prohibitions shall be communicated by the Parties to each other.

Ad Article 9.

It is understood that Article 9 cannot be invoked if the special advantages and privileges enumerated in No. 3 of this Article are granted to a third State.

Ad Article 10.

It is understood that Turkey may continue to collect consumption taxes on the products enumerated in the table annexed to the present Protocol, on terms of equality as between her own nationals and Swiss nationals.

¹ Vol. XXVIII, page 151, of this Series.

The present Commercial Convention (with Annex) shall also apply in every respect to the Principality of Liechtenstein for so long as it remains joined to Switzerland by the Customs Union Treaty¹ of March 29th, 1923.

The present Protocol of Signature shall come into force at the same time as the Commercial Convention of which it forms an integral part.

Done in duplicate at Angora, May the fourth, one thousand nine hundred and twenty-seven.

(L. S.) (Signed) Henri MARTIN.

(L. S.) (Signed) Ali DJÉNANY.

(L. S.) (Signed) A. CHEVKI.

ANNEX TO THE PROTOCOL OF SIGNATURE.

TURKISH CONSUMPTION TAXES.

Tea	40 piastres per kilogramme
Coffee	20 » » »
Petroleum	6 » » »
Rice	10 » » »
Margarine, oleomargarine and other animal fats.	80 » » »
Candles, stearic	30 » » »
Ordinary soap	5 » » »
Sacks, old and new	5 » » »
Spices	30 » » »
Matches	½ piastre per box of 60 matches.
Wax Matches	1 piastre per box of 60 matches.
Cigarette paper	1 piastre per 50 sheets.
Patent lighters.	25 piastres each.
Sugar	15 piastres per kilogramme
Biscuits	} Subject to a consumption tax according to percentage of sugar they contain.
Chocolate	
Condensed milk	
Sweetstuffs and glucose	
Non-alcoholic beverages (mineral waters and lemonades)	
Other products containing sugar.	} 40 piastres per kilogramme.
Tombac	

¹ Vol. XXI, page 231, of this Series.