

N° 1633.

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**GUATÉMALA ET ITALIE**

Traité de commerce et de navigation.  
Signé à Guatémala, le 15 septembre  
1926.

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**GUATEMALA AND ITALY**

Treaty of Commerce and Navigation.  
Signed at Guatemala, September,  
15, 1926.

## TEXTE ITALIEN. — ITALIAN TEXT.

N° 1633. — TRATTATO <sup>1</sup> DI COMMERCIO E DI NAVIGAZIONE TRA IL REGNO D'ITALIA E LA REPUBBLICA DI GUATEMALA. FIRMATO IN GUATEMALA IL 15 SETTEMBRE 1926.

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*Textes officiels espagnol et italien communiqués par le ministre des Affaires étrangères d'Italie.  
L'enregistrement de ce traité a eu lieu le 1<sup>er</sup> février 1928.*

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S. M. IL RE D'ITALIA e S. E. IL PRESIDENTE DELLA REPUBBLICA DI GUATEMALA, desiderosi di dare incremento alle relazioni economiche tra i due paesi, hanno deciso di concludere un trattato di Commercio e di Navigazione e, a tal fine, hanno nominato quali loro Plenipotenziari :

S. M. IL RE D'ITALIA :

il Signor Commendatore Nicola MACARIO, Commendatore della Corona d'Italia ed Ufficiale dei Santi Maurizio e Lazzaro, Suo Incaricato d'Affari in Guatemala.

S. E. IL PRESIDENTE DELLA REPUBBLICA DI GUATEMALA :

il Signor Avvocato don Roberto LOWENTHAL, Suo Ministro per gli Affari Esteri,

I quali comunicatisi i rispettivi pieni poteri riconosciuti in buona e debita forma, hanno convenuto quanto segue :

*Art. 1.*

Vi sarà piena ed intera libertà di Commercio e di Navigazione fra i due Stati e fra i loro cittadini rispettivi, i quali potranno liberamente stabilirsi nel territorio dell'altro Stato.

*Art. 2.*

I cittadini di ognuna delle due Alte Parti contraenti non saranno soggetti, per l'esercizio del commercio, dell'industria e dei mestieri, nei porti, nelle città ed in qualsiasi altra località dell'altra parte contraente, sia che vi si stabiliscano, sia che vi risiedano temporaneamente, a diritti, imposte, tasse e patenti, sotto qualsiasi denominazione diversi o più onerosi di quelli che sono o saranno pagati dai nazionali o dai cittadini della Nazione più favorita ; ed i diritti, privilegi ed esenzioni immunità ed altri favori di qualsiasi natura, di cui godessero in materia di commercio, di industria, di mestieri, i cittadini di una delle parti contraenti o della Nazione più favorita, saranno comuni a quelli dell'altra parte.

Per l'esercizio delle professioni, tanto i cittadini italiani nel Guatemala che i cittadini Guatemalesi in Italia godranno della clausola della Nazione più favorita.

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<sup>1</sup> L'échange des ratifications a eu lieu à Guatemala, le 20 décembre 1927.

## TEXTE ESPAGNOL. — SPANISH TEXT.

Nº 1633. — TRATADO <sup>1</sup> DE COMERCIO Y NAVEGACIÓN ENTRE EL REINO DE ITALIA Y LA REPÚBLICA DE GUATEMALA. FIRMADO EN GUATEMALA EL 15 DE SEPTIEMBRE DE 1926.

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*Spanish and Italian official texts communicated by the Italian Minister for Foreign Affairs. The registration of this Treaty took place February 1, 1928.*

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SU MAJESTAD EL REY DE ITALIA y el PRESIDENTE DE LA REPÚBLICA DE GUATEMALA, deseosos de dar incremento a las relaciones económicas entre ambos países, han acordado celebrar, con tal propósito, un Tratado de Comercio y Navegación, y han nombrado con tal fin a sus respectivos Plenipotenciarios, a saber :

SU MAJESTAD EL REY DE ITALIA :

al Señor Nicola MACARIO, Comendador de la Orden de la Corona de Italia y Oficial de la Orden de los Santos Mauricio y Lázaro, Su Encargado de Negocios en Guatemala.

EL PRESIDENTE DE LA REPÚBLICA DE GUATEMALA :

al Señor Licenciado don Roberto LOWENTHAL, Ministro de Relaciones Exteriores ;

Los cuales, habiéndose comunicado sus respectivos plenos poderes y hallados en buena y debida forma, han convenido en los artículos siguientes :

*Art. 1.*

Habrá plena y entera libertad de comercio y de navegación entre los dos países y entre los respectivos ciudadanos, los cuales podrán establecerse libremente en el territorio del otro país.

*Art. 2.*

Los ciudadanos de cada una de las dos Altas Partes contratantes no estarán sujetos, para el ejercicio del comercio, de las industrias y de los oficios en los puertos, en las ciudades o en cualquiera otra localidad de la otra parte contratante, sea que se establezcan, o sea que residan temporalmente, a derechos, impuestos, tasas o patentes, bajo cualquiera denominación, diferentes o más onerosos, de los que son o sean pagados por los nacionales o por los ciudadanos de la Nación más favorecida, y los derechos, privilegios, exenciones, inmunidades y otros favores de cualquiera naturaleza, de los cuales gozaren en materia de comercio, industria y oficios, los ciudadanos de una de las Partes contratantes o de la Nación más favorecida. serán comunes a los de la otra Parte.

Para el ejercicio de las profesiones, ya sean los ciudadanos guatemaltecos en Italia, como los ciudadanos italianos en Guatemala, gozarán de la cláusula de la Nación más favorecida.

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<sup>1</sup> The exchange of ratifications took place at Guatemala, December 20, 1927.

<sup>1</sup> TRANSLATION.

## No. 1633. — TREATY OF COMMERCE AND NAVIGATION BETWEEN THE REPUBLIC OF GUATEMALA AND THE KINGDOM OF ITALY. SIGNED AT GUATEMALA, SEPTEMBER 15, 1926.

HIS MAJESTY THE KING OF ITALY and THE PRESIDENT OF THE REPUBLIC OF GUATEMALA, being desirous of developing the economic relations between their two countries, have decided to conclude a Treaty of Commerce and Navigation, and for this purpose have appointed as their Plenipotentiaries :

HIS MAJESTY THE KING OF ITALY :

M. Nicola MACARIO, Commander of the Order of the Crown of Italy and Officer of the Order of Saint Maurice and Saint Lazarus, His Chargé d'Affaires in Guatemala ;

THE PRESIDENT OF THE REPUBLIC OF GUATEMALA :

M. Roberto LOWENTHAL, Minister for Foreign Affairs ;

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

*Article 1.*

There shall be full and entire freedom in matters of commerce and navigation as between the two countries and as between their respective nationals, who shall be allowed to establish themselves freely in the territory of the other country.

*Article 2.*

The nationals of either High Contracting Party, whether domiciled in ports, towns, or other localities in the territory of the other Party, or residing temporarily therein, may carry on their trade, industry or other business without being subject to any duties, imposts, taxes or licence fees of any description other or higher than those to which nationals or the subjects of the most favoured nation are or may hereafter be liable ; and the rights, privileges, exemptions, immunities, and other advantages of whatever kind enjoyed in respect of commerce, industry or other business by nationals of one of the Contracting Parties or of the most favoured nation shall be enjoyed by the nationals of the other.

With regard to the exercise of professions, both Guatemalan citizens in Italy and Italian subjects in Guatemala shall be treated in accordance with the most-favoured-nation clause.

*Article 3.*

As regards the right of acquiring, possessing or disposing of movable or immovable property or of granting or acquiring leases of land, houses, shops or warehouses, the nationals of each

<sup>1</sup> Translated by the Secretariat of the League of Nations.

Contracting Party shall enjoy, in the territory of the other Party, the rights extended to subjects or citizens of the most favoured nation, and shall not be liable to any taxes, imposts or charges of any description other or higher than those which are or may hereafter be imposed upon nationals.

Nevertheless, so far as concerns the right of acquiring, possessing and making use of immovable property, this provision shall not affect the exceptions and restrictions which the laws of the two countries may apply to foreign nationals for reasons of national security.

The proceeds of the sale of property and personal possessions in general may be freely exported by the nationals of either country without their being subject to any duties other or higher than those to which nationals would be liable in a similar case.

#### *Article 4.*

The nationals of either of the High Contracting Parties shall be exempt in the territory of the other from all compulsory military service in the army or navy or in the national guard or militia.

They shall similarly be exempt from all compulsory judicial, administrative or municipal functions, from all requisitions or military contributions, and from all forced loans or other contributions which may be exacted for war needs or on account of other exceptional circumstances. This provision shall not apply, however, to charges connected with the possession or leasing of immovable property, or to military contributions or requisitions which may be imposed on subjects or citizens of the most favoured nation in their capacity as owners, lessees or occupiers of immovable property.

#### *Article 5.*

The nationals of either of the two Contracting Parties shall be entirely free, in the territory of the other, to conduct their business on the same footing as nationals, either personally or through intermediaries of their own choosing, without being required to pay any remuneration or fee to representatives, commission agents, etc., whom they may not choose to employ.

They shall also have free and unhindered access as plaintiffs or defendants to the courts of every kind and degree of jurisdiction. For this purpose, they may employ the advocates, notaries, and agents whom they consider qualified to defend their interests, and shall, in regard to judicial relations generally, enjoy the same rights and the same privileges as are or may in future be granted to nationals.

#### *Article 6.*

Traders, and manufacturers and other producers of either of the two countries shall be entitled, either personally or through commercial travellers, to purchase goods, and solicit orders in the territory of the other, either with or without samples, and the said traders and manufacturers, and their commercial travellers, shall be granted the same treatment in the matter of imposts and facilities as is extended to nationals or to subjects of the most favoured nation when thus engaged in buying or soliciting orders.

They shall be provided with an identity card on the model annexed to the present Treaty, which shall be issued by an authority appointed for the purpose by each of the two Parties.

Articles imported as samples for the above-mentioned purposes shall, in both countries, be admitted duty-free in accordance with the Customs regulations and formalities laid down to ensure re-exportation or, alternatively, the payment of the proper duty in the event of their not being re-exported within the statutory period.

The marks, stamps and seals affixed to the said samples for purposes of identification by the Customs authorities of either of the two Contracting Parties, shall be recognised as sufficient

by the authorities of the other Party. Nevertheless, if, on arrival, the samples should not bear the above-mentioned identification marks, or if such marks should appear inadequate to the administrative authorities concerned, the latter shall be entitled to affix such supplementary marks as may be considered necessary, without damaging the samples or levying any charge.

The privilege of temporary duty-free admission may not be extended to articles which, by reason of their number and value, cannot be regarded as samples, or which, by reason of their nature, could not be identified at the time of re-exportation. The decision whether samples are of such a kind that they can be admitted duty-free shall rest entirely with the competent authorities of the country into which they are imported.

#### *Article 7.*

Civil, commercial, industrial and financial companies (including public and private life assurance companies) domiciled in the territory of one of the Contracting Parties and validly constituted in accordance with its laws, shall enjoy most-favoured-nation treatment in all respects in the territory of the other Contracting Party.

Such companies and institutions shall not be required, in respect of the conduct of their business in the territory of the other Party, to pay imposts, duties or taxes higher than those to which the public or private companies of the country are liable.

#### *Article 8.*

Articles the produce or manufacture of either of the two countries, whether conveyed in ships of one of the two Contracting Parties or in ships of any other nationality, shall be treated on entry into the other country, on the same footing as those of the most favoured nation, as regards Customs duties and their assessment as well as any other charges or duties of whatever description, and as regards Customs formalities.

Guatemala shall not levy on goods exported to Italy, and Italy shall not levy on goods exported to Guatemala, any export duties or any other charges or duties other or higher than those which are levied on the same products when exported to the country most favoured in this respect. Goods of all kinds in transit through the territory of the two High Contracting Parties shall be reciprocally exempted from any transit duty, whether they are conveyed in transit direct or whether, during transit, they are to be transhipped, or unloaded, warehoused and reloaded. They may not in any case or for any reason be treated in a less favourable manner than goods in transit coming from any third country.

#### *Article 9.*

The provisions of paragraphs 1 and 2 of the preceding Article shall not apply :

(a) To exceptional privileges which either of the High Contracting Parties has granted or may in future grant to contiguous countries with a view to facilitating frontier traffic ;

(b) To obligations imposed on either of the High Contracting Parties by the clauses of a Customs union which has already been, or may in future be, contracted ;

(c) To preferential treatment which the two High Contracting Parties may have granted or may in future grant to their respective colonies, protectorates or possessions ;

(d) To privileges which the Republic of Guatemala has granted or may in future grant, under special treaties or clauses, exclusively to the other Central-American Republics.

*Article 10.*

The High Contracting Parties undertake not to impede trade between the two countries in any way by imposing import, export or transit prohibitions or restrictions.

Exceptions to this rule, so far as they are applicable to every country or to countries in identical circumstances, may only be made in the following cases :

- (1) In exceptional circumstances, in the case of war supplies ;
- (2) For reasons of public safety ;
- (3) In the case of State monopolies which are already in force or which may be established in future ;
- (4) In order to apply to goods of foreign origin prohibitions and restrictions imposed by the national legislation on the home production of similar goods or on the sale or transport within the country of similar goods produced therein ;
- (5) For reasons of sanitary supervision or the protection of useful animals and plants against diseases and noxious insects and parasites, and in particular in the interests of public health and in conformity with the principles internationally accepted in that connection.

In order to secure with the least possible delay the full application of the principle laid down in the first paragraph of this Article, the High Contracting Parties undertake neither to maintain nor to institute any import or export prohibition or restriction unless absolutely necessary owing to exceptional circumstances, and then only for so long as such circumstances exist. In any case, any removal of existing import or export prohibitions or restrictions which may be granted, even temporarily or for specified quotas, by one of the High Contracting Parties in respect of goods coming from a third State, shall be immediately and unconditionally applied in the same manner to identical or similar products of the other.

*Article 11.*

In order to establish the origin of imported products, each of the High Contracting Parties may require the production of a certificate of origin attesting that the imported article is of national production or manufacture, or that it should be regarded as such in view of the finishing process which it has undergone in the country from which it comes.

Certificates of origin shall be issued either by the Chambers of Commerce and Industry of the exporter's country of residence, or by any other body or association approved by the country of destination, or by the forwarding Customs office within the country or at the frontier. They may either be legalised or not by the consular authorities, according to the provisions in force in the importing country for the time being. If such legalisation is required, the fee charged shall be as small as possible, in order that trade between the two countries may not be impeded. The principle of reciprocity shall apply to this matter in all cases.

In any case certificates of origin shall not be required in respect of postal packets.

*Article 12.*

Internal taxes levied on behalf of the State, local authorities, or corporations, which are, or may hereafter be, imposed on the production, manufacture, sale or consumption of any article in the territory of one of the High Contracting Parties, shall not under any pretext be levied on products of the other Contracting Party at higher rates or in a more burdensome manner than on the like products of the former country or, failing these, those of the most favoured nation.

*Article 13.*

The vessels of each of the High Contracting Parties in the ports of the other shall be treated on their arrival, during their stay and on their departure, on the same footing as national vessels or as the vessels of the most favoured nation, both as regards duties and taxes of whatever nature or description levied on behalf of the State, municipalities and corporations, public officials or establishments of any kind, and as regards the berthing, lading and unloading of these vessels in harbours, roadsteads, bays, basins and docks, and, in general, all formalities and regulations to which vessels, their crews and their cargoes may be subject.

In the case of shipwreck or other casualty on the coasts or territory of one of the two countries or in the case of forced putting into port, the vessels of the other country shall enjoy all the advantages conceded in the same cases to national vessels or to vessels of the most favoured nation.

National or most-favoured-nation treatment for vessels does not extend :

- (1) To the coasting trade, which shall continue to be governed by the laws that are, or may hereafter be, in force in each of the two countries. In all cases, however, Guatemalan and Italian ships may proceed from a port of one of the Contracting Parties to a port or ports of the same country either to discharge all or part of their cargoes brought from abroad, or to take up or complete their foreign-bound cargoes ;
- (2) To bounties which are or may in future be granted to the national merchant marine ;
- (3) To special concessions granted to yacht clubs and to pleasure craft ;
- (4) To fisheries in the territorial waters of the High Contracting Parties and to the maritime services in connection with ports, roadsteads and beaches. These services include maritime towage, rescue work and salvage.

*Article 14.*

The nationality of vessels shall be established according to the laws of the State to which each vessel belongs.

Tonnage certificates delivered by one of the High Contracting Parties shall also be accepted in the territory of the other as establishing the capacity of the vessels, no revision of tonnage being required.

Except in the case of sale by judicial order, the vessels of one of the High Contracting Parties may not be nationalised in the territory of the other without a declaration issued by the authorities of the State to which they belong, cancelling their right to fly its national flag.

*Article 15.*

The subjects or citizens of each of the High Contracting Parties shall be free in the territory of the other, under the same conditions and on payment of the same charges as nationals, to use the main roads and other thoroughfares, canals, locks, ferries, bridges and swing-bridges, harbours and landing stages, signals and lights indicating navigable waters, pilotage cranes and public weighbridges, warehouses and establishments for salvage and the storage of cargoes, vessels and other objects. This shall apply in so far as these establishments and institutions are intended for the use of the public and whether they are administered by private persons or by the State.

Except as provided in the special regulations regarding lighthouses and beacons and regarding pilotage, no charge shall be levied unless the aforesaid establishments and institutions have actually been used.



Article 16.

The present Treaty shall be ratified and the ratifications shall be exchanged at Guatemala as soon as the formalities laid down by the respective legislations have been complied with on both sides.

It shall come into force fifteen days after the exchange of ratifications, and cannot be denounced until the expiration of one year from that date. After that period it may be denounced at any time, but shall remain in force for six months from the date of denunciation.

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

Done at Guatemala in duplicate this fifteenth day of September, one thousand nine hundred and twenty-six.

(L. S.) (Signed) Nicola MACARIO.

(L. S.) (Signed) Roberto LOWENTHAL.

NAME OF STATE.

.....

ISSUING OFFICE.

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*Identity Card for Commercial Travellers valid for twelve months from the day of issue, inclusive.*

Good for ..... No. of identity card ..... It is hereby certified that the bearer of this card M....., born at ..... living at ..... No. .... Street ..... is the owner of <sup>1</sup> ..... at ..... trading under the name of .....

(or) is a commercial traveller employed by ..... the firm of at ..... the firms of

which possesses <sup>1</sup> ..... possess ..... trading under the name of .....

The bearer of this card intends to solicit orders in the above-mentioned countries and to make purchases for the firm(s) referred to. It is hereby certified that the said firm(s) is (are) authorised to carry on its (their) business and trade in Guatemala and that it pays (they pay) the taxes, as provided by law, for that purpose.

(.....) the ..... 19...

Signature of the Head of the Firm.

.....

Description of Bearer

Age .....  
 Height .....  
 Hair .....  
 Special Marks .....

Photograph  
 of  
 Bearer.

Signature of Bearer

.....

President of the Chamber of Commerce.

<sup>1</sup> State articles or nature of trade.

N. B. The first entry should only be completed for heads of commercial or manufacturing businesses.