

N° 2709.

AUTRICHE ET ROUMANIE

Echange de notes comportant un
modus vivendi commercial. Bucarest, le 30 août 1930.

AUSTRIA AND ROUMANIA

Exchange of Notes constituting a
Commercial *Modus Vivendi*. Bucharest, August 30, 1930.

¹ TRADUCTION. — TRANSLATION.No. 2709. — EXCHANGE OF NOTES ² BETWEEN THE AUSTRIAN AND ROUMANIAN GOVERNMENTS CONSTITUTING A COMMERCIAL "MODUS VIVENDI". BUCHAREST, AUGUST 30, 1930.

French official text communicated by the Roumanian Envoy Extraordinary and Minister Plenipotentiary accredited to the League of Nations. The registration of this Exchange of Notes took place May 20, 1931.

I.

MINISTRY
OF FOREIGN AFFAIRS.

No 44.320.

BUCHAREST, August 30, 1930.

MONSIEUR LE MINISTRE,

With reference to your letter No. 3873/A, of July 5, 1930, concerning the conclusion of a *modus vivendi* regulating the economic relations between our two countries pending the conclusion of a definitive commercial treaty, I have the honour to inform you that the Roumanian Government would be glad if the Austrian Government would agree to the following Articles :

Article I.

The nationals of each of the two countries shall enjoy most-favoured-nation treatment in the territory of the other in respect of their person and property in all matters concerning establishment and the conduct of their trade and industry.

The nationals of each of the High Contracting Parties shall have the right to acquire and own in the territory of the other, movable property of every kind and description and urban immovable property, and to dispose freely thereof by purchase, sale, gift, transfer, marriage settlement, will, succession *ab intestato* or by any other means, on the same conditions as nationals of the country. As regards rural immovable property the said nationals shall enjoy the same treatment as is accorded in this connection to nationals of the most favoured nation.

As regards the purchase, possession and use of immovable property, the exceptions and restrictions now or hereafter established by the laws of each of the High Contracting Parties for reasons connected with the safety of the State and which apply to the nationals of all foreign countries are reserved.

Nevertheless it is understood that in this matter neither High Contracting Party shall be obliged to concede to the nationals of the other, powers and rights other or higher than those enjoyed *de facto* by its nationals in the territory of this latter Party.

¹ Traduit par le Secrétariat de la Société des Nations, à titre d'information.

¹ Translated by the Secretariat of the League of Nations, for information.

² Came into force September 1st, 1930, and renewed until June 30, 1931, by an exchange of notes.

In all the above cases and also in regard to the export of the proceeds of the sale of their property or of their property itself they shall not be subject to taxes, charges or duties of any kind whatsoever other or higher than those now or hereafter imposed on nationals.

The nationals of each of the two countries shall not be subject in the territory of the other, either as regards their person or property, or as regards the exercise of any kind of commerce, industry, trade or profession to any taxes, charges or duties of any kind whatsoever other or higher than those which are imposed on nationals.

Undertakings which are juristic persons shall enjoy similar treatment. Nevertheless they shall not establish themselves or set up branches in the territory of the other country unless they have previously conformed to the laws in force in that country.

The natural and manufactured products of each of the two Parties shall also enjoy most-favoured-nation treatment in all matters concerning import, export, warehousing, re-export, transit and in general all commercial transactions; and similarly, the vessels of each country shall enjoy most-favoured-nation treatment in all matters concerning navigation in the waters and ports of the other country.

Consequently, each of the two Contracting Parties undertakes immediately and without equivalent concession to extend to the other the benefit of any favours, privileges or reductions of duty now or hereafter accorded to any other third Power in the connections above-mentioned.

Article II.

Most-favoured-nation treatment shall also be applicable to the amount, guarantee and collection of import or other duties, and in respect of Customs formalities and their application, the methods and terms of payment of Customs and other duties, the classification of goods, the interpretation of Customs tariffs and the processes for analysing goods.

Article III.

The High Contracting Parties shall accord each other most-favoured-nation treatment in regard to the system of import and export prohibitions and restrictions.

Article IV.

Most-favoured-nation treatment shall not apply to :

- (a) Special favours now or hereafter accorded to neighbouring States for the purpose of facilitating frontier traffic ;
- (b) Special arrangements in regard to imports for the purpose of facilitating the payments arising out of the war of 1914-1918 ;
- (c) Rights and privileges now or hereafter accorded to any neighbouring State or States owing to the conclusion of a Customs Union.

Article V.

The above *modus vivendi* shall enter into force on September 1st. Its duration shall not exceed six months from the date on which it enters into force.

The Roumanian Government also agrees to resume before November 1, 1930, the negotiations relating to the conclusion of a definitive Convention on Commerce, Establishment and Navigation between the two countries.

If the Federal Government agrees to the above, the Royal Government is prepared to consider the *modus-vivendi* established by the present letter and an affirmative reply from the Austrian Federal Government.

I have the honour, etc.

G. G. MIRONESCO,
Minister.

His Excellency
Monsieur Robert Lukes,
Envoy Extraordinary
and Minister Plenipotentiary of Austria.

II.

AUSTRIAN LEGATION
IN ROUMANIA.

No. 4.949/A.

BUCHAREST, August 30, 1930.

MONSIEUR LE MINISTRE,

In reply to your letter of August 30, 1930, No. 44.320, I am instructed, by my Government, to inform you that the Federal Government is in agreement with the Royal Roumanian Government in regard to the following provisions of a *modus vivendi* regulating the economic relations between our two countries pending the conclusion of a definitive commercial treaty :

Article I.

The nationals of each of the two countries shall enjoy most-favoured-nation treatment in the territory of the other in respect of their person and property in all matters concerning establishment and the conduct of their trade and industry.

The nationals of each of the High Contracting Parties shall have the right to acquire and own in the territory of the other, movable property of every kind and description and urban immovable property and to dispose freely thereof by purchase, sale, gift, transfer, marriage settlement, will, succession *ab intestato* or by any other means on the same conditions as nationals of the country. As regards rural immovable property, the said nationals shall enjoy the same treatment as is accorded in this connection to nationals of the most favoured nation.

As regards the purchase, possession and use of immovable property, the exceptions and restrictions now or hereafter established by the laws of each of the High Contracting Parties for reasons connected with the safety of the State and which apply to the nationals of all foreign countries are reserved.

Nevertheless it is understood that in this matter neither High Contracting Party shall be obliged to concede to the nationals of the other, powers and rights other or higher than those enjoyed *de facto* by its nationals in the territory of this latter Party.

In all the above cases and also in regard to the export of the proceeds of the sale of their property or of their property itself they shall not be subject to taxes, charges or duties of any kind whatsoever other or higher than those now or hereafter imposed on nationals.

The nationals of each of the two countries shall not be subject in the territory of the other either as regards their person or property, or as regards the exercise of any kind of commerce, industry, trade or profession to any taxes charges or duties of any kind whatsoever other or higher than those which are imposed on nationals.

Undertakings which are juristic persons shall enjoy similar treatment. Nevertheless they shall not establish themselves or set up branches in the territory of the other country unless they have previously conformed to the laws in force in that country.

The natural and manufactured products of each of the two Parties shall also enjoy most-favoured-nation treatment in all matters concerning import, export, warehousing, re-export transit and in general all commercial transactions; and similarly, the vessels of each country shall enjoy most-favoured-nation treatment in all matters concerning navigation in the waters and ports of the other country.

Consequently, each of the two Contracting Parties undertakes immediately and without equivalent concession to extend to the other the benefit of any favours, privileges or reductions of duty now or hereafter accorded to any other third Power in the connections above mentioned.

Article II.

Most-favoured-nation treatment shall also be applicable to the amount, guarantee and collection of import or other duties, and in respect of Customs formalities and their application, the methods and terms of payment of Customs and other duties, the classification of goods, the interpretation of Customs tariffs and the processes for analysing goods.

Article III.

The High Contracting Parties shall accord each other most-favoured-nation treatment in regard to the system of import and export prohibitions and restrictions.

Article IV.

Most-favoured-nation treatment shall not be apply to :

(a) Special favours now or hereafter accorded to neighbouring States for the purpose of facilitating frontier traffic ;

(b) Special arrangements in regard to imports for the purpose of facilitating the payments arising out of the war of 1914-1918 ;

(c) Rights and privileges now or hereafter accorded to any neighbouring State or States owing to the conclusion of a Customs Union.

Article V.

The above *modus vivendi* shall enter into force on September 1, 1930. Its duration shall not exceed six months from the date on which it enters into force.

The Federal Government also agrees to resume, before November 1, 1930, the negotiations relating to the conclusion of a definitive Convention on Commerce, Establishment and Navigation between the two countries.

Consequently the Federal Government considers the above *modus vivendi* as established.

I have the honour, etc.

R. LUKES.

His Excellency:
Monsieur G. G. Mironesco,
Royal Minister for Foreign Affairs,
Bucharest.