

N° 3322.

**GRANDE-BRETAGNE
ET IRLANDE DU NORD
ET PORTUGAL**

Echange de notes comportant un accord au sujet de la discrimination des pavillons dans les ports portugais. Lisbonne, le 14 octobre 1933.

**GREAT BRITAIN
AND NORTHERN IRELAND
AND PORTUGAL**

Exchange of Notes constituting an Agreement regarding Flag Discrimination in Portuguese Ports. Lisbon, October 14, 1933.

No. 3322. — EXCHANGE OF NOTES¹
BETWEEN HIS MAJESTY'S
GOVERNMENT IN THE UNITED
KINGDOM AND THE PORTU-
GUESE GOVERNMENT RE-
GARDING FLAG DISCRIMA-
TION IN PORTUGUESE PORTS.
LISBON, OCTOBER 14, 1933.

Nº 3322. — TROCA DE NOTAS¹
ENTRE O GOVERNO DE SUA
MAJESTADE BRITANICA NO
REINO UNIDO E O GOVERNO
PORTUGUÊS RELATIVAS AO
DIFERENCIAL DE BANDEIRA
NOS PORTOS PORTUGUÊSES.
LISBOA, 14 DE OUTUBRO DE
1933.

*English and Portuguese official texts communicated
by His Majesty's Secretary of State for Foreign
Affairs in Great Britain. The registration
of this Exchange of Notes took place January 4,
1934.*

*Textes officiels anglais et portugais communiqués
par le secrétaire d'Etat aux Affaires étrangères
de Sa Majesté en Grande-Bretagne. L'enre-
gistrement de cet échange de notes a eu lieu
le 4 janvier 1934.*

No. 1.

SIR C. RUSSELL TO DR. J. CAEIRO DA MATTA.

LISBON, October 14, 1933.

M. LE MINISTRE,

I have the honour to inform your Excellency that His Majesty's Government in the United Kingdom of Great Britain and Northern Ireland are prepared to conclude an agreement in the following terms :

(i) The obligations contained in Article 6 of the Treaty of Commerce and Navigation signed at Lisbon on the 12th August, 1914², and in the declaration signed at Lisbon on the 20th May, 1916², on the exchange of ratifications of the said Treaty, shall remain binding on the Government of the United Kingdom of Great Britain and Northern Ireland, so long as the present agreement remains in force, even if the said Treaty shall have ceased to be operative under the provisions of Article 23 thereof.

(ii) Shipping companies incorporated in the United Kingdom, Newfoundland, any British colony or protectorate, or any mandated territory in respect of which the mandate is exercised by the Government of the United Kingdom, all British ships, including all ships registered in any of the territories aforesaid, and goods and passengers (including emigrants) carried, or to be carried, in any such ships shall not be subjected in Portugal, or the adjacent islands, after the 1st July, 1934, or in any Portuguese colony after the 1st July, 1936, to any conditions, restrictions, duties or charges other, or more onerous in law or in fact, than those applicable to shipping companies incorporated in Portuguese

¹ Came into force October 14, 1933.

² *British and Foreign State Papers*, Vol. 108, page 369.

¹ Entré en vigueur le 14 octobre 1933.

² DE MARTENS, *Nouveau Recueil général de Traités*, troisième série, tome XV, page 522.

territory or in any other country, to ships registered in Portuguese territory or in any other country, or to goods or passengers (including emigrants) carried, or to be carried, in such ships.

(iii) The provisions of sub-paragraph (ii) shall be deemed to include conditions or charges demanded by consular officers abroad in respect of ships or passengers or goods carried, or to be carried, on ships, but do not apply to conditions, restrictions, duties or charges imposed in connexion with the trade which can, under the provisions of Article 12 of the Treaty of the 12th August, 1914, be reserved to national vessels.

(iv) Except as provided in sub-paragraph (i) nothing in the present agreement shall be deemed to prejudice the rights and obligations arising out of the Treaty of Commerce and Navigation signed at Lisbon on the 12th August, 1914.

(v) The present agreement shall come into force on the date of the present note and shall remain in force until the 30th June, 1941. Thereafter it shall continue in force until the expiration of one year from the date on which either Government shall have given to the other Government notice of termination ; provided that if at any time shipping companies incorporated in Portuguese territory, ships registered in Portuguese territory and goods and passengers carried, or to be carried, in such ships are subjected in the United Kingdom after the 1st July, 1934, or in Newfoundland or any British colony or protectorate, or any mandated territory in respect of which the mandate is exercised by the Government of the United Kingdom after the 1st July, 1936, to any conditions, restrictions, duties or charges other, or more onerous in law or in fact, than those applicable to shipping companies incorporated in these territories, ships registered therein or in any other country, or to goods or passengers (including emigrants) carried, or to be carried, in such ships, the Portuguese Government shall have the right to determine the agreement if, after notice of any such discrimination has been given, steps are not taken within six months to remedy the discrimination complained of.

2. If the Portuguese Government agree to the foregoing provisions I have the honour to propose that the present note and your Excellency's reply in similar terms shall be regarded as constituting a formal agreement between the two Governments in this matter.

I have, etc.

Claud RUSSELL.

No. 2.

DR. J. CAEIRO DA MATTA TO SIR C. RUSSELL.

TEXTE PORTUGAIS. - PORTUGUESE TEXT.

¹ TRADUCTION. — TRANSLATION.

MINISTÉRIO
DOS NEGÓCIOS ESTRANGEIROS.

MINISTRY
FOR FOREIGN AFFAIRS.

LISBOA, 14 de Outubro de 1933.

LISBON, October 14, 1933.

SENHOR EMBAIXADOR,

M. L'AMBASSADEUR,

Em resposta á nota que V. Ex^a. se serviu dirigir-me em data de hoje, tenho a honra de comunicar a V. Ex^a. que o Governo Português está igualmente disposto a celebrar com o

In reply to the note which your Excellency addressed to me, of to-day's date, I have the honour to inform your Excellency that the Portuguese Government are equally prepared

¹ Traduction du Foreign Office de Sa Majesté britannique.

¹ Translation of His Britannic Majesty's Foreign Office.

Governo de Sua Majestade Britanica no Reino Unido da Grã Bretanha e Irlanda do Norte um acordo nos termos seguintes :

(i) As obrigações constantes do Artigo 6º do Tratado de Comercio e Navegação assinado em Lisboa em 12 de Agosto de 1914, e da declaração assinada em Lisboa em 20 de Maio de 1916, por ocasião da troca de ratificações do referido Tratado, subsistirão pelo que respeita ao Governo do Reino Unido da Grã Bretanha e Irlanda do Norte, emquanto vigorar o presente acordo, ainda que o tratado em questão venha a cessar nos termos do seu artigo 23º.

(ii) A partir de 1 de Julho de 1934 no que respeita a Portugal e Ilhas Adjacentes, e a partir de 1 de Julho de 1936 no que se refere às Colónias Portuguezas, as companhias de navegação constituídas no Reino Unido, na Terra Nova, em qualquer colónia ou protectorado britannicos, ou em qualquer território sob mandato exercido pelo Governo do Reino Unido, todos os navios britannicos incluindo quaisquer navios matriculados nalgum dos territórios acima mencionados, e bem assim as mercadorias e passageiros (incluindo emigrantes) transportados ou a transportar nesses navios, não serão sujeitos a quaisquer condições, restrições, direitos ou encargos diferentes ou mais onerosos, legalmente ou de facto, do que aqueles que se apliquem ás companhias de navegação constituídas em qualquer território português ou estrangeiro, aos navios matriculados em território português ou estrangeiro, ou ainda ás mercadorias e passageiros (incluindo emigrantes) transportados ou a transportar nesses navios.

(iii) Considerar-se-hão abrangidos nas estipulações do sub-paragrafo (ii), as condições e pagamentos exigidos pelos funcionários consulares portugueses em relação aos navios, e em relação aos passageiros e mercadorias nêles transportados ou a transportar, mas as referidas estipulações não se applicarão ás condições, restrições, direitos ou encargos estabelecidos para o tráfico que pode ser, nos termos das disposições do artigo 12 do Tratado de 12 de Agosto de 1914, reservado para os navios nacionais.

to conclude an agreement with the Government of His Britannic Majesty in the United Kingdom of Great Britain and Northern Ireland in the following terms :

(i) The obligations contained in Article 6 of the Treaty of Commerce and Navigation signed at Lisbon on the 12th August, 1914, and in the declaration signed at Lisbon on the 20th May, 1916, on the exchange of ratifications of the said Treaty, shall remain binding on the Government of the United Kingdom of Great Britain and Northern Ireland, so long as the present agreement remains in force, even if the said Treaty shall have ceased to be operative under the provisions of Article 23 thereof.

(ii) Shipping companies incorporated in the United Kingdom, Newfoundland, any British colony or protectorate, or any mandated territory in respect of which the mandate is exercised by the Government of the United Kingdom, all British ships, including all ships registered in any of the territories aforesaid, and goods and passengers (including emigrants) carried, or to be carried, in any such ships shall not be subjected in Portugal, or the adjacent islands, after the 1st July, 1934, or in any Portuguese colony after the 1st July, 1936, to any conditions, restrictions, duties or charges other, or more onerous in law or in fact, than those applicable to shipping companies incorporated in Portuguese territory or in any other country, to ships registered in Portuguese territory or in any other country, or to goods or passengers (including emigrants) carried, or to be carried, in such ships.

(iii) The provisions of sub-paragraph (ii) shall be deemed to include conditions or charges demanded by consular officers abroad in respect of ships or passengers or goods carried, or to be carried, on ships, but do not apply to conditions, restrictions, duties or charges imposed in connexion with the trade which can, under the provisions of Article 12 of the Treaty of the 12th August, 1914, be reserved to national vessels.

(iv) Salvo o disposto no sub-paragrafo (i), nenhuma disposição do presente Acordo será considerada como prejudicando quaisquer direitos e obrigações resultantes do Tratado de Comercio e Navegação assinado em Lisboa em 12 de Agosto de 1914.

(v) O presente Acordo vigorará desde a data da presente Nota até 30 de Junho de 1941. Posteriormente a esta data o Acordo continuará em vigor até um ano depois da sua denuncia por algum dos dois Governos ; se porem, depois de 1 de Julho de 1934 no que respeita ao Reino Unido ou depois de 1 de Julho de 1936 no que se refere á Terra Nova, a qualquer Colónia ou Protectorado Britanicos, ou a qualquer território que se encontre sob mandato exercido pelo Governo do Reino Unido, as companhias de navegação constituídas em território português, os navios matriculados em território português, as mercadorias e passageiros transportados ou a transportar nesses navios forem sujeitos a quaisquer condições, restrições, direitos ou encargos diferentes ou mais onerosos, legalmente ou de facto, do que aqueles que se apliquem ás companhias de navegação constituídas naqueles territórios, aos navios nêles matriculados ou no de outro qualquer pais, ou ainda ás mercadorias ou passageiros (incluindo emigrantes) transportados ou a transportar em tais navios, o Governo Português terá em tal caso o direito de dar por findo o presente Acordo se, depois da notificação de tal tratamento diferencial, não forem tomadas, no praso de seis mezes, providencias para obviar a alegada discriminação.

2. Em conformidade com a proposta de V. Ex^a. que tenho a honra de aceitar, a nota de V. Ex^a. e esta resposta, redigida nos mesmos termos, constituirão o Acordo formal dos dois Governos sobre a matéria.

Aproveito, etc.

José CAEIRO DA MATTA.

(iv) Except as provided in sub-paragraph (i) nothing in the present agreement shall be deemed to prejudice the rights and obligations arising out of the Treaty of Commerce and Navigation signed at Lisbon on the 12th August, 1914.

(v) The present agreement shall come into force on the date of the present note and shall remain in force until the 30th June, 1941. Thereafter it shall continue in force until the expiration of one year from the date on which either Government shall have given to the other Government notice of termination ; provided that if at any time shipping companies incorporated in Portuguese territory, ships registered in Portuguese territory and goods and passengers carried, or to be carried, in such ships are subjected in the United Kingdom after the 1st July, 1934, or in Newfoundland or any British colony or protectorate, or any mandated territory in respect of which the mandate is exercised by the Government of the United Kingdom after the 1st July, 1936, to any conditions, restrictions, duties or charges other, or more onerous in law or in fact, than those applicable to shipping companies incorporated in these territories, ships registered therein or in any other country, or to goods or passengers (including emigrants) carried, or to be carried, in such ships, the Portuguese Government shall have the right to determine the agreement if, after notice of any such discrimination has been given, steps are not taken within six months to remedy the discrimination complained of.

2. In conformity with your Excellency's proposal, which I have the honour to accept, your Excellency's note and this reply, which has been drawn up in the same terms, shall constitute the formal agreement of the two Governments on the subject.

I avail, etc.

José CAEIRO DA MATTA.

¹ TRADUCTION. — TRANSLATION.

N^o 3322. — ÉCHANGE DE NOTES ENTRE LE GOUVERNEMENT DE SA MAJESTÉ DANS LE ROYAUME-UNI ET LE GOUVERNEMENT PORTUGAIS, COMPORTANT UN ACCORD AU SUJET DE LA DISCRIMINATION DE PAVILLON DANS LES PORTS PORTUGAIS. LISBONNE, LE 14 OCTOBRE 1933.

N^o 1.

SIR C. RUSSELL AU D^r J. CAEIRO DA MATTA.

LISBONNE, le 14 octobre 1933.

MONSIEUR LE MINISTRE,

J'ai l'honneur de faire savoir à Votre Excellence que le Gouvernement de Sa Majesté dans le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord est disposé à conclure un accord dans les termes suivants :

i) Les obligations contenues à l'article 6 du Traité de commerce et de navigation signé à Lisbonne le 12 août 1914 et dans la Déclaration signée à Lisbonne le 20 mai 1916 à l'occasion de l'échange des ratifications dudit traité, continueront à lier le Gouvernement du Royaume-Uni de Grande-Bretagne et d'Irlande du Nord tant que le présent accord restera en vigueur, même si ledit traité cesse d'avoir effet en vertu des dispositions de son article 23.

ii) A partir du 1^{er} juillet 1934, pour ce qui concerne le Portugal ou les îles adjacentes, et à partir du 1^{er} juillet 1936 pour les colonies portugaises, les compagnies de navigation constituées dans le Royaume-Uni, à Terre-Neuve, dans une colonie ou un protectorat britannique quelconque ou dans un territoire sous mandat pour lequel le mandat est exercé par le Gouvernement du Royaume-Uni, tous les navires britanniques, y compris tous les navires immatriculés dans l'un quelconque des territoires susdits, ainsi que les marchandises et passagers (y compris les émigrants) transportés ou à transporter dans ces navires, ne seront assujettis à aucune condition, restriction, taxe ou redevance autres ou plus onéreuses en droit ou en fait que celles qui sont applicables aux compagnies de navigation constituées en territoire portugais ou dans tout autre pays, aux navires immatriculés en territoire portugais ou dans tout autre pays, ou aux marchandises et passagers (y compris les émigrants) transportés ou à transporter dans ces navires.

iii) Les dispositions du sous-paragraphe *(ii)* seront considérées comme portant également sur les conditions ou redevances exigées par les fonctionnaires consulaires à l'étranger au sujet des navires ou des passagers ou marchandises transportés ou à transporter sur ces navires, mais ne s'appliqueront pas aux conditions, restrictions, taxes ou redevances visant le trafic qui, aux termes des dispositions de l'article 12 du Traité du 12 août 1914, peut être réservé aux navires nationaux.

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.