

N° 3760.

DANEMARK ET PORTUGAL

Déclaration complétant provisoirement la Déclaration du 14 décembre 1896 concernant les relations commerciales et maritimes entre les deux pays, signée à Lisbonne, le 18 juin 1935, et échange de notes y relatif de la même date.

DENMARK AND PORTUGAL

Declaration supplementing provisionally the Declaration of December 14th, 1896, regarding Commercial and Maritime Relations between the Two Countries, signed at Lisbon, June 18th, 1935, and Exchange of Notes relating thereto of the same Date.

1 TRADUCTION. — TRANSLATION.

No. 3760. — DECLARATION ² BETWEEN DENMARK AND PORTUGAL SUPPLEMENTING PROVISIONALLY THE DECLARATION OF DECEMBER 14TH, 1896, REGARDING COMMERCIAL AND MARITIME RELATIONS BETWEEN THE TWO COUNTRIES. SIGNED AT LISBON, JUNE 18TH, 1935.

*French official text communicated by the Permanent Delegate of Denmark to the League of Nations.
The registration of this Declaration took place November 20th, 1935.*

Pending the conclusion of a new treaty of commerce and navigation between Denmark and Portugal and with a view to supplementing the Danish-Portuguese Declaration³ of December 14th, 1896, the undersigned, duly authorised by their Governments, have agreed as follows :

Article 1.

The Danish Government undertakes to apply before the end of 1935 the necessary measures for the protection of the regional designations of the Portuguese wines referred to in the present Article.

The Danish Government recognises that the designations " Porto " and " Madeira " and the composite names derived therefrom, either in their original forms or in a translation (Port, Oporto, Port Wine, Portwein, Portvin, etc., or Madère, Madeira Wine, Madeira Wein, Madeira Vin, etc.) and also the designations " Moscatel de Setubal " and " Carcavelos " are regional marks or appellations of origin, duly protected in Portugal and exclusively applicable to liqueur-like wines produced in the Portuguese territories of the Douro, the Island of Madeira, Setubal and Carcavelos respectively.

The Danish Government agrees to take the necessary measures to prevent and punish in Danish territory the importation, storage and distribution for purposes of sale, and also the offering for sale and sale of wines bearing these designations which were not produced in the Portuguese territories of the Douro, the Island of Madeira, Setubal and Carcavelos and which have not been exported, in the case of Porto, over the Douro Bar or from the port of Leixões, in the case of Madeira from the port of Funchal, in the case of Moscatel de Setubal from the ports of Lisbon or Setubal, and in the case of Carcavelos from the port of Lisbon.

The genuineness of these wines shall be established by certificates of origin issued by the competent Portuguese authorities, the production of which shall be essential for their importation into Denmark for purposes of sale.

Penal proceedings shall be taken against persons infringing the provisions of the present Article, even when the genuine origin of the product is mentioned or the false appellations are accompanied by corrective words such as " class ", " type ", " style ", " rival " or some other specific regional or other indication, all marks, labels or inscriptions which might mislead the buyer or make him uncertain of the real origin of the wine he is buying being prohibited.

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 June 18th, 1935.

³ *British and Foreign State Papers*, Vol. 88, page 444.

Similar penalties shall be imposed in respect of all attempts to sell liqueur wines entitled, in accordance with the present Article, to an appellation of origin, the purity of which on their importation has been impaired by the addition of water or other wines.

The foregoing penalties shall be imposed on the initiative of the Administration or on the application of the Public Prosecutor or of an interested party, whether a private individual, syndicate or association, possessing the nationality of either of the High Contracting Parties.

The foregoing provisions shall apply to the liqueur-like wine bearing the mark "Extremadura" and despatched from the port of Lisbon, as soon as the winegrowing region from which it comes has been defined and its export subjected to the same rules and guarantees as are applicable in Portugal to the wines enumerated in paragraph 1 of the present Article.

Article 2.

Danish shipping undertakings and also Danish vessels, their passengers and cargoes shall not be subject in Portugal and the adjacent islands to duties or charges other or higher, or to conditions or restrictions other or more burdensome, than those to which Portuguese vessels or the vessels of any other State, their passengers and cargoes are or may hereafter be subject. The same treatment shall be granted in Denmark to Portuguese shipping undertakings and vessels and to their passengers and cargoes.

Danish shipping undertakings and Danish vessels, and also their passengers and cargoes, shall enjoy in the Portuguese colonies most-favoured-nation treatment, and as from July 1st, 1936, national treatment or the treatment granted to any other State.

It is understood that the provisions of the present Article do not apply :

(a) To the special laws concerning the national mercantile marine designed to encourage by means of bounties and other special facilities new construction and the practice of navigation ;

(b) To the privileges granted to aquatic sports clubs ;

(c) To the maritime service at ports, in roadsteads and on beaches. The maritime service includes towage, pilotage, maritime assistance and salvage ;

(d) To emigration and the transport of emigrants ;

(e) To trade between ports situated in the territories of each of the High Contracting Parties, including colonies. The said trade shall continue to be regulated by the existing laws or those which may be put into force hereafter in either of the two countries ;

(f) To fishing in the territorial waters of the High Contracting Parties.

Article 3.

Denmark and Portugal undertake to grant each other unconditional and unlimited most-favoured-nation treatment in all that relates to internal duties, charges and taxes of whatsoever nature, consumption taxes, monopoly, octroi and excise duties and charges, stamp duties, and the method of collecting the said duties, charges or taxes.

Article 4.

The present Declaration shall come into force as from to-day and shall remain in force until a new treaty of commerce and navigation has been concluded.

It may, however, be denounced beforehand by either of the High Contracting Parties on giving one month's notice.

Done at Lisbon, in duplicate, this 18th day of June, 1935.

(Signed) M. A. WASSARD.

(Signed) Armindo RODRIGUES MONTEIRO.

EXCHANGE OF NOTES

I.

LISBON, *June 18th*, 1935.

SIR,

On behalf of the Government of the Portuguese Republic, I have the honour to convey to you the following :

In view of the fact that a Danish undertaking for maritime assistance and salvage has been established in Portugal for some years past, the Portuguese Government states that, notwithstanding the provisions of Article 2, paragraph (c), of the Declaration signed this day by the Portuguese and Danish Governments, this Danish undertaking and its successor, if any, shall, so long as the Declaration is in force, enjoy national treatment as it has done hitherto.

I have the honour to be, etc.

(Signed) Armindo RODRIGUES MONTEIRO.

Monsieur M. A. Wassard,
Plenipotentiary of the Danish Government,
etc., etc.

II.

LISBON, *June 18th*, 1935.

MONSIEUR LE MINISTRE,

I have the honour to acknowledge the receipt of your note of to-day reading as follows :

“ On behalf of the Government of the Portuguese Republic, I have the honour to convey to you the following :

“ In view of the fact that a Danish undertaking for maritime assistance and salvage has been established in Portugal for some years past, the Portuguese Government states that, notwithstanding the provisions of Article 2, paragraph (c), of the Declaration signed this day by the Portuguese and Danish Governments, this Danish undertaking and its successor, if any, shall, so long as the Declaration is in force, enjoy national treatment as it has done hitherto. ”

I have the honour to be, etc.

(Signed) M. A. WASSARD.

His Excellency
Dr. Armindo Monteiro,
Minister for Foreign Affairs,
etc., etc., etc.