

N° 3791.

ESPAGNE ET URUGUAY

Modus vivendi commercial, avec protocole additionnel et annexes, protocole additionnel sur les changes et protocole complémentaire au protocole additionnel sur les changes. Signés à Montevideo, le 2 janvier 1935.

SPAIN AND URUGUAY

Commercial *modus vivendi*, with Additional Protocol and Annexes, Additional Protocol regarding Exchange Transactions, and Protocol supplementary to the Additional Protocol regarding Exchange Transactions. Signed at Montevideo, January 2nd, 1935.

TEXTE ESPAGNOL. — SPANISH TEXT.

Nº 3791. — « MODUS VIVENDI »¹ COMERCIAL ENTRE ESPAÑA Y URUGUAY. FIRMADO EN MONTEVIDEO, EL 2 DE ENERO DE 1935.

Texte officiel espagnol communiqué par l'envoyé extraordinaire et ministre plénipotentiaire d'Espagne à Berne. L'enregistrement de ce modus vivendi a eu lieu le 24 décembre 1935.

Spanish official text communicated by the Spanish Envoy Extraordinary and Minister Plenipotentiary at Berne. The registration of this modus vivendi took place December 24th, 1935.

EL EXCMO. SEÑOR PRESIDENTE DE LA REPÚBLICA ESPAÑOLA, de una parte, y EL EXCMO. SEÑOR PRESIDENTE DE LA REPÚBLICA ORIENTAL DEL URUGUAY, por otra, en espera de que desaparezcan las dificultades que obstaculizan transitoriamente la conclusión de un Convenio que regule con la debida amplitud el intercambio de los productos de ambos países, y en el deseo de llegar como primera etapa al equilibrio de su balanza comercial, tomando como base las cifras del expresado intercambio correspondientes al año 1933, han resuelto concluir un *Modus Vivendi* provisional que regirá durante el año 1935, y a tal efecto han designado como Plenipotenciarios :

EL EXCMO. SEÑOR PRESIDENTE DE LA REPÚBLICA ESPAÑOLA :

Al Excmo, Señor Doctor D. José PAREJA YÉVENES, ex Ministro y Diputado a Cortes ;

EL EXCMO. SEÑOR PRESIDENTE DE LA REPÚBLICA ORIENTAL DEL URUGUAY :

Al Excelentísimo Sr. D. Juan José DE ARTEAGA, Ministro de Relaciones Exteriores ;

Los cuales, después de haber exhibido sus Plenos Poderes, hallados en buena y debida forma, han convenido lo siguiente :

Artículo 1º.

Las relaciones comerciales entre la República Española y la República Oriental del Uruguay, en su aspecto financiero, se ajustarán a las bases establecidas en el Protocolo adicional sobre esta materia anejo al presente *Modus Vivendi*.

Artículo 2º.

En el caso de que cualquiera de las Altas Partes contratantes haya sometido o someta en lo futuro la entrada de mercancías a un régimen de cuotas o contingentes de importación o de limitaciones de naturaleza análoga que afecten a las exportaciones de la otra Alta Parte, concederá a ésta un tratamiento equitativo y el más favorable posible en los productos afectados, teniendo en cuenta las cifras del intercambio comercial normal entre ambos países y el monto total de los contingentes a fijarse para cada producto.

¹ L'échange des ratifications a eu lieu à Montevideo, le 16 novembre 1935.

¹ The exchange of ratifications took place at Montevideo, November 16th, 1935.

LISTA D.

ARTÍCULOS ESPAÑOLES.

Aceite de oliva.	Frutas frescas y secas.
Aceitunas.	Idem conservadas.
Ajos.	Garbanzos.
Almendras.	Hilados y tejidos de algodón.
Anís en grano.	Idem id. de lana.
Avellanas.	Idem id. de seda.
Arroz.	Jabones comunes.
Azafrán.	Máquinas para hacer helados.
Azadas y picos.	Melones.
Azulejos.	Ocres y materias colorantes.
Barajas.	Papel de fumar.
Castañas.	Pasas de uva.
Carabinas, escopetas y revólveres.	Pescados frescos.
Cebollas.	Planchas para planchar.
Chorizos y embutidos.	Plomo pobre.
Cloruro de sodio.	Pimentón.
Cominos.	Piñones y pistachos.
Conservas de legumbres, hortalizas.	Sardinias en conserva.
Pescados y mariscos.	Vinos, licores, coñac y sidra.
Corchos.	Velas.
Dátiles.	

(Firmado) J. PAREJA YÉVENES.

(Firmado) Juan José DE ARTEAGA.

PROTOCOLO ¹ ADICIONAL SOBRE CAMBIOS*Artículo 1º.*

Las exportaciones uruguayas con destino a España deberán hacerse de acuerdo con los tipos de cambio y porcentajes que se establecen en las Leyes y Decretos vigentes o que se establezcan en lo futuro para artículos similares dentro de las mismas condiciones que se concedieran a un tercer país cualquiera.

Artículo 2º.

El producto de las exportaciones uruguayas a España se distribuirá en la siguiente forma :

a) 60 por 100 para la financiación de los nuevos negocios de importación con España dentro de los porcentajes y tipos de cambio que establecen las Leyes y Decretos vigentes o los que se dicten en lo futuro.

b) 10 por 100 para el pago de créditos comerciales diferidos o atrasados de origen español ; pagos que se harán por el orden riguroso de la entrada de las mercancías en el

¹ Entré en vigueur le 10 janvier 1935.

¹ Came into force January 10th, 1935.

¹ TRANSLATION.

No. 3791. — COMMERCIAL "MODUS VIVENDI" BETWEEN SPAIN AND URUGUAY. SIGNED AT MONTEVIDEO, JANUARY 2ND, 1935.

HIS EXCELLENCY THE PRESIDENT OF THE SPANISH REPUBLIC, of the one hand, and
HIS EXCELLENCY THE PRESIDENT OF THE ORIENTAL REPUBLIC OF URUGUAY, of the other,
Pending the removal of the difficulties which temporarily stand in the way of the conclusion of a convention regulating to the full extent desirable the exchange of products of the two countries, and being desirous meanwhile, as a first stage, of balancing their mutual trade, taking as a basis the figures of the said exchange for the year 1933, have decided to conclude a provisional "modus vivendi" which shall be in force during the year 1935, and have appointed for this purpose as their Plenipotentiaries :

HIS EXCELLENCY THE PRESIDENT OF THE SPANISH REPUBLIC :

His Excellency Dr. José PAREJA YÉVENES, former Minister and Deputy to the Cortes ;

HIS EXCELLENCY THE PRESIDENT OF THE ORIENTAL REPUBLIC OF URUGUAY :

His Excellency Monsieur Juan José DE ARTEAGA, Minister for Foreign Affairs ;

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

Article 1.

The commercial relations between the Spanish Republic and the Oriental Republic of Uruguay, as regards their financial aspect, shall be regulated in accordance with the principles laid down in the Additional Protocol relating to these questions, annexed to the present "modus vivendi".

Article 2.

In the event of one of the High Contracting Parties at any time applying, to the entry of goods, a system of import quotas, or similar restrictions, affecting the exports of the other Party, it shall accord to the latter treatment equitable and as favourable as possible for the products concerned, taking into account the figures of the normal trade therein between the two countries and the total amount of the quotas fixed for each product.

Article 3.

The Government of the Spanish Republic shall accord to Uruguay the quotas indicated hereinafter, representing a share of the total annual import quotas at present established or which may be established as a result of the present agreement.

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

No. of the Spanish Tariff	Description of the Goods	Quotas granted	
		Metric Quintals	Tons
176	Cow, horse and mule hides, untanned and unsalted, dry	2,453	245
177	The same, salted, dried or prepared	920	92
179	Untanned sheep or goat skins	1,000	100
211	Non-manufactured tallow	36,950	3,695
216	Pickled guts	2,000	200
997	Flax seed	10,000	1,000
1,220	Wool losing over 50 % of its weight when washed in carbon tetrachloride	2,549	255
1,221	The same, losing between 30 and 50 %	5,875	586
1,432	Fresh eggs	19,000	1,900
1,448	Horns in the natural state (including cleaned horns), with or without tips, as also detached tips thereof	1,000	100

It is understood that no quotas are fixed for numbers 1,222 and 1,324 of the Spanish tariff, under which are grouped, respectively, wool which loses less than 30 % when washed in carbon tetrachloride, and smoked or salted meat, as the goods in question are not subject to the quota system on their importation into Spain, and the trade in them is consequently free.

Article 4.

The Government of the Spanish Republic undertakes to accord to Uruguay for the importation of frozen meat intended for the manufacture of sausages (sausage meat) a part of the total quota fixed, which part shall not be below 45 % of the quantity authorised or which may hereafter be authorised, and shall in no case be less than the largest part accorded to any other country.

Article 5.

Should the Government of the Spanish Republic decide to modify the present prohibitions and to apply the system of import quotas to frozen meat intended for direct consumption, it hereby undertakes to accord to Uruguay a part representing at least 45 % of the total quota, this part not to be, in any case or for any reason, less than the largest part granted to any other country.

Article 6.

The articles included in lists A and B annexed to the present agreement, produced or manufactured in the territory of one of the High Contracting Parties, shall not be subject, on their importation into the territory of the other Party, to duties or charges higher than those specified in the said lists, nor to dues higher than those which are also indicated therein.

Article 7.

The High Contracting Parties undertake to maintain in force, throughout the period of validity of the present "modus vivendi", for the Spanish and Uruguayan products specified respectively in lists D and C annexed, the unconditional and unrestricted most-favoured-nation clause, both as regards importation and as regards exportation and transit.

Article 8.

The provisions of the preceding Article shall not apply to :

(1) The advantages and privileges granted in order to facilitate the frontier trade in small quantities of goods, carried on by the inhabitants of the frontier areas, for purposes of their own consumption and immediate use, within a distance of not more than fifteen kilometres on either side of the frontier.

(2) The special Customs regime which Spain has instituted, or may at any time institute, with Portugal, as also with the Spanish colonies, possessions and protectorates, unless this regime has been extended to a third country.

(3) The advantages which Uruguay has granted to Brazil in Customs matters, under the conditions laid down in the Treaty of Commerce of August 25th, 1933 (Articles 14 to 18), in force between the two countries, unless these advantages are extended to a third country.

(4) Any advantages which Uruguay may grant in respect of products of a seasonal character (such as fresh fruit) of Argentine origin, provided that the imports of such products coming from the said country are effected at periods of the year during which, owing to seasonal differences, there can be no competition by similar Spanish products, and in so far as the said advantages have not been extended to a third country.

(5) The rights and privileges accorded to other adjacent States under a Customs union treaty.

Article 9.

All other Spanish and Uruguayan products, in the natural state or manufactured, originating in and coming from Spain or Uruguay, which are not included in lists D and C of the present " *modus vivendi* ", shall, on their importation into the said countries, be subject to the general Customs treatment at any time in force; as regard Uruguayan products imported into Spain, the treatment laid down in the second column of the Spanish Customs Tariff shall apply.

Article 10.

The two High Contracting Parties reciprocally undertake to grant to goods originating in and coming from the territory of the other Party unconditional and unrestricted most-favoured-nation treatment as regards internal taxes (national, provincial, or municipal) and the provisions governing the sale, distribution and consumption of goods of all kinds, so as not to hamper or burden with taxes the consumption of the products of the country concerned by applying to them a different regime from that applied to similar national or foreign products.

Should mixtures of edible oils at any time be authorised in Uruguay, the Uruguayan Administration undertakes to make it compulsory to indicate, in the descriptions of all edible oils intended for home consumption, the true names of the different oils of which the mixture is composed, or, if there is only one oil, the name of that oil.

Article 11.

The two High Contracting Parties may require that a certificate of origin be presented to establish the origin of the goods, but they undertake to ensure that trade shall not be prejudiced by superfluous formalities in the drawing up of the said certificates. The Spanish Legation at Montevideo and that of Uruguay at Madrid may report any irregularity or difficulty which may occur in this connection, as likewise in regard to any other matter affecting the import quotas; such reports shall be drawn up in concise and summary form, so as to facilitate the working of the present " *modus vivendi* ".

The certificates of origin may be issued by the Chambers of Commerce, Industry and Agriculture concerned. The two Governments may agree to grant to other authorities, distinct from the national authorities, such as the Customs authorities, the right to issue certificates of origin.

The Government of the country of destination may require that the certificates be endorsed by the competent diplomatic or consular authorities of the place from which the goods are consigned.

Postal packages shall be exempted from the certificate of origin when the country of destination recognises that the packages are not of a commercial nature.

Article 12.

The present "modus vivendi" shall be ratified as soon as possible, in conformity with the constitutional procedure of each of the High Contracting Parties, and the instruments of ratification shall be exchanged at Montevideo.

The present agreement shall be valid for one year as from the day of its entry into force ; it shall be regarded as having expired if the two High Contracting Parties do not agree, by an exchange of notes, sixty days before it is due to expire, to prolong it for a further period of equal length ; and so on for successive periods.

ADDITIONAL PROTOCOL.

The Government of the Oriental Republic of Uruguay signs the present agreement in the expectation that Spain will increase her imports of frozen meat, and declares that this circumstance will be taken into consideration in connection with the prolongation of the present "modus vivendi".

In faith whereof the above-mentioned Plenipotentiaries have signed the present "modus vivendi" and have affixed their seals thereto.

Done in duplicate at Montevideo, the 2nd day of January, 1935.

(Signed) J. PAREJA YÉVENES.

(Signed) Juan José DE ARTEAGA.

LIST A.

URUGUAYAN ARTICLES FOR WHICH SPAIN DECIDES TO FIX THE FOLLOWING CUSTOMS DUTIES.

Tariff of Spanish Import Duties.

No. of the Spanish Customs Tariff	Articles	Unit	Duties (gold pesetas)
Ex 182	Patent leather, whole skins, weighing 29 kgs. or over per dozen.	kilog.	2.65
1,420	Meat of bovine animals, or mutton and lamb, in tins	100 kilog.	45.00

LIST B.

SPANISH ARTICLES FOR WHICH THE ORIENTAL REPUBLIC OF URUGUAY DECIDES TO FIX THE FOLLOWING CUSTOMS DUTIES.

Tariff of Uruguayan Import Duties (Section B — Warehouses).

No. of the Uruguayan Customs Tariff	Articles	Unit	Dues in pesos	Specific duties	Patent duties	Taxes	
						School fund	Military budget
1, 9	Olive oil in general ¹ .	kg.	0.30	0.10	21 %	»	»
	Pickled olives, in barrels or jars ²	gross kg.	0.14	»	52 %	»	»
248	Sardines in oil ²	kg. pack. incl.	0.50	0.30	21 %	»	»
121	Tunny-fish in oil ² . .	kg. pack. incl.	0.50	0.30	21 %	10 %	0.20

¹ The above duties are those at present paid on these goods ; Uruguay undertakes that any reduction which may in future be granted in respect of any edible oil shall be extended, in the same proportion immediately and unconditionally, to pure olive oil originating from Spain, whatever the type or size of the containers in which this oil is imported to Uruguay. Similarly, any reduction which may be granted in respect of olive oil imported in a specified container shall immediately be extended to the remainder of the imports from Spain of this product.

² The above duties and taxes are the duties and taxes at present paid on these three categories of goods, which are exempted from the obligation regarding the payment in gold of 25 % of the Customs duties.

LIST C.

URUGUAYAN ARTICLES.

No. of the Spanish Customs Tariff	Articles
176	Cow, horse and mule hides, unsalted.
177	The same, salted, dried.
178	The same, fresh.
179	Untanned sheepskins.
182	The same, varnished, of all kinds, weighing over 8 kg. per dozen.
189	The same, tanned, weighing over 10 kg. per dozen.
193	The same, in the natural state, for use as covering or ornament.
210	Feathers, and feather-brooms for dusting.
211-12	Tallow and animal greases, unmanufactured.
213	Raw <i>suint</i> or lanolin.
214	Guano and other organic fertilisers.
215	Dry guts.
216	The same, pickled.
217	Bones in the natural state.
218	Offal.

No. of the Spanish Customs Tariff	Articles
997	Flax seed.
1,218	Animal hair in the natural state, bristles and horsehair.
1,220-22	Wool of all kinds.
1,223	Scraps of raw wool.
1,321	Poultry, alive or dead (including frozen poultry).
1,323	Frozen meat.
1,324	Dried or smoked meat.
1,326	Salted pork ; bacon and lard.
1,340	Maize.
1,351	Bran.
1,408	Powder milk.
1,418	Cheese.
1,420	Meat of bovine animals, or mutton and lamb, in tins.
1,423	Sausages of all kinds.
1,425 (a)	Preserves not included under other items.
1,427	Meat extracts and liquid meat.
1,432	Fresh eggs.
1,448	Horns in the natural state (including cleaned horns), with or without tips, as also the detached tips thereof.

LIST D.

SPANISH ARTICLES.

Olive oil	Fresh and dried fruit
Olives	Preserved fruit
Garlic	Chick peas
Almonds	Cotton thread and cloth
Aniseed	Woollen thread and cloth
Hazel nuts	Silk thread and cloth
Rice	Common soap
Saffron	Ice machines
Spades and picks	Melons
Glazed tiles	Ochre and dyestuffs
Sets of playing cards	Cigarette paper
Chestnuts	Raisins
Carbines, pistols and revolvers	Fresh fish
Onions	Laundry irons
Sausages of various kinds	Non-argentiferous lead
Sodium chloride	Ground pepper
Caraway seeds	Pine kernels and pistachios
Preserved and fresh vegetables	Preserved sardines
Fish and shells	Wines, liqueurs, brandy and cider
Cork	Candles
Dates	

(Signed) J. PAREJA YÉVENES.

(Signed) Juan José DE ARTEAGA.

ADDITIONAL PROTOCOL REGARDING EXCHANGE TRANSACTIONS.

Article 1.

Uruguayan exports to Spain shall be effected in accordance with the exchange rates and percentages provided for in the laws and decrees in force, or hereafter to be provided for in respect of goods of like nature, under conditions as favourable as those granted to any third country whatsoever.

Article 2.

The sums accruing from Uruguayan exports to Spain shall be allocated as follows :

(a) 60 per cent to finance new import transactions with Spain, subject to the percentages and exchange rates provided for in the laws and decrees at any time in force.

(b) 10 per cent for the payment of commercial debts, deferred or in arrear, owing in Spain ; payments shall be made strictly in the order of the entry of the goods concerned into Uruguay, subject to the percentages and exchange rates provided for in the laws and decrees at any time in force.

(c) 30 per cent to be retained by the Banco de la República for public and private financial requirements.

Should the balance of the compensation account provided for in Article 5 not leave a sufficient margin to permit of Spanish exports on the necessary scale, an order of priority shall be introduced by agreement between the two Governments.

Article 3.

If at the end of the year there remains a foreign exchange balance resulting from Uruguayan exports to Spain, such balance shall be used to finance the transactions of the following year.

Article 4.

All transfers for the account of Spain under the present agreement shall be effected through the compensation account provided for in Article 5 and, in the case of goods which under Uruguayan law and within the limits of the percentage laid down are entitled to this privilege, at the official rate of exchange. Payments in respect of all other goods shall be made through the controlled non-official market at the rate allowed to the most-favoured nation, in both cases in accordance with the laws and decrees at any time in force.

Article 5.

For the purpose of transactions covered by the present Convention, a non-interest-bearing compensation account in pesetas shall be opened in the name of the Banco de la República at the official Foreign Exchange Bureau ; the technical details connected with the opening of such account or accounts shall be settled by agreement between the two above-mentioned authorities, the Uruguayan and Spanish Governments each being entitled to appoint a member of their diplomatic or consular staffs to watch over the execution of the foregoing stipulations and to obtain any information that they may deem to be necessary for this purpose.

Article 6.

It shall be understood that the values to be entered in the compensation account shall be the following : The value f. o. b. of Uruguayan exports to Spain, and the value c. i. f. of Spanish goods imported into Uruguay, with the exception of those transported in the vessels of other countries, the

discrimination of which shall be settled by agreement between the Banco de la República Oriental del Uruguay and the official Exchange Bureau.

Article 7.

Further imports from Spain to Uruguay shall be subject to an import permit previously obtained and to the other formalities specified in the laws and decrees at any time in force.

Article 8.

The present agreement regarding exchange transactions shall enter into force immediately as from January 10th, 1935, and shall, like the agreement to which it is annexed, remain valid until December 31st, 1935, unless the Contracting Parties decide upon its extension 60 days before that date.

Article 9.

On the expiry of the present agreement, all the provisions relative to liabilities incurred during the period of validity shall remain in force until such liabilities have been finally settled.

In faith whereof the aforementioned Plenipotentiaries have signed the Additional Protocol regarding Exchange Transactions.

Done in duplicate at Montevideo, the 2nd day of January, 1935.

(Signed) J. PAREJA YÉVENES.

(Signed) Juan José DE ARTEAGA.

PROTOCOL SUPPLEMENTARY TO THE ADDITIONAL PROTOCOL REGARDING
EXCHANGE TRANSACTIONS.

Article 1.

Sub-paragraph (c) of Article 2 of the Protocol regarding Exchange Transactions is hereby amplified and interpreted to the following effect: The reserve of 30 % placed at the disposal of the Banco de la República shall be used preferably for purchases of an official character which the Uruguayan Government may make in Spain, for foreign debt payments to be made in Spain, and, in the last place, for the payment, within prudent limits, of immigrants' remittances up to an amount not exceeding 10 % of the total purchases made by Spain in Uruguay, the said total not to exceed \$375,000 annually.

Article 2.

Should there be a foreign exchange surplus under any of the items provided for in sub-paragraphs (a), (b) and (c) respectively of Article 2 of the Protocol regarding Exchange Transactions, including sub-paragraph (c) as interpreted in Article 1 of the present Supplementary Protocol, and a deficit in another, such surplus may be transferred at any time from one item to the other, in order that the requirements enumerated may all be met as satisfactorily as possible, since the present agreement is of a provisional character, and Uruguay is endeavouring as a first stage to balance her commercial account with Spain during the year 1935.

Article 3.

Article 4 of the Protocol regarding Exchange Transactions shall be held to mean that if any country should enjoy more favourable treatment in respect of the articles enumerated in list D annexed to the Commercial Agreement, such treatment shall also be granted unconditionally to Spain. Similarly, if Spain grants preferential treatment to any other country for the articles comprised in annexed list C, such treatment shall be unconditionally granted to Uruguay.

Article 4.

Article 7 of the Protocol regarding Exchange Transactions shall be held to mean that, so long as foreign exchange is available to pay for imports into Uruguay within the limits laid down, no import or exchange permit shall be refused in respect of the articles comprised in the annexed list D, and that before any such permit is refused, the two Governments shall come to an agreement regarding the order of priority referred to in the final paragraph of Article 2 of the Protocol regarding Exchange Transactions.

In faith whereof the above-mentioned Plenipotentiaries have signed the present Protocol supplementary to the Additional Protocol regarding Exchange Transactions.

Done in duplicate at Montevideo, the 2nd day of January, 1935.

(Signed) J. PAREJA YÉVENES.

(Signed) Juan José DE ARTEAGA.