

N° 3969.

ALLEMAGNE ET HONGRIE

Accord additionnel au Traité de commerce conclu le 18 juillet 1931 entre les deux pays, et protocole final. Signés à Berlin, le 22 juillet 1933.

GERMANY AND HUNGARY

Additional Agreement to the Treaty of Commerce concluded on July 18th, 1931, between the Two Countries, and Final Protocol. Signed at Berlin, July 22nd, 1933.

TEXTE ALLEMAND. — GERMAN TEXT.

N^o 3969. — ZUSATZVEREINBARUNG¹ ZU DEM HANDELSVERTRAG VOM 18. JULI 1931 ZWISCHEN DEM DEUTSCHEN REICH UND DEM KÖNIGREICH UNGARN. GEZEICHNET IN BERLIN, AM 22. JULI 1933.

German and Hungarian official texts communicated by the Head of the Royal Hungarian Delegation to the League of Nations. The registration of this Agreement took place September 17th, 1936.

Zwischen DEM KÖNIGREICH UNGARN und DEM DEUTSCHEN REICH sind die nachstehenden Zusatzvereinbarungen zu dem Handelsvertrag² vom 18. Juli 1931 getroffen worden :

Artikel 1.

Die Anlage A (Zölle bei der Einfuhr nach Deutschland) wird wie folgt geändert :

1. Die Tarifnummer aus 21 erhält folgende Fassung :

| | | |
|--------|--|------|
| aus 21 | Gemüsesamen, die auf Grund von Anbauverträgen mit deutschen Züchtern aus Ungarn in das deutsche Zollgebiet eingeführt werden, nach näherer Vereinbarung der beiden Regierungen | frei |
|--------|--|------|

2. Die Tarifnummer aus 115 erhält folgende Fassung :

| | | |
|---------|---|----|
| aus 115 | Fische, lebende und nicht lebende, frisch, auch gefroren : Karpfen | 30 |
|---------|---|----|

Anmerkung. Der Vertragszollsatz gilt nur für eine Menge, die 50 v. H. derjenigen Menge entspricht, die nach der amtlichen deutschen Einfuhrstatistik in der Zeit vom 1. August 1932 bis 31. Juli 1933 aus Ungarn in das deutsche Zollgebiet eingeführt worden ist. Von der Gesamtmenge dürfen in den einzelnen Kalendermonaten nur Mengen eingeführt werden, die 60 v. H., im Dezember 50 v. H., derjenigen Mengen nicht übersteigen, die nach der amtlichen deutschen Einfuhrstatistik, in den entsprechenden Kalendermonaten der Jahre 1932 und 1933 aus Ungarn in das deutsche Zollgebiet eingeführt worden sind.

| | |
|--|------|
| Fogasch (Zander), in einer Menge von jährlich 300 dz | frei |
|--|------|

Anmerkung. Die Befugnis zur Abfertigung der Karpfen und Fogasch wird auf die Zollstellen beschränkt die im Einvernehmen beider Regierungen bestimmt werden.

3. Hinter der Tarifnummer 147 sind folgende Tarifnummern einzufügen :

| | | |
|---------|--|-----|
| aus 178 | Aprikosenbranntwein, mit einem Weingeistgehalt von nicht mehr als 44 Gewichtsteilen in 100, mit von der Reichsregierung anerkannten Zeugnissen | 350 |
|---------|--|-----|

¹ The exchange of ratifications took place at Budapest, February 27th, 1935. Came into force provisionally August 15th, 1933.

² Vol. CL, page 111 ; and Vol. CLXIV, page 416, of this Series.

¹ TRANSLATION.

No. 3969. — ADDITIONAL AGREEMENT TO THE TREATY OF COMMERCE CONCLUDED ON JULY 18TH, 1931, BETWEEN THE GERMAN REICH AND THE KINGDOM OF HUNGARY. SIGNED AT BERLIN, JULY 22ND, 1933.

THE KINGDOM OF HUNGARY and THE GERMAN REICH have concluded the following Additional, Agreement to the Commercial Treaty of July 18th, 1931.

Article I.

Annex A (Duties on Imports into Germany) is hereby amended as follows :

1. Tariff number ex 21 to read as follows :

ex. 21 Vegetable seeds imported from Hungary into German Customs territory under contracts with German growers for the cultivation of the same by special agreement between the two Governments. free

2. Tariff number ex 115 to read as follows :

ex. 115 Fish, alive or dead, fresh, also frozen :
Carp 30

Note. The conventional Customs rate shall be applicable only to a quantity equal to 50 per cent of the total imports into German Customs territory from Hungary (according to the official German import statistics) for the period August 1st, 1932, to July 31st, 1933. Of this quantity the amounts to be imported each calendar month may not exceed 60 per cent — or, in the month of December, 50 per cent — of the total imports into German Customs territory from Hungary (according to the official German import statistics) for the corresponding calendar months of the years 1932 and 1933.

Fogas (pike-perch), to the extent of 300 metric quintals per year free

Note. Carp and fogas may only be cleared at Customs offices to be fixed by agreement between the two Governments.

3. After tariff number 147, the following tariff numbers to be inserted :

ex. 178 Apricot brandy with an alcohol content of not more than 44 per cent, accompanied by certificates recognised by the Government of the Reich 350

ex. 179 Apricot brandy with an alcohol content of not more than 44 per cent, accompanied by certificates recognised by the Government of the Reich 350

Note to tariff numbers 178 and 179. The conventional Customs rates of 350 RM. shall be applicable to a total quantity of 200 metric quintals per calendar year.

Apricot brandy may only be cleared at Customs offices to be fixed by agreement between the two Governments.

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

Article 2.

The present Additional Agreement, drawn up in duplicate in the Hungarian and German languages, shall remain in force for the same period as the Commercial Treaty between the Kingdom of Hungary and the German Reich of July 18th, 1931.

The present Additional Agreement shall be ratified. It shall come into force on the fifteenth day after the exchange of ratifications, which shall take place at Budapest, provided always that it shall be open to the two Governments to apply it provisionally as from some other date in the earliest possible future to be determined by an exchange of notes.

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

Done in Berlin, this 22nd day of July, 1933.

Dr. MAYER, *m. p.*

Max WALDECK, *m. p.*

FINAL PROTOCOL.

In proceeding to sign the Additional Agreement of to-day's date to the Commercial Treaty between the Kingdom of Hungary and the German Reich, the Parties are agreed as follows :

Ad Article 1, No. 1.

The two Governments assume :

(1) That there is no reduction of the areas in cultivation under contracts in 1932 save in the case of such reduction being indicated in the interest of both Parties as a consequence of record crops and excess stocks resulting therefrom ;

(2) That the seeds grown under contracts, being seeds of the kinds to which the contracts relate, are actually exported.

Should the conditions above-mentioned under (1) and (2) not be realised, the Royal Hungarian Government shall be entitled to denounce the provision contained in Article 1, No. 1, of the present Additional Agreement at three months' notice. In the event of such denunciation, the Customs concession contained in the German-Hungarian Commercial Treaty *ad* tariff number ex 21 shall again be applicable.

Ad Article 1, No. 2.

The apportionment of the carp quota shall rest with the Royal Hungarian Government. In order to have the benefit of the reduced Customs duty of RM. 30, importers clearing Hungarian consignments of carp for the market in German Customs territory must produce a quota certificate issued by a Hungarian authority. Quota certificates may not be issued by the Hungarian authority to exporters other than such as are prepared themselves to undertake, and to insist on the sellers of the carp in Germany undertaking :

(a) To dispose of the carp in Germany only on the same conditions as those laid down by the authority appointed by the Government of the Reich in the various market areas ;

(b) To refer disputes arising in connection with the undertaking to which paragraph (a) relates to an Arbitral Tribunal. The authority appointed by the Government of the

Reich and the Royal Hungarian Minister in Berlin shall each appoint an arbitrator on the said Arbitral Tribunal. If the two arbitrators do not agree within one week after their appointment as to the choice of an umpire, the latter shall be appointed by the Reich Minister for Nutrition and Agriculture. The Arbitral Tribunal shall meet within one week after its constitution.

If the Arbitral Tribunal finds that a breach of the undertaking to which paragraph (a) relates has been committed, the Royal Hungarian Government shall take steps, at the request of the Government of the Reich, to exclude the exporter concerned from further participation in the carp quota. Similar steps shall be taken in the event of a party concerned not submitting to the arbitral procedure.

The two Governments shall agree as to the procedure to be followed in the issue of quota certificates and as to the Hungarian authority to be responsible for their issue.

The present Final Protocol forms an integral part of the Additional Agreement signed this day and shall remain in force for the same period as the latter.

Done in duplicate, in the Hungarian and German languages, in Berlin, this 22nd day of July, 1933.

Dr. MAYER, *m. p.*

Max WALDECK, *m. p.*