

N° 4010.

**UNION ÉCONOMIQUE
BELGO-LUXEMBOURGEOISE
ET UNION DES RÉPUBLIQUES
SOVIÉTIQUES SOCIALISTES**

Convention commerciale provisoire.
Signée à Paris, le 5 septembre
1935.

**ECONOMIC UNION OF
BELGIUM AND LUXEMBURG
AND UNION OF SOVIET
SOCIALIST REPUBLICS**

Provisional Commercial Convention.
Signed at Paris, September 5th,
1935.

TEXTE RUSSE. — RUSSIAN TEXT.

№ 4010. — ВРЕМЕННАЯ¹ ТОРГОВАЯ КОНВЕНЦИЯ МЕЖДУ БЕЛЬГИЙСКО-ЛЮКСЕМБУРГСКИМ ЭКОНОМИЧЕСКИМ СОЮЗОМ И СОЮЗОМ СОВЕТСКИХ СОЦИАЛИСТИЧЕСКИХ РЕСПУБЛИК, ПОДПИСАННАЯ В ГОРОДЕ ПАРИЖЕ, 5-го СЕНТЯБРЯ 1935 ГОДА.

French and Russian official texts communicated by the Belgian Minister for Foreign Affairs. The registration of this Convention took place November 25th, 1936.

Правительство Союза Советских Социалистических Республик и Бельгийское Правительство, действующее на основании существующих соглашений от имени Бельгийско-Люксембургского Экономического Союза, воодушевленные желанием развивать товарооборот и усилить торговые отношения между Союзом Советских Социалистических Республик и Бельгийско-Люксембургским Экономическим Союзом, решили заключить временную торговую конвенцию. Для этой цели они назначили своими уполномоченными :

Правительство Союза Советских Социалистических Республик :

г. Шолома Дволайцкого, Торгового Представителя Союза Советских Социалистических Республик во Франции; и

Бельгийское Правительство:

г. Эмиля Кастера, Чрезвычайного Посланника и Полномочного Министра, Генерального Директора Внешней Торговли,

каковые обменявшись своими полномочиями и найдя их в должной форме и надлежащем порядке, условились о следующих постановлениях.

Статья первая.

Высокие Договаривающиеся Стороны соглашаются взаимно предоставить друг другу безусловный и неограниченный режим наиболее благоприятствуемой нации во всем, что касается таможенных пошлин и всяких дополнительных сборов, условия платежа пошлин и сборов как по импорту, так и по экспорту, помещения товаров в таможенные склады, способов проверки и анализа и таможенной классификации товаров, толкования тарифов, точно также в том, что касается правил, формальностей, обложений или платежей, которым могут быть подвергнуты операции по очистке от пошлин.

¹ The exchange of ratifications took place at Moscow, August 21st, 1936.

¹ TRADUCTION. — TRANSLATION.

No. 4010. — PROVISIONAL COMMERCIAL CONVENTION BETWEEN THE ECONOMIC UNION OF BELGIUM AND LUXEMBURG AND THE UNION OF SOVIET SOCIALIST REPUBLICS. SIGNED AT PARIS, SEPTEMBER 5TH, 1935.

THE BELGIAN GOVERNMENT, acting on behalf of THE ECONOMIC UNION OF BELGIUM AND LUXEMBURG in pursuance of existing agreements, and THE GOVERNMENT OF THE UNION OF SOVIET SOCIALIST REPUBLICS, being keenly desirous of promoting trade and strengthening the commercial relations between the Economic Union of Belgium and Luxemburg and the Union of Soviet Socialist Republics, have resolved to conclude a Provisional Commercial Convention.

They have for that purpose appointed as their Plenipotentiaries :

THE BELGIAN GOVERNMENT :

M. Emile CASTEUR, Envoy Extraordinary and Minister Plenipotentiary, Director-General of Foreign Trade ;

THE GOVERNMENT OF THE UNION OF SOVIET SOCIALIST REPUBLICS :

M. Cholom DVOLAITSKI, Trade Delegate of the Union of Soviet Socialist Republics in France ;

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

Article I.

The High Contracting Parties undertake to grant each other unconditional and unlimited most-favoured-nation treatment in all matters concerning Customs duties and all accessory duties, the conditions for the payment of duties and taxes on both import and export, the warehousing of the goods, the checking, analysing and Customs classification of the goods, the interpretation of tariffs and the rules, formalities and charges or dues applicable to Customs clearance operations.

Consequently, natural or manufactured products originating in and coming from the territory of either High Contracting Party shall in no case be subject, in the above-mentioned respects, to any duties, taxes or charges other or higher than, or to rules or formalities other or more burdensome than, those to which products of the same nature originating in and coming from any third country are or may hereafter be subject.

Similarly, natural or manufactured products exported from the territory of either High Contracting Party to the territory of the other Party shall in no case be subject, in the above-mentioned respects, to any duties, taxes or charges other or higher than, or to rules or formalities other or more burdensome than, those to which products of the same nature consigned to the territory of any third country are or may hereafter be subject.

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.

All benefits, favours, privileges or immunities that have been or may hereafter be granted by either High Contracting Party in the aforesaid matter in respect of natural or manufactured products originating in and coming from any third country or consigned to the territory of any country, shall immediately and without compensation be applied to products of the same nature originating in and coming from the territory of the other Party or consigned to the territory of that Party.

Article 2.

The Government of the Union of Soviet Socialist Republics undertakes to import Belgian and Luxemburg goods of a total value of one hundred and ninety million Belgian francs during the year beginning October 1st, 1935, and of a total value of two hundred million Belgian francs during the following year.

It is understood that the importation of these goods may be effected only provided the prices are the normal prices on the world market and that the technical conditions and the conditions of delivery are acceptable.

The total value of the aforesaid imports shall be determined according to the prices f. o. b. or the French frontier prices of the Economic Union of Belgium and Luxemburg.

The sums fixed in the first paragraph of the present Article shall include goods originating in the Belgian Congo or the Territory of Ruanda-Urundi under Belgian Mandate, consigned either direct from those territories or from the territory of the Economic Union of Belgium and Luxemburg.

Should the High Contracting Parties arrive at a different evaluation of the imports effected by the Union of Soviet Socialist Republics at the end of each annual period, each Party shall appoint a delegate. The two delegates shall be required to examine all documentary material that may be furnished by either High Contracting Party, giving full consideration to both sides of the matter, and to reach agreement on a final figure.

Article 3.

In the case of goods the importation of which into the Economic Union of Belgium and Luxemburg is subject to special regulations, the Union of Soviet Socialist Republics shall have the benefit of the conditions generally applicable to other countries to which the most-favoured-nation clause is granted. These conditions shall not be less favourable, however, than those hitherto applicable to Soviet goods.

Should the Belgian Government take measures appreciably worsening the import system in the territory of the Economic Union of Belgium and Luxemburg for goods the importation of which is of manifest importance to the Union of Soviet Socialist Republics, the High Contracting Parties shall immediately open negotiations with a view to arriving at a solution satisfactory to the High Contracting Parties or to amending the present Convention.

Article 4.

Each of the High Contracting Parties undertakes in all respects to apply most-favoured-nation treatment to products originating in and coming from the other Party and passing in transit through its territory.

Article 5.

Belgian and Soviet merchant vessels, their crews, passengers, and cargoes, shall enjoy, in the ports and coastal waters of the Union of Soviet Socialist Republics and the ports and territorial waters of Belgium respectively, treatment not less favourable in all respects than that accorded to vessels flying the flag of any other State whatever, and their crews, passengers and cargoes.

Article 6.

The most-favoured-nation clause shall not extend to any benefits, advantages or privileges which are at present or may hereafter be accorded by the Union of Soviet Socialist Republics to the neighbouring countries of continental Asia or to Estonia, Latvia and Lithuania.

Article 7.

In view of the fact that, by virtue of the laws of the Union of Soviet Socialist Republics, foreign trade is a State monopoly, the Belgian Government recognises the right of the Government of the Union of Soviet Socialist Republics to have a Trade Delegation in Belgium for the purpose of ensuring the exercise of this monopoly.

The functions of this Trade Delegation shall be :

- (a) To promote economic and commercial relations between the Union of Soviet Socialist Republics and the Economic Union of Belgium and Luxemburg ;
- (b) To represent the interests of the Union of Soviet Socialist Republics in matters pertaining to foreign trade ;
- (c) To regulate, on behalf of the Union of Soviet Socialist Republics, trade between the Union of Soviet Socialist Republics and the Economic Union of Belgium and Luxemburg ;
- (d) To carry on trade between the Union of Soviet Socialist Republics and the Economic Union of Belgium and Luxemburg.

Article 8.

As the body exercising the foreign trade monopoly of the Union of Soviet Socialist Republics, the Trade Delegation of the Union of Soviet Socialist Republics in Belgium shall form an integral part of the Legation (plenipotentiary representation) of the Union of Soviet Socialist Republics in Belgium.

The head of the Trade Delegation and his deputy shall be members of the official staff of the Legation (plenipotentiary representation) of the Union of Soviet Socialist Republics, and shall on that account enjoy the privileges and immunities accorded to the official staff of diplomatic missions. They shall be entitled to make use of cipher codes. The Trade Delegation shall enjoy, as regards the offices occupied by its services, all the immunities accorded in respect of the buildings of legations ; the size of these offices shall be fixed by joint agreement.

The diplomatic privileges and immunities accorded to the head of the Trade Delegation in Belgium and to his deputy may in no case be adduced by them as removing the Trade Delegation from the jurisdiction of the Belgian courts as provided for hereinafter, in connection with any commercial transactions to which the Trade Delegation may have been a party or have given its guarantee.

Article 9.

Provided they are citizens of the Union of Soviet Socialist Republics, appointed and sent to Belgium by the People's Commissariat for Foreign Trade of the Union of Soviet Socialist Republics, the members of the staff belonging to the Trade Delegation of the Union of Soviet Socialist Republics in Belgium, who are responsible for representing the interests of the Union of Soviet Socialist Republics in matters pertaining to foreign trade, shall enjoy the immunities from taxation accorded in Belgium to consular agents of foreign nationality. This privilege shall not be conceded, however, to more than eight persons.

Article 10.

The Trade Delegation of the Union of Soviet Socialist Republics may, in pursuance of a preliminary agreement with the Belgian Government, establish agencies in Belgium.

Article 11.

The Trade Delegation of the Union of Soviet Socialist Republics in Belgium shall act on behalf of the Government of the Union of Soviet Socialist Republics, which shall assume responsibility for all commercial transactions concluded or guaranteed in the territory of the Economic Union of Belgium and Luxemburg on behalf of the Trade Delegation and signed by the persons authorised for the purpose.

Commercial transactions concluded in Belgium without the guarantee of the Trade Delegation of the Union of Soviet Socialist Republics, by any State economic organisation of the Union of Soviet Socialist Republics other than the said Trade Delegation and being a separate legal entity under the laws of the Union of Soviet Socialist Republics, shall be binding only on such organisation and may be conducted only in respect of its property. Neither the Government of the Union of Soviet Socialist Republics, nor its Trade Delegation in Belgium, nor any other economic organisation of the Union of Soviet Socialist Republics shall be held responsible for such transactions.

Article 12.

The Trade Delegation of the Union of Soviet Socialist Republics in Belgium shall not be required to be entered in the trade register ; it shall, however, publish in the appendices to the *Moniteur belge* the names of the persons authorised to enter into undertakings on its behalf. The powers of these persons in respect of third parties shall hold good until such time as notice has been given by the Trade Delegation of the Union of Soviet Socialist Republics in Belgium in the annexes to the *Moniteur belge*.

Article 13.

Should there be no arbitration clause or clause attributing legal competence in the contract, disputes in respect of commercial transactions concluded or guaranteed by the Trade Delegation of the Union of Soviet Socialist Republics in Belgium shall be referred to the Belgian courts and settled by them in accordance with Belgian law.

Article 14.

In view of the responsibility assumed by the Union of Soviet Socialist Republics under Article 11 in respect of transactions effected or guaranteed by its Trade Delegation in Belgium, the property of the said Trade Delegation shall not be subject to any conservatory measure or to the provisional execution of any judicial order, or to any administrative procedure. Nevertheless, the right of attachment in virtue of a final award on material points, whether on appeal or in a court of first instance, shall be reserved when the award orders provisional execution notwithstanding appeal.

Article 15.

Only such judicial decisions as relate to commercial transactions which the Trade Delegation of the Union of Soviet Socialist Republics in Belgium may have concluded or guaranteed within the limits of its competence as defined in Article 7 (*d*) may be executed, and then only upon such property and rights of the Trade Delegation as relate to the transactions effected or actually

guaranteed by it and, in general, upon any other property of the Trade Delegation in Belgium, with the exception of goods in transit.

Nevertheless, the judicial decisions provided for in the previous paragraph may not be executed upon property which, under the rules of international law, is exempt from any measure of forced execution on the ground that it is indispensable to the exercise of the sovereign rights of the State or the accomplishment of the official mission of the Trade Delegation of the Union of Soviet Socialist Republics in Belgium.

Article 16.

Belgian traders and industrialists, whether natural persons or legal entities constituted in conformity with Belgian law, shall receive, in respect of their persons and property, treatment as favourable as that accorded to nationals of the most-favoured nation in the exercise, either direct or through such agents as they may select, of their economic activity in the territory of the Union of Soviet Socialist Republics on the conditions on which such activity is permitted under Soviet law. They shall enjoy the same benefits, rights and privileges.

State economic organisations of the Union of Soviet Socialist Republics and Soviet legal entities having legal status under Soviet law, and citizens of the Union of Soviet Socialist Republics who are natural persons, shall receive, in respect of their persons and property, treatment as favourable as that accorded to nationals of the most-favoured nation in the exercise of their economic activity in the territory of Belgium on the conditions on which such activity is permitted under Belgian law.

Soviet citizens and all Soviet legal entities, particularly such State economic organisations as form separate legal entities, and the Trade Delegation of the Union of Soviet Socialist Republics in Belgium, shall have the right to appear in court as plaintiffs or defendants and shall have free and ready access to the courts.

Article 17.

The present Convention shall be ratified. The exchange of ratifications shall take place at Moscow as soon as possible. The stipulations laid down in Articles 1 to 6 shall nevertheless come into force provisionally as from October 1st, 1935.

Article 18.

The present Convention shall be concluded for a period of three years as from the date on which it comes into force. It shall then remain in force by tacit consent until such time as it is denounced at three months' notice.

The provisions of Articles 1 to 6 shall, however, cease to have effect as from October 1st, 1937. It is understood that the High Contracting Parties shall enter into negotiations with a view to laying down in due course new provisions to regulate trade relations as from that date.

Article 19.

The present Convention has been drawn up in French. A translation into Russian shall be made as soon as possible, and shall be verified by the High Contracting Parties. Thereafter both texts shall be equally authentic.

PARIS, *September 5th*, 1935.

(Signed) E. CASTEUR.

(Signed) Ch. DVOLAITSKI.