

N° 4341.

NORVÈGE ET VENEZUELA

Echange de notes comportant un *modus vivendi* commercial entre les deux pays, Caracas, le 18 février 1938; et échange de notes relatif au régime douanier applicable aux sardines norvégiennes, Caracas, le 16 février 1938.

NORWAY AND VENEZUELA

Exchange of Notes constituting a Commercial *Modus Vivendi* between the Two Countries, Caracas, February 18th, 1938; and Exchange of Notes regarding the Customs Tariff applicable to Norwegian Sardines, Caracas, February 16th, 1938.

¹ TRADUCTION. — TRANSLATION.

No. 4341. — EXCHANGE OF NOTES BETWEEN THE GOVERNMENTS OF NORWAY AND THE UNITED STATES OF VENEZUELA CONSTITUTING A COMMERCIAL *MODUS VIVENDI* BETWEEN THE TWO COUNTRIES. CARACAS, FEBRUARY 18TH, 1938.

NORWEGIAN LEGATION.

I.

CARACAS, *February 18th, 1938.*

YOUR EXCELLENCY,

As a result of the conversations that we have held with regard to the possibility of concluding conventions of commerce and navigation between Norway and the United States of Venezuela, I have the honour to inform Your Excellency that I have been authorised by my Government, pending the conclusion and ratification of a Treaty of Commerce and a Convention on Navigation between the two countries, to establish a *Modus Vivendi* in the following terms :

1. Natural or manufactured products, originating in and coming from the territory of one of the Contracting Parties, shall not be subject, when imported into the territory of the other Contracting Party, to Customs duties and accessory charges heavier than those levied on imported products of the same category, originating in and coming from any other country whatsoever.

Further, such products shall not be liable to consumption taxes higher than those levied on similar products of any other country whatsoever.

2. The Contracting Parties shall grant each other, in all matters concerning the rights of their nationals and legal entities, treatment no less favourable than that which is granted to any other country whatsoever.

3. The vessels of each Contracting Party when within the jurisdiction of the other Party, shall enjoy in all respects the treatment which has been or which may hereafter be granted to the vessels of any other country whatsoever, particularly so far as concerns the crews, the cargo, access to ports and anchorage therein, loading and unloading, and the recovery of taxes, dues and charges.

4. The provisions of this Convention shall not apply to national fisheries, or to the coasting trade.

Exemption from *cautio judicatum solvi* shall be governed by the national legislation of each of the Contracting Parties.

5. The treatment provided for in this Convention shall not be applicable :

(a) To special favours which have been or may hereafter be granted to adjacent States for the purpose of facilitating frontier traffic, or to other States in virtue of a Customs Union ;

(b) To special concessions which have been or may hereafter be granted by Norway to Denmark, Finland, Iceland or Sweden.

6. The present Convention shall not apply to Svalbard (Spitzbergen), or to the island of Jan Mayen.

7. The present *Modus Vivendi* shall be published in the two countries in accordance with the requirements of their national legislation, and once this formality has been complied with, it shall be regarded as in force from April 1st, 1938, for a period of one year.

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.

It may be extended by an exchange of Notes for one year longer, on its expiry, or on the expiry of any other extension, and may likewise be denounced at any time by either of the Parties on giving three months' notice in writing to the other Party.

I avail myself of this opportunity, etc.

(Signed) C. F. SANDBERG.

His Excellency
Monsieur Esteban Gil Borges,
Minister for Foreign Affairs
of the United States of Venezuela, Caracas.

II.

MINISTRY OF FOREIGN AFFAIRS,
DEPARTMENT OF ECONOMIC POLICY.

No. 571.

CARACAS, February 18th, 1938.

MONSIEUR LE MINISTRE,

As a result of the conversations that we have held with regard to the possibility of concluding conventions of commerce and navigation between the United States of Venezuela and Norway, I have the honour to inform Your Excellency that I have been authorised by my Government, pending the conclusion and ratification of a Treaty of Commerce and a Convention on Navigation between the two countries, to establish a *Modus Vivendi* in the following terms :

1. Natural or manufactured products, originating in and coming from the territory of one of the Contracting Parties, shall not be subject, when imported into the territory of the other Contracting Party, to Customs duties and accessory charges heavier than those levied on imported products of the same category, originating in and coming from any other country whatsoever.

Further, such products shall not be liable to consumption taxes higher than those levied on similar products of any other country whatsoever.

2. The Contracting Parties shall grant each other, in all matters concerning the rights of their nationals and legal entities, treatment no less favourable than that which is granted to any other country whatsoever.

3. The vessels of each Contracting Party, when within the jurisdiction of the other Party, shall enjoy in all respects the treatment which has been or which may hereafter be granted to the vessels of any other country whatsoever, particularly so far as concerns the crews, the cargo, access to ports and anchorage therein, loading and unloading, and the recovery of taxes, dues and charges.

4. The provisions of this Convention shall not apply to national fisheries, or to the coasting trade.

Exemption from *cautio judicatum solvi* shall be governed by the national legislation of each of the Contracting Parties.

5. The treatment provided for in this Convention shall not be applicable :

(a) To special favours which have been or may hereafter be granted to adjacent States for the purpose of facilitating frontier traffic, or to other States in virtue of a Customs Union.

(b) To special concessions which have been or may hereafter be granted by Norway to Denmark, Finland, Iceland, or Sweden.

6. The present Convention shall not apply to Svalbard (Spitzbergen), or to the island of Jan Mayen.

7. The present *Modus Vivendi* shall be published in the two countries in accordance with the requirements of their national legislation, and once this formality has been complied with, it shall be regarded as in force from April 1st, 1938, for a period of one year.

It may be extended by an exchange of Notes for one year longer, on its expiry, or on the expiry of any other extension, and may likewise be denounced at any time by either of the Parties on giving three months' notice in writing to the other Party.

I avail myself of this opportunity, etc.

(Signed) E. GIL BORGES.

His Excellency
Monsieur Carl Ferdinand Sandberg,
Envoy Extraordinary and Minister Plenipotentiary
of Norway, Caracas.

TEXTE ESPAGNOL. — SPANISH TEXT.

CANJE DE NOTAS

ENTRE LOS GOBIERNOS DE NORUEGA Y DE LOS ESTADOS UNIDOS DE VENEZUELA RELATIVO AL RÉGIMEN ARANCELARIO APLICABLE A LAS SARDINAS NORUEGAS. CARACAS, 16 DE FEBRERO DE 1938.

Texte officiel espagnol communiqué par le délégué permanent de la Norvège près la Société des Nations. L'enregistrement de cet échange de notes a eu lieu le 13 juillet 1938.

Spanish official text communicated by the Permanent Delegate of Norway to the League of Nations. The registration of this Exchange of Notes took place July 13th, 1938.

I.

LÉGATION DE NORVÈGE.

CARACAS, 16 de febrero de 1938.

SEÑOR MINISTRO,

Tengo la honra de confirmar a Vuestra Excelencia nuestra conversación sobre la interpretación del Arancel de Aduanas de Venezuela relativa a las sardinas de Noruega, en conexión con el *modus vivendi* que tenemos en estudio. Quedaria muy agradecido a Vuestra Excelencia si se sirviera confirmarme que el pescado de la familia « Clupea » que se envasa en Noruega en aceite de oliva, tomate, etc., son sardinas en el sentido del Arancel de Aduanas de Venezuela.

Válgame de la oportunidad para renovar a Vuestra Excelencia la seguridad de mi más alta consideración.

(s) C. F. SANDBERG.

A Su Excelencia
Dr. Esteban Gil Borges,
Ministro de Relaciones Exteriores
de los Estados Unidos de Venezuela,
Caracas.

Pour copie certifiée conforme :
Ministère des Affaires étrangères,
Oslo, le 7 juillet 1938.

*Le Directeur des Affaires
de la Société des Nations,
Rolf Andersen.*

II.

MINISTERIO DE RELACIONES EXTERIORES.

DIRECCIÓN DE POLÍTICA ECONÓMICA.

No. 560.

CARACAS, 16 de febrero de 1938.

SEÑOR MINISTRO,

Tengo a honra avisar el recibo de la atenta comunicación de V. E. de fecha de hoy y en contestación cúmpleme manifestarle que examinadas las muestras de sardinas noruegas de los géneros « *clupea sprattus* » y « *clupea harengus* », por el Departamento competente del Ministerio de Hacienda resultaron pertenecer a la Tercera Clase más 40 % específico, conforme al número 3 de la Ley de Arancel de Aduanas, bajo la declaración de : « N^o 3 — Productos de la pesca, excepto los secos, salados, salpessos o ahumados : E) Sardinas en forma no especificada. »

En consecuencia las autoridades aduaneras venezolanas consideran las citadas especies como sardinas, a los efectos de la clasificación arancelaria.

Esta interpretación complementa las estipulaciones del *modus vivendi* que se negocia actualmente entre Noruega y Venezuela.

Aprovecho la oportunidad para reiterar a V. E. los sentimientos de mi alta consideración.

(s) E. GIL BORGES.

Al Excelentísimo Señor

Carl Ferdinand Sandberg,

Enviado Extraordinario y Ministro Plenipotenciario
de Noruega, Presente.

Pour copie certifiée conforme :

Ministère des Affaires étrangères,

Oslo, le 6 avril 1938.

*Le Directeur des Affaires
de la Société des Nations,*

Rolf Andersen.

¹ TRADUCTION.

ÉCHANGE DE NOTES

ENTRE LES GOUVERNEMENTS DE LA NORVÈGE
ET DES ÉTATS-UNIS DU VENEZUELA RELATIF
AU RÉGIME DOUANIER APPLICABLE AUX
SARDINES NORVÉGIENNES. CARACAS, LE
16 FÉVRIER 1938.

I.

LÉGATION DE NORVÈGE.

CARACAS, le 16 février 1938.

MONSIEUR LE MINISTRE,

J'ai l'honneur de confirmer à Votre Excellence notre conversation sur l'interprétation du tarif douanier vénézuélien concernant les sardines de

¹ Traduit par le Secrétariat de la Société des Nations, à titre d'information.

¹ TRANSLATION.

EXCHANGE OF NOTES

BETWEEN THE GOVERNMENTS OF NORWAY AND
THE UNITED STATES OF VENEZUELA REGARDING
THE CUSTOMS TARIFF APPLICABLE TO NORWEGIAN
SARDINES. CARACAS, FEBRUARY 16TH,
1938.

I.

NORWEGIAN LEGATION.

CARACAS, February 16th, 1938.

YOUR EXCELLENCY,

I have the honour to confirm to Your Excellency our conversation as to the interpretation of the Venezuelan Customs tariff on Norwegian

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

Norvège, à propos du *modus vivendi* actuellement à l'étude. Je vous serais très obligé de bien vouloir me confirmer que les poissons de la famille *clupea* qui sont mis en boîtes en Norvège dans de l'huile d'olive, de la tomate, etc., sont des sardines au sens du tarif douanier vénézuélien.

Je saisis cette occasion, etc.

(Signé) C. F. SANDBERG.

Son Excellence
le D^r Esteban Gil Borges,
Ministre des Affaires étrangères des
Etats-Unis du Venezuela, Caracas.

II.

MINISTÈRE
DES AFFAIRES ÉTRANGÈRES.
DIRECTION
DE LA POLITIQUE ÉCONOMIQUE.
N^o 560.

CARACAS, le 16 février 1938.

MONSIEUR LE MINISTRE,

J'ai l'honneur d'accuser réception de la communication de Votre Excellence en date de ce jour et de porter à votre connaissance qu'après examen des échantillons de sardines norvégiennes des espèces *clupea sprattus* et *clupea harengus* par le Département compétent du Ministère des Finances, il a été reconnu « qu'elles appartenaient à la troisième classe majorée d'un droit spécial de 40 %, selon le N^o 3 de la Loi sur les tarifs douaniers, et rentraient sous la rubrique suivante : N^o 3 — Produits de la pêche, à l'exception des produits secs, salés, en saumure ou fumés : E) Sardines non dénommées ».

En conséquence, les autorités douanières vénézuéliennes considèrent les espèces en question comme étant des sardines aux fins de la classification douanière.

Cette interprétation complète les stipulations du *modus vivendi* actuellement négocié entre la Norvège et le Venezuela.

Je saisis cette occasion, etc.

(Signé) E. GIL BORGES.

Son Excellence
Monsieur Carl Ferdinand Sandberg,
Envoyé extraordinaire et ministre
plénipotentiaire de Norvège, Caracas.

sardines, in connection with the *Modus Vivendi* now under consideration. I should be very grateful if you would confirm that fish of the family "clupea" which are tinned in Norway in olive oil, tomato, etc., are sardines within the meaning of the Venezuelan Customs tariff.

I avail myself of this opportunity, etc.

(Signed) C. F. SANDBERG.

His Excellency
Dr. Esteban Gil Borges,
Minister for Foreign Relations of the
United States of Venezuela, Caracas.

II.

MINISTRY
FOR FOREIGN RELATIONS.
DEPARTMENT
OF ECONOMIC POLICY.
N^o 560.

CARACAS, February 16th, 1938.

MONSIEUR LE MINISTRE,

I have the honour to acknowledge receipt of Your Excellency's communication of today's date, and in reply beg to inform you that the samples of Norwegian sardines of the species "clupea sprattus" and "clupea harengus" have been found on examination by the competent department of the Ministry of Finance "to belong to the 3rd class, plus 40 per cent. special duty, in accordance with No. 3 of the Customs tariff law, under the description of: No. 3. — Fishery products other than dried, salted, pickled or smoked: E) Sardines not otherwise specified."

The Venezuelan Customs authorities therefore regard the species in question as sardines for the purpose of tariff classification.

This interpretation amplifies the provisions of the *Modus Vivendi* now under negotiation between Norway and Venezuela.

I avail myself of this opportunity, etc.

(Signed) E. GIL BORGES.

His Excellency
Monsieur Carl Ferdinand Sandberg,
Envoy Extraordinary and Minister
Plenipotentiary of Norway, Caracas.