

N° 4373.

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UNION SUD-AFRICAINE  
ET ITALIE

Echange de notes comportant un accord commercial, Le Cap, le 21 mai 1935, et échange de notes additionnel, Rome, le 23 janvier 1936.

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UNION OF SOUTH AFRICA  
AND ITALY

Exchange of Notes constituting a Commercial Agreement, Capetown, May 21st, 1935, and Exchange of Notes supplementary thereto, Rome, January 23rd, 1936.

No. 4373. — EXCHANGE OF NOTES BETWEEN THE GOVERNMENT OF THE UNION OF SOUTH AFRICA AND THE ITALIAN GOVERNMENT CONSTITUTING A COMMERCIAL AGREEMENT. CAPETOWN, MAY 21ST, 1935.

*Textes officiels anglais et italien communiqués par le représentant de l'Union Sud-africaine près la Société des Nations. L'enregistrement de cet échange de notes a eu lieu le 22 juin 1938.*

*English and Italian official texts communicated by the Accredited Representative of the Union of South Africa to the League of Nations. The registration of this Exchange of Notes took place June 22nd, 1938.*

I.

DEPARTMENT  
OF EXTERNAL AFFAIRS.

CAPETOWN, May 21st, 1935.

MR. MINISTER,

Duly instructed thereto by the Governor-General-in-Council, I beg to confirm and place on record that the following Agreement has been come to between the Union and Italy :

1. The Union will accord to the following goods, the products of, and coming from, Italy, when imported into the Union or into the Mandated Territory of South West Africa, the enjoyment of the intermediate tariff under the Customs Tariff Amendment Act, 1935, to wit :

- Cotton piece-goods containing 50 per cent. or more of cotton and specified under Tariff item No. 76 (a) (i) and (ii) ;
- Woollen piece-goods, woven or knitted, under Tariff item No. 76 (b) ;
- Mixed piece-goods (containing 50 per cent. or more of artificial silk) under Tariff item No. 76 (c) (i) and (d) (i) ;
- New hats, caps and bonnets of wool, felt, hair, straw and other vegetable fibre, under Tariff item No. 69 (d) and (e) ;
- Glassware, under Tariff item No. 172 (b) ;
- Citric and tartaric acids ex Tariff item No. 213 (c) ; and
- Beads under Tariff item No. 299.

2. The Union will, within two months from the date hereof, apply the maximum tariff to the goods of the nature described in the first paragraph hereof, provided that the maximum tariff shall not be applied to goods of the same nature coming from :

(1) A country forming part of the territory, or being, either as a protectorate or mandated territory, under the protection or the jurisdiction of one of the members of the British Commonwealth of Nations, or a country contiguous to the Union or the Mandated Territory of South West Africa, if such goods enjoy, in virtue of a Customs agreement between the Union and such country, special treatment, and

(2) Countries entitled to most-favoured-nation treatment in the Union.

3. The products enumerated in paragraph one hereof shall not be deemed to be products of Italy unless at least 25 per cent. of the factory or works cost of those goods is represented by material produced and labour performed in Italy.

4. This Agreement is subject to approval by both Houses of Parliament of the Union in its next Session.

I will greatly esteem your confirmation of the same.

Please accept, Mr. Minister, the expression of my highest consideration.

H. D. J. BODENSTEIN,  
*Secretary for External Affairs.*

The Royal Italian Minister, Capetown.

II.

R. LEGAZIONE D'ITALIA.

*Royal Italian Legation.*

No. 1190.

CAPETOWN, *May 21st*, 1935.

MR. SECRETARY,

I have the honour to acknowledge receipt of your letter of even date and, duly authorized by my Government, I beg to confirm that the following contains the Agreement come to between Italy and the Union of South Africa :

1. The Union will accord to the following goods, the products of, and coming from, Italy, when imported into the Union or into the Mandated Territory of South West Africa, the enjoyment of the intermediate tariff under the Customs Tariff Amendment Act, 1935, to wit :

Cotton piece-goods containing 50 per cent. or more of cotton and specified under Tariff item No. 76 (a) (i) and (ii) ;

Woollen piece-goods, woven or knitted, under Tariff item No. 76 (b) ;

Mixed piece-goods (containing 50 per cent. or more of artificial silk) under Tariff item No. 76 (c) (i) and (d) (i) ;

New hats, caps and bonnets of wool, felt, hair, straw and other vegetable fibre, under Tariff item No. 69 (d) and (e) ;

Glassware, under Tariff item No. 172 (b) ;

Citric and tartaric acids ex Tariff item No. 213 (c) ; and

Beads under Tariff item No. 299.

2. The Union will, within two months from the date hereof, apply the maximum tariff to the goods of the nature described in the first paragraph hereof, provided that the maximum tariff shall not be applied to goods of the same nature coming from :

(1) A country forming part of the territory, or being, either as a protectorate or mandated territory, under the protection or the jurisdiction of one of the members of the British Commonwealth of Nations, or a country contiguous to the Union or the Mandated Territory of South West Africa, if such goods enjoy, in virtue of a Customs agreement between the Union and such country, special treatment, and

(2) Countries entitled to most-favoured-nation treatment in the Union.

3. The products enumerated in paragraph one hereof shall not be deemed to be products of Italy unless at least twenty-five (25) per cent. of the factory or works cost of those goods is represented by material produced and labour performed in Italy.

4. This Agreement is subject to approval by both Houses of Parliament of the Union in its next Session.

Please accept, Mr. Secretary, the assurance of my special consideration.

N. LABIA,  
*Royal Italian Minister Plenipotentiary.*

The Secretary for External Affairs,  
Parliament Street, Capetown.

Certified a true copy :

P. R. Botha,  
*Under-Secretary for External Affairs,*  
Pretoria.

#### EXCHANGE OF NOTES

BETWEEN THE GOVERNMENT OF THE UNION OF SOUTH AFRICA AND THE ITALIAN GOVERNMENT  
SUPPLEMENTARY TO THE COMMERCIAL AGREEMENT OF THE 21ST MAY, 1935. ROME,  
JANUARY 23RD, 1936.

#### I.

56/I/I.

ROME, *January 23rd, 1936.*

MR. MINISTER,

In regard to the Agreement which was concluded in Capetown on 21st May, 1935, by means of an Exchange of Notes between the Secretary for External Affairs on behalf of the Union of South Africa and the Italian Minister in Capetown on behalf of Italy, I am instructed by my Government to beg Your Excellency to take note that the concession to Italy of the benefits of the Intermediate Tariff to goods indicated in the annexure to the said Agreement, must be understood to have been made subject to the continuing in force of the grant of most-favoured-nation treatment by our respective countries to each other, under the Italian-British Treaty of 1883, in so far as it applies between the Union and Italy.

Please accept, Mr. Minister, the assurance of my highest consideration.

A. HEYMANS,  
*Minister Plenipotentiary.*

H. E. the Minister for Foreign Affairs,  
Palazzo Chigi,  
Rome.

## II.

TEXTE ITALIEN. — ITALIAN TEXT.

MINISTERO  
DEGLI AFFARI ESTERI,  
T.

900379/I.

ROMA, 23 Gen. 1936 Anno XIV.

SIGNOR MINISTRO,

Mi è pervenuta, redatta in inglese, la nota di V.E. in data odierna, che, in lingua italiana, è del seguente tenore :

« In relazione all'Accordo stipulato in Capetown il 21 maggio 1935, mediante scambio di note fra il Segretario per gli Affari Esteri per l'Unione del Sud Africa ed il Ministro italiano in Capetown per l'Italia, ho l'incarico dal mio Governo di pregare l'E.V. di prender nota che la concessione all'Italia dei benefici della Tariffa intermedia delle merci, indicata nell'annesso all'Accordo anzidetto, deve intendersi fatta in dipendenza del mantenimento in vigore del trattamento della Nazione più favorita reciprocamente fra i nostri due Paesi, giusta il Trattato italo-britannico del 1883, per quanto esso è applicabile fra l'Unione del Sud-Africa e l'Italia. »

Ho l'onore di portare a conoscenza dell'E.V. che il Governo italiano è d'accordo.

Voglia gradire, Signor Ministro, i sensi della mia alta considerazione.

MUSSOLINI.

Dr. A. Heymans,  
Inviato Straordinario e  
Ministro Plenipotenziario  
dell'Unione dell'Africa del Sud,  
Roma.

## II.

<sup>1</sup> TRADUCTION. — TRANSLATION.

MINISTRY  
FOR FOREIGN AFFAIRS,  
T.

No. 900379/I.

ROME, January 23rd, 1936.

MR. MINISTER,

I have received, styled in English, Your Excellency's Note of to-day's date, which, translated in Italian, reads as follows :

“ In regard to the agreement stipulated in Capetown on the 21st May, 1935, by means of an Exchange of Notes between the Secretary for External Affairs on behalf of the Union of South Africa and the Italian Minister in Capetown on behalf of Italy, I am instructed by my Government to beg Your Excellency to take note that the concession to Italy of the benefits of the Intermediate Tariff to goods indicated in the annexure to the said Agreement, must be understood to have been made subject to the continuing in force of the reciprocal grant of most-favoured-nation treatment by our two countries under the Italian-British Treaty of 1883, in so far as it is applicable between the Union of South Africa and Italy. ”

I have the honour to bring to the notice of Your Excellency that the Italian Government agrees herewith.

Please accept, Mr. Minister, the assurance of my high consideration.

(Sgd.) MUSSOLINI.

Dr. A. Heymans,  
Envoy Extraordinary  
and Minister Plenipotentiary  
of the Union of South Africa,  
Rome.

Certified a true copy :

P. R. Botha,  
*Under-Secretary for External Affairs,*  
Pretoria.

<sup>1</sup> Traduction du Gouvernement de l'Union Sud-africaine.<sup>1</sup> Translation of the Government of the Union of South Africa.

<sup>1</sup> TRADUCTION. — TRANSLATION.

N<sup>o</sup> 4373. — ÉCHANGE DE NOTES ENTRE LE GOUVERNEMENT DE L'UNION SUD-AFRICAIN ET LE GOUVERNEMENT ITALIEN COMPORTANT UN ACCORD COMMERCIAL. LE CAP, LE 21 MAI 1935.

I.

DÉPARTEMENT  
DES AFFAIRES EXTÉRIEURES.

LE CAP, le 21 mai 1935.

MONSIEUR LE MINISTRE,

Conformément aux instructions du gouverneur général en conseil, j'ai l'honneur de confirmer officiellement l'accord ci-après, qui est intervenu entre l'Union et l'Italie :

1. L'Union Sud-africaine accordera, pour l'importation dans l'Union Sud-africaine ou dans le Territoire sous mandat du Sud-Ouest africain, le bénéfice du tarif intermédiaire prévu par la loi de 1935 portant amendement du tarif douanier (*Customs Tariff Amendment Act, 1935*) aux marchandises désignées ci-après, originaires et en provenance d'Italie :

- Les tissus de coton en pièces contenant 50 % ou plus de coton, spécifiés à la position N<sup>o</sup> 76 a) i) et ii) ;
- Les tissus de laine en pièces, tissés ou tricotés (position 76 b)) ;
- Les tissus mélangés en pièces (contenant 50 % ou plus de soie artificielle) (position 76 c) i) et d) i)) ;
- Les chapeaux, casquettes et bonnets neufs en laine, feutre, poil, paille et autres fibres végétales (position 69 d) et e)) ;
- Les ouvrages en verre (position 172 b)) ;
- L'acide citrique et l'acide tartrique (position 213 c)) ; et
- Les conteries (position 299).

2. L'Union Sud-africaine appliquera, dans un délai de deux mois à dater du présent accord, le tarif maximum aux marchandises de la nature indiquée dans le premier paragraphe ci-dessus, sauf toutefois aux marchandises de même nature en provenance :

1<sup>o</sup> D'un pays faisant partie du territoire, ou placé en qualité de protectorat sous la protection, ou ressortissant en tant que territoire sous mandat à la juridiction, d'un des membres du Commonwealth britannique de nations, ou en provenance d'un pays contigu à l'Union Sud-africaine ou au Territoire sous mandat du Sud-Ouest africain, si ces marchandises jouissent d'un traitement spécial en vertu d'un accord douanier intervenu entre l'Union et ce pays ; et

2<sup>o</sup> De pays ayant droit, dans l'Union Sud-africaine, au traitement de la nation la plus favorisée.

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

<sup>1</sup> Translated by the Secretariat of the League of Nations, for information.