

N° 4611.

ROUMANIE ET YOUGOSLAVIE

Traité d'établissement, de commerce et de navigation, avec protocole spécial et protocole final. Signés à Belgrade, le 13 mai 1937.

Texte officiel français communiqué par le délégué permanent de la Roumanie près la Société des Nations. L'enregistrement a eu lieu le 23 juillet 1939.

ROUMANIA AND YUGOSLAVIA

Treaty concerning Establishment, Commerce and Navigation, with Special Protocol and Final Protocol. Signed at Belgrade, May 13th, 1937.

French official text communicated by the Permanent Delegate of Roumania to the League of Nations. The registration took place July 23rd, 1939.

TRADUCTION. — TRANSLATION.

No. 46II. — TREATY¹ CONCERNING ESTABLISHMENT, COMMERCE AND NAVIGATION BETWEEN ROUMANIA AND YUGOSLAVIA. SIGNED AT BELGRADE, MAY 13TH, 1937.

HIS MAJESTY THE KING OF ROUMANIA
and

On behalf of HIS MAJESTY THE KING OF YUGOSLAVIA, THE ROYAL REGENTS,

Being equally desirous of strengthening the ties of friendship which unite them and of developing and intensifying the relations in matters of commerce and navigation between their respective countries, have resolved to conclude a Treaty of establishment, commerce and navigation and have appointed as their Plenipotentiaries for that purpose:

HIS MAJESTY THE KING OF ROUMANIA :

His Excellency Monsieur Valer POP, Minister of Industry and Commerce ;

On behalf of HIS MAJESTY THE KING OF YUGOSLAVIA, THE ROYAL REGENTS :

His Excellency Monsieur Milan VRBANIC, Minister of Commerce and Industry ;

Who, having communicated to each other their full powers, found in good and due form, have agreed upon the following Articles :

Article 1.

Nationals of each of the High Contracting Parties shall, in the territory of the other, enjoy as regards their persons, legal status, property, rights and interests the same rights, privileges and favours as nationals, unless the laws provide otherwise. Should the laws contain special provisions regarding foreigners, nationals of the High Contracting Parties shall enjoy the same rights as nationals of the most-favoured nation.

Consequently, subject to compliance with the laws and regulations of the country, the nationals of each of the High Contracting Parties may freely enter and travel, reside and settle in the territory of the other Party or leave that territory at any time without being subject to any restrictions other than those which are or may hereafter be imposed upon nationals or, should there be any special regulations for foreigners, upon nationals of the most-favoured nation, without prejudice, however, to police regulations regarding foreigners.

Article 2.

Each of the High Contracting Parties reserves the right, by individual measures, either under the order of a court or in accordance with the laws and regulations relating to public morals, public health or mendicancy, or for reasons affecting the internal safety of the State, to forbid nationals of the other Party to reside or settle in his territory, and to expel them for the reasons given above.

Article 3.

Nationals of each of the High Contracting Parties shall, in the territory of the other, under the same conditions as nationals of the most-favoured nation, and provided that they comply with the laws and regulations of the country, have the right to acquire, possess, lease and dispose of all

¹ The exchange of ratifications took place at Bucharest, July 7th, 1939.
Came into force July 23rd, 1939.

kinds of movable or immovable property, unless the laws of the country provide otherwise. Under the same conditions, they may freely dispose of such property or of their rights or interests by any legal act operative *inter vivos* or in the event of death.

No measure of limitation, disposal, restriction or expropriation on grounds of public utility or the general interest affecting the ownership or use of the property, rights or interests of the nationals of one of the two High Contracting Parties may be taken by the other Party unless it is also applicable under the same conditions to the property, rights and interests of his own nationals.

In all the above cases, as also in connection with the export of the proceeds of the sale of their property or of the property itself, they shall be liable to no taxes, dues or charges of any kind whatever, other or higher than those which are or may hereafter be imposed upon nationals.

Article 4.

Nationals of each of the High Contracting Parties shall, in the territory of the other, under the same conditions as nationals of the most-favoured nation and provided that they comply with the laws of the country, have the right to carry on any kind of industry or commerce or any trade or profession the exercise of which is not or may not hereafter be reserved by law for nationals.

Article 5.

Nationals of either High Contracting Party shall not be subject in the territory of the other to any taxes, dues or charges whatever upon their persons or property or upon the exercise of any form of industry, commerce or profession other or higher than those imposed on nationals.

Subject to reciprocity, the nationals of each of the High Contracting Parties shall not be subject in respect of their residence in the territory of the other to any special tax which is not also imposed on nationals not belonging to the commune concerned.

Article 6.

Nationals of either of the High Contracting Parties shall be exempt in the territory of the other from all military service in the armed forces as well as from all contributions imposed in lieu of personal military service ; they shall, moreover, in no way be hindered from carrying out their military duties in their own country or from returning in full freedom after they have completed their service.

In time of peace as in time of war, they shall be liable only to the military charges and requisitions imposed upon nationals, their liability being of the same degree and based on the same principles as in the case of the latter.

They shall also be exempt from all compulsory official functions, whether judicial, administrative or municipal, except that of guardianship (curatorship) of their own nationals.

Article 7.

The nationals of each of the High Contracting Parties shall enjoy in the territory of the other the same treatment as nationals as regards the legal protection of their persons, property, rights and interests.

Accordingly, they shall have the right to appear in court and shall have free and unrestricted access to the authorities of the other Contracting Party under the same conditions and in the same manner as nationals. In particular, no surety or deposit, under whatever denomination, may be required of nationals of the High Contracting Parties either in their capacity as foreigners or on account of their having no domicile or residence in the country where legal proceedings have been instituted.

They may also employ counsel, or any agents authorised by the law of the country, and shall enjoy in this matter all rights and privileges which are or may hereafter be granted to nationals.

Article 8.

Commercial, industrial, financial, insurance and transport companies, and undertakings possessing juristic personality, which have their headquarters in the territory of one of the High

Contracting Parties and have been constituted in accordance with the laws of that country, shall be recognised as having legal existence in the territory of the other. They shall have the right to appear in court for the purpose either of instituting proceedings or of defending their rights and shall have free and unrestricted access to the authorities of the other Contracting Party.

The right of the said companies to exercise their usual commerce or industry in the territory of the other Contracting Party shall be governed by the laws, regulations, orders and other provisions which are or may hereafter be in force in that territory.

The said companies shall enjoy in every respect the treatment accorded to companies of the most-favoured nation.

Article 9.

Natural or manufactured products originating in and coming from the Kingdom of Roumania shall be allowed entry into the Kingdom of Yugoslavia under the most favourable Customs tariffs which the latter Kingdom grants, or may in future grant, to similar products from any other foreign Power.

Natural or manufactured products originating in and coming from the Kingdom of Yugoslavia shall be allowed entry into the Kingdom of Roumania under the most favourable Customs tariffs which the latter Kingdom grants, or may in future grant, to similar products from any other foreign Power.

Article 10.

The natural or manufactured products of each of the High Contracting Parties shall in no case be subjected, on importation into the territory of the other, to additional duties, taxes or charges other or higher than, or to regulations or formalities other or more onerous than, those which are or may hereafter be applied to products of a similar character coming from any other country.

Similarly, natural or manufactured products exported from the territory of one of the High Contracting Parties to the territory of the other shall in no event be subjected to duties, taxes or charges other or higher than, or to regulations and formalities more onerous than, those which are or may hereafter be applied to similar products sent into the territory of any other country.

Any advantage, favour, privilege or immunity which one of the two Contracting Parties grants or may hereafter grant in the above respects to natural or manufactured products originating in any one country, or sent into the territory of any other country, shall apply immediately and without compensation to similar products originating in or sent into the territory of the other Contracting Party.

Article 11.

Internal duties which are or may hereafter be imposed on whosoever account on the production, manufacture, distribution or consumption of an article in the territory of one of the Contracting Parties shall on no account be levied on the goods of the other Party at a higher rate or in a more burdensome manner than on similar goods of the country itself or, in the absence of such goods, on those of the most-favoured nation.

Article 12.

The two Contracting Parties shall accord one another freedom of transit for goods conveyed across their territories and undertake not to levy any duty or tax in respect thereof.

Article 13.

Each of the High Contracting Parties undertakes to give the other the benefit, forthwith and without compensation, in respect of goods whether or not mentioned in the present Treaty, of any privilege, favour or reduction of duties or taxes granted or hereafter to be granted by him to any other Power in connection with the re-export, transit — whether direct or indirect — or transhipment of goods, the observance of Customs formalities, or charges and taxes relating to these several operations.

Article 14.

Nationals of each of the two High Contracting Parties shall enjoy, within the territory of the other Party, the same protection as the latter's nationals in regard to the ownership of trade and commercial marks and marks of origin and to owner's rights in patents, drawings or industrial or manufacturing models of any type.

Article 15.

The High Contracting Parties recognise the validity of health and plant-pathology certificates warranting the condition of goods delivered by the competent authorities of the country of origin.

Such certificates shall also be taken to prove that the goods to which they relate satisfy the legal requirements of the country of origin; they may be made to require the visa of the diplomatic or consular representatives of the country of destination. Such visas shall be granted free of charge.

The High Contracting Parties reserve the right, in the event of suspected fraud, to carry out any necessary inspection with a view to identifying the goods, notwithstanding production of the certificates mentioned above.

The High Contracting Parties shall agree as to the guarantees to be required for establishing the identity of exported goods and of samples submitted for analysis. They shall also agree as to what authorities are to grant these certificates, as to the form of such certificates, as to the main provisions thereof and as to the manner in which samples are to be taken.

A list of the authorities entitled to deliver such certificates shall be communicated to the other Contracting Party without delay.

Similarly, in the case of goods entitled to a geographical appellation of origin, each High Contracting Party shall communicate to the other specimens of the appropriate certificates.

Article 16.

The two High Contracting Parties may require the production of a certificate of origin warranting the origin of goods; they nevertheless undertake to see to it that trade shall not be impeded by reason of unnecessary formalities in the despatch of such certificates.

Certificates of origin may be issued by the competent chambers of commerce, industry, crafts and agriculture. The two Governments may agree to allow authorities other than those here mentioned to issue certificates of origin.

The Government of the country of destination may require certificates to bear the visa of the diplomatic or consular authorities competent for the area from which the goods have been consigned.

Postal packets shall not require certificates of origin where the country of destination is satisfied that they are not of a commercial character.

Article 17.

Commercial representatives holding an identity card issued by the competent authority of the country of origin shall enjoy rights and advantages similar to those of commercial representatives of the most-favoured nation in all matters connected with the import or export of the samples they carry with them.

Article 18.

The rules governing the importation, transit, transshipment or passage of animals shall be determined by sanitary and veterinary requirements, in accordance with the veterinary police regulations of each of the High Contracting Parties.

To this end, the High Contracting Parties have concluded a special Convention¹ regulating the importation and transit of animals and animal products, which forms an integral part of the present Treaty.

¹ See page 161 of this Volume.

Article 19.

The High Contracting Parties guarantee each other most-favoured-nation treatment in their reciprocal relations in the matter of railway traffic ; and with the object of stimulating international railway traffic of interest to their respective countries, they agree mutually to pursue a liberal policy as regards railway rates.

Article 20.

The vessels of each of the High Contracting Parties, their cargoes, masters and crews shall, in the ports and territorial waters of the other Party, enjoy in all respects the same treatment as that accorded to nationals of the country itself or of the most-favoured nation.

Article 21.

The provisions regarding the treatment of national vessels shall not apply :

1. To fishing within the territorial waters of the High Contracting Parties ;
2. To the application of special laws relating to national merchant fleets and designed to stimulate the shipbuilding industry or to encourage navigation by means of premiums or other special facilities ;
3. To any advantages granted by the State to its own ships operating under State control or under a joint scheme ;
4. To privileges granted to yachting clubs ;
5. To harbour, roadstead and shore services, including towage, life-saving and maritime assistance ;
6. To emigration and the transit of emigrants, it being understood that a special agreement on the subject may be concluded by the two High Contracting Parties.

Article 22.

Vessels, whether State-owned or subsidised by the State for the purpose, conveying the regular mails of one of the High Contracting Parties shall, within the territorial waters of the other Party, enjoy the same facilities, privileges and immunities as are accorded to similar vessels of the most-favoured nation under the same conditions.

Article 23.

Each of the High Contracting Parties shall permit the import or export in vessels of the other Party of all articles which are or may hereafter be legally imported or exported ; such articles shall not be liable to any taxes or charges, under whatever denomination, other or higher than those to which they would be liable if imported or exported in national vessels.

With regard to the guarantee, the levying of taxes and the other Customs formalities imposed upon importation or exportation, as also in the matter of warehousing, re-export, transshipment and transit, each of the High Contracting Parties undertakes to grant the other the benefit of any facility he has accorded or may accord to a third Power, under the same conditions.

Article 24.

As regards the berthing of vessels — taking into account the quay space available in the various harbours — and the loading and unloading of vessels within the territorial waters of the High Contracting Parties, tonnage, transit, canal, harbour, pilotage, lighthouse, quarantine and any other similar taxes or charges levied on behalf or for the benefit of the Government by

public officials, private individuals, corporations or undertakings of whatever nature shall not be levied within the territorial waters of one of the Contracting Parties in respect of the vessels of the other unless they are similarly levied, under identical conditions, in respect of national vessels generally or, in particular, of vessels of the most-favoured nation.

Article 25.

The nationality of vessels shall be determined on both sides in accordance with the laws and regulations of each of the High Contracting Parties, by means of the ship's papers and permits issued by the competent authorities of each State.

Except in the case of sale by an order of the court, a vessel of one of the High Contracting Parties may not assume the nationality of the other Party unless the authorities of the former State have, by declaration, withdrawn the right to fly that country's flag.

Pending the conclusion of a special agreement for the mutual recognition of tonnage certificates, vessels of either of the High Contracting Parties shall not be subjected in the ports of the other to any further tonnage measurement, and payment of shipping dues and charges shall be effected on the basis of the tonnage certificates issued by the competent authorities of the country whose flag the vessels are flying.

The rules and provisions of national legislation regarding the equipment, internal arrangement and safety of vessels applied by each of the High Contracting Parties shall also be recognised in the ports of the other Party.

Article 26.

The provisions of the present Treaty shall not apply to shipping in territorial waters not forming part of an internationalised river system.

Article 27.

The provisions of the present Treaty shall not apply to the coasting trade.

Nevertheless, should either of the High Contracting Parties unconditionally permit vessels of a third Power to engage in coasting trade, the other Contracting Party shall immediately enjoy such exceptional treatment; should one of the High Contracting Parties permit vessels of a third Power to engage in coasting trade under certain conditions, the other Contracting Party shall have the right to request that negotiations be opened with a view to securing similar advantages under analogous conditions.

Yugoslav and Roumanian vessels may proceed from one port to another in the two States or to one or more ports in the same State, either for the purpose of unloading there part or the whole of their cargoes coming from a foreign country or in order to take on or complete a cargo intended for a foreign country.

In the event of shipwreck, disablement or distress, each of the Contracting Parties shall be bound to grant to vessels of the other Party the same assistance, protection and facilities as are accorded in similar circumstances to vessels flying the national flag.

Should a vessel of one of the Contracting Parties be wrecked or stranded on the coast of the other Party, the local authorities shall give information thereof to the nearest consular authority.

Article 28.

Any dispute between the two High Contracting Parties with regard to the interpretation or application of the present Treaty or of the documents annexed thereto shall, if such dispute cannot be settled through the diplomatic or the administrative channel within a reasonable period, be referred to the Economic Council of the Little Entente.

Article 29.

The present Treaty shall be ratified as soon as possible and the instruments of ratification shall be exchanged at Bucharest.

It shall come into force fifteen days after the exchange of the instruments of ratification and shall remain in force for an indefinite period.

Each of the High Contracting Parties reserves the right to denounce the Treaty at six months' notice.

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

Done at Belgrade, this 13th day of May, 1937.

(Signed) Valer POP.

(Signed) Milan VRBANIC.

SPECIAL PROTOCOL.

Hops from the banovines of the Drave and the Danube shall be cleared through Customs, on importation into Roumania, on payment of the same duties and subject to the same conditions as apply to so-called "Bohemian hops". Each consignment of hops must bear a mark of origin and must be accompanied by a verification certificate issued by the competent Yugoslav authority and a certificate of origin. Notice shall be given to the Roumanian Government as soon as possible of the mark and the competent authority for the issue of such certificates.

Maraschino from Dalmatia, in the original bottles, shall be liable upon importation into Roumania to the same Customs duties as apply to maraschino from Zara. Each consignment of maraschino must be accompanied by a certificate of origin.

Done at Belgrade, this 13th day of May, 1937.

(Signed) Valer POP.

(Signed) Milan VRBANIC.

FINAL PROTOCOL.

At the time of signing the Treaty of Establishment, Commerce and Navigation between Yugoslavia and Roumania concluded this day, the two High Contracting Parties desire to affirm that the provisions contained therein in no way affect the provisions of the Convention¹ regarding the exercise of trades and professions or of the Convention² regarding the cost of expulsion, both dated January 30th, 1933.

Done at Belgrade, this 13th day of May, 1937.

(Signed) Valer POP.

(Signed) Milan VRBANIC.

¹ Vol. CXLVI, page 165, of this Series.

² Vol. CXLVI, page 113, of this Series.