

No. 400

**UNITED STATES OF AMERICA
and
SWEDEN**

Exchange of Notes constituting an agreement relating to the application of most-favoured-nation treatment to the merchandise trade of certain areas under occupation or control. Stockholm, 3 July 1948

English official text communicated by the Permanent Representative of the United States of America at the seat of the United Nations. The registration took place on 1 April 1949.

**ETATS-UNIS D'AMERIQUE
et
SUEDE**

Echange de notes constituant un accord relatif à l'application du traitement de la nation la plus favorisée aux échanges commerciaux de certaines régions soumises à occupation ou contrôle. Stockholm, 3 juillet 1948

Texte officiel anglais communiqué par le représentant permanent des Etats-Unis d'Amérique au siège de l'Organisation des Nations Unies. L'enregistrement a eu lieu le 1er avril 1949.

No. 400. EXCHANGE OF NOTES¹ CONSTITUTING AN AGREEMENT BETWEEN THE GOVERNMENTS OF THE UNITED STATES OF AMERICA AND SWEDEN RELATING TO THE APPLICATION OF MOST-FAVORED-NATION TREATMENT TO THE MERCHANDISE TRADE OF CERTAIN AREAS UNDER OCCUPATION OR CONTROL. STOCKHOLM, 3 JULY 1948

I

The American Ambassador to the Swedish Minister of Foreign Affairs

No. 109

Stockholm, July 3, 1948

Excellency:

I have the honor to refer to the conversations which have recently taken place between representatives of our two Governments relating to the territorial application of commercial arrangements between the United States of America and Sweden and to confirm the understanding reached as a result of these conversations as follows:

1. For such time as the Government of the United States of America participates in the occupation or control of any areas in western Germany or the Free Territory of Trieste, the Government of Sweden will apply to the merchandise trade of such area the provisions relating to the most-favored-nation treatment of the merchandise trade of the United States of America set forth in the Trade Agreement between the United States of America and Sweden signed May 25, 1935² (including, for its duration, the memoranda as to its application exchanged June 12, 1948),³ or, for such time as the Governments of the United States of America and Sweden may both be contracting parties to the General Agreement on Tariffs and Trade, dated October 30, 1947,⁴ the provisions of that Agreement, as now or hereafter amended, relating to the most-favored-nation treatment of such trade. It is understood that the undertaking in this paragraph relating to the application of the most-favored-nation provisions of the Trade Agreement of 1935 shall be subject to the exceptions recognized in the General Agreement on Tariffs and Trade permitting departures from the application of most-favored-nation treatment; provided that nothing in this sentence shall be

¹ Came into force on 3 July 1948, by the exchange of the said notes.

² League of Nations, *Treaty Series*, Volume CLXI, page 109.

³ United States of America, *Treaties and Other International Acts Series*, 1800.

⁴ United Nations, 1947.II.10, Volumes I-IV.

construed to require compliance with the procedures specified in the General Agreement with regard to the application of such exceptions.

2. The undertaking in point 1, above, will apply to the merchandise trade of any area referred to therein only for such time and to such extent as such area accords reciprocal most-favored-nation treatment to the merchandise trade of Sweden.

3. The undertakings in points 1 and 2, above, are entered into in the light of the absence at the present time of effective or significant tariff barriers to imports into the areas herein concerned. In the event that such tariff barriers are imposed, it is understood that such undertakings shall be without prejudice to the application of the principles set forth in the Havana Charter for an International Trade Organization¹ relating to the reduction of tariffs on a mutually advantageous basis.

4. It is recognized that the absence of a uniform rate of exchange for the currency of the areas in western Germany referred to in point 1, above, may have the effect of indirectly subsidizing the exports of such areas to an extent which it would be difficult to calculate exactly. So long as such a condition exists, and if consultation with the Government of the United States of America fails to reach an agreed solution to the problem, it is understood that it would not be inconsistent with the undertaking in point 1 for the Government of Sweden to levy a countervailing duty on imports of such goods equivalent to the estimated amount of such subsidization, where the Government of Sweden determines that the subsidization is such as to cause or threaten material injury to an established domestic industry or is such as to prevent or materially retard the establishment of a domestic industry.

5. The undertakings in this note shall remain in force until January 1, 1951, and unless at least six months before January 1, 1951, either Government shall have given notice in writing to the other of intention to terminate these undertakings on that date, they shall remain in force thereafter until the expiration of six months from the date on which such notice shall have been given.

Accept, Excellency, the renewed assurances of my highest consideration.

H. Freeman MATTHEWS

His Excellency Östen Undén
Minister of Foreign Affairs
Stockholm

¹ United Nations, 1948.II.D.4.

II

The Swedish Minister of Foreign Affairs to the American Ambassador

KUNGL. UTRIKES DEPARTEMENTET

Stockholm, July 3, 1948

Mr. Ambassador,

I have the honor to refer to the conversations which have recently taken place between representatives of our two Governments relating to the territorial application of commercial arrangements between Sweden and the United States of America and to confirm the understanding reached as a result of these conversations as follows:

[See note I]

Please accept, Mr. Ambassador, the renewed assurances of my highest consideration.

Östen UNDÉN

Mr. H. Freeman Matthews
Ambassador of the United States of America
etc., etc., etc.
Stockholm
