

No. 3003

**UNION OF SOVIET SOCIALIST REPUBLICS
and
FRANCE**

Agreement (with protocol) concerning reciprocal trade relations and the status of the Trade Delegation of the Union of Soviet Socialist Republics in France. Signed at Paris, on 3 September 1951

Official texts: Russian and French.

Registered by the Union of Soviet Socialist Republics on 14 November 1955.

**UNION DES RÉPUBLIQUES SOCIALISTES
SOVIÉTIQUES
et
FRANCE**

Accord (avec protocole) concernant les relations commerciales réciproques et le statut de la Représentation commerciale de l'Union des Républiques socialistes soviétiques en France. Signé à Paris, le 3 septembre 1951

Textes officiels russe et français.

Enregistré par l'Union des Républiques socialistes soviétiques le 14 novembre 1955.

[TRANSLATION — TRADUCTION]

No. 3003. AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE UNION OF SOVIET SOCIALIST REPUBLICS AND THE GOVERNMENT OF THE FRENCH REPUBLIC CONCERNING RECIPROCAL TRADE RELATIONS AND THE STATUS OF THE TRADE DELEGATION OF THE UNION OF SOVIET SOCIALIST REPUBLICS IN FRANCE. SIGNED AT PARIS, ON 3 SEPTEMBER 1951

The Government of the Union of Soviet Socialist Republics and the Government of the French Republic, desiring to renew and develop trade relations between the two countries and having regard to the provisions of article 6 of the Treaty of Alliance and Mutual Assistance of 10 December 1944, have agreed on the following provisions:

Article 1

The Union of Soviet Socialist Republics and France grant each other most-favoured nation treatment in all matters relating to trade and navigation between the two countries.

Article 2

The natural or manufactured products originating in or exported from the territory of the Union of Soviet Socialist Republics shall be entitled, on importation into the territory of France, to minimum tariff rates and shall not be liable to import duties, charges or taxes higher than those imposed on goods imported from any third State.

The Government of the French Republic undertakes to apply the provisions of the preceding paragraph in its Overseas Territories and the Territories under French trusteeship and to recommend adoption of the said provisions to the Governments of the countries under French Protectorate.

The natural or manufactured products originating in or exported from the territory of France, its Overseas Territories and the Territories under French trusteeship shall not be liable, on importation into the territory of the Union of Soviet Socialist Republics, to import duties, charges or taxes higher than those imposed on goods imported from any third State.

The same treatment shall be applied to goods originating in or imported from French Protectorates to the extent to which those countries themselves

¹ Came into force on 28 November 1952, upon the exchange of the instruments of ratification at Moscow, in accordance with article 13.

agree to grant to the Union of Soviet Socialist Republics the advantages enumerated in the first paragraph of this article.

Article 3

The merchant vessels of each Contracting Party shall enjoy, in the seaports of the other Contracting Party, the same treatment in all respects as merchant vessels of the most-favoured nation.

The Contracting Parties shall grant each other most-favoured nation treatment with regard to the entering, clearing and stationing of each other's vessels and cargoes in their respective ports and with regard to all duties and charges and to conditions for mooring.

The nationality of vessels shall be reciprocally recognized, in accordance with the laws and regulations of each of the Contracting Parties, on the basis of the papers and certificates carried by the vessel and issued by the competent authorities of each of the Contracting Parties.

Tonnage certificates and other similar technical ship's papers issued or recognized by one of the Contracting Parties shall also be recognized by the other Contracting Party.

The Government of the French Republic undertakes to apply the provisions of this article in its Overseas Territories and the Territories under French trusteeship and to recommend adoption of the said provisions to the Governments of the countries under French Protectorate.

Article 4

Save as otherwise provided hereafter, French merchants and manufacturers, whether individuals or bodies corporate constituted in accordance with French law, shall enjoy in respect of their persons and property treatment as favourable as that accorded to the citizens and bodies corporate of the most-favoured nation, in the exercise of economic activities in the territory of the Union of Soviet Socialist Republics, directly or through intermediaries selected by them, subject to the conditions under which such activities are permitted by the law of the Union of Soviet Socialist Republics.

State economic organizations of the Union of Soviet Socialist Republics, Soviet bodies corporate possessing civil capacity under the law of the Union of Soviet Socialist Republics, and individuals who are citizens of the Union of Soviet Socialist Republics shall enjoy in respect of their persons and property treatment as favourable as that accorded to the citizens and bodies corporate of the most-favoured nation in the exercise of economic activities in the territory of France, subject to the conditions under which such activities are permitted by the law of France.

The citizens and bodies corporate of each Contracting Party shall be entitled to appear in court and shall have free and ready access to the courts of the other Contracting Party.

Article 5

In view of the fact that under the laws of the Union of Soviet Socialist Republics foreign trade is a State monopoly, the Government of the French Republic recognizes the right of the Government of the Union of Soviet Socialist Republics to maintain in France a Trade Delegation for the purpose of carrying on all operations arising from the existence of the said monopoly.

The functions of the Trade Delegation of the Union of Soviet Socialist Republics in France shall be:

(a) to promote the development of trade relations between the Union of Soviet Socialist Republics and France;

(b) to represent the interests of the Union of Soviet Socialist Republics in all matters relating to foreign trade;

(c) to take on behalf of the Union of Soviet Socialist Republics whatever action is necessary in connexion with commercial transactions between the Union of Soviet Socialist Republics and France;

(d) to carry on trade between the Union of Soviet Socialist Republics and France.

Article 6

The Trade Delegation of the Union of Soviet Socialist Republics shall form an integral part of the Embassy of the Union of Soviet Socialist Republics in France and shall have its headquarters at 49 rue de la Faisanderie, Paris.

The head of the Trade Delegation of the Union of Soviet Socialist Republics in France and his two deputies shall enjoy all the rights and privileges accorded to members of diplomatic missions.

The premises occupied by the Trade Delegation of the Union of Soviet Socialist Republics in Paris shall enjoy the immunities accorded to the premises of diplomatic delegations.

The Trade Delegation of the Union of Soviet Socialist Republics in Paris shall be entitled to use a cipher.

Article 7

Branch offices of the Trade Delegation of the Union of Soviet Socialist Republics may be established in other towns of France by agreement between the Trade Delegation and the competent French authorities.

The legal status of such branch offices shall be determined by agreement between the two Contracting Parties.

Article 8

The Trade Delegation of the Union of Soviet Socialist Republics in France shall act on behalf of the Government of the Union of Soviet Socialist Republics. The Government of the Union of Soviet Socialist Republics shall be responsible

only for commercial transactions concluded or guaranteed in France by the Trade Delegation and signed by the persons authorized for that purpose.

Any commercial transactions concluded without the guarantee of the Trade Delegation of the Union of Soviet Socialist Republics in France by any State economic organization of the Union of Soviet Socialist Republics which under the laws of the Union of Soviet Socialist Republics enjoys independent corporate status shall be binding only on the organization in question, and execution issued in respect of such transactions may be taken only against property of the said organization. No responsibility for such transactions shall be incurred by the Government of the Union of Soviet Socialist Republics or by its Trade Delegation in France or by any other economic organization of the Union of Soviet Socialist Republics.

Article 9

The Trade Delegation of the Union of Soviet Socialist Republics in France may give its guarantee for contracts concluded between an organization as referred to in the second paragraph of article 8 and a French individual or body corporate.

Article 10

The Trade Delegation of the Union of Soviet Socialist Republics in France shall enjoy the privileges and immunities arising out of article 6 above, with the following exceptions:

Disputes regarding commercial transactions concluded or guaranteed in the territory of France by the Trade Delegation of the Union of Soviet Socialist Republics under the first paragraph of article 8 of this Agreement shall, in the absence of a reservation regarding arbitration or any other jurisdiction, be subject to the competence of the French courts and be settled in accordance with French law, save as otherwise provided by the terms of individual contracts or by French legislation.

No interim orders may, however, be made against the Trade Delegation.

Execution of judgements relating to transactions to which the Trade Delegation of the Union of Soviet Socialist Republic in France is a party may be taken against all State property of the Union of Soviet Socialist Republics in France, in particular property, rights and interests arising from transactions concluded or guaranteed by the Trade Delegation of the Union of Soviet Socialist Republics in France, with the exception of property belonging to an organization as referred to in the second paragraph of article 8.

Property and premises intended solely for the exercise in France of the political and diplomatic rights of the Government of the Union of Soviet Socialist Republics in accordance with international practice, as well as the premises occupied by the Trade Delegation of the Union of Soviet Socialist

Republics in France and the movable property situated there, shall not be liable to execution.

Article 11

All disputes regarding commercial transactions concluded between economic organizations of the Union of Soviet Socialist Republics and French individuals or bodies corporate shall, in the absence of an arbitration clause, be subject to the jurisdiction of the French courts if the transaction was concluded in France and to the jurisdiction of the courts of the Union of Soviet Socialist Republics if the transaction was concluded in the Union of Soviet Socialist Republics. The courts of the other country shall, however, be entitled to deal with such disputes in every case in which jurisdiction is expressly conferred on them by a clause specifically agreed to in the contract.

Article 12

The Trade Delegation of the Union of Soviet Socialist Republics in France shall not be subject to the regulations governing commercial registration. It shall publish in the *Journal Officiel* of the French Republic the names of the persons authorized to carry out legal transactions on its behalf and information concerning the extent to which each such person is empowered to bind the Trade Delegation in commercial matters by his signature. Any change shall be published in the said organ.

Article 13

This Agreement is concluded for a period of five years. It shall be ratified as soon as possible and shall enter into force on the day of the exchange of the instruments of ratification, which shall take place at Moscow.

It may be terminated on 31 December of any year if notice is given not later than 30 September of the same year.

DONE in duplicate, in Paris, on 3 September 1951, in the Russian and French languages, both texts being equally authentic.

For the Government of the
Union of Soviet Socialist
Republics:
(Signed) A. PAVLOV

For the Government of the
French Republic:
(Signed) Maurice SCHUMANN

PROTOCOL

On proceeding to sign this day the Agreement between the Government of the Union of Soviet Socialist Republics and the Government of the French Republic concerning reciprocal trade relations and the status of the Trade Delegation of the Union of Soviet Socialist Republics in France, the undersigned representatives of the two Contracting Parties, being duly authorized for the purpose, have agreed as follows:

1. The two Parties agree to bear in mind that the Commercial Attaché of the French Embassy at Moscow, being a member of the staff of the French Embassy, is entitled to the customary diplomatic privileges and immunities in respect of his person, residence and official premises.

2. The two Parties shall determine by agreement the number of members and employees of the Trade Delegation of the Union of Soviet Socialist Republics in France otherwise than as specified in article 6. The persons concerned, a list of whose names shall be communicated to the competent French authorities, shall be exempt from income tax on the emoluments they receive in the service of the Government of the Union of Soviet Socialist Republics; this provisions shall, however, apply only to citizens of the Union of Soviet Socialist Republics.

For the Government of the
Union of Soviet Socialist
Republics:

(Signed) A. PAVLOV

For the Government of the
French Republic:

(Signed) Maurice SCHUMANN