

No. 3409

**UNION OF SOVIET SOCIALIST REPUBLICS
and
AUSTRIA**

**Treaty of Trade and Navigation (with annex). Signed at
Vienna, on 17 October 1955**

Official texts: Russian and German.

Registered by the Union of Soviet Socialist Republics on 9 May 1956.

**UNION DES RÉPUBLIQUES SOCIALISTES
SOVIÉTIQUES
et
AUTRICHE**

**Traité de commerce et de navigation (avec annexe). Signé
à Vienne, le 17 octobre 1955**

Textes officiels russe et allemand.

Enregistré par l'Union des Républiques socialistes soviétiques le 9 mai 1956.

[TRANSLATION — TRADUCTION]

No. 3409. TREATY¹ OF TRADE AND NAVIGATION BETWEEN THE UNION OF SOVIET SOCIALIST REPUBLICS AND THE REPUBLIC OF AUSTRIA. SIGNED AT VIENNA, ON 17 OCTOBER 1955

The Presidium of the Supreme Soviet of the Union of Soviet Socialist Republics and the President of the Republic of Austria, desiring to promote in every way the development of economic relations between the two countries on a basis of equality and mutual advantage, have resolved to conclude a Treaty of Trade and Navigation and have for this purpose appointed as their plenipotentiaries :

The Presidium of the Supreme Soviet of the Union of Soviet Socialist Republics :

Mr. Ivan Grigorevich Kabanov, Minister of Foreign Trade of the Union of Soviet Socialist Republics;

The President of the Republic of Austria :

Mr. Leopold Figl, Minister of Foreign Affairs of the Republic of Austria,

who, having exchanged their full powers, found in good and due form, have agreed as follows :

Article 1

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

They shall, within the framework of their relevant legislation, take all appropriate measures to facilitate and develop the reciprocal exchange of goods and services.

Article 2

Neither Contracting Party shall, in relation to imports from or exports to the territory of the other Party, apply any restrictions, prohibitions or formalities which in this regard are not applied to all other countries.

¹ Came into force on 17 February 1956 by the exchange of the instruments of ratification at Moscow, in accordance with article 13.

Article 3

The Contracting Parties shall grant each other most-favoured-nation treatment in all matters relating to customs duties, import and export charges and the internal taxation of imported goods, and with regard to all regulations concerning such matters.

Natural and manufactured products originating in the territory of one Contracting Party shall accordingly, on being imported into or exported to the territory of the other Contracting Party, in no case be subject, with regard to duties, taxes or charges, to treatment less favourable than that accorded to similar natural and manufactured products originating in the territory of the most-favoured nation.

Natural and manufactured products originating in the territory of one Contracting Party which have been conveyed in transit through the territory of one or more third States shall not be liable, on importation into the territory of the other Contracting Party, to duties, taxes or charges higher than those to which they would have been liable if they had been imported directly from their country of origin. This provision shall also apply to goods which, while in transit, are trans-shipped, repacked or warehoused.

The Contracting Parties shall grant each other most-favoured-nation treatment with regard to the procedure for collecting customs duties, the application of tariffs and the classification of goods, the interpretation of customs tariffs, customs drawback, re-export, trans-shipment and warehousing.

Article 4

Natural and manufactured products originating in the territory of one Contracting Party shall not be liable, after importation into the territory of the other Party, to any internal taxes or charges other or higher than those which are or may hereafter be imposed on similar natural and manufactured products originating in the territory of any third country.

Article 5

The provisions of articles 2, 3 and 4 of this Treaty shall not extend to :

(a) Advantages which have been or may hereafter be granted by either Contracting Party to adjacent States for the purpose of facilitating frontier relations with those States;

(b) Advantages arising out of a customs union which has been or may hereafter be concluded between one of the Contracting Parties and any third State.

Article 6

Subject to compliance with the existing regulations concerning temporary admission to the territory of either Contracting Party, the following articles shall, on importation or exportation, be exempt from customs duties and other charges :

- (a) Samples which cannot be used as articles of consumption;
- (b) Articles, including machines and machine parts, imported for experiments, tests or repair;
- (c) Marked containers and receptacles normally used in trade and intended for the conveyance of goods;
- (d) Articles intended for exhibitions, competitions and fairs.

Article 7

The vessels of either Contracting Party and their cargoes shall, with regard to entering and clearing and while staying in a port of the other Contracting Party, be accorded most-favoured-nation treatment in all respects.

The provisions of this article shall not extend to :

- (a) The performance of harbour services, including pilotage and towage in ports, each Contracting Party reserving the right to perform these services;
- (b) Coastal shipping; nevertheless, vessels of either Contracting Party proceeding from one port of the other Party to another, for the purpose of landing all or part of the cargo brought from abroad, or of taking on board all or part of a cargo for a foreign destination, shall not be regarded as engaged in coastal shipping.

Article 8

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 the Party concerned.

Papers relating to the construction of the vessel, its equipment and crew, and also certificates of measurement and registration and other related technical ship's papers carried by the vessel and issued or recognized by one of the Contracting Parties shall also be recognized by the other party.

Article 9

In view of the fact that, under the laws of the Union of Soviet Socialist Republics, foreign trade is a State monopoly, the Union of Soviet Socialist Republics shall maintain in the Republic of Austria a Trade Delegation, the legal

status of which shall be governed by the provisions of the annex to this Treaty, which shall constitute an integral part thereof.

Article 10

Bodies corporate and commercial companies constituted in the territory of one Contracting Party shall be equally recognized in the territory of the other and shall, together with individuals, enjoy the same treatment as the bodies corporate, commercial companies and individuals of the most-favoured nation.

Bodies corporate, commercial companies and individuals of one Contracting Party shall be entitled to appear in the courts of the other Party either as plaintiffs or in defence of their interests.

Article 11

Bodies corporate, commercial companies and individuals of the Union of Soviet Socialist Republics and bodies corporate, commercial companies and individuals of the Republic of Austria may agree that disputes arising out of commercial contracts shall be submitted to arbitration. The agreement concerning arbitration, whether arbitration by a permanent body or an *ad hoc* body for each dispute, shall be embodied in the contract itself or in a separate agreement drawn up in the form required for the contract. Such an agreement shall preclude recourse to the State courts of the Contracting Parties.

The Contracting Parties undertake to enforce in their territories any arbitral awards made in accordance with an agreement as referred to in the first paragraph of this article.

The enforcement of an arbitral award may not be refused unless :

(a) The arbitral award has not become final and operative under the law of the country in which it was made;

(b) The arbitral award compels one Party to the dispute to take some action which is contrary to the laws of the country in which enforcement of the award is sought;

(c) The arbitral award is contrary to public policy in the country in which enforcement of the award is sought.

The enforcement of arbitral awards shall be governed by the laws of the country in which enforcement is sought.

Article 12

The Contracting Parties shall promote the exchange of experience in the fields of industry, agriculture, forestry and transport between the two countries on mutually advantageous terms.

Article 13

This Treaty shall be ratified as soon as possible and shall come into force on the day of the exchange of the instruments of ratification, which shall take place at Moscow.

The Treaty shall remain in force for a period of five years. If neither of the Contracting Parties gives notice in writing twelve months before the expiration of the said period of its desire to terminate the Treaty, the Treaty shall remain in force until such time as one of the Parties gives twelve months' notice of its intention to terminate it.

IN WITNESS WHEREOF, the plenipotentiaries of the two Contracting Parties have signed this Treaty and have affixed thereto their seals.

DONE at Vienna, on 17 October 1955, in duplicate, in the Russian and German languages, both texts being equally authentic.

By authorization
of the Presidium of the
Supreme Soviet of the Union of
Soviet Socialist Republics :

KABANOV

[SEAL]

By authorization
of the President
of the Republic
of Austria :

FIGL

[SEAL]

ANNEX

THE LEGAL STATUS OF THE TRADE DELEGATION OF THE UNION OF
SOVIET SOCIALIST REPUBLICS IN THE REPUBLIC OF AUSTRIA*Article 1*

The Trade Delegation of the Union of Soviet Socialist Republics in Austria shall exercise the following functions; it will :

- (a) Promote the development of economic relations between the USSR and the Republic of Austria;
- (b) Represent the interests of the Union of Soviet Socialist Republics in Austria in all matters relating to foreign trade;
- (c) Carry on trade between the USSR and the Republic of Austria.

Article 2

The Trade Delegation shall form an integral part of the Embassy of the Union of Soviet Socialist Republics in Austria and shall have its headquarters at Vienna. The Trade Delegation shall have a branch office at Linz.

The Trade Delegate of the Union of Soviet Socialist Republics in Austria and his three deputies shall enjoy all the immunities and privileges accorded to members of diplomatic missions.

In addition to the persons referred to in the foregoing paragraph, the employees of the Trade Delegation who are citizens of the USSR shall be exempt from Austrian taxation on the emoluments they receive in the service of the Government of the Union of the Soviet Socialist Republics.

The premises occupied by the Trade Delegation shall enjoy extra-territoriality. The Trade Delegation shall be entitled to use a cipher.

The Trade Delegation shall not be subject to any regulations governing commercial registration.

Article 3

The Trade Delegation 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 contracts concluded or guaranteed in Austria on behalf of the Trade Delegation and signed by authorized persons.

The Trade Delegation shall publish in the Government publication of the Republic of Austria the names of the persons authorized to take legal action on its behalf, and information concerning the extent to which each such person is empowered to sign commercial contracts on its behalf. Any changes shall be published in the same publication.

Any commercial contracts concluded without the guarantee of the Trade Delegation by any Soviet organizations whatsoever shall be binding only on the organizations in question, and execution in respect of such contracts may be levied only on their property.

Article 4

The immunities and privileges accorded to the Trade Delegation shall extend to its commercial activities, with the following exceptions :

(a) Disputes arising out of commercial contracts concluded or guaranteed in the territory of Austria by the Trade Delegation shall, in the absence of an arbitration agreement, be subject to the jurisdiction of the Austrian courts and shall be settled in accordance with Austrian law, save as otherwise provided by the terms of individual contracts. No interim orders may, however, be made against the Trade Delegation;

(b) Final judicial decisions against the Trade Delegation in the disputes referred to in paragraph (a) may be enforced by execution, but such execution may only be levied on the Delegation's goods and the claims outstanding to its credit.