

No. 7493

**JAPAN
and
FRANCE**

Agreement on Commerce (with annex and related Protocol). Signed at Paris, on 14 May 1963

Official texts: Japanese and French.

Registered by Japan on 25 November 1964.

**JAPON
et
FRANCE**

**Accord de commerce (avec annexe et Protocole y relatif).
Signé à Paris, le 14 mai 1963**

Textes officiels japonais et français.

Enregistré par le Japon le 25 novembre 1964.

[TRANSLATION — TRADUCTION]

No. 7493. AGREEMENT¹ ON COMMERCE BETWEEN JAPAN
AND THE FRENCH REPUBLIC. SIGNED IN PARIS, ON
14 MAY 1963

The Government of Japan and the Government of the French Republic, inspired by the wish to develop their trade on as liberal and stable a basis as possible, have agreed as follows :

Article 1

Any advantage, favour, privilege or immunity granted or to be granted by either Contracting Party to a product originating in or consigned to any other country shall be extended immediately and unconditionally to the like product originating in or consigned to the territory of the other Party. This provision shall apply to Customs duties and charges of any kind imposed on or in connexion with importation or exportation or imposed on the international transfer of payments for imports or exports, the method of levying such duties and charges, and all the rules and formalities governing imports or exports.

Article 2

Products originating in the territory of either Contracting Party and imported into the territory of the other Party :

- (a) Shall not be subject directly or indirectly to taxes or other internal charges, of whatever nature, higher than those levied directly or indirectly on like products imported into the home market ;
- (b) Shall not be subject to treatment less favourable than the treatment accorded to like products from other countries in respect of any laws, regulations and requirements affecting the sale, offering for sale, purchase, transport, distribution and use on the domestic market of such imported products.

Article 3

No prohibition or restriction shall be imposed by either Contracting Party on the importation of a product originating in, or on the exportation of a product consigned

¹ Came into force on 10 January 1964, the date on which the Contracting Parties notified each other of the completion of the constitutional formalities, in accordance with article 7, paragraph 2, of the above-mentioned Agreement.

to, the territory of the other Party, unless similar prohibitions or restrictions are imposed on the importation of the like product originating in, or on the exportation of the like product to, any third country.

Article 4

The provisions of the foregoing articles shall not apply to advantages :

- (a) Which are or will be mutually accorded between the French Customs territory as defined in paragraph 1 of the annex¹ and the Overseas Territories of the French Republic listed in paragraph 2 of the said annex, or which are or will be granted on French Customs territory or in the Overseas Territories of the French Republic to the Customs territory of the States, now independent, that were established on territories mentioned in annex B of the General Agreement on Tariffs and Trade,² to the Customs territory of the Republic of Algeria and to the Customs territory of the Franco-British Condominium of the New Hebrides in respect of commercial or agricultural establishments owned or operated by persons or corporations of French nationality ;
- (b) Which are or will be granted on French Customs territory or in the Overseas Territories of the French Republic listed in paragraph 2 of the said annex to the Federal Republic of Germany under the Treaty on the Settlement of the Saar Question signed at Luxembourg on 27 October 1956 ;
- (c) Which Japan grants or will grant to the areas listed in article 3 of the Treaty of Peace with Japan signed at San Francisco on 8 September 1951,³ so long as the situation mentioned in the second sentence of the said article continues with respect to administration, legislation and jurisdiction in those areas ;
- (d) Which are or will be granted to products of national fisheries ;
- (e) Which are or will be granted by either Contracting Party in order to facilitate frontier traffic with limitrophe States ;
- (f) Which are or will be granted by either Contracting Party to other members of a Customs union or free trade area of which such Contracting Party is or will be a member, or which are or will be granted by either Contracting Party to other States pursuant to an agreement providing for the formation of a Customs union or the establishment of a free trade area.

¹ See p. 129 of this volume.

² United Nations, *Treaty Series*, Vol. 55, p. 187 ; for subsequent actions relating to this Agreement, see references in Cumulative Indexes Nos. 1 to 4, as well as Annex A in volumes 402, 405, 411, 419, 421, 424, 425, 429, 431, 435, 438, 440, 441, 442, 444, 445, 449, 451, 452, 456, 460, 462, 463, 468, 471, 474, 475, 476, 478, 483, 489, 496 and 501.

³ United Nations, *Treaty Series*, Vol. 136, p. 45.

Article 5

Nothing in this Agreement shall affect the rights and obligations which each Contracting Party has or may have under the General Agreement on Tariffs and Trade, the Articles of Agreement of the International Monetary Fund,¹ or any arrangement modifying or supplementing those agreements.

Article 6

- (1) Each Contracting Party shall accord due consideration to observations made by the other Party concerning the application of this Agreement, and shall agree to consultations as required.
- (2) The application of this Agreement shall in any event be the subject of annual consultation.
- (3) Negotiations shall be opened as soon as possible with a view to making to this Agreement any appropriate amendments required by the obligations under the Treaty establishing the European Economic Community² which relate to the progressive adoption of a common trade policy.

Article 7

- (1) This Agreement is concluded for a period of six years from the date of its entry into force. Thereafter it shall remain in force until expressly denounced by one of the Contracting Parties with at least three months' notice.
- (2) Each Contracting Party shall notify the other Party of the completion of the formalities required by its Constitution for the entry into force of this Agreement. The Agreement shall enter into force either on the date of the second of the notifications provided for in this article, or on the date of the second of the notifications provided for in paragraph 8 of the Protocol concerning trade relations signed by the Parties this day,³ whichever date is the later.

DONE in Paris on 14 May 1963, in duplicate in the Japanese and French languages, both texts being equally authentic.

For the Government
of Japan :
Toru HAGUIWARA

For the Government
of the French Republic :
Maurice COUVE DE MURVILLE

¹ United Nations, *Treaty Series*, Vol. 2, p. 39.

² United Nations, *Treaty Series*, Vol. 298.

³ See p. 129 of this volume.

ANNEX

The French Customs territory and the Overseas Territories of the French Republic comprise the following :

1. *French Customs territory :*

- Continental France, Corsica and the off-shore islands ;
- The overseas departments of Guadeloupe, Guiana, Martinique and Réunion ;

- The Principality of Monaco.

2. *Overseas Territories of the French Republic :*

- Comoro Archipelago ;
- French Somaliland ;
- New Caledonia and dependencies ;
- French Polynesia ;
- St. Pierre and Miquelon ;
- Southern and Antarctic Territories ;
- Wallis and Futuna Islands.

PROTOCOL CONCERNING TRADE RELATIONS
BETWEEN JAPAN AND THE FRENCH REPUBLIC

At the time of signing the Agreement on Commerce¹ between Japan and the French Republic, the undersigned have confirmed that as from the date of entry into force of the said Agreement, the General Agreement on Tariffs and Trade² will be applied between the two countries, and have agreed on the following special measures of implementation :

1. If, in the view of either Contracting Party, there is reasonable evidence that, as a result of unforeseen developments, any product of the other Contracting Party is being imported into its territory under such conditions as to cause or threaten serious injury to its domestic producers of like or directly competitive products and that certain action is required to prevent or remedy such injury, it shall give to the other Contracting Party written notice to this effect. The Contracting Parties shall, upon such notice, enter into consultations immediately for the purpose of finding a mutually satisfactory solution.

2. If the consultations referred to above do not result within a reasonable period of time in a mutually satisfactory solution, the importing Contracting Party may, in respect of the product in question, impose import quotas to the extent and for such time as may be necessary to prevent or remedy such injury.

¹ See p. 123 of this volume.

² See footnote 2, p. 125 of this volume.

3. In critical circumstances where delay would cause damage which it would be difficult to repair, action under paragraph 2 above may be taken provisionally after the notice mentioned in paragraph 1 above has been given or before the consultations referred to in that paragraph are completed, provided that the Contracting Parties shall continue the consultations in an endeavour to find a mutually satisfactory solution.

4. (a) If the exporting Contracting Party deems that the action taken by the importing Contracting Party under paragraph 2 or 3 of this Protocol affects such a number of products or such a volume of trade that the interests of that exporting Contracting Party are seriously impaired, it may request in writing consultations with the importing Contracting Party on the situation which has developed.

(b) If no satisfactory agreement can be reached within a reasonable period of time, the exporting Contracting Party may impose quantitative restrictions on imports to such an extent as is substantially equivalent to the effect of the action taken by the importing Contracting Party.

(c) If the importing Contracting Party terminates its action under the present Protocol, the exporting Contracting Party shall forthwith terminate such action as it may have taken under sub-paragraph (b) above.

5. In case the provisions of paragraphs 2, 3 or 4 above are applied, the Contracting Parties shall exert their best endeavours, individually as well as in co-operation with each other, with a view to terminating as soon as possible the action taken.

6. (a) In case import restrictions have been continuously in force in either Contracting Party with regard to some specific products of the other Contracting Party and the sudden removal of restrictions on such products would result in serious injury to domestic producers of like or directly competitive products, the importing Contracting Party may, as a transitional period measure, apply such import restrictions as may be agreed upon between the Governments of the Contracting Parties.

(b) The Contracting Party applying the above restrictions undertakes :

- (1) To grant to the trade of the other Contracting Party a fair and reasonable share of the market, and
- (2) To carry out a policy which is aimed at the relaxation or removal of such restrictions at the earliest possible date.

(c) The Contracting Parties shall examine periodically the implementation of the measures taken under sub-paragraph (a) above, with a view to terminating them as soon as possible.

7. (a) This Protocol, which is concluded for a period of six years, shall be terminated by mutual consent of the two Parties.

For this purpose they shall consult each other periodically, at the request of one of them.

(b) If, on the expiry of the aforementioned period of six years, the two Parties have still not agreed to terminate this Protocol, it shall remain in force until both Parties agree otherwise.

(c) This Protocol shall in any event be terminated when a trade agreement is concluded between the European Economic Community and Japan, or when a general and multilateral settlement of the problem of market disorganization, acceptable to both Parties, is found within the General Agreement on Tariffs and Trade.

8. Each Contracting Party shall notify the other Party of the completion of the formalities required by its Constitution for the entry into force of this Protocol. The Protocol shall enter into force on the date of the second of the notifications provided for in this paragraph, or on the date of the second of the notifications provided for in article 7, paragraph (2), of the Agreement on Commerce signed this day, whichever date is the later.¹

DONE in Paris on 14 May 1963, in duplicate in the Japanese and French languages, both texts being equally authentic.

For the Government
of Japan :
Toru HAGUIWARA

For the Government
of the French Republic :
Maurice COUVE DE MURVILLE

¹ The notifications were given simultaneously in respect of the Agreement and the Protocol, and both the Agreement and the Protocol entered into force on 10 January 1964.