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Treaty Series No. 13 (1927)

CONVENTION

between

His Britannic Majesty and His Majesty the King of Spain

REVISING CERTAIN PROVISIONS OF
THE ANGLO-SPANISH TREATY OF
COMMERCE AND NAVIGATION
OF OCTOBER 31, 1922

AND NOTES EXCHANGED

Signed at London, April 5, 1927

[*In continuation of "Treaty Series No. 21 (1924)," (Cmd. 2188).*]

Presented by the Secretary of State for Foreign Affairs
to Parliament by Command of His Majesty

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1927

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Cmd. 2855

Convention between His Britannic Majesty and His Majesty the King of Spain revising certain provisions of the Anglo-Spanish Treaty of Commerce and Navigation of October 31, 1922, and Notes exchanged.

Signed at London, April 5, 1927.

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, and His Majesty the King of Spain, being desirous of further facilitating and extending the commercial relations already existing between their respective countries, have resolved to revise certain of the provisions of the Treaty of Commerce and Navigation, signed at Madrid on the 31st October, 1922, and for that purpose have appointed their plenipotentiaries, that is to say :

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India,

for Great Britain and Northern Ireland,

The Right Honourable Sir Austen Chamberlain, K.G., M.P., His Majesty's Principal Secretary of State for Foreign Affairs,

His Majesty the King of Spain,

His Excellency the Marquess de Merry del Val, Knight Grand Cross of the Order of Carlos III, G.C.V.O., His Ambassador Extraordinary and Plenipotentiary at the Court of His Britannic Majesty,

who, after having communicated to each other their respec-

Su Majestad el Rey de España, y Su Majestad el Rey del Reino Unido de la Gran Bretaña e Irlanda y de los Dominios británicos de Ultramar, Emperador de la India, animados del deseo de dar mayores facilidades y fomentar las relaciones comerciales ya existentes entre sus respectivos países, han resuelto revisar algunas disposiciones del Tratado de Comercio y Navegación, firmado en Madrid el día 31 de Octubre de 1922, y a este efecto han nombrado sus Plenipotenciarios, a saber :

Su Majestad el Rey de España,

al Excelentísimo Señor Marqués de Merry del Val, Caballero Gran Cruz de la Orden de Carlos III, G.C.V.O., Su Embajador Extraordinario y Plenipotenciario cerca de Su Majestad Británica,

Su Majestad el Rey del Reino Unido de la Gran Bretaña e Irlanda y de los Dominios británicos de Ultramar, Emperador de la India,

para la Gran Bretaña e Irlanda del Norte,

al Muy Honorable Sir Austen Chamberlain, K.G., M.P., Primer Secretario de Estado de Su Majestad para los Negocios Extranjeros,

los cuales, después de haberse comunicado mutuamente sus

tive full powers, found in good and due form, have agreed upon the following Articles :—

respectivos plenos poderes, hallados en buena y debida forma, han convenido en los artículos siguientes :

ARTICLE 1.

The fourth paragraph of Article 1 of the Treaty of Commerce and Navigation, signed at Madrid on the 31st October, 1922, shall be deleted.

ARTÍCULO 1.

El párrafo cuarto del artículo 1º del Tratado de Comercio y Navegación firmado en Madrid el día 31 de Octubre de 1922, queda suprimido.

ARTICLE 2.

For Articles 5 and 6 of the Treaty signed at Madrid on the 31st October, 1922, and Schedules A and B referred to therein, there shall be substituted the following Articles :—

ARTÍCULO 2.

Los artículos 5 y 6 del Tratado firmado en Madrid en 31 de Octubre de 1922, así como las tablas anejas A y B que en los mismos se mencionan, se sustituirán por los siguientes artículos :—

“ Article 5.

“ Articles produced or manufactured in His Britannic Majesty's territories from whatever place arriving shall not be subjected on importation into Spain, that is to say, the territories of the Peninsula, the Balearic Islands, the Canary Islands and towns under Spanish sovereignty in the North of Africa, to other or higher duties or charges than those paid on the like articles produced or manufactured in any other foreign country.

“ Artículo 5.

“ Los artículos que sean productos naturales o manufacturados de los territorios de Su Majestad Británica, cualquiera que sea su procedencia, no estarán sujetos a su importación en España (territorio de la Península, Islas Baleares, Islas Canarias y plazas de Soberanía española del Norte de Africa) al pago de derechos o impuestos distintos o más elevados que los que paguen los artículos similares, productos naturales o manufacturados de cualquier otro país extranjero.

“ Notwithstanding the provisions of the preceding paragraph, His Britannic Majesty will not be entitled to claim for raw materials or manufactured articles the produce of the territories of His Britannic Majesty the benefit of any

“ No obstante lo establecido en el párrafo precedente, Su Majestad Británica no podrá reclamar para los artículos que sean productos naturales o manufacturados de los territorios de Su Majestad Británica el beneficio del trato especial

special treatment which His Catholic Majesty has conceded or may concede to the produce or manufactures of Portugal or of the Spanish Zone of Morocco.

que el Gobierno de Su Majestad Católica haya concedido o pueda conceder en lo futuro a los productos naturales o manufacturados de Portugal o de la Zona española de Marruecos.

“ Article 5A.

“ Pit coal (hullas) comprised under Tariff heading 31 of the Spanish Tariff at present in force when originating in and proceeding from Great Britain and Northern Ireland will benefit by a reduction of 40 per cent. on the duties of the Second Column of the Tariff which may be in force at any time. This reduction will be applicable to an annual quota of 750,000 tons.

“ Artículo 5A.

“ Las hullas comprendidas en la partida 31 del vigente Arancel español, cuando sean de origen y procedencia de la Gran Bretaña e Irlanda del Norte, beneficiarán de una rebaja del 40 por ciento en los derechos de la segunda tarifa que se halle en vigor en cualquier tiempo, rebaja que será aplicable a un cupo anual de 750,000 toneladas.

“ Article 6.

“ Articles produced or manufactured in Spain, that is to say, the territories of the Peninsula, the Balearic Islands, the Canary Islands and towns under Spanish sovereignty in the North of Africa, from whatever place arriving, shall not be subjected on importation into His Britannic Majesty's territories to other or higher duties or charges than those paid on the like articles produced or manufactured in any other foreign country.

“ Artículo 6.

“ Los artículos que sean productos naturales o manufacturados de España (territorio de la Península, Islas Baleares, Islas Canarias y plazas de Soberanía española del Norte de Africa), cualquiera que sea su procedencia, no estarán sujetos a su importación en los territorios de Su Majestad Británica al pago de derechos o impuestos distintos o más elevados que los que paguen los artículos similares productos naturales o manufacturados de cualquier otro país extranjero.

“ Article 6A.

“ In order to remove doubts it is hereby agreed that the most-favoured-nation principle is to be invariably applied

“ Artículo 6A.

“ Con objeto de evitar toda duda queda acordado que el principio del trato de la Nación más favorecida se aplicará

(subject to the proviso in the second paragraph of Article 5) in such manner that articles produced or manufactured in the territories of one of the Contracting Parties imported into the territories of the other shall not be subjected to higher duties than the lowest duties accorded to any similar articles produced or manufactured in any other foreign country whatever may be their specific denomination; and, in this connection, it is specifically agreed that Spanish wines of whatever character and by whatever name known shall not on their importation into Great Britain or Northern Ireland be dutiable under a scale less favourable, or at a higher rate, than the wines of a similar character imported in similar containers from any other foreign country, and shall not be subjected to any Customs formalities which are not applicable to such wines of any other foreign country as are of the same character. The above-mentioned similarity of character between still Spanish wines and still wines of any other foreign country shall be established exclusively on the basis of alcoholic strength."

ARTICLE 3.

The following words appearing at the end of Article 12 of the Treaty signed at Madrid on the 31st October, 1922, shall be deleted :—

invariablymente (sin perjuicio de la reserva formulada en el segundo párrafo del artículo 5) de tal modo que los artículos que sean productos naturales o manufacturados de los territorios de una de las Partes contratantes, a su importación en los territorios de la otra, no estarán sujetos al pago de derechos más elevados que los derechos mínimos otorgados a cualquier artículo similar que sea producto natural o manufacturado de cualquier otro país extranjero, cualquiera sea su denominación específica; y en este orden se acuerda taxativamente que los vinos españoles, cualesquiera que sean sus características y cualquiera su denominación, no tributarán a su importación en la Gran Bretaña o Irlanda del Norte por una tarifa menos favorable o más elevada que los vinos de carácter similar, importados en envases similares de cualquier otro país extranjero, así como tampoco serán sometidos a formalidades aduaneras de entrada que no se apliquen a los de iguales características procedentes de cualquier otro país extranjero. La antes mencionada semejanza de carácter entre vinos españoles no espumosos y los vinos no espumosos de cualquier otro país extranjero se determinará exclusivamente sobre la base de su graduación alcohólica."

ARTÍCULO 3.

Las siguientes palabras que aparecen al final del artículo 12 del Tratado firmado en Madrid el 31 de Octubre de 1922, serán suprimidas :—

“and in framing and administering laws with regard to the taxation of such companies and branches, each contracting party will be guided by the principles embodied in the last paragraph of Article 1 of this treaty.”

ARTICLE 4.

For Article 24 of the Treaty signed at Madrid on the 31st October, 1922, there shall be substituted the following Article which shall apply to the said Treaty as modified by the present Supplementary Convention :—

“ Article 24.

“The stipulations of the present Treaty shall not be applicable to any part of His Britannic Majesty’s territories other than Great Britain and Northern Ireland unless notice is given by His Britannic Majesty’s Representative at Madrid of the desire of the Government of such part of His Britannic Majesty’s territories that the said stipulations shall be so applicable.

“Nevertheless, goods produced or manufactured in any such part of His Britannic Majesty’s territories shall enjoy in Spain, that is to say, the territories of the Peninsula, the Balearic Islands, the Canary Islands and towns under Spanish sovereignty in the North of Africa, complete and unconditional most-favoured-nation treatment so long as goods produced or manufactured in Spain, that is to say, the territories of

“Y al establecer y aplicar leyes relativas a la tributación de esas Compañías y sucursales, cada una de las Partes contratantes se guiará por los principios consignados en el último párrafo del artículo 1º de este Tratado.”

ARTÍCULO 4.

El artículo 24 del Tratado firmado en Madrid el 31 de Octubre de 1922, será substituido por el siguiente artículo que se aplicará al mencionado Tratado con las modificaciones establecidas en este Convenio complementario :—

“ Artículo 24.

“Lo estipulado en el presente Tratado no debe aplicarse a ninguno de los territorios de Su Majestad Británica fuera del territorio de la Gran Bretaña e Irlanda del Norte hasta que su Representante en Madrid notifique al Gobierno de Su Majestad Católica el deseo del Gobierno del territorio interesado de que las citadas estipulaciones se apliquen al mismo.

“No obstante, los artículos que sean productos naturales o manufacturados de cualquiera de aquellas regiones de los territorios de Su Majestad Británica antes mencionados, gozarán en España (territorio de la Península, Islas Baleares, Islas Canarias y plazas de Soberanía española del Norte de Africa) el trato completo e incondicional de la Nación más favorecida mientras que los artículos que sean productos naturales o manufacturados

the Peninsula, the Balearic Islands, the Canary Islands and towns under Spanish sovereignty in the North of Africa, are accorded in such part of His Britannic Majesty's territories treatment as favourable as that accorded to goods produced or manufactured in any other foreign country subject, however, to the reservation of the right of His Catholic Majesty to accord special treatment to the produce or manufactures of Portugal or the Spanish Zone of Morocco.

“As regards the parts of His Britannic Majesty's territories to which the stipulations of the present Treaty shall have been made applicable under this Article, either of the Contracting Parties shall have the right to terminate it separately at any time on giving three months' notice to that effect.”

ARTICLE 5.

Notwithstanding the provisions of Article 25 of the Treaty signed at Madrid on the 31st October, 1922, the provisions of that Treaty which are revised by the present Convention shall cease to have effect as from midnight on the 23rd-24th April, 1927, and the Treaty as modified by the present Convention shall continue in force until the expiration of the present Convention.

ARTICLE 6.

The present Convention shall come into force at midnight on

de España (territorio de la Península, Islas Baleares, Islas Canarias y plazas de Soberanía española del Norte de Africa) reciban en la región de que se trate de los territorios de Su Majestad Británica un trato tan favorable como el otorgado a los artículos que sean productos naturales o manufacturados de cualquier otro país extranjero, con sujeción, sin embargo, a la reserva del derecho del Gobierno de Su Majestad Católica a otorgar un trato especial a los productos naturales o manufacturados de Portugal o de la Zona española de Marruecos.

“Respecto a los territorios de Su Majestad Británica, a los cuales, de acuerdo con este artículo se aplique lo estipulado en el presente Tratado, ambas Partes contratantes tendrán el derecho de darlo por terminado separadamente en cualquier tiempo, comunicando sus deseos al efecto con tres meses de anticipación.”

ARTÍCULO 5.

No obstante lo dispuesto en el artículo 25 del Tratado firmado en Madrid el día 31 de Octubre de 1922, las disposiciones de aquel Tratado que quedan revisadas por el presente Convenio cesarán de surtir efecto a partir de la media noche del día 23 a 24 de Abril de 1927, y el Tratado con las modificaciones establecidas en el presente Convenio seguirá en vigor hasta que expire el presente Convenio.

ARTÍCULO 6.

El presente Convenio entrará en vigor en la media noche del

the 23rd-24th April, 1927, and shall remain in force until the expiration of three months from the date on which either of the Contracting Parties shall have denounced it.

In witness whereof the undersigned have signed the present Convention and have affixed thereto their seals.

Done in duplicate at London, this 5th day of April, 1927.

día 23 al 24 de Abril de 1927 y continuará en vigor hasta tres meses a partir de la fecha en que cualquiera de las Partes contratantes lo hubiera denunciado.

En fé de lo cual los que suscriben han firmado el presente Convenio y han puesto en él sus sellos.

Hecho por duplicado en Londres el 5 de Abril de 1927.

(L.S.) AUSTEN CHAMBERLAIN.

(L.S.) MARQUÉS DE MERRY DEL VAL.

No. 1.

Sir Austen Chamberlain to the Spanish Ambassador.

Your Excellency.

Foreign Office, S.W. 1, April 4, 1927.

I HAVE the honour to state that, it being the desire of His Britannic Majesty's Government in Great Britain and the Spanish Government that trade between the two countries should as far as possible not be impeded by any kind of prohibitions or restrictions, His Britannic Majesty's Government in Great Britain, so long as the Anglo-Spanish Commercial Treaty remains in force, will in general not impose any prohibitions or restrictions on importation, exportation, consumption, storage or use, except on one or other of the following grounds, it being understood that such exceptional prohibitions or restrictions are extended at the same time and in the same way to other foreign countries in which similar conditions prevail:—

- (a.) Public safety;
- (b.) Sanitary grounds, or for protection of animals and plants against diseases and pests;
- (c.) In respect of weapons, ammunition and war material and, under exceptional circumstances, also in respect of other materials needed in war;
- (d.) For the purpose of prohibiting the importation of articles where such prohibition is imposed under the Patent Laws of the respective countries or the laws relating to the marking of imported goods;

- (e.) For the purpose of extending to foreign goods prohibitions and restrictions which are or may hereafter be imposed by internal legislation upon the production, sale, consumption, or forwarding in Great Britain and Northern Ireland of goods of the same kind produced in Great Britain and Northern Ireland, including, in particular, goods which are or may be the subject of a State monopoly or similar arrangement;
- (f.) For the purpose of facilitating Customs administration or safeguarding the revenue;
- (g.) In respect of synthetic organic dye-stuffs and colours or colouring matter containing them, as well as organic intermediate products used in the manufacture of such dye-stuffs, colours or colouring matter, the importation of which is prohibited by virtue of the Dye-stuffs (Import Regulation) Act, 1920.

2. In the event of His Britannic Majesty's Government in Great Britain considering it necessary, on grounds other than those above enumerated, to impose a new prohibition or restriction on the import, export, consumption, storage or use of an article which is of substantial interest to Spanish trade, they will give the Spanish Government three weeks' notice of their intention, and will give sympathetic consideration to any representations which may be made by the Spanish Government in respect of such prohibition or restriction.

3. In pursuance of the earnest desire of both Governments to refrain from measures impeding the maintenance and normal development of commerce between the two countries, His Britannic Majesty's Government in Great Britain declare that any restriction adopted will be made operative in such a way as to afford to trade between the two countries all facilities which are compatible with the object aimed at in imposing the restriction. In particular, interference with the established channels of import and distribution will be avoided so far as may be; licensing formalities will be made as little burdensome as possible, applications for licences will be dealt with expeditiously, and any licences issued will be given a reasonable period of validity.

I have, &c.

(Signed) AUSTEN CHAMBERLAIN.

No. 2.

The Spanish Ambassador to Sir Austen Chamberlain.

*Embajada de España en Londres,
5 de Abril de 1927.*

Señor Ministro,

TENGO el honor de manifestar que, siendo deseo del Gobierno de Su Majestad Católica y del Gobierno de Su Majestad Británica en la Gran Bretaña que el comercio entre los dos países no sufra, en la medida de lo posible, trabas motivadas por cualquier clase de prohibiciones ó restricciones, mi Gobierno no impondrá, en general, durante la vigencia del Tratado de Comercio hispano-británico, prohibición ó

restricción alguna sobre importación, exportación, consumo, almacenaje ó uso, excepto en alguno de los casos que se citan á continuación, entendiéndose que tales prohibiciones ó restricciones excepcionales, se aplicarán simultáneamente y en la misma forma á otros países extranjeros en que prevalezcan condiciones similares :

- (a.) Seguridad pública ;
- (b.) Razones sanitarias ó de protección de animales y plantas contra enfermedades y epidemias ;
- (c.) En lo que se refiere á armas, municiones y material de guerra, y, en circunstancias excepcionales, tambien á otros materiales utilizables en la guerra ;
- (d.) A los fines de prohibir la importación de artículos cuando esta prohibición se imponga en virtud de las leyes de patentes de los respectivos países o de las leyes relativas á marcas de comercio de mercancías importadas ;
- (e.) A los fines de extender á productos extranjeros prohibiciones y restricciones, que actualmente se imponen ó puedan imponerse en lo futuro, en virtud de legislación interna sobre la producción, venta, consumo ó expedición en España de mercancías de la misma clase que se producen en España, incluyendo especialmente las que son ó puedan ser objeto de un monopolio del Estado ó disposición semejante ;
- (f.) A los fines de facilitar la administración aduanera ó de defender los ingresos del Estado ;
- (g.) Materias colorantes, cuya importación en España está sujeta á las prescripciones restrictivas de la Real orden de 9 de Marzo de 1926, en relación con los explosivos y el principio de especial protección á esta industria y á la defensa nacional.

En el caso de que mi Gobierno considerase necesario, por razones distintas de las que arriba se enumeran, imponer una nueva prohibición ó restricción sobre la importación, exportación, consumo, almacenaje ó uso de un artículo que lo sea de primordial interés para el comercio británico, mi Gobierno anunciará al Gobierno de Su Majestad Británica en la Gran Bretaña, con tres semanas de anticipación, su intención y estudiará con simpatía cualquier proposición que el Gobierno de Su Majestad Británica en la Gran Bretaña pudiera hacer con respecto á tal prohibición ó restricción.

Con objeto de realizar el sincero deseo de ambos Gobiernos de abstenerse de medidas que perjudiquen el mantenimiento y desarrollo normal del comercio entre los dos países, mi Gobierno declara que cualquier restricción que adopte se aplicará, en la práctica, de manera de proporcionar al comercio entre los países todas las facilidades que sean compatibles con el objeto propuesto al imponer la restricción. En especial, se evitará, en lo posible, cuanto afecte á los procedimientos establecidos para la importación y distribución ; las formalidades relacionadas con licencias se harán lo menos gravosas posible ; las solicitudes de licencias se tramitarán expeditivamente y se concederá á cualquier licencia otorgada un periodo razonable de validez.

Aprovecho, &c.

MARQUÉS DE MERRY DEL VAL.

(Translation.)

*Spanish Embassy, London,
April 5, 1927.*

Sir,

I have the honour to state that, it being the desire of the Government of His Catholic Majesty and His Britannic Majesty's Government in Great Britain that trade between the two countries should as far as possible not be impeded by any kind of prohibitions or restrictions, my Government so long as the Anglo-Spanish Commercial Treaty remains in force will in general not impose any prohibitions or restrictions on importation, exportation, consumption, storage or use except in any of the cases mentioned below, it being understood that such exceptional prohibitions or restrictions are extended at the same time and in the same way to other foreign countries in which similar conditions prevail :—

- (a.) Public safety.
- (b.) Sanitary grounds or for protection of animals and plants against diseases and pests.
- (c.) In respect of weapons, ammunition and war material and, under exceptional circumstances, also in respect of other materials which can be utilised in war.
- (d.) For the purposes of prohibiting the importation of articles where such prohibition is imposed under the Patent Laws of the respective countries or the laws relating to the marking of imported goods.
- (e.) For the purpose of extending to foreign products prohibitions and restrictions which are or may hereafter be imposed by internal legislation upon the production, sale, consumption, or forwarding in Spain of goods of the same kind produced in Spain, including, in particular, goods which are or may be the subject of a State monopoly or similar arrangement.
- (f.) For the purpose of facilitating customs administration or safeguarding the revenue.
- (g.) Colouring materials, the importation of which into Spain is subject to the restrictive provisions of the Royal Decree of the 9th March, 1926, in connection with explosives and the principle of special protection for this industry and for national defence.

In the event of my Government considering it necessary, for reasons other than those enumerated above, to impose a new prohibition or restriction on the import, export, consumption, storage or use of an article which is of primary importance to British trade, my Government will notify their intention to His Britannic Majesty's Government in Great Britain three weeks in advance, and will sympathetically consider any representations which His Britannic Majesty's Government in Great Britain may make with regard to such prohibition or restriction.

In pursuance of the earnest desire of both Governments to refrain from measures impeding the maintenance and normal development of commerce between the two countries, my Government declare that any restriction adopted will be applied in practice

in such a way as to afford to trade between the countries all the facilities compatible with the object in view in imposing the restriction. In particular, interference with the established channels of import and distribution will be avoided as far as possible; the formalities relating to licences will be made as little burdensome as possible; applications for licences will be dealt with expeditiously, and any licence granted will be given a reasonable period of validity.

I have, &c.

(Signed)

MARQUÉS DE MERRY DEL VAL