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TREATY SERIES No. 19 (1926)

TREATY
OF
COMMERCE AND NAVIGATION
BETWEEN THE
UNITED KINGDOM AND ESTONIA

Signed at Reval, January 18, 1926

[Ratifications exchanged at Reval, May 3, 1926]

PRESENTED BY THE SECRETARY OF STATE FOR FOREIGN
AFFAIRS TO PARLIAMENT BY COMMAND OF HIS MAJESTY

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Treaty of Commerce and Navigation between the United Kingdom and Estonia.

Signed at Reval, January 18, 1926.

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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 the Esthonian Republic, being desirous of further facilitating and extending the commercial relations already existing between their respective territories, have determined to conclude a treaty of commerce and navigation with this object and have appointed as 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 :

Sir John Charles Tudor Vaughan, K.C.M.G., M.V.O., His Majesty's Envoy Extraordinary and Minister Plenipotentiary at Tallinn (Reval); and

The Esthonian Republic :

His Excellency M. Antonius Piip, Minister for Foreign Affairs of the Esthonian Republic;

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon the following articles :—

ARTICLE 1.

There shall be between the territories of the two Contracting Parties reciprocal freedom of commerce and navigation.

The subjects or citizens of each of the two Contracting Parties shall have liberty freely to come, with their ships and cargoes, to all places and ports in the territories of the other, to which subjects or citizens of that Contracting Party are, or may be, permitted to come, and shall enjoy the same rights, privileges, liberties, favours, immunities and exemptions in matters of commerce and navigation as are, or may be, enjoyed by subjects or citizens of that Contracting Party.

It is understood, however, that the preceding stipulations in no wise affect the laws, decrees and special regulations regarding commerce, industry and police in force in the territories of each of the two Contracting Parties and generally applicable to all foreigners.

The subjects or citizens of each of the two Contracting Parties in the territories of the other shall not be subject in respect of their

persons or property, or in respect of their commerce or industry, to any taxes, whether general or local, or to imposts or obligations of any kind whatever, other or greater than those which are, or may be, imposed upon subjects or citizens of the other, or subjects or citizens of the most favoured nation.

ARTICLE 2.

The Contracting Parties agree that, in all matters relating to commerce, navigation and industry, any privilege, favour or immunity which either of the two Contracting Parties has actually granted, or may hereafter grant, to the ships and subjects or citizens of any other foreign country shall be extended, simultaneously and unconditionally, without request and without compensation, to the ships and subjects or citizens of the other, it being their intention that the commerce, navigation and industry of each of the two Contracting Parties shall be placed in all respects on the footing of the most favoured nation.

ARTICLE 3.

The subjects or citizens of each of the two Contracting Parties in the territories of the other shall be at full liberty to acquire and possess every description of property, movable and immovable, which the laws of the second Contracting Party permit, or shall permit, the subjects or citizens of any other foreign country to acquire and possess. They may dispose of the same by sale, exchange, gift, marriage, testament, or in any other manner, or acquire the same by inheritance, under the same conditions which are, or shall be, established with regard to subjects or citizens of the other Contracting Party. They shall not be subjected in any of the cases mentioned to any taxes, imposts or charges of whatever denomination other or higher than those which are, or shall be, applicable to subjects or citizens of the other Contracting Party.

The subjects or citizens of each of the two Contracting Parties shall also be permitted, on compliance with the laws of the other Contracting Party, freely to export the proceeds of the sale of their property and their goods in general, without being subjected as foreigners to other or higher duties than those to which subjects or citizens of the second Contracting Party would be liable under similar circumstances.

ARTICLE 4.

The subjects or citizens of each of the two Contracting Parties in the territories of the other shall be exempted from all compulsory service whatever, whether in the army, navy, air force, national guard or militia. They shall similarly be exempted from all judicial, administrative and municipal functions whatever, other than those imposed by the laws relating to juries, as well as from all contributions, whether pecuniary or in kind, imposed as an equivalent for personal service, and finally from any military exaction or requisition. The charges connected with the possession, by any title, of landed property are, however, excepted, as well as compulsory billeting and other special military exactions or requisitions to

which all subjects or citizens of the second Contracting Party may be liable as owners or occupiers of buildings or land.

In the above respects the subjects or citizens of each of the two Contracting Parties shall not be accorded in the territories of the other less favourable treatment than that which is, or may be, accorded to subjects or citizens of the most favoured nation.

ARTICLE 5.

Articles produced or manufactured in the territories of one of the two Contracting Parties, imported into the territories of the other, from whatever place arriving, shall not be subjected to other or higher duties or charges than those paid on the like articles produced or manufactured in any other foreign country. Nor shall any prohibition or restriction be maintained or imposed on the importation of any article, produced or manufactured in the territories of either of the two Contracting Parties, into the territories of the other, from whatever place arriving, which shall not equally extend to the importation of the like articles produced or manufactured in any other foreign country.

The only exceptions to this general rule shall be in the case of the sanitary or other prohibitions occasioned by the necessity of securing the safety of persons, or of cattle or of plants useful to agriculture, and of the measures applicable in the territories of either of the two Contracting Parties to articles enjoying a direct or indirect bounty in the territories of the other Contracting Party.

ARTICLE 6.

As an exception from the general undertaking given by the Esthonian Government to accord most-favoured-nation treatment to the commerce of His Britannic Majesty's territories, it is understood that His Britannic Majesty will not claim the benefit of any Customs preferences or other facilities of whatever nature which are, or may be, granted by Esthonia in favour of Russia, Finland, Latvia or Lithuania in regard to Russian, Finnish, Latvian or Lithuanian goods respectively, so long as such preferences or facilities are not extended by Esthonia to any other foreign country.

ARTICLE 7.

Either of the two Contracting Parties has the right to require that articles which are imported from the territories of the other and are to be entitled in accordance with this Treaty to lower duties or charges than the articles the produce or manufacture of other foreign countries not placed on the footing of the most favoured nation must be accompanied by certificates of origin embodying such information and issued in such form as may reasonably be required in pursuance of the laws and regulations of the territories into which they are imported.

ARTICLE 8.

Articles produced or manufactured in the territories of either of the two Contracting Parties, exported to the territories of the other;

shall not be subjected to other or higher duties or charges than those paid on the like articles exported to any other foreign country. Nor shall any prohibition or restriction be imposed on the exportation of any article from the territories of either of the two Contracting Parties to the territories of the other which shall not equally extend to the exportation of the like article to any other foreign country.

ARTICLE 9.

The stipulations of the present Treaty with regard to the mutual accord of the treatment of the most favoured nation apply unconditionally to the treatment of commercial travellers and their samples. The Chambers of Commerce, as well as such other Trade Associations and other recognised Commercial Associations in the territories of the two Contracting Parties as may be authorised in this behalf, shall be mutually accepted as competent authorities for issuing any certificates that may be required for commercial travellers.

Articles imported by commercial travellers as samples shall, in the territories of each of the two Contracting Parties, be temporarily admitted free of duty on compliance with the Customs regulations and formalities established to ensure their re-exportation, or the payment of the prescribed Customs duties if not re-exported within the period allowed by law. But the foregoing privilege shall not extend to articles which, owing to their quantity or value, cannot be considered as samples, or which, owing to their nature, could not be identified upon re-exportation.

The marks, stamps, or seals placed upon such samples by the Customs authorities of one of the two Contracting Parties at the time of exportation, and the officially attested list of such samples containing a full description thereof issued by them, shall be reciprocally accepted by the Customs officials of the other as establishing their character as samples and exempting them from inspection, except so far as may be necessary to establish that the samples produced are those enumerated in the list. The Customs authorities of either of the two Contracting Parties may, however, affix a supplementary mark to such samples in special cases where they may think the precaution necessary.

ARTICLE 10.

No internal duties levied for the benefit of the State, local authorities or corporations which affect, or may affect, the production, manufacture, or consumption of any article in the territories of either of the two Contracting Parties shall for any reason be a higher or more burdensome charge on articles the produce or manufacture of the territories of the other than on similar articles of native origin.

The produce or manufacture of the territories of either of the two Contracting Parties imported into the territories of the other, and intended for warehousing or transit, shall not be subjected to any internal duty.

ARTICLE 11.

Limited liability and other companies and associations already or hereafter to be organised in accordance with the laws of either of the

two Contracting Parties and registered in the territories of such party, are authorised in the territories of the other to exercise their rights and appear in the Courts either as plaintiffs or defendants, subject to the laws of such other party.

ARTICLE 12.

Except in so far as the present Treaty provides, the joint stock companies and other associations of one of the two Contracting Parties engaged in commercial, industrial, transport, insurance, financial or other description of business constituted and authorised in accordance with the laws in force in the territories of that Contracting Party, and having their central management or direction constituted in those territories, shall enjoy in the territories of the other Contracting Party the benefits accorded to subjects or citizens by this Treaty.

Furthermore, each of the two Contracting Parties undertakes to place no obstacle in the way of such companies and associations which may desire to carry on in its territories, whether through the establishment of branches or otherwise, any description of business of the kind referred to above which such companies and associations of any other foreign country are, or may be, permitted to carry on.

In particular, it is agreed that such companies and associations of one of the two Contracting Parties, when carrying on business in the territories of the other, shall not be subject, in respect of their property, business, trade, industry or any other matter, to taxes, general or local, or imposts of any kind whatever other or greater than those which are, or may be, imposed on such companies and associations of the second Contracting Party.

Any taxes or imposts levied on such companies and associations of either of the two Contracting Parties in the territories of the other shall be strictly limited, if levied on capital, to that part of the capital which is effectively engaged within and, if based on the volume of business done, to the business carried on or controlled within and, if based on profits, to profits arising from business carried on or controlled within, that part of the territories of the second Contracting Party in which similar taxes or imposts are levied on such companies and associations of that party, and shall be at a rate not greater than those applicable to such companies and associations of that party. In no case shall the treatment accorded by either of the two Contracting Parties to such companies and associations of the other be less favourable in respect to any matter whatever than that accorded to such companies and associations of the most favoured foreign country.

ARTICLE 13.

The measures taken by each of the two Contracting Parties for regulating and forwarding traffic across their territories shall facilitate free transit by rail or waterway on routes in use convenient for international transit. No distinction shall be made which is based on the nationality of persons, the flag of vessels, the place of origin, departure, entry, exit, or destination, or on any circumstances relating to the ownership of goods or of vessels, coaching or goods stock or other means of transport.

In order to ensure the application of the foregoing provisions, the two Contracting Parties will allow transit in accordance with the customary conditions and reserves across their territorial waters.

Traffic in transit shall not be subject to any special dues in respect of transit (including entry and exit) except for such dues as are intended solely to defray expenses of supervision and administration entailed by such transit.

Neither of the two Contracting Parties shall be bound by this article to accord transit for passengers whose admission into its territories is forbidden, or for goods of a kind of which the importation is prohibited, either on grounds of public health or security, or as a precaution against diseases of animals or plants.

For the purposes of this article, persons, baggage and goods, and also vessels, coaching and goods stock, and other means of transport shall be deemed to be in transit across the territories of the two Contracting Parties, when the passage across such territory, with or without transshipment, warehousing, breaking bulk, or change in the mode of transport, is only a portion of a complete journey, beginning and terminating beyond the frontier of the party across whose territory the transit takes place.

ARTICLE 14.

Each of the two Contracting Parties shall permit the importation or exportation of all merchandise which may be legally imported or exported, and also the carriage of passengers from or to their respective territories, upon the vessels of the other; and such vessels, their cargoes and passengers shall enjoy the same privileges as, and shall not be subjected to any other or higher duties or charges than, national vessels and their cargoes and passengers, or vessels of the most favoured foreign country and their cargoes and passengers.

ARTICLE 15.

The provisions of this Treaty relating to the mutual concession of national treatment in matters of navigation do not apply to any facilities, reductions or drawbacks which either of the two Contracting Parties may grant to its subjects or citizens by way of bounty to encourage national shipbuilding, so long as they do not take the form of reduced duties or charges on goods carried in national ships or reduced dues or special facilities or advantages in favour of such ships, or to the coasting trade. Nevertheless it is agreed that in these matters the subjects or citizens and the vessels of the two Contracting Parties shall enjoy most-favoured-nation treatment.

British and Esthonian vessels may, nevertheless, proceed from one port to another, either for the purpose of landing the whole or part of their cargoes or passengers brought from abroad, or of taking on board the whole or part of their cargoes or passengers for a foreign destination.

It is also understood that in the event of the coasting trade of either party being exclusively reserved to national vessels, the vessels of the other party, if engaged in trade to or from places not within the limits of the coasting trade so reserved, shall not be

prohibited from the carriage between two ports of the territories of the former party of passengers holding through tickets or merchandise consigned on through bills of lading to or from places not within the above-mentioned limits, and while engaged in such carriage these vessels and their passengers and cargoes shall enjoy the full privileges of this Treaty.

The provisions of this Treaty do not apply to fisheries.

ARTICLE 16.

In all that regards the stationing, loading and unloading of vessels in the ports, docks, roadsteads and harbours of the territories of the two Contracting Parties, no privilege or facility shall be granted by either party to vessels of any other foreign country or to national vessels which is not equally granted to vessels of the other party.

ARTICLE 17.

In regard to duties of tonnage, harbour, pilotage, lighthouse, quarantine, or other analogous duties or charges of whatever denomination levied in the name or for the profit of the Government, public functionaries, private individuals, corporations, or establishments of any kind the vessels of each of the two Contracting Parties shall enjoy in the ports of the territories of the other treatment at least as favourable as that accorded to national vessels or the vessels of any other foreign country.

ARTICLE 18.

Any vessel of either of the two Contracting Parties which may be compelled, by stress of weather or by accident, to take shelter in a port of the territories of the other, shall be at liberty to refit therein, to procure all necessary stores, and to put to sea again, without paying any dues other than such as would be payable in a similar case by a national vessel. In case, however, the master of a merchant vessel should be under the necessity of disposing of a part of his merchandise in order to defray his expenses, he shall be bound to conform to the regulations and tariffs of the place to which he may have come.

If any vessel of one of the Contracting Parties shall run aground or be wrecked upon the coasts of the territories of the other, such vessel and all parts thereof and all furniture and appurtenances belonging thereto, and all goods and merchandise saved therefrom, including any which may have been cast into the sea, or the proceeds thereof, if sold, as well as all papers found on board such stranded or wrecked vessel, shall be given up to the owners of such vessel, goods, merchandise, &c., or to their agents when claimed by them. If there are no such owners or agents on the spot, then the vessel, goods, merchandise, &c., referred to shall, in so far as they are the property of a subject or citizen of the second Contracting Party, be delivered to the consular officer of that Contracting Party in whose district the wreck or stranding may have taken place upon being claimed by him within the period fixed by the laws of the Contracting Party; and

such consular officer, owners or agents shall pay only the expenses incurred in the preservation of the property, together with the salvage or other expenses which would have been payable in the like case of a wreck or stranding of a national vessel.

The two Contracting Parties agree, however, that merchandise saved shall not be subjected to the payment of any customs duty unless cleared for internal consumption.

In the case of a vessel being driven in by stress of weather, run aground, or wrecked, the respective consular officers shall, if the owner or master or other agent of the owner is not present, or is present and requires it, be authorised to interpose, in order to afford the necessary assistance to their fellow-countrymen.

ARTICLE 19.

All vessels which, according to British law, are to be deemed British vessels, and all vessels which, according to Esthonian law, are to be deemed Esthonian vessels, shall, for the purpose of this Treaty, be deemed British and Esthonian vessels respectively.

ARTICLE 20.

It shall be free to each of the two Contracting Parties to appoint consuls-general, consuls, vice-consuls and consular agents to reside in the towns and ports of the territories of the other. Such consuls-general, consuls, vice-consuls and consular agents, however, shall not enter upon their functions until after they shall have been approved and admitted in the usual form by the Government to which they are sent.

ARTICLE 21.

The consular officers of one of the two Contracting Parties residing in the territories of the other shall receive from the local authorities such assistance as can by law be given to them for the recovery of deserters, other than subjects or citizens of the latter Contracting Party, from the vessels of the former Contracting Party.

ARTICLE 22.

When a subject or citizen of one of the two Contracting Parties dies within the territories of the other, leaving non-resident heirs, the consular representative of the former party is entitled, without express authorisation from such non-resident heirs, to represent them, so far as the laws of the other party do not expressly prohibit such representation, in all matters appertaining to administration of the property and settlement of the estate, with the right to collect the distributive shares of such heirs.

ARTICLE 23.

The subjects or citizens of each of the two Contracting Parties shall have in the territories of the other the same right as subjects or citizens of that Contracting Party in regard to patents for inventions, trade marks and designs upon fulfilment of the formalities prescribed by law.

ARTICLE 24.

All goods bearing marks or descriptions which state or manifestly suggest that the goods are the produce or manufacture of the territories of either of the two Contracting Parties shall, if such statement or suggestion be false, be seized on importation into the territories of either of the two Contracting Parties. The seizure may also be effected in the State where the false indication of origin has been applied, or in that into which the goods bearing the false indication may have been imported.

The seizure shall be effected either at the request of the proper Government department, or of an interested party, whether an individual or a society, in conformity with the domestic legislation of each Contracting Party, but the authorities are not bound to effect the seizure of goods in transit.

The tribunals of each Contracting Party shall decide what descriptions, on account of their generic character, do not fall within the provisions of the present article.

ARTICLE 25.

Esthonia agrees, on condition of reciprocity, to recognise and protect all rights in any industrial property belonging to British subjects which are, or but for the War or Revolution would have been, in force in any part of her territories before transfer to Esthonia, and for the purpose of renewal of such rights the proper extensions of time will be accorded.

It is understood that, for the purposes of the above provisions, Esthonia may require proof of title and also registration of such rights in Esthonia.

It is further understood that patents and trade marks which may have been registered in Esthonia before the date of the conclusion of this Treaty and would be identical with those previously registered by British subjects in Russia can be revoked in Esthonia only by the decision of the courts of law. Esthonia agrees to promulgate within six months from the date of the ratification of this Treaty a special law concerning revocation of patents and trade marks so registered.

ARTICLE 26.

Esthonia undertakes to accede, within twelve months of the coming into force of the present Treaty, if she has not acceded before that date, to the International Convention of Paris of the 20th March, 1883, as revised at Washington in 1911, for the protection of industrial property, and the International Convention of the 9th September, 1886, revised at Berlin on the 13th November, 1908, and the additional protocol signed at Berne on the 20th March, 1914, for the protection of artistic and literary works.

ARTICLE 27.

This Treaty shall not be deemed to confer any right or to impose any obligation in contravention of any general international convention to which either His Britannic Majesty or the Esthonian Republic is, or hereafter may be, a party.

ARTICLE 28.

The stipulations of the present Treaty shall not be applicable to India or to any of His Britannic Majesty's self-governing Dominions, Colonies, Possessions, or Protectorates unless notice is given by His Britannic Majesty's representative at Tallinn (Reval) of the desire of His Britannic Majesty that the said stipulations shall apply to any such territory.

Nevertheless, goods produced or manufactured in India or in any of His Britannic Majesty's self-governing Dominions, Colonies, Possessions or Protectorates shall enjoy in Esthonia complete and unconditional most-favoured-nation treatment so long as goods produced or manufactured in Esthonia are accorded in India or such self-governing Dominion, Colony, Possession or Protectorate treatment as favourable as that accorded to goods produced or manufactured in any other foreign country.

ARTICLE 29.

The terms of the preceding article relating to India and to His Britannic Majesty's self-governing Dominions, Colonies, Possessions and Protectorates shall apply also to any territory in respect of which a mandate on behalf of the League of Nations has been accepted by His Britannic Majesty.

ARTICLE 30.

The present Treaty shall be ratified and the ratifications shall be exchanged at Tallinn (Reval), as soon as possible. It shall come into force immediately upon ratification and shall remain in force until the expiration of one year from the date on which either of the two Contracting Parties shall have denounced it.

As regards, however, India or any of His Britannic Majesty's self-governing Dominions, Colonies, Possessions or Protectorates, or any territory in respect of which a mandate on behalf of the League of Nations has been accepted by His Britannic Majesty, to which the stipulations of the present Treaty shall have been made applicable under articles 28 or 29, either of the two Contracting Parties shall have the right to terminate it separately at any time on giving twelve months' notice to that effect.

In witness whereof the respective Plenipotentiaries have signed the present Treaty and have affixed thereto their seals.

Done in duplicate at Tallinn (Reval) the eighteenth day of January, 1926.

(L.S.) J. C. T. VAUGHAN.

(L.S.) A. PIIP.

Déclaration.

At the moment of signing the Treaty of Commerce and Navigation between His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, on the one hand, and the Esthonian Republic on the other, I have the honour, on behalf of His Majesty's Government, to make the following declaration :—

His Majesty's Government do not regard the stipulations contained in articles 1 and 10 of the Treaty regarding the carrying on of commercial, industrial and other operations as precluding the reservation by each Party, in conformity with the laws in force, of certain trades and professions to the subjects or citizens of that Party or to companies and associations organised in accordance with the laws in force in the territories of that Party.

J. C. T. VAUGHAN.

Tallinn (Reval), January 18, 1926.
