



Treaty Series No. 40 (1961)

Agreement

between the Government of the
United Kingdom of Great Britain and Northern Ireland
and the Government of Denmark

relating to Trade and Commerce

(with Exchanges of Notes)

London, November 18, 1957

[Ratifications were exchanged on January 25, 1961]

*Presented to Parliament by the Secretary of State for Foreign Affairs
by Command of Her Majesty
June 1961*

LONDON

HER MAJESTY'S STATIONERY OFFICE

NINEPENCE NET

AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM AND THE GOVERNMENT OF DENMARK RELATING TO TRADE AND COMMERCE

The Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Kingdom of Denmark;

Desiring to make provision for continuing in force with certain modifications, primarily caused by the decision⁽¹⁾ of the United Kingdom to apply as from 1st October, 1956, a tariff of 10 per cent. *ad valorem* on imports of bacon from foreign countries, the Commercial Agreement of 24th April, 1933;⁽²⁾

Have agreed as follows:—

ARTICLE 1

The Commercial Agreement of 24th April, 1933, (hereinafter referred to as “the Commercial Agreement”) as modified by the present Agreement shall continue in force during the currency of the present Agreement.

ARTICLE 2

The Commercial Agreement is amended as follows:—

(a) In the Second Schedule the item “Bacon.....Free” is deleted and the following substituted therefor:—

“Bacon.....10% *ad valorem*, provided that the Government of the United Kingdom shall suspend such duty during any period in which imports into the United Kingdom of bacon from Denmark are subject to quantitative restrictions.”

(b) In paragraph (2) of Article 4 the words “For bacon and hams, the Danish allocation shall not be less than 62 per cent. of the total permitted imports from foreign countries” are deleted and the following substituted therefor:—

“There shall be allocated to Denmark not less than the following percentage shares of the total foreign quotas for bacon and for hams, respectively permitted to be imported into the United Kingdom:—

For bacon	...	...	...	68·95 per cent.
For hams	...	...	...	0·4 per cent.”

ARTICLE 3

The following shall cease to have effect as from the date of entry into force of the present Agreement:—

(a) The Supplementary Commercial Agreement of 21st December, 1938,⁽³⁾ in so far as it has not already by virtue of the Commercial Agreement of 13th August, 1949,⁽⁴⁾ ceased to have effect.

⁽¹⁾ “Treaty Series No. 29 (1956)”, Cmd. 9823.

⁽²⁾ “Treaty Series No. 34 (1933)”, Cmd. 4424.

⁽³⁾ “Treaty Series No. 45 (1939)”, Cmd. 6112.

⁽⁴⁾ “Treaty Series No. 35 (1950)”, Cmd. 7986.

OVERENSKOMST MELLEM KONGERIGET DANMARKS REGERING OG DET FORENEDE KONGERIGES REGERING OM HANDELSSAMKVEMMET

Kongeriget Danmarks regering og Det Forenede Kongerige Storbritannien og Nordirlands regering,

som ønsker at træffe en ordning, der lader handelsoverenskomsten af 24. april 1933 forblive i kraft med visse ændringer, hovedsagelig forårsaget af Det Forenede Kongeriges beslutning om fra den 1. oktober 1956 at indføre en told på 10% af værdien for import af bacon fra fremmede lande, er blevet enige om følgende:

ARTIKEL 1

Handelsoverenskomsten af 24. april 1933 (i det følgende kaldet "handels-overenskomsten") som ændret ved nærværende overenskomst skal forblive i kraft, så længe nærværende overenskomst gælder.

ARTIKEL 2

Handelsoverenskomsten ændres således:

(a) I bilag II erstattes positionen "Bacon.....Fri" med følgende:

"Bacon.....10% af værdien, dog således at Det Forenede Kongeriges regering sætter denne told ud af kraft i ethvert tidsrum, hvor indførslen til Det Forenede Kongerige af bacon fra Danmark er undergivet kvantitative restriktioner."

(b) I artikel 4, stk. (2), udelades ordene: "Danmarks Andel af Bacon og Skinker skal være mindst 62 pCt. af den samlede tilladte Indførsel fra fremmede Lande" og erstattes med følgende:

"Der tildeles Danmark mindst følgende procentandele af de samlede udenlandske kvoter henholdsvis for bacon og for skinker, som tillades indført til Det Forenede Kongerige:

Før bacon	...	...	...	...	68,95%
Før skinker	...	...	...	...	0,4 %"

ARTIKEL 3

Følgende overenskomster skal ophøre med at have gyldighed fra det tidspunkt, da nærværende overenskomst træder i kraft:

(a) Tillægsoverenskomsten af 21. december 1938, i det omfang den ikke allerede er sat ud af kraft som følge af handelsoverenskomsten af 13. august 1949.

- (b) The Commercial Agreement of 13th August, 1949, and the Notes exchanged on the same date.

ARTICLE 4

At any time at which both Governments are contracting parties to the General Agreement on Tariffs and Trade⁽⁵⁾ the provisions of Article 1, Article 2 (except in so far as they relate to bacon) and sub-paragraph 2 of Article 7 of the Commercial Agreement shall be inoperative. The provisions of sub-paragraph 2 of Article 9 of the Commercial Agreement shall also be inoperative at any time at which both Governments are contracting parties to the General Agreement on Tariffs and Trade and the Government of Denmark is applying the General Agreement on Tariffs and Trade in respect of Greenland.

ARTICLE 5

Nothing in the Commercial Agreement as modified by the present Agreement shall—

- (a) require either Government to do anything contrary to any obligations to which it may be subject under the General Agreement on Tariffs and Trade;
- (b) prevent either Government from restricting quantities or value of imports into its territory to such an extent as may be necessary to safeguard its external financial position and balance of payments.

ARTICLE 6

For the purposes of the Commercial Agreement as modified by the present Agreement—

- (a) the term “foreign country” means in relation to the United Kingdom any country other than those referred to in Annex A to the General Agreement on Tariffs and Trade;
- (b) the term “total foreign quota” means the total amount of the commodity in question comprised in the specific allocations of permitted imports which are distributed on a percentage basis among specified foreign countries and does not include imports which may be permitted within the limits fixed for “insignificant” suppliers;
- (c) any reference to regulation of imports into the United Kingdom relates to regulation of the quantities of imports only;
- (d) the expression “from Denmark” in relation to agricultural products means “produced or manufactured in Denmark”;
- (e) any reference to imports of fish into the United Kingdom from Denmark includes a reference to fish landed in the United Kingdom direct from the sea by Danish vessels;
- (f) the term “United Kingdom” means Great Britain and Northern Ireland, the Channel Islands and the Isle of Man.

⁽⁵⁾ Cmd. 9413.

- (b) Handelsoverenskomsten af 13. august 1949 med tilhørende notevækslinger af samme dato.

ARTIKEL 4

På et hvilket som helst tidspunkt, hvor begge regeringer er kontraherende parter i Den Almindelige Overenskomst om Told og Udenrigshandel, skal bestemmelserne i handelsoverenskomstens artikel 1, artikel 2 (undtagen for så vidt de vedrører bacon) og handelsoverenskomstens artikel 7, stk. 2, være ude af kraft. Bestemmelserne i handelsoverenskomstens artikel 9, stk. 2, skal ligeledes være ude af kraft, så længe begge regeringer er kontraherende parter i Den Almindelige Overenskomst om Told og Udenrigshandel, og Danmarks regering bringer reglerne i Den Almindelige Overenskomst om Told og Udenrigshandel i anvendelse med hensyn til Grønland.

ARTIKEL 5

Intet i handelsoverenskomsten, således som den er ændret ved nærværende overenskomst, skal

- (a) medføre forpligtelse for nogen af regeringerne til at foretage sig noget i strid med de forpligtelser, som måtte påhvile dem under Den Almindelige Overenskomst om Told og Udenrigshandel;
- (b) udelukke regeringerne fra i et sådant omfang, som måtte være nødvendigt for i forholdet til udlandet at beskytte deres finansielle stilling og betalingsbalance, at begrænse indførslen til deres områder i henseende til mængde eller værdi.

ARTIKEL 6

I alle forhold vedrørende handelsoverenskomsten, således som den er ændret ved nærværende overenskomst,

- (a) skal udtrykket "fremmed land" i forhold til Det Forenede Kongerige betyde andre lande end de i Tillæg A til Den Almindelige Overenskomst om Told og Udenrigshandel nævnte;
- (b) betyder udtrykket "samlede udenlandske kvoter" den samlede mængde af den pågældende vare, der indgår i de særlige tildelinger for tilladt import, som fordeles på procentbasis mellem særligt opregnede fremmede lande, og omfatter ikke den import, der måtte blive tildelt indenfor de grænser, som er fastsat for "ubetydelige leverandører";
- (c) angår henvisninger til regulering af indførslen til Det Forenede Kongerige kun regulering af indførselsmængderne;
- (d) betyder udtrykket "fra Danmark" i forhold til landbrugsprodukter: "frembragt eller tilvirket i Danmark";
- (e) indefatter henvisninger til indførsel til Det Forenede Kongerige fra Danmark af fisk henvisning til fisk ilandbragt i Det Forenede Kongerige direkte fra havet af danske skibe;
- (f) betyder udtrykket "Det Forenede Kongerige" Storbritannien og Nordirland, Kanaløerne og øen Man.

ARTICLE 7

The present Agreement shall be ratified and the instruments of ratification shall be exchanged at London as soon as possible. It shall come into force immediately on the exchange of the instruments of ratification⁽⁶⁾ and it may be terminated by either Government upon the expiration of six months' notice given to the other Government, provided that it shall in any event not terminate before 31st March, 1961.

⁽⁶⁾ January 25, 1961.

ARTIKEL 7

Nærværende overenskomst skal ratificeres, og ratifikationsinstrumenterne skal udveksles i London så snart som muligt. Den skal træde i kraft umiddelbart efter udvekslingen af ratifikationsinstrumenterne, og den kan opsiges af hver af regeringerne med et den anden regering givet seks måneders varsel, dog således at den ikke i noget tilfælde skal kunne ophøre at gælde før 31. marts 1961.

In witness whereof the undersigned, being duly authorised thereto, have signed the present Agreement.

Done in duplicate at London, this eighteenth day of November, one thousand nine hundred and fifty-seven, in the English and Danish languages, both texts being equally authoritative.

Til bekræftelse heraf har de undertegnede dertil behørigt bemyndigede underskrevet nærværende overenskomst.

Udfærdiget i to eksemplarer i London den attende november nitten hundrede syv og halvtreds, i det danske og det engelske sprog, idet begge tekster skal have samme gyldighed.

SELWYN LLOYD.

STEENSEN-LETH.

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EXCHANGES OF NOTES

No. 1 (a)

*The Secretary of State for Foreign Affairs to the Danish Ambassador
at London*

ND 115/12

*Foreign Office, S.W. 1,
November 18, 1957.*

Your Excellency,

In the course of the negotiations between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Denmark, which resulted in the signature to-day of a Trade Agreement, you indicated that you would be grateful for an assurance from the Government of the United Kingdom that the agreement concerning arrangements respecting the expiration of the long-term agreement for the purchase of bacon, as set out in the Agreed Minute and Exchange of Letters of the 27th of February, 1956,⁽⁷⁾ is still valid.

I have the honour to inform Your Excellency that it is the understanding of the Government of the United Kingdom that nothing in the Agreement concluded to-day involves any amendment or limitation of the rights of either party under the said Agreed Minute and Exchanges of Letters.

You also asked for confirmation that, notwithstanding Article 3 (b) of the Agreement concluded to-day, the termination of the Protocols, Agreements and Exchanges of Notes referred to in Article 4 of the Commercial Agreement of the 13th of August, 1949, will still have effect. I have to inform you that this is the understanding of the Government of the United Kingdom.

I have, &c.

SELWYN LLOYD.

No. 1 (b)

*The Danish Ambassador at London to the Secretary of State for
Foreign Affairs*

*Royal Danish Embassy,
London, November 18, 1957.*

Sir,

I have the honour to acknowledge receipt of your Note ND 115/12 of the 18th of November confirming that it is the understanding of the Government of the United Kingdom of Great Britain and Northern Ireland that nothing in the Trade Agreement concluded to-day involves any amendment or limitation of the rights of either party under the Agreed Minute and Exchanges of Letters of the 27th of February, 1956, concerning arrangements respecting the expiration of the long-term agreement for the purchase of bacon.

(7) "Treaty Series No. 29 (1956)", Cmd. 9823.

I have also noted that, notwithstanding Article 3 (b) of the Agreement signed to-day, it is the understanding of the Government of the United Kingdom that the termination of the Protocols, Agreements and Exchanges of Notes referred to in Article 4 of the Commercial Agreement of the 13th of August, 1949, will still have effect.

I have, &c.

STEENSEN-LETH.

No. 2 (a)

*The Danish Ambassador at London to the Secretary of State for
Foreign Affairs*

*Royal Danish Embassy,
London, January 25, 1961.*

My Lord,

I have the honour to refer to the Agreement between the Kingdom of Denmark and the United Kingdom of Great Britain and Northern Ireland relating to Trade and Commerce which was signed on the 18th of November, 1957, and the instruments of ratification which have been exchanged to-day, and to the Convention of the 4th of January, 1960, establishing the European Free Trade Association⁽⁸⁾ which has been signed and ratified by both Denmark and the United Kingdom, and the Agricultural Agreement of the 8th of April, 1960, between Denmark and the United Kingdom⁽⁹⁾ which is connected therewith.

I have the honour to state that it is the understanding of the Government of Denmark that the ratification of the aforesaid Agreement of the 18th of November, 1957, relating to Trade and Commerce at a date later than the entry into force of the aforesaid Agricultural Agreement of the 8th of April, 1960, will not affect the validity of any of the provisions of the latter Agreement.

I have the honour to suggest that if the above understanding is confirmed by the Government of the United Kingdom, this Note and Your Lordship's reply to that effect should be regarded as placing on record the understanding of our Governments on this matter.

I have, &c.

STEENSEN-LETH.

⁽⁸⁾ "Treaty Series No. 30 (1960)", Cmnd. 1026.

⁽⁹⁾ "Treaty Series No. 31 (1960)", Cmnd. 1071.

No. 2 (b)

*The Secretary of State for Foreign Affairs to the Danish Ambassador
at London*

*Foreign Office, S.W. 1,
January 25, 1961.*

Your Excellency,

I have the honour to acknowledge the receipt of your Note of to-day's date which reads as follows :

[As in No. 2 (a)]

I have the honour to state that the understanding set out in Your Excellency's Note is confirmed by the Government of the United Kingdom, and that your Note and my present reply thereto will be regarded as placing on record the understanding of our Governments on this matter.

I have, &c.

R. H. MASON.

(For the Secretary of State.)

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