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[Reprint of "Union of South Africa Treaty Series No. 5 (1935)
and No. 1 (1936)"]

COMMERCIAL AGREEMENT

between His Majesty's Government in
the Union of South Africa and
the Italian Government

[With Supplementary Exchange of Notes of January 23, 1936]

Capetown, May 21, 1935

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

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COMMERCIAL AGREEMENT BETWEEN HIS MAJESTY'S
GOVERNMENT IN THE UNION OF SOUTH AFRICA AND
THE ITALIAN GOVERNMENT [WITH SUPPLEMENTARY
EXCHANGE OF NOTES OF JANUARY 23, 1936].

Capetown, May 21, 1935.

No. 1.

Dr. Bodenstein to Signor Labia.

Department of External Affairs,

Mr. Minister, *Capetown, May 21, 1935.*

DULY instructed thereto by the Governor-General-in-Council, I beg to confirm and place on record that the following Agreement has been come to between the Union and Italy:—

1. The Union will accord to the following goods, the products of, and coming from, Italy, when imported into the Union or into the Mandated Territory of South-West Africa, the enjoyment of the intermediate tariff under the Customs Tariff Amendment Act, 1935, to wit:—

Cotton piece-goods containing 50 per cent. or more of cotton and specified under Tariff item No. 76 (a) (i) and (ii);
woollen piece-goods, woven or knitted, under Tariff item No. 76 (b);
mixed piece-goods (containing 50 per cent. or more of artificial silk) under Tariff item No. 76 (c) (i) and (d) (i);
new hats, caps and bonnets of wool, felt, hair, straw and other vegetable fibre, under Tariff item No. 69 (d) and (e);
glassware under Tariff item No. 172 (b);
citric and tartaric acids *ex* Tariff item No. 213 (c); and
beads under Tariff item No. 299.

2. The Union will, within two months from the date hereof, apply the maximum tariff to the goods of the nature described in the first paragraph hereof, provided that the maximum tariff shall not be applied to goods of the same nature coming from—

- (1) a country forming part of the territory, or being, either as a protectorate or mandated territory, under the protection or the jurisdiction of one of the members of the British Commonwealth of Nations, or a country contiguous to the Union or the Mandated Territory of South-West Africa, if such goods enjoy, in virtue of a customs agreement between the Union and such country, special treatment; and
- (2) countries entitled to most-favoured-nation treatment in the Union.

3. The products enumerated in paragraph 1 hereof shall not be deemed to be products of Italy unless at least 25 per cent. of the factory or works' cost of those goods is represented by material produced and labour performed in Italy.

4. This Agreement is subject to approval by both Houses of Parliament of the Union in its next Session.⁽¹⁾

I will greatly esteem your confirmation of the same.

Please accept, &c.

H. D. J. BODENSTEIN,
Secretary for External Affairs.

No. 2.

Signor Labia to Dr. Bodenstein.

*R. Legazione d'Italia,
Capetown, May 21, 1935.*

Mr. Secretary,

I HAVE the honour to acknowledge receipt of your letter of even date and, duly authorised by my Government, I beg to confirm that the following contains the agreement come to between Italy and the Union of South Africa:—

1. The Union will accord to the following goods, the products of, and coming from, Italy, when imported into the Union or into the Mandated Territory of South-West Africa, the enjoyment of the intermediate tariff under the Customs Tariff Amendment Act, 1935, to wit:—

- Cotton piece-goods containing 50 per cent. or more of cotton and specified under Tariff item No. 76 (a) (i) and (ii);
- woollen piece-goods, woven or knitted, under Tariff item No. 76 (b);
- mixed piece-goods (containing 50 per cent. or more of artificial silk) under Tariff item No. 76 (c) (i) and (d) (i);
- new hats, caps and bonnets of wool, felt, hair, straw and other vegetable fibre, under Tariff item No. 69 (d) and (e);
- glassware under Tariff item No. 172 (b);
- citric and tartaric acids *ex* Tariff item No. 213 (c); and
- beads under Tariff item No. 299.

2. The Union will, within two months from the date hereof, apply the maximum tariff to the goods of the nature described in the first paragraph hereof, provided that the maximum tariff shall not be applied to goods of the same nature coming from—

- (1) a country forming part of the territory, or being, either as a protectorate or mandated territory, under the protection or the jurisdiction of one of the members of the British Commonwealth of Nations, or a country contiguous to the

⁽¹⁾ The Agreement was so approved.

Union or the Mandated Territory of South-West Africa, if such goods enjoy, in virtue of a customs agreement between the Union and such country, special treatment; and

(2) countries entitled to most-favoured-nation treatment in the Union.

3. The products enumerated in paragraph 1 hereof shall not be deemed to be products of Italy unless at least twenty-five (25) per cent. of the factory or works' cost of those goods is represented by material produced and labour performed in Italy.

4. This Agreement is subject to approval by both Houses of Parliament of the Union in its next Session.

Please accept, &c.

N. LABIA,

Royal Italian Minister Plenipotentiary.

No. 3.

Dr. Heymans to Signor Mussolini.

Mr. Minister,

Rome, January 23, 1936.

IN regard to the Agreement which was concluded in Capetown on the 21st May, 1935, by means of an exchange of Notes between the Secretary for External Affairs on behalf of the Union of South Africa and the Italian Minister in Capetown on behalf of Italy, I am instructed by my Government to beg your Excellency to take note that the concession to Italy of the benefits of the Intermediate Tariff to goods, indicated in the annexure to the said Agreement, must be understood to have been made subject to the continuing in force of the grant of most-favoured-nation treatment by our respective countries to each other, under the Italian-British Treaty of 1883, in so far as it applies between the Union and Italy.

Please accept, &c.

A. HEYMANS,

Minister Plenipotentiary.

No. 4.

Signor Mussolini to Dr. Heymans.

Ministero Degli Affari Esteri,

Signor Ministro,

Roma, 23 Gen. 1936 Anno XIV.

MI è pervenuta, redatta in inglese, la nota di V.E. in data odierna, che, in lingua italiana, è del seguente tenore:

“ In relazione all'Accordo stipulato in Capetown il 21 maggio 1935, mediante scambio di note fra il Segretario per gli Affari Esteri per l'Unione del Sud-Africa ed il Ministro italiano in

Capetown per l'Italia, ho l'incarico dal mio Governo di pregare l'E.V. di prender nota che la concessione all'Italia dei benefici della Tariffa intermedia delle merci, indicata nell'annesso all'Accordo anzidetto, deve intendersi fatta in dipendenza del mantenimento in vigore del trattamento della Nazione più favorita reciprocamente fra i nostri due Paesi, giusta il Trattato italo-britannico del 1888, per quanto esso è applicabile fra l'Unione del Sud-Africa e l'Italia."

Ho l'onore di portare a conoscenza dell'E.V. che il Governo italiano è d'accordo.

Voglia gradire, &c.
MUSSOLINI.

(Translation.)

*Ministry for Foreign Affairs,
Rome, January 28, 1936.*

Mr. Minister,

I have received, styled in English, your Excellency's Note of to-day's date, which, translated in Italian, reads as follows:—

* * * * *

I have the honour to bring to the notice of your Excellency that the Italian Government agrees herewith.

Please accept, &c.
MUSSOLINI.

