

TREATY OF COMMERCE AND NAVIGATION BETWEEN ITALY AND ALBANIA, SIGNED AT ROME, JANUARY 20, 1924

H. M. THE KING OF ITALY and THE HIGH COUNCIL OF REGENCY OF ALBANIA, being desirous of strengthening the ties of friendship and developing commercial and maritime relations between their two countries, have resolved to conclude a Treaty of Commerce and Navigation and have appointed as their Plenipotentiaries for that purpose:

H. M. THE KING OF ITALY:

His Excellency Benito MUSSOLINI, Prime Minister, Minister of the Interior and Minister for Foreign Affairs ad interim, and

THE HIGH COUNCIL OF REGENCY OF ALBANIA:

His Excellency Kolë THAÇI, Minister of Finance, and
His Excellency Feizi Bey ALIZOTTI, formerly Minister of Finance,

Who, having exchanged their full powers, found in good and due form, have agreed upon the following Articles:

Article 1.

The Kingdom of Italy and the Albanian State shall accord to each other's nationals full and entire freedom of trade and navigation.

Albanian nationals in Italy and Italian nationals in Albania, whether domiciled in ports, towns or other localities in the respective territories, or whether residing temporarily therein, may carry on their trade or industry without being subject to any duties, taxes, rates or licence fees of any description other or higher than those to which nationals or the subjects of the most favoured nation are liable; and the rights, privileges, exemptions, immunities and other advantages of whatever kind in respect of commerce or industry enjoyed by nationals of one of the Contracting Parties shall be similarly enjoyed by the nationals of the other.

Nationals of one of the Contracting Parties who are carrying on a trade or industry in their own country shall be entitled, either personally or through commercial travellers employed by them, to purchase goods in the territory of the other Contracting Party, or to solicit orders, even by means of samples, without paying therefor a special fee higher than that demanded of nationals or the subjects of the most favoured nation. In carrying on their activities in the territory of the other Contracting Party they shall, as regards the public administration and public services, enjoy treatment similar to that accorded to nationals or the subjects of the most favoured nation.

Article 2.

The Contracting Parties undertake to apply to each other, in regard to imports, exports and goods in transit, the rights and the treatment accorded to the most favoured nation.

Accordingly, each of the Contracting Parties undertakes to grant to the other, immediately and without charge, all the privileges and advantages which it grants or may grant to a third Power in these respects, particularly as regards the amount of, guarantee for and levying of duties, whether fixed by the present Treaty or not, customs warehouses (including the régime of importation, exportation and storage of goods in free ports and

similar free centres, or in general warehouses) internal duties, customs formalities and clearance, and excise or consumption duties levied on behalf of the State, provinces, communes, corporations or other institutions.

The above provisions shall not apply, however, to any advantages which are at present or may hereafter be granted to other neighbouring States with a view to facilitating frontier traffic, or to those arising out of any customs union which has already been or may hereafter be formed by either of the Contracting Parties.

Article 3.

The import duties levied in Albania on products originating in and coming from Italy, as set forth in Annex A of the present Treaty, may not be in excess of the rates fixed in that Annex.

The import duties levied in Italy on products originating in and coming from Albania, as set forth in Annex B of the present Treaty, may not be in excess of the rates fixed in that Annex.

Article 4.

If either of the Contracting Parties imposes on the products of a third country higher duties than those applicable to the same products originating in and coming from the other Party, or if it subjects the goods of a third country to import prohibitions or restrictions which are not applicable to the same goods coming from the other Contracting Party, it shall be authorised, should circumstances require it, to make the application of the lower rates to products coming from the other Party or the admission of such products on importation, dependent on the presentation of a certificate of origin.

The said certificates may be issued by the local authority of the place where the goods are exported, by the despatching Customs Office, whether inland or on the frontier, by the competent Chamber of Commerce and Industry or by a consular agent.

The Contracting Parties shall see that trade is not impeded by the amount of the fees levied on these certificates or by useless formalities when they are issued.

Article 5.

Goods of every kind sent in transit shall be reciprocally exempted from all transit taxes, whether such goods are passing through in direct transit or whether during transit they have to be unloaded, warehoused and re-loaded. The Contracting Parties further undertake not to submit transit traffic to unnecessary formalities or any measures likely to impede it.

Article 6.

With a view to promoting the development of commercial relations between the two States, the Governments of both Contracting Parties undertake, each within its own competence, to give their support to the establishment of two warehouses in Albanian territory, one at Scutari and the other at Santi Quaranta, for the warehousing of goods sent from Italy to Albania and intended either for consumption within the country or for re-exportation, and also of Albanian goods which are to be sent to Italy either for consumption in that country or for re-exportation.

The Governments of the two Contracting Parties shall, if necessary, jointly consider what rules and conditions should be laid down for the concession of the establishment of these warehouses to an Italian or Italian-Albanian company or an Italian-Albanian Chamber of Commerce, and the rules to be adopted in such circumstances for the operation of these warehouses.

Article 7.

The Contracting Parties undertake not to impede trade between the two countries by imposing prohibitions or restrictions of any kind on imports, exports or goods in transit.

This provision shall, however, not prevent either of the Contracting Parties from imposing prohibitions with a view to ensuring the safety of the State or for reasons of public health, for the protection of useful animals and plants against disease, insects and harmful parasites, or in respect of State monopolies, or with a view to the application to foreign goods of prohibitions or restrictions imposed on the home production of goods of the same kind or the sale or transport within the country of home-produced goods of the same kind.

Article 8.

No internal duties, which are or may in future be levied either by the State or by local authorities or corporations on the production, manufacture or consumption of any goods in the territory of one of the Contracting Parties, may for any reason whatever be levied on products coming from the territory of the other Party at a higher rate or in a more onerous manner than those levied on home-produced goods of the same kind.

Article 9.

Commercial and civil companies (including public and private insurance companies) domiciled in the territory of one of the Contracting Parties and validly constituted in conformity with its laws shall, subject to the conditions and restrictions prescribed by the regulations in force, be recognised as possessing legal status in the territory of the other Party and shall be allowed to carry on their industrial or commercial activities and to exercise all their rights, including that of appearing before the Courts either as plaintiffs or defendants.

Such companies shall in all cases enjoy in the territory of either Contracting Party all rights which are or may be accorded to similar companies of any other country.

Such companies shall not be required, in respect of the conduct of their commercial or industrial business in the territory of the other Party, to pay taxes, duties, or charges other or higher than those to which nationals or the subjects of the most favoured nation are liable.

Article 10.

The Contracting Parties reciprocally undertake not to grant monopolies, privileges or concessions which would have the effect of excluding the nationals of the other Party, for the sole benefit of the nationals of one or more third Powers, from any branch or branches of commerce or industry.

As regards mining, agricultural and transport concessions, it is agreed that any concessions which may be granted by one of the Contracting Parties to the nationals of the other shall not be subject to more onerous conditions than would be imposed for the same concessions upon nationals or the subjects of the most favoured nation.

Article 11.

The vessels of either of the Contracting Parties, when in the ports of the other, shall be treated on entering, during their call and on leaving, on a footing of equality with national vessels or vessels of the most favoured nation, both as regards duties and charges of any kind or description levied on behalf of the State, communes, corporations, public officials or establishments of any kind and as regards the berthing of vessels and their loading and unloading in ports, roadsteads, bays, basins and docks, and in general as regards all formalities and measures to which vessels and their crews or cargoes may be subjected.

Further, all advantages which either Contracting Party has granted or may hereafter grant to a third State in regard to the treatment of vessels and their cargoes shall be applicable to the vessels of the other Contracting Party and their cargoes.

Article 12.

No navigation or port duty shall be levied in the ports of either Contracting Party on vessels of the other Party which put into such ports by reason of an accident or other circumstances beyond their control, provided, however, that the vessel does not engage in any commercial transaction and does not remain in port longer than is necessary.

In the case of the shipwreck of, or damage to, a vessel belonging to the Government or to nationals of either of the Contracting Parties on the coasts or territories of the other Party, not only shall the shipwrecked persons be afforded every assistance and consideration but, in addition, the vessels themselves, their parts and wreckage, utensils and all objects belonging to them, all ship's papers found on board, as well as any property or goods jettisoned and recovered, or, alternatively, the prices obtained from their sale, shall be made over in their entirety to the owners at their request or at the request of their agents duly authorised for that purpose.

The procedure to be adopted in the above-mentioned circumstances shall be laid down in the Consular Convention between the two countries.

Article 13.

All goods of whatever nature or origin which may be imported, exported, conveyed through in transit or warehoused in the country of either of the two Contracting Parties, if carried on national vessels, may also be so imported, exported, conveyed through in transit or warehoused, if carried by the vessels of the other Party; such goods shall enjoy the same privileges, reductions, benefits and repayments, without being subject to other or higher customs duties or charges or other or severer restrictions than those in force in respect of similar goods carried by national vessels or by vessels of the most favoured nation on importation or exportation or when carried through in transit or warehoused.

Article 14.

Masters of vessels and craft belonging to one of the Contracting Parties shall be free to sail their vessels or craft on all waterways situated within the territory of either Contracting Party, subject to the same conditions and on payment of the same duties on the vessels or their cargoes as are paid by national vessels or craft or by those of the most favoured nation.

Article 15.

The nationality of vessels shall be determined in accordance with the laws of the State to which the vessel belongs.

The tonnage certificates issued by either of the Contracting Parties shall be accepted in the territory of the other as proof of the tonnage of vessels without any revision of the tonnage measurement.

Except in the case of compulsory sale by judicial decision, vessels of one of the Contracting Parties may not acquire the nationality of the other without a declaration concerning the withdrawal of flag issued by the authorities of the State to which such vessels belong.

Article 16.

Nationals of each of the Contracting Parties shall be free, on the same conditions and subject to paying the same charges as nationals, to use main and secondary roads, canals, locks, ferries, bridges, swing-bridges, ports and landing-stages, signals and lights indicating navigable channels, pilotage facilities, cranes, public weighing-machines and other installations, warehouses and establishments for the salvaging and warehousing of cargoes, ships and other objects, in so far as such establishments or installations are intended for public use, whether they are administered by the State or by private persons.

Subject to special regulations concerning lighthouses, lights and pilotage, no tax shall be levied unless actual use is made of such establishments or installations.

Article 17.

Italian vessels shall, as at present, be allowed to carry passengers and goods from one Albanian port to the other.

As regards the unloading at Albanian ports of goods carried by vessels belonging to Italian shipping companies or shipowners, such goods may continue, as at present, to be delivered to customs warehouses.

Article 18.

Italians may fish in Albanian territorial waters and also acquire by auction fishing rights in inland waters, provided that they conform to the laws and regulations in force in the country.

Article 19.

The two Contracting Parties agree to take such joint measures as may be desirable to prevent or punish contraband trade between their territories, particularly in connection with such monopolies as are or may be established in the territories of either Party. They further undertake to give each other's consular representatives immediate information as to any circumstances or particulars regarding contraband which may come to the notice of their officials; to afford for that purpose all legal assistance to the other Contracting Party's preventive services; to assist such services and send them, through the revenue and police authorities and through local authorities in general, all the information they may require for the exercise of their functions.

Article 20.

The present Treaty shall be ratified and the ratifications shall be exchanged at Rome as soon as possible.

It shall come into force fifteen days after the exchange of ratifications and shall remain valid for three years from the date of its coming into force. Unless denounced six months before the expiration of this period, it shall be renewed by tacit agreement for an indeterminate period and may then be denounced at any time, but shall remain in force for six months after the date of denunciation.

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

Done in duplicate at Rome, January 20, 1924.

(Signed) K. THAÇI.

(Signed) FEÏZI ALIZOTTI.

(Signed) BENITO MUSSOLINI.

[Quelle: League of Nations, Treaty Series, 1926, vol. 44, p. 361-369]