

# **TREATY OF COMMERCE AND NAVIGATION BETWEEN THE ALBANIAN REPUBLIC AND THE KINGDOM OF THE SERBS, CROATS AND SLOVENES. SIGNED AT BELGRADE, JUNE 22, 1926**

THE KINGDOM OF THE SERBS, CROATS AND SLOVENES and THE ALBANIAN REPUBLIC, being desirous of strengthening the ties of friendship between the two countries and of developing their commercial and shipping relations, have decided to conclude a Treaty of Commerce and Navigation, and for this purpose have appointed as their Plenipotentiaries:

HIS MAJESTY THE KING OF THE SERBS, CROATS AND SLOVENES:  
His Excellency Dr Momtchilo NINTCHITCH, Minister for Foreign Affairs;

THE PRESIDENT OF THE ALBANIAN REPUBLIC:  
His Excellency M. Milto TOUTOULANI, former Minister of Justice; and M. Djafer VILLA, Secretary-General at the Ministry of Foreign Affairs;

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

## ***Article 1.***

There shall be full and complete freedom of commerce and navigation between the Kingdom of the Serbs, Croats and Slovenes and the Albanian Republic.

## ***Article 2.***

In accordance with the aforementioned principle, nationals of either of the Contracting Parties shall, for the purposes of commercial transactions – whether for the sale or purchase of goods – be free to travel through the territories of the other Contracting Party and reside for this purpose in its ports, towns or other localities. During such journeys or residence they shall, subject to the laws and regulations in force in the respective territories, enjoy full liberty of movement, and no difference shall be made in this respect between them and subjects of the most favoured nation.

Further, the nationals of either Contracting Party who are established or may in future establish themselves permanently in towns or ports, or reside temporarily therein, shall not be liable by reason of the exercise of their commerce, industry, trade or other occupation, to any taxes, dues or other fiscal charges of whatever kind or for whatever authority levied other or higher than those to which nationals of the country or the subjects of the most favoured nation are liable.

Each of the Contracting Parties undertakes to accord to the nationals of the other all rights, privileges, favours, advantages, exemptions and other facilities which are enjoyed or may in future be enjoyed by subjects of the most favoured nation.

## ***Article 3.***

The nationals of either of the Contracting Parties shall, when proceeding to the territory of the other to attend cattle fairs, be treated in the same manner as nationals of the country. This equality of treatment applies to the right to go to fairs and to the payment of the charges in respect of commercial transactions concluded there.

#### ***Article 4.***

In respect of their persons, property, rights and interests as also of their commerce, industry trades or other occupations in general, the nationals of either of the Contracting Parties shall enjoy in the territory of the other the same legal protection as nationals of the country or subjects of the most favoured nation.

Accordingly, they shall, provided they observe the laws of the country, be entitled to uphold and defend their rights and interests before the administrative and judicial authorities and to appear before the latter as plaintiffs or defendants, and they shall not be subjected in such cases to any condition, restriction or charge other than those which are applicable to nationals of the country.

They may for this purpose appoint agents or representatives or engage counsel at their discretion.

#### ***Article 5.***

Nationals of either of the Contracting Parties who carry on trade or industry in their respective countries may, either in person or through representatives or commercial travellers in their employ, purchase goods in the territory of the other Party from merchants or in places of public sale or from the manufacturers of the goods, and may accept orders, with or without samples, from persons who trade in these commodities or from any other persons who utilise in their business goods of the kind offered, without being liable on that account to pay taxes or charges other or higher than those paid by nationals of the country or the subjects of the most favoured nation.

In the exercise of such business, they shall receive from the administrative and other public authorities the same equality of treatment as nationals of the country or the subjects of the most favoured nation.

Commercial travellers and samples shall be given the most favourable treatment. All facilities or privileges accorded by either Contracting Party in this respect to a third country shall be unconditionally accorded to the other Contracting Party.

#### ***Article 6.***

Joint stock companies and other commercial, industrial, financial or transport companies, including insurance companies, the seat of which is in the territories of one of the Contracting Parties and which are regularly constituted and recognised by law in these territories shall be recognised as regularly constituted in the territories of the other Contracting Party. They shall also have access to the tribunals for the purpose of bringing an action or defending themselves.

These companies shall be free to exercise in the territories of the other Contracting Party any business which the companies of a third country are allowed to carry on. These companies shall in such cases enjoy in the territory of the other Contracting Party the same rights as similar native companies as regards dues, taxes or other charges. In any case, the above-mentioned companies may not in any respect be treated less favourably than the companies of the most favoured nation.

#### ***Article 7.***

The Contracting Parties undertake not to hinder trade between the two countries by means of any import, export or transit prohibitions or restrictions whatsoever.

Exceptions to this rule, in so far as they are applicable to all countries or to countries in which the same conditions prevail, shall be allowed in the following cases only:

- (1) In exceptional circumstances in regard to supplies;
- (2) For reasons of public safety;
- (3) For reasons of public health or to protect animals or useful plants against disease, insects and harmful parasites;
- (4) In the matter of State monopolies; and
- (5) In order to extend to foreign goods prohibitions or restrictions imposed by internal legislation upon the production, sale or transport within the country of goods of the same kind produced in the country.

#### ***Article 8.***

The Contracting Parties shall grant to each other, in regard to importation, exportation and transit, the rights and the treatment accorded to the most favoured nation.

In accordance with this principle, each of the Contracting Parties shall apply to products of the soil, agriculture and industry of the other Contracting Party imported into its territory for the purpose of consumption, warehousing, re-exportation or transit, the same treatment as that applied to products of the most favoured nation. These products shall in no case be subject to Customs duties, additional charges, dues or taxes other or higher than those levied on products of a third State, or to restrictions or prohibitions from which the products of a third State are exempt.

All privileges, facilities, favours and reductions in import duties, provided for in the general Customs tariff or the conventional tariffs, which one of the Contracting Parties may accord to a third country permanently or temporarily, gratuitously or in return for compensation, shall immediately be extended, unconditionally, unreservedly and without compensation, to the products of the soil, agriculture and industry of the other Contracting Party.

Products of every kind exported from the territories of one of the Contracting Parties to those of the other may not be subjected to any export duties, charges or taxes other or higher than those to which similar products are subjected upon exportation to any third country whatsoever.

Most-favoured-nation treatment shall cover not only the amount, guaranteeing and collection of import and export duties and other taxes and charges, but also Customs regulations and their application, the treatment of the goods on unloading, and analysis; the conditions relating to the payment of Customs duties and other charges; the classification of the goods; the interpretation of the Customs tariffs; the treatment of monopoly articles; the regulations for Customs warehousing and free zones; internal charges and formalities and the procedure connected with the forwarding of goods through the Customs.

It is understood that these provisions shall not apply to privileges which either of the Contracting Parties has granted or may in future grant to a neighbouring State for the

purpose of facilitating frontier traffic, nor to those resulting from a Customs union which has been concluded or which may in future be concluded by either of the Contracting Parties.

**Article 9.**

Products originating in or coming from the Kingdom of the Serbs, Croats and Slovenes and imported into Albania shall be subject therein to the Customs duties laid down in Tariff A.

Products originating or coming from Albania and imported into the Kingdom of the Serbs, Croats and Slovenes shall be subject therein to the Customs duties laid down in Tariff B.

Nevertheless any reduction in Customs duties which one of the Contracting Parties may introduce into its general tariff or into the conventional tariffs concluded with third Powers shall, in accordance with the principles enunciated in the preceding Article, also be applied to products of the other Contracting Party, whether they are enumerated or not in the aforementioned tariffs annexed hereto.

As regards advantages accorded in frontier traffic, the provisions of Annex C (which shall form an integral part of the present Treaty and shall have the same force and validity) shall be applied.

**Article 10.**

The following shall be admitted free of any import and export duties:

- (a) Sample cards and samples which cannot be used for any other purpose;
- (b) Provisions and articles which travellers, boatmen and carters carry with them for their own use, in quantities deemed to be reasonable, having regard to the circumstances of the case.

**Article 11.**

Each of the Contracting Parties undertakes to reimburse Customs duties collected on goods (with the exception of articles of consumption) sent to exhibitions and competitions in their respective territories or to markets or fairs or for possible sale, provided that such goods, if unsold, are re-exported within a period fixed in advance, and that their identity is clearly established. This shall apply also to cattle sent from the territory of one of the Contracting Parties to the markets of the other, provided that they are re-exported within a period fixed in advance.

**Article 12.**

The two Contracting Parties undertake to admit temporarily, free of any import or export duties, the articles enumerated below in accordance with the procedure laid down in their respective Customs laws relating to temporary importation; these articles must be returned within a period fixed in advance:

- (a) Vehicles of all kinds and beasts of burden which cross the frontier for the sole purpose of conveying persons and goods, and the accessories on such vehicles which are habitually used during the transport;

(b) Bags, pots, cases, barrels, baskets and other similar receptacles which have been already used, imported full or imported empty for the purpose of being filled and then re-exported.

(c) Tarpaulins or other covers for railway wagons, carts and baskets, imported for use in connection with the export of goods;

(d) Goods (not including articles of consumption) despatched to the territory of the other Contracting Party for tests or trials therein.

The identity of packings and covers for baskets exported and imported, shall be established by means of the description of these articles and by verifying their number.

The two Contracting Parties are agreed that the re-exportation of these articles shall not be guaranteed in money but by means of other adequate security (bills of exchange, securities, bank guarantees and pledges).

### ***Article 13.***

Persons importing into Albania goods produced in the Kingdom of the Serbs, Croats and Slovenes and persons importing into the Kingdom of the Serbs, Croats, and Slovenes goods produced in Albania shall not as a rule be required to produce certificates of origin. Nevertheless, should one of the Contracting Parties levy on the products of a third country Customs duties higher than those applicable to like products originating in or coming from the territory of the other Contracting Party, or impose on products of a third country prohibitions or restrictions not applicable to the products of the other Contracting Party, it shall have the right, where circumstances render this necessary, to require the production of certificates of origin.

These certificates of origin shall be issued by the local authority in the place of export or by the inland or frontier despatching Customs office, or by the competent chamber of commerce and industry.

Each of the Contracting Parties may demand that the certificates be translated in the official language of their respective administrations or that besides the text in the language of the country in which they are issued, they shall contain the identical text in the language of the country in which they are to be presented. The Contracting Parties may also demand that these certificates be visés by their respective diplomatic or consular agents. Such visa shall be given free of charge.

The Contracting Parties shall take steps to ensure that trade is not hampered by formalities connected with the issue of the certificates or by the levying of high charges.

### ***Article 14.***

The Contracting Parties undertake to grant each other full and complete freedom of transit by all means of communication open to international traffic. Goods in transit shall not be subject to any transit due other than the handling fee and the statistical duty, whether they be sent in direct transit or require to be unloaded, warehouses or reloaded during transit; similarly, they shall not be subject to any unnecessary formalities or other measures calculated to impede or hinder transit. The charges for Customs supervision, transshipment and warehousing shall not be higher than those levied on goods of the most favoured

nation conveyed in transit. Transit includes conveyance of persons, baggage and goods, postal consignments and means of transport.

Goods in transit may be subjected to the charges leviable on any commercial transactions which may be concluded in respect of the goods during their transit.

**Article 15.**

Products of any foreign origin imported into the territory of one of the Contracting Parties after being conveyed in transit in the territory of the other shall not be subject to Customs duties other or higher than those applicable to the same products imported direct from the country of origin.

**Article 16.**

With a view to promoting the development of commercial relations between the two States, the Governments of the two Contracting Parties undertake, each within the limits of its own competence, to give their support to the establishment of two warehouses in Albanian territory, at places to be jointly determined by the two Governments, for the warehousing of goods sent from the Kingdom of the Serbs, Croats and Slovenes to Albania and intended either for consumption there or for re-exportation, and also of Albanian goods which are to be sent to the Kingdom of the Serbs, Croats and Slovenes 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 a Serb-Croat-Slovene company or a Serb-Croat-Slovene-Albanian company, and the rules to be adopted in such circumstances for the operation of these warehouses.

In any case, whether the warehouses are established in accordance with the foregoing provisions or whether they are set up direct by the Albanian State at its own expense, the use of the warehouses for products of the other Contracting Party may not be refused for any reason whatsoever; nor may these products be subjected, at the time of their warehousing, to less favourable conditions or higher duties than those applicable in these warehouses to Albanian products or products of the other country in question.

**Article 17.**

If internal duties are levied in future for the State or the municipal administrations or corporations on the production, manufacture, movement or consumption of products of the country, such duties when imposed on similar products originating in or coming from the other country, shall not, for any reason whatever, be higher or be more burdensome in their incidence. Consequently, the products of one of the Contracting Parties may not be subjected to the said internal duties in the territories of the other unless these products are manufactured in the territory of the latter and are subjected to equivalent internal duties. The only exception made shall be the case of colonial produce and products already liable to the said duties at the time of the conclusion of the present Treaty, but subject to the condition that these duties may not be increased and, if they are reduced or abolished, may not be increased again or re-introduced.

**Article 18.**

As regards communications and traffic by rail in the territory of the Kingdom of the Serbs, Croats and Slovenes, no difference shall be made between the nationals of the two Contracting Parties, either as regards forwarding and cost of transport or as regards the

collection of the various duties leviable on the conveyance of passengers, baggage or goods of whatever nature.

Albanian products consigned to any station in the territory of the Kingdom of the Serbs, Croats and Slovenes or in transit through the said territory shall not, on the railways of the Kingdom, be treated less favourably, as regards forwarding, transport rates and the payment of the various duties leviable on the transport of goods, than goods of native origin or identical products coming from the most favoured nation and forwarded under the same conditions, in the same direction and over the same route.

The foregoing provisions shall apply to goods conveyed over the frontier by other means of transport and then handed over to the railways.

The same principles shall also apply in the event of Albania constructing railways in her territory either at her own expense or by means of concessions. In this case, additional arrangements would be made or, if necessary a special convention concluded regarding connecting lines and railway traffic and through rates for passengers, baggage and goods.

#### ***Article 19.***

Vessels of either of the two Contracting Parties conveying passengers or goods shall, irrespective of their place of departure or destination, receive in the ports of the other, on their entry, during their stay and on leaving, the same treatment as the vessels of the country itself or of the most favoured nation, both as regards duties and charges of whatever nature or denomination, leviable on behalf of the State, communes, corporations, public officials or institutions of any kind, and as regards the stationing of these vessels, their loading and unloading in ports, roadsteads, bays, harbours, basins and docks, and in general, as regards all formalities and regulations to which vessels and their crews and cargoes may be subjected.

Further, any privilege in regard to the treatment of the vessels and their cargoes which either Contracting Party has accorded or may in future accord to a third Power, shall also be extended immediately to the vessels and cargoes of the other Party.

#### ***Article 20.***

The provisions relating to the assimilation of vessels of the two Contracting Parties may not be extended to the coasting trade, which shall continue to be reserved exclusively for the vessels of the country. Nevertheless, each of the two Contracting Parties shall immediately and unconditionally allow the vessels of the other to engage in coasting trade along its coasts in the event of this concession being accorded to the vessels of a third Power.

Similarly, vessels belonging to one of the two Contracting Parties arriving either from a port in the country or from abroad with goods or passengers, shall be admitted into the territorial waters of the other, either to discharge their goods or land passengers conveyed direct from abroad, or to complete their cargoes for abroad, or to take on board passengers proceeding abroad.

#### ***Article 21.***

Vessels belonging to one of the two Contracting Parties which are forced to take shelter in a port of the other Party shall be free to undertake necessary repairs in that port and to provision themselves before leaving, without being required to pay dues other or more

onerous than those which would be payable by national vessels or the vessels of the most favoured nation in like circumstances.

It is understood that in the event of one of these vessels carrying out a commercial transaction, it will be required to conform to the local laws.

It is also understood that these vessels shall be allowed free access to all the ports open to foreign vessels in order to renew their supplies of coal or provisions before leaving.

#### ***Article 22.***

Should a vessel belonging to the Government or to the nationals of one of the two Contracting Parties run aground or be wrecked on the coasts or in the territories of the other Party, not only shall every assistance be given to the said vessel and the shipwrecked persons, but the vessel and parts or wreckage thereof, its appliances and all articles belonging thereto, the ships papers, and effects and goods which have been salvaged after having been jettisoned or the proceeds of the sale of the same, shall be handed over in full to the owners, on their request or on that of their duly authorised agents.

In the absence of the owner or his agent, the articles mentioned above shall be handed over, if they are the property of a national of one of the Contracting Parties, to the consular agents representing his country in the territorial waters of the State in which the disaster has occurred.

The owner or his duly qualified agent, or the consular representative, shall in these circumstances pay the expenses occasioned by the salvaging or safekeeping of the said articles, which expenses may not be higher than those chargeable under the circumstance in the case of a national vessel which has run aground or been wrecked. The goods salvaged shall be exempt from payment of Customs dues or other similar charges, on condition that they are not parted with for consumption within the country.

#### ***Article 23.***

All goods, irrespective of their nature and origin, whose importation, exportation, transit or warehousing is permitted in the territories of one of the Contracting Parties if they are transported on national vessels, may also be imported, exported, conveyed in transit or warehoused in that territory if they are transported on vessels of the other Party. The goods shall be granted the same privileges, reductions and benefits, and shall not be subjected to Customs duties or charges other or higher, or to restrictions other or more stringent, than those applicable to the same goods upon their importation, exportation, transit or warehousing, when transported on national vessels or vessels of the most favoured nation.

#### ***Article 24.***

The provisions of the preceding Articles relating to navigation shall not be applicable to inland navigation. Nevertheless, any favour which one of the Contracting Parties has accorded or may in future accord to a third Power in the matter of inland navigation shall be extended immediately, unconditionally and without compensation, to the other Party.

Recognising the importance of navigation on common lakes and rivers, the Contracting Parties have agreed to consider later all questions connected with the regulation of



navigation on these lakes and rivers with a view to the conclusion of special agreements on the matter.

**Article 25.**

Nationals of either Contracting Party shall be entitled to use under the same conditions and on payment of the same charges as nationals, highways and other roads, canals, locks, ferries, bridges and swing-bridges, maritime and river ports and other landing places available for navigation, signals and lights marking navigable waters, pilot services, cranes and public weighing machines, warehouses and installations for the salvage and storage of cargoes, vessels and other articles, provided such establishments or installations are intended for public use and whether they are under State or private management.

Apart from special regulations in connection with lighthouses, lights and pilotage, no charge shall be levied unless actual use has been made of these installations or institutions.

**Article 26.**

The nationality of vessels shall be determined in accordance with the laws and regulations of the State to which they belong. As regards proof of the tonnage of vessels, the tonnage measurement certificates issued in accordance with the laws of the country to which the vessel belongs shall be accepted in the territory of both Contracting Parties.

The two Contracting Parties shall draw up in their respective countries uniform regulations for the issue of tonnage measurement certificates.

Except in the case of sale by order of the Court, a vessel of one of the Contracting Parties may not assume the nationality of the other Party unless the competent authorities of the former country have by declaration, withdrawn the right to fly the country's flag.

**Article 27.**

Vessels flying the flag of the Kingdom of the Serbs, Croats and Slovenes shall, as at present, be allowed to carry passengers and goods, irrespective of their origin or place of departure, from one Albanian port to another.

The two Contracting Parties agree to promote the establishment of regular maritime shipping lines between their ports and to assure normal and regular services.

**Article 28.**

Fishing in maritime territorial waters shall be reserved for the nationals of the respective countries. Nevertheless, any favour which one of the Contracting Parties may in future accord in this respect to a third Power shall be extended immediately and unconditionally to the other Contracting Party.

The same principles shall also be adopted with regard to fishing rights in the lakes, rivers and other common waters, which shall continue to be reserved for the nationals of the Contracting Parties in the respective national zones.

The Contracting Parties have, however, undertaken to settle by a special agreement the question of the exploitation and protection of fishing in the aforementioned common waters.

**Article 29.**

The two Contracting Parties undertake to cooperate, by the adoption of suitable measures, in putting down contraband trade carried on to the prejudice of their territories.

For this purpose each of the Contracting Parties shall communicate to the frontier authorities of the other Party all information as to preparations for contraband trade which may come to its notice; it shall afford with this object every assistance to the frontier services of the other Contracting Party and shall supply through its revenue, police or Customs officials any information which may be useful to the services of the other Party, in the exercise of their functions.

**Article 30.**

The two Contracting Parties are prepared to amplify the present Treaty, in the spirit of these provisions calculated to establish normal commercial relations between the two States, by means of new agreements and arrangements if experience shows this to be necessary.

**Article 31.**

In the event of dispute arising between the Contracting Parties as to the application or interpretation of the provisions of the present Treaty, its Annexes and Final Protocols, such dispute shall be settled by an arbitral tribunal.

The arbitral tribunal shall be constituted for each individual dispute as follows: each of the Contracting Parties shall appoint two competent persons from among its nationals as arbitrators, and these persons shall select as umpire a national of a friendly State.

The Contracting Parties reserve the right to appoint a person beforehand for a definite period to act as umpire in the case of a dispute.

Should the Contracting Parties fail to agree on the choice of an umpire, he shall be appointed at the request of one of the Contracting Parties by the Secretary-General of the League of Nations.

**Article 32.**

As regards the procedure of the arbitral tribunal, the Contracting Parties have agreed as follows:

For the first case submitted to arbitration, the arbitral tribunal shall sit in the territory of the defendant Contracting Party; for the second case, it shall sit in the territory of the other Party, and so on alternately in the territories of the respective Contracting Parties.

The Party in whose territory the tribunal is to sit shall appoint the place of meeting; it shall provide the premises, the secretarial staff and other personnel required for the work of the tribunal.

Decisions shall be taken by a majority vote and shall be binding. The umpire shall act as chairman of the tribunal.

As regards the summoning of witnesses and experts to appear before the arbitral tribunal, the authorities of each of the Contracting Parties shall, on application being made by the

arbitral tribunal to the competent Government, lend their assistance in the same manner as in the case of an application received from the civil courts of the country.

**Article 33.**

The present Treaty shall apply to those countries which now form part or may in future form part of the territories of the Contracting Parties.

**Article 34.**

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

It shall come into force twenty days after the exchange of ratifications and shall remain valid for three years from the date of its coming into force.

Should neither Contracting Party intimate, one year before the expiry of the said period, its intention of terminating the Treaty, it shall be renewed by tacit agreement for an indefinite period and may be denounced at any time on condition that it remains in force for six months as from the date of denunciation.

In faith whereof the Plenipotentiaries of the two Contracting Parties have signed the present Treaty and have thereto affixed their seals.

Done in duplicate at Belgrade, in French, on June the twenty-second, one thousand nine hundred and twenty-six.

(L. S.) (Signed) M. NINTCHITCH.

(L. S.) (Signed) Milto TOUTOULANI.

(L. S.) (Signed) Djafer VILLA.

**Annex  
PROVISIONS CONCERNING FRONTIER TRAFFIC.**

The two Contracting Parties, considering that the inhabitants of the frontier districts are by economic circumstances and the geographical position of their respective lands, obliged to go to the markets of one or other Contracting Party, and being desirous of enabling the inhabitants of the frontier districts of their countries to visit these markets, and of fostering a friendly spirit, mutual confidence and good neighbourly relations, have agreed as follows:

**Article 1.**

Inhabitants of the Albanian frontier districts visiting the markets of the Kingdom of the Serbs, Croats and Slovenes for the purpose either of taking their products to these markets for sale or manufacture or of purchasing necessary provisions, shall be accorded the following favours:

**Article 2.**

The said inhabitants may import, free of Customs duty or Customs or other charges, stamp duties on Customs receipts, State and municipal charges of any description

whatsoever, and all Customs formalities, with the exception of the verbal declaration required:

(1) All products of the soil and agricultural, forestry and mining products, fruits, livestock, game and fishing, poultry-yard and apicultural products of Albanian origin;

(2) Dairy produce, products of weaving basket work, wood-work, products of cooperage and all other products of Albanian domestic industry.

All the above-mentioned products shall be free from any Customs export duty or other charge on exportation from Albania.

### ***Article 3.***

The inhabitants of the Albanian frontier zone (which shall not exceed fifteen kilometres in breadth) who visit the markets of the Kingdom of the Serbs, Croats and Slovenes to sell their produce or to make purchases, may to the extent which is strictly necessary, procure free of import or export duty supplies of articles used by them in their work or occupation or in their domestic or business life.

Nevertheless, by reason of the distance of their place of domicile from the market and the difficulties of communication, they shall be allowed to purchase supplies of these articles to last a longer time, though never longer than one week, regard being had to the number of the members of the family.

### ***Article 4.***

The inhabitants of the frontier zone of either Contracting Party who temporarily import raw materials into the frontier zone of the other Party or who import agricultural machinery, implements, tools, vehicles, boats and other similar means of transport for repair shall not be required to pay on these articles, in respect of which they enjoy all the exemptions and facilities provided by Article 2, any Customs duties on exportation or importation or return of the said products after manufacture, repair or completion.

### ***Article 5.***

The exemptions and facilities provided for in the foregoing Articles shall apply to all kinds of receptacles and wrappings, to draught and pack animals and to means of transport (with the exception of motor cars ) used for the conveyance of goods and persons.

Products may be conveyed to the markets along all recognised routes, by land or by water. For the conveyance of goods all means of transport may be employed: vehicles with the usual teams, draught horses, mules, donkeys, boats, vessels, and in general, all the ordinary means of transport for goods.

All these means of transport and every kind of receptacle or wrapping must be returned after it has been used for transport.

### ***Article 6.***

The inhabitants of the frontier zone of either Contracting Party shall be accorded, on the markets of the other, the same rights and facilities as those enjoyed by the nationals of the country. They shall not be required to pay special charges and taxes, imposed under whatsoever name, to which nationals of the country are not liable. Payment of market dues

or other charges, if any, shall be effected in the manner, in the proportion and under the conditions applicable to nationals of the country.

#### **Article 7.**

Nationals of either Contracting Party who possess in the frontier zone of the other Party (not exceeding fifteen kilometres in breadth) land divided up by the frontier line or situated entirely within the said zone, shall have the right, over and above the favours laid down in Articles 2, 3 and 4, freely to cultivate their land and convey the following from the said land to their dwellings and farms, or vice versa, free of Customs duties or other Customs charges, road upkeep duties, passage duties, or stamp duty on Customs receipts, and shall not be required to comply with any Customs formality, with the exception of a verbal declaration:

- (1) Animals needed for their work and animals driven to grazing grounds;
- (2) Forestry and agricultural implements, tools and machinery;
- (3) Vine poles, seed for sowing, pulverisers and all articles used for destroying harmful insects;
- (4) Agricultural and forest produce obtained from the respective lands, and articles used in the transport or packing of such produce;
- (5) Food required for the workers engaged in cultivating the land. These workers may be brought from the territory of the other Contracting Party.

The advantages enumerated above may be enjoyed by churches, agricultural corporations and autonomous bodies.

Further, these advantages shall be extended, after authority has been obtained from the competent Customs authorities, to the above-mentioned lands when leased or when farmed on the metayer system.

If the land in question is wooded, the forests shall be exploited in accordance with the laws and regulations in force in the country of the Contracting Party in whose territory the respective lands are situated.

The favours enumerated above shall apply exclusively to the present owners of the above-mentioned lands and to persons who may become owners through acquisition *inter vivos* or by inheritance from persons from whom they may inherit as the legal heirs according to the laws of the country where these lands are situated.

The above-mentioned persons shall be in possession not only of the frontier permit but also of a special identity card to be issued to them by the competent authorities in their place of domicile and indicating that they are land owners; the card shall also state the nature of the property, the implements, the machinery and the livestock. This identity card (the specimen form is attached) need not contain a photograph, but must be visé by the Customs authorities of the other Contracting Party.

Animals needed for work (plough, draught, saddle or pack animals) and animals driven to grazing grounds must be accompanied by a certificate issued by the commune from which

they come and containing the name of the owner, the description of the animals (number, kind, sex, age and special characteristics) and a statement to the effect that the animals in question are healthy and that in the commune from which they come there has in the course of the previous thirty days been no form of contagious disease which could be communicated to them.

This certificate of health holds good for thirty days and must be renewed upon the expiry of this period.

### **Article 8.**

The following provisions shall apply to grazing and wintering rights in the case of livestock belonging to nationals of either Contracting Party:

(1) Nationals of the two Contracting Parties are authorised to cross the frontier with their cattle, donkeys, horses, mules, sheep and goats, in order to drive them to grazing grounds in the mountains or to the place of wintering in the plains.

(2) The frontier may be crossed by the livestock by all the usual frontier roads. The police authorities in the frontier zones and the Customs authorities of the two Contracting Parties may agree to indicate other points at which cattle may cross the frontier.

(3) Despatch of livestock within the meaning of § 2 shall be effected in accordance with a list giving the details, without other formality and without payment of any Customs duties or any guarantees whatsoever.

Nevertheless, such livestock may only cross the frontier if accompanied by the certificate provided for in the last paragraph of Article 7.

This certificate must also indicate the commune in which the grazing land or place of wintering is situated.

(4) In the case of livestock driven to grazing grounds or to the place of wintering, the competent Customs office (that is to say, the office responsible for the first import or export consignment) shall draw up, on the strength of the verbal statement of the owner, in triplicate, a list mentioning in detail large and small livestock (kind, number, age, sex and distinctive marks).

One copy of this list shall be kept at the Customs office which draws it up and the other two copies shall be handed to the owner, who shall be responsible for transmitting them to the Customs office of the other Contracting Party and to the municipal authority in the place to which the livestock are driven.

(5) Livestock driven to grazing grounds or to the place of wintering shall be examined at the frontier, both going and coming back, by the competent veterinary surgeon. The result of this inspection shall be indicated on the list and the certificate.

If it is found at this inspection that any animal is diseased or suspected of contagion, livestock of a kind liable to be affected shall not be allowed to cross the frontier unless this is necessitated by want of fodder or inclement weather. In this case, the animals shall be taken over by the competent veterinary authorities, in order to prevent the contagion spreading.

(6) Livestock must be brought back from the grazing grounds within a period of not more than six months; this also applies to wintering.

(7) On returning from the grazing grounds or the place of wintering, livestock must pass through the Customs office through which they were imported or exported.

(8) Livestock on grazing grounds or at the place of wintering may not be sold in whole or in part until forty days after crossing the frontier, unless the animals are slaughtered immediately after sale and at the place of sale. Such sale must be declared at the Customs office through which importation has been effected, and must, in the case of partial sale, be mentioned in the certificate.

Such livestock shall, on returning, be exempted from import or export Customs duties and any other taxes and similar charges.

(9) There shall be no obligation to re-export to the country of origin young born during the grazing period and the wintering period, but if they are sent back, they shall be exempted from any export or import duties and from the other charges imposed by the Customs offices of the Contracting Party in whose territory the livestock has been grazing or wintering or by those of the Party to whose territory they return.

(10) Animal products or dairy produce obtained while the livestock have been on the grazing land or in the place of wintering (milk, butter, cheese, bristles, wool, horns, hoofs and hides of animals which have died or have had to be killed) may remain in the country where the grazing land is situated or may be sold free of Customs duty, provided that their use is not prohibited on sanitary grounds or by the police regulations.

(11) Livestock driven to grazing grounds shall be subject to the same veterinary and forestry regulations as livestock of the country.

(12) Owners and persons driving cattle must be in possession of frontier permits indicating their status; they may reside freely on the grazing grounds or in the place of wintering, during the whole period. The owners of the livestock must appear before the frontier authorities and the authorities of the commune in which the grazing land is situated.

(13) Livestock may not be requisitioned while at pasture or in the place of wintering but shall be subject to the same charges and taxes as those levied in respect of livestock of the country.

(14) The expenses occasioned by the veterinary inspection at the frontier and by the veterinary supervision or inspection during the period of grazing, shall be collected in accordance with the provisions in force in the country in which the pasture or place of wintering is situated.

The Customs authorities of the two Parties shall determine by common agreement the date for the putting into force of the provisions of the present Article and the points at which livestock may cross the frontier.

**Article 9.**

Neither of the Contracting Parties may withdraw the right to use frontier waters enjoyed by farms or estates before the delimitation of the frontiers.

Frontier waters shall be taken to mean:

Streams which flow along the frontier and streams which cross the frontier.

**Article 10.**

In order to cross the frontier, nationals of either Contracting Party must be in possession of a frontier permit, which must conform to the specimen attached and contain among other particulars the Christian name and surname, place of residence and age of the holder. Each frontier permit shall be accompanied, as far as possible, by a photograph of the holder and photographs of the adult members, for whom it shall serve as evidence of identity on crossing the frontier provided that they are not in possession of separate frontier permits.

These frontier permits shall be valid for one year.

They shall not be compulsory for children under twelve years of age when accompanied by their parents or other members of the family, provided that their names are entered in the said frontier permit.

The frontier permits shall be issued by the police authorities, their local offices or the public frontier stations of the place of their domicile. To be valid, they must be visés by the authority of the other Contracting Party.

No duty or fee shall be charged for the issue of these frontier permits and the visas.

For members of the family of owners of land in the frontier zones and of their servants and workmen already in possession of such permits, the competent authorities shall issue special frontier permits to enable them to cross the frontier by the roads especially indicated in the case of the said owners.

**Article 11.**

The frontier may be crossed only at the points indicated for the purpose and only between sunrise and sunset.

Should the work on account of which the frontier is crossed not be completed within the day, the persons occupied on this work shall be required to appear before the local authorities and inform them where and with whom they intend to lodge overnight.

In such cases they shall not be allowed to remain more than three days.

**Article 12.**

Doctors, midwives and veterinary surgeons, resident in the frontier zone of one of the Contracting Parties shall be permitted to exercise their profession in the frontier zone of the other Party. For this purpose the said persons may cross the frontier in carriages, on horseback, on bicycles and motorcycles, and by motor-car, accompanied by their coachman or chauffeur, without being required to appear before the frontier authorities. They may, if necessary, cross the frontier even at night. They may also take with them,



both going and coming back, the articles necessary for the exercise of their profession (instruments, bandages, medicaments) free of any Customs dues or other similar charges.

Artisans and workmen residing in the frontier zone of one of the Contracting Parties shall also be permitted to exercise their trades in the frontier zone of the other Party, and may take with them for this purpose all necessary implements and tools free of all Customs duty or other similar charges.

Under these conditions, doctors and veterinary surgeons, and also artisans and workmen, shall be allowed into the frontier zone of the other Contracting Party for the exercise of their profession or trade, free of all tax.

Doctors, veterinary surgeons, artisans and workmen shall be in possession not only of a "frontier permit", but also of a special permit for crossing the frontier, issued by the competent authority of their place of domicile, indicating their status and their right to exercise their trade or profession in their own country.

This permit shall be visé by the competent authority of the other Contracting Party.

#### ***Article 13.***

Inhabitants of the frontier zones of the two Contracting Parties engaged in the transport of passengers and goods may exercise their occupation between the different places in the territories of the two Contracting Parties. They shall not be called upon to furnish any guarantee or give any security that the animals, vehicles or other accessories will be re-exported, save in the case of motorcars, when a simple guarantee, limited in time to the period of transport, shall be sufficient.

The foregoing provisions shall also apply to persons occasionally conveying passengers and goods from places further removed from the frontier, provided that they furnish proof that they are engaged in their usual occupation.

Persons in the frontier zones engaged in transport must be in possession of frontier permits, and those from districts further removed from the frontier must have passports.

The authorities of the frontier zones of the two Contracting Parties shall agree on all measures to be taken to facilitate the traffic.

#### ***Article 14.***

The representatives of the Customs and police authorities of the two Contracting Parties shall draw up by common agreement provisions relating to the interpretation and application of all the advantages and facilities provided for in the present Agreement, where this is not precluded by other arrangements in the case of certain of these advantages or facilities.

The Contracting Parties shall, fifty days after the signing of this Agreement, appoint representatives to determine, on the spot and with due regard to the nature and geographical position of the land, the internal boundaries of the frontier zone and the roads which may be used by the inhabitants of the frontier zones and by owners from the other side of the frontier.

Further, the two Contracting Parties shall appoint Customs and police representatives to interpret and uniformly to apply the provisions of the present Agreement. These representatives may, in case of disagreement, issue the necessary regulations, within the limits of their competence and powers, and these regulations shall immediately be put into force.

**Article 15.**

Persons convicted three times for smuggling or once for three separate smuggling offenses shall forfeit all the advantages conferred under the provisions on frontier traffic.

**Article 16.**

The two Contracting Parties reserve the right, either by reason of exceptional circumstances or for reasons of public policy or public health, to suspend or provisionally to restrict frontier traffic along the whole frontier, or at certain points.

Nevertheless, the Government ordering the suspension shall be required, if possible, to let the other Government know in advance and to inform it of the reasons for this measure.

**Article 17.**

Any disputes which may arise out of relations of sale or purchase or relations connected therewith shall be settled immediately and, if possible, on the same day by the competent local authorities.

Complaints against State officials on account of action taken by them in connection with the crossing of the frontier either for the purpose of going to market or for the cultivation of land, or for driving livestock to grazing grounds, shall receive immediate attention. The decisions arrived at shall be communicated without delay and through the most rapid channel to the persons concerned. Further, all complaints with regard to acts committed on the markets shall be immediately examined by the competent local authorities, and their decisions shall be made known on the same day.

**Article 18.**

The two Contracting Parties reserve the right to discuss with one another the expediency of modifying the above provisions by common agreements, if it is found in the course of their application that it is necessary to alter them to enable frontier traffic to develop without prejudice to the interests of the inhabitants of the frontier zones of the two Parties.

**Article 19.**

The two Contracting Parties, being jointly desirous of avoiding any hindrance to frontier traffic, have agreed that, in the event of the Commercial Treaty being denounced, the provisions relating to frontier traffic shall remain in force for three years after denunciation.

Should neither Party denounce the said provisions six months before the expiry of the period of three years, their validity shall be automatically extended for three years, and similarly thereafter so long as they are not denounced by one of the Contracting Parties six months before the expiry of the above-mentioned period; in the latter case, they shall remain in force for a further period of one year.

**FINAL PROTOCOL.**

On proceeding to sign the Treaty of Commerce and Navigation concluded to-day between the Albanian Republic and the Kingdom of the Serbs, Croats and Slovenes, the undersigned Plenipotentiaries made the following reservations and declarations, which shall form an integral part of the Treaty itself:

## **I. TEXT OF THE TREATY OF COMMERCE AND NAVIGATION.**

### ***Ad Article 4.***

It is understood that the nationals of either Contracting Party shall enjoy the same legal protection in respect of any movable and immovable property which they possess or may in future possess in the territory of the other Contracting Party as nationals of the country or the subjects of the most favoured nation.

### ***Ad Article 5.***

If samples carried by merchants, business men or their commercial travellers cannot be used for any other purpose, they shall not be subject to Customs duties. Re-exportation of samples of value shall be guaranteed by deposit of the amount of the Customs duty or in the form of security; the amount deposited shall be returned after deduction of the accessory charges and the handling duties.

### ***Ad Article 13.***

The two Contracting Parties may agree that this certificate shall be drawn up in French only, if this is deemed best for the development of trade. A translation shall however be furnished if demanded. The importer shall personally vouch for the accuracy of the translation and shall be held responsible should the translation be found not to conform to the original.

### ***Ad Article 14.***

The Contracting Parties undertake to open frontier offices at the principal approaches to roads connecting the two countries, with authority to impose Customs duties and carry out the formalities relating to transit on the roads, which shall be recognised as transit routes.

### ***Ad Article 27.***

The Government of the Serb-Croat-Slovene Kingdom undertakes to approach the Serb-Croat-Slovene shipping companies providing regular services between the ports of the two States, with a view to the free transport of postal consignments addressed to ports in the two States.

## **II. PROVISIONS ON FRONTIER TRAFFIC.**

### ***Ad Article 2.***

(1) Exemption from the payment of charges shall not include State and municipal charges to which goods of the country itself are subject. Municipal weighing duties shall not be collected by the frontier Customs offices but shall be levied on the market.

(2) Customs examination is not included in the exemption from Customs formalities; should, however, such inspection be necessary, in order to establish the accuracy of the verbal declaration, it shall be effected in such a way as not to entail any delay or hindrance to traffic.

Done at Belgrade on June the twenty-second, one thousand nine hundred and twenty-six.

(Signed) M. NINTCHITCH.

(Signed) Milto TOUTOULANI.

(Signed) Djafer VILLA.

### **ADDITIONAL PROTOCOL.**

On proceeding to sign the Treaty of Commerce and Navigation concluded to-day between the Albanian Republic and the Kingdom of the Serbs, Croats and Slovenes, the undersigned Plenipotentiaries, being duly empowered to do so by their Governments, made the following declarations:

The provisions of the second paragraph of Article 24 and all the other clauses relating to navigation refer exclusively to the merchant fleet.

Done at Belgrade on June the twenty-second, one thousand nine hundred and twenty-six.

(L. S.) (Signed) M. NINTCHITCH.

(L. S.) (Signed) Milto TOUTOULANI.

(L. S.) (Signed) Djafer VILLA.

[Quelle: League of Nations, Treaty Series, 1929, vol. 91, p. 11-29, p. 35-47, 51-53.]