

No. 5505

**JAPAN
and
CZECHOSLOVAKIA**

**Treaty on Commerce (with agreed minutes). Signed at
Tokyo, on 15 December 1959**

Official text: English.

Registered by Japan on 3 January 1961.

**JAPON
et
TCHÉCOSLOVAQUIE**

**Traité de commerce (avec procès-verbal approuvé). Signé
à Tokyo, le 15 décembre 1959**

Texte officiel anglais.

Enregistré par le Japon le 3 janvier 1961.

No. 5505. TREATY ON COMMERCE¹ BETWEEN JAPAN AND THE CZECHOSLOVAK REPUBLIC. SIGNED AT TOKYO, ON 15 DECEMBER 1959

Japan and the Czechoslovak Republic,

Desiring to promote the development of commercial relations between the two countries,

Having resolved to conclude the treaty on commerce envisaged in Article 5 of the Protocol relating to the Restoration of Normal Relations between Japan and the Czechoslovak Republic, signed on February 13, 1957,² and for that purpose have appointed as their Plenipotentiaries,

Japan :

Mr. Hisanari Yamada, Administrative Vice-Minister for Foreign Affairs of Japan, and

The Czechoslovak Republic :

Dr. Ladislav Šimovič, Ambassador Extraordinary and Plenipotentiary of the Czechoslovak Republic to Japan,

Who, having communicated to each other their full powers found to be in due form, have agreed upon the following Articles :

Article 1

Both Contracting Parties will make every endeavour to promote and strengthen the mutually advantageous trade relations between the two Contracting Parties within the framework of their respective laws and regulations and on the basis of the general principle of most-favoured-nation treatment.

Article 2

1. Each Contracting Party shall accord to the products originating in or destined for the other Contracting Party most-favoured-nation treatment in all matters with respect to customs duties and charges of any kind imposed on or in connection with importation or exportation, and with respect to the methods of levying such duties and charges, as well as with respect to all rules and formalities connected with importation or exportation.

¹ Came into force on 26 September 1960, the date of the exchange of the instruments of ratification at Prague, in accordance with article 14.

² United Nations, *Treaty Series*, Vol. 300, p. 119.

2. The provisions of the preceding paragraph shall not apply to advantages accorded by either Contracting Party :

- (a) to adjacent countries in order to facilitate frontier traffic ; or
- (b) to products of its national fisheries.

Article 3

1. The products of either Contracting Party after they had been in transit through the territories of one or more third countries shall not, upon the importation into the territories of the other Contracting Party, be subject to duties or charges higher than those to which they would be subject if they were imported directly from the territories of such Contracting Party.

2. The provisions of the preceding paragraph are also applicable to goods which during their transportation through the territories of a third country underwent transshipment, repacking and storing in warehouses.

Article 4

There shall be freedom of transit through the territories of each Contracting Party by the routes most convenient for international transit for products of any origin en route to or from the territories of the other Contracting Party.

Article 5

Each Contracting Party shall accord to the products of the other Contracting Party national treatment and most-favoured-nation treatment in all matters with respect to all internal taxes or other internal charges of any kind imposed on or in connection with imported goods, and with respect to all laws, regulations and requirements affecting internal sale, offering for sale, purchase, transportation, distribution or use of imported goods within the territories of such Contracting Party.

Article 6

1. No prohibitions or restrictions shall be applied by either Contracting Party on the importation or exportation of any product from or to the territories of the other Contracting Party, which are not similarly applied to the importation or exportation of the like product from or to the territories of all third countries.

2. Notwithstanding the provisions of the preceding paragraph, either Contracting Party may apply import or exchange restrictions for the purpose of safe-

guarding the external financial position and balance of payments provided that such restrictions are applicable to all countries in like circumstances.

Article 7

1. Each Contracting Party undertakes that if it establishes or maintains a state enterprise or grants to any enterprise, formally or in effect, exclusive or special privileges, such enterprise shall, in its purchases or sales involving either imports or exports, act in a manner consistent with the general principles of non-discriminatory treatment.

2. The provisions of the preceding paragraph shall be understood to require that such enterprises shall, having due regard to the other provisions of this Treaty, make any such purchases or sales solely in accordance with commercial considerations, including price, quality, availability, marketability and other conditions of purchase or sale.

Article 8

1. Each Contracting Party shall, with respect to exemption from duties and charges on samples of goods and advertising material of the other Contracting Party which are imported into its territories or brought into temporarily and taken out of its territories, conform to the principles set forth in the relevant provisions of the International Convention to Facilitate the Importation of Commercial Samples and Advertising Material concluded at Geneva on November 7, 1952,¹ or any convention amendatory thereto, so long as both Contracting Parties are contracting parties to such conventions.

2. Subject to the internal laws and regulations in force, each Contracting Party shall accord most-favoured-nation treatment with respect to exemption from duties and charges on the following articles of the other Contracting Party which are brought into temporarily and taken out of its territories :

- (a) articles destined for tests and experiments ;
- (b) articles destined for exhibitions, contests and fairs ;
- (c) tools to be used by assemblers in assembling and installing equipment ;
- (d) articles to be processed or repaired and materials required for processing or repairing ;
- (e) containers of exported or imported goods.

¹ United Nations, *Treaty Series*, Vol. 221, p. 255 ; Vol. 223, p. 385 ; Vol. 226, p. 385 ; Vol. 236, p. 397 ; Vol. 243, p. 354 ; Vol. 250, p. 315 ; Vol. 256, p. 367 ; Vol. 260, p. 456 ; Vol. 265, p. 392 ; Vol. 268, p. 373 ; Vol. 276, p. 369 ; Vol. 277, p. 356 ; Vol. 286, p. 382 ; Vol. 287, p. 350 ; Vol. 292, p. 370 ; Vol. 309, p. 372 ; Vol. 327, p. 374 ; Vol. 335, p. 309 ; Vol. 349, p. 334, and Vol. 351, p. 426.