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No. 6354

CUBA
and
JAPAN

Agreement on commerce. Signed at Tokyo, on 22 April 1960

Official texts: Spanish, English and Japanese.

Registered by Cuba on 19 October 1962.

CUBA
et
JAPON

Accord commercial. Signé à Tokyo, le 22 avril 1960

Textes officiels espagnol, anglais et japonais.

Enregistré par Cuba le 19 octobre 1962.

No. 6354. AGREEMENT ON COMMERCE[1] BETWEEN THE REPUBLIC OF CUBA AND JAPAN. SIGNED AT TOKYO, ON 22 APRIL 1960

The Government of the Republic of Cuba and the Government of Japan,

Being desirous of improving and developing the commercial relations between the two countries,

Have agreed as follows ;

Article I

1. With respect to customs duties and charges of any kind imposed on or in connection with importation or exportation or imposed on the international transfer of payments for imports or exports, and with respect to the method of levying such duties and charges, and with respect to the rules and formalities in connection with importation and exportation, and with respect to the application of internal taxes to exported goods, and 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, distribution or use of imported goods, any advantages, favour, privilege or immunity which has been or may hereafter be granted by either Party to any product originating in or destined for any third country shall be accorded immediately and unconditionally to the like product originating in or destined for the territory of the other Party.

2. The provisions of paragraph 1 of this Article shall not entitle Japan to claim the benefit of preferences or advantages with respect to customs duties and charges which are or may hereafter be accorded by the Republic of Cuba — exclusively to products of the United States of America.

Article II

1. Nationals and companies of either Party shall be accorded treatment no less favourable than that accorded to nationals and companies of any third country with respect to payments, remittances and transfers of funds or financial instruments between the territories of the two Parties as well as between the territories of the other Party and of any third country.

[1] Came into force on 20 July 1961, the date of the exchange of instruments of ratification at Havana, in accordance with article X (1).

2. The provisions of paragraph 1 of this Article do not preclude either Party from imposing such exchange restrictions as are consistent with the rights and obligations that it has or may have as a contracting party to the Articles of Agreement of the International Monetary Fund.[1]

3. Neither Party shall impose restrictions or prohibitions on the importation of any product of the other Party, or on the exportation of any product to the territory of the other Party, unless the importation of the like product of, or the exportation of the like product to, all third countries is similarly restricted or prohibited.

4. Notwithstanding the provisions of paragraph 3 of this Article, either Party may apply restrictions or controls on the importation and exportation of goods that have effect equivalent to exchange restrictions which the said Party may at that time apply under the provisions of paragraph 2 of this Article.

Article III

1. Nationals of either Party shall be permitted to enter the territory of the other Party in accordance with the provisions of the laws and regulations of such other Party and shall be accorded treatment no less favourable than that accorded to nationals of any third country with respect to all matters relating to their entry.

2. Nationals of either Party shall be accorded treatment no less favourable than that accorded to nationals of any third country with respect to all matters relating to their sejourn, travel, and residence within, and their departure from, the territory of the other Party.

3. Nationals and companies of either Party, within the territory of the other Party, shall be accorded treatment no less favourable than that accorded to nationals and companies of any third country with respect to all matters pertaining to the levying of taxes, access to the courts, rights to property, participation in juridical entities, and generally the conduct of all kind of business and professional activities.

Notwithstanding the above provisions, each Party reserves the right to accord special tax advantages on a basis of reciprocity or by virtue of agreements for the avoidance of double taxation or the prevention of fiscal evasion.

Article IV

Property of nationals and companies of either party shall not be taken within the territory of the other party except for a public purpose, nor shall it be taken

[1] United Nations, *Treaty Series*, Vol. 2, p. 40 ; Vol. 19, p. 280 ; Vol. 141, p. 355 ; Vol. 199, p. 308 ; Vol. 260, p. 432 ; Vol. 287, p. 260 ; Vol. 303, p. 284 ; Vol. 316, p. 269 ; Vol. 406, p. 282, and Vol. 426.