

No. 1070

**UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND
and
PORTUGAL**

**Treaty of commerce and navigation (with final protocol and
declaration, and declaration dated 20 May 1916). Signed
at Lisbon on 12 August 1914**

Authentic texts: English and Portuguese.

*Filed and recorded at the request of the United Kingdom of Great Britain
and Northern Ireland on 23 February 1993.*

**ROYAUME-UNI DE GRANDE-BRETAGNE
ET D'IRLANDE DU NORD
et
PORTUGAL**

**Traité de commerce et de navigation (avec protocole final
et déclaration, et déclaration en date du 20 mai 1916).
Signé à Lisbonne le 12 août 1914**

Textes authentiques : anglais et portugais.

*Classé et inscrit au répertoire à la demande du Royaume-Uni de Grande-
Bretagne et d'Irlande du Nord le 23 février 1993.*

TREATY¹ OF COMMERCE AND NAVIGATION BETWEEN THE UNITED KINGDOM AND PORTUGAL

HIS Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, and the President of the Portuguese Republic, being desirous of further facilitating and extending the commercial relations already existing between their respective countries, have determined to conclude a new Treaty with this object, and have appointed as their Plenipotentiaries, that is to say :

HIS Majesty the King of the United Kingdom of Great Britain and Ireland and the British Dominions beyond the Seas, Emperor of India: The Honourable Lancelot Douglas Carnegie, Envoy Extraordinary and Minister Plenipotentiary of His Britannic Majesty to the Portuguese Republic, member of the Royal Victorian Order; and

The President of the Portuguese Republic: M. Alfredo Augusto Freire de Andrade, Minister of Foreign Affairs;

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon the following Articles:—

ARTICLE 1.

There shall be between the territories of the two Contracting

Parties full and complete freedom of commerce and navigation.

The subjects or citizens of each of the two Contracting Parties shall have liberty freely to come with their ships and cargoes to all places, ports, and rivers in the territories of the other to which native subjects or citizens are or may be permitted to come. They shall not be subject in respect of their commerce or industry in the territories of the other, whether their residence there is of a permanent or temporary character, to any duties, taxes, imposts, or licences of any kind whatever other or higher than those which are or may be imposed upon native subjects or citizens, and they shall enjoy the same rights, privileges, liberties, immunities, and other favours in matters of commerce and industry as are or may be enjoyed by native subjects or citizens.

ARTICLE 2.

The subjects or citizens of each of the Contracting Parties shall be exempted, in the territory of the other Party, from all personal service in the army, navy, and national militia; from all war charges, forced loans, military requisitions and contributions of whatever nature. Their pro-

¹ Came into force by the exchange of the instruments of ratification, which took place at Lisbon on 20 May 1916, with effect from 23 September 1916, the date on which the sanction of the British Parliament for the Declaration of 20 May 1916* had been obtained, in accordance with article 23 and the provisions of the said Declaration.

* See p. 381 of this volume.

perties shall not be seized, sequestrated; nor their ships, cargoes, goods, or effects retained for any public use, unless they have been previously allowed compensation, to be agreed upon between the interested parties on just and equitable bases. The charges connected with the possession by any title of landed property are excepted, as well as the obligation of military billeting and other special requisitions or exactions for the military forces to which all nationals or subjects or citizens of the most favoured nation may be liable as owners, tenants, or occupiers of real property.

ARTICLE 3.

The Contracting Parties agree that in all matters relating to commerce, navigation, and industry any privilege, favour, or immunity which either Contracting Party has actually granted or may hereafter grant to the subjects or citizens or ships of any other foreign State shall be extended immediately and unconditionally to the subjects or citizens or ships of the other, it being their intention that the commerce, navigation, and industry of each country shall be placed in all respects on the footing of the most favoured nation.

ARTICLE 4.

The subjects or citizens of each of the Contracting Parties in the territories of the other shall be at full liberty to acquire and possess

every description of property, movable and immovable, which the laws of the country permit, or shall permit, the subjects or citizens of the State to acquire and possess. They may dispose of the same by sale, exchange, gift, marriage, testament, or in any other manner, or acquire the same by inheritance under the same conditions which are or shall be established with regard to subjects or citizens of the State. They shall not be subjected in any of the cases mentioned to any taxes, imposts, or charges of whatever denomination other or higher than those which are or shall be applicable to subjects or citizens of the State.

The subjects or citizens of each of the Contracting Parties shall also be permitted, on compliance with the laws of the country, freely to export the proceeds of the sale of their property and their goods in general without being subjected as foreigners to other or higher duties than those to which subjects or citizens of the country would be liable under similar circumstances.

ARTICLE 5.

Articles the produce and manufacture of one of the Contracting Parties imported into the territories of the other, from whatever place arriving, shall not be subject to other or higher duties or charges than those which are or may be levied on the like articles the produce or manufacture of any other foreign country. In like manner, articles the produce or manufacture of one of the Contracting Parties exported to

the territories of the other shall not be subjected to other or higher duties or charges than those which are or may be levied on the like articles exported to any other foreign country. The Contracting Parties also reciprocally undertake that no more favourable treatment shall be extended to the goods of any other foreign country in respect of importation, import duties, exportation, export duties, re-exportation, re-export duties, customs facilities, warehousing, transshipment, drawbacks, and commerce and navigation in general.

ARTICLE 6.

His Britannic Majesty's Government engage to recommend to Parliament to prohibit the importation into and sale for consumption in the United Kingdom of any wine or other liquor to which the description "Port" or "Madeira" is applied, other than wine the produce of Portugal and of the island of Madeira respectively.

ARTICLE 7.

No prohibition or restriction shall be maintained or imposed on the importation of any article the produce or manufacture of either of the Contracting Parties into the territories of the other, from whatever place arriving, which shall not equally extend to the importation of the like articles being the produce or manufacture of any other foreign country. The only exceptions to

this general rule shall be in the case of the sanitary or other prohibitions occasioned by the necessity of securing the safety of persons or of cattle or of plants useful for agriculture, and of the measures applicable in either of the two countries to articles enjoying a direct or indirect bounty in the other.

Nor shall any prohibition or restriction be maintained or imposed on the exportation of any article from the territories of either of the two Contracting Parties to the territories of the other which shall not equally extend to the exportation of the like articles to any other foreign country.

ARTICLE 8.

Merchandise of all kinds the produce or manufacture of one of the Contracting Parties passing in transit through the territories of the other shall be reciprocally free from all transit duties, whether they pass direct or whether during transit they are unloaded, warehoused, and re-loaded, and no prohibition or restriction shall be maintained or imposed on the transit of such merchandise which shall not equally extend to the transit of the like articles the produce or manufacture of any other foreign country.

ARTICLE 9.

Goods of all kinds, the produce or manufacture of one of the Contracting Parties imported into

the territories of the other, shall not be subject to excise, octroi, or consumption dues, levied on account of the State or of the municipalities, higher than those payable on similar articles of native origin.

ARTICLE 10.

The stipulations of the present Treaty with regard to the mutual accord of the treatment of the most favoured nation apply unconditionally to the treatment of commercial travellers and their samples. The Chambers of Commerce, as well as other trade associations and other recognised commercial associations in the Contracting States as may be authorised in this behalf, shall be mutually accepted as competent authorities for issuing any certificates that may be required for commercial travellers.

Articles imported by commercial travellers as samples shall, in each country, be temporarily admitted free of duty on compliance with the customs regulations and formalities established to assure their re-exportation or the payment of the prescribed customs duties if not re-exported within the period allowed by law. But the foregoing privilege shall not extend to articles which, owing to their quantity or value, cannot be considered as samples, or which, owing to their nature, could not be identified upon re-exportation.

In order to facilitate the clearance of samples of goods brought by commercial travellers of one of the two States into the territories

of the other to be used as samples or patterns for the purpose of obtaining orders and not for sale, the marks, stamps, or seals affixed by the Customs authorities of one country to commercial samples at the time of exportation, and the list of such samples drawn up in proper form and certified by the competent authority, such list containing an exact description of the samples, shall form sufficient evidence, so far as the respective Customs authorities are concerned, of their nature, and shall entitle them to exemption from all customs examination except in so far as may be necessary to establish that the samples produced are identical with those enumerated in the list. The Customs authorities of either country are, however, at liberty to affix a supplementary mark to such samples, should this precaution in particular cases be considered necessary.

ARTICLE 11.

Each of the Contracting Parties shall permit the importation or exportation on the vessels of the other of all merchandise which may be legally imported or exported, and also the carriage of passengers from or to their respective territories on the vessels of the other; and such vessels and their cargoes and passengers shall enjoy the same privileges, and shall not be subjected to any other or higher duties or charges than the vessels, cargoes, and passengers of the most favoured nation.