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Treaty Series No. 28 (1928)

NOTES EXCHANGED BETWEEN
HIS MAJESTY'S GOVERNMENT IN
GREAT BRITAIN AND THE
GOVERNMENT OF SPAIN

for a modification of the

Anglo-Spanish Commercial Treaty
of October 31, 1922

as revised by the Convention of April 5, 1927

MADRID, MAY 31, 1928

[*In continuation of "Treaty Series No. 21 (1924)" (Cmd. 2188), and
"Treaty Series No. 13 (1927)" (Cmd. 2855)*]

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to Parliament by Command of His Majesty

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Notes exchanged between His Majesty's Government in Great Britain and the Government of Spain for a modification of the Anglo-Spanish Commercial Treaty of October 31, 1922, as revised by the Convention of April 5, 1927.

Madrid, May 31, 1928.

(1.)

The Marqués de Estella to Sir Horace Rumbold.

Ministerio de Estado;

Excmo. Señor,

Madrid, 31 de Mayo de 1928.

Muy Señor mío: Refiriéndome a la entrevista que V.E. y yo hemos celebrado esta mañana y a nuestra conversación respecto de la petición que V.E. había formulado para que se conceda a los productos británicos el trato de la Nación más favorecida en las Posesiones españolas del Golfo de Guinea, tengo la honra de participarle, confirmando mis manifestaciones acerca del particular, que el Gobierno de S.M. accede a la expresada demanda, bien entendido que es sobre la base de la concesión recíproca de análogo trato en los Territorios de S.M. Británica a los productos de dichas Posesiones.

En consecuencia, se modifican los artículos 5º, 6º y 24º del Tratado de Comercio hispano-británico de 31 de Octubre de 1922, revisados por el Convenio de 5 de Abril de 1927, los cuales quedaran redactados como sigue:

“Artículo 5º. Los artículos que sean productos naturales o manufacturados de los Territorios de S.M. Británica, cualquiera que sea su procedencia, no estarán sujetos a su importación en España (territorio de la Península, Islas Baleares, Islas Canarias y Plazas y territorios bajo la Soberanía española en Africa) al pago de derechos é impuestos distintos o más elevados que los que paguen los artículos similares, productos naturales o manufacturados de cualquier otro País extranjero.”

“No obstante lo establecido en el párrafo precedente, Su Majestad Británica no podrá reclamar para los artículos que sean productos naturales o manufacturados de los territorios de Su Majestad Británica el beneficio del trato especial que el Gobierno de Su Majestad Católica haya concedido o pueda conceder en lo futuro a los productos naturales o manufacturados de Portugal o de la Zona española de Marruecos.”

“Artículo 6º. Los artículos que sean productos naturales o manufacturados de España (territorio de la Península, Islas Baleares, Islas Canarias y Plazas y territorios bajo la Soberanía

española en Africa) cualquiera que sea su procedencia, no estarán sujetos a su importación en los Territorios de Su Majestad Británica al pago de derechos é impuestos distintos o más elevados que los que paguen los artículos similares productos naturales o manufacturados de cualquier otro País extranjero.”

“ Artículo 24°. Lo estipulado en el presente Tratado no debe aplicarse a ninguno de los Territorios de Su Majestad Británica fuera del territorio de la Gran Bretaña é Irlanda del Norte hasta que su Representante en Madrid notifique al Gobierno de Su Majestad Católica el deseo del Gobierno del territorio interesado de que las citadas estipulaciones se apliquen al mismo.”

“ No obstante, los artículos que sean productos naturales o manufacturados de cualquiera de aquellas regiones de los territorios de Su Majestad Británica antes mencionados, gozaran en España (territorio de la Península, Islas Baleares, Islas Canarias y Plazas y territorios bajo la Soberanía española en Africa) el trato completo e incondicional de la Nación más favorecida mientras que los artículos que sean productos naturales o manufacturados de España (territorio de la Península, Islas Baleares, Islas Canarias y Plazas y territorios bajo la Soberanía española en Africa) reciban en la región de que se trate de los territorios de Su Majestad Británica un trato tan favorable como el otorgado a los artículos que sean productos naturales o manufacturados de cualquier otro País extranjero, con sujeción, sin embargo, a la reserva del derecho del Gobierno de Su Majestad Católica a otorgar un trato especial a los productos naturales o manufacturados de Portugal o de la Zona española de Marruecos.”

“ Respecto a los territorios de Su Majestad Británica, a los cuales, de acuerdo con este artículo se aplique lo estipulado en el presente Tratado, ambas Partes Contratantes tendrán el derecho de darlo por terminado separadamente en cualquier tiempo, comunicando sus descos al efecto con tres meses de anticipación.”

El presente Acuerdo queda ultimado mediante el canje de esta Nota con la análoga, de igual fecha, que V.E. tenga a bien dirigirme.

Aprovecho, &c.

MARQUES DE ESTELLA.

(Translation.)

Your Excellency,

Madrid, May 31, 1928.

WITH reference to the interview which we had this morning and to our conversation regarding the request you had formulated, that the most-favoured-nation treatment be accorded in the Spanish possessions in the Gulf of Guinea to British products, I have the honour to inform you, in confirmation of my statements on the subject, that the Spanish Government agree to the request made, it being understood that they do so on the basis of the reciprocal

grant of analogous treatment in His Britannic Majesty's territories to the products of the said possessions.

Articles 5, 6 and 24 of the Anglo-Spanish Treaty of Commerce of the 31st October, 1922, as amended by the Convention of the 5th April, 1927, are consequently modified, and will read as follows:—

“ Article 5. Articles produced or manufactured in His Britannic Majesty's territories, from whatever place arriving, shall not be subjected on importation into Spain, that is to say, the territories of the Peninsula, the Balearic Islands, the Canary Islands and towns and territories under Spanish sovereignty in Africa, to other or higher duties or charges than those paid on the like articles produced or manufactured in any other foreign country.”

“ Notwithstanding the provisions of the preceding paragraph, His Britannic Majesty will not be entitled to claim for raw materials or manufactured articles the produce of the territories of His Britannic Majesty the benefit of any special treatment which His Catholic Majesty has conceded or may concede to the produce or manufactures of Portugal or of the Spanish Zone of Morocco.”

“ Article 6. Articles produced or manufactured in Spain, that is to say, the territories of the Peninsula, the Balearic Islands, the Canary Islands and towns and territories under Spanish sovereignty in Africa, from whatever place arriving, shall not be subjected on importation into His Britannic Majesty's territories to other or higher duties or charges than those paid on the like articles produced or manufactured in any other foreign country.”

“ Article 24. The stipulations of the present Treaty shall not be applicable to any part of His Britannic Majesty's territories other than Great Britain and Northern Ireland unless notice is given by His Britannic Majesty's Representative at Madrid of the desire of the Government of such part of His Britannic Majesty's territories that the said stipulations shall be so applicable.

“ Nevertheless, goods produced or manufactured in any such part of His Britannic Majesty's territories shall enjoy in Spain, that is to say, the territories of the Peninsula, the Balearic Islands, the Canary Islands and towns and territories under Spanish sovereignty in Africa, complete and unconditional most-favoured-nation treatment so long as goods produced or manufactured in Spain, that is to say, the territories of the Peninsula, the Balearic Islands, the Canary Islands and towns and territories under Spanish sovereignty in Africa, are accorded in such part of His Britannic Majesty's territories treatment as favourable as that accorded to goods produced or manufactured in any other foreign country, subject, however, to the reservation of the right of His Catholic Majesty to accord special treatment to the produce or manufactures of Portugal or the Spanish Zone of Morocco.

"As regards the parts of His Britannic Majesty's territories to which the stipulations of the present Treaty shall have been made applicable under this Article, either of the Contracting Parties shall have the right to terminate it separately at any time on giving three months' notice to that effect."

The present Agreement is concluded by means of the exchange of this note with the corresponding note of the same date, which your Excellency is addressing to me.

I have, &c.

MARQUÉS DE ESTELLA.

(2.)

Sir Horace Rumbold to the Marqués de Estella.

British Embassy, Madrid,

May 31, 1928.

Your Excellency,

IN your Excellency's Note of the 31st instant your Excellency was so good as to inform me that, with a view to arranging for the grant of most-favoured-nation treatment to British goods on their importation into Spanish Guinea, and reciprocally to the products of the said Spanish possessions on entry into His Britannic Majesty's territories, His Catholic Majesty's Government would be prepared to accept a modification of the text of Articles 5, 6 and 24 of the Anglo-Spanish Commercial Treaty of the 31st October, 1922, as revised by the Convention of the 5th April, 1927.

I have, therefore, the honour, under instructions from His Majesty's Principal Secretary of State for Foreign Affairs, to inform your Excellency that His Britannic Majesty's Government agrees with the Spanish Government that Articles 5, 6 and 24 of the said Commercial Treaty shall read as follows:—

"Article 5. Articles produced or manufactured in His Britannic Majesty's territories, from whatever place arriving, shall not be subjected on importation into Spain, that is to say, the territories of the Peninsula, the Balearic Islands, the Canary Islands and towns and territories under Spanish sovereignty in Africa, to other or higher duties or charges than those paid on the like articles produced or manufactured in any other foreign country."

"Notwithstanding the provisions of the preceding paragraph, His Britannic Majesty will not be entitled to claim for raw materials or manufactured articles the produce of the territories of His Britannic Majesty the benefit of any special treatment which His Catholic Majesty has conceded or may concede to the produce or manufactures of Portugal or of the Spanish Zone of Morocco."

"Article 6. Articles produced or manufactured in Spain, that is to say, the territories of the Peninsula, the Balearic Islands, the Canary Islands and towns and territories under

Spanish sovereignty in Africa, from whatever place arriving, shall not be subjected on importation into His Britannic Majesty's territories to other or higher duties or charges than those paid on the like articles produced or manufactured in any other foreign country."

"Article 24. The stipulations of the present Treaty shall not be applicable to any part of His Britannic Majesty's territories other than Great Britain and Northern Ireland unless notice is given by His Britannic Majesty's Representative at Madrid of the desire of the Government of such part of His Britannic Majesty's territories that the said stipulations shall be so applicable.

"Nevertheless, goods produced or manufactured in any such part of His Britannic Majesty's territories shall enjoy in Spain, that is to say, the territories of the Peninsula, the Balearic Islands, the Canary Islands and towns and territories under Spanish sovereignty in Africa, complete and unconditional most-favoured-nation treatment so long as goods produced or manufactured in Spain, that is to say, the territories of the Peninsula, the Balearic Islands, the Canary Islands and towns and territories under Spanish sovereignty in Africa, are accorded in such part of His Britannic Majesty's territories treatment as favourable as that accorded to goods produced or manufactured in any other foreign country, subject, however, to the reservation of the right of His Catholic Majesty to accord special treatment to the produce or manufactures of Portugal or the Spanish Zone of Morocco.

"As regards the parts of His Britannic Majesty's territories to which the stipulations of the present Treaty shall have been made applicable under this Article, either of the Contracting Parties shall have the right to terminate it separately at any time on giving three months' notice to that effect."

I avail, &c.

(For the Ambassador)

PATRICK RAMSAY.