



Treaty Series No. 35 (1938)

# TRADE AGREEMENT

between His Majesty's Government  
in New Zealand  
and the Government of the German Reich

Wellington, September 30, 1937

*Presented by the Secretary of State for Foreign Affairs  
to Parliament by Command of His Majesty*

LONDON

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TRADE AGREEMENT BETWEEN HIS MAJESTY'S GOVERNMENT  
IN NEW ZEALAND AND THE GOVERNMENT OF THE GERMAN  
REICH.

*Wellington, September 30, 1937.*

THE Government of New Zealand and the Government of the German Reich, desiring to facilitate the reciprocal extension of trade between New Zealand and Germany, have concluded the following Agreement:—

ARTICLE 1.

In all matters concerning rates of customs duties, the method of levying and securing of customs duties and taxes, including all charges, surcharges, coefficients and other increases, and in all matters concerning customs formalities, articles produced or manufactured in the territory of either of the contracting parties shall, on importation into the territory of the other party or on exportation from the territory of one party to the territory of the other, be accorded treatment not less favourable than that accorded to like articles the produce or manufacture of the most favoured foreign country.

Accordingly, any advantage which is or hereafter may be extended, in regard to the above-mentioned matters, by either of the contracting parties to any foreign country shall be accorded immediately and without compensation to the other party.

ARTICLE 2.

The provisions of Article 1 shall not extend to—

- (a) Special privileges which either of the contracting parties grants or may hereafter grant to neighbouring countries for facilitating frontier traffic within a zone not extending as a rule beyond 15 kilometres on either side of the frontier.
- (b) Privileges which either of the contracting parties may hereafter accord to a country by virtue of a Customs Union with that country.
- (c) Advantages now accorded or which may hereafter be accorded by New Zealand exclusively to other territories under the sovereignty of His Majesty the King of Great Britain, Ireland, and the British Dominions beyond the Seas, Emperor of India, or under His Majesty's suzerainty, protection or mandate.
- (d) Special agreements in so far as they relate to cereals, concluded or which may hereafter be concluded, conforming to the recommendations of the Conference of Stresa.

ARTICLE 3.

Goods being the produce or manufacture of Germany enumerated in the Schedule annexed to the present Agreement shall not, on importation into New Zealand, be subject to higher duties than those specified in the said Schedule nor to surtax at present payable on such goods.

The foregoing provision shall not exempt the said goods from sales tax.

ARTICLE 4.

When representations are received that goods of German origin are being or are likely to be imported into New Zealand under conditions which would warrant the imposition of dumping duty, and if it appears that such representations are justified, the Government of New Zealand, before imposing any such duty, undertake to notify the Government of the German Reich of the grounds on which imposition of such duty is considered justifiable, and to afford the latter Government reasonable opportunity to remedy the position; provided that the Government of New Zealand reserve the right to impose such duty without notice in cases where New Zealand industries or preferences accorded to British countries are immediately and adversely affected.

ARTICLE 5.

In the event of either of the contracting parties prohibiting or restricting or applying any form of quantitative regulation to the importation or exportation of goods, that party undertakes to give due consideration to the interests of the other party.

ARTICLE 6.

Nothing in this Agreement shall be deemed to affect the rights of either contracting party to impose or maintain prohibitions or restrictions—

- (a) Applying to articles which are by the State declared to be a monopoly.
- (b) Relating to public security.
- (c) Imposed on moral or humanitarian grounds.
- (d) Occasioned by the necessity of securing the safety of persons.
- (e) Imposed for the protection of animals and plants against diseases and pests.

Provided that such measures are applied under the same conditions to like articles imported from any other foreign country.

ARTICLE 7.

The present Agreement shall be ratified as soon as practicable and shall come into force on a date to be agreed upon,<sup>(1)</sup> and shall

(1) The Agreement came into force on October 12, 1937.

remain in force until the 30th September, 1939. In case neither of the contracting parties shall have given notice to the other three months before the said date of its intention to terminate the present Agreement, it shall remain in force thereafter until the expiration of three months from the date on which either of the contracting parties shall have given to the other notice of its intention to terminate it.

In witness whereof this Agreement has been duly signed by Michael Joseph Savage, Prime Minister of New Zealand, on behalf of the Government of New Zealand, and by Walter Hellenthal, Consul of Germany in New Zealand, on behalf of the Government of the German Reich.

Done in duplicate at Wellington, in English and German texts, both authentic, this thirtieth day of September, 1937.

(L.S.) M. J. SAVAGE.  
(L.S.) HELLENTHAL.

SCHEDULE.

Item No. of the Customs Tariff of New Zealand.	Tariff Item.	Rate of Duty payable in New Zealand on Articles produced or manufactured in Germany.
Ex 90	Wine containing not more than 40 per cent. of proof spirit, viz.:—	
	(2) Other kinds; per gallon, or for six reputed quart bottles, or the reputed equivalent in bottles of a larger or smaller reputed capacity	4s. plus 20 per cent. <i>ad val.</i> , or 6s. whichever rate returns the lower duty.
Ex 121	(1) Medicinal preparations (except wines) containing 50 per cent. of proof spirit or less; medicinal preparations, drugs, druggists' sundries, and apothecaries' wares, n.e.i.; also aerated-water makers', cordial-makers', and brewers' drugs, chemicals, and other sundries, n.e.i.; chemicals, and chemical preparations, n.e.i. ... ..	40 per cent. <i>ad val.</i>
143	Braids, and bindings, all kinds, n.e.i.; cords, n.e.i., of wool, cotton, silk, imitation silk, artificial silk, or of combinations of these materials with one another or with any other material ... ..	40 per cent. <i>ad val.</i>
227	Lenses, all kinds, unmounted, and without attachments	20 per cent. <i>ad val.</i>
233	Artists' materials, viz., academy boards, canvas in the piece or on stretchers, oiled paper and drawing-paper in blocks, colours, palettes and palette-knives ... ..	20 per cent. <i>ad val.</i>
234	Camera covers and cases ... ..	40 per cent. <i>ad val.</i>

Item No. of the Customs Tariff New Zealand.	Tariff Item.	Rate of Duty payable in New Zealand on Articles produced or manufactured in Germany.
237	Clocks, time-registers, and time-detectors	40 per cent. <i>ad val.</i>
Ex 247	Musical instruments, and parts, viz.:—	
	(4) Pianos, player pianos, organs, n.e.i., harmoniums, and similar instruments	25 per cent. <i>ad val.</i>
	(5) Musical instruments, n.e.i.	25 per cent. <i>ad val.</i>
254	Photographic cameras	40 per cent. <i>ad val.</i>
255	Photographic goods, n.e.i.	40 per cent. <i>ad val.</i>
287	Emery-paper, emery-cloth, and glass-paper, cut into shapes, in rolls, or in sheets	20 per cent. <i>ad val.</i>
290	Paperhangings	25 per cent. <i>ad val.</i>
Ex 335	Engines, viz.:—	
	(1) Specially suited for use on cycles	30 per cent. <i>ad val.</i>
354	Artificers' tools, n.e.i., not including brushes or brush-ware; and the following tools, viz.: axes, hatchets, spades, shovels, forks, picks, mattocks, hammers, scythes, sheep-shears, reaping-hooks, scissors (not less than 10 inches in length), butchers' and other cleavers and choppers, hand-saws, saw-blades, machine or hand, bill-hooks, bush-hooks, slashers, and hedge-knives	25 per cent. <i>ad val.</i>
356	Ex (1) Field glasses	40 per cent. <i>ad val.</i>
	(3) Builders' and cabinet-makers' hardware, viz.: hinges (not being gate hinges) suited for doors, box-lids, or similar articles; latches, latch sets, locks, lock sets, and keys for locks; handles, pulls, catches, clips, slides, and similar articles, suited for use on drawers or cabinets; metal escutcheon plates; handles, pulls, bolts, knockers, letter-plates, and bells, for doors; metal plugs, clips, and similar fittings, specially suited for builders' use in affixing articles to concrete or plaster	25 per cent. <i>ad val.</i>
Ex 397	Paints, colours, varnishes, and similar materials, viz.:—	
	(6) Kalsomine, distempers, and similar preparations, in powder form	25 per cent. <i>ad val.</i>