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白皮書第十八號

中捷友好通商條約

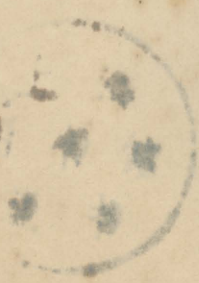
中華民國十九年二月十二日簽訂於南京
同年十一月二十日互換批准於南京

中捷友好通商條約目錄

中捷友好通商條約

中捷友好通商條約(英文)

中華民國國民政府外交部編印



中捷友好通商條約目錄

中捷友好通商條約

中捷友好通商條約(英文)

批准書

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『附註』

中捷友好通商條約

中捷友好通商條約

大中華民國國民政府為建立兩國親睦邦交，便利彼此人民通商起見，決定以平等及互尊重主權之原則為基礎，訂立友好通商條約。為大捷克斯拉夫民國

此簡派全權代表如左：

大中華民國國民政府主席特派：

大中華民國國民政府外交部長王正廷；

大捷克斯拉夫民國大總統特派：

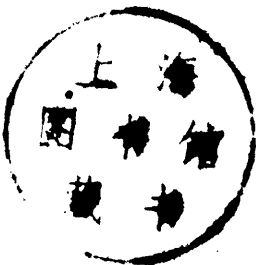
大捷克斯拉夫民國全權代表倪慈都；

兩全權代表將所奉全權證書互相校閱，均屬妥善，議定各條如左：

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第一條 大中華民國與大捷克斯拉夫民國及兩國人民間應永敦和好，歷久不渝。

第二條 兩締約國有互相派遣正式外交代表之權；此項代表在所駐國應享受國際公法普通承認之一切權利，優例，及豁免。

第三條 兩締約國領土內設有他國領事館之地方，彼此均有派駐總領事，領事，副領事，代理領事之權；此項領事應享受國際通例給予同等領事之待遇。

上述領事於就職之前，均應依照國際通例向所駐國政府取得執行職務證書，但此項證書得由所駐國政府撤回。

兩國政府不得任命經營工商業人民為領事，但名譽領事不在此限。

第四條 兩締約國人民得自由出入於彼此領土，但應持有本國主管官廳所發之護照，證明其國籍；此項護照應由所往國主管官廳簽證。

第五條 兩締約國人民在彼此領土內，其身體及財產應受所在國法律章程充分之保護。並得依照所在國法律章程，享有游歷，居住，設立營業組織，取得或租賃財產，作工，及經營工商業之權利；但以兩國允許任何他國人民享有此項權利之處所為限，並應與任何他國人民同樣享有並受同樣之條件。

第六條 兩締約國人民及其財產在彼此領土內，應受所在國法律章程之支配及所在國法院之管轄。

兩締約國人民在彼此領土內，遇有訴訟案件，應有向所在國法院聲訴之權，並得依照所在國法律自由選任律師或代理人；如法院認為有必要時，得召緝譯員到庭襄助。

第七條 兩締約國人民在彼此領土內，應依照所在國法律章程繳納稅捐；但此項稅捐不得異於或高於所在國本國人民所繳納者。

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第八條 兩締約國男女工人，應享有進入彼此領土之便利；並應依照所在國適用於一切外國工人之法律章程，與所在國本國工人享受同等之待遇及保護。

第九條 兩締約國人民在彼此領土內，應免除陸海空軍、國防軍，或民團之一切強迫兵役；並豁免代替兵役之任何稅項、徵發、徭役，或強募公債。

第十條 兩締約國政府對於彼此領土內對方人民之身體及房屋，非按照現行法律章程，不得加以搜查。

第十二條 兩締約國人民在彼此領土內私人所有財產，有訂立遺囑，或用他種方法自由處分之權。但須受所在國法律章程之限制。

此締約國人民在彼締約國領土內身故時，該管地方行政官廳應即通知死者所屬國之最近領事官員；如此項領事官員聞訊在先，亦應立即通知該管地方官廳。

兩締約國之一國人民身故時，關於繼承事項，應適用死者所屬國法律。此締約國人民在彼締約國領土內，所遺動產或不動產，應由死者所屬國領事官員或其委任之財產管理人，協同該管地方官廳，依照死者所屬國法律管理之。如依照其本國法律，死者確無繼承人或遺囑時，其財產應依照財產所在國法律章程處理之。關於遺產之任何爭執發生於財產所在國者，應由所在國法院審判。

此締約國人民在海上身故，或在彼締約國領土內並無固定住所或永久居所而於經過時身故者，其所遺財物及貴重物品，應不拘方式，交由死者所屬國之最近領事官員，再行處理。

此締約國對於彼締約國人民關於繼承事項所徵收之稅捐，不得異於或高於所在國本國人民在同樣情形之下所納之稅捐。

第十二條 兩締約國約定關於關稅及其關係事項，應完全由各本國之國內法規規定之。

兩締約國又約定關於關稅及其關係事項，兩國人民在彼此領土內享受之待遇，應與任何他國人民享受之待遇毫無區別。

此締約國在本國領土內，不得有何藉口，向彼締約國人民所運輸進出口之貨物，徵收異於或高於本國人民或任何他國人民所完納之關稅，內地稅，或任何稅項。

第十三條 兩締約國領土內本國所產未製或已製之貨物，運輸進出口時，兩國政府不得設立不適用於自任何第三國輸入或向任

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何第三國輸出之同樣貨物之禁令及限制。

但關於國防，民食，公安，文化，古物，國家專賣，人類家畜及植物之衛生，保護國民經濟，及維持善良風俗等事，兩國政府得隨時自定進出口之禁令及限制。

第十四條 兩締約國所產未製或已製之貨物，依照彼此法律通過彼此領土時，無論直接通過或於通過時卸載，存棧，或重載，均應免納一切通過稅。

第十五條 兩締約國人民及其船舶不得在彼此領土內享有內河及沿海航行權，但此項規定並不妨礙關於國際河流之國際公約

之條款。

第六條 中國政府允許捷國商船駛入並停泊於沿海已開各商港；此項商船應遵守中國政府之法律及各商港一切章程。中國商船在捷國商港內，應享受同樣待遇。

第七條 兩締約國政府對於兩國人民所用商標圖樣，曾向所在國主管官廳依照其法律章程呈准註冊者，彼此均應予以保護。如有假冒或偽造情事，應依法禁止處罰。

第六條 兩締約國約定本約所有規定，凡關涉彼此人民權利義務者，除依其性質此項權利義務祇能適用於自然人者外，應一律適用於經此締約國法律所承認之彼締約國法人。

第九條 本約自互換批准後第十五日起發生效力，以三年為期。期滿前六個月，締約國之任何一方得通知修改或廢止。如屆時雙方均未通知修改或廢止，本約應繼續有效；但上述三年期間屆滿後，締約國之任何一方得隨時通知修改或廢止，自通知之日起六個月後，本約即行失效。

第十條 本約以中捷英三國文字合繕；遇有解釋不同時，以英文為準。

第二條 本約應由兩締約國按照法定手續，於最短期內批准；批准文件應在南京互換。

爲此兩全權代表將本約二分簽字蓋印，以昭信守。

大中華民國十九年二月十二日 在南京簽訂
西歷一九三〇年二月十二日

王正廷

(簽印)

倪慈都

(簽印)

TREATY OF AMITY AND COMMERCE BETWEEN
THE REPUBLIC OF CHINA AND THE
CZECHOSLOVAK REPUBLIC (1930)

The Republic of China and the Czechoslovak Republic being desirous of establishing amicable relations between the two countries and of facilitating the commercial intercourse between their peoples, have resolved to conclude a Treaty of Amity and Commerce based on the principles of equality and mutual respect of sovereignty, and have, for this purpose, named as their Plenipotentiaries, that is to say:

The President of the National Government of the Republic of China:

Dr. Chengting T. Wang, Minister for Foreign Affairs of the National Government of the Republic of China;

The President of the Czechoslovak Republic:

Mr. Jaroslav Hnizdo, Delegate of the Czechoslovak Republic; who, having communicated to each other their respective full powers, found in good and due form, have agreed upon the following Articles:

ARTICLE I

There shall be perpetual peace and amity between the Republic of China and the Czechoslovak Republic as well as between their peoples.

ARTICLE II

The High Contracting Parties shall have the right reciprocally to send duly accredited diplomatic representatives, who shall enjoy, in the country to the Government of which they are accredited, all the rights, privileges, and immunities generally recognized by international law.

ARTICLE III

The High Contracting Parties shall have the right reciprocally to send Consuls-General, Consuls, Vice-Consuls, and Consular Agents to all the localities where Consulates of other countries are established. Such consular officers shall enjoy the treatment accorded to consular officers of the same rank by general international practice.

Prior to their assumption of office, the aforesaid consular officers shall, in accordance with general international practice, obtain from the

Government of the country to which they are sent, exequaturs, which are subject to withdrawal by the said Government.

The High Contracting Parties shall not appoint persons engaged in industry or commerce as their consular officers, Honorary Consuls being excepted.

ARTICLE IV

The nationals of each of the High Contracting Parties shall be at liberty to enter or leave the territory of the other, provided that they shall carry with them passports certifying their nationality issued by the competent authorities of their own country and vised by the competent authorities of the country of destination.

ARTICLE V

The nationals of each of the High Contracting Parties shall enjoy, in the territory of the other, the full protection of the laws and regulations of the country in regard to their persons and property. They shall have the right, subject to the laws and regulations of the country, to travel, reside, establish firms, acquire or lease property, work, and engage in industry or commerce in all the localities where the nationals of any other country shall be permitted to do so and in the same manner and under the same conditions as the nationals of any other country.

ARTICLE VI

The nationals of each of the High Contracting Parties as well as their property, in the territory of the other, shall be subject to the laws and regulations of the country and to the jurisdiction of its law courts.

In legal proceedings the nationals of each of the High Contracting Parties in the territory of the other shall have free and easy access to the courts and be at liberty to employ lawyers or representatives in accordance with the laws of the country, and interpreters, if necessary, may be called in by the courts for assistance.

ARTICLE VII

The nationals of each of the High Contracting Parties in the territory of the other shall pay taxes, imposts, and charges in accordance with the laws and regulations of the country. It is, however, understood that such taxes, imposts, and charges shall not be other or higher

than those paid by the nationals of the country.

ARTICLE VIII

The workmen of each of the High Contracting Parties shall, irrespective of their sex, have all the facilities of entry into the territory of the other, and shall, subject to its laws and regulations equally applicable to all foreign workmen, enjoy the same treatment and protection as the workmen of the country.

ARTICLE IX

The nationals of each of the High Contracting Parties shall be exempt, in the territory of the other, from all compulsory military service, whether in the army, navy, air forces, national guards, or militia, as well as from all taxes, requisitions, prestations, forced loans, or contributions, of whatever nature, imposed in lieu of personal service.

ARTICLE X

The Government of neither of the High Contracting Parties shall subject the nationals of the other to any personal or domiciliary search except in accordance with laws and regulations in force.

ARTICLE XI

The nationals of each of the High Contracting Parties shall, subject to the laws and regulations of the country, have the right freely to dispose of their private property in the territory of the other, either by will or otherwise.

In case of the death of a national of either of the High Contracting Parties in the territory of the other, the local administrative authorities shall at once inform the nearest consular representative of the country of the deceased. If the said consular representative receives the information of the death first, he shall notify the local authorities accordingly.

In case of the death of a national of either of the High Contracting Parties, the laws of his own country shall apply in matters relating to succession. The property, movable or immovable, left behind by a national of one of the High Contracting Parties in the territory of the other, shall be administered, with the assistance of the local authorities, by the consular representative or by an administrator appointed by him, in accordance with the laws of the country of the deceased.

Where it is definitely established that the deceased left neither an heir nor a will according to the laws of his country, the property shall be disposed of in accordance with the laws and regulations of the country in the territory of which it is situated. Any disputes in regard to the estate arising in the country in which it is situated shall be settled by the courts of that country.

The personal effects and objects of value left behind by a national of either of the High Contracting Parties, who dies on the high seas, or when passing through the territory of the other without having there any regular domicile or permanent residence, shall be handed over without any formalities to the nearest consular representative of the country of the deceased for further steps to be taken regarding the same.

The taxes, imposts, and charges in relation to succession levied by either of the High Contracting Parties on the nationals of the other, shall not be other or higher than those paid by nationals of the country under similar circumstances.

ARTICLE XII

The High Contracting Parties agree that the customs tariff and all matters related thereto shall be regulated exclusively by their respective national laws.

It is further agreed that with respect to customs and all matters related thereto either of the High Contracting Parties shall enjoy, in the territory of the other, treatment in no way discriminatory as compared with the treatment accorded to any other country.

The nationals of neither of the High Contracting Parties shall be compelled under any pretext whatever to pay within the territory of the other Party any duties, internal charges or taxes upon their importations and exportations other or higher than those paid by nationals of the country or by nationals of any other country.

ARTICLE XIII

The Governments of the High Contracting Parties shall not establish, with respect to the goods which are their respective produce or manufacture imported into or exported from the territory of each other,

any prohibitions or restrictions inapplicable to the same goods imported from or exported to any third country.

Provided, however, that with respect to matters related to national defence, national food supply, public safety, culture, archaeology, government monopolies, the health of human beings, domestic animals or plants, the protection of national economy, and the maintenance of public morality, the two Governments may, at any time, respectively establish import and export prohibitions and restrictions.

ARTICLE XIV

Articles, the produce or manufacture of the territory of one of the High Contracting Parties, passing in transit through the territory of the other, in conformity with the laws of the country, shall be reciprocally free from all transit duties, whether they pass direct, or whether during transit they are unloaded, warehoused, or reloaded.

ARTICLE XV

The inland and coastwise navigation in the territory of either of the High Contracting Parties shall be closed to the nationals of the other and their vessels, without prejudice to the stipulations of international treaties relating to international rivers.

ARTICLE XVI

The Chinese Government permits the entry and anchorage of all Czechoslovak merchant vessels in the ports along the Chinese coast opened to international commerce, subject to the laws of the Chinese Government as well as to port regulations.

Chinese merchant vessels shall enjoy in the Czechoslovak commercial ports the same treatment.

ARTICLE XVII

The Government of each of the High Contracting Parties shall accord protection to the trade-marks, designs, and models, belonging to the nationals of the other, provided that they have been registered with the competent authorities of the country in accordance with its laws and regulations. Any imitation or falsification shall be forbidden and punished according to law.

ARTICLE XVIII

The High Contracting Parties agree that the stipulations contained in the present Treaty which relate to the rights and obligations of the nationals of each of the High Contracting Parties shall also apply to juristic persons recognized as such by the laws of the other except where the rights and obligations involved are of such a nature that they are applicable to natural persons only.

ARTICLE XIX

The present Treaty shall be in force for a period of three years, beginning from the fifteenth day after the exchange of ratifications. Either of the High Contracting Parties may notify the other, six months before the expiration of the period, of its desire to revise or terminate the Treaty. In case both Parties fail to do so in time, the Treaty shall continue to be in force, provided, however, that any time after the expiration of the three-year period either Party may notify the other of its desire to revise or terminate the Treaty, which shall then become null and void six months after the date of such notification.

ARTICLE XX

The present Treaty is drawn up in Chinese, Czechoslovak, and English. In case of any difference of interpretation, the sense as expressed in the English text shall be held to prevail.

ARTICLE XXI

The present Treaty shall be ratified as soon as possible by the High Contracting Parties in accordance with their legal procedure, and the exchange of ratifications shall take place at Nanking.

In faith whereof the respective Plenipotentiaries have signed the present Treaty in duplicate, and have affixed thereto their seals.

Done at Nanking this twelfth day of the second month of the nineteenth year of the Republic of China, Corresponding to the twelfth day of February nineteen hundred and thirty.

(Seal) Chengting T. Wang

(Seal) Jaroslav Hnizdo

批准書

大中華民國國民政府前派中華民國國民政府外交部長王正廷爲簽訂中捷友好通商條約全權代表所有該全權代表於中華民國十九年二月十二日與

大捷克斯拉夫民國特派全權代表在南京簽訂之中捷友好通商條約特予批准爲此署名蓋璽以昭信守

國民政府主席蔣中正

14 中華民國十九年四月二十五日給於南京

外交部長王正廷

捷 克 國 批 准 書

(由捷克代表譯成英文)

In the name of the Czechoslovak Republic:

between

the Czechoslovak Republic:

and

the Republic of China.

The following Treaty was concluded:

(full text of the Treaty)

We, the undersigned, having examined the above Treaty and knowing that the National Assembly of the Czechoslovak Republic is in full agreement with same, hereby approve and certify it.

In faith whereof we have signed this instrument and affixed to it the seal of the Czechoslovak Republic.

Given at The Castle of Praha, the Twenty-fourth day of July, nineteen hundred and thirty.

(Signed) T. G. Masaryk

President of the Czechoslovak Republic

(Signed) Eduard Benes

Minister of Foreign Affairs.

互 換 批 准 證 書

The National Government of the Republic of China and the Government of the Czechoslovak Republic having ratified the Treaty of Amity and Commerce between the two countries signed at Nanking on the 12th day of the 2nd month of the 19th Year of the Republic of China corresponding to the 12th day of February, 1930, the Undersigned duly authorized thereto met together and exchanged the Ratifications of the said Treaty this day.

In witness whereof they have signed the present Certificate and have affixed thereto their seals.

Done at Nanking, this twentieth day of the eleventh month of the nineteenth Year of the Republic of China, corresponding to the twentieth day of November, 1930.

(Signed) Chengting T. Wang

(Signed) Augustin Lafar

【附註】 按照本約第十九條之規定「本約自互換批准後第十五日起發生效力」應計自民國十九年十二月五日起發生效力

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