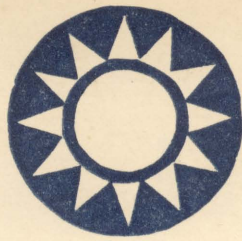


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中
義
友
好
通
商
條
約

白皮書第三十八號（民國二十二年）

中華民國國民政府外交部編印

二十
華民
七國
日在
十七
南
京
簽
訂
一
月



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中義友好通商條約
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中義友好通商條約

大中華民國因咸欲鞏固兩國間幸有之睦誼並增進及固結彼此商業關係起見爲此決定先訂一友好通商條約特派全權代表如左

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

大義大利國大君主特派

大義大利國欽命駐華全權公使華密

兩全權代表各將所奉全權證書互相校閱均屬妥善議定款條如左

第一條 兩締約國約定關於關稅及其關係事項完全以各本國國內法規定制之

兩締約國又約定對於關稅及其關係事項此締約國在彼締約國領土內應享受之待遇不得次於任何他國享受之待遇此締約國在本國領土內不得有何藉口對於彼締約國人民貨物之進口或出口徵收較高或異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款

第二條 此締約國人民在彼締約國領土內應受彼締約國法律及法院之管轄但爲行使及防衛其權利應有向法院陳訴

中義友好通商條約

二

之自由及便利

第三條 兩締約國決定於最短期內根據完全平等互尊主權及兩國商業上無歧視之各原則議訂一通商航海條約

第四條 本條約用中義英三國文字各繕二份如遇意思不同之處應以英文爲準

第五條 本條約應於最短期內批准自兩國政府互相通知批准之日起本約發生效力

爲此兩全權代表將本約簽字蓋印以昭信守

大中華民國十七年十一月二十七日 在南京簽訂
西歷一九二八年十一月二十七日

王正廷
華 雷 閣

附件一

換文

大中華民國外交部長王

爲

照會事本部長茲以中華民國國民政府名義聲明中義兩國本日簽訂之條約其第二條於民國十九年一月一日起發生效力在是日前中國政府與義國政府訂定中國對於義國人民行使法權之詳細辦法如該項辦法屆時尙未訂定則中國與簽訂華盛頓條約國議定取消領事裁判權之後定一日期自該日期始義國人民受中國法律及法院之管轄但該日期應與各該國一律適用

上述華盛頓條約國係指一九二一年至一九二二年華盛頓會議時直接參與討論太平洋及遠東問題之各國（中國除外）相應照請

貴公使查照爲荷須至照會者

右 照 會

大義大利國欽命駐華全權公使華蒂

大中華民國十七年十一月二十七日

王正廷 印

中義友好通商條約

三

中義友好通商條約

大義大利國欽命駐華全權公使華當

爲

照復事接准

貴部長本日照會內開本部長茲以中華民國國民政府名義聲明中義兩國本日簽訂之條約其第二條於民國十九年一月一日起發生效力在是日前中國政府與義國政府訂定中國對於義國人民行使法權之詳細辦法如該項辦法屆時尙未訂定則中國與簽訂華盛頓條約國議定取消領事裁判權之後定一日期自該日期始義國人民受中國法律及法院之管轄但該日期應於各該國一律適用上述華盛頓條約國係指一九二一年至一九二二年華盛頓會議時直接參與討論太平洋及遠東問題之各國（中國除外）等由本公使對於上開各節聲明本國政府完全同意相應照復

貴部長查照爲荷須至照會者

右 照 會

大中華民國外交部長王

西歷一九二八年十一月二十七日

華 當 函

中義友好通商條約

附件二

聲明書

本部長茲聲明中華民國國民政府於民國十九年一月一日或是日以前除現已施行之法典及法律外頒布民法商法

王正廷 印

中義友好通商條約

附件三

聲明書

本部長茲以中華民國國民政府名義聲明義國人民在中國停止享受領事裁判權及其他特權並兩國之關係達於完全平等地位之後中國政府鑒於中國人民於義國法律章程範圍之內在義國領土之任何區域內享有居住營商及土地權故允許義國人民在中國享有同樣權利但得以法律及章程限制之

王正廷 印

中義友好通商條約

附件四

共同聲明書

茲議定在中國之義國人民及在義國之中國人民嗣後應依照各所在國政府頒布之法律章程完納各種稅款及徵收但該項稅款及徵收不得較高或異於他國人民所完納者

王正廷 印

華 蕾 印

中義友好通商條約

**PRELIMINARY TREATY OF AMITY AND COMMERCE
BETWEEN THE REPUBLIC OF CHINA AND
THE KINGDOM OF ITALY**

The Republic of China and the Kingdom of Italy, being equally animated by the desire to strengthen the ties of friendship which happily subsist between the two countries and to promote and consolidate their commercial relations, have resolved to conclude a Preliminary Treaty of Amity and Commerce, and have, for this purpose, named as their Plenipotentiaries, that is to say:—

His Excellency 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;

His Majesty the King of Italy:

Mr. Daniele Varè, Commander of the Order of the Crown of Italy, Officer of the Order of SS. Maurice and Lazarus, Envoy Extraordinary and Minister Plenipotentiary of His Majesty the King of Italy to China;

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

Article I.

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

It is further agreed that each of the High Contracting Parties shall enjoy in the territory of the other, with regard to customs and all related matters, treatment in no way less favourable than the treatment accorded to any other country.

The nationals of the High Contracting Parties shall not be compelled, under any pretext whatever, to pay within the territories of the other Party any duties, internal charges or taxes upon the importation or exportation of goods, other or higher than those paid by the nationals of the country or by the nationals of any other country.

Article II.

The nationals of each of the two High Contracting Parties shall be subject, in the territory of the other Party, to the laws and jurisdiction of the law courts of that Party, to which they shall have free and easy access for the enforcement and defence of their rights.

Article III.

The two High Contracting Parties have decided to enter as soon as possible into negotiations for the purpose of concluding a Treaty of Commerce and Navigation based on the principles of absolute equality and non-discrimination in their commercial relations and mutual respect for sovereignty.

Article IV.

The present Treaty has been drawn up in two copies in the Chinese, Italian and English languages. In the event of there being any difference of meaning, the English text shall be held to prevail.


Article V.

The present Treaty shall be ratified as soon as possible and shall come into force on the day on which the two Governments shall have notified each other that the ratification has been effected.

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

Done at Nanking this twenty-seventh day of the eleventh month of the seventeenth year of the Republic of China, corresponding to the twenty-seventh day of November, nineteen hundred and twenty-eight (the seventh year of the Fascist Era).

 (Signed) CHENGTING T. WANG.

 (Signed) DANIELE VARÈ.

ANNEX I

MINISTRY OF FOREIGN AFFAIRS

Nanking, November 27, 1928.

Monsieur le Ministre,

In the name of the National Government of the Republic of China, I have the honour to state that Article II of the Treaty signed this day between China and Italy shall be understood to begin to be operative on January 1st, 1930. Before such date the Chinese Government will make detailed arrangements with the Italian Government for the assumption by China of jurisdiction over Italian subjects. Failing such arrangements on the said date, Italian subjects shall be amenable to Chinese laws and jurisdiction from a date to be fixed by China, after having come to an agreement for the abolition of extraterritoriality with all the Powers signatory of the Washington Treaties, it being understood that such a date shall be applicable to all such Powers.

By "Powers signatory of the Washington Treaties" shall be meant those Powers, other than China, which directly participated in the discussion of Pacific and Far Eastern Questions in the Conference on the Limitation of Armament held in Washington in 1921-22.

I avail myself of this opportunity to renew to Your Excellency the assurance of my highest consideration.

(Signed) CHIENGTING T. WANG.

His Excellency

Mr. DANIELE VARÈ,

Italian Minister to China,

Nanking.

Nanking, November 27, 1928.

Monsieur le Ministre,

I have the honour to acknowledge the receipt of Your Excellency's Note of to-day's date which reads as follows:

"In the name of the National Government of the Republic of China, I have the honour to state that Article II of the Treaty signed this day between China and Italy shall be understood to begin to be operative on January 1st, 1930. Before such date the Chinese Government will make detailed arrangements with the Italian Government for the assumption by China of jurisdiction over Italian subjects. Failing such arrangements on the said date, Italian subjects shall be amenable to Chinese laws and jurisdiction from a date to be fixed by China, after having come to an agreement for the abolition of extraterritoriality with all the Powers signatory of the Washington Treaties, it being understood that such a date shall be applicable to all such Powers.

"By 'Powers signatory of the Washington Treaties' shall be meant those Powers, other than China, which directly participated in the discussion of Pacific and Far Eastern Questions in the Conference on the Limitation of Armament held in Washington in 1921-22."

I have the honour to state that the Italian Government is in full agreement with the above statements.

I avail myself of this opportunity to renew to Your Excellency the assurance of my highest consideration.

(Signed) DANIELE VARÈ.

His Excellency

Dr. CHENGTING T. WANG,

Minister for Foreign Affairs,

Nanking.

ANNEX II—DECLARATION

I have the honour to declare that on or before January 1st, 1930, the Civil Code and the Commercial Code, in addition to other codes and laws now in force, will be duly promulgated by the National Government of the Republic of China.

(Signed) CHENGTING T. WANG.

ANNEX III—DECLARATION

In the name of the National Government of the Republic of China, I have the honour to declare that, when Italian subjects cease to enjoy the privileges of consular jurisdiction and other special privileges, and when the relations between the two countries are on a footing of perfect equality, the Chinese Government, in view of the fact that Chinese citizens, subject to the limitations prescribed in Italian laws and regulations, enjoy the right to live and trade and to acquire property in any part of the Italian territory, will grant the same rights to Italian subjects in China, subject to the limitations to be prescribed in its laws and regulations.

(Signed) CHENGTING T. WANG.

ANNEX IV—JOINT DECLARATION

It is understood that Italian subjects in Chinese territories and Chinese citizens in Italian territories shall hereafter pay such taxes or imposts as may be prescribed in the laws and regulations duly promulgated by the Chinese and the Italian Government respectively, provided that such taxes or imposts are not other or higher than those paid by the nationals of any other country.

(Signed) CHENGTING T. WANG.

(Signed) DANIELE VARÈ.

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中華民國廿年四月三日
收到