

Serbia Commercial Relations Treaty

Since the dissolution of Yugoslavia in the early 1990's, the following agreement is being applied with respect to: Bosnia and Herzegovina, Croatia, the Former Yugoslav Republic of Macedonia, Slovenia, Serbia, and Montenegro.

Treaty signed at Belgrade for the United States and Serbia October 14, 1881

Senate advice and consent to ratification July 5, 1882

Ratified by the President of the United States July 14, 1882

Ratified by Serbia November 11, 1882

Ratifications exchanged at Belgrade November 15, 1882

Entered into force November 15, 1882

Proclaimed by the President of the United States December 27, 1882

Modified by agreement of May 4 and October 3, 1946, between the United States and Yugoslavia 1

22 Stat. 963; Treaty Series 319

TREATY OF COMMERCE BETWEEN THE UNITED STATES OF AMERICA AND SERBIA

The United States of America and His Highness the Prince of Serbia, animated by the desire of facilitating and developing the commercial relations established between the two countries, have determined with this object to conclude a treaty, and have named as their respective plenipotentiaries, viz:

The United States of America, Eugene Schuyler, their charge' d'affaires and consul-general at Bucarest;

His Highness the Prince of Serbia, Monsieur Ched. Mijatovitch, His Minister of Foreign Affairs, Grand Officer of His Order of Takova, &c., &c., &c.,

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

1TIAS 1572, post, p. 1271.

ARTICLE I

There shall be reciprocally full and entire liberty of commerce and navigation between the citizens and subjects of the two high contracting powers, who shall be at liberty to establish themselves freely in each other's territory.

Citizens of the United States in Serbia and Serbian subjects in the United States shall reciprocally, on conforming to the laws of the country, be at liberty freely to enter, travel or reside in any part of the respective territories, to carry on their business, and shall enjoy in this respect for their persons and property the same protection as that enjoyed by natives or by the subjects of the most-favored-nation.

They shall be at liberty to exercise their industry and trade, both by wholesale and by retail, in the whole extent of both territories, without being subjected as to their persons or property, or with regard to the exercise of their trade or business, to any taxes, whether general or local, or to any imposts or conditions of any kind other or more onerous than those which are or may be imposed upon natives or upon the subjects of the most-favored-nation.

In like manner in all that relates to local taxes, customs, formalities, brokerage, patterns or samples introduced by commercial travelers, and all other matters connected with trade, citizens of the United States in Serbia and Serbian subjects in the United States shall enjoy the treatment of the most-favored-nation, and all the rights, privileges, exemptions and immunities of any kind enjoyed with respect to commerce and industry by the citizens or subjects of the high contracting parties, or which are or may be hereafter conceded to the subjects of any third power, shall be extended to the citizens or subjects of the other.

ARTICLE II

In all that concerns the right of acquiring, possessing or disposing of every kind of property, real or personal, citizens of the United States in Serbia and Serbian subjects in the United States, shall enjoy the rights which the respective laws grant or shall grant in each of these states to the subjects of the most-favored-nation.

Within these limits, and under the same conditions as the subjects of the most-favored-nation, they shall be at liberty to acquire and dispose of such property, whether by purchase, sale, donation, exchange, marriage contract, testament, inheritance, or in any other manner whatever, without being subject to any taxes, imposts or charges whatever, other or higher than those which are or shall be levied on natives or on the subjects of the most favored state.

They shall likewise be at liberty to export freely the proceeds of the sale of their property, and their goods in general, without being subjected to pay any other of higher duties than those payable under similar circumstances by natives or by the subjects of the most favored state.

ARTICLE III

Merchants, manufacturers, and trades people in general of one of the two contracting countries traveling in the other, or sending thither their clerks and agents --whether with or without samples-- in the exclusive interest of the commerce or industry that they carry on, and for the purpose of making purchases or sales or receiving commissions, shall be treated with regard to their licenses, as the merchants, manufacturers and trades people of the most-favored-nation.

It is understood, however, that the preceding stipulations do not affect in any way the laws and regulations in force in each of the two countries applicable to all foreigners as respects peddling and hawking.

The citizens and subjects of the Contracting Parties shall be reciprocally treated as the natives of the country or as the subjects of the most-favored-nation, when they shall go from one country to the other to visit fairs and markets for the purpose of exercising their commerce and selling their products.

No obstacle shall be placed in the way of the free movements of travelers, and the administrative formalities relative to traveling passports shall be restricted to the strict necessities of the public service on passing the frontiers.

ARTICLE IV

Citizens of the United States in Serbia and Serbian subjects in the United States shall be reciprocally exempted from all personal service, whether in the army by land or by sea; whether in the national guard or militia; from billeting; from all contributions, whether pecuniary or in kind, destined as a compensation for personal service from all forced loans and from all military exactions or requisitions. The liabilities, however, arising out of the possession of real property and for military loans and requisitions to which all the natives might be called upon to contribute as proprietors of real property and for military loans and requisitions to which all the natives might be called upon to contribute as proprietors of real property or as farmers, shall be excepted.

They shall be equally exempted from all obligatory official, judicial, administrative or municipal functions whatever.

They shall have reciprocally free access to the courts of justice on conforming to the laws of the country, both for the prosecution and for the defence of their rights in all the degrees of jurisdiction established by the laws. They can employ in every case advocates, lawyers and agents of all classes authorized by the law of the country, and

shall enjoy in this respect, and as concerns domiciliary visits to their houses, manufactories, warehouses or shops, the same rights and advantages as are or shall be granted to the natives of the country, or to the subjects of the most-favored-nation.

It is understood that every favor or exemption which shall be subsequently granted in this matter to the subjects of a foreign country by one of the two contracting powers shall be immediately and by right extended to the citizens.

ARTICLE V

Neither of the contracting parties shall establish a prohibition of importation, exportation or transit against the other which shall not be applicable at the same time to all other nations, except the special measures that the two countries reserve to themselves the right of establishing for a sanitary purpose, or in event of a war.

ARTICLE VI

As to the amount, the guarantee and the collection of duties on imports and exports, as well as regards transit, re-exportation, warehousing, local dues and custom house formalities each of the two high contracting parties binds itself to give to the other the advantage of every favor, privilege or diminution in the tariffs on the import or export of the articles mentioned or not in the present convention, that it shall have granted to a third power. Also every favor or immunity which shall be later granted to a third power shall be immediately extended and without condition, and by this very fact to the other contracting party.

ARTICLE VII

The products of the soil or of the industry of Serbia which shall be imported into the United States of America, and the products of the soil or of the industry of the United States which shall be imported into Serbia, and which shall be destined for consumption in the country, for warehousing, for re-exportation or for transit, shall be subjected to the same treatment, and shall not be liable to other or higher duties than the products of the most-favored-nation.

ARTICLE VIII

Merchandise of every kind coming from one of the two territories or going thither shall be reciprocally exempted in the other, from every transit duty, whether it pass directly through the country, or whether during the transit it shall be unloaded, stored and reloaded without prejudice to the special regulations which, conformably to Article V, may be established concerning gunpowder and arms of war.

ARTICLE IX

As concerns the custom house laws and regulations on goods subjected to ad valorem duty, the importers and the products of one of the two countries shall be in all respects treated in the other as the importers and products of the most favored country.

ARTICLE X

The provisions of the preceding articles relative to the treatment in all respects like the subjects of the most favored state shall not affect the special facilities which have been or may be hereafter conceded on the part of one of the two states to neighboring states with respect to the local traffic between the conterminous frontier districts.

ARTICLE XI

It is agreed that, as regards freight and all other facilities, goods of the United States, conveyed over Serbian railways, and Serbian goods conveyed over railways of the United States, shall be treated in exactly the same manner as the goods of any other nation the most favored in that respect.

ARTICLE XII

The high contracting parties, desiring to secure complete and efficient protection to the manufacturing industry of their respective citizens and subjects, agree that any counterfeiting in one of the two countries of the trade-marks affixed in the other on merchandise to show its origin and quality shall be strictly prohibited and repressed and shall give ground for an action of damages in favor of the injured parties, to be prosecuted in the courts of the country in which the counterfeit shall be proven.

The trade-marks in which the citizens or subjects of one of the two countries may wish to secure the right of property in the other, must be registered exclusively, to wit: The marks of citizens of the United States in the Tribunal of Commerce at Belgrade, and the marks of Serbian subjects in the Patent Office at Washington, subject to the conditions and restrictions prescribed by the laws and regulations of the country in which the trade-marks are registered.

ARTICLE XIII

Ships of the United States and their cargoes shall in Serbia, and Serbian ships and their cargoes shall in the United States, from whatsoever place arriving, and whatever may be the place of origin or destination of their cargoes, be treated in every respect as the ships and cargoes of the most favored state.

The preceding stipulation applies to local treatment, dues and charges in the ports, basins, docks, roadsteads, harbors and rivers of the two countries, pilotage, and generally to all matters connected with navigation.

Every favor or exemption in these respects, or any other privilege in matters of navigation which either of the contracting parties shall grant to a third power shall be extended immediately and unconditionally to the other party.

ARTICLE XIV

The present treaty shall remain in force for ten years from the day of the exchange of ratifications, and if twelve months before the expiration of that period neither of the high contracting parties shall have announced to the other its intention to terminate the said treaty, it shall remain obligatory until the expiration of one year from the day when either of the high contracting parties shall have denounced it.

The preceding stipulations shall come into force in the two countries one month after the exchange of ratifications.

ARTICLE XV

The present treaty shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and be His Highness the Prince of Serbia, and the ratifications shall be exchanged at Belgrade as soon as possible.

In faith whereof the plenipotentiaries of the two high contracting parties have signed the present treaty in duplicate in the English and Serbian languages, and thereto affixed their respective seals.

Done in duplicate at Belgrade this 2/14 day of October, 1881.

EUGENE SCHUYLER [SEAL]

CH. MIJATOVICH [SEAL]

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