

TREATY OF COMMERCE BETWEEN
THE REPUBLIC OF CHINA AND THE UNION
OF SOVIET SOCIALIST REPUBLICS

Signed on June 16, 1939;
Ratifications exchanged on March 16, 1940;
Entered into force on March 16, 1940.

The National Government of the Republic of China and the Government of the Union of Soviet Socialist Republics, animated by the desire to strengthen and develop their bonds of friendship and commercial relations between the two countries, have resolved to conclude a Treaty of Commerce based on the principles of equality, reciprocity and mutual respect of sovereignty, and for that purpose have appointed as their Plenipotentiaries, that is to say:

His Excellency the President of the National Government of the Republic of China:

Mr. Sun Fo, the Ambassador Special and Plenipotentiary of the National Government of the Republic of China;

Presidium of the Supreme Council of the Union of Soviet Socialist Republics:

Mr. Mikoyan Anastas Ivanovitch, the People's Commissar for Foreign Trade of the Union of Soviet Socialist Republics;

Who, having communicated to each other their full powers found to be in good and due form, have agreed upon the following provisions:

ARTICLE I

The natural produce and manufactures originating and imported from the territory of one of the Contracting Parties into the territory of the other shall not be subjected at their importation to other or less favourable treatment in all that refers to the customs than that which is or may hereafter be accorded to like articles originating and imported from any third country.

Likewise, the natural produce and manufactures originating and exported from the territory of one of the Contracting Parties destined to the territory of the other shall not be subjected at their exportation to other or less favourable treatment in all that refers to the customs than that which is or may hereafter be accorded to like articles exported to any third country.

中蘇通商條約

二十八年六月十六日簽訂
二十九年三月十六日互換
二十九年三月十六日生效

中華民國蘇維埃社會主義共和國聯邦為鞏固並發展兩國睦誼及彼此商務關係，決定依平等相互暨互尊重主權之原則，訂立通商條約。為此簡派全權代表如左：

中華民國國民政府主席特派：

全權特使孫科；

蘇維埃社會主義共和國聯邦最高會議主席團特派：

人民對外貿易部部長米科揚；

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：

第一條

此締約國所出之天產及製造之貨物，輸入彼締約國國境時，關於一切關稅及一切通過海關之手續，彼締約國不得令其享受異於或較劣於來自及運入自任何第三國同樣之貨物現在或將來所享受之待遇。

同樣，此締約國出產並輸出之天產及製造之貨物，其目的地為彼締約國國境，關於一切關稅及一切通過海關之手續，此締約國不得令其享受異於或較劣於輸出於任何第三國同樣之貨物現在或將來所享受之待遇。

For these reasons, the most favoured treatment which is or may be accorded to any third country as provided by this article shall be applied particularly:

a. to the customs duties or to the supplements to them, as well as to charges of any kind in relation to both the imports and exports;

b. to the conditions of collection of the said duties, supplements and charges;

c. to customs formalities;

d. to the warehousing of the goods, the use of the customs warehouses; to the regulations referring to the arrival and stocking of the goods in the customs warehouses or in other public warehouses, as well as to the dispatching of the goods from these warehouses;

e. to the methods of verification and analysis of the goods, to the admission of imports of the goods or to application to them of facilities as regards to the customs duties dependent on the composition of the goods, on their cleanliness, on their sanitary qualities, etc.;

f. to customs classification and the interpretation of the existing tariffs.

ARTICLE II

Neither of the Contracting Parties shall establish with respect to the natural produce and manufactures of the other Party imported into its territory any prohibitions or restrictions inapplicable to like produce and manufactures originating from any third country.

Similarly, neither of the Contracting Parties shall establish with respect to its own natural produce and manufactures exported to the territory of the other any prohibitions or restrictions inapplicable to like produce and manufactures exported to any third country.

However, with respect to matters related to the security of the State, public safety, preservation of public health, protection of animals and plants, safe-keeping of objects of art, archeological and historical values, protective measures in favour of the State monopolies belonging to the Contracting Parties or monopolies under State control, regulation of the transactions with platinum, gold and silver, or coins and other objects made thereof, the Contracting Parties reserve for themselves the right to establish at any time prohibitions or restrictions regarding importation

因此，本條所規定之現在或將來任何第三國所享受之最惠待遇，得特別適用於下列各項：

甲、關於關稅或附加關稅及其他任何入口及出口之稅捐；

乙、關於徵收上列關稅，附加關稅，及其他稅捐之方式；

丙、關於通關手續；

丁、關於使用海關貨倉以存放貨物，及關於貨物到達存積或運出於海關貨倉及其他公用貨倉之章程；

戊、關於檢驗及分析貨物之方法，關於准許貨物之輸入，或關於實施依貨物之成分清潔及衛生品質等而完納關稅之便利；

己、關於關稅之分類及現行稅率之解釋。

第二條

此締約國對於彼締約國天產或製造之貨物輸入於其國境時，不得設立不適用於來自任何第三國同樣貨物之任何禁令或限制。

此締約國對於其天產或製造之貨物，向彼締約國國境輸出時，亦不得設立不適用於向任何第三國輸出之同樣貨物之任何禁令或限制。

但凡關係國家安全，社會安寧，維持公共衛生，保護動植物，保存美術上，古物學上，及歷史上有價值之物品，保護國家專利，或在國家監督下專利之實業，及統制關於白金黃金白銀及由該金屬作成之貨幣，及其他物品之貿易，兩締約國各保留隨時設立關於輸入及輸出之禁令或限制之權。惟此種禁令或

and exportation, provided that these prohibitions or restrictions are equally applicable to any third country under similar circumstances.

Likewise, each Contracting Party shall have the right to establish with respect to the natural produce and manufactures of the other Party imported into its territory or to its own natural produce and manufactures exported to the territory of the other Party, prohibitions or restrictions which are necessary for fulfilment of the international obligations in which both Contracting Parties take part or may take part hereafter.

ARTICLE III

Goods imported into the territory of one of the Contracting Parties from the territory of the other or exported from the territory of one Party destined to the territory of the other shall pass only through those ports or localities in that country, where there are established customs stations. Any violation of this provision shall be considered as smuggling and shall be dealt with in accordance with the existing laws and regulations of the country.

ARTICLE IV

In regard to taxation of the goods of one of the Contracting Parties in the territory of the other by internal charges on the production, manufacturing, trade, or consumption of certain goods regardless in whose name or in whose favour they are collected, each of the Contracting Parties shall apply the same treatment which is or may be established for its own goods of the same kind, or the most favoured treatment which is or may be accorded to the goods of the same kind of any third country, if this latter treatment is more favourable for the other Party.

ARTICLE V

All vessels deemed according to the laws and regulations of the Republic of China as Chinese vessels, and likewise all vessels deemed according to the laws and regulations of the Union of Soviet Socialist Republics as Soviet vessels shall be considered in all that refers to the application of the present Treaty as the Chinese or Soviet vessels respectively.

ARTICLE VI

Vessels of one of the Contracting Parties entering the territorial waters of the other Party shall be strictly forbidden to misrepresent their nationality by flying the flag of any country other than their own. Infrac-

限制，以對於在同樣情形下之任何第三國一律適用者為限。

同樣，此締約國對於彼締約國之天產及製造之貨物，輸入於其國境，或其天產及製造之貨物輸出於彼締約國國境，得設立關於兩國現在或將來因共同履行國際義務必要之禁令或限制。

第三條

彼締約國貨物輸入於此締約國國境，或此締約國之貨物，其輸出之目的地，為彼締約國國境，均應經過該國設有關卡之商埠或地方。倘有違犯此項規定者，應認為私運，並應照該國之法律及規章處理之。

第四條

彼締約國輸入此締約國之貨物所繳納之關於某種貨物之出產，製造，出賣，使用之一切地方稅捐，此項稅捐之徵收，無論用何名義，此締約國應給予適用於其本國同樣貨物現在或將來所享受之待遇，或現在或將來所給予任何第三國同樣貨物之最惠待遇，若此種最惠待遇對於彼締約國較為有利。

第五條

凡依照中國法律及規章認為中國之船舶，同樣，凡依照蘇維埃社會主義共和國聯邦法律及規章認為蘇維埃社會主義共和國聯邦之船舶，則依照本條約之實施，應分別認為中華民國或蘇維埃社會主義共和國聯邦之船舶。

第六條

此締約國船舶進入彼締約國領水時，應嚴禁其懸掛本國以外之任何國國旗，以頂冒國籍。違犯此項

tion of this provision shall subject the vessel together with its cargo to confiscation by the order of the Government of the Party whose territorial waters it has entered.

ARTICLE VII

Each of the Contracting Parties shall grant to the vessels of the other in its sea ports and territorial waters the treatment which is accorded or may be accorded to the vessels of any third country.

This treatment shall, in particular, be applied to the conditions of entering of the vessels in the sea ports and territorial waters of the other, of staying in them and of sailing out, to the full use of the appliances and facilities for navigation; to the trade transactions referring to vessels, cargoes, passengers and luggages, to the different facilities referring to the allocation of the areas on the pier for loading and unloading of the goods; to the payment of charges, duties and dues of any kind, whether they are imposed in the name or on the account of the Government, public authorities or any other establishments.

ARTICLE VIII

Ships flying the flag of one of the Contracting Parties, which enter a port of the other with a view of loading cargoes or discharging portions of their cargoes may, in accordance with the laws and regulations of the country, proceed with their cargoes to another port of the same country or to a third country, without being obliged to pay any duties or charges for their cargoes or portions thereof that are not discharged, with the exception of inspection dues which shall not be higher than those paid by the ships of any third country under the same circumstances.

ARTICLE IX

The vessels of one of the Contracting Parties in case of shipwreck, stress of weather, running aground or other emergency of a similar nature occurring near the coast of the other, shall be at liberty to enter temporarily the nearest roadsteads, ports or bays of the latter for shelter or repair. The local authorities shall give notice to the nearest consulate of the country to which the vessel in distress belongs and shall afford all necessary aid and assistance in accordance with international practice. Such vessels shall be allowed to make repairs and procure necessary provisions and shall immediately continue their voyage without being liable to pay imposts or port dues. As regards salvage charges, the laws of the country in which the salvage operations take place shall be applicable.

規定者，彼締約國政府得將該船及其所載之貨物沒收之。

第七條

此締約國應給予在其商港及其領水之彼締約國船舶現在或將來給予任何第三國船舶之待遇。

此種待遇應特別實施於關於在其商港或領水內駛入，停泊，駛出，充分利用各種航行之設備及便利之條件；關於船舶，貨物，旅客，及旅客行李之貿易行為；關於指定在碼頭裝卸貨物之地位及各種便利；關於繳納各種以政府名義，或以其他團體名義所徵收之一切費用及稅捐。

第八條

凡應有此締約國國旗之船舶，進入彼締約國商港，其目的為裝載貨物，或卸下原載貨物之一部份者，如該船運載貨物，再往該國他埠或他國時，則其原裝未卸部份之貨物，得按照所在國法律規章，除繳納檢驗費外，不得令付任何稅捐或費用，且此項檢驗費，不得高于任何第三國船舶在同樣情形之下所繳納者。

第九條

此締約國船舶，在彼締約國沿海地方，遇有觸礁，遭風，擱淺，或其他類似之緊急情事，得自由暫時駛入彼締約國最近之碇泊所，港口或海灣，以便避護修理，當地官廳，應即通知該遇難船舶所屬國之附近領事館，並依照國際慣例，予以必須之助力。此項船舶，應准修理損壞，並購備必需糧食，其後應即時繼續航程，得免納入口稅或港口捐。至關於救濟費用，則應按照執行救濟事務國之法律辦理之。

In case such vessels are obliged to discharge and sell the goods on board, they shall pay the imposts, duties and taxes in accordance with the laws and regulations of the country.

ARTICLE X

Inland and coastal navigation in the territory of one of the Contracting Parties shall be closed to the citizens, economic organisations and vessels of the other Party.

Citizens and economic organisations of both Contracting Parties shall have the right to navigate and fish in the rivers, lakes and waters common for both countries in conformity with the regulations to be drawn up for this purpose by agreement between the Governments of the Contracting Parties.

ARTICLE XI

In view of the fact that, by virtue of the laws of the Union of Soviet Socialist Republics, the monopoly of foreign trade belongs to the State being one of the integral elements of the socialist order fixed by the Constitution of the U.S.S.R., the Union of Soviet Socialist Republics shall have a Trade Representation as a part of its Embassy in China whose legal status is set out in the provisions annexed to this Treaty. The said Annex shall form an integral part of this Treaty.

ARTICLE XII

Chinese merchants and owners of industrial enterprises, physical persons or juridical persons constituted under the laws of the Republic of China shall enjoy in all that relates to their personality or property as favourable treatment as the citizens or juridical persons respectively of any third country with regard to their economic activity in the territory of the Union of Soviet Socialist Republics in accordance with the conditions in which this activity is allowed by Soviet legislation.

The State Economic Organisations of the Union of Soviet Socialist Republics enjoying the right of juridical persons, as well as other Soviet juridical persons enjoying civil capacity in accordance with Soviet legislation and physical persons—citizens of the Union of Soviet Socialist Republics—shall enjoy in all that relates to their personality and property as favourable treatment as the citizens or juridical persons respectively of any third country with regard to their economic activity in the territory of the Republic of China in accordance with the conditions in which this

倘此項船舶，不得已必須卸售所載貨物時，則應依照所在國法律規章完納入口稅及一切捐稅。

第十條

此締約國之人民，經濟機關及船舶，不得經營彼締約國之內河及沿海航行。

兩締約國人民及經濟機關，得照兩國政府所同意制定之規章，在兩國共有之河流，湖泊，暨公水內，有行船及捕魚之權。

第十一條

依照蘇維埃社會主義共和國聯邦之法律，對外貿易，為政府專營之事業；此係蘇聯憲法所規定社會主義制度之根本原則之一。蘇維埃社會主義共和國聯邦政府得在中華民國設立商務代表處。該商務代表處，為蘇聯大使館之一部份，其法律地位，在本條約附件內另定之。該附件視為本條約之一部份。

第十二條

中華民國商人，企業家，人民，或中華民國法律所承認之法人，在蘇維埃社會主義共和國聯邦國境內，依照蘇聯國政府之法律，經營經濟事業，關於其身體財產，得享受不得異於任何第三國人民或法人分別所享受之待遇。

凡享受法人權利之蘇維埃社會主義共和國聯邦之經濟機關及其他依照蘇維埃社會主義共和國聯邦法律享受公權之法人，並蘇維埃社會主義共和國聯邦之公民，在中華民國國境內，按照中華民國法律，經營經濟事業，關於其身體財產，得享受不異於任何第三國人民或法人分別所享受之待遇。

activity is allowed by the legislation of the Republic of China.

All trading companies and co-operative societies constituted under the laws and regulations of one of the Contracting Parties as well as State Economic Organisations enjoying rights of juridical persons shall have the right, in accordance with the laws and regulations of the other Party, to establish their branches and to exercise economic activity in the territory of the other.

In particular, the citizens or juridical persons of either of the Contracting Parties shall have the right to exercise or to defend their rights in the Courts of the other Contracting Party, personally or through persons authorized by them and shall have free and easy access to the Courts.

They shall not be in this respect subjected to limitations other than those which are or may be provided by the laws and regulations which are or may be in force in the territory of the other and in any case shall enjoy the treatment which is or may be applicable to the citizens and juridical persons respectively of any third country.

ARTICLE XIII

The present Treaty is drawn up in duplicate in Chinese, Russian and English.

In case of any divergence of opinion regarding the interpretation of the Treaty, the English text shall be decisive.

In case of any divergence of opinion regarding the interpretation or execution of the present Treaty, the Contracting Parties agree that they shall refer the question to a Commission of Conciliation who shall submit their recommendations to them within a reasonable time. The Commission of Conciliation shall be composed of six members, three of whom to be designated by the Government of each Contracting Party.

ARTICLE XIV

The present Treaty shall be ratified as soon as possible by the Contracting Parties in accordance with their respective constitutional requirements.

The instruments of ratification shall be exchanged at Chungking.

ARTICLE XV

The Treaty shall come into force immediately

凡依照此締約國法律、規章所組織之商業公司，合作社，及享受法人權利之政府經濟機關，得依照彼締約國法律規章，在彼締約國國境內設立分處，並經營經濟事業。

此締約國之人民或法人，有在彼締約國法院內，由其本人或其代表，行使或防衛其權利之權，並得向所在國法院自由聲訴。

關於此項事件，此締約國之人民或法人，除彼締約國之現行或將來實行之法律規章外，不受其他任何限制；並無論如何，得享受適用於任何第三國人民或法人分別所享受之待遇。

第十三條

本約以中文，俄文，英文三國文字合繕兩份。如遇解釋本約發生意見互異時，以英文文字為有效。

關於本約之解釋或實行，發生意見互異時，兩締約國同意將該問題提交調解委員會。該調解委員會應在相當時期內，將其建議陳送於兩締約國。該調解委員會以委員六人組成之，兩締約國政府各派三人。

第十四條

本約應由兩締約國按照各本國法律之規定，在最短期間內批准。批准文件，應在重慶互換。

第十五條

本約應於互換批准書之日，即

after the exchange of ratifications.

The present Treaty is concluded for a period of three years. Either of the Contracting Parties may notify the other three months before the expiration of the period of its desire not to extend the Treaty. In case either Party fails to do so in time, the Treaty shall be considered as being automatically extended for a period of one year after the expiration of the first period. Should neither of the Contracting Parties choose to notify the other three months before the expiration of the one year period of its desire not to further extend the Treaty, it shall continue in force for another period of one year, and so on successively.

In witness thereof, the undersigned, duly authorized to that effect, have signed the present Treaty and have thereof affixed their seals.

Done at Moscow, this sixteenth day of June, 1939.

(L. S.) (Signed) Sun Fo

(L. S.) (Signed) A. Mikoyan

ANNEX

to the Treaty of Commerce between the Republic of China and the Union of Soviet Socialist Republics dated June 16, 1939

THE LEGAL STATUS OF THE TRADE REPRESENTATION OF THE UNION OF SOVIET SOCIALIST REPUBLICS IN THE REPUBLIC OF CHINA

SECTION 1

The Trade Representation of the Union of Soviet Socialist Republics in the Republic of China shall exercise the following functions:

a. to facilitate the development of economic relations between the Union of Soviet Socialist Republics and the Republic of China;

b. to represent the interests of the Union of Soviet Socialist Republics in all that pertains to foreign trade;

c. to regulate on behalf of the Union of Soviet

時生效。

本約有效期間為三年。在該三年期限屆滿三月之前，締約國任何一方，得通知對方國不願將本約展限之意。倘締約國任何一方，未曾按時通知對方國，則此約認為自限期屆滿後，自動展限一年。再該一年限期屆滿三個月之前締約國任何一方，未曾通知對方國不願將本約再行展限之意，則此約仍繼續有效一年。此後依此類推。

為此，兩國全權代表，將本約署名蓋章，以昭信守。

中華民國二十八年六月十六日訂於
西曆一九三九年六月十六日訂於
莫斯科

孫科 (印)

米科揚 (印)

中蘇兩國於民國二十八年六月十六日所簽訂通商條約之
附件

關於蘇維埃社會主義 共和國聯邦駐中華民國 商務代表處之法律地位

第一節

蘇聯國駐中國之商務代表處，
應執行下列職務：

甲、便利中蘇兩國經濟關係之
發展；

乙、代表蘇聯國對外貿易之一
切利益；

丙、代表蘇聯國調整中蘇兩國

Socialist Republics the trade between the Union of Soviet Socialist Republics and the Republic of China;

d. to carry on the trade between the Union of Soviet Socialist Republics and the Republic of China.

The Trade Representation of the Union of Soviet Socialist Republics in the Republic of China acting as an organ exercising the monopoly of foreign trade of the Union of Soviet Socialist Republics shall form an integral part of the Embassy of the Union of Soviet Socialist Republics.

The Trade Representation of the Union of Soviet Socialist Republics shall be in the capital of the Republic of China.

The Trade Representative of the Union of Soviet Socialist Republics and his two deputies shall be regarded as a part of the diplomatic staff of the Embassy of the Union of Soviet Socialist Republics and shall be accorded all the diplomatic rights and privileges which are accorded to the members of diplomatic missions.

The Trade Representation of the Union of Soviet Socialist Republics in China shall have their Branches in the following cities: Tientsin, Shanghai, Hankow, Canton and Lanchow.

New Branches of the Trade Representation in China shall be established by agreement between the above mentioned Trade Representation and the competent authorities of the National Government of the Republic of China.

Immunity shall attach to the offices occupied by the Trade Representation of the Union of Soviet Socialist Republics and its Branches.

The Trade Representation of the Union of Soviet Socialist Republics and its Branches shall enjoy the right to use the cypher.

The officials belonging to the staff of the Trade Representation and its Branches who are citizens of the Union of Soviet Socialist Republics shall be exempt from all central and local taxes of every kind, as well as from personal services and contributions.

All officials belonging to the staff of the Trade Representation of the Union of Soviet Socialist Republics and its Branches in the Republic of China shall not be subjected to the jurisdiction of the courts

間之貿易；

丁、辦理中蘇兩國間之貿易。

蘇聯國駐中國之商務代表處係執行蘇聯國專營對外貿易之機關，為蘇聯國駐中國大使館之一部份。該商務代表處，設立在中國政府所在地。

蘇聯國商務代表及其副代表二人，應認為蘇聯國大使館職員之一部份，並得享受外交人員所享受之一切權利與優遇。

蘇聯國駐中國之商務代表處，得在天津，上海，漢口，廣州，蘭州設立分處。

關於商務代表處新分處之設立，應由該商務代表處，與中國主管機關商議決定之。

蘇聯國商務代表處及其分處之辦事處，均享受外交上之豁免。

蘇聯國商務代表處及其分處，有用密電碼之權。

商務代表處及其分處之職員凡屬蘇維埃社會主義共和國聯邦之公民得免納中央及地方之一切稅捐，並免除一切個人服役及捐款。

蘇聯國駐中國商務代表處及其分處之全部職員，與商務代表處因職務關係而發生之問題，不受中國法院之法律裁判。

of China in respect to any question arising out of their official relations to the Trade Representation.

The Trade Representation of the Union of Soviet Socialist Republics in China shall not be subjected to the regulations of the trade register. The names of the officials authorized on behalf of the Trade Representation to perform legal acts as well as the information concerning the scope of the rights of each of these officials to sign the trade obligations of the Trade Representation shall be published in the official journal of the Government of the Republic of China.

SECTION 2

The Trade Representation of the Union of Soviet Socialist Republics in China shall act on behalf of the Government of the Union of Soviet Socialist Republics. The Government of the Union of Soviet Socialist Republics assume full responsibility for all trade transactions which shall be concluded or guaranteed in China by the officials authorized for this purpose on behalf of the Trade Representation.

For the validity of trade transactions as concluded or guaranteed by the Trade Representation of the Union of Soviet Socialist Republics in China, it is required that the proper signatures of the officials should be put on the transactions or on the guarantee authorized for that purpose by the Government of the Union of Soviet Socialist Republics or by the People's Commissariat for Foreign Trade, and that the names of these officials and the scope of their powers shall be published in accordance with Section 1 of this Annex.

All trade transactions concluded or guaranteed by the Trade Representation of the Union of Soviet Socialist Republics in China in the territory of the Republic of China shall be subjected to the laws of the Republic of China and to the jurisdiction of its Courts unless the laws of the Republic of China or the provisions in individual transactions provide otherwise.

In view of the responsibility of the Government of the Union of Soviet Socialist Republics established by the first paragraph of this Section in respect of the transactions concluded or guaranteed in the Republic of China by the Trade Representation of the Union of Soviet Socialist Republics in China, the regulations referring to all preliminary measures of security for actions and for costs and provisional execution of the decisions, orders and judgments before the final decisions of the Courts as well as administrative bodies are not applicable to the claims against the said Trade

蘇聯國駐中國商務代表處得免守商業登記規則。其有代表該商務代表處之全權人員之姓名及其職權，應在中國政府公報上公佈之。

第二節

蘇聯國駐中國商務代表處代表蘇聯國政府執行對外貿易之事務。蘇聯國政府對於商務代表處全權代表將來所簽訂或保證之一切商業契約，負完全責任。

商務代表處所訂定或保證之商業契約，必須有其職員之合法簽字，始能生效。該項職員必須為蘇聯政府或其人民對外貿易部為該項事件而委定之全權代表，且其姓名與職權，均須依照本附件第一節之規定公布之。

凡由蘇聯國駐中國商務代表處在中國領土內所簽訂或保證之一切商業契約，均受中國法律及中國法院之管轄。但若中國法律或各別契約有特別規定者，當作別論。

因本節第一段內規定蘇聯國政府對蘇聯國駐中國商務代表處在中國境內所簽訂或保證之契約，負有責任。如該商務代表處被控，所有關於保證行動及保證費用之預備處置之規則，不得適用，並在法院及行政官廳之最後判決之先，不得為預先之執行。

Representation.

Execution of judgments against the Trade Representation of the Union of Soviet Socialist Republics in China may be granted only with reference to the claims arising out of trade transactions signed or guaranteed by the Trade Representation in accordance with the provision of the second paragraph of the present Section and only in cases where the final decision of the Courts has been made and has come into force.

Execution of these final decisions concerning transactions mentioned in this Section may be granted only in respect of the property and the rights of the Trade Representation in the Republic of China.

However, execution of the decisions of the Courts provided in the previous paragraph of the present Section cannot be granted in respect of the objects which are considered as extraterritorial in accordance with the generally accepted rules of international law as well as the objects which are necessary for the exercise of the official functions of the Trade Representation of the Union of Soviet Socialist Republics in China.

SECTION 3

Responsibility for any trade transaction which is concluded without a guarantee of the Trade Representation of the Union of Soviet Socialist Republics in China by any State Economic Organisation of the Union of Soviet Socialist Republics enjoying, in accordance with the laws of the Union of Soviet Socialist Republics, the rights of an autonomous juridical person shall be assumed only by the organisation concerned, and execution of the decisions against this organisation may be granted only in respect of its own property. Neither the Government of the Union of Soviet Socialist Republics, nor its Trade Representation in China or any other Economic Organisation of the Union of Soviet Socialist Republics will assume responsibility for these transactions.

The trade transactions concluded in China by these Economic Organisations shall be subjected to the laws of the Republic of China and to the jurisdiction of its Courts unless the legislation or individual transactions provide otherwise.

(Signed) Sun Fo

(Signed) A. Mikoyan

June 16, 1939,
Moscow.

凡依照本節第二段之規定，由商務代表處所簽訂或保證之商業契約發生訴訟時，須俟法院最後判決生效時，方可對蘇聯國駐中國商務代表處實施強制執行。

上稱之最後判決，執行時，僅限於商務代表處之財產及權益。

惟上段所規定之法院判決之強制執行，不能實施於國際法公認為治外法權之物品，以及蘇聯國駐中國商務代表處因執行職務所必須之物品。

第 三 節

凡依蘇聯國法律有獨立法人權利之任何國營經濟機關所簽訂之商業契約，未經蘇聯國商務代表處保證者，僅由該機關負責；執行判決時，亦僅限於該機關之財產。蘇聯國政府及其駐中國之商務代表處與其他經濟機關，對於此項契約，均不負責任。

此項經濟機關在中國所簽訂之商業契約，均須服從中國法律及中國法院之裁判。但若中國法律或各別契約有特別規定者，當作別論。

孫 科 (簽字)

米科揚 (簽字)

中華民國二十八年六月十六日

EXCHANGE OF NOTES

換 文

(I)

(甲)

Mr. Plenipotentiary,

中國全權代表照會

With reference to the Treaty of Commerce signed to-day between the Republic of China and the Union of Soviet Socialist Republics, I have the honour on behalf of my Government to state that the words, any third country, used in Articles I, II, IV, VII, VIII and XII, shall be understood, with respect to the Republic of China, to refer to those countries which have concluded with China since 1928 treaties based on the principles of equality. I shall be much obliged if You will confirm the above understanding.

逕啓者：本代表茲特聲明：本日所簽訂之中華民國與蘇維埃社會主義共和國聯邦通商條約第一條第二條第四條第七條第八條第十二條中所用之「任何第三國」字樣，其關於中華民國方面，應了解為指自一九二八年以來，曾與中國以平等為原則，締結條約之國家。本代表應請貴代表證實上項了解為荷。

Accept, Mr. Plenipotentiary, the assurances of my highest consideration.

本代表順向
貴代表表示敬意。

(Signed) Sun Fo

June 16, 1939,
Moscow.

西曆一千九百三十九年六月十六日

Mr. Mikoyan, Anastas Ivanovitch,
the People's Commissar for Foreign Trade
of the U.S.S.R.

孫 科 (簽字)

(II)

(乙)

Mr. Plenipotentiary,

蘇聯全權代表復照

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

逕啓者：接准
貴代表本日照會內開：

“With reference to the Treaty of Commerce signed to-day between the Republic of China and the Union of Soviet Socialist Republics, I have the honour on behalf of my Government to state that the words, ‘any third country’, used in Articles I, II, IV, VII, VIII and XII, shall be understood, with respect to the Republic of China, to refer to those countries which have concluded with China since 1928 treaties based on the principles of equality.”

「本代表茲特聲明：本日所簽訂之中華民國與蘇維埃社會主義共和國聯邦通商條約第一條第二條第四條第七條第八條第十二條中所用之「任何第三國」字樣，其關於中華民國方面，應了解為指自一九二八年以來，曾與中國以平等為原則，締結條約之國家」

I have the honour on behalf of the Government of the Union of Soviet Socialist Republics to state that it agrees with the above mentioned understanding.

等由。本代表茲特聲明：上項了解正確無誤。

Accept, Mr. Plenipotentiary, the assurances of my highest consideration.

本代表順向
貴代表表示敬意。

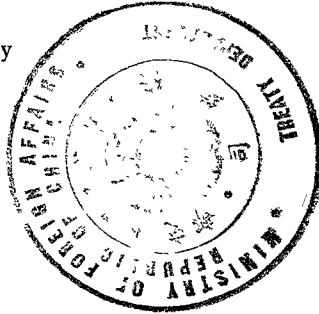
(Signed) A. Mikoyan

June 16, 1939,
Moscow.

西曆一千九百三十九年六月十六日

Mr. Sun Fo,
Ambassador Special and Plenipotentiary
of the National Government of the
Republic of China.

米科揚 (簽字)



AGREEMENT

BETWEEN MINISTRY OF COMMUNICATIONS
OF THE NATIONAL GOVERNMENT OF THE
REPUBLIC OF CHINA AND THE CENTRAL
ADMINISTRATION OF THE CIVIL
AIRCRAFT OF THE UNION OF SOVIET
SOCIALIST REPUBLICS FOR THE
ESTABLISHMENT OF REGULAR AIR
COMMUNICATIONS BETWEEN
HAMI AND ALMA-ATA

中華民國國民政府交通
部與蘇維埃社會主義聯
邦共和國中央民用航空
總管理局為組設哈密阿
拉木圖間定期飛航協定

Signed on September 9, 1939;
Entered into force at same date.

二十八年九月九日簽訂
同日生效

The Ministry of Communications of the National Government of the Republic of China and the Central Administration of the Civil Aircraft of the Union of Soviet Socialist Republics, considering the establishment of regular air communications between their countries as conforming to the interest of both Parties, have resolved to conclude an Agreement for the said purpose as follows, to wit:

中華民國國民政府交通部與蘇維埃社會主義聯邦共和國中央民用航空總管理局，鑒於中蘇兩國間開辦定期航空於雙方均有利益，因此簽訂飛航協定，訂明條款如左：

ARTICLE I

第一條

The two Contracting Parties shall establish a regular air service between Hami and Alma-Ata in both directions, hereinafter referred to as The Aerial Line, for the transportation of passengers, luggage, cargoes and mail.

締約雙方應設立哈密與阿拉木圖間往來定期飛航(以下簡稱航線)作旅客行李貨物及郵件之運輸。

The Aerial Line shall be routed via Ili and Tihwa.

上述航線經由伊犁及迪化。

Any alterations of The Aerial Line shall have to be made only by mutual agreement between the two Contracting Parties.

上述航線非經雙方同意不得變更。