

CANADA

TREATY SERIES, 1941

No. 13

EXCHANGE OF NOTES

(August 26, 1941)

CONSTITUTING

A COMMERCIAL *MODUS VIVENDI*

BETWEEN

CANADA

AND

ECUADOR

IN EFFECT OCTOBER 1, 1941



OTTAWA
EDMOND CLOUTIER
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1942

**EXCHANGE OF NOTES (AUGUST 26, 1941) BETWEEN CANADA AND
ECUADOR CONSTITUTING A COMMERCIAL MODUS VIVENDI.**

I

*From the Foreign Minister of Ecuador to the Canadian Minister
of Trade and Commerce*

MINISTERIO DE RELACIONES EXTERIORES

No. 1541-D-156.

Quito, á 26 de Agosto de 1941.

Señor Ministro:

Con el objeto de incrementar las relaciones que felizmente existen entre el Ecuador y el Canadá, y mientras se pueda celebrar un Tratado Comercial entre los dos países, me es grato proponer a Vuestra Excelencia, a nombre del Gobierno Ecuatoriano, el siguiente modus vivendi comercial:

1. Los artículos cosechados, producidos o manufacturados en el Ecuador, al ser importados en el Canadá, no estarán sujetos a derechos o cargas mayores que aquellos que el Canadá aplica o aplicare en adelante a productos de la misma naturaleza, cosechados, producidos o manufacturados en cualquier otro país extranjero.

2. Para gozar de las ventajas arriba mencionadas, los productos en cuestión deberán ser transportados de un puerto ecuatoriano a un puerto de mar, lago o río en el Canadá, sin trasbordo, o en tránsito por un país que goce de los beneficios de la Tarifa Preferencial Británica o Tarifa Intermedia del Canadá.

3. Las ventajas ya concedidas o que pudieran ser concedidas en el futuro por el Canadá a otros territorios que se hallan bajo la soberanía de Su Majestad el Rey de Gran Bretaña, Irlanda y los Dominios Británicos allende los mares, Emperador de la India, o bajo la autoridad suprema, protección o mandato de Su Majestad, serán exceptuadas de la aplicación del presente convenio.

4. Los artículos cosechados, producidos o manufacturados en el Canadá, al ser importados en el Ecuador, no estarán sujetos a derechos o cargas mayores que aquellos que el Ecuador aplica o aplicare en adelante a productos de la misma naturaleza cosechados, producidos o manufacturados en cualquier otro país extranjero. En consecuencia, el Gobierno del Ecuador levanta el recargo de 50% que ha venido aplicando a los artículos cosechados, producidos o manufacturados en el Canadá.

5. Para gozar de las ventajas en referencia, dichos artículos serán transportados de un puerto en el Canadá a un puerto de mar, lago o río del Ecuador sin trasbordo, o en tránsito por un país que goce los beneficios de la Tarifa Preferencial Ecuatoriana.

6. Las ventajas ya concedidas o que pudieran ser concedidas en el futuro por el Ecuador a países limítrofes para facilitar el tráfico fronterizo se exceptúan de la aplicación del presente convenio.

7. En consecuencia de los artículos 1 y 4, toda ventaja que se acordare por uno de los dos Gobiernos a los productos naturales u originarios de un tercer país distinto de los indicados en los artículos 3 y 6, serán acordados inmediatamente y sin compensación a los productos similares originarios del otro país.

8. Los dos Gobiernos se concederán recíprocamente un tratamiento no menos favorable del concedido, en igualdad de condiciones, a cualquier otro país extranjero en todo lo conen todo lo concerniente a controles de cambios e importaciones.

9. Este acuerdo entrará en vigencia el 1° de Octubre de 1941, y podrá cualquiera de las Partes darlo por terminado en cualquier tiempo, notificando previamente a la otra con anticipación de tres meses.

Con la contestación favorable de Vuestra Excelencia quedará perfeccionado este modus vivendi.

Aprovecho la oportunidad para reiterar a Vuestra Excelencia las seguridades de mi más alta y distinguida consideración.

J. TOBAR DONOSO.

(Translation)

DEPARTMENT OF FOREIGN AFFAIRS

No. 1541-D-156.

Quito, 26th August, 1941.

Sir,—With the object of strengthening the relations which happily exist between Ecuador and Canada, and pending the conclusion of a Trade Agreement between the two countries, I have the pleasure to propose to Your Excellency, on behalf of the Ecuadorian Government, the following commercial *modus vivendi*:—

1. Articles, the growth, produce or manufacture of Ecuador shall not, on importation into Canada, be subject to higher duties or charges than those levied or which will be levied on like articles, the growth, produce or manufacture of any other foreign country.

2. In order to secure the advantages aforesaid, such articles shall be transported from a port of Ecuador into a sea, lake or river port of Canada, without transshipment, or in transit through a country which enjoys the benefits of the British Preferential or Intermediate Tariffs of Canada.

3. The advantages now accorded, or which may hereafter be accorded by Canada 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, shall be excepted from the operation of this agreement.

4. Articles, the growth, produce or manufacture of Canada shall not, on importation into Ecuador, be subject to higher duties or charges than those levied or which will be levied on like articles the growth, produce or manufacture of any other foreign country. In consequence, the Government of Ecuador removes the 50% surcharge which is being applied to articles, the growth, produce or manufacture of Canada.

5. In order to secure the advantages aforesaid, such articles shall be transported from a port of Canada into a sea, lake or river port of Ecuador without transshipment, or in transit through a country which enjoys the benefits of the preferential tariff of Ecuador.

6. The advantages now accorded or which may hereafter be accorded by Ecuador to adjacent countries in order to facilitate frontier traffic shall be excepted from the operation of this agreement.

7. In accordance with Articles 1 and 4, any advantage which may be accorded by one of the two Governments to the articles, the produce or origin of a third country, other than those referred to in Articles 3 and 6, shall be accorded immediately and without compensation to the like products originating from the other country.

8. The two Governments shall grant one another reciprocally treatment not less favourable than is accorded under equal conditions to any other foreign country in all matters relating to the control of foreign exchange and imports.

9. This agreement shall come into force on the 1st October, 1941, and either of the Parties may terminate it at any time, upon prior three months' notice to the other.

The favourable reply from Your Excellency will constitute the completion of this commercial *modus vivendi*.

I avail, etc.,

J. TOBAR DONOSO.



*From the Canadian Minister of Trade and Commerce to the
Foreign Minister of Ecuador*

Quito, 26th August, 1941.

Your Excellency,

In reply to Your Excellency's note of to-day, I have the honour to inform you that, with the object of strengthening the relations which happily exist between Ecuador and Canada, and pending the conclusion of a Trade Agreement between the two countries, the Government of Canada is prepared to accept the following commercial *modus vivendi*:—

1. Articles, the growth, produce or manufacture of Ecuador shall not, on importation into Canada, be subject to higher duties or charges than those levied or which will be levied on like articles, the growth, produce or manufacture of any other foreign country.

2. In order to secure the advantages aforesaid, such articles shall be transported from a port of Ecuador into a sea, lake or river port of Canada, without transshipment, or in transit through a country which enjoys the benefits of the British Preferential or Intermediate Tariffs of Canada.

3. The advantages now accorded, or which may hereafter be accorded by Canada 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, shall be excepted from the operation of this agreement.

4. Articles, the growth, produce or manufacture of Canada shall not, on importation into Ecuador, be subject to higher duties or charges than those levied or which will be levied on like articles the growth, produce or manufacture of any other foreign country. In consequence, the Government of Ecuador removes the 50% surcharge which is being applied to articles, the growth, produce or manufacture of Canada.

5. In order to secure the advantages aforesaid, such articles shall be transported from a port of Canada into a sea, lake or river port of Ecuador without transshipment, or in transit through a country which enjoys the benefits of the preferential tariff of Ecuador.

6. The advantages now accorded or which may hereafter be accorded by Ecuador to adjacent countries in order to facilitate frontier traffic shall be excepted from the operation of this agreement.

7. In accordance with Articles 1 and 4, any advantage which may be accorded by one of the two Governments to the articles, the produce or origin of a third country, other than those referred to in Articles 3 and 6, shall be accorded immediately and without compensation to the like products originating from the other country.

8. The two Governments shall grant one another reciprocally treatment not less favourable than is accorded under equal conditions to any other foreign country in all matters relating to the control of foreign exchange and imports.

9. This agreement shall come into force on the 1st October, 1941, and either of the Parties may terminate it at any time, upon prior three months' notice to the other.

This reply to Your Excellency's note will constitute the completion of this commercial *modus vivendi*.

I avail, etc.,

JAMES A. MACKINNON.