

Exchange of Notes (March 29 and 30, 1933), Prolonging for  
Nine Months the Commercial "Modus Vivendi" of  
December 20 and 27, 1932, Between  
Canada and Germany

The Secretary of State for External Affairs of Canada to the German  
Consul General for Canada

DEPARTMENT OF EXTERNAL AFFAIRS, CANADA

Ottawa, March 29, 1933

EXCHANGE OF NOTES

(March 29 and 30, 1933)

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FOR NINE MONTHS  
THE COMMERCIAL "MODUS VIVENDI" OF  
DECEMBER 20/27, 1932,

BETWEEN

CANADA AND GERMANY



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The Secretary of State for External Affairs of Canada to the German  
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DEPARTMENT OF EXTERNAL AFFAIRS, CANADA

OTTAWA, March 29, 1933.

SIR,

I have the honour to refer to your letter dated the 21st March, 1933, in which you submit certain proposals designed to provide for the establishment of *de facto* "most favoured nation" treatment between Canada and Germany, for a limited period of time.

The Canadian Government is in agreement with the views expressed by you on behalf of the German Government as to the desirability of providing for a *modus vivendi*, based upon the establishment of *de facto* most favoured nation treatment in tariff matters. To this end the Canadian Government, acting under statutory authority, will provide for the application of the intermediate tariff to the natural and manufactured products of Germany. The rates of the intermediate tariff are the lowest tariff rates which are now accorded to any foreign country. For this purpose a draft recommendation to the Governor General in Council has been drawn up according to the benefit of intermediate tariff to German goods, for a period of nine months from the 1st April, 1933. A copy of the draft recommendation is enclosed and, if the considerations set forth therein are in accord with the views of your Government, I shall recommend the immediate passing of an Order in Council in such terms.\*

You will observe that the recommendation provides for its extension for a period of nine months, subject, however, to termination at an earlier date, in the event that the German Government ceases to accord most favoured nation treatment to Canada in tariff matters. This clause differs slightly from that suggested in your letter, but it would seem to be desirable to have the arrangement extend for a period of nine months and the two Governments will then be in a position to take up the question of what further action should be taken with regard to the matter.

You will observe that provision is made for another clause along the general lines suggested by your letter, in order to protect legitimate trade against hardships which might result from a sudden withdrawal of the lower tariff rates.

You will also understand that the basis of this arrangement is reciprocal in its character, and that its continued application is contingent upon reciprocal action by the German Government in giving to Canadian products in tariff matters treatment not less favourable than that accorded to the products of any other foreign country.

Such an arrangement will doubtless be advantageous to both countries in covering the period preceding the conclusion of some more permanent arrangement. You will, of course, understand that the acceptance of a temporary

\* P.C. 598, March 31, 1933. See CANADA GAZETTE, April 8, 1933.





arrangement of this character will not preclude the Canadian Government from urging the inclusion of conventional rates adapted to the special requirements of Canadian trade in any permanent arrangement that may be negotiated at a later date.

Yours sincerely,

R. B. BENNETT,  
Secretary of State for External Affairs.

L. KEMPF, Esq.,  
German Consul General for Canada,  
Montreal, P.Q.

*The German Consul General for Canada to the Secretary of State for  
External Affairs of Canada.*

GERMAN CONSULATE GENERAL FOR CANADA

MONTREAL, March 30, 1933.

SIR,

Referring to your letter of March 29th, I have the honour to make, on behalf of my Government, the following declaration:

The German Government agree to an arrangement under which *de facto* most-favoured-nation treatment is to be extended from April 1st, 1933, for a period of nine months, subject, however, to termination at an earlier date in the event that the rates of the Intermediate Tariff cease to be the lowest rates accorded by Canada to the natural or manufactured products of any foreign country. The German Government will, therefore, within the limits of the above period, grant to the natural and manufactured products of Canada, upon importation into Germany, the rates of the Conventional Tariff of Germany, and on those items, on which there are no conventional rates, the rates of the German Tariff, for such time as German products are not treated less favourably in Canada than those of any other foreign country.

In the event that Canada is removed from the list of most-favoured nations at a date prior to the expiration of the said period of nine months, pursuant to the provisions of the preceding clauses, the increased rates applicable by such action shall not apply to goods imported into Germany on or before the expiration of thirty days after such date, provided that such goods have been *bona fide* contracted for and purchased in Canada for the purpose of exportation to Germany many prior to such date.

I have the honour to be, sir,

Your obedient servant,

L. KEMPF,  
German Consul General.

The Right Honourable  
R. B. BENNETT, K.C., P.C.,  
Secretary of State for External Affairs,  
Ottawa.