

N° 2982.

GRÈCE ET ROUMANIE

Convention d'établissement et protocole. Signés à Bucarest, le 11 août 1931.

GREECE AND ROUMANIA

Convention of Establishment and Protocol. Signed at Bucharest, August 11, 1931.

¹ TRADUCTION. — TRANSLATION.No. 2982. — CONVENTION ² OF ESTABLISHMENT BETWEEN GREECE AND ROUMANIA. SIGNED AT BUCHAREST, AUGUST 11, 1931.

French official text communicated by the Permanent Delegate of the Hellenic Republic accredited to the League of Nations. The registration of this Convention took place June 21, 1932.

THE PRESIDENT OF THE GREEK REPUBLIC, of the one part, and HIS MAJESTY THE KING OF ROUMANIA, of the other part, being desirous of determining the conditions under which Greek nationals may establish themselves in Roumania and Roumanian nationals in Greece have decided to conclude a convention for this purpose and have appointed as their Plenipotentiaries :

THE PRESIDENT OF THE GREEK REPUBLIC :

His Excellency M. Constantin COLLAS, Envoy Extraordinary and Minister Plenipotentiary of the Greek Republic at Bucharest ;

HIS MAJESTY THE KING OF ROUMANIA :

M. Nicolas IORGA, President of the Council and Acting Minister for Foreign Affairs ;

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

Article I.

Without prejudice to the provisions contained in the present Convention, nationals of each of the High Contracting Parties shall enjoy in the territory of the other Party, the same rights, privileges and favours as nationals in respect of their persons and property.

Consequently, nationals of each of the High Contracting Parties shall, subject to compliance with the laws and regulations of the country, have the right to enter the territory of the other Party freely, to travel, reside and establish themselves therein, or to depart at any time without being subject to any restrictions whatsoever other than those to which nationals are or may hereafter be subject, or, should special provisions dealing with foreign nationals exist, those to which the nationals of the most favoured nation are subject, without prejudice to police regulations concerning foreigners.

It is understood, nevertheless, that the provisions above mentioned do not, in any way, affect the right acknowledged to both High Contracting Parties to control immigration or emigration by law.

¹ Traduit par le Secrétariat de la Société des Nations, à titre d'information.

¹ Translated by the Secretariat of the League of Nations, for information.

² The exchange of ratifications took place at Bucharest, June 3, 1932.

Article 2.

Each of the High Contracting Parties reserves the right to prohibit, in individual cases, nationals of the other Party from establishing themselves or residing within its territory, either under the order of a Court or in accordance with the laws and regulations relating to public morality, public health or mendicancy, or for other reasons affecting the safety of the State, and to expel them on these grounds.

The other Party undertakes at any time to receive back its nationals and their families who have thus been expelled, provided that their nationality is certified by the competent Consul.

Article 3.

Nationals of either High Contracting Party shall be allowed full freedom to acquire and possess in the territory of the other Party, all kinds of property, both movable and immovable, the acquisition or possession of which is or may hereafter be permitted by the laws of the other High Contracting Party to nationals of the most favoured country. They may dispose of such property by sale, exchange, gift, marriage, testament or in any other manner, or acquire it by inheritance under the same conditions as those which are or may hereafter be laid down in respect of nationals of the other High Contracting Party.

In all of the above-mentioned cases, and in connection with the export of the proceeds of the sale of their property or of the property itself, they shall not be subject to any tax, charge or impost, of any description whatsoever, other or higher than those which are or may be established in the case of nationals.

As regards measures of expropriation taken for reasons of public utility or in the public interest, the nationals of one of the High Contracting Parties shall not receive, in the territory of the other Party, less favourable treatment than nationals of that Party.

Article 4.

Nationals of either High Contracting Party shall, in the territory of the other Party, have the right, on the same conditions as nationals of the most favoured nation, and subject to compliance with the laws and regulations of the country, to engage in any kind of industry or commerce and to follow any trade or profession whatsoever, with the exception of occupations and professions which are or may hereafter be reserved by law for nationals.

Article 5.

Nationals of either High Contracting Party shall not be required in the territory of the other Party to pay any charges, taxes or imposts of any kind whatsoever other or higher than those imposed upon the nationals of the country, in respect of their persons or property, or for the exercise of any form of commerce, industry, trade or profession.

By way of reciprocity nationals of either High Contracting Party shall not be subject to any special residence tax in the territory of the other country (" residence " tax and charges levied in respect of the carrying out of police formalities).

Article 6.

Nationals of each of the High Contracting Parties shall be entitled to the same treatment as nationals of the country in respect of legal and judicial protection for their persons and their property.

Consequently, they shall have free and unhampered access to the courts of every degree of jurisdiction of the other Party ; they may appear before the courts as litigants and shall enjoy the benefits of legal aid on the same conditions and in the same forms as nationals of the country. In particular, no security or deposit, of any description whatsoever can be required of nationals of the High Contracting Parties, either as foreigners or because they have no domicile or residence in the country where the case has been brought.

They may also appoint advocates, solicitors and agents of all kinds authorised by the laws of the country and shall in this respect enjoy the same rights and advantages as those which are or may be granted to nationals of the country.

Article 7.

Companies incorporated under civil and commercial law and all other undertakings, in so far as their activities are exclusively economic in character, which have been constituted in accordance with the laws of one of the two countries, shall be fully recognised by the other as regularly formed.

Such companies and undertakings shall enjoy most-favoured-nation treatment in all respects and, in legal matters, the same treatment as national companies.

They may carry on their industrial and commercial activities on the territory of the other country under the same conditions as the nationals of their own country ; but in so establishing themselves in that territory and founding subsidiary establishments, branches and agencies, they shall conform to the laws of the latter country.

If in one of the two countries the setting up or founding of subsidiary establishments or agencies or the exercise of activities is subject to authorisation, such authorisation, once granted, may not be withdrawn except in cases expressly provided for by law.

Article 8.

Nationals of either High Contracting Party shall not be liable, in the territory of the other party, to any military service, whether in the Army, Navy or Air Force or in the National Guard or Militia, or to any obligation or payment which replaces such service.

They shall also be exempt from any compulsory judicial, administrative or municipal official function, from any military requisition or contribution and from any other charge which might be imposed owing to the requirements of war or other exceptional circumstances.

The above shall not include, however, charges attaching to the holding, in any capacity, of real estate or to military contributions which all nationals may be called upon to make as landed proprietors or farmers.

Article 9.

The High Contracting Parties accord each other the right to appoint Consuls-General, Consuls, Vice-Consuls and Consular Agents in all ports and commercial centres of the other Party where the right to appoint Consular officers has been granted to a third Power.

After having obtained the exequatur, and subject to reciprocity, the Consular officers appointed by one of the Contracting Parties shall enjoy, in the territory of the other Party, all privileges, rights and immunities, which are or may be subsequently enjoyed by officers of the same grade and category of a third Power.

Article 10.

As regards the administration of property belonging to nationals of one of the Contracting Parties who have died in the territory of the other, any right, privilege, advantage or immunity which has been or may be granted by the High Contracting Parties to the consular agents of any other foreign State whatsoever shall, subject to reciprocity, immediately be accorded to the consular agents of the other Party.

Article 11.

Any disputes arising between the High Contracting Parties regarding the interpretation and application of the present Convention which cannot be settled through diplomatic channels shall be submitted to arbitration in accordance with the procedure instituted by the Pact¹ of Non-Agression and Arbitration between Roumania and Greece, concluded at Geneva on March 21, 1928.

Article 12.

The present Convention shall be ratified and the instruments of ratification shall be exchanged at Bucharest as soon as possible.

It shall come into force fifteen days after the exchange of ratifications. It shall have a duration of two years and shall remain in force after the expiry of that period until one of the High Contracting Parties shall have given six months notice of its intention to terminate its operation.

In faith whereof the above Plenipotentiaries have signed the present Convention and have thereto affixed their seals.

Done, in duplicate, at Bucharest, August 11, 1931.

(L. S.) C. COLLAS.

(L. S.) N. IORGA.

PROTOCOL.

At the moment of signing the Establishment Convention of to-day's date, the two High Contracting Parties have decided to define certain of its clauses and the conditions of their application in accordance with the following provisions :

Ad. Article 5.

Notwithstanding the terms of the second paragraph of Article 5, the Roumanian Government may always collect the residence taxes and the charges levied in respect of police formalities so long as the Greek Government levies taxes of the same kind on Roumanian nationals in Greece.

These taxes shall not be levied at a higher rate than that of the taxes levied on nationals of any other State.

Ad. Article 7.

The High Contracting Parties agree, however, not to hamper by the requirement of previous authorisation, the establishment of companies of one of the Parties in the territory of the other in so far as they carry on activities generally permitted to companies of any other country.

Ad. Article 12.

The ratifications of the Establishment Convention shall be exchanged at the same time as those relating to the Convention² of Commerce and Navigation of to-day's date.

Done, in duplicate, at Bucharest, August the eleventh, one thousand nine hundred and thirty-one.

C. COLLAS.

N. IORGA.

¹ Vol. CVIII, page 187, of this Series.

² See page 33, of this Volume.