

N° 1092.

ALBANIE ET ITALIE

Convention d'établissement, avec
protocole final, signés à Rome, le
29 février 1924.

ALBANIA AND ITALY

Establishment Convention with Final
Protocol, signed at Rome, Fe-
bruary 29, 1924.

¹ TRADUCTION. — TRANSLATION.No. 1092. — ESTABLISHMENT CONVENTION² BETWEEN ALBANIA AND ITALY, SIGNED AT ROME, FEBRUARY 29, 1924.

French official text communicated by the Albanian and Italian Ministers for Foreign Affairs. The registration of this Convention took place February 11, 1926.

THE HIGH COUNCIL OF REGENCY OF ALBANIA and HIS MAJESTY THE KING OF ITALY, being desirous of regulating the conditions of residence and business for nationals of the two States by liberal provisions and on a footing of perfect reciprocity, have resolved to conclude a Convention and have for this purpose appointed as their Plenipotentiaries :

THE HIGH REGENCY COUNCIL OF ALBANIA :

His Excellency Feïzi Bey ALIZOTTI, former Minister of Finance.

His Excellency Djafer VILLA, Secretary-General to the Ministry for Foreign Affairs.

HIS MAJESTY THE KING OF ITALY :

His Excellency Benito MUSSOLINI, President of the Council, Minister for the Interior and Minister for Foreign Affairs *ad interim*,

Who, having exchanged their full powers found in good and due form, have agreed as follows :

Article 1.

There shall exist between the State of Albania and the Kingdom of Italy perpetual friendship and mutual freedom of residence and business.

Italians shall be received and treated in the State of Albania, as regards their persons and their property, on the same footing and in the same manner as the nationals or citizens of the most favoured nation are or may in the future be treated.

Conversely, Albanians shall be received and treated in Italy, as regards their persons and their property, on the same footing and in the same manner as the nationals or citizens of the most favoured nation are or may in the future be treated.

Accordingly, the nationals of each of the two Contracting Parties and their families may, provided that they conform to the laws of the country, freely enter and travel, reside and settle in any part of the territory of the other Party, and, as regards residence permits and permission to carry on their occupation, shall be subjected to no tax, charge or condition other than those imposed upon the nationals and citizens of the most favoured nation. They may engage in trade both wholesale and retail, and in any profession or industry, may rent and occupy the houses, stores, shops and establishments which they require, and may transport goods and money and receive consignments

¹ Traduit par le Secrétariat de la Société des Nations.

¹ Translated by the Secretariat of the League of Nations.

² The exchange of ratifications took place at Rome, January 21, 1926.

both from within the country and from abroad, without being subjected as regards all or any of these operations to any obligations or charges heavier or more burdensome than those which are or may be imposed upon nationals, except precautionary measures of the police authorities and such legal regulations as are or may be issued to control the exercise of liberal professions by nationals of the most favoured nation. They shall be on a footing of perfect equality with nationals in respect of all purchases and sales and shall be free to establish and fix the price of all effects, merchandise and articles both imported and national, whether for sale within the country or intended for export, provided that they strictly observe the laws and regulations of the country. They shall enjoy the same freedom to transact their business themselves and to make their own declarations before the customs authorities when purchasing or selling their goods, effects or merchandise, or to employ for this purpose such persons as they think fit, as authorised agents, factors, couriers, representatives and consignees or interpreters. They shall also have the right to fulfil all duties which may be entrusted to them by their compatriots, by foreigners or by nationals, in the capacity of authorised agents, factors, representatives, consignees or interpreters.

The Governments of the two countries shall employ all means at their disposal in order that contracts affecting Italians in Albania and Albanians in Italy engaged in the service of public administrations or private industrial, agricultural or other undertakings, may be duly respected by the two parties concerned.

Any persons who shall have committed offences against the said employees or shall have induced them to leave their country by means of false promises shall be punished according to the laws in force.

As regards passports, the nationals of each of the two Contracting Parties shall enjoy in the territories of the other the same privileges, immunities, favours or conditions as are or may in the future be enjoyed by nationals of the most favoured nation.

Finally, they shall not pay, in respect of their trade or industry in the towns or other localities of the two States, whether they are settled there or are residing there temporarily, any duties, charges or taxes of any kind whatsoever other or higher than those which may be levied upon the nationals or upon the citizens of the most favoured nation; and the privileges, immunities or any other favours which are or may in the future be enjoyed by citizens of one of the two States in respect of trade and industry shall be equally extended to citizens of the other.

The nationals of each of the Contracting Parties may not have their goods expropriated in the territory of the other Party except for reasons of public interest recognised by law as such and in return for fair compensation.

Article 2.

The nationals of one of the two Contracting Parties residing or established in the territory of the other who desire to return to their own country, or who are expelled as the result of a judicial sentence or a police measure legally adopted and executed, or in conformity with the laws on mendicancy or public morality, shall be received, both as regards themselves and their families, at any time and in any circumstances in the country to which they belong, provided that they still possess their rights there in conformity with the laws.

Article 3.

The nationals of each of the Contracting Parties shall enjoy in the territory of the other Party full and complete protection of their persons, property and interests. They shall enjoy in this respect the same rights and privileges as are or may be granted to the nationals or citizens of the most favoured nation.

They shall also have free access to the courts of any instance and jurisdiction in order to substantiate their rights and provide measures for their defence, if they conform to the laws of the country.

For this purpose they may employ such counsel, notaries and agents as they may consider fit to defend their interests and they shall in general enjoy, as regards judicial matters, the same rights and privileges as are or may in the future be granted to the nationals and citizens of the most favoured nation.

Article 4.

The commercial and civil associations (including public and private life insurance institutions) domiciled in the territories of one of the Contracting Parties and having been validly constituted in that country in conformity with its laws, shall be recognised, subject to the formalities and within the limits fixed by the laws in force, as having legal existence in the territories of the other and shall be able to exercise all their rights in that country including that of suing and being sued before the courts as plaintiffs or defendants.

In any case the said associations shall enjoy in the territories of the other Contracting Party the same rights as are or may be granted to the similar associations of any other country.

The said associations and institutions shall not be required to pay, in respect of the exercise of commercial or industrial activities in the territory of the other Party, other or higher rates, duties or taxes than those which are levied on the nationals or citizens of the most favoured nation.

Article 5.

As the right of aubaine does not exist either in Italy or Albania, the nationals of the two Contracting Parties may take possession and dispose of any inheritance which may come to them by law or by testamentary disposition in any part of the territory of the other Party, on the same terms as, and without being subjected to other or more burdensome conditions than those imposed on, nationals. They shall have full and complete freedom to acquire and possess by purchase, sale, gift, exchange, marriage, testamentary disposition or succession *ab intestato* or by any other means all kinds of movable or immovable property which according to the laws of the country may be possessed and disposed of by nationals. Their heirs and representatives may succeed and take possession of such property, either themselves or through authorised agents acting in their name and in conformity with the ordinary forms of law, on the same terms as nationals. In the absence of heirs or representatives, the property shall be treated in the same way as property belonging to a national of the country would be treated in similar circumstances. In no circumstances shall they pay on the value of such property any tax, contribution or charge other or higher than those which are imposed upon nationals. In all cases nationals of the two Contracting Parties shall be allowed to export their property, that is to say, Italians from Albania and Albanians from Italy, freely and without being called upon to pay any duty as foreigners on account of such export or any duties other or higher than those paid by the nationals themselves.

Article 6.

In the event of requisitions in one of the two States, the interests of nationals belonging to the other State shall, subject to the provisions of the following Article with regard to military requisitions, enjoy complete protection as regards the determination of the amount of compensation, which shall be fixed on an equitable basis and with due regard to all the circumstances which may affect the value of the goods to be requisitioned. It is understood that in all cases nationals of one of the two States shall in this respect not be treated in the other State in a manner less favourable than the nationals of any third Power.

Article 7.

The nationals of each of the two Contracting Parties shall be exempt in the territory of the other Party from all military service, whether on land or sea, in the regular army or in the national

militia ; they shall also be exempt from any obligatory judicial, administrative or municipal official functions, from all military requisitions or contributions, and from forced loans and other charges which may be imposed for purposes of war or for other exceptional reasons.

Exceptions, however, shall be made in respect of charges connected with the ownership or renting of real estate, and also in respect of military contributions and requisitions to which nationals may be called upon to submit in their capacity as owners, tenants or occupiers of immovable property.

Article 8.

In no circumstances may any other or higher taxes, duties, contributions or charges be imposed or demanded in the territory of one Party in respect of the property of a national of the other Party, than would be imposed or demanded in respect of the same property if it belonged to a national of the country. Further, it is understood that the nationals of each of the two Contracting Parties may not, as regards their movable or immovable property or their incomes, be subjected in the territory of the other Party to any other duties, restrictions, charges or taxes than would be imposed upon the nationals or citizens of the most favoured nation.

Article 9.

Any advantage which one of the two Contracting Parties may in any way have granted or grant in the future to another Power with regard to conditions of residence and the carrying on of occupations shall be applicable in the same way, on the same conditions and at the same time to the other Party.

Article 10.

The Italian and Albanian Governments, being desirous of ensuring the communication of documents relating to the status of their respective nationals, undertake to deliver to each other duly certified copies of the relevant certificates of birth, marriage and death and to publish marriage notifications.

These documents shall be transmitted through the diplomatic channel, free of charge, and in the form customary in each country.

The said documents shall be accompanied by a translation in the language of the country to which they are transmitted, or in French.

Article 11.

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

It shall enter into force on the date of the exchange of the instruments of ratification and shall remain in force for ten years from that date. Should neither of the two Contracting Parties have notified its intention to terminate its effects six months before the end of the said period, it shall remain binding until the expiry of six months from the day on which one or other of the Contracting Parties shall have denounced it.

In faith whereof, the Plenipotentiaries have signed the present Convention and have thereunto affixed their seals.

Done in duplicate at Rome on February 29, 1924.

(L. S.) BENITO MUSSOLINI.

(L. S.) FEÏZI ALIZOTTI.

(L. S.) DJAFER VILLA.

FINAL PROTOCOL.

At the time of signing the Establishment Convention concluded this day between Italy and Albania, the undersigned Plenipotentiaries have made the following declaration, which shall form an integral part of the same Convention :

Regarding Article 5.

It is agreed that, with regard to the right to acquire by purchase immovable rural property, the provisions applicable in the territory of each of the Contracting Parties to the nationals of the other Party shall be the provisions established by the laws of each country with regard to nationals of the most favoured nation.

Should any limitations be applied by one of the Contracting Parties to the nationals of the other, the latter Party shall apply the same limitations to the nationals of the Party by whose laws such limitations shall have been decreed.

The present Protocol, which shall be regarded as approved and sanctioned by the Contracting Parties without further ratification and by the mere fact of the exchange of the instruments of ratification of the Convention to which it refers, has been drawn up in duplicate at Rome on February 29, 1924.

(L. S.) BENITO MUSSOLINI.

(L. S.) FEÏZI ALIZOTTI.

(L. S.) DJAFER VILLA.