

N° 2968.

SUISSE ET TURQUIE

Convention d'établissement, avec protocole de signature. Signés à Ankara, le 13 décembre 1930.

SWITZERLAND AND TURKEY

Convention of Establishment, with Protocol of Signature. Signed at Ankara, December 13, 1930.

¹ TRADUCTION. — TRANSLATION.No. 2968. — CONVENTION ² OF ESTABLISHMENT BETWEEN SWITZERLAND AND TURKEY. SIGNED AT ANKARA, DECEMBER 13, 1930.

French official text communicated by the Swiss Federal Council. The registration of this Convention took place May 19, 1932.

THE SWISS FEDERAL COUNCIL and THE PRESIDENT OF THE TURKISH REPUBLIC, being desirous of determining the conditions of the establishment of Turkish nationals in Switzerland and Swiss nationals in Turkey, have decided to conclude a Convention of Establishment and have appointed for this purpose as their respective Plenipotentiaries :

THE SWISS FEDERAL COUNCIL :

M. Henri MARTIN, Envoy extraordinary and Minister Plenipotentiary in Turkey of the Swiss Confederation ;

THE PRESIDENT OF THE TURKISH REPUBLIC :

ZEKÂI Bey, Minister of Public Works,
Mustafa SEREF Bey, Minister for Economic Affairs,
Menemenli NUMAN Bey, Under-Secretary of State for Foreign Affairs ;

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

Article 1.

Nationals of each of the High Contracting Parties shall have the right to establish themselves and reside in, and leave and enter, and move about freely in, the territory of the other Party, subject to compliance with the laws and regulations which are or may be in force in that country and without prejudice to the provisions respecting immigration.

With regard to any charges or taxes to which they are liable in respect of residence or establishment, the nationals of the two Parties shall enjoy the same treatment as the best-treated foreigners.

Article 2

Subject to compliance with the laws and regulations of the country, the nationals of each of the High Contracting Parties shall have the right to acquire, possess and dispose of all kinds of property, both movable and immovable, in the territory of the other Party — except in cases provided for in their respective laws — to the same extent as the nationals of the most favoured

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 Berne, April 16, 1932.

nation. They shall be able on the same conditions to dispose freely by sale, purchase, gift, transfer, exchange, marriage settlement, testament or in any other way, and to take possession by inheritance in accordance with the law or under dispositions *inter vivos* or by bequest.

In none of the above-mentioned cases shall they be subject to any taxes, charges or imposts of any description whatever other or higher than those which are or shall be established in the case of nationals.

Article 3.

Nationals of each of the High Contracting Parties shall have the right in the territory of the other Party and on the same footing as the nationals of the latter, to engage in any kind of industry or commerce and to follow any trade or profession except hawking or other itinerant trade and with the exception of trades and professions which, in virtue of laws or regulations, are or may be exclusively reserved for nationals of the country.

In this respect they shall not be required to pay any impost, tax or charge of any nature whatever other or higher than those demanded of nationals.

Article 4.

Nationals of each of the High Contracting Parties shall, in time of peace and in time of war be exempt in the territory of the other Party from every form of military service and from any contribution in money or in kind which replaces personal military service.

With the exception of military contributions and requisitions levied in time of peace and in time of war upon nationals of the country, which charges shall be applied to them upon the same conditions as to nationals and in return for the compensation provided under the respective laws, they shall not be liable to any contribution other than those which constitute a tax or impost established by law for the benefit of the State or of its administrative departments.

Nationals of each of the High Contracting Parties shall also be exempt from any compulsory judicial or administrative office or function.

Article 5.

Nationals of each of the High Contracting Parties may not have their movable or immovable or private property in the territory of the other Party expropriated, nor may the use of it be denied to them even temporarily, except for reasons of public interest recognised by law as such, and in return for fair compensation to be paid in advance.

No expropriation may take place without public notice being previously given.

Article 6.

Nationals of each of the High Contracting Parties shall enjoy in the territory of the other Party on the same footing as the nationals of the country, the fullest protection of the laws, Courts and other authorities in respect of their persons and property.

The regulations relating to *cautio judicatum solvi* and to free judicial assistance shall be governed by local legislation until these questions are settled by a special convention to be concluded between the High Contracting Parties.

Article 7.

Subject to the stipulations of Article 1, paragraph 2, of the present Convention, the nationals of each of the High Contracting Parties shall in no case be liable to imposts, dues or taxes of any kind whatever other or higher than those which may be imposed upon nationals of the country.

As regards exemptions from fiscal charges of any kind or any description whatsoever other than those which may be granted to undertakings established by the State or to concessionnaires of a public utility service, each of the High Contracting Parties undertakes to extend the benefit of such exemptions to the nationals and companies of the other Party on the same conditions as to the nationals and companies of the most favoured nation.

Article 8.

Nationals of each of the High Contracting Parties who, without being permanently established in the country, conduct business of any kind during their residence in the territory of the other Party, shall not by reason of that fact be subjected to any impost, tax or charge of any kind whatsoever other or higher than those to which nationals of the country are liable in respect of a business of the same nature or importance.

Each of the High Contracting Parties declares its willingness, subject to reciprocity, to grant a free visa to indigent nationals of the other Party who wish to leave the territory of that Party, on condition that their indigence is certified by the competent diplomatic or consular Representative.

Article 9.

Should one of the High Contracting Parties expel, in individual cases, nationals of the other High Contracting Party, either under an order of the Court or in accordance with the laws and regulations relating to public morality, public health or pauperism, or for reasons affecting the internal or external safety of the State, the expulsion shall be carried out in conditions compatible with the requirements of health and humanity.

Article 10.

Commercial, industrial and financial corporations, including transport and insurance companies, which are regularly incorporated in conformity with the laws of one of the High Contracting Parties and have their headquarters in its territory, shall be legally recognised in the other country, provided that they do not pursue an aim which is either illicit or contrary to public morals, and their capacity and right to sue and be sued shall be determined by the laws of their country of origin.

They shall have the right to establish themselves in the territory of the other Party and to engage in business therein, provided they conform to the laws or regulations which are or may be in force.

Subject to compliance with the laws of the country, they shall have the right in the territory of the other Party to acquire all kinds of movable and immovable property which is necessary for their operations, save in the cases provided for in the respective laws, on condition in this case that the acquisition of such property does not constitute the object of the company's existence.

They shall have free access to the Courts and may sue and be sued on the same conditions as nationals of the country.

They shall not be subject to any taxes, contributions or, generally, to any charges other or higher than those imposed upon national corporations.

With the exception of military contributions and requisitions levied in time of peace and in time of war upon nationals of the country, which charges shall be levied upon them on the same conditions as upon national companies and in return for the compensation provided for under the respective laws, they shall not be liable to any contribution other than those which constitute a tax or impost established under existing laws and regulations for the benefit of the State or of its administrative departments.

The associated companies, branches, agencies and other representatives of firms or companies lawfully incorporated in the territory of the other Party shall only be taxed on the capital lawfully invested in the said associated companies, branches, agencies and other representatives, or on the profits and income earned by them in the country, which profits and income may serve for the determination of the amount of taxable capital, if that capital cannot otherwise be ascertained.

Article 11.

It is agreed that neither of the High Contracting Parties may invoke the benefit of the most-favoured-nation clause provided for in the present Convention in order to claim on behalf of its nationals and companies any rights other or more extensive than those which it grants to the nationals and companies of the other Contracting Party.

Article 12.

The present Convention shall come into force immediately upon the exchange of ratifications and shall remain in force for four years.

Unless denounced by one or other of the High Contracting Parties at least six months before the expiration of the said period of four years, the Convention shall remain in force until it is denounced, and such denunciation shall not take effect until after the expiration of six months.

Article 13.

The present Convention shall be ratified and the ratifications shall be exchanged at Berne as soon as possible.

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

Done, in duplicate, at Ankara, December the thirteenth, one thousand nine hundred and thirty.

(Signed) (L. S.) Henri MARTIN.

(L. S.) ZAKÂI.

(L. S.) Mustafa SEREF.

(L. S.) M. NUMAN.

PROTOCOL OF SIGNATURE.

At the moment of signing the present Convention of Establishment concluded on to-day's date, the undersigned, being duly authorised for the purpose, have agreed as follows :

Ad Article 7.

The High Contracting Parties shall not claim the benefit of any fiscal exemptions which may be accorded by either of them to undertakings of national utility set up in its territory with the active participation of the Government and which may consequently be placed on the same footing as enterprises established by the State.

Done, in duplicate, at Ankara, December the thirteenth, one thousand nine hundred and thirty.

(Signed) Henri MARTIN.

ZAKÂI.
Mustafa SEREF.
M. NUMAN