

N° 3827.

FINLANDE ET SUISSE

Traité concernant le traitement des ressortissants et des sociétés, coopératives et associations de l'autre pays, et protocole additionnel. Signés à Berne, le 7 mai 1935.

FINLAND AND SWITZERLAND

Treaty concerning the Treatment of Nationals and Companies, Co-operative Societies and Associations of the Other Country, and Additional Protocol. Signed at Berne, May 7th, 1935.

¹ TRADUCTION. — TRANSLATION.

No. 3827. — TREATY² BETWEEN FINLAND AND SWITZERLAND CONCERNING THE TREATMENT OF NATIONALS AND COMPANIES, CO-OPERATIVE SOCIETIES AND ASSOCIATIONS OF THE OTHER COUNTRY. SIGNED AT BERNE, MAY 7TH, 1936.

French official text communicated by the Swiss Federal Council and by the Permanent Delegate of Finland to the League of Nations. The registration of this Treaty took place February 13th, 1936.

THE SWISS FEDERAL COUNCIL
and

THE GOVERNMENT OF THE REPUBLIC OF FINLAND,
Being desirous of determining the conditions for the treatment of Swiss nationals in Finland and Finnish nationals in Switzerland,
Have decided to conclude a Treaty for that purpose and have appointed as their respective Plenipotentiaries :

THE SWISS FEDERAL COUNCIL :

Monsieur Giuseppe MOTTA, Federal Councillor, Head of the Federal Political Department ;

THE GOVERNMENT OF THE REPUBLIC OF FINLAND :

Monsieur R. HOLSTI, Envoy Extraordinary and Minister Plenipotentiary of Finland at Berne ;

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

Article 1.

Nationals of each Contracting Party shall, in the territory of the other Party, be placed on a footing of absolute equality with the nationals of the most-favoured nation and shall be entitled, under the same conditions as the latter, and subject to the laws and regulations at any time in force in that territory, to enter the territory freely, settle there, carry on commerce, industry and all lawful trades and professions, acquire movable and immovable property by inheritance, donation, testamentary disposition, purchase, exchange or by any other lawful means and to possess, retain and alienate such property.

Each Contracting Party undertakes not to levy on nationals of the other Party any taxes, dues or charges higher or other than those which are or may at any time be levied on their own nationals or on nationals of the most-favoured nation.

Article 2.

The legal constitution and judicial existence of commercial, industrial, financial, insurance, agricultural, transport and other companies, co-operative societies and economic associations

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, January 28th, 1936.

having their headquarters in the territory of one of the two countries and legally incorporated therein, shall be recognised in the other country. They may, unless the laws of the other country forbid and subject to compliance with all the formalities provided for by the said laws, extend their operations into the territory of the latter country, and therein acquire rights and carry on their industry. In all respects they shall be entitled to treatment as favourable as that which is at present accorded or may at any time be accorded to similar companies of any third Power and shall have the same right as companies of the most-favoured nation to acquire, possess, retain and alienate movable and immovable property in the said country.

They shall not be liable to taxes, dues and charges of any sort or character higher than those imposed on the companies, co-operative societies or associations of the most-favoured nation.

Article 3.

Nationals of each of the Contracting Parties and the companies, co-operative societies and associations mentioned in Article 2 shall, provided that they comply with the conditions imposed on nationals, be entitled on the territory of the other Party to protection and security at all times, and in that respect shall have all the protection required by international law. They shall have free access to the courts and the various authorities of the other Party under the same conditions as nationals of the said Party. When exercising this right, they shall not be liable to pay fees other or higher or more onerous than those required from the nationals or companies, co-operative societies or associations of the country in question.

Article 4.

Nationals of one Contracting Party shall be exempt in the territory of the other Party from every form of military service and from any contribution in money or kind in lieu thereof. The two Contracting Parties guarantee each other most-favoured-nation treatment in respect of any forced loans, requisitions and services in lieu of military service which may be imposed in time of war or in cases of exceptional emergency. Nevertheless, as owners, leaseholders or occupiers of real property or of commercial or industrial undertakings, they shall be liable to the same treatment as nationals of the country, particularly in the case of expropriation, and be entitled to the same compensation as that granted to nationals of the country or to nationals of the most-favoured nation.

Article 5.

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

It shall come into force on the day of the exchange of ratifications, and shall remain in force for one year. If not denounced six months before the expiry of the said period, it shall remain in force until denounced, such denunciation only to take effect after the expiry of six months.

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

Done in duplicate at Berne, this 7th day of May, one thousand nine hundred and thirty-five.

(L. S.) (Signed) MOTTA.

(L. S.) (Signed) Rudolf HOLSTI.

ADDITIONAL PROTOCOL.

At the moment of proceeding to sign the Treaty between Switzerland and Finland concerning the treatment of nationals, companies, co-operative societies and associations of the other country, the undersigned, duly authorised for the said purpose, have agreed upon the following provisions :

(a) Neither Contracting Party shall be entitled to rely on the provisions of the present Treaty concerning most-favoured-nation treatment for the purpose of claiming the favours that either Contracting Party has accorded or may accord in the future to nationals of contiguous States for the purpose of facilitating frontier traffic.

(b) Article 1 shall not apply to hawking, to itinerant trades, and to the soliciting of orders from persons who do not carry on any industry or trade, the Contracting Parties reserving their full freedom with regard to these matters.

(c) The provision in Article 1, paragraph 2, concerning the payment of taxes, dues or imposts at the same rate as nationals of the country shall not apply to taxes and dues to be paid in respect of residence and permanent taking up of domicile.

(d) The Contracting Parties hereby declare that in principle they are wholly favourable to an agreement for the purpose of preventing double taxation and they are prepared, if necessary, to enter into negotiations with a view to concluding a special Convention on this matter.

Done in duplicate, at Berne, this 7th day of May, one thousand nine hundred and thirty-five.

(Signed) MOTTA.

(Signed) Rudolf HOLSTI.