

No. 3147

**SWEDEN
and
FRANCE**

**Convention on conditions of residence and navigation (with
Protocol). Signed at Paris, on 16 February 1954**

Official text: French.

Registered by Sweden on 3 February 1956.

**SUÈDE
et
FRANCE**

**Convention d'établissement et de navigation (avec Proto-
cole). Signé à Paris, le 16 février 1954**

Texte officiel français.

Enregistrée par la Suède le 3 février 1956.

[TRANSLATION — TRADUCTION]

No. 3147. CONVENTION¹ ON CONDITIONS OF RESIDENCE AND NAVIGATION BETWEEN THE KINGDOM OF SWEDEN AND THE FRENCH REPUBLIC. SIGNED AT PARIS, ON 16 FEBRUARY 1954

His Majesty the King of Sweden and the President of the French Republic, desiring, in harmony with the spirit of friendly relations which exist between the two countries, to define clearly the status of nationals of each of the two States in the territory of the other, have resolved to conclude a Convention on conditions of residence and have appointed as their plenipotentiaries for this purpose :

His Majesty the King of Sweden,

His Excellency Karl Ivan Westman, Ambassador of Sweden in France,

The President of the French Republic,

Mr. Maurice Schumann, Deputy, Secretary of State for Foreign Affairs,

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

Article 1

1. Nationals of each of the High Contracting Parties may enter the territory of the other Party and sojourn, travel, reside in or leave that territory at any time provided that they comply with the laws and regulations in force.

2. The competent authorities in both countries shall specify jointly the type of identity papers which the nationals of each country must produce.

3. Entry may be prohibited to persons whose presence would endanger public order, public health, security or public decency.

Article 2

Nationals of each of the High Contracting Parties shall enjoy most-favoured-nation treatment in the territory of the other Party in matters relating to private and civil rights, including the right to acquire, possess, and dispose of movable and immovable property, in accordance with the legislation in force.

¹ Came into force on 23 August 1955, by the exchange of the instruments of ratification at Stockholm, in accordance with article 17.

Moreover, nationals of each of the High Contracting Parties shall be on the same footing as nationals of the other Party in matters relating to the lease of dwellings, immovable property and premises for commercial, industrial or agricultural purposes. Nevertheless, as regards legislation governing contracts for the lease of farms or leases on a crop-sharing basis, they shall not be entitled to make any claim under the provisions granting a right of pre-emption for the benefit of the person working the farm who is a leaseholder in possession.

Article 3

Subject to the effective application of reciprocity, the nationals of each of the High Contracting Parties residing in the territory of the other Contracting Party shall have the right, in the territory of the other Contracting Party, under the same conditions as nationals of the most-favoured nation, to engage in any commerce or industry, as well as in any trade or profession, that is not reserved for nationals.

The conditions for the delivery to the persons concerned of documents attesting the right to engage in these occupations shall be established by administrative arrangements.

Article 4

Each of the High Contracting Parties shall recognize the lawful existence of commercial and non-commercial associations of persons legally constituted in the territory of the other Party and having their head office there, provided that nothing in their statutes or their purposes is contrary to the public order of the first Party.

The same shall apply to public insurance organizations and other organizations or associations of persons subject to the control of the State in so far as they may engage in activity of a commercial nature in the territory of the other Party.

These associations of persons and organizations may, subject to the effective application of reciprocity, engage in their activities in the territory of the other Party in accordance with the most favourable provisions applicable to foreign organizations and associations of persons, and may establish branches, agencies or offices in the territory of that Party.

The establishment of such branches, agencies or offices shall in every case be subject to compliance with the formalities required by the law of the country with regard to foreign associations of persons.

Article 5

The nationals of each of the High Contracting Parties shall have, in the territory of the other Party, free and easy access to the courts of every instance, for the purpose of claiming and defending their rights and interests. They

shall enjoy in this respect the same rights and advantages as nationals of that Party.

The questions of the deposit of *cautio judicatum solvi* and free legal aid shall, however, be settled by the High Contracting Parties in accordance with stipulations which have been or shall be made by them.

Article 6

1. Nationals of the High Contracting Parties shall be liable, in time of peace and war, only to requisitions levied on nationals, and they shall be entitled to the same indemnities which the laws in force grant to nationals.

2. Nationals of the High Contracting Parties, except for special cases which would be regulated by a special agreement, are exempt, in the territory of the other Party, from any military service in the regular army, the national guard or the militia, and from any personal military appropriations, as well as from any contributions in money or in kind levied in place of such service or appropriations.

3. They shall also be exempt, in the territory of the other Party, from all compulsory loans, as well as from all extraordinary taxation which might be imposed in order to ensure either the payment of war reparations demanded from that Party, or compensation for loss and damages attributable to a state of war or to circumstances which can be assimilated to a state of war.

It is understood that the following shall not be deemed to be taxes of an exceptional nature within the meaning of the paragraph last preceding, namely taxes that are identical with or similar to those already levied in France under the title of

- confiscation of illicit profits,
- temporary levy on excess profits,
- national solidarity tax.

Article 7

Subject to the provisions contained in agreements on double taxation, the nationals of neither of the High Contracting Parties shall be subject, in the territory of the other Contracting Party, to duties, charges or taxes under any designation whatsoever, different from or higher than those levied on nationals.

The above provisions shall not preclude the levying, if the case should arise, of charges in connexion with carrying out police or other formalities if these charges are also levied on other foreigners; the rate of such charges shall not exceed that of the charges levied on nationals of any other State.

Article 8

Each of the High Contracting Parties undertakes not to take any measure involving the disposal, limitation or expropriation, for public purposes or in the general interest, of property, rights and interests legally held in its territory by nationals of the other Party, unless such measure is applicable under the same conditions to its own nationals and to nationals of any other State. The same shall apply to compensation granted as a result of such measures.

Article 9

MARITIME NAVIGATION

1. Each of the High Contracting Parties shall guarantee to the vessels and ships of the other Party the same treatment in its ports which is granted to its own vessels and ships in matters relating to the levying of port dues and charges as well as free access to and utilization of ports, and all facilities that it provides for navigation and commercial operations to vessels and ships and their crews, passengers and freight (allocation of berths, loading and discharging facilities, etc.).

2. The provisions of the preceding paragraph shall not apply to harbour services and privileges which are or may be granted to the national fishing industry or its products, or to associations for nautical sports or associations for the public interest, nor do they apply in general to matters relating to navigation, transport and activities which are or may be reserved for vessels flying the national flag under the legislation in force.

Article 10

The nationality of vessels and ships shall be recognized reciprocally on the basis of the papers and certificates issued for this purpose by the competent authorities of the High Contracting Parties in accordance with the laws and regulations of each country.

Any tonnage certificates and other papers relating to tonnage issued by one of the High Contracting Parties shall be recognized by the other Party, in accordance with special arrangements which shall be agreed upon by the two Parties.

Article 11

French vessels and ships which enter a port of the Kingdom of Sweden, and Swedish vessels and ships which enter a port of the French Republic, for the sole purpose of completing a cargo for a foreign destination or landing part of a cargo brought from abroad, may, in accordance with the laws and regulations of the High Contracting Party in question, keep on board that part of their cargo which is intended for another port or another country, and re-export it

without being obliged to pay any duty or charge for it, except supervision charges, which may be levied only at the lowest rate fixed for national vessels and ships or vessels and ships of the most-favoured nation.

Article 12

1. If a vessel or ship of one of the High Contracting Parties has run aground or been wrecked on the coast of the other Party, the vessel or ship and its cargo shall enjoy the same advantages and immunities as are granted under the laws and regulations of the Parties in similar circumstances to vessels and ships of the most-favoured nation. Aid and assistance shall be afforded, in the same measure as in the case of nationals, to the master and crew, both as regards their persons and as regards the vessel or ship and cargo.

2. Articles salvaged from a vessel or ship which has run aground or been wrecked or from its cargo shall be restored to the owner or to his representative, provided that the owner or representative proves his right within the time limit set by the law. If the said articles have been sold, the net proceeds of the sale, less any customs duties or charges that may be due, shall be placed at the disposal of the owner or his representative, under the same conditions. The total amount of salvage costs and other charges due for the work of salvage shall be calculated according to the same rules as those applicable to nationals.

3. It is also agreed that articles salvaged from a vessel or ship which has run aground or been wrecked shall not be liable to any customs duty or charge unless such articles are intended for consumption inside the country.

Article 13

Any dispute relating to the interpretation or application of the present Convention which cannot be settled by the High Contracting Parties through diplomatic channels or in accordance with the Treaty of Conciliation, Judicial Settlement and Arbitration, signed at Paris on 3 March 1928¹ between Sweden and France, shall be submitted to the International Court of Justice.

Article 14

The provisions of the present Treaty, in so far as they deal with the most-favoured-nation treatment, shall not be applicable to privileges granted or which may be granted by Sweden to Denmark, Finland, Iceland or Norway or to all or several of these countries, or by France to the French Union and States or territories with which it has formed a Customs Union or for whose international relations it assumes responsibility, as long as the same privileges are not granted to any other State.

¹ League of Nations, *Treaty Series*, Vol. XCV, p. 89, and Vol. CXCVIII, p. 131.

Article 15

The present Convention shall be applicable, in the case of France, only to French territory in Europe, Algeria, and Overseas departments.

It may at any time be extended, by an exchange of notes, to other territories of the French Union and to any States or territories for whose international relations France assumes responsibility.

Article 16

Article 1 of the Treaty of Commerce¹ done on 30 December 1881 between France and the United Kingdoms of Sweden and Norway, as well as articles 1 to 8 of the Treaty of Navigation² signed on the same day, are hereby annulled with respect to Sweden and France.

Article 17

The present Convention shall be ratified. It shall enter into force upon the exchange of the instruments of ratification.

It shall remain in force for a period of five years and shall continue in force after that period, unless one of the High Contracting Parties gives six months' notice of its intention to terminate the Convention.

DONE at Paris, this sixteenth day of February, 1954.

K. I. WESTMAN
[L.S.]

Maurice SCHUMANN
[L.S.]

PROTOCOL

On signing this day the Convention on conditions of residence, the undersigned Plenipotentiaries have agreed as follows :

1. In the present Convention, the term " national " includes bodies corporate as well as individuals.

2. In article 4 of the present Convention, the term " associations of persons " means :

In Sweden, the following bodies corporate :

Aktiebolag (joint stock company), *handelsbolag* (commercial company), *kommanditbolag* (limited partnership), *ekonomisk förening* (economic association).

¹ De Martens, *Nouveau Recueil général de Traités*, deuxième série, tome IX, p. 173.

² De Martens, *Nouveau Recueil général de Traités*, deuxième série, tome IX, p. 193.

In France, the following bodies corporate :

non-commercial associations,
partnerships,
limited partnerships,
limited partnerships issuing shares,
joint stock companies,
limited liability companies.
