

No. 11756

**FRANCE
and
CONGO**

**Convention on establishment. Signed at Brazzaville on
15 August 1960**

Authentic text: French.

Registered by France on 19 April 1972.

**FRANCE
et
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**Convention d'établissement. Signée à Brazzaville le
15 août 1960**

Texte authentique : français.

Enregistrée par la France le 19 avril 1972.

[TRANSLATION — TRADUCTION]

CONVENTION ON ESTABLISHMENT¹ BETWEEN THE
FRENCH REPUBLIC AND THE REPUBLIC OF THE
CONGO

The Government of the French Republic, on the one hand, and

The Government of the Republic of the Congo, on the other,

Desiring to ensure that their respective nationals enjoy, in addition to the rights guaranteed by the Multilateral Agreement on the Fundamental Rights of Nationals of States of the Community, a status in keeping with the spirit of their mutual relations, indicative of the friendship that unites their countries and conducive to furthering relations between their peoples,

Have agreed on the following:

Article 1

Without prejudice to the conventions already concluded or that may be concluded between the Contracting Parties, nationals of either Party shall have access to public office in the other State as prescribed in the legislation of that State.

Article 2

For the purpose of establishing a business, an enterprise or an industrial, commercial, agricultural or handicraft establishment, engaging in the corresponding activities and engaging in a wage-earning occupation, nationals of either Contracting Party shall have the same rights as nationals of the other Contracting Party.

Article 3

All nationals of either Contracting Party shall be accorded, in the territory of the other Party, the same treatment as is accorded to nationals of that Party in all matters relating to access to and the practice of the professions.

¹ Came into force on 24 January 1961, the date of the last of the notifications by which each Contracting Party informed the other of the completion of the procedures constitutionally required, in accordance with article 15.

Nevertheless, as an exceptional and temporary measure, access to certain professions in the territory of either Party may be reserved primarily for nationals of that Party, in order to permit their social advancement.

Article 4

All nationals of either Contracting Party shall be entitled to obtain, in the territory of the other Party, administrative concessions, authorizations and permits and to conclude public contracts on the same conditions as nationals of that Party.

Article 5

Nationals of either Contracting Party shall be represented in the territory of the other Party under the same conditions as nationals of the latter Party in commercial courts and in bodies representing economic interests.

Article 6

Nationals of each Contracting Party shall be covered, in the territory of the other Party, by the legislation on labour, social matters and social security under the same conditions as nationals of that Party.

A technical agreement shall define the conditions for the application of the above provision in respect of social security benefits.

The Contracting Parties undertake not to discriminate between their respective nationals with regard to access to social and health services and centres.

Article 7

All nationals of either Contracting Party shall enjoy, in the territory of the other Contracting Party, the same civil rights as nationals of that Party. They shall exercise these rights under the applicable law as determined by the rules of the conflict of laws.

In particular, the personal status of French nationals in the territory of the Republic of the Congo shall be governed by French law, and the personal status of Congolese nationals in the territory of the French Republic shall be governed by Congolese law.

Article 8

All nationals of either Contracting Party residing in the territory of the other Contracting Party may take part in trade union activities and join trade and professional associations in the same way as nationals of that Party.

The length of the residence requirement shall be determined by each State.

Article 9

Nationals of either Contracting Party shall not be liable, in the territory of the other Contracting Party, to duties, taxes or dues of any description whatsoever, other or higher than those levied on nationals of that Party.

The Contracting Parties shall agree, as appropriate, on measures to curb tax evasion and avoid double taxation.

Article 10

In the event that either Contracting Party should propose to expel a national of the other Contracting Party whose activity constitutes a threat to law and order or to the financial standing of the State, it shall notify the other Party of its intention. If the latter does not submit any comments within a period of 20 days from the receipt of the notification, or if these comments are disregarded, the expulsion may be ordered. The order shall be issued on an individual basis by the head of Government and the reasons for the action shall be given. The person concerned shall be granted sufficient time to make the arrangements necessitated by his departure.

However, in absolute emergencies recognized as such by a well-founded decision, an expulsion order of immediate effect may be issued. The Government of the State of which the expellee is a national shall be notified immediately of the expulsion. The expelling State shall take all appropriate action to safeguard the property and interests of the expellee.

Article 11

Each Contracting Party undertakes to respect the rights acquired in its territory by individuals and corporate bodies who/which are nationals of the other Party.

French nationals established in the territory of the Republic of the Congo and Congolese nationals established in the territory of the French Republic at the time of the entry into force of this Convention may continue to pursue their occupation freely on the same conditions as nationals of the State in which they are resident.

Similarly, companies whose head office was in the territory of the Republic of the Congo on 1 January 1960, the majority of whose capital belongs to French nationals and more than half of whose directors or managers are French nationals, may, by submitting a declaration to the trade registrar, retain their current status in respect of the rules governing their incorporation, operation, liquidation and, generally, their relations between partners or shareholders.

Article 12

Profit-making and non-profit-making companies incorporated in accordance with the legislation of either Contracting Party and having their head office in the territory of that Party, shall be treated like nationals of that Contracting Party in respect of the enjoyment, in the territory of the other Contracting Party, of all rights specified in this Convention to which a corporate body may be entitled.

The right to establish shipping companies and airlines shall be dealt with in special agreements.

Article 13

Non-profit associations legally incorporated in the territory of either Contracting Party shall be automatically recognized as corporate bodies by the other Contracting Party. These associations shall be covered, also in the territory of the latter party, by the provisions of article 4, paragraphs 1 and 2 of the Multilateral Agreement on the Fundamental Rights of Nationals of States of the Community and by the provisions of article 9, paragraph 1 of this Convention.

Article 14

Each Contracting Party shall guarantee nationals of the other Party the special status defined in this Convention because of the specific nature of the relations between the two States. These special provisions may not be extended automatically to nationals of a third State.

In the event that either Contracting Party grants to nationals of a Third State a status more favourable than that defined in this Convention, the other Party shall be justified in claiming the same status for its nationals.

Article 15

Each Contracting Party shall inform the other of the completion of the procedures constitutionally required for the implementation of this Convention which shall enter into force on the date of the last notification.

DONE at Brazzaville, on 15 August 1960.

For the Government
of the French Republic:

J. FOYER

For the Government
of the Republic of the Congo:

[Signed]

ABBÉ FULBERT YOULOU
