

N° 2797.

FRANCE ET LUXEMBOURG

Convention d'établissement, avec protocole de signature. Signés à Paris, le 31 mars 1930.

FRANCE AND LUXEMBURG

Convention concerning Conditions of Residence and Business, with Protocol of Signature. Signed at Paris, March 31, 1930.

¹ TRADUCTION. — TRANSLATION.No. 2797. — CONVENTION ² BETWEEN FRANCE AND LUXEMBURG CONCERNING CONDITIONS OF RESIDENCE AND BUSINESS. SIGNED AT PARIS, MARCH 31, 1930.

French official text communicated by the Minister for Foreign Affairs of the French Republic. The registration of this Convention took place September 1st, 1931.

PREAMBLE.

THE GOVERNMENT OF THE FRENCH REPUBLIC and THE GOVERNMENT OF THE GRAND DUCHY OF LUXEMBURG having deemed it expedient to conclude a Convention regarding conditions of residence and business, the undersigned, being duly empowered for the purpose, have agreed upon the following provisions :

Article 1.

Nationals of each of the High Contracting Parties shall enjoy most-favoured-nation treatment in the territory of the other as regards :

- (1) Entrance, residence, establishment, travel, the right to circulate in the territory and to leave it ;
- (2) The carrying on of trade, industry and occupations ;
- (3) The possession, leasing, occupation and acquisition of movable and immovable property, rights and interests ;
- (4) Requisitions and contributions other than those referred to in Article 2.

Article 2.

Nationals of each of the High Contracting Parties shall be exempted from all personal military service and from all personal military contributions. They shall also be exempted from any tax in lieu of such service or contributions. They shall be liable to military requisition of their movable and immovable property on the same conditions as nationals of the country or it they prefer, as nationals of the most-favoured-nation.

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 Paris, July 29, 1931. Came into force August 22, 1931.

Article 3.

Civil, commercial, industrial, financial, insurance and other companies of an economic character run for profit, which are incorporated in one of the two countries in accordance with the laws of that country and have their seat there, shall be recognised by the other country.

The legality of their constitution and their rights, and those of their branch establishments and agencies, shall be determined from their articles of association and the law of the country in which they were incorporated.

Article 4.

The companies covered by Article 3 of one of the High Contracting Parties may set up agencies and branch establishments in the territory of the other Party, provided they observe the laws and regulations of the latter. They shall in all respects enjoy most-favoured-nation treatment.

Article 5.

Each of the High Contracting Parties undertakes not to apply to the property, rights and interests legally possessed by persons and companies, nationals of the other Party, any measure of disposal, limitation, restriction or expropriation, for any reason of public utility or of general interest, not applicable in the same conditions to its own nationals or companies. Any compensation to which such measures may give rise shall be granted under the conditions laid down for nationals or companies of the country itself or nationals or companies of the most-favoured-nation, at the option of those concerned.

Article 6.

Advantages which either of the High Contracting Parties may grant to a third country in virtue of an economic union may not be claimed by the other Party on the strength of the present Convention.

Article 7.

Nationals and companies of the two High Contracting Parties shall have unrestricted and easy access to the Courts of Justice in the territory of the other Party. The companies covered by Article 3 shall in judicial matters enjoy the same treatment as nationals.

Article 8.

It is understood that the present Convention shall not involve any deviation from the provisions of the special treaties concluded by the two High Contracting Parties concerning judicial matters. Further, the present Convention shall not affect the right of either High Contracting Party to settle the conditions for the admission of foreign workers and salaried employees to its territory and to determine the special treatment applicable to them, subject to the application of the treaties in force.

Article 9.

The two High Contracting Parties undertake to conclude at the earliest possible date a special Convention relating to charges, taxes, imposts and contributions to which their nationals and companies shall be subjected, and to settle the question of double taxation.

Article 10.

The present Convention shall apply only to the home territory of the French Republic.

Article 11.

The present Convention shall be ratified. The ratifications shall be exchanged as soon as possible.

It may be denounced at any time, subject to six months' notice.

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

Done in duplicate at Paris, March 31, 1930.

(L. S.) (*Signed*) A. BRIAND.

(L. S.) (*Signed*) BASTIN.

PROTOCOL OF SIGNATURE.

Addendum to Article 1.

It is understood that nationals and companies of the two countries may claim the benefit of the provisions of the laws regulating the relations between tenants and landlords, as regards the extension of leases of immovable property or of premises used as dwellings or for commercial or industrial purposes, in so far as nationals or companies of any other State are accorded the benefit of these provisions.

Addendum to Articles 1 and 4.

If, after the coming into force of the present Convention, the treatment resulting from the application of the most-favoured-nation clause should become as a whole less favourable in one country than in the other, negotiations will be undertaken for the purpose of devising measures which will ensure fair conditions of reciprocity, based upon the more liberal of the two forms of treatment. Once these measures have been agreed upon, they shall be carried into effect in the territory of both States by the Governments of the High Contracting Parties. Nevertheless, if the negotiations thus undertaken do not yield any result within a month of the application, the State making application may suspend the present Convention in whole or in part. It shall inform the other Party of its decision and give its reasons. Suspension shall take effect one month after notice has been given.

Done in duplicate at Paris, March 31, 1930.

(L. S.) (*Signed*) A. BRIAND.

(L. S.) (*Signed*) BASTIN.