

N° 3486.

ROUMANIE ET SUISSE

Convention d'établissement, et protocole de signature. Signés à Bucarest, le 19 juillet 1933.

**ROUMANIA
AND SWITZERLAND**

Convention regarding Conditions of Residence and Business, and Protocol of Signature. Signed at Bucharest, July 19th, 1933.

¹ TRADUCTION. — TRANSLATION.No. 3486. — CONVENTION ² REGARDING CONDITIONS OF RESIDENCE AND BUSINESS BETWEEN ROUMANIA AND SWITZERLAND. SIGNED AT BUCAREST, JULY 19TH, 1933.

French official text communicated by the Swiss Federal Council and by the Roumanian Envoy Extraordinary and Minister Plenipotentiary accredited to the League of Nations. The registration of this Convention took place September 11th, 1934.

THE SWISS FEDERAL COUNCIL
and

THE KINGDOM OF ROUMANIA,

Being desirous of promoting relations between the two countries,

Have resolved to conclude a Convention regarding conditions of residence and business, and have for this purpose appointed as their Plenipotentiaries :

THE SWISS FEDERAL COUNCIL :

His Excellency Monsieur René DE WECK, Envoy Extraordinary and Minister Plenipotentiary ;

THE KINGDOM OF ROUMANIA :

His Excellency Monsieur G. G. MIRONESCU, Deputy Prime Minister, Minister of the Interior, Acting Minister for Foreign Affairs ;

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

Article 1.

Nationals of each of the Contracting Parties shall have the right to establish themselves and reside in, to leave and enter, and to move about freely in, the territory of the other Party, subject to compliance with the laws and regulations at any time in force in that country.

The provisions of the present Convention shall not affect the right of each of the Contracting Parties to restrict immigration into the country by general measures or measures taken in each individual case.

With regard to charges or taxes of any kind, the nationals of the two Parties shall enjoy most-favoured-nation treatment, except as regards the residence tax, in respect of which the two Parties retain entire freedom.

Article 2.

Nationals of either Contracting Party who are permitted to reside in the territory of the other Party shall be treated in all respects on a footing of equality with 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, July 25th, 1934. Came into force August 25th, 1934.

nation as regards the exercise of their trades or professions, the operation of commercial or industrial undertakings, and legitimate traffic and trade, provided they comply with the laws and regulations in force. They shall not pay or be liable to any tax, charge or duty of any kind other or higher than those imposed on nationals of the most-favoured nation.

Nevertheless, the Contracting Parties reserve entire freedom in respect of hawking, itinerant trades and the canvassing of orders from persons not engaged in industry or trade.

Article 3.

Nationals of each of the Contracting Parties shall have the right, to the same extent as nationals of the most-favoured nation, to acquire and dispose of, possess, hire and occupy any kind of movable or immovable property in the territory of the other Party, provided they comply with the laws of the country. In particular, they shall be entitled to dispose thereof by sale, exchange, gift, bequest or in any other way, and to take possession thereof 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 duties of any kind other or higher than those which are or may hereafter be imposed on nationals of the most-favoured nation.

Nationals of either Contracting Party may export the proceeds of the sale of their property and their possessions in general in accordance with the laws of the country, without being compelled to pay on such exportation dues other or higher than those which in similar cases the nationals of the most-favoured nation would be required to pay.

Article 4.

Nationals of each of the Contracting Parties shall enjoy the fullest protection and security in respect of their persons and property, provided they comply with the laws and regulations of the country. They shall have free and unhindered access to all the judicial or administrative courts either as plaintiffs or defendants, and in general shall enjoy the same rights and privileges as nationals of the country and as nationals of the most-favoured nation in all matters concerning the administration of justice. They shall in all cases have the right to choose, for the safeguarding of their interests, advocates or agents duly authorised by the laws of the country.

Article 5.

In no case shall the houses, factories or any other premises occupied by nationals of either Contracting Party living in the territory of the other Party be subject to house searches, or to the examination or inspection of books, papers or accounts of the persons concerned, except under conditions and in the manner provided by the laws and regulations in force for nationals.

Article 6.

Roumanian nationals in Switzerland and Swiss nationals in Roumania may not be subjected to less favourable treatment than the nationals of the country, nor may this treatment be less favourable than that granted to nationals of any other country, in the matter of measures of expropriation for purposes of public utility or of general concern.

Article 7.

Nationals of each of the Contracting Parties shall be exempt in the territory of the other Party, in time of peace and in time of war, from any kind of military service or from any contribution in money or in kind in lieu of personal service. They shall also be exempt from participation in any forced loan or national levy.

They shall only be liable in time of peace or in time of war to the military contributions and requisitions involved by the possession of movable or immovable property which are imposed on the nationals of the most-favoured nation, to the same extent and according to the same principles as the latter, and in all cases in return for equitable compensation. In no case shall they be liable as contributions or requisitions other or more onerous than those demanded of nationals.

Nationals of each of the Contracting Parties shall be exempted from any judicial or administrative service or function whatsoever.

Article 8.

In no case shall nationals of either Contracting Party be liable to charges, taxes or duties of any kind other or higher or more onerous than those imposed on nationals.

Nevertheless, if cases of double taxation should occur between the Contracting Parties, the latter may claim the advantages provided for in any Convention relating to double taxation concluded by one of them with a third State.

Article 9.

Joint-stock companies and other companies engaged in trade, industry, agriculture, finance, insurance, communications and transport which have their headquarters in the territory of one of the Contracting Parties and are incorporated therein in conformity with the laws of that country shall be legally recognised in the territory of the other Party. They shall have free access to the courts and shall be entitled to appear before the courts as plaintiffs or defendants.

Permission for the said companies to carry on their trade or industry in the territory of the other Contracting Party shall be governed by the laws and provisions at any time in force in that territory.

The activity of companies incorporated under the legislation of one of the Contracting Parties, if exercised in the territory of the other Party, shall be subject to the laws and regulations of the latter.

The said companies shall not be required, on account of the exercise of their trade or industry, to pay in the territory of the other Party any tax, charge or duty other or higher than those levied on national companies.

These companies shall be entitled, within the limits of the legislation in force in the country, and subject to the conditions therein laid down, to acquire all kinds of movable and immovable property.

Subject to the principle laid down in Article 8, paragraph 2, the above-mentioned companies shall enjoy in all respects the same treatment as that accorded to companies of the same kind of the most-favoured nation.

Article 10.

Nationals of each of the Contracting Parties shall enjoy in the territory of the other Party, on a footing of equality with nationals of the most-favoured nation, the right to form commercial, industrial, agricultural or financial companies in accordance with the laws and regulations in force and to participate in such companies which are already in existence and to exercise managing or administrative functions therein.

Article 11.

Each of the Contracting Parties reserves the right in individual cases to expel nationals of the other 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 other Party undertakes to receive its nationals and their families who are thus expelled, if their nationality is certified by the competent consul.

In case of need, the transport of the persons expelled shall be paid by the expelling Party as far as the frontier of the country of origin.

Article 12.

Any dispute which may arise regarding the interpretation or application of the present Convention shall be settled in the manner provided for by the Treaty¹ of Conciliation, Compulsory Arbitration and Judicial Settlement between Switzerland and Roumania of February 3rd, 1926.

Article 13.

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

The Convention shall come into force one month after the exchange of ratifications and shall be valid for two years. If the Convention is not denounced by either of the Contracting Parties at least six months before the end of the said period of two years, it shall remain in force until the end of a period of six months from the date on which it is denounced by either of the Contracting Parties.

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

Done, in duplicate, at Bucarest, July 19th, 1933.

(L. S.) (Signed) G. G. MIRONESCU.

(L. S.) (Signed) René DE WECK.

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 :

As from the date on which it comes into force, the present Convention shall only replace Article 1, paragraph 1, of the Provisional Commercial Agreement² between Switzerland and Roumania of July 25th, 1930, it being understood that the other provisions of the said Agreement shall retain their full validity.

(Signed) G. G. MIRONESCU.

(Signed) René DE WECK.

¹ Volume LV, page 91, of this Series.

² Volume CXVIII, page 9, of this Series.