

N° 3339.

POLOGNE ET TURQUIE

Convention d'établissement, avec
protocole de signature. Signés à
Ankara, le 29 août 1931.

POLAND AND TURKEY

Convention respecting Conditions of
Residence, and Protocol of Signa-
ture. Signed at Ankara, August
29, 1931.

¹ TRADUCTION. — TRANSLATION.No. 3339. — CONVENTION² BETWEEN POLAND AND TURKEY
RESPECTING CONDITIONS OF RESIDENCE. SIGNED AT ANKARA,
AUGUST 29, 1931.

French official text communicated by the Polish Delegate accredited to the League of Nations and by the Turkish Minister for Foreign Affairs. The registration of this Convention took place January 30, 1934.

THE PRESIDENT OF THE POLISH REPUBLIC, of the one part,
and

THE PRESIDENT OF THE TURKISH REPUBLIC, of the other part,

Having recognised that, in order to develop economic relations between the two countries and to regulate the conditions under which Polish nationals may settle in Turkey and Turkish nationals in Poland, it was desirable to substitute a new Convention respecting conditions of residence for the one which had been concluded at Lausanne on July 23, 1923³, have appointed as their respective Plenipotentiaries :

THE PRESIDENT OF THE POLISH REPUBLIC :

M. Casimir OLSZOWSKI, Ambassador Extraordinary and Plenipotentiary of the Polish Republic in Turkey ;

THE PRESIDENT OF THE TURKISH REPUBLIC :

ZEKÂI Bey, Minister for National Defence ;

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

Article I.

Nationals of one High Contracting Party in the territory of the other Party shall have the right, subject to the laws and regulations which are or may hereafter be in force in that territory, to establish themselves, to reside, to come and go, and to move about and also to leave the said territory when they desire.

It is nevertheless agreed that the above provisions shall in no way affect the recognised right of each of the High Contracting Parties to regulate immigration by law.

Article II.

Each of the High Contracting Parties reserves the right to take individual measures to prohibit nationals of the other Party from residing in its territory or establishing themselves there or to expel them, subject to the laws and regulations in force in respect of all foreign nationals.

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 Warsaw, December 15, 1933.

³ Volume XLIX, page 345, of this Series.

Article III.

Nationals of one High Contracting Party shall, provided that they comply with the laws and regulations of the country, be entitled to most-favoured-nation treatment in the territory of the other Party in so far as concerns the right to possess, acquire or rent all kinds of movable and immovable property and to dispose of the same in any manner whatsoever, it being clearly understood that they may only acquire property the acquisition of which by foreign nationals is allowed under the law of the country.

In the cases provided for in the previous paragraph, they shall be subject to no charge, tax, or impost of any description other or higher than those which are or may in future be applied to nationals.

Provided that they comply with the laws and regulations of the country, they may also freely export their property or in general their goods. When carrying out such transactions they shall not be subjected to restrictions other or to duties other or higher than those to which in similar circumstances nationals of the most-favoured nation would be subject or which such nationals would have to pay.

Article IV.

Provided that they comply with the laws and regulations of the country, nationals of one High Contracting Party shall enjoy in the territory of the other Party most-favoured-nation treatment in respect of the right to engage in any kind of commerce, industry, trade or profession the exercise of which, under the law of the country, is not or may not hereafter be exclusively reserved for nationals.

Article V.

Nationals of one of the High Contracting Parties shall not be subject in the territory of the other, in respect of their persons or property or the exercise of any kind of commerce, industry, trade or profession, to any charge, tax or impost of any description other or higher than those which are levied on nationals, irrespective of the authority on whose behalf they are levied.

The provisions of the present Convention shall not prevent the levying of taxes, if such exist, connected with the stay of foreign nationals and registration formalities. Most-favoured-nation treatment shall apply in such cases.

Article VI.

Joint-stock companies and other commercial companies, including industrial, financial, insurance and transport corporations, which have their headquarters in the territory of one of the High Contracting Parties and which are regularly incorporated according to the laws of that country, shall be legally recognised by the other Party, provided that they do not exist for an illicit purpose.

Subject to compliance with the laws and regulations which are or may hereafter be in force in the territory of the other country, and, should the latter's legislation make a permit necessary, after obtaining such permit, the said companies shall be entitled to establish themselves in the territory of that country, to set up subsidiary companies, branches or agencies therein and to appear in court as plaintiff or defendant.

The activities of the said companies incorporated under the legislation of one High Contracting Party shall, in so far as they are carried on in the territory of the other, be subject to the laws and regulations of the latter Party. As regards their activities, such companies shall not be treated less favourably than companies belonging to the most-favoured nation.

In all matters concerning the legal and judicial protection of their property, they shall receive the same treatment, in the other country, as national companies.

Companies belonging to one of the High Contracting Parties and their subsidiary companies, branches or agencies, shall not be subject, in the territory of the other Party, as regards duties, taxes or imposts, to fiscal burdens higher than those applicable to companies belonging to the most-favoured nation. It is agreed that they shall be obliged to pay the fees for permits for and the registration of foreign companies and to deposit security as provided by law. They shall be liable for other levies or military requisitions only to the same extent and subject to the same conditions as national companies.

In the case of taxation on the basis of capital, income or profits, each High Contracting Party shall only tax the companies of the other Party on such part of their business assets as has been invested in its territory, on property which they own there, on profits which they make there or on business which they do there, according to the nature of the taxes.

These companies may, under the same conditions as companies of the most-favoured nation and subject to compliance with the laws of the country, acquire all kinds of movable property. This shall apply also, in conformity with Article III, to the acquisition of the immovable property necessary for the company's operations, provided that, in this case, the acquisition of such property is not the actual purpose of the company's existence.

Article VII.

Nationals of one of the High Contracting Parties shall not be subject either in time of peace or in time of war, in the territory of the other Party, to any military service or to any contribution in money or in kind in lieu of personal military service.

With the exception of levies and requisitions imposed on nationals of the country in time of peace or in time of war which may be applicable to nationals of the other Party under the same conditions as to nationals and subject to the compensation provided for by the respective legislations, no supplies or services shall be required from nationals of the other Party other than those in the form of a tax or impost established by law for the benefit of the State or of its administrative divisions. This shall also apply to companies of one Party in the territory of the other.

Nationals of one Party shall be exempt in the territory of the other from the exercise of any compulsory judicial, administrative, or communal duties, unless otherwise provided by law.

Nationals and companies of one High Contracting Party may not have their property in the territory of the other Party expropriated or the use of it denied to them even temporarily except for reasons of public interest recognised by law as such and in return for fair compensation to be paid in advance according to the procedure laid down by the local legislation.

Article VIII.

Nationals of one High Contracting Party in the territory of the other Party shall have free access to the courts, provided that they comply with the laws of the country, for the purposes of claiming or defending their rights in any of the instances of justice established by law. In courts of any instance they may employ counsel and agents of all classes, authorised by the laws of the country, and in such matters shall have the rights and advantages which are or may hereafter be granted to nationals.

The companies mentioned in the first paragraph of Article VI shall have the same rights as nationals in judicial matters.

All questions connected with security for costs, free legal assistance, the execution of sentences and the service of judicial documents shall be reserved for a special Convention to be concluded between the High Contracting Parties.

Pending the conclusion of the said Convention, these matters shall be settled by local legislation.

Article IX.

The Polish Government, upon which it devolves under Article 104 of the Treaty of Versailles and Articles 2 and 6 of the Convention¹ signed in Paris on November 9, 1920, between the Polish Republic and the Free City of Danzig, to undertake the conduct of the foreign relations of the Free City of Danzig, reserves its right to declare that the Free City is a Contracting Party to the present Convention and that it accepts the obligations and acquires the rights ensuing from the same.

Article X.

The High Contracting Parties agree that the Convention respecting conditions of residence signed between them at Lausanne on July 23, 1923, shall cease to apply as from the date of coming into force of the present Convention.

Article XI.

The present Convention is concluded for a period of three years.

It shall be ratified and shall come into force thirty days after the exchange of the instruments of ratification, which shall take place at Warsaw.

If the present Convention has not been denounced twelve months before it expires, it shall be prolonged by tacit consent, each Party reserving the right to denounce it at any time, which would have the effect of making it cease to be valid twelve months later.

In faith whereof the above-mentioned Plenipotentiaries, being duly authorised for the purpose, have signed the present Convention and have thereto affixed their seals.

Done in duplicate at Ankara, August 29, 1931.

(Signed) OLSZOWSKI.

(Signed) ZEKÂI.

PROTOCOL OF SIGNATURE.

When about to sign the Convention, the Plenipotentiaries agreed upon the following provisions:

Ad Article I.

The provisions of Article I shall in no way affect the application by one High Contracting Party to nationals of the other of such regulations concerning foreign nationals as are or may hereafter be in force in the country of the latter Party, subject to the application in this matter of the most-favoured-nation clause.

Ad Article IV.

Should one High Contracting Party grant in future to nationals of a third State any privilege in respect of the exercise of professions and trades reserved to its nationals, the said privilege — unless accorded in an individual capacity — shall simultaneously and without application be extended to nationals of the other Party.

¹ Vol. VI, page 189; Vol. CVII, page 459; and Vol. CXVI, page 5, of this Series.

Most-favoured-nation treatment may not be claimed in order to obtain for nationals of either High Contracting Party rights acquired under international instruments concluded before the signature of the present Convention.

Should a new law reserve any profession or trade for nationals and recognise rights acquired in the exercise of the said profession or trade, the most-favoured-nation treatment provided for in paragraph 1 cannot be claimed in respect of such acquired rights in favour of nationals of either High Contracting Party, unless such nationals have actually exercised the said profession or trade during the period and under the conditions provided for by the said law.

Ad Article VI.

The provisions of Article VI are not meant by the High Contracting Parties to exempt Polish companies carrying on their main activities in Turkey from the application of Article XV of the Turkish law of November 30, 1330 (1914).

Subsidiary companies and branches of Polish banks having their headquarters in Poland are not covered by the previous paragraph.

The present Protocol shall form an integral part of the Convention respecting conditions of residence. It shall be ratified along with the said Convention and shall come into force on the same day as the latter.

ANKARA, August 29, 1931.

(Signed) OLSZOWSKI.

(Signed) ZEKÂI.