

N° 3644.

FRANCE ET ROUMANIE

Convention d'établissement, et protocole. Signés à Paris, le 27 août 1930.

FRANCE AND ROUMANIA

Convention of Establishment, and Protocol. Signed at Paris, August 27th, 1930.

¹ TRADUCTION. — TRANSLATION.No. 3644. — CONVENTION ² OF ESTABLISHMENT BETWEEN THE FRENCH REPUBLIC AND THE KINGDOM OF ROUMANIA. SIGNED AT PARIS, AUGUST 27TH, 1930.

French official text communicated by the Roumanian Envoy Extraordinary and Minister Plenipotentiary accredited to the League of Nations. The registration of this Convention took place April 17th, 1935.

HIS MAJESTY THE KING OF ROUMANIA and THE PRESIDENT OF THE FRENCH REPUBLIC, having recognised the utility of fixing the conditions for the reciprocal establishment of their nationals and companies, have resolved to conclude a Convention for this purpose.

They have appointed as their respective Plenipotentiaries :

HIS MAJESTY THE KING OF ROUMANIA :

M. CESIANO, Envoy Extraordinary and Minister Plenipotentiary of Roumania in France ;
Dr. ERNEST ENE, Secretary-General of the Ministry of Commerce ;

THE PRESIDENT OF THE FRENCH REPUBLIC :

M. BRIAND, Minister for Foreign Affairs.

Article I.

Roumanian nationals in France and French nationals in Roumania shall enjoy the same treatment as nationals of the country with regard to :

(1) Establishment, residence, the exercise of commerce, industry, trades and professions ;

(2) The possession, acquisition, occupation and leasing of any movable and immovable property ;

(3) The right to dispose of any movable and immovable property in any manner whatsoever.

The foregoing provisions shall not apply in cases where the status of national of the State is required by the laws of the country concerned for the acquisition and exercise of the rights, activities or powers enumerated above.

However, the treatment of the nationals of each of the High Contracting Parties in these matters may not be less favourable than that granted to the nationals of any other State.

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, March 13th, 1935.

Article 2.

Roumanian nationals in France and French 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 the nationals of any other country, with regard to :

- (1) Measures of expropriation for reasons of public utility or in the public interest ;
- (2) Requisitions and contributions of any kind, whether of a military or some other nature, in respect of any movable and immovable property.

Article 3.

Roumanian nationals in France and French nationals in Roumania shall be exempt from any personal military service and from any personal military requisition or contribution, and from any charge levied in lieu of such service or of such requisitions or contributions.

Article 4.

Roumanian nationals in France and French nationals in Roumania shall have free access to the courts for the purpose of claiming or defending their rights in any of the instances of justice established by law. No security, deposit or payment of any description whatsoever which would not be required of nationals of the country may be demanded of them either as foreigners or because they have no domicile or residence in the country.

Article 5.

Companies incorporated under civil and commercial law, and all other economic undertakings, in so far as their activities are exclusively commercial in character, which have been constituted in accordance with the laws of one of the two countries, shall be fully recognized by the other as regularly formed.

Such companies and undertakings shall enjoy most-favoured-nation treatment in all respects and, in legal matters, the same treatment as that granted to nationals of their country of origin.

Subject to the provisions of the following Article, they may engage in any industrial or commercial activity in the territory of the other country, establish themselves and found subsidiary establishments, branches and agencies therein.

Article 6.

Companies and undertakings of either country referred to in the preceding Article, which have no branches or agencies in the territory of the other, may carry on any activity in that territory, in accordance with their statutes and under the same conditions as nationals of their country of origin.

The above-mentioned companies and undertakings of either country which are desirous of establishing themselves in the territory of the other and of founding branches and agencies for the exercise of their activity therein, under the conditions laid down in Article 5, shall comply with the laws of the latter country.

If in either country the setting up or founding of branches or agencies or the exercise of an activity is subject to authorization, such authorization, once granted, may not be withdrawn except in the cases expressly provided for by law.

Article 7.

Fiscal matters shall be governed by the present Article, all others being excluded.

Nationals of either of the High Contracting Parties shall not be subject in the territory of the other to duties, charges, taxes or contributions of whatsoever description, and irrespective of the authority for whose account they are levied, other or higher than those imposed on nationals of the country in a like situation; in particular, they shall be granted, under the same conditions as nationals of the country, reductions in or exemption from taxes or charges and relief at source, including deductions in respect of dependants.

The foregoing provisions shall not preclude the collection, if necessary, either of so-called residence taxes or of charges connected with police formalities, provided those charges are levied on other foreigners. The rate of such charges may not be higher than that of the charges levied on the nationals of any other State.

The two High Contracting Parties agree to conclude within the shortest possible time a Convention regulating the fiscal regime applicable to companies and also the question of double taxation, neither of which is settled by the present Agreement.

Article 8.

As regards admission, residence and establishment in the French colonies, the French Government shall grant to Roumanian nationals (whether natural persons or companies) most-favoured-nation treatment. Nevertheless, this treatment shall not entitle Roumania to claim any special privileges which have been or may hereafter be granted, with regard to admission, residence and establishment, to the nationals of States and colonies adjacent to the French colonies.

The French Government shall recommend the Tunisian Government to grant to Roumanian nationals (whether natural persons or companies), as regards admission, residence and establishment in Tunis, the rights commonly granted to nationals of the various Powers.

In her turn, Roumania shall grant in her territory to the nationals (whether natural persons or companies) of French colonies, protectorates and mandated territories most-favoured-nation treatment as regards admission, residence and establishment.

Article 9.

Any disputes arising between the High Contracting Parties regarding the interpretation or application of the present Convention which it has not been possible to settle through diplomatic channels shall be settled in accordance with the procedure instituted by the Convention¹ of Conciliation and Arbitration concluded at Paris on June 10th, 1926.

Article 10.

The present Convention shall be ratified. The instruments of ratification shall be exchanged at Paris.

It shall come into force one month after the exchange of ratifications and shall remain in operation until six months after it has been denounced by either of the High Contracting Parties.

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

Done in duplicate at Paris, the twenty-seventh day of August, 1930.

(Signed) CESIANO.

(Signed) DR. ERNEST ENE.

(Signed) A. BRIAND.

¹ Vol. LVIII, page 233, of this Series.

PROTOCOL.

On proceeding to sign the Convention of Establishment of to-day's date, the undersigned Plenipotentiaries have agreed upon the following provisions, which shall for all purposes form a part of the Convention :

I.

If, owing to changes made in the laws and regulations of either State or in their application after the entry into force of the present Convention, the exercise of certain rights is reserved exclusively for national companies and nationals of the country and if the treatment resulting from the present Convention accordingly becomes less favourable in one State than in the other, negotiations shall be undertaken for the purpose of determining measures which shall ensure fair conditions of reciprocity, based on the most liberal regime. 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.

Should the negotiations referred to in the previous paragraph fail to yield any result within three months as from the day on which one of the Parties has notified the other of its intention to institute them, the Governments of the two High Contracting Parties reserve the right to denounce the present Convention. The denunciation shall take effect three months after notice has been given.

II.

It is understood that the present Convention shall not affect the right of expulsion, nor the right of enacting provisions relating to passports and identity cards (supervision over travellers, residence, etc.).

It is also understood that it does not settle the special questions relating to workers and wage-earners.

III.

Notwithstanding the terms of the third paragraph of Article 7, the Roumanian Government may always collect the taxes referred to therein so long as the French Government levies taxes of the same kind on Roumanian nationals in France.

IV.

The ratifications of the Establishment Convention shall be exchanged at the same time as those relating to the Convention of Commerce and Navigation of to-day's date.

(Signed) CESIANO.

(Signed) Dr. Ernest ENE.

(Signed) A. BRIAND.