

No. 6056

**UNITED STATES OF AMERICA
and
DENMARK**

**Treaty of Friendship, Commerce and Navigation (with
Protocol and minutes of interpretation). Signed at
Copenhagen, on 1 October 1951**

Official texts: English and Danish.

Registered by the United States of America on 30 January 1962.

**ÉTATS-UNIS D'AMÉRIQUE
et
DANEMARK**

**Traité d'amitié, de commerce et de navigation (avec Pro-
tocol et procès-verbal d'interprétation). Signé à Copen-
hague, le 1^{er} octobre 1951**

Textes officiels anglais et danois.

Enregistré par les États-Unis d'Amérique le 30 janvier 1962.

No. 6056. TREATY OF FRIENDSHIP, COMMERCE AND NAVIGATION¹ BETWEEN THE UNITED STATES OF AMERICA AND THE KINGDOM OF DENMARK. SIGNED AT COPENHAGEN, ON 1 OCTOBER 1951

The United States of America and the Kingdom of Denmark, desirous of strengthening the bonds of peace and friendship traditionally existing between them and of encouraging closer economic and cultural relations between their peoples, and being cognizant of the contributions which may be made toward these end by arrangements encouraging mutually beneficial investments, promoting mutually advantageous commercial intercourse and otherwise establishing mutual rights and privileges, have resolved to conclude a Treaty of Friendship, Commerce and Navigation, based in general upon the principles of national and of most-favored-nation treatment unconditionally accorded, and for that purpose have appointed as their Plenipotentiaries,

The President of the United States of America :

His Ambassador Extraordinary and Plenipotentiary, Mrs. Eugenie Anderson,
and

His Majesty the King of Denmark :

His Minister for Foreign Affairs, Mr. Ole Bjørn Kraft,

Who, having communicated to each other their full powers found to be in due form, have agreed upon the following Articles :

Article I

Each Party shall at all times accord equitable treatment to the persons, property, enterprises and other interests of nationals and companies of the other Party.

¹ Came into force on 30 July 1961, one month after the day of exchange of the instruments of ratification which took place at Washington on 30 June 1961, in accordance with article XXVI.

The instrument of ratification of the United States of America contains the following reservation :

"Article VII, paragraph 3, shall not extend to professions which, because they involve the performance of functions in a public capacity or in the interest of public health and safety, are state-licensed and reserved by statute or constitution exclusively to citizens of the country, and no most-favored-nation clause in the said treaty shall apply to such professions."

The text of the said reservation was communicated by the Government of the United States of America to the Danish Government by a note dated August 5, 1953 and was accepted by the Danish Government by a note dated January 26, 1960, with the understanding that the reservation is mutual in its effect and operative equally upon each party and thus constitutes an identical reservation on the part of the Danish Government.

Article II

1. Nationals of either Party shall be permitted to enter the territories of the other Party and to remain therein : (a) for the purpose of carrying on trade between the territories of the two Parties and for the purpose of engaging in related commercial activities ; and (b) for other purposes subject to the laws relating to the entry and sojourn of aliens.

2. Nationals of either Party, within the territories of the other Party, shall be permitted : (a) to travel therein freely, and to reside at places of their choice ; (b) to enjoy liberty of conscience ; (c) to hold both private and public religious services ; (d) to gather and to transmit material for dissemination to the public abroad ; and (e) to communicate with other persons inside and outside such territories by mail, telegraph and other means open to general public use.

3. The provisions of the present Article shall be subject to the right of either Party to apply measures that are necessary to maintain public order and necessary to protect the public health, morals and safety.

Article III

1. Nationals of either Party within the territories of the other Party shall be free from unlawful molestations of every kind, and shall receive the most constant protection and security, in no case less than that required by international law.

2. If, within the territories of either Party, a national of the other Party is accused of crime and taken into custody, the nearest consular representative of his country shall on the demand of such national be immmediately notified. Such national shall : (a) receive reasonable and humane treatment ; (b) be formally and immediately informed of the accusations against him ; (c) be brought to trial as promptly as is consistent with the proper preparation of his defense ; and (d) enjoy all means reasonably necessary to his defense, including the services of competent counsel.

Article IV

1. Nationals of either Party shall be accorded national treatment in the application of laws and regulations within the territories of the other Party that establish a pecuniary compensation on account of disease, injury or death arising out of and in the course of employment or due to the nature of employment.

2. In addition to the rights and privileges provided in paragraph 1 of the present Article, nationals of either Party shall, within the territories of the other Party, be accorded national treatment in the application of laws and regulations establishing a system of compulsory insurance in the case of the United States of America and a system of voluntary insurance in the case of the Kingdom of Denmark, under which

benefits are paid without an individual test of financial need against loss of wages or earnings due to unemployment.

Article V

1. Nationals and companies of either Party shall be accorded national treatment and most-favored-nation treatment with respect to access to the courts of justice and to administrative tribunals and agencies within the territories of the other Party, in all degrees of jurisdiction, both in pursuit and in defense of their rights. It is understood that companies of either Party not engaged in either business or nonprofit activities within the territories of the other Party shall enjoy such access therein without any requirement of registration or domestication.

2. Contracts entered into between nationals and companies of either Party and nationals and companies of the other Party, that provide for the settlement by arbitration of controversies, shall not be deemed unenforceable within the territories of such other Party merely on the grounds that the place designated for the arbitration proceedings is outside such territories or that the nationality of one or more of the arbitrators is not that of such other Party. No award duly rendered pursuant to any such contract, and final and enforceable under the laws of the place where rendered, shall be deemed invalid or denied effective means of enforcement within the territories of either Party merely on the grounds that the place where such award was rendered is outside such territories or that the nationality of one or more of the arbitrators is not that of such Party.

Article VI

1. Property of nationals and companies of either Party shall receive the most constant protection and security within the territories of the other Party.

2. The dwellings, offices, warehouses, factories and other premises of nationals and companies of either Party located within the territories of the other Party shall not be subject to unlawful entry or molestation. Official searches and examinations of such premises and their contents, when necessary, shall be made with careful regard for the convenience of the occupants and the conduct of business.

3. Property of nationals and companies of either Party shall not be taken within the territories of the other Party except for public purposes nor shall it be taken without the prompt payment of just compensation. Such compensation shall be in an effectively realizable form and shall represent the full equivalent of the property taken; an adequate provision shall have been made at or prior to the time of taking for the determination and payment thereof.

4. Neither Party shall take unreasonable or discriminatory measures that would impair the legally acquired rights or interests within its territories of nationals and companies of the other Party in the enterprises which they have established or in the capital, skills, arts or technology which they have supplied.

5. Nationals and companies of either Party shall in no case be accorded, within the territories of the other Party, less than national treatment and most-favored-nation treatment with respect to the matters set forth in paragraphs 2 and 3 of the present Article. Moreover, enterprises in which nationals and companies of either Party have a substantial interest shall be accorded, within the territories of the other Party, not less than national treatment and most-favored-nation treatment in all matters relating to the taking of privately owned enterprises into public ownership and to the placing of such enterprises under public control.

Article VII

1. Nationals and companies of either Party shall be accorded, within the territories of the other Party, national treatment with respect to engaging in commercial, manufacturing, processing, financial, construction, publishing, scientific, educational, religious and philanthropic activities.

2. Nationals and companies of either Party shall further be accorded, within the territories of the other Party, most-favored-nation treatment with respect to :

- a) the activities listed in paragraph 1 of the present Article ;
- b) exploring for and exploiting mineral deposits ;
- c) engaging in fields of economic and cultural activity in addition to those listed in paragraph 1 of the present Article or in sub-paragraph b) of the present paragraph ;
- d) organizing, participating in and operating companies of such other Party.

3. With respect to professional activities, nationals of either Party shall be accorded national treatment within the territories of the other Party, except as to professions which, because they involve the performance of functions in a public capacity or in the interest of public health and safety, are state-licensed and reserved by statute exclusively to citizens of the country.

4. Nationals and companies of either Party shall be permitted to engage, within the territories of the other Party, accountants and other technical experts, executive personnel, attorneys, agents and other specialized employees of their choice, regardless of nationality. Moreover, such nationals and companies shall be permitted to engage accountants and other technical experts regardless of the extent to which they may have qualified for the practice of a profession within the territories of such other Party, for the particular purpose of making examinations, audits and technical investigations for, and rendering reports to, such nationals and companies in connec-