

**No. 6868**

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**UNITED STATES OF AMERICA  
and  
LUXEMBOURG**

**Treaty of Friendship, Establishment and Navigation (with  
Protocol). Signed at Luxembourg, on 23 February 1962**

*Official texts : English and French.*

*Registered by the United States of America on 12 August 1963.*

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**ÉTATS-UNIS D'AMÉRIQUE  
et  
LUXEMBOURG**

**Traité d'amitié, d'établissement et de navigation (avec  
Protocole). Signé à Luxembourg, le 23 février 1962**

*Textes officiels anglais et français.*

*Enregistré par les États-Unis d'Amérique le 12 août 1963.*

No. 6868. TREATY<sup>1</sup> OF FRIENDSHIP, ESTABLISHMENT AND NAVIGATION BETWEEN THE UNITED STATES OF AMERICA AND THE GRAND DUCHY OF LUXEMBOURG. SIGNED AT LUXEMBOURG, ON 23 FEBRUARY 1962

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The President of the United States of America and Her Royal Highness the Grand Duchess of Luxembourg

desirous of strengthening the bonds of peace and friendship traditionally existing between their two countries and of encouraging closer economic and cultural relations between the two peoples, and being cognizant of the contributions which may be made toward these ends by arrangements specifying mutually accorded rights and privileges and promoting mutually advantageous commercial intercourse and investments,

have resolved to conclude a Treaty of Friendship, Establishment and Navigation, and for that purpose have appointed as their Plenipotentiaries,

The President of the United States of America :

His Excellency Mr. James W. Wine, Ambassador Extraordinary and Plenipotentiary of the United States of America in Luxembourg, and

Her Royal Highness the Grand Duchess of Luxembourg :

His Excellency Mr. Eugène Schaus, Minister of Foreign Affairs,

Who, having communicated to each other their full powers found to be in good and due form, have agreed as follows :

*Article I*

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

*Article II*

1. Nationals of either Contracting Party shall, subject to the laws relating to the entry, sojourn and establishment of aliens, be permitted to enter the territories of the other Party, to travel therein freely, and to reside and establish themselves at

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<sup>1</sup> Came into force on 28 March 1963, one month after the day of exchange of instruments of ratification which took place at Washington on 28 February 1963, in accordance with the provisions of article XIX.

places of their choice. Nationals of either Party shall in particular be permitted to enter the territories of the other Party and to reside therein :

- a) for the purpose of carrying on trade between the two countries and engaging in related commercial activities ; or
- b) for the purpose of developing and directing the operations of an enterprise in which they have invested, or are actively in the process of investing, a substantial amount of capital.

2. Nationals of either Party and nationals of third countries en route to or from the territories of such Party shall, subject to the reservation on paragraph 1 of the present article, be accorded freedom of transit for themselves and their baggage through the territories of the other Party by the routes most convenient for international transit. In particular, they shall be free from requirements that entail unnecessary delays and impediments. They shall be subject, however, to regulations with respect to their baggage that are applicable to aliens generally in order to prevent abuse of the transit privilege.

3. Nationals of either Party, within the territories of the other Party, shall enjoy freedom of conscience ; and they shall be at liberty to hold religious services, both public and private, at suitable places of their choice.

4. Nationals of either Party shall be permitted, within the territories of the other Party, to gather information material for dissemination to the public abroad, and shall enjoy freedom of transmission of such material to be used for publication by the press, radio, television, motion pictures and other means ; and they shall be permitted to communicate freely with other persons inside and outside such territories by mail, telegraph and other means open to general public use.

5. 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 protect the public health, morals and safety.

### *Article III*

1. Nationals of either Contracting Party within the territories of the other Party shall be accorded full legal and judicial protection for their persons, rights and interests. Such nationals shall be free from molestation and shall receive constant protection, in no case less than that required by international law.

2. To this end they shall in particular have right of access, on the same basis and on the same conditions as nationals of such other Party, to the courts of justice and administrative tribunals and agencies in all degrees of jurisdiction and shall have right to the services of competent persons of their choice.

3. The provisions of paragraphs 1 and 2 of the present article shall extend and apply in the same manner to companies. It is understood, moreover, that the right of such access shall be enjoyed without any requirement of registration or domestication :

- a) in the case of Luxembourg companies not engaged in activities in the territories of the United States of America ; and
- b) in the case of United States companies not established in the territories of the Grand Duchy of Luxembourg.

4. If a national of either Party is taken into custody within the territories of the other Party, the nearest consular representative of his country shall on the demand of such national be immediately notified and shall have the right to visit and communicate with such national without unnecessary delay. Such national shall :

- a) receive reasonable and humane treatment, in no case less than that required by international law ;
- b) be formally and immediately informed of the charges against him ; and
- c) be brought to trial as rapidly as is consistent with the proper preparation of his defense, for which he shall enjoy all reasonable means, including the services of competent counsel.

5. 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 searches or measures other than those permitted by law and in execution of law. Official searches and examinations of such premises and their contents, when necessary, shall be made according to law and with careful regard for the convenience of the occupants and the conduct of business.

6. 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 and denied effective means of enforcement by the authorities of either Party merely on the grounds that the place where such award was rendered is outside the territories of such Party or that the nationality of one or more of the arbitrators is not that of such Party.

*Article IV*

1. Property that nationals and companies of either Contracting Party own within the territories of the other Party shall enjoy constant security therein through full legal and judicial protection.

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

3. Nationals and companies or<sup>1</sup> either Party shall not be expropriated of their property within the territories of the other Party except for public benefit and with 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. Furthermore, adequate provision shall have been made not later than the time of taking for the determination and payment thereof.

4. Nationals and companies of either Party shall in no case be accorded, within the territories of the other Party, less than national treatment with respect to the matters set forth in paragraph 3 of the present article and in paragraph 5 of article III. 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 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 V*

1. Nationals and companies of either Contracting Party shall be accorded, within the territories of the other Party, national treatment with respect to obtaining and maintaining patents of invention, and with respect to rights in trade marks, trade names, trade labels and industrial property of all kinds.

2. The Parties deem that it is highly desirable to further, through cooperative and other appropriate means, the interchange and use of scientific and technical knowledge, particularly in the interest of increasing productivity and improving standards of living within their respective territories.

*Article VI*

1. Nationals and companies of either Contracting Party shall be accorded national treatment with respect to engaging in all types of commercial, industrial, financial and other activity for gain (business activities) within the territories of the

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<sup>1</sup> According to information provided by the United States of America this should read "of".