

No. 7660

**AUSTRIA, BELGIUM, DENMARK,
FEDERAL REPUBLIC OF GERMANY, FRANCE, etc.**

**European Convention on Establishment (with Protocol).
Signed at Paris, on 13 December 1955**

Official texts: English and French.

Registered on 30 March 1965 by the Council of Europe, acting on behalf of the Contracting Parties, in accordance with Resolution 54 (6) of the Committee of Ministers of the Council of Europe, adopted on 3 April 1954.

**AUTRICHE, BELGIQUE, DANEMARK,
RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE, FRANCE, etc.**

**Convention européenne d'établissement (avec Protocole).
Signée à Paris, le 13 décembre 1955**

Textes officiels anglais et français.

Enregistrée le 30 mars 1965 par le Conseil de l'Europe agissant au nom des Parties contractantes, conformément à la résolution 54 (6) du Comité des ministres du Conseil de l'Europe, adoptée le 3 avril 1954.

No. 7660. EUROPEAN CONVENTION ON ESTABLISHMENT.¹ SIGNED AT PARIS, ON 13 DECEMBER 1955²

The Governments signatory hereto, being Members of the Council of Europe,

Considering that the aim of the Council of Europe is to safeguard and to realise the ideals and principles which are the common heritage of its Members and to facilitate their economic and social progress ;

Recognising the special character of the links between the member countries of the Council of Europe as affirmed in conventions and agreements already concluded within the framework of the Council such as the Convention for the Protection of Human Rights and Fundamental Freedoms signed on 4th November, 1950,³ the Protocol to this Convention signed on 20th March, 1952,⁴ the European Convention on Social and Medical Assistance⁵ and the two European Interim Agreements on Social Security signed on 11th December, 1953 ;⁶

Being convinced that, by the conclusion of a regional convention, the establishment of common rules for the treatment accorded to nationals of each Member State in the territory of the others may further the achievement of greater unity ;

Affirming that the rights and privileges which they grant to each others' nationals are conceded solely by virtue of the close association uniting the member countries of the Council of Europe by means of its Statute ;

¹ In accordance with article 34 (2), the Convention came into force on 23 February 1965, the date of deposit of the fifth instrument of ratification, in respect of the following States, on behalf of which the instruments of ratification were deposited with the Secretary-General of the Council of Europe on the dates indicated :

Norway	20 November 1957
Denmark	9 March 1961
Belgium	12 January 1962
Italy	31 October 1963
Federal Republic of Germany	23 February 1965

The Convention came into force for Greece on 2 March 1965, the date of deposit of its instrument of ratification.

For the text of the declarations and/or reservations made by certain States, see p. 176 of this volume.

² The texts adopted by the Committee of Ministers at its 17th Session, in the course of which this Convention was approved and opened for signature, and which texts contain a recommendation, as well as an interpretation of the scope of the Convention, are published on p. 184 of this volume for the purpose of information.

³ See footnote 2, p. 90 of this volume.

⁴ See footnote 3, p. 90 of this volume.

⁵ See footnote 1, p. 106 of this volume.

⁶ United Nations, *Treaty Series*, Vol. 218, pp. 153 and 211; for subsequent actions relating to this Agreement, see references in Cumulative Indexes Nos. 3 and 4, as well as Annex A in volumes 404, 407, 410, 417, 420 and 528.

Noting that the general plan of the Convention, fits into the framework of the organisation of the Council of Europe,

Have agreed as follows :

CHAPTER I

ENTRY, RESIDENCE AND EXPULSION

Article 1

Each Contracting Party shall facilitate the entry into its territory by nationals of the other Parties for the purpose of temporary visits and shall permit them to travel freely within its territory except when this would be contrary to *ordre public*, national security, public health or morality.

Article 2

Subject to the conditions set out in Article 1 of this Convention, each Contracting Party shall, to the extent permitted by its economic and social conditions, facilitate the prolonged or permanent residence in its territory of nationals of the other Parties.

Article 3

1. Nationals of any Contracting Party lawfully residing in the territory of another Party may be expelled only if they endanger national security or offend against *ordre public* or morality.
2. Except where imperative considerations of national security otherwise require, a national of any Contracting Party who has been so lawfully residing for more than two years in the territory of any other Party shall not be expelled without first being allowed to submit reasons against his expulsion and to appeal to, and be represented for the purpose before, a competent authority or a person or persons specially designated by the competent authority.
3. Nationals of any Contracting Party who have been lawfully residing for more than ten years in the territory of any other Party may only be expelled for reasons of national security or if the other reasons mentioned in paragraph 1 of this Article are of a particularly serious nature.

CHAPTER II

EXERCISE OF PRIVATE RIGHTS

Article 4

Nationals of any Contracting Party shall enjoy in the territory of any other Party treatment equal to that enjoyed by nationals of the latter Party in respect of the possession and exercise of private rights, whether personal rights or rights relating to property.

Article 5

Notwithstanding Article 4 of this Convention, any Contracting Party may, for reasons of national security or defence, reserve the acquisition, possession or use of any categories of property for its own nationals or subject nationals of other Parties to special conditions applicable to aliens in respect of such property.

Article 6

1. Apart from cases relating to national security or defence,
 - (a) Any Contracting Party which has reserved for its nationals or, in the case of aliens including those who are nationals of other Parties, made subject to regulations the acquisition, possession or use of certain categories of property, or has made the acquisition, possession or use of such property conditional upon reciprocity, shall, at the time of the signature of this Convention, transmit a list of these restrictions to the Secretary-General of the Council of Europe indicating which provisions of its municipal law are the basis of such restrictions. The Secretary-General shall forward these lists to the other Signatories ;
 - (b) After this Convention has entered into force in respect of any Contracting Party, that Contracting Party shall not introduce any further restrictions as to the acquisition, possession or use of any categories of property by nationals of the other Parties, unless it finds itself compelled to do so for imperative reasons of an economic or social character or in order to prevent monopolisation of the vital resources of the country. It shall in this event keep the Secretary-General fully informed of the measures taken, the relevant provisions of municipal law and the reasons for such measures. The Secretary-General shall communicate this information to the other Parties.
2. Each Contracting Party shall endeavour to reduce its list of restrictions for the benefit of nationals of the other Parties. It shall notify the Secretary-General of any such changes and he shall communicate them to the other Parties.

Each Party shall also endeavour to grant to nationals of other Parties such exemptions from the general regulations concerning aliens as are provided for in its own legislation.

CHAPTER III

JUDICIAL AND ADMINISTRATIVE GUARANTEES

Article 7

Nationals of any Contracting Party shall enjoy in the territory of any other Party, under the same conditions as nationals of the latter Party, full legal and judicial protection of their persons and property and of their rights and interests. In particular, they shall have, in the same manner as the nationals of the latter Party, the right of access to the competent judicial and administrative authorities and the right to obtain the assistance of any person of their choice who is qualified by the laws of the country.

Article 8

1. Nationals of any Contracting Party shall be entitled in the territory of any other Party to obtain free legal assistance under the same conditions as nationals of the latter Party.
2. Indigent nationals of a Contracting Party shall be entitled to have copies of *actes de l'état civil* issued to them free of charge in the territory of another Contracting Party in so far as these are so issued to indigent nationals of the latter Contracting Party.

Article 9

1. No security or deposit of any kind may be required, by reason of their status as aliens or of lack of domicile or residence in the country, from nationals of any Contracting Party, having their domicile or normal residence in the territory of a Party, who may be plaintiffs or third parties before the Courts of any other Party.
2. The same rule shall apply to the payment which may be required of plaintiffs or third parties to guarantee legal costs.
3. Orders to pay the costs and expenses of a trial imposed upon a plaintiff or third party who is exempted from such security, deposit or payment in pursuance either of the preceding paragraphs of this Article or of the law of the country in which the proceedings are taken, shall without charge, upon a request made through the diplomatic channel, be rendered enforceable by the competent authority in the territory of any other Contracting Party.