

Greece Friendship, Commerce, and Navigation Treaty

FRIENDSHIP, COMMERCE AND NAVIGATION

TIAS 3057

Aug. 3 and Dec. 26, 1951

Dec. 26, 1951

Treaty between the UNITED STATES OF AMERICA and GREECE

. Signed at Athens August 3, 1951

. Ratification advised by the Senate of the United States of America, with a reservation, July 21, 1953

. Ratified by the President of the United States of America, subject to the said reservation, June 24, 1954

. Ratified by Greece September 10, 1954

. Ratifications exchanged at Athens September 13, 1954

. Proclaimed by the President of the United States of America October 18, 1954

. Entered into force October 13, 1954

and

Exchange of Notes

. Dated at Athens August 3 and December 26, 1951

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS a treaty of friendship, commerce and navigation between the United States of America and the Kingdom of Greece was signed at Athens on August 3, 1951, the original of which treaty, in the English and Greek languages, is word for word as follows:

TREATY OF FRIENDSHIP, COMMERCE AND NAVIGATION BETWEEN THE UNITED STATES OF AMERICA AND THE KINGDOM OF GREECE

The United States of America and the Kingdom of Greece, desirous of strengthening the bonds of peace and friendship traditionally existing between them and of promoting their economic development and the general welfare of their peoples, and being cognizant of the contributions which may be made toward these ends by arrangements which facilitate and encourage, on bases mutually advantageous, the flow of investment capital and of technology and the further development of productive enterprise and commercial intercourse, have resolved to conclude a Treaty of Friendship, Commerce and Navigation, based in general upon the principles of national and of unconditional most-favored-nation treatment reciprocally accorded, and for that purpose have appointed as their plenipotentiaries,

The President of the United States of America: The Honorable JOHN E. PEURIFOY, Ambassador Extraordinary and Plenipotentiary of the United States of America to Greece, and

His Majesty the King of the Hellenes: His Excellency SOPHOCLES VENIZELOS, Prime Minister and Minister of Foreign Affairs, who having communicated to each other their full powers found in good and 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.

Article II

1. Nationals of either Party shall be permitted freely to enter the territories of the other Party, to travel therein, to reside therein at places of their choice, and to depart therefrom.

2. There shall be freedom of transit through the territories of each Party by the routes most convenient for international transit:

(a) for nationals of the other Party together with their baggage; and

(b) for articles en route to or from the territories of such other Party.

Such persons and articles in transit shall be exempt from transit, customs and other duties, and from unreasonable charges and requirements; and shall be free from unnecessary delays and restrictions. They shall, however, be subject to non-discriminatory regulations necessary to prevent abuse of the transit privilege.

3. Nationals of either Party shall be permitted to enter and remain in the territories of the other Party in order to carry on trade between the territories of the two Parties and commercial activities related thereto, upon terms as favorable as those accorded to nationals of any third country who are permitted entry for the purpose of carrying on trade between the territories of such other Party and of such third country.

4. Each Party reserves the right to exclude or expel aliens, and to refuse transit to articles, on grounds relating to public order, morals, health and safety, and to exercise reasonable surveillance over the movement and sojourn of aliens within its territories. Moreover, paragraph 1 of the present Article shall be subject to the immigration laws of each Party.

Article III

1. Nationals of either Party shall, within the territories of the other Party, enjoy liberty of conscience and shall be permitted freely to hold religious ceremonies under the protection of the law.

2. They shall also be permitted to collect and transmit informational materiel for dissemination to the public abroad and to communicate with other persons located either within or outside the territory of the other Party, by mail, telegraph, or any 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 to protect the public health, morals and safety.

Article IV

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.

2. If, within the territories of either Party, a national of the other Party is accused of crime and is taken into custody, he 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 V

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 their contents, when necessary, shall be conducted with due regard to the convenience of the occupants and the conduct of their business.

Article VI

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 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. Awards duly rendered pursuant to any such contracts, which are final and enforceable under the laws of the place where rendered, shall be deemed conclusive in enforcement proceedings brought before the courts of competent jurisdiction of either Party, and shall be entitled to be declared enforceable by such courts, except where found contrary to public policy. When so declared, such awards shall be entitled to privileges and measures of enforcement appertaining to awards rendered locally. It is understood, however, that awards rendered outside the United States of America shall be entitled in any court in any State thereof only to the same measure of recognition as awards rendered in other States thereof.

Article VII

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

2. With respect to the provisions of the preceding paragraph, nationals and companies of either Party shall be accorded, within the territories of the other Party, national treatment and shall in any case enjoy treatment no less favorable than that accorded to the nationals end companies of the most-favored-nation.

3. Priority of nationals and companies of either Party shall not be taken within the territories of the other Party except for public benefit, 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; and adequate provision shall have been made at or prior to the time of taking for the determination and payment thereof. It is understood that withdrawal of such compensation shall be in accordance with applicable laws and regulations consistent with the provisions of Article XV of the present Treaty. The provisions of the present paragraph shall extend to interests held directly or indirectly by nationals and companies of either Party in property which is taken within the territories of the other Party.

4. In all matters relating to the taking of privately owned enterprises into public ownership or the placing of such enterprises under public control, in conformity with applicable laws, nationals and companies of either Party shall enjoy national treatment within the territories of the other Party and in any case treatment no less favorable than that accorded to the nationals and companies of most- favored nations. The same treatment shall likewise be accorded to enterprises in which nationals or companies of either Party have a substantial interest.

Article VIII

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; nor shall either Party unreasonably impede nationals and companies of the other Party from obtaining on equitable terms the capital, skills, arts and technology needed for economic development.

Article IX

1. Nationals and companies of either Party shall be accorded, within the territories of the other Party, national treatment with respect to acquiring by purchase or otherwise and with respect to owning, leasing, occupying and using land, buildings and other immovable property appropriate to the conduct of commercial, manufacturing, processing, financial, construction, publishing, scientific, educational, philanthropic and professional activities, and for residential and mortuary purposes, subject to the following limitations:

(a) in the case of nationals and companies of Greece the acquisition by purchase, or otherwise, of ownership rights in land, buildings, and other immovable property, within the territories of the United States, shall be dependent upon the applicable laws of the States, Territories and possessions of the United States of America within which such property is located; and

(b) in the case of nationals and companies of the United States of America the right to acquire by purchase, or otherwise, and the right to lease, occupy and use land, buildings, and other immovable property, within the territories of Greece, shall be subject to restrictions which Greece may consider it necessary to impose on the right of aliens to acquire by purchase, or otherwise, and to lease, occupy and use such property in specific frontier and coastal areas.

2. Nationals and companies of either Party shall be permitted freely to dispose of property within the territories of the other Party with respect to the acquisition of which through testate or intestate succession their alienage has prevented them from receiving national treatment, and they shall be permitted a term of at least five years in which to effect such disposition.

3. Nationals and companies of either Party shall be accorded within the territories of the other Party national treatment with respect to disposing of property of all kinds.

Article X

Nationals and companies of either Party shall be accorded, within the territories of the other Party, national treatment and most-favored-nation 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.

Article XI

1. "Nationals of Greece shall be accorded within the territories of the United States of America, and reciprocally nationals of the United States of America shall be accorded within the territories of Greece, national treatment in the application of laws and regulations that establish a pecuniary compensation, or other benefit or service, 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 Greece shall be accorded within the territories of the United States of America, and reciprocally nationals of the United States of America shall be accorded within the territories of Greece, national treatment in the application of laws and regulations establishing systems of compulsory insurance, under which benefits are paid without an individual test of financial need: (a) against loss of wages or earnings due to old age, unemployment, sickness, or disability, or (b) against loss of financial support due to the death of father, husband or other person on whom such support had depended.

Article XII

1. Nationals and companies of Greece shall be accorded within the territories of the United States of America, and reciprocally nationals and companies of the United States of America shall be accorded within the territories of Greece, national treatment and most-favored-nation treatment with respect to engaging in commercial, manufacturing, processing, financial, construction, publishing, scientific, philanthropic and professional activities, except the practice of law, dentistry and pharmacy.

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) exploring for and exploiting mineral deposits;

(b) engaging in religious activity and in fields of economic and cultural activity in addition to these listed in paragraph 1 of the present Article or in subparagraph (a) of the present paragraph;

(c) organizing, participating in and operating companies of such other Party.

3. Nationals of either Party admitted into the territories of the other Party for limited purposes shall not, however, enjoy rights to engage in gainful occupations in contravention of limitations expressly imposed, according to internal laws and regulations, as a condition of their admittance.

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 employees of their choice among those legally in the country and eligible to work. Moreover, such nationals and companies shall be permitted to engage, on a temporary basis, accountants and other technical experts, regardless of nationality and regardless of the extent to which they may possess the qualifications required by applicable laws for the exercise of their duties within the territories of such other Party, for the particular purpose of making examinations, audits and technical investigations for the exclusive account of their employers in connection with the planning and operation of enterprises controlled by the latter or in which they have a financial interest within such territories.

Article XIII

1. Nationals and companies of either Party shall be accorded within the territories of the other Party the right to associate and to organize companies under the same conditions as nationals and companies of such other Party for the purpose of engaging in commercial, manufacturing, processing, financial, construction, mining, publishing, scientific, educational and philanthropic activities, and to control and manage enterprises which they have been permitted to establish or require within such territories for the foregoing and other purposes. Either Party, however, may prescribe special formalities in connection with the formulation of alien-controlled companies under its law.

2. Companies controlled by nationals and companies of either Party and constituted under the applicable laws and regulations within the territories of the other Party for engaging in the activities listed in paragraph 1 of the present Article, shall be accorded national treatment with respect to such activities.

Article XIV

1. The two Parties agree that business practices which restrain competition, limit access of like enterprises to international markets or foster monopolistic control, and which are engaged in by one or more private or public commercial enterprises or are made effective by combination, agreement or other arrangement among such enterprises, may have harmful effects upon commerce between their respective territories. Accordingly, each Party agrees, upon the request of the other Party, to consult with respect to any such business practices and to take such measures as it may deem appropriate with a view to eliminating such harmful effects.

2. The Parties recognize that conditions of competitive equality should be maintained in situations in which publicly owned or controlled commercial, manufacturing or processing enterprises of either Party engage in competition, within the territories thereof, with privately owned and controlled enterprises of nationals and companies of the other Party. Accordingly, such private enterprises shall, in such situations, be entitled to the benefit of any special advantages of an economic nature accorded such public enterprises, whether in the nature of subsidies, tax exemptions or otherwise. The foregoing rule shall not apply, however, to special advantages given in connection with:

(a) manufacturing goods for government use, or supplying goods and services to the government for government use; or (b) supplying, at prices substantially below competitive prices, the needs of particular population groups for essential goods and services not otherwise practically obtainable by such groups.

3. Each Party undertakes:

(a) that enterprises owned or controlled by its Government, and that monopolies or agencies granted exclusive or special privileges within its territories, shall make their purchases and sales, involving either imports or exports affecting the commerce of the other Party, solely in accordance with commercial considerations, including price, quality, availability, marketability, transportation and other conditions of purchase or sale; and

(b) that the nationals, companies and commerce of such other Party shall be afforded adequate opportunity, in accordance with customary business practice, to compete for participation in such purchases and sales.

4. Each Party shall accord to the nationals, companies and commerce of the other Party fair and equitable treatment, as compared with that accorded to the nationals, companies and commerce of any third country, with respect to:

(a) the governmental purchase of supplies;

(b) the awarding of concessions and other government contracts; and

(c) the sale of any service sold by the Government or by any monopoly or agency granted exclusive or special privileges.

5. No enterprise of either Party which is publicly owned or controlled shall, if it engages in commercial, manufacturing, processing, shipping or other business activities within the territories of the other Party, claim or enjoy, either for itself or for its property, immunity therein from taxation, suit, execution of judgment or other liability to which privately owned and controlled enterprises are subject therein.

Article XV

1. Nationals and companies of either Party shall be accorded by the other Party national treatment and most-favored-nation treatment with respect to payments, remittances and transfers of funds or financial instruments between the territories of the two Parties as well as between the territories of such other Party and of any third country.

2. Neither Party shall impose exchange restrictions as defined in paragraph 5 of the present Article, except to the extent necessary to prevent its monetary reserves from falling to a very low level or to effect a moderate increase in very low monetary reserves. It is understood that the provisions of the present Article do not alter the obligations either Party may have to the International Monetary Fund or preclude imposition of particular restrictions whenever the Fund specifically authorizes or requests a Party to impose such particular restrictions.

3. If either Party imposes exchange restrictions in accordance with paragraph 2 above, it shall, after making whatever provision may be necessary to assure the availability of foreign exchange for goods and services essential to the health of its people and necessary to the avoidance of serious economic instability, make reasonable provision for the withdrawal, in foreign exchange in the currency of the other Party, of: (a) the compensation referred to in Article VII, paragraph 3, of the present Treaty; (b) earnings, whether in the form of salaries, interest, dividends, commissions, royalties, payments for technical services, or otherwise; and (c) amounts for amortization of loans, depreciation of direct investments, and capital transfers to the extent feasible, giving consideration to special needs for other transactions. If more than one rate of exchange is in force, the rate applicable to such withdrawals shall be a rate which is specifically approved by the International Monetary Fund for such transactions or, in the absence of a rate so approved, an effective rate which, inclusive of any taxes or surcharges on exchange transfers, is just and reasonable.

4. Exchange restrictions shall not be imposed by either Party in a manner unnecessarily detrimental or arbitrarily discriminatory to the claims, investments, transport, trade, and other interests of the nationals and companies of the other Party, nor to the competitive position thereof.

5. The term "exchange restrictions" as used in the present Article includes all restrictions, regulations, charges, taxes, or other requirements imposed by either Party which burden or interfere with payments, remittances, or transfers of funds or of financial instruments between the territories of the two Parties.

6. Each Party shall afford the other Party adequate opportunity for consultation at any time regarding application of the present Article.

Article XVI

1. Nationals of either Party residing within the territories of the other Party, and nationals and companies of either Party engaged in trade or other gainful pursuit or in scientific, educational, religious or philanthropic activities within the territories of the other Party, shall not be subject to the payment of taxes, fees or charges imposed upon or applied to income, capital, transactions, activities or any other object, or to requirements, with respect to the levy and collection thereof, within the territories of such other Party, more burdensome than those borne by nationals and companies of such other Party.

2. Nationals and companies of either Party shall in no case be subject, within the territories of the other Party, to the payment of taxes, fees or charges imposed upon or applied to income, capital, transactions, activities or any other object, or to requirements with respect to the levy and collection thereof, more burdensome than those borne by nationals, residents and companies of any third country.

3. In the case of companies of either Party engaged in trade or other gainful pursuit within the territories of the other Party, and in the case of nationals of either Party engaged in trade or other gainful pursuit within the territories of the other Party but not resident therein, such other Party shall not impose or apply any tax, fee or charge upon any capital, income or other basis in excess of that reasonably allocable or apportionable to its territories. Tax exemptions and deductions shall likewise be allowed according to an equitable apportionment. Comparable rules shall apply also in the case of companies organized and operated exclusively for scientific, educational, religious, or philanthropic purposes.

4. Each Party, however, reserves the right to: (a) extend specific advantages as to taxes, fees and charges to nationals, residents and companies of third countries on the basis of reciprocity, if such advantages are similarly extended to nationals, residents and companies of the other Party; (b) accord to nationals, residents and companies of a third country special advantages by virtue of an agreement with such country for the avoidance of double taxation or the mutual protection of revenue; and (c) accord to its own nationals and to residents of contiguous countries more favorable exemptions of a personal nature with respect to income taxes and inheritance taxes than are accorded to other nonresident persons.

Article XVII

1. Nationals and companies of either Party shall be accorded national treatment and most-favored-nation treatment by the other Party with respect to all matters relating to importation and exportation.

2. Each Party shall accord most-favored nation treatment to products of the other Party, from whatever place and by whatever type of carrier arriving, and to articles destined for exportation to the territories of such other Party, by whatever route and by whatever type of carrier, in all matters relating to customs duties and other charges, and with respect to all other regulations, requirements and formalities imposed on or in connection with imports and exports.

3. Neither Party shall impose any prohibition or restriction on the importation of any product of the other Party, or on the exportation of any article to the territories of the Other Party, that:

(a) if imposed on sanitary or other customary grounds of a non-commercial nature or in the interest of preventing deceptive or unfair practices, arbitrarily discriminates in favor of the importation of the like product of, or the exportation of the like article to, any third country;

(b) if imposed on other grounds, does not apply equally to the importation of the like product of, or the exportation of the like article to, any third country;

(c) if a quantitative regulation involving allotment to any third country with respect to an article in which such other Party has an important interest, fails to afford to the commerce of such other Party a share proportionate to the amount, by quantity or value, supplied by or to such other Party during a previous representative period,

regarding which opportunity for discussion will be afforded such other Party, due consideration being given to any special factors affecting the trade in the article

4. The provisions of the present Article shall not apply to advantages accorded by either Party:

(a) to products of its national fisheries;

(b) to adjacent countries in order to facilitate frontier traffic; or

(c) by virtue of a customs union of which either Party may become a member. If either Party decides to enter into a customs union, it shall keep the other Party informed of its plans and shall afford such other Party adequate opportunity for an exchange of views thereon.

Article XVIII

1. Each Party shall promptly publish laws, regulations and administrative rulings of general application pertaining to rates of duty, taxes or other charges, to the classification of articles for customs purposes and to requirements or restrictions on imports and exports or the transfer of payments therefor, or affecting their sale, distribution or use. Such laws, regulations and rulings shall be administered in a uniform, impartial and reasonable manner. As a general practice, new administrative regulations affecting imports shall not apply to articles en route at the time of publication of such regulations; however, if either Party customarily exempts from such administrative regulations, articles entered for consumption or withdrawn from warehouse for consumption during a period of 30 days after the date of publication of such regulations, such practice shall be considered as full compliance with this rule. This rule, moreover, shall not apply in the case of regulations imposed on sanitary grounds or for reasons of public safety. In the case of quantitative regulations, articles imported after the date of publication may be charged to any quota fixed by such regulations or, if necessary, to the quota fixed for one or more subsequent periods.

2. Each Party shall provide a judicial or administrative procedure under which nationals and companies of the other Party, and importers of products of such other Party, shall be able to present information and arguments and to obtain prompt and impartial review and correction of administrative action relating to customs matters, including the imposition of fines and penalties, confiscations, and rulings on questions of customs classification and valuation by the administrative authorities. Penalties imposed for infractions of the customs and shipping laws and regulations shall be merely nominal in cases resulting from clerical errors or when good faith can be demonstrated. It is understood that the provisions for imposition of merely nominal penalties do not extend to smuggling offenses.

Article XIX

1. Products of either Party shall be accorded, within the territories of the other Party, national treatment and most-favored nation treatment in all matters affecting internal taxation, sale, distribution, storage and use.

2. Articles produced by nationals and companies of either Party within the territories of the other Party, or by companies of the latter Party controlled by such nationals and companies, shall be accorded therein treatment no less favorable than that accorded to like articles of national origin by whatever person or company produced, in all matters affecting exportation, taxation, sale, distribution, storage and use.

Article XX

Commercial travelers representing nationals and companies of either Party engaged in business within the territories thereof shall, upon their entry into and departure from the territories of the other party and during their sojourn therein, be accorded most-favored-nation treatment in respect of the customs and other matters, including, subject to the exceptions in paragraph 4 of Article XVI of the present Treaty, taxes and charges applicable to them, their samples and the taking of orders.

Article XXI

1. Between the territories of the two Parties there shall be freedom of commerce and navigation.

2. Vessels under the flag of either Party, and carrying the papers required by its law in proof of nationality, shall be deemed to be vessels of that Party both on the high seas and within the ports, places and waters of the other Party.

3. So long as both Parties follow systems of tonnage measurement which are substantially similar, tonnage certificates issued by either Party, shall be accepted by the other Party, and vessels shall not be subject to new measurement in the ports of such Party.

4. Vessels of either Party shall have liberty, on equal terms with vessels of the other Party and on equal terms with vessels of any third country, to come with their cargoes to all ports, places and waters of such other Party open to foreign commerce and navigation. Such vessels and cargoes shall in all respects be accorded national treatment and most-favored nation treatment within the ports, places and waters of such other Party.

5. Vessels of either Party shall be accorded by the other Party national treatment and shall enjoy most-favored-nation treatment with respect to the right to carry any articles, capable of being carried by sea, to or from the territories of such other Party. Such articles shall be accorded treatment no less favorable than that accorded to like articles carried in vessels of such other Party with respect to: (a) duties and charges of all kinds; (b) customs administration; and (c) bounties, drawbacks and other privileges of this nature.

6. Each Party may reserve exclusive rights and privileges to its own vessels with respect to coasting trade, inland navigation, national fisheries and operating maritime services in ports, havens and seaboard, including towage, pilotage, salvage and rescue services. The term "coasting trade" as used in the present Article shall be deemed to include all types of sea transport to and from ports of the same Party in respect of articles which, regardless of their initial origin and ultimate destination, are transshipped directly or indirectly at ports of either Party for carrying to another port of the same Party on the basis of a through bill of lading, or conversely articles loaded at ports of either Party for carrying to another port of the same Party for the purpose of being transshipped directly or indirectly to a foreign destination on the basis of a through bill of lading. The same principles shall apply also to travelers holding through tickets.

Article XXII

1. Vessels of either Party that are in distress shall be permitted to take refuge in the nearest port or haven of the other Party, and shall receive friendly treatment and assistance. Vessels of either Party forced to take refuge because of bad weather or damage, in a port of the other Party, shall be permitted to undergo repairs, obtain supplies and leave again, without being charged any fees and dues other than those normally paid in like circumstances by vessels of that Party. However, in the event the master of the vessel should find it necessary to sell a portion of the vessel's cargo for the purpose of defraying expenses, he shall be required to comply with the regulations and the import tariff of the place of refuge.

2. In the event a vessel of either Party should, run aground or be wrecked in the territorial waters of the other Party, such vessel, as well as all parts and equipment thereof, and any goods and articles salvaged or rescued, including jetsam, or the proceeds from the sale thereof, and also all ship's documents recovered from the vessel so wrecked or a stranded, shall be delivered, on request, to the owners of the vessel, or the owners of the cargo and other articles, or their agents. In the absence of such owners or agents on the spot, the vessel, cargo and other articles, if the property of a national of the Party whose flag the vessel flies, shall be delivered to a Consular officer of such Party within whose district the vessel was wrecked or stranded, provided such documents shall be claimed by the aforesaid officers within the period of time provided by the laws and regulations of that Party. Such Consular officers, owners or agents shall pay only the expenses incurred in saving the vessel and its cargo, including salvage or other fees, which a national vessel would have paid in like circumstances of loss or stranding. Goods salvaged shall be subject to the payment of no customs duties unless such goods be declared for consumption within the territories of the other Party; but goods not entered for consumption may be subject to measures for the protection of the revenue in relation to such goods, pending their exit, from the country within the time limits provided by applicable laws and regulations. The application of the present paragraph shall be subject to the lawful and claims of a salvor.

3. If, due to bad weather, vessels of either Party should take refuge in a port or haven of the other Party, or should be wrecked or stranded, the appropriate Consular officers shall be permitted, in the absence of the owner or of the master of the vessel or of another agent of the owner, or in the presence and at the request of any one of them, to extend to nationals of their country such assistance as may be necessary. If a vessel of either Party is wrecked within a port or constitutes a navigational hazard within the territorial waters of the other Party, the authorities of such other Party may order measures to be taken which they consider necessary with a view to preventing damage that might otherwise be caused by such wrecked vessel to port facilities or to other vessels.

4. In all ports of Greece the masters of all ships under United States flag, and reciprocally in all ports of the United States of America the masters of all ships under Greek flag, whose crews shall have ceased to be fully constituted on account of illness or for any other cause, shall be permitted to engage such seamen as may be necessary for the continuation of the voyage.

5. Consular officers, wherever such officers of either Party are available within the territories of the other Party, shall at their request be accorded by the local authorities such assistance as they may need for carrying out, in accordance with the applicable local laws and regulations, their duties with respect to the maintenance of discipline and order aboard vessels. Disputes among members of the crews of vessels, of either Party relating to their employment contracts shall, except as the competent judicial authorities may assume jurisdiction, be decided by Consular officers of the country whose flag the vessel flies.

6. Nationals of either Party who are seamen may be sent to ports of the other Party to join national vessels, in care of Consular officers, either individually or in groups on the basis of seamen's papers used in lieu of passports. Likewise, nationals of either Party shall be permitted to travel through the territory of the other Party on their way to join vessels or to be repatriated on the basis of seamen's papers used in lieu of passports.

Article XXIII

1. The present Treaty shall not preclude the application of measures:

(a) regulating the importation or exportation of gold or silver;

(b) relating to fissionable materials, to radioactive byproducts of the utilization or processing thereof, or to materials that are the source of fissionable materials;

(c) regulating the production of or traffic in arms, ammunition and implements of war, or traffic in other materials carried on directly or indirectly for the purpose of supplying a military establishment;

(d) necessary to fulfill the obligations of a Party for the maintenance or restoration of international peace and security, or necessary to protect its essential security interests;

(e) relating to the export of articles whose value arises primarily from their nature as works of art or antiques or from their relationship to the nation's history and which as a matter of general rule are not considered as items of trade; and

(f) denying the advantages of the present Treaty to any company, even though it may not have the nationality of the other Party, as long as ownership or direction of the company is controlled by nationals or companies of a third country. However, the provisions of the present Treaty relating to the juridical status of foreign companies and their appearance in court, are exempted from the limiting provisions of the present subparagraph.

2. Without prejudice to the principle national treatment as it relates to existing enterprises or enterprises which a Party may permit to be established hereafter, the provisions of Article XII, paragraph 1, and Article XIII, paragraph 1 of the present Treaty, shall be subject to the right of either Party to deny authorization to banking enterprises, not owned or controlled by its nationals, to initiate hereafter a fiduciary or depository business, except with regard to deposits incidental to their foreign or international business.

3. The most-favored-nation provisions of the present Treaty relating to the treatment of goods shall not apply to advantages accorded by the United States of America or its Territories and possessions to one another, to the

Republic of Cuba, to the Republic of the Philippines, to the Trust Territory of the Pacific Islands, to the Panama Canal Zone, or to Puerto Rico regardless of any change that may take place in its political status.

4. The provisions of the present Treaty relating to the treatment of goods shall not preclude action by either Party which is required or specifically permitted by the General Agreement on Tariffs and Trade^[1] during such time as the Party taking such action is a contracting party to the General Agreement. Similarly, the most-favored-nation provisions of the present Treaty shall not apply to the special advantages accorded by virtue of the aforesaid General Agreement.

1 Treaties and Other International Acts Series 1700; 61. Stat., pts. 5 and 6.

5. Without prejudice to the obligations of either Party under any other international agreement, the most-favored-nation provisions of the present Treaty relating to the treatment of goods shall not prevent either Party from applying measures which may be deemed necessary for the utilization of reserves of non-convertible exchange for the purpose of effecting imports.

6. The present Treaty does not accord any rights to engage in political activities.

7. The provisions of Article XIV, paragraph 4, subparagraphs (b) and (c), and of Article XXI, paragraph 5 of the present Treaty, shall not apply to postal services.

Article XXIV

1. The term "national treatment" means treatment accorded within the territories of a Party upon terms no less favorable than the treatment accorded therein, in like situations, to nationals, companies, products, vessels or other objects, as the case may be, of such Party. The term does not imply immunity from the laws and regulations of a Party which apply in a non-discriminatory manner to nationals, companies, products, vessels, or other objects, as the case may be, of both Parties.

2. The term "most-favored-nation treatment" means treatment accorded within the territories of a Party upon terms no less favorable than the treatment accorded therein, in like situations, to nationals, companies, products, vessels or other objects, as the case may be, of any third country.

3. As used in the present Treaty, the term "companies" means corporations, partnerships, companies and other associations, whether or not with limited liability and whether or not for pecuniary profit. Companies constituted under the applicable laws and regulations within the territories of either Party shall be deemed companies thereof and shall have their juridical status recognized within the territories of the other Party.

4. National treatment accorded under the provisions of the present Treaty to companies of the Kingdom of Greece shall, in any State, Territory or possession of the United States of America, be the treatment accorded therein to companies created or organized in other States, Territories and possessions of the United States of America.

5. The term "access" as used in Article VI, paragraph 1 of the present Treaty, shall comprehend, among other things, legal aid and freedom of nationals of either Party from liability to provide both security for costs and security for judgment, on the same terms and under the case of nationals of the other Party and of nationals of any third country.

6. The term "mineral" as used in Article XII, paragraph 2 (a) of the present Treaty, shall refer to petroleum as well as to other mineral substances.

7. The term "products of" as used in the present Treaty means "articles the growth, produce or manufacture of".

8. The term "vessels" as used in the present Treaty, means all types of vessels, whether privately owned or operated, or publicly owned or operated; but this term does not, except with reference to paragraph 2 of Article XXI and paragraph 1 or Article XXII, include fishing vessels or vessels of war.

Article XXV

Except as may be otherwise provided, the territories to which the present Treaty extends shall comprise all areas of land and water under the sovereignty or authority of either of the Parties, other than the Panama Canal Zone, and other than the Trust Territory of the Pacific Islands, except to the extent that the President of the United States of America shall by proclamation extend provisions of the Treaty to such Trust Territory.

The provisions of this Article shall not apply to territories under the authority of either Party solely as a military base or by reason of temporary occupation.

Article XXVI

1. Each Party shall accord sympathetic consideration to, and shall afford adequate opportunity for consultation with the other Party regarding any matter affecting the operation of the present Treaty.
2. Any dispute between the Parties as to the interpretation or application of the Present Treaty, not satisfactorily adjusted by diplomacy, shall be submitted to the International Court of Justice, unless the Parties agree to settlement by some other amicable means.

Article XXVII

The present Treaty shall replace the Treaty of establishment signed at Athens November 21. 1936.[1].

1 Treaty Series 930, 51 Stat. 230.

Article XXVIII

1. The present Treaty shall be ratified, and the ratifications thereof shall be exchanged at Athens as soon as possible.
2. The present Treaty shall enter into force one month after the day of exchange of ratifications. It shall remain in force for ten years and shall continue in force thereafter until terminated as provided herein.
3. Either Party may, by giving on year's written notice to the other Party, terminate the present Treaty at the end of the initial ten-year period or at any time thereafter.

IN WITNESS WHEREOF the respective Plenipotentiaries have signed the present Treaty and have affixed hereunto their seals.

DONE in duplicate, in the English and Greek languages, both equally authentic, at Athens, this third day of August, one thousand nine hundred fifty-one.

WHEREAS the Senate of the United States of America by their resolution of July 21, 1953, two-thirds of the Senators present concurring therein, did advise and consent to the ratification of the said treaty subject to a reservation as follows:

"Article XII, paragraph 1, 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.";

WHEREAS the text of the said reservation was communicated by the Government of the United States of America to the Government of the Kingdom of Greece by a note dated October 22, 1953 and was accepted by the Government of the Kingdom of Greece by a note dated January 18, 1954; [1]

1 Not printed.

WHEREAS the said treaty was ratified by the President of the United States of America on June 24, 1954, in pursuance of the aforesaid advice and consent of the Senate and subject to the said reservation, and was ratified on the part of the Kingdom of Greece;

WHEREAS the respective instruments of ratification, as aforesaid, were exchanged at Athens on September 13, 1954, and a protocol of exchange, in the English and Greek languages, was signed at that place and on that date

by the respective Plenipotentiaries of the United States of America and the Kingdom of Greece, the said protocol of exchange indicating that the said reservation had been made and accepted;

AND WHEREAS it is provided in Article XXVIII of the said treaty that the treaty shall enter into force one month after the day of exchange of ratifications;

Now, THEREFORE, be it known that I, Dwight D. Eisenhower, President of the United States of America, do hereby proclaim and make public the said treaty to the end that the same and every article and clause thereof may be observed and fulfilled in good faith on and after October 13, 1954, by the United States of America and by the citizens of the United States of America and all other persons subject to the jurisdiction thereof, subject to the said reservation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this eighteenth day of October in the year of our Lord one thousand nine hundred fifty-four and of the Independence of the United States of America the one hundred seventy-ninth.

DWIGHT D EISENHOWER [SEAL]

By the President:

JOHN FOSTER DULLES

Secretary of State

The Greek Ministry of Foreign Affairs to the American Embassy

No. 8450

NOTE VERBALE

The Royal Hellenic Ministry of Foreign Affairs presents its compliments to the United States Embassy and referring to the Treaty of Friendship, Commerce and Navigation signed in Athens today between the United States of America and the Kingdom of Greece, has the honour to state that it is the understanding of the Greek Government that Article XV of the Treaty in question is not concerned with the resumption of payment on Greek foreign debts but, in accordance with the provisions of that Article, provides for as free transfer of funds between the two countries as may be feasible.

The Royal Ministry would appreciate a confirmation of the concurrence of the United States Governments in this view.

The Royal Hellenic Ministry of Foreign Affairs avails itself of this opportunity to renew to the Embassy of the United States of America the assurance of its highest consideration.

ATHENS the, 3d August 1951.

EMBASSY OF THE

UNITED STATES OF AMERICA

En Ville

The American Embassy to the Greek Ministry of Foreign Affairs

No. 234

THE FOREIGN SERVICE OF THE UNITED STATES OF AMERICA

The Embassy of the United States of American presents its compliments to the Royal Hellenic Ministry of Foreign Affairs and has the honor to refer to the Ministry's note No. 8450 of August 3, 1951, concerning the Treaty of

Friendship, Commerce and Navigation between the United States of America and the Kingdom of Greece, signed at Athens on that day, which note read as follows:

"The Royal Hellenic Ministry of Foreign Affairs presents its compliments to the United States Embassy and referring to the Treaty of Friendship, Commerce and Navigation signed in Athens today between the United States of America and the Kingdom of Greece, has the honour to state that it is the understanding of the Greek Government that Article XV of the Treaty in question is not, concerned with the resumption of payment on Greek foreign debts but, in accordance with the provisions of that Article, provides for as free transfer of funds between the two countries as may be feasible.

"The Royal Ministry would appreciate a confirmation of the concurrence of the United States Government in this view.

"The Royal Hellenic Ministry of Foreign Affairs avails itself of this opportunity to renew to the Embassy of the United States of America the assurance of its highest consideration.

"ATHENS, the 3d August 1951."

On behalf of the Government of the United States of America, the Embassy confirms its concurrence with the contents of the above note. The Embassy avails itself of this opportunity to renew to the Royal Hellenic Ministry of Foreign Affairs the assurances of its highest esteem.

ATHENS, December 26, 1951.

To the

ROYAL MINISTRY OF FOREIGN AFFAIRS,

Athens.

TANC offers these agreements electronically as a public service for general reference. Every effort has been made to ensure that the text presented is complete and accurate. However, copies needed for legal purposes should be obtained from official archives maintained by the appropriate agency.