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

Dublin, January 21, 1950.

The United States of America and Ireland, 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 cognisant of the contributions which may be made toward these ends by arrangements establishing mutual rights and privileges and promoting mutually advantageous commercial intercourse, have resolved to conclude a Treaty of Friendship, Commerce and Navigation based in general upon the principles of national and of most-favoured-nation treatment unconditionally accorded, and for that purpose have appointed as their Plenipotentiaries:

The President of the United States of America:

George A. Garrett, Envoy Extraordinary and Minister Plenipotentiary of the United States of America at Dublin;

And,

The President of Ireland:

Sean MacBride, Minister for External Affairs;

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

Article I.

1. Nationals of either Party shall be permitted to enter the territories of the other Party: (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 to remain therein for such purposes, upon terms no less favourable than 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 the territories of such third country and of engaging in related commercial activities; and (b) for other purposes subject to compliance with the relevant laws and regulations applicable 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 bury their dead according to their religious customs in suitable and convenient places; and (e) to gather and to transmit material for dissemination to the public abroad, and otherwise 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 II.

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 diplomatic representative or nearest consular representative of his country shall on the demand of such national be immediately 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 defence; and (d) enjoy all means reasonably necessary to his defence.

Article III.

1. Nationals of either Party shall, except as otherwise provided in paragraph 2 of the present Article, be exempt from compulsory service in the armed forces of the other Party and shall also be exempt from all contributions in money or in kind imposed in lieu thereof.

2. The foregoing paragraph shall not apply when both Parties are, through armed action against the same third country, in connection with which there is general compulsory service, concurrently conducting hostilities or enforcing measures in pursuance of obligations for the maintenance or restoration of international peace and security. However, in this event, nationals of either Party in the territories of the other Party who have not lawfully declared their intention to acquire the nationality of the latter, shall be exempt from service in its armed forces if, within a reasonable period of time, they elect in lieu thereof to serve in the armed forces of the Party of which they are nationals; and the Parties will make the necessary arrangements for that purpose.

Article IV.

1. Nationals of either Party shall be accorded national treatment in the applications of laws and regulations within the territories of the other Party that (a) establish a right of recovery for injury or death, or that (b) 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 either Party shall, within the territories of the other Party, be accorded 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 support had depended.

Article V.

Each Party shall at all times accord equitable treatment to the capital of nationals and companies of the other Party. Neither Party shall take unreasonable or discriminatory measures that would impair the legally acquired rights or interests 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. Neither Party shall deny appropriate opportunities and facilities for the investment of capital by nationals and companies of the other Party; nor shall either Party unreasonably impede nationals and companies of the other Party from obtaining on equitable terms the capital, skills and technology it needs for its economic development.

Article VI.

1. Nationals and companies of either Party shall be accorded, within the territories of the other Party, national treatment with respect to:

(a) engaging in commercial, manufacturing, processing and financial activities, subject to paragraph 4 of the present Article, and in publishing, scientific, educational, religious, philanthropic and professional activities, except the practice of law;

(b) obtaining and maintaining patents of invention, and rights in trade marks, trade names, trade labels, and industrial property of all kinds;

(c) having access to the courts of justice and to administrative tribunals and agencies, in all degrees of jurisdiction, both in pursuit and in defence of their rights; and

(d) employing attorneys, interpreters and other agents and employees of their choice.

2. Nationals and companies of either Party shall be accorded within the territories of the other Party the right to organize, control and manage companies for engaging in commercial, manufacturing and processing activities, subject to paragraph 4 of the present Article, and in scientific, educational, religious and philanthropic activities. Companies, controlled by nationals and companies of either Party and created or organized under the applicable laws and regulations within the territories of the other Party for engaging in the aforementioned activities, shall be accorded national treatment therein with respect to such activities.

3. Nationals and companies or either Party shall further be accorded, within the territories of the other Party, most-favoured

nation treatment with respect to:

(a) the matters referred to in paragraphs 1 and 2 of the present Article; and

(b) engaging in the practice of law and in fields of economic and cultural activities in addition to those enumerated in sub-paragraph (a) of paragraph 1 of the present Article.

4. Taking cognizance of existing economic policies which Ireland considers necessary to furthering her essential interests, the Parties agree that Ireland may continue the application of measures that regulate, in a manner that departs from the treatment prescribed in paragraphs 1 (a) and 2 of the present Article, the establishment of manufacturing, processing and insurance enterprises and the acquisition of ownership interests in such enterprises. If after the expirations of four years from the date the present Treaty enters into force the United States of America considers that the application of such measures departs in an unjustifiable manner from the treatment prescribed in such paragraphs, the Parties shall consult with a view to seeking an adjustment. If differences of views are not adjusted by such consultation, the United States of America shall then have the right to terminate the present Treaty by giving 90 days' written notice.

Article VII.

1. Nationals and companies of either Party shall be accorded national treatment within the territories of the other Party with respect to acquiring all kinds of property by testate or intestate succession or through judicial process. Should they because of their alienage be ineligible to continue to own any such property, they shall be allowed a reasonable period in which to dispose of it, in a normal manner at its market value. In the case of ships and shares therein, however, a specially limited period may be prescribed.

2. Nationals and companies of either Party shall be accorded national treatment within the territories of the other Party with respect to acquiring, by purchase, lease or otherwise, and with respect to owning and disposing of, personal property of all kinds, both tangible and intangible. However, each Party may limit or prohibit, in a manner that does not impair rights and privileges secured by Article VI, paragraph 2, or by other provisions of the present Treaty, alien ownership of particular materials that are dangerous from the standpoint of public safety and alien ownership of interests in enterprises carrying on particular types of activities.

3. Except as provided in paragraph 1 of the present Article, the ownership of real property within the territories of each Party shall be subject to the applicable laws therein. Nationals and companies of either Party shall, however, be permitted to possess and occupy real property within the territories of the other Party, incidental to or necessary for the enjoyment of rights secured by the provisions of the present Treaty.

Article VIII.

1. 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.

2. Property of nationals and companies of either Party shall receive the most constant protection and security within the territories of the other Party, in no case less than that required by international law. Such property shall not be taken without the prompt payment of just and effective compensation. Nationals and companies of either Party shall be permitted to withdraw from the territories of the other Party the whole or any portion of such compensation, and to this end shall be permitted to obtain exchange in the currency of their own country freely at a rate of exchange that is just and reasonable.

3. Nationals and companies of either Party shall in no case be accorded, within the territories of the other Party, less than national and most-favoured-nation treatment with respect to the matters set forth in 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 and most-favoured-nation treatment in all matters relating to the taking of privately owned enterprises into public ownership and the placing of such enterprises under public control.

Article IX.

1. Nationals and companies of either Party shall not be subjected to the payment of internal taxes, fees and 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 the other Party:

(a) more burdensome than those borne by nationals, residents and companies of any third country;

(b) in the case of persons resident or engaged in business within the territories of such other Party and of companies engaged in business therein, more burdensome than those borne by nationals and companies of such other Party, except as to taxes in connection with the acquisition of real property (including estates and interests therein).

2. In the case of companies of either Party engaged in business within the territories of the other Party, and in the case of nationals of either Party engaged in business within the territories of the other Party but not resident therein, such other Party shall not impose or apply any internal tax, fee or charge upon any income, capital or other basis in excess of that reasonably allocable or apportionable to its territories, nor grant deductions and exemptions less than those reasonably allocable or apportionable to its territories.

3. Each Party, however, reserves the right to: (a) extend specific advantages as to taxes, fees and charges to nationals, residents and companies of all foreign countries on the basis of reciprocity; (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 non-resident nationals and to residents of contiguous countries more favourable exemptions of a personal nature than are accorded to other non-resident persons.

Article X.

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 XI.

Commercial travellers 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-favoured nation treatment in respect of the customs and other matters, including, subject to the expectations in paragraph 3 of Article IX, taxes and charges applicable to them, their samples and the taking of orders.

Article XII.

1. With respect to customs duties and charges of any kind imposed on or in connection with importation or exportation, with respect to the method of levying such duties and charges, with respect to the method of levying such duties and charges, with respect to all rules and formalities in connection with importation and exportation, and with respect to all other matters relating to the customs, each Party shall accord most-favoured-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.

2. 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 noncommercial nature or in the interest of preventing deceptive or unfair practices, arbitrarily discriminates in favour 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; or

(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, due consideration being given to any special factors affecting the trade in the article.

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

4. As used in the present Treaty the term "products of" means "articles the growth, produce or manufacture of". 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, after consultation with the other Party, may become a member.

Article XIII.

1. Each Party shall promptly publish laws, regulations and administrative rulings of general application necessary to enable the other Party, as well as traders of both Parties, to become acquainted with provisions in relation to the classification or valuation of articles for customs purposes, to rates of duty, taxes or other charges, and to requirements, restrictions or prohibitions on imports or exports or on the transfer of payments therefor; and shall administer such laws, regulations and rulings in a uniform, impartial and reasonable manner.

2. Each Party shall provide some administrative or judicial procedure under which nationals and companies of the other Party, and importers of products of such other Party, shall be permitted to appeal against fines and penalties imposed upon them by the customs authorities, confiscations by such authorities and rulings of such authorities on questions of customs classification and valuation. 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.

Article XIV.

1. 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.

2. 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.

Article XV.

1. The two Parties agree that business practices which restrain competition, limit access to markets or foster monopolistic control, and which are engaged in or made effective by one or more private or public commercial enterprises or 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 practices and to take such measures as it deems appropriate with a view to eliminating such harmful effects.

2. Rights and privileges with respect to commercial, manufacturing and processing activities accorded, by the provisions of the present Treaty, to privately owned and controlled enterprises of either Party within the territories of the other Party shall extend to rights and privileges of an economic nature granted to publicly owned or controlled enterprises of such other Party, in situations in which such publicly owned or controlled enterprises operate in fact in competition with privately owned and controlled enterprises. The preceding sentence shall not, however, apply to subsidies granted to publicly owned or controlled enterprises in connection with: (a) manufacturing or processing 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. 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 XVI.

1. Products of either Party shall be accorded, within the territories of the other Party, national and most-favoured-nation treatment in all matters affecting internal taxation and 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 favourable than that accorded to like Articles of national origin by whatever person or company produced, in all matters affecting exportation, taxation and sale, distribution, storage and use.

Article XVII.

1. The treatment prescribed in the present Article shall apply to all forms of control of financial transactions, including (a) limitations upon the availability of media necessary to effect such transactions, (b) rates of exchange, and (c) prohibitions, restrictions, delays, taxes, charges and penalties on such transactions; and shall apply whether a transaction takes place directly or through an intermediary in another country. As used in the present Article, the term "financial transactions" means all international payments and transfers of funds effected through the medium of currencies, securities, bank deposits, dealings in foreign exchange or other financial agreements, regardless of the purpose or nature of such payments and transfers.

2. Financial transactions between the territories of the two Parties shall be accorded by each Party treatment no less favourable than that accorded to like transactions between the territories of that Party and the territories of any third country.

3. Nationals and companies of either Party shall be accorded by the other Party national and most-favoured-nation treatment with respect to financial transactions between the territories of the two Parties or between the territories of such other Party and of any third country.

4. In general, any control imposed by either Party over financial transactions shall be so administered as not to influence disadvantageously the competitive position of the commerce or investment of capital of the other Party in comparison with the commerce or the investment of capital of any third country.

5. If either Party applies exchange restrictions it shall promptly make reasonable provision for the withdrawal of compensation referred to in Article VIII, paragraph 2, of the present Treaty, the withdrawal of earnings, whether in the form of salaries, interest, dividends, commissions, royalties or otherwise, as well as of amounts for amortization of loans, and for capital withdrawals. Either Party applying exchange restrictions shall afford the other Party adequate opportunity at any time for consultation regarding such provision and other matters affecting withdrawals.

Article XVIII.

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. 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 and most-favoured-nation treatment within the ports, places and waters of such other Party; but each Party may reserve exclusive rights and privileges to its own vessels with respect to the coasting trade, inland navigation and national fisheries.

4. Vessels of either Party shall be accorded national and most- Post, p.804. favoured-nation treatment by the other Party with respect to the right to carry all articles that may be carried by vessel to or from the territories of such other Party; and such Articles shall be accorded treatment no less favourable than that accorded like articles carried in vessels of such other Party, with respect to: (a) duties and charges of all kinds, (b) the administration of the customs, and (c) bounties, drawbacks and other privileges of this nature.

5. 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.

6. The term "vessels", as used herein 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 5 of the present Article, include fishing vessels or vessels of war.

Article XIX.

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;

(b) for other persons, together with their baggage, en route to or from the territories of such other Party; and

(c) 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 measures referred to in paragraph 3 of Article I, and to non-discriminatory regulations necessary to prevent abuse of the transit privilege.

Article XX.

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

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

(b) relating to fissionable materials, to radio-active by-products of the utilization or processing thereof, and to materials that are the source of fissionable materials;

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

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

(e) necessary to fulfil the obligations of a Party as a neutral in time of war;

(f) denying the advantages of the present Treaty, except with respect to recognition of juridical status and access to the courts, to any company in the ownership or direction of which nationals of any third country or countries have directly or indirectly a controlling interest.

2. 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 dated at Geneva on 30th October, 1947, or the Havana Charter for an International Trade Organisation during such time as such Party is a contracting party to the General Agreement or is a member of the International Trade Organisation. Similarly, the most-favoured-nation provisions of the present Treaty shall not apply to special advantages accorded by virtue of the aforesaid Agreement or Charter.

3. The most-favoured-nation provisions of the present Treaty relating to the treatment of goods shall not apply to advantages accorded: (a) 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 or to the Panama Canal Zone; or (b) by Ireland to members of the British Commonwealth of Nations and their dependent territories. However, so long as the United States of America may be obligated by the General Agreement on Tariffs and Trade or the Havana Charter for an International Trade Organisation not to increase preferences, the advantages referred to in the present paragraph shall be no greater than those in force on the date of signature of the present Treaty, or provided for in Article 11, paragraph 3, of the trade agreement between Ireland and the United Kingdom signed April 25, 1938.

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

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

Article XXI.

1. The term "national treatment" means treatment accorded within the territories of a Party upon terms no less favourable than the treatment accorded therein, in like situations, to nationals, companies, products, vessels or other objects, as the case may be, of such Party.

2. The term "most-favoured-nation treatment" means treatment accorded within the territories of a Party upon terms no less favourable 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 created or organized 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 Ireland 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.

Article XXII.

Except as may be otherwise provided, the territories to which the present Treaty extends shall comprise all areas of land and water under the jurisdiction 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.

Article XXIII.

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 XXIV.

The present Treaty shall replace the following agreements concluded between the United States of America and the United Kingdom of Great Britain and Ireland, insofar as the provisions thereof are in force between the United States of America and Ireland; convention of commerce and navigation, signed at London, July 3, 1815, as continued in force by the convention signed at London, August 6, 1827; declaration affording reciprocal protection to trade-marks signed at London, October 24. 1877: and convention relating to the tenure and disposition of real and personal property, signed at Washington, March 2, 1899, except Article III thereof. Either Party may, by giving one year's written notice to the other Party, terminate the aforesaid Article III as between the two Parties.

Article XXV.

1. The present Treaty shall be ratified, and the ratifications thereof shall be exchanged at Dublin as soon as possible.

2. The present Treaty shall enter into force on the day of exchange or ratifications and, subject to the provisions of Article VI, paragraph 4, shall remain in force for ten years and thereafter until terminated in accordance with paragraph 3 of the present Article.

3. Either Party may, by giving one 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 language, at Dublin this twenty-first day of January, one thousand nine hundred and fifty.

GEORGE A. GARRETT [SEAL]

SEAN MACBRIDE [SEAL]

PROTOCOL

At the time of signing the Treaty of Friendship, Commerce and Navigation between the United States of America and Ireland, the undersigned Plenipotentiaries, duly authorised by their respective Governments, have further agreed on the following provisions, which shall be considered integral parts of the aforesaid Treaty:

Additional provisions.

1. The provisions of paragraph 1 (a) of Article I shall not be construed to affect the policy of Ireland of requiring that aliens intending to be gainfully employed in Ireland may be permitted entry only if the appropriate employment permits have been granted. However, in keeping with the terms of that subparagraph, the alien employment permits and registration systems of Ireland shall be applied in a liberal fashion with respect to persons occupying responsible positions in American undertakings carrying on trade between the two countries or possessing particular skills necessary for the efficient operation of such undertakings.

2. Notwithstanding the provisions of Article I, paragraph 1 (a), either Party may extend to nationals of third countries special advantages, on the basis of reciprocity, as to requirements concerning travel documentation.

3. The exemption from compulsory military service referred to in paragraph 1, Article III, shall not apply to nationals of either Party who are also nationals of the other Party and who for the time being are within the jurisdiction of such other Party.

4. The term "access to the courts" is used in Article VI, paragraph 1 (c), without prejudice to the right of a court of either Party to order a company of the other, suing or applying to it, to give security for costs where such company fails to show that it has substantial available and sufficient assets within the jurisdiction of such court. Moreover, when a company of either Party is plaintiff in a court of the other, it may be required, in its writ of summons, to give its address, which must be that of its domicile or residence, and not merely that of its place of business.

5. It is understood that companies of either Party not engaged in activities within the territories of the other Party shall enjoy access to the courts therein, under Article VI, paragraph 1 (c), without any requirement of registration or domestication.

6. The provisions of Article VI, paragraph 3 (b), shall not apply to mining activities.

7. The provisions of Article VIII, paragraph 2, providing for the payment of compensation 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.

8. Either Party, subject to any obligations it may have as a member of the International Monetary Fund, may deal with a stringency of foreign exchange by adopting all such measures of exchange control as may be necessary from time to time in a manner which departs from the provisions of paragraphs 2 and 4 of Article XVII. However, such measures shall depart no more than necessary from the provisions of said paragraphs and shall be conformable with a policy designed to promote the maximum development of nondiscriminatory foreign trade and to expedite the attainment both of a balance of payments position and of reserves of foreign exchange which will obviate the necessity of such measures. A Party may also, notwithstanding Article XII, paragraph 2 (b) and 2 (c), apply quantitative restrictions on imports that have effect equivalent to exchange restrictions applied pursuant to the preceding sentences of the present provision. A Party resorting to the present provision shall consult with the other Party at any time, upon request, as to the need for and application of restrictions thereunder, and shall give the other Party as much advance notice as practicable of prospective new or substantially increased resort thereto.

9. The provisions of Article XII, paragraph 2 (b) and 2 (c), shall not obligate either Party with respect to the application of quantitative restrictions on exports necessary to secure, during the postwar transition period, the equitable distribution among the several consuming countries of goods in short supply.

10. The provisions of Article XIV, paragraph 2 (b) and 2 (c), and of Article XVIII, paragraph 4, shall not apply to postal services.

11. Notwithstanding any national treatment provision of the Treaty, Ireland may continue to apply: (a) the differential in the annual road tax in favour of automobiles assembled in Ireland, from parts of whatever origin; and (b) the rebate in the tax on leaf tobacco used in plants controlled by resident Irish nationals. Ireland shall afford opportunity to the United States of America to consult with regard to any proposed increase in the presently existing margin of differential in respect of either of the foregoing.

12. Conformable with the principle that treaty commitments are to be construed in the light of international law, the right of refuge of war vessels in time of war (Article XVIII) is subject to the generally recognised rules of neutrality. Moreover, nothing in Article XIX shall operate to confer at any time on the members of the armed forces, on active service or in uniform, of either Party, or on the warlike stores of either Party, rights of entry or transit to or through the territories of the other Party inconsistent with the recognised rules of international comity.

13. The provisions of Article XX, paragraph 3 (a), shall apply in the case of Puerto Rico regardless of any change that may take place in its political status.

IN WITNESS WHEREOF the respective Plenipotentiaries have signed this Protocol and have affixed hereunto their Seals.

Done in duplicate, in the English language, at Dublin, this twenty- first day of January, one thousand nine hundred and fifty.

GEORGE A. GARRETT [SEAL]

SEAN MACBRIDE [SEAL]

MINUTES OF INTERPRETATION

Concerning

Treaty of Friendship, Commerce and Navigation Between the United States of America and Ireland,

Signed at Dublin, January 21, 1950.

The following notes record the common understanding of the representatives of the United States of America and Ireland with regard to certain questions of interpretation that arose during the course of negotiating the provisions of the Treaty of Friendship, Commerce and Navigation between the two countries, signed this day:-

Ad Article I, paragraph 2 (e)-

The word "material" is not limited to that intended for printed publication, but includes material for radio, photographic and other uses.

Ad Article I, paragraph 3-

This provision refers, inter alia, to provisions in the immigration laws prescribing grounds for excluding or expelling particular individuals.

Ad Article III, paragraph 1-

Nothing in this paragraph shall be construed to prejudice the right of either Party to bar from acquiring its citizenship persons who avail themselves of the exemption therein provided.

Ad Article VI-

The word "commercial", as used in this Article, does not extend to the fields of navigation, aviation, communications or public utilities. It relates primarily, though not exclusively, to the buying and selling of goods and activities incidental thereto.

Ad Article VI, paragraph 4-

With reference to the first sentence, it is understood that acquisition of ownership interests in manufacturing and processing enterprises will not be restricted to a greater degree than required by the Control of Manufactures Acts 1932 and 1934; and that these Acts will be applied in a liberal spirit.

Ad Article VII-

The provisions of this Article are to be construed without prejudice to those policies followed by the United States Alien Property Custodian in disposing of certain formerly enemyowned enterprises which are designed to prevent such enterprises from returning to the ultimate control, directly or indirectly, of World War II enemies of the United States.

Ad Article VII, paragraph 2-

The materials referred to include such things as firearms, explosives, poisons and habit-forming narcotics.

Ad Article VIII, paragraph 2-.

The second sentence is not intended to require indemnification in cases such as confiscation of contraband and distraint for non-payment of taxes or debt.

Ad Article XII, paragraph 2 (a).-

The word "sanitary" as used here, has reference to the protection of human, animal or plant life or health.

Ad Article XIII, paragraph 1-

The term "administrative rulings of general application" has reference to such as are calculated to enable traders to have the information they legitimately need in order that they may plan their business with foresight. The term is not intended to apply to rulings having to do merely with the internal functioning of the public administration.

Ad Article XV, paragraph 3-

Nothing in this Treaty shall be construed to supersede any provision of the reciprocal arrangement between the United States and Ireland for relief from double income tax on shipping profits effected by an exchange of Notes signed August 24, 1933 and January 9, 1934.

Ad Article XVII, paragraph 3-

This paragraph refers to the treatment granted to nationals and companies of either party under such exchange restrictions as may be enforced from time to time by other Party comfortable with other provisions of the present Treaty.

Ad Article XVII, paragraph 5-

It is understood that the term "reasonable provision" allows either Party, during periods of exchange stringency, to apply exchange restrictions necessary to assure the availability of foreign exchange payments of goods and services essential to the health and welfare of its people, and also allows consideration to be given special needs for other exchange transactions.

Ad Article XVII-

Territories under the authority of either Party merely by reason of temporary military occupation are not included.

Ad Minutes of Interpretation-

These are designed to clarify mutual intent, and do not constitute commitments altering the terms of the Treaty.

G A G.

S MacB

Dublin, January 21, 1950.