

日 本 問 題

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(第一號)

美日關於所謂「外國軍用飛機侵犯日本領空事件」的來往照會

EXCHANGE OF NOTES BETWEEN U.S. AND JAPAN
CONCERNING THE SO-CALLED "VIOLATIONS OF
JAPANESE TERRITORIAL AIR BY FOREIGN MILITARY
PLANES"

一. 日本政府照會

一九五三年一月十三日

近來，外國軍用飛機侵犯日本北海道領空事件日益增加。日本政府認為此種侵擾行為不但是國際法所禁止，而且還構成對於日本安全的嚴重威脅。目前日本政府沒有任何有效的擊退此種侵犯行為的方法。

因此，我榮幸地代表日本政府向閣下請求，今後如有類似的侵犯日本領空的行為，請美國有關當局採取適當的有效措施加以擊退，以維護日本與美利堅合眾國的共同利益。

二. 美國政府照會

一九五三年一月十六日

美利堅合眾國大使館向日本外交部謹致敬意，並榮幸地收到了外交部關於外國軍用飛機侵犯日本北海道領空的照會。

美國政府已注意到，日本政府認為此種侵擾行為構成對日本安全的嚴重威脅，又已注意到日本政府的請求，今後如有類似的侵犯日本領空的行為，請美國當局採取適當的有效措施加以擊退。

美國政府已按照日本政府的請求，命令其駐遠東總司令，在日本政府的全力協助下，根據一九五一年九月八日所簽訂的美日安全條約，盡可能地採取各種必要的、適當的措施以擊退一切此種侵犯日本領空的行為。

(譯自一九五三年一月二十六日美國「國務院公報」)

I. JAPANESE NOTE

January 13, 1953

Violations of Japan's territorial air over Hokkaido by foreign military planes have of late become increasingly frequent. The Japanese Government considers that such trespasses are not only forbidden under international law but also constitute a grave menace to the security of Japan. The Japanese Government does not possess at present any means effectively to repel such violations.

I have the honor, therefore, to request Your Excellency on behalf of the Japanese Government that, if similar violations of Japan's territorial air should occur in future, the United States authorities concerned take effective and appropriate measures to repel them for the protection of the common interest of Japan and the United States of America.

II. U.S. NOTE

January 16, 1953

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs and has the honor to acknowledge receipt of the Ministry's Note concerning violations of Japan's territorial air over Hokkaido by foreign military planes.

The United States Government has noted that the Japanese Government considers such trespasses to constitute a grave menace to the security of Japan. It has further noted the request of the Japanese Government that the United States authorities take effective and appropriate measures to repel similar violations of Japan's territorial air should they occur in the future.

In accordance with the request of the Japanese Government the United States Government has instructed the Commander-in-Chief, Far East Command, with all practicable assistance from the Japanese Government, to take all possible measures necessary and proper under terms of the Security Treaty between the United States and Japan dated September 8, 1951, to repel all such violations of Japan's territorial air.

(The Department of State Bulletin, January 26, 1953)

(第二號)

日美友好通商航海條約*

一九五三年四月二日

JAPANESE-U.S. TREATY OF FRIENDSHIP, COMMERCE
AND NAVIGATION*

April 2, 1953

序 言

日本與美利堅合眾國，亟願加強兩國間傳統上存在的和平及友好關係，亟願促進兩國人民間更緊密的經濟及文化關係，並由於認識到：藉促進互利的商業交往、鼓勵互惠的投資及建立相互間的權利和優例等辦法，對上述目的有所貢獻；因此，決定一般地基於無條件給予國民待遇和最惠國待遇的原則，締結友好通商航海條約。為此目的，雙方各派全權代表如下：

● 該約經兩國參議院於一九五三年七月二十一日同意，但附保留條款如下：

「第八條第二款應不適用於各種因涉及以公共資格或為公共衛生與安全目的執行職務而由國家特許並依法律或憲法保留給本國公民的行業，該條約內的最惠國條款不得適用於這些行業。」

日本於一九五三年八月二十九日照會同意美國保留條款，並作同樣保留如下：

「日本保留對美利堅合眾國的國民在第八條第二款中規定的各種行業的從業上加以禁止或限制的權利。這種禁止或限制與此等美國國民所屬美利堅合眾國的各州、領地或屬地，包括哥倫比亞區在內，在有關各種行業的從業上對日本國民所加的禁止或限制程度相同。」

日本並對保留條款中用語作如下解釋：

「『在此等美國國民所屬美利堅合眾國的各州、領地或屬地，包括哥倫比亞區在內』一語，係指此等美國國民取得從事此等行業的許可或執照的，或者如果此等國民未在任何這些地區取得從事此等行業的許可或執照但在這些地區有住所的美利堅合眾國的各州、領地或屬地，包括哥倫比亞區在內。」

PREAMBLE

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

* This treaty was concurred in by U.S. Senate on July 21, 1953, subject to the following reservation:

"Article VIII, Paragraph 2, 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 cause in the said Treaty shall apply to such professions."

Japanese note to U.S. of August 29, 1953 agreed to the U.S. reservation, and on its part made the following reservation:

"Japan reserves the right to impose prohibitions or restrictions on nationals of the United States of America with respect to practicing the professions referred to in Article VIII, paragraph 2, to the same extent as States, Territories or possessions of the United States of America, including the District of Columbia, to which such nationals belong impose prohibitions or restrictions on nationals of Japan with respect to practicing such professions."

In a letter of the same date, Japan also made the following interpretation of a phrase used in its note to U.S.:

"States, Territories or possessions of the United States of America, including the District of Columbia, to which such nationals belong" used in the said Note shall mean States, Territories or possessions of the United States of America, including the District of Columbia, where such nationals are admitted or licenced to practice such professions, or, if such nationals are not admitted or licenced to practice such professions in any such areas, where such nationals are domiciled."

日本：日本外務大臣岡崎勝男；

美利堅合衆國：美利堅合衆國駐日本特命全權大使羅伯特·墨菲；

雙方全權代表互相校閱全權證書認為妥善後，議定條款如下：

第一條

一、締約國任何一方的國民得進入另一方的領土，並為下列目的在該領土內居留：（甲）在締約國雙方的領土間進行貿易及從事有關的商務活動；（乙）發展彼等已投資或正在積極投入大量資本之企業，並指導其活動；（丙）或從事於有關外國人入境與居留的法律所許可的其他目的。

二、締約國任何一方的國民得在另一方的領土內：（甲）自由旅行，並在自己所選擇的地點居住；（乙）享受信仰自由；（丙）舉行私人及公開的宗教儀式；（丁）搜集與轉送各種資料，以便向國外公衆散發；及（戊）以郵遞、電報及其他得為公衆使用的工具與該領土內外的其他人士通訊。

三、本條各項規定應受締約國任何一方為維持公共秩序及保護公共衛生、道德和安全而採取必要措施的權利之限制。

第二條

一、締約國任何一方的國民在另一方的領土內，應不受任何非法干擾，並應受到最經常的保護與保障，在任何情形下不應少於國際公法所要求者。

二、如在締約國任何一方的領土內，另一方的國民遭拘捕時，經該國民之請求，應立即通知其本國最近的領事代表。該國民應：（甲）受到合理和人道的待遇；（乙）正式並立即被告知其被控的罪狀；（丙）在其能為自己辯護作適當準備的情形下，儘速交付審訊；及（丁）享有為其辯護所合理需要的一切手段，包括其自己所選擇的稱職律師的服務在內。

Japan: Katsuo Okazaki, Minister of Foreign Affairs of Japan,

The United States of America: Robert D. Murphy, Ambassador Extraordinary and Plenipotentiary of the United States of America to Japan.

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 and to remain therein: (a) for the purpose of carrying on trade between the territories of the two Parties and engaging in related commercial activities; (b) for the purpose of developing and directing the operations of an enterprise in which they have invested, or in which they are actively in the process of investing, a substantial amount of capital; and (c) for other purposes subject to the laws relating to the entry and sojourn of aliens.

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

3. The provisions of the present Article shall be subject to the right of either Party to apply measures that are necessary to maintain public order and 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 taken into custody, the 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 defense; and (d) enjoy all means reasonably necessary to his defense, including the services of competent counsel of his choice.

第三條

一、締約國任何一方之國民在另一方的領土內，於適用由於僱傭關係、或在受僱期間、或由於僱傭性質而患病、受傷或死亡，給予金錢賠償或其他救濟或服務的法律及規章時，應給予國民待遇。

二、在本條第一款所規定的權利及優例以外，對於在締約國任何一方領土內的另一方的國民，於適用建立強迫性的社會安全制度的法律及規章時，應給予國民待遇；根據這種制度，不須證明個人經濟需要即可由於下列理由而給予救濟金：（甲）因年老、失業、疾病或殘廢而失去工資或收入；或（乙）因父親、丈夫或其他賴以贍養的人的死亡而失去經濟援助。

第四條

一、締約國任何一方之國民及公司，關於在另一方領土內向各級法院、行政法庭與機構的陳訴權，不論其為行使或防衛其權利皆應給予國民待遇和最惠國待遇。雙方了解：在締約國任何一方領土內不從事活動的另一方的公司，應享有此種陳訴權，毋需登記或類似手續。

二、在締約國任何一方之國民及公司與另一方的國民及公司間的契約訂有由仲裁解決爭議的規定者，不得僅因指定進行仲裁的地點係在該一方領土以外，或因一個以上仲裁人不屬該另一方之國籍，而在該另一方領土內認為不能執行。依照此等契約正式作成的裁決，如係最終的、並按照作成裁決的地方的法律是可以執行的，在締約國任何一方有管轄權的法院中所提起執行的訴訟中，應認為是確定的，並有權由此等法院宣告為可執行的，但被認為違反公共政策者，不在此限。此等裁決一經宣告為可執行，即應享受當地作成的裁決所有的優例與執行方法。但雙方了解：在美洲羣合眾國以外作成的裁決，在美洲羣合眾國任何一州中任何法院內，僅能得到對美洲羣合眾國其他各州所作的裁決的同等承認。

Article III

1. Nationals of either Party shall be accorded national treatment in the application of laws and regulations within the territories of the other Party that establish a pecuniary compensation, of 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 compulsory systems of social security, 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 IV

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 registration or similar requirements.

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.

第五條

一、締約國任何一方不得對在其領土內的另一方的國民及公司在其所設立的企業、及所提供的資金、技巧、手藝和技術中合法取得的權利或利益採取有所損害的不合理或歧視的措施；締約國任何一方亦不得無理地阻礙另一方的國民及公司依公平條件取得為其經濟發展所需要的資金、技巧、手藝和技術。

二、締約國雙方承諾，在促進科學和技術知識的交流與使用方面，尤其是為了提高雙方本國領土內的生產力及改善生活水準，進行合作。

第六條

一、締約國任何一方的國民及公司的財產，在另一方的領土內應受到最經常的保護和保障。

二、締約國任何一方的國民及公司，在另一方的領土內的住宅、辦公處、貨棧、工廠、以及其他房地，概不得非法進入或干擾。對此等房地及其內部物品於必要時的正式搜查和檢查，僅能依法為之，且應慎重照顧其業主的便利及業務的進行。

三、締約國任何一方的國民及公司的財產，在另一方的領土內，除為公共的目的外，不得徵用；且除非迅速付給公平的補償，不得徵用。此項補償應以可以有效實現的形式為之，並須足以和所徵用的財產的價值相等；並應於徵用時或徵用以前定出關於補償之決定與付款的適當辦法。

四、關於本條第二款及第三款所規定之事項，締約國任何一方的國民及公司，在另一方領土內所給之待遇，應不低於國民待遇及最惠國待遇。又關於將私有企業徵為公有及將此類企業置於公家管制之下的一切事項，對於締約國任何一方的國民及公司有重大利益的企業，在另一方領土內所給之待遇，應不低於國民待遇及最惠國待遇。

Article V

1. 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, in their capital, or in the 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 it needs for its economic development.

2. The Parties undertake to cooperate in furthering the interchange and use of scientific and technical knowledge, particularly in the interests of increasing productivity and improving standards of living within their respective territories.

Article VI

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

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

3. Property of nationals and companies of either Party shall not be taken within the territories of the other Party except for a public purpose, 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.

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

第七條

一、締約國任何一方的國民及公司，不論直接、或由代理人、或經由任何形式的合法的法律團體之仲介，在另一方的領土內從事各種商業、工業、金融業及其他商務活動，均應給予國民待遇。因此，此等國民及公司在上述領土內應被准許：（甲）設立並保持分公司、代理處、辦公處、工廠及其他適於進行彼等業務之機構；（乙）依照該另一方之一般公司法設立公司，以及在該另一方之公司內取得過半之股權；（丙）控制及管理彼等所設立或取得的企業。又：對彼等所控制的企業，不論係個人獨資、或係公司、或係其他形式，關於一切有關其進行活動的事項，均應給予不低於給予該另一方的國民及公司所控制的同樣企業的待遇。

二、締約國雙方均保留限制外國人在其領土內設立下列企業、取得這種企業的股權、或經營這種企業的權利：公用事業、造船業、水空運輸業、辦理存款與信託業務的銀行業、開發土地或其他天然資源。但締約國任何一方如對外國人在其領土內從事此種活動所給國民待遇之限度加以新限制時，此種新限制應不適用於採用新限制時已在該領土內從事此種活動、而為該另一方的國民及公司所有或控制的企業。又，締約國任何一方，均不得許另一方的運輸、交通及銀行等公司維持其分公司及代理處以執行彼等業經獲准從事對於主要國際業務所必需的職能之權利。

三、本條第一款的規定，不得對締約國任何一方規定有關在其領土內設立外國人控制的企業的特別手續有所妨礙；但這些手續不應使該款所規定的權利的實質蒙受損害。

四、締約國任何一方的國民及公司，以及此等國民及公司所控制的企業，關於本條所規定的事項，無論如何，均應給予最惠國待遇。

Article VII

1. Nationals and companies of either Party shall be accorded national treatment with respect to engaging in all types of commercial, industrial, financial and other business activities within the territories of the other Party, whether directly or by agent or through the medium of any form of lawful juridical entity. Accordingly, such nationals and companies shall be permitted within such territories: (a) to establish and maintain branches, agencies, offices, factories and other establishments appropriate to the conduct of their business; (b) to organize companies under the general company laws of such other Party, and to acquire majority interests in companies of such other Party; and (c) to control and manage enterprises which they have established or acquired. Moreover, enterprises which they control, whether in the form of individual proprietorships, companies or otherwise, shall, in all that relates to the conduct of the activities thereof, be accorded treatment no less favorable than that accorded like enterprises controlled by nationals and companies of such other Party.

2. Each Party reserves the right to limit the extent to which aliens may within its territories establish, acquire interests in, or carry on public utilities enterprises or enterprises engaged in shipbuilding, air or water transport, banking involving depository or fiduciary functions, or the exploitation of land or other natural resources. However, new limitations imposed by either Party upon the extent to which aliens are accorded national treatment, with respect to carrying on such activities within its territories, shall not be applied as against enterprises which are engaged in such activities therein at the time such new limitations are adopted and which are owned or controlled by nationals and companies of the other Party. Moreover, neither Party shall deny to transportation, communications and banking companies of the other Party the right to maintain branches and agencies to perform functions necessary for essentially international operations in which they are permitted to engage.

3. The provisions of paragraph 1 of the present Article shall not prevent either Party from prescribing special formalities in connection with the establishment of alien-controlled enterprises within its territories; but such formalities may not impair the substance of the rights set forth in said paragraph.

4. Nationals and companies of either Party, as well as enterprises controlled by such nationals and companies, shall in any event be accorded most-favored-nation treatment with reference to the matters treated in the present Article.

第八條

一、締約國任何一方的國民及公司，應准其在另一方的領土內聘用會計師及其他技術專家、行政人員、律師、代理人及其他自行選用之專門人才。又，此等國民及公司，關於彼等在該另一方領土內的企業及彼等有經濟利益的企業的計劃與經營，應准其聘用會計師及其他技術專家專為彼等審查、查賬及技術調查等特定目的之工作並向其報告，不問此等會計師及其他技術專家在該另一方領土內從事於該種職業的合格程度。

二、締約國任何一方的國民，在另一方的領土內，不得僅因其為外國人而被禁從事各種職業；但應在符合適用於該另一方的國民的資歷、住所與能力等條件的情形下，方得在該領土內從事職業活動。

三、締約國任何一方的國民及公司，在另一方的領土內從事科學、教育、宗教及慈善事業的活動，應給予國民待遇及最惠國待遇，並應給予為此目的而依該另一方的法律組織會社之權。

第九條

一、締約國任何一方的國民及公司，在另一方的領土內，（甲）關於租賃適於進行依第七條及第八條所准許從事的活動及居住的土地、房屋及其他不動產，以及關於佔有及使用此等財產，應給予國民待遇，（乙）並應給予該另一方適當法律所准許的其他不動產權利。

二、締約國任何一方的國民及公司，在另一方的領土內，關於以購入、租賃或其他方式取得以及保有及佔有各種有形和無形的動產，應給予國民待遇及最惠國待遇。但締約國任何一方得限制外國人對於從公共安全的觀點認為有危險的物品的所有權，並得限制外國人在從事第七條第二款第一句所列舉的活動的企業中享有股權，但此等限制僅以不損及第七條或本條約其他各款所保障的權利與優例者為限。

Article VIII

1. 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 specialists of their choice. Moreover, such nationals and companies shall be permitted to engage accountants and other technical experts regardless of the extent to which they may have qualified for the practice of a profession within the territories of such other Party, for the particular purpose of making examinations, audits and technical investigations exclusively for, and rendering reports to, such nationals and companies in connection with the planning and operation of their enterprises, and enterprises in which they have a financial interest, within such territories.

2. Nationals of either Party shall not be barred from practicing the professions within the territories of the other Party merely by reason of their alienage; but they shall be permitted to engage in professional activities therein upon compliance with the requirements regarding qualifications, residence and competence that are applicable to nationals of such other Party.

3. Nationals and companies of either Party shall be accorded national treatment and most-favored-nation treatment with respect to engaging in scientific, educational, religious and philanthropic activities within the territories of the other Party, and shall be accorded the right to form associations for that purpose under the laws of such other Party.

Article IX

1. Nationals and companies of either Party shall be accorded within the territories of the Party: (a) national treatment with respect to leasing land, buildings and other immovable property appropriate to the conduct of activities in which they are permitted to engage pursuant to Articles VII and VIII and for residential purposes, and with respect to occupying and using such property, and (b) other rights in immovable property permitted by the applicable laws of the other Party.

2. 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 acquiring, by purchase, lease, or otherwise, and with respect to owning and possessing, movable property of all kinds, both tangible and intangible. However, either Party may impose restrictions on alien ownership of materials dangerous from the standpoint of public safety and alien ownership of interests in enterprises carrying on the activities listed in the first sentence of paragraph 2 of

三、締約國任何一方的國民及公司，應許其自由處理關於其由遺囑繼承或無遺囑繼承而取得、但因其外國國籍而不能得到國民待遇之另一方領土內的財產，並得給以至少五年的期限以處理此種財產。

四、締約國任何一方的國民及公司，在另一方的領土內，關於處理各種財產，應給予國民待遇及最惠國待遇。

第十條

締約國任何一方的國民及公司，在另一方的領土內，關於取得與保持發明品的專利權，以及關於商標、商號名稱、商品標籤及所有各種工業財產的權利，應給予國民待遇及最惠國待遇。

第十一條

一、居住於另一方領土內之締約國任何一方的國民以及在該另一方領土內經營貿易或其他營利事業，或從事科學、教育、宗教或慈善事業活動的締約國任何一方的國民及公司，對於其收入、資金、交易、活動或任何其他物件在該另一方領土內徵收或適用之稅款、規費或費用，或此等稅費在該另一方領土內之徵收條件，不得重於該另一方的國民及公司所負擔者。

二、對於在另一方領土內既不居住又不經營商業或其他營利事業的締約國任何一方的國民，以及在該另一方領土內不經營商業或其他營利事業的締約國任何一方的公司，該另一方應盡量普遍應用本條第一款所規定的原則。

三、對於締約國任何一方的國民及公司在另一方領土內的收入、資金、交易、活動或其他任何物件所徵收或適用之稅款、規費及費用，或此等稅費之徵收條件，無論如何，不得重於第三國的國民、居民及公司所負擔者。

Article VII, but only to the extent that this can be done without impairing the rights and privileges secured by Article VII or by other provisions of the present Treaty.

3. 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.

4. 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 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 every kind.

Article XI

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. With respect to nationals of either Party who are neither resident nor engaged in trade or other gainful pursuit within the territories of the other Party, and with respect to companies of either Party which are not engaged in trade or other gainful pursuit within the territories of the other Party, it shall be the aim of such other Party to apply in general the principle set fourth in paragraph 1 of the present Article.

3. 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

四、對於在另一方領土內經營商業或其他營利事業的締約國任何一方之公司及在該另一方領土內經營商業或其他營利事業但不在該領土內居住的締約國任何一方之國民，該另一方不得徵收或應用超過按照任何收入、資金或其他標準所能合理分配或攤算於該領土上之稅款、規費及費用，亦不得給予低於合理分配或攤算於該領土上之數額之減免。對於專為科學、教育、宗教或慈善之目的而組織與經營的公司，亦應應用相似的規則。

五、締約國雙方保留下述權利：（甲）在互惠的基礎上給予特定稅款的優惠待遇；（乙）依照避免重複徵稅或互保稅收的協定所給予的特殊徵稅的優惠待遇；及（丙）對其國民及隣國居民在所得稅和繼承稅方面給予優於其他非居民的個人性質的豁免。

第十二條

一、關於締約國任何一方之國民及公司，在締約國雙方領土間以及另一方與第三國領土間之付款、匯款及轉移款項或金融證券，該另一方應給予國民待遇及最惠國待遇。

二、締約國任何一方，均不得實行本條第五款所規定的匯兌限制，但為防止其貨幣儲備金下降到很低的水平或為使其很低的貨幣儲備金略為提高所必要者，不在此限。雙方了解，本條的規定並不改變締約國任何一方對國際貨幣基金組織的義務，或妨礙締約國一方於該組織特別批准或請其實行特殊限制時實行此等特殊限制。

三、如締約國任何一方按上述第二款實行匯兌限制時，該方在制定確保可以取得該國人民的健康與福利所必要的貨物與服務所需的外匯的辦法後，應制定合理規定，俾能將下列款項以另一方之貨幣提取外匯匯出：（甲）本條約第六條第三款所指之實業金，（乙）以薪金、利息、紅利、佣金、專利

borne by nationals, residents and companies of any third country.

4. 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 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. A comparable rule shall apply also in the case of companies organized and operated exclusively for scientific, educational, religious or philanthropic purposes.

5. Each Party reserves the right to: (a) extend specific tax advantages on the basis of reciprocity; (b) accord special tax advantages by virtue of agreements 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 non-resident persons.

Article XII

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 and welfare of its people, make reasonable provision for the withdrawal, in foreign exchange in the currency of the other Party, of: (a) the

費、技術服務之報酬或其他任何形式取得的收入，
●(丙)減債基金、直接投資之貶值及移轉的資金，並應對其他交易之特殊需要予以照顧。倘有不止一種的有效匯率時，適用於該項提款之匯率應為國際貨幣基金組織為此等交易所特別核准的匯率，或者在無此種核准的匯率時，則應適用一種計算所有稅款或匯款附加費在內時為公平合理的有效匯率。

四、締約國任何一方實行匯兌限制時，不得對另一方的國民及公司的求償權、投資、運輸、貿易及其他利益加以不必要的損害或任意的歧視，亦不得對其競爭地位加以此種損害或歧視。

五、本條所用「匯兌限制」一辭，包括締約國任何一方所實行凡足以加重在締約國雙方領土間的付款、匯款、資金或金融證券的移轉之負擔或予以干擾的一切限制、規章、費用、稅款，或其他條件。

第十三條

代表締約國任何一方的國民及公司之旅行商，在另一方的領土內從事業務時，在其進入與離開該另一方領土以及在該領土內停留期間，關於關稅及其他事項，包括適用於彼等的稅費（第十一條第五款不在此限）、彼等的樣品及接受定貨，以及關於管理彼等執行業務之規章，均應給予最惠國待遇。

第十四條

一、締約國各方，對另一方的產品，無論從何處及用何運輸工具運來，及對輸往該另一方領土的產品，無論經何路線及用何種運輸工具運往，關於對輸入輸出及有關輸入輸出所徵收的關稅及任何種類的費用，或對輸入品與輸出品之國際付款所徵收的關稅及任何種類的費用，以及關於徵收此等關稅及費用的方法及關於有關輸入與輸出的所有規則與手續，均應給予最惠國的待遇。

compensation referred to in Article VI, 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, 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, and 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 included 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.

Article XIII

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 5 of Article XI, taxes and charges applicable to them, their samples and the taking of orders, and regulations governing the exercise of their functions.

Article XIV

1. 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 products destined for exportation to the territories of such other Party, by whatever route and by whatever type of carrier, with respect to customs duties and charges of any kind imposed on or in connection with importation or exportation or imposed on the international transfer of payments for imports or exports, and with respect to the method of levying such duties and charges, and with respect to all rules and formalities in connection with importation and exportation.

二、締約國任何一方，對另一方的任何產品之輸入、或對任何產品之輸往該另一方領土，均不得加以限制或禁止，除非對所有第三國同樣產品之輸入及同樣產品之輸往所有第三國領土均加以同樣的限制或禁止。

三、如締約國任何一方對於任何另一方有重大利益的產品之輸入與輸出加以數量限制時，

(甲) 應將在一定期間內輸入或輸出之產品，按數量或價值，及關於此項數量或時期之變更，照例預先公告；

(乙) 如該締約國對任何第三國給予一定配額時，應給該另一方一個份額，其數量應與一先前的代表時期內由締約該方所供給或輸入的總量或總值成比例，並應對於影響此項產品貿易之任何特殊因素，予以顧及。

四、締約國任何一方得以衛生或其他非商業性的習慣上的理由，或為防止欺騙與不公平的交易，實施禁令或限制，但此項禁令或限制不得任意歧視另一方之商務。

五、締約國任何一方之國民及公司，在一切有關輸入與輸出事項上，應由締約國另一方給予國民待遇和最惠國待遇。

六、本條的規定對於締約國任何一方所給予的下列優惠辦法，概不適用：

(甲) 給予本國漁業產品者；

(乙) 為便利邊境貿易而給予鄰國者；

(丙) 因為成為關稅同盟或自由貿易區域之成員而給予者；(祇要該國將其計劃通知締約國另一方，並予另一方以協商的充分機會。)

七、雖有本條第二款和第三款(乙)的規定，締約國任何一方得對於貨物的輸入和輸出實施效力相當於依第十二條規定而施行的匯兌限制或為使該項匯兌限制發生效力的限制或管制。但此項限制或管制，與上述各款不同之處僅以必要者為限，並應

2. Neither Party shall impose restrictions or prohibitions on the importation of any product of the other Party, or on the exportation of any product to the territories of the other Party, unless the importation of the like product of, or the exportation of the like product to, all third countries is similarly restricted or prohibited.

3. If either Party imposes quantitative restrictions on the importation or exportation of any product in which the other Party has an important interest:

(a) It shall as a general rule give prior public notice of the total amount of the product, by quantity or value, that may be imported or exported during a specified period, and of any change in such amount or period; and

(b) If it makes allotments to any third country, it shall afford such other Party a share proportionate to the amount of the product, by quantity or value, supplied by or to it during a previous representative period, due consideration being given to any special factors affecting the trade in such product.

4. Either Party may impose prohibitions or restrictions on sanitary or other customary grounds of a non commercial nature, or in the interest of preventing deceptive or unfair practices, provided such prohibitions or restrictions do not arbitrarily discriminate against the commerce of the other Party.

5. 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.

6. 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 or free-trade area of which it may become a member, so long as it informs the other Party of its plans and affords such other Party adequate opportunity for consultation.

7. Notwithstanding the provisions of paragraphs 2 and 3 (b) of the present Article, a Party may apply restrictions or controls on importation and exportation of goods that have effect equivalent to, or which are necessary to make effective, exchange restrictions applied pursuant to Article XII. However, such restrictions or

合乎一種政策，該政策之目的在於促進無歧視的對外貿易之最大發展以及加速獲得足以消除此項限制之必要性的支付平衡地位和貨幣儲備。

第十五條

一、締約國雙方應迅速公佈有關下述各種事項的一般適用的法律、規章和行政裁定：關稅、稅收和其他費用的徵收率、供海關之用的物品分類法、以及關於輸入品或輸出品或此等物品貨款的劃撥、或涉及其銷售、分配或使用的要求或限制；並應以一律的、公正的、合理的方式執行此等法律、規章及裁定。作為一般慣例，新訂的有關輸入品的行政要求或限制，在公佈後滿三十日以前不得生效，或對於公佈時已在途中的產品不得適用，但為衛生或公共安全理由而規定者，不在此限。

二、締約國雙方應規定上訴程序，俾締約國另一方的國民與公司以及締約國另一方的產品的進口商能對於有關海關事項的行政行為獲得迅速及公正的覆核，並於應當糾正時獲得糾正。此項行政行為包括行政當局所課的罰金與懲罰、沒收、及關於海關分類與估價問題所作的裁定。凡有違反有關海關與航運的法律及規章中關於文件事項之規定者，倘其違反情形係由於抄寫錯誤所致或可以證明其善意時，對其所加的懲罰應不重於作為警告所必要者。

三、締約國任何一方不得規定任何歧視性的措施，防礙或阻止任何一方產品的出口商或進口商在任何一方的公司取得對於此等產品的海上保險。本款受第十二條的限制。

第十六條

一、締約國任何一方之產品在締約國另一方的領土內，關於涉及國內徵稅、銷售、分配、儲存及使用等一切事項，應予以國民待遇與最惠國待遇。

二、締約國任何一方之國民及公司在締約國另一方領土內生產的物品，或此等國民及公司所控制

controls shall depart no more than necessary from the aforesaid paragraphs and shall be conformable with a policy designed to promote the maximum development of non discriminatory foreign trade and to expedite the attainment both of a balance-of-payments position and of monetary reserves which will obviate the necessity of such restrictions.

Article XV

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 therefore, or affecting their sale, distribution or use; and shall administer such laws, regulations and rulings in a uniform, impartial and reasonable manner. As a general practice, new administrative requirements or restrictions affecting imports, with the exception of those imposed on sanitary grounds or for reasons of public safety, shall not go into effect before the expiration of 30 days after publication, or alternatively, shall not apply to products en route at time of publication.

2. Each Party shall provide an appeals procedure under which nationals and companies of the other Party, and importers of products of such other Party, shall be able to obtain prompt and impartial review, and correction when warranted, 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 concerning documentation shall, in cases resulting from clerical efforts or when good faith can be demonstrated, be no greater than necessary to serve merely as a warning.

3. Neither Party shall impose any measure of a discriminatory nature that hinders or prevents the importer or exporter of products of either country from obtaining marine insurance on such products in companies of either Party. The present paragraph is subject to the provisions of Article XII.

Article XVI

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

的締約國另一方的公司所生產的物品，關於一切涉及輸出、徵稅、銷售、分配、儲存與使用等事項，其所受的待遇，應不低於在本國任何個人或公司所生產的同樣物品所受的待遇。

第十七條

一、締約國雙方承諾：（甲）該國政府所有或所控制的企業、及在其領土內享有獨佔或特殊優例的壟斷組織或機構在從事涉及締約國另一方商業的輸出品或輸入品的購買與銷售時，應完全從商業考慮出發，包括關於價格、品質、能否得到銷路、運輸以及其他購買與銷售的條件的考慮；（乙）締約國另一方的國民、公司和商業，應有依通常商業慣例競爭參加此項購買和銷售的充分機會。

二、締約國任何一方在關於（甲）政府購買供應物資，（乙）訂立租賃及其他政府合同，（丙）政府、或任何擁有獨佔或特殊優例的壟斷組織或機構出售任何勞務等方面，對締約國另一方的國民、公司、和商業應給予與該國所給予任何第三國的國民、公司和商業的待遇相形之下為公允及正當的待遇。

第十八條

一、締約國雙方同意：約制競爭、限制進入市場、或鼓勵壟斷性控制的、並為一個以上的私營或公營商務企業或由此等企業間的聯合、協定或其他約定所從事或實施的商業辦法，均對雙方領土之間的商務產生有害的影響。因此，締約國雙方同意，一經締約國一方請求，即對任何此種辦法進行磋商，並採取認為適當的措施，以消除此種有害的影響。

二、締約國任何一方的公有或公家控制的企業，包括公司、會社及政府機構與由政府支配的機關在內，如在締約國另一方領土內從事商業、工業、航運或其他業務活動，均不得為其本身，或為其財產，要求或享有在該領土內豁免徵稅、訴訟、判決的執行、或其他私有和私營的企業所應負擔的責任。

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 XVII

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 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 XVIII

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. No enterprise of either Party, including corporations, associations, and government agencies and instrumentalities, which is publicly owned or controlled shall, if it engages in commercial, industrial, 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.

第十九條

一、締約國雙方的領土之間應有通商與航行的自由。

二、凡懸掛締約國任何一方之旗幟，並攜有其本國法律所必需的國籍證明文件的船舶，在公海上及在締約國另一方的口岸、地方及領海內，應視為締約國該方的船舶。

三、締約國任何一方之船舶，與締約國另一方的船舶及與任何第三國的船舶，應有裝載貨物前往締約國另一方對外國商務及航運開放之一切口岸、地方及領水之同等自由。此等船舶及貨物在締約國另一方的口岸、地方及領海內，應在一切方面予以國民待遇及最惠國待遇。

四、關於以船舶載運一切產品前往締約國另一方領土或自締約國另一方領土運出之權利，締約國任何一方應給予締約國另一方的船舶以國民待遇及最惠國待遇。對此等產品在（甲）一切稅款及費用，（乙）海關行政，（丙）獎勵金、退款以及其他此類性質的優例方面所給予的待遇，應不低於給予締約國另一方船舶載運同樣產品之待遇。

五、締約國任何一方之船舶，如遭到破損、擱淺或被迫進入締約國另一方無論對外國商務或航運是否開放的口岸、地方及領水時，應享受如締約國另一方船舶或任何第三國船舶在同樣情形下所享受的同樣協助與保護，並除繳納締約國任何一方或任何第三國船舶在同樣情形下所繳納的稅款或費用外，不得課以任何稅款及費用。締約國任何一方船舶的載貨及所有從船中搶救出來的物品，應豁免關稅，但運入供在締約國另一方領土內消費者不在此例。而非運入供在締約國另一方領土內消費之物品，在離開該國以前得按保護稅收的措施處理。

六、無論本條約的其他任何規定如何，締約國雙方對其本國船舶在沿海貿易、國民漁業與內河航行方面可以保有專有權利和優例，或祇在互惠基礎上准許外國船舶享受此等專有權利和優例。

Article XIX

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 treatment and most-favored-nation treatment within the ports, places and waters of such other Party.

4. Vessels of either Party shall be accorded national treatment and most-favored-nation treatment by the other Party with respect to the right to carry all products that may be carried by vessel to or from the territories of such other Party; and such products shall be accorded treatment no less favorable than that accorded to like products 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, in case of shipwreck, stranding, or of being forced to put into the ports, places and waters of the other Party, whether or not open to foreign commerce and navigation, shall enjoy the same assistance and protection as are in like cases enjoyed by vessels of such other Party or of any third country, and shall not be subject to any duties or charges other than those which would be payable in like circumstances by vessels of such other Party or of any third country. The cargoes of such vessels of either Party and all articles salvaged from them shall be exempt from customs duties unless entered for consumption within the territories of the other Party; but articles not entered for consumption may be subject to measures for the protection of the revenue pending their exit from the country.

6. Notwithstanding any other provision of the present Treaty, each Party may reserve exclusive rights and privileges to its own vessels with respect to the coasting trade, national fisheries and inland navigation, or may admit foreign vessels thereto only on a reciprocity basis.

七、本條約所用「船舶」一辭，係指一切類型的船舶而言，不論其為私有或私營者，抑係公有或公營者，但該名辭除有關本條第二款及第五款者外，不包括漁船及軍艦在內。

第二十條

締約國任何一方對於下列各項應給予經由國際交通最便捷之途徑，通過締約國任何一方的領土之自由：

- (甲) 締約國另一方的國民及其行李；
- (乙) 前往或來自締約國另一方領土的其他國家的人及其行李；
- (丙) 前往或來自締約國另一方領土的屬於任何來源的產品。

此等過境的人及物品應免徵關稅、因過境而徵收的稅款及不合理的費用與要求；並應不受不必要的延擱與限制。但此等人及物品應按第一條第三款所述的措施處理，並受為防止濫用過境優例所必要的不歧視的規章之限制。

第二十一條

一、本條約不應阻止下列措施之實施：

- (甲) 管理黃金或白銀的輸出或輸入；
- (乙) 關於分裂性物品、分裂性物品之使用或加工所產生的放射性副產品、或作為分裂性物品來源的物資；
- (丙) 管理武器、彈藥及軍械的生產或交易，或直接或間接以供應軍事設施為目的的其其他物資的交易；
- (丁) 為履行締約國任何一方維持或恢復國際和平及安全之義務，或為保護其本國主要的安全利益所必要者；
- (戊) 不將本約的利益給予任何一個以上第三國的國民在所有權或管理上直接或間接有控制權的任何公司，但關於承認其法律地位及向法院和行政法庭及行政機構陳訴的權利不在此限。

7. 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 paragraphs 2 and 5 of the present Article, include fishing vessels or vessels of war.

Article XX

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 products of any origin en route to or from the territories of such other Party.

Such persons and things in transit shall be exempt from customs duties, from duties imposed by reason of transit, and from unreasonable charges and requirements; and shall be free from unnecessary delays and restriction. They shall, however, be subject to measures referred to in paragraph 3 of Article I, and to nondiscriminatory regulations necessary to prevent abuse of the transit privilege.

Article XXI

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 by products of 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; and
- (e) denying to any company in the ownership or direction of which nationals of any third country or countries have directly or indirectly the controlling interest, the advantages of the present Treaty, except with respect to recognition of juridical status and with respect to access to courts of justice and to administrative tribunals and agencies.

二、締約國一方在關於貨物待遇條款上所享受的最惠國優先權，對於美利堅合衆國或其領地及屬地彼此間所相互給予的利益，或美利堅合衆國或其領地及屬地對古巴共和國、菲律賓共和國、太平洋島嶼託管地或巴拿馬運河區所給予的利益，概不適用。

三、本條約關於貨物待遇的規定，不得妨礙締約國任何一方當其為國際關稅與貿易總協定締約國的時期中採取該總協定所要求或特許的行動。並且任何一方可以不將上述協定所商得的利益給予由於自由選擇而不為該協定締約國的國家。

四、締約國任何一方的國民為有限目的而被准許進入締約國另一方領土者，不得違反按照法律所明文規定作為其入境條件的限制而享有從事有報酬的職業的權利。

五、本條約的所有規定不得認為給予或默許任何從事政治活動的權利。

第二十二條

一、「國民待遇」一辭係指在締約國一方的領土內所給予的待遇不低於對該方的國民、公司、產品、船舶或其他物品在相同情形下所給予的待遇。

二、「最惠國待遇」一辭係指在締約國一方的領土內所給予的待遇不低於對任何第三國的國民、公司、產品、船舶或其他物品在相同情形下所給予的待遇。

三、本條約所用「公司」一辭係指不論其是否負有限責任的，不論其是否以營利為目的的法人、合夥、公司及其他團體。在締約國任何一方領土內按照現行法律及規章組成的公司，應視為該國的公司，其法律地位在締約國 另一 方領土內應予以承認。

四、依本條約的各項規定給予在美利堅合衆國的任何州、領地或屬地內的日本公司的國民待遇，應與給予在美利堅合衆國其他州、領地與屬地內所創設和組成的公司的待遇相同。

2. The most-favored-nation ritories priorities of a Party upon terms 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 or to the Panama Canal Zone.

3. 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 during such time as such Party is a contracting party to the General Agreement. Moreover, either Party may withhold advantages negotiated under the aforesaid Agreement from those countries which by their own choice are not contracting parties thereto.

4. 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.

5. Nothing in the present Treaty shall be deemed to grant or imply any right to engage in political activities.

Article XXII

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.

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 Japan 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.