

NEW YORK STATE LIQUOR AUTHORITY  
FULL BOARD AGENDA  
MEETING OF APRIL 22, 2014  
REFERRED FROM: COUNSEL'S OFFICE

2014-00958

REASON FOR REFERRAL  
REQUEST FOR DIRECTION

TREATY COUNTRIES

(PROPOSED ADVISORY)

The Members of the Authority at their regular meeting held at the Zone I New York City office on APRIL 22, 2014 determined:

STATE OF NEW YORK  
LIQUOR AUTHORITY

TO: License Applicants, Attorneys and Agency Staff

SUBJECT: Treaty Countries

Pursuant to ABCL § 126 (3), the issuance of State liquor licenses is limited to U. S. citizens and those lawfully admitted to the U.S. for permanent residence. The United States has entered into numerous treaties with other nations to permit their respective nationals the right to engage in trade and commerce on the same terms as native citizens. Pursuant to the supremacy clause of the U.S. Constitution, these international treaties supersede state laws to the extent that the state statutes are inconsistent therewith.

The NYS Attorney General's Office has issued a number of opinions stating that ABCL § 126 (3) must yield to a reciprocal trade treaty. Corporate and non-corporate nationals of a country having a reciprocal trade agreement with the United States may not be prohibited from trading in alcoholic beverages in this state, 1964 Op. Atty. Gen. 9.

The United States Department of State (USDOS) maintains a website of treaty countries:

[www.travel.state.gov/content/visas/english/fees/treaty.html](http://www.travel.state.gov/content/visas/english/fees/treaty.html) The list of treaty countries references E-1 and E-2 visa classifications. These are

known as Treaty Trader (E-1) and Treaty Investor (E-2) visas. These visas are for citizens of countries with which the United States maintains treaties of commerce and navigation. In order to be eligible for such a visa, the person must be coming to the United States to either:

- engage in substantial trade, including trade in services or technology, in qualifying activities, principally between the United States and the treaty country; or
- develop and direct the operations of an enterprise in which he or she has invested a substantial amount of capital.

The Authority regularly receives inquiries from potential license applicants and their attorneys regarding the licensing eligibility of foreign nationals. The Board hereby recognizes the list of treaty countries maintained by the U.S. Department of State as the official list of treaty countries for the purpose of determining eligibility for licensure and refers applicants and their attorneys and representatives, as well as agency staff, to the aforementioned USDOS website.

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## Treaty Countries

Country	Classification	Effective Date
Albania	E-2	January 4, 1998
Argentina	E-1	October 20, 1994
Argentina	E-2	October 20, 1994
Armenia	E-2	March 29, 1996
Australia	E-1	December 16, 1991
Australia	E-2	December 27, 1991
Austria	E-1	May 27, 1931
Austria	E-2	May 27, 1931
Azerbaijan	E-2	August 2, 2001
Bahrain	E-2	May 30, 2001
Bangladesh	E-2	July 25, 1989
Belgium	E-1	October 3, 1963
Belgium	E-2	October 3, 1963
Bolivia	E-1	November 09, 1862
Bolivia	E-2	June 6, 2001
Bosnia and Herzegovina <sup>11</sup>	E-1	November 15, 1882
Bosnia and Herzegovina <sup>11</sup>	E-2	November 15, 1882
Brunei	E-1	July 11, 1853
Bulgaria	E-2	June 2, 1994
Cameroon	E-2	April 6, 1989

### Additional Information for Reciprocity

- [Reciprocity: What's New](#)
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- [State Sponsors of Terrorism](#)
- [Treaty Countries](#)
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### In the United States

- [Discover America](#)

*ABOUT VISAS – THE BASICS*  
FAQS

Canada	E-1	January 1, 1993
Canada	E-2	January 1, 1993
Chile	E-1	January 1, 2004
Chile	E-2	January 1, 2004
China (Taiwan) <sup>2</sup>	E-1	November 30, 1948
China (Taiwan) <sup>2</sup>	E-2	November 30, 1948
Colombia	E-1	June 10, 1848
Colombia	E-2	June 10, 1848
Congo (Brazzaville)	E-2	August 13, 1994
Congo (Kinshasa)	E-2	July 28, 1989
Costa Rica	E-1	May 26, 1852
Costa Rica	E-2	May 26, 1852
Croatia <sup>11</sup>	E-1	November 15, 1882
Croatia <sup>11</sup>	E-2	November 15, 1882
Czech Republic <sup>2</sup>	E-2	January 1, 1993
Denmark <sup>2</sup>	E-1	July 30, 1961
Denmark	E-2	December 10, 2008
Ecuador	E-2	May 11, 1997
Egypt	E-2	June 27, 1992
Estonia	E-1	May 22, 1926
Estonia	E-2	February 16, 1997
Ethiopia	E-1	October 8, 1953
Ethiopia	E-2	October 8, 1953
Finland	E-1	August 10, 1934
Finland	E-2	December 1, 1992
France <sup>4</sup>	E-1	December 21, 1960
France <sup>4</sup>	E-2	December 21, 1960
Georgia	E-2	August 17, 1997
Germany	E-1	July 14, 1956

Germany	E-2	July 14, 1956
Greece	E-1	October 13, 1954
Grenada	E-2	March 3, 1989
Honduras	E-1	July 19, 1928
Honduras	E-2	July 19, 1928
Iran	E-1	June 16, 1957
Iran	E-2	June 16, 1957
Ireland	E-1	September 14, 1950
Ireland	E-2	November 18, 1992
Israel	E-1	April 3, 1954
Italy	E-1	July 26, 1949
Italy	E-2	July 26, 1949
Jamaica	E-2	March 7, 1997
Japan <sup>3</sup>	E-1	October 30, 1953
Japan <sup>5</sup>	E-2	October 30, 1953
Jordan	E-1	December 17, 2001
Jordan	E-2	December 17, 2001
Kazakhstan	E-2	January 12, 1994
Korea (South)	E-1	November 7, 1957
Korea (South)	E-2	November 7, 1957
Kosovo <sup>11</sup>	E-1	November 15, 1882
Kosovo <sup>12</sup>	E-2	November 15, 1882
Kyrgyzstan	E-2	January 12, 1994
Latvia	E-1	July 25, 1928
Latvia	E-2	December 26, 1996
Liberia	E-1	November 21, 1939

Liberia	E-2	November 21, 1939
Lithuania	E-2	November 22, 2001
Luxembourg	E-1	March 28, 1963
Luxembourg	E-2	March 28, 1963
Macedonia, the Former Yugoslav Republic of (FRY)	E-1	November 15, 1882
Macedonia, the Former Yugoslav Republic of (FRY)	E-2	November 15, 1882
Mexico	E-1	January 1, 1994
Mexico	E-2	January 1, 1994
Moldova	E-2	November 25, 1994
Mongolia	E-2	January 1, 1997
Montenegro <sup>11</sup>	E-1	November 15, 1882
Montenegro <sup>11</sup>	E-2	November 15, 1882
Morocco	E-2	May 29, 1991
Netherlands <sup>5</sup>	E-1	December 5, 1957
Netherlands <sup>5</sup>	E-2	December 5, 1957
Norway <sup>7</sup>	E-1	January 18, 1928
Norway <sup>7</sup>	E-2	January 18, 1928
Oman	E-1	June 11, 1960
Oman	E-2	June 11, 1960
Pakistan	E-1	February 12, 1961
Pakistan	E-2	February 12, 1961
Panama	E-2	May 30, 1991
Paraguay	E-1	March 07, 1860
Paraguay	E-2	March 07, 1860
Philippines	E-1	September 6, 1955
Philippines	E-2	September 6, 1955

Poland	E-1	August 6, 1994
Poland	E-2	August 6, 1994
Romania	E-2	January 15, 1994
Serbia <sup>11</sup>	E-1	November 15, 1882
Serbia <sup>11</sup>	E-2	November 15, 1882
Senegal	E-2	October 25, 1990
Singapore	E-1	January 1, 2004
Singapore	E-2	January 1, 2004
Slovak Republic <sup>7</sup>	E-2	January 1, 1993
Slovenia <sup>11</sup>	E-1	November 15, 1882
Slovenia <sup>11</sup>	E-2	November 15, 1882
Spain <sup>9</sup>	E-1	April 14, 1903
Spain <sup>6</sup>	E-2	April 14, 1903
Sri Lanka	E-2	May 1, 1993
Suriname <sup>9</sup>	E-1	February 10, 1963
Suriname <sup>11</sup>	E-2	February 10, 1963
Sweden	E-1	February 20, 1992
Sweden	E-2	February 20, 1992
Switzerland	E-1	November 08, 1855
Switzerland	E-2	November 08, 1855
Thailand	E-1	June 8, 1968
Thailand	E-2	June 8, 1968
Togo	E-1	February 5, 1967
Togo	E-2	February 5, 1967
Trinidad & Tobago	E-2	December 26, 1996
Tunisia	E-2	February 7, 1993
Turkey	E-1	February 15, 1933

Turkey	E-2	May 18, 1990
Ukraine	E-2	November 16, 1996
United Kingdom <sup>12</sup>	E-1	July 03, 1815
United Kingdom <sup>13</sup>	E-2	July 03, 1815
Yugoslavia <sup>11</sup>	E-1	November 15, 1882
Yugoslavia <sup>11</sup>	E-2	November 15, 1882

### Country Specific Footnotes

1. **China (Taiwan)** - Pursuant to Section 6 of the Taiwan Relations Act, (TRA) Public Law 96-8, 93 Stat, 14, and Executive Order 12143, 44 F.R. 37191, this agreement which was concluded with the Taiwan authorities prior to January 01, 1979, is administered on a nongovernmental basis by the American Institute in Taiwan, a nonprofit District of Columbia corporation, and constitutes neither recognition of the Taiwan authorities nor the continuation of any official relationship with Taiwan.
2. **Czech Republic and Slovak Republic** - The Treaty with the Czech and Slovak Federal Republic entered into force on December 19, 1992; entered into force for the Czech Republic and Slovak Republic as separate states on January 01, 1993.
3. **Denmark** - The Treaty which entered into force on July 30, 1961, does not apply to Greenland.
4. **France** - The Treaty which entered into force on December 21, 1960, applies to the departments of Martinique, Guadeloupe, French Guiana and Reunion.
5. **Japan** - The Treaty which entered into force on October 30, 1953, was made applicable to the Bonin Islands on June 26, 1968, and to the Ryukyu Islands on May 15, 1972.
6. **Netherlands** - The Treaty which entered into force on December 05, 1957, is applicable to Aruba and Netherlands Antilles.
7. **Norway** - The Treaty which entered into force on September 13, 1932, does not apply to Svalbard (Spitzbergen and certain lesser islands).
8. **Spain** - The Treaty which entered into force on April 14, 1903, is applicable to all territories.
9. **Suriname** - The Treaty with the Netherlands which entered into force December 05, 1957, was made applicable to Suriname on February 10, 1963.
10. **United Kingdom** - The Convention which entered into force on July 03, 1815, applies only to British territory in Europe (the British Isles (except the Republic of Ireland), the Channel Islands and Gibraltar) and to "inhabitants" of such territory. This term, as used in the Convention, means "one who resides actually and permanently in a given place, and has his domicile there." Also, in order to qualify for

treaty trader or treaty investor status under this treaty, the alien must be a national of the United Kingdom. Individuals having the nationality of members of the Commonwealth other than the United Kingdom do not qualify for treaty trader or treaty investor status under this treaty.

11. **Yugoslavia** - The U.S. view is that the Socialist Federal Republic of Yugoslavia (SFRY) has dissolved and that the successors that formerly made up the SFRY - Bosnia and Herzegovina, Croatia, the Former Yugoslav Republic of Macedonia, Slovenia, and the Federal Republic of Yugoslavia continue to be bound by the treaty in force with the SFRY and the time of dissolution.

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NEW YORK STATE LIQUOR AUTHORITY  
FULL BOARD AGENDA  
MEETING OF APRIL 10, 2014  
REFERRED FROM: EXECUTIVE OFFICE

2014-00932H (OVER)  
2014-01058

REASON FOR REFERRAL  
REQUEST FOR DIRECTION

CONTAINERS, PACKAGING AND  
PERSONALIZATION OF BOTTLES

(PROPOSED ADVISORY 6)

The Members of the Authority at their regular meeting held at the Zone I New York City office on APRIL 10, 2014 determined:

Kevin Danow, Esq. appeared

Item carried over to 4/22/2014

The Members of the Authority at their regular meeting held at the Zone I New York City office on APRIL 22, 2014 determined: