

No. 45631 *

**Finland
and
Indonesia**

Agreement between the Government of the Republic of Finland and the Government of the Republic of Indonesia on the promotion and protection of investments. Helsinki, 12 September 2006

Entry into force: *2 August 2008 by notification, in accordance with article 16*

Authentic texts: *English*

Registration with the Secretariat of the United Nations: *Finland, 7 January 2009*

**Finlande
et
Indonésie**

Accord entre le Gouvernement de la République de Finlande et le Gouvernement de la République d'Indonésie relatif à la promotion et à la protection des investissements. Helsinki, 12 septembre 2006

Entrée en vigueur : *2 août 2008 par notification, conformément à l'article 16*

Textes authentiques : *anglais*

Enregistrement auprès du Secrétariat des Nations Unies : *Finlande, 7 janvier 2009*

* *The text reproduced below is the original text of the agreement as submitted. For ease of reference, it was sequentially paginated. The final UNTS version of it is not yet available.*
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La version finale RTNU n'est pas encore disponible.

[ENGLISH TEXT – TEXTE ANGLAIS]

**Agreement between
the Government of the Republic of Finland
and
the Government of the Republic of Indonesia
on the Promotion and the Protection of Investments**

**Agreement between
the Government of the Republic of Finland
and
the Government of the Republic of Indonesia
on the Promotion and the Protection of Investments**

The Government of the Republic of Finland and the Government of the Republic Indonesia of hereinafter referred to as the "Contracting Parties",

RECOGNISING the need to protect investments of the investors of one Contracting Party in the territory of the other Contracting Party on a non-discriminatory basis;

DESIRING to promote greater economic cooperation between them, with respect to investments by investors of one Contracting Party in the territory of the other Contracting Party;

RECOGNISING that agreement on the treatment to be accorded to such investments will stimulate the flow of private capital between the Contracting Parties;

AGREEING that a stable framework for investment will contribute to increasing the effective utilization of economic resources;

RECOGNISING that economic and business ties can promote sustainable development;

RECOGNIZING, that pursuant to the prevailing laws and regulations of the Contracting Parties and taking into account the provisions of this Agreement, both Parties resolve to conclude an agreement concerning the promotion and protection of investments and:

HAVE AGREED ON THE FOLLOWING:

ARTICLE 1 DEFINITIONS

For the purpose of the agreement:

1. The term of "investment" means every kind of asset established or acquired by an investor of one Contracting Party in the territory of the other Contracting Party in accordance with the laws and regulations of the latter Contracting Party, including in particular, not exclusively:
 - a. Moveable and immovable property or any property rights such as mortgages, liens, pledges, leases and similar rights;
 - b. Reinvested returns;
 - c. Shares and stocks in and debentures of a company or any other forms of participation in a company;
 - d. Claims to money or rights to a performance having a financial value;
 - e. Intellectual property rights including but not limited to patents, copyrights, trade marks, geographical indications, industrial designs, layout design of integrated circuits, trade secrets, and rights in plants varieties, as well as business names, technical processes, know-how and good will;
 - f. Concessions conferred by law, by an administrative act or under a contract by a competent authority, including concession to search for, develop, extract or exploit natural resources.

Investments made in the territory of one Contracting Party by any legal entity of that same Contracting Party, but actually owned by investors of the other Contracting Party, shall likewise be considered as investments of investors of the latter Contracting Party if they have been made in accordance with the laws and regulations of the former Contracting Party.

Any change in the form in which assets are invested or reinvested does not affect their character as investments.

2. The term “returns” means the amounts yielded from investments and shall in particular, though not exclusively include profits, dividends, interests, royalties, capital gains or any payments in kind related to an investment.
3. The term “investor” means:
 - a. in respect of the Republic of Finland
 - i. Any natural person who is a national of the Republic of Finland in accordance with its laws; or
 - ii. Any legal entity such as company, corporation, firm, partnership, business association, institution or organization, incorporated or constituted in accordance with the laws and regulations of the Republic of Finland and having its registered office or central administration or principal place of business within the jurisdiction of the Republic of Finland, and whether or not for profit and whether its liabilities are limited or not.
 - b. in respect of the Republic of Indonesia
 - i. Any natural person having the nationality of the Republic of Indonesia
 - ii. Any legal person constituted under the law of the Republic of Indonesia
4. The term “territory” means:
 - a. With respect to the Republic of Finland, the land territory, internal waters and territorial sea of the Contracting Party and the airspace above them, as well as the maritime zones beyond the territorial sea, including the seabed and subsoil, over which that Contracting Party exercises sovereign rights or jurisdiction in accordance with its national laws in force and international law.
 - b. With respect to the Republic of Indonesia, its territory as defined in its laws including part of the continental shelf and adjacent seas over which the Republic of Indonesia has sovereignty, sovereign rights or jurisdiction in accordance with the provisions of the United Nations Convention on the Law of the Sea of 1982.