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**Mexico
and
Slovakia**

Agreement between the United Mexican States and the Slovak Republic on the promotion and reciprocal protection of investments (with annex). Mexico City, 26 October 2007

Entry into force: *8 April 2009 by notification, in accordance with article 32*

Authentic texts: *English, Slovak and Spanish*

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**Mexique
et
Slovaquie**

Accord entre les États-Unis du Mexique et la République slovaque relatif à la promotion et à la protection réciproque des investissements (avec annexe). Mexico, 26 octobre 2007

Entrée en vigueur : *8 avril 2009 par notification, conformément à l'article 32*

Textes authentiques : *anglais, slovaque et espagnol*

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[ENGLISH TEXT – TEXTE ANGLAIS]

**AGREEMENT BETWEEN THE UNITED MEXICAN STATES AND THE SLOVAK
REPUBLIC ON THE PROMOTION AND RECIPROCAL
PROTECTION OF INVESTMENTS**

The United Mexican States and the Slovak Republic, hereinafter referred to as "the Contracting Parties",

DESIRING to intensify the economic cooperation for their mutual benefit;

INTENDING to create and maintain favourable conditions for investments by investors of one Contracting Party in the territory of the other Contracting Party;

RECOGNIZING the need to promote and protect foreign investments with the aim of fostering the flow of productive capital and economic prosperity;

Have agreed as follows:

CHAPTER I: GENERAL PROVISIONS

**ARTICLE 1
Definitions**

For the purposes of this Agreement, the term:

1. **"disputing investor"** means an investor that makes a claim under Chapter III, Section One;
2. **"disputing parties"** means the disputing investor and the disputing Contracting Party;
3. **"disputing party"** means the disputing investor or the disputing Contracting Party;
4. **"disputing Contracting Party"** means a Contracting Party against which a claim is made under Chapter III, Section One;

5. **“enterprise”** means any entity constituted or organized under applicable law, whether or not for profit, and whether privately or governmentally owned, including any corporation, trust, partnership, sole proprietorship, joint venture or other association;

6. **“freely usable currency”** shall mean any currency designated as such by the International Monetary Fund from time to time;

7. **“ICSID”** means the International Center for Settlement of Investment Disputes;

8. **“ICSID Additional Facility Rules”** means the Rules Governing the Additional Facility for the Administration of Proceedings by the Secretariat of the ICSID, as may be amended;

9. **“ICSID Convention”** means the Convention on the Settlement of investment Disputes between States and Nationals of other States, adopted in Washington on March 18, 1965, as may be amended;

10. **“investment”** means the following assets owned or controlled by investors of one Contracting Party and established or acquired in accordance with the laws and regulations of the other Contracting Party in whose territory the investment is made:

- (a) an enterprise;
- (b) shares, stocks and other forms of equity participation in an enterprise;
- (c) a debt security of an enterprise
 - (i) where the enterprise is an affiliate to the investor, or
 - (ii) where the original maturity of the debt security is at least three years,

but does not include a debt security, regardless of original maturity, of a Contracting Party or of a State enterprise;

- (d) a loan to an enterprise
 - (i) where the enterprise is an affiliate to the investor, or
 - (ii) where the original maturity of the loan is at least three years, but does not include a loan, regardless of original maturity, to a Contracting Party or to a State enterprise;
- (e) real estate or other property, tangible or intangible, acquired in the expectation or used for the purpose of economic benefit or other business purposes; and
- (f) interests arising from the commitment of capital or other resources in the territory of a Contracting Party to economic activity in such territory, such as under:
 - (i) contracts involving the presence of an investor's property in the territory of the other Contracting Party, including turnkey or construction contracts, or concessions, or
 - (ii) contracts where remuneration depends substantially on the production, revenues or profits of an enterprise;but investment does not mean,
- (g) claims to money that arise solely from
 - (i) commercial contracts for the sale of goods or services by a national or enterprise in the territory of a Contracting Party to an enterprise in the territory of the other Contracting Party, or
 - (ii) the extension of credit in connection with a commercial transaction, such as trade financing, other than a loan covered by subparagraph (d) above; or
- (h) any other claims to money, that do not involve the kinds of interests set out in subparagraphs (a) through (f) above;

For greater certainty, the amounts yielded by investments such as profit, interest, capital gains, dividends, royalties and fees are part of the definition set forth in this paragraph.

Any change in the form of an investment does not affect its character as an investment, as long it is covered by the definition set forth in this paragraph.

11. “investor of a Contracting Party” means:

- (a) a natural person having the nationality of a Contracting Party in accordance with its applicable laws, or

- (b) an enterprise which is either constituted or otherwise organized under the law of a Contracting Party, and is engaged in substantive business operations in the territory of that Contracting Party;

having made an investment in the territory of the other Contracting Party;

12. **“New York Convention”** means the Convention on the Recognition and Enforcement of Foreign Arbitral Awards, adopted at the United Nations in New York on June 10, 1958, as may be amended;

13. **“UNCITRAL Arbitration Rules”** means the arbitration rules of the United Nations Commission on International Trade Law, approved by the United Nations General Assembly on December 15, 1976, as may be amended;

14. **“State enterprise”** means an enterprise that is owned, or controlled through ownership interests, by a Contracting Party;

15. **“measure”** includes any law, regulation, procedure, requirement, or practice of each Contracting Party;

16. **“territory”** means:

- (a) with respect to the United Mexican States, the territory of the United Mexican States including the maritime areas adjacent to its coast *i.e.* the territorial sea, the exclusive economic zone and the continental shelf, to the extent to which the United Mexican States may exercise sovereign rights or jurisdiction in those areas according to international law.
- (b) with respect to the Slovak Republic, the land territory, internal waters and the air space above them, over which it exercises its sovereignty, sovereign rights and jurisdiction in accordance with international law.

ARTICLE 2

Admission of Investments

1. With the aim of promoting investment flows, the Contracting Parties will exchange the information that facilitates the knowledge of the conditions and opportunities for investment in their territories.