

No. 47369

**Lithuania
and
Turkey**

Agreement between the Republic of Lithuania and the Republic of Turkey concerning the reciprocal promotion and protection of investments. Vilnius, 11 July 1994

Entry into force: *7 July 1997 by notification, in accordance with article IX*

Authentic texts: *English, Lithuanian and Turkish*

Registration with the Secretariat of the United Nations: *Lithuania, 21 April 2010*

**Lituanie
et
Turquie**

Accord entre la République de Lituanie et la République turque concernant la promotion et la protection réciproques des investissements. Vilnius, 11 juillet 1994

Entrée en vigueur : *7 juillet 1997 par notification, conformément à l'article IX*

Textes authentiques : *anglais, lituanien et turc*

Enregistrement auprès du Secrétariat des Nations Unies : *Lituanie, 21 avril 2010*

[ENGLISH TEXT – TEXTE ANGLAIS]

AGREEMENT BETWEEN
THE REPUBLIC OF LITHUANIA
AND
THE REPUBLIC OF TURKEY
CONCERNING
THE RECIPROCAL PROMOTION AND PROTECTION OF INVESTMENTS

The Republic of Lithuania and the Republic of Turkey,
hereinafter called the Parties,

Desiring to promote greater economic cooperation between them,
particularly with respect to investment by investors of one Party in
the territory of the other Party,

Recognizing that agreement upon the treatment to be accorded
such investment will stimulate the flow of capital and technology and
the economic developments of the Parties,

Agreeing that fair and equitable treatment of investment is
desirable in order to maintain a stable framework for investment and
maximum effective utilization of economic resources, and

Having resolved to conclude an agreement concerning the
encouragement and reciprocal protection of investments,

Hereby agree as follows:

ARTICLE 1

Definitions

For the purpose of this Agreement:

1. The term "investor" means:

(a) natural persons deriving their status as nationals of either Party according to its law in force,

(b) corporations, firms or business associations incorporated or constituted under the law in force of either of the Parties and having their headquarters in the territory of that Party.

2. (a) The term "investment", in conformity with the hosting Party's laws and regulations, shall include every kind of asset in particular, but not exclusively:

(i) shares, stocks or any other form of participation in companies,

(ii) returns reinvested, claims to money or any other rights to legitimate performance having financial value related to an investment,

(iii) movable and immovable property, as well as any other rights in rem such as mortgages, liens, pledges and any other similar rights,

(iv) copyrights, industrial and intellectual property rights such as patents, licenses, industrial designs, technical processes, as well as trademarks, goodwill, know-how and other similar rights,

(v) business concessions conferred by law or by contract, including concessions to search for, cultivate, extract or exploit natural resources on the territory of each Party as defined hereafter.

3. The term "returns" means the amounts yielded by an investment and includes in particular, though not exclusively, profit, interest and dividends.

4. The term "territory" includes:

(a) in respect of the Republic of Lithuania - the territory, maritime and sea-bed areas, within which the Republic of Lithuania in accordance with its laws and regulations as well as international law, may exercise its jurisdiction and sovereign rights;

(b) in respect of the Republic of Turkey - the land boundaries, maritime areas and the continental shelf delimited by mutual agreement between the parties concerned over which the Republic of Turkey has sovereign rights or jurisdiction in accordance with international law.

5. The term "associated activities", in conformity with the hosting Party's laws and regulations, shall include the organization, control, operation, maintenance and disposition of companies, branches, agencies, offices, factories or other facilities, for the conduct of business; the making, performance and enforcement of contracts; the acquisition, use, protection and disposition of property of all kinds, including intellectual and industrial property rights; and the borrowing of funds, the purchase and issuance of equity shares, and the purchase of foreign exchange for imports.

ARTICLE II

Promotion and Protection of Investments

1. Each Party shall permit in its territory investments, and activities associated therewith, on a basis no less favorable than that accorded in similar situations to investments of investors of any third country, within the framework of its laws and regulations.

2. Each Party shall accord to these investments, once established, treatment no less favorable than that accorded in similar situations to investments of its investors or to investments of investors of any third country, whichever is the most favorable.

3. Subject to the laws and regulations of the Parties relating to the entry, sojourn and employment of aliens:

(a) nationals of either Party shall be permitted to enter and remain in the territory of the other Party for purposes of establishing, developing, administering or advising on the operation of an investment to which they, or an investor of the first Party that employs them, have committed or are in the process of committing a substantial amount of capital or other resources,

(b) companies which are legally constituted under the laws and regulations in force of one Party, and which are investments of investors of other Party, shall be permitted to engage managerial and technical personnel of their choice, regardless of nationality.

4. The provisions of this Article shall have no effect in relation to following agreements entered into force by either of the Parties:

- (a) relating to any existing or future customs unions or regional economic organizations or similar international agreements,
- (b) relating wholly or mainly to taxation.

ARTICLE III

Expropriation and Compensation

1. Investments shall not be expropriated, nationalized or subject, directly or indirectly, to measures of similar effects except for a public purpose, in a non-discriminatory manner, upon payment of prompt, adequate and effective compensation, and in accordance with due process of law and the general principles of treatment provided for in Article II of this Agreement.

2. Compensation shall be equivalent to the real value of the expropriated investment before the expropriatory action was taken or became known. Compensation shall be paid without delay and be freely transferable as described in paragraph 2 Article IV.

3. Investors of either Party whose investments suffer losses in the territory of the other Party owing to war, insurrection, civil disturbance or other similar events shall be accorded by such other Party treatment not less favorable than that accorded to its own investors or to investors of any third country, whichever is the most favorable treatment, as regards any measures it adopts in relation to such losses.

ARTICLE IV

Repatriation and Transfer

1. Each Party shall permit in good faith all transfers related to an investment to be made freely and without unreasonable delay into and out of its territory. Such transfers include:

- (a) returns,
- (b) proceeds from the sale or liquidation of all or any part of an investment,
- (c) compensation pursuant to Article III,
- (d) reimbursements and interest payments deriving from loans in connection with investments,