

No. 47382

**Lithuania
and
Norway**

Agreement between the Government of the Republic of Lithuania and the Government of the Kingdom of Norway on the promotion and mutual protection of investments. Vilnius, 16 June 1992

Entry into force: *20 December 1992 by notification, in accordance with article XIII*

Authentic texts: *English, Lithuanian and Norwegian*

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

**Lituanie
et
Norvège**

Accord entre le Gouvernement de la République de Lituanie et le Gouvernement du Royaume de Norvège relatif à la promotion et à la protection réciproque des investissements. Vilnius, 16 juin 1992

Entrée en vigueur : *20 décembre 1992 par notification, conformément à l'article XIII*

Textes authentiques : *anglais, lituanien et norvégien*

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

[ENGLISH TEXT – TEXTE ANGLAIS]

AGREEMENT
BETWEEN
THE GOVERNMENT OF THE REPUBLIC OF LITHUANIA
AND
THE GOVERNMENT OF THE KINGDOM OF NORWAY
ON
THE PROMOTION AND MUTUAL PROTECTION OF INVESTMENTS

THE GOVERNMENT OF THE REPUBLIC OF LITHUANIA AND THE GOVERNMENT OF THE KINGDOM OF NORWAY (EACH HEREINAFTER REFERRED TO AS A "CONTRACTING PARTY"),

DESIRING TO DEVELOP THE ECONOMIC COOPERATION BETWEEN THE TWO STATES,

PREOCCUPIED WITH ENCOURAGING AND CREATING FAVOURABLE CONDITIONS FOR INVESTMENTS BY INVESTORS OF ONE CONTRACTING PARTY IN THE TERRITORY OF THE OTHER CONTRACTING PARTY ON THE BASIS OF EQUALITY AND MUTUAL BENEFIT,

CONSCIOUS THAT THE MUTUAL PROMOTION AND PROTECTION OF INVESTMENTS, ACCORDING TO THE PRESENT AGREEMENT WILL STIMULATE THE INITIATIVE IN THIS FIELD,

HAVE AGREED AS FOLLOWS:

ARTICLE I

DEFINITIONS

FOR THE PURPOSE OF THE PRESENT AGREEMENT:

1. THE TERM "INVESTMENT" MEANS EVERY KIND OF ASSET INVESTED IN THE TERRITORY OF ONE CONTRACTING PARTY IN ACCORDANCE WITH ITS LAWS AND REGULATIONS BY AN INVESTOR OF THE OTHER CONTRACTING PARTY AND INCLUDES IN PARTICULAR, THOUGH NOT EXCLUSIVELY:
- (I) MOVABLE AND IMMOVABLE PROPERTY AND ANY OTHER PROPERTY RIGHTS SUCH AS MORTGAGES, LIENS, PLEDGES AND SIMILAR RIGHTS;
 - (II) SHARES, DEBENTURES OR ANY OTHER FORMS OF PARTICIPATION IN COMPANIES;
 - (III) CLAIMS TO MONEY WHICH HAS BEEN USED TO CREATE AN ECONOMIC

VALUE OR CLAIMS TO ANY PERFORMANCE UNDER
CONTRACT HAVING AN ECONOMIC VALUE;

- (IV) INDUSTRIAL AND INTELLECTUAL PROPERTY RIGHTS, SUCH AS
TECHNOLOGY, KNOW-HOW, TRADE-MARKS AND GOODWILL;
- (V) BUSINESS CONCESSIONS CONFERRED BY LAW OR UNDER CONTRACT
INCLUDING CONCESSIONS TO SEARCH FOR, CULTIVATE, EXTRACT
AND EXPLOIT NATURAL RESOURCES.

GOODS THAT UNDER A LEASING AGREEMENT ARE PLACED AT THE DISPOSAL
OF A LESSEE IN THE TERRITORY OF ONE CONTRACTING PARTY BY A
LESSOR BEING A NATIONAL OF THE OTHER CONTRACTING PARTY OR A
LEGAL PERSON HAVING ITS SEAT IN THE TERRITORY OF THAT
CONTRACTING PARTY, SHALL BE TREATED NOT LESS FAVOURABLY THAN AN
INVESTMENT.

2. THE TERM "RETURNS" SHALL MEAN THE LAWFUL AMOUNTS YIELDED BY AN
INVESTMENT SUCH AS PROFIT, INTEREST, ROYALTIES, FEES, DIVIDENDS
AND OTHER LAWFUL INCOME DERIVED FROM INVESTMENTS.

3. THE TERM "INVESTOR" SHALL MEAN:

- A) WITH REGARD TO THE REPUBLIC OF LITHUANIA:
A NATURAL PERSON HAVING THE CITIZENSHIP OF THE
REPUBLIC OF LITHUANIA IN ACCORDANCE WITH ITS LAWS;

WITH REGARD TO THE KINGDOM OF NORWAY:
A NATURAL PERSON HAVING THE NATIONALITY OF
THE KINGDOM OF NORWAY IN ACCORDANCE WITH ITS LAWS.
- B) WITH REGARD TO EACH CONTRACTING PARTY:
ANY CORPORATION, COMPANY, FIRM, ENTERPRISE,
ORGANIZATION OR ASSOCIATION INCORPORATED OR
CONSTITUTED UNDER THE LAW IN FORCE IN THE
TERRITORY OF THAT CONTRACTING PARTY

4. THE TERM "TERRITORY" SHALL MEAN:

THE TERRITORY OF THE REPUBLIC OF LITHUANIA AND THE TERRITORY OF
THE KINGDOM OF NORWAY INCLUDING THE TERRITORIAL SEA, AS WELL AS
THE CONTINENTAL SHELF OVER WHICH THE STATE CONCERNED EXERCISES,
IN ACCORDANCE WITH INTERNATIONAL LAW, SOVEREIGN RIGHTS FOR THE
PURPOSE OF EXPLORATION AND EXPLOITATION OF THE NATURAL RESOURCES
OF SUCH AREAS.

ARTICLE II

APPLICABILITY OF THE PRESENT AGREEMENT

THE PRESENT AGREEMENT SHALL APPLY TO INVESTMENTS MADE AFTER 29
DECEMBER 1990 IN THE TERRITORY OF A CONTRACTING PARTY IN
ACCORDANCE WITH ITS LAWS AND REGULATIONS.

ARTICLE III

PROMOTION AND PROTECTION OF INVESTMENTS

EACH CONTRACTING PARTY SHALL PROMOTE AND ENCOURAGE IN ITS TERRITORY INVESTMENTS OF INVESTORS OF THE OTHER CONTRACTING PARTY AND ACCEPT SUCH INVESTMENTS IN ACCORDANCE WITH ITS LAWS AND REGULATIONS AND ACCORD THEM EQUITABLE AND REASONABLE TREATMENT AND PROTECTION. SUCH INVESTMENTS SHALL BE SUBJECT TO THE LAWS AND REGULATIONS OF THE CONTRACTING PARTY IN THE TERRITORY OF WHICH THE INVESTMENTS ARE MADE.

ARTICLE IV

MOST FAVOURED NATION TREATMENT

1. INVESTMENTS MADE BY INVESTORS OF ONE CONTRACTING PARTY IN THE TERRITORY OF THE OTHER CONTRACTING PARTY, AS ALSO THE RETURNS THEREFROM, SHALL BE ACCORDED TREATMENT NO LESS FAVOURABLE THAN THAT ACCORDED TO INVESTMENTS MADE BY INVESTORS OF ANY THIRD STATE.
2. THE TREATMENT GRANTED UNDER THIS ARTICLE SHALL NOT APPLY TO ANY ADVANTAGE ACCORDED TO INVESTORS OF A THIRD STATE BY THE OTHER CONTRACTING PARTY BASED ON ANY EXISTING OR FUTURE CUSTOMS OR ECONOMIC UNION OR SIMILAR INTERNATIONAL AGREEMENT, OR FREE TRADE AGREEMENT TO WHICH EITHER OF THE CONTRACTING PARTIES IS OR BECOMES A PARTY. NEITHER SHALL SUCH TREATMENT RELATE TO ANY ADVANTAGE WHICH EITHER CONTRACTING PARTY ACCORDS TO INVESTORS OF A THIRD STATE BY VIRTUE OF A DOUBLE TAXATION AGREEMENT OR OTHER AGREEMENTS REGARDING MATTERS OF TAXATION OR ANY DOMESTIC LEGISLATION RELATING TO TAXATION.

ARTICLE V

COMPENSATION FOR LOSSES

INVESTORS OF ONE CONTRACTING PARTY WHOSE INVESTMENTS IN THE TERRITORY OF THE OTHER CONTRACTING PARTY SUFFER LOSSES OWING TO WAR OR OTHER ARMED CONFLICT, REVOLUTION, A STATE OF NATIONAL EMERGENCY, REVOLT, INSURRECTION OR RIOT IN THE TERRITORY OF THE OTHER CONTRACTING PARTY, SHALL BE ACCORDED BY THE LATTER CONTRACTING PARTY TREATMENT, AS REGARDS RESTITUTION, INDEMNIFICATION, COMPENSATION OR OTHER SETTLEMENT, NO LESS FAVOURABLE THAN THAT WHICH THE LATTER CONTRACTING PARTY ACCORDS TO INVESTORS OF A THIRD STATE.

ARTICLE VI

EXPROPRIATION AND COMPENSATION

1. INVESTMENTS MADE BY INVESTORS OF ONE CONTRACTING PARTY IN THE TERRITORY OF THE OTHER CONTRACTING PARTY CANNOT BE EXPROPRIATED, NATIONALIZED OR SUBJECTED TO OTHER MEASURES HAVING A SIMILAR EFFECT (ALL SUCH MEASURES HEREINAFTER REFERRED TO AS "EXPROPRIATION") EXCEPT WHEN THE FOLLOWING CONDITIONS ARE

FULFILLED:

- (I) THE EXPROPRIATION SHALL BE DONE FOR PUBLIC INTEREST AND UNDER DOMESTIC LEGAL PROCEDURES;
 - (II) IT SHALL NOT BE DISCRIMINATORY;
 - (III) IT SHALL BE DONE ONLY AGAINST COMPENSATION.
2. SUCH COMPENSATION SHALL AMOUNT TO THE MARKET VALUE OF THE INVESTMENT IMMEDIATELY BEFORE THE DATE OF EXPROPRIATION AND SHALL BE PAID WITHOUT DELAY. THE COMPENSATION SHALL INCLUDE INTEREST, COMPUTED FROM THE FIRST DAY FOLLOWING THE DATE OF EXPROPRIATION UNTIL THE DATE OF PAYMENT, AT A RATE BASED ON LIBOR FOR THE APPROPRIATE CURRENCY AND CORRESPONDING PERIOD OF TIME. THE PAYMENT OF SUCH COMPENSATION SHALL BE REALIZABLE AND FREELY TRANSFERABLE.

ARTICLE VII

TRANSFERS

1. EACH CONTRACTING PARTY SHALL ACCORD TO THE INVESTORS OF THE OTHER CONTRACTING PARTY, UPON DISCHARGING ALL TAX OBLIGATIONS, THE FREE TRANSFER OF:
- (I) RETURNS, ROYALTIES AND OTHER INCOME RESULTING FROM INVESTMENTS;
 - (II) THE INVESTED CAPITAL OR THE PROCEEDS OF THE TOTAL OR PARTIAL LIQUIDATION OR ALIENATION OF AN INVESTMENT;
 - (III) FUNDS IN REPAYMENT OF BORROWINGS IN CONNECTION WITH AN INVESTMENT AND INTEREST DUE;
 - (IV) THE EARNINGS OF THE EMPLOYEES WHO WORK WITHIN THE FRAMEWORK OF AN INVESTMENT.
2. TRANSFERS OF CONVERTIBLE CURRENCY IN POSSESSION PURSUANT TO THE PRESENT AGREEMENT SHALL BE MADE WITHOUT DELAY IN THE CONVERTIBLE CURRENCY IN WHICH THE INVESTMENT HAS BEEN MADE OR IN ANY OTHER CONVERTIBLE CURRENCY IF SO AGREED BY THE INVESTOR, AT THE OFFICIAL RATE OF EXCHANGE IN FORCE AT THE DATE OF TRANSFER.

ARTICLE VIII

SUBROGATION

1. A CONTRACTING PARTY, OR ITS DESIGNATED AGENCY, HAVING BY VIRTUE OF A GUARANTEE GIVEN FOR AN INVESTMENT MADE IN THE TERRITORY OF THE OTHER CONTRACTING PARTY, MADE PAYMENT TO ONE OF ITS OWN INVESTORS IS, BY VIRTUE OF SUBROGATION, ENTITLED TO EXERCISE THE RIGHTS AND ACTIONS AS WELL AS TO ASSUME THE OBLIGATIONS OF THE SAID INVESTOR. THE SUBROGATION IN THE RIGHTS AND OBLIGATIONS OF THE ENSURED INVESTOR EXTENDS ALSO TO THE RIGHTS OF TRANSFER