

No. 47384

**Lithuania
and
Poland**

Agreement between the Republic of Lithuania and the Republic of Poland on the reciprocal promotion and protection of investments. Warsaw, 28 September 1992

Entry into force: *6 August 1993 by notification, in accordance with article 12*

Authentic texts: *English, Lithuanian and Polish*

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

**Lituanie
et
Pologne**

Accord entre la République de Lituanie et la République de Pologne concernant la promotion et la protection réciproques des investissements. Varsovie, 28 septembre 1992

Entrée en vigueur : *6 août 1993 par notification, conformément à l'article 12*

Textes authentiques : *anglais, lituanien et polonais*

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 Poland

on the Reciprocal Promotion and Protection of Investments

Preamble

The Republic of Lithuania and the Republic of Poland,
hereinafter referred to as the Contracting Parties,

Desiring to intensify economic cooperation to the mutual
benefit of both States,

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 to foster the economic prosperity of both
Contracting Parties,

Have agreed as follows:

Article 1

Definitions

For the purpose of this Agreement:

(1) The term "investor" refers with regard to either Contracting Party to:

(a) natural persons having the nationality of the Contracting Party;

(b) legal entities, including companies, corporations, business associations and other organizations, which are constituted or otherwise duly organized under the law of that Contracting Party and have their seat, together with real economic activities, in territory of that same Contracting Party;

(c) legal entities established under the law of any country which are, directly or indirectly, controlled by nationals of that Contracting Party or by legal entities having their seat, together with real economic activities in the territory of that Contracting Party; it being understood that control requires substantial part in the ownership.

(2) The term "investment" means any kind of asset invested by an investor of one Contracting Party, provided that they have been made in accordance with the laws and regulations of the other Contracting Party and shall include in particular though not exclusively:

a) movable and immovable property as well as any other rights in rem, such as servitudes, mortgages, liens, pledges;

b) shares, parts or any other kinds of participation in companies;

c) claim to money or to any performance having an economic value;

d) copyrights, industrial property rights (such as patents, utility models, industrial designs or models, trade or service marks, trade names, indications of origin), know-how and goodwill;

e) rights granted by a public authority to carry out an economic activity, including concessions, for example, to search for, extract or exploit natural resources;

(3) Any change in the form of an investment, admitted in accordance with laws and regulations of the Contracting Party in whose territory the investment was made, does not affect its character as an investment.

(4) If the investment is made by an investor through an entity covered by paragraph 1 letter (c) of this Article, in which he holds an equity participation, such investor shall enjoy the benefits of this Agreement to the extent of such indirect equity participation, provided, however, that such an investor shall not enjoy the benefits of this Agreement if the investor invokes the dispute settlement mechanism under another foreign investment protection agreement concluded by the Contracting Party in whose territory the investment is made.

(5) The term "returns" means all amounts yielded by an investment and in particular, though not exclusively, profits, interest, capital gains, dividends, royalties, fees or other current income.

(6) The term "territory" means the territory of the Republic of Poland or the territory of The Republic of Lithuania respectively as well as those maritime areas, including the seabed and subsoil adjacent to the outer limit of the territorial sea of either of the above territories, over which the Contracting Party concerned exercises, in accordance with international law, sovereign rights for the purpose of exploration and exploitation of natural resources of such areas.