

No. 47640

**Mexico
and
Belarus**

Agreement between the Government of the United Mexican States and the Government of the Republic of Belarus on the promotion and reciprocal protection of investments. Minsk, 4 September 2008

Entry into force: *27 August 2009 by notification, in accordance with article 33*

Authentic texts: *English, Russian and Spanish*

Registration with the Secretariat of the United Nations: *Mexico, 9 July 2010*

**Mexique
et
Bélarus**

Accord entre le Gouvernement des États-Unis du Mexique et le Gouvernement de la République du Bélarus relatif à la promotion et à la protection réciproque des investissements. Minsk, 4 septembre 2008

Entrée en vigueur : *27 août 2009 par notification, conformément à l'article 33*

Textes authentiques : *anglais, russe et espagnol*

Enregistrement auprès du Secrétariat des Nations Unies : *Mexique, 9 juillet 2010*

[ENGLISH TEXT – TEXTE ANGLAIS]

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

The Government of the United Mexican States and the Government of the Republic of Belarus, 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. **"Enterprise"** means any legal person or other entity constituted or organized under national legislation, whether or not for profit, and whether privately or governmentally owned, including any corporation, trust, partnership, sole proprietorship, joint venture or other association;
2. **"ICSID"** means the International Centre for Settlement of Investment Disputes;

3. **"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;

4. **"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;

5. **"Investment"** means the following assets owned or controlled by investors of one Contracting Party and established or acquired in accordance with the national legislation 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 of the investor, or
 - (ii) where the original maturity of the debt security is at least 3 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 of the investor, or
 - (ii) where the original maturity of the loan is at least 3 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;
- (f) intellectual property rights; and
- (g) capital or other resources committed in the territory of a Contracting Party to economic activity in such territory, including the interests arising therefrom, 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;
- (h) claims to money involving the kind of interest set out in (a) to (g) above but no 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;

6. **"Investor of a Contracting Party" means:**

- (a) a natural person having the nationality of a Contracting Party in accordance with its applicable national legislation; or
- (b) a legal person either constituted or otherwise organized under the national legislation 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;

7. **“National legislation”** means the laws and regulations of a Contracting Party;

8. **“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;

9. **“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;

10. **“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 Republic of Belarus, the territory of the Republic of Belarus under its sovereignty, over which the Republic of Belarus exercises, in accordance with international law, sovereign rights and jurisdiction.

ARTICLE 2

Promotion and Admission of Investments

1. Each Contracting Party shall admit the entry of investments made by investors of the other Contracting Party pursuant to its national legislation.

2. 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, and make use of other available means to foster investment.