

No. 49292

**Japan
and
Uzbekistan**

Agreement between Japan and the Republic of Uzbekistan for the liberalization, promotion and protection of investment (with annexes). Tashkent, 15 August 2008

Entry into force: 24 September 2009 by notification, in accordance with article 26

Authentic text: *English*

Registration with the Secretariat of the United Nations: *Japan, 2 February 2012*

Only the authentic English text of the Agreement, with the translation into French, is published herein. The content of Annexes I and II is not published herein, in accordance with article 12 (2) of the General Assembly Regulations to give effect to Article 102 of the Charter of the United Nations, as amended, and the publication practice of the Secretariat.

**Japon
et
Ouzbékistan**

Accord entre le Japon et la République d'Ouzbékistan pour la libéralisation, la promotion et la protection des investissements (avec annexes). Tachkent, 15 août 2008

Entrée en vigueur : 24 septembre 2009 par notification, conformément à l'article 26

Texte authentique : *anglais*

Enregistrement auprès du Secrétariat des Nations Unies : *Japon, 2 février 2012*

Seul le texte authentique anglais de l'Accord, accompagné de sa traduction en français, est publié ici. Le contenu des Annexes I et II n'est pas publié ici, conformément aux dispositions du paragraphe 2 de l'article 12 du règlement de l'Assemblée générale destiné à mettre en application l'Article 102 de la Charte des Nations Unies, tel qu'amendé, et à la pratique du Secrétariat dans le domaine des publications.

[ENGLISH TEXT – TEXTE ANGLAIS]

AGREEMENT BETWEEN
JAPAN AND THE REPUBLIC OF UZBEKISTAN
FOR THE LIBERALIZATION, PROMOTION
AND PROTECTION OF INVESTMENT

Japan and the Republic of Uzbekistan (hereinafter referred to as "the Contracting Parties"),

Desiring to further promote investment in order to strengthen the economic relationship between the two countries;

Intending to further create stable, equitable, favorable and transparent conditions for greater investment by investors of one country in the Area of the other country;

Recognizing the growing importance of the progressive liberalization of investment for stimulating initiative of investors and for promoting prosperity in both countries;

Recognizing that these objectives can be achieved without relaxing health, safety and environmental measures of general application;

Recognizing the importance of the cooperative relationship between labor and management in promoting investment between both countries;

Wishing that this Agreement will contribute to the strengthening of international cooperation with respect to the development of international rules on foreign investment; and

Believing that this Agreement marks the beginning of new economic partnership between the two countries;

Have agreed as follows:

Article 1

For the purposes of this Agreement,

(1) The term "investments" means every kind of asset owned or controlled, directly or indirectly, by an investor of a Contracting Party, including:

(a) an enterprise and a branch of an enterprise;

- (b) shares, stocks or other forms of equity participation in an enterprise, including rights derived therefrom;
- (c) bonds, debentures, loans and other forms of debt, including rights derived therefrom;
- (d) rights under contracts, including turnkey, construction, management, production or revenue-sharing contracts which are associated with investment;
- (e) claims to money and to any performance under contract having a financial value which are associated with investment;
- (f) intellectual property rights, including copy rights and related rights, patent rights and rights relating to utility models, trademarks, industrial designs, layout-designs of integrated circuits, new varieties of plants, trade names, indications of source or geographical indications and undisclosed information;
- (g) rights conferred pursuant to laws and regulations or contracts such as concessions, licenses, authorizations, and permits, including those for the exploration and exploitation of natural resources; and
- (h) any other tangible and intangible, movable and immovable property, and any related property rights, such as leases, mortgages, liens and pledges.

Investments include revenues. A change in the form in which assets are invested does not affect their character as investments.

(2) The term "revenues" means the amounts yielded by investments, in particular, profit, interest, capital gains, dividends, royalties and fees.

(3) The term "investor of a Contracting Party" means:

- (a) a natural person having the nationality of that Contracting Party in accordance with its laws and regulations; or
- (b) an enterprise of that Contracting Party,

that seeks to make, is making, or has made investments in the Area of the other Contracting Party.

(4) The term "an enterprise of a Contracting Party" means any legal person or any other entity duly constituted or organized under the laws and regulations of that Contracting Party, whether or not for profit, and whether private or government owned or controlled, including any corporation, trust, partnership, sole proprietorship, joint venture, association, organization or company.

(5) An enterprise is:

- (a) "owned" by an investor if more than fifty (50) percent of the equity interest in it is owned by the investor; and
- (b) "controlled" by an investor if the investor has the power to name a majority of its directors or otherwise to legally direct its actions.

(6) The term "Area" means with respect to a Contracting Party (a) the territory of that Contracting Party; and (b) the exclusive economic zone and the continental shelf with respect to which that Contracting Party exercises sovereign rights or jurisdiction in accordance with international law.

(7) The term "the WTO Agreement" means the Marrakesh Agreement Establishing the World Trade Organization, done at Marrakesh, April 15, 1994, as may be amended.

Article 2

1. Each Contracting Party shall in its Area accord to investors of the other Contracting Party and to their investments treatment no less favorable than the treatment it accords in like circumstances to its own investors and their investments with respect to the establishment, acquisition, expansion, operation, management, maintenance, use, enjoyment, and sale or other disposal of investments (hereinafter referred to as "investment activities").

2. Notwithstanding paragraph 1 above, each Contracting Party may prescribe special formalities in connection with investment activities of investors of the other Contracting Party in its Area, provided that such special formalities do not impair the substance of the rights of such investors under this Agreement.

3. Each Contracting Party shall in its Area accord to investors of the other Contracting Party and to their investments treatment no less favorable than the treatment it accords in like circumstances to investors of a non-Contracting Party and to their investments with respect to investment activities.

4. The provisions of paragraph 1 above do not prevent either Contracting Party from differentiating between treatments accorded in accordance with its laws and regulations relating to taxes and custom duties.

5. The provisions of paragraph 3 above shall not be construed so as to oblige a Contracting Party to extend to investors of the other Contracting Party special tax advantages accorded to investors of a non-Contracting Party, on the basis of reciprocity with the non-Contracting Party or by virtue of any agreement relating to taxes and custom duties in force between the former Contracting Party and the non-Contracting Party.

Article 3

1. Each Contracting Party shall accord to investments of the other Contracting Party fair and equitable treatment as well as full protection and security.

2. Neither Contracting Party shall, within its Area, in any way impair the operation, management, maintenance, use, enjoyment and sale or other disposal of investments of investors of the other Contracting Party by arbitrary measures.

3. Each Contracting Party shall observe any obligation it may have entered into with regard to investments and investment activities of investors of the other Contracting Party.

Article 4

Each Contracting Party shall in its Area accord to investors of the other Contracting Party treatment no less favorable than the treatment which it accords in like circumstances to its own investors or investors of a non-Contracting Party with respect to access to the courts of justice and administrative tribunals and agencies in all degrees of jurisdiction, both in pursuit and in defense of such investors' rights.