

No. 49389

**Slovakia
and
Canada**

Agreement between the Slovak Republic and Canada for the promotion and protection of investments (with annexes). Bratislava, 20 July 2010

Entry into force: *14 March 2012 by notification, in accordance with article XV*

Authentic texts: *English, French and Slovak*

Registration with the Secretariat of the United Nations: *Slovakia, 14 March 2012*

**Slovaquie
et
Canada**

Accord entre la République slovaque et le Canada concernant la promotion et la protection des investissements (avec annexes). Bratislava, 20 juillet 2010

Entrée en vigueur : *14 mars 2012 par notification, conformément à l'article XV*

Textes authentiques : *anglais, français et slovaque*

Enregistrement auprès du Secrétariat des Nations Unies : *Slovaquie, 14 mars 2012*

AGREEMENT

BETWEEN

THE SLOVAK REPUBLIC

AND

CANADA

FOR THE PROMOTION AND PROTECTION OF INVESTMENTS

THE SLOVAK REPUBLIC AND CANADA, hereinafter referred to as the
"Contracting Parties",

RECOGNIZING that the promotion and the protection of investments of investors of
one Contracting Party in the territory of the other Contracting Party will be conducive to
the stimulation of business initiative and to the development of economic cooperation
between them,

HAVE AGREED as follows:

ARTICLE I

Definitions

For the purpose of this Agreement:

- (a) a juridical person is “**affiliated**” with another person when it controls, or is controlled by, that other person; or when it and the other person are both controlled by the same person;
- (b) the term “**confidential information**” means confidential business information and information that is privileged or otherwise protected from disclosure according to the laws and regulations of each Contracting Party;
- (c) the term “**financial institution**” means any financial intermediary or other enterprise that is authorized to do business and regulated or supervised as a financial institution under the law of the Contracting Party in whose territory it is located;
- (d) the term “**investment**” means any kind of asset held or invested either directly or indirectly by an investor of one Contracting Party in the territory of the other Contracting Party in accordance with the latter’s laws and, in particular, though not exclusively, includes:
 - (i) movable and immovable property and any related property rights, such as mortgages, liens or pledges,
 - (ii) shares, stock, bonds, and debentures or any other form of participation in a company, business enterprise or joint venture,
 - (iii) claims to money, and claims to performance under a contract having a financial value,

- (iv) intellectual property rights, including rights with respect to copyrights, patents, trademarks as well as trade names, industrial designs, good will, trade secrets and know-how,
- (v) rights, conferred by law or under contract, to undertake any economic and commercial activity, including any rights to search for, cultivate, extract or exploit natural resources;

Any change in the form of an investment does not affect its character as an investment;

(c) the term “**investor**” means:

- (i) any natural person possessing the citizenship of or permanently residing in a Contracting Party in accordance with its laws, or
- (ii) any corporation, partnership, trust, joint venture, organization, association or enterprise incorporated or duly constituted in accordance with the applicable laws of that Contracting Party,

provided that such investor has the right, in accordance with the laws of the Contracting Party, to invest in the territory of the other Contracting Party;

- (f) the term “**measure**” includes any law, regulation, procedure, requirement, or practice of each Contracting Party;
- (g) the term “**public entity**” means a central bank or monetary authority of a Contracting Party, or of a monetary union of which it is a member, or of any financial institution owned or controlled by a Contracting Party;
- (h) the term “**returns**” means all amounts yielded by an investment and in particular, though not exclusively, includes profits, interest, capital gains, dividends, royalties, fees or other current income; and

- (i) the term “territory” means:
 - (i) in respect of the Slovak Republic, the territory of the Slovak Republic,
 - (ii) in respect of Canada, the territory of Canada, as well as those maritime areas, including the seabed and subsoil adjacent to the outer limit of the territorial sea, over which Canada exercises, in accordance with international law, sovereign rights for the purpose of exploration and exploitation of the natural resources of such areas.

ARTICLE II

Promotion of Investment

1. Each Contracting Party shall encourage the creation of favourable conditions for investors of the other Contracting Party to make investments in its territory.
2. Subject to its laws and regulations, each Contracting Party shall admit investments of investors of the other Contracting Party.
3. This Agreement shall not preclude either Contracting Party from prescribing laws and regulations in connection with the establishment of a new business enterprise or the acquisition or sale of a business enterprise in its territory, provided that such laws and regulations are applied equally to all foreign investors. Decisions taken in conformity with such laws and regulations shall not be subject to the provisions of Articles X (Settlement of Disputes between an Investor and the Host Contracting Party) or XII (Disputes between the Contracting Parties) of this Agreement.
4. The Contracting Parties recognize that it is inappropriate to encourage investment by relaxing domestic health, safety or environmental measures. Accordingly, a Contracting Party should not waive or otherwise derogate from, or offer to waive or