

No. 49920

**Republic of Korea
and
El Salvador**

Agreement between the Government of the Republic of Korea and the Government of the Republic of El Salvador for the reciprocal promotion and protection of investments.
Seoul, 6 July 1998

Entry into force: *25 May 2002, in accordance with article 13*

Authentic texts: *English, Korean and Spanish*

Registration with the Secretariat of the United Nations: *Republic of Korea, 6 July 2012*

**République de Corée
et
El Salvador**

Accord entre le Gouvernement de la République de Corée et le Gouvernement de la République d'El Salvador pour la promotion et la protection réciproque des investissements.
Séoul, 6 juillet 1998

Entrée en vigueur : *25 mai 2002, conformément à l'article 13*

Textes authentiques : *anglais, coréen et espagnol*

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : *République de Corée, 6 juillet 2012*

[ENGLISH TEXT – TEXTE ANGLAIS]

**AGREEMENT BETWEEN
THE GOVERNMENT OF THE REPUBLIC OF KOREA AND
THE GOVERNMENT OF THE REPUBLIC OF EL SALVADOR
FOR THE RECIPROCAL PROMOTION AND PROTECTION
OF INVESTMENTS**

The Government of the Republic of Korea and the Government of the Republic of El Salvador (hereinafter referred to as "the Contracting Parties"),

Desiring to intensify economic cooperation between the two States,

Intending to create favorable 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, and

Recognizing that the promotion and protection of investments on the basis of this Agreement stimulates business initiative in this field,

Have agreed as follows:

ARTICLE 1

Definitions

For the purposes of this Agreement:

- (1) "Investment" means every kind of asset or rights invested by investors of one Contracting Party in the territory of the other Contracting Party in accordance with the laws and regulations of the latter Contracting Party and in particular, though not exclusively, includes:
 - (a) movable and immovable property and any other property rights such as mortgages, liens, leases or pledges;
 - (b) shares in, stocks and debentures of, and any other form of participation in a company or any business enterprise;

- (c) claims to money or to any performance under contract having a financial value;
- (d) intellectual and industrial property rights, such as technical processes, trade marks or commercial marks, trade names, industrial designs, technical know-how, company name and key rights;
- (e) business concessions having a financial value conferred by law or under contract, including concessions to search for, cultivate, extract or exploit natural resources.

Any change of the form in which assets are invested or reinvested shall not affect their character as an investment.

- (2) "Returns" means the amounts yielded by investments and in particular, though not exclusively, includes profit, interest, capital gains, dividends, royalties and all kinds of fees.
- (3) "Investors" means for each Contracting Party any natural or juridical persons who invest in the territory of a Contracting Party:
 - (a) the term "natural persons" means natural persons having the nationality of a Contracting Party in accordance with its laws;
 - (b) the term "juridical persons" means any entity such as companies; public institutions, authorities, foundations, partnerships, firms, establishments, organizations, corporations or associations incorporated or constituted in accordance with the laws and regulations of a Contracting Party.

- (4) "Territory" includes the terrestrial, maritime and aerial space under the sovereignty, sovereign rights or jurisdiction of each Contracting Party, in accordance with its respective legislation and international law.

ARTICLE 2

Promotion and Protection of Investments

- (1) Each Contracting Party shall encourage and create favorable conditions for investors of the other Contracting Party to make investments in its territory and shall admit such investments in accordance with its laws and regulations.
- (2) Investments made by investors of each Contracting Party shall at all times be accorded fair and equitable treatment and shall enjoy full protection in the territory of the other Contracting Party.

ARTICLE 3

Treatment of the Investments

- (1) Each Contracting Party shall in its territory accord to investments and returns of investors of the other Contracting Party treatment which is fair and equitable and no less favorable than that which it accords to investments and returns of its own investors or to investments and returns of investors of any third State.
- (2) Neither Contracting Party shall in any way impair by unreasonable or discriminatory measures the operation, management, maintenance, use, enjoyment or disposal of investments in its territory of investors of the other Contracting Party.