

No. 50410

**Switzerland
and
Trinidad and Tobago**

Agreement between the Swiss Confederation and the Republic of Trinidad and Tobago on the promotion and reciprocal protection of investments. Port of Spain, 26 October 2010

Entry into force: *4 July 2012 by notification, in accordance with article 11*

Authentic texts: *English and French*

Registration with the Secretariat of the United Nations: *Switzerland, 9 January 2013*

**Suisse
et
Trinité-et-Tobago**

Accord entre la Confédération suisse et la République de Trinité-et-Tobago concernant la promotion et la protection réciproque des investissements. Port of Spain, 26 octobre 2010

Entrée en vigueur : *4 juillet 2012 par notification, conformément à l'article 11*

Textes authentiques : *anglais et français*

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : *Suisse, 9 janvier 2013*

A g r e e m e n t

between

the Swiss Confederation

and

the Republic of Trinidad and Tobago

on the Promotion and Reciprocal Protection

of Investments

Preamble

The Swiss Federal Council and the Government of the Republic of Trinidad and Tobago,
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 State
in the territory of the other State,

Recognizing the need to promote and protect foreign investments with the aim of fostering the
economic prosperity in both States,

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

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 any of the following natural or juridical persons that seek to make, are making or have made an investment:
 - (a) natural persons who, according to the law of that Contracting Party, are considered to be its nationals;
 - (b) juridical persons, including companies, corporations, business associations and other organisations, which are constituted or otherwise duly organised under the law of that Contracting Party;
 - (c) juridical persons not established under the law of that Contracting Party
 - (i) in which more than 50 per cent of the equity interest is owned by persons of that Contracting Party; or
 - (ii) in relation to which persons of that Contracting Party have the power to name a majority of their directors or otherwise legally direct their actions.
- (2) The term "investments" shall include every kind of asset, and in particular:
 - (a) movable and immovable property as well as any other rights in rem, such as servitudes, mortgages, liens, pledges;
 - (b) shares, stock, debentures and any other form of participation in a company;
 - (c) claims to money or to any performance having an economic value, except for loans that are not connected with an investment;
 - (d) intellectual property rights (such as copyrights, patents, utility models, industrial designs or models, trade or service marks, trade names, indications of origin), know-how and goodwill;
 - (e) business concessions or similar rights conferred by law or under contract, including concessions to search for, cultivate, extract or exploit natural resources.

- (3) The term "returns" means the amounts yielded by an investment and includes, in particular, profits, interest, capital gains, dividends, royalties and fees.
- (4) The term "territory" means:
 - (a) in respect of the Swiss Confederation: the territory of Switzerland as designated in its laws in accordance with international law;
 - (b) in respect of the Republic of Trinidad and Tobago: the archipelagic State of Trinidad and Tobago, comprising the several islands of Trinidad and Tobago, its archipelagic waters, territorial sea and airspace thereof, together with the adjacent submarine areas of the exclusive economic zone and the continental shelf beyond the territorial sea over which Trinidad and Tobago exercises sovereign rights or jurisdiction in accordance with the laws of Trinidad and Tobago and with international law.

Article 2

Scope of application

The present Agreement shall apply to investments in the territory of one Contracting Party made in accordance with its laws and regulations by investors of the other Contracting Party, whether prior to or after the entry into force of the Agreement. It shall however not be applicable to claims or disputes arising out of events which occurred prior to its entry into force.

Article 3

Promotion, admission

- (1) Each Contracting Party shall in its territory encourage and create favourable conditions for investments by investors of the other Contracting Party and admit such investments in accordance with its laws and regulations.