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**Poland
and
Switzerland**

Agreement between the Polish People's Republic and the Swiss Confederation on the reciprocal promotion and protection of investments. Bern, 8 November 1989

Entry into force: *18 April 1990 by notification, in accordance with article 12*

Authentic texts: *English, French and Polish*

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**Pologne
et
Suisse**

Accord entre la République populaire de Pologne et la Confédération suisse concernant la promotion et la protection réciproques des investissements. Berne, 8 novembre 1989

Entrée en vigueur : *18 avril 1990 par notification, conformément à l'article 12*

Textes authentiques : *anglais, français et polonais*

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[ENGLISH TEXT – TEXTE ANGLAIS]

A G R E E M E N T

between the Polish People's Republic

and

the Swiss Confederation

on the Reciprocal Promotion and Protection

of Investments

Preamble

The Polish People's Republic and the Swiss Confederation

Desiring to intensify economic cooperation to the mutual benefit of both States, hereinafter referred to as the Contracting Parties,

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 to foster the economic prosperity of both Contracting Parties,

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:**
 - a) natural persons having the nationality of that Contracting Party;**
 - b) legal entities, including companies, corporations, business associations and other organisations, which are constituted or otherwise duly organised under the law of that Contracting Party and have their seat, together with real economic activities, in the territory of that same Contracting Party;**
 - c) legal entities established under the law of any country which are, directly or indirectly, controlled by nationals of that Contracting Party or by legal entities having their seat, together with real economic activities, in the territory of that Contracting Party; it being understood that control requires a substantial part in the ownership.**

- (2) The term "investments" means any kind of assets and in particular, though not exclusively, includes:**
 - a) movable and immovable property as well as any other rights in rem, such as servitudes, mortgages, liens, pledges;**
 - b) shares, parts or any other kinds of participation in companies;**

- c) claims to money or to any performance having an economic value;
 - d) copyrights, industrial property rights (such as patents, utility models, industrial designs or models, trade or service marks, trade names, indications of origin), know-how and goodwill;
 - e) rights granted by a public authority to carry out an economic activity, including concessions, for example, to search for, extract or exploit natural resources.
- (3) The term "territory" means the territory of a Contracting Party including any area beyond the territorial sea which in accordance with international law has been or may be designated under the laws of a Contracting Party as area over which a Contracting Party may exercise sovereign rights or jurisdiction.

Article 2

Scope of application

- (1) The present Agreement shall apply to investments in the territory of one Contracting Party by investors of the other Contracting Party, if the investments have been made later than 26 May 1976 in accordance with the laws and regulations of the former Contracting Party.
- (2) The present Agreement shall not affect the rights and obligations of the Contracting Parties with respect to investments that are not within the scope of the Agreement.

Article 3

Promotion and admission of investments

- (1) Each Contracting Party shall promote in its territory investments by investors of the other Contracting Party and admit such investments in accordance with its laws and regulations.
- (2) When a Contracting Party shall have admitted an investment in its territory, it shall grant in accordance with its laws and regulations the necessary permits in connection with such an investment and with the carrying out of licensing agreements and contracts for technical, commercial or administrative assistance. Each Contracting Party shall, whenever needed, endeavour to issue the necessary authorizations concerning the activities of consultants and other qualified persons of foreign nationality.

Article 4

Protection and treatment of investments

- (1) Each Contracting Party shall protect within its territory investments made in accordance with its laws and regulations by investors of the other Contracting Party and shall not impair by unreasonable or discriminatory measures the management, maintenance, use, enjoyment, extension, sale and, should it so happen, liquidation of such investments.