

**No. 55394\***

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**Poland  
and  
Viet Nam**

**Agreement between the Republic of Poland and the Socialist Republic of Viet Nam for the promotion and reciprocal protection of investments. Warsaw, 31 August 1994**

**Entry into force:** *24 November 1994 by notification, in accordance with article 12*

**Authentic texts:** *English, Polish and Vietnamese*

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**Pologne  
et  
Viet Nam**

**Accord entre la République de Pologne et la République socialiste du Viet Nam relatif à la promotion et à la protection réciproques des investissements. Varsovie, 31 août 1994**

**Entrée en vigueur :** *24 novembre 1994 par notification, conformément à l'article 12*

**Textes authentiques :** *anglais, polonais et vietnamien*

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***AGREEMENT***

***BETWEEN***

***THE REPUBLIC OF POLAND***

***AND***

***THE SOCIALIST REPUBLIC OF VIETNAM***

**FOR THE PROMOTION AND RECIPROCAL PROTECTION OF  
INVESTMENTS**

The Republic of Poland and the Socialist Republic of Vietnam (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 of investors of one State in the territory of the other State, and

Conscious that the promotion and reciprocal protection of investments, according to the present Agreement, stimulates the business initiatives in this field,

Have agreed as follows:

## **Article 1**

### **Definitions**

For the purposes of this Agreement:

1. The term "investment" shall comprise every kind of asset invested in connection with economic activities by an investor of one Contracting Party in the territory of the other Contracting Party in accordance with the laws and regulations of the latter and shall include, in particular, though not exclusively:

/a/ movable and immovable property as well as any other property rights in rem such as mortgages, liens, pledges, and similar rights;

/b/ shares stocks and debentures of companies or any other form of participation in a company;

/c/ claims to money or to any performance having an economic value associated with an investment;

/d/ intellectual property rights, including copyrights, trade marks, patents, industrial designs, technical processes, know-how, trade secrets, trade names and goodwill associated with an investment;

/e/ any right, conferred by law or under contract and any licenses and permits pursuant to law, including the concessions to search for, extract, cultivate or exploit natural resources.

Any alteration of the form in which assets are invested shall not affect their character as investment.

2. The term "investor" shall mean any natural or legal person who invests in the territory of the other Contracting Party.

/a/ The term "natural person" shall mean any natural person having the nationality of either Contracting Party in accordance with its laws.

/b/ The term "legal person" shall mean with respect to either Contracting Party, any entity incorporated or constituted in accordance with and recognized as legal person by its laws.

3. The term "returns" shall mean amounts yielded by an investment and in particular, though not exclusively, includes profits, interest, capital gains, shares, dividends, royalties or fees.

## **Article 2**

### **Promotion and Protection of Investments**

1. Each Contracting Party shall encourage and create favourable 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 of investors of either Contracting Party shall at all times be accorded fair and equitable treatment and shall enjoy full protection and security in the territory of the other Contracting Party.

## **Article 3**

### **Most - Favoured - Nation Treatment**

1. Each Contracting Party shall in its territory accord investment and returns of investors of the other Contracting Party treatment which is fair and equitable and not less favourable than that which it accords to investments and returns of investors of any third State.

2. Each Contracting Party shall in its territory accord to investors of the other Contracting Party, as regards management, maintenance, use,

enjoyment or disposal of their investment, treatment which is fair and equitable and not less favourable than that which it accords to investors of any third State.

3. The provisions of paragraphs 1 and 2 of this Article shall not be construed so as to oblige one Contracting Party to extend to the investors of the other the benefit of any treatment, préférence or privilege which may be extended by the former Contracting Party by virtue of:

/a/ any customs union or free trade area or a monetary union or similar international agreements leading to such unions or institutions or other forms of regional cooperation to which either of the Contracting Party is or may become a Party;

/b/ any international agreement or arrangement relating wholly or mainly to taxation.

## **Article 4**

### **Compensation for Losses**

1. When investments by investors of either Contracting Party suffer losses owing to war, armed conflict, a state of national emergency, revolt, insurrection, riot or other similar events in the territory of the other Contracting Party, they shall be accorded by the latter Contracting Party treatment, as regards restitution, indemnification compensation or other settlement, not less favourable than that which the latter Contracting Party accords to investors of any third State.

2. Without prejudice to paragraph 1 of this Article, investors of one Contracting Party who in any of the events referred to in that paragraph suffer losses in the territory of the other Contracting Party resulting from:

/a/ requisitioning of their property by its forces or authorities;

/b/ destruction of their property by its forces or authorities which was not caused in combat action or was not required by the necessity of the situation shall be accorded just and adequate compensation for the losses