



LEMBARAN NEGARA REPUBLIK INDONESIA

No.116,2009

AGREEMENT. Pengesahan. Republik Indonesia
Kerajaan Demak. Penanaman Modal.
Perlindungan.

PERATURAN PRESIDEN REPUBLIK INDONESIA

NOMOR 33 TAHUN 2009

TENTANG

PENGESAHAN *AGREEMENT BETWEEN THE*

*GOVERNMENT OF THE REPUBLIC OF INDONESIA AND THE
GOVERNMENT OF THE KINGDOM OF DENMARK*

CONCERNING THE PROMOTION AND PROTECTION OF INVESTMENTS

(PERSETUJUAN ANTARA PEMERINTAH REPUBLIK INDONESIA
DAN PEMERINTAH KERAJAAN DENMARK MENGENAI
PENINGKATAN DAN PERLINDUNGAN PENANAMAN MODAL)

DENGAN RAHMAT TUHAN YANG MAHA ESA

PRESIDEN REPUBLIK INDONESIA,

Menimbang :a. bahwa di Jakarta, pada tanggal 22 Januari 2007 Pemerintah Republik Indonesia telah menandatangani *Agreement between the Government of the Republic of Indonesia and the Government of the Kingdom of Denmark concerning the Promotion and Protection of Investments* (Persetujuan antara Pemerintah Republik Indonesia dan Pemerintah Kerajaan Denmark mengenai Peningkatan dan Perlindungan Penanaman Modal), sebagai hasil perundingan antara Delegasi-delegasi Pemerintah Republik Indonesia dan Pemerintah Kerajaan Denmark;

- b. bahwa berdasarkan pertimbangan sebagaimana dimaksud dalam huruf a, perlu mengesahkan Persetujuan tersebut dengan Peraturan Presiden;

Mengingat : 1. Pasal 4 ayat (1) dan Pasal 11 Undang-Undang Dasar Negara Republik Indonesia Tahun 1945;

2. Undang-Undang Nomor 24 Tahun 2000 tentang Perjanjian Internasional (Lembaran Negara Republik Indonesia Tahun 2000 Nomor 185, Tambahan Lembaran Negara Republik Indonesia Nomor 4012);

3. Undang-Undang Nomor 25 Tahun 2007 tentang Penanaman Modal (Lembaran Negara Republik Indonesia Tahun 2007 Nomor 67, Tambahan Lembaran Negara Republik Indonesia Nomor 4724);

MEMUTUSKAN :

Menetapkan : PERATURAN PRESIDEN TENTANG PENGESAHAN *AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF INDONESIA AND THE GOVERNMENT OF THE KINGDOM OF DENMARK CONCERNING THE PROMOTION AND PROTECTION OF INVESTMENTS* (PERSETUJUAN ANTARA PEMERINTAH REPUBLIK INDONESIA DAN PEMERINTAH KERAJAAN DENMARK MENGENAI PENINGKATAN DAN PERLINDUNGAN PENANAMAN MODAL).

Pasal 1

Mengesahkan *Agreement between the Government of the Republic of Indonesia and the Government of the Kingdom of Denmark concerning the Promotion and Protection of Investments* (Persetujuan antara Pemerintah Republik Indonesia dan Pemerintah Kerajaan Denmark mengenai Peningkatan dan Perlindungan Penanaman Modal) yang telah ditandatangani pada tanggal 22 Januari 2007 di Jakarta, yang naskah aslinya dalam Bahasa Inggris dan terjemahannya dalam Bahasa Indonesia sebagaimana terlampir dan merupakan bagian yang tidak terpisahkan dari Peraturan Presiden ini.

Pasal 2

Apabila terjadi perbedaan penafsiran antara naskah terjemahan Persetujuan dalam Bahasa Indonesia dengan naskah aslinya

dalam Bahasa Inggris sebagaimana dimaksud dalam Pasal 1, yang berlaku adalah naskah aslinya dalam Bahasa Inggris.

Pasal 3

Dengan berlakunya Peraturan Presiden ini, Keputusan Presiden Nomor 90 Tahun 1968 tentang Pengesahan *Agreement between the Government of the Republic of Indonesia and the Government of Denmark concerning the Encouragement and the Reciprocal Protection of Investments* beserta Protokolnya (Lembaran Negara Republik Indonesia Tahun 1968 Nomor 12), dicabut dan dinyatakan tidak berlaku.

Pasal 4

Peraturan Presiden ini mulai berlaku pada tanggal ditetapkan.

Agar setiap orang mengetahuinya, memerintahkan pengundangan Peraturan Presiden ini dengan penempatannya dalam Lembaran Negara Republik Indonesia.

Ditetapkan di Jakarta

pada tanggal 23 Juli 2009

PRESIDEN REPUBLIK INDONESIA,

SUSILO BAMBANG YUDHOYONO

Diundangkan di Jakarta

pada tanggal 23 Juli 2009

MENTERI HUKUM DAN HAK ASASI MANUSIA

REPUBLIK INDONESIA,

ANDI MATTALATTA

**AGREEMENT
BETWEEN
THE GOVERNMENT OF THE REPUBLIC OF INDONESIA
AND
THE GOVERNMENT OF THE KINGDOM OF DENMARK
CONCERNING THE PROMOTION AND PROTECTION OF
INVESTMENTS**

Preamble

The Government of the Republic of Indonesia and the Government of the Kingdom of Denmark, hereinafter referred to as the "Contracting Parties";

DESIRING to promote greater economic cooperation between the Contracting Parties, with respect to investments by investors of one Contracting Party in the territory of the other Contracting Party;

RECOGNIZING that a fair and equitable treatment of investments will stimulate the flow of private capital between the Contracting Parties, and promote sustainable development;

RECOGNIZING the need to protect investments of the investors of one Contracting Party in the territory of the other Contracting Party on a non-discriminatory basis;

AGREEING that a stable framework for investment will contribute to increasing the effective utilization of economic resources;

RECOGNIZING, that pursuant to the prevailing laws and regulations of the Contracting Parties and taking into account the provisions of this Agreement, the Contracting Parties resolve to conclude an agreement concerning the promotion and protection of investments;

HAVE AGREED as follows:

**Article 1
Definitions**

For the purpose of this Agreement,

1. The term of "investment" means every kind of asset established or acquired 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 Contracting Party, including in particular, but not exclusively:

- a. Moveable and immovable property or any property rights such as mortgages, liens, pledges, leases and similar rights;
- b. Reinvested returns;
- c. Shares and stocks in and debentures of a company or any other forms of participation in a company;
- d. Claims to money or rights to a performance having a financial value;
- e. Intellectual property rights including but not limited to patents, copyrights, trade marks, geographical indications, industrial designs, layout design of integrated circuits, trade secrets, and rights in plants varieties, as well as business names, technical processes, know-how and good will;
- f. Concessions conferred by law, by an administrative act or under a contract by a competent authority, including concession to search for, develop, extract or exploit natural resources.

Investments made in the territory of one Contracting Party by any legal entity of that same Contracting Party, but actually owned by investors of the other Contracting Party, shall likewise be considered as investments of investors of the latter Contracting Party if they have been made in accordance with the laws and regulations of the former Contracting Party.

A change in the form in which assets are invested or reinvested, does not affect their character as investments.

2. The term "returns" means the amounts yielded by an investment and includes in particular, though not exclusively, profit, interest, capital gains, dividends, royalties or fees.

Returns, and in case of reinvestment amounts yielded from the reinvestment, shall be given the same protection as the investment in accordance with the provisions of this Agreement.

3. The term "investor" means:
 - a. in respect of the Republic of Indonesia