

No. 48668

**Switzerland
and
Kazakhstan**

Agreement between the Swiss Federal Council and the Government of the Republic of Kazakhstan on the promotion and reciprocal protection of investments. Almaty, 12 May 1994

Entry into force: *13 May 1998 by notification, in accordance with article 12*

Authentic texts: *English, French and Kazakh*

Registration with the Secretariat of the United Nations: *Switzerland, 28 June 2011*

**Suisse
et
Kazakhstan**

Accord entre le Conseil fédéral suisse et le Gouvernement de la République du Kazakhstan concernant la promotion et la protection réciproque des investissements. Almaty, 12 mai 1994

Entrée en vigueur : *13 mai 1998 par notification, conformément à l'article 12*

Textes authentiques : *anglais, français et kazakh*

Enregistrement auprès du Secrétariat des Nations Unies : *Suisse, 28 juin 2011*

A g r e e m e n t

between

the Swiss Federal Council

and

the Government of the Republic of Kazakhstan

on the Promotion and Reciprocal Protection

of Investments

Preamble

The Swiss Federal Council and the Government of the Republic of Kazakhstan, 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 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 States,

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 who, according to the law of that Contracting Party, are considered to be its nationals;
 - (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.
- (2) The term "investments" shall include every kind of assets and particularly:
 - (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) rights in the field of intellectual property (such as copyrights, patents, trade or service marks, trade names, indications of origin), technical processes, know-how and goodwill;
 - (e) concessions under public law, including concessions to search for, extract or exploit natural resources as well as all other rights given by law, by contract or by decision of the authority in accordance with the law.

- (3) The term "territory" means the territory of either Contracting Party and includes the maritime areas adjacent to the coast of the State concerned, to the extent to which that State may exercise sovereign rights or jurisdiction in those areas according to international law.

Article 2

Promotion of investments

- (1) Each Contracting Party shall in its territory promote as far as possible 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 on its territory, it shall grant 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 3

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. In particular, each Contracting Party shall issue the necessary authorizations mentioned in Article 2, paragraph (2) of this Agreement.