

No. 48803

**Germany
and
Ethiopia**

Treaty between the Federal Republic of Germany and the Federal Democratic Republic of Ethiopia concerning the encouragement and reciprocal protection of investments. Addis Ababa, 19 January 2004

Entry into force: *4 May 2006 by the exchange of instruments of ratification, in accordance with article 12*

Authentic texts: *English and German*

Registration with the Secretariat of the United Nations: *Germany, 4 August 2011*

**Allemagne
et
Éthiopie**

Traité entre la République fédérale d'Allemagne et la République fédérale démocratique d'Éthiopie relatif à la promotion et à la protection réciproque des investissements. Addis-Abeba, 19 janvier 2004

Entrée en vigueur : *4 mai 2006 par échange des instruments de ratification, conformément à l'article 12*

Textes authentiques : *anglais et allemand*

Enregistrement auprès du Secrétariat des Nations Unies : *Allemagne, 4 août 2011*

[ENGLISH TEXT – TEXTE ANGLAIS]

Treaty
between
the Federal Republic of Germany
and
the Federal Democratic Republic of Ethiopia
concerning
the Encouragement and Reciprocal Protection
of Investments

The Federal Republic of Germany
and
the Federal Democratic Republic of Ethiopia -

desiring to intensify economic co-operation between both States,

intending to create favourable conditions for investments by investors of either State in the territory of the other State,

recognizing that the encouragement and contractual protection of such investments are apt to stimulate private business initiative and to increase the prosperity of both nations -

have agreed as follows:

Article 1
Definitions

For the purposes of this Treaty

1. the term "investments" comprises every kind of asset, in particular:
 - (a) movable and immovable property as well as any other rights in rem, such as mortgages, liens and pledges;
 - (b) shares of companies and other kinds of interest in companies;
 - (c) claims to money which has been used to create an economic value or claims to any performance having an economic value;

- (d) intellectual property rights, in particular copyrights, patents, utility-model patents, registered designs, trade-marks, trade-names, trade and business secrets, technical processes, know-how, and good will;
- (e) business concessions under public law, including concessions to search for, extract and exploit natural resources;

any alteration of the form in which assets are invested shall not affect their classification as investment;

- 2. the term "returns" means the amounts yielded by an investment for a definite period, such as profit, dividends, interest, royalties or fees;
- 3. the term "investors" with regard to either Contracting Party refers to:

- (a) natural persons who

- in respect of the Federal Republic of Germany are Germans within the meaning of the Basic Law of the Federal Republic of Germany, and
- in respect of the Federal Democratic Republic of Ethiopia are persons who are nationals of Ethiopia according to its applicable laws,

- (b) legal entities, including companies, corporations, business associations and other organizations, with or without legal personality, which have their seat in the territory of that Contracting Party, irrespective of whether or not their activities are directed at profit;

- 4. the term "territory" means

- (a) in respect of the Federal Republic of Germany:
the territory of application of the law of the Federal Republic of Germany and the terri-

tory where international law permits the Federal Republic of Germany to exercise sovereign rights or jurisdiction,

(b) in respect of the Federal Democratic Republic of Ethiopia:

the territory which constitutes the Federal Democratic Republic of Ethiopia and recognized under international law.

Article 2

Promotion and Protection of Investments

(1) Each Contracting Party shall within the framework of its policies in its territory promote investments by investors of the other Contracting Party and admit such investments in accordance with its legislation.

(2) Each Contracting Party shall in its territory in any case accord investments by investors of the other Contracting Party fair and equitable treatment as well as full protection under the Treaty. Returns from the investment and, in the event of their re-investment, the returns therefrom shall enjoy the same protection as the investment.

(3) Neither Contracting Party shall in any way impair by arbitrary or discriminatory measures the management, maintenance, use or enjoyment of investments in its territory of investors of the other Contracting Party.

(4) The Contracting Parties shall within the framework of their national legislation consider in good faith applications for the entry and sojourn of persons of either Contracting Party who wish to enter the territory of the other Contracting Party in connection with an investment; the same shall apply to employed persons of either Contracting Party who in connection with an investment wish to enter the territory of the other Contracting Party and sojourn there to take up employment. Applications for work permits shall also be considered in good faith.

(5) The investors of either Contracting Party have the right to choose international means of transport for the transport of persons and capital-goods directly connected with an investment