

**No. 49660**

---

**Switzerland  
and  
Mexico**

**Agreement between the Swiss Confederation and the United Mexican States on the promotion and reciprocal protection of investments (with schedule and protocol). Mexico City, 10 July 1995**

**Entry into force:** *14 March 1996, in accordance with article 13*

**Authentic texts:** *English, French and Spanish*

**Registration with the Secretariat of the United Nations:** *Switzerland, 22 June 2012*

---

**Suisse  
et  
Mexique**

**Accord entre la Confédération suisse et les États-Unis Mexicains concernant la promotion et la protection réciproque des investissements (avec annexe et protocole). Mexico, 10 juillet 1995**

**Entrée en vigueur :** *14 mars 1996, conformément à l'article 13*

**Textes authentiques :** *anglais, français et espagnol*

**Enregistrement auprès du Secrétariat des Nations Unies :** *Suisse, 22 juin 2012*

**A g r e e m e n t**

**between**

**the Swiss Confederation**

**and**

**the United Mexican States**

**on the Promotion and Reciprocal Protection**

**of Investments**

The Swiss Federal Council and the Government of the United Mexican States, hereinafter the 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 Party in the territory of the other Party,

Recognizing the need to promote and protect foreign investments with the aim to foster their economic prosperity,

Have agreed as follows:

## **Article 1**

### **Definitions**

For the purposes of this Agreement:

- (1) **enterprise** means any entity constituted or organized under applicable law, whether or not for profit, including any corporation, branch, trust, partnership, sole proprietorship, joint venture or other association;
- (2) **enterprise of a Party** means an enterprise constituted or organized under the law of a Party, and a branch located in the territory of a Party carrying out business activities there.
- (3) **Investment** means every kind of asset and particularly:
  - (a) movable property, immovable property acquired or used for economic purposes, as well as any other rights in rem, such as servitudes, mortgages, liens, pledges;
  - (b) shares, parts or any other kind of participation in companies;
  - (c) claims to money or to any performance having an economic value, except for claims to money that arise solely from commercial contracts for the sale of goods or services, and the extension of credit in connection with a commercial transaction, which maturity date is less than three years, such as trade financing;
  - (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) interests arising from the commitment of capital or other resources in the territory of one Party to economic activity in such territory, such as under contracts involving the presence of an investor's property in the territory of such Party, including turnkey or construction contracts, or concessions.

A payment obligation from, or the granting of a credit to, the State or a State enterprise is not considered an investment.

- (4) **Investment of an investor of a Party** means an investment that is owned or controlled, directly or indirectly, by an investor of such a Party;
- (5) **Investor of a Party** means a national or an enterprise of such Party, that seeks to make, is making or has made an investment.
- (6) **Territory** means the territory of each Party and includes the maritime areas adjacent to the coast of the State concerned, i.e. the exclusive economic zone and the continental shelf, to the extent to which that State may exercise sovereign rights or jurisdiction in those areas according to international law.

## **Article 2**

### **Scope of Application**

The present Agreement shall apply to investments of investors of one Party, made in the territory of the other Party in accordance with its laws and regulations, whether prior to or after the entry into force of the Agreement, as well as to investors of a Party. It shall, however, not be applicable to divergencies or disputes which have arisen prior to its entry into force.

## **Article 3**

### **Promotion and admission**

- (1) Each Party, with the aim to significantly increase investment flows by investors of the other Party, may make available detailed information regarding: