

No. 52655*

**Canada
and
Poland**

Agreement between the Government of Canada and the Government of the Republic of Poland for the promotion and reciprocal protection of investments. Warsaw, 6 April 1990

Entry into force: *22 November 1990 by notification, in accordance with article XIII*

Authentic texts: *English, French and Polish*

Registration with the Secretariat of the United Nations: *Canada, 13 April 2015*

**No UNTS volume number has yet been determined for this record. The Text(s) reproduced below, if attached, are the authentic texts of the agreement /action attachment as submitted for registration and publication to the Secretariat. For ease of reference they were sequentially paginated. Translations, if attached, are not final and are provided for information only.*

**Canada
et
Pologne**

Accord entre le Gouvernement du Canada et le Gouvernement de la République de Pologne sur l'encouragement et la protection réciproque des investissements. Varsovie, 6 avril 1990

Entrée en vigueur : *22 novembre 1990 par notification, conformément à l'article XIII*

Textes authentiques : *anglais, français et polonais*

Enregistrement auprès du Secrétariat des Nations Unies : *Canada, 13 avril 2015*

**Le numéro de volume RTNU n'a pas encore été établi pour ce dossier. Les textes reproduits ci-dessous, s'ils sont disponibles, sont les textes authentiques de l'accord/pièce jointe d'action tel que soumises pour l'enregistrement et publication au Secrétariat. Pour référence, ils ont été présentés sous forme de la pagination consécutive. Les traductions, s'ils sont inclus, ne sont pas en form finale et sont fournies uniquement à titre d'information.*

[ENGLISH TEXT – TEXTE ANGLAIS]

A G R E E M E N T
BETWEEN
THE GOVERNMENT OF CANADA
AND
THE GOVERNMENT OF THE REPUBLIC OF POLAND
FOR THE PROMOTION AND RECIPROCAL PROTECTION
OF INVESTMENTS

The Government of Canada and the Government of the Republic of Poland, recognizing that the promotion and the reciprocal protection of investments of investors of one State in the territory of the other State will be conducive to the stimulation of business initiative and to the development of economic cooperation between both States, hereinafter referred to as the "Contracting Parties",

Have agreed as follows:

ARTICLE I

Definitions

For the purpose of this Agreement:

- (a) the term "territory" means the territory of Canada or the territory of the Republic of Poland respectively, as well as as those maritime areas, including the seabed and subsoil adjacent to the outer limit of the territorial sea of either of the above territories, over which the State concerned exercises, in accordance with international law, sovereign rights for the purpose of exploration and exploitation of the natural resources of such areas;
- (b) the term "investment" means any kind of asset invested by an investor of one Contracting Party in the territory of the other Contracting Party and in particular, though not exclusively, shall include:
 - (i) any movable and immovable property and any related property rights, such as mortgages;
 - (ii) shares, stock, bonds and debentures or any other form of participation in a company;
 - (iii) claims to money, and claims to performance under contract having a financial value;
 - (iv) any intellectual property rights, including rights with respect to copyrights, patents, trademarks, trade names, industrial designs, trade secrets as well as know-how;
 - (v) rights having financial value, conferred by law or under contract, necessary to undertake any economic and commercial activity, including any rights to search for, cultivate, extract or exploit natural resources.

Any change in the form of an investment, admitted in accordance with laws and regulations of the Contracting Party in whose territory the investment was made, does not affect its character as an investment.

If the investment is made by an investor through an entity not covered by paragraph (d) (ii) of this Article, in which he holds an equity participation, such investor shall enjoy the benefits of this Agreement to the extent of such indirect equity participation, provided, however, that such an investor shall not enjoy the benefits of this Agreement if the investor invokes the dispute settlement mechanism under another foreign investment protection agreement concluded by a Contracting Party in whose territory the investment is made.

- (c) the term "returns" means all amounts yielded by an investment and in particular, though not exclusively, profits, interest, capital gains, dividends, royalties, fees or other current income;
- (d) the term "investor" means with regard to either Contracting Party:
 - (i) any natural person possessing the citizenship of a Contracting Party in accordance with its laws; or
 - (ii) any corporation, partnership, trust, organization, association or enterprise incorporated or duly constituted in accordance with applicable laws of that Contracting Party.

ARTICLE II

Promotion of investment

- (1) Each Contracting Party shall encourage the creation of favourable conditions for investors of the other Contracting Party to make investments in its territory.
- (2) Subject to its laws, regulations and published policies, each Contracting Party shall admit investments of investors of the other Contracting Party.

- (3) This Agreement shall not preclude either Contracting Party from prescribing laws and regulations in connection with the establishment of a new business enterprise or the acquisition or sale of a business enterprise in its territory, provided that such laws and regulations are applied equally to all foreign investors. Decisions taken in conformity with such laws and regulations shall not be subject to the provisions of Articles IX or XI of this Agreement.

ARTICLE III

Protection of Investment

- (1) Investments or returns of investors of either Contracting Party shall at all times be accorded fair and equitable treatment in accordance with principles of international law and shall enjoy full protection and security in the territory of the other Contracting Party.
- (2) Each Contracting Party shall grant to investments or returns of investors of the other Contracting Party in its own territory treatment no less favourable than that which it grants to investments or returns of investors of any third State.
- (3) Each Contracting Party shall grant investors of the other Contracting Party in its territory, as regards their management, use, enjoyment or disposal of their investments or returns, treatment no less favourable than that which it grants to investors of any third State.
- (4) In addition to the provisions of paragraphs (2) and (3) of this Article, each Contracting Party shall, to the maximum extent possible and in accordance with its laws and regulations, grant to investors, investments or returns of investors of the other Contracting Party a treatment no less favourable than that it grants to investors, investments or returns of its own investors.