

**No. 53785\***

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**Japan  
and  
Colombia**

**Agreement between Japan and the Republic of Colombia for the liberalization, promotion and protection of investment (with annexes). Tokyo, 12 September 2011**

**Entry into force:** *11 September 2015, in accordance with article 43*

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

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*\*No UNTS volume number has yet been determined for this record. Only the authentic English and Spanish texts of the Agreement are published herein. The Annexes containing a highly technical information are not published herein, in accordance with article 12 (2) of the General Assembly Regulations to give effect to Article 102 of the Charter of the United Nations, as amended, and the publication practice of the UN Secretariat.*

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**Japon  
et  
Colombie**

**Accord entre le Japon et la République de Colombie relatif à la libéralisation, la promotion et la protection des investissements (avec annexes). Tokyo, 12 septembre 2011**

**Entrée en vigueur :** *11 septembre 2015, conformément à l'article 43*

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

**Enregistrement auprès du Secrétariat des Nations Unies :** *Japon, 27 juillet 2016*

*\*Aucun numéro de volume n'a encore été attribué à ce dossier. Seuls les textes authentiques anglais et espagnol de l'Accord sont publiés ici. Les annexes fournissant des informations hautement techniques ne sont pas publiés ici conformément aux dispositions de l'article 12, paragraphe 2, des réglementations de l'Assemblée générale, en application de l'article 102 de la Charte des Nations Unies, tel qu'amendé, et de la pratique dans le domaine des publications du Secrétariat.*

[ ENGLISH TEXT – TEXTE ANGLAIS ]

AGREEMENT BETWEEN  
JAPAN AND THE REPUBLIC OF COLOMBIA  
FOR THE LIBERALIZATION,  
PROMOTION AND PROTECTION OF INVESTMENT

Japan and the Republic of Colombia (hereinafter referred to as "the Contracting Parties");

Desiring to further promote investment in order to strengthen the economic relationship between the Contracting Parties;

Intending to further create stable, equitable, favorable and transparent conditions for greater investment by investors of one Contracting Party in the Area of the other Contracting Party;

Recognizing the growing importance of the progressive liberalization of investment for stimulating initiative of investors and for promoting prosperity and mutually favorable business activity in the Contracting Parties;

Recognizing that these objectives and the promotion of sustainable development can be achieved without relaxing health, safety and environmental measures of general application;

Recognizing the importance of the cooperative relationship between labor and management in promoting investment between the Contracting Parties;

Wishing that this Agreement will contribute to the strengthening of international cooperation with respect to the development of international rules on foreign investment; and

Believing that this Agreement marks the beginning of new economic partnership between the Contracting Parties;

Have agreed as follows:

CHAPTER I  
Definitions

Article 1  
Definitions

For the purposes of this Agreement:

- (a) the term "investments" means every kind of asset owned or controlled, directly or indirectly, by an investor, which has the characteristics of an investment, including:

Note 1: The characteristics of an investment include the commitment of capital or other resources, the expectation of gain or profit, or the assumption of risk.

Note 2: Each Contracting Party recognizes that some claims to money that:

- (i) are immediately due and result solely from export and import contracts for the sale of goods or services other than such contracts based on orders habitually secured; or
- (ii) result from credit granted in relation with the contracts referred to in subparagraph (i), maturity date of which is less than twelve (12) months;

do not have the characteristics of an investment.

Note 3: Investments do not include orders or judgments entered in a judicial or administrative action.

- (i) an enterprise and a branch of an enterprise;
- (ii) shares, stocks or other forms of equity participation in an enterprise;
- (iii) bonds, debentures, loans and other forms of debt, except for those of or to a Contracting Party or any state enterprise thereof;
- (iv) rights under contracts, including turnkey, construction, management, production or revenue-sharing contracts;

- (v) claims to money and to any performance under contract having a financial value;
- (vi) intellectual property rights, including copy rights and related rights, patent rights, plant breeder's rights and rights relating to utility models, trademarks, industrial designs, layout-designs of integrated circuits, trade names, indications of source or geographical indications and undisclosed information;
- (vii) rights conferred pursuant to laws and regulations or contracts such as concessions, licenses, authorizations and permits, including those for the exploration and exploitation of natural resources;
- (viii) any other tangible and intangible, movable and immovable property, and any related property rights, such as leases, mortgages, liens and pledges; and
- (ix) amounts and rights derived from investments, such as profit, interest, capital gains, dividends, royalties and fees;

A change in the form in which assets are invested does not affect their character as investments. For greater certainty, this provision shall apply only where the assets still fall within the definition contained in this subparagraph.

- (b) the term "investor of a Contracting Party" means a Contracting Party or a state enterprise thereof, or a national or an enterprise of a Contracting Party, that seeks to make, is making or has made investments in the Area of the other Contracting Party;

Note 1: It is understood that an investor of a Contracting Party "seeks to make investments" in the Area of the other Contracting Party only when the investor has taken concrete steps necessary to make investments, such as when the investor has duly filed an application for a permit or license which authorizes the investor to establish investments or has obtained the financing necessary to make investments.

Note 2: This Agreement shall not apply to investments of natural persons who are nationals of both Contracting Parties unless such natural persons have at the time of the investment and ever since been domiciled outside the Area of the Contracting Party in which they made such investments.

- (c) an enterprise is:
  - (i) "owned" by an investor if more than fifty (50) percent of the equity interest in it is owned by the investor; and
  - (ii) "controlled" by an investor if the investor has the power to name a majority of its directors or otherwise to legally direct its actions;
- (d) the term "enterprise of a Contracting Party" means any legal person or any other entity:
  - (i) duly constituted or organized under the applicable laws and regulations of that Contracting Party, whether or not for profit, and whether private or government-owned or -controlled, including any corporation, trust, partnership, sole proprietorship, joint venture, association, organization or company; and
  - (ii) carrying out substantial business activities in the Area of the Contracting Party;
- (e) the term "investment activities" means the establishment, acquisition, expansion, operation, management, maintenance, use, enjoyment and sale or other disposal of investments;
- (f) the term "Area" means:
  - (i) with respect to Japan, the territory of Japan, and the exclusive economic zone and the continental shelf with respect to which Japan exercises sovereign rights or jurisdiction in accordance with international law; and