

No. 54077*

**Republic of Korea
and
Kyrgyzstan**

Agreement between the Government of the Republic of Korea and the Government of the Kyrgyz Republic for the promotion and protection of investments. Seoul, 19 November 2007

Entry into force: *8 July 2008 by notification, in accordance with article 12*

Authentic texts: *English, Korean and Russian*

Registration with the Secretariat of the United Nations: *Republic of Korea, 10 November 2016*

**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.*

**République de Corée
et
Kirghizistan**

Accord entre le Gouvernement de la République de Corée et le Gouvernement de la République kirghize relatif à la promotion et la protection des investissements. Séoul, 19 novembre 2007

Entrée en vigueur : *8 juillet 2008 par notification, conformément à l'article 12*

Textes authentiques : *anglais, coréen et russe*

Enregistrement auprès du Secrétariat des Nations Unies : *République de Corée, 10 novembre 2016*

**Aucun numéro de volume n'a encore été attribué à ce dossier. Les textes disponibles qui sont reproduits ci-dessous sont les textes originaux de l'accord ou de l'action tels que soumis pour enregistrement. Par souci de clarté, leurs pages ont été numérotées. Les traductions qui accompagnent ces textes ne sont pas définitives et sont fournies uniquement à titre d'information.*

**AGREEMENT BETWEEN
THE GOVERNMENT OF THE REPUBLIC OF KOREA AND
THE GOVERNMENT OF THE KYRGYZ REPUBLIC
FOR THE PROMOTION AND PROTECTION OF
INVESTMENTS**

The Government of the Republic of Korea and the Government of the Kyrgyz Republic (hereinafter referred to as "the Contracting Parties"),

Desiring to intensify economic cooperation between the two States,

Intending to create favourable conditions for investments by investors of one Contracting Party in the territory of the other Contracting Party on the basis of equality and mutual benefit, and

Recognizing that the promotion and protection of investments on the basis of this Agreement stimulates business initiative in this field,

Have agreed as follows:

Article 1

Definitions

For the purposes of this Agreement:

- (1) "investments" means every kind of asset invested by investors of one Contracting Party in the territory of the other Contracting Party and in particular, though not exclusively, includes:
 - (a) movable and immovable property and any other property rights such as mortgages, liens or pledges;
 - (b) shares in, stocks and debentures of, and any other form of participation in a company or any business enterprise and rights or interest derived therefrom;
 - (c) claims to money or to any performance under contract having an economic value;
 - (d) intellectual property rights including rights with respect to copyrights, patents, trademarks, trade names, industrial designs, technical processes, trade secrets and know-how, and goodwill;
 - (e) business concessions having an economic value conferred by law or under contract, including concessions to search for, cultivate, extract or exploit natural resources;
 - (f) goods that, under a leasing contract, are placed at the disposal of a lessee in the territory of a Contracting Party in accordance with its laws and regulations.

Any change of the form in which assets are invested or reinvested shall not affect their character as an investment.

- (2) "returns" means the amounts yielded by investments and in particular, though not exclusively, includes profit, interest, capital gains, dividends, royalties and all kinds of fees.
- (3) "investors" means any natural or juridical persons of one Contracting Party who invest in the territory of the other Contracting Party:
 - (a) the term "natural persons" means natural persons having the nationality of the former Contracting Party in accordance with its laws; and
 - (b) the term "juridical persons" means any entity such as companies, public institutions, authorities, foundations, partnerships, firms, establishments, organizations, corporations or associations incorporated or constituted in accordance with the laws and regulations of the former Contracting Party.
- (4) "territory" means the territory of the Republic of Korea or the territory of the Kyrgyz Republic respectively, as well as those maritime areas, including the seabed and subsoil adjacent to the outer limit of the territorial sea over which the State concerned exercises, in accordance with international law, sovereign right or jurisdiction for the purpose of exploration and exploitation of the natural resources of such areas.
- (5) "freely convertible currency" means the currency that is widely used to make payments for international transactions and widely exchanged in principal international exchange markets.

Article 2

Promotion and Protection of Investments

- (1) Each Contracting Party shall encourage and create favourable conditions for investors of the other Contracting Party to make investments in its territory and shall admit such investments in accordance with its laws and regulations.
- (2) Investments made by investors of each Contracting Party shall at all times be accorded fair and equitable treatment and shall enjoy full protection and security in the territory of the other Contracting Party.

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

(4) Each Contracting Party shall observe any obligation it may have entered into consistently with this Agreement with regard to investments in its territory by investors of the other Contracting Party.

Article 3

Treatment of Investments

(1) Each Contracting Party shall in its territory accord to investments and returns of investors of the other Contracting Party treatment which is fair and equitable and no less favourable than that which it accords to investments and returns of its own investors or to investments and returns of investors of any third State, whichever is more favourable to investors.

(2) Each Contracting Party shall in its territory accord to investors of the other Contracting Party as regards management, maintenance, use, enjoyment or disposal of their investments, treatment which is fair and equitable and no less favourable than that which it accords to its own investors or to investors of any third State, whichever is more favourable to investors.

(3) The provisions of paragraphs (1) and (2) of this Article shall not be construed so as to oblige one Contracting Party to extend to the investors of the other Contracting Party the benefit of any treatment, preference or privilege resulting from any international agreement or arrangement relating wholly or mainly to taxation.

Article 4

Compensation for Losses

(1) Investors of one Contracting Party whose investments suffer losses owing to war or other armed conflict, a state of national emergency, revolt, insurrection, riot or other similar situations in the territory of the other Contracting Party, shall be