Trade, Investment Protection and Technical Cooperation Agreement between the Swiss Confederation and the Republic of Congo-Brazzaville

Concluded on October 18, 1962

Approved by the Federal Assembly on June 18, 1963 1

Entered into force on July 11, 1964

The Government of the Swiss Confederation and the Government of the Republic of the Congo, desiring to enhance the bonds of friendship between the two countries; desiring to develop to the fullest extent possible their economic and technical cooperation as well as their trade, have agreed as follows:

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Article 1. Economic and Technical Cooperation

The Government of the Swiss Confederation and the Government of the Republic of the Congo undertake to cooperate and provide, in conformity with their legislation and within the limits of their possibilities, mutual assistance for the development of their countries, especially in the area of economic and technical and encouraging investments of all kinds, including those involving payments in kind.

Article 2. The Most-favoured-nation Clause

a. Each High Contracting Parties agree to grant each other the most favoured nation treatment in all their economic relations, including customs in the field.

However, the most-favoured-nation treatment does not extend to the tariff concessions, privileges and exemptions that each of the contracting parties is or will be:

- In countries adjacent to frontier traffic;

- The countries with a customs union or a free-trade area already established or which may be established in the future.

b. The two Governments shall not, under the rules in force in their respective countries of any discriminatory measures with respect to the reciprocal trade in goods, services, capital and payments.

Article 3. Import Regime In Switzerland

The Government of the Swiss Confederation continues to accord the same liberal regime that that date on import into Switzerland to products of Congolese origin and provenance including those mentioned in List C annexed to this Agreement.

Article 4. Import Regime In Congo-brazzaville

The Government of the Republic of the Congo authorizes the importation of products originating in and coming from the Swiss Confederation including those contained in the list annexed to this Agreement S, up to the levels indicated in respect of each item. it shall also be the release of Swiss products imports or global opened quotas for imports of foreign products. the Swiss goods will be placed on the same footing as other foreign countries originating in the context of the global system

of quotas.

Article 5. Business Information

The competent authorities of both Governments shall communicate to each other in a timely manner all relevant information concerning trade, including the import and export statistics and the use of quotas set out in the Agreement. any review of goods and the balance of trade between the two countries is based on both sides import statistics.

Article 6. Payment Arrangements

Payments between the Swiss Confederation and the Republic of the Congo, including the settlement of goods traded within the framework of this Agreement shall be made in convertible currencies.

Article 7. Protection of Investments

Investment as well as the property rights and interests belonging to nationals or companies, foundations, associations of one of the High Contracting Parties in the territory of the other party or indirectly nationals held by those companies, associations or foundations will be entitled to a fair and equitable treatment, at least equal to that is recognised by each party to its nationals or, if it is more favourable treatment accorded to nationals or companies, foundations, associations most-favoured nation.

Each Party shall allow the free transfer of proceeds of labour or activity carried out in its territory by nationals or companies, foundations, associations of the other contracting party, as well as the free transfer of interests, dividends, royalties and other income, depreciation and, in the event of partial or total liquidation of the product. if a party or nationaliserait expropriate property rights or interests belonging to nationals or companies, foundations, associations of the other party or indirectly held by those nationals or companies, foundations, associations, or will be taken against those nationals or companies associations, foundations, any other measures of dispossession, direct or indirect, it shall provide for the payment of adequate and effective compensation in accordance with International Law. the amount of such compensation shall be fixed at the time of the other expropriation, nationalization or dispossession, shall be settled in a currency transferable and shall be paid without undue delay to the person entitled thereto, irrespective of their place of residence. however, the measures of expropriation, nationalization or dispossession other shall not be discriminatory, nor contrary to a specific commitment.

Article 8. Arbitration Clause for the Protection of Investments

If any dispute should arise between the HPC regarding the interpretation or the implementation of the provisions of article 7 above and the dispute cannot be settled within a period of six months in a satisfactory manner through diplomatic channels, it shall be submitted, at the request of either party to an arbitral tribunal of three members. each Party shall appoint an arbitrator. the two arbitrators appointed shall appoint the Umpire who shall be a national of a third State.

If a Party has not appointed its arbitrator and has not followed the invitation of the other party within two months of such appointment, the arbitrator shall be appointed upon the request of that Party, by the President of the International Court of Justice. if the two arbitrators cannot reach an agreement within two months after their appointment, at the choice of an umpire, the latter shall be appointed upon the request of either party by the President of the International Court of Justice. if in the cases specified in paragraphs 2 and 3 of this article, the President of the International Court of Justice is prevented or if he is a national of either party, the appointment shall be made by the Vice-President. if the latter is prevented or if he is a national of either party, the appointment shall be made by the eldest member of the Court who is not a national of either party. unless the Parties decide otherwise, the tribunal shall determine its own procedure. the decisions of the Tribunal shall be binding on the parties.

Article 9. Joint Committee

The Joint Committee shall meet at the request of either of the two contracting parties. it shall monitor the implementation of this Agreement and seek solutions to the problems that may arise from the application of this Agreement and all measures should be to enhance economic relations between the two countries.

Article 10. Implementation of the Agreement In Liechtenstein

This Agreement shall apply to the Principality of Liechtenstein as long as it relates to the Swiss Confederation by a customs

union treaty. 2

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Article 12. Entry Into Force and Extension

This Agreement shall be valid until 31 December 1964. it shall be renewed every year tacitly renewed for a further period of one year unless one or the other Contracting Party has not reported by written notice of three months before its expiration.

It shall apply provisionally upon signature and shall enter into force one month after the date on which the last of the two Contracting Parties shall have notified each other of the completion of the formalities of ratification.

In the event of termination, the provisions of articles 7 and 8 above shall apply for a period of ten years for investments made prior to the termination of the Agreement.

Done in duplicate at Berne on 18 October 1962.