

Agreement on trade, investment and technical cooperation between the Swiss Confederation and the Republic of Guinea

Completed April 26, 1962 (1)

Approved by the Federal Assembly September 27, 1962 (2)

Entered into force July 29, 1963.

The Government of the Swiss Confederation and the Government of the Republic of Guinea

With the aim of making the friendship bands existing between the two countries closer together and promoting economic and technical cooperation and their trade, have agreed as follows:

(1) The original text can be found under the same number in the French edition of this collection.

(2) AS 1963 739

Article 1. Economic and Technical Cooperation

The Government of the Swiss Confederation and the Government of the Republic of Guinea shall undertake to cooperate and assist each other in the development of their States, in particular in the economic and technical fields, in accordance with their legislation and their potential.

Article 2. Most-Favored-Nation

The two High Contracting Parties agree to grant the most favored nation to each other in all their economic relations, including in the customs field.

However, most-favored-nation treatment does not relate to the tariff advantages, concessions and exemptions granted to each of the High Contracting Parties

– The bordering border states,

– The States which form part of a customs union or a free-trade zone which already exist or have been created in the future,

Granted or to be granted.

Article 3. Import Regulations In Switzerland

The Government of the Swiss Confederation shall grant the same liberal regulation as is applicable to the importation of products of Guinean origin and Guinean origin, in particular those listed on the attached list.

Article 4. Import Regulations In Guinea

The Government of the Republic of Guinea shall authorize the importation of products of Swiss origin and Swiss origin, and in particular those listed on the list S, up to the value indicated on each item. It also allows the Swiss products to participate in the import exemptions or in the global quotas opened for imports of foreign products. The Swiss goods are treated as equivalent to those of the third country in the framework of the system of global consignments.

Article 5. Commercial Information

The competent authorities of both Governments shall give each other, within a reasonable period, all appropriate

information on trade, in particular the import and export statistics and the use of the quotas set out in the Agreement. Any examination of trade in goods and trade between the two countries is based on import statistics on both sides.

Article 6. Payment Scheme

Payments between the Swiss Confederation and the Republic of Guinea, including payments resulting from the trade in goods under this Agreement, shall be made in freely definable currencies.

Article 7. Protection of Investment

The investments, assets, rights and interests of nationals, foundations, associations or companies of one of the High Contracting Parties in the territory of others, even if they are indirectly in the possession of nationals, foundations, associations or societies, shall be treated fairly and cheaply, which is at least equal to that accorded by each Contracting Party to its own nationals, or treatment afforded to nationals, foundations, associations or societies of the most favored nation, provided this is more favorable.

Each Contracting Party undertakes to allow free transfer of the income from work and business carried out on its territory by the nationals, foundations, associations or companies of the other Contracting Party, as well as the free transfer of interest, dividends and other income, the amortization amounts and, of the partial or total liquidation, of the proceeds from the same. If a Contracting Party confiscates or nationalizes assets, rights or interests of nationals, foundations, associations or companies of the other Contracting Party, even if they are indirectly in the possession of nationals, foundations, associations or companies or against any such nationals, foundations, associations or companies Takes other measures of direct or indirect collection of property, it has to make an effective and appropriate compensation provision according to international law. The amount of this compensation, which is to be fixed at the time of expropriation, nationalization or possession, is paid out in a transferable currency and passed to the claimant without undue prejudice, which is also his place of residence. However, the measures of expropriation, nationalization or demobilization must neither be discriminatory nor contrary to a specific obligation.

Article 8. Arbitration Clause for the Protection of Investments

If a dispute arises between the High Contracting Parties concerning the interpretation or implementation of the provisions of Article 7 above, and if this dispute can not be satisfactorily settled by diplomatic means within six months, it shall, at the request of either Contracting Party, give an arbitration consisting of three members submitted. Each Contracting Party designates an arbitrator. The two arbitrators appointed appoint a superior judge who is a national of a third state.

If one of the Contracting Parties has not designated its arbitrator and if he has not complied with the invitation of the other Contracting Party to do so within two months, the arbitrator shall be appointed by the President of the International Court of Justice at the request of the latter Contracting Party. If the two arbitrators can not agree on the election of the head judge within two months of their designation, the latter shall be appointed by the President of the International Court of Justice at the request of one of the Contracting Parties. If, in cases referred to in paragraphs 2 and 3 of this Article, the President of the International Court of Justice is prevented or is a member of one of the Contracting Parties, the appointments shall be made by the Vice-President. If the latter is prevented or is a member of one of the Contracting Parties, the appointments shall be made by the oldest member of the Court which is not a member of one of the Contracting Parties. Unless the Contracting Parties determine otherwise, the Court of First Instance shall determine its own procedures. The decisions of the court are binding on the contracting parties.

Article 9. Joint Commission

A mixed commission shall meet at the request of either Contracting Party. It shall monitor the application of this Agreement and shall agree on all arrangements which promote economic relations between the two States.

Article 10. Application of the Agreement to Liechtenstein

This Agreement shall apply to the Principality of Liechtenstein as long as it is linked to the Swiss Confederation by a customs agreement. (3)

Article 11. Entry Into Force and Renewal

This Agreement shall be valid until 31 December 1963. It may be revoked annually from year to year provided that it is not terminated in writing by either Contracting Party three months before its expiry.

It shall be provisionally applicable from its signature; Its final entry into force depends on the notification of each Party to the other that it has observed the constitutional provisions on the conclusion and enforcement of international agreements.

In the event of termination, the provisions set out in Articles 7 and 8 above shall continue to apply to investments made prior to termination for fifteen years.

Done at Berne, in duplicate, on 26 April 1962.

For the Government of the Swiss Confederation:

Paul R. Jolles

For the Government of the Republic of Guinea:

Moussa Diakité

Appendix

List G Guinean goods that can be imported into Switzerland under the existing Swiss regime without import restrictions (4)
Bauxite, alumina, alumina

Precious stones, diamonds

Iron ore

Raw wood

Coffee

Palm kernels

Citrus oils

Sesame seeds

Peanuts

Beeswax

Honey

Rawhide and raw skin

Pimenta

Ginger (dry)

Pepper

Bananas

Pineapple, pineapple juice, ananas

Quinarinde

Indigo

Natural rubber

(4) Non-exhaustive list.

Import of Swiss goods into the Republic of Guinea (5)

Order Number Description of the goods Yearly quotation in 1000 sFr.

1 Medicated milk, condensed milk, sterilized, pasteurized milk, etc. 500

2 Hard cheese, including box cheese 50

3 Food preparations, children 's milk, chocolate 150

4 Chemical and pharmaceutical products (medicines, dyes, etc.) 2500

5 Various textile products, of which printed cotton fabrics, handkerchiefs, embroidery, knitted and ready-made goods 500

6 Miscellaneous mechanical and electrical material 1000 + s. b.

7 Tube connectors 200

8 Household sewing machines, writing or calculating machines, registration kiosks 100

9 Cinematographs, projectors, cameras, gramophones, pick-ups, motors, record players, etc. 100

10 Clocks, components for repair 400

11 Other 600

(5) Non-exhaustive list.

(6) s. b. = as required