Agreement for the Encouragement of the Movement of Capital for Investment between The Government of the Libyan Arab Republic and The Government of Malta

The Government of the Libyan Arab Republic and the Government of Malta in their desire to promote and strengthen the economic relations between their two countries on the basis of equality, mutual interest, and the other ties existing, between them, have agreed as follows:

Article ONE.

The two Governments agree that their nationals and companies shall be allowed, to the extent that the legislation and resources of the contracting, parties permit, to transfer capital from one State to the other for the purpose of participation in development projects approved by the Government of the country in which the investment is taking place. The Government of the country to which the capital is transferred shall guarantee that the capital so invested and the profits thereon, shall not be subject to any expropriation except in the public interest, and then only against payment of a compensation equal to the value of the expropriated property. Such compensation shall be immediately transferable in convertible currency, without limitations.

Article TWO.

Each Government shall, in respect of investments made by nationals and companies of the other country within its territory, guarantee the free transfer, through normal banking facilities, of the capital, of the returns from it and, in the event of liquidation, of the proceeds of such liquidation and shall undertake not to take any measure which would obviate the conditions herein stipulated.

Article THREE.

The two Governments shall not allow investors in either country to transfer their funds for any purpose whatsoever to a third country unless such a transfer is approved by the Government of the country from where the funds have originated.

Article FOUR.

The present agreement shall become operative on the notification of each contracting State to the other that the constitutional prescriptions for its conclusion and entering into force have been complied with. It shall remain operative until six months from the date of a notice from either party notifying its desire to terminate the agreement. The termination of the present agreement shall not invalidate contracts already concluded and guarantees already furnished within the framework of this agreement.

In witness whereof the undersigned plenipotentiaries have signed the present agreement and have affixed their seals hereunto.

Done at Valletta this eighth day of February, One thousand Nine hundred and Seventy-three, in the English and Arabic languages both texts being equally authoritative.

(sgd) MR ABDUL ATI ELOBEIDI

For the Government of the Libyan Arab Republic

(sgd) DR JOSEPH CASSAR

For the Government of Malta