

# Index

Note: subheadings under specific jurisdictions may also appear as mainheadings (from the General Report) and vice versa.

- admission and entry requirements 27–33
  - anti-trust law 33
  - comparison 28–30 *Table*
  - competition policy 33
  - liberalization levels 31–2
  - minimum obligations 27
  - negative-list approach 32–3
  - NT/MFN obligations 27, 31
  - sovereign wealth funds (SWF) 33
- Agreement Establishing the Association of Southeast Asian Nations (ASEAN) 140–1
- anti-trust law 33
- applicable international treaties *see* international treaties
- arbitration *see under* dispute settlement
- Argentina
  - admission and entry requirements 95–6
    - specific conditions 95
  - arbitration *see* Argentina, international arbitration
  - biofuel industry incentives 102
  - BITs 85–6, 94, 96, 105, 106, 113, 114, 125–6, 128
  - capital assets/infrastructure projects, investment incentives 101–2
  - Central Bank 129–30
  - collaboration 95–6
  - commerce/navigation/use of waterways 92
  - Constitution 91, 92, 94
  - copyright 107–8
  - data protection 109–10
  - development history 127–9
  - dispute settlement 118–26
  - domestic jurisdiction 118–21
    - access 118
    - costs/fees 118–19
    - special rules for foreign investors 120–1
  - domestic legislation 84–5
    - international treaties, relationship 83–4
  - double taxation treaties 103, 103 *Table*
  - exchange rate 117
  - expropriation
    - compensation 113–14
    - conditions 112–13
    - definition 110–12
    - direct/indirect 111–12
    - right 110
  - Fair and Equitable Treatment (FET) 93, 94
  - financial investments, incentives 101
  - flows, inward/outward investment 126–7
  - foreign citizens 85, 86, 91–2
  - foreign investors 93, 94
  - free trade zones 102–3
  - freedom of religion 92
  - Friendship, Navigation and Commerce Treaties of First Generation 91
  - general standards of treatment 90–4
  - government authorities 129–30
  - hierarchy of norms 84–9
    - domestic legislation 84–5
    - international treaties 85–9
  - ICSID
    - autonomy 125
    - estoppel 126
    - membership 121
    - national control mechanism 125–6
    - procedures 86, 88–9, 96
  - intellectual property rights 106–10
    - copyright 107–8
    - data protection 109–10
    - industrial designs/models 108–9
    - internet domain names 108
    - patents/utility models 106–7
    - trade secrets 108
    - trademarks/trade names 108
  - international arbitration 121–6
    - ICSID *see* Argentina, ICSID
    - mechanisms 121–2
    - national control mechanism 122–4
    - prorogatio fori 124
  - international treaties, domestic laws, relationship 83–4
  - internet domain names 108
  - investment contracts 96
  - inward/outward investment 126–7
  - jurisdictions 82
  - legal framework 82–3
  - legislation 82–3
    - information on 89–90

- Argentina, legislation – *continued*  
 local companies 94  
 local employment 97  
 merger control 95  
 MFN standard 93, 105–6  
 MIGA Agreement 122, 128  
 mining promotion incentives 100–1  
 monetary transfer  
   currency inflows 117  
   exchange rate 117  
   general restrictions 115–16  
   particular restrictions 115, 116–17  
   transferable assets 114–15  
 National Civil and Commercial Procedural Code 123–4  
 national jurisdiction *see* Argentina, domestic jurisdiction  
 national protection 91, 94  
 patents/utility models 106–7  
 performance requirements 97–8  
 personnel training-related expense tax credit 101  
 policies, development history 127–9  
 property rights 104–6  
   foreign citizens 104–5  
   national treatment 105  
   private property 104  
 repatriation 92  
 research and development projects, tax credit 101  
 software industry tax regime 102  
 standards of treatment 90–4  
 tax regime/incentives 98–103  
   biofuel industry 102  
   capital assets/infrastructure projects investment 101–2  
   debits/credits in banking accounts 99  
   double taxation treaties 103  
   federal taxes 98–9  
   financial investments 101  
   foreign/domestic investors 100–3  
   free trade zones 102–3  
   income tax 98–9  
   minimum deemed income tax (MDIT) 99  
   mining promotion regime 100–1  
   municipal taxes 100  
   personal assets tax 99  
   personnel training-related expense credit 101  
   provincial taxes 100  
   research and development projects, tax credit 101  
   software industry regime 102  
   stamp tax 100  
   turnover tax 100  
   value added tax 99  
 technology requirements 97  
 trade secrets 108  
 trademarks/trade names 108  
 transferable assets 114–15  
 transparency 90  
 treaties 90–2  
 trends  
   inward/outward investment 126–7  
   policies, development history 127–9  
 US treaties 91–3, 94  
 utility models 106–7  
 ASEAN (Agreement Establishing the Association of Southeast Asian Nations) 140–1  
 assets, transferable *see under* monetary transfer  
 Australia  
   admission and entry requirements 142–8  
   examination 146–8  
   foreign persons 145–6  
   national interest *see* Australia, national interest criterion  
   notification thresholds 143–4  
   structure of regime 142–3  
   substantial interest/aggregate substantial interest 144–5  
   aggregate substantial interest 144–5  
   anti-money laundering/counter terrorism 164  
   arbitration *see* Australia, dispute settlement  
   BITs 135–6, 138–40  
   character of investor 148  
   common law 133–4  
   competition law/policy 146–7  
   confidentiality 163  
   contaminated land 155–6  
   copyright 163  
   counter terrorism 164  
   design protection 163  
   direct/indirect effect 134–5  
   dispute settlement 167–70  
     commercial arbitration 168–70  
     ICSID 167–8  
     international law 167–8  
     investor-state dispute settlement (ISDS) 168  
     private settlement 168–70  
   domestic laws, international law, relationship 134–5  
   double taxation agreements 158  
   economic/community impact 147  
   entry requirements *see* Australia, admission and entry requirements  
   environment protection 154–6  
   exchange control 164  
   expropriation 160–1  
   federal legal system 132–4  
   Foreign Investment Review Board (FIRB) 137, 142  
   foreign persons 145–6  
   general standards of treatment 138–41  
   intellectual property  
     basic protection 162  
     confidentiality 163  
     copyright 163  
     design protection 163  
     international agreements 162  
     patents 162–3

- trade marks 162
  - international law
    - dispute settlement 167–8
    - domestic laws, relationship 134–5
  - investment contracts 148–52
  - inward/outward investment 170–2
  - legal information 136–7
  - legal system 132–4
  - monetary transfer 164–7
    - anti-money laundering/counter terrorism 164
    - currency remittance restrictions 166
    - dividend/interest/royalties 165
    - exchange control 164
    - reporting entities 164–5
    - reporting obligations 166–7
  - national interest criterion 146–8
    - character of investor 148
    - competition law/policy 146–7
    - economic/community impact 147
    - government policies 147
    - national security 146
  - national security 146
  - native title requirements 156–7
  - notification thresholds 143–4
  - OECD membership 135, 138
  - parliamentary committee system 136–7
  - patents 162–3
  - performance requirements 152–7
    - basic aims 152–4
    - environment protection 154–6
    - native title 156–7
  - PPP Guidelines 149–50
  - private investment contracts 148–9
  - property rights 160–3
    - basic principles 160
    - compensation 161
    - expropriation 160–1
    - IP *see* Australia, intellectual property
  - public-private contracts 149–51
    - PPP Guidelines 149–50
    - principles 150–2
  - standards of treatment 138–41
  - state parliaments 133
  - substantial interest/aggregate substantial interest 144–5
  - tax regime/incentives 157–60
    - double taxation agreements 158
    - income tax 157–8
    - international transfer pricing rules 158–9
    - passive income 158
    - PAYG instalments 159
    - private rulings 159–60
    - thin capitalisation rules 159
  - trade marks 162
  - transparency 135–7
  - trends, inward/outward investment 170–2
  - waste disposal 155
- Australian Centre for International Commercial Arbitration (ACICA) 169–70
- Australian Financial Transaction Reports and Analysis Centre (AUSTRAC) 164–6
- Australia–New Zealand Closer Economic Relations Trade Agreement (ANZCERTA) 138–9, 140
- Australia–US Free Trade Agreement (AUSFTA) 139–40
- authorisation conditions 40–1
- Bachin, SV 585
- balancing trends 68–70
- bilateral investment treaties (BITs) 9
  - balancing trends 68–9
  - dispute settlement 61, 62
  - expropriation clauses 49, 51, 52, 53
  - harmonisation 67–8
  - intellectual property rights 49
  - and MIA negotiations 76–7
  - monetary transfer 56–7
  - signatories, top ten 5 *Fig.*
  - socialisation 70–1
  - umbrella clauses 37
- Canada
  - access to information laws 182
  - admission requirements 195–214
    - air travel 208
    - areas open to investment 204–12
    - broadcasting 204–6
    - competition policy 212–14
    - cultural property 212
    - customs brokers 211
    - duty-free shops 211
    - financial services 206–8
    - fishing industry 211
    - mergers 212–14
    - notification/review *see* Canada, Investment Canada Act
    - oil and gas 210–11
    - ownership restrictions 204, *Table*
    - provincial legislation 212
    - railways 209
    - shipping 209–10
    - telecommunications/broadcasting 204–6
    - trademark agents/patent agents 211
    - transportation services 208–11
    - uranium mining 211
  - arbitration 230–2
  - background 174–5
  - BITs 176, 241
  - common law 179
  - compensation 225–7
  - competition policy 212–14
  - copyright 223–4
  - dispute settlement 228–32
    - international arbitration 230–2
    - national jurisdiction 228–9
  - domestic law
    - international law, relationship 176–7
    - standards of treatment 195

- Canada – *continued*
- double taxation 176
  - expropriation, requirements 225–6
  - federal government 178
    - authorities involved 237
    - transparency 181
  - foreign investment promotion and protection agreements (FIPAs) 175–6
  - foreign investment promotion/protection agreement (new model FIPA) 191–5
    - architecture 192 *Table*
    - background 191–2
    - exceptions 193–4
    - expropriation 192–3
    - investor-state dispute settlement 194–5
    - minimum standard of treatment 192
  - Foreign Investment Review Agency (FIRA) 234–5
  - free trade agreements (FTAs) 191, 284–5
  - future developments 238–41
    - general direction 238–40
    - global investment treaty 240–1
  - GATS 183–5, 185–6
  - general standards of treatment 183
  - global investment treaty 240–1
  - hierarchy
    - background 177–8
    - common law 179
    - legislation 178
      - subordinate 178–9
  - ICSID Convention 241
  - inflow/outflow statistics 232–4, 232 *Fig.*
    - regional investment 233 *Table*
  - information access laws 182
  - intellectual property rights 222–4
    - copyright 223–4
    - international treaties 222–3
    - statutes 222
  - international arbitration 230–2
  - international law
    - domestic laws, relationship 176–7
    - transparency 181
  - international treaties
    - FIPAs *see* Canada, foreign investment promotion/protection agreement (new model FIPA)
    - GATS 183–5, 185–6
    - NAFTA *see* Canada, NAFTA
    - TRIMs agreement 185–6
  - Investment Canada Act
    - background 195, 235–6
    - Canadian business, definition 196
    - compliance 200–1
    - cultural industries 201–2
    - national security review 203
    - net benefit factors 199–200
    - notification 196–7, 198
    - thresholds 197–8
  - investment contracts 214–16
    - forms of 214–15
    - governing law 215–16
    - jurisdiction requirements 216
  - investment encouragement 175–6
  - legal framework 175–6
  - legislation 178
    - subordinate 178–9
    - transparency 179–80
  - mergers 212–14
  - MFN treatment 183–4, 187
  - monetary transfer 227–8
  - NAFTA 186–91
    - background 186–7
    - free trade agreements (FTAs) 191
    - investment obligations 188–9
    - investor-state dispute settlement 190–1
    - national treatment obligation 187
    - performance requirements 187–8
    - reservations/exceptions 188–90
    - national schedule of commitments 184–5
  - national security review 203
  - OECD 217, 221, 241
  - performance requirements 187–8, 216–17
  - policies
    - development history 234–7
    - instruments 175
    - property rights 221–2
      - expropriation *see* Canada, expropriation
      - IP *see* Canada, intellectual property rights
  - provincial government 178
    - transparency 181
  - tax regime/incentives 217–21
    - assistance programmes 221
    - background 217–19
    - basic statute/rate 217–18
    - double taxation 176, 220–1
    - federal/provincial systems 217
    - foreign enterprises 218
    - foreign investors 219–20
    - personal income tax 218–19
    - provincial rates 218
    - R&D 219–20
  - transparency 179–82
    - access to information laws 182
    - TRIMs agreement 185–6
- Canadian Direct Investment Abroad (CDIA) 236, 236 *Table*
- China
- admission 258–9
    - Anti-Monopoly Law 259
    - authorities 259
    - Guidance 258–9
  - arbitration 279–80
  - background 244
  - BITs
    - arbitration 279–80
    - background 250–1
    - expropriation 273–4
    - FDI-friendly measures 284–5

- first phase 251
  - second phase 251–2
  - US BIT Model 256, 276
- build-operate-transfer (BOT) contract 260–2
- conclusions 284–5
- constitution 245
- dispute settlement 278–80
  - international arbitration 279–80
  - national jurisdiction 278
- domestic laws
  - international treaties, relationship 253
  - standards of treatment 257–8
- expropriation
  - compensation 274, 274–5
  - definition 272–4
  - domestic laws 272
- fair and equitable treatment (FET) 256–7
- foreign exchange reforms 275–6
- framework 245–52
- free trade agreements (FTAs) 252
- future developments
  - FDI-friendly measures 285
  - general direction 280–3
  - global investment treaty 283–4
  - sustainability 282–3
- general standards of treatment 254–8
- global investment treaty 283–4
- hierarchy 245–52
- ICSID Convention 248–9, 284
- intellectual property rights 271–2
- international arbitration 279–80
- international law 248–53
- international treaties
  - domestic laws, relationship 253
  - standards of treatment 254–7
- investment contracts 260–2
  - applicable law 262
  - guarantees 260–1
  - public utilities 261–2
- legal framework 245–52
- local governments/parliaments 246–7
- MFN treatment 255–6
- MIGA Convention 249, 250 *Table*, 284
- monetary transfer 275–7
  - foreign exchange reforms 275–6
  - restrictions 276–7
- multilateral treaties 248–50
- national law/regulations 245–7
  - FDI-friendly measures 284–5
- national treatment (NT) 254–5
- performance requirements 263–4
  - direct/indirect 263
  - international level 263–4
- property rights 269–75
  - expropriation *see* China, expropriation
  - intellectual property rights 271–2
  - private property 270
  - protection 269–70
  - real property 270
- regime
  - general features 248
  - reforms 247
- standards of treatment 254–8
- tax regime/incentives 264–9
  - double taxation treaties 266, 267–9 *Tables*, 269
  - income tax laws 264–6
  - transparency 253–4
  - WTO Convention 249–50
- China-New Zealand FTA 252, 257
- comparative studies 73
- competition policy, monitoring 33
- comprehensive treaties 9
- constitutions 8, 13
- contracts *see* investment contracts
- Croatia
  - arbitration
    - basic law 308
    - institution 309
    - international 309
    - setting aside 308–9
  - audit services 295
  - background 287–8
  - BITs 292
  - Companies Act 1993 290–3
  - Constitution 288–90
  - copyright 303
  - design protection 304–5
  - dispute settlement 307–9
    - arbitration *see* Croatia, arbitration
    - basic principles 307
    - mediation 309
  - double taxation treaties 301
  - economic interest groups 292
  - energy companies 295
  - entry requirements 294–5
  - EU membership 288
  - expropriation/compensation 305–6
  - financial services 294
  - framework 288–94
  - free trade zones 295–6
  - hierarchy 288–94
  - ICSID Convention 309
  - incentives system 301–2
  - intellectual property 303–5
    - basic laws 303
    - copyright 303
    - design protection 304–5
    - patents 304
    - topographical protection 304–5
    - trademarks 304
  - international arbitration 309
  - investment contracts 298–9
    - basic principles 298
    - dispute resolution 299
    - types 298–9
  - investment promotion 296–7

- Croatia – *continued*  
 investment statistics 309–10  
   by country 309–10, 310 *Table*  
   by industry 310, 311–12 *Table*  
 labour laws 297–8  
 licences/certificates 294–5  
 limited liability companies 291  
 mediation 309  
 monetary transfer 306–7  
 partnerships 292  
 patents 304  
 performance requirements 295–8  
 property rights 302–6  
   basic rights 302–3  
   expropriation/compensation 305–6  
   IP *see* intellectual property  
 public limited companies 291–2  
 standards of treatment 294–8  
 tax regime/incentives 299–302  
   basic principles 299  
   business income tax 300  
   double taxation treaties 301  
   incentives system 301–2  
   income tax 300  
   procedure 299–300  
   transfer of real estate 300–1  
   value added tax 300  
 telecommunications 295  
 topographical protection 304–5  
 trademarks 304  
 transparency 293–4  
 currency exchange *see under* monetary transfer  
 Czech Republic  
   admission and entry requirements 317–21  
     Commercial Register 319  
     documents 320  
     general 317–21  
     joint stock company 319–20  
     limited liability company 318–19  
     visa requirements, EU/non-EU 321  
 BITs 314, 316–17, 325–6  
   backlash against 327  
 by-laws 315  
 Collection of International Treaties 315  
 Collection of Laws 315  
 Commercial Register 319  
 Constitution 313–14  
 dispute settlement 324–5  
 double taxation treaties 323  
 Energy Charter Treaty (ECT) 325  
 expropriation/compensation 314, 323–4  
 foreign legal entities 317–18  
 former Czechoslovakia 316  
 framework 313–15  
 future development 325–6  
 general standards of treatment 316–17  
 hierarchy 314–15  
 ICSID Convention 325  
 investment contracts 322  
 Investment Incentives Act 322–3  
 joint stock company 319–20  
 limited liability company 318–19  
 minimum registered capital 318–19  
 monetary transfer 324  
 most favoured nation (MFN) treatment 316–17  
 multilateral agreement on investment (MAI) 328  
 OECD 324  
 performance requirements 322  
 property rights 314, 323–4  
 regulations 315  
 standards of treatment 316–17  
 tax regime/incentives 322–3  
   double taxation treaties 323  
   Investment Incentives Act 322–3  
 transparency 315  
 direct effect 13–14  
 direct investment *see* foreign direct investment  
 dispute settlement  
   arbitration cases 3, 4 *Fig.*  
   comparison *see Table*  
   domestic jurisdiction 59–61  
   domestic/international duplication 61  
   ICSID arbitration 61–2  
   international arbitration 61–3  
   investor-state dispute settlement mechanism 59  
   non-ICSID arbitration 62–3  
   domestic laws/regulations 8, 10–12 *Table*  
   balancing trends 69–70  
   general standards of treatment 25–6  
   hierarchy 15–16  
   international treaties *see* international treaties,  
     domestic laws, relationship  
   public consultation 16–17  
   transparency 16  
 double taxation treaties 45  
 dualism 13  
 equality of treatment, tax regimes 43  
 Ethiopia  
   admission and entry requirements 335–7  
   basic process 335–6  
   exclusions 336  
   requirements 336–7  
 authorities 343  
 background 329–30, 344  
 BITs 331–2, 335  
 capital goods/construction materials, duty-free  
   importation 339  
 constitution 330–1, 332  
 corruption 333–4, 339, 344  
 dispute settlement 342  
 double taxation treaties 339  
 duty-free importation 339  
 expropriation/compensation 341  
 federal state 332–3  
 framework 330–4  
 general standards of treatment 334–5

- hierarchy 330–4
- ICSID 331
- income tax exemption 339
- inflows 342–3
- investment contracts 337–8
  - joint ventures 337–8
  - state-investor contracts 338
- joint ventures 337–8
- land lease rates 339
- monetary transfer 341–2
- most favoured nation (MFN) treatment 334–5
- National Bank of Ethiopia (NBE) 342
- performance requirements 338–9
- policies 343
- property rights 340–1
- standards of treatment 334–5
- tax regime/incentives 339
- transparency 333–4
- trends 343
- Ethiopian Investment Agency (EIA) 330*n*, 335
- exporters/importers, top 20 5 *Fig.*
- expropriation 49–53
  - comparison 48 *Table*
  - compensation 52–3
  - conditions 51–2
  - definition 50–1
  - public welfare/exceptions 51
  - right 49
  - see also* property rights
- Fahnbulleh, M 335
- fair and equitable treatment (FET) 23–5
  - absolute standard 23–4
  - FTC interpretation 24
    - clarifications 24–5
  - harmonisation 68
  - MFN/NT linkages 25
- foreign direct investment
  - predictions 3, 3 *Table*, 4, 4 *Table*
  - promotion 65–6
  - rise/decline 65
  - socialisation 70–1
- foreign investment law 67–71
  - balancing trends 68–70
  - harmonisation 67–8
  - international regimes, generational
    - comparison 70 *Table*, 71
  - national policy changes 69 *Fig.*, 70
- France
  - admission and entry requirements
    - basic regime 349
    - conditions/qualifications 349
    - general approach 349
    - performance requirements 352
    - specific procedures 350
  - arbitration 357–8
  - authorities 358
  - background 346
  - benefits condition 352
  - COFACE 353
  - currency/exchange rate 357
  - direct/indirect investments 346
  - dispute settlement
    - access 357
    - international arbitration 357–8
    - investment contracts, jurisdiction 351
    - national jurisdiction 357
    - special rules 357
  - domestic laws/regulations 347
    - standards of treatment 349
  - double taxation treaties 353
  - expropriation
    - basic right 354
    - compensation
      - standards 355
      - valuation methods 355–6
    - conditions 355
    - indirect 354–5
    - non-expropriation right 354
  - framework 347–8
  - general standards of treatment
    - domestic law 349
    - international treaties 348–9
  - government authorities 358
  - hierarchy
    - domestic laws 348
    - international treaties/domestic laws 347–8
  - ICSID Convention 357
  - international arbitration 357–8
  - international treaties 347
    - domestic laws
      - direct effect 348
      - hierarchy 347–8
      - standards of treatment 348
  - investment contracts
    - basic forms 350
    - governing law 351
    - joint ventures 350–1
    - jurisdiction 351
  - joint ventures 350–1
  - monetary transfer
    - currency/exchange rate 357
    - restrictions 356–7
    - transferable assets 356
  - performance requirements
    - authorisation conditions 352
    - benefits condition 352
  - property rights
    - basic rules 353
    - expropriation *see* France, expropriation
    - intellectual property 353–4
  - tax regime/incentives
    - double taxation treaties 353
    - general incentives 353
    - general regulations 352
    - special regimes 352–3
  - transferable assets 356
  - trends statistics 358

- General Agreement on Trade in Service 9
- general standards of treatment
- basic features 19, 26
  - comparison 20 *Table*
  - domestic law 25–6
  - international treaties 19–25
  - non-discrimination *see* non-discrimination treatment
- Germany
- background 359–63
  - BITs
    - basic approach 365–6
    - customary international law 368
    - direct approach 370–1
    - examples 371
    - future development 392–3
    - German model 366–8
    - as instrument of choice 362
    - investor-state arbitration 382–3
    - Lisbon Treaty competence 391–2, 392–3
  - capital transfers 376–7
  - competition law 378–80
    - applicable law 378
    - dominant position abuse 379
    - mergers 380
    - restrictions 378–9
  - constitutional law
    - confidence, protection 373
    - foreign legal entities 372–3
    - fundamental rights 372–3
    - legal certainty 373
    - property rights *see* Germany, property rights
    - proportionality 372
  - copyright 381–2
  - currency transfers 376–7
  - customary international law 368
  - direct approach 370–1
  - dispute settlement 382–7
    - domestic proceedings 384–6
    - parallel proceedings/conflicts of interest *see* Germany, international settlement, domestic law, interrelation
  - domestic law 371–82
    - background 371
    - constitutional law *see* Germany, constitutional law
  - dominant position abuse 379
  - double taxation agreements 378
  - dualist approach 368–9
  - economic statistics 362
  - Energy Charter Treaty (ECT) 364–5
  - EU
    - context 360–2
    - Lisbon Treaty *see* Germany, Lisbon Treaty
    - competence
    - expropriations/compensation 374–5
    - foreign legal entities 372–3
    - Foreign Trade and Payments Act 375–6
    - fundamental values 363
    - hierarchy 369–70
    - ICSID 382–3
    - incentives 387–9
      - basic provision 387–8
      - capital 388–9
      - cash 388
      - labour-related 389
      - policy 388
    - income tax 377
    - intellectual property 381–2
      - basic principles 381
      - copyright 381–2
      - patents 381
      - trademarks 381
    - international settlement
      - domestic proceedings, interrelation 386–7
      - enforcement in Germany 383–4
      - investor-state arbitration, BITs 382–3
    - investors/investment in 359–60
    - legal certainty 373
    - legal protection 360
    - Lisbon Treaty competence 389–92
      - background 389
      - BITs 391–2, 392–3
      - international treaties 390–1
      - mixed agreements 391
      - provisions 389–90
      - secondary law 391
    - local concerns/interests 362–3
    - mergers 380
    - monetary transfers 376–7
    - multilateral investment treaties 364–5
    - patents 381
    - property rights
      - basic provisions 373–4
      - expropriations/compensation 374–5
    - proportionality 372
    - public international law 364–71
      - BITs *see* Germany, BITs
      - customary international law 368
      - direct approach 370–1
      - dualist approach 368–9
      - hierarchy 369–70
      - status 368
    - public procurement law 380
    - real property tax 377
    - statutory law
      - basic importance 375
      - competition law *see* Germany, competition law
      - Foreign Trade and Payments Act 375–6
      - intellectual property *see* Germany, intellectual property
      - monetary transfers 376–7
      - public procurement law 380
      - tax law *see* Germany, tax law
    - tax law
      - double taxation agreements 378
      - income tax 377



- real property tax 377
- value added tax 377–8
- trademarks 381
- value added tax 377–8
- Greece
  - arbitration 399, 415
  - BITs 410–12
    - double taxation treaties 412–13
  - company law 406–7
  - development laws 403–6
  - dispute settlement 399, 414–15
    - arbitration 415
    - state court jurisdiction 414
  - double taxation treaties 412–13
  - EU context 397–8
  - expropriation/compensation 401
  - foreign capital, protection 401–403
  - foreign exchange 402–3
  - geographical information 398
  - incentives
    - applications for 405–6
    - basic types 404
    - Central Advisory Committee 406
    - geographical criteria 405
    - legislation 403–6
    - qualifications/non-qualifications 404–5
    - specific legal forms 405
    - tax 402–3
  - intellectual property 407
  - international law 410–13
  - Invest in Greece Agency 400
  - investment incentives 403–6
  - investment law/policy, evolution 395–8
    - EU context 397–8
    - nationalisation phase 396–7
    - post-war 396
  - legal system 398–400
    - arbitration 399
    - parliamentary republic 398
    - private international law 399
    - private law 399
    - substantive law 399
    - transparency 400
  - legislation 400–1
  - mergers 407, 417 *Table*
  - monetary transfer 401–3
  - national law 401–10
  - nationalisation phase 396–7
  - parliamentary republic 398
  - patents 407
  - post-war 396
  - private international law 399
  - private justice 399, 414–15
  - property rights 401–2
  - public justice 414
  - public procurement 407–10
  - public-private-partnerships (PPP) 408–10
  - shipping industry 403
  - state court jurisdiction 414
  - statistical overview 415, 416–17 *Tables*
  - tax/incentives 402–3
    - double taxation treaties 412–13
  - trademarks 407
  - transparency 400
- harmonisation 68
- hierarchy, domestic laws/regulations 15–16
- Hull formula 52–3
- ICSID *see* International Centre for Settlement of Investment Disputes (ICSID) Convention
- importers/exporters, top 20 5 *Fig.*
- intellectual property rights 49
- international arbitration *see under* dispute settlement
- International Centre for Settlement of Investment Disputes (ICSID) Convention 9, 61–3
- international investment-related agreements (IIAs) 9
- international treaties 9, 10–12 *Table*, 13–15
  - bilateral investment treaties (BITs) 9
  - comprehensive treaties 9
  - domestic laws, relationship 12–15
    - conflict 13
    - direct effect 13–14
    - EC law overlap 14–15
    - express rules 13
    - theories/classification 12–13
  - international investment-related agreements (IIAs) 9
  - standards of treatment *see* general standards of treatment
- investment *see* foreign direct investment
- investment contracts 35–7
  - basic principles 35
  - domestic laws 36–7
  - range of requirements 35, 36 *Table*
  - umbrella clauses 37
- Italy
  - admission and entry requirements
    - basic regime 428
    - competition policy/antitrust law 430
    - conditions/qualifications 429
    - open areas 429
    - specific procedures 429
  - antitrust law 430
  - arbitration 431–2, 442
  - BITs 421
  - competition policy/antitrust law 430
  - copyright 438
  - dispute settlement
    - international arbitration 431–2, 442
    - national jurisdiction 441
  - domestic laws/regulations 420–1
    - standards of treatment 428
    - see also under* Italy, international treaties
  - double taxation treaties 434, 434–6
  - expropriation
    - basic protection 438
    - principles 438–9

- Italy, expropriation – *continued*  
 compensation 439–40  
 framework 420–6  
 general standards of treatment 427–8  
 hierarchy  
 domestic laws 424  
 international treaties, domestic laws 422–3  
 ICSID arbitration 442  
 income tax 432–3  
 intellectual property 437–8  
 international arbitration 431–2  
 international treaties 421  
 domestic laws  
 direct effect 423–4  
 hierarchy 422–3  
 standards of treatment 427  
 investment contracts  
 dispute settlement 431–2  
 forms of 430–1  
 governing law requirements 431  
 laws/decisions, publication 425  
 legal framework 420–6  
 monetary transfer 440–1  
 performance requirements 432  
 policy evolution 443–4  
 property rights  
 basic protection 437  
 expropriation *see* Italy, expropriation  
 intellectual property 437–8  
 public consultation procedures 426  
 public-private-partnerships (PPP) 430–1  
 standards of treatment 427–8  
 statistics 443  
 tax regime/incentives  
 agencies 436  
 basic regime 432–3  
 double taxation treaties 434, 434–6  
 income tax 432–3  
 regional 437  
 special regimes 433  
 VAT 433  
 transparency  
 impact assessment 426  
 laws/decisions, publication 425  
 public consultation procedures 426  
 trends  
 policy evolution 443–4  
 statistics 443  
 VAT 433
- Japan  
 access to information 451  
 admission and entry requirements 454–7  
 basic scheme 454  
 BITs/EPAs/FCNs 455  
 competition policy/antitrust law 457  
 foreign investment areas 455  
 notification 456  
 specific legislation 454–5  
 specific procedures 456  
 antitrust law 457  
 arbitration *see* Japan, international arbitration  
 BITs 448 *Table*  
 admission and entry requirements 455  
 expropriation 462–4, 465  
 compensation 466–7  
 future development 477  
 international arbitration 472–3, 474  
 monetary transfer 468–71  
 performance requirements 460  
 property rights 462  
 standards of treatment 451–3  
 build-operate-transfer (BOT) projects 457–8  
 competition policy/antitrust law 457  
 Constitution 446  
 currency transfers 470–1  
 dispute settlement  
 investment contracts 458  
 national jurisdiction 471–2  
 domestic laws/regulations 446–7  
 Constitution 446  
 direct effect 449  
 English translation 478–518 *Annex*  
 expropriation, compensation 466–7  
 international treaties, hierarchy 447–9  
 local legislation 447  
 monetary transfers 467–70  
 national legislation 446  
 performance requirements 459–60  
 standards of treatment 453  
 EPAs (Environmental Protection Authorities) 448  
*Table*  
 admission and entry requirements 455  
 future development 477  
 international arbitration 474  
 monetary transfer 468–71  
 property rights 462  
 expropriation  
 compensation 465  
 domestic law 466  
 treaties 466–7  
 conditions 464–5  
 definition 462–4  
 due process 464  
 non-discrimination 465  
 non-expropriation right 462  
 public purposes 464  
 right 462  
 fair and equitable treatment (FET) 452–3  
 full protection/security 453  
 no clause 452  
 with notes 452–3  
 simple clause 452  
 FCNs, admission and entry requirements 455  
 Foreign Exchange and Foreign Trade Act (1949)  
 (FEFTA) 446, 454, 477  
 foreign investment areas 455  
 framework 446–51

- full protection/security 453
  - future development 477
    - global investment treaty 477–8
  - general standards of treatment 451–3
  - global investment treaty 477–8
  - government procurement 458
  - governmental authorities 477
  - hierarchy
    - domestic laws 449–50
    - international treaties, domestic laws 447–9
  - ICSID Convention 472, 474–5
  - intellectual property 462
  - international arbitration
    - basic principles 472
    - ICSID Convention 472, 474–5
    - mechanisms 472, 473–4
  - international treaties 447
    - direct effect 449
    - domestic laws, hierarchy 447–9
    - expropriation, compensation 466–7
    - monetary transfers 468–71
    - performance requirements 459–60
    - standards of treatment 451–3
  - investment contracts
    - build-operate-transfer (BOT) projects 457–8
    - disputes, jurisdiction 458
    - forms 457–8
    - government procurement 458
    - natural resources, exploration 457
    - requirements 458
  - inward investment 476–7
  - J-Power affair 456, 477
  - legal framework 446–51
  - local legislation 447
  - monetary transfer
    - currencies 470–1
    - restrictions to transfer 468–71
    - transferable assets 467–8
  - most favoured nation (MFN) treatment 452
  - multilateral agreement on investment (MAI) 477–8
  - national legislation 446
  - national treatment 451–2
  - natural resources, exploration 457
  - obligation observance (umbrella) clause 453
  - performance requirements 458–60
    - benefit/advantages condition 459–60
    - investment admission condition 459
  - policies, evolution 476–7
  - prior confirmation procedure 451
  - property rights
    - basic protection 461–2
    - expropriation *see* Japan, expropriation
    - intellectual property 462
  - public consultation procedures 451
  - publication of laws/decisions 450
  - standards of treatment 451–3
  - statistics 475, 475–6 *Tables*
  - tax regime/incentives 460–1
    - basic regime 460
    - double taxation treaties 461
    - information service 461
    - special regimes 461
  - transparency 450–1
    - access to information 451
    - prior confirmation procedure 451
    - public consultation procedures 451
    - publication of laws/decisions 450
  - umbrella clause 453
- Korea**
- background 519–20
  - BITs
    - agreements 524–5
    - basic provisions 525
    - FET/full protection and security 527–8
    - general standards (Korea-Columbia BIT) 525–6
    - MFN/NT 526–7
    - minimum standard treatment 528
  - corporate tax reduction 533, 533 *Table*
  - customs tariff exemption 534
  - Enforcement Decree of the Foreign Investment and Foreign Capital Inducement Act (EDFIFCIA) 529
    - corporate tax reduction 533, 533 *Table*
    - customs tariff exemption 534
    - notification procedures 531, 532 *Table*
    - procedures 530–1, 531 *Table*
    - tax regimes/incentives 531–2
  - FET/full protection and security 527–8
  - Foreign Investment and Foreign Capital Inducement Act (FIFCIA) 529
    - notification procedures 531, 532 *Table*
    - procedures 530–1, 531 *Table*
    - purpose/definition 529–30
    - tax regimes/incentives 531–2
  - framework 529
  - FTAs (Free Trade Agreements) 524–5
  - legal framework 529
  - MFN/NT 526–7
  - minimum standard treatment 528
  - notification procedures 531, 532 *Table*
  - procedures 530–1, 531 *Fig.*, 532 *Table*
  - promotion laws 529
  - purpose/definition 529–30
  - tax regimes/incentives 531–2, 533, 534
  - trends
    - by countries/region 521, 523, 523 *Table*
    - by industry 521, 522 *Table*
    - by sector 522 *Table*
    - overview 519, 520–1, 534–5
  - legal framework 8–12
    - comparison 10–12 *Table*
  - liberalist/protectionist trends 75

## Macau

- admission and entry requirements
  - basic regime 540–1
  - competition/anti-trust policy 541
  - open areas 540–1
  - specific procedures 541
- anti-trust policy 541
- arbitration 544–5
- competition/anti-trust policy 541
- currency/exchange rate 544
- dispute settlement
  - international arbitration 544–5
  - national jurisdiction 544
- domestic laws/regulations 538
  - hierarchy 539
  - international treaties
    - direct effect 539
    - hierarchy 539
  - investment contracts 541
  - standards of treatment 540
- exchange rate 544
- expropriation
  - basic right 543
  - compensation 543
  - conditions 543
  - definition 543
  - non-expropriation 543
- framework 538–40
- general standards of treatment 540
- government, self-regulation/control 540
- governmental authorities 546
- hierarchy 539
- ICSID arbitration 544–5
- intellectual property 543
- international treaties 538–9
  - domestic laws
    - direct effect 539
    - hierarchy 539
  - standards of treatment 540
- investment contracts 541
  - domestic law requirements 541
  - forms 541
  - jurisdiction requirements 541
- legal framework 538–40
- monetary transfer
  - currency/exchange rate 544
  - restrictions in transfer 544
  - transferable assets 544
- overview 545, 546 *Table*
- performance requirements 542
- policy evolution 545–6
- property rights
  - basic protection 543
  - expropriation *see* Macau, expropriation
  - intellectual property 543
- public consultation procedures 539–40
- publication of laws/decisions 539
- standards of treatment 540
- statistics 545, 546 *Table*

- tax regimes/incentives
  - basic regime 542
  - double taxation treaties 542
  - foreign investors 542
  - schemes 542–3
- transparency 539–40
- trends
  - policy evolution 545–6
  - statistics/overview 545, 546 *Table*
- MFN treatment *see* most favoured nation (MFN) treatment
- MIA (multilateral investment agreement)
  - negotiations 76–7
- MIGA (Multilateral Investment Guarantee Agency)
  - Convention 9
- monetary transfer 55–7
  - currency exchange 57
  - restrictions to transfer 56–7
  - transferable assets 55
- monism 13
- most favoured nation (MFN) treatment 21–2
  - admission and entry requirements 27, 31
  - basic principles 21
  - comparative studies 73
  - dispute resolution provisions 21–2
  - FET linkages 25
  - general exceptions 22
  - multilateral investment agreement (MIA)
    - negotiations 4, 76–7
  - Multilateral Investment Guarantee Agency (MIGA)
    - Convention 9
- national treatment (NT) standard 22–3
  - admission and entry requirements 27, 31
  - FET linkages 25
  - harmonisation 68
  - post/pre-establishment 23
  - purpose/frequency 22
  - qualifications/exceptions 23
- New York Convention 9
- non-discrimination treatment
  - basic principle 21
  - MFN treatment *see* most favoured nation (MFN) treatment
  - NT standard *see* national treatment (NT) standard
- North America Free Trade Agreement (NAFTA) 16
- north-south divide 4, 74–5
- NT standard *see* national treatment (NT) standard
- performance requirements 39–42
  - advantage conditions 41–2
  - authorisation conditions 40–1
  - basic issues 39
  - tax regimes/incentives 43–5, 45–6
- Peru
  - additional provisions 565–6
  - admission/entry requirements 557
  - arbitration 550–1

- basic growth 570, 570 *Table*
- BITs
- expropriation 551
  - minimum standards of protection 556–7
  - signed/enacted 553–4, 554 *Table*
- competition freedom 549
- concession agreements 559
- Constitution 548–51, 569
- corporate tax
- domiciled entities 560–1
  - non-domiciled entities 561
  - related parties 562–3
  - transfer pricing 561–2
- corporate taxation 560–3
- domiciled entities 560–1
- currency freedom 551
- customs duties 564
- definitions 552
- dispute settlement 569
- domestic laws/regulations 548–53
- international treaties, relationship 555
- domiciled entities 560–1
- dominant position abuse 549
- expropriation 551, 568
- fair and equitable treatment (FET) 556
- foreign investment/investors
- definitions 552
  - guarantees 552–3
- framework 548–56
- free private initiative 548
- freedom of work 549
- FTAs (Free Trade Agreements) 553
- full protection and security 557
- general standards of treatment 556–7
- guarantees 552–3
- income tax
- non-domiciled self-employed 563
  - workers (fifth category) 563
- intellectual property 567–8
- international arbitration 550–1
- international treaties 553–4
- domestic laws, relationship 555
- investment contracts
- basic provisions 557
  - concession agreements 559
  - freedom to conclude 549–50
  - stability agreements 557–8
  - state investments/activities 559
  - state powers 550
- legal framework 548–56
- legislative decrees 551–3
- minimum standards of protection 556–7
- money transfer 569
- monopolistic position abuse 549
- most favoured nation (MFN) 556
- national treatment 550, 556
- net assets temporary tax (ITAN) 564–5
- non-domiciled self-employed, income tax 563
- payroll taxes, basic provisions 565
- performance requirements 560
- property right 567–8
- expropriation 551, 568
- real estate tax 566
- restrictive practices, prohibition 549
- sales tax 564
- sector trends 572 *Table*
- stability agreements 557–8
- standards of treatment 556–7
- state investments/activities 559
- statistics 570, 570–3 *Tables*
- subsidiary role of state 549
- tax credit 564
- tax incentives 566–7
- tax regime 560–7
- equal treatment 551
- transfer pricing 561–2
- transparency 555–6
- treaties 553–4
- trends
- by countries 571 *Table*
  - by sector 572 *Table*
  - growth 570, 570 *Table*
  - value added tax 564
- Portugal
- admission and entry requirements 574
  - arbitration 576
  - authorities 576–7
  - business formation 577
  - competition law 574
  - dispute settlement 576
  - expropriation/compensation 576
  - framework 573–4
  - general standards of treatment 574
  - information dissemination 577
  - intellectual property 575
  - international arbitration 576
  - investment contracts 575
  - legal framework 573–4
  - monetary transfers 576
  - patents 575
  - performance requirements 575
  - policies 576–7
  - property rights 576–7
  - standards of treatment 574
  - statistics 576–7
  - tax regimes/incentives 575
  - trademarks 575
  - transparency 577
  - trends 576–7
- private-public debate 4, 74–5
- property rights
- comparison 48 *Table*
  - general protection 47, 49
  - intellectual property rights 49
  - see also* expropriation
- protectionist/liberalist trends 75
- public consultation 16–17
- public-private debate 4, 74–5

## Russia

- admission/entry requirements 589–90
- arbitration 583, 585
- background 579–80, 591
- basic laws 580
- BITs 584, 585, 586–7
- Civil Code 582–3
- defence/state security 580–1
- direct effect 586–7
- domestic laws/regulations 579–84
  - direct effect 586–7
  - hierarchy 585–6, 587, 589, 590
  - and international treaties 583–4, 585–7
  - standards of treatment 588–9
- foreign investors 580–1
- framework 579–87
- general standards of treatment 588–90
- hierarchy 585–6, 587, 589, 590
- ICSID 584, 586
- international arbitration 583, 585
- international treaties 583
  - direct effect 586–7
  - and domestic laws 583–4, 585–7
  - hierarchy 585–6
  - standards of treatment 588
- legal framework 579–87
- localisation 583–4
- MIGA Convention 584
- Model Agreement 584
- monopoly infringements 590
- national treatment 588–9
- non-commercial organisations 589
- standards of treatment 588–90

## Singapore

- admission requirements 596–7
- arbitration 612–16
- ASEAN member 599, 600–1 *Table*
- background 593–5, 616
- BITs 599, 600–1 *Table*
- competition 598
- copyright 608
- dispute settlement 611–16
- domestic law 598–601
  - and treaties 599–601, 600–1 *Table*
- double taxation agreements 610
- Economic Development Board 593–4
- expropriation 607–8
- fair and equitable treatment (FET) 604
- FDI
  - by industry 594, 595 *Fig.*
  - sources 594, 594 *Fig.*
- FDI development 616
- FTAs 599, 600–1 *Table*, 601–2, 607, 616
- full protection and security 604
- ICSID Convention 614–16
- income tax 609–10
- intellectual property 608
- international arbitration 612–16
- investment contracts 596

- investment guarantee agreements (IGAs) 599, 600–1 *Table*, 601–2, 606, 614–15, 616
- land acquisition 605–7
- MFN 604–5
- MIGA 616
- monetary transfer 610–11
- monopolies 598
- national jurisdiction 611–12
- national treatment 604–5
- patents 608
- performance requirements 597–8
- property rights
  - compensation 607–8
  - expropriation 607–8
  - intellectual property 608
  - land acquisition 605–7
- standards of treatment 603–5
- statistics 594–5
- taxation 609–10
- trademarks 608
- treaties 599–601, 600–1 *Table*
  - applicability 601–3

## Slovenia

- accounting standards 632
- admission and entry requirements
  - basic rule 624
  - procedures 626–8
  - public interest protection 626
  - qualifications 625–6
  - registration procedures 627–8
  - restrictions 625
  - specific procedures 624–5
- antitrust law 628–9
- arbitration 642
- authorities 645–6
- Bank of Slovenia 646
- BITs 622–3, 638–9, 647
- build-operate-transfer (BOT)/build-operate-own (BOO) 630
- competition policy/antitrust law 628–9
- Competition Protection Office 646
- copyright 638
- currency/exchange rate 640–1
- dispute settlement 631–2, 641–2
- domestic laws
  - hierarchy 620–1
  - international treaties, relationship 620
  - standards of treatment 623–4
- double taxation treaties 635
- EU legislation 631
- exchange rate 640–1
- expropriation 638–9
- FDI
  - basic growth 642
  - future development 646–7
  - governmental authorities 645–6
  - inward 643, 643 *Table*
  - outward 643–4, 643 *Table*
  - policy development 644
- framework 618–20

- future development 646–7
- general standards of treatment 622–4
- governmental authorities 645–6
- hierarchy 620–1
- incentives
  - employment 636
  - financial 636
  - fiscal 635–6
  - local 636
- intellectual property 637–8
- international arbitration 642
- international treaties, domestic laws,
  - relationship 620
- investment contracts 630–2
- legal framework 618–20
- monetary transfer 640–1
- multilateral treaties 622
- national jurisdiction 641–2
- national treatment 637
- OECD 647
- patents 637
- performance requirements 632–3
- policy development 644
- property rights 637–8
  - compensation 639
  - expropriation 638–9
  - intellectual property 637–8
- Public Agency for Entrepreneurship and Foreign Investments (JAPTI) 646
- public interest protection 626
- public-private partnerships 630, 631–2
- special economic zones 634–5
- standards of treatment 622–4
- takeover procedures 629
- tax regimes
  - basic provisions 633
  - double taxation treaties 635
  - special economic zones 634–5
  - special regimes 633–4
  - see also* Slovenia, incentives
- tax rules 634 *Table*
- Slovenian Intellectual Property Office (SIPO) 645–6
- socialisation 70–1
- sovereign wealth funds (SWF) monitoring 33
- standards of treatment *see* general standards of treatment
- tax regimes 43–6
  - double taxation treaties 45
  - equality of treatment 43
  - performance requirements, incentives 43–5, 45–6
- Trade Related Investment Measures Agreements 9
- transferable assets *see under* monetary transfer
- transparency 16
- Turkey
  - admission and entry requirements 653–6
    - basic regime 653–5
    - company formation requirements 654–5
    - open areas 655–6
  - arbitration 656, 660
  - BITs 650
  - by-laws 652
  - companies
    - articles of association 656
    - formation requirements 654–5
  - decrees having the force of law 652
  - dispute settlement
    - basic laws 661–2
    - domestic courts, access 660
    - international arbitration 656, 660
    - investment contracts 656–7
  - domestic laws
    - hierarchy 652
    - international treaties, relationship 651
  - double taxation treaties 658
  - economic development 661
  - FDI, statistics 661
  - Foreign Direct Investment Law (FDL) 650–1, 652–3
  - foreign investor/investment, definition 655–6
  - framework 650–2
  - general standards of treatment 652–3
  - hierarchy 652
  - intellectual property 659
  - international arbitration 656, 660
  - international treaties, domestic laws,
    - relationship 651
  - investment contracts 656–7
  - legal framework 650–2
  - monetary transfers 660
  - national treatment 659
  - performance requirements 657
  - property rights
    - basic protection 658–9
    - expropriation 659–60
    - intellectual property 659
    - national treatment 659
  - real estate tax 657
  - regulations 652
  - stamp tax 657
  - standard forms 656–7
  - standards of treatment 652–3
  - statistics 661
  - tax regimes/incentives
    - basic regime 657
    - double taxation treaties 658
    - incentives 658
  - tourism investment 650, 658
  - VAT 657
- umbrella clauses 37
- United Kingdom
  - admission and entry requirements
    - basic approach 679–80
    - control powers 680–2
  - arbitration
    - foreign awards 694–5
    - state immunity 695
    - UK awards 692–4
  - background 664

UK – *continued*

## BITs

- background 664
- EU membership 666–8
- general developments 696–7
- investment treaties 665, 666
- investor-state disputes 688–91
- MFN treatment 672–3
- monetary transfer 686–8
- state-state disputes 692
- umbrella clause 679

control powers 680–2

corporate tax 683

dispute settlement 688–95

domestic law 664–5

double taxation 683

EU membership 666–8

expropriation/compensation 684–5

fair and equitable treatment 675–7

## FDI

general developments 696–7

statistics 696

framework 664–8

full protection and security 677–8

general developments 696–7

general standards of treatment 669–79

basic categories 669

minimum standards of protection 674–9

minimum standards of protection *see* United Kingdom, minimum standards of protection

non-discrimination standards 669–74

ICSID Convention 689–91, 692, 694

investment contracts 682

investment treaties 665–6

investor-state disputes 688–91

inward/outward investment 696

legal framework 664–8

minimum standards of protection 674–9

basic provision 674–5

fair and equitable treatment 675–7

full protection and security 677–8

umbrella clause 679

unreasonableness 678

Model Agreement 665, 674, 675, 685–6

monetary transfer

list 685

restrictions 686–8

most favoured nation (MFN) treatment 669–71

exceptions 672–4

national control mechanisms 692–5

national treatment 669–71

exceptions 672–4

performance requirements 683

private finance initiative (PFI) 682

property rights 684–5

public-private partnerships 682

sectoral differentiation 674

state-state disputes 692

statistics 696

tax regimes/incentives 683

umbrella clause 679

unreasonableness 678

## United States

admission and entry requirements 704–6

agricultural land 704, 705

anti-trust law 706

arbitration 712–13

basic protections 699–700, 713–14

BITs 702, 711

competition law 706

Constitution 701, 703

contracts

investment contracts 706–7

property rights 710–11

critical/ sensitive industries 704–5

dispute resolution 712–13

double taxation treaties 707

eminent domain powers 709–10

expropriation 708–10

compensation 709–10

eminent domain powers 709–10

public purpose 708–9

regulatory taking 710

framework 701–3

general standard of treatment 703–4

hierarchy 701–3

ICSID 702

income tax 707, 708

intellectual property 710

international arbitration 712–13

investment contracts 706–7

investment statistics 713

legal framework 701–3

mergers 704–5

money transfer 712

national security restrictions 704–5

performance requirements 706–7

property rights

contractual rights 710–11

dispute resolution 712–13

expropriation *see* United States, expropriation

intellectual property 710

international protection 711–12

money transfer 712

public purpose 708–9

regulatory taking 710

standard of treatment 703–4

state law 703, 704

statistics 713

subsidiaries 705–6

takeovers 704–5

tax regimes/incentives 707–8, 712

treaties 701–2

withholding tax liability 708

US Committee on Foreign Investment 704–5

## World Trade Organization (WTO)

agreements 9

MIA negotiations 76–7