

ARTICLE VII

Compensation for Losses

Investors of one Contracting Party who suffer losses because their investments or returns on the territory of the other Contracting Party are affected by an armed conflict, a national emergency or a natural disaster on that territory, shall be accorded by such latter Contracting Party, in respect of restitution, indemnification, compensation or other settlement, treatment no less favourable than that which it accords to its own investors or to investors of any third State.

ARTICLE VIII

Expropriation

1. Investments or returns of investors of either Contracting Party shall not be nationalized, expropriated or subjected to measures having an effect equivalent to nationalization or expropriation (hereinafter referred to as "expropriation") in the territory of the other Contracting Party, except for a public purpose, under due process of law, in a non-discriminatory manner and against prompt, adequate and effective compensation. Such compensation shall be based on the fair market value of the investment or returns expropriated immediately before the expropriation or at the time the proposed expropriation became public knowledge, whichever is the earlier, shall be payable from the date the expropriation takes final effect with interest equivalent to the interest paid by the government of the territory in which the expropriation is taking place in its general borrowing. Such interest shall be paid without delay and shall be effectively realizable and freely transferable. Valuation criteria shall include going concern value, asset value including declared tax value of tangible property, and other criteria, as appropriate, to determine fair market value.
2. The investor affected shall have a right, under the law of the Contracting Party making the expropriation, to prompt review, by a judicial or other independent authority of that Party, of its case and of the valuation of its investment or returns in accordance with the principles set out in this Article.
3. The provisions of this Article apply to taxation measures having an effect equivalent to nationalization or expropriation unless the taxation authorities of the Contracting Parties, no later than six months after being notified by an investor that he disputes a taxation measure, jointly determine that the measure in question is not an expropriation.

ARTICLE IX

Transfer of Funds

1. Each Contracting Party shall grant to an investor of the other Contracting Party the right to the unrestricted transfer of investments and returns. Without limiting the generality of the foregoing, each Contracting Party shall also grant to the investor the right to the unrestricted transfer of:
 - (a) funds in repayment of loans related to an investment;
 - (b) the proceeds of the total or partial liquidation of any investment;