

CHAPTER 10 INVESTMENT

Article 10.1: UAE-Cambodia Bilateral Investment Treaty

1. The Parties reaffirm their commitments under the *Agreement Between the United Arab Emirates and the Kingdom of Cambodia on the Promotion and Reciprocal Protection of Investments*, done at Phnom Penh, Cambodia, on 27 July 2017 (UAE-Cambodia Bilateral Investment Agreement) and any subsequent upgrading or amendment thereto. Furthermore, the Parties renew their commitments under the Cambodia-UAE Investment Agreement to foster fruitful cooperation in attracting and facilitating two-way investments.
2. The Parties agreed to upgrade the existing UAE-Cambodia Bilateral Investment Agreement to be more comprehensive in coverage, encompassing promotion, facilitation, and cooperation of investments in future endeavors.
3. Any subsequent upgrading or amendments of the UAE-Cambodia Bilateral Investment Agreement shall be incorporated as part of this Chapter.

Article 10.2: Promotion of Investment

1. The Parties affirm their desire to promote an attractive investment climate and expand trade in goods and services. Consistent with Article 2 (Promotion and encouragement of investments) of the UAE-Cambodia Bilateral Investment Agreement, the Parties shall take appropriate measures to encourage and facilitate the flow of investments, goods and services, and to secure favorable conditions for long-term economic development and diversification of trade between the two countries.
2. Further to Article 2 (Promotion and encouragement of investments) of the Cambodia-UAE Investment Agreement and subject to their laws and regulations, the Parties shall cooperate to promote investments through, amongst others:
 - (a) identifying investment opportunities;
 - (b) intensifying investment promotion campaigns;
 - (c) sharing information on measures to promote investment abroad, to the extent possible;

- (d) exchanging of information on their investment laws, regulations, and policies, to the extent possible;
 - (e) encouraging an environment conducive to increasing investment flows in order to promote linkages between their investment promotion agencies with a view to promoting bilateral investments;
3. Recognising that facilitating outbound investments of enterprises is a key pillar of bilateral cooperation, the Parties shall intensify their collaboration in this area. To this effect, the Parties shall endeavour to identify and share information on potential outgoing investment sectors and activities and encourage their enterprises to invest in the other Party.

Article 10.3: Facilitation of Investment

1. Subject to its laws and regulations, each Party shall endeavour to facilitate investments from the other Party through, amongst others:
- (a) improving the transparency and efficiency of its domestic investment environment, with the aim of facilitating quality investment between the Parties.
 - (b) creating the necessary environment for all forms of investment including but not limited to the creation of favourable conditions for financial transfers for any investment project;
 - (c) simplifying procedures for investment applications and approvals;
 - (d) promoting the dissemination of investment information, including, but not limited to, investment rules, regulations, policies, other bilateral and multilateral free trade agreements, and procedures; and
 - (e) enhancing one-stop investment arrangements to provide assistance and advisory services to the business sectors including facilitation of operating licences and permits.
2. Subject to the domestic laws and regulations, each Party shall make available to investors of the other Party the measures prescribing the formalities of establishing an investment. Each Party shall protect any confidential business information from any disclosure that would prejudice the competitive position of the investor or the investment. Nothing in this paragraph shall be construed to prevent a Party from otherwise obtaining or disclosing information in connection with the equitable and good faith application of its domestic law.

3. Each Party shall endeavour to inform the other Party of measures related to investment facilitation that it adopts in the future or when it enters into bilateral, regional, and international agreements relating to investment facilitation.

Article 10.4: Responsible Business Conduct

1. Each Party shall encourage investors and enterprises operating within its territory or subject to its jurisdiction to voluntarily incorporate into their business practices and internal policies internationally-recognized principles, standards and guidelines of responsible business conduct that have been endorsed or are supported by that Member.
2. In accordance with its legal system, each Party should encourage investors or enterprises operating within its territory to undertake and maintain meaningful engagement and dialogue, in accordance with international responsible business conduct principles, standards and guidelines that have been endorsed or are supported by that Party.
3. Each Party recognises the importance of investors and enterprises implementing due diligence in order to identify and address adverse impacts, such as on the environment and labour conditions, in their operations, their supply chains and other business relationships.
4. The Parties agree to exchange information and best practices, to the extent possible, on ways to facilitate the uptake by enterprises and investors of responsible business practices and reporting, in the Committee of Investment.

Article 10.5: Non-derogation of Health, Safety and Environmental Measures

1. Recognising the importance of promoting investment for green growth, the Parties shall refrain from encouraging investment by investors of the other Party through the relaxation of environmental measures. To this effect, each Party should not waive or otherwise derogate from such environmental measures as an encouragement for the establishment, acquisition or expansion of investments in its territory.
2. The Parties recognise that it is not appropriate to encourage investment by relaxing domestic measures relating to health, safety, the environment, or other regulatory objectives. Accordingly, no Party shall relax, waive or otherwise derogate from, or offer to relax, waive or otherwise derogate from, such measures in order to encourage the establishment, acquisition, expansion or management of the investment of an investor in its territory. If a Party considers that the other Party has

offered such an encouragement, it may request consultations with the other Party and the Parties shall consult with a view to avoiding such encouragement.

3. The Parties reaffirm the right of each Party to regulate within its territory to achieve legitimate policy objectives, such as with respect to the protection of the environment and addressing climate change; social or consumer protection; or the promotion and protection of health, safety, gender equality, and cultural diversity.

Article 10.6: Committee on Investment

The Parties shall establish a United Arab Emirates-Cambodia Committee on Investment which shall be composed of representatives of both Parties. The side of the United Arab Emirates will be chaired by the Undersecretary of the Ministry of Finance or the authorized representatives and the side of Cambodia will be chaired by the Secretary General of the Council for the Development of Cambodia or his authorized representatives. The Committee may establish working groups as the Parties deem necessary.

Article 10.7: Objectives of the Committee

1. The objectives of the Committee are as follows:
 - (a) to promote and enhance economic cooperation between the Parties;
 - (b) to monitor trade and investment relations, to identify opportunities for expanding investment, and to identify issues relevant to investment that may be appropriate for negotiation in an appropriate forum;
 - (c) to hold consultations on specific investment matters of interest to the Parties;
 - (d) to work toward the enhancement of investment flows;
 - (e) to identify and work toward the removal of impediments to investment flows; and
 - (f) to seek the views of the private sector, where appropriate, on matters related to the work of the Committee.
2. For further clarification, the Committee shall not undertake the role of "Settlements of Investment Disputes between an Investor of a

Contracting Party and the other Contracting Party” as established by the UAE-Cambodia Bilateral Investment Agreement.

Article 10.8: Role of the Committee

1. The Committee shall meet at such times and venues as agreed by the Parties, but the Parties shall endeavor to meet no less than once per year. A Party may refer a specific trade or investment matter to the Committee by delivering a written request to the other Party that includes a description of the matter concerned. The Committee shall take up the matter promptly after the request is delivered unless the requesting Party agrees to postpone discussion of the matter.
2. The Parties shall endeavor to provide the opportunity for the Committee to discuss a matter before taking actions that could affect adversely the trade or investment interests of the other Party.
3. The functions of the Committee shall be:
 - (a) to act as the contact point of investment issues raised from this Chapter;
 - (b) to discuss and review the implementation and operation of this Chapter;
 - (c) to discuss any other investment-related matters concerning this Chapter; and
 - (d) to discuss the measures adopted or maintained for the purpose of encouraging favourable conditions for investors of the Parties.
4. The Committee may, as necessary, make appropriate recommendations by consensus to the Parties for the more effective functioning or the attainment of the objectives of this Agreement.
5. The Committee shall be composed of representatives of the Parties. The Committee shall determine its own rules of procedure to carry out its functions.
6. The Committee, upon mutual consent of the Parties, may hold joint meetings with the private sectors.
7. Party shall establish or maintain one or more focal points or appropriate mechanisms.
8. Parties may assign additional functions to the focal points or appropriate mechanisms established under this Article such as to seek to resolve

problems of investors or persons seeking to invest that may arise regarding measures covered by this chapter or recommend measures to improve the investment environment.

Article 10.9: Non-Application of Dispute Settlement

1. Neither Party shall have recourse to dispute settlement for any issue arising from or relating to this Chapter.
2. This Chapter shall not serve as a means to interpret any provision of an international investment agreement of a Party, and shall not be used as the basis for a claim or in any way by a claimant under the procedures for the resolution of investment disputes between investors and states provided for in an international investment agreement of a Party.