

Some provisions in some BITs/FTA investment chapters

- Broad definition of investment
- Protects existing investments at time BIT/FTA comes into force
- Loose definition of investor
- Covers actions by national and subnational government
- Broad fair and equitable treatment provision
- Expropriation
- Restrictions on technology transfer, local managers
- Free transfers of capital
- Exceptions?
- Investor-state dispute settlement
 - Monetary awards
 - Interest can be compounded

List of some of the government measures challenged under BITs

From www.iiapp.org

- Agriculture
- Culture
- Elections
- Energy
- Environmental regulation
- Financial regulation
- Health care
- Industrial policy
- Sovereign borrowing
- Taxation
- Utilities
- Water

Thank you

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