

法規名稱：EXCHANGE OF LETTERS BETWEEN THE REPUBLIC OF CHINA (TAIWAN) AND THE  
REPUBLIC OF NICARAGUA CONCERNING THE TERMINATION OF THE AGREEMENT ABOUT  
INVESTMENT GUARANTEES

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October 11, 2007

H.E. Mr. Orlando Solórzano Delgadillo

Minister of Development, Industry and Trade

Republic of Nicaragua

Your office

Dear Minister,

I am pleased to acknowledge your letter of October 4, 2007,  
which reads as follows:

"It is my pleasure to refer to the discussions between the  
delegations of the Republic of Nicaragua and the Republic of  
China (Taiwan) in the course of the negotiations related to  
Protocol for the Addition and Amendment to Chapter 10  
(Investment) of the Free Trade Agreement between the Republic of  
Nicaragua and the Republic of China (Taiwan), on which we  
decided as follows:

1. The denunciation and termination of the Agreement between the  
Republic of Nicaragua and the Republic of China (Taiwan)  
about Investment Guarantees (from now on "The Bilateral  
Investment Agreement"), signed in Managua on 29th July 1992  
extended through Note No. MRE/DGSTAJI/406/06/02, for a period  
of ten years on January 8th 2003.
2. To subscribe a Protocol for the Amendment of Chapter 10  
(Investment) of the Free Trade Agreement signed in Taipei  
City, Republic of China (Taiwan) on June 16th 2006, between  
our Countries (from now on FTA), in which it establishes that  
all the investments made by an investor of a Party in the  
territory of the other Party, after the entry in force of the  
FTA, shall be governed according to the provisions contained  
in chapter 10 (Investment) of the FTA.

Any covered investment that exist prior to the entry in force of  
the FTA, or any dispute arising with regards to such investment,  
shall be governed to the election of the investor by the  
Bilateral Investment Agreement or Chapter 10 (Investment) of the  
FTA for a term of ten years counted from the date of termination  
of the Bilateral Investment Agreement. After the expiration of  
said term, all investments shall be governed according to  
Chapter 10 (Investment) of the FTA.

For greater certainty, an investor, either on his behalf or on  
the behalf of an enterprise, cannot submit simultaneously or

subsequently the same claim to both Investor-State Dispute Resolution Mechanism in the Bilateral Investment Agreement and Chapter 10 (Investment) of the FTA. The election of one or the other mechanism will be definite and exclusive.

For purposes of the FTA, the term "covered investment", means an investment that was made in accordance with the provisions of Article II of the Bilateral Investment Agreements referred to above, and was therefore a protected investment under such Bilateral Investment Agreement.

Also I have the honor to propose that this letter and its confirmation letter in answer constitute an agreement between our two Governments, which will enter in force by the time of the entry in force of the FTA and will be an integral part of it."

I have the honor to accept your proposal on behalf of my Government and to confirm that your letter and this reply shall constitute an agreement between our two Governments, which shall enter into force on the date of entry into force of the Agreement.

Sincerely,

Steve Ruey-Long Chen  
Minister of Economic Affairs