

- b) the measures are not discriminatory;
- c) the measures are accompanied by the payment of prompt, adequate and effective compensation.

2. The compensation shall amount to the market value of the investment affected immediately before the actual measure was taken or became public knowledge, whichever is the earlier. Where that value cannot be readily ascertained, the compensation may be determined in accordance with generally recognised equitable principles of valuation, taking into account the capital invested, depreciation, capital already repatriated, replacement value, goodwill and other relevant factors.

The compensation shall carry interest at the appropriate market rate from the date of expropriation until the date of payment.

3. The investor affected shall have the right to access, under the law of the Contracting Party making the expropriation, to the judicial organs of that Party, in order to review the amount of compensation and the legality of any such expropriation or comparable measure.

ARTICLE 7

Compensation for Losses

1. Investors of one Contracting Party whose investments in the territory of the other Contracting Party suffer losses owing to war or other armed conflict, a state of national emergency, civil disturbance or other similar events in the territory of the other Contracting Party shall be accorded by the latter Contracting Party treatment, as regards restitution, indemnification, compensation or other settlement, no less favourable than that which the latter Contracting Party accords to its own investors or to investors of any third State, whichever is more favourable. Resulting payments shall be made without delay and shall be freely transferable in a freely convertible currency.

2. Without prejudice to paragraph 1 of this Article, investors of one Contracting Party who, in any of the situations referred to in that paragraph suffer losses in the territory of the other Contracting Party resulting from:

- a) requisitioning of their investment or part thereof by the latter's forces or authorities, or
- b) destruction of their investment or part thereof by the latter's forces or authorities, which was not required by the necessity of the situation,

shall be accorded restitution or compensation which in either case shall be prompt, adequate and effective.