

**The American Institute in Taiwan (AIT) and Taipei Economic and Cultural Representative Office in the United States (TECRO)  
Joint Statement on Principles for International Investment**

Creating and maintaining open and stable investment climates and policies contributes to sustainable economic development and growth, job creation, increased productivity, technological innovation, and competitiveness. The American Institute in Taiwan (AIT) and the Taipei Economic and Cultural Representative Office in the United States (TECRO), on behalf of the authorities they represent, therefore reaffirm a shared commitment to the following principles regarding international investment, which AIT and TECRO believe are essential elements for developing and maintaining open investment policies worldwide. AIT and TECRO believe that economies can fully implement these principles while still preserving the authority to adopt and maintain measures necessary to regulate in the public interest to pursue certain public policies. AIT and TECRO further believe that economies should not seek to attract foreign investment by weakening or failing to apply such measures.

- 1. Open and Non-Discriminatory Investment Climates:** Economies should commit, subject to limited exceptions, to provide broad market access to foreign investors and allow them to establish investments and conduct business on terms no less favorable than those available to domestic investors or other foreign investors.
- 2. A Level Playing Field:** Economies should seek to enhance their understanding of the concrete challenges posed by the influence of authorities in relation to commercial enterprises, which is playing an increasingly significant role in the global economy, and work to coordinate their approaches to address these challenges. To this end, AIT and TECRO support the work of the Organization for Economic Cooperation and Development (OECD) in the area of “competitive neutrality”, which focuses on the importance of enterprises owned by authorities and private commercial enterprises being subject to the same external environment and competing on a level playing field in a given market.
- 3. Strong Protection for Investors and Investments:** Economies should provide the highest possible level of legal certainty and protection against discriminatory, arbitrary, and otherwise unfair or harmful treatment to all investors and investments in their territories, both tangible and intangible, such as intellectual

property rights. This includes the right to prompt, adequate, and effective compensation in the event of a direct or indirect expropriation or nationalization.

- 4. Fair and Binding Dispute Settlement:** Economies should provide access to effective dispute settlement procedures, including “investor-to-State” arbitration, and ensure that such procedures are open and transparent, with opportunities for public participation.
- 5. Robust Transparency and Public Participation Rules:** Economies should ensure the highest levels of transparency and public participation in the development of domestic laws and other measures relating to investment.
- 6. Responsible Business Conduct:** Economies should urge that multinational enterprises operate in a socially responsible manner. To this end, AIT and TECRO intend to promote responsible business conduct, in general, and adherence to the OECD Guidelines for Multinational Enterprises, in particular.
- 7. Narrowly-Tailored Reviews of National Security Considerations:** Economies should ensure that their reviews, if any, of the national security implications of foreign investments focus exclusively on genuine national security risks.

## 臺美聯合發布「國際投資原則聲明」簡介

- 一、美國於去(101)年分別與歐盟、約旦與埃及等國聯合發布「投資共同原則聲明」，共同揭櫫彼此就投資相關議題合作之政治承諾 ( political commitment )，強調達成確保開放及穩定的雙邊投資環境之共識，並公開呼籲其他國家共同遵循。另美國與東協 ( ASEAN ) 亦於去年12月共同提出「美國與東協擴大經濟交往倡議」 ( US-ASEAN Expanded Economic Engagement, E3 )，擴大美國與東協10國間貿易及投資之連結，其中亦包括推動「投資共同原則聲明」，顯示美國當前對外發展雙邊投資關係的重要政策立場。
- 二、臺美雙方曾就投資相關議題進行多次會談，最終獲致共識於本(102)年TIFA會議，參照美國與歐盟去年4月10日所聯合發布之「美國與歐盟之國際投資共同原則聲明 (Statement of the US and the EU on Shared Principles for International Investment)」架構內容，聯合發布臺美「國際投資共同原則聲明」。
- 三、前揭聲明中敦促雙方政府維持公開、透明及不歧視之投資環境，認為政府應對外人投資給予保障，同時追求正確之公共政策目標，包括：環境、健康、安全、勞工及文化等。前揭國際投資共同原則聲明之要點包含：

- (一) 開放及不歧視之投資環境  
政府應承諾允許享有不低於本國投資人或其他第三國投資人之待遇。
- (二) 公平競爭的環境（市場）  
公營事業不應享有特殊優惠，而應與民間企業公平競爭。
- (三) 對投資人及投資（行為）提供強而有力之保護  
政府對於在其境內之投資人及投資行為應提供法律保護，並提供外商企業免受歧視或不公平對待之情形。
- (四) 公平且具約束力之爭端解決  
政府應提供投資爭端解決之有效途徑，包括「投資人對政府」之仲裁，並確保上述途徑之公開、透明及提供公共參與之機會。
- (五) 健全透明化及公共參與之規定  
政府在制定投資相關法律及措施之過程中，應確保透明化及公共參與。
- (六) 企業社會責任  
政府應敦促多國籍企業以對社會負責的態度經營事業，並堅持應奉行 OECD 之「多國企業指導綱領」(The OECD Guidelines for Multinational Enterprises)。
- (七) 狹義定義國家安全審查規則  
若對外國投資進行涉及國家安全之審查，政府應確保審查時僅關注真正具有國家安全風險之議題。

## 臺美聯合發布「國際投資原則聲明」預期效益

美國是我國最重要的投資與貿易夥伴之一。依據我國海關統計資料，去年美國為我國第3大貿易夥伴(僅次於中國大陸及日本)、第3大出口及進口市場，且為我國最大外資來源國，對我投資已超過228.6億美元。為建立透明穩定之投資環境，雙方聯合發布「國際投資共同原則聲明」，共同推動促進雙邊投資。我方預期此聲明可帶來下列效益：

- (一) 有助雙邊建構永續的投資關係：本聲明揭示雙方政府致力推動雙邊實質投資關係之決心，給予雙方投資人信心，並增加投資意願，進而促進雙邊建構長期而永續的投資關係。
- (二) 有助於創造工作機會與經濟成長：本聲明透過對外宣示給予投資人非歧視、完整而透明之投資保障，可打造開放及穩定之投資環境，將有助於創造工作機會與經濟成長。
- (三) 為強化雙邊投資關係奠定良好基礎，有助未來進一步推動簽署「臺美投資協定」：本聲明雖不具有法律拘束力，但透過雙方政府共同宣示，明確傳達臺美雙方共同促進及維護外人投資之政治承諾，有助雙方未來處理彼此關切之投資議題，並為強化臺美雙邊投資關係之未來行動，奠定良好基礎。