

PROTOCOL

between the Czech Republic and the Republic of Moldova on the amendments to the Agreement between the Czech Republic and the Republic of Moldova for the Promotion and Reciprocal Protection of Investments signed on May 12, 1999 in Prague

The Czech Republic and the Republic of Moldova (hereinafter referred to as "Contracting Parties") have agreed to amend the Agreement between the Czech Republic and the Republic of Moldova for the Promotion and Reciprocal Protection of Investments (hereinafter referred to as "the Agreement") as follows:

ARTICLE 1

In Article 3 of the Agreement, paragraph 3 is deleted and it is replaced by new paragraphs 3 to 5, which read as follows:

"3. The National Treatment and Most-Favoured-Nation Treatment provisions of this Article shall not apply to advantages accorded by a Contracting Party pursuant to its obligations as a member of a customs, economic or monetary union, a common market or a free trade area.

4. The Contracting Party understands the obligations of the other Contracting Party as a member of a customs, economic or monetary union, a common market or a free trade area to include obligations arising out of an international agreement or reciprocity agreement of that customs, economic or monetary union, common market or free trade area.

5. The provisions of this Agreement shall not be construed so as to oblige one Contracting Party to extend to the investors of the other Contracting Party, or to the investments or returns of such investors, the benefit of any treatment, preference or privilege which may be extended by the Contracting Party by virtue of any international agreement or arrangement relating wholly or mainly to taxation."

ARTICLE 2

In Article 6 of the Agreement, at the beginning of the first sentence of paragraph 1, the following words are added:

"Without prejudice to measures adopted by the European Community"

In Article 6 of the Agreement, paragraph 4 is deleted.

ARTICLE 3

After Article 9 of the Agreement the new Article 10 is inserted, which reads as follows:

"Essential Security Interests

1. Nothing in this Agreement shall be construed to prevent any Contracting Party from taking any actions that it considers necessary for the protection of its essential security interests,

/a/ relating to criminal or penal offences;

/b/ relating to traffic in arms, ammunition and implements of war and transactions in other goods, materials, services and technology undertaken directly or indirectly for the purpose of supplying a military or other security establishment;

/c/ taken in time of war or other emergency in international relations, or

/d/ relating to the implementation of national policies or international agreements respecting the non-proliferation of nuclear weapons or other nuclear explosive devices, or

/e/ in pursuance of its obligations under the United Nations Charter for the maintenance of international peace and security.

2. A Contracting Party's essential security interests may include interests deriving from its membership in a customs, economic or monetary union, a common market or a free trade area."

The subsequent Articles of the Agreement are re-numbered.

ARTICLE 4

The Protocol shall enter into force on the ninetieth day after the later notification by which the Contracting Parties shall communicate each other that their internal legal procedures for its entry into force have been completed. The Protocol shall remain in force as long as the Agreement.

Done in ...Prague... on ...2 September 2008... in two originals, each in the Czech, Moldovan and English languages, all texts being equally authentic. In case of any divergence of interpretation the English text shall prevail.

For the Czech Republic

Mirek Topolánek
Prime Minister

For the Republic of Moldova

Zinaida Greceanii
Prime Minister