

AGREEMENT

BETWEEN THE GOVERNMENT OF THE CZECH REPUBLIC AND THE GOVERNMENT OF THE REPUBLIC OF SERBIA ON THE AMENDMENTS TO THE AGREEMENT BETWEEN THE GOVERNMENT OF THE CZECH REPUBLIC AND THE FEDERAL GOVERNMENT OF THE FEDERAL REPUBLIC OF YUGOSLAVIA ON THE RECIPROCAL PROMOTION AND PROTECTION OF INVESTMENTS, SIGNED ON OCTOBER 13, 1997

The Government of the Czech Republic and the Government of the Republic of Serbia (hereinafter to as "Contracting Parties") have agreed to amend the Agreement between the Government of the Czech Republic and the Federal Government of the Federal Republic of Yugoslavia on the Reciprocal Promotion and Protection of Investments (hereinafter referred to as "the original Agreement") as follows:

ARTICLE 1

In Article 1 of the original Agreement, paragraph 4 is modified and it reads as follows:

4. The term „territory“ shall mean:

- (1) in respect of the Republic of Serbia: the area over which the Republic of Serbia exercises, in accordance with its national laws and regulations and international law, sovereign rights or jurisdiction;
- (2) in respect of the Czech Republic: the territory of the Czech Republic over which it exercises sovereignty, sovereign rights and jurisdiction in accordance with international law.

ARTICLE 2

In Article 2 of the original Agreement, after paragraph 2 the new paragraph 3 is added and it reads as follows:

“3. Each Contracting Party shall, pursuant to its respective laws and regulations pertinent to entry, residence and work of physical persons, consider in good faith requests of investors of the other Contracting Party for entry and temporary residence on its territory for the purpose of their engagement in operations relating to implementation or

development, management, maintenance, use, enjoyment or disposal of their respective investments.”.

ARTICLE 3

In Article 3 of the original Agreement, paragraph 3 is modified and it reads 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.”.

ARTICLE 4

In Article 3 of the original Agreement the new paragraphs 4 and 5 are added and they read as follows:

“4. The Contracting Party respects 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, and 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 5

In Article 6 of the original Agreement, at the beginning of paragraph 1, the following words are added: “Without prejudice to measures adopted by the European Union”.

ARTICLE 6

In Article 9 of the original Agreement in paragraph 2 after the words “cannot be settled by negotiations” the following words are added: “within six months of the date when the request for the settlement has been submitted.”.

ARTICLE 7

A new Article 11 is added to the original Agreement and it reads as follows:

“ARTICLE 11 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,

- (1) relating to criminal or penal offences;
- (2) 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;
- (3) taken in time of war or other emergency in international relations, or
- (4) relating to the implementation of national policies or international agreements respecting the non-proliferation of nuclear weapons or other nuclear explosive devices or
- (5) 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.”.

ARTICLE 8

The Articles in the original Agreement that have been marked with numbers 11,12 and 13 so far, are now numbered with 12,13 and 14.

ARTICLE 9

In Article 13 of the original Agreement, paragraph 3, words “the provisions of Articles 1 to 12 shall remain” are modified and read as follows: “the provisions of Articles 1 to 13 shall remain”.

ARTICLE 10

This Agreement shall enter into force on the thirtieth 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. This Agreement shall remain in force as long as the original Agreement.

Done in Belgrade on June 4th, 2010 in two originals, each in the Czech, Serbian and English languages each text being equally authentic. In case of any divergence in interpretation, the English text shall prevail.

FOR THE GOVERNMENT OF
THE CZECH REPUBLIC



FOR THE GOVERNMENT OF
THE REPUBLIC OF SERBIA

