

**Additional Protocol
between
the Czech Republic and the Republic of Croatia
on amendments to the Agreement between the Czech Republic and the
Republic of Croatia for the Promotion and Reciprocal Protection of
Investments**

The Czech Republic and the Republic of Croatia (hereinafter referred to as "the Contracting Parties").

With regard to the Agreement between the Czech Republic and the Republic of Croatia for the Promotion and Reciprocal Protection of Investments concluded in Zagreb, on March 5th 1996 (hereinafter referred to as "the Agreement"),

Have agreed as follows:

Article 1

Article 3 of the Agreement shall be amended by deleting paragraph 3 and adding the new paragraphs 3, 4 and 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

Article 6 of the Agreement shall be amended by adding the new paragraph 3 after paragraph 2, which reads as follows:

“3. The provisions of the paragraphs 1 and 2 of this Article shall apply without prejudice to measures adopted by the European Community.”

Article 3

A new Article 10 is added after Article 9 of the Agreement, and it reads as follows:

“Article 10

Essential Security Interests

This Agreement shall not preclude the application by either Contracting party of measures necessary for the maintenance of public order, the fulfilment of its obligations with respect to the maintenance or restoration of international peace or security, or the protection of its own essential security interests which may include interests deriving from its membership of a customs, economic or monetary union, a common market or a free trade area.”

Article 4

Articles 10, 11, 12, 13 and 14 of the Agreement shall become Articles 11, 12, 13, 14 and 15.

Article 5

This Additional Protocol shall enter into force on the sixtieth day after the date of the receipt of the last written notification by which the Contracting Parties have notified each other, through diplomatic channels, of the completion of their integral legal procedures necessary for its entry into force.

Done at ZAGREB on 9th SEPTEMBER 2003 in two originals, each in the Czech, Croatian and English languages, all text being equally authentic. In case of any divergence of interpretation, the English text shall prevail.

For the Czech Republic



For the Republic of Croatia

