

PROTOCOL
BETWEEN THE CZECH REPUBLIC AND THE REPUBLIC OF ALBANIA
ON THE AMENDMENT TO THE AGREEMENT BETWEEN
THE CZECH REPUBLIC AND THE REPUBLIC OF ALBANIA
FOR THE PROMOTION AND RECIPROCAL PROTECTION OF INVESTMENTS, SIGNED
ON 27 TH JUNE, 1994 AT PRAGUE

The Czech Republic and the Republic of Albania (hereinafter referred to as "Contracting Parties") have agreed to amend the Agreement between the Czech Republic and the Republic of Albania for the Promotion and Reciprocal Protection of Investments, signed on June 27th, 1994 at Prague (hereinafter referred to as "the Agreement") as follows:

ARTICLE 1

Paragraph 3 of Article 3 of the Agreement is deleted and replaced by new paragraphs 3 to 5, 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”.

ARTICLE 3

The new Article 11 after Article 10 of the Agreement 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 would be re-numbered.

ARTICLE 4

The Protocol shall enter into force on the thirtieth day after the later notification by which the Contracting Parties 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 ...^{8th} October....., 2010 in two originals in the Czech, Albanian, and English languages, all texts being equally authentic. In case of any divergence of interpretation the English text shall prevail.

FOR
THE CZECH REPUBLIC

FOR
THE REPUBLIC OF ALBANIA




