

PROTOCOL

between the Czech Republic and the Hashemite Kingdom of Jordan
on the amendments to the Agreement between the Czech Republic and the Hashemite Kingdom of Jordan for the Promotion and Reciprocal Protection of Investments signed on September 20, 1997 in Amman

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

ARTICLE 1

In Article 1, paragraph 5 of the Agreement terms "Deutsche Mark, French Franc" are deleted and replaced by the new term "Euro".

ARTICLE 2

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 3

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 4

In Article 8, paragraph 2 of the Agreement after the words "within a period of six months" the following words are added: "of the date when the request for the settlement has been submitted".

In Article 8, paragraph 2 of the Agreement after the words "the investor shall be entitled to submit the case either to:" new letter a) is added, which reads as follows:

"a) the competent court or administrative tribunal of the Contracting Party which is the party to the dispute;"

The subsequent letters of paragraph 2, Article 8 of the Agreement are re-numbered.

After paragraph 2, Article 8 of the Agreement new paragraphs 3 and 4 are added, which read as follows:

- 3) The arbitral tribunal shall decide on the basis of the law, taking into account the sources of law in the following sequence:
 - the provisions of this Agreement, and other relevant Agreements between the Contracting Parties;
 - the law in force of the Contracting Party concerned;
 - the provisions of special agreements relating to the investment;
 - the general principles of international law.
- 4) The arbitral awards shall be final and binding on both parties to the dispute and shall be enforceable in accordance with the domestic legislation."

ARTICLE 5

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 6

- 1. This Protocol shall be considered an integral part of the Agreement between the Czech Republic and the Hashemite Kingdom of Jordan for the Promotion and Reciprocal Protection of Investments signed on September 20, 1997 in Amman
- 2. The Protocol shall enter into force on the ninetieth day after the later notification by a Contracting Party that the necessary internal legal procedures have been completed. The Protocol shall remain in force as long as the Agreement.

Done in *Prague* on *April 6th*...200*9* in two originals, each in the Czech, Arabic 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
HASHEMITE KINGDOM
OF JORDAN

