

PROTOCOL

between the Czech Republic and the State of Kuwait
(hereinafter referred to as "Contracting States")
on the Amendments
to the Agreement between the Czech Republic and the State of Kuwait
for the Promotion and Protection of Investments
(hereinafter referred to as "the Agreement")
signed in Kuwait on January 8, 1996

The Contracting States have agreed as follows:

Article 1

In Article 1 of the Agreement, paragraph 1 is modified as follows:

"(1) The term "investment" shall mean every kind of assets owned or controlled and invested directly by an investor of one Contracting State in the territory of the other Contracting State in accordance with its laws and regulations of that Contracting State, and shall include in particular, but not exclusively:".

Article 2

In Article 3 of the Agreement, at the beginning of paragraph 3 following text is added:

"Without prejudice to the obligations based on the European Union law".

Article 3

In Article 4 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 apply to advantages accorded by a Contracting State pursuant to its obligation as a member of a customs, economic or monetary union, a common market or a free trade area.

(4) The Contracting State understands the obligations of the other Contracting State 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 State to extend to the investors of the other Contracting State, or to the investments or returns of such investors, the benefit of any treatment, preference or privilege which may be extended by the Contracting State by virtue of any international agreement or arrangement relating wholly or mainly to taxation."

The current paragraph (4) of this Article is re-numbered as paragraph (6).

Article 4

In Article 7 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 Union,”.

Article 5

A new Article 11 is added after Article 10 of the Agreement and it reads as follows:

“Essential Security Interests

(1) Nothing in this Agreement shall be construed to prevent any Contracting State 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 State’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 as Articles 12, 13, 14, 15 and 16.

Article 6

In Article 12 of the Agreement, paragraph 2 is deleted.

Article 7

1. Article 15 of the Agreement shall be amended by deleting the text of the existing paragraph 1 of this Article in its entirety and substituting the following text in its place:

“This Agreement shall remain in force for a period of twenty (20) years and shall continue in force thereafter until the expiration of a twelve month period from the date either Contracting State notifies the other in writing of its intention to terminate the Agreement.”

2. In Article 15, paragraph 2 of the Agreement the words “ fifteen (15)” shall be replaced by words “ ten (10)”.


Article 8

The Protocol shall enter into force on the date of the later notification by which the Contracting States shall communicate each other that their internal legal procedures for its entry into force have been completed. It shall remain in force so long as the Agreement shall remain in force.

Done in Kuwait on ~~31 October~~^{25th} 2010 corresponding to ~~25th~~¹⁴³¹ day of ~~Thulqaqa~~^{Hijri}, 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 State of Kuwait

