

PROTOCOL OF AMENDMENT TO THE TREATY BETWEEN THE FEDERAL REPUBLIC OF GERMANY AND THE REPUBLIC OF MOLDOVA CONCERNING THE ENCOURAGEMENT AND RECIPROCAL PROTECTION OF INVESTMENTS SIGNED AT CHISINAU ON 28 FEBRUARY 1994

The Federal Republic of Germany and the Republic of Moldova,

Conscious that the Treaty Between the Federal Republic of Germany and the Republic of Moldova Concerning the Encouragement and Reciprocal Protection of Investments, signed at Chisinau on 28 February 1994, requires amendment,

Have agreed as follows:

*Article 1*

*Article 11, paragraph 2 of the aforementioned Treaty shall be replaced as follows:*

“(2) If the dispute cannot be settled within six months from the time of its being raised by one of the parties to it, it shall be submitted to arbitral proceedings if the national or company of the other Contracting Party so requests. Unless the parties to the dispute decide otherwise, the provisions of article 10, paragraphs 3 to 5 shall be applied mutatis mutandis, on condition that the members of the arbitral tribunal are appointed by the parties to the dispute in pursuance of article 10, paragraph 3, and that if the periods specified in article 10, paragraph 3 are not observed, in the absence of any other agreements, either party to the dispute may invite the Chairman of the Court of Arbitration of the International Chamber of Commerce in Paris to make the necessary appointments. The arbitration award shall be enforced in accordance with national law.”

*Article 2*

*Article 11, paragraph 3 of the aforementioned Treaty shall be replaced as follows:*

“(3) In the event that both Contracting Parties have also become signatories of the Convention of 18 March 1965 on the Settlement of Investment Disputes between States or Nationals of other States, disputes between the parties to the dispute shall be submitted to arbitral proceedings under the terms of the aforementioned Convention unless the parties to the dispute decide otherwise; each Contracting Party hereby expresses its agreement with such a procedure. The arbitral award shall be binding and shall not be subject to any legal appeal or legal recourse other than that provided for in the aforementioned Convention. The award shall be enforced in accordance with national legislation.”

*Article 3*

This Protocol of Amendment is an integral component of the Treaty Between the Federal Republic of Germany and the Republic of Moldova Concerning the Encouragement and Reciprocal Protection of Investments and its Protocol, signed at Chisinau on 28 February 1994, and they shall be interpreted and applied as a single Treaty.

*Article 4*

(1) This Protocol of Amendment requires ratification. The instruments of ratification shall be exchanged as soon as possible.

(2) This Protocol of Amendment shall enter into force together with the Treaty Between the Federal Republic of Germany and the Republic of Moldova Concerning the Encouragement and Reciprocal Protection of Investments, signed at Chisinau on 28 February 1994.

DONE at Berlin on 26 August 2003 in duplicate, in the German and Romanian languages, both texts being equally authentic.

For the Federal Republic of Germany:

For the Republic of Moldova: