

**ADDITIONAL PROTOCOL  
BETWEEN  
THE GOVERNMENT OF ROMANIA  
AND  
THE GOVERNMENT OF THE REPUBLIC OF CROATIA  
ON AMENDMENTS TO THE AGREEMENT BETWEEN THE GOVERNMENT OF ROMANIA AND  
THE GOVERNMENT OF THE REPUBLIC OF CROATIA  
ON THE PROMOTION AND RECIPROCAL PROTECTION OF INVESTMENTS**

The Government of Romania and the Government of the Republic of Croatia (hereinafter referred to as the "Contracting Parties"),

With regard to the Agreement between the Government of Romania and the Government of the Republic of Croatia on the Promotion and Reciprocal Protection of Investments signed in Zagreb, on 8 June 1994 (hereinafter referred to as the "Agreement"),

Have agreed as follows:

**Article 1**

Paragraph 3 of Article 3 of the Agreement shall be replaced by a new paragraph which reads as follows:

"3. The non-discriminatory treatment, national treatment and most favoured nation treatment provisions of this Agreement shall not apply to any current or future advantages accorded by either Contracting Party by virtue of its membership of, or association with, a customs, economic or monetary union, a common market or a free trade area, to investors of its own, of Member States of such union, common market or free trade area, or of any other third State. Nor shall such treatment relate to any advantage which either Contracting Party accords to investors of a third State by virtue of a double taxation agreement or other agreements on a reciprocal basis regarding tax matters."

**Article 2**

Article 4 of the Agreement shall be amended by adding the new paragraph 3 after paragraph 2 which reads as follows:

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



### Article 3

After Article 8 of the Agreement the new Article 9 shall be added, which reads as follows:

#### "Article 9 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 9, 10 and 11 of the Agreement shall become Articles 10, 11 and 12.

### Article 5

Article 12 of the Agreement shall become Article 13 and shall be amended by adding a new paragraph 3, which reads as follows:

"3. In case of future evolutions of European Union law that would imply certain incompatibilities with the Agreement, the present Agreement shall be amended, if necessary, by mutual consensus of the Contracting Parties, so as to ensure the conformity of its provisions with the Contracting Parties' obligations arising from the EU member status. If such consensus cannot be reached, any of the Contracting Parties shall have the right to denounce this Agreement. The Agreement shall cease to apply 3 months after the date of receipt of the denunciation note."

### Article 6

This Additional Protocol shall constitute an integral part of the Agreement.

This Additional Protocol shall enter into force on the thirtieth 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 internal legal procedures necessary for its entry into force.

Done at BUCHAREST on 30 April 2010, in two originals, each in the Romanian, Croatian and English languages, all three texts being equally authentic. In case of any divergence in interpretation, the English text shall prevail.

For the Government of Romania



For the Government of the Republic of Croatia

