

**No. 53515. Austria and China**

AGREEMENT BETWEEN THE REPUBLIC OF AUSTRIA AND THE PEOPLE'S REPUBLIC OF CHINA ON THE PROMOTION AND RECIPROCAL PROTECTION OF INVESTMENTS. BEIJING, 12 SEPTEMBER 1985

EXCHANGE OF NOTES CONSTITUTING A PROTOCOL AMENDING THE AGREEMENT BETWEEN THE REPUBLIC OF AUSTRIA AND THE PEOPLE'S REPUBLIC OF CHINA ON THE PROMOTION AND RECIPROCAL PROTECTION OF INVESTMENTS. PEKING, 4 SEPTEMBER 2012 AND 17 SEPTEMBER 2012\*

**Entry into force:** 18 September 2015, in accordance with the provisions of the said notes

**Authentic texts:** Chinese and German

**Registration with the Secretariat of the United Nations:** Austria, 23 March 2016

*\*No UNTS volume number has yet been determined for this record. The Text(s) reproduced below, if attached, are the authentic texts of the agreement /action attachment as submitted for registration and publication to the Secretariat. For ease of reference they were sequentially paginated. Translations, if attached, are not final and are provided for information only.*

**N° 53515. Autriche et Chine**

ACCORD ENTRE LA REPUBLIQUE D'AUTRICHE ET LA RÉPUBLIQUE POPULAIRE DE CHINE RELATIF À LA PROMOTION ET LA PROTECTION RÉCIPROQUE DES INVESTISSEMENTS. BEIJING, 12 SEPTEMBRE 1985

ÉCHANGE DE NOTES CONSTITUANT UN PROTOCOLE MODIFIANT L'ACCORD ENTRE LA REPUBLIQUE D'AUTRICHE ET LA RÉPUBLIQUE POPULAIRE DE CHINE RELATIF À LA PROMOTION ET LA PROTECTION RÉCIPROQUE DES INVESTISSEMENTS. PÉKIN, 4 SEPTEMBRE 2012 ET 17 SEPTEMBRE 2012\*

**Entrée en vigueur :** 18 septembre 2015, conformément aux dispositions desdites notes

**Textes authentiques :** chinois et allemand

**Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies :** Autriche, 23 mars 2016

*\*Aucun numéro de volume n'a encore été attribué à ce dossier. Les textes disponibles qui sont reproduits ci-dessous sont les textes originaux de l'accord ou de l'action tels que soumis pour enregistrement. Par souci de clarté, leurs pages ont été numérotées. Les traductions qui accompagnent ces textes ne sont pas définitives et sont fournies uniquement à titre d'information.*

[TRANSLATION – TRADUCTION]

I

ZI. Peking-ÖB/POL/0225/2012  
Note verbale

The Austrian Embassy presents its compliments to the Ministry of Foreign Affairs of the People's Republic of China and has the honour to refer to note verbale Peking-ÖB/POL/0298/2010, dated 4 August 2010, concerning the amendment to the Agreement between the Republic of Austria and the People's Republic of China on the promotion and reciprocal protection of investments, done at Beijing on 12 September 1985 (BGBl. No. 537/1986), through the following proposed addition to article 5:

2. The provisions of the preceding paragraph shall not be construed as preventing a Contracting Party from complying in good faith with obligations under international law or its rights and obligations as a member of a free trade area, customs union, common market, economic and monetary union or any other form of regional cooperation or integration.

**(2) 本条上述内容不影响缔约一方诚信地履行其他国际义务或参与自由贸易区、关税同盟、共同市场、经济或货币同盟或其他任何形式的区域合作或一体化而产生的权利和义务。**

If the above proposal is acceptable to the People's Republic of China, this note verbale and the reply thereto from the esteemed competent Chinese Ministry shall constitute a Protocol amending the Agreement between the Republic of Austria and the People's Republic of China on the promotion and reciprocal protection of investments. The Protocol, of which the German and Chinese texts are equally authentic, shall enter into force one month after the date on which both Contracting Parties have notified each other that the necessary domestic requirements for its entry into force have been fulfilled.

The Austrian Embassy also takes this opportunity to convey to the Ministry of Foreign Affairs of the People's Republic of China the renewed assurances of its highest consideration.

Beijing, 4 September 2012

[Seal of the Embassy of the Republic of Austria in Beijing]  
Ministry of Foreign Affairs of the People's Republic of China  
Beijing

II

Ministry of Foreign Affairs of the People's Republic of China

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The Ministry for Foreign Affairs of the People's Republic of China presents its compliments to the Embassy of the Republic of Austria in the People's Republic of China, from which it confirms receipt of note verbale Peking ÖB/POL/0225/2012, dated 4 September 2012, with the following content:

[See note I]

If the above proposal is acceptable to the People's Republic of China, this note and the reply thereto from the esteemed competent Chinese Ministry shall constitute a Protocol amending the Agreement between the Republic of Austria and the People's Republic of China on the promotion and reciprocal protection of investments. The Protocol, of which the German and Chinese texts are equally authentic, shall enter into force one month after the date on which both Contracting Parties have notified each other that the necessary domestic requirements for its entry into force have been fulfilled.

The Austrian Embassy also takes this opportunity to convey to the Ministry of Foreign Affairs of the People's Republic of China the renewed assurances of its highest consideration.

The Ministry of Foreign Affairs of the People's Republic of China, on behalf of the Government of the People's Republic of China, confirms that the above is acceptable.

The Ministry of Foreign Affairs of the People's Republic of China also takes this opportunity to convey to the Austrian Embassy the renewed assurances of its highest consideration.

[Seal] Ministry of Foreign Affairs of the People's Republic of China]

Beijing, 17 September 2012

Embassy of the Republic of Austria in the People's Republic of China