

ADDITIONAL PROTOCOL

to the Agreement between the Government of Romania and the Government of the People's Republic of China on the mutual promotion and protection of investments, signed in Bucharest, on July 12, 1994

The Government of Romania and the Government of the People's Republic of China (hereinafter referred to as "the Contracting Parties"),

Taking into account Romania's obligations as Member State of the European Union to bring its treaty obligations compatible with the European Community Law,

Have agreed to amend the *Agreement between the Government of Romania and the Government of the People's Republic of China on the mutual promotion and protection of investments, signed in Bucharest on July 12, 1994* (hereinafter to as "the Agreement"), as follows:

ARTICLE I

Article 3, Paragraph 3, shall be replaced entirely by the following:

"The provisions of this Article shall not be construed so as to oblige one Contracting Party to extend to the investors of the other Contracting Party the benefit of any treatment, preference or privilege by virtue of:

- a. its membership in any existing customs union, free trade zone, economic and monetary union, common market or any other form of regional economic organization and any international agreement resulting in such unions; or the adoption of an agreement designed to lead to the formation or extension of such union or area within a reasonable length of time;
- b. any international agreement or arrangement relating wholly or mainly to taxation;

c. any arrangements of facilitating small scale frontier trade in border areas”.

ARTICLE II

In Article 6, Paragraph 1, the following words shall be added after “subject to its laws and regulations”:

“and without prejudice to any applicable international obligation”.

ARTICLE III

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

ARTICLE IV

This Additional Protocol shall enter into force on the date of receipt of the last notification by which the Contracting Parties shall communicate each other that their internal legal procedures for its entry into force have been completed and shall remain in force as long as the Agreement remains in force.

Done in Bucharest, on 16 April 2007, in two originals, each in Romanian, Chinese and English, all texts being equally authentic. In the event of any difference regarding interpretation, the English text shall prevail.

FOR THE GOVERNMENT OF
ROMANIA



FOR THE GOVERNMENT OF
THE PEOPLE'S REPUBLIC OF CHINA

