

PROTOCOL
amending
the Agreement between the Government of Romania and
the Government of the Hashemite Kingdom of Jordan
on the mutual promotion and protection of investments,
signed in Bucharest, on July 2nd, 1992

Representatives of the Governments of Romania and the Hashemite Kingdom of Jordan,

Discussing the intentions of Romania to amend the Agreement between the Government of Romania and the Government of the Hashemite Kingdom of Jordan on the mutual promotion and protection of investments, signed in Bucharest on July 2nd, 1992 and subsequently modified by exchanging Verbal Notes, (hereinafter referred as "the Agreement"), in order to comply with its obligations as a Member State of the European Union;

Acknowledging that Romania, pursuant to Article 307 of the Treaty establishing the European Community and article 6.10 of its Act of Accession to the European Union, must take all appropriate steps to eliminate incompatibilities between the Community Law and its other international treaties including the Agreement;

Deciding, as a result, that certain amendments to the Agreement are necessary in order to avoid such incompatibilities;

Have agreed to conclude the following Protocol thereto:

ARTICLE 1

The second sentence of paragraph (3) of Article 2 shall be modified and shall have the following content:

"(3)..... Without prejudice to the measures adopted by the European Union, neither Contracting Party shall in any way impair by arbitrary, unreasonable or discriminatory measures, the management, maintenance or use of investments as well as the right to dispose of these."

ARTICLE 2

Paragraph (3) of Article 3 shall be modified and shall have the following content:

" The non-discriminatory treatment and most favoured nation treatment provisions of this Agreement shall not apply to all actual 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 3

Paragraph (1) of Article 6 shall be modified and shall have the following content:

“(1). Without prejudice to the measures adopted by the European Union, each Contracting Party guarantees to the investors of the other Contracting Party, in respect of their investments, subject to its laws and regulations, the transfer of:

- (a) the current returns resulting from an investment;
- (b) the proceeds accruing from the total or partial sale, alienation or liquidation of an investment;
- (c) the payments made for the reimbursement of the credits for investments and interest due;
- (d) an adequate portion of the earnings of the citizens of the other Contracting Party deriving from their work and service in connection with an investment in its territory;
- (e) compensation referred to in Articles 4 and 5.”

ARTICLE 4

Article 12 shall be amended by adding a new paragraph (4), having the following content:

“(4). By derogation to Article 12 (2), in case of future evolutions of EU law, this Agreement shall be amended, if necessary, by mutual consensus of the Contracting Parties, so as to ensure the conformity of its provisions with the Romania’s obligations arising from the EU member status.”

ARTICLE 5

This Protocol shall form an integral part of the Agreement and shall be subject to constitutional procedures required by the national laws of the Contracting Parties.

ARTICLE 6

The present 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 so long as the Agreement shall remain in force.

IN WITNESS WHEREOF, the undersigned being duly authorized by their Governments have signed this Protocol.

Done at Bucharest on April, 6, 2009, in two originals, each in Romanian, Arabic and English, all texts being equally authentic. In the event of any difference regarding interpretation, the English text shall prevail.

FOR THE GOVERNMENT OF

FOR THE GOVERNMENT OF

ROMANIA

THE HASHEMITE KINGDOM OF JORDAN

GHEORGHE POGEA

SUHAIR AL ALI

Minister of Public Finance

**Minister of Planning
and International Cooperation**

