

PROTOCOL
amending the Agreement between the Government of Romania and
the Government of the State of Qatar
on the promotion and reciprocal protection of investments

The Government of Romania and the Government of the State of Qatar (hereinafter referred to as “the Contracting Parties”);

Discussing the intentions of Romania to amend the Agreement between the Government of Romania and the Government of the State of Qatar on the promotion and reciprocal protection of investments, signed in Bucharest, on June 6, 1996 (hereinafter referred to 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 as follows:

ARTICLE 1

The first sentence of paragraph (1) of Article 3 shall be amended so that it will have the following content:

“(1) Without prejudice to the measures adopted by the European Union, each Contracting Party shall protect within its territory investments made in accordance with its laws and regulations by investors of the other Contracting Party and shall not impair by unreasonable or discriminatory measures the management, maintenance, use, enjoyment, extension, sale or liquidation of such investments.”

ARTICLE 2

The first sentence of paragraph (3) of Article 3 shall be replaced by the following wording:

“(3) The non-discriminatory treatment, national 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.”

ARTICLE 3

Paragraph (1) of Article 4 shall be amended so that it will be as follows:

“(1) Without prejudice to the measures adopted by the European Union, each Contracting Party in whose territory investments have been made by investors of the other Contracting Party shall grant those investors, upon paying all their fiscal and other similar obligations, the free transfer of the payments relating to these investments at the rate of exchange applicable on the date of transfer, particularly of:

- a) returns according to Article 1, paragraph (3) of this Agreement;
- b) amounts relating to loans incurred, or other contractual obligations undertaken, for the investment; and
- c) proceeds accruing from the total or partial sale, alienation or liquidation of an investment.”

ARTICLE 4

Article 11 shall be amended by adding a new paragraph (3), having the following wording:

“(3) In case of future evolutions of the Community Law, this Agreement may be amended, if necessary, by mutual written consent of the Contracting Parties. Any amendment shall be effective, when either Contracting Party notifies each other that their have completed all their internal legal requirements for the entry into force of such amendment.”

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.

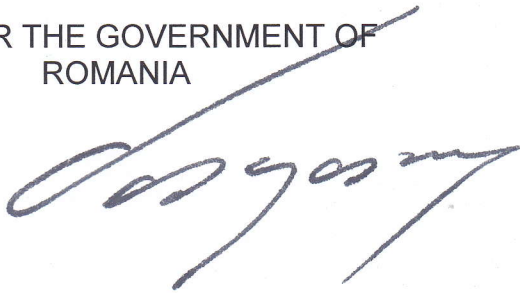
ARTICLE 6

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.

Signed at Bucharest, on March 5, 2008, in two originals, each in Romanian, Arabic and English languages 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 STATE OF QATAR

