

AGREEMENT

FOR THE TERMINATION OF BILATERAL INVESTMENT TREATIES BETWEEN THE MEMBER STATES OF THE EUROPEAN UNION

THE PARTIES, the Kingdom of Belgium, the Republic of Bulgaria, the Czech Republic, the Kingdom of Denmark, the Federal Republic of Germany, the Republic of Estonia, Ireland, the Hellenic Republic, the Kingdom of Spain, the French Republic, the Republic of Croatia, the Italian Republic, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Grand-Duchy of Luxembourg, Hungary, the Republic of Malta, the Kingdom of the Netherlands, the Republic of Austria, the Republic of Poland, the Portuguese Republic, Romania, the Republic of Slovenia, the Slovak Republic, the Republic of Finland, the Kingdom of Sweden and the United Kingdom of Great Britain and Northern Ireland,

- I. Having in mind the Treaty on European Union (TEU) and the Treaty on the Functioning of the European Union (TFEU) and general principles of Union law;
- II. Having in mind the rules of customary international law as codified in the Vienna Convention on the Law of Treaties (VCLT);
- III. Recalling that the Court of Justice of the European Union (CJEU) held in Case C-478/07 *Budějovický Budvar* that provisions laid down in an international agreement concluded between two Member States cannot apply in the relations between those two States if they are found to be contrary to the EU Treaties;
- IV. Considering that, in compliance with the obligation of Member States to bring their legal orders in conformity with Union law, they must draw the necessary consequences from Union law as interpreted in the judgment of the CJEU in Case C-284/16 *Achmea* (*Achmea* judgment);
- V. Considering that investor-State arbitration clauses in bilateral investment treaties between the Member States of the European Union (intra-EU bilateral investment treaties) are contrary to the EU Treaties and, as a result of this incompatibility, cannot be applied after the date on which the last of the Parties to an intra-EU bilateral investment treaty became a Member State of the European Union;
- VI. Sharing the common understanding expressed in this Agreement between the Parties to the EU Treaties and intra-EU bilateral investment treaties that, as a result, such a clause cannot serve as legal basis for Arbitration Proceedings;
- VII. Understanding that this Agreement should cover all investor-State arbitration proceedings based on intra-EU bilateral investment treaties under any arbitration convention or set of rules, including the Convention on the Settlement of Investment Disputes between States and Nationals of Other States (ICSID Convention) and the ICSID arbitration rules, the Permanent Court of Arbitration (PCA) arbitration rules, the Arbitration Institute of the Stockholm

Chamber of Commerce (SCC) arbitration rules, the International Chamber of Commerce (ICC) arbitration rules, the United Nations Commission on International Trade Law (UNCITRAL) arbitration rules and *ad hoc* arbitration;

- VIII. Noting that certain intra-EU bilateral investment treaties, including their sunset clauses, have already been terminated bilaterally, and that other intra-EU bilateral investment treaties have been terminated unilaterally and the period of application of their sunset clauses has expired;
- IX. Agreeing that this Agreement is without prejudice to the question of compatibility with the EU Treaties of substantive provisions of intra-EU bilateral investment treaties;
- X. Considering that this Agreement addresses intra-EU bilateral investment treaties; it does not cover intra-EU proceedings on the basis of Article 26 of the Energy Charter Treaty. The Union and its Member States will deal with this matter at a later stage;
- XI. Considering that when investors from Member States exercise one of the fundamental freedoms, such as the freedom of establishment or the free movement of capital, they act within the scope of application of Union law and therefore enjoy the protection granted by those freedoms and, as the case may be, by the relevant secondary legislation, by the Charter of Fundamental Rights of the European Union, and by the general principles of Union law, which include in particular the principles of non-discrimination, proportionality, legal certainty and the protection of legitimate expectations (Judgment of the CJEU in Case C-390/12 *Pfleger*, paragraphs 30 to 37). Where a Member State enacts a measure that derogates from one of the fundamental freedoms guaranteed by Union law, that measure falls within the scope of Union law and the fundamental rights guaranteed by the Charter also apply (Judgment of the CJEU in Case C-685/15 *Online Games Handels*, paragraphs 55 and 56);
- XII. Recalling that Member States are obliged under the second subparagraph of Article 19(1) TEU to provide remedies sufficient to ensure effective legal protection of investors' rights under Union law. In particular, every Member State must ensure that its courts or tribunals, within the meaning of Union law, meet the requirements of effective judicial protection (Judgment of the CJEU in Case C-64/16 *Associação Sindical dos Juizes Portugueses*, paragraphs 31 to 37);
- XIII. Recalling that disputes between the Parties concerning the interpretation or application of this Agreement pursuant to Article 273 TFEU shall not concern the legality of the measure that is the subject of investor-State arbitration proceedings based on a bilateral investment treaty covered by this Agreement;
- XIV. Bearing in mind that the provisions of this Agreement are without prejudice to the possibility for the European Commission or any Member State to bring a case before the CJEU based on Articles 258, 259 and 260 TFEU;
- XV. Recalling that in light of the ECOFIN Council conclusions of 11 July 2017, Member States and the Commission will intensify discussions without undue delay with the aim of better

ensuring complete, strong and effective protection of investments within the European Union. Those discussions include the assessment of existing processes and mechanisms of dispute resolution as well as the need and, if the need is ascertained, the means to create new or improve relevant existing tools and mechanisms under Union law;

XVI. Recalling that this Agreement is without prejudice to further measures and actions that may be necessary within the framework of Union law in order to ensure a higher level of protection of cross-border investments within the European Union and to create a more predictable, stable and clear regulatory environment to incentivise investments within the internal market;

XVII. Considering that the references to the European Union in this Agreement are to be understood also as references to its predecessor, the European Economic Community and, subsequently, the European Community, until the latter was superseded by the European Union;

HAVE AGREED UPON THE FOLLOWING PROVISIONS:

SECTION 1 - DEFINITIONS

Article 1 (Definitions)

For the purposes of this Agreement, the following definitions shall apply:

- (1) 'Bilateral Investment Treaty' means any investment treaty listed in Annex A or Annex B;
- (2) 'Arbitration Proceedings' means any proceedings before an arbitral tribunal established to resolve a dispute between an investor from one Member State of the European Union and another Member State of the European Union in accordance with a Bilateral Investment Treaty;
- (3) 'Arbitration Clause' means an investor-State arbitration clause laid down in a Bilateral Investment Treaty providing for Arbitration Proceedings;
- (4) 'Concluded Arbitration Proceedings' means any Arbitration Proceedings which ended with a settlement agreement or with a final award issued prior to 6 March 2018 where:
 - a) the award was duly executed prior to 6 March 2018, even where a related claim for legal costs has not been executed or enforced, and no challenge, review, set-aside, annulment, enforcement, revision or other similar proceedings in relation to such final award was pending on 6 March 2018, or
 - b) the award was set aside or annulled before the date of entry into force of this Agreement;
- (5) 'Pending Arbitration Proceedings' means any Arbitration Proceedings initiated prior to 6 March 2018 and not qualifying as Concluded Arbitration Proceedings, regardless of their stage on the date of the entry into force of this Agreement;

- (6) 'New Arbitration Proceedings' means any Arbitration Proceedings initiated on or after 6 March 2018;
- (7) 'Sunset Clause' means any provision in a Bilateral Investment Treaty which extends the protection of investments made prior to the date of termination of that Treaty for a further period of time.

SECTION 2 - PROVISIONS REGARDING THE TERMINATION OF BILATERAL INVESTMENT TREATIES

Article 2 (Termination of Bilateral Investment Treaties)

1. Bilateral Investment Treaties listed in Annex A are terminated according to the terms set out in this Agreement.
2. For greater certainty, Sunset Clauses of Bilateral Investment Treaties listed in Annex A are terminated in accordance with paragraph 1 of this Article and shall not produce legal effects.

Article 3 (Termination of possible effects of Sunset Clauses)

Sunset Clauses of Bilateral Investment Treaties listed in Annex B are terminated by this Agreement and shall not produce legal effects, in accordance with the terms set out in this Agreement.

Article 4 (Common provisions)

1. The Parties hereby confirm that Arbitration Clauses are contrary to the EU Treaties and thus inapplicable. As a result of this incompatibility between Arbitration Clauses and the EU Treaties, as of the date on which the last of the parties to a Bilateral Investment Treaty became a Member State of the European Union, the Arbitration Clause in such a Bilateral Investment Treaty cannot serve as legal basis for Arbitration Proceedings.
2. The termination in accordance with Article 2 of Bilateral Investment Treaties listed in Annex A and the termination in accordance with Article 3 of Sunset Clauses of Bilateral Investment Treaties listed in Annex B shall take effect, for each such Treaty, as soon as this Agreement enters into force for the relevant Parties, in accordance with Article 16.

SECTION 3 - PROVISIONS REGARDING CLAIMS MADE UNDER BILATERAL INVESTMENT TREATIES

Article 5 (New Arbitration Proceedings)

Arbitration Clauses shall not serve as legal basis for New Arbitration Proceedings.

Article 6 (Concluded Arbitration Proceedings)

1. Notwithstanding Article 4, this Agreement shall not affect Concluded Arbitration Proceedings. Those proceedings shall not be reopened.
2. In addition, this Agreement shall not affect any agreement to settle amicably a dispute being the subject of Arbitration Proceedings initiated prior to 6 March 2018.

Article 7 (Duties of the Parties concerning Pending Arbitration Proceedings and New Arbitration Proceedings)

Where the Parties are contracting parties to Bilateral Investment Treaties on the basis of which Pending Arbitration Proceedings or New Arbitration Proceedings were initiated, they shall:

- a) inform, in cooperation with each other and on the basis of the statement in Annex C, arbitral tribunals about the legal consequences of the *Achmea* judgment as described in Article 4; and
- b) where they are party to judicial proceedings concerning an arbitral award issued on the basis of a Bilateral Investment Treaty, ask the competent national court, including in any third country, as the case may be, to set the arbitral award aside, annul it or to refrain from recognising and enforcing it.

Article 8 (Transitional measures related to Pending Arbitration Proceedings)

1. Where an investor is party to Pending Arbitration Proceedings and has not challenged before the competent national court the measure that is subject to the dispute, the transitional measures of Articles 9 and 10 apply.
2. When a final award finding that the measure in dispute does not fall under the Bilateral Investment Treaty concerned, or does not violate that Bilateral Investment Treaty, is issued before the date of entry into force of this Agreement, the transitional measures referred to in this Article shall not apply.
3. Where Pending Arbitration Proceedings include counter-claims by the Party concerned, this Article and Articles 9 and 10 shall apply *mutatis mutandis* to those claims.
4. The Party concerned and the investor may also agree on any other appropriate resolution of the dispute, including an amicable resolution, provided the solution complies with Union law.

Article 9 (Structured dialogue for Pending Arbitration Proceedings)

1. An investor party to Pending Arbitration Proceedings may ask the Party involved in those proceedings to enter into a settlement procedure pursuant to this Article, on condition that:
 - a) the Pending Arbitration Proceedings have been suspended pursuant to a request to

that effect by the investor, and

- b) if an award has already been issued in the Pending Arbitration Proceedings, but not yet definitively enforced or executed, the investor undertakes not to start proceedings for its recognition, execution, enforcement or payment in a Member State or in a third country or, if such proceedings have already started, to request that they are suspended.

The Party concerned shall reply in writing within two months in accordance with paragraphs 2 to 4.

A Party may also ask an investor involved in Pending Arbitration Proceedings to enter into a settlement procedure pursuant to this Article. The investor may accept in writing within two months provided that the conditions set out in points (a) and (b) of the first subparagraph are fulfilled.

The reply by the Party concerned or the acceptance by the investor must state, where relevant, that the settlement procedure is thereby initiated.

2. A settlement procedure may only be initiated within six months from the termination, pursuant to Article 2 or 3 of this Agreement, of the Bilateral Investment Treaty on the basis of which the Pending Arbitration Proceedings were initiated, by making a request pursuant to paragraph 1 of this Article.
3. A settlement procedure shall be entered into if the CJEU or a national court has found, in a judgment that has become final, that the State measure being contested in the proceedings referred to in paragraph 1 violates Union law.
4. A settlement procedure shall not be entered into if the CJEU or a national court has found, in a judgment that has become final, that the State measure being contested in the proceedings referred to in paragraph 1 does not violate Union law. The same applies if the European Commission has adopted a decision which has become definitive finding that the measure does not violate Union law.
5. If court proceedings, the object of which is to obtain a judgment as referred to in paragraph 3 or 4, are pending, the Party concerned shall in its reply pursuant to paragraph 1 inform the investor of that fact. The initiation of the settlement procedure shall be suspended until the court proceedings have resulted in a judgment that has become final. The Party concerned shall inform the investor within two weeks of such judgment. The same applies if the European Commission has adopted a decision which has not yet become definitive.
6. A settlement procedure may be entered into if a potential violation of Union law caused by the State measure being contested in the proceedings referred to in paragraph 1 can be identified and neither paragraph 3 nor 4 applies.

7. The settlement procedure shall be overseen by an impartial facilitator with a view to finding between the parties an amicable, lawful and fair out-of-court and out-of-arbitration settlement of the dispute which is the subject of the Arbitration Proceedings. The settlement procedure shall be impartial and confidential. Each party to the settlement procedure shall have the right to make its views known.
8. The facilitator shall be designated by common agreement of the investor and the Party concerned acting as respondent in the relevant Pending Arbitration Proceedings. He/she shall be chosen from persons whose independence and impartiality are beyond doubt and who possess the necessary qualifications including in-depth knowledge of Union law. He/she shall not be a national of either the Member State in which the investment took place or the home Member State of the investor and shall not be in a position of conflict of interests. If a common agreement on the choice of the impartial facilitator is not reached within one month of the settlement procedure being initiated, the investor or the Party concerned acting as respondent in the relevant Pending Arbitration Proceedings shall ask the [...] to appoint, after having consulted each party to the dispute, a person fulfilling the criteria set out in this paragraph. An indicative fee schedule for the facilitator is laid down in Annex D.
9. The facilitator shall ask the investor and the Member State in which the investment took place to provide written submissions within two months of his/her appointment. When the settlement procedure was initiated on the basis of paragraph 6, the facilitator may ask the European Commission to provide, within two months, advice on the relevant issues related to Union law.
10. The facilitator shall in an impartial manner organise the settlement negotiations and support the parties with a view to reaching an amicable settlement within six months of his/her appointment, or such longer period as the parties may agree. The parties shall participate in good faith in that process. In doing so, he/she shall take due account of rulings by the CJEU or a national court as well as of decisions by the European Commission which have become definitive, and the advice referred to in the last sentence of paragraph 9. The facilitator shall also take into consideration the actions taken in order to comply with the relevant rulings of the CJEU by the Party concerned and the case-law of the CJEU on the extent of reparations of damages under Union law.
11. If an amicable settlement is not reached within the timeframe referred to in paragraph 10, the parties to the procedure shall propose within one month a settlement acceptable to them. Each proposal shall be communicated in writing without undue delay to the other party to the procedure for observations. The facilitator shall organise further negotiation on that basis, with the aim of finding a mutually acceptable solution to the dispute.
12. Within one month from the communication of the proposals and taking into account the further exchange of views referred to in paragraph 11, the facilitator shall make a final written proposal for an amended amicable settlement. Within one month from receipt of that proposal, each party to the procedure shall decide whether to accept the final

proposal and communicate that decision in writing to the other party.

13. If a party to the procedure does not accept the final proposal, it shall provide a written explanation of the reasons for doing so to the other party to the procedure without undue delay, where necessary removing any confidential information. Each party to the procedure shall bear its own costs and half of the fees for the facilitator and related to logistics of the settlement procedure.
14. If an agreement on the terms of the settlement is reached, the parties to the procedure shall accept those terms in a legally binding manner without undue delay. The terms of the settlement:
 - a) must include:
 - (i) an obligation for the investor to withdraw the arbitration claim or renounce execution of an award already issued, but not yet definitively enforced or executed, or, where relevant, to take into account any compensation previously paid in the Pending Arbitration Proceedings with a view to avoiding double-compensation, and
 - (ii) a commitment to refrain from initiating New Arbitration Proceedings, and
 - b) may include a waiver of all other rights and claims related to the measure that is the subject of the proceedings referred to in paragraph 1.

Article 10 (Access to national courts)

1. An investor shall be entitled to access the judicial remedies under national law against a measure contested in Pending Arbitration Proceedings even if national time-limits for bringing actions have expired, within the time limits referred to in paragraph 2, on condition that
 - a) the investor withdraws the Pending Arbitration Proceedings and waives all rights and claims pursuant to the relevant Bilateral Investment Treaty or renounces execution of an award already issued, but not yet definitively enforced or executed, and commits to refrain from instituting New Arbitration Proceedings
 - (i) within six months from the termination of the Bilateral Investment Treaty on the basis of which the Pending Arbitration Proceedings were initiated, where the structured dialogue pursuant to Article 9 was not used;
 - (ii) within six months from the date on which the Party concerned rejects the investor's request to enter into a structured dialogue pursuant to Article 9(1) and (6); or
 - (iii) within six months from the date on which the last of the parties communicates its decision pursuant to Article 9(12), where the structured dialogue pursuant to Article 9 was used;

- b) access to the national court will be used to make a claim based on national or Union law; and
 - c) where relevant, no settlement agreement was reached as a result of the structured dialogue pursuant to Article 9.
2. National time limits to access national courts pursuant to paragraph 1 shall be deemed to run from the date on which the investor, as applicable, withdraws from the relevant Pending Arbitration Proceedings or renounces execution of an award already issued, but not yet definitively enforced or executed, and commits to refrain from instituting New Arbitration Proceedings in accordance with point (a) of paragraph 1 and shall have the duration prescribed by the applicable national law.
 3. For greater certainty, the provisions of Bilateral Investment Treaties terminated pursuant to this Agreement shall not be considered as part of the applicable law in proceedings brought before a national court pursuant to this Agreement.
 4. For greater certainty, the provisions of this Article shall not be construed as creating any new judicial remedies which would not be available to the investor under the applicable national law.
 5. The national courts shall take into account any compensation previously paid in the Pending Arbitration Proceedings with a view to avoiding double-compensation.

SECTION 4 - FINAL PROVISIONS

Article 11 (Depositary)

1. The Secretary-General of the Council of the European Union shall act as Depositary of this Agreement.
2. The Secretary-General of the Council of the European Union shall notify the Parties of:
 - a) any decision on provisional application in accordance with Article 17;
 - b) the deposit of any instrument of ratification, acceptance or approval in accordance with Article 15;
 - c) the date of entry into force of this Agreement in accordance with Article 16(1);
 - d) the date of entry into force of this Agreement for each Party in accordance with Article 16(2).
3. The Secretary General of the Council of the European Union shall publish the Agreement in *the Official Journal of the European Union*.

Article 12 (Annexes)

1. The annexes to this Agreement constitute an integral part thereof.
2. If a Bilateral Investment Treaty listed in Annex A is not in force on the date on which this Agreement enters into force for the relevant Parties, but investments made prior to such termination may still fall within the scope of its application by virtue of its Sunset Clause, it shall be considered as a Bilateral Investment Treaty listed in Annex B.

Article 13 (Reservations)

No reservations shall be made to this Agreement.

Article 14 (Dispute settlement)

1. Disputes between the Parties concerning the interpretation or application of this Agreement shall, if possible, be settled amicably.
2. If a dispute between the Parties cannot be settled amicably within 90 days, the dispute shall, on the request of one of the Parties to the dispute, be submitted to the CJEU in accordance with Article 273 TFEU.
3. For greater certainty, this Article constitutes a special agreement between the Parties within the meaning of Article 273 TFEU.

Article 15 (Ratification, approval or acceptance)

This Agreement shall be subject to ratification, approval or acceptance.

The Parties shall deposit their instruments of ratification, approval or acceptance with the Depository.

Article 16 (Entry into force)

1. This Agreement shall enter into force 30 calendar days after the date on which the Depository receives the second instrument of ratification, approval or acceptance.
2. For each Party which ratifies, accepts or approves it after its entry into force in accordance with paragraph 1, this Agreement shall enter into force 30 calendar days after the date of deposit by such Party of its instrument of ratification, approval or acceptance.
3. When a Party that is a party to Pending Arbitration Proceedings ratifies, approves or accepts this Agreement, it shall, before the entry into force of this Agreement for that Party, inform the other party to the proceedings of that fact. That communication shall include a reference to whether, by that ratification, approval or acceptance, the relevant Bilateral Investment Treaty is terminated or whether ratification, approval or acceptance by the other Party to that Treaty is still outstanding.

Article 17 (Provisional application)

1. Parties, in accordance with their own constitutional requirements, may decide to apply this Agreement provisionally. Parties shall notify the Depository of any such decision.

2. When both Parties to a Bilateral Investment Treaty have decided to provisionally apply this Agreement, the provisions of this Agreement shall apply in respect of that Treaty 30 calendar days from the date of the later decision on provisional application.

Article 18 (Authentic texts)

This Agreement, drawn up in a single original in the Bulgarian, Croatian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Irish, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish and Swedish languages, the text in each of these languages being equally authentic, shall be deposited in the archives of the Depositary.

Done in Brussels, on the [DATE]

ANNEX A: LIST OF BILATERAL INVESTMENT TREATIES THAT ARE TERMINATED BY THIS AGREEMENT

MEMBER STATE 1	MEMBER STATE 2	TREATY TITLE	DATE OF SIGNATURE	DATE OF ENTRY INTO FORCE
BE	HU	Agreement between the Belgo-Luxembourg Economic Union and the Hungarian People's Republic on Mutual Promotion and Protection of Investments	14.05.1986	23.09.1988
BE	BG	Agreement between the Belgo-Luxembourg Economic Union and the People's Republic of Bulgaria on Mutual Promotion and Protection of Investments	25.10.1988	29.05.1991
BE	PL	Agreement between the Government of the Kingdom of Belgium and the Government of the Grand Duchy of Luxembourg, of the one part, and the Government of the Polish People's Republic, of the other, on Mutual Promotion and Protection of Investments and the Exchange of letters	19.05.1987	02.08.1991
BE	MT	Agreement between the Belgo-Luxembourg Economic Union and the Republic of Malta on Mutual Promotion and Protection of Investments	05.03.1987	15.06.1993
BE	LV	Agreement between the Belgo-Luxembourg Economic Union and the Republic of Latvia on Mutual Promotion and Protection of Investments	27.03.1996	04.04.1999
BE	CY	Agreement between the Belgo-Luxembourg Economic Union and the Republic Of Cyprus on Mutual Promotion and Protection of Investments and the Exchange of Letters	26.02.1991	05.06.1999
BE	LT	Agreement between the Belgo-Luxembourg Economic Union and the Republic of Lithuania on Mutual Promotion and Protection of Investments	15.10.1997	06.09.1999
BE	EE	Agreement between the Belgo-Luxembourg Economic Union, of the one part, and the Republic of Estonia, of the other, on Mutual Promotion and Protection of Investments	24.01.1996	23.09.1999
BE	RO	Agreement between the Belgo-Luxembourg Economic Union and the Government of Romania on Mutual Promotion and Protection of Investments	04.03.1996	09.03.2001
BE	SI	Agreement between the Belgo-Luxembourg Economic Union and the Government of the Republic of Slovenia on Mutual Promotion and Protection of Investments	01.02.1999	14.01.2002

MEMBER STATE 1	MEMBER STATE 2	TREATY TITLE	DATE OF SIGNATURE	DATE OF ENTRY INTO FORCE
BE	HR	Agreement between the Belgo-Luxembourg Economic Union and the Republic of Croatia on Mutual Promotion and Protection of Investments	31.10.2001	28.12.2003
BG	MT	Agreement between the Government of the Republic of Malta and the Government of the People's Republic of Bulgaria on Mutual Promotion and Protection of Investments	12.06.1984	07.02.1985
BG	DE	Treaty between the Federal Republic of Germany and the Republic of Bulgaria concerning the Reciprocal Encouragement and Protection of Investments (with Protocol and Exchange of Letters)	12.04.1986	10.03.1988
BG	CY	Agreement between the Government of the People's Republic of Bulgaria and the Government of the Republic of Cyprus on Mutual Encouragement and Protection of Investments	12.11.1987	18.05.1988
BG	FR	Agreement between the Government of the People's Republic of Bulgaria and the Government of the French Republic on Mutual Encouragement and Protection of Investments (with Protocol and Exchange of Letters)	05.04.1989	01.05.1990
BG	SK	Agreement between the Government of the Republic of Bulgaria and the Government of the Slovak Republic for Promotion and Reciprocal Protection of Investments	21.06.1994	09.03.1995
BG	PL	Agreement between the Government of the Republic of Bulgaria and the Government of the Republic of Poland on Mutual Promotion and Protection of Investments	11.04.1994	09.03.1995
BG	SE	Agreement between the Government of the Kingdom of Sweden and the Government of the Republic of Bulgaria on Mutual Promotion and Protection of Investments	19.04.1994	01.04.1995
BG	EL	Agreement Between The Government Of The Republic Of Bulgaria And The Government Of The Hellenic Republic For The Promotion And Reciprocal Protection Of Investments	12.03.1993	29.04.1995
BG	DK	Agreement between the Republic of Bulgaria and the Government of the Kingdom of Denmark Concerning the Promotion and Reciprocal Protection of Investments	14.03.1993	20.05.1995
BG	RO	Agreement between the Government of the Republic of Bulgaria and the Government of Romania on Mutual Promotion and Protection of Investments	01.06.1994	23.05.1995

MEMBER STATE 1	MEMBER STATE 2	TREATY TITLE	DATE OF SIGNATURE	DATE OF ENTRY INTO FORCE
BG	HU	Agreement Between The Republic Of Hungary And The Republic Of Bulgaria On Mutual Promotion and Protection Of Investments	08.06.1994	07.09.1995
BG	UK	Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Republic of Bulgaria for the Promotion and Reciprocal Protection of Investments	11.12.1995	24.06.1997
BG	AT	Agreement between the Republic of Austria and the Republic of Bulgaria on Mutual Promotion and Protection of Investments	22.01.1997	01.11.1997
BG	HR	Agreement between the Republic of Croatia and the Government of the Republic of Bulgaria on Promotion and Reciprocal Protection of Investments	25.06.1996	20.02.1998
BG	ES	Agreement between the Kingdom of Spain and the Republic of Bulgaria for the Promotion and Reciprocal Protection of Investments	05.09.1995	22.04.1998
BG	FI	Agreement between the Government of the Republic of Finland and the Government of Bulgaria on the Promotion and Protection of Investments	03.10.1997	16.04.1999
BG	CZ	Agreement between the Czech Republic and the Republic of Bulgaria for the Promotion and Reciprocal Protection of Investments	17.03.1999	30.09.2000
BG	PT	Agreement between the Government of the Republic of Bulgaria and the Government of the Portuguese Republic for the Promotion and Mutual Protection of Investments (with Protocol signed on 30.03.1999)	27.05.1993	20.11.2000
BG	SI	Agreement between the Government of the Republic of Bulgaria and the Government of the Republic of Slovenia on the Reciprocal Promotion and Protection of Investments	30.06.1998	26.11.2000
BG	NL	Agreement On Encouragement And Reciprocal Protection Of Investments Between The Republic Of Bulgaria And The Kingdom Of The Netherlands	06.10.1999	01.03.2001
BG	LV	Agreement between the Government of the Republic of Latvia and the Government of the Republic of Bulgaria for the Promotion and Reciprocal Protection of Investments	04.12.2003	23.07.2004

MEMBER STATE 1	MEMBER STATE 2	TREATY TITLE	DATE OF SIGNATURE	DATE OF ENTRY INTO FORCE
BG	LT	Agreement between the Government of the Republic of Lithuania and the Government of the Republic of Bulgaria on the Promotion and Protection of Investments	21.11.2005	25.04.2006
CZ	AT	Agreement between the Czech and Slovak Federal Republic and the Republic of Austria for the Promotion and Protection of Investments	15.10.1990	01.10.1991
CZ	SE	Agreement between the Czech and Slovak Federal Republic and the Kingdom of Sweden on the Promotion and Reciprocal Protection of Investments	13.11.1990	23.09.1991
CZ	ES	Agreement for the protection and reciprocal promotion of investments between the Czech and Slovak Federal Republic and the Kingdom of Spain	12.12.1990	28.11.1991
CZ	NL	Agreement on encouragement and reciprocal protection of investments between the Czech and Slovak Federal Republic and the Kingdom of the Netherlands	29.04.1991	01.10.1992
CZ	UK	Agreement between the Government of the Czech and Slovak Federal Republic and the Government of the United Kingdom of Great Britain and Northern Ireland for the Promotion and Protection of Investments	10.07.1990	26.10.1992
CZ	EL	Agreement between the Government of the Czech and Slovak Federal Republic and the Government of the Hellenic Republic for the Promotion and Reciprocal Protection of Investments	03.06.1991	30.12.1992 (CZ) 31.12.1992 (EL)
CZ	RO	Agreement between the Government of the Czech Republic and the Government of the Republic of Romania for the Promotion and Reciprocal Protection of Investments and Protocol of the Amendments	08.11.1993 22.1. 2008 (Additional protocol)	28.07.1994 17.7. 2009 (Additional protocol)
CZ	PT	Agreement between the Government of the Czech Republic and the Government of the Portuguese Republic for the Promotion and Reciprocal Protection of Investments	12.11.1993	03.08.1994
CZ	HU	Agreement between the Czech Republic and the Republic of Hungary for the Promotion and Reciprocal Protection of Investments	14.01.1993	25.05.1995

MEMBER STATE 1	MEMBER STATE 2	TREATY TITLE	DATE OF SIGNATURE	DATE OF ENTRY INTO FORCE
CZ	LT	Agreement between the Government of the Czech Republic and the Government of the Republic of Lithuania for the Promotion and Reciprocal Protection of Investments	27.10.1994	12.07.1995
CZ	FI	Agreement between the Government of the Czech Republic and the Government of the Republic of Finland for the Promotion and Protection of Investments	06.11.1990	23.10.1991
CZ	HR	Agreement between the Czech Republic and the Republic of Croatia for the Promotion and Reciprocal Protection of Investments and Additional Protocol	05.03.1996 8.9. 2008 (Additional Protocol)	15.05.1997 31.8. 2009 (Additional Protocol)
CZ	CY	Agreement between the Republic of Cyprus and the Czech Republic for the Promotion and Reciprocal Protection of Investments	15.06.2001	25.09.2002
CZ	BE	Agreement between the Socialist Republic of Czechoslovakia and the Belgo-Luxembourg Economic Union concerning the Reciprocal Promotion and Protection of Investments	24.4.1989	13.2.1992
DK	LT	Agreement between the Government of the Republic of Lithuania and Government of the Kingdom of Denmark concerning the Promotion and Reciprocal Protection of Investments	30.03.1992	08.01.1993
DK	LV	Agreement between the Government of the Kingdom of Denmark the Government of the Republic of Latvia concerning the Promotion and Reciprocal Protection of Investments	30.03.1992	28.11.1994
DK	HR	Agreement between the Government of the Republic of Croatia and the Government of the Kingdom of Denmark concerning the Promotion and Reciprocal Protection of Investments	05.07.2000	12.01.2002
DK	SI	Agreement between the Government of the Republic of Slovenia and the Government of the Kingdom of Denmark concerning the Promotion and Reciprocal Protection of Investments	11.05.1999	30.03.2002
DK	SK	Agreement between the Czech and Slovak Federal Republic and the Kingdom of Denmark for the Promotion and Reciprocal Protection of Investments (with regard to Slovakia) (Note that succession was agreed with both the Czech Republic and Slovakia after 1993)	06.03.1991	19.09.1992 (Succession 01.01.1993)
DE	EL	Treaty Between The Federal Republic Of Germany And The Kingdom Of Greece On The	27.03.1961	15.07.1963

MEMBER STATE 1	MEMBER STATE 2	TREATY TITLE	DATE OF SIGNATURE	DATE OF ENTRY INTO FORCE
		Promotion And Reciprocal Protection Of Investments		
DE	MT	Treaty between Malta and the Federal Republic of Germany Concerning the Encouragement and Reciprocal Protection of Investments	17.09.1974	14.12.1975
DE	PT	Treaty between the Federal Republic of Germany and the Portuguese Republic for the Promotion and Reciprocal Protection of Investments	16.09.1980	23.04.1982
DE	HU	Treaty Between the Hungarian People's Republic and the Federal Republic Of Germany on the Promotion and Reciprocal Protection of Investments	30.04.1986	07.11.1987
DE	CZ	Treaty between the Federal Republic of Germany and the Czech and Slovak Federative Republic for the Promotion and Reciprocal Protection of Investments	02.10.1990	02.08.1992
DE	LV	Treaty Between the Government of the Republic of Latvia and the Federal Republic of Germany for the Promotion and Reciprocal Protection of Investments	20.04.1993	09.06.1996
DE	EE	Treaty between the Federal Republic of Germany and the Republic of Estonia for the Promotion and Reciprocal Protection of Investments	12.11.1992	12.01.1997
DE	LT	Treaty between the Republic of Lithuania and the Federal Republic of Germany for the Promotion and Reciprocal Protection of Investments	28.02.1992	27.06.1997
DE	SI	Treaty between the Federal Republic of Germany and the Republic of Slovenia for the Promotion and Reciprocal Protection of Investments	28.10.1993	18.07.1998
DE	RO	Treaty between the Federal Republic of Germany and Romania for the Promotion and Reciprocal Protection of Investments	25.06.1996	12.12.1998
DE	HR	Treaty between the Federal Republic of Germany and the Republic of Croatia on the Promotion	21.03.1997	28.09.2000

MEMBER STATE 1	MEMBER STATE 2	TREATY TITLE	DATE OF SIGNATURE	DATE OF ENTRY INTO FORCE
		and Reciprocal Protection of Investments ¹		
EE	SE	Agreement Between The Government of the Kingdom of Sweden And The Government of the Republic Of Estonia On The Promotion And Reciprocal Protection Of Investments	31.03.1992	20.05.1992
EE	FI	Agreement between the Government of the Republic of Finland and the Government of the Republic of Estonia for the Promotion and Protection on Investments	13.02.1992	02.12.1992
EE	NL	Agreement On Encouragement And Reciprocal Protection Of Investments Between The Kingdom Of The Netherlands And The Republic Of Estonia	27.10.1992	01.09.1993
EE	UK	Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Republic of Estonia for the Promotion and Reciprocal Protection of Investments	12.05.1994	16.12.1994
EE	FR	Agreement between the Government of the French Republic and the Government of the Republic of Estonia on the Reciprocal Encouragement and Protection of Investment (Exchange of Letters)	14.05.1992	25.09.1995
EE	LV	Agreement Between the Government of the Republic of Latvia and the Government of Estonia for the Promotion and Protection of Investments	07.02.1996	23.05.1996
EE	LT	Agreement between the Government of the Republic of Lithuania and the Government of the Republic of Estonia for the Promotion and Reciprocal Protection of Investments	07.09.1995	20.06.1996
EE	ES	Agreement between the Kingdom of Spain and the Republic of Estonia for the Promotion and	11.11.1997	01.07.1998

¹ It is clarified, for greater certainty, that the formal termination by this Agreement of the Bilateral Investment Treaties between Germany and Croatia shall not be construed as meaning that the BIT between Germany and the former Socialist Federal Republic of Yugoslavia (SFRY) in relations between Germany and Croatia, could be revived. This is without prejudice to the applicability of the BIT between Germany and the former SFRY in relations between Germany and some states formed on the territory of the former SFRY which are not EU Member States.

MEMBER STATE 1	MEMBER STATE 2	TREATY TITLE	DATE OF SIGNATURE	DATE OF ENTRY INTO FORCE
		Reciprocal Protection of Investments		
EE	EL	Agreement between the Government of the Hellenic Republic and the Government of the Republic of Estonia on the Promotion and Reciprocal Protection of Investments	17.04.1997	01.08.1998/ 06.08.1998
EL	HU	Agreement Between The Government Of The Hellenic Republic And The Government Of The Hungarian People's Republic For The Encouragement And Reciprocal Protection Of Investments	26.05.1989	01.02.1992
EL	CY	Agreement between the Government of the Hellenic Republic and the Government of the Republic of Cyprus for the Encouragement and Reciprocal Protection of Investments	30.03.1992	26.02.1993
EL	PL	Agreement Between The Hellenic Republic And The Republic Of Poland For The Promotion And Reciprocal Protection Of Investments	14.10.1992	20.02.1995
EL	LT	Agreement Between The Government Of The Hellenic Republic And The Government of the Republic Of Lithuania On The Promotion And Reciprocal Protection Of Investments	19.07.1996	10.07.1997
EL	LV	Agreement Between The Government Of The Republic Of Latvia And The Government Of The Hellenic Republic On The Promotion And Reciprocal Protection Of Investments	20.07.1995	08.02.1998
EL	RO	Agreement Between The Government Of The Hellenic Republic And The Government Of Romania On The Promotion And Reciprocal Protection Of Investments	23.05.1997	12.06.1998
EL	HR	Agreement Between The Government Of The Republic Of Croatia And The Government Of The Hellenic Republic On The Promotion And Reciprocal Protection Of Investments	18.10.1996	20.10.1998 (EL) 21.10.1998 (HR)
EL	SI	Agreement Between The Government Of The Hellenic Republic And The Government Of The Republic Of Slovenia On The Reciprocal Promotion And Protection Of Investments	29.05.1997	10.02.2000
ES	HU	Agreement Between The Republic Of Hungary And The Kingdom Of Spain For The Encouragement And Reciprocal Protection Of Investments	09.11.1989	01.08.1992
ES	RO	Agreement between Spain and Romania for the Promotion and Reciprocal Protection of	25.01.1995	07.12.1995

MEMBER STATE 1	MEMBER STATE 2	TREATY TITLE	DATE OF SIGNATURE	DATE OF ENTRY INTO FORCE
		Investments		
ES	LT	Agreement on the Reciprocal Promotion and Protection of Investments between the Republic of Lithuania and the Kingdom of Spain	06.07.1994	22.12.1995
ES	LV	Agreement Between the Government of the Republic of Latvia and the Kingdom of Spain for the Promotion and Protection of Investments	26.10.1995	14.03.1997
ES	HR	Agreement Between The Government Of The Republic of Croatia And The Kingdom of Spain on the Promotion and Reciprocal Protection Of Investments	21.07.1997	17.09.1998
ES	SI	Agreement on the Promotion and the Reciprocal Protection of Investments between the Republic of Slovenia and the Kingdom of Spain	15.07.1998	03.04.2000
FR	MT	Agreement between the Government of the French Republic and the Government of the Republic of Malta on the Reciprocal Encouragement and Protection of Investments (Protocol)	11.08.1976	01.01.1978
FR	HU	Agreement between the Government of the French Republic and the Government of the People's Republic of Hungary on the Reciprocal Encouragement and Protection of Investments	06.11.1986	30.09.1987
FR	CZ	Agreement between the Czech and Slovak Federative Republic and the French Republic on the Reciprocal Encouragement and Protection of Investments	13.09.1990	27.09.1991
FR	LT	Agreement between the Government of the French Republic and the Government of the Republic of Latvia on the Reciprocal Encouragement and Protection of Investments (Exchange of Letters)	15.05.1992	01.10.1994
FR	LT	Agreement between the Government of the French Republic and the Government of the Republic of Lithuania on the Reciprocal Encouragement and Protection of Investments (Exchange of Letters)	23.04.1992	27.03.1995
FR	RO	Agreement between the Government of the French Republic and the Government of Romania on the Reciprocal Encouragement and Protection of Investments (Protocol)	21.03.1995	20.06.1996
FR	HR	Agreement between the Government of the French Republic and the Government of the	03.06.1996	05.03.1998

MEMBER STATE 1	MEMBER STATE 2	TREATY TITLE	DATE OF SIGNATURE	DATE OF ENTRY INTO FORCE
		Republic of Croatia on the Reciprocal Encouragement and Protection of Investments ²		
FR	SI	Agreement between the Government of the French Republic and the Government of the Republic of Slovenia on the Reciprocal Encouragement and Protection of Investments (Protocol)	11.02.1998	05.08.2000
HR	PL	Agreement between the Republic of Poland and the Republic of Croatia on the Reciprocal Promotion and Protection of Investments	21.02.1995	04.10.1995
HR	SK	Agreement Between The Government Of The Slovak Republic And The Government Of The Republic Of Croatia For Promotion And Reciprocal Protection Of Investments	12.02.1996	05.02.1997
HR	PT	Agreement between the Portuguese Republic and the Republic of Croatia on the Promotion and Reciprocal Protection of Investments	10.05.1995	27.11.1997
HR	UK	Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Republic of Croatia for the Promotion and Reciprocal Protection of Investments	11.03.1997	16.04.1998
HR	RO	Agreement between the Government of the Republic of Croatia and the Government of Romania Concerning the Encouragement and Reciprocal Protection of Investments	08.06.1994	30.04.1998
HR	NL	Agreement On Encouragement And Reciprocal Protection Of Investments Between The Republic Of Croatia And The Kingdom Of The Netherlands	28.04.1998	01.06.1999
HR	AT	Agreement between the Republic of Austria and the Republic of Croatia for the Promotion and Protection of Investments	19.02.1997	01.11.1999
HR	HU	Agreement Between The Republic Of Hungary And The Republic Of Croatia For The Promotion And Reciprocal Protection Of Investments	15.05.1996	01.03.2002

² It is clarified, for greater certainty, that the formal termination by this Agreement of the Bilateral Investment Treaties between France and Croatia shall not be construed as meaning that the BIT between France and the former Socialist Federal Republic of Yugoslavia (SFRY) in relations between France and Croatia, could be revived.

MEMBER STATE 1	MEMBER STATE 2	TREATY TITLE	DATE OF SIGNATURE	DATE OF ENTRY INTO FORCE
HR	MT	Agreement between the Government of the Republic of Malta and the Government of the Republic Croatia on the Promotion and Reciprocal Protection of Investments	11.07.2001	10.05.2002
HR	SE	Agreement Between The Government Of The Republic of Croatia And The Kingdom of Sweden on the Promotion And Reciprocal Protection Of Investments	23.11.2000	01.08.2002
HR	FI	Agreement Between The Government Of The Republic Of Finland And The Government Of The Republic Of Croatia On The Reciprocal Promotion And Protection Of Investments	01.06.1999	01.11.2002
HR	SI	Agreement Between The Government Of The Republic of Slovenia And The Government Of The Republic Of Croatia on the Promotion And Reciprocal Protection Of Investments	12.12.1997	08.07.2004
HR	LV	Agreement Between the Government of the Republic of Latvia and the Government of Croatia for the Promotion and Protection of Investments	04.04.2002	25.05.2005
HR	LT	Agreement between the Government of the Republic of Lithuania and the Government of the Republic Croatia on the Promotion and Reciprocal Protection of Investments	15.04.2008	30.01.2009
CY	HU	Agreement between the government of Republic of Cyprus and the government of the Hungarian People's Republic for the mutual Promotion and Protection of Investments	24.05.1989	25.05.1990
CY	RO	Agreement between the government of Republic of Cyprus and the government of Romania on the Mutual Promotion and Protection of Investments	26.07.1991	10.07.1993
CY	MT	Agreement between the government of Republic of Cyprus and the government of Malta for the Promotion and Reciprocal Protection of Investments	09.09.1992	30.11.2003
LV	SE	Agreement Between the Government of the Republic of Latvia and the Kingdom of Sweden for the Promotion and Protection of Investments	10.03.1992	06.11.1992
LV	NL	Agreement Between the Government of the Republic of Latvia and the Kingdom of the Netherlands for the Promotion and Protection of Investments	14.03.1994	01.04.1995
LV	AT	Agreement Between the Government of the Republic of Latvia and the Government of Austria for the Promotion and Protection of Investments	17.11.1994	01.05.1996

MEMBER STATE 1	MEMBER STATE 2	TREATY TITLE	DATE OF SIGNATURE	DATE OF ENTRY INTO FORCE
LV	LT	Agreement Between the Government of the Republic of Latvia and the Government of Lithuania for the Promotion and Protection of Investments	07.02.1996	23.07.1996
LV	UK	Agreement Between the Government of the Republic of Latvia and the Government of the United Kingdom of Great Britain and Northern Ireland for the Promotion and Protection of Investments	24.01.1994	16.02.1997
LV	PT	Agreement Between the Government of the Republic of Latvia and the Government of Portugal for the Promotion and Protection of Investments	27.09.1995	17.07.1997
LV	SK	Agreement Between the Government of the Republic of Latvia and the Government of Slovakia for the Promotion and Protection of Investments	09.04.1998	30.10.1998
LV	HU	Agreement Between The Republic Of Hungary And The Republic Of Latvia For The Promotion And Reciprocal Protection Of Investments	10.06.1999	25.08.2000
LV	RO	Agreement Between the Government of the Republic of Latvia and the Government of Romania for the Promotion and Protection of Investments	27.11.2001	22.08.2002
LT	SE	Agreement between the Government of the Republic of Lithuania and the Government of the Kingdom of Sweden on the Promotion and Reciprocal Protection of Investments	17.03.1992	02.09.1992
LT	FI	Agreement Between The Government Of The Republic Of Finland And The Government Of The Republic Of Lithuania For The Promotion And Protection Of Investments	12.06.1992	08.01.1993
LT	PL	Agreement between the Republic of Lithuania and the Republic of Poland on the Reciprocal Promotion and Protection of Investments	28.09.1992	06.08.1993
LT	UK	Agreement between the Government of the Republic of Lithuania and the Government of the United Kingdom of Great Britain and Northern Ireland for the Promotion and Protection of Investments	17.05.1993	21.09.1993
LT	RO	Agreement between the Government of the Republic of Lithuania and the Government of Romania on the Promotion and Reciprocal Protection of Investments	08.03.1994	15.12.1994

MEMBER STATE 1	MEMBER STATE 2	TREATY TITLE	DATE OF SIGNATURE	DATE OF ENTRY INTO FORCE
LT	NL	Agreement on Encouragement and Reciprocal Protection of Investments between the Government of the Republic of Lithuania and the Government of the Kingdom of the Netherlands	26.01.1994	01.04.1995
LT	AT	Agreement between the Republic of Lithuania and the Republic of Austria for the Promotion and Protection of Investments	28.06.1996	01.07.1997
LT	SI	Agreement between the Government of the Republic of Lithuania and the Government of the Republic of Slovenia on the Promotion and Protection of Investments	13.10.1998	15.05.2002
LT	HU	Agreement Between The Republic Of Hungary And The Republic Of Lithuania For The Promotion And Reciprocal Protection Of Investments	25.05.1999	20.05.2003
LT	PT	Agreement between the Portuguese Republic and the Republic of Lithuania on the Mutual Promotion and Protection of Investments	27.05.1998	14.08.2003
HU	SE	Agreement Between The Government Of The Hungarian People's Republic And The Government Of The Kingdom Of Sweden For The Encouragement And The Reciprocal Protection Of Investments	21.04.1987	21.04.1987
HU	UK	Agreement Between The Government Of The Hungarian People's Republic And The Government Of The United Kingdom Of Great Britain And Northern Ireland For The Encouragement And The Reciprocal Protection Of Investments	09.03.1987	27.08.1987
HU	NL	Agreement Between The Hungarian People's Republic And The Kingdom Of The Netherlands For The Encouragement And Reciprocal Protection Of Investments	02.09.1987	01.06.1988
HU	FI	Agreement Between The Government Of The Republic Of Finland And The Government Of The Hungarian People's Republic For The Protection Of Investments	06.06.1988	12.05.1989
HU	AT	Agreement Between The Hungarian People's Republic And The Republic Of Austria On The Promotion And Protection Of Investments	26.05.1988	01.09.1989
HU	PL	Agreement Between The Republic Of Hungary And The Republic Of Poland On The Reciprocal Promotion And Protection Of Investments	23.09.1992	16.06.1995

MEMBER STATE 1	MEMBER STATE 2	TREATY TITLE	DATE OF SIGNATURE	DATE OF ENTRY INTO FORCE
HU	RO	Agreement Between The Republic Of Hungary And Romania For The Promotion And Reciprocal Protection Of Investments	16.09.1993	06.05.1996
HU	SK	Agreement Between The Republic Of Hungary And The Slovak Republic For The Promotion And Reciprocal Protection Of Investments	15.01.1993	19.07.1996
HU	PT	Agreement between the Government of the Republic of Hungary and the Government of the Portuguese Republic on the Mutual Promotion and Protection of Investments	28.02.1992	08.10.1997
HU	SI	Agreement On The Mutual Protection And Promotion Of Investments Between The Republic Of Hungary And The Republic Of Slovenia	15.10.1996	09.06.2000
HU	DK	Agreement between the Government of the Hungarian People's Republic and the Government of the Kingdom Of Denmark for the encouragement and the reciprocal protection of investments.	02.05.1988	01.10.1988
MT	NL	Agreement Between the Republic of Malta and the Kingdom of the Netherlands Concerning The Encouragement And Reciprocal Protection Of Investments	10.09.1984	01.07.1985
MT	UK	Agreement between the Government of the Republic of Malta and the Government of the United Kingdom of Great Britain and Northern Ireland on the Promotion and Reciprocal Protection of Investments	04.10.1986	04.10.1986
MT	SE	Agreement between the Kingdom of Sweden and the Government of Malta on the Promotion and Reciprocal Protection of Investments	24.08.1999	01.01.2000
MT	SK	Agreement Between The Government Of The Slovak Republic And The Government Of The Republic Of Malta For Promotion And Reciprocal Protection Of Investments	07.09.1999	29.05.2000
MT	SI	Agreement between the Government of the Republic of Slovenia and the Government of Malta on the mutual Promotion and Protection of Investments	15.03.2001	06.11.2001
MT	AT	Agreement between the Republic of Austria and Malta on the Promotion and Mutual Protection of Investments	29.05.2002	01.03.2004

MEMBER STATE 1	MEMBER STATE 2	TREATY TITLE	DATE OF SIGNATURE	DATE OF ENTRY INTO FORCE
NL	RO	Agreement On Encouragement And Reciprocal Protection Of Investments Between The Government Of The Kingdom Of The Netherlands And The Government Of Romania	19.04.1994	01.02.1995
NL	SI	Agreement On Encouragement And Reciprocal Protection Of Investments Between The Republic Of Slovenia And The Kingdom Of The Netherlands	24.09.1996	01.08.1998
AT	EE	Agreement between the Republic of Austria and the Republic of Estonia on the Promotion and Protection of Investments	16.05.1994	01.10.1995
AT	RO	Agreement between the Republic of Austria and Romania on the Reciprocal Promotion and Protection of Investments	15.05.1996	01.07.1997
AT	SI	Agreement between the Republic of Austria and the Republic of Slovenia on the Mutual Promotion and Protection of Investments	07.03.2001	01.02.2002
PL	UK	Agreement between the Government of the Polish People's Republic and the Government of the United Kingdom of Great Britain and Northern Ireland for the Promotion and Reciprocal Protection of Investments	08.12.1987	14.04.1988
PL	SK	Agreement between the Republic of Poland and the Slovak Republic on the Reciprocal Promotion and Protection of Investments	18.08.1994	14.03.1996
PL	SI	Agreement between the Republic of Poland and the Republic of Slovenia on the Reciprocal Promotion and Protection of Investments	28.06.1996	31.03.2000
PT	RO	Agreement between the Government of the Portuguese Republic and the Government of Romania for the Promotion and Reciprocal Protection of Investments	17.11.1993	17.11.1994
PT	SK	Agreement between the Portuguese Republic and the Republic of Slovakia on the Promotion and Reciprocal Protection of Investments	10.07.1995	15.05.1999
PT	SI	Agreement between the Portuguese Republic and the Republic of Slovenia on the Mutual Promotion and Protection of Investments	14.05.1997	04.05.2000
RO	FI	Agreement Between The Government Of The Republic Of Finland And The Government Of	26.03.1992	06.01.1993

MEMBER STATE 1	MEMBER STATE 2	TREATY TITLE	DATE OF SIGNATURE	DATE OF ENTRY INTO FORCE
		Romania For The Mutual Promotion And Protection Of Investments		
RO	UK	Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Romania for the Promotion and Reciprocal Protection of Investments	13.07.1995	10.01.1996
RO	SK	Agreement Between The Government Of The Slovak Republic And The Government Of Romania On The Promotion And Reciprocal Protection Of Investments	03.03.1994	07.03.1996
RO	SI	Agreement between the Government of Romania and the Government of the Republic of Slovenia on the Promotion and Reciprocal Protection of Investments	24.01.1996	24.11.1996
RO	SE	Agreement between the Kingdom of Sweden and the Government of Romania on the Promotion and Reciprocal Protection of Investments	29.05.2002	01.04.2003
SI	SK	Agreement Between The Slovak Republic And The Republic Of Slovenia For The Promotion And Reciprocal Protection Of Investments	28.07.1993	28.03.1996
SI	UK	Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Republic of Slovenia for the Promotion and Reciprocal Protection of Investments	03.07.1996	12.05.1999
SI	FI	Agreement Between The Government Of The Republic Of Finland And The Government Of The Republic Of Slovenia On The Promotion And Protection Of Investments	01.06.1998	03.06.2000
SI	SE	Agreement between the Government of the Republic of Slovenia and the Government of the Kingdom of Sweden on the Promotion and Mutual Protection of Investments	05.10.1999	12.05.2001
SK	FI	Agreement between the Government of the Slovak Republic and the Government of the Republic of Finland for the Promotion and Protection of Investments	06.11.1990	24.03.1994

ANNEX B: LIST OF BILATERAL INVESTMENT TREATIES

THAT HAVE ALREADY BEEN TERMINATED AND WHERE A SUNSET CLAUSE MAY BE IN EFFECT

MEMBER STATE 1	MEMBER STATE 2	TREATY TITLE	DATE OF SIGNATURE	DATE OF ENTRY INTO FORCE	TERMINATION DATE
AT	PL	Agreement between the Polish People's Republic and the Republic of Austria for the Promotion and Protection of Investments	24.11.1988	01.11.1989	16.10.2019
BG	IT	Agreement between the People's Republic of Bulgaria and the Italian Republic on Mutual Promotion and Protection of Investments (with Protocol)	05.12.1988	27.12.1990	01.09.2008
DE	PL	Treaty between the Polish People's Republic and the Federal Republic of Germany on the Promotion and Reciprocal Protection of Investments, signed on 10 November 1989 in Warsaw, amended and supplemented by the Protocol, signed on 14 May 2003 in Berlin, between the Republic of Poland and the Federal Republic of Germany on the Amendments and Supplements to the Agreement between the Polish People's Republic and the Federal Republic of Germany on the Promotion and Reciprocal Protection of Investments	10.11.1989	24.02.1991	18.10.2019
ES	PL	Agreement between the Republic of Poland and the Kingdom of Spain on the Reciprocal Promotion and Protection of Investment	30.07.1992	01.05.1993	16.10.2019
FR	PL	Agreement between the Government of the French Republic and the Government of the Polish People's Republic on the Reciprocal Encouragement and Protection of Investment (Exchange of Interpretative Letters)	14.02.1989	10.02.1990	19.07.2019

MEMBER STATE 1	MEMBER STATE 2	TREATY TITLE	DATE OF SIGNATURE	DATE OF ENTRY INTO FORCE	TERMINATION DATE
IT	MT	Agreement between the Government of Malta and the Government of the Italian Republic Relating to Economic Cooperation and Protection of Investments ³	28.07.1967	15.10.1973	01.03.2008
IT	SI	Agreement between the Republic of Italy and the Republic of Slovenia on the Promotion and Mutual Protection of Investments	08.03.2000	11.08.2003	01.09.2008
CY	PL	Agreement between the Republic of Poland and the Republic of Cyprus for the Promotion and Reciprocal Protection of Investments	04.06.1992	06.07.1993	17.01.2019
NL	PL	Agreement Between The Kingdom of The Netherlands and the Republic of Poland on Encouragement and Reciprocal Protection of Investments	07.09.1992	01.02.1994	02.02.2019
PL	FI	Agreement Between The Government Of The Republic Of Finland And The Government Of The Republic Of Poland On The Promotion And Protection Of Investments	25.11.1996	13.03.1998	16.10.2019
PL	PT	Agreement between the Government of the Republic of Poland and the Government of the Portuguese Republic on Promotion and Reciprocal Protection of Investments	11.03.1993	03.08.1994	03.08.2019
PL	SE	Agreement between the Government of the Polish People's Republic and the Government of the Kingdom of Sweden on the Promotion and Reciprocal Protection of Investments	13.10.1989	04.01.1990	16.10.2019

³ This Treaty has been terminated as of 01.03.2008 according to its terms and does not contain a sunset clause. It is only included in this Annex for greater certainty.

ANNEX C: STATEMENT REFERRED TO IN ARTICLE 7

With reference to the above mentioned case, [name of host Member State], in which the Claimant is established, and [name of defending Member State] hereby inform the Arbitral Tribunal that the Parties to the EU Treaties and intra-EU bilateral investment treaties share the following common understanding, expressed in Article 4(1) of the Agreement for the termination of bilateral investment treaties between the Member States of the European Union, that:

"The Parties hereby confirm that Arbitration Clauses are contrary to the EU Treaties and thus inapplicable. As a result of this incompatibility between Arbitration Clauses and the EU Treaties, as of the date on which the last of the parties to a Bilateral Investment Treaty became a Member State of the European Union, the Arbitration Clause in such a Bilateral Investment Treaty cannot serve as legal basis for Arbitration Proceedings."

For capitalised terms, please see the definitions laid down in Article 1 of the Agreement for the termination of Bilateral Investment Treaties between the Member States of the EU.

**ANNEX D: INDICATIVE FEE SCHEDULE FOR THE FACILITATOR UNDER ART. 9, PARA. 8,
LAST SENTENCE**

Initiation of the structured dialogue, preliminary internal analysis and request to the investor and the host Member State of the investment to provide written submissions within 2 months from his/her appointment	1000 EUR
Organisation of the settlement negotiations and support to the parties with a view to reaching an amicable settlement	1000 EUR
Draft amicable settlement	1000 EUR
(If amicable settlement not accepted) organisation of further negotiations based on the changes requested by the parties with the aim of finding a mutually acceptable solution of the dispute	1000 EUR
(if no solution has yet been found) proposal for an amicable settlement.	1000 EUR