

Opening Note of the Republic of Austria

No. XXX

The Federal Ministry for European and International Affairs of the Republic of Austria presents its compliments to the Ministry of Foreign Affairs of the Republic of Lithuania and, with reference to the Judgment of the Court of Justice of the European Union in case C-284/16, Slovak Republic v. Achmea BV of 6 March 2018, has the honour to propose the conclusion of the following

“Agreement between the Republic of Austria and the Republic of Lithuania on the termination of the Agreement between the Republic of Austria and the Republic of Lithuania for the Promotion and Protection of Investments (hereinafter referred to as the “Termination Agreement”)

1. The Agreement between the Republic of Austria and the Republic of Lithuania for the Promotion and Protection of Investments, done at Vienna on 28 June 1996 (hereinafter referred to as the “Investment Protection Agreement”), shall be terminated in accordance with the provisions set out in this Termination Agreement.
2. For greater certainty, the Parties to the Termination Agreement agree that Article 14 Paragraph 3 of the Investment Protection Agreement, which extends the protection of investment made prior to the date of the termination, shall also be terminated and thus shall not produce any legal effects after the entry into force of this Termination Agreement.”

The Federal Ministry for European and International Affairs of the Republic of Austria proposes that in case the Republic of Lithuania accepts the abovementioned proposal, this note together with the reply note from the Republic of Lithuania shall constitute the Termination Agreement, which is authentic in the English language only.

The Termination Agreement shall enter into force on the first day of the first month following the date of the receipt of the latter of the notifications by the Parties that the respective internal requirements for the entry into force of this Termination Agreement have been fulfilled.

The Federal Ministry for European and International Affairs of the Republic of Austria avails itself of this opportunity to renew to the Ministry of Foreign Affairs of the Republic of Lithuania the assurances of its highest consideration.

Vienna, xx 2021

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Reply Note of the Republic of Lithuania

No. XXX

The Ministry of Foreign Affairs of the Republic of Lithuania presents its compliments to the Federal Ministry for European and International Affairs of the Republic of Austria, and with reference to the note verbale of the Ministry No. X of X 2021, has the honour to inform that the Republic of Lithuania agrees to conclude the following

“Agreement between the Republic of Lithuania and the Republic of Austria on the termination of the Agreement between the Republic of Lithuania and the Republic of Austria for the Promotion and Protection of Investments (hereinafter referred to as the “Termination Agreement”)

1. The Agreement between the Republic of Lithuania and the Republic of Austria for the Promotion and Protection of Investments, done at Vienna on 28 June 1996 (hereinafter referred to as the “Investment Protection Agreement”), shall be terminated in accordance with the provisions set out in this Termination Agreement.
2. For greater certainty, the Parties to the Termination Agreement agree that Article 14 Paragraph 3 of the Investment Protection Agreement, which extends the protection of investment made prior to the date of the termination, shall also be terminated and thus shall not produce any legal effects after the entry into force of this Termination Agreement.”

The Republic of Lithuania accepts that the note verbale No. XXX of XX 2021 of the Federal Ministry for European and International Affairs of the Republic of Austria and this note verbale shall constitute the Termination Agreement, which is authentic in the English language only.

The Termination Agreement shall enter into force on the first day of the first month following the date of the receipt of the latter of the notifications by the Parties that the respective internal requirements for the entry into force of this Termination Agreement have been fulfilled.

The Ministry of Foreign Affairs of the Republic of Lithuania avails itself of this opportunity to renew to the Federal Ministry for European and International Affairs of the Republic of Austria the assurances of its highest consideration.

Vilnius, xx 2021