

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 Embassy of the Republic of Poland in Vienna and has the honour to refer to the note DPT.2701.13.2018/4 dated 16 October 2018 by the Ministry of Foreign Affairs of the Republic of Poland, concerning the denunciation by the Republic of Poland of the Agreement between the Republic of Austria and the Polish People's Republic on the Promotion and Protection of Investments, signed in Vienna on 24 November 1988.

In accordance with Article 11 Paragraph 2 of the Agreement between the Republic of Austria and the Polish People's Republic on the Promotion and Protection of Investments, the termination of this Agreement took effect on 17 October 2019.

In light of the above, 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, the Federal Ministry for European and International Affairs of the Republic of Austria has the honour to propose the conclusion of the following

"Agreement between the Republic of Austria and the Republic of Poland on the Termination of the Legal Effects of Article 11 Paragraph 3 of the Agreement between the Republic of Austria and the Polish People's Republic on the Promotion and Protection of Investments (hereinafter referred to as the "Termination Agreement")

1. The Parties to the Termination Agreement agree that Article 11 Paragraph 3 of the Agreement between the Republic of Austria and the Polish People's Republic on the Promotion and Protection of Investments is terminated and shall thus not produce legal effects.
2. The Termination Agreement is concluded in the English language only."

The Federal Ministry for European and International Affairs of the Republic of Austria proposes that in case the Republic of Poland accepts the above-mentioned proposal, this note verbale together with the reply note from the Republic of Poland shall constitute the Termination Agreement.

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 procedures for the entry into force of the 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 Embassy of the Republic of Poland in Vienna the assurances of its highest consideration.

+++

Reply Note of the Republic of Poland

No. XXX

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

"Agreement between the Republic of Poland and the Republic of Austria on the Termination of the Legal Effects of Article 11 Paragraph 3 of the Agreement between the Polish People's Republic and the Republic of Austria on the Promotion and Protection of Investments (hereinafter referred to as the "Termination Agreement")

1. The Parties to the Termination Agreement agree that Article 11 Paragraph 3 of the Agreement between the Polish People's Republic and the Republic of Austria on the Promotion and Protection of Investments is terminated and shall thus not produce legal effects.
2. The Termination Agreement is concluded in the English language only."

The Republic of Poland accepts that the note verbale No. X of X 2021 of the Federal Ministry for European and International Affairs of the Republic of Austria and this note verbale shall constitute the Termination Agreement.

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 procedures for the entry into force of the Termination Agreement have been fulfilled.

The Embassy of the Republic of Poland in Vienna avails itself of this opportunity to renew to Federal Ministry for European and International Affairs of the Republic of Austria the assurances of its highest consideration.