PROTOCOL

Amendment to the Agreement on Mutual Protection of Investments Between the Government of the People’s Republic of China and the Government of the Kingdom of Sweden of March 29, 1982

The Government of the People’s Republic of China and the Government of the Kingdom of Sweden have agreed on the following:

Article 1

The Agreement on Mutual Protection of Investments Between the Government of the People’s Republic of China and the Government of the Kingdom of Sweden of March 29, 1982 shall be amended by a new Article 6 bis with the following wording:

“Article 6 bis

(1) Any dispute concerning an investment between an investor of one Contracting State and the other Contracting State shall, if possible, be settled amicably.

(2) An investor may decide to submit a dispute to a competent domestic court of the Contracting State in whose territory the investment is made. The investor may nevertheless have access to international dispute settlement on the condition that the investor has withdrawn its case from the domestic court before a final judgement has been delivered on the subject matter.

(3) If a dispute referred to in paragraph 1 of this Article cannot be settled amicably within three (3) months following the date on which the dispute was raised by the investor through written notification, each Contracting State hereby consents to the submission of the dispute, at the investor's choice, for resolution by international arbitration to one of the following fora:

i) the International Centre for Settlement of Investment Disputes (ICSID) for settlement by arbitration under the Washington Convention of 18 March 1965 on the Settlement of Investment Disputes between States and Nationals of Other States, or


(4) The People’s Republic of China, when acting as a Contracting State involved
in a dispute, may require the investor concerned to exhaust the domestic administrative review procedure specified by the laws and regulations of the People’s Republic of China before submission of the dispute to the arbitration procedures stipulated in paragraph 3. The domestic administrative review procedure shall not exceed three(3) months from the day of acceptance of the application for the administrative review procedure.

Recourse to the domestic administrative review procedure does not prevent the investor from submitting the dispute for resolution by international arbitration.

(5) Any arbitration under the UNCITRAL Arbitration Rules shall, at the request of either party to the dispute, be held in a state that is a party to the United Nations Convention on the Recognition and Enforcement of Foreign Arbitral Awards, done at New York, June 10, 1958 (the New York Convention).

(6) Any arbitral award rendered pursuant to this Article shall be final and binding on the parties to the dispute. Each Contracting State shall carry out without delay the provisions of any such award and provide in its territory for the enforcement of such an award.”

**Article 2**

(1) This Protocol shall enter into force upon signature.

(2) This Protocol shall apply to an investments, whether made before or after its entry into force, but shall not apply to any dispute concerning an investment which arose before its entry into force.

Done at Stockholm on September 27, 2004 in two originals in the Chinese, Swedish and English languages, all texts being equally authentic. In case of divergence of interpretation the English text shall prevail.

**For the Government of**

**For the People's Republic of China**

**For Government of**

**For the Kingdom of Sweden**