BILATERAL

MEMORANDUM OF AGREEMENT BETWEEN THE DEPARTMENT OF TRADE AND INDUSTRY OF THE REPUBLIC OF THE PHILIPPINES AND THE GENERAL ADMINISTRATION OF QUALITY SUPERVISION, INSPECTION AND QUA...

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With a view to protect the consumer's safety and health of the two countries, to strengthen the cooperation in the fields of industrial products safety and TBT measures, to promote the bilateral trade, to remove the unreasonable technical barriers to trade, the Department of Trade and Industry of the Republic of the Philippines and the General Administration of Quality Supervision, Inspection and Quarantine of the People's Republic of China (hereinafter referred to as "the Parties"), through friendly consultation, have reached an agreement as follows:

ARTICLE I

The Parties agree to establish a consultative cooperation mechanism in the fields of industrial products safety and TBT measures between the Republic of the Philippines and the People's Republic of China, in accordance with the principles of the Agreement on Technical Barriers to Trade of World Trade Organization (hereinafter referred to as "the WTO/TBT Agreement").

ARTICLE II

Activities initiated in accordance with this MOA should be subject to the applicable laws, rules and regulations and national policies of the Republic of the Philippines and the People's Republic of China. This MOA shall not affect any rights or obligations of each party under international laws.

ARTICLE III

The Parties shall take corresponding measures in accordance with the national laws, rules and regulations, and principles of the WTO/TBT Agreement to ensure that imported and exported products conform to the requirements of safety, health, and environmental protection, measures-against deceptive practices, and technical barriers to trade is minimized.

ARTICLE IV

With a view to ensure the conformity of products, the Parties agree to:

1. exchange information about the latest laws, safety regulations, technical regulations and standards of relevant industrial products;

2. exchange information about inspection and supervision procedures on product quality and safely;

3. exchange information on regulated or controlled products;

4. exchange information on activities related to mutual recognition, participation in international and regional fora and participation in recognition arrangements;

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5. exchange information on conformity assessment bodies;

6. notify each other of its WTO/TBT measures

7. collaborate promptly to promote scientific and technical cooperation and remove technical barriers to trade;

8. conduct cooperation on laboratory testing technology joint research and personnel training for laboratory testing staff, inspectors, certification and accreditation staff

ARTICLE V

The Parties agree to strengthen consultation and communication, in particular, to promptly address issues related to industrial product safety and TBT measures which affects the bilateral trade, so as to protect the safety and health of consumers and enhance trade promotion.

ARTICLE VI

The Parties agree to establish a High Level Steering Committee, which can call annual meetings on an irregular time Basis to discuss major concerns of the Parties and work out the working plan of next stage. for convenience of carrying out-cooperative activities, the Parties will designate contact points in charge of specified contact work of consultation on safety and inspection of industrial products as well as TBT measures. The Philippines contact point is the Bureau of Product Standards of the Department of Trade and Industry of the Republic of the Philippines, and the Chinese contact point is the Department for Supervision on Inspection of the General Administration of Quality Supervision Inspection and Quarantine of the People's Republic of China.

ARTICLE VII

All cooperative activities carried out under this MOA are to be subject to the availability of funds, conditions, personnel and other resources. Each party shall fund its own participation expense arising from any above-mentioned cooperative activity unless mutually agreed upon otherwise.

ARTICLE VIII

The Parties agree that any disputes arising out from the interpretation, implementation and/or application of the tests of this MOA shall be settled amicably through consultation.

ARTICLE IX

This MOA shall enter into force on the date of the later notification by the Parties, through diplomatic channels, indicating compliance with their respective internal requirements for its entry into force.

Done at Manila, on the 15th day of January in the year 2007, in duplicate, each in Chinese and English, both language versions being equally authentic.

For the Department of Trade and
Industry of the Republic of the
Philippines

For the General Administration of Quality
Supervision, Inspection and Quarantine
of the People's Republic of China

(Sgd.) THOMAS G. AQUINO

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