BILATERAL

PROTOCOL BETWEEN THE GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES AND THE GOVERNMENT OF THE SOCIALIST REPUBLIC OF VIET NAM TO AMEND THE 2010 MEMORANDUM OF AGREEMENT BETWEEN THE...

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THE GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES AND THE GOVERNMENT OF THE SOCIALIST REPUBLIC OF VIET NAM (hereinafter referred to as “Party” or collectively as “Parties”,

RECALLING the Memorandum of Agreement between the Government of the Republic of the Philippines and the Government of the Socialist Republic of Viet Nam on the Supply of Vietnamese Rice to the Philippines (hereinafter referred to as the 2010 MOA) signed on 30 December 2010 in Manila, Philippines;

And the 2014 Protocol between the Government of the Republic of the Philippines and the Socialist Republic of Viet Nam to amend the 2010 Memorandum of Agreement between the Government of the Republic of the Philippines and the Government of the Socialist Republic of Viet Nam on the supply of Vietnamese rice to the Philippines signed on 06 January 2014 in Manila, Philippines;

CONSIDERING that Parties desire to enhance and strengthen the good economic relations between the two countries and to ensure stability of supply of rice and to cushion the adverse effects of climate change, pest infestation, drought, floods, and other calamities that are being experienced globally;

HAVE AGREED TO THE FOLLOWING PROTOCOL TO AMEND THE 2010 MOA:

ARTICLE 1:

Article 2 of the 2010 MOA is amended, as follows:

The Vietnamese Government will authorize Vietnam Southern Food Corporation (VINAFOOD II) and Vietnam Northern Food Corporation (VINAFOOD I) as the two Vietnamese State Owned Enterprises to implement the Memorandum of Agreement, provided that (a) the Vietnamese Government will designate only one entity for every tender for the supply of rice under a government-to-government mode of procurement and will promptly inform NFA of such designation, and (b) only the offer from such designated entity can be evaluated by NFA in determining the winning offeror. The Philippine Government will authorize National Food Authority (NFA) as the Philippine State Owned Enterprise to implement the Memorandum of Agreement.

ARTICLE 2:

Article 3 of the 2010 MOA is amended, as follows:

The implementation of all sale/purchase under the Memorandum of Agreement shall be through written instrument(s) agreed and signed between NFA and the duly designated Vietnamese State Owned Enterprise. Any agreement that is not in writing shall be of no force and effect.

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ARTICLE 3:

Article 4 of the 2010 MOA is amended, as follows:

NFA shall determine the volume of rice to be bought, and, in accordance with the international trade practices, rules and regulations, require the duly designated Vietnamese State Owned Enterprise to submit an offer which shall be evaluated by NFA and then either accepted immediately or after negotiation(s).

ARTICLE 4:

This Protocol shall become effective upon signing.

Signed in duplicate in Manila, Philippines on the 16 November 2015 in the English language, both copies being equally authentic.

For and on behalf of the

For and on behalf of the

Government of the

Government of the

Republic of the Philippines

Socialist Republic of Viet Nam

(SGD.) FREDELITA C. GUIZA

(SGD.) VU HUY HOANG

Presidential Assistant for

Minister

Food Security and Agricultural Modernization

Ministry of Industry and Trade

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