BILATERAL

AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES AND THE SWISS FEDERAL COUNCIL

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The Government of the Republic of the Philippines

and

The Swiss Federal Council,

Hereinafter referred to as "the Contracting Parties",

With the aim of improving the living conditions of members of diplomatic missions, consular posts, and permanent missions through granting access to the labour market for dependants,

have agreed as follows;

Art.1 Authorisation to engage in a remunerated activity

The dependants of members of diplomatic missions, consular posts or permanent missions to an international organization of one of the Contracting Parties officially accredited to the other or to an international organization established in the other, shall be authorized, on a reciprocal basis, to engage in a remunerated activity in the receiving State, in accordance with this Agreement. National legislation of the receiving State concerning the conditions for the performance of certain remunerated activities is reserved.

Art. 2 Definitions

For the purposes of this Agreement:

a)

"members of diplomatic missions", "members of consular posts" and "members of permanent missions to an international organization" shall have the meaning within the Vienna Convention on Diplomatic Relations of April 18, 1961, the Vienna Convention on Consular Relations of April 24, 1963, or any other applicable international agreement;

b)

"dependants" shall mean

i.

spouse;

ii.

any single child under 25 years of age of the member of a diplomatic mission, consular post or permanent mission, if they have entered the receiving State as an officially authorized accompanying person under 21 years of age; or

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iii.

any other accompanying family member of a member of a Mission to whom the receiving State, in conformity with its internal regulations in force, can accord authorization to take up a remunerated activity.

c)

"remunerated activity" shall mean any dependent or independent activity which generates income, whether pursued full-time or part-time.

d)

"receiving State" shall mean the Contracting Party to which the member of a diplomatic mission or consular post is officially accredited, or in which an international organization is established to which the member of a permanent mission is officially accredited.

Art. 3 Procedures

1 In the Republic of the Philippines, a request for authorization to engage in a remunerated activity together with the documentary requirements in the issuance of an Alien employment Permit shall be sent by the Swiss Embassy to the Department of Labor and Employment - National Capital Region. The Alien Employment Permit shall be co-terminus with the employment contract, term of office, consultancy services or any models of engagement which shall not exceed a maximum period of five (5) years or the term of office of the members of diplomatic missions, members of consular posts and members of permanent missions to an international organization, whichever is shorter. In case the remunerated activity involves the practice of a regulated profession in the Philippines, a special permit to practice that profession shall be secured from the Professional Regulation Commission pursuant to Section 7 (j) of Republic Act 8981 or the PRC Modernization Act of 2000.

2 In Switzerland, on request of the dependant, the Federal Department of Foreign Affairs shall issue a document which attests that the person in question is not subject to foreign workers' quota. Upon presentation of an employment contract, an employment offer or a declaration stating the intention to start self-employment and specifying the latter, the dependant shall obtain a Ci permit from the competent cantonal authorities authorizing the commencement of a remunerated activity. The Ci permit shall be granted for a maximum period of two years and may be extended provided the stipulated conditions are satisfied at the time of renewal.

Art. 4 Termination of the authorization

Authorization to undertake remunerated activity shall terminate when

a)

its beneficiary ceases to have the status of an dependant within the definition of this Agreement;

b)

the performance of remunerated activity ceases and entitlements to unemployment benefits expire;

c)

the assignment of the individual the beneficiary is accompanying, is terminated; or

d)

its beneficiary ceases to reside in the receiving country as part of the household of the individual he or she is accompanying.

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Art. 5 Civil and administrative privileges and immunities

When the dependant authorized to undertake remunerated activity has immunity from the civil and administrative jurisdiction of the receiving State in accordance with the Vienna Convention on Diplomatic Relations of April 18, 1961, or under any other applicable international agreement, such immunity shall not apply in respect of any acts directly related to the performance of the remunerated activity.

Art. 6 Fiscal and social security regimes

1 To the extent consistent with international agreements, in particular with the Double Taxation Agreement between the Swiss Confederation and the Republic of the Philippines of June 24, 1998, dependants who undertake remunerated activity shall be subject to taxation in the receiving State related to the income which they receive in the performance of their activities according to the tax legislation of the receiving country.

2 Dependants who perform remunerated activity under this Agreement shall be subject to the social security legislation of the receiving State.

Art. 7 Dispute settlement

Disputes between the Contracting Parties concerning the interpretation or application of this Agreement shall be settled through diplomatic channels.

Art. 8 Duration and termination of the Agreement

1 This Agreement shall enter into force on the date of the receipt of the later written notification of the Contracting Parties, through diplomatic channels, indicating that the domestic requirements for its entry into force have been complied with.

2 This Agreement shall remain in force unless a Contracting Party notifies the other, through diplomatic channels, of its desire to suspend or terminate it. In such a case, this Agreement shall remain valid until sixty (60) days after the date on which one Contracting Party receives an official notification from the other Contracting Party expressing its desire to suspend or terminate it.

Done at Manila, on 19 November 2010, in two originals, each in the English and French languages. In case of divergence in interpretation of this Agreement, the English text shall prevail.

(Sgd.)

(Sgd.)

For the Republic of the Philippines

For the Swiss Federal Council

Entry into Force: September 21, 2012

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