BILATERAL

TRADE AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES AND THE GOVERNMENT OF THE KINGDOM OF THAILAND

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PREAMBLE

The Government of the Republic of the Philippines and the Government or the Kingdom or Thailand, hereinafter referred to as "the Contracting Parties";

Desiring to develop and strengthen direct trade relations between them in accordance with their development and trade needs and objectives on equitable and mutually beneficial basis;

Have agreed as follows:

ARTICLE I
(Objectives)

The Contracting Parties shall, subject to their respective laws and regulations, take all appropriate measures to facilitate, strengthen and diversify trade between their countries in respect of both current and potential exports with a view to achieving a continuing expansion of mutually beneficial trade.

ARTICLE II
(Most-Favoured-Nation Treatment)

The Contracting Parties shall grant each other most-favoured-nation treatment in accordance with provisions of the World Trade Organization Agreement, as far as these are applicable to both Contracting Parties in all matters relating to:

- customs duties and charges or any kind including the method or levying such duties and charges imposed on or in connection with importation or exportation, or imposed on the transfer or payments for imports and exports;

- rules and formalities connected with customs clearance;

- all internal taxes or other internal charges or any kind imposed on or in connection with the imports and exports; and

- the issuance or import and export licenses.

ARTICLE III
(Exemptions from MFN)

The provisions of Article II shall not apply to:

- special preferences or other advantages accorded by either Contracting Party resulting from its association in a regional or sub-regional arrangement, customs union or a free trade area or measures leading to the formation of a customs union or a free trade area;

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- tariff preferences or other advantages which either Contracting Party may grant to facilitate frontier/border traffic;

- special tariff preferences or other advantages which either Contracting Party may grant to developing countries under any trade expansion or economic cooperation scheme of which the other Contracting Party is not a member; and

- special preferences accorded by either Contracting Party to projects therein in accordance with domestic laws on economic development.

ARTICLE IV
(Exceptions and Safeguards)

No provision of this Agreement shall be interpreted in such a manner as to prevent the adoption or enforcement by either Contracting Party of measures:

- necessary to safeguard its balance of payment position;

- necessary to protect public health, morals, order or security;

- necessary to prevent injury to domestic industries or the threat thereof;

- necessary to protect human, animal or plant life against diseases, pollution, or threat to life;

- relating to traffic in arms, ammunitions, implements of war, or traffic in other materials carried on directly or indirectly for the purpose of supplying a military establishment;

- relating to fissionable (nuclear) materials, the sources thereof, or the radioactive by products thereof except as may be required for medical purposes;

- relating to protection of national treasures or artistic, historical or archaeological value; and

- relating to international commitments, development and rationalization of local industry.

ARTICLE V
(Payments Arrangements)

Jll payment arising from trade between the two countries shall be effected in freely usable currencies at the prevailing market rate of exchange on the date of transfer with respect to spot transactions in the currency to be transferred, and/or through other payment arrangements that may be agreed upon by the Contracting Parties. The free transfer shall take place without delay in accordance with the foreign exchange regulations, and other pertinent laws, rules and regulations in force in each country, and/or with the procedure established by each Contracting Party.

ARTICLE VI
(Exchange of Commercial Representatives/Participation in Trade Fairs)

In order to develop further trade between the two countries, the Contracting Parties shall encourage and facilitate the visits of commercial representatives, groups and delegations of either Contracting Party to the country of the other and the participation of either country in trade fairs and missions and in arranging exhibitions of either country in the territory of the other on terms to be agreed upon between their competent authorities.

Exemptions from customs duties and other similar charges on articles and items intended for trade fairs, missions and exhibitions shall be subject to the laws and regulations of the country where such fairs and exhibition are held

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as may be agreed upon by the Contracting Parties.

ARTICLE VII
(Exchange of Trade Information)

In order to facilitate exchange of goods, services and payments between the two countries, upon request of the other Contracting Party, shall furnish, through its commercial attache and other appropriate representatives, all pertinent information for the development of trade and economic relations between the two Contracting Parties.

The Contracting Parties shall endeavor to provide each other with the following information:

- trade opportunities in each other's country; and

- their respective laws, regulations and other measures that might affect trade flows, e.g., on phytosanitary measures, standards, anti-dumping and other technical barriers to trade.

ARTICLE VIII
(Commercial Disputes Resolution)

Nationals, state corporations and private organizations/companies of either country shall be afforded access to all courts of the other country, subject to the laws and regulations of such other country. Disputes relating to trade between nationals, state corporations and private organizations/companies of both Contracting Parties shall be referred to appropriate courts where such disputes transpired. They shall not claim or enjoy immunities from suit or execution of judgement or other liability with respect to commercial or financial transactions. They also shall not claim or enjoy immunities from taxation with respect to commercial or financial transactions.

Each Contracting Party agrees to extend the necessary assistance for the early resolution of commercial disputes, e.g., providing information/advice/guidance on access to appropriate government offices/officials and dispute resolution mechanisms in each other's country.

ARTICLE IX
(Settlement of Disputes between Contracting Parties)

Any dispute between Contracting Parties concerning the interpretation and/or application of the present Agreement shall be settled amicably through consultations and negotiations.

ARTICLE X
(Establishment of a Joint Trade Committee)

The Contracting Parties shall establish a Joint Trade Committee at the Ministerial level, consisting of representatives designated by the respective Parties. The Committee shall meet as and when necessary alternately in Thailand and in the Philippines.

The Committee shall:

- review and keep under consideration the implementation of the provisions of this Agreement;

- examine measures for the prevention and the resolution of problems which may arise in the implementation of this Agreement or in the course of the development of trade between the two countries;

- explore measures for the expansion of mutually beneficial trade between the two countries;

- explore measures aimed at improving understanding of the trade and related commercial policies of each country;

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- identify appropriate areas of commercial, industrial and technical co-operation between the relevant enterprises and organizations of the two countries.

The Contracting Parties shall designate their respective Coordinating Agencies to oversee and ensure the smooth implementation of the present Agreement:

- in the case of the Philippines, the Coordinating Agency shall be the Department of Trade and Industry; and

- in the case of Thailand, the Coordinating Agency shall be the Ministry of Commerce.

ARTICLE XI
(Final Provisions)

The Agreement shall enter into force on the date of the latter notification by the Contracting Parties, through diplomatic channels, indicating compliance with their internal requirements for its entry into force. It shall be valid for three years and shall continue to be in force thereafter unless sooner terminated by either Contracting Party through a three month prior notice.

At anytime the Agreement is in force, either Contracting Party may propose in writing amendments thereto and to which the other Contracting Party will reply within 120 days upon receipt or such notice. The terms of the Agreement may be modified by mutual consent of the Contracting Parties.

The provisions of this Agreement shall apply ten years after its termination to private contracts entered into during the period of the validity of this Agreement but not fully completed on the day of termination of this Agreement.

Done in duplicate at Manila, Philippines, this 27th day or November nineteen hundred and ninety-nine in the English language, both texts being equally authentic.

FOR THE GOVERNMENT OF
THE REPUBLIC OF THE
PHILIPPINES FOR THE GOVERNMENT OF
THE KINGDOM OF THAILAND

(Sgd.) (Sgd.)

JOSE TRINIDAD PARDO
Secretary of Trade and Industry SUPACHAI PANITCHPAKDI
Deputy Prime Minister and
Minister of Commerce

Entry into Force: March 29, 2000

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