BILATERAL

MEMORANDUM OF UNDERSTANDING ON COOPERATION IN AGRICULTURE BETWEEN THE GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES AND THE GOVERNMENT OF THE FEDERATIVE REPUBLIC OF BRAZIL

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The Government of the Republic of the Philippines and the Government of the Federative Republic of Brazil (hereinafter referred to as “the Parties”);

Desiring to strengthen existing friendly relations between the two countries through the development of cooperation in the field of agriculture;

Recognizing the importance of agriculture in the national economic development of both countries;

Desiring to further promote agricultural trade and agribusiness investments;

Pursuant to the prevailing laws and regulations in their respective countries;

Have agreed as follows:

ARTICLE I
OBJECTIVE AND AREAS OF COOPERATION

- The parties shall encourage development in all fields of agriculture, particularly but not limited to livestock and animal health, biofuel feedstock development, dairy, horticulture, food safety, agribusiness management, sustainable land management, genetics and biotechnology, pre- and post-harvest processing technologies and agricultural machineries, and plant and animal science including disease control, quarantine, pest surveillance, pest risk analysis, cooperation in inspection procedures for international transit of animal and plant products and agricultural inputs.

- The Parties shall promote cooperation in the areas mentioned in the preceding paragraph through the pursuit of scientific and technical cooperation, trade, agribusiness investments and other forms of cooperation as enumerated in Article II of this Memorandum of Understanding.

ARTICLE II
FORMS OF COOPERATION

- The forms of cooperation under this Memorandum of Understanding shall include:

a) Exchange of genetic material and genetic improvement technology in accordance with the domestic regulations of both Parties, including strict observance of sanitary and phytosanitary protocols and in consonance with international treaty obligations and other relevant laws;

b) Exchange and development of agricultural science and technology, including technology on biofuels and feedstock development;

c) Exchange of experts, professionals, scientist and trainees and the conduct of study tours, seminars and other

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professional training;

d) Joint formulation of projects involving technical assistance;

e) Collaborative research and joint agricultural research, development and extension including exchange of scientific and technical information, documentation and publications;

f) Collaboration in the development of pre- and post-harvest facilities and agricultural infrastructure;

g) Organization of training, symposia, seminars, fora and conferences on agri-related issues and advocacies;

h) Conduct of strategic market facilitation activities including trade fairs, trade promotional activities and the mounting of special exhibits and organization of trade missions;

i) Promotion of joint ventures, investments, marketing and other related forms of cooperation;

j) Any other form of cooperation as mutually agreed upon by the Parties.

- The Parties shall encourage and support the involvement of the private business sector in market facilitation activities, business development, joint ventures and such other business arrangements in agriculture.

- The Parties agree to promote agricultural trade and technology and shall endeavor to create favorable conditions for import and export of important products, particularly livestock and meat products, without prejudice to their respective commitments under existing bilateral and multilateral arrangements.

- To generate broad interest, this Memorandum of Understanding authorizes the involvement of other interested government agencies as well as scientific, business, academic communities and private sector of both countries.

ARTICLE III
IMPLEMENTING ARRANGEMENTS

- The Parties shall negotiate specific project arrangements in accordance with the provisions of this Memorandum of Understanding to implement the aforementioned areas of cooperation.

- The implementation of this MOU including the projects and other activities based herein shall be in accordance with the relevant laws and regulations of the Parties.

ARTICLE IV
JOINT COMMITTEE

- To ensure the implementation of this Memorandum of Understanding, the Parties shall establish a Joint Committee composed of an equal number of representatives from both sides as may be agreed upon through diplomatic channels. The lead coordinating and responsible agencies shall be as follows:

For the Republic of the Philippines:
Department of Agriculture

For the Federative Republic of Brazil:
Ministry of Agriculture, Livestock and Food Supply

- The Joint Committee shall formulate and submit policy recommendations with a view to promoting the development of agriculture of both countries. It shall also be responsible for planning, implementing, monitoring and evaluating projects identified under this Memorandum of Understanding.

- The Joint Committee shall meet every two (2) years alternately in the Philippines and Brazil with a

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representative from the host country as Chairman of the meeting. Whenever necessary, an interim meeting may be held subject to the agreement between the Parties and arrangements made through diplomatic channels.

ARTICLE V
FINANCIAL ARRANGEMENTS AND OTHER FORMS OF ASSISTANCE

The Parties will be responsible for the expenses related to the activities within this Memorandum of Understanding, unless when agreed differently.

ARTICLE VI
INTELLECTUAL PROPERTY RIGHTS

- According to national legislation and international agreements in force in both countries, the Parties shall adopt the appropriate measures to protect the intellectual property rights arising under the implementation of this Memorandum of Understanding.

- The conditions for the acquisition, maintenance and commercial exploitation of intellectual property rights over possible products and/or processes that might be obtained under this Memorandum of Understanding will be defined in the specific programs, contracts or working plans.

- The specific programs, contracts or working plans shall also set out the conditions regarding the confidentiality of information whose publication and/or disclosure might jeopardize the acquisition, maintenance and commercial exploitation of intellectual property rights obtained under this Memorandum of Understanding.

- The specific programs, contracts or working plans shall establish, where applicable, the rules and procedures concerning the dispute settlement on intellectual property matters under this Memorandum of Understanding.

ARTICLE VII
DISPUTE SETTLEMENT

Any dispute arising out of the interpretation, application or implementation of this Memorandum of Understanding shall be settled amicably by consultation or negotiation between the Parties.

ARTICLE VIII
ENTRY INTO FORCE

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

ARTICLE IX
AMENDMENTS

Either Party may request in writing through diplomatic channels, a revision or amendment of this Memorandum of Understanding. Any revision or amendment agreed upon by the Parties shall enter into force on such date as may be determined by the Parties taking into account their respective domestic requirements and shall form an integral part of this Memorandum of Understanding.

ARTICLE X
DURATION AND TERMINATION

- This Memorandum of Understanding shall remain in force for a period of five (5) years and shall be extended automatically for a subsequent period of five years thereafter, unless either Party serves written notice to the other

Party of the intention to terminate it at least six (60 months prior to the intended termination.

- The termination of this Memorandum of Understanding shall not affect the validity or duration of any project, contract, arrangement or activity done pursuant to this Memorandum of Understanding until the completion of such project, contract, arrangement, or activity.

IN WITNESS WHEREOF, the undersigned being duly authorized thereto by their respective Governments have signed this Memorandum of Understanding.

DONE in Brasilia, on 24 June 2009, in two originals in English and Portuguese, both texts being equally authentic.

For the Government of the
Republic of the Philippines:

For the Government of the
Federative Republic of Brazil:

(Sgd.) ARTHUR C. YAP
Secretary
Department of Agriculture

(Sgd.) REINHOLD STEPHANES
Minister
Ministry of Agriculture,
Livestock and Food Supply

Entry into Force: September 6, 2011

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