BILATERAL

COMMERCIAL PROTOCOL ATTACHED TO THE AGREEMENT ON ECONOMIC, COMMERCIAL AND TECHNICAL COOPERATION BETWEEN THE GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES AND THE GOVERNMENT OF T...

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PREAMBLE
The Contracting Parties to the Agreement on Economic, Commercial and Technical Cooperation between the Government of the Republic of the Philippines and the Government of the State of Qatar, hereinafter referred to as the "Agreement" signed in Doha on the 1st of the Dhul-Qada 1417 A.H., corresponding to 10th of March 1997 A.D.

HAVE AGREED to attach the Commercial Protocol to the said Agreement.

Consequently, the Contracting Parties agreed on the following:

ARTICLE 1
This Protocol shall be considered an integral part of the Agreement.

ARTICLE 2
The Contracting Parties agreed to interpret the following Articles of the Agreement in the following manner:

Ad. Article 1

"The laws and regulations" in force in the respective territories of the Contracting Parties encouraging the freedom of the export and import, shall include their obligations, as members of the World Trade Organization, all other suitable arrangements which facilitate, strengthen and diversify trade between the two countries.

Ad. Articles 1 and 7

1. The term "encourage" as used in Articles 1 and 7 of the Agreement shall include furnishing the necessary assistance to these institutions and agencies for the purpose of exploring possible areas of trade cooperation.

2. The term "encourage" referred to in the previous paragraph shall also include the granting by the Contracting Parties to each other, as members of the World Trade Organization, the most-favoured-nation treatment in all matters relating to:

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

- Rules and formalities connected with customs clearance;

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

- The issuance of import and export licenses.

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3. Nevertheless, the treatment of the most-favoured-nation referred to in previous paragraph shall not apply to the following:

- Special preferences and other privileges granted by either party on account of its membership in regional or semi-regional arrangement, or in a customs union, or free trade areas, or in any other arrangement leading to the formation of a custom union or free trade area.

- Tariff preferences or any other privileges granted by either party to facilitate border trade.

- Special tariff preferences or other privileges which may be granted by either party to developing countries under any trade expansion or economic cooperation programme in which the other party is not a member.

- Specific preferences granted by either party to projects in accordance with the provisions of the domestic laws concerning economic development or within the framework of World Trade Organization.

Ad. Article 2

1. “Encouragement” of the Contracting Parties to transport goods between their respective territories through transportation facilities belonging to each of them, shall include granting the most-favoured-nation treatment by Contracting Party to the ship/aircrafts and crew of the other Contracting Party that carry the goods of that other Contracting Party in the entry and exit of ship/aircraft subject to the applicable national laws and regulations.

2. This “encouragement” shall also include permission of each Contracting Party to the ship/aircrafts and crew of the other Contracting Party that carry the goods of that other Contracting Party when exposed to any danger in the territorial waters or posts/airports of the other Contracting Party to secure assistance and attention to the vessel, crew, passengers and cargo in danger, and to notify the appropriate authorities of the Contracting Party concerned in the quickest way possible.

Ad. Article 3

The payments due for all current transactions concluded between natural and legal persons of the Contracting Parties shall be effected without undue delay in a freely convertible currency at the prevailing market rate of exchange with respect to spot transactions in the currency to be transferred, and/or other settlement arrangements that may be agreed by the transacting Parties.

ARTICLE 3

The provisions of Agreement and this Commercial Protocol shall not contain any text which can be interpreted in a manner which prohibits either Contracting Party from taking or enforcing the following necessary measures:

- Necessary to safeguard the balance of payments position;

- Necessary to protect public health, morals, order and security;

- Necessary to prevent damage or threat to cause damage to local industries;

- Necessary to protect human lives, animals and plants against diseases and contamination, and threat to life;

- Relating to traffic in arms, ammunition and implements of war or trade on materials aimed, either directly or indirectly, to supply the military establishment with its needs;

- Relating to hazardous nuclear materials, the source thereof, or the radio-active by-products thereof;

- Imposed to protect national treasures of artistic, historic or archaeological value;

- Relating to the conservation of exhaustible resources;

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- Necessary to protect intellectual property rights; and

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

ARTICLE 4
In order to facilitate the exchange of goods, services and payments due between the Contracting Parties, and subject to their respective legislation, each Contracting Party shall furnish the other, through diplomatic channels, all the relevant information for the development of the commercial relations between them.

ARTICLE 5
The organizations and companies of the private sector of either Contracting Party shall be permitted in the territory of the other Contracting Party to deal directly with buyers of their products and services for the purpose of promoting the sales of these products and services in accordance with laws and regulations applicable in each contracting Party.

Each Contracting Party shall agree to provide the required assistance needed to overcome obstacles which may impede the progress of business relationship between them, and each Contracting Party shall grant the other Contracting Party the right of communication with its government offices and senior officials in its country.

The citizens, institutions, public and private companies of either Contracting Party shall have access to courts of the other Contracting Party in conformity with their applicable laws and regulations. Any dispute arising between the citizens, institutions, public and private companies of the Contracting Parties in connection with their trade activities shall be referred to the competent court of the Contracting Party in which the dispute was raised. Neither Contracting Party shall be entitled to claim any immunity with respect to lawsuit, or execution of judgement, or responsibility related to commercial or financial transactions. Also, neither of them shall be entitled to enjoy or demand any immunity or exemption from taxes imposed on commercial or financial transactions.

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

Signed at Doha on 12/1429 A.H., corresponding to 12/2008, in two original copies, each in English and Arabic, both being authentic.

FOR THE GOVERNMENT OF THE
REPUBLIC OF THE PHILIPPINES

FOR THE GOVERNMENT OF THE
STATE OF QATAR

(Sgd.)
PETER B. FAVILA
Secretary of Trade and Industry

(Sgd.)
FAHAD BIN JASSIM BIN MOHAMMED
AL-THANI
Minister of Business and Trade

Entry into Force: August 18, 2009

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