BILATERAL

AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES AND THE GOVERNMENT OF THE FEDERATIVE REPUBLIC OF BRAZIL ON REMUNERATED EMPLOYMENT OF DEPENDENTS OF DIPLOMATIC...

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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"),

Considering the particularly advanced stage of understanding between the two countries; and

With the aim of establishing new mechanisms to strengthen their diplomatic relations;

Have agreed as follows:

ARTICLE 1
DEFINITION OF TERMS

- The dependents of diplomatic, consular, administrative and technical personnel of one of the Parties officially accredited to the other as a member of a diplomatic Mission or consular Post shall be authorized to undertake remunerated employment in the receiving State in conformity with this Agreement and on the basis of reciprocity.

- For purposes of this Agreement, "diplomatic, consular, administrative and technical personnel" refers to members of a diplomatic Mission or consular Post, employed by one of the Parties, including other government personnel attached to a diplomatic Mission or consular Post, except the members of the service staff.

- For purposes of this Agreement, "dependents" refers to:

a) Spouse;

b) Unmarried children under 21 years of age;

c) Unmarried children under 25 years, enrolled in a university or higher education center recognized by each State; and

d) Unmarried physically or mentally disabled children.

ARTICLE 2
REQUEST FOR AUTHORIZATION

- All requests for authorization to undertake remunerated employment shall be sent accordingly, on behalf of the dependent, by the Embassy of the sending State to the Office of Protocol in the Philippine Department of Foreign Affairs or to the Protocol Department of the Brazilian Ministry of External Relations.

- Requests for authorization shall contain information on the occupation to be engaged in by the dependent and the relationship of the dependent with the personnel concerned. Upon verification that the person in question is a dependent, and after processing of the official request, the Embassy of the sending State will be informed by the

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government of the receiving State that the dependent may engage in remunerated employment.

- The procedures followed shall be applied in such a way that will permit the dependent to undertake remunerated employment as soon as possible. All requirements relating to work permits and any other similar formalities shall be favorably applied.

- Authorization for the dependent to undertake remunerated employment shall not imply exemption from any legal or other requirement relating to personal characteristics, professional or other qualification that the individual concerned must demonstrate in engaging in a gainful occupation.

- A dependent shall not undertake remunerated employment other than that for which the authorization was issued. Any change in a remunerated employment after issuance of an authorization shall take effect only upon subsequent request for and issuance of a new authorization in accordance with Paragraph 1 of this Article.

- Authorization may be refused in those cases where, for reasons of national security, exercise of public administration, or based on existing laws and rules, only citizens of the receiving State can be employed.

ARTICLE 3
IMMUNITY FROM JURISDICTION

Where the dependent authorized to undertake remunerated activity has immunity from the jurisdiction of the receiving State in accordance with Articles 31 and 37 of the Vienna Convention on Diplomatic Relations or Article 43 of the Vienna Convention on Consular Relations or any other applicable international agreement:

> a) It is agreed that such a dependent shall not enjoy immunity from the civil or administrative jurisdiction of the receiving State concerning actions brought against the person concerned in respect of acts directly related to the performance of such remunerated employment; and
>
> b) It is agreed that the sending State shall give serious consideration to any request from the receiving State to waive the immunity from criminal jurisdiction of a dependent accused of committing a criminal offense in the course of such remunerated employment.

ARTICLE 4
VALIDITY OF THE AUTHORIZATION

- Authorization to undertake remunerated employment shall terminate as soon as the beneficiary of the authorization ceases to have the status of dependent, on the date of the completion of contractual obligations or, in any case, at the termination of the assignment of the individual on whom the person concerned is dependent. However, the cessation of the authorization shall take into account the reasonable delay envisaged by the Vienna Convention in Diplomatic Relations of 18 April 1961, not exceeding three months.

- Any employment contract entered into by the dependent shall contain a clause to the effect that the contract shall terminate upon the cessation of authorization to undertake remunerated employment.

- Authorization of a dependent to undertake remunerated employment, in conformity with this Agreement, shall not give the person concerned the right to continue to undertake remunerated employment or to reside in the receiving State, once the assignment of the individual on whom the person concerned is dependent has terminated.

ARTICLE 5
RECOGNITION OF DEGREES

This Agreement shall not imply automatic recognition of titles or degrees obtained abroad. Such recognition can only be granted in conformity with the rules in force which regulate these matters in the receiving State. In the

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case of professions requiring special qualifications, the dependent shall have to meet the same requirements that a national of the receiving State applying for the same position would have to fulfil.

ARTICLE 6
APPLICABLE LEGISLATION

- Dependents who undertake remunerated employment must pay in the receiving State all taxes related to the income, which they receive in the performance of their activities, according to the tax legislation of the receiving country, and having its source in that country.

- Dependents who perform remunerated activity under this Agreement shall be subject to the labor, social security and other relevant legislation of the receiving State.

ARTICLE 7
SETTLEMENT OF DISPUTES

Any dispute between the Parties arising from the interpretation or implementation of the Agreement shall be settled amicably by direct consultations or negotiations, through diplomatic channels.

ARTICLE 8
AMENDMENT OR REVISION

Any amendment or revision to the text of this Agreement shall be made by mutual written consent between the Parties, through diplomatic channels. Such amendment or revision shall enter into force in accordance with Article 9.

ARTICLE 9
ENTRY INTO FORCE

The Agreement will enter into force thirty (30) days after the date of the second written notification by the Parties, through diplomatic channels, indicating that the domestic requirements for its entry into force have been complied with.

ARTICLE 10
VALIDITY AND DURATION

This Agreement shall remain in full force and effect for a period of five (5) years, and shall be automatically extended for similar periods, unless a Party notifies the other Party, through diplomatic channels, of its desire to suspend or terminate this Agreement. In such a case, the Agreement shall remain valid until sixty (60) days after the date on which one Party receives an official notification from the other Party expressing the desire of the latter to suspend or terminate the validity of this Agreement.

Done in Brasilia, on 24 June 2009, in two originals, in the English and Portuguese languages, all texts being equally authentic.

For the Government of the
Republic of the Philippines:

For the Government of the
Federative Republic of Brazil:

(Sgd.) ALBERTO G. ROMULO
Secretary

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Department of Foreign Affairs

(Sgd.) SAMUEL PINHEIRO GUIMARAES
State Minister Ad Interim
Ministry of External Relations

Entry into Force: October 12, 2011

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