

MEMORANDUM OF UNDERSTANDING BETWEEN THE GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES AND THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA ON THE EARLY HARVEST PROGRAMME UNDER T...

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The Government of the Republic of the Philippines and the Government of the People's Republic of China (hereinafter referred to as the "Parties"),

PURSUANT to the meeting between H.E. Gloria Macapagal-Arroyo, President of the Republic of the Philippines, and H.E. Hu Jintao, President of the People's Republic of China, in Manila, the Philippines, on 27 April 2005, during which they agreed to conclude the negotiation between the Parties on the Early Harvest Programme (EJIP) under the Framework Agreement on Comprehensive Economic Cooperation between the Association of South East Asian Nations and the People's Republic of China (hereinafter referred to as the "Framework Agreement"),

RECALLING Article 6 and the relevant Annexes of the Framework Agreement on the implementation of the EH with a view to accelerating the implementation of the Framework Agreement

HAVE AGREED AS FOLLOWS:

The Philippines and China agreed to eliminate the tariffs of the products as set out in the ANNEX at the 8-digit level (HS Code) by 1 January 2006.

The Philippines agreed to expeditiously complete the Pest Risk Analyses for the importation of vegetables, in particular, carrots, cabbages, gingers and potatoes from China in accordance with the provisions of the WTO SPS Agreement. The relevant authorities and enterprises in China shall provide the necessary information for reference of the Philippine authorities to facilitate the expeditious completion of the Pest Risk Analysis process.

The ANNEX of this Memorandum of Understanding shall be viewed as its integral part.

DONE in Manila, on this 27th day of April, 2005 in duplicate copies in the English language, both copies being equally authentic.

FOR THE GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES FOR THE GOVERNMENT OF
THE PEOPLE'S REPUBLIC OF
CHINA

(Sgd.) JUAN B. SANTOS
SECRETARY OF TRADE AND INDUSTRY

(Sgd.) BO XILAI
MINISTER OF COMMERCE

ANNEX

Inclusion List Under Early Harvest Programme

S/NO.

HS CODE

DESCRIPTION

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Pure-bred breeding animals (live horses)

Other than pure-bred horses

Live asses, mules and ninnies

Pure-bred breeding animals (live bovine animals)

Pure-bred breeding animals (live swine)

Live Sheep

Pure-bred breeding animals (live goats)

Chicks, for breeding (of the species *Gailus domesticus* weighing not more than 185 g)

Turkeys, for breeding weighing not more than 185 g

Ducks and geese for breeding, weighing not more than 185 g

Chicken, for breeding, of the species *Gailus domesticus*, weighing not more than 2,000 g

Chicken, for breeding, of the species *Gailus domesticus*, weighing more than 2,000 g

Primates

Whales, dolphins and porpoises (mammals of the order Cetacea), manatees and

dugongs (mammals of the order Sirenia)

Other mammals

Reptiles (including snakes and turtles)

Birds of prey

Psittaciformes (including parrots, parakeets, macaws and cockatoos)

Other birds

Other live animals

Carcasses and half-carcasses of lamb, fresh or chilled

Carcasses and half-carcasses

Other cuts with bone in

Boneless

Carcasses and half-carcasses of lamb, frozen

Carcasses and half-carcasses of sheep, frozen

Other cuts with bone in

Boneless

Meat of horses, asses, mules or ninnies, fresh, chilled or frozen.

Edible offal of bovine animals, fresh or chilled

Tongues of bovine animals, frozen

Frozen livers of bovine animals

Other edible offal of bovine animals, frozen

Edible offal of swine, fresh or chilled

Livers of swine, frozen

Other edible offal of swine, frozen

Other edible offal, fresh or chilled

Other edible offal, frozen

Pig fat, free of lean meat, and poultry fat, nor rendered or otherwise extracted, fresh, chilled, frozen, salted, in brine, dried or smoked.

Of rabbits or hares

Frogs' legs

Other meat and edible meat offal, of primates, fresh, chilled or frozen
Other meat and edible meat offal, of whales, dolphins and porpoises (mammals of the order Cetacea), manatees and dugongs (mammals of the order Sirenia), fresh. Chilled or frozen
Other meat and edible meat offal, of reptiles (including snakes and turtles), fresh, chilled or frozen
Other
Meat of bovine animals, salted, in brine, dried or smoked
Other meat and edible offal, including edible flours and meals, of primates
Other meat and edible offal, including edible flours and meals, of whales, dolphins and porpoises (mammals of the order Cetacea), manatees and dugongs (mammals of the order Sirenia)
Other meat and edible offal, including edible flours and meals, of reptiles (including snakes and turtles)
Live ornamental fish
Trout (*Salmo trutta*, *Oncorhynchus mykiss*, *Oncorhynchus clarki*, *Oncorhynchus aguabonita*, *Oncorhynchus gilae*, *Oncorhynchus apache* and *Oncorhynchus chrysogaster*)
Eels (*Anguilla* spp.)
Carp
Other live fish
Trout (*Salmo trutta*, *Oncorhynchus mykiss*, *Oncorhynchus clarki*, *Oncorhynchus aguabonita*, *Oncorhynchus gilae*, *Oncorhynchus apache* and *Oncorhynchus chrysogaster*), fresh or chilled
Pacific salmon fresh/chilled
Other fresh/chilled fish
Plaice (*Pleuronectes platessa*), fresh or chilled
Sole (*Solea* spp.), fresh or chilled
Albacore or longfinned tunas (*Thunnus alalunga*)
Yellowfin tunas (*Thunnus albacares*)
Skipjack or stripe-bellied bonito
Other
Herrings (*Clupea harengus*, *Clupea pallasii*), excluding livers and roes
Cod (*Gadus morhua*, *Gadus ogac*, *Gadus macrocephalus*), excluding livers and roes
Sardines (*Sardina*...)
Haddock (*Melanogrammus aeglefinus*)
Coalfish (*Pollachius virens*)
Mackerel (*Scomber*...)
Livers and roes, fresh or chilled
Trout (*Salmo trutta*, ...)
Atlantic Salmon
Other
Halibut (*Reinhardtius hippoglossoides*, *Hippoglossus hippoglossus*, *Hippoglossus stenolepis*), frozen
Plaice (*Pleuronectes platessa*), frozen,
Sole (*Soiea* spp.), frozen
Albacore or longfinned tunas (*Thunnus alalunga*), frozen
Yellowfin tunas (*Thunnus albacares*), frozen
Skipjack or stripe-bellied bonito, frozen
Other, frozen

Herrings (*Clupea harengus*, *Clupea pallasii*), excluding livers and roes
Cod (*Gadus morhua*, *Gadus ogac*, *Gadus macrocephalus*)
Sardines (*Sardina...*), frozen
Haddock (*Melanogrammus aeglefinus*), frozen
Coalfish (*Pollachius virens*), frozen
Mackerel (*Scomber...*), frozen
Dogfish and other sharks
Eels
Seabass
Hake
Livers and roes
Flours meals and pellets offish
Livers and roes, dried, smoked, salted or in brine
Pacific salmon Smoked including fillet
Herrings (*Clupea harengus*, *clupea pailasii*)
Other smoked fish including fillet
Cod (*Gadus morhua*, *Gadus ogac*, *Gadus macrocephalus*)
Herrings salted (*Clupea harengus*, *Clupea pallasii*)
Cod salted {*Gadus morhua*, *Gadus ogac*, *Gadus macrocephalus*)
Rock lobster frozen
Lobster (*Homarus spp*) frozen
Rock lobsters and other sea crawfish (*Palinurus spp.*, *Panulirus spp.*, *Jasus spp.*)
Lobsters (*Homarus spp.*)
Other, including flours, meals and pellets of crustaceans, fit for human consumption
Oyster
Scallops live, fresh or chilled
Other scallops
Mussels live, fresh chified
Other mussels fit for human consumption
Cuttle fish, live, fresh or chilled '
Other cuttlefish preparations
Octopus, live, fresh or chilled
Other octopus preparations
Snails other than sea snails
Other live, fresh or chilled aquatic invertibrates
Other than live, fresh or chilled aquatic invertibrates
Milk and cream, not concentrated nor containing added sugar or sweetening matter, of a fat content, by weight not exceeding 1%.
Milk and cream, not concentrated nor containing added sugar or sweetening matter, of a fat content, by weight exceeding 1% but not exceeding 6%.
Milk and cream, not concentrated nor containing added sugar or sweetening matter, of a fat content, by weight exceeding 6%.
Milk and cream, concentrated or containing added sugar or sweetening matter, in powder or granules or other solid forms, of a fat content by weight not exceeding 1.5%
Milk and cream, not containing added sugar or sweetening matter, in powder or granules or other solid forms, of a fat content by weight exceeding 1.5%
Milk and cream, containing added sugar or sweetening matter, in powder or granules or other solid forms, of a fat content by weight exceeding 1.5%
Milk and cream, not containing added sugar or sweetening matter, other than in powder or granules or other solid forms, of a fat content by weight exceeding 1.5%

Milk and cream, containing added sugar or sweetening matter, other than in powder or granules or other solid forms, of a fat content by weight exceeding 1.5%

Yogurt, containing fruits, nuts, cocoa or flavouring matter; liquid yogurt

Other yogurt

Buttermilk

Curdled milk and cream, kephir and other fermented or acidified milk and cream, whether or not concentrated or containing added sugar or other sweetening matter or flavoured or containing added fruit, nuts or cocoa

Whey and modified whey, whether or not concentrated or containing added sugar or other sweetening matter

Other than whey and modified whey

Butter

Dairy spreads

Other fats and oils derived from milk

Fresh cheese, including whey cheese and curd

Grated or powdered cheese, of all kinds in containers of gross weight exceeding 20 kgs

Other grated or powdered cheese, of all kinds, in packages of gross weight not exceeding 20 g

Processed cheese, not grated or powdered

Blue-veined cheese

Other cheese

Birds' hatching eggs for breeding

Other birds' eggs, in shell, fresh, preserved or cooked

Edible products of animal origin, nes or included.

Human hair, unworked, whether or not washed or scoured; waste of human hair.

Pigs', hogs' or boars' bristles and hair and waste thereof

Other

Horsehair and horsehair waste, whether or not put up as a layer with or without supporting material.

Guts, bladders and stomachs of animals...

Feathers of a kind used for stuffing; down

Other skins and parts of birds...

Ossein and bones treated with acid

Other

Coral and similar material, unworked or simply prepared but not otherwise worked; shells of molluscs, crustaceans or echinoderms and cuttle-bone, unworked or simply prepared but not cut to shape, powder and waste, thereof.

Natural sponges of animal origin.

Ambergris, castoreum, civet and musk; cantharides; bile, whether or not dried; glands and other animal products used in the preparation of pharmaceutical products, fresh, chilled, frozen or otherwise provisionally preserved.

Bovine semen

Products of fish and crustaceans

Other animal products not elsewhere specified

Bulbs, tubers, tuberous roots, corms, crowns and rhizomes, dormant

Bulbs, tubers, tuberous roots, corms, crowns and rhizomes, in growth or in flower; chicory plants and roots

Unrooted cuttings and slips

Trees, shrubs and bushes, grafted or not, of kinds which bear edible fruit or nuts

Rhododendrons and azaleas, grafted or not
Roses, grafted or not
Other five plants
Mosses and lichens
Potatoes seed
Brussels sprouts
Other
Globe artichokes
Truffles
Olives
Capers
Dried onions
Dried mushrooms and truffles
Other dried vegetables; mixtures of vegetables, whole, cut sliced, broken, or in powder
Dried peas
Dried chickpeas
Kidney beans
Other beans
Lentils
Dried broad beans
Other dried leguminous vegetables, shelled, whether or not skinned or split
Desiccated coconuts
Other
0Brazil nuts, in shell
Brazil nuts, shelled
Almonds in shell
Almonds, shelled
Cherries, provisionally preserved but unsuitable for consumption
Hazelnut in shell
Hazelnuts or filberts, shelled
Walnuts in shell
Walnuts shelled
Chesnuts
Pistachios
Others nuts fresh, dried
Bananas, including plantains, fresh or dried.
Dates
Figs
Pineapples
Guavas, mangoes and mangosteens
Grapefruit
Other citrus fruit
Grapes fresh
Grapes dried
Apples
Pears
Cranberries, bilberries and other fruits of the genus *Vaccinium*
Apricots

Corresponding HS Code and Descriptions of China will be provided later and subject to reconciliation between

the two parties for the purpose of facilitating customs administration..

ANNEX

Specific Products Covered by the Early Harvest
Programme under Article 6 (3) (a) (iii)

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HS CODE

DESCRIPTION

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Coconut (copra), palm kernel or babassu oil and fractions thereof whether or not refined, but not chemically modified.

-Coconut (copra oil and its fractions:

-Crude oil

-Other (Refined)

Cocoa powder, not containing added sugar or other sweetening matter

Cocoa powder, containing added sugar or other sweetening matter

- Seats of cane, osier, bamboo or similar material

Corresponding HS Code and Descriptions of China will be provided later and subject to reconciliation between the two parties for the purpose of facilitating customs administration.

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