BILATERAL

TRADE AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES AND THE GOVERNMENT OF THE REPUBLIC IRAQ

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The Government of the Republic of the Philippines, and the Government of the Republic of Iraq, convinced of the importance of promoting and diversifying trade relations between their two countries on the basis of equality and mutual benefit have decided to conclude this Agreement and for that purpose have designated as their Plenipotentiaries:

H.E. THE FIRST LADY, MADAVE IMELDA ROMUALDEZ MARCOS,
Minister of Human Settlements.

H.E. HASSAN ALI,
Minister of Trade

who have exchanged their credentials and found them in good order and in compliance with their procedures, have agreed on the following:

ARTICLE 1

- The two Governments shall take appropriate measures to develop and expand mutually beneficial trade in goods and services between their countries, in accordance with respective laws and regulations in force in both countries.

- For the purpose referred to (1) of this Article, the two Governments shall encourage and facilitate the promotion and conclusion of contracts between the relevant oragnizations, and companies, preferably on a long term basis.

ARTICLE 2

The two Governments shall accord each other most-favored nation-treatment with respect to the levy of customs duties, taxes and similar charges inposed on or in connection with imports and exports, the transfer of payments related to imports and exports, clearance, as well as the issuance, if necessary, of export and import licenses. The provisions of this Article shall not apply to the following:

a)

advantages and privileges accorded or which may be accorded by either Government to neighbouring countries in order to facilitate border trade;

b)

tariff preferences or other favours and facilities granted by either Government in accordance with any agreements or arrangements constituting or leading to the establishment of a free trade area or a customs union;

c)

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advantages and privileges accorded or which may be accorded to countries that are members of a regional or subregional arrangement which either country has joined or may join;

d)

preferences or advantages accorded or which may be accorded by the Republic of Iraq to Arab Countries;

e)

preferences or advantages accorded or which may be accorded by the Philippines to member countries of the Association of Southeast Asian Nations (ASEAN); and

f)

such measures as either Government may take to:

1)

safeguard its national security, human, animal, plant life or health; and

2)

meet its commitments or exercise its rights under international agreements and arrangements (including commodity agreements).

ARTICLE 3
Goods imported by either party from the other party shall not be exported to a third country without prior approval of the country of origin. Each Government is entitled to ask that the goods exported from either country to the other shall be accompanied by a certificate of origin issued by the competent authorities of the exporting country.

ARTICLE 4
Payments arising out of trade and other transactions shall be settled in any mutually acceptable convertible currency, in accordance with the terms of the relevant contracts, subject to the foreign exchange laws, regulations and requirements in force in the two countries.

ARTICLE 5
Each Government shall encourage participation in international fairs held in either country and the setting up of temporary or permanent trade center and fairs as well as the provision of all necessary facilities for the importation of samples for advertising purposes, goods and articles for display, tools and other instruments for erection purposes and all necessary containers in accordance with laws and regulations in force in either country.

Each Government shall permit the admission free of customs duties and other related charges of all goods and materials from the other country required to set up general and specialized trade fairs, and/or for the purposes of commercial advertisement in accordance with laws and regulations in force in either country. Such admission of goods and materials shall be on temporary basis, and they shall be re-exported unless the two Governments mutually agree otherwise.

Each Government shall encourage and facilitate the visits of commercial and technical representatives, groups and delegations of either party to the country of the other.

ARTICLE 6
A Governmental Joint Philippine-Iraqi Committee shall be established for the purpose of promoting the objectives of this Agreement.

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The Joint Committee shall meet at the request of either Government at a date to be mutually agreed upon. The meeting shall be held alternately in the Philippines and Iraq.

The Joint Committee shall:

- Review and keep under consideration the implementation of the provisions of this Agreement and propose appropriate measures to solve the problems and difficulties which may arise out of the implementation of this Agreement;

- Examine means of facilitating the conclusion and implementation of commercial contracts; and

- Propose appropriate measures for expanding and diversifying trade between the two countries.

ARTICLE 7
The Joint Committee formed in accordance with Article 6 of this Agreement may endeavour to facilitate the amicable settlement of any problem or disputes arising from any contracts and arrange its concluded within the scope of this Agreement. This shall be without prejudice to the application of the specific provisions for the settlement of disputes stipulated in the relevant contracts.

ARTICLE 8
In the event of termination of this Agreement, its provisions shall continue to apply in respect of unfulfilled obligations under commercial contracts concluded during the period of validity of this Agreement.

ARTICLE 9
This Agreement shall be subject to the approval by the competent authorities in both countries in accordance with the constitutional procedures in each country and shall enter into force on the date of the exchange of notes confirming its approval.

The validity of this Agreement is three years, automatically renewable for one year, unless either Government signifies in writing through diplomatic channels its intention to terminate it at least three months prior to the date of its expiration.

This Agreement may be amended at any time by mutual consent of the two Governments. The same procedures mentioned above shall be followed in this regard.

DONE AND SIGNED IN BAGHDAD ON THE 1st DAY OF OCTOBER IN THREE ORIGINALS IN PILIPINO, ARABIC AND ENGLISH, ALL THREE TEXTS BEING EQUALLY AUTHENTIC, IN THE EVENT OF DIFFERENCES IN INTERPRETATION BETWEEN THE PILIPINO AND THE ARABIC TEXTS, THE ENGLISH TEXT SHALL PREVAIL.

FOR THE GOVERNMENT OF THE
REPUBLIC OF IRAQ FOR THE GOVERNMENT OF THE
REPUBLIC OF THE PHILIPPINES

(Sgd.) H.E. HASSAN ALI
Minister of Trade (Sgd.) H.E. IMELDA ROMUALDEZ MARCOS
Minister of Human Settlement

Entry into Force: January 22, 1982

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