MULTILATERAL

MEMORANDUM OF UNDERSTANDING ON INTERNATIONAL ROAD AND RAIL TRANSPORT AND TRANSIT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES, THE GOVERNMENT OF THE REPUBLIC OF TUR...

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The Government of the Republic of the Philippines, the Government of the Republic of Turkmenistan, and the Government of the Islamic Republic of Iran (hereinafter referred to as the Contracting Parties);

Desirous of improving trade and economic cooperation amongst themselves and of increasing flows of traffic in transit between the Philippines, Turkmenistan and Iran;

Desiring further to facilitate transportation of goods by road and rail between Iran, Turkmenistan and the Philippines as well as in transit through the territories of Iran and Turkmenistan and with a view to ensure smooth transit of goods originating from the Philippines for destination to Central Asian Republics (CARs) and similarly for goods coming from CARs with destination to the Philippines;

Have concluded a Memorandum of Understanding (MOU) as follows:

ARTICLE 1

The provisions of this MOU shall apply to the international carriage of goods by road and rail from the CARs to the territory of Iran and in transit through the territory of Iran by using vehicles registered in any of the territories of the Contracting Parties.

ARTICLE 2

The provisions of this MOU shall also apply to the international carriage of goods in transit by ship, by road and by rail from the Philippines to Turkmenistan through the Islamic Republic of Iran and vice versa by using vehicles registered in any of the territories of the Contracting Parties.

ARTICLE 3

For purposes of this MOU:

1. The term "carrier" means any natural or juridical person residing in and being a citizen of the Philippines, Turkmenistan or the Islamic Republic of Iran who is authorized to perform international transport of goods in conformity with the laws and regulations of the concerned Contracting Party;

2. The term "vehicle" means any power-driven road vehicle or rail transport meant either for carriage of goods or drawing vehicles;

3. The term "transit transport" means carriage of goods through the territory of one Contracting Party, between points of departure and destination within or outside of the territory of that Contracting Party.

ARTICLE 4

Subject to its national legislation, each Contracting Party shall grant authorization to the carriers of the other Contracting Parties to establish offices and/or to appoint representatives and/or agencies in its own territory at

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places to be mutually agreed upon by the Contracting Parties.

ARTICLE 5

The Contracting Parties shall not levy any import or export tax or charge (including custom tax) on vehicles of the other Contracting Parties, which are in transit in its territory other than:

a) the charges for using road networks or railroad infrastructures (road and bridge tolls);

b) the charges imposed if weight, dimensions or load of the vehicle exceed the prescribed limits provided by the national legislation of the Contracting Parties.

ARTICLE 6

A Mixed Commission consisting of representatives of the Contracting Parties shall be formed. The Terms of Reference of the Mixed Commission are:

a) to supervise the proper implementation of this MOU;

b) to study and make proposals for the solution of possible problems not settled directly between the competent authorities referred to in Article 9 of this MOU;

c) to review all other relevant issues that fall within the scope of this MOU and make recommendations thereon for settlement;

d) to consider any other matters to be mutually agreed upon relating to transit trade.

The Mixed Commission shall meet when required at the request of any of the Contracting Parties alternately in the Philippines, Turkmenistan and the Islamic Republic of Iran.

The agenda to be discussed at the Mixed Commission meeting shall be prepared in advance in the light of the Terms of Reference mentioned above by the Contracting Parties through diplomatic channels.

The Mixed Commission can recommend amendments to any Article of this MOU and submit the same to the competent authorities for approval.

ARTICLE 7

The Contracting Parties shall take all measures deemed necessary in order to facilitate, simplify and accelerate to the greatest extent possible, the customs and other formalities relating to carriage of goods.

ARTICLE 8

Carriers and the crew of vehicles registered in one of the Contracting Parties shall comply with laws and regulations governing the road traffic of the other Contracting Parties.

Other matters pertaining to transportation which are not covered by this MOU shall be subject to the laws, regulations and rules of the Contracting Parties.

ARTICLE 9

The competent authorities which are responsible for the implementation of this MOU are:

a) In the government of the Republic of the Philippines, the Department of Transportation and Communication;

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b) in Turkmenistan, the Ministry of Roads and Transportation;

c) In the Islamic Republic of Iran, the Ministry of Roads and Transportation.

ARTICLE 10

To ensure speedy movement of goods in transit, the goods covered in containers and carrying customs seals of the originating country will normally not be opened and expeditious clearance of the (container) Truck/Trailer will be ensured.

ARTICLE 11

Though this MOU is being initially entered into between the Government of the Philippines, the Government of Turkmenistan and the Government of the Islamic Republic of Iran, other countries among the CARs desirous to become Parties can accede to this MOU in the future with the consent of the original Contracting Parties.

Done and signed in Manila, Philippines on 08 October 1995 in three original copies each in English and Persian languages, all texts being equally authentic. In case of divergent interpretations, the English text shall prevail.

(Sgd.)

(Sgd.)

(Sgd.)

FOR THE GOVERNMENT OF THE
REPUBLIC OF THE PHILIPPINES

FOR THE GOVERNMENT
OF THE
ISLAMIC REPUBLIC OF IRAN

FOR THE GOVERNMENT
OF THE
REPUBLIC OF TURKMENISTAN

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