

TRADE AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES AND THE GOVERNMENT OF THE HASHEMITE KINGDOM OF JORDAN

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The Government of the Republic of the Philippines and the Government of the Hashemite Kingdom of Jordan hereinafter referred to as the Contracting Parties;

Desiring to develop and strengthen direct trade relations between them in accordance with their development needs and objectives on equitable and mutually beneficial bases;

Have agreed as follows:

ARTICLE I (UMBRELLA PROVISIONS)

The Contracting Parties shall promote and develop the expansion of bilateral trade between them within the framework of the laws and regulations effective in their respective countries.

ARTICLE II (MOST-FAVOURED-NATION TREATMENT)

The Contracting Parties shall grant each other most-favoured-nation treatment in all matters relating to:

- a. Customs duties and charges of any kind including the method of levying such duties and charges imposed on or in connection "with importation or exportation, or imposed on the transfer of payments for imports and exports;
- b. Rules and formalities connected with customs clearance;
- c. All internal taxes or other internal charges of any kind imposed on or in connection with the imports and exports; and
- d. The issuance of import and export licences.

ARTICLE III (EXEMPTIONS FROM MFN)

The provisions of Article II shall not apply to:

- a. Special preferences or other advantages accorded by either Party resulting from its association in a regional or subregional arrangement, customs union or a free trade area or measures leading to the formation of a customs union or a free trade area.
- b. Special tariff preferences or other advantages which either Party grants or may grant to facilitate frontier/border traffic.
- c. Special tariff preferences or other advantages which either Party may grant to developing countries under any trade expansion or economic cooperation scheme of which the other Party is not a member.

d.Special tariff preferences or other advantages which the Hashemite Kingdom of Jordan grants or may grant to any Member State of the Arab League.

ARTICLE IV

(MOST-FAVORED-NATION TREATMENT ON MERCHANT SHIPPING AND AIR TRANSPORT)

Merchant cargo - bearing vessels / cargo - bearing aeroplanes including their crews shall be granted most-favoured-nation treatment in respect of entry into, stay in, and departure from the harbour/airport of the other party, in accordance with the laws, rules, and regulations in force in the said other party.

Merchant cargo-bearing vessels/cargo-bearing aeroplanes of either party that are in distress shall be permitted to take refuge in the nearest harbour/airport of the other party and shall receive friendly treatment, assistance, and protection.

ARTICLE V

SAFEGUARD MEASURES

No provisions of this Agreement shall be interpreted in such a manner as to prevent the adoption or enforcement by other Contracting Party of measures:

- a.necessary to safeguard its balance of payment position;
- b.necessary to protect public health, morals, order or security;
- c.necessary to prevent injury to domestic industries or the threat thereof;
- d.necessary to protect human, animal or plant life against diseases, pollution, or threat to life;
- e.relatng to traffic in arms, ammunitions, implements of war, or traffic in other materials carried on directly or indirectly for the purpose of supplying a military establishment; and
- f.relatng to fissionable (nuclear) materials, the source thereof, or the radioactive by-products thereof except as may be required for medical purposes.

ARTICLE VI

(PAYMENTS ARRANGEMENTS)

1.All payments arising from trade between the two countries shall be made in freely convertible currencies, subject to foreign exchange regulations and other pertinent laws, rules, and regulations effective in either country.

2.Payments between the two countries may also be effected through other payment arrangements subject to the laws and regulations in force in both countries.

ARTICLE VII

(EXCHANGE OF COMMERCIAL REPRESENTATIVES/ PARTICIPATION IN TRADE FAIRS)

1.In order to develop further trade between the two countries, the contracting countries shall encourage and facilitate the visit of commercial representatives, groups and delegations of either Party to the country of the other and the participation of either country in trade fairs and missions and in arranging exhibitions of either country in the territory of the other, terms to be agreed between the competent authorities.

2.The exemptions from customs duties and other similar charges on articles and items intended for trade fairs, missions and exhibitions shall be subject to the laws and regulations from the country where such fairs and exhibitions are held.

ARTICLE VIII

(EXCHANGE OF TRADE INFORMATION)

In order to facilitate exchange of goods, services, and payments between the two countries, and subject to the laws and regulations in force in both countries, either Contracting Party, upon request of the other Party shall furnish, through its commercial attaché and other appropriate representatives, all pertinent information for the development of trade and economic relations between the two Contracting Parties.

ARTICLE IX

(BUSINESS FACILITATION SERVICES FOR TRADE MATTERS)

1. Nationals, state corporations and private organizations/companies of either country shall be afforded access to all courts of the other country, subject to the laws and regulations of such other country. Disputes relating to trade between nationals, state corporations and private organization/companies of both Contracting Parties shall be referred to appropriate courts where such disputes transpire. They shall not claim or enjoy immunities from suit or execution of judgement or other liability with respect to commercial or financial transactions. They also shall not claim or enjoy immunities from taxation with respect to commercial or financial transactions.

2. Each Contracting Party agrees to assist in the solution of business facilitation problems and for either Party to gain access to appropriate government offices/officials in each other's country.

ARTICLE X

(SETTLEMENT OF DISPUTES BETWEEN CONTRACTING PARTIES THROUGH AN ARBITRATION BODY)

In the absence of an arbitration clause, all disputes relating to any transaction concluded in accordance with the present Agreement, shall be referred for settlement to an arbitration body to be mutually agreed upon by both Contracting Parties, unless both parties agree to settle the dispute in any other peaceful manner.

ARTICLE XI

(ESTABLISHMENT OF A JOINT COMMISSION/CONSULTATIVE BODY)

1. The Contracting Parties may establish a Governmental Joint Commission/Consultative Body composed of representatives of both Parties to implement the provisions of the present Agreement, examine measures for the solution of problems or disputes that may arise in the course of its implementation, and propose measures for expanding and diversifying trade between the two countries.

2. The establishment of a Governmental Joint Commission/ Consultative Body shall not preclude the right of both countries to consult each other at the request of either of them on all matters of mutual interest, as well as on the necessary measures for the expansion of mutual cooperation and trade relations in view of implementing the present Agreement.

3. At the request of either country, a meeting shall be carried out at a place mutually agreed not later than sixty (60) days after the date of receiving the request.

4. The Contracting Parties may undertake to propose a trade protocol to facilitate the importation and exportation of goods and commodities from both countries, subject to the laws and regulations of each country.

ARTICLE XII

(TERMINATION OF CONTRACT)

The provisions of this Agreement shall apply ten years after its termination to private contracts entered into during

the period of the validity of this Agreement but not fully completed on the day of termination of this Agreement.

ARTICLE XIII

(VALIDITY/RATIFICATION OF AGREEMENT)

The present Agreement shall enter into force on the date of exchange of instruments of ratification. It shall remain in force for three years and shall continue in force thereafter unless terminated by either Party through a three-month prior written notice.

At anytime the Agreement is in force either Party may propose in writing amendments thereto and to which the other Party will reply within 120 days upon receipt of such notice. The terms of the Agreement may be modified by mutual consent of the Contracting Parties.

Done and signed in __Baghdad__, this 31st day of _March_, 1996 in two original copies in the English and Arabic languages, one for each Contracting Party, both texts being equally authentic. In case of divergence of interpretation, the English text shall prevail.

**FOR THE GOVERNMENT OF THE FOR THE GOVERNMENT OF THE
REPUBLIC OF THE PHILIPPINES HASHEMITE KINGDOM OF JORDAN**

(Sgd.) RAFAEL E. SEGIUS (Sgd.) BASSAM KAKISH

Philippine Ambassador Jordan Ambassador to Iraq

Extraordinary and

Plenipotentiary to Iraq

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