

No. 11636

**NEW ZEALAND
and
PHILIPPINES**

**Trade Agreement (with agreed minutes). Signed at Manila on
19 July 1968**

Authentic texts : English and Filipino.

Registered by New Zealand on 16 March 1972.

**NOUVELLE-ZÉLANDE
et
PHILIPPINES**

**Accord commercial (avec procès-verbal d'accord). Signé à Manille
le 19 juillet 1968**

Textes authentiques : anglais et philippin.

Enregistré par la Nouvelle-Zélande le 16 mars 1972.

TRADE AGREEMENT¹ BETWEEN THE GOVERNMENT OF
NEW ZEALAND AND THE GOVERNMENT OF THE
REPUBLIC OF THE PHILIPPINES

The Government of New Zealand and the Government of the Republic of the Philippines, desiring to increase and facilitate trade between the two countries to their mutual benefit,

Have agreed as follows :

Article I

1. The Government of each country shall accord to the other country unconditional most-favoured-nation treatment in all matters with respect to customs duties and charges of any kind imposed on or in connection with importation or exportation of products or imposed on or in connection with the international transfer of payments for imports or exports, with respect to the method of levying such duties and charges, with respect to all rules and formalities connected with importation or exportation, with respect to all internal taxes or other internal charges of any kind imposed on or in connection with imported or exported products and with respect to all laws, regulations and requirements affecting internal sale, offering for sale, purchase, distribution or use of imported products.

2. Accordingly, all goods the produce or manufacture of either country, on importation into the territory of the other country, shall not be subject, in regard to the matters referred to in paragraph 1 of this article, to any other or higher duties, taxes or charges, or to any rules or formalities less favourable, than those to which the like goods of any third country are or may hereafter be subject.

3. Similarly, all goods the produce or manufacture of either country, on exportation from the territory of that country and consigned to the territory of the other country, shall not be subject, in regard to the matters referred to in paragraph 1 of this article, to any other or higher duties, taxes or charges, or to any rules or formalities less favourable, than those to which the like goods when consigned to the territory of any third country are or may hereafter be subject.

¹ Came into force on 19 July 1968 by signature, in accordance with article VIII.

4. Any advantage, favour, privilege or immunity which has been or may hereafter be granted by the Government of either country in regard to the matters referred to in paragraph 1 of this article to any product originating in or consigned to the territory of any third country shall be accorded immediately and unconditionally to the like product originating in or consigned to the territory of the other country.

Article II

1. With respect to prohibitions or restrictions, whether made effective through quotas, import or export licenses or other measures, instituted or maintained by the Government of either country on the importation of any product originating in, or on the exportation or sale for export of any product consigned to, the territory of the other country :

- (a) such prohibitions shall not be applied unless a like prohibition is applied to the importation of the like product originating in, or the exportation or sale for export of the like product consigned to, the territories of all third countries;
- (b) such restrictions shall be formulated and administered in such a way as to accord to the importation of such product originating in, or the exportation or sale for export of such product consigned to, the territory of the other country, treatment no less favourable than that accorded to the importation of the like product originating in, or the exportation or sale for export of the like product consigned to, the territory of any third country.

2. In the allocation of foreign exchange for transactions involving the importation or exportation of products and in the administration of foreign exchange restrictions in relation to such transactions, the Government of each country shall accord to the importation of any product originating in, or the exportation or sale for export of any product consigned to, the territory of the other country treatment no less favourable than it accords to the importation of such product originating in, or the exportation or sale for export of such product consigned to, the territory of any third country.

Article III

The provisions of article I and II of this Agreement shall not apply to :

- (a) tariff preferences or advantages which have been or may be accorded by the Government of the Republic of the Philippines to the United States of America;

- (b) tariff preferences or advantages which have been or may be accorded by the Government of New Zealand to any present or former country or territory of the Commonwealth of Nations or to Western Samoa;
- (c) any preferences or advantages which have been or may be accorded by either Government to any third country, which are not inconsistent with the General Agreement on Tariffs and Trade¹ or which conform with any international agreement concluded under the auspices of the United Nations, including preferences or advantages resulting from the association of either Government in a customs union or free trade area;
- (d) any measures which have been or may be taken by either Government to carry out its obligations under any multilateral commodity agreement which is open to participation by either Government;
- (e) any measures which have been or may be considered necessary by either Government to safeguard its external financial position and balance of payments.

Article IV

The provisions of this Agreement shall not limit the right of either Government to apply prohibitions or restrictions of any kind directed :

- (a) to the protection of its essential security interests; or
- (b) to the protection of public health or the prevention of diseases and pests in animals or plants.

Article V

The two Governments agree that all payments arising from trade between the two countries shall be effected in convertible currency.

Article VI

If either Government imposes consular charges in respect of mutual trade any such charge shall be limited to the approximate cost of services rendered and shall be a flat charge and not a percentage of the value of the goods.

¹ United Nations, *Treaty Series*, vol. 55, p. 187; for subsequent actions, see references in Cumulative Indexes Nos. 1 to 9, as well as annex A in volumes 651, 661 to 665, 668, 690, 699, 735, 737, 738, 741, 753, 759, 761 to 763, 771, 779, 788, 797, 798 and 807.

Article VII

The two Governments agree to consult together at any time, at the request of either, on any matter affecting the operation, application or amendment of this Agreement, or otherwise relating to trade between the two countries.

Article VIII

This Agreement shall come into force on the date of signature and shall remain in force for a period of one year. Thereafter, it shall remain in force until the expiration of a period of six months from the date on which either Government has received from the other written notice of intention to terminate or renegotiate the Agreement.

IN WITNESS WHEREOF, the representatives of the two Governments, duly authorized for the purpose, have signed this Agreement.

DONE at Manila in two originals, English and Filipino, both texts being equally authoritative, this 19th day of July 1968.

For the Government
of New Zealand :
[Signed—Signé]¹

For the Government
of the Republic of the Philippines :
[Signed—Signé]²

AGREED MINUTES

During the negotiations leading to the conclusion of the Trade Agreement between the Government of New Zealand and the Government of the Republic of the Philippines signed today (hereinafter referred to as “ the Agreement ”), the New Zealand and Philippine delegations reached the following understandings, which form an integral part of the Agreement :

1. If the Government of either country establishes or maintains a state enterprise, wherever located, or grants to any enterprise, formally or in effect, exclusive or special privileges, that enterprise shall in its purchases or sales involving imports or exports, act in a manner consistent with the general principles of non-discriminatory treatment prescribed in the Agreement. To this end, that enterprise shall, subject to the provisions of the Agreement, make any purchases or sales solely in accordance with commercial considerations, including price, quality, availability, marketability, transportation and other condi-

¹ Signed by W. Gray Thorp — Signé par W. Gray Thorp.

² Signed by Narcisco Ramos — Signé par Narcisco Ramos.

tions of purchase or sale, and shall afford to the enterprises of the other country adequate opportunity, in accordance with customary business practice, to compete for participation in such purchases or sales.

2. Neither Government shall prevent any enterprise under its jurisdiction (whether or not such an enterprise is of the kind described in paragraph 1 of these Agreed Minutes) from acting in accordance with the principles of paragraph 1 above.

3. It was accepted that the provisions of paragraphs 1 and 2 above, shall not apply to imports of products for immediate or ultimate consumption in governmental use and not otherwise for resale or use in the production of goods for sale. With respect to such imports, the Government of each country shall accord to the trade of the other country fair and equitable treatment.

4. The two delegations recognized that the operations of enterprises of the kind described in paragraph 1 above might in some circumstances create serious obstacles to trade between the two countries. It was accordingly agreed that the two Governments shall, within thirty days of the receipt by either Government of a request to that effect from the other Government, enter into negotiations directed to the limitation or reduction of any such obstacles.

5. In order to increase and facilitate trade between the two countries and pursuant to article VII of the Agreement, the two delegations agreed on the desirability of encouraging further consultations between officials and businessmen of the two countries, including visiting trade and economic missions.

For the Government
of New Zealand :
[Signed — Signé]¹

For the Government
of the Republic of the Philippines :
[Signed — Signé]²

¹ Signed by W. Gray Thorp — Signé par W. Gray Thorp.

² Signed by Narcisco Ramos — Signé par Narcisco Ramos.