

No. 14438

**PHILIPPINES
and
INDONESIA**

Trade Agreement. Signed at Jakarta on 8 August 1974

Authentic text: English.

Registered by the Philippines on 19 November 1975.

**PHILIPPINES
et
INDONÉSIE**

Accord commercial. Signé à Jakarta le 8 août 1974

Texte authentique : anglais.

Enregistré par les Philippines le 19 novembre 1975.

TRADE AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES AND THE GOVERNMENT OF THE REPUBLIC OF INDONESIA

The Government of the Republic of the Philippines and the Government of the Republic of Indonesia,

Desirous of promoting and expanding trade relations between the Philippines and Indonesia based on the principles of equality and mutual benefit,

Referring to the Basic Agreement on Economic and Technical Cooperation between the Government of the Republic of the Philippines and the Government of the Republic of Indonesia signed on the 8th day of August 1974,² both Governments have agreed as follows:

Article 1. Both Governments shall apply all possible measures with a view to facilitating and promoting the exchange of goods/commodities in accordance with the existing laws and regulations in force in both countries.

Both Governments will grant the required approvals in connection with the deliveries of goods/commodities according to the general import-export regulations in force in each country during the validity of this Agreement.

Article 2. Both Governments shall endeavour to expand the volume of trade between the two countries by supplying to each other goods and services produced by each country that are mutually advantageous to them. In addition, both Governments shall take appropriate measures to facilitate trade on a multilateral basis.

Article 3. Both Governments agree to grant each other no less favourable treatment in trade relations between the two countries than that applying to any other country, particularly as regards customs rules and formalities, customs duties, taxes and charges of any kind, and regulations governing the import and export of goods/commodities. This Agreement shall not preclude the consideration by either Government of preferential arrangements in trade between and/or among ASEAN Countries.

Article 4. Deliveries of goods/commodities between the Republic of the Philippines and the Republic of Indonesia will be carried out on the basis of commercial contracts to be concluded between the enterprises and firms domiciled in the Republic of the Philippines authorized to participate in foreign trade, and the enterprises and firms domiciled in the Republic of Indonesia similarly authorized. The above-mentioned enterprises and firms, in accordance with the respective laws of the State in which they are domiciled, have the status of independent juridical persons and shall be fully responsible for their commercial transactions.

Article 5. Both Governments shall encourage the participation by national flag carriers or ships operated or chartered by them in the shipment of goods from and to each country and pave the way towards appropriate arrangements, which will

¹ Applied provisionally from 8 August 1974, the date of signature, and came into force definitively on 4 June 1975, after an exchange of notes to that effect, in accordance with article 10.

² See p. 283 of this volume.

ensure mutually beneficial freight rates and share of cargoes, subject to the rules, regulations and policies of both Governments.

Merchant vessels of one country while entering, putting off and laying at the ports of the other country, will enjoy treatment no less favourable than that accorded by their respective laws, rules and regulations to the vessels under the flag of any third country.

Article 6. Both Governments agree that all payments arising from trade between the two countries shall be effected in convertible currency acceptable to both Governments.

The Central Bank of the Philippines and the Central Bank of Indonesia shall cooperate closely to explore the possibilities of improving payments arrangement which will further the expansion of trade between both countries.

Article 7. Both Governments agree to accord to each other, subject to their respective laws and regulations, facilities for the holding of trade fairs and exhibitions and visits of businessmen and trade delegations.

Article 8. Each Government shall take all necessary measures in order to prevent the infringement and unlawful or unauthorized use of patents for inventions and improvements, copyrights, industrial models, drawings and designs, trademarks and commercial names.

Article 9. In order to facilitate the implementation of this Agreement, both Governments agree to consult each other in respect of any matter arising from or in connection with the trade between the two countries.

The Department of Trade in Manila and the Department of Trade in Jakarta shall serve as the Agencies of their respective Governments to communicate directly with each other for monitoring and transmittal of information on the progress of implementation of this Agreement.

Article 10. This Agreement shall come into force provisionally on the date of signing. It shall definitively come into force after an exchange of notes to that effect between the two Governments and shall remain in force for a period of one year following the exchange of notes.

Upon the expiry of this period the Agreement will automatically remain in force for further periods of one year each.

After the initial period of one year, either Government may:

- a. propose in writing to the other Government the revision of the present Agreement to be mutually discussed and agreed upon;
- b. terminate the present Agreement by giving three months prior written notice to the other Government.

Any revision or termination of this Agreement shall be without prejudice to any rights or obligations which have accrued or which have been incurred prior to the effective date of such revision or termination.

Article 11. This Agreement shall supersede the Trade Agreement concluded between the Government of the Republic of the Philippines and the Government of the Republic of Indonesia on 30th May, 1969.

IN WITNESS WHEREOF, the undersigned being duly authorized thereto by their respective Governments, have signed this Trade Agreement.

DONE in Jakarta, Indonesia, on this eighth day of August one thousand nine hundred and seventy-four, in two originals in the English language, both texts being authentic.

For the Government
of the Republic of the Philippines:

[Signed]

TROADIO T. QUIAZON Jr.
Secretary of Trade and Chairman
of the Philippine Delegation

[Signed]

MODESTO FAROLAN
Ambassador of the Philippines to Indo-
nesia and Co-Chairman of the Philip-
pine Delegation

For the Government
of the Republic of Indonesia:

[Signed]

RADIUS PRAWIRO
Minister of Trade and Chairman
of the Indonesian Delegation

[Signed]

SUHADI MANGKUSUWONDO
Director General for Research and
Development, Department of Trade,
and Co-Chairman of the Indonesian
Delegation