

**No. 18339**

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**PHILIPPINES  
and  
POLAND**

**Trade Agreement. Signed at Manila on 12 February 1976**

*Authentic text: English.*

*Registered by the Philippines on 3 March 1980.*

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**PHILIPPINES  
et  
POLOGNE**

**Accord de commerce. Signé à Manille le 12 février 1976**

*Texte authentique : anglais.*

*Enregistré par les Philippines le 3 mars 1980.*

## TRADE AGREEMENT<sup>1</sup> BETWEEN THE GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES AND THE GOVERNMENT OF THE POLISH PEOPLE'S REPUBLIC

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The Government of the Republic of the Philippines and the Government of the Polish People's Republic, hereinafter referred to as the Contracting Parties;

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

Have agreed as follows:

*Article 1.* The Contracting Parties shall promote the development of trade and economic relations between the two countries in accordance with the laws, rules and regulations effective in their respective countries.

*Article 2.* The Contracting Parties shall accord to each other most-favoured-nation treatment with respect to trade development, that is:

- (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 or exports;
- (b) Rules and formalities connected with customs clearances;
- (c) All internal taxes or other internal charges of any kind imposed on or in connection with imported and exported goods; and
- (d) Issuance of import and export licenses.

*Article 3.* The provisions of Article 2 shall not apply to:

- (a) Tariff preferences or other advantages which either Party grants or may grant to facilitate frontier/border traffic;
- (b) Special preferences or other advantages accorded by either Party resulting from its association in a customs union or free trade area or measures leading to the formation of a customs union or a free trade area;
- (c) Tariff preferences or other advantages resulting from participation by either Contracting Party in multilateral arrangements aiming at economic integration.

*Article 4.* The import and export of goods, based on prevailing world market prices, will be carried out between authorized Philippine import and export enterprises and Polish foreign trade organizations in accordance with the laws, rules and regulations in force in their respective countries.

*Article 5.* All current payments between the two countries shall be made in freely convertible currency, subject to foreign exchange regulations effective in their respective countries.

*Article 6.* The Contracting Parties agreed to establish permanent commercial representation in Manila and Warsaw which will be attached to their respective

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<sup>1</sup> Came into force on 7 June 1977, the date of the exchange of notes confirming its approval, in accordance with article 13.

diplomatic missions subject to the laws, rules and regulations of the Contracting Parties.

*Article 7.* In order to develop further trade between the two countries the Contracting Parties shall facilitate each other's participation in fairs to be held in either country, and in arranging exhibitions of either country in the territory of the other, on terms to be agreed between the competent authorities.

Each Contracting Party shall exempt from customs duties or other fiscal charges the following goods originating in the country of the other Party:

- (a) Catalogues, price lists, pamphlets, and other commercial advertising materials including films on goods offered for sale in the market of the importing country;
- (b) Goods and materials for temporary fairs and exhibitions, which are not intended for sale, barter or hire; and
- (c) Commercial samples which are not for sale, barter or hire.

The entry, sale or disposition of the articles referred to above shall be subject to the laws of the country of destination.

*Article 8.* The Contracting Parties shall refrain from exporting goods originating from the other Contracting Party below prevailing world market prices or in such quantities as may cause unfavourable market disruption.

*Article 9.* In the absence of an arbitration clause, all disputes relating to any commercial transaction concluded between Philippine legal or natural persons and Polish foreign trade organizations shall be referred for settlement to an Arbitration Court of the International Chamber of Commerce to be agreed upon by the Contracting Parties.

*Article 10.* The provisions of this Agreement shall not limit the rights of either Contracting Party to adopt or execute measures:

- (a) For reasons of public health, morals, order or security;
- (b) For the protection of plants and animals against diseases;
- (c) To safeguard in conformity with GATT,<sup>1</sup> its external financial position and balance of payments.

*Article 11.* Merchant cargo-bearing vessels and cargoes of either country shall enjoy in respect of entry into, stay in and departure from the ports of the other country most-favoured-nation facilities as is or shall be granted by its respective laws, rules and regulations.

The Contracting Parties shall provide the necessary facilities, in accordance with the foregoing provision, to enable the transportation of goods traded within this Agreement by merchant vessels owned or chartered by the other Contracting Party.

Each Contracting Party reserves to its own vessels the right to engage in the coastal trade, inland shipping and fishing. The foregoing shall not preclude the conclusion of a shipping agreement when the Contracting Parties deem it necessary.

*Article 12.* For the purpose of ensuring the expeditious and continuous implementation of this Agreement the Contracting Parties hereby agree to set up a

<sup>1</sup> United Nations, *Treaty Series*, vol. 55, p. 187.

Governmental Joint Commission. Each Government shall nominate officials to that Commission as it deems fit.

The Governmental Joint Commission shall, *inter alia*, concern itself with the following:

- (a) To hold periodic consultations in order to achieve and further the objectives of this Agreement for which purpose the Commission shall meet alternately in the Philippines and in Poland at least once every two years;
- (b) To examine ways and means by which commercial, economic and technical cooperation between the Contracting Parties can be strengthened and developed;
- (c) To identify the problems that may arise in the course of the implementation of this Agreement and submit appropriate recommendations to their respective Governments.

*Article 13.* This Agreement shall enter into force on the date of exchange of notes confirming its approval or ratification by the two Contracting Parties, in accordance with their respective laws.

*Article 14.* The provisions of this Agreement shall apply even after its termination to contracts entered into during the period of the validity of this Agreement but not fully completed on the day of the termination of this Agreement.

*Article 15.* This Agreement shall remain in force for a period of one year. In case neither of the Contracting Parties shall have given notice three months before expiry of the said period of its intention to terminate or modify this Agreement, it shall automatically be extended each time for another period of one year.

If either of the Contracting Parties gives notice of its intention to modify this Agreement, representatives of the two Governments will meet together to discuss and agree upon the modifications.

DONE AND SIGNED in Manila this 12th day of February nineteen hundred and seventy-six in two original texts in the English language.

For the Government  
of the Republic of the Philippines:

[Signed]

TROADIO T. QUIAZON, Jr.  
Secretary of Trade

For the Government  
of the Polish People's Republic:

[Signed]

TADEUSZ ZYLKOWSKI  
Deputy Minister for Foreign Trade  
and Shipping