

No. 18982

**PHILIPPINES
and
VIET NAM**

**Trade Agreement (with schedules). Signed at Manila on
9 January 1978**

*Authentic texts: Pilipino, Vietnamese and English.
Registered by the Philippines on 18 July 1980.*

**PHILIPPINES
et
VIET NAM**

**Accord de commerce (avec appendices). Signé à Manille le
9 janvier 1978**

*Textes authentiques : pilipino, vietnamien et anglais.
Enregistré par les Philippines le 18 juillet 1980.*

TRADE AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES AND THE GOVERNMENT OF THE SOCIALIST REPUBLIC OF VIETNAM

The Government of the Republic of the Philippines and the Government of the Socialist Republic of Vietnam hereinafter referred to as the Contracting Parties,

Desiring to develop and strengthen direct trade relations between them in accordance with their development and trade needs and objectives on the basis of equality and mutual benefit,

Have agreed as follows:

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

Article 2. 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 or 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 imported and exported goods; and
- d) Issuance of import and export licenses.

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

- a) Special preferences or other advantages accorded by either Party to another country in replacement of previously existing preferences or other advantages;
- b) Special preferences or other advantages accorded by either Party resulting from its association in a customs union or a free trade area or measures leading to the formation of a customs union or a free trade area;
- c) Tariff preferences or other advantages which either Party grants or may grant to facilitate border traffic; and
- d) Tariff preferences or other advantages which either Party may grant to developing countries under any trade expansion or economic cooperation scheme.

Article 4. The import and export of goods based on prevailing world market prices will be carried out on the basis of commercial contracts concluded between competent Philippine import and export enterprises authorized to carry out foreign trade and competent Socialist Republic of Vietnam state companies and state supervised organizations in accordance with the laws, rules and regulations in force in either country.

¹ Came into force on 22 November 1978 by the exchange of the instruments of ratification, which took place at Hanoi, in accordance with article 14.

Article 5. Deliveries of goods between the two countries shall be effected in accordance with the lists of goods mentioned in schedules A and B which are indicative and could be supplemented with other goods on mutual agreement of the two Parties.

Provisions of the preceding paragraph shall not preclude commercial transactions in respect of goods not listed in the said schedules.

Article 6. All current payments between the two countries shall be made in freely convertible currency, subject to foreign exchange regulations and other pertinent laws, rules and regulations in force in their respective countries.

Article 7. The Contracting Parties shall allow the appointment of permanent commercial representatives in Manila and Hanoi who will be attached to their respective diplomatic missions subject to the laws, rules and regulations of the Contracting Parties.

Article 8. In order to develop further trade between the two countries, the Contracting Parties shall facilitate each other's participation in trade 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 their competent authorities.

The exemption from customs duties and other similar charges of articles and samples intended for fairs and exhibitions, as well as their sale and disposition, shall be subject to the laws, rules and regulations of the country where such fairs and exhibitions are held.

Article 9. The goods delivered in accordance with the present Agreement may be re-exported to third countries only with the prior consent of the competent authorities of the country from where the goods originated.

Article 10. All disputes relating to any commercial transactions concluded in accordance with the present Agreement which cannot be settled amicably shall be resolved in accordance with the arbitration procedures provided in the contracts.

Article 11. 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 and pests;
- c) To safeguard its external financial position and balance of payments;
- d) To prevent injury to domestic industries or the threat thereof; and
- e) To protect national treasures of artistic, historical or archaeological value.

Article 12. The Contracting Parties shall meet at least once a year and consult each other at the request of either of them on all matters of mutual interest as well as on the necessary measures aiming at the expansion of mutual cooperation and trade relations concerning the implementation of the present Agreement.

In the implementation of this article, each meeting held at the request of either Party shall be carried out at a place mutually agreed upon not later than 90 days after the date of receiving the request.

Article 13. 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 consummated on the day of the termination of this Agreement.

Article 14. The present Agreement shall enter into force on the date of the exchange of the instruments of ratification in conformity with the respective laws of the Contracting Parties. It shall remain in force for one year and shall be automatically renewed for periods of one year each, unless either Contracting Party expresses its intention in writing to terminate this Agreement three months before the expiry of its validity.

At any time 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 at Manila this 9th day of January 1978 in two original copies each in the Pilipino, Vietnamese and English languages, all texts being authentic. In the event of there being any difference of meaning between the Pilipino and Vietnamese texts, the English text shall prevail.

For the Government
of the Republic of the Philippines:

[Signed]

TROADIO T. QUIAZON, Jr.
Secretary of Trade
Republic of the Philippines

For the Government
of the Socialist Republic of Vietnam:

[Signed]

NGUYEN DUY TRINH
Minister for Foreign Affairs
Socialist Republic of Vietnam

SCHEDULE A

GOODS FOR EXPORT FROM THE REPUBLIC OF THE PHILIPPINES

1. Coconut oil and other coconut products;
2. Tobacco leaf and other tobacco products;
3. Chemicals such as PVC resins, calcium carbide;
4. Manila hemp (abaca, rope, twine and cordage);
5. Construction materials such as lumber, plywood, cement, glazed tiles, vinyl tiles, PVC pipe, electric wires and cables, etc.;
6. Agricultural equipment (light power tiller, and other light farm equipment);
7. Garlic and other vegetable products.

SCHEDULE B

GOODS FOR EXPORT FROM THE SOCIALIST REPUBLIC OF VIETNAM

1. Anthracite;
 2. Apatite;
 3. Super phosphate;
 4. Talcum powder;
 5. Chemicals;
 6. Pharmaceuticals;
 7. Groundnut and groundnut oil;
 8. Tea;
 9. Frozen and processed marine products;
 10. Essential oils;
 11. Hardwares;
 12. Machine tools;
 13. Small motors;
 14. Office articles;
 15. Textiles and garments;
 16. Art and handicraft products.
-