

October 15, 1997

**TRADE AGREEMENT BETWEEN THE GOVERNMENT OF THE
REPUBLIC OF THE PHILIPPINES AND THE GOVERNMENT OF THE
UNION OF MYANMAR**

The Government of the Republic of the Philippines and the Government of the Union of Myanmar, hereinafter referred to as the "Contracting Parties", being desirous of developing trade relations between the two countries and of enhancing the friendly relations between the Governments and the peoples of the two countries, have reached agreement as follows:

ARTICLE 1

The two Governments will develop and strengthen in every possible way trade relations between the two countries on the principle of equality and mutual benefit. Each Government will study the proposals which the other Government may submit for consideration and abide by such decision as may be agreed upon by the two Governments for the purpose of achieving closer economic relations.

ARTICLE 2

Each Government will permit the exportation of its exportable commodities to the other and facilitate the importation of exportable commodities of the other and where export or import licensing is involved will facilitate the issue of export and import licenses in conformity with its laws, rules and regulations of each country.

ARTICLE 3

- a. The Contracting Parties shall grant each other most-favored-nation treatment in all matters relating to:
- b. 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;
- c. Rules and formalities connected with customs clearance;
- d. All internal taxes or other internal charges of any kind imposed on or in connection with the imports and exports; and

The issuance of import and export licenses.

ARTICLE 4

Each Government will grant merchant vessels of the other country while entering, putting off and lying at its ports the most-favored-nation treatment accorded by the respective laws, rules and regulations to the vessels under the flag of any third country.

**ARTICLE 5
(EXEMPTIONS FROM MFN)**

The provisions of Article 3 shall not apply to:

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

ARTICLE 6 (SAFEGUARD MEASURES)

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

- a. necessary to safeguard its balance of payments position;
- b. necessary to protect public health, morals, order and 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. relating to traffic in arms, ammunition, implements of war, or traffic in other materials carried on directly or indirectly for the purpose of supplying a military establishment;
- f. relating to fissionable (nuclear) materials, the sources thereof, or the radioactive by-products thereof except as may be required for medical purposes;
- g. relating to protection of national treasures of artists, historical or archeological value; and
- h. relating to international commitments, development and rationalization of local industry.

ARTICLE 7

All payments in connection with commodities sold or purchased by the two countries shall be made in freely convertible currencies which are acceptable to the two Governments in accordance with foreign exchange laws and regulations in force in each country.

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 8 (EXCHANGE OF COMMERCIAL REPRESENTATIVES/PARTICIPATION IN TRADE FAIRS)

In order to develop further trade between the two countries, the Contracting Parties shall encourage and facilitate the visit of commercial representatives, groups and delegations of either Contracting Party to the country of the other and the