

No. 8546

PHILIPPINES
and
UNITED STATES OF AMERICA

**Agreement concerning matters of customs administration
(with annexes). Signed at Washington, on 4 January
1967**

Official text: English.

Registered by the Philippines on 16 February 1967.

PHILIPPINES
et
ÉTATS-UNIS D'AMÉRIQUE

**Accord relatif à l'administration des douanes (avec annexes).
Signé à Washington, le 4 janvier 1967**

Texte officiel anglais.

Enregistré par les Philippines le 16 février 1967.

No. 8546. AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA CONCERNING MATTERS OF CUSTOMS ADMINISTRATION. SIGNED AT WASHINGTON, ON 4 JANUARY 1967

Recognizing the interest of the Government of the Republic of the Philippines in preventing the importation of commodities into the Philippines in violation of Philippine law, particularly the so-called "technical smuggling", and

Recognizing the importance of maintaining a normal flow of trade between the two countries; and

Whereas the Governments of the Republic of the Philippines and of the United States of America wish to cooperate in these important endeavors; the two Governments have agreed as follows:

Article I

The United States Government agrees that for a period of six months beginning January 16, 1967, and extending through July 15, 1967, it will make the necessary arrangements for the Philippine Consular Establishments in the United States to be provided with an authenticated copy of each Shipper's Export Declaration filed with and authenticated by the United States Bureau of Customs during that period covering any of the commodity exports from the customs area of the United States to the Philippines as set forth and described in Annexes A and B to this Agreement.

Article II

The United States Government agrees that for a period of six months beginning January 16, 1967, and extending through July 15, 1967, it will provide the Government of the Republic of the Philippines with monthly statistical data, specially compiled from the Shipper's Export Declaration, showing the high and low unit prices of certain of the commodity exports from the United States to the Philippines included within the commodity division groupings set forth in Annex C to this Agreement.

¹ Came into force on 4 January 1967, upon signature, and became operative as from 16 January 1967, in accordance with article I.

Article III

1. The Government of the Republic of the Philippines agrees that any requirement which it may establish with respect to Shipper's Export Declarations shall be in accordance with and subject to the terms of this Agreement.

2. Except as provided in Article IV, the Government of the Republic of the Philippines shall not, after July 15, 1967, require the furnishing of Shipper's Export Declarations as to exports from the United States unless, following consultation and review, the two Governments agree to a temporary extension of the terms contained in Articles I and II of this Agreement for an additional period not to exceed six months from that date. The United States Government will give full and sympathetic consideration in light of the progress made in carrying out the purposes of this Agreement to a request by the Government of the Republic of the Philippines for such temporary extension after July 15, 1967.

3. The Government of the Republic of the Philippines undertakes that for a period of one year following expiration of the period or periods referred to in 2 above, it will not reimpose the Shipper's Export Declaration requirement for exports from the United States to the Philippines. After such one year period, it will not reimpose such requirements except after consultations and by mutual agreement as to arrangements and or documents possible and feasible for the purposes of both governments.

4. The Government of the Republic of the Philippines may, subject to consultation and with due regard for keeping administrative burdens to the minimum, request substitution for, deletion of, or changes in the range within any division grouping of commodities listed in Annex A, B, or C of this Agreement provided that the total number of division groupings in either Annex A, B, or C shall not be increased. Such requests for commodity substitutions may be no broader than the division grouping of commodities as set forth in Annex D. The request for substitution must be received by the U.S. Department of Commerce no later than March 15, 1967, and shall be effective as of April 15, 1967.

If the period referred to in Articles I and II is extended under Article III, provisions would be made for the substitution for, deletion of, or changes in the range within any division grouping of commodities during the extension in a similar manner to that provided above.

Article IV

The United States Government will continue to provide the Government of the Republic of the Philippines with copies of authenticated Shipper's Export Declara-

tions upon specific request with regard to a particular case under investigation when such disclosure would assist the Government of the Republic of the Philippines in the investigation or prosecution of suspected violations of Philippine law. Shipper's Export Declarations shall be furnished pursuant to this Article only on a case-by-case and post-shipment basis, provided, however, that the United States Government shall furnish copies of Shipper's Export Declarations under this Article only in so far as may be authorized by legislation.

Article V

The United States Government will furnish the Government of the Republic of the Philippines with the following types of statistical data, commencing with the date for January 1967, through the Philippine Embassy in Washington :

1. Monthly data published by the Bureau of Labor Statistics showing wholesale prices of a wide range of U.S. products ;
2. Monthly data tabulated for reference purposes by the Bureau of the Census directly from the Shipper's Export Declarations showing the quantity and value of exports of particular commodities to all countries (including the Philippines) from each U.S. customs district. These tabulations can be provided for as many specific commodities as requested by the Government of the Republic of the Philippines.

At some time after January 16, 1968, the two Governments shall review the situation then existing to determine whether the continued availability of these statistical data is required.

Article VI

The United States Government also agrees to finance the training in the United States in customs administration, import data analysis, and customs appraisal techniques of several Philippine officials selected in accordance with established procedures of the Agency for International Development (AID), under the existing AID program for the Philippines. Such training program shall be implemented as soon as possible, and shall place special emphasis on the problem commodities in the United-States-Philippine trade.

Article VII

The two Governments believe that the information provided to the Government of the Republic of the Philippines under this Agreement will facilitate periodic revision of the documentation requirements of the Government of the Republic of

the Philippines. The Government of the Republic of the Philippines undertakes to make its best efforts to revise its documentation requirements, such as requirements for price lists and notarized declarations, with respect to exportations from the United States, with a view toward simplifying trade transactions between the two countries.

Article VIII

The two Governments recognize that the Shipper's Export Declarations provided to the Government of the Republic of the Philippines under this Agreement will facilitate appraisal and release by the Philippine Bureau of Customs of all imports of textile remnants from the United States on the basis of values declared on consular invoices. The two Governments further recognize that these Shipper's Export Declarations will facilitate review of any fixed schedule of valuations applying to imports of textile remnants from the United States, and the Government of the Republic of the Philippines undertakes to make such a review in order to ensure that correct values are relied upon for purposes of Customs assessments and levies.

Article IX

The Government of the Republic of the Philippines shall take whatever measures are necessary to protect the confidentiality of the Shipper's Export Declarations made available to it under this Agreement. Specifically, it shall apply the same requirements and standards regarding the security of this confidential document as are applicable for official Philippine documents of comparable standing and importance, and will advise the United States Government prior to making public in any manner any Shipper's Export Declaration or any of the specific information it contains.

DONE at Washington, D.C., this fourth day of January, 1967.

For the Government of the Republic of the Philippines :

Eduardo Z. ROMUALDEZ
Secretary of Finance

For the Government of the United States of America :

Alexander B. TROWBRIDGE
Assistant Secretary of Commerce