

September 07, 1971

AGREEMENT BETWEEN THE REPUBLIC OF THE PHILIPPINES AND THE FEDERAL REPUBLIC OF GERMANY CONCERNING TECHNICAL COOPERATION

Note: The Agreement entered into force, January 10, 1972.

Reference: This Agreement is also published in X DFA TS No. 1, p. 76.

The Government of the Republic of the Philippines and the Government of the Federal Republic of Germany, on the basis of the friendly relations existing between the two States and their people, desiring to intensify those relations, considering their common interest in promoting the technical and economic development of their States, and recognizing the benefits to be derived by both States from closer technical co-operation, have agreed as follows:

Article 1

- (1) The Contracting Parties shall endeavor to cooperate and assist each other on the basis of this Agreement.
- (2) They may conclude arrangements concerning individual projects of technical cooperation.

ARTICLE 2

Arrangements in accordance with paragraph 2 of Article 1 of this Agreement may provide that the Government of the Federal Republic of Germany shall:

1. promote the establishment of training centres and model institutions by dispatching German teachers and technicians and by providing equipment;

2. charge consultants with making studies concerning individual projects;

3. dispatch experts for special tasks to the Philippines and provide their professional equipment;

4. place advisers at the disposal of the Government of the Republic of the Philippines;

5. support co-operation between the two countries in the field of education and training;

6. promote co-operation between scientific institutions of both countries by dispatching or arranging for the assignment of German scientific staff and by providing equipment.

- (1) The Government of the Federal Republic of Germany shall endeavour, on the

basis of arrangements concluded pursuant to paragraph 2 of Article 1 of this Agreement:

1. to promote the further training of Philippine specialists, managerial personnel, and scientists in the Federal Republic of Germany or in another country;
2. to afford Philippine citizens opportunities for training and advanced training in the Federal Republic of Germany or in institutions promoted within the framework of German technical assistance.

(2) The implementation of measures provided for in paragraph 1 of the present Article, especially as regards the eligibility of candidates for promotion, shall be subject to special arrangements.

(3) The Government of the Republic of the Philippines shall recognize as valid the tests and examinations passed by Philippine citizens in the Federal Republic of Germany according to their level. The Government of the Republic of the Philippines shall afford Philippine citizens holders of German certificates and diplomas the same opportunities regarding employment, advancement and careers as candidates who have completed comparable Philippine courses of training.

ARTICLE 4

The Government of the Republic of the Philippines shall

(1) provide the land and buildings necessary for the projects in the Philippines including such equipment as is not supplied by the Government of the Federal Republic of Germany;

(2) bear the costs of operating and maintaining the projects;

(3) provide at its expense the necessary local specialists and auxiliary staff for the individual projects, and, if required, interpreters;

(4) bear the cost of renting and maintaining adequate furnished dwellings for the dispatched German experts and their families or provide such dwellings;

(5) exempt from harbour dues, import and export duties and all other public charges the articles supplied on behalf of the Government of the Federal Republic of Germany for the projects;

(6) bear the cost of unloading the articles supplied by the Government of the Federal Republic of Germany for the individual projects, as well as the

cost of any transportation and insurance of such articles arising in the Philippines;

(7) bear the cost of official travel by the German experts, teachers and technicians within the territory of the Republic of the Philippines and pay daily allowances in accordance with existing Philippine regulations, if such trips are undertaken pursuant to official Philippine travel-orders;

(8) ensure that the German specialists shall, after a reasonable period of time, be replaced by suitable Philippine specialists. In so far as such specialists are to receive training in the Federal Republic of Germany, or in another country, it shall in due time nominate an adequate number of candidates for such training. Further details shall be settled by the arrangements mentioned in paragraph 2 of Article 1 above.

ARTICLE 5

The Government of the Republic of the Philippines shall

(1) permit the German experts, teachers, and technicians as well as their families and other members of their households to enter or to leave the country free of charge at any time and grant the necessary work and residence permits:

(2) levy no taxes or other fiscal charges on any emoluments paid from German public funds to German specialists or German construction and consulting firms for services rendered within the framework of the present Agreement;

(3) exempt the German experts, teachers, and technicians, their families and other members of their households, for the duration of their stay, from all import and export duties and other fiscal charges in respect of effects intended for their personal use, provided that such articles shall be re-exported; such effects shall include, for each household, one motor vehicle, one refrigerator, one deep freezer, one radio, one record player, one tape recorder, one television set, minor electrical appliances and, for each person, one air-conditioner and one set of photographic and cine equipment;

(4) permit the German experts, teachers and technicians as well as their families to import duty-free, within the limits of their personal requirements, medicaments, foodstuffs, beverages, and other articles for day-to-day consumption;

ARTICLE 6

(1) For the purpose of contesting claims for damages in respect of damage to a third person caused by a German expert, teacher or technician in connection with the performance of a task assigned to him under the present Agreement, the Government of the Republic of the Philippines undertakes to provide legal assistance in agreement with the Embassy of the Federal Republic of Germany.

(2) The German expert, teacher or technician shall be exempt from liability unless the court finds that the German expert, teacher or technician has caused the damage by deliberate intention or by omitting to a high degree the diligence required under the circumstances.

ARTICLE 7

The provisions of this Agreement shall also apply to German experts, teachers and technicians who, on the entry into force of the present Agreement, are already