

ASEAN FRAMEWORK AGREEMENT ON SERVICES

PHILIPPINES

Final List of MFN Exemptions



PHILIPPINES - LIST OF MFN EXEMPTIONS

For the 7th Package of Commitments under ASEAN Framework Agreement on Services

| Sector or sub sector | Description of measure indicating its inconsistency with Article II | Countries to which the measure applies | Intended duration | Conditions creating the need for the exemption |
|--|--|---|--|--|
| ALL SECTORS | | | | |
| Entry and temporary stay of natural persons supplying services | <p>A special visa category is provided for traders and investors of countries with which the Philippines has concluded treaties on entry rights for traders and investors</p> <p>Under this special category, the labor market test is waived and simplified entry procedures are provided</p> | All countries | Expiry date or termination of bilateral treaties on entry rights for traders and investors | To facilitate entry into the Philippines, on the basis of reciprocity, of foreign nationals for purposes of trade, investment and related activities |
| <u>Maritime Transport Services</u> | | | | |
| Liner cargo trade | <p>Executive Order 769 provides for a preferential cargo sharing arrangement with countries which are parties to the UNCTAD Liner Code</p> <p>Under the above-mentioned arrangement, a Party to the UNCTAD Liner Code effectively implementing the Code is assured of at least 40 per cent share of its bilateral export and import liner cargo trade with the Philippines</p> | All countries which have acceded to the UNCTAD Liner Code | Indefinite | Ensure effective participation of Philippine ocean-going fleet in Philippine liner cargo trade |



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|---|---|--|--|--|
| Cabotage transport | Access to domestic shipping is reserved for Philippine owned or registered vessels However, limited access to domestic shipping is granted to countries with which the Philippines has concluded agreements on Amity, Commerce and Navigation | All countries | Expiry date or termination of bilateral agreements on Amity, Commerce and Navigation | Allow limited access to cabotage transport on a reciprocal basis |
| <u>Banking and Other Financial Services</u> (including insurance) | With respect to the granting of authorisation for the establishment of commercial presence or expansion of existing operations in Financial Services in the Philippines, favourable treatment would be accorded, on a discretionary basis, to financial service suppliers of another Member that accords favourable treatment to financial service suppliers of the Philippines | All countries | Indefinite | To promote greater liberalisation in financial services between the Philippines and other Members in a manner that would contribute to the attainment of Philippine development objectives in the financial sector |



ASEAN FRAMEWORK AGREEMENT ON SERVICES

PHILIPPINES

Schedule of Specific Commitments



PHILIPPINES – SCHEDULE OF SPECIFIC COMMITMENTS

For the 7th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: (1) Cross-border supply (2) Consumption aboard (3) Commercial presence (4) Presence of natural persons

| Sector or Subsector | Limitation on Market Access | Limitation on National Treatment | Additional Commitments |
|---------------------------------|---|--|------------------------|
| BUSINESS SERVICES | | | |
| A. Professional Services | | | |
| All subsectors | <p>(4) Upon recommendation of the concerned Professional Regulatory Board (PRB), the PRC may approve registration of and authorise issuance of certificate of registration/ license and professional identification card with or without examination to a foreigner who is registered under the laws of his state/country and whose certificate of registration issued therein has not been suspended/ revoked: provided,</p> <p>a) Requirements for registration/ licensing in said foreign state/ country are substantially the same as those required/ contemplated by laws of the Philippines and that the laws of such foreign state/country allow citizens of the Philippines to practice the profession on the</p> | <p>(1) Service Outputs: For professions with specific service outputs (e.g., plans, specifications, audit reports), such outputs shall be recognised by the Philippine Government only if the foreign professional is registered with the Professional Regulation Commission (PRC).</p> <p>(4) Upon recommendation of the concerned PRB, the PRC may approve registration of and authorise issuance of certificate of registration/ license and professional identification card with or without examination to a foreigner who is registered under the laws of his state/country and whose certificate of registration issued therein has not been suspended/revoked: provided,</p> <p>a) Requirements for registration/ licensing in said foreign state/country are substantially the same as those required/contemplated by laws of the Philippines and that the laws of such foreign state/country allow citizens of the Philippines to practice the profession on the same basis</p> | |



PHILIPPINES – SCHEDULE OF SPECIFIC COMMITMENTS

For the 7th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: (1) Cross-border supply (2) Consumption aboard (3) Commercial presence (4) Presence of natural persons

| Sector or Subsector | Limitation on Market Access | Limitation on National Treatment | Additional Commitments |
|---------------------|--|---|------------------------|
| | <p>same basis and grant the same privileges as those enjoyed by subjects or citizens of such foreign country/state;</p> <p>b) That the Commission may, upon recommendation of the Board concerned, authorise the issuance of a certification/ license or special temporary permit to:</p> <ul style="list-style-type: none"> - Foreign professionals who desire to practice their professions in the country under reciprocity and other international agreements. - Consultants in foreign funded, joint-venture or foreign assisted projects of the government - Employees of Philippine/ foreign private firms/ institutions pursuant to law, or health professionals engaged in humanitarian mission for a limited period of time | <p>and grant the same privileges as those enjoyed by subjects or citizens of such foreign country/state;</p> <p>b) That the Commission may, upon recommendation of the Board concerned, authorise the issuance of a certification/ license or special temporary permit to:</p> <ul style="list-style-type: none"> - Foreign professionals who desire to practice their professions in the country under reciprocity and other international agreements. - Consultants in foreign funded, joint-venture or foreign assisted projects of the government - Employees of Philippine/ foreign private firms/ institutions pursuant to law, or health professionals engaged in humanitarian mission for a limited period of time | |



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| Sector or Subsector | Limitation on Market Access | Limitation on National Treatment | Additional Commitments |
|---|--|---|------------------------|
| | c) Agencies/organisations/ individuals whether public or private, who secure the services of a foreign professional for reasons aforementioned shall be responsible for securing a special permit from the PRC. | c) That agencies/organisations/ individuals whether public or private, who secure the services of a foreign professional for reasons aforementioned shall be responsible for securing a special permit from the PRC | |
| b. Bookkeeping services, except tax returns (CPC 86220) | <p>(1) None</p> <p>(2) None</p> <p>(3) Unbound, except that up to 30 percent foreign equity participation is allowed</p> <p>Limitations listed in the horizontal section shall also apply.</p> <p>(4) Unbound, except as indicated in the horizontal section for professional services</p> | <p>(1) None</p> <p>(2) None</p> <p>(3) Unbound, except as indicated in the horizontal section</p> <p>(4) Unbound</p> | |



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|---|--|--|------------------------|
| Auditing Services - covers financial auditing and accounting review (CPC 86211) (CPC 86212) | <p>(1) None</p> <p>(2) None</p> <p>(3) Single practitioners and partnerships for public accountancy practice shall be registered Certified Public Accountants in the Philippines; CPAs in public practice are required minimum of three-year experience in any area of public practice, including taxation, prior to issuance of Certificate of Accreditation</p> <p>(4) As indicated in the horizontal section for Professional Services.</p> | <p>(1) None</p> <p>(2) None</p> <p>(3) Single practitioners and partnerships for public accountancy practice shall be registered Certified Public Accountants in the Philippines; CPAs in public practice are required minimum of three-year experience in any area of public practice, including taxation, prior to issuance of Certificate of Accreditation</p> <p>(4) a) Subjects/citizens of foreign countries may be allowed to practice accountancy in the Philippines:</p> <ul style="list-style-type: none"> - In accordance to existing laws, international treaty organisations (MRAs); - Provided foreign country admits Filipinos to practice same profession without restriction <p>b) As indicated in the horizontal section for Professional Services</p> | |



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|--------------------------------|--|---|------------------------|
| Taxation Services (CPC 863) | <p>(1) None</p> <p>(2) None</p> <p>(3) Single practitioners and partnerships for the practice of public accountancy shall be registered Certified Public Accountants in the Philippines; CPAs in public practice are required minimum of 3 years experience in any area of public practice including taxation, prior to issuance of Certificate of Accreditation.</p> <p>(4) As indicated in the horizontal section for Professional Services.</p> | <p>(1) None</p> <p>(2) None</p> <p>(3) Single practitioners and partnerships for the practice of public accountancy shall be registered Certified Public Accountants in the Philippines; CPAs in public practice are required minimum of 3 years experience in any area of public practice including taxation, prior to issuance of Certificate of Accreditation.</p> <p>(4) a) Subjects/citizens of foreign countries may be allowed to practice accountancy in the Philippines:</p> <ul style="list-style-type: none"> - In accordance to existing laws, international treaty organisations (MRAs); - Provided foreign country admits Filipinos to practice same profession without restriction <p>b) As indicated in the horizontal section for Professional Services.</p> | |



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| Sector or Subsector | Limitation on Market Access | Limitation on National Treatment | Additional Commitments |
|--------------------------------------|--|--|------------------------|
| Architectural Services (CPC 8671) | <p>(1) None</p> <p>(2) None</p> <p>(3) A firm/company/partnership/ corporation/association may be registered for architectural practice provided:</p> <p>a) Only Filipino citizens who are properly registered/licensed Architects may, among themselves, or with allied technical professionals, form/obtain registration as firm/company/ partnership/association/corporation for architectural practice.</p> <p>b) At least 75% of owners/shareholders/incorporators/directors/ executive officers are registered/ licensed architects.</p> <p>c) Individual members of firm/ partnership/association/ corporation are responsible for individual/ collective acts as an entity.</p> <p>d) Such firm/partnership/association/corporation shall be registered with Securities and Exchange Commission and Board of Architecture.</p> | <p>(1) None</p> <p>(2) None</p> <p>(3) A firm/company/partnership/ corporation/association may be registered for architectural practice provided:</p> <p>a) Only Filipino citizens who are properly registered/licensed Architects may, among themselves, or with allied technical professionals form/obtain registration as firm/company/ partnership/association/corporation for architectural practice.</p> <p>b) At least 75% of owners/shareholders/incorporators/directors/ executive officers are registered/ licensed architects.</p> <p>c) Individual members of firm/ partnership/association/corporation are responsible for individual/ collective acts as an entity.</p> <p>d) Such firm/partnership/ association/corporation shall be registered with Securities and Exchange Commission and Board of Architecture</p> | |



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|---------------------|---|--|------------------------|
| | (4) As indicated in the horizontal section for Professional Services. | (4) a) Foreign citizens may be allowed to take licensure exam if foreign country admits Filipinos to practice same profession without restriction or allows Filipinos to practice it after passing the exam on equal terms with the foreign citizens, including unconditional recognition of degrees/diplomas. b) As indicated in the horizontal section for Professional Services. | |



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| Sector or Subsector | Limitation on Market Access | Limitation on National Treatment | Additional Commitments |
|---|--|--|------------------------|
| Engineering Services (CPC 8672) The disciplines/activities covered by Engineering Services are limited to: | | | |
| Civil Engineering | <p>(1) None</p> <p>(2) None</p> <p>(3) A firm/partnership/corporation/association may be registered for civil engineering practice provided:</p> <p>a) Only persons who are properly registered/licensed civil engineers may, among themselves, or with a person or persons properly registered and licensed as architects may form/obtain registration as firm/partnership/association for civil engineering practice</p> <p>b) Members who are civil engineers shall only render work and services proper for a civil engineer and members who are architects shall only render work and services proper for an architect</p> <p>c) Individual members of such firms/partnership/association shall be responsible for their own respective acts.</p> | <p>(1) None</p> <p>(2) None</p> <p>(3) A firm/partnership/corporation/association may be registered for civil engineering practice provided:</p> <p>a) Only persons who are properly registered/licensed civil engineers may, among themselves, or with a person or persons properly registered and licensed as architects may form/obtain registration as firm/partnership/association for civil engineering practice</p> <p>b) Members who are civil engineers shall only render work and services proper for a civil engineer and members who are architects shall only render work and services proper for an architect</p> <p>c) Individual members of such firms/partnership/association shall be responsible for their own respective acts.</p> | |



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| Sector or Subsector | Limitation on Market Access | Limitation on National Treatment | Additional Commitments |
|---------------------|---|--|------------------------|
| | (4) As indicated in the horizontal section for Professional Services. | (4) a) Foreign citizens may be allowed to take licensure exam if foreign country admits Filipinos to practice same profession without restriction or allows to practice it after passing the exam on equal terms with the foreign citizens, including unconditional recognition of degrees/diplomas. b) As indicated in the horizontal section for Professional Services. | |



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| Sector or Subsector | Limitation on Market Access | Limitation on National Treatment | Additional Commitments |
|------------------------|---|---|------------------------|
| Electrical Engineering | <p>(1) None</p> <p>(2) None</p> <p>(3) Licensed professional electrical engineers may, among themselves, form a partnership/ association and collectively render electrical engineering service, provided individual members of such partnerships/associations shall be responsible for their own respective acts.</p> <p>(4) As indicated in the horizontal section for Professional Services.</p> | <p>(1) None</p> <p>(2) None</p> <p>(3) Licensed professional electrical engineers may, among themselves, form a partnership/ association and collectively render electrical engineering service, provided individual members of such partnerships/associations shall be responsible for their own respective acts.</p> <p>(4) Reciprocity provisions:</p> <p>a) Exempt from exams/registration are foreign electrical engineers/ erection/commissioning/ graduate engineers employed as technical consultants by Philippine government/private firms provided no qualified Filipino is available and foreign electrical installers for erection/ installation of special project/work provided:</p> <ul style="list-style-type: none"> - They are legally qualified to practice the profession in foreign country in which requirements for obtaining license/certificate of | |



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|---------------------|-----------------------------|--|------------------------|
| | | <ul style="list-style-type: none"> - registration are not lower than those specified in the electrical engineering law. - The scope of practice is limited to particular work contracted. - They shall not engage in private practice. - For every foreign professional contracted, one registered Filipino understudy shall be employed by private firm utilising the services of such foreign professional during his tenure with the firm. - Exemption is good only for 6 months, renewable for another 6 months. <p>b) Foreign engineers may be admitted to take the board exam/be given certificate of registration/be entitled to rights and privileges if his country specifically permits Filipino engineers to practice within its territorial limits on same basis as subjects/citizens of such country.</p> <p>c) As indicated in the horizontal section for Professional Services</p> | |



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|----------------------|---|--|------------------------|
| Geodetic Engineering | <p>(1) None</p> <p>(2) None</p> <p>(3) Duly registered geodetic engineers may organise/establish/form firms/partnerships/ associations for practice of geodetic engineering pursuant to SEC rules.</p> <p>(4) As indicated in the horizontal section for Professional Services.</p> | <p>(1) None</p> <p>(2) None</p> <p>(3) Duly registered geodetic engineers may organise/establish/form firms/partnerships/ associations for practice of geodetic engineering pursuant to SEC rules.</p> <p>(4) a) Foreign geodetic engineers may be issued temporary license to practice the profession provided the foreign country permits the Filipino geodetic engineers within its territorial limits on same basis as subjects/citizens of such foreign state/country</p> <p>b) As indicated in the horizontal section for Professional Services.</p> | |



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| Sector or Subsector | Limitation on Market Access | Limitation on National Treatment | Additional Commitments |
|------------------------|--|---|------------------------|
| Mechanical Engineering | <p>(1) None</p> <p>(2) None</p> <p>(3) Corporate practice is not allowed, however, Registered/licensed mechanical engineers may form/obtain SEC registration of firm/partnership/association.</p> <p>(4) As indicated in the horizontal section for Professional Services.</p> | <p>(1) None</p> <p>(2) None</p> <p>(3) Corporate practice is not allowed, however, Registered/licensed mechanical engineers may form/obtain SEC registration of firm/partnership/association.</p> <p>(4) Reciprocity provisions:</p> <p>a) Temporary Special Permit from Board of Mechanical Engineering may be issued to:</p> <ul style="list-style-type: none"> - Foreign Mechanical Engineers, installation/ commission or graduate engineer called in for projects not requiring more than 3 months residence in the Philippines in a 12-month period, provided they are legally qualified in their countries in which requirements/qualifications are equal to those specified in Philippine law on mechanical engineering. - Foreigners employed as technical officers, training officers/consultants who are | |



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|---------------------|-----------------------------|--|------------------------|
| | | <ul style="list-style-type: none"> - necessary/advantageous for the country particularly in aspects of technology transfer, provided: <ul style="list-style-type: none"> • Competent/able/willing Filipino mechanical engineers are not available • Previously employed foreigners by engaging firm/foreign business partner for not less than one year provided immediately preceding date of engagement • Specific engagement shall not be more than 6 months which may be renewed once, except for a newly established firm, such period of engagement may be longer but not to exceed two years. b) Certificate of registration may be issued to a foreigner if foreign country permits Filipino citizens to practice within its territorial limits on same basis as subjects /citizens of such country/state. c) As indicated in the horizontal section for Professional Services. | |



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|---------------------------|--|--|------------------------|
| Metallurgical Engineering | <p>(1) None</p> <p>(2) None</p> <p>(3) A firm/co-partnership/company/corporation/association can practice metallurgical engineering in the Philippines, provided such practice is carried out by metallurgical engineers holding valid Certificates of Registration issued by the Board of Metallurgical Engineering and in the regular employ of said firm/co-partnership/ company/corporation or association.</p> <p>(4) As indicated in the horizontal section for Professional Services.</p> | <p>(1) None</p> <p>(2) None</p> <p>(3) A firm/co-partnership/company/corporation/ association can practice metallurgical engineering in the Philippines, provided such practice is carried out by metallurgical engineers holding valid Certificates of Registration issued by the Board of Metallurgical Engineering and in the regular employ of said firm/co-partnership/ company/ corporation or association.</p> <p>(4) Reciprocity provisions:</p> <p>a) Foreigner may take licensure exam under reciprocity provisions.</p> <p>b) Exempt from registration:</p> <ul style="list-style-type: none"> - Foreign consultants/ engineers/ technicians called by government for consultation/ specific assignment/project or employed by private firm provided no qualified Filipino is available as certified by the firm and that employment is for one year | |



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|---------------------|-----------------------------|---|------------------------|
| | | <ul style="list-style-type: none"> - extendable for another year and not to exceed three years for any one individual. - Foreigners are subject to the following: <ul style="list-style-type: none"> • Good reputation/moral character • Applicants' CV and exemption application to be submitted to the Board • Not to engage in private practice • For every foreign applicant, one registered Filipino understudy shall be employed by the firm • Applicant is legally qualified to practice the profession in his country which also allows Filipinos to practice within its territorial limits c) Exempt from examination: Foreign metallurgists/ metallurgical engineers who have been in actual/ bona fide metallurgy/ metallurgical engineering practice for at least 5 consecutive years in the Philippines. d) As indicated in the horizontal section for Professional Services | |



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| Sector or Subsector | Limitation on Market Access | Limitation on National Treatment | Additional Commitments |
|---------------------|---|---|------------------------|
| Mining Engineering | <p>(1) None</p> <p>(2) None</p> <p>(3) Corporate practice is not provided in the mining engineering law.</p> <p>(4) As indicated in the horizontal section for Professional Services.</p> | <p>(1) None</p> <p>(2) None</p> <p>(3) Corporate practice is not provided in the mining engineering law.</p> <p>(4) Reciprocity provisions:</p> <p>a) Exempt from registration:</p> <ul style="list-style-type: none"> - Mining engineering practitioners engaged by government for consultation/specific purpose or mining industry - Foreigners employed by private firms as technical consultants if no qualified Filipino is available provided: <ul style="list-style-type: none"> • Applicant's CV is submitted to Board of Mining Engineering prior to arrival in the Philippines. • Applicant will not engage in private practice. • For every foreign applicant, one Filipino understudy registered shall be employed by private firm by utilising foreigner's services during his tenure. | |



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|---------------------|-----------------------------|--|------------------------|
| | | <ul style="list-style-type: none"> Exemption is only good for six months renewable for another six months. Certificate of exemption shall be secured. Each private firm is allowed a maximum of 3 consultants at any one time. <p>b) A foreigner may be admitted to take the exam if foreign country accords reciprocity with the Philippines.</p> <p>c) Foreign mining engineers may be granted rights/privileges if foreign country permits Philippine mining engineers to practice within its territorial limits on same basis as subjects/citizen of such country.</p> <p>d) As indicated in the horizontal section for Professional Services</p> | |



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|----------------------|--|---|------------------------|
| Sanitary Engineering | <p>(1) None</p> <p>(2) None</p> <p>(3) A firm/partnership/corporation/ association may engage in sanitary engineering practice, provided such practice is carried out under supervision of sanitary engineer/s holding valid Certificate issued by Board of Sanitary Engineering.</p> <p>(4) As indicated in the horizontal section for Professional Services.</p> | <p>(1) None</p> <p>(2) None</p> <p>(3) A firm/partnership/corporation/ association may engage in sanitary engineering practice, provided such practice is carried out under supervision of sanitary engineer/s holding valid Certificate issued by Board of Sanitary Engineering.</p> <p>(4) a) A foreigner may be allowed to take the exam provided foreign country admits Philippine citizens to practice same profession without restriction or allows them to practice it on strict/absolute equality with citizens/subjects/nationals of the country concerned including unconditional recognition of degrees.</p> <p>b) As indicated in the horizontal section for Professional Services.</p> | |



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|---------------------|-----------------------------|---|------------------------|
| | | <p>engaged by Filipino/foreign contractors/private firms under the following conditions:</p> <ul style="list-style-type: none"> - Citizens of countries which permit Filipino professionals to practice the profession within their territorial limits on the same basis as subjects/citizens of each foreign state/country. - Legally qualified to practice in their own countries and expertise is necessary particularly for technology transfer/specialisation. - Required to work with Filipino counterparts with corresponding sharing of fees/services/ documentation expenses/liabilities/ taxes. <p>c) As indicated in the horizontal section for Professional Services</p> | |



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|---|--|--|------------------------|
| Landscape Architectural Services (CPC 86742) | <p>(1) None</p> <p>(2) None</p> <p>(3) Partnership/association/corporation may be formed/registered/licensed with SEC among registered/ licensed landscape architects or with other registered/licensed professionals in other fields (town/urban planning, civil engineering/architecture, interior design/forestry, etc.) provided:</p> <p>a) 80% of members of the partnership/association/ corporation are registered/ licensed landscape architects.</p> <p>b) Individual partners/stockholders/ members are personally/jointly responsible/liable to the partnership/association/corporation for their respective acts in their respective professional practice.</p> <p>c) The partnership/association/ corporation is responsible/liable for all other contractual obligations of the entity. The managing partner/president of corporation or authorised representatives are authorised to enter into contracts for services.</p> | <p>(1) None</p> <p>(2) None</p> <p>(3) Partnership/association/corporation may be formed/registered/licensed with SEC among registered/licensed landscape architects or with other registered/ licensed professionals in other fields (town/urban planning, civil engineering/architecture, interior design/forestry, etc.) provided:</p> <p>a) 80% of members of partnership/association/ corporation are registered/licensed landscape architects.</p> <p>b) Individual partners/stockholders /members are personally/jointly responsible/liable to the partnership/association/corporation for their respective acts in their respective professional practice.</p> <p>c) The partnership/association/ corporation is responsible/ liable for all other contractual obligations of the entity. The managing partner/president of corporation or authorised representatives are authorised to enter into contracts for services.</p> | |



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| Sector or Subsector | Limitation on Market Access | Limitation on National Treatment | Additional Commitments |
|---------------------|--|---|------------------------|
| | <p>However, only a registered/ licensed professional is responsible for and signs plans/documents involving his/her professional practice</p> <p>(4) As indicated in the horizontal section for Professional Services.</p> | <p>However, only a registered/ licensed professional is responsible for and sign plans/documents involving his/her professional practice</p> <p>(4) As indicated in the horizontal section for Professional Services.</p> | |



PHILIPPINES – SCHEDULE OF SPECIFIC COMMITMENTS

For the 7th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: (1) Cross-border supply (2) Consumption aboard (3) Commercial presence (4) Presence of natural persons

| Sector or Subsector | Limitation on Market Access | Limitation on National Treatment | Additional Commitments |
|--|---|--|------------------------|
| Environmental (Urban Planning) Planning Services (CPC 86741, 91123) | <p>(1) None</p> <p>(2) None</p> <p>(3) A consulting firm/partnership/ company/corporation may engage in environmental planning practice in the Philippines provided:</p> <p>a) Entity is registered as such with Board of Environmental Planning.</p> <p>b) At least 75% of Board members of corporation/partnership/firm/ association are registered environmental planners and at least 75% of total capitalisation is owned by them.</p> <p>c) The practice of consulting entity is carried out by duly registered environmental planner.</p> <p>(4) As indicated in the horizontal section for Professional Services.</p> | <p>(1) None</p> <p>(2) None</p> <p>(3) A consulting firm/partnership/ company/corporation may engage in environmental planning practice in the Philippines provided:</p> <p>a) Entity is registered as such with Board of Environmental Planning.</p> <p>b) At least 75% of Board members of corporation/partnership/firm/ association are registered environmental planners and at least 75% of total capitalisation is owned by them.</p> <p>c) The practice of consulting entity is carried out by duly registered environmental planner.</p> <p>(4) a) Valid temporary/ special permit duly issued by Professional Regulatory Board or Professional Regulatory Commission is required to practice the profession. b) As indicated in the horizontal section for Professional Services.</p> | |



PHILIPPINES – SCHEDULE OF SPECIFIC COMMITMENTS

For the 7th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: (1) Cross-border supply (2) Consumption aboard (3) Commercial presence (4) Presence of natural persons

| Sector or Subsector | Limitation on Market Access | Limitation on National Treatment | Additional Commitments |
|--|---|---|------------------------|
| B. Computer and Related Services | | | |
| Consultancy services related to the installation of computer hardware* (CPC 841) | <p>(1) None</p> <p>(2) None</p> <p>(3) 100% foreign equity participation is allowed in the following cases:</p> <ul style="list-style-type: none"> a) paid-in equity capital is not less than US\$200,000 for domestic market enterprises; or b) paid-in equity capital is not less than US\$100,000 for domestic market enterprises employing at least 50 direct employees; or c) paid-in equity capital is not less than US\$100,000 for domestic market enterprises involving advanced technology as determined by the DOST; or d) the service provider exports 60% or more of its output. <p>Otherwise, only up to 40% foreign equity participation is allowed.</p> <p>Limitations listed in the horizontal section shall also apply.</p> | <p>(1) None</p> <p>(2) None</p> <p>(3) None, except as indicated in the horizontal section.</p> | |



PHILIPPINES – SCHEDULE OF SPECIFIC COMMITMENTS

For the 7th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: (1) Cross-border supply (2) Consumption aboard (3) Commercial presence (4) Presence of natural persons

| Sector or Subsector | Limitation on Market Access | Limitation on National Treatment | Additional Commitments |
|---------------------|--|--|------------------------|
| | <p>(4) Natural persons are allowed in the following cases:</p> <ul style="list-style-type: none"> a) paid-in equity capital is not less than US\$200,000 for domestic market enterprises; or b) paid-in equity capital is not less than US\$100,000 for domestic market enterprises employing at least 50 direct employees; or c) paid-in equity capital is not less than US\$100,000 for domestic market enterprises involving advanced technology as determined by the DOST; or d) he exports 60% or more of his output. <p>Employment of foreign professionals: As indicated in the horizontal section for Professional Services.</p> <p>Limitations listed in the horizontal section shall also apply.</p> | <p>(4) Employment of foreign professionals:</p> <p>As indicated in the horizontal section for Professional Services.</p> | |



PHILIPPINES – SCHEDULE OF SPECIFIC COMMITMENTS

For the 7th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: (1) Cross-border supply (2) Consumption aboard (3) Commercial presence (4) Presence of natural persons

| Sector or Subsector | Limitation on Market Access | Limitation on National Treatment | Additional Commitments |
|--|--|---|------------------------|
| Software implementation services (CPC 842)** | <p>(1) None</p> <p>(2) None</p> <p>(3) 100% foreign equity participation is allowed in the following cases.</p> <p>a) paid-in equity capital is not less than US\$200,000 for domestic market enterprises; or</p> <p>b) paid-in equity capital is not less than US\$100,000 for domestic market enterprises employing at least 50 direct employees; or</p> <p>c) paid-in equity capital is not less than US\$100,000 for domestic market enterprises involving advanced technology as determined by the DOST; or</p> <p>d) the service provider exports 60% or more of its output.</p> <p>Otherwise, only up to 40% foreign equity participation is allowed.</p> <p>Limitations listed in the horizontal section shall also apply.</p> | <p>(1) None</p> <p>(2) None</p> <p>(3) None, except as indicated in the horizontal section.</p> | |



PHILIPPINES – SCHEDULE OF SPECIFIC COMMITMENTS

For the 7th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: (1) Cross-border supply (2) Consumption aboard (3) Commercial presence (4) Presence of natural persons

| Sector or Subsector | Limitation on Market Access | Limitation on National Treatment | Additional Commitments |
|---------------------|--|----------------------------------|------------------------|
| | <p>(4) Natural persons are allowed in the following cases:</p> <ul style="list-style-type: none"> a) paid-in equity capital is not less than US\$200,000 for domestic market enterprises; or b) paid-in equity capital is not less than US\$100,000 for domestic market enterprises employing at least 50 direct employees; or c) paid-in equity capital is not less than US\$100,000 for domestic market enterprises involving advanced technology as determined by the DOST; or d) he exports 60% or more of his output. <p>Limitations listed in the horizontal section shall also apply.</p> | (4) None | |



PHILIPPINES – SCHEDULE OF SPECIFIC COMMITMENTS

For the 7th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: (1) Cross-border supply (2) Consumption aboard (3) Commercial presence (4) Presence of natural persons

| Sector or Subsector | Limitation on Market Access | Limitation on National Treatment | Additional Commitments |
|---------------------------------------|---|--|------------------------|
| Data Processing Services (CPC 843) | (1) None | (1) None | |
| Data base services (CPC 844) | (2) None | (2) None | |
| Others (CPC 845+849) | <p>(3) 100% foreign equity participation is allowed in the following cases:</p> <ul style="list-style-type: none"> a) paid-in equity capital is not less than US\$200,000 for domestic market enterprises; or b) paid-in equity capital is not less than US\$100,000 for domestic market enterprises employing at least 50 direct employees; or c) paid-in equity capital is not less than US\$100,000 for domestic market enterprises involving advanced technology as determined by the DOST; or d) the service provider exports 60% or more of its output. <p>Otherwise, only up to 40% foreign equity participation is allowed.</p> <p>Limitations listed in the horizontal section shall also apply.</p> | (3) None, except as indicated in the horizontal section. | |



PHILIPPINES – SCHEDULE OF SPECIFIC COMMITMENTS

For the 7th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: (1) Cross-border supply (2) Consumption aboard (3) Commercial presence (4) Presence of natural persons

| Sector or Subsector | Limitation on Market Access | Limitation on National Treatment | Additional Commitments |
|---------------------|--|----------------------------------|------------------------|
| | <p>(4) Natural persons are allowed in the following cases:</p> <ul style="list-style-type: none"> a) paid-in equity capital is not less than US\$200,000 for domestic market enterprises; or b) paid-in equity capital is not less than US\$100,000 for domestic market enterprises employing at least 50 direct employees; or c) paid-in equity capital is not less than US\$100,000 for domestic market enterprises involving advanced technology as determined by the DOST; or d) he exports 60% or more of his output. <p>Limitations listed in the horizontal section shall also apply.</p> | (4) None | |



PHILIPPINES – SCHEDULE OF SPECIFIC COMMITMENTS

For the 7th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: (1) Cross-border supply (2) Consumption aboard (3) Commercial presence (4) Presence of natural persons

| Sector or Subsector | Limitation on Market Access | Limitation on National Treatment | Additional Commitments |
|--|--|--|------------------------|
| C. Research and Development Services | | | |
| a. R&D services on agricultural sciences (CPC 85104) | <p>(1) None</p> <p>(2) None</p> <p>(3) Unbound, except that up to 49 percent foreign equity participation is allowed in the following cases:</p> <ul style="list-style-type: none"> a) paid-in equity capital is not less than US\$200,000 for domestic market enterprises, or b) paid-in equity capital is not less than US\$100,000 for domestic market enterprises employing at least 50 direct employees, or c) paid-in equity capital is not less than US\$100,000 for domestic market enterprises involving advanced technology as determined by the Department of Science and Technology, or d) the service provider exports 60 percent or more of its output. <p>Limitations listed in the horizontal section shall also apply.</p> <p>(4) Unbound, except as indicated in the horizontal section for professional services Limitations listed in the horizontal section shall also apply.</p> | <p>(1) None</p> <p>(2) None</p> <p>(3) Unbound, except as indicated in the horizontal section</p> <p>(4) Unbound</p> | |



PHILIPPINES – SCHEDULE OF SPECIFIC COMMITMENTS

For the 7th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: (1) Cross-border supply (2) Consumption aboard (3) Commercial presence (4) Presence of natural persons

| Sector or Subsector | Limitation on Market Access | Limitation on National Treatment | Additional Commitments |
|--|--|--|------------------------|
| b. R&D services on economics (CPC 85202) | <p>(1) None</p> <p>(2) None</p> <p>(3) Unbound, except that up to 49 percent foreign equity participation is allowed in the following cases:</p> <ul style="list-style-type: none"> a) paid-in equity capital is not less than US\$200,000 for domestic market enterprises, or b) paid-in equity capital is not less than US\$100,000 for domestic market enterprises employing at least 50 direct employees, or c) paid-in equity capital is not less than US\$100,000 for domestic market enterprises involving advanced technology as determined by the Department of Science and Technology, or d) the service provider exports 60 percent or more of its output. <p>Limitations listed in the horizontal section shall also apply.</p> <p>(4) Unbound, except as indicated in the horizontal section for professional services Limitations listed in the horizontal section shall also apply.</p> | <p>(1) None</p> <p>(2) None</p> <p>(3) Unbound, except as indicated in the horizontal section</p> <p>(4) Unbound</p> | |



PHILIPPINES – SCHEDULE OF SPECIFIC COMMITMENTS

For the 7th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: (1) Cross-border supply (2) Consumption aboard (3) Commercial presence (4) Presence of natural persons

| Sector or Subsector | Limitation on Market Access | Limitation on National Treatment | Additional Commitments |
|--|--|--|------------------------|
| c. Interdisciplinary research and experimental development services on information and communications technology (CPC 853**) | <p>(1) None</p> <p>(2) None</p> <p>(3) Unbound, except that up to 49 percent foreign equity participation is allowed in the following cases:</p> <ul style="list-style-type: none"> a) paid-in equity capital is not less than US\$200,000 for domestic market enterprises, or b) paid-in equity capital is not less than US\$100,000 for domestic market enterprises employing at least 50 direct employees, or c) paid-in equity capital is not less than US\$100,000 for domestic market enterprises involving advanced technology as determined by the Department of Science and Technology, or d) the service provider exports 60 percent or more of its output. <p>Limitations listed in the horizontal section shall also apply.</p> <p>(4) Unbound, except as indicated in the horizontal section for professional services.</p> <p>Limitations listed in the horizontal section shall also apply.</p> | <p>(1) None</p> <p>(2) None</p> <p>(3) Unbound, except as indicated in the horizontal section</p> <p>(4) Unbound</p> | |





PHILIPPINES – SCHEDULE OF SPECIFIC COMMITMENTS

For the 7th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: (1) Cross-border supply (2) Consumption aboard (3) Commercial presence (4) Presence of natural persons

| Sector or Subsector | Limitation on Market Access | Limitation on National Treatment | Additional Commitments |
|---|---|--|------------------------|
| D. Real Estate Services | | | |
| a. Renting or leasing services involving own or leased residential property (CPC 82101) | <p>(1) Unbound*</p> <p>(2) None</p> <p>(3) Unbound, except that up to 49 percent foreign equity participation is allowed in the following cases:</p> <p>a) paid-in equity capital is not less than US\$200,000 for domestic market enterprises, or</p> <p>b) paid-in equity capital is not less than US\$100,000 for domestic market enterprises employing at least 50 direct employees, or</p> <p>c) paid-in equity capital is not less than US\$100,000 for domestic market enterprises involving advanced technology as determined by the Department of Science and Technology.</p> <p>Limitations listed in the horizontal section shall also apply.</p> <p>(4) Unbound</p> | <p>(1) Unbound*</p> <p>(2) None</p> <p>(3) Unbound, except as indicated in the horizontal section</p> <p>(4) Unbound</p> | |



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For the 7th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: (1) Cross-border supply (2) Consumption aboard (3) Commercial presence (4) Presence of natural persons

| Sector or Subsector | Limitation on Market Access | Limitation on National Treatment | Additional Commitments |
|--|---|--|------------------------|
| b. Residential property management services on a fee or contract basis (CPC 82201) | <p>(1) Unbound*</p> <p>(2) None</p> <p>(3) Unbound, except that up to 49 percent foreign equity participation is allowed in the following cases:</p> <ul style="list-style-type: none"> a) paid-in equity capital is not less than US\$200,000 for domestic market enterprises, or b) paid-in equity capital is not less than US\$100,000 for domestic market enterprises employing at least 50 direct employees, or c) paid-in equity capital is not less than US\$100,000 for domestic market enterprises involving advanced technology as determined by the Department of Science and Technology. <p>(4) Unbound, except as indicated in the horizontal section</p> | <p>(1) Unbound*</p> <p>(2) None</p> <p>(3) Unbound, except as indicated in the horizontal section</p> <p>(4) Unbound</p> | |



PHILIPPINES – SCHEDULE OF SPECIFIC COMMITMENTS

For the 7th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: (1) Cross-border supply (2) Consumption aboard (3) Commercial presence (4) Presence of natural persons

| Sector or Subsector | Limitation on Market Access | Limitation on National Treatment | Additional Commitments |
|--|---|---|------------------------|
| E. Rental/Leasing Services without Operators | | | |
| Relating to ships (CPC 83103) | <p>(1) None</p> <p>(2) None</p> <p>(3) Up to 40% foreign equity participation is allowed. Bareboat charter or lease contract subject to approval by the Maritime Industry Authority (MARINA).</p> <p>Limitations listed in the horizontal section shall also apply.</p> <p>(4) None, except as indicated in the horizontal section.</p> | <p>(1) None</p> <p>(2) None</p> <p>(3) None, except as indicated in the horizontal section.</p> <p>(4) None</p> | |
| <p>Note:</p> <ul style="list-style-type: none"> * Assistance services to the clients in the installation of computer hardware (i.e. physical equipment) and computer services ** All services involving consultancy services on, development and implementation of software. *** All services provided from primarily structured databases through a communication network. | | | |



PHILIPPINES – SCHEDULE OF SPECIFIC COMMITMENTS

For the 7th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: (1) Cross-border supply (2) Consumption aboard (3) Commercial presence (4) Presence of natural persons

| Sector or Subsector | Limitation on Market Access | Limitation on National Treatment | Additional Commitments |
|---|--|--|------------------------|
| d. Relating to other machinery and equipment, except construction machinery and equipment (83106-83109**) | <p>(1) None</p> <p>(2) None</p> <p>(3) Unbound, except that up to 49 percent foreign equity participation is allowed in the following cases:</p> <ul style="list-style-type: none"> a) paid-in equity capital is not less than US\$200,000 for domestic market enterprises, or b) paid-in equity capital is not less than US\$100,000 for domestic market enterprises employing at least 50 direct employees, or c) paid-in equity capital is not less than US\$100,000 for domestic market enterprises involving advanced technology as determined by the Department of Science and Technology, or d) the service provider exports 60 percent or more of its output. <p>Limitations listed in the horizontal section shall also apply</p> <p>(4) Unbound, except as indicated in the horizontal section</p> | <p>(1) None</p> <p>(2) None</p> <p>(3) Unbound, except as indicated in the horizontal section</p> <p>(4) Unbound</p> | |



PHILIPPINES – SCHEDULE OF SPECIFIC COMMITMENTS

For the 7th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: (1) Cross-border supply (2) Consumption aboard (3) Commercial presence (4) Presence of natural persons

| Sector or Subsector | Limitation on Market Access | Limitation on National Treatment | Additional Commitments |
|---|---|--|------------------------|
| e. Leasing or rental services concerning televisions, radios, video cassette recorders, and related equipment and accessories (CPC 83201) | <p>(1) Unbound*</p> <p>(2) None</p> <p>(3) Unbound, except that up to 49 percent foreign equity participation is allowed is allowed in the following cases:</p> <ul style="list-style-type: none"> a) paid-in equity capital is not less than US\$200,000 for domestic market enterprises, or b) paid-in equity capital is not less than US\$100,000 for domestic market enterprises employing at least 50 direct employees, or c) paid-in equity capital is not less than US\$100,000 for domestic market enterprises involving advanced technology as determined by the Department of Science and Technology. <p>Limitations listed in the horizontal section shall also apply</p> <p>(4) Unbound, except as indicated in the horizontal section</p> | <p>(1) Unbound*</p> <p>(2) None</p> <p>(3) Unbound, except as indicated in the horizontal section</p> <p>(4) Unbound</p> | |



PHILIPPINES – SCHEDULE OF SPECIFIC COMMITMENTS

For the 7th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: (1) Cross-border supply (2) Consumption aboard (3) Commercial presence (4) Presence of natural persons

| Sector or Subsector | Limitation on Market Access | Limitation on National Treatment | Additional Commitments |
|-----------------------------------|--|---|------------------------|
| F. Other Business Services | | | |
| a. Advertising services (CPC 871) | (1) None (2) None (3) Unbound, except that up to 30 percent foreign equity participation is allowed (4) Unbound | (1) None (2) None (3) Unbound, except as indicated in the horizontal section (4) Unbound | |



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For the 7th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: (1) Cross-border supply (2) Consumption aboard (3) Commercial presence (4) Presence of natural persons

| Sector or Subsector | Limitation on Market Access | Limitation on National Treatment | Additional Commitments |
|--|--|--|------------------------|
| b. Market research services (CPC 86401) c. General management consulting services, except for legal organization (86501) c. Other management consulting services (CPC 86509) | (1) None (2) None (3) Unbound, except that up to 49 percent foreign equity participation is allowed in the following cases: a) paid-in equity capital is not less than US\$200,000 for domestic market enterprises, or b) paid-in equity capital is not less than US\$100,000 for domestic market enterprises employing at least 50 direct employees, or c) paid-in equity capital is not less than US\$100,000 for domestic market enterprises involving advanced technology as determined by the Department of Science and Technology, or d) the service provider exports 60 percent or more of its output. Limitations listed in the horizontal section shall also apply | (1) None (2) None (3) Unbound, except as indicated in the horizontal section | |
| | (4) Unbound, except as indicated in the horizontal section | (4) Unbound | |



PHILIPPINES – SCHEDULE OF SPECIFIC COMMITMENTS

For the 7th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: (1) Cross-border supply (2) Consumption aboard (3) Commercial presence (4) Presence of natural persons

| Sector or Subsector | Limitation on Market Access | Limitation on National Treatment | Additional Commitments |
|--|---|--|------------------------|
| d. Project management services other than for construction (CPC 86601) | <p>(1) Unbound*</p> <p>(2) None</p> <p>(3) Unbound, except that up to 49 percent foreign equity is allowed</p> <p>a) paid-in equity capital is not less than US\$200,000 for domestic market enterprises, or</p> <p>b) paid-in equity capital is not less than US\$100,000 for domestic market enterprises employing at least 50 direct employees, or</p> <p>c) paid-in equity capital is not less than US\$100,000 for domestic market enterprises involving advanced technology as determined by the Department of Science and Technology.</p> <p>Limitations listed in the horizontal section shall also apply</p> <p>(4) Unbound, except as indicated in the horizontal section</p> | <p>(1) Unbound*</p> <p>(2) None</p> <p>(3) Unbound, except as indicated in the horizontal section</p> <p>(4) Unbound</p> | |



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For the 7th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: (1) Cross-border supply (2) Consumption aboard (3) Commercial presence (4) Presence of natural persons

| Sector or Subsector | Limitation on Market Access | Limitation on National Treatment | Additional Commitments |
|---|--|--|------------------------|
| e. Testing and analysis services of physical properties (CPC 86762) e. Technical inspection services (CPC 86764) | <p>(1) Unbound*</p> <p>(2) None</p> <p>(3) Unbound, except that up to 49 percent foreign equity participation is allowed in the following cases:</p> <ul style="list-style-type: none"> a) paid-in equity capital is not less than US\$200,000 for domestic market enterprises, or b) paid-in equity capital is not less than US\$100,000 for domestic market enterprises employing at least 50 direct employees, or c) paid-in equity capital is not less than US\$100,000 for domestic market enterprises involving advanced technology as determined by the Department of Science and Technology. <p>Limitations listed in the horizontal section shall also apply</p> <p>(4) Unbound, except as indicated in the horizontal section for professional services</p> | <p>(1) Unbound*</p> <p>(2) None</p> <p>(3) Unbound, except as indicated in the horizontal section</p> <p>(4) Unbound</p> | |



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For the 7th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: (1) Cross-border supply (2) Consumption aboard (3) Commercial presence (4) Presence of natural persons

| Sector or Subsector | Limitation on Market Access | Limitation on National Treatment | Additional Commitments |
|--|---|--|------------------------|
| j. Services incidental to energy distribution (CPC 887) | (1) Unbound* | (1) Unbound* | |
| | (2) None | (2) None | |
| Energy distribution networks such as pipelines for transmission, distribution and supply of natural gas, and power transmission and distribution systems | (3) Up to 40 percent foreign equity participation is allowed Limitations listed in the horizontal section shall also apply | (3) Unbound, except as indicated in the horizontal section | |
| | (4) Unbound | (4) Unbound | |



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For the 7th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: (1) Cross-border supply (2) Consumption aboard (3) Commercial presence (4) Presence of natural persons

| Sector or Subsector | Limitation on Market Access | Limitation on National Treatment | Additional Commitments |
|---------------------|--|--|------------------------|
| Geology | <p>(1) None</p> <p>(2) None</p> <p>(3) A firm/co-partnership/company/corporation/ association can practice geology in the Philippines, provided such practice is carried out by geologists holding valid Certificate of Registration issued by the Board of Geology and in regular employ of said firm/co-partnership/company/corporation/ association. The manager/ administrator/person in charge of management or administration of business shall be held personally liable for any violation of the geology law.</p> <p>(4) As indicated in the horizontal section for Professional Services.</p> | <p>(1) None</p> <p>(2) None</p> <p>(3) A firm/co-partnership/company/corporation/ association can practice geology in the Philippines, provided such practice is carried out by geologists holding valid Certificate of Registration issued by the Board of Geology and in regular employ of said firm/co-partnership/company/corporation/association. The manager/ administrator/person in charge of management or administration of business shall be held personally liable for any violation of the geology law.</p> <p>(4) Reciprocity provisions:</p> <p>a) Foreign applicants shall satisfy exam requirements for Filipinos, provided the foreign country accords the same reciprocity with the Philippines.</p> <p>b) Exempt from registration are qualified foreign geologists/geological engineers called in for consultation/conduct of special geological investigation only by:</p> | |



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| Sector or Subsector | Limitation on Market Access | Limitation on National Treatment | Additional Commitments |
|---------------------|-----------------------------|--|------------------------|
| | | <ul style="list-style-type: none"> - Government (with written permission from the Board of Geology) - Bona fide corporations registered under Philippine laws, provided: <ul style="list-style-type: none"> • Work is for six months only with renewal under authority by the Board of Geology for not more than six months; • They are legally qualified geologist/geological engineers in their countries; and • Their country grants the same reciprocity to Filipino citizens. c) As indicated in the horizontal section for Professional Services. | |



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Modes of Supply: (1) Cross-border supply (2) Consumption aboard (3) Commercial presence (4) Presence of natural persons

| Sector or Subsector | Limitation on Market Access | Limitation on National Treatment | Additional Commitments |
|--|---|--|------------------------|
| n. Maintenance and repair of equipment (not including maritime vessels, aircraft or other transport equipment) Repair services of electrical household appliances (CPC 63302) | <p>(1) None</p> <p>(2) None</p> <p>(3) Unbound, except that up to 49 percent foreign equity participation is allowed in the following cases:</p> <ul style="list-style-type: none"> a) paid-in equity capital is not less than US\$200,000 for domestic market enterprises, or b) paid-in equity capital is not less than US\$100,000 for domestic market enterprises employing at least 50 direct employees, or c) paid-in equity capital is not less than US\$100,000 for domestic market enterprises involving advanced technology as determined by the Department of Science and Technology, or d) the service provider exports 60 percent or more of its output. <p>Limitations listed in the horizontal section shall also apply.</p> <p>(4) Unbound, except as indicated in the horizontal section for professional services. Limitations listed in the horizontal section shall also apply.</p> | <p>(1) None</p> <p>(2) None</p> <p>(3) Unbound, except as indicated in the horizontal section</p> <p>(4) Unbound</p> | |



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For the 7th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: (1) Cross-border supply (2) Consumption aboard (3) Commercial presence (4) Presence of natural persons

| Sector or Subsector | Limitation on Market Access | Limitation on National Treatment | Additional Commitments |
|---|---|--|------------------------|
| o. Window cleaning services (CPC 87402) | (1) Unbound* | (1) Unbound* | |
| | (2) None | (2) None | |
| | (3) Unbound, except that up to 49 percent foreign equity participation is allowed in the following cases: a) paid-in equity capital is not less than US\$200,000 for domestic market enterprises, or b) paid-in equity capital is not less than US\$100,000 for domestic market enterprises employing at least 50 direct employees, or c) paid-in equity capital is not less than US\$100,000 for domestic market enterprises involving advanced technology as determined by the Department of Science and Technology. Limitations listed in the horizontal section shall also apply. | (3) Unbound, except as indicated in the horizontal section | |
| | (4) Unbound | (4) Unbound | |



PHILIPPINES – SCHEDULE OF SPECIFIC COMMITMENTS

For the 7th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: (1) Cross-border supply (2) Consumption aboard (3) Commercial presence (4) Presence of natural persons

| Sector or Subsector | Limitation on Market Access | Limitation on National Treatment | Additional Commitments |
|--|--|--|------------------------|
| p. Portrait photography services (CPC 87501) | <p>(1) Unbound*</p> <p>(2) None</p> <p>(3) Unbound, except that up to 49 percent foreign equity participation is allowed in the following cases:</p> <ul style="list-style-type: none"> a) paid-in equity capital is not less than US\$200,000 for domestic market enterprises, or b) paid-in equity capital is not less than US\$100,000 for domestic market enterprises employing at least 50 direct employees, or c) paid-in equity capital is not less than US\$100,000 for domestic market enterprises involving advanced technology as determined by the Department of Science and Technology. <p>Limitations listed in the horizontal section shall also apply</p> <p>(4) Unbound, except as indicated in the horizontal section</p> | <p>(1) Unbound*</p> <p>(2) None</p> <p>(3) Unbound, except as indicated in the horizontal section</p> <p>(4) Unbound</p> | |



PHILIPPINES – SCHEDULE OF SPECIFIC COMMITMENTS

For the 7th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: (1) Cross-border supply (2) Consumption aboard (3) Commercial presence (4) Presence of natural persons

| Sector or Subsector | Limitation on Market Access | Limitation on National Treatment | Additional Commitments |
|-----------------------------|--|--|------------------------|
| q. Packaging services (876) | <p>(1) Unbound*</p> <p>(2) None</p> <p>(3) Unbound, except that up to 51 percent foreign equity participation is allowed in the following cases:</p> <ul style="list-style-type: none"> a) paid-in equity capital is not less than US\$200,000 for domestic market enterprises, or b) paid-in equity capital is not less than US\$100,000 for domestic market enterprises employing at least 50 direct employees, or c) paid-in equity capital is not less than US\$100,000 for domestic market enterprises involving advanced technology as determined by the Department of Science and Technology. <p>Limitations listed in the horizontal section shall also apply</p> <p>(4) Unbound, except as indicated in the horizontal section for professional services</p> | <p>(1) Unbound*</p> <p>(2) None</p> <p>(3) Unbound, except as indicated in the horizontal section</p> <p>(4) Unbound</p> | |



PHILIPPINES – SCHEDULE OF SPECIFIC COMMITMENTS

For the 7th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: (1) Cross-border supply (2) Consumption aboard (3) Commercial presence (4) Presence of natural persons

| Sector or Subsector | Limitation on Market Access | Limitation on National Treatment | Additional Commitments |
|---|---|--|------------------------|
| r. Printing, publishing Bookbinding services (CPC 88442**) | <p>(1) Unbound*</p> <p>(2) None</p> <p>(3) Unbound, except that up to 49 percent foreign equity participation is allowed in the following cases: a) paid-in equity capital is not less than US\$200,000 for domestic market enterprises, or b) paid-in equity capital is not less than US\$100,000 for domestic market enterprises employing at least 50 direct employees, or c) paid-in equity capital is not less than US\$100,000 for domestic market enterprises involving advanced technology as determined by the Department of Science and Technology, or d) the service provider exports 60 percent or more of its output.</p> <p>Limitations listed in the horizontal section shall also apply.</p> <p>(4) Unbound, except as indicated in the horizontal section.</p> | <p>(1) Unbound*</p> <p>(2) None</p> <p>(3) Unbound, except as indicated in the horizontal section</p> <p>(4) Unbound</p> | |



PHILIPPINES – SCHEDULE OF SPECIFIC COMMITMENTS

For the 7th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: (1) Cross-border supply (2) Consumption aboard (3) Commercial presence (4) Presence of natural persons

| Sector or Subsector | Limitation on Market Access | Limitation on National Treatment | Additional Commitments |
|----------------------------------|-----------------------------------|----------------------------------|------------------------|
| Other | (1) None | (1) None | |
| Professional Congress Organisers | (2) None | (2) None | |
| | (3) 60% foreign equity is allowed | (3) None | |
| | (4) None | (4) None | |



PHILIPPINES – SCHEDULE OF SPECIFIC COMMITMENTS

For the 7th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: (1) Cross-border supply (2) Consumption aboard (3) Commercial presence (4) Presence of natural persons

| Sector or Subsector | Limitation on Market Access | Limitation on National Treatment | Additional Commitments |
|--|--|--|------------------------|
| Other: Translation and Interpretation services for private meetings/conferences (CPC 87905**) | <p>(1) None</p> <p>(2) None</p> <p>(3) Unbound, except that up to 49 percent foreign equity participation is allowed in the following cases:</p> <p>a) paid-in equity capital is not less than US\$200,000 for domestic market enterprises, or</p> <p>b) paid-in equity capital is not less than US\$100,000 for domestic market enterprises employing at least 50 direct employees, or</p> <p>c) paid-in equity capital is not less than US\$100,000 for domestic market enterprises involving advanced technology as determined by the Department of Science and Technology, or</p> <p>d) the service provider exports 60 percent or more of its output.</p> <p>Limitations listed in the horizontal section shall also apply.</p> <p>(4) Unbound, except as indicated in the horizontal section for professional services. Limitations listed in the horizontal section shall also apply.</p> | <p>(1) None</p> <p>(2) None</p> <p>(3) Unbound, except as indicated in the horizontal section</p> <p>(4) Unbound</p> | |



PHILIPPINES – SCHEDULE OF SPECIFIC COMMITMENTS

For the 7th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: (1) Cross-border supply (2) Consumption aboard (3) Commercial presence (4) Presence of natural persons

| Sector or Subsector | Limitation on Market Access | Limitation on National Treatment | Additional Commitments |
|--------------------------|---|--|------------------------|
| Interior Design Services | <p>(1) None</p> <p>(2) None</p> <p>(3) Registered/licensed interior designers may organise among themselves or with registered/licensed building architects/town planners/landscape architects/civil engineers/any other allied design professionals, form/register with the SEC a firm/partnership/association, provided interior designers shall only render work/services proper for an interior design as defined by law.</p> <p>(4) As indicated in the horizontal section for Professional Services</p> | <p>(1) None</p> <p>(2) None</p> <p>(3) Registered/licensed interior designers may organise among themselves or with registered/licensed building architects/town planners/landscape architects/civil engineers/any other allied design professionals, form/register with the SEC a firm/partnership/association, provided interior designers shall only render work/services proper for an interior design as defined by law.</p> <p>(4) Reciprocity provisions:</p> <p>a) Temporary license to practice interior design may be given to a foreigner if the foreign country permits Filipino interior designers to practice within its territorial limits on the same basis as subjects or citizens of such foreign state or country.</p> <p>b) Special Temporary Permit may be given to foreign interior designers/consultants in foreign-funded/assisted projects of government or employed/</p> | |



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| Sector or Subsector | Limitation on Market Access | Limitation on National Treatment | Additional Commitments |
|--|--|--|------------------------|
| COMMUNICATION SERVICES | | | |
| A. Postal Services | | | |
| a. Domestic Mail Services | (1) Commercial presence is required. | (1) None | |
| - Ordinary Mail | (2) None | (2) None | |
| - Registered Mail ¹ | (3) Entry is subject to the following requirements: | (3) Entry is subject to the following requirements and conditions: | |
| - Express Mail | a) Foreign equity is permitted up to 40%; and | a) The number of non-Filipino citizens in the Board of Directors of an entity shall be proportionate to the aggregate share of foreign capital of that entity; and | |
| - Domestic Parcel | b) Philippine Government authority to operate private express and/or messengerial delivery services. | b) All executives and managers must be citizens of the Philippines. | |
| - Business Reply ¹ | Limitations listed in the horizontal section shall also apply. | Limitations listed in the horizontal section shall also apply. | |
| - Printed Matters | | | |
| b. International Mail Services | | | |
| - Ordinary Mail | | | |
| - Registered Mail ¹ | | | |
| - Express Mail | | | |
| - Printed Matters | | | |
| - International Parcels | | | |
| c. Money Order Service (Domestic and International) ¹ | (4) Provision of postal/courier services is reserved only to Filipino citizens. | (4) Provision of postal/courier services is reserved only to Filipino citizens. | |
| | Limitations listed in the horizontal section shall also apply. | | |

¹ Postal services that are only offered by the Philippine Postal Corporation (PPC)



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| Sector or Subsector | Limitation on Market Access | Limitation on National Treatment | Additional Commitments |
|----------------------------|-------------------------------------|-------------------------------------|---------------------------|
| B. Courier Services | (1) Commercial presence is required | (1) None | |
| | (2) None | (2) None | |
| | (3) None | (3) None | |
| | (4) None | (4) None | |



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| Sector or Subsector | Limitation on Market Access | Limitation on National Treatment | Additional Commitments |
|--|---|---|---|
| C. Telecommunication Services | | | |
| The following services are offered only on a facilities basis, for public use, using either wired or wireless technology except cable television (CATV). | (1) Subject to commercial arrangement with licensed operators | (1) None | The Philippine Reference Paper on Regulatory Principles will be reviewed in the future in accordance with the developments of its laws and regulations. |
| | (2) None | (2) None | |
| a. Voice telephone services (CPC 7521) - Local services - Toll services • Domestic • International | (3) Entry is subject to the following requirements and conditions: a) Franchise from Congress of the Philippines b) Certificate of Public Convenience and Necessity (CPCN) from the National Telecommunications Commission c) Foreign equity is permitted up to 40%. d) Resale of private leased lines is not allowed ² . e) Private leased circuit services shall not be connected to a public network (PSTN). f) Call back, dial back and other similar schemes, which result in the same operation, are not authorised. | (3) Entry is subject to the following requirements and conditions: a) The number of non-Filipino citizens in the Board of Directors of an entity shall be proportionate to the aggregate share of foreign capital of that entity. b) All executives and managers must be citizens of the Philippines. Limitations listed in the horizontal section shall also apply. | |
| b. Packet-switched data transmission services (CPC 7523**) | | | |
| c. Circuit-switched data transmission services (CPC 7523**) | | | |
| d. Telex Services (CPC 7523**) | | | |
| e. Telegraph Services (CPC 7522) | | | |

² Enfranchised public telecommunications entities (PTE) may be authorized to sell/resell private leased lines.



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For the 7th Package of Commitments under ASEAN Framework Agreement on Services

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| Sector or Subsector | Limitation on Market Access | Limitation on National Treatment | Additional Commitments |
|--|---|---|------------------------|
| <p>f. Facsimile services (CPC 7521**+7529**)</p> <p>g. Private Leased Circuit Services (CPC 7522**+7523)</p> <p>h. Other</p> <ul style="list-style-type: none"> - Cellular Mobile Telephone Service (CPC 75213) - Satellite services | <p>g) Subject to the availability and efficient utilisation of radio frequencies.</p> <p>h) Only duly enfranchised and certificated telecommunications, broadcast and/or cable TV entities can access satellite space segment service providers.</p> <p>i) Philippine satellite operators shall be given the preference to provide the space segment capacity requirements of enfranchised entity after all factors are equally considered.</p> <p>j) Satellite space segment service provisioning in the Philippines shall be on the basis of reciprocal arrangements.</p> <p>Limitations listed in the horizontal section shall also apply.</p> <p>(4) Service suppliers must be Filipino citizens.</p> <p>Limitations listed in the horizontal section shall also apply.</p> | <p>(4) Service suppliers must be Filipino citizens.</p> | |



PHILIPPINES – SCHEDULE OF SPECIFIC COMMITMENTS

For the 7th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: (1) Cross-border supply (2) Consumption aboard (3) Commercial presence (4) Presence of natural persons

| Sector or Subsector | Limitation on Market Access | Limitation on National Treatment | Additional Commitments |
|---|---|----------------------------------|------------------------|
| i) voice mail (CPC 7523**) | (1) Only through duly enfranchised and certificated domestic public telecommunications carriers | (1) None | |
| j) on-line information and database retrieval (CPC 7523**) | (2) None | (2) None | |
| k) electronic data interchange | (3) Operation subject to securing of : a) Franchise from Congress of the Philippines b) Certificate of Public Convenience and Necessity (CPCN) from the National Telecommunications Commissions | (3) None | |
| l) Videotext | (4) None | (4) None | |



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| Sector or Subsector | Limitation on Market Access | Limitation on National Treatment | Additional Commitments |
|---|---|---|------------------------|
| Value added services i.e. m) electronic mail (CPC 7523**) n) value added facsimile service (CPC 7523**) o) code and protocol conversion p) on-line information and/or data processing (CPC 843**) | <p>(1) Unbound³</p> <p>(2) None</p> <p>(3) Entry is subject to the following requirements: a) Foreign equity is permitted up to 40% b) Must register with the Philippines regulatory body but is not allowed to build its own network.</p> <p>Limitations listed in the horizontal section shall also apply.</p> <p>(4) Service suppliers must be Filipino citizens.</p> <p>Limitations listed in the horizontal section shall also apply.</p> | <p>(1) None</p> <p>(2) None</p> <p>(3) Entry is subject to the following requirements and conditions: a) The number of non-Filipino citizens on the Board of Directors of an entity shall be proportionate to the aggregate share of foreign capital of that entity. b) All executives and managers must be citizens of the Philippines</p> <p>Limitations listed in the horizontal section shall also apply.</p> <p>(4) Service suppliers must be Filipino citizens.</p> | |

³ Shall be reviewed in the future in accordance with the developments of its laws and regulations.



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For the 7th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: (1) Cross-border supply (2) Consumption aboard (3) Commercial presence (4) Presence of natural persons

| Sector or Subsector | Limitation on Market Access | Limitation on National Treatment | Additional Commitments |
|---|---|---|------------------------|
| Data and message transmission services | (1) Unbound | (1) None | |
| Data network services (CPC 75231) | (2) None | (2) None | |
| Electronic message and information services (CPC 75232) | (3) Entry is subject to the following requirements and conditions: a) Franchise from Congress of the Philippines b) Certificate of Public Convenience and Necessity (CPCN) from the National Telecommunications Commission c) Foreign equity is permitted up to 40%. d) Resale of private leased lines is not allowed ⁴ e) Private leased circuit services shall not be connected to a public network (PSTN). f) Call back, dial back and other similar schemes, which result in the same operation, are not authorised. g) Subject to the availability and efficient utilisation of radio frequencies. | (3) Entry is subject to the following requirements and conditions: a) The number of non-Filipino citizens in the Board of Directors of an entity shall be proportionate to the aggregate share of foreign capital of that entity. b) All executives and managers must be citizens of the Philippines. Limitations listed in the horizontal section shall also apply. | |

⁴ Enfranchised public telecommunications entities (PTE) may be authorised to sell/resell private leased lines.



PHILIPPINES – SCHEDULE OF SPECIFIC COMMITMENTS

For the 7th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: (1) Cross-border supply (2) Consumption aboard (3) Commercial presence (4) Presence of natural persons

| Sector or Subsector | Limitation on Market Access | Limitation on National Treatment | Additional Commitments |
|---------------------|---|---|------------------------|
| | <p>h) Only duly enfranchised and certificated telecommunications, broadcast and/or cable TV entities can access satellite space segment service providers.</p> <p>i) Philippine satellite operators shall be given the preference to provide the space segment capacity requirements of enfranchised entity after all factors are equally considered.</p> <p>j) Satellite space segment service provisioning in the Philippines shall be on the basis of reciprocal arrangements.</p> <p>Limitations listed in the horizontal section shall also apply.</p> <p>(4) Service suppliers must be Filipino citizens.</p> <p>Limitations listed in the horizontal section shall also apply.</p> | <p>(4) Service suppliers must be Filipino citizens.</p> | |



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Modes of Supply: (1) Cross-border supply (2) Consumption aboard (3) Commercial presence (4) Presence of natural persons

| Sector or Subsector | Limitation on Market Access | Limitation on National Treatment | Additional Commitments |
|--------------------------------|--|---|------------------------|
| Paging services (CPC 75291) | <p>(1) Unbound</p> <p>(2) Unbound</p> <p>(3) Entry is subject to the following requirements and conditions: franchise from Congress foreign equity is limited to 40% subject to the availability and efficient utilisation of radio frequencies</p> <p>(4) Unbound</p> | <p>(1) None</p> <p>(2) None</p> <p>(3) The number of non-Filipino citizens in the Board of Directors of an entity shall be proportionate to the aggregate share of foreign capital of that entity. All executives and managers must be citizens of the Philippines</p> <p>(4) Unbound</p> | |



PHILIPPINES – SCHEDULE OF SPECIFIC COMMITMENTS

For the 7th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: (1) Cross-border supply (2) Consumption aboard (3) Commercial presence (4) Presence of natural persons

| Sector or Subsector | Limitation on Market Access | Limitation on National Treatment | Additional Commitments |
|---|--|--|------------------------|
| D. Audiovisual Services | | | |
| a. Production services of animated cartoons of any kind (CPC 96112**) | <p>(1) None</p> <p>(2) None</p> <p>(3) Unbound, except that up to 49 percent foreign equity participation is allowed in the following cases:</p> <ul style="list-style-type: none"> a) paid-in equity capital is not less than US\$200,000 for domestic market enterprises, or b) paid-in equity capital is not less than US\$100,000 for domestic market enterprises employing at least 50 direct employees, or c) paid-in equity capital is not less than US\$100,000 for domestic market enterprises involving advanced technology as determined by the Department of Science and Technology, or d) the service provider exports 60 percent or more of its output. <p>Limitations listed in the horizontal section shall also apply</p> <p>(4) Unbound, except as indicated in the horizontal section</p> | <p>(1) None</p> <p>(2) None</p> <p>(3) Unbound, except as indicated in the horizontal section</p> <p>(4) Unbound</p> | |



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For the 7th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: (1) Cross-border supply (2) Consumption aboard (3) Commercial presence (4) Presence of natural persons

| Sector or Subsector | Limitation on Market Access | Limitation on National Treatment | Additional Commitments |
|---|---|--|------------------------|
| b. Motion picture projection services in private screening rooms (CPC 9612) | <p>(1) None</p> <p>(2) None</p> <p>(3) Unbound, except that up to 49 percent foreign equity participation is allowed in the following cases:</p> <ul style="list-style-type: none"> a) paid-in equity capital is not less than US\$200,000 for domestic market enterprises, or b) paid-in equity capital is not less than US\$100,000 for domestic market enterprises employing at least 50 direct employees, or c) paid-in equity capital is not less than US\$100,000 for domestic market enterprises involving advanced technology as determined by the Department of Science and Technology, or d) the service provider exports 60 percent or more of its output. <p>Limitations listed in the horizontal section shall also apply.</p> <p>(4) Unbound, except as indicated in the horizontal section for professional services. Limitations listed in the horizontal section shall also apply.</p> | <p>(1) None</p> <p>(2) None</p> <p>(3) Unbound, except as indicated in the horizontal section</p> <p>(4) Unbound</p> | |



PHILIPPINES – SCHEDULE OF SPECIFIC COMMITMENTS

For the 7th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: (1) Cross-border supply (2) Consumption aboard (3) Commercial presence (4) Presence of natural persons

| Sector or Subsector | Limitation on Market Access | Limitation on National Treatment | Additional Commitments |
|--|---|--|------------------------|
| e. Sound Recording Recording of music on records, tapes and compact discs | <p>(1) None</p> <p>(2) None</p> <p>(3) Unbound, except that up to 49 percent foreign equity participation is allowed in the following cases:</p> <ul style="list-style-type: none"> a) paid-in equity capital is not less than US\$200,000 for domestic market enterprises, or b) paid-in equity capital is not less than US\$100,000 for domestic market enterprises employing at least 50 direct employees, or c) paid-in equity capital is not less than US\$100,000 for domestic market enterprises involving advanced technology as determined by the Department of Science and Technology, or d) the service provider exports 60 percent or more of its output. <p>Limitations listed in the horizontal section shall also apply.</p> <p>(4) Unbound, except as indicated in the horizontal section for professional services. Limitations listed in the horizontal section shall also apply.</p> | <p>(1) None</p> <p>(2) None</p> <p>(3) Unbound, except as indicated in the horizontal section</p> <p>(4) Unbound</p> | |



Philippine Reference Paper on Regulatory Principles in Telecommunications Services

The commitments in telecommunication services are in accordance with the General Agreement on Trade in Services and its Annex on Telecommunications. In support of market access commitments undertaken, the following principles will form the basis for the regulatory framework in basic telecommunications.

1. Competitive safeguard

Appropriate measures shall be maintained for the purpose of preventing suppliers from engaging in or continuing anti-competitive practices.

2. Interconnection

In order to achieve viable, efficient, reliable and universal telecommunications services, a fair and reasonable interconnection of facilities of authorised public network operators and other providers of telecommunications services shall be provided.

Interconnection shall be at any technically feasible point in the network, under non-discriminatory terms and conditions, in a timely fashion, and on terms and conditions that are fair, transparent and reasonable.

A service supplier requesting interconnection with another supplier will have recourse after a reasonable period of time which has been made publicly known to an independent domestic body, which may be a regulatory body referred to in paragraph 5 below, to resolve disputes regarding appropriate terms, conditions and rates for interconnection within a reasonable period of time, to the extent that these have not been established previously.

3. Universal Service

Universal service obligations, as may be defined by the appropriate Authority, shall be administered in a transparent, non-discriminatory and competitively neutral manner.

Authorised international gateway and mobile cellular telephone service providers are required by law to install a set number of local exchange lines in designated areas.

4. Public availability of licensing criteria

Where a license is required, the following shall be made publicly available:

- (a) all the licensing criteria and the period of time normally required to reach a decision concerning an application for a license;
- (b) the terms and conditions of individual licenses

The reasons for the denial of a license will be made known to the applicant upon request.



5. Independent regulators

The regulatory body is separate from, and not accountable to, any supplier of basic telecommunications services. The decisions of and the procedures used by regulators shall be impartial with respect to all market participants.

The regulation of telecommunication suppliers shall rely principally on an administrative process that is stable, transparent and fair, giving due emphasis to technical, legal, economic and financial considerations, and with due regard to the observance of due process at all times.

A national consultative forum shall be maintained to allow interaction among the telecommunications industries, user groups, and academic and research institutions on important issues in the field of communications.

6. Allocation and use of scarce resources

Any procedures for the allocation and use of scarce resources, which are frequencies, numbers and rights of way, will be carried out in an objective, timely, transparent and non-discriminatory manner. The current state of allocated frequency bands will be made publicly available, but detailed identification of frequencies allocated for specific government uses is not required.



PHILIPPINES – SCHEDULE OF SPECIFIC COMMITMENTS

For the 6th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: (1) Cross-border supply (2) Consumption aboard (3) Commercial presence (4) Presence of natural persons

| Sector or Subsector | Limitation on Market Access | Limitation on National Treatment | Additional Commitments |
|---|--|--|------------------------|
| CONSTRUCTION AND RELATED ENGINEERING SERVICES | | | |
| A. General construction work for buildings (CPC 512) | (1) Unbound due to lack of technical feasibility (2) None | (1) Unbound due to lack of technical feasibility. (2) None | |
| B. General construction work for civil engineering (CPC 513) | (3) a) 40% foreign equity for construction of locally funded private projects b) 100% foreign equity for foreign-funded/ assisted internationally-bid construction projects | (3) a) Unbound b) Foreign Contractors are required to secure a Special Contractor's License form the Philippine Contractors Accreditation Board on a per project basis - Foreign Contractors are required to employ qualified Filipino Sustaining Technical Employees (STE) who meet the minimum requirements for the category and classifications applied for - Foreign Contractors are required to have a Resident Alien Representative (RAR) in the Philippines who is a holder of an Alien Certificate of Registration (ACR) and a working visa to receive summons and act for and in behalf of the company | |
| C. Installation and assembly work (CPC 514+CPC 516) | | | |
| D. Building completion and finishing work (CPC 517) | | | |
| E. Other (CPC 511+ CPC 515) | | | |



PHILIPPINES – SCHEDULE OF SPECIFIC COMMITMENTS

For the 6th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: (1) Cross-border supply (2) Consumption aboard (3) Commercial presence (4) Presence of natural persons

| Sector or Subsector | Limitation on Market Access | Limitation on National Treatment | Additional Commitments |
|--|--|---|------------------------|
| | (4) Unbound, except as indicated in the horizontal section | (4) Unbound, except that foreign engineers or architects to be involved in undertaking construction and related activities must register/secure the necessary permit from the Phil Regulation Commission, the Bureau of Immigration and the Department of Labour and Employment | |
| Renting services related to equipment for const. or demolition of building or civil engineering works, with operator (CPC 518) | (1) None (2) None (3) Maximum 40% Foreign Equity (4) Unbound, except as indicated in the horizontal section | (1) None (2) None (3) All executives and managing officers must be Filipino citizens (4) Unbound | |



PHILIPPINES – SCHEDULE OF SPECIFIC COMMITMENTS

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| Sector or Subsector | Limitation on Market Access | Limitation on National Treatment | Additional Commitments |
|--|---|---|------------------------|
| DISTRIBUTION SERVICES | | | |
| A. Commission Agents' Services except rice and corn industry (CPC 621) | <p>(1) None</p> <p>(2) None</p> <p>(3) 100% foreign equity participation is allowed in the following cases:</p> <ul style="list-style-type: none"> a) paid-in equity capital is not less than US\$200,000 for domestic market enterprises; or b) paid-in equity capital is not less than US\$100,000 for domestic market enterprises employing at least 50 direct employees; or c) paid-in equity is not less than US\$100,000 for domestic market enterprises involving advanced technology as determined by the DOST; or, d) the agent exports 60% or more of its output. <p>Otherwise, only up to 40% foreign equity participation is allowed.</p> <p>Limitations listed in the horizontal section shall also apply.</p> | <p>(1) None</p> <p>(2) None</p> <p>(3) None, except as indicated in the horizontal section.</p> | |



PHILIPPINES – SCHEDULE OF SPECIFIC COMMITMENTS

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| Sector or Subsector | Limitation on Market Access | Limitation on National Treatment | Additional Commitments |
|---------------------|--|----------------------------------|------------------------|
| | <p>(4) a) A natural person is allowed provided that the total investment is not less than US\$200,000 for domestic market enterprises; or</p> <p>b) A natural person is allowed provided that the total investment is not less than US\$100,000 for domestic market enterprises employing at least 50 direct employees; or</p> <p>c) A natural person is allowed provided that the total investment is not less than US\$100,000 for domestic market enterprises involving advanced technology as determined by the DOST; or,</p> <p>d) A natural person is allowed provided he exports 60% or more of his output.</p> <p>Limitations listed in the horizontal section shall also apply.</p> | (4) None | |



PHILIPPINES – SCHEDULE OF SPECIFIC COMMITMENTS

For the 6th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: (1) Cross-border supply (2) Consumption aboard (3) Commercial presence (4) Presence of natural persons

| Sector or Subsector | Limitation on Market Access | Limitation on National Treatment | Additional Commitments |
|--|---|---|------------------------|
| <p>C. Retailing Services</p> <p>Wholesaling services of snowmobiles and related parts and accessories (CPC 6121**)</p> | <p>(1) Unbound*</p> <p>(2) None</p> <p>(3) Unbound, except that up to 49% foreign equity is allowed in a retail outlet provided that the minimum paid in capital of US\$5 million is complied and maintained; provided further that pre qualification requirements are complied in accordance with rules and regulations of appropriate government agencies.</p> <p>Up to 49% foreign equity is also allowed in branches provided that the minimum paid in capital of US\$1,000,000 per retail outlet is complied and maintained.</p> <p>Foreign nationals may become members of the Board of Directors to the extent of the foreign participation in the equity of the enterprise.</p> <p>Limitations listed in the horizontal section shall also apply.</p> | <p>(1) Unbound*</p> <p>(2) None</p> <p>(3) Unbound, except up that to 49% foreign equity is allowed in a retail outlet provided that the minimum paid in capital of US\$5 million is complied and maintained; provided further that pre qualification requirements are complied in accordance with rules and regulations of appropriate government agencies.</p> <p>Prior notification for cessation of operation.</p> <p>Up to 49% foreign equity is also allowed in branches provided that the minimum paid in capital of US\$1,000,000 per retail outlet is complied and maintained.</p> <p>Prior notification for opening and closing of outlets.</p> <p>Provided further that 30 percent local inventory requirement, public offering requirement under certain conditions and</p> | |



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For the 6th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: (1) Cross-border supply (2) Consumption aboard (3) Commercial presence (4) Presence of natural persons

| Sector or Subsector | Limitation on Market Access | Limitation on National Treatment | Additional Commitments |
|---------------------|-----------------------------|---|------------------------|
| | | <p>prohibition to engage in certain retailing activities are complied.</p> <p>Every registered foreign retail outlets are to submit to the Department of Trade and Industry (DTI) the following reports:</p> <p>a. A general information sheet in the prescribed form showing, among others, the accredited outlets of the enterprise and the status of operations of the entity;</p> <p>b. An audited financial statement and income tax return</p> <p>c. Certification by a responsible officer of the company showing the maintenance of the required minimum capital unless the foreign investor has notified the SEC and the DTI of its intention to repatriate its capital and cease operations in the Philippines.</p> <p>Qualified foreign retail outlets are not allowed to engage in certain retailing activities outside their accredited branches through the use of mobile or rolling stores or carts, the use of sales representatives, door-to-door selling, and sari-sari stores and such other similar retailing activities.</p> | |



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| Sector or Subsector | Limitation on Market Access | Limitation on National Treatment | Additional Commitments |
|----------------------------------|---|--|------------------------|
| | (4) Unbound | Limitations listed in the horizontal section shall also apply. (4) Unbound | |
| E. Others | (1) Unbound* | (1) Unbound* | |
| Petroleum product retail outlets | <p>(2) None</p> <p>(3) Unbound, except that up to 49% foreign equity is allowed in the operation of a petroleum product retail outlet provided that the minimum paid in capital of US\$2.5 million is complied and maintained; provided further that pre qualification requirements are complied in accordance with rules and regulations of appropriate government agencies.</p> <p>Up to 49% foreign equity is also allowed in branches provided that the minimum paid in capital of US\$830,000 per retail outlet is complied and maintained.</p> <p>Foreign nationals may become members of the Board of Directors to the extent of the</p> | <p>(2) None</p> <p>(3) Unbound, except up that to 49% foreign equity is allowed in the operation of a petroleum product retail outlet provided that the minimum paid in capital of US\$2.5 million is complied and maintained; provided further that pre qualification requirements are complied in accordance with rules and regulations of appropriate government agencies.</p> <p>Prior notification for cessation of operation.</p> <p>Up to 49% foreign equity is also allowed in branches provided that the minimum paid in capital of US\$830,000 per retail outlet is complied and maintained.</p> | |



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Modes of Supply: (1) Cross-border supply (2) Consumption aboard (3) Commercial presence (4) Presence of natural persons

| Sector or Subsector | Limitation on Market Access | Limitation on National Treatment | Additional Commitments |
|---------------------|---|---|------------------------|
| | <p>foreign participation in the equity of the enterprise.</p> <p>Limitations listed in the horizontal section shall also apply.</p> | <p>Prior notification for opening and closing of outlets.</p> <p>Provided further that 30 percent local inventory requirement, public offering requirement under certain conditions and prohibition to engage in certain retailing activities are complied.</p> <p>Every registered foreign retail outlets are to submit to the Department of Trade and Industry (DTI) the following reports:</p> <p>a. A general information sheet in the prescribed form showing, among others, the accredited outlets of the enterprise and the status of operations of the entity;</p> <p>b. An audited financial statement and income tax return</p> <p>c. Certification by a responsible officer of the company showing the maintenance of the required minimum capital unless the foreign investor has notified the SEC and the DTI of its intention to repatriate its capital and cease operations in the</p> | |



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Modes of Supply: (1) Cross-border supply (2) Consumption aboard (3) Commercial presence (4) Presence of natural persons

| Sector or Subsector | Limitation on Market Access | Limitation on National Treatment | Additional Commitments |
|---------------------|-----------------------------|---|------------------------|
| | | Philippines. Qualified foreign retail outlets are not allowed to engage in certain retailing activities outside their accredited branches through the use of mobile or rolling stores or carts, the use of sales representatives, door-to-door selling, and sari-sari stores and such other similar retailing activities. Limitations listed in the horizontal section shall also apply | |
| | (4) Unbound | (4) Unbound | |



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For the 6th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: (1) Cross-border supply (2) Consumption aboard (3) Commercial presence (4) Presence of natural persons

| Sector or Subsector | Limitation on Market Access | Limitation on National Treatment | Additional Commitments |
|---------------------------------|--|---|------------------------|
| ENVIRONMENTAL SERVICES | | | |
| a. Sewerage services (CPC 9401) | <p>(1) Unbound*</p> <p>(2) None</p> <p>(3) For participation in public and/or private sewerage services, up to 40% foreign equity participation is allowed.</p> <p>For participation in public and/or private sewerage services in Metro Manila, it is subject to negotiations and agreement with concessionaires (i.e., Manila Water and Maynilad) and approval/regulation by the Metropolitan Waterworks and Sewerage System (MWSS). If the parties agreed (MWSS & the two concessionaires), amendment of the Concession Agreement shall be made.</p> <p>For areas outside Metro Manila, entry into public and/or private sewerage services is subject to the following:</p> | <p>(1) Unbound*</p> <p>(2) None</p> <p>(3) None, except as indicated in the horizontal section.</p> | |



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Modes of Supply: (1) Cross-border supply (2) Consumption aboard (3) Commercial presence (4) Presence of natural persons

| Sector or Subsector | Limitation on Market Access | Limitation on National Treatment | Additional Commitments |
|---------------------|--|---|------------------------|
| | <p>a) Where Local Water Districts (LWDs) exist, participation or entry should be in the form of partnership or corporation which may then enter into a BOT Scheme or other similar schemes or other forms of contractual agreements/ arrangements with the LWDs.</p> <p>b) In the absence of existing LWDs, entry should still be in the form of partnership or corporation; however, the contractual agreements/arrangements that may be entered into will be with local government unit/s concerned.</p> <p>Limitations listed in the horizontal section shall also apply.</p> <p>(4) Employment of foreign professionals: As indicated in the horizontal section for Professional Services.</p> <p>Limitations listed in the horizontal section shall also apply.</p> | <p>(4) Employment of foreign professionals: As indicated in the horizontal section for Professional Services.</p> | |



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Modes of Supply: (1) Cross-border supply (2) Consumption aboard (3) Commercial presence (4) Presence of natural persons

| Sector or Subsector | Limitation on Market Access | Limitation on National Treatment | Additional Commitments |
|--|---|--|------------------------|
| b. Cleaning services of exhaust gases for a factory (CPC 9404) | <p>(1) None</p> <p>(2) None</p> <p>(3) Unbound, except that up to 49 percent foreign equity participation is allowed in the following cases:</p> <ul style="list-style-type: none"> a) paid-in equity capital is not less than US\$200,000 for domestic market enterprises, or b) paid-in equity capital is not less than US\$100,000 for domestic market enterprises employing at least 50 direct employees, or c) paid-in equity capital is not less than US\$100,000 for domestic market enterprises involving advanced technology as determined by the Department of Science and Technology, or d) the service provider exports 60 percent or more of its output. <p>Limitations listed in the horizontal section shall also apply.</p> <p>(4) Unbound, except as indicated in the horizontal section for professional services. Limitations listed in the horizontal section shall also apply.</p> | <p>(1) None</p> <p>(2) None</p> <p>(3) Unbound, except as indicated in the horizontal section</p> <p>(4) Unbound</p> | |



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Modes of Supply: (1) Cross-border supply (2) Consumption aboard (3) Commercial presence (4) Presence of natural persons

| Sector or Subsector | Limitation on Market Access | Limitation on National Treatment | Additional Commitments |
|---|---|--|------------------------|
| HEALTH RELATED AND SOCIAL SERVICES | | | |
| Hospital services (CPC 9311) | (1) Unbound* | (1) Unbound* | |
| Other human health services n.e.c. | (2) None | (2) None | |
| Laboratory services | (3) Up to 100% foreign equity participation is allowed provided: a) paid-in equity capital is at least US\$200,000; or b) paid-in equity must not be less than US\$100,000 for domestic market enterprises employing at least 50 direct employees Otherwise, only up to 40% foreign equity participation is allowed. | (3) None, except as indicated in the horizontal section | |
| | (4) Employment of foreign professionals: As indicated in the horizontal section for Professional Services Limitations in the horizontal section shall also apply | (4) Employment of foreign professionals: As indicated in the horizontal section for Professional Services Limitations in the horizontal section shall also apply | |



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Modes of Supply: (1) Cross-border supply (2) Consumption aboard (3) Commercial presence (4) Presence of natural persons

| Sector or Subsector | Limitation on Market Access | Limitation on National Treatment | Additional Commitments |
|---|--|--|------------------------|
| i. Veterinary Services Other veterinary services- Specialised Hospital services for pets (CPC 93201**) | <p>(1) Unbound*</p> <p>(2) None</p> <p>(3) Unbound, except that up to 51 percent foreign equity participation is allowed in the following cases: a) paid-in equity capital is not less than US\$200,000 for domestic market enterprises, or b) paid-in equity capital is not less than US\$100,000 for domestic market enterprises employing at least 50 direct employees, or c) paid-in equity capital is not less than US\$100,000 for domestic market enterprises involving advanced technology as determined by the Department of Science and Technology.</p> <p>Limitations listed in the horizontal section shall also apply.</p> <p>(4) Unbound, except as indicated in the horizontal section.</p> | <p>(1) Unbound*</p> <p>(2) None</p> <p>(3) Unbound, except as indicated in the horizontal section</p> <p>(4) Unbound</p> | |



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Modes of Supply: (1) Cross-border supply (2) Consumption aboard (3) Commercial presence (4) Presence of natural persons

| Sector or Subsector | Limitation on Market Access | Limitation on National Treatment | Additional Commitments |
|---|--|--|------------------------|
| <p>Services relating to ergotherapy, speech therapy, homeopathy and acupuncture provided by para-medical personnel</p> <p>(CPC 93191**)</p> | <p>(1) None</p> <p>(2) None</p> <p>(3) Unbound, except that up to 51 percent foreign equity participation is allowed in the following cases:</p> <ul style="list-style-type: none"> a) paid-in equity capital is not less than US\$200,000 for domestic market enterprises, or b) paid-in equity capital is not less than US\$100,000 for domestic market enterprises employing at least 50 direct employees, or c) paid-in equity capital is not less than US\$100,000 for domestic market enterprises involving advanced technology as determined by the Department of Science and Technology, or d) the service provider exports 60 percent or more of its output. <p>Limitations listed in the horizontal section shall also apply.</p> <p>(4) Unbound, except as indicated in the horizontal section for professional services.</p> | <p>(1) None</p> <p>(2) None</p> <p>(3) Unbound, except as indicated in the horizontal section</p> <p>(4) Unbound, except as indicated in the horizontal section for professional services.</p> | |



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Modes of Supply: (1) Cross-border supply (2) Consumption aboard (3) Commercial presence (4) Presence of natural persons

| Sector or Subsector | Limitation on Market Access | Limitation on National Treatment | Additional Commitments |
|---|--|--|------------------------|
| TOURISM AND TRAVEL RELATED SERVICES | | | |
| Hotel, resort, pension houses, tourist inns apartelles lodging services (CPC 64110) | (1) None (2) None (3) None except as indicated in the horizontal section (4) None except as indicated in the horizontal section | (1) None (2) None (3) None except as indicated in the horizontal section (4) None | |
| Meal Serving Services with Full Restaurant Service (CPC 64210) | (1) None (2) None (3) Enterprises with paid-up capital of US\$2.5 million or more may be wholly owned by foreigners (4) As indicated in the horizontal section. | (1) None (2) None (3) None (4) None | |
| Beverage Serving Services for consumption on the premises (CPC 6431 - 6431(2)) | (1) None (2) None (3) Enterprises with paid-up capital of US\$2.5 million or more may be wholly owned by foreigners (4) As indicated in the horizontal section. | (1) None (2) None (3) None (4) None | |



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Modes of Supply: (1) Cross-border supply (2) Consumption aboard (3) Commercial presence (4) Presence of natural persons

| Sector or Subsector | Limitation on Market Access | Limitation on National Treatment | Additional Commitments |
|--|---|--|------------------------|
| Travel Agencies and Tour Operator (CPC 7471) | (1) None (2) None (3) 60% foreign equity is allowed (4) As indicated in the horizontal section | (1) None (2) None (3) None except as indicated in the horizontal section (4) None | |



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Modes of Supply: (1) Cross-border supply (2) Consumption aboard (3) Commercial presence (4) Presence of natural persons

| Sector or Subsector | Limitation on Market Access | Limitation on National Treatment | Additional Commitments |
|---|---|--|------------------------|
| RECREATIONAL, CULTURAL AND SPORTING SERVICES | | | |
| A. Entertainment services (including theatre, live bands and circus services) | (1) None | (1) None | |
| Singer group and band entertainment services (CPC 96191**) | (2) None | (2) None | |
| | (3) Unbound, except that up to 49 percent foreign equity participation is allowed in the following cases: a) paid-in equity capital is not less than US\$200,000 for domestic market enterprises, or b) paid-in equity capital is not less than US\$100,000 for domestic market enterprises employing at least 50 direct employees, or c) paid-in equity capital is not less than US\$100,000 for domestic market enterprises involving advanced technology as determined by the Department of Science and Technology, or d) the service provider exports 60 percent or more of its output. Limitations listed in the horizontal section shall also apply. | (3) Unbound, except as indicated in the horizontal section | |



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Modes of Supply: (1) Cross-border supply (2) Consumption aboard (3) Commercial presence (4) Presence of natural persons

| Sector or Subsector | Limitation on Market Access | Limitation on National Treatment | Additional Commitments |
|--|---|---|------------------------|
| | (4) Unbound, except as indicated in the horizontal section | (4) Unbound | |
| B. News Agency Services Supply services of news pictures to printed book businesses (CPC 96212**) | <p>(1) None</p> <p>(2) None</p> <p>(3) Unbound, except that up to 49 percent foreign equity participation is allowed in the following cases:</p> <p>a) paid-in equity capital is not less than US\$200,000 for domestic market enterprises, or</p> <p>b) paid-in equity capital is not less than US\$100,000 for domestic market enterprises employing at least 50 direct employees, or</p> <p>c) paid-in equity capital is not less than US\$100,000 for domestic market enterprises involving advanced technology as determined by the Department of Science and Technology, or</p> <p>d) the service provider exports 60 percent or more of its output.</p> <p>Limitations listed in the</p> | <p>(1) None</p> <p>(2) None</p> <p>(3) Unbound, except as indicated in the horizontal section</p> | |



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| Sector or Subsector | Limitation on Market Access | Limitation on National Treatment | Additional Commitments |
|---------------------|--|-------------------------------------|---------------------------|
| | horizontal section shall also apply. (4) Unbound, except as indicated in the horizontal section | (4) Unbound | |



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| Sector or Subsector | Limitation on Market Access | Limitation on National Treatment | Additional Commitments |
|---|---|--|------------------------|
| A. Entertainment Services (including theater, live bands and circus services) | (1) None | (1) None | |
| | (2) None | (2) None | |
| Other entertainment services: | (3) Unbound, except that up to 49 percent foreign equity participation is allowed in the following cases: a) paid-in equity capital is not less than US\$200,000 for domestic market enterprises, or b) paid-in equity capital is not less than US\$100,000 for domestic market enterprises employing at least 50 direct employees, or c) paid-in equity capital is not less than US\$100,000 for domestic market enterprises involving advanced technology as determined by the Department of Science and Technology, or d) the service provider exports 60 percent or more of its output. Limitations listed in the horizontal section shall also apply. | (3) Unbound, except as indicated in the horizontal section | |
| - Certified ballroom dance instructor and/or degree-licensed dance teacher services (CPC 96195**) | (4) Unbound, except as indicated in the horizontal section for professional services. Limitations listed in the horizontal section shall also apply. | (4) Unbound | |



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| Sector or Subsector | Limitation on Market Access | Limitation on National Treatment | Additional Commitments |
|---|--|---|------------------------|
| C. Private museum services, except for historical sites and buildings (CPC 96321**) | <p>(1) Unbound*</p> <p>(2) None</p> <p>(3) Unbound, except that up to 49 percent foreign equity participation is allowed in the following cases:</p> <ul style="list-style-type: none"> a) paid-in equity capital is not less than US\$200,000 for domestic market enterprises, or b) paid-in equity capital is not less than US\$100,000 for domestic market enterprises employing at least 50 direct employees, or c) paid-in equity capital is not less than US\$100,000 for domestic market enterprises involving advanced technology as determined by the Department of Science and Technology. <p>Limitations listed in the horizontal section shall also apply.</p> <p>(4) Unbound</p> | <p>(1) Unbound*</p> <p>(2) None</p> <p>(3) Unbound except as indicated in the horizontal section</p> <p>(4) Unbound</p> | |



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Modes of Supply: (1) Cross-border supply (2) Consumption aboard (3) Commercial presence (4) Presence of natural persons

| Sector or Subsector | Limitation on Market Access | Limitation on National Treatment | Additional Commitments |
|---|---|---|------------------------|
| D. Sporting and other Recreational Services | (1) Unbound* | (1) Unbound* | |
| Sporting services | (2) None | (2) None | |
| - Sport event organization services by private sports clubs (CPC 96412**) | (3) Unbound, except that up to 49 percent foreign equity participation is allowed in the following cases: a) paid-in equity capital is not less than US\$200,000 for domestic market enterprises, or b) paid-in equity capital is not less than US\$100,000 for domestic market enterprises employing at least 50 direct employees, or c) paid-in equity capital is not less than US\$100,000 for domestic market enterprises involving advanced technology as determined by the Department of Science and Technology, or d) the service provider exports 60 percent or more of its output. Limitations listed in the horizontal section shall also apply. | (3) Unbound except as indicated in the horizontal section | |
| | (4) Unbound, except as indicated in the horizontal section for professional services. Limitations listed in the horizontal section shall also apply. | (4) Unbound | |



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| Sector or Subsector | Limitation on Market Access | Limitation on National Treatment | Additional Commitments |
|---------------------------|---|----------------------------------|------------------------|
| TRANSPORT SERVICES | | | |
| All Subsectors | <p>(3) No franchise, certificate, or any other form of authorisation for the operation of a public utility shall be granted except to citizens of the Philippines or to corporations or associations organised under the Laws of the Philippines at least 60 per cent of whose capital is owned by such citizens.</p> <p>(4) Only aliens qualified to hold technical positions may be employed within the first five years of operation of the enterprise, their stay not to exceed five (5) years upon entry. Each employed alien should have at least two (2) Filipino understudies</p> <p>(3, 4) Limitations listed in the horizontal section shall also apply</p> | | |



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Modes of Supply: (1) Cross-border supply (2) Consumption aboard (3) Commercial presence (4) Presence of natural persons

| Sector or Subsector | Limitation on Market Access | Limitation on National Treatment | Additional Commitments |
|---|--|--|------------------------|
| A. Maritime Transport Services | | | |
| International Transport passenger, except cabotage transport, and government own cargoes. | (1) None (2) None (3) None (4) For specialised vessels, aliens may be employed as supernumeraries only for a period of six months | (1) None (2) None (3) None (4) None | |
| International transport (freight), except cabotage transport and government own cargoes | (1) None (2) None (3) None (4) For specialised vessels, aliens may be employed as supernumeraries only for a period of six months | (1) None (2) None (3) None (4) None | |



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| Sector or Subsector | Limitation on Market Access | Limitation on National Treatment | Additional Commitments |
|---------------------------------------|---|--|------------------------|
| Leasing/Rental of vessel without crew | (1) None (2) None (3) Bareboat charter or lease contract subject to approval by the Maritime Industry Authority (MARINA) (4) None | (1) None (2) None (3) None (4) None | |
| Maintenance and repair of vessels | (1) Unbound due to lack of technical feasibility (2) Any repairs, conversion or drydocking of Philippine-owned or registered vessels are required to be done at domestic repair yards registered with the Maritime Industry Authority (MARINA) (3) None except as indicated in the horizontal section (4) None | (1) Unbound due to lack of technical feasibility (2) None (3) None except as indicated in the horizontal section (4) None | |



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Modes of Supply: (1) Cross-border supply (2) Consumption aboard (3) Commercial presence (4) Presence of natural persons

| Sector or Subsector | Limitation on Market Access | Limitation on National Treatment | Additional Commitments |
|--|--|--|------------------------|
| Pushing and towing services (CPC 72140) | (1) Unbound* (2) None (3) Up to 40% foreign equity participation is allowed. Limitations listed in the horizontal section shall also apply. (4) None, except as indicated in the horizontal section. | (1) Unbound* (2) None (3) None, except as indicated in the horizontal section. (4) None | |
| Supporting services for maritime transport (CPC 745**) Container yard and depot services | (1) Unbound* (2) None (3) None (4) None | (1) Unbound* (2) None (3) None (4) None | |



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| Sector or Subsector | Limitation on Market Access | Limitation on National Treatment | Additional Commitments |
|---|--|--|------------------------|
| Port and waterway operation services (CPC 74510) | (1) Unbound* (2) None (3) Up to 40% foreign equity participation is allowed. Limitations listed in the horizontal section shall also apply. (4) None, except as indicated in the horizontal section. | (1) Unbound* (2) None (3) None, except as indicated in the horizontal section. (4) None | |
| Maritime agency services (CPC 7454) | (1) None (2) None (3) None, except as indicated in the horizontal section. (4) None, except as indicated in the horizontal section. | (1) None (2) None (3) None, except as indicated in the horizontal section. (4) None, except as indicated in the horizontal section. | |



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Modes of Supply: (1) Cross-border supply (2) Consumption aboard (3) Commercial presence (4) Presence of natural persons

| Sector or Subsector | Limitation on Market Access | Limitation on National Treatment | Additional Commitments |
|--|---|---|------------------------|
| Other supporting services for water transport (CPC 74590) | <p>(1) Unbound*</p> <p>(2) None</p> <p>(3) Up to 40% foreign equity participation is allowed.</p> <p>Limitations listed in the horizontal section shall also apply.</p> <p>(4) None, except as indicated in the horizontal section.</p> | <p>(1) Unbound*</p> <p>(2) None</p> <p>(3) None, except as indicated in the horizontal section.</p> <p>(4) None</p> | |
| Classification societies | <p>(1) None</p> <p>(2) None</p> <p>(3) Unbound, except up to 40 per cent foreign equity is allowed</p> <p>(4) Unbound, except as indicated in the horizontal section</p> | <p>(1) None</p> <p>(2) None</p> <p>(3) Unbound</p> <p>(4) Unbound</p> | |



PHILIPPINES – SCHEDULE OF SPECIFIC COMMITMENTS

For the 6th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: (1) Cross-border supply (2) Consumption aboard (3) Commercial presence (4) Presence of natural persons

| Sector or Subsector | Limitation on Market Access | Limitation on National Treatment | Additional Commitments |
|--|--|--|------------------------|
| E. Rail Transport Services | | | |
| a. Passenger transportation (CPC 7111) | (1) Unbound* | (1) Unbound* | |
| | (2) None | (2) None | |
| b. Freight transportation (CPC 7112) | (3) Up to 40% foreign equity participation is allowed. | (3) None, except as indicated in the horizontal section. | |
| e. Supporting services (CPC 743) Railroad, street railway, traction railway | Limitations listed in the horizontal section shall also apply. | | |
| | (4) None, except as indicated in the horizontal section. | (4) None | |
| d. Maintenance and repair of rail transport equipment (CPC 8868**) | (1) Unbound* | (1) Unbound* | |
| | (2) None | (2) None | |
| | (3) None | (3) None | |
| | (4) None | (4) None | |



PHILIPPINES – SCHEDULE OF SPECIFIC COMMITMENTS

For the 6th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: (1) Cross-border supply (2) Consumption aboard (3) Commercial presence (4) Presence of natural persons

| Sector or Subsector | Limitation on Market Access | Limitation on National Treatment | Additional Commitments |
|--|--|--|------------------------|
| F. Road Transport Services | | | |
| a. Passenger transportation (CPC 7121+ CPC 7122) | (1) Unbound* (2) None | (1) Unbound* (2) None | |
| b. Freight transportation (CPC 7123) | (3) Up to 40% foreign equity participation is allowed. | (3) None, except as indicated in the horizontal section. | |
| c. Rental of commercial vehicles with operator (CPC 7124) | Limitations listed in the horizontal section shall also apply. (4) None, except as indicated in the horizontal section. | (4) None | |
| d. Maintenance and repair of road transport equipment (CPC 8867) | (1) Unbound* (2) None (3) None (4) None | (1) Unbound* (2) None (3) None (4) None | |



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| Sector or Subsector | Limitation on Market Access | Limitation on National Treatment | Additional Commitments |
|---|--|---|------------------------|
| e. Supporting services for road transport services Parking services (CPC 7443) | <p>(1) Unbound*</p> <p>(2) None</p> <p>(3) Unbound, except that up to 49 percent foreign equity participation is allowed in the following cases:</p> <ul style="list-style-type: none"> a) paid-in equity capital is not less than US\$5,000,000 for domestic market enterprises, or b) paid-in equity capital is not less than US\$4,000,000 for domestic market enterprises employing at least 50 direct employees, or c) paid-in equity capital is not less than US\$4,000,000 for domestic market enterprises involving advanced technology as determined by the Department of Science and Technology, or d) the service provider exports 60 percent or more of its output. <p>Limitations listed in the horizontal section shall also apply.</p> <p>(4) Unbound, except as indicated in the horizontal section.</p> | <p>(1) Unbound*</p> <p>(2) None</p> <p>(3) Unbound, except as indicated in the horizontal section.</p> <p>(4) Unbound</p> | |



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For the 6th Package of Commitments under ASEAN Framework Agreement on Services

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| Sector or Subsector | Limitation on Market Access | Limitation on National Treatment | Additional Commitments |
|--|--|--|------------------------|
| G. Pipeline Transport (CPC 713) | <p>(1) Unbound*</p> <p>(2) None</p> <p>(3) Up to 40% foreign equity participation is allowed.</p> <p>Limitations listed in the horizontal section shall also apply.</p> <p>(4) Employment of foreign professionals:</p> <p>As indicated in the horizontal section for Professional Services.</p> <p>Limitations listed in the horizontal section shall also apply.</p> | <p>(1) Unbound*</p> <p>(2) None</p> <p>(3) None, except as indicated in the horizontal section.</p> <p>(4) Employment of foreign professionals:</p> <p>As indicated in the horizontal section for Professional Services.</p> | |
| H. Services auxiliary to all modes of transport | | | |
| a. Cargo handling services | <p>(1) Unbound*</p> <p>(2) None</p> <p>(3) None</p> <p>(4) None</p> | <p>(1) Unbound*</p> <p>(2) None</p> <p>(3) None</p> <p>(4) None</p> | |



PHILIPPINES – SCHEDULE OF SPECIFIC COMMITMENTS

For the 6th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: (1) Cross-border supply (2) Consumption aboard (3) Commercial presence (4) Presence of natural persons

| Sector or Subsector | Limitation on Market Access | Limitation on National Treatment | Additional Commitments |
|--|---|--|------------------------|
| b. Storage and warehousing services | (1) Unbound* (2) None (3) None (4) None | (1) Unbound* (2) None (3) None (4) None | |
| c. Freight transport agency services (CPC 74800**) International freight forwarding by sea | (1) None (2) None (3) a) Up to 100% foreign equity participation is allowed, provided that paid-in equity capital is not less than \$200,000, otherwise up to 40% foreign equity participation is allowed. b) Secondary permits, licenses or registration/accreditation must be secured from agencies concerned prior to operation of a business enterprise. Limitations listed in the horizontal section shall also apply. (4) None, except as indicated in the horizontal section. | (1) None (2) None (3) None, except as indicated in the horizontal section. (4) None | |



PHILIPPINES – SCHEDULE OF SPECIFIC COMMITMENTS

For the 6th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: (1) Cross-border supply (2) Consumption aboard (3) Commercial presence (4) Presence of natural persons

| Sector or Subsector | Limitation on Market Access | Limitation on National Treatment | Additional Commitments |
|------------------------------------|---|---|------------------------|
| Domestic freight forwarding by sea | <p>(1) None</p> <p>(2) None</p> <p>(3) a) Up to 40% foreign equity participation is allowed.</p> <p>b) Secondary permits, licenses or registration/accreditation must be secured from agencies concerned prior to operation of a business enterprise.</p> <p>Limitations listed in the horizontal section shall also apply.</p> <p>(4) None, except as indicated in the horizontal section.</p> | <p>(1) None</p> <p>(2) None</p> <p>(3) None, except as indicated in the horizontal section.</p> <p>(4) None</p> | |



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For the 6th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: (1) Cross-border supply (2) Consumption aboard (3) Commercial presence (4) Presence of natural persons

| Sector or Subsector | Limitation on Market Access | Limitation on National Treatment | Additional Commitments |
|--|---|--|------------------------|
| Other Packing and crating and unpacking and de-crating services (CPC 749**) | <p>(1) None</p> <p>(2) None</p> <p>(3) Unbound, except that up to 49 percent foreign equity participation is allowed in the following cases:</p> <ul style="list-style-type: none"> a) paid-in equity capital is not less than US\$200,000 for domestic market enterprises, or b) paid-in equity capital is not less than US\$100,000 for domestic market enterprises employing at least 50 direct employees, or c) paid-in equity capital is not less than US\$100,000 for domestic market enterprises involving advanced technology as determined by the Department of Science and Technology, or d) the service provider exports 60 percent or more of its output. <p>Limitations listed in the horizontal section shall also apply.</p> <p>(4) Unbound, except as indicated in the horizontal section</p> | <p>(1) None</p> <p>(2) None</p> <p>(3) Unbound, except as indicated in the horizontal section</p> <p>(4) Unbound</p> | |



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For the 6th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: (1) Cross-border supply (2) Consumption aboard (3) Commercial presence (4) Presence of natural persons

| Sector or Subsector | Limitation on Market Access | Limitation on National Treatment | Additional Commitments |
|---|--|---|------------------------|
| OTHER SERVICES NOT INCLUDED ELSEWHERE | | | |
| Services related to the supply of energy Oil Terminals/Depot | (1) Unbound* (2) None (3) None Limitations listed in the horizontal section shall also apply (4) Unbound | (1) Unbound* (2) None (3) None (4) Unbound | |
| Oil refinery | (1) Unbound* (2) None (3) Initial public offering for 10 percent of common stock is required on commencement of refinery operation Limitations listed in the horizontal section shall also apply (4) Unbound | (1) Unbound* (2) None (3) None (4) Unbound | |



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For the 6th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: (1) Cross-border supply (2) Consumption aboard (3) Commercial presence (4) Presence of natural persons

| Sector or Subsector | Limitation on Market Access | Limitation on National Treatment | Additional Commitments |
|---|--|--|------------------------|
| Oil and gas exploration and development | <p>(1) Unbound*</p> <p>(2) None</p> <p>(3) Up to 100 percent foreign equity participation is allowed subject to approval of the President.</p> <p>The Constitution allows the President to enter into service contract agreements with foreign-owned corporations for technical, financial or other forms of assistance involving large-scale exploration, development and utilization of petroleum.</p> <p>Limitations listed in the horizontal section shall also apply.</p> <p>(4) Employment of foreign professionals:</p> <p>As indicated in the horizontal section for professional services</p> <p>Limitations listed in the horizontal section shall also apply.</p> | <p>(1) Unbound*</p> <p>(2) None</p> <p>(3) None</p> <p>(4) Unbound</p> | |



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For the 6th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: (1) Cross-border supply (2) Consumption aboard (3) Commercial presence (4) Presence of natural persons

| Sector or Subsector | Limitation on Market Access | Limitation on National Treatment | Additional Commitments |
|--|--|----------------------------------|------------------------|
| Geothermal exploration and development | (1) Unbound* | (1) Unbound* | |
| | (2) None | (2) None | |
| Coal exploration and development | (3) Up to 40 percent foreign equity participation is allowed. Limitations listed in the horizontal section shall also apply. | (3) None | |
| | (4) Employment of foreign professionals: As indicated in the horizontal section for professional services Limitations listed in the horizontal section shall also apply. | (4) Unbound | |



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For the 6th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: (1) Cross-border supply (2) Consumption aboard (3) Commercial presence (4) Presence of natural persons

| Sector or Subsector | Limitation on Market Access | Limitation on National Treatment | Additional Commitments |
|---|--|---|------------------------|
| Services related to power generation | | | |
| Construction of power plants under BOT scheme | (1) Unbound* | (1) Unbound* | |
| | (2) None | (2) None | |
| | (3) Up to 100% foreign equity is allowed under the BOT scheme. However, a Special Contractor's License is required to undertake construction activities. Limitations listed in the horizontal section shall also apply. | (3) A Contractor's License (Regular or Special) issued by the Philippine Contractors Accreditation Board is required to undertake construction activities. The Regular Contractor's License is reserved for, and issued only to, Filipino sole proprietorships or partnerships/corporations with at least 60% Filipino equity and duly organized and existing under and by virtue of Philippine laws. A Special Contractor's License may be given to foreign companies on a project to project basis such as BOT. | |
| | (4) Unbound | (4) Unbound | |



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For the 6th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: (1) Cross-border supply (2) Consumption aboard (3) Commercial presence (4) Presence of natural persons

| Sector or Subsector | Limitation on Market Access | Limitation on National Treatment | Additional Commitments |
|---|---|---|------------------------|
| Operation of Power Plants under BOT schemes | (1) Unbound* (2) None (3) None, except that electric cooperative operation is limited to Filipinos Limitations listed in the horizontal section shall also apply. (4) Unbound | (1) Unbound* (2) None (3) None (4) Unbound | |
| Religious services (CPC 95910) | (1) None (2) None (3) Unbound, except up to 49 percent foreign equity is allowed Limitations listed in the horizontal section shall also apply (4) Unbound | (1) None (2) None (3) Unbound, except as indicated in the horizontal section (4) Unbound | |



Notes to the Specific Commitments in the Sectors of Transport Services:

Maritime Transport Services

1. <<Maritime Agency Services>> means activities consisting in representing, within a given geographic area, as an agent the business interests of one or more shipping lines or shipping companies, for the following purposes:
 - (a) marketing and sales of maritime transport and related services, from quotation to invoicing, and issuance of bills of lading on behalf of the companies, acquisition and resale of the necessary related services, preparation of documentation, and provision of business information;
 - (b) acting on behalf of the companies organising the call of the ship or taking over cargoes when required.
2. <<Pushing and towing services>> on the high seas and on coastal waters shall mean the business of pulling a vessel with the help of a watercraft/vessel, which is equipped with powerful engines and deck mounted winches to perform towing and pushing services. This is a service provided to ships, which are difficult to maneuver to berth or during bad weather conditions to assure their safety. These services are generally provided by vessels, which do not themselves carry freight or passengers.
3. <<Maritime cargo handling services>> means activities exercised by stevedore companies, including terminal operators, but not including the direct activities of dockers, when this workforce is organised independently of the stevedoring or terminal operator companies. The activities covered include the organisation and supervision of:
 - the loading/discharging of cargo to/from ship;
 - the lashing/unlashing of cargo;
 - the reception/delivery and safekeeping of cargoes before shipment or after discharge
4. <<Port and waterway operation services>> shall mean the operation services of Ferry Terminals under the Road Roll-On/Roll-Off Terminal System (RRTS) of the Philippines' Strong Republic Nautical Highway (SRNH). The Guidelines on the Development, Construction, Management and Operation of Ferry Terminals under the Road Roll-on Roll-Off Terminal System (RRTS) is contained in Philippine Ports Authority (PPA) Administrative Order No. 03-2004.

Freight Forwarding Services

1. Notwithstanding the fact that road, rail, inland waterways and related auxiliary services are not fully covered in this schedule of specific commitments, a multimodal transport operator shall have the ability to rent or lease trucks, railway carriages or barges, and related equipment, for the purposes of inland forwarding of cargoes, or have access to, and use of, these forms of multimodal activities on reasonable and non-discriminatory terms and conditions for the purposes of carrying out multimodal transport operations.



Note1 <<Multimodal transport operator>> means any person who on his own or behalf or through another person acting on his behalf concludes a multimodal transport contract and who acts as a principal, not as an agent or on behalf of the consignor or of the carriers participating in the multimodal transport operations, and who assumes responsibility for the performance of the contract.

Note2 <<Reasonable and non-discriminatory terms and conditions>> means, for the purposes of multimodal transport operations, the ability of the multimodal transport operator to arrange for the conveyance of its merchandise on a timely basis, including priority over other merchandise which has entered the port at a later date.



ASEAN FRAMEWORK AGREEMENT ON SERVICES

PHILIPPINES

Horizontal Commitments



PHILIPPINES – SCHEDULE OF SPECIFIC COMMITMENTS

For the 7th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: (1) Cross-border supply (2) Consumption aboard (3) Commercial presence (4) Presence of natural persons

| Sector or Subsector | Limitation on Market Access | Limitation on National Treatment | Additional Commitments |
|---------------------------------------|--|--|------------------------|
| I. HORIZONTAL COMMITMENTS | | | |
| ALL SECTORS INCLUDED IN THIS SCHEDULE | <p>3) <u>In Activities Expressly Reserved by Law to Citizens of the Philippines (i.e. foreign equity is limited to a minority share):</u></p> <p>The participation of foreign investors in the governing body of any corporation engaged in activities expressly reserved to citizens of the Philippines by law shall be limited to the proportionate share of foreign capital of such entities.</p> <p>All executive and managing officers must be citizens of the Philippines.</p> <p><u>Acquisition of Land</u></p> <p>All lands of the public domain are owned by the State.</p> | <p>3) <u>Access to Domestic Credit</u></p> <p>A foreign firm, engaged in non-manufacturing activities availing itself of peso borrowings, shall observe, at the time of borrowing, the prescribed 50:50 debt-to-equity ratio. Foreign firms covered are:</p> <p>a) Partnerships, more than 40 per cent of whose capital is owned by non-Filipino citizens; and</p> <p>b) Corporations, more than 40 per cent of whose total subscribed capital stock is owned by non-Filipino citizens.</p> <p>This requirement does not apply to banks and non-bank financial intermediaries.</p> | |



PHILIPPINES – SCHEDULE OF SPECIFIC COMMITMENTS

For the 7th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: (1) Cross-border supply (2) Consumption aboard (3) Commercial presence (4) Presence of natural persons

| Sector or Subsector | Limitation on Market Access | Limitation on National Treatment | Additional Commitments |
|---------------------|---|----------------------------------|------------------------|
| | <p>Only citizens of the Philippines or corporations or association at least 60 per cent of whose capital is owned by such citizens may own land other than public lands and acquire public lands through lease.</p> <p>Foreign investors may lease only private-owned lands.</p> <p>4) <u>Entry and Temporary Stay of Natural Persons Supplying Services</u></p> <p>Non-resident aliens may be admitted to the Philippines for the supply of a service after a determination of the non-availability of a person in the Philippines who is competent, able and willing, at the time of application, to perform the services for which the alien is desired.¹</p> | | |

¹ The Philippines shall undertake a review of this provision within two (2) years after the entry into force of the Agreement for the Philippines.

