

## PHILIPPINE – SCHEDULE OF SPECIFIC COMMITMENTS

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

| Sector or sub sector                   | Limitation on market access   | Limitation on national treatment   | Additional commitments |
|--|---|--|------------------------|
| <b>AIR TRANSPORT</b>                   |   |  |                        |
| Selling and Marketing of Air Transport | <ol style="list-style-type: none"> <li>1. None, except for on-line carriers and its agents subject to: <ol style="list-style-type: none"> <li>a. Minimum capital requirements</li> <li>b. Maximum 40% equity ownership; and</li> <li>c. Surety bond requirement</li> </ol> </li> <li>2. None</li> <li>3. Unbound</li> <li>4. Unbound</li> </ol> | <ol style="list-style-type: none"> <li>1. None</li> <li>2. None</li> <li>3. Unbound</li> <li>4. Unbound</li> </ol> |                        |

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|--|--|--|------------------------|
| Computer and Reservation System Services | 1. None<br>2. None<br>3. Unbound<br>4. Unbound | 1. None<br>2. None<br>3. Unbound<br>4. Unbound |                        |

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|--------------------------------------|--|---|------------------------|
| Architectural Services<br>(CPC 8671) | <p>1. None</p> <p>2. None</p> <p>3. For corporations:<br/> <ul style="list-style-type: none"> <li>- No corporate practice is allowed</li> </ul> For partnership, firm or association:<br/> <ul style="list-style-type: none"> <li>- Partners/members must be registered with/licensed by the Board of Architecture/ PRC</li> </ul> </p> <p>4. Registration of foreign professionals may be authorized by the Professional Regulatory Board under the following conditions:<br/> <ul style="list-style-type: none"> <li>- Registration/licensing requirements in the foreigner's state/country are the same as those in the Philippines</li> <li>- Filipino professionals are allowed to practice in and are granted the same privileges as those enjoyed by subjects/citizens of the foreigner's country</li> <li>- Under reciprocity provisions and other international agreements</li> <li>- Under consultancy services in foreign-funded, joint venture or foreign-assisted projects of government</li> <li>- Employees of Philippine/foreign private firms/institutions pursuant to law</li> <li>- Concerned public/private agencies, organizations/individuals who secure services of foreign professionals authorized by law shall be responsible for securing special permit from the PRC and the DOLE.</li> </ul> </p> | <p>1. None</p> <p>2. None</p> <p>3. Unbound</p> <p>4. Unbound</p> |                        |

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|--|--|---|------------------------|
| Landscape Architectural Services (CPC 86742) | <p>1. None</p> <p>2. None</p> <p>3. For corporations:</p> <ul style="list-style-type: none"> <li>- No corporate practice is allowed</li> </ul> <p>For partnerships:</p> <ul style="list-style-type: none"> <li>- 80% of professionals (architects, planners, engineers) should be registered/licensed by PRC</li> <li>- Should be registered with the Securities and Exchange Commission</li> </ul> <p>4. Registration of foreign professionals may be authorized by the Professional Regulatory Board under the following conditions:</p> <ul style="list-style-type: none"> <li>- Registration/licensing requirements in the foreigner's state/country are the same as those in the Philippines</li> <li>- Filipino professionals are allowed to practice in and are granted the same privileges as those enjoyed by subjects/citizens of the foreigner's country</li> <li>- Under reciprocity provisions and other international agreements</li> <li>- Under consultancy services in foreign-funded, joint venture or foreign-assisted projects of government</li> <li>- Employees of Philippine/foreign private firms/institutions pursuant to law</li> <li>- Concerned public/private agencies, organizations/individuals who secure services of foreign professionals authorized by law shall be responsible for securing special permit from the PRC and the DOLE.</li> </ul> | <p>1. None</p> <p>2. None</p> <p>3. Unbound</p> <p>4. Unbound</p> |                        |

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|--|--|---|------------------------|
| Environmental (Urban Planning) Planning Services (CPC 86741) | <p>1. None</p> <p>2. None</p> <p>3. Partnerships/corporations practice are allowed provided 75% of partners/directors are registered Environmental Planners with the Board of Environmental Planning and the Professional Regulation Commission.</p> <p>4. Registration of foreign professionals may be authorized by BEP (concerned public/private agencies, organizations/individuals who secure services of foreign professionals authorized by law, to be responsible for securing special permit from PRC and Department of Labor and Employment (DOLE) under the following conditions :</p> <ul style="list-style-type: none"> <li>- Registration/licensing requirements in foreign state/country are the same as those in the Philippines</li> <li>- Filipino professionals are allowed to practice and are granted same privileges as those enjoyed by subject/citizens of such foreign country</li> <li>- Under reciprocity provisions and other international agreements</li> <li>- Under consultancy services in foreign-funded, joint venture or foreign-assisted projects of government</li> <li>- Employees of Philippines/foreign private firms/institutions pursuant to law</li> </ul> | <p>1. None</p> <p>2. None</p> <p>3. Unbound</p> <p>4. Unbound</p> |                        |

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| <p>Engineering Services<br/>(CPC 8672)</p> <p>The disciplines/activities covered by Engineering Services are limited to:</p> <ol style="list-style-type: none"> <li>1. Civil Engineering</li> <li>2. Electrical Engineering</li> <li>3. Geodetic Engineering</li> <li>4. Mechanical Engineering</li> <li>5. Mining Engineering</li> <li>6. Sanitary Engineering</li> </ol> | <ol style="list-style-type: none"> <li>1. None</li> <li>2. None</li> <li>3. For corporations: <ul style="list-style-type: none"> <li>- No corporate practice is allowed</li> </ul> For partnership, firm or association: <ul style="list-style-type: none"> <li>- All partners/members must be licensed/registered with the respective Board/PRC</li> </ul> </li> <li>4. Registration of foreign professionals may be authorized by the Professional Regulatory Board (Concerned public/private agencies, organizations/ individuals who secure services of foreign professionals authorized by law shall be responsible for securing special permit from the PRC and the DOLE) under the following conditions: <ul style="list-style-type: none"> <li>- Registration/licensing requirements in the foreigner's state/country are the same as those in the Philippines</li> <li>- Filipino professionals are allowed to practice in and are granted the same privileges as those enjoyed by subjects/citizens of the foreigner's country</li> <li>- Under reciprocity provisions and other international agreements</li> <li>- Under consultancy services in foreign-funded, joint venture or foreign-assisted projects of government</li> <li>- Employees of Philippine/foreign private firms/institutions pursuant to law</li> </ul> </li> </ol> | <ol style="list-style-type: none"> <li>1. Unbound</li> <li>2. Unbound</li> <li>3. Unbound</li> <li>4. Unbound</li> </ol> |                        |

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|--|---|---|------------------------|
| <p>Engineering Services<br/>(CPC 8672)</p> <p>- Electronics and Communications Engineering</p> | <p>1. None</p> <p>2. None</p> <p>3. For corporations:<br/> <ul style="list-style-type: none"> <li>- No corporate practice is allowed</li> </ul> For partnership, firm or association:<br/> <ul style="list-style-type: none"> <li>- All partners/members must be licensed/registered with the respective Board/PRC</li> </ul> </p> <p>4. Registration of foreign professionals may be authorized by the Board of Electronics and Communications Engineering (Concerned public/private agencies, organizations/individuals who secure services of foreign professionals authorized by law shall be responsible for securing special permit from the PRC and the DOLE) under the following conditions:<br/> <ul style="list-style-type: none"> <li>- Registration/licensing requirements in the foreigner's state/country are the same as those in the Philippines</li> <li>- Filipino professionals are allowed to practice in and are granted the same privileges as those enjoyed by subjects/citizens of the foreigner's country</li> <li>- Under reciprocity provisions and other international agreements</li> <li>- Under consultancy services in foreign-funded, joint venture or foreign-assisted projects of government</li> <li>- Employees of Philippine/foreign private firms/institutions pursuant to law</li> </ul> </p> | <p>1. None</p> <p>2. None</p> <p>3. Unbound</p> <p>4. Unbound</p> |                        |



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|---|---|---|------------------------|
| Interior Design Services<br>(CPC 87907) | <p>1. None</p> <p>2. None</p> <p>3. For corporations:</p> <ul style="list-style-type: none"> <li>- No corporate practice is allowed</li> </ul> <p>For partnership, firm or association:</p> <ul style="list-style-type: none"> <li>- Partners/members must be registered/licensed professionals and firm should be registered with the Securities and Exchange Commission (SEC)</li> </ul> <p>4. Special temporary permit is given to consultants in foreign-funded/assisted projects of government or employed by Filipino/foreign contractors under the following conditions:</p> <ul style="list-style-type: none"> <li>- Citizens of countries which permit Filipino professionals</li> <li>- Legally qualified to practice in their own countries and expertise is necessary</li> <li>- Required to work with a reputable Filipino counterpart or firm that has been practicing interior design for ten years or more with corresponding sharing of fees/services/documentation/liabilities/taxes</li> </ul> | <p>1. Unbound</p> <p>2. Unbound</p> <p>3. Unbound</p> <p>4. Unbound</p> |                        |

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|--|--|--|------------------------|
| Consultancy services related to the installation of computer hardware* (CPC 841) | 1. None<br>2. None<br>3. Subject to 40% foreign equity limitation<br>4. Unbound  | 1. None<br>2. None<br>3. Unbound<br>4. Unbound |                        |
| Software implementation services (CPC 842)**                                     | 1. None<br>2. None<br>3. Subject to 40% foreign equity limitation<br>4. Unbound  | 1. None<br>2. None<br>3. Unbound<br>4. Unbound |                        |
| Data base services (CPC 843)***  | 1. Subject to commercial arrangements with licensed telecommunications companies<br>2. None<br>3. Subject to 40% foreign equity limitation<br>4. Unbound | 1. None<br>2. None<br>3. Unbound<br>4. Unbound |                        |

Note:

\* 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.

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|----------------------|--|--|------------------------|
| <b>CONSTRUCTION</b>  |  |  |                        |
| CPC 511              | 1. Unbound due to lack of technical feasibility  | 1. Unbound due to lack of technical feasibility.   |                        |
| CPC 512              | 2. None  | 2. None  |                        |
| CPC 513              | 3. a. 40% Foreign Equity for construction of locally funded private projects   | 3. a. Unbound  |                        |
| CPC 514              | b. 100% foreign equity for foreign-funded/assisted internationally-bid construction projects   | b. Foreign Contractors are required to secure a Special Contractor's License from the Philippine Contractors Accreditation Board on a per project basis  |                        |
| CPC 515              |  | <ul style="list-style-type: none"> <li>Foreign Contractors are required to employ qualified Filipino Sustaining Technical Employees (STE) who meet the minimum requirements for the category and classifications applied for</li> </ul>  |                        |
| CPC 516              |  | <ul style="list-style-type: none"> <li>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</li> </ul>       |                        |
| CPC 517              | 4. Unbound<br>WTO GATS Horizontal Commitment: Non-resident may be admitted only after a determination of non-availability of a Filipino who is competent, able and willing to perform the services for which the non-resident is desired | 4. Unbound<br>Foreign engineers or architects to be involved in undertaking construction and related activities must register/secure the necessary permit from the Phil Regulation Commission (PRC), the Bureau of Immigration and Deportation (BID) and the Department of Labor and Employment (DOLE) |                        |

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|---|---|--|------------------------|
| CPC 518: Renting services related to equipment for const. or demolition of building or civil engineering works, with operator | <p>1. None</p> <p>2. None</p> <p>3. Maximum 40% Foreign Equity</p> <p>4. Unbound</p> <p>WTO GATS Horizontal Commitment: Non-resident may be admitted only after a determination of non-availability of a Filipino who is competent, able and willing to perform the services for which the non-resident is desired)</p> | <p>1. None</p> <p>3. None</p> <p>4. All executives and managing officers must be Filipino citizens</p> <p>4. Unbound</p> |                        |

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|--|--|--|------------------------|
| <b>TELECOMMUNICATION SERVICES</b><br><br>The following services (a-g) are offered only on a facilities basis, for public use, using either wired or wireless technology except cable television (CATV) and satellite.<br>a. Voice telephone services <ul style="list-style-type: none"> <li>• Local services</li> <li>• Toll services <ul style="list-style-type: none"> <li>Domestic</li> <li>International</li> </ul> </li> </ul> b. Telegraph services<br>c. Telex services<br>d. Packet-switched data transmission services<br>e. Circuit-switched data transmission services<br>f. Facsimile services<br>g. Cellular mobile telephone service | Limitations listed in the horizontal section shall also apply.<br><br>1. Subject to commercial arrangement with licensed operators<br><br>2. None<br><br>3. Entry is subject to the following requirements and conditions: <ul style="list-style-type: none"> <li>a. Franchise from Congress of the Philippines</li> <li>b. Certificate of Public Convenience and Necessity (CPCN) from the National Telecommunications Commission</li> <li>c. Foreign equity is permitted up to 40%</li> <li>d. Resale of private leased lines is not allowed</li> <li>e. Call back, dial back and other similar schemes which result in the same operation are not authorized</li> <li>f. Subject to the availability and efficient utilization of radio frequencies</li> </ul> 4. Unbound | Limitations listed in the horizontal section shall also apply.<br><br>1. None<br><br>2. None<br><br>3. <ul style="list-style-type: none"> <li>- 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.</li> <li>- All executives and managers must be citizens of the Philippines</li> </ul> 4. Unbound | See attached.          |

## COMMUNICATION SERVICES

The commitments in communication 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 authorized public network operators and other providers of telecommunications services shall be provided.

Interconnections 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.

Authorized 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; and
- 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 regulator of telecommunications 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.

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| <b>TOURISM</b><br><br>Hotel Lodging Services<br>(CPC 64110) <ul style="list-style-type: none"> <li>- Hotel</li> <li>- Resort</li> <li>- Pension House</li> <li>- Tourist Inn</li> <li>- Apartel</li> </ul> | 1. Unbound due to lack of technical feasibility<br><br>2. None<br><br>3. 100 % foreign equity is allowed for pension house , tourist inn and apartel<br><br>4. Only hotels/resort duly accredited by DOT are allowed to engage the services of aliens up to maximum of 4 managerial positions, subject to the pertinent provisions of DOT-DOLE-BI Tripartite Agreement. Aliens may be allowed during special events for a period of a month renewable for a maximum of another three months | 1. Unbound<br><br>2. None<br><br>3. None<br><br>4. None |                        |



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|---|---|----------------------------------|------------------------|
| Meal Serving Services with Full Restaurant Service<br>(CPC 64210) | 1. Unbound  | 1. Unbound                       |                        |
| Beverage Serving Services without Entertainment<br>(CPC 64310)    | 2. None   | 2. None                          |                        |
| Specialty Restaurants   | 3. Foreign equity may be allowed for: <ul style="list-style-type: none"> <li>a. Enterprises with a minimum paid up capital of US\$ 2.5 million but less than US\$ 7.5 million may be allowed 60% foreign equity for the first two years of implementation of the Republic Act no. 8762 as well as other existing laws</li> <li>b. Enterprises with a paid-up capital of US\$ 7.5 million or more may be wholly owned by foreigners</li> </ul> | 3. None                          |                        |
|   | 4. Only specialty restaurant duly accredited with DOT as well as forming part of integrated operation of hotels/resort may be allowed to engage the services of aliens subject to pertinent provisions of the Tripartite Agreement among the DOT- DOLE-BI   | 4. None                          |                        |