

**SENSITIVE LIST
FOR THE OPENING UP OF INDUSTRIES FOR SERVICES INCIDENTAL TO THE
MANUFACTURING, AGRICULTURE, FISHERY, FORESTRY,
MINING & QUARRYING SECTORS**

PHILIPPINES

SECTOR	I S I C / CPC Provisional	SUBMISSIONS	
		SECTOR / INDUSTRIES	RESTRICTION / REQUIREMENTS
Industries Closed to Both National and Foreign Investors			
Services Incidental to Manufacturing, Agriculture, Fishery, Forestry, Mining & Quarrying		NIL	NIL
Industries Closed Only to Foreign Investors i.e., National Policies			
Services Incidental to Manufacturing, Agriculture, Fishery, Forestry, Mining & Quarrying	0500/ 8820	Utilisation of marine resources in archipelagic waters, territorial sea, and exclusive economic zone (i.e., taking of marine or freshwater crustaceans and mollusks, hunting of aquatic animals, gathering of marine materials, operation of fish hatcheries, growing edible seaweeds, fish farming, breeding, rearing, cultivation of oyster for pearls or food)	No foreign equity is allowed
	10-14/ 883	Services related to small-scale mining operations and related services (i.e., services incidental to quarrying of stone, sand and clay, mining of chemical and fertiliser minerals, extraction of salt)	No foreign equity is allowed

SECTOR	ISIC / CPC Provisional	SUBMISSIONS	
		SECTOR / INDUSTRIES	RESTRICTION / REQUIREMENTS
	2221- 2222/ 88442	Mass media (e.g., publishing of brochures/pamphlets, printing of catalogues on account of machinery producers)	No foreign equity is allowed
Industries Open with Restriction to Foreign Investors			
Services Incidental to Manufacturing, Agriculture, Fishery, Forestry, Mining & Quarrying	0140/ 8811 88120	Culture, production, milling, processing, trading except retailing, of rice and corn and acquiring, by barter, purchase or otherwise, rice and corn and the by-products thereof	Foreign equity is restricted to a maximum of 40%. However, full foreign participation may be allowed provided that within the 30-year period from start of operation, the foreign investor shall divest a minimum of 60% of their equity to Filipino citizens
	0500/ 8820	Operation of deep-sea commercial fishing vessels (i.e., services incidental include in-vessel processing services such as drying and canning; and port services such as transport and cargo handling)	Foreign equity is restricted to a maximum of 40% through co-production, joint venture or production-sharing agreement with the Philippine Government
	341 3410/ 88580	Maintenance and repair of road vehicles	For domestic enterprises, covered by capitalisation requirement of US\$ 200,000 or US\$ 100,000
	351 3511/ 88590	Maintenance and repair of vessels	Any repairs, conversion or dry-docking of Philippine-owned or registered vessels are required to be done at domestic ship repair yards registered with the Maritime Industry Authority (MARINA).
	353 3530/ 88590	Maintenance and repair of aircraft	For domestic enterprises, covered by capitalisation requirement of US\$ 200,000

SECTOR	ISIC / CPC Provisional	SUBMISSIONS	
		SECTOR / INDUSTRIES	RESTRICTION / REQUIREMENTS
			<p>or US\$ 100,000</p> <p>If servicing Philippine military – will fall under List B of the Foreign Investments Negative List where foreign equity is limited to 40%</p>
	883 8811 8814	<p>Exploration, development and utilisation of natural resources (i.e., large-scale exploration, development and utilisation of energy resources; mining and mineral resources, forest resources)</p>	<p>Exploration, development and utilisation of mineral resources are allowed 40% equity. However, 100% equity is allowed on financial or technical assistance agreement for large-scale exploration, development and utilisation of minerals.</p>

SENSITIVE LIST FOR THE GRANTING OF NATIONAL TREATMENT FOR SERVICES INCIDENTAL TO THE MANUFACTURING, AGRICULTURE, FISHERY, FORESTRY, MINING & QUARRYING SECTORS

PHILIPPINES

SUBMISSIONS	
MEASURES	DESCRIPTION OF TREATMENT
Services Incidental to Manufacturing, Agriculture, Fishery, Forestry, Mining and Quarrying Sectors¹	
Services rendered by domestic market enterprises with paid-in equity capital of less than the equivalent of US\$200,000.	Foreign equity is restricted to a maximum of 40%
Services Rendered by domestic market enterprises which involve advanced technology or employ at least fifty (50) direct employees with paid-in equity capital of less than the equivalent of US\$100,000.	Foreign equity can be more than 40% if firm exports at least 60% of total production output.
Lease of Agricultural and Foreshore Lands	For corporations/ associations/ partnerships with maximum 40% foreign equity, lease of agricultural and foreshore lands covering an area not exceeding 1,000 hectares is allowed for a period of 25 years renewable for another 25 years, or a maximum of 50 years.
Land Ownership	Corporations/ associations/ partnerships with maximum 40% foreign equity can own private land.

¹ The Philippines' Sensitive Exclusion Lists presents an inventory of activities with restrictions on foreign equity by mandate of the Constitution and specific laws.

SUBMISSIONS	
MEASURES	DESCRIPTION OF TREATMENT
Services Incidental to Manufacturing, Agriculture, Fishery, Forestry, Mining and Quarrying Sectors¹	
Practice of professions, i.e., engineering services for industrial processes and production, agricultural engineering, metallurgical engineering, mining engineering, naval architecture and marine engineering, forestry, sugar technology, veterinary medicine, agriculture, fisheries and, geology	Practice of profession is limited to Filipino citizens except in cases prescribed by law.
Employment of Foreign Nationals	<p>Foreign nationals may be allowed to employ in areas where there are no competent, willing and able personnel.</p> <p>Foreign nationals are allowed to be employed in certain areas of investments (e.g. in projects registered with the Board of Investments).</p> <p>No alien, disqualified under the Anti-Dummy Law, can intervene in the management, operation, administration or control of the business reserved to Filipinos except when said alien is a technical personnel whose employment is specifically authorised by the President of the Philippines upon recommendation of the Department Head concerned.</p>
Movement of Natural Persons	Foreign workers are subjected to the relevant immigration requirements, and relevant qualification/accreditation where required.

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