

Annex 6 referred to in Chapter 7
Schedule of Specific Commitments
and List of Most-Favored-Nation Treatment Exemptions

Part 1
Schedule of Specific Commitments in relation to
Articles 72, 73, 74 and 75

1A: Schedule of Japan

Explanatory Notes

1. Alphabets indicated against individual sectors or subsectors and numbers in brackets are references to the Services Sectoral Classification List (GATT Document MTN.GNS/W/120, dated 10 July 1991) and the Provisional Central Product Classification (Statistical Papers Series M No. 77, Department of International Economic and Social Affairs, Statistical Office of the United Nations, New York, 1991). These alphabetical and numerical divisions are indicated to enhance the clarity in the description of specific commitments, but shall not be construed as being a part of the specific commitments.
2. The scheduling of specific commitments follows the Guidelines for the Scheduling of Specific Commitments (WTO Document S/L/92, dated 28 March 2001). The Guidelines shall not, however, be construed as being legally binding.
3. The modes of supply 1), 2), 3) and 4) indicated in this Schedule correspond respectively to the supply of services defined in (i), (ii), (iii) and (iv) of subparagraph (t) of Article 71.
4. The entry "Unbound*" means unbound due to lack of technical feasibility. The entry of "SS" in the sector or subsector under paragraph 3 of Article 75 shall not prevent Japan from maintaining nor adopting any measure with respect to the modes where "Unbound*" is entered.
5. The entry of "SS*" means that paragraph 3 of Article 75 shall apply only to modes 1), 2) and 3) with respect to the sectors or subsectors where specific commitments are undertaken under Articles 72 and 73. The entry of "SS**" means that paragraph 3 of Article 75 shall apply only to mode 4) with respect to the sectors or subsectors where the specific commitment are undertaken under Article 73.
6. The use of "***" against individual CPC codes indicates that the specific commitment for that code does not extend to the total range of services covered under that code.
7. Measures affecting (a) passenger transport services by air; (b) freight transport services by air; and (c) rental/leasing services of aircraft with crew/operator are not listed in this Schedule, as these are measures affecting traffic rights or measures affecting services

directly related to the exercise of traffic rights to which Chapter 7 does not apply. The commitment for freight transport agency services does not include freight forwarding services by air transport services.

8. All references to the names of Japanese laws and regulations mentioned in the Schedule shall be construed to include any amendment thereto at the time of the entry into force of this Agreement.

<p>a) Legal advisory services on law of jurisdiction where the service supplier is a qualified lawyer (861**)</p> <p>(a) Legal advisory services on law does not include:</p> <p>(i) legal representation- al services for juridical procedures in courts and other government agencies as well as preparation of legal documents for such procedures;</p> <p>(ii) expression of legal opinions concerning laws other than laws of the jurisdiction where the service supplier is qualified as a lawyer (hereinafter referred to as the "jurisdiction" in this sector);</p>	<p>SS</p>	<p>1) None except: services must be supplied by a natural person; and commercial presence is required.</p> <p>2) None</p> <p>3) None except that services must be supplied by a natural person.</p> <p>4) None except that commercial presence is required.</p>	<p>1) None except that a service supplier is required to stay in Japan not less than 180 days in a year.</p> <p>2) None</p> <p>3) None</p> <p>4) None except that a service supplier is required to stay in Japan not less than 180 days in a year.</p>	<p>3) (a) Practice of international law is permitted, provided that the international law is or was in force in the jurisdiction.</p> <p>Practice of third country law is permitted, according to written advice on each issue from competent persons (e.g. lawyers qualified in the third country and engaging in legal business concerning the law of that country).</p> <p>Practice of Japanese law is not permitted.</p> <p>(b) Association with Bengoshi is permitted.</p> <p>Employment of Bengoshi is permitted.</p> <p>(c) Use of firm name is unrestricted, provided that it is followed with reference to "Gaikoku-Ho-Jimu-Bengoshi Jimusho".</p>
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<p>(iii) legal representation- al services for the entrustment of the preparation of notarial deeds; and</p> <p>(iv) those activities concerning a legal case whose primary objective is the acquisition or loss or change of rights concerning real property in Japan or of industrial property rights, mining rights or other rights arising upon registration thereof with government agencies in Japan.</p>				<p>(d) Representation in international arbitration is permitted.</p>
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<p>(b) A service supplier shall be required to co-operate with Bengoshi or to ask for his advice in a legal case concerning family relations or inheritance, in which a Japanese national is involved as a party, or in a legal case whose objective is the acquisition or loss or change of rights concerning real property in Japan or of industrial property rights, mining rights or other rights arising upon registration thereof with government agencies in Japan, as long as the above objective is not the primary one.</p>				
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Note to the Specific Commitment in the Sector
of Legal Advisory Services on Law of Jurisdiction Where the Service Supplier is a Qualified Lawyer

A service supplier must be recognized as "Gaikoku-Ho-Jimu-Bengoshi" by the Minister of Justice and register with the Japan Federation of Bar Associations.

The conditions for granting recognition by the Minister of Justice are as follows:

- (a) The service supplier is qualified as a lawyer in that jurisdiction.
- (b) The service supplier has been engaged as a lawyer for at least 3 years in that jurisdiction.
- (c) The service supplier is not subject to such conditions of disqualification in that jurisdiction which, if applied to Bengoshi, would disqualify the Bengoshi.
- (d) The service supplier possesses the intention to undertake the profession in good faith.
- (e) The service supplier possesses plans, residence and financial basis to perform his functions properly and steadily.
- (f) The service supplier possesses capability to compensate for damages caused to the client, if any.

<p>a) Legal services supplied by a judicial scrivener qualified as "Shiho-Shoshi" under Japanese law (861**)</p>	<p>SS</p>	<p>1) None except: services must be supplied by a natural person or by a Judicial Scrivener Corporation²; and commercial presence is required.</p> <p>2) None except: services must be supplied by a natural person or by a Judicial Scrivener Corporation; and commercial presence is required.</p> <p>3) None except that services must be supplied by a natural person or by a Judicial Scrivener Corporation.</p> <p>4) None except that commercial presence is required.</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) None</p>	
<p>a) Legal services supplied by an administrative scrivener qualified as "Gyousei-Shoshi" under Japanese law (861**)</p>	<p>SS</p>	<p>1) None except: services must be supplied by a natural person or by an Administrative Scrivener Corporation³; and commercial presence is required.</p>	<p>1) None</p>	

2 A Judicial Scrivener Corporation under Japanese law is composed of two or more partners who are judicial scriveners qualified as "Shiho-Shoshi" under Japanese law and have the right and obligation to execute activities of the Judicial Scrivener Corporation.

3 An Administrative Scrivener Corporation under Japanese law is composed of two or more partners who are administrative scriveners qualified as "Gyousei-Shoshi" under Japanese law and have the right and obligation to execute activities of the Administrative Scrivener Corporation.

		<p>2) None except: services must be supplied by a natural person or by an Administrative Scrivener Corporation; and commercial presence is required.</p> <p>3) None except that services must be supplied by a natural person or by an Administrative Scrivener Corporation.</p> <p>4) None except that commercial presence is required.</p>	<p>2) None</p> <p>3) None</p> <p>4) None</p>	
a) Legal services supplied by a certified social insurance and labor consultant qualified as "Shakai-Hoken-Romushi" under Japanese law (861**)	SS	<p>1) None except: services must be supplied by a natural person or by a Certified Social Insurance and Labor Consultant Corporation⁴; and commercial presence is required.</p> <p>2) None except: services must be supplied by a natural person or by a Certified Social Insurance and Labor Consultant Corporation; and commercial presence is required.</p>	<p>1) None</p> <p>2) None</p>	

4 A Certified Social Insurance and Labor Consultant Corporation under Japanese law is composed of two or more partners who are certified social insurance and labor consultants qualified as "Shakai-Hoken-Romushi" under Japanese law and have the right and obligation to execute activities of the Certified Social Insurance and Labor Consultant Corporation.

		<p>3) None except that services must be supplied by a natural person or by a Certified Social Insurance and Labor Consultant Corporation.</p> <p>4) None except that commercial presence is required.</p>	<p>3) None</p> <p>4) None</p>	
a) Legal services supplied by a patent attorney qualified as "Benrishi" under Japanese law (86119, 8612, 8613, 8619)	SS	<p>1) None except: services must be supplied by a natural person or by a Patent Business Corporation⁵; and commercial presence is required for a Patent Business Corporation.</p> <p>2) None except: services must be supplied by a natural person or by a Patent Business Corporation; and commercial presence is required for a Patent Business Corporation.</p> <p>3) None except that services must be supplied by a natural person or by a Patent Business Corporation.</p> <p>4) None</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) None</p>	
a) Legal services supplied by a maritime procedure agent qualified as "Kaijidairishi" under Japanese law (861**)	SS	<p>1) None except that services must be supplied by a natural person.</p> <p>2) None except that services must be supplied by a natural person.</p>	<p>1) None</p> <p>2) None</p>	

5 A Patent Business Corporation under Japanese law is composed of two or more partners who are patent attorneys qualified as "Benrishi" under Japanese law and who have the right and obligation to execute activities of the Patent Business Corporation.

		<p>3) None except that services must be supplied by a natural person.</p> <p>4) None</p>	<p>3) None</p> <p>4) None</p>	
<p>a) Legal services supplied by a land and house surveyor qualified as "Tochi-Kaoku-Chosashi" under Japanese law (861**)</p>	SS	<p>1) None except: services must be supplied by a natural person or by a Land and House Surveyor Corporation⁶, and commercial presence is required.</p> <p>2) None except: services must be supplied by a natural person or by a Land and House Surveyor Corporation; and commercial presence is required.</p> <p>3) None except that services must be supplied by a natural person or by a Land and House Surveyor Corporation.</p> <p>4) None except that commercial presence is required.</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) None</p>	

⁶ A Land and House Surveyor Corporation under Japanese law is composed of two or more partners who are land and house surveyors qualified as "Tochi-Kaoku-Chosashi" under Japanese law and have the right and obligation to execute activities of the Land and House Surveyor Corporation.

<p>b) Accounting, auditing and bookkeeping services (862)</p>	<p>SS</p>	<p>1) None except: provision of the services that must be supplied by an accountant qualified as "Koninkaikeishi" or an Audit Corporation⁷ under Japanese law is restricted to a natural person or an Audit Corporation; and commercial presence is required for an Audit Corporation.</p> <p>2) None except: provision of the services that must be supplied by an accountant qualified as "Koninkaikeishi" or an Audit Corporation under Japanese law is restricted to a natural person or an Audit Corporation; and commercial presence is required for an Audit Corporation.</p> <p>3) None except that provision of the services that must be supplied by an accountant qualified as "Koninkaikeishi" or an Audit Corporation under Japanese law is restricted to a natural person or an Audit Corporation.</p> <p>4) None</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) None</p>	
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⁷ An Audit Corporation under Japanese law is composed of five or more partners who are accountants qualified as "Koninkaikeishi" under Japanese law and who have the right and obligation to execute activities of the Audit Corporation.

<p>c) Taxation services (863)</p>	<p>SS</p>	<p>1) None except that as for certified public tax accountant services stipulated in Certified Public Tax Accountant Law (Law No. 237 of 1951):</p> <p>services must be supplied by a natural person or by a Certified Tax Accountant Corporation⁸; and</p> <p>commercial presence is required.</p> <p>2) None except that as for certified public tax accountant services stipulated in Certified Public Tax Accountant Law:</p> <p>services must be supplied by a natural person or by a Certified Tax Accountant Corporation; and</p> <p>commercial presence is required.</p> <p>3) None except that as for certified public tax accountant services stipulated in Certified Public Tax Accountant Law, services must be supplied by a natural person or by a Certified Tax Accountant Corporation.</p> <p>4) None except that as for certified public tax accountant services stipulated in Certified Public Tax Accountant Law, commercial presence is required.</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) None</p>	
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8 A Certified Tax Accountant Corporation under Japanese law is composed of two or more partners who are tax accountants qualified as "Zeirishi" under Japanese law and who have the right and obligation to execute activities of the Certified Tax Accountant Corporation.

d), e) Architectural services which must be supplied by a service supplier qualified as "Kenchikushi" under Japanese law, or by a service supplier using "Kenchikushi" (86712, 86713, 86714 ⁹) (86722, 86723, 86724 ⁹ , 86725 ⁹ , 86727 ⁹)	SS	1) None except that commercial presence is required. 2) None except that commercial presence is required. 3) None 4) None except that commercial presence is required.	1) None 2) None 3) None 4) None	
d), e), g) Architectural services which may be supplied by a service supplier not qualified as "Kenchikushi" under Japanese law, or by a service supplier not using "Kenchikushi" (8671, 8672 ¹⁰ , 86742 ¹⁰)	SS	1) None ¹¹ 2) None ¹¹ 3) None 4) None ¹¹	1) None 2) None 3) None 4) None	
e), f) Engineering services and integrated engineering services (8672 ¹² , 8673 ¹²)	SS	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	

9 Limited to services necessary for building construction excluding post-construction services.

10 Limited to services necessary for building construction.

11 In the case where the services are supplied by a service supplier who is qualified as "Kenchikushi" under Japanese law, or by a service supplier using "Kenchikushi", commercial presence is required.

12 Excluding architectural services and civil engineering consulting services.

e), g) F e), F m) Civil engineering consulting services (86721 ¹³ , 86724 ¹³ , 86727 ¹³ , 86729 ¹³) (86741, 86742 ¹³) (86761 ¹³) (86751 ¹³ , 86752 ¹³)	SS	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
g) Urban planning and landscape architectural services (8674 ¹²)	SS	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
h) Medical and dental services (9312)		1) Unbound* 2) None 3) Unbound except that there is no limitation on the participation of foreign capital. 4) Unbound	1) Unbound* 2) None 3) Unbound except that there is no limitation on the participation of foreign capital. 4) Unbound	
i) Veterinary services (932)	SS	1) Unbound* 2) None 3) None 4) None	1) Unbound* 2) None 3) None 4) None	
j) Services provided by midwives, nurses, physiotherapists and para-medical personnel (93191)		1) Unbound* 2) None	1) Unbound* 2) None	

13 Limited to services necessary for civil engineering excluding engineering design services for buildings.

		3) Unbound except that there is no limitation on the participation of foreign capital. 4) Unbound	3) Unbound except that there is no limitation on the participation of foreign capital. 4) Unbound	
B. Computer and Related Services (excluding air transport services: computer reservation system) (841, 842, 843, 844, 845, 849)	SS	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
C. Research and Development Services				
a) Research and development services on natural sciences (851)	SS	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
b) Research and development services on social sciences and humanities (852)				
c) Interdisciplinary research and development services (853)				
D. Real Estate Services				
a) Real estate services involving own or leased property (for property in Japan) (821)	SS	1) None except that commercial presence is required. 2) None except that commercial presence is required. 3) None 4) None except that commercial presence is required.	1) None 2) None 3) None 4) None	

a)	Real estate services involving own or leased property (for property outside Japan) (821)	SS	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
b)	Real estate services on a fee or contract basis (for property in Japan) (822)	SS	1) None except that commercial presence is required. 2) None except that commercial presence is required. 3) None 4) None except that commercial presence is required.	1) None 2) None 3) None 4) None	
b)	Real estate services on a fee or contract basis (for property outside Japan) (822)	SS	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
E. Rental and Leasing Services without Operators					
a)	Rental and leasing services, without operators, relating to ships ¹⁴ (83103)	SS	1) None 2) None	1) None 2) None	

14 In the case that services are supplied through the use of ship flying the flag of Japan, the ship must be owned by:

- (a) a natural person with Japanese nationality; or
- (b) a juridical person established under Japanese law, with all representatives ("daihyosha") and not less than two-thirds of executives administering the affairs of the juridical person ("gyomu-wo-shikkosuru yakuin") having Japanese nationality.

		3) None 4) None	3) None except that prior notification is required for coastwise ship leasing services in accordance with the Foreign Exchange and Foreign Trade Law (Law No. 228 of 1949). 4) None	
b) Rental and leasing services, without operators, relating to aircraft ¹⁵ (83104)		1) None 2) None 3) None 4) Unbound	1) None 2) None 3) None 4) Unbound	
c) Rental and leasing services, without operators, relating to transport equipment other than vessels and aircrafts (83101, 83102, 83105)	SS	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
d), e) Rental and leasing services, without operators, relating to machineries and equipment other than transport equipment, and personal and household goods (83106-83109) (832)	SS	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	

15 In the case that services are supplied through the use of aircraft registered as a Japanese aircraft, the aircraft must be owned by:

- (a) a natural person with Japanese nationality; or
- (b) a juridical person established under Japanese law, with all representatives ("daihyosha") and not less than two-thirds of executives ("yakuin") having Japanese nationality and with not less than two-thirds of voting share held by Japanese persons.

F. Other Business Services					
a) Advertising services (871)	SS	1) None	2) None	3) None	4) None
b) Market research and public opinion polling services (864)	SS	1) None	2) None	3) None	4) None
c) Management consulting services (865)	SS	1) None	2) None	3) None	4) None
d) Services related to management consulting (86601, 86609)	SS	1) None	2) None	3) None	4) None
e) Technical testing and analysis services for manufactured goods, excluding services covered by the Measurement Law (Law No. 51 of 1992) (8676**)	SS	1) None	2) None	3) None	4) None

<p>e) Technical testing and analysis services covered by the Measurement Law as follows: (86763**) <ul style="list-style-type: none"> (a) periodic inspection of specified measuring instruments; (b) verification of specified measuring instruments; (c) measurement certification business, including specified measurement certification business; (d) inspection of specified measuring instruments used for the measurement certification; (e) accreditation for a person engaged in specified measurement certification business; and (f) calibration of the measuring instruments and other services. </p>	<p>SS</p>	<ul style="list-style-type: none"> 1) None except that commercial presence is required. 2) None except that commercial presence is required. 3) None 4) None except that commercial presence is required. 	<ul style="list-style-type: none"> 1) None 2) None 3) None 4) None 	
<p>f) Services incidental to agriculture, hunting and forestry (881)</p>	<p>SS</p>	<ul style="list-style-type: none"> 1) Unbound* 2) None 3) None 	<ul style="list-style-type: none"> 1) Unbound* 2) None 3) None except that prior notification is required in accordance with the Foreign Exchange and Foreign Trade Law. 	

		4) None	4) None	
h) Services incidental to mining (883, 5115)	SS	<p>1) Unbound*</p> <p>2) None</p> <p>3) None except that services requiring mining rights or mining lease rights must be supplied by a Japanese national or a juridical person established under Japanese law, in accordance with the Mining Law (Law No. 289 of 1950).</p> <p>4) None except that services requiring mining rights or mining lease rights must be supplied by a Japanese national or a juridical person established under Japanese law, in accordance with the Mining Law.</p>	<p>1) Unbound*</p> <p>2) None</p> <p>3) None except: services requiring mining rights or mining lease rights must be supplied by a Japanese national or a juridical person established under Japanese law, in accordance with the Mining Law; and prior notification is required in accordance with the Foreign Exchange and Foreign Trade Law.</p> <p>4) None except that services requiring mining rights or mining lease rights must be supplied by a Japanese national or a juridical person established under Japanese law, in accordance with the Mining Law.</p>	
i) Services incidental to manufacturing (884**, 885)				
(a) related to aircraft industry, explosives manufacturing industry, leather and leather products manufacturing industry, arms industry, space industry and biological preparation manufacturing industry		<p>1) Unbound*</p> <p>2) None</p> <p>3) None except that the number of licenses conferred to service suppliers may be limited.</p> <p>4) Unbound</p>	<p>1) Unbound*</p> <p>2) None</p> <p>3) None except that prior notification is required in accordance with the Foreign Exchange and Foreign Trade Law.</p> <p>4) Unbound</p>	

(b) other	SS	1) Unbound* 2) None 3) None 4) None	1) Unbound* 2) None 3) None 4) None	
j) Services incidental to energy distribution (887) (a) transmission services on a fee or contract basis of electricity		1) Unbound 2) None 3) None except that the number of licenses conferred to service suppliers may be limited. 4) Unbound	1) Unbound 2) None 3) None except that prior notification is required in accordance with the Foreign Exchange and Foreign Trade Law. 4) Unbound	
(b) transmission services on a fee or contract basis of steam and hot water	SS	1) None 2) None 3) None 4) None	1) None 2) None 3) None except that prior notification is required in accordance with the Foreign Exchange and Foreign Trade Law. 4) None	
k) Placement services of personnel within Japan except in the following occupations (limited to services to establish employment relationship between a job applicant and an employer seeking personnel on the basis of job applications and offers):		1) None except that commercial presence is required. 2) Unbound* 3) None 4) None except that commercial presence is required.	1) None 2) Unbound* 3) None 4) None	

<p>(a) Port transport services;</p> <p>(b) Construction work; and</p> <p>(c) Work which is stipulated in the Ministry of Health, Labor and Welfare Ordinance as having a possibility of hindering worker's protection (such work is not stipulated now). (87201, 87202)</p>				
<p>k) Supply services of personnel within Japan¹⁶ except in the following categories of business (limited to services to dispatch workers employed by the service supplier to work under the direction of another person while employment relationship with the service supplier is maintained):</p> <p>(a) Port transport services;</p> <p>(b) Construction work;</p> <p>(c) Guarding; and</p>		<p>1) None except that commercial presence is required.</p> <p>2) Unbound*</p> <p>3) None</p> <p>4) None except that commercial presence is required.</p>	<p>1) None</p> <p>2) Unbound*</p> <p>3) None</p> <p>4) None</p>	

16 The dispatched worker may not be supplied from outside of Japan through intra-corporate transfer.

(d) Other work stipulated in Cabinet Order after consulting the Labor Policy Council (such as medical-related work). (87203, 87209)				
1) Investigation services (87301)	SS	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
1) Security guard services (873, except 87301)	SS*	1) None except that commercial presence is required. 2) None 3) None 4) Unbound	1) None 2) None 3) None except that prior notification is required in accordance with the Foreign Exchange and Foreign Trade Law. 4) Unbound	
m) Related scientific and technical consulting services (excluding services related to petroleum, petroleum products, gas, mineral and surveying) (86751, 86752)	SS	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	

m) Related scientific and technical consulting services related to petroleum, petroleum products, gas and mineral ¹⁷ (86751, 86752)		1) Unbound 2) None 3) None 4) None	1) Unbound 2) None 3) None 4) None	
m) Surveying services for the land in Japan (86753, 86754)	SS	1) None except that commercial presence is required except for the surveys conducted without the use of Basic Survey ¹⁸ data or Public Survey ¹⁹ data, and where the survey is for small areas, or where the survey does not require high accuracy. 2) None except that commercial presence is required except for the surveys conducted without the use of Basic Survey data or Public Survey data, and where the survey is for small areas, or where the survey does not require high accuracy. 3) None	1) None 2) None 3) None	

17 Excluding services requiring mining rights or mining lease rights in accordance with the Mining Law.

18 The term "Basic Survey" means a primary or fundamental survey, conducted by the Geographical Survey Institute of the Ministry of Land, Infrastructure and Transport, for all surveys.

19 The term "Public Survey" means a survey, other than Basic Survey, which:

- (a) does not include (i) surveying for small areas and (ii) surveying where high accuracy is not required; and
- (b) is conducted with the expenses borne or subsidised, in part or in full, by the Government or other public entities.

		4) None except that commercial presence is required except for the surveys conducted without the use of Basic Survey data or Public Survey data, and where the survey is for small areas, or where the survey does not require high accuracy.	4) None	
m) Surveying services for the land outside Japan (86753, 86754)	SS	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
n) Maintenance and repair of equipment (excluding vessels, aircrafts and other transport equipment) (633, 8861-8866)	SS	1) Unbound* 2) None 3) None 4) None	1) Unbound* 2) None 3) None 4) None	
o) Building-cleaning services (87401, 87402, 87403, 87409)	SS	1) Unbound* 2) None 3) None 4) None	1) Unbound* 2) None 3) None 4) None	
p) Photographic services (875)	SS	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
q) Packaging services (876)	SS	1) None 2) None	1) None 2) None	

		3) None 4) None	3) None 4) None	
r) Printing and publishing services (88442)	SS	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
s) Convention services (87909)	SS	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
t) Credit reporting services (87901)	SS	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
t) Collection agency services: (87902**) <p>(a) which do not constitute the practice of law in respect of legal cases</p>	SS	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	

(b) which constitute the practice of law in respect of legal cases ²⁰	SS	<p>1) None except: services must be supplied by a natural person²¹, by a Legal Profession Corporation or by a juridical person established under the Special Measures Law Concerning Credit Management and Collection Business; and commercial presence is required.</p> <p>2) None</p> <p>3) None except that services must be supplied by a natural person, by a Legal Profession Corporation or by a juridical person established under the Special Measures Law Concerning Credit Management and Collection Business.</p> <p>4) None except that commercial presence is required.</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) None</p>	
t) Telephone answering services (87903)	SS	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) None</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) None</p>	
t) Duplicating services (87904)	SS	<p>1) None</p> <p>2) None</p> <p>3) None</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p>	

20 Excluding taking over and recovery of credits except for those stipulated in the Special Measures Law Concerning Credit Management and Collection Business (Law No. 126 of 1998).

21 In this sector, the term "natural person" means a lawyer qualified as "Bengoshi" under Japanese law.

		4) None	4) None	
t) Translation and interpretation services (87905)	SS	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
t) Mailing list compilation and mailing services (87906)	SS	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
t) Specialty design services (87907)	SS	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
t) Trade fair and exhibition organization services (87909)	SS	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
t) Services incidental to energy manufacturing related to heat supply industry and oil industry	SS	1) None 2) None 3) None 4) None	1) None 2) None 3) None except that prior notification is required in accordance with the Foreign Exchange and Foreign Trade Law. 4) None	

2. COMMUNICATION SERVICES					
B. Courier Services ²²					
Correspondence-delivery services supplied by Special Correspondence Delivery Business	SS	1)	None	1)	None
		2)	None	2)	None
		3)	None	3)	None
		4)	None	4)	None
Special Correspondence Delivery Business is the business which provides correspondence-delivery services of one or a combination of the following mail items as stipulated in the Law Concerning Correspondence Delivery Provided by Private-Sector Operators (Law No. 99 of 2002):					
(a) mail items that have dimensions totaling more than 90 cm or weight over 4 kg;					
(b) mail items that are to be delivered within three hours of being mailed; and					
(c) mail items that bear a delivery charge that exceeds the amount specified by an ordinance of the Ministry of Internal Affairs and Communications and is not less than 1,000 yen.					

22 Suppliers of courier services are subject to permission/registration requirements for related modes of transport services. Japan's commitments in courier services other than correspondence-delivery services including those supplied by Special Correspondence Delivery Business are indicated in the sector of Transport Services. (Refer to 11. TRANSPORT SERVICES.)

C. Telecommunications Services				
Basic telecommunications services:	SS	1) None	1) None	Japan undertakes the ADDITIONAL COMMITMENTS described below.
a) Voice telephone services; (7521)		2) None	2) None	
b) Packet-switched data transmission services; (7523**)		3) None except that foreign capital participation, direct and/or indirect, in Nippon Telegraph and Telephone Corporation (NTT) ²³ must be less than one-third.	3) None except that board members and auditors in NTT and the Regional Companies are required to have Japanese nationality.	
c) Circuit-switched data transmission services; (7523**)		4) None	4) None	
d) Telex services; (7523**)				
f) Facsimile services; (7521**, 7529**)				
g) Private leased circuit services; and (7522**, 7523**)				
o) Other				

JAPAN: ADDITIONAL COMMITMENTS

Scope

The following are definitions and principles on the regulatory framework for the basic telecommunications services.

Definitions

- (a) the term "telecommunications" means the transmission and reception of signals by any electromagnetic means;
- (b) the term "public telecommunications transport service" means any telecommunications transport service required, explicitly or in effect, by Japan to be offered to the public generally. Such services may include, *inter alia*, telegraph, telephone, telex, and data transmission typically involving the real-time transmission of customer-supplied information between two or more points without any end-to-end change in the form or content of the customer's information;
- (c) the term "public telecommunications transport network" means the public telecommunications infrastructure which permits telecommunications between and among defined network termination points;
- (d) the term "essential facilities" means facilities of a public telecommunications transport network or service that:

23 NTT must own all the shares issued by the Regional Companies.

- (i) are exclusively or predominantly provided by a single or limited number of suppliers; and
 - (ii) cannot feasibly be economically or technically substituted in order to provide a service;
- (e) the term "major supplier" means a supplier that has the ability to materially affect the terms of participation having regard to price and supply in the relevant market for basic telecommunications services as a result of:
- (i) control over essential facilities; or
 - (ii) use of its position in the market;
- (f) the term "facilities-based suppliers" means telecommunications carriers who establish telecommunications circuit facilities;
- (g) the term "services-based suppliers" means telecommunications carriers other than the telecommunications carriers defined by subparagraph (f) above.

1. Competitive Safeguards

1.1 Prevention of Anti-competitive Practices in Telecommunications

Appropriate measures shall be maintained for the purposes of preventing suppliers, who alone or together are a major supplier, from engaging in or continuing anti-competitive practices.

1.2 Safeguards

The anti-competitive practices referred to in paragraph 1.1 above shall include in particular:

- (a) engaging in anti-competitive cross-subsidization or pricing services in a manner that gives rise to unfair competition;
- (b) discriminating specific persons unfairly in providing telecommunications services;
- (c) using information obtained from competitors with anti-competitive results; and
- (d) not making available to other service suppliers on a timely basis technical information about essential facilities and commercially relevant information which are necessary for them to provide services.

2. Interconnection

2.1 Interconnection to be Ensured

Interconnection shall be ensured between a facilities-based supplier and any other facilities-based supplier or a services-based supplier to the extent provided for in its laws and regulations.

2.2 Interconnection with Major Suppliers

Interconnection with a major supplier shall be ensured at any technically feasible point in the network. Such interconnection is provided:

- (a) under non-discriminatory terms, conditions (including technical standards and specifications) and rates and of a quality no less favorable than that provided for its own like services, for like services of non-affiliated service suppliers or of its subsidiaries or other affiliates;
- (b) in a timely fashion, on terms, conditions (including technical standards and specifications) and cost-oriented rates that are

transparent, reasonable, having regard to economic feasibility, and sufficiently unbundled^(Note) so that the service supplier need not pay for network components or facilities that it does not require for the services to be provided; and

(Note) "Sufficiently unbundled" network components or facilities include unbundled local loop (including line sharing).

(c) upon request, at points in addition to the network termination points offered to the majority of users, subject to charges that reflect the cost of construction of necessary additional facilities.

2.3 Co-Location, etc.

It shall be ensured that a major supplier is required to allow other service suppliers who interconnect with the major supplier:

- (a) to locate their equipment which is essential for interconnection within the major supplier's buildings; or
- (b) to install their cables and lines which are essential for interconnection within the major supplier's buildings, conduits, cable tunnels or telephone poles;

where physically feasible and where no practical or viable alternatives exist, in order to interconnect smoothly with the essential facilities of the major supplier.

2.4 Interconnection Pursuant to an Approved Reference Interconnection Offer

It shall be ensured that major suppliers are required to provide a reference interconnection offer for approval by the relevant regulatory authorities. The reference interconnection offer shall be consistent with the principles of paragraph 1 and shall contain written statements of the charges and conditions on which a major supplier will interconnect with other service suppliers. At a minimum, the reference interconnection offer shall be required to contain the following:

- (a) a list and description of the interconnection-related services offered, the terms and conditions for such services, the operational and technical requirements, and the procedures or processes that will be used to order and provide such services;
- (b) a list of cost-oriented rates that a major supplier offers for all its interconnection-related services. Where feasible, the major supplier shall be required to use an established methodology based on incremental forward-looking economic cost;
- (c) standard periods between the dates of request and commencement which are stipulated in a clear manner and are reasonable; and
- (d) a statement regarding the duration of the proposed interconnection agreement, if it is fixed.

2.5 Section 2.2, 2.3 and 2.4 are applied only to a major supplier which has control over essential facilities.

2.6 Public Availability of the Procedures for Interconnection Negotiations

It shall be ensured that the procedures applicable for interconnection to a major supplier are made publicly available.

2.7 Transparency of Interconnection Arrangements

It shall be ensured that a major supplier makes publicly available either its interconnection agreements or reference interconnection offer.

2.8 Interconnection Dispute Settlement

A service supplier requesting interconnection with a major supplier shall have recourse, either:

- (a) at any time; or

(b) after a reasonable period of time which has been made publicly known;

to an independent domestic body, which may be a regulatory body as referred to in paragraph 5, 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

Japan has the right to define the kind of universal service obligation it wishes to maintain. Such obligations shall not be regarded as anti-competitive per se, provided that they are administered in a transparent, non-discriminatory and competitively neutral manner and are not more burdensome than necessary for the kind of universal service defined by Japan.

4. Public Availability of Licensing Criteria

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

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

(b) The reasons for the denial of a license shall be made known to the applicant upon request.

5. Independent Regulators

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

6. Allocation and Use of Scarce Resources

Any procedures for the allocation and use of scarce resources, including frequencies, numbers and rights of way, shall be carried out in an objective, timely, transparent and non-discriminatory manner. The current state of allocated frequency bands shall be made publicly available except for detailed identification of frequencies allocated for specific government uses.

e) Telegraph services (7522)		1) Unbound 2) None 3) Unbound 4) Unbound	1) Unbound 2) None 3) Unbound 4) Unbound	
Value-added services: h) Electronic mail services; (7523**)	SS	1) None 2) None	1) None 2) None	

i) Voice mail services; (7523**) j) On-line information and data base retrieval services; (7523**) k) Electronic data interchange (EDI) services; (7523**) l) Enhanced/value added facsimile services including store and forward, store and retrieve; (7523**) m) Code and protocol conversion services; n) On-line information and/or data processing services (including transaction processing); and (843**) o) Other		3) None except that foreign capital participation, direct and/or indirect, in Nippon Telegraph and Telephone Corporation (NTT) ^{2,3} must be less than one-third. 4) None	3) None except that board members and auditors in NTT and the Regional Companies are required to have Japanese nationality. 4) None	
D. Audiovisual Services				
a) Motion picture and video tape production and distribution services (9611)	SS	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
b) Motion picture projection services (9612)	SS	1) None 2) None 3) None	1) None 2) None 3) None	

		4) None	4) None	
c) Radio and television services (9613)		1) Unbound 2) None 3) Unbound 4) Unbound	1) Unbound 2) None 3) Unbound 4) Unbound	
d) Radio and television transmission services (7524)		1) Unbound 2) None 3) Unbound 4) Unbound	1) Unbound 2) None 3) Unbound 4) Unbound	
e) Sound recording services	SS	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
3. CONSTRUCTION AND RELATED ENGINEERING SERVICES				
A. General Construction Work for Buildings (512)				
B. General Construction Work for Civil Engineering (513)				
C. Installation and Assembly Work (514, 516)				
D. Building Completion and Finishing Work (517)				
E. Other (511, 515, 518)				

These services indicated above excluding those related to mining		1) Unbound*	1) Unbound*	
		2) None	2) None	
		3) None	3) None	
		4) Unbound	4) Unbound	
4. DISTRIBUTION SERVICES				
A. Commission Agents' Services (621, 61111, 61130, 61210)				
B. Wholesale Trade Services (622, 61111, 61130, 61210)				
C. Retailing Services (631, 632, 61112, 61130, 61210)				
D. Franchising Services (8929)				
(a) These services indicated above excluding those related to petroleum, petroleum products, alcoholic beverages, and those supplied at Public Wholesale Market ²⁴	SS	1) None	1) None	
		2) None	2) None	
		3) None	3) None	
		4) None	4) None	
(b) These services related to petroleum and petroleum products	SS	1) None	1) None	
		2) None	2) None	

24 Public Wholesale Market is a market established under national or local government approval for commission agents' services and wholesale trade services of fresh foods including vegetables, fruits, marine products, meats and other daily foods, and flowers, with auction or bidding hall, parking lot and other facilities necessary for trade and disposal of aforementioned goods, which is operated on a permanent basis.

		3) None	3) None except that prior notification is required in accordance with the Foreign Exchange and Foreign Trade Law.	
		4) None	4) None	
(c) These services related to alcoholic beverages	SS	1) None	1) None	
		2) None	2) None	
		3) None except that the number of licenses conferred to service suppliers may be limited.	3) None	
		4) None except that the number of licenses conferred to service suppliers may be limited.	4) None	
(d) These services supplied at Public Wholesale Market	SS	1) Unbound*	1) Unbound*	
		2) Unbound*	2) Unbound*	
		3) None except: the number of licenses conferred to service suppliers may be limited; and services must be supplied by a juridical person established under Japanese law, at Central Public Wholesale Market, in accordance with the Public Wholesale Market Law (Law No. 35 of 1971).	3) None	
		4) None except: the number of licenses conferred to service suppliers may be limited; and	4) None	

		services must be supplied by a juridical person established under Japanese law, at Central Public Wholesale Market, in accordance with the Public Wholesale Market Law.		
E. Other				
(a) Retail sales of motor fuel (613)	SS	1) None 2) None 3) None 4) None	1) None 2) None 3) None except that prior notification is required in accordance with the Foreign Exchange and Foreign Trade Law. 4) None	
(b) Wholesale trade and retailing services of steam and hot water	SS	1) None 2) None 3) None 4) None	1) None 2) None 3) None except that prior notification is required in accordance with the Foreign Exchange and Foreign Trade Law. 4) None	
5. EDUCATIONAL SERVICES				
A. Primary Education Services				
Pre-school education services supplied by nursery schools (92110**)	SS**	1) Unbound* 2) None 3) None 4) Unbound	1) Unbound* 2) None 3) None 4) None	
Child day-care services (93321)				

Primary education services ^{25,26} , supplied as formal education (92110**, 9219)		1) Unbound 2) Unbound 3) None except that Formal Education Institutions must be established by school juridical persons. ²⁷ 4) Unbound	1) Unbound 2) Unbound 3) None 4) Unbound	
B. Secondary Education Services ^{25, 26} , supplied as formal education (9221,9222,9223)		1) Unbound 2) Unbound 3) None except that Formal Education Institutions must be established by school juridical persons. 4) Unbound	1) Unbound 2) Unbound 3) None 4) Unbound	
C. Higher Education Services ^{25,26} (9231,9239)	SS	1) None 2) None 3) None except that Formal Education Institutions must be established by school juridical persons. 4) None	1) None 2) None 3) None 4) None	

25 These Educational Services supplied as formal education in Japan are supplied by Formal Educational Institutions. "Formal Education Institutions" mean elementary schools, lower secondary schools, secondary schools, upper secondary schools, universities, junior colleges, colleges of technology, schools for the blind, schools for the deaf, schools for the handicapped and kindergartens.

26 Specific commitments on market access and national treatment through any mode of supply shall not be construed to apply to the recognition of credits, degrees and other certificates in Formal Education Institutions, specialized training colleges (Senshu-Gakko) and miscellaneous schools (Kakushu-Gakko) under Japanese law.

27 The term "school juridical person" means a non-profit juridical person established for the purposes of supplying educational services under Japanese law.

D. Adult Education Services ^{26,28} (924)	SS	1) None 2) None	1) None 2) None	
E. Other Education Services ^{26,28} (929)		3) None 4) None	3) None 4) None	
6. ENVIRONMENTAL SERVICES				
A. Sewage Services (9401)	SS	1) Unbound* 2) None 3) None 4) None	1) Unbound* 2) None 3) None 4) None	
B. Refuse Disposal Services (9402)	SS	1) Unbound* 2) None 3) None 4) None	1) Unbound* 2) None 3) None 4) None	
C. Sanitation and Similar Services (9403)	SS	1) Unbound* 2) None 3) None 4) None	1) Unbound* 2) None 3) None 4) None	
D. Other				
Cleaning services of exhaust gases (9404)	SS	1) Unbound* 2) None	1) Unbound* 2) None	

28 Formal Education Institutions must be established by school juridical persons. Specialized training colleges and miscellaneous schools may be required to be established by school juridical persons. Formal Education Institutions supply formal education, but at the same time they may supply educational services other than formal education, while specialized training colleges and miscellaneous schools supply educational services other than formal education.

<p>Noise abatement services (9405)</p> <p>Nature and landscape protection services (9406)</p> <p>Other environmental protection services (9409)</p>		<p>3) None</p> <p>4) None</p>	<p>3) None</p> <p>4) None</p>	
<p>7. FINANCIAL SERVICES</p>				
<p>For the purposes of this Schedule, the Understanding on Commitments in Financial Services (hereinafter referred to as the "Understanding") which is included in Japan's Schedule of Specific Commitments of the General Agreement on Trade in Services in Annex 1B to the WTO Agreement (WTO Document GATS/SC/46/Suppl.3) is incorporated into and made a part of this Schedule.</p> <p>Japan undertakes its specific commitments with respect to Financial Services in accordance with Chapter 7, Annex 5 and the Understanding.</p> <p>For prudential reasons within the context of paragraph 1 of Section 2 of Annex 5, Japan shall not be prevented from taking measures such as non-discriminatory limitations on juridical forms of a commercial presence. For the same reasons, Japan shall not be prevented from applying non-discriminatory limitations concerning admission to the market of new financial services which shall be consistent with regulatory framework aimed at achieving such prudential objectives. In this context, securities firms are allowed to deal in securities defined in the relevant Japanese law, and banks are not allowed to deal in those securities unless allowed in accordance with the said law.</p> <p>With respect to specific commitments in the sectors of Financial Services, services supplied in the Area of the Philippines to the service consumer in Japan without any active marketing from the service supplier are considered as services supplied under subparagraph (t)(ii) of Article 71.</p>				
<p>A. Insurance and Insurance-Related Services</p>	<p>SS*</p>	<p>Specific commitments in the market-access column with respect to the supply of a service as prescribed in subparagraphs (t)(i) and (ii) of Article 71 are unbound except for obligations under paragraphs B3 and 4 of the Understanding respectively which are incurred in this sector additionally to those covered by the provisions of Articles 72, 73 and 74 and Annex 5, subject to conditions and qualifications set out below.</p> <p>1) None except:</p>	<p>1) None</p>	

		<p>commercial presence is in principle required for insurance contracts on the following items and any liability arising therefrom:</p> <p>(a) goods being transported within Japan; and</p> <p>(b) ships of Japanese registration which are not used for international maritime transport; and</p> <p>commercial presence is required for insurance intermediation services in Japan.</p>		
	2)	<p>None except:</p> <p>commercial presence is in principle required for insurance contracts on the following items and any liability arising therefrom:</p> <p>(a) goods being transported within Japan; and</p> <p>(b) ships of Japanese registration which are not used for international maritime transport; and</p> <p>commercial presence is required for insurance intermediation services in Japan.</p>	2)	None
	3)	<p>None²⁹</p>	3)	None
	4)	<p>Unbound</p>	4)	Unbound

29

29 Insurance intermediation services may be supplied only for insurance contracts allowed to be supplied in Japan.

B. Banking and Other Financial Services (excluding Insurance and Insurance-Related Services)	SS*	<p>Specific commitments in the market-access column with respect to the supply of a service as prescribed in subparagraphs (t) (i) and (ii) of Article 71 are unbound except for obligations under paragraphs B3 and 4 of the Understanding respectively which are incurred in this sector additionally to those covered by the provisions of Articles 72, 73 and 74 and Annex 5, subject to conditions and qualifications set out below.</p> <p>1) None except that commercial presence is required for discretionary investment management services.</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound</p>	<p>1) None</p> <p>2) None</p> <p>3) None except that the deposit insurance system does not cover deposits taken by branches of foreign banks.</p> <p>4) Unbound</p>	
8. HEALTH RELATED AND SOCIAL SERVICES				
A. Hospital Services (9311)	SS**	<p>1) Unbound*</p> <p>2) None</p> <p>3) Unbound except that there is no limitation on the participation of foreign capital.</p> <p>4) Unbound</p>	<p>1) Unbound*</p> <p>2) None</p> <p>3) Unbound except that there is no limitation on the participation of foreign capital.</p> <p>4) None</p>	
B. Other Human Health Services				
Medical services delivered in the ambulance (93192)	SS**	<p>1) Unbound*</p> <p>2) None</p>	<p>1) Unbound*</p> <p>2) None</p>	

		3) Unbound except that there is no limitation on the participation of foreign capital. 4) Unbound	3) Unbound except that there is no limitation on the participation of foreign capital. 4) None	
Residential health facilities services other than hospital services (93193)	SS**	1) Unbound* 2) Unbound 3) Unbound 4) Unbound	1) Unbound* 2) Unbound 3) Unbound 4) None	
Blood collection services stipulated in the Law to Secure the Stable Supply and Related Matters Regarding Safe Blood Products (Law No. 160 of 1956) (93199)	SS**	1) Unbound 2) None 3) Unbound 4) Unbound	1) Unbound 2) None 3) Unbound 4) None	
C. Social Services (excluding child day-care services) (933, except 93321)	SS**	1) Unbound* 2) None 3) Unbound except that there is no limitation on the participation of foreign capital. 4) Unbound	1) Unbound* 2) None 3) Unbound except that there is no limitation on the participation of foreign capital. 4) None	
9. TOURISM AND TRAVEL RELATED SERVICES				
A. Hotels and Restaurants				
Hotels and restaurants services (excluding catering services) (641-643, except 6423)	SS	1) Unbound* 2) None 3) None 4) None	1) Unbound* 2) None 3) None 4) None	

Catering services (6423)	SS	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
B. Travel Agencies and Tour Operators Services (7471)	SS	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
C. Tourist Guides Services (7472)	SS	1) Unbound* 2) None 3) None 4) None	1) Unbound* 2) None 3) None 4) None	
10. RECREATIONAL, CULTURAL AND SPORTING SERVICES				
A. Entertainment Services (including theatre, live bands and circus services) (9619)	SS	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
B. News Agency Services (962)	SS	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	

C. Libraries, Archives, Museum and Other Cultural Services				
Libraries and archives services (96311, 96312)	SS	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
Museum services including preservation services of historical sites and buildings (9632)	SS	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
Other cultural services (9633)	SS	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
D. Sporting and Other Recreational Services				
Sporting services (9641) Recreation parks and beach services (96491)	SS	1) Unbound* 2) None 3) None 4) None	1) Unbound* 2) None 3) None 4) None	
Other recreational services n.e.c. (96499)	SS	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	

11. TRANSPORT SERVICES				
A. Maritime Transport Services				
a), b) International maritime transport services (including services of passenger transportation and freight transportation) (7211,7212)	SS	1) (a) Liner Shipping: None ³⁰ (b) Bulk, tramp, and other international shipping, including passenger transportation: None ³⁰ 2) None 3) (a) Establishment of a registered company for the purposes of operating a fleet flying the flag of Japan: None except that there is a nationality requirement ³¹ for a ship to fly the flag of Japan. (b) Other forms of commercial presence for the supply of international maritime transport services (as defined in paragraph 1 of Note below): None	1) (a) Liner Shipping: None ³⁰ (b) Bulk, tramp, and other international shipping, including passenger transportation: None ³⁰ 2) None 3) (a) Establishment of a registered company for the purposes of operating a fleet flying the flag of Japan: None except that there is a nationality requirement ³¹ for a ship to fly the flag of Japan. (b) Other forms of commercial presence for the supply of international maritime transport services (as defined in paragraph 1 of Note below): None	The following services will be made available to international maritime transport suppliers on reasonable and non-discriminatory terms and conditions: (a) Pilotage services; (b) Pushing and towing services; (c) Provisioning, fuelling and watering services; (d) Garbage collecting and refuse disposal services; (e) Port captain's services;

30 Restriction or prohibition of a) entry in Japanese ports and b) loading or unloading of cargoes in Japanese ports for a designated period may be imposed as a countermeasure on operators of vessels who belong to the country in which interests of Japanese operators continue to be substantially damaged, in spite of prior notification of taking such measure, under unfavorable treatment imposed on them by that country or by local authorities or similar entities of that country.

31 In this sector, the term "nationality requirement" means that the ship must be owned by:

- (a) a natural person with Japanese nationality; or
- (b) a juridical person established under Japanese law, with all representatives ("daihyosha") and not less than two-thirds of executives administering the affairs of the juridical person ("gyomu-wo-shikkousuru yakuin") having Japanese nationality.

		<p>4) (a) Ships' crews: None except that foreign nationals employed by Japanese juridical persons, except for the seafarers referred to in the relevant official notification, may not work on the vessels flying the Japanese flag.</p> <p>(b) Key personnel employed in relation to a commercial presence as defined under 3) (b): None</p>	<p>4) (a) Ships' crews: None except that foreign nationals employed by Japanese juridical persons, except for the seafarers referred to in the relevant official notification, may not work on the vessels flying the Japanese flag.</p> <p>(b) Key personnel employed in relation to a commercial presence as defined under 3) (b) above: None</p>	<p>(f) Navigation aids services;</p> <p>(g) Shore based operational services essential to ship operations, including communications, water and electrical supplies;</p> <p>(h) Emergency repair services; and</p> <p>(i) Anchorage, berths and berthing services.</p>
c) Rental of vessels with crew (excluding vessels flying the Japanese flag) (7213)	SS	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) None</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) None</p>	
A. Maritime Auxiliary Transport Services				
d) Maintenance and repair of vessels (8868**)	SS	<p>1) Unbound*</p> <p>2) None</p>	<p>1) Unbound*</p> <p>2) None</p>	

		<p>3) None except that establishing or extending docks or berths which can be used to manufacture or repair the vessels beyond a fixed scale are subject to an economic needs test.</p> <p>4) None</p>	<p>3) None</p> <p>4) None</p>	
e) Pushing and towing services (7214)	SS	<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>	
f) Salvaging and refloating services, watering services, fueling services, garbage collecting services (7454, 7459)	SS	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) None</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) None</p>	
Maritime cargo handling services (as defined in paragraph 2 of Note below)	SS	<p>1) Unbound*</p> <p>2) None</p> <p>3) None except that the number of licenses conferred to service suppliers may be limited in ports designated by the Government.³²</p> <p>4) None except that the number of licenses conferred to service suppliers may be limited in ports designated by the Government.³²</p>	<p>1) Unbound*</p> <p>2) None</p> <p>3) None</p> <p>4) None</p>	

32 Public utility concession or licensing procedures may apply in case of occupation of the public domain.

<p>Container station and depot services (as defined in paragraph 3 of Note below)</p>	<p>SS</p>	<p>1) Unbound*</p> <p>2) None</p> <p>3) None except that the number of licenses conferred to service suppliers may be limited in ports designated by the Government.³²</p> <p>4) None except that the number of licenses conferred to service suppliers may be limited in ports designated by the Government.³²</p>	<p>1) Unbound*</p> <p>2) None</p> <p>3) None</p> <p>4) None</p>	
<p>Maritime agency services (as defined in paragraph 4 of Note below)</p>	<p>SS</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) None</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) None</p>	
<p>Maritime freight forwarding services (as defined in paragraph 5 of Note below)</p>	<p>SS</p>	<p>1) None except: commercial presence is required; and an operation permit or governmental registration will not be granted when fair business activities are not ensured, in accordance with Freight Forwarding Business Law (Law No. 82 of 1989).</p> <p>2) None</p> <p>3) None except that an operation permit or governmental registration will not be granted when fair business activities are not ensured, in accordance with Freight Forwarding Business Law.</p>	<p>1) None except that an operation permit or governmental registration will not be granted when fair business activities are not ensured, in accordance with Freight Forwarding Business Law.</p> <p>2) None</p> <p>3) None except that an operation permit or governmental registration will not be granted when fair business activities are not ensured, in accordance with Freight Forwarding Business Law.</p>	

		4) None except: commercial presence is required; and an operation permit or governmental registration will not be granted when fair business activities are not ensured, in accordance with Freight Forwarding Business Law.	4) None except that an operation permit or governmental registration will not be granted when fair business activities are not ensured, in accordance with Freight Forwarding Business Law.	
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Note to the Specific Commitments in the Sectors
of Maritime Transport Services and Maritime Auxiliary Transport Services

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^(Note 1) 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^(Note 2) for the purposes of carrying out multimodal transport operations.

(Note 1) "Multimodal transport operator" means the person on whose behalf the bill of lading, multimodal transport document or any other document evidencing a contract of multimodal carriage of goods is issued and who is responsible for the carriage of goods pursuant to the contract of carriage.

(Note 2) "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.

Definitions

1. "Other forms of commercial presence for the supply of international maritime transport services" means the ability for international maritime transport service suppliers of the Philippines to undertake in Japan all activities which are necessary for the supply to their customers of a partially or fully integrated transport service, within which the maritime transport constitutes a substantial element. (This commitment shall however not be construed as limiting in any manner the specific commitments undertaken in respect of services supplied under subparagraph (t)(i) of Article 71.)

These activities include, but are not limited to:

- (a) marketing and sales of maritime transport and related services through direct contact with customers, from quotation to invoicing, these services being those operated or offered by the service supplier itself or by service suppliers with which the service seller has established standing business arrangements;
- (b) the acquisition, on their own account or on behalf of their customers (and the resale to their customers) of any domestic transport and related services, including inland transport services by any mode, particularly inland waterways, road and rail, but excluding air, necessary for the supply of the integrated service;
- (c) the preparation of documentation concerning transport documents, customs documents, or other documents related to the origin and character of the goods transported;
- (d) the provision of business information by any means, including computerized information systems and electronic data interchange

(subject to the provisions of the Annex on Telecommunications to the GATS);

- (e) the setting up of any business arrangements (including participation in the stock of a company) and the appointment of personnel recruited locally (or, in the case of foreign personnel, subject to the commitments provided for in Chapter 9 (Movement of Natural Persons)) with any locally established shipping agency; and
- (f) acting on behalf of the companies, organizing the call of the ship or taking over cargoes when required.

2. "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 organized independently of the stevedoring or terminal operator companies. The activities covered include the organization and supervision of:

- (a) the loading/discharging of cargo to/from a ship;
- (b) the lashing/unlashing of cargo; and
- (c) the reception/delivery and safekeeping of cargoes before shipment or after discharge.

3. "Container station and depot services" means activities consisting in storing containers, whether in port areas or inland, with a view to their stuffing/stripping, repairing and making them available for shipments.

4. "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; and
- (b) acting on behalf of the companies organizing the call of the ship or taking over cargoes when required.

5. "Maritime freight forwarding services" means an activity consisting of organizing and monitoring shipment operations on behalf of shippers, through the acquisition of transport and related services, preparation of documentation and provision of business information. Maritime freight forwarding services include those provided by a person on whose behalf the bill of lading or any other document evidencing a contract of carriage of goods is issued and who is responsible for the carriage of goods pursuant to the contract of carriage.

B. Internal Waterways Transport					
d)	Maintenance and repair of vessels (8868**)	SS	1) Unbound* 2) None 3) None except that establishing or extending docks or berths which can be used to manufacture or repair the vessels beyond a fixed scale are subject to an economic needs test.	1) Unbound* 2) None 3) None	

		4) None	4) None	
e) Pushing and towing services (7224)	SS	1) Unbound* 2) None 3) None 4) None	1) Unbound* 2) None 3) None 4) None	
f) Salvaging and refloating services, watering services, fuelling services and garbage collecting services (7454, 7459)	SS	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
C. Air Transport Services				
d) Aircraft repair and maintenance services defined in subparagraph (a) of Article 71	SS	1) Unbound* 2) None 3) None except that the number of licenses conferred to service suppliers may be limited. 4) None	1) Unbound* 2) None 3) None 4) None	
e) Selling and marketing of air transport services defined in subparagraph (k) of Article 71	SS	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
e) Computer reservation system services defined in subparagraph (c) of Article 71	SS	1) None 2) None 3) None	1) None 2) None 3) None	

		4) None	4) None	
D. Space Transport (733)		1) Unbound 2) None 3) Unbound 4) Unbound	1) Unbound 2) None 3) Unbound 4) Unbound	
E. Rail Transport Services				
a) Passenger transportation (7111)	SS	1) Unbound* 2) None 3) None 4) None	1) Unbound* 2) None 3) None except that prior notification is required in accordance with the Foreign Exchange and Foreign Trade Law. 4) None	
b) Freight transportation (7112)	SS	1) Unbound* 2) None 3) None 4) None	1) Unbound* 2) None 3) None except that prior notification is required in accordance with the Foreign Exchange and Foreign Trade Law. 4) None	
c) Pushing and towing services (7113)	SS	1) Unbound* 2) None 3) None 4) None	1) Unbound* 2) None 3) None 4) None	

d)	Maintenance and repair services of rail transport equipment (8868**)	SS	1) Unbound* 2) None 3) None 4) None	1) Unbound* 2) None 3) None 4) None	
d)	Rental of rail transport equipment with operator	SS	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
e)	Supporting services for rail transport services (743)	SS	1) None 2) None 3) None 4) None	1) None 2) None 3) None except that prior notification is required in accordance with the Foreign Exchange and Foreign Trade Law. 4) None	
F. Road Transport Services					
a)	Passenger transportation (71211, 71212, 71213, 71214, 71221)	SS	1) Unbound* 2) None 3) None except that limitations on the number of service suppliers, on the number of service operations or on the quantity of service output may be applied, on a temporary and non-discriminatory basis.	1) Unbound* 2) None 3) None except that prior notification is required in accordance with the Foreign Exchange and Foreign Trade Law.	

		<p>4) None except: limitations on the number of service suppliers, on the number of service operations or on the quantity of service output may be applied, on a temporary and non-discriminatory basis; and commercial presence is required.</p>	<p>4) None</p>	
<p>b) Freight transportation services (7123)</p>	SS	<p>1) Unbound* 2) None 3) None except that limitations on the number of service suppliers, on the number of service operations or on the quantity of service output may be applied, on a temporary and non-discriminatory basis. 4) None except: limitations on the number of service suppliers, on the number of service operations or on the quantity of service output may be applied, on a temporary and non-discriminatory basis; and commercial presence is required.</p>	<p>1) Unbound* 2) None 3) None 4) None</p>	
<p>c) Rental of commercial vehicles with operator (7124)</p>	SS	<p>1) None 2) None 3) None 4) None</p>	<p>1) None 2) None 3) None 4) None</p>	

d)	Maintenance and repair services of road transport equipment (6112, 8867)	SS	1) Unbound* 2) None 3) None 4) None except that commercial presence is required.	1) Unbound* 2) None 3) None 4) None	
e)	Supporting services for road transport services (744)	SS	1) None 2) None 3) None except that the number of licenses conferred to service suppliers may be limited for motorway businesses. 4) None except that the number of licenses conferred to services suppliers may be limited for motorway businesses.	1) None 2) None 3) None 4) None	
G. Pipeline Transport					
a)	Transportation of fuels (7131) (a) transportation services of natural gas on a fee or contract basis		1) Unbound 2) None 3) None except that the number of licenses conferred to service suppliers may be limited. 4) Unbound	1) Unbound 2) None 3) None except that prior notification is required in accordance with the Foreign Exchange and Foreign Trade Law. 4) Unbound	
	(b) transportation services of petroleum on a fee or contract basis	SS	1) None 2) None 3) None	1) None 2) None 3) None	

		4) None	4) None	
b) Transport services of goods other than fuels (7139)	SS	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
H. Services Auxiliary to All Modes of Transport				
a) Cargo-handling services (excluding services relating to maritime transport services) (741)	SS	1) Unbound* 2) None 3) None 4) None	1) Unbound* 2) None 3) None 4) None	
b) Storage and warehouse services (excluding services relating to petroleum and petroleum products) (742)	SS	1) Unbound* 2) None 3) None 4) None	1) Unbound* 2) None 3) None 4) None	
b) Storage and warehouse services relating to petroleum and petroleum products (742)	SS	1) Unbound* 2) None 3) None 4) None	1) Unbound* 2) None 3) None except that prior notification is required in accordance with the Foreign Exchange and Foreign Trade Law. 4) None	

c) Freight transport agency services (excluding services relating to maritime freight forwarding services) (748)	SS	1) None except that commercial presence is required. 2) None 3) None 4) None except that commercial presence is required.	1) None 2) None 3) None 4) None	
d) Customs clearance agent services related to Japanese Customs	SS	1) None except that commercial presence is required. 2) None except that commercial presence is required. 3) None 4) None except that commercial presence is required.	1) None 2) None 3) None 4) None	
12. OTHER SERVICES NOT INCLUDED ELSEWHERE (95, 97, 98, 99)				
Home helper services (excluding the services classified in Social Services)		1) Unbound* 2) None 3) None 4) Unbound	1) Unbound* 2) None 3) None 4) Unbound	

[外務省]1B: Schedule of the Philippines

Explanatory Notes

- 1) Alphabets indicated against individual sectors or subsectors and numbers in brackets are references to the Services Sectoral Classification List (GATT Document MTN.GNS/W/120, dated 10 July 1991) and the Provisional Central Product Classification (Statistical Papers Series M No. 77, Department of International Economic and Social Affairs, Statistical Office of the United Nations, New York, 1991), unless otherwise specified. These alphabetical and numerical divisions are indicated to enhance the clarity in the description of specific commitments, but shall not be construed as being a part of the specific commitments.
- 2) The scheduling of specific commitments follows the Guidelines for the Scheduling of Specific Commitments (WTO Document S/L/92, dated 28 March 2001). The Guidelines shall not, however, be construed as being legally binding.
- 3) The modes of supply 1), 2), 3) and 4) indicated in this schedule correspond respectively to the supply of services defined in (i), (ii), (iii) and (iv) of subparagraph (t) of Article 71.
- 4) The entry "Unbound" means the Philippines remains free to introduce or maintain measures inconsistent with market access or national treatment in the given sector and mode of supply.
- 5) The entry "Unbound*" means unbound due to lack of technical feasibility. The entry of "SS" in the sector or subsector under paragraph 3 of Article 75 shall not prevent the Philippines from maintaining nor adopting any measure with respect to the modes where "Unbound*" is entered. Where the mode of supply thought to be inapplicable is in fact applicable, or becomes so in the future, the entry means "Unbound."
- 6) The use of "***" against individual CPC codes indicates that the specific commitment for that code does not extend to the total range of services covered under that code.
- 7) All limitations on market access and national treatment in the horizontal section shall apply to all sectors and subsectors, where specific commitments are made in this schedule.

8) All references to the names of Philippine laws and regulations mentioned in the Schedule shall be construed to include any amendment thereto at the time of the entry into force of this Agreement.

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

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
I. HORIZONTAL SECTION			
	<p>3)</p> <p>A. In activities expressly reserved by the Constitution to Filipino citizens or corporations or association with limited foreign equity participation specific to public utilities and advertising:</p> <p>The participation of foreign investors in the governing body shall be limited to their proportionate share in its capital and all executive and managing officers of such corporations and associations must be citizens of the Philippines.</p> <p>B. In activities where foreign equity is limited to 40 percent or less of the capital stock outstanding and entitled to vote:</p> <p>The percentage of membership in the Board of Directors shall be limited to their proportionate stockholdings.</p> <p>C. In activities where more than 40 percent foreign equity is allowed:</p>	<p>3)</p> <p>A. <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 percent of whose capital is owned by non-Filipino citizens; and</p> <p>b. corporations, more than 40 percent 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> <p>B. Banks are prohibited from extending peso loans to non-residents.</p> <p>1), 2), 3), 4) All measures taken by local government units are unbound.</p>	

	<p>a. A majority of the directors or trustees of all corporations organized must be residents of the Philippines and the corporate Board secretary shall be a resident and citizen of the Philippines; and,</p> <p>b. The paid-in equity must not be less than US\$200,000 for domestic market enterprises¹; or,</p> <p>c. The paid-in equity must not be less than US\$100,000 for domestic market enterprises involving advanced technology as determined by the Department of Science and Technology (DOST); or,</p> <p>d. The paid-in equity must not be less than US\$100,000 for domestic market enterprises employing at least 50 direct employees; or,</p>		
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1 The Foreign Investments Act (RA 7042, as amended by RA 8179) defines "domestic market enterprise" as an enterprise, which produces goods for sale, or renders services to the domestic market entirely or if exporting a portion of its output fails to consistently export at least 60 percent thereof.

	<p>e. The juridical entity exports 60 percent or more of its output.</p> <p>D. <u>Acquisition of Land</u></p> <p>a. All lands of the public domain are owned by the State. Only citizens of the Philippines or corporations or associations at least 60 percent of whose capital is owned by such citizens may own land other than public lands and acquire public lands through lease.</p> <p>b. 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.</p> <p>3), 4) <u>Practice of professions</u></p> <p>The practice of professions in the Philippines shall be limited to Filipino citizens, save in cases prescribed by law.</p>		
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	1), 2), 3), 4) All measures taken by local government units are unbound.		
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Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons				
Sector or Subsector	SS	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
II. SECTOR-SPECIFIC SECTION				
1. BUSINESS SERVICES ²				
A. Professional Services				
All subsectors		3), 4) Limitations listed in the horizontal section shall apply. 4) Upon recommendation of the concerned Professional Regulatory Board (PRB), the Professional Regulation Commission (PRC) may approve registration of and authorize 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,	3) Limitations listed in the horizontal section shall apply. 4) Upon recommendation of the concerned PRB, the PRC may approve registration of and authorize 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,	

2 The Philippines shall undertake a review of the laws and/or regulations on customs clearance by firms and leasing services within 2 years after the date of entry into force of this Agreement. The progress of the review will be shared by both sides.

	<p>A. That the 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 and grant the same privileges as those enjoyed by subjects or citizens of such foreign country/state: provided, further,</p> <p>B. That the Commission may, upon recommendation of the Board concerned, authorize the issuance of a certification/license or special temporary permit to:</p> <p>a. Foreign professionals who desire to practice their professions in the country under reciprocity and other international agreements;</p> <p>b. Consultants in foreign funded, joint-venture or foreign assisted projects of the Government; or</p>	<p>A. That the 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 and grant the same privileges as those enjoyed by subjects or citizens of such foreign country/state: provided, further,</p> <p>B. That the Commission may, upon recommendation of the Board concerned, authorize the issuance of a certification/license or special temporary permit to:</p> <p>a. Foreign professionals who desire to practice their professions in the country under reciprocity and other international agreements;</p> <p>b. Consultants in foreign funded, joint-venture or foreign assisted projects of the Government; or</p>	
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		<p>c. Employees of Philippine/foreign private firms/institutions pursuant to law, or health professionals engaged in humanitarian mission for a limited period of time: provided, finally,</p> <p>C. That agencies/ organizations/ individuals whether public or private, who secure the services of a foreign professional authorized by law to practice in the Philippines for reasons aforementioned shall be responsible for securing a special permit from the PRC and the Department of Labor and Employment (DOLE) pursuant to PRC and DOLE rules.</p>	<p>c. Employees of Philippine/foreign private firms/ institutions pursuant to law, or health professionals engaged in humanitarian mission for a limited period of time: provided, finally,</p> <p>C. That agencies/ organizations/ individuals whether public or private, who secure the services of a foreign professional authorized by law to practice in the Philippines for reasons aforementioned shall be responsible for securing a special permit from the PRC and the DOLE pursuant to PRC and DOLE rules.</p>	
<p>b. Auditing Services, including financial auditing and accounting review (86211, 86212)</p>	SS	<p>1) None, except services outputs cannot be recognized by the Philippine Government.</p> <p>2) None, except services outputs cannot be recognized by the Philippine Government.</p> <p>3) Corporations organized for the practice of public accountancy is not allowed.</p>	<p>1) None, except services outputs cannot be recognized by the Philippine Government.</p> <p>2) None, except services outputs cannot be recognized by the Philippine Government.</p> <p>3), 4) Subjects or citizens of foreign countries may be allowed to practice Accountancy in the Philippines, provided:</p>	

		<p>Single practitioners and partnerships for the practice of public accountancy shall be registered certified public accountants in the Philippines. A certificate of accreditation shall be issued to certified public accountants in public practice only upon showing that such registrant has acquired a minimum of 3 years meaningful experience in any of the areas of public practice including taxation.</p>	<p>A. It is in accordance with the provisions of existing laws, international treaty obligations including mutual recognition agreements entered into by the Philippine Government with other countries; and</p> <p>B. He/she can prove, in the manner provided by the rules of court that, by specific provision of law, the country of which he/she is a citizen, subject or national admits citizens of the Philippines to the practice of the same profession without restriction.</p>	
		<p>4) As indicated in the horizontal section for Professional Services.</p>	<p>4) As indicated in the horizontal section for Professional Services.</p>	
d. Architectural Services (8671)	SS	<p>1) None, except services outputs cannot be recognized by the Philippine Government.</p> <p>2) None, except services outputs cannot be recognized by the Philippine Government.</p>	<p>1) None, except services outputs cannot be recognized by the Philippine Government.</p> <p>2) None, except services outputs cannot be recognized by the Philippine Government.</p>	

	<p>3) A firm, company, partnership, corporation or association may be registered or licensed as such for the practice of architecture, provided:</p> <p>A. Only Filipino citizens properly registered and licensed as architects may, among themselves, or together with allied technical professionals, form and obtain registration as a firm, company, partnership, association or corporation for the practice of architecture;</p> <p>B. Registered and licensed architects shall compose at least 75 percent of the owners, shareholders, members incorporators, directors, executive officers, as the case may be;</p> <p>C. Individual members of such firm, partnership, association or corporation shall be responsible for their individual and collective acts as an entity and as provided by law; and</p> <p>D. Such firm, partnership, association or corporation shall be registered with the Securities and Exchange Commission (SEC) and Board of Architecture.</p>	<p>3),4)</p> <p>A. Foreign citizens may be allowed to take licensure exam if he/she can prove, in the manner provided by the Rules of Court that, by specific provision of law, the country of which he/she is a citizen, subject or national either admits citizens of the Philippines to the practice of the same profession without restriction or allows them to practice it after passing an examination on terms of strict and absolute equality with citizens, subjects or national of the country concerned, including the unconditional recognition of prerequisite degrees/diplomas issued by the institutions of learning duly recognized for the purpose by the Government of the Philippines.</p>	
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			<p>B. Foreign nationals who have gained entry in the Philippines to perform professional services as architects or consultants in foreign-funded or assisted projects of the Government or employed or engaged by Filipino or foreign contractors or private firms, shall, before assuming the duties, functions and responsibilities as architects or consultants, secure a special/temporary permit from the Board subject to approval of the PRC to practice his/her profession in connection with the project to which he/she was commissioned, provided:</p>	
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			<p>a. That a foreign national or foreign firm, whose name or company name, with title architect, architectural consultant, design consultant, consultant or designer appear on architectural plans, specifications and other related construction documents, for securing buildings permits, licenses and government authority clearances for actual building project construction in the Philippines and advertisement and billboards for marketing purposes, shall be deemed practicing architecture in the Philippines, whether the contract for professional services is consummated in the Philippines or in a foreign country; and</p> <p>b. That the following conditions are satisfied as follows:</p>	
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			<p>i) That he/she is a citizen or subject of a country which specifically permits Filipino professionals to practice his/her profession within their territorial limits, on the same basis as the subjects or citizens of such foreign state or country;</p> <p>ii) That he/she is legally qualified to practice architecture in his/her own country, and that his/her expertise is necessary and advantageous to our country particularly in the aspects of technology transfer and specialization;</p>	
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			<p>iii) That foreign nationals shall be required to work with a Filipino counterpart and shall also be responsible for public utilities and taxes due to the Philippine Government, relative to their participation in, or professional services rendered to the project, in accordance with the established implementing rules and regulations providing for the procedure for the registration and/or issuance of temporary/special permits to foreign architects allowed by law to practice their profession in the Philippines by the Board of Architecture and the accredited professional organization; and</p>	
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			<p>iv) Agencies, organizations or individuals, whether public or private, who secure the services of a foreign professional authorized by law to practice in the Philippines for reasons aforementioned, shall be responsible for securing a special permit from the PRC and DOLE pursuant to PRC and DOLE rules.</p>	
		4) As indicated in the horizontal section for Professional Services.	4) As indicated in the horizontal section for Professional Services.	
e. Engineering Services (8672)				
Aeronautical Engineering	SS	<p>1) None, except services outputs cannot be recognized by the Philippine Government.</p> <p>2) None, except services outputs cannot be recognized by the Philippine Government.</p>	<p>1) None, except services outputs cannot be recognized by the Philippine Government.</p> <p>2) None, except services outputs cannot be recognized by the Philippine Government.</p>	

	<p>3) A firm, company or corporation may engage in designing, planning, construction, installation, alteration, manufacture or marketing of any aircraft and its components, accessories, instruments, equipment and supply provided there is certification, supervision or guidance of an aeronautical engineer.</p>	<p>3), 4)</p> <p>A. Citizens of a foreign country may take the licensure exam under existing laws.</p> <p>B. The following may be granted temporary certificates of registration as aeronautical engineer to practice aeronautical engineering in the Philippines:</p> <p>a. Aeronautical engineers from foreign countries called for consultation or for a specific design, construction or project, whose services in the Philippines shall be limited only to such particular work, and such engineers are legally or technically qualified to practice aeronautical engineering in their own country.</p> <p>b. Any person from foreign countries employed as technical officers or professors in such specialized branches of aeronautical engineering as may, in the judgment of the PRC, be necessary and indispensable for the Philippines.</p>	
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		4) As indicated in the horizontal section for Professional Services.	4) As indicated in the horizontal section for Professional Services.	
Agricultural Engineering	SS	<p>1) None, except services outputs cannot be recognized by the Philippine Government.</p> <p>2) None, except services outputs cannot be recognized by the Philippine Government.</p> <p>3) No firm, company, partnership, association or corporation may be registered or licensed as such for the practice of agricultural engineering. However, persons properly registered and licensed as agricultural engineer may among themselves or with a person or persons properly registered and licensed as an agricultural engineer form or obtain registration with the SEC of a firm, partnership or association using the term "Agricultural Engineers," provided all members, partners or associates are duly registered and licensed agricultural engineers.</p> <p>4) As indicated in the horizontal section for Professional Services.</p>	<p>1) None, except services outputs cannot be recognized by the Philippine Government.</p> <p>2) None, except services outputs cannot be recognized by the Philippine Government.</p> <p>3), 4) Foreign agricultural engineers may be issued temporary license to practice/engage in consultancy if the country of which he is a subject or citizen specifically permits Filipino agricultural engineers to practice within its territorial limits on the same basis as the subjects or citizens of such foreign state or country.</p> <p>4) As indicated in the horizontal section for Professional Services.</p>	
Chemical Engineering	SS	<p>1) None, except services outputs cannot be recognized by the Philippine Government.</p> <p>2) None, except services outputs cannot be recognized by the Philippine Government.</p>	<p>1) None, except services outputs cannot be recognized by the Philippine Government.</p> <p>2) None, except services outputs cannot be recognized by the Philippine Government.</p>	

	<p>3) Duly licensed and registered chemical engineers may form partnerships among themselves or with other licensed and registered engineers and architects and use the title "Chemical Engineers", "Engineers", or "Engineers and Architects" in their partnership name.</p>	<p>3), 4) A. Registration shall not be required of the following persons upon proper application for exemption with the Board of Chemical Engineering:</p> <p>a. Foreign chemical engineers, recognized as experts in their specific fields of chemical engineering, called in by the Philippine Government for consultation or for a specific design, installation or project, provided that their practice shall be confined to such work; and</p> <p>b. Foreign chemical engineers, who have distinguished themselves in their respective fields of specialization, contracted as professors or lecturers on chemical engineering subjects by Philippine schools, or colleges, institutes or universities on a direct hire or exchange basis, subject to verification of credentials by the Board.</p>	
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		4) As indicated in the horizontal section for Professional Services.	<p>B. Foreign chemical engineers may be granted rights/privileges if the country of which he is a subject or citizen grants the same or similar rights or privileges to Filipino chemical engineers.</p> <p>4) As indicated in the horizontal section for Professional Services.</p>	
Civil Engineering	SS	<p>1) None, except services outputs cannot be recognized by the Philippine Government.</p> <p>2) None, except services outputs cannot be recognized by the Philippine Government.</p>	<p>1) None, except services outputs cannot be recognized by the Philippine Government.</p> <p>2) None, except services outputs cannot be recognized by the Philippine Government.</p>	

		<p>3) No firm, partnership, corporation or association may be registered or licensed as such for the practice of civil engineering. However, persons properly registered and licensed as civil engineers may, among themselves or with a person or persons properly registered and licensed as architects, form, and obtain registration of, a firm, partnership or association using the term "Engineers" or "Engineers and Architects," provided all members or partners of such firm, partnership or association are duly licensed civil engineers or architects, and the members who are civil engineers shall only render work and services proper for a civil engineer, as defined in the Civil Engineering Law (RA 544, as amended by RA 1582), and the members who are architects shall also only render work and services proper for an architect, as defined in the law regulating the practice of architecture; individual members of such firms, partnership or association shall be responsible for their own respective acts.</p> <p>4) As indicated in the horizontal section for Professional Services.</p>	<p>3), 4) A foreigner may be allowed to take the examination if he can prove that the country of which he is a citizen, subject, or national either admits citizens of the Philippines to the practice of the same profession without restriction or allows them to practice it after an examination on terms of strict and absolute equality with citizens, subjects, or nationals of the country concerned, including the unconditional recognition of degrees issued by institutions of learning duly recognized for the purpose by the Government of the Philippines.</p> <p>4) As indicated in the horizontal section for Professional Services.</p>	
Mechanical Engineering	SS	<p>1) None, except services outputs cannot be recognized by the Philippine Government.</p>	<p>1) None, except services outputs cannot be recognized by the Philippine Government.</p>	

	<p>2) None, except services outputs cannot be recognized by the Philippine Government.</p> <p>3) No firm, company, partnership, association or corporation may be registered or licensed as such for the practice of mechanical engineering. However, persons properly registered and licensed as mechanical engineers may form and obtain registration with the SEC of a firm, partnership or association using the term - Mechanical Engineers- and/or -Architect and Mechanical Engineers, provided all members, partners or associates are duly registered and licensed mechanical engineers. The members who are mechanical engineers shall only render work and services proper for mechanical engineers as defined in the Philippine Mechanical Engineering Act (RA 8495).</p>	<p>2) None, except services outputs cannot be recognized by the Philippine Government.</p> <p>3), 4) A. Temporary/Special Permit from the Board of Mechanical Engineering may be issued to:</p> <p>a. Foreign mechanical engineers, installation, commission or graduate engineers called in for consultation or for a specific design or installation project not requiring more than 3 months residence in the Philippines in a 12 month period, provided that such engineers are legally qualified to practice mechanical engineering in their own country or state in which the requirements and qualifications for obtaining a certificate of registration are at least equal to or more than those specified in the Philippine Mechanical Engineering Act.</p>	
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			<p>b. Foreigners employed as technical officers, training officers or consultants in such special branches of mechanical engineering who are necessary and advantageous for the country particularly in the aspects of technology transfer, provided that such engagements have satisfied conditions, as may be deemed necessary as follows:</p> <p>i) Non-availability of a mechanical engineer and/or mechanic in the country who is competent, able and willing at the time of engagement to perform the service for which the foreigner is desired;</p>	
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			<p>ii) The foreigner must have been in the prior employ of the engaging firm, or its foreign business partner, outside of the Philippines for a period of not less than 1 year immediately preceding the date of his engagement; and</p> <p>iii) Any particular or specific engagement shall not be in excess of 6 months but may be renewed once, if necessary, except when such engagement is for a newly established firm in which case the period of engagement may be for a longer term but not to exceed a total term of 2 years.</p>	
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		4) As indicated in the horizontal section for Professional Services.	<p>B. Certificate of registration may be issued to a foreigner if the country of which he is a subject or citizen, in the spirit of reciprocity, permits Filipino mechanical engineers and/or mechanics to practice within its territorial limits on the same basis as the subject or citizens of such country or state.</p> <p>4) As indicated in the horizontal section for Professional Services.</p>	
Sanitary Engineering	SS	<p>1) None, except services outputs cannot be recognized by the Philippine Government.</p> <p>2) None, except services outputs cannot be recognized by the Philippine Government.</p> <p>3) A firm, partnership, corporation or association may engage in the practice of sanitary engineering in the Philippines, provided that such practice is carried out under the supervision of a sanitary engineer or sanitary engineers holding valid certificates issued by the Board of Sanitary Engineering.</p>	<p>1) None, except services outputs cannot be recognized by the Philippine Government.</p> <p>2) None, except services outputs cannot be recognized by the Philippine Government.</p> <p>3), 4) A foreigner may be allowed to take examination if he can prove that the country of which he is a citizen, subject, or national either admits citizens of the Philippines to the practice of the same profession without restriction or allows them to practice it after an examination on terms of strict and absolute equality with citizens, subjects, or nationals of the country concerned, including the unconditional recognition of degrees issued by institutions of learning duly recognized for the purpose by the Government of the Philippines.</p>	

		4) As indicated in the horizontal section for Professional Services.	4) As indicated in the horizontal section for Professional Services.	
Electrical Engineering	SS	<p>1) None, except services outputs cannot be recognized by the Philippine Government.</p> <p>2) None, except services outputs cannot be recognized by the Philippine Government.</p> <p>3) No firm or corporation may be registered or licensed as such for the practice of electrical engineering. However, persons properly qualified and licensed as professional electrical engineers may, among themselves, form a partnership or association and collectively render electrical engineering service. Individual members of such partnerships or associations shall be responsible for their own respective acts.</p>	<p>1) None, except services outputs cannot be recognized by the Philippine Government.</p> <p>2) None, except services outputs cannot be recognized by the Philippine Government.</p> <p>3), 4) A. Examination and registration shall not be required of foreign electrical engineers, erection/commissioning/graduate engineers employed as technical consultants by the Philippine Government or by private firms provided no qualified Filipino professional is available or of foreign electrical installers for the erection and installation of a special project or for any other specialized work, provided: a. They are legally qualified to practice the profession in their country in which the requirements for obtaining license/certificate of registration are not lower than those specified in the New Electrical Engineering Law (RA 7920);</p>	

		<p>4) As indicated in the horizontal section for Professional Services.</p>	<p>b. The scope of practice is limited to particular work contracted;</p> <p>c. They shall not engage in private practice;</p> <p>d. For every foreign professional contracted, one registered Filipino understudy shall be employed by the private firm utilizing the services of such foreign professional during his tenure with the firm; and</p> <p>e. Exemption is good only for 6 months, renewable for another 6 months.</p> <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>4) As indicated in the horizontal section for Professional Services.</p>	
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<p>Naval Architecture & Marine Engineering</p>	<p>SS</p>	<p>1) None, except services outputs cannot be recognized by Philippine Government.</p> <p>2) None, except services outputs cannot be recognized by Philippine Government.</p> <p>3) A firm, partnership, corporation or association may engage in the practice of naval architecture and marine engineering in the Philippines provided that such practice is carried out under the supervision of a naval architect and marine engineer or naval architects and marine engineers holding valid certificates of registration issued by the Board of Naval Architecture and Marine Engineering.</p> <p>4) As indicated in the horizontal section for Professional Services.</p>	<p>1) None, except services outputs cannot be recognized by Philippine Government.</p> <p>2) None, except services outputs cannot be recognized by Philippine Government.</p> <p>3), 4) A foreigner may be allowed to take the board examination if he is a citizen, subject or national of a country that either admits citizens of the Philippines to the practice of naval architecture and marine engineering without restriction or allows them to practice the profession after an examination on terms of strict and absolute equality with citizens, subjects or nationals of said country, including the unconditional recognition of degrees issued by institutions of learning duly recognized for the purpose by the Government of the Philippines.</p> <p>4) As indicated in the horizontal section for Professional Services.</p>	
<p>Metallurgical Engineering</p>	<p>SS</p>	<p>1) None, except services outputs cannot be recognized by the Philippine Government.</p> <p>2) None, except services outputs cannot be recognized by the Philippine Government.</p>	<p>1) None, except services outputs cannot be recognized by the Philippine Government.</p> <p>2) None, except services outputs cannot be recognized by the Philippine Government.</p>	

	<p>3) A firm, co-partnership, company, corporation or association can practice metallurgical engineering in the Philippines, provided that 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>3), 4)</p> <p>A. A foreigner may take the licensure exam and register under reciprocity provisions, i.e., if the country of a foreign applicant permits Filipino metallurgical engineers to practice their profession in the said foreign country on the same basis as, and with the same privileges accorded to, subjects or citizens of the foreign state or country.</p> <p>B. Registration shall not be required of the following classes of persons upon proper application for exemption with the Board:</p> <p>a. Foreign consultants, engineers and technicians called in by the government for consultation or for specific assignment or project.</p>	
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			<p>b. Foreign consultants, engineers and technicians employed by private firms, provided that no qualified Filipino is available, in which case the Board may allow them to practice without registration and the period of employment shall be for 1 year extendable for another year but not to exceed 3 years for any one individual.</p> <p>Provided:</p> <ul style="list-style-type: none">i) That the applicant is of good reputation and moral character;ii) That the applicant's curriculum vitae and detailed description of his assignment shall be submitted to the Board together with his application for exemption;	
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			<p>iii) That the applicant will not engage in private practice on his own account;</p> <p>iv) That for every applicant, one registered Filipino understudy shall be employed by the private firm utilizing the services of such applicants for at least the duration of the foreign expert's tenure with said firm; and</p> <p>v) That the applicant is legally qualified to practice his profession in his own state or country and that the country of which he is a citizen or subject permits Filipino metallurgical engineers and metallurgists to practice their profession within its territorial limits.</p>	
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			<p>C. Foreign metallurgists or metallurgical engineers, who had been in the actual and bona fide practice or metallurgy or metallurgical engineering for at least 5 consecutive years in the Philippines as approved by the Board may be registered as metallurgical engineer without examination; provided, that the country of which he is citizen or subject permits Filipino metallurgical engineers or metallurgists to practice their profession within its territorial limits.</p> <p>D. Foreigners may practice or offer to practice metallurgy or metallurgical engineering in the Philippines if the country of which he is a citizen permits Filipino metallurgical engineers to practice their profession within their territorial limits.</p>	
		4) As indicated in the horizontal section for Professional Services.	4) As indicated in the horizontal section for Professional Services.	
Electronics Engineering	SS	<p>1) None, except services outputs cannot be recognized by Philippine Government.</p> <p>2) None, except services outputs cannot be recognized by Philippine Government.</p>	<p>1) None, except services outputs cannot be recognized by Philippine Government.</p> <p>2) None, except services outputs cannot be recognized by Philippine Government.</p>	

	<p>3) No firm, company, partnership, association or corporation may be registered or licensed as such for the practice of electronics engineering and electronics technician. However, persons properly registered and licensed as Professional Electronics Engineers, Electronics Engineers or Electronics Technicians may, among themselves or with any other allied professionals, form a partnership or association or corporation and collectively render services as such, provided that individual members of such partnerships or associations or corporations shall be responsible for their own respective acts.</p>	<p>3),4) A. No examination and registration shall be required for foreign Professional Electronics Engineers, Electronics Engineers or Electronics Technicians who are temporarily employed by the Philippine Government or by private firms in the Philippines in the following cases:</p> <p>a. No qualified equivalent Filipino professional is available for the specific item of work to be rendered, as attested to by the Accredited Professional Organization.</p> <p>b. The conditions of the scope and funding for the work or project are such that it stipulates the temporary employment of a foreign professional.</p>	
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			<p>c. As defined in the General Agreement on Trade in Services, the ASEAN and APEC Engineer Registry programs and other similar international treaties, agreements and/or covenants to which the Philippine Government is a signatory and has ratified, provided:</p> <p>i) The foreign professional is legally qualified to practice in his own country in which licensing/and registration requirements are not lower than those specified in the Electronics Engineering Law (RA 9292);</p> <p>ii) The work to performed by the foreign professional is limited to that specified in the contract;</p>	
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			<ul style="list-style-type: none"> iii) The foreign professional shall secure a Special Permit from Board of Electronics Engineering which shall be subject to the approval of the PRC prior to commencement of work and no working visa and/or permit shall be issued unless such Special Permit is granted first; iv) The foreign professional shall not engage in private practice; v) For every foreign professional, at least 2 corresponding registered Filipino professionals shall be employed as counterparts in the duration of work; and 	
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			<p>vi) The Special Permit shall be valid for not more than 6 months and renewable every 6 months thereafter subject to approval by the Board of Electronics Engineering and PRC.</p>	
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		<p>4) As indicated in the horizontal section for Professional Services.</p>	<p>B. Foreign professionals may be admitted for registration as Professional Electronics Engineer, Electronics Engineer or Electronics Technician with or without examination if he/she proves in the manner as provided by the Board that, by specific provisions of law, the country, state or province of which he/she is a citizen, subject or national, or in accordance with international treaties, agreements and/or covenants to which their country, state or province is a signatory, admits Filipino citizens to practice as Professional Electronics Engineer, Electronics Engineer or Electronics Technician after an examination or registration process on terms of strict and absolute equality with the citizens, subjects or nationals of said country, including the unconditional recognition of professional licenses issued by the Board and/or the PRC and prerequisite degrees/diplomas issued by institutions of learning duly recognized by the Government of the Philippines.</p> <p>4) As indicated in the horizontal section for Professional Services.</p>	
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Mining Engineering	SS	<p>1) None, except services outputs cannot be recognized by Philippine Government.</p> <p>2) None, except services outputs cannot be recognized by Philippine Government.</p> <p>3) Corporate practice is not allowed.</p>	<p>1) None, except services outputs cannot be recognized by Philippine Government.</p> <p>2) None, except services outputs cannot be recognized by Philippine Government.</p> <p>3), 4)</p> <p>A. Registration shall not be required of the following persons:</p> <p>a. Mining engineering practitioners engaged by Government for consultation/ specific purpose of mining industry.</p> <p>b. Foreigners employed by private firms as technical consultants if no qualified Filipino is available provided:</p> <p>i. Applicant's curriculum vitae is submitted to Board of Mining Engineering prior to arrival in the Philippines;</p> <p>ii. Applicant will not engage in private practice;</p>	
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			<p>iii. For every foreign applicant, one registered Filipino understudy shall be employed by private firm utilizing the foreigner's services for the duration of the foreigner's tenure;</p> <p>iv. Exemption is only good for 6 months renewable for another 6 months at the discretion of the Board;</p> <p>v. Certificate of exemption shall be secured; and</p> <p>vi. Each private firm is allowed a maximum of 3 consultants at any one time.</p> <p>B. A foreigner may be admitted to take the exam if its country accords reciprocity with the Philippines.</p>	
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		4) As indicated in the horizontal section for Professional Services.	<p>C. Foreign mining engineers may be granted rights/privileges if the country of which he is a subject permits Philippine mining engineers to practice within its territorial limits on the same basis as the subject or citizen of such country.</p> <p>4) As indicated in the horizontal section for Professional Services.</p>	
Geodetic Engineering	SS	<p>1) None, except services outputs cannot be recognized by Philippine Government.</p> <p>2) None, except services outputs cannot be recognized by Philippine Government.</p>	<p>1) None, except services outputs cannot be recognized by Philippine Government.</p> <p>2) None, except services outputs cannot be recognized by Philippine Government.</p>	

		<p>3) No firm, company, partnership, association or corporation may be registered or licensed as such for the practice of Geodetic Engineering. However, persons properly registered and licensed as Geodetic Engineers may among themselves or with a person or persons properly registered and licensed as Geodetic Engineer, may form and obtain registration with the SEC of a firm, partnership or association using the term "Geodetic Engineers," but nobody shall be a member, partner or associate unless he is a duly registered and licensed Geodetic Engineer, and the members who are Geodetic Engineers shall only render work and services proper for a Geodetic Engineer as defined by law.</p> <p>4) As indicated in the horizontal section for Professional Services.</p>	<p>3), 4) Foreign geodetic engineers may be issued a temporary license to practice the Geodetic Engineering profession or consultancy thereof or be entitled to any of the rights and privileges under the Philippine Geodetic Engineering Act (RA 8560) if the country of which he is a subject or citizen specifically permits Filipino Geodetic Engineers to practice within its territorial limits on the same basis as the subjects or citizens of such foreign state or country.</p> <p>4) As indicated in the horizontal section for Professional Services.</p>	
g. Urban (Environmental) Planning (86741, 91123)	SS	<p>1) None, except services outputs cannot be recognized by Philippine Government.</p> <p>2) None, except services outputs cannot be recognized by Philippine Government.</p> <p>3) A consulting firm, partnership, company, corporation, or association may engage in the practice of environmental planning in the Philippines, provided:</p>	<p>1) None, except services outputs cannot be recognized by Philippine Government.</p> <p>2) None, except services outputs cannot be recognized by Philippine Government.</p> <p>3), 4) Valid temporary/ special permit duly issued by the Board of Environmental Planning or PRC is required to practice the profession.</p>	

		<p>A. Entity is registered as such with the Board of Environmental Planning;</p> <p>B. At least 75 percent of the entire membership of the board of the corporation/partnership/firm/association are registered environmental planners and at least 75 percent of total capitalization is owned by them; and</p> <p>C. The practice of consulting entity is carried out by duly registered environmental planners.</p>		
		4) As indicated in the horizontal section for Professional Services.	4) As indicated in the horizontal section for Professional Services.	
g. Landscape Architectural Services (86742)	SS	<p>1) None, except services outputs cannot be recognized by Philippine Government.</p> <p>2) None, except services outputs cannot be recognized by Philippine Government.</p>	<p>1) None, except services outputs cannot be recognized by Philippine Government.</p> <p>2) None, except services outputs cannot be recognized by Philippine Government.</p>	

	<p>3) Persons properly registered/licensed as Landscape Architects may among themselves, or with persons properly registered/licensed in any field related to Landscape Architecture such as town/urban planning, civil engineering, architecture and interior design, forestry and other fields of specialization, form and obtain registration with the SEC for a partnership, association, or corporation using the terms such as 'Landscape Architects', 'Landscape Architects and Planners', 'Architects and Landscape Architects' or any such appropriate term, provided:</p> <p>A. 80 percent of members of the partnership, association or corporation are persons properly registered/licensed landscape architects;</p> <p>B. Individual partners, stockholders or members are personally and jointly responsible, and liable to the partnership, association or corporation for their respective acts in the practice of their respective professions; and</p>	<p>3), 4)</p> <p>A. Foreign Landscape Architects may be registered/issued a Certificate of Registration/ Professional License to practice the profession if the country of which they are subjects/citizens specifically permits Filipino Landscape Architects to practice within its territorial limits on same basis as subjects/citizens of such foreign state/country.</p> <p>B. Foreign nationals performing professional services as Landscape Architects/consultants in foreign-funded joint venture/assisted project of the Philippine Government or those employed/engaged by Philippine/ foreign contractors/private firm shall secure a special/temporary permit from the Board of Landscape Architecture, subject to approval by PRC and DOLE, provided:</p>	
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	<p>C. The partnership, association or corporation is responsible and liable for all other contractual obligations of the partnership, association or corporation. The managing partner of the partnership or the president of the corporation or their authorized representatives are authorized to enter into contracts for such services. However, only a partner or stockholder who is registered/licensed professional is responsible for and signs plans and documents involving the practice of his/her profession.</p>	<p>a. That he/she is a citizen or subject of a country which specifically permits Filipino professionals to practice his/her profession within its territorial limits on the same basis as the subjects or citizens of such foreign country or state;</p> <p>b. That he/she is legally qualified to practice Landscape Architecture in his/her own country, and that his/her expertise is necessary and advantageous to the Philippines particularly in the aspects of technology transfer and specialization;</p> <p>c. Foreign nationals shall be required to work with a Filipino counterpart, and professional fees, services, and expenses of documentation pertaining to the project shall be shared by both;</p>	
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			<p>d. Foreign and Filipino Landscape Architects shall jointly and severally bear all liabilities and taxes due the Philippine Government, if any, according to their participation in, or professional services rendered to the project; and</p> <p>e. Foreign professional shall obtain from DOLE employment permit which may be issued to non-resident alien or applicant-employer after determination of non-availability of competent/able/willing Filipino, provided foreign country observes reciprocal conditions for Filipino nationals.</p>	
		4) As indicated in the horizontal section for Professional Services.	4) As indicated in the horizontal section for Professional Services.	
h., i., j. Health Professionals				
Medicine (9312**)	SS	<p>1) None, except services outputs cannot be recognized by Philippine Government.</p> <p>2) None, except services outputs cannot be recognized by Philippine Government.</p>	<p>1) None, except services outputs cannot be recognized by Philippine Government.</p> <p>2) None, except services outputs cannot be recognized by Philippine Government.</p>	

		<p>3) Corporate practice is not allowed.</p> <p>4) As indicated in the horizontal section for Professional Services.</p>	<p>3), 4) Foreigners may take the licensure exams provided he is a citizen of a country whose existing laws permit citizens of the Philippines to practice medicine under the same rules and regulations governing citizens thereof.</p> <p>4) As indicated in the horizontal section for Professional Services.</p>	
Nursing (93191**)	SS	<p>1) None, except services outputs cannot be recognized by Philippine Government.</p> <p>2) None, except services outputs cannot be recognized by Philippine Government.</p> <p>3) Corporate practice is not allowed.</p>	<p>1) None, except services outputs cannot be recognized by Philippine Government.</p> <p>2) None, except services outputs cannot be recognized by Philippine Government.</p> <p>3), 4) A. Foreigners may take the licensure exam if they are citizens or subjects of a country which permits Filipino nurses to practice within its territorial limits on the same basis as the subject or citizen of such country, provided that the requirements for the registration or licensing of nurses in said country are substantially the same as those prescribed in the Philippine Nursing Act (RA 9173).</p>	

			<p>B. A certificate of registration/ professional license may be issued without examination to nurses registered under the laws of a foreign state or country, provided that the requirements for registration or licensing of nurses in said country are substantially the same as those prescribed under the Philippine Nursing Act and the laws of such state or country grant the same privileges to registered nurses of the Philippines on the same basis as the subjects or citizens of such foreign state or country.</p> <p>C. Special/temporary permit may be issued by Board of Nursing to foreign licensed nurses if they are:</p> <ul style="list-style-type: none"> a. Internationally well-known specialists/ outstanding experts in any nursing specialty; b. On free medical mission in particular hospital/center/ clinics; or c. Employed by nursing schools/ colleges as exchange professors in any nursing branch/specialty. 	
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		4) As indicated in the horizontal section for Professional Services.	4) As indicated in the horizontal section for Professional Services.	
Dentistry services (9312**)	SS	1) Unbound* 2) None 3) Corporate practice is not allowed. 4) As indicated in the horizontal section for Professional Services.	1) Unbound* 2) None 3), 4) Certificates of registration shall not be required from the following provided that a previous authority has been granted by the Board of Dentistry: A. Commissioned dental officers of foreign army/navy/air force whose operations in the Philippines are permitted by the Government. B. Foreign dentists/oral surgeons invited for consultations/demonstrations. 4) As indicated in the horizontal section for Professional Services.	
Optometry		1) Unbound* 2) None	1) Unbound* 2) None	

		<p>3) Corporate practice is not allowed.</p> <p>4) As indicated in the horizontal section for Professional Services.</p>	<p>3), 4)</p> <p>A. Foreigners may be admitted to take the board exams if the country of which they are citizens, subjects or nationals, either admits Filipino citizens to the practice of optometry without restriction, or allows them to practice optometry after an examination on terms of strict and absolute equality with citizens, subjects or nationals of said country, including the unconditional recognition of prerequisite degrees.</p> <p>B. Special permit may be granted to a foreign optometrist to practice the profession in this country whether or not reciprocity exists between his country and the Philippines, provided:</p> <p>a. He is internationally known to be an outstanding expert/well-known specialist; or</p> <p>b. His services will promote professional advancement in the Philippines.</p> <p>4) As indicated in the horizontal section for Professional Services.</p>	
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Midwifery (93191**)	SS	<p>1) Unbound*</p> <p>2) None</p> <p>3) Corporate practice is not allowed.</p> <p>4) As indicated in the horizontal section for Professional Services.</p>	<p>1) Unbound*</p> <p>2) None</p> <p>3), 4) Rights/privileges under the Philippine Midwifery Act (RA 7392) may be granted to foreign midwives if the country of which he or she is a citizen, subject or national, permits Filipino midwives to practice midwifery within its territorial limits on the same basis as the citizen, subject or national of such country, provided that the requisites for admission to midwifery school and for graduation in said country are substantially the same as those in the Philippines.</p> <p>4) As indicated in the horizontal section for Professional Services.</p>	
Medical Technology		<p>1) Unbound*</p> <p>2) None</p> <p>3) Corporate practice is not allowed.</p>	<p>1) Unbound*</p> <p>2) None</p> <p>3), 4) A foreigner may be admitted to the board examination or given a Certification of Registration or entitled to rights/privileges under the Philippine Medical Technology Act (RA 5527, as amended by RA 6132, PD 498 and PD 1534) if the country or state of which he is a subject or citizen permits Filipino Medical Technologist to practice within its territorial limits on the same basis as the subject or citizens of said country or state.</p>	

		4) As indicated in the horizontal section for Professional Services.	4) As indicated in the horizontal section for Professional Services.	
Veterinary medicine (932)	SS	1) Unbound* 2) None 3) Corporate practice is not allowed. 4) As indicated in the horizontal section for Professional Services.	1) Unbound* 2) None 3), 4) A foreigner may be admitted to take the exams or be registered as veterinarians if the country of which he/she is citizen permits Filipino citizens to practice the profession without need for registration, or allows them to practice after an examination on terms of strict/absolute equality with nationals of said country. 4) As indicated in the horizontal section for Professional Services.	
Physical and Occupational Therapy (93191**)	SS	1) Unbound* 2) None 3) Corporate practice is not allowed.	1) Unbound* 2) None 3), 4) A. A foreigner may be admitted to exams if the country of which he is a subject or citizen permits Filipino physical therapists and occupational therapists to practice within its territorial jurisdiction on the same basis as the subjects or citizens of such country; and	

		4) As indicated in the horizontal section for Professional Services.	<p>B. Any physical therapist, physiatrist or occupational therapist holding valid certificate of registration issued under the laws of a foreign country may practice his profession in the Philippines without passing an examination if the requirements for the registration and licensing of a physical therapy, physiatrist or occupational therapist in such foreign country are substantially the same as those provided for by the Philippine Physical and Occupational Therapy Law (RA 5680) and that the laws of such country or state grant the same privileges to physical therapist, physiatrists and occupational therapists registered in the Philippines on the same basis as the subjects or citizens of such foreign country or state.</p>	
Radiologic Technology		<p>1) Unbound*</p> <p>2) None</p>	<p>1) Unbound*</p> <p>2) None</p>	

		<p>3) Corporate practice is not allowed.</p> <p>4) As indicated in the horizontal section for Professional Services.</p>	<p>3), 4) Examination shall not be required of radiologists from other countries invited for lectures or consultation or as visiting or exchange professors to colleges or universities duly recognized by the Government; provided, that such radiologist technologist are legally qualified to practice as such in their own state or country; that they shall secure a special permit from the Board of Radiologic Technology; and their countries give similar privilege to their Filipino counterparts.</p> <p>4) As indicated in the horizontal section for Professional Services</p>	
k. Other				
Criminology	SS	<p>1) Unbound*</p> <p>2) None</p> <p>3) Corporate practice is not allowed.</p>	<p>1) Unbound*</p> <p>2) None</p> <p>3), 4) Registration shall not be required of the following:</p> <p>A. Foreign criminologists called in for consultations or for a special project related to Criminology not requiring more than 5 months residence in the Philippines in any 12 months period; provided, that such criminologists are legally qualified to practice as such in their own State or country.</p>	

		4) As indicated in the horizontal section for Professional Services.	<p>B. Foreigners employed as technical officers, professors or consultants in such special branches of Criminology or may, in the judgment of the President of the Philippines, be necessary and indispensable for the country; provided that they are internationally recognized experts and they do not engage in private practice during their stay in the Philippines.</p> <p>4) As indicated in the horizontal section for Professional Services.</p>	
Chemistry	SS	<p>1) Unbound*</p> <p>2) None, except services outputs cannot be recognized by Philippine Government.</p> <p>3) A firm or co-partnership, or corporation, or an association, may engage in the practice of chemistry in the Philippines, provided only that such practice is carried on by chemists holding valid certificates of registration issued by the Board of Chemistry. The manager/administrator of the business is held personally liable for any violation of the Act to Regulate the Practice of Chemistry in the Philippines (RA 754).</p>	<p>1) Unbound*</p> <p>2) None, except services outputs cannot be recognized by Philippine Government.</p> <p>3), 4) A. Foreign chemists are exempt from registration provided they are:</p>	

			<p>a. Called in for consultations or for a project not requiring more than 6 months residence in the Philippines in any 12 months' period; provided that such chemists are legally qualified to practice chemistry in their own state or country in which the requirements and qualifications for obtaining a certificate of registration are not lower than those specified in the Act to Regulate the Practice of Chemistry in the Philippines;</p> <p>b. Employed as technical officers, professors or consultants in such special branches of chemistry as may, in the judgment of the President of the Philippines, be necessary and indispensable for the country; provided that they are internationally recognized experts and that they do not engage in private practice.</p>	
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		4) As indicated in the horizontal section for Professional Services.	<p>B. Foreign chemists may be admitted to take exam/given a certificate of registration, provided that he is a subject or citizen of a country which permits Filipino chemists to practice within its territorial limits on the same basis as the subjects or citizens of said country or State.</p> <p>4) As indicated in the horizontal section for Professional Services.</p>	
Forestry	SS	<p>1) Unbound*</p> <p>2) None</p> <p>3) Corporate practice is not allowed.</p>	<p>1) Unbound*</p> <p>2) None</p> <p>3), 4) Examinations shall not be required of the following persons:</p> <p>A. Holders of the degree of Bachelor of Science in Forestry or its equivalent or a higher forestry degree, provided that they have at least 10 years experience in technical forestry work either in the Government or with a private forestry enterprise, or both, or they have passed a civil service examination for foresters.</p>	

			<p>B. Forestry experts from other countries who are called in by the Philippine Government for consultation on forestry matters, provided that they have qualified in their respective countries in appropriate forestry examinations, or if no forestry examinations are given therein, that their expertise be certified by the proper Philippine diplomatic or consular representative therein.</p> <p>C. Forestry experts from other countries under contract with and working for local private forestry enterprises, provided that they have qualified in their respective countries in appropriate forestry examinations or if no forestry examinations are given therein, that their expertise be certified by the proper Philippine diplomatic or consular representative therein.</p>	
		4) As indicated in the horizontal section for Professional Services.	4) As indicated in the horizontal section for Professional Services.	
Librarianship	SS	<p>1) Unbound*</p> <p>2) None</p>	<p>1) Unbound*</p> <p>2) None</p>	

		<p>3) Corporate practice is not allowed.</p> <p>4) As indicated in the horizontal section for Professional Services.</p>	<p>3), 4) A foreign librarian may be admitted for licensure examination, be issued a Certificate of Registration and Professional Identification Card and be entitled to the rights and privileges, if the country or state he/she is a citizen of or subject, permits Filipino librarians to practice on the same basis as the citizens or subjects of said country or state, provided that the requirements for Certificate of Registration in said country or state are substantially the same as the requirements under the Philippine Librarianship Act (RA 9246) and the law of such country or state grants Filipino librarians the same privileges as the citizens/subjects of that country/state.</p> <p>4) As indicated in the horizontal section for Professional Services.</p>	
Merchant Marine Profession ³	SS	<p>1) Unbound*</p> <p>2) None</p>	<p>1) Unbound*</p> <p>2) None</p>	

3 Refers to the profession requiring the application of fundamental and known principles of navigation, seamanship and engineering to the peculiar condition and requirements of on board management, operation and maintenance of main propulsion and auxiliary engines, stability and trim of the vessel and cargo handling. It shall also cover:

Merchant Marine Officer, which refers to marine deck or engineer officer.

Merchant Marine Deck Officer, which refers to a duly registered, certified and licensed master mariner, chief mate and officer-in-charge of a navigational watch.

Merchant Marine Engineer Officer which refers to a duly registered, certified and licensed chief engineer, second engineer, and officer-in-charge of an engineering watch in a manned engine room or designated duty engineer in a periodically unmanned engine room, and coastal engineer.

		<p>3) Corporate practice is not allowed.</p> <p>4) As indicated in the horizontal section for Professional Services.</p>	<p>3), 4) A foreigner holding a Certificate of Competency (CoC) issued by his national administration in accordance with the Standards of Training, Certification and Watchkeeping for Seafarers 1978 Convention, as amended, may be issued a special dispensation, subject to the conditions specified by the Maritime Industry Authority (MARINA), to serve on board a Philippine registered vessel engaged in international trade; provided, the Philippine CoC issued/endorsed by the Board of Marine Deck Officers and Board of Marine Engineer Officers is reciprocally recognized by said foreign national administration to allow Filipino merchant marine to practice his/her profession on board the foreigner's flag vessel.</p> <p>4) As indicated in the horizontal section for Professional Services.</p>	
Master Plumbing	SS	<p>1) Unbound*</p> <p>2) None, except services outputs cannot be recognized by Philippine Government.</p>	<p>1) Unbound*</p> <p>2) None, except services outputs cannot be recognized by Philippine Government.</p>	

	<p>3) Corporate practice is not allowed.</p>	<p>3),4)</p> <p>A. A foreigner may be allowed to take the examination if the foreign country or state of which he is a citizen, subject, or national, either admits citizens of the Philippines to engage in the same trade without restriction or allows them to practice it after an examination on terms of strict and absolute equality with citizens, subjects, or nationals of the country concerned, including the unconditional recognition of degrees issued by institutions of learning duly recognized for the purpose by the Government of the Philippines.</p> <p>B. Examination and registration shall not be required of the following persons:</p> <p>a. Officers or enlisted men of the Armed Forces of the United States and of the Philippines and civilian employees of the Government of the United States stationed for the United States and/or the Philippines.</p>	
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		4) As indicated in the horizontal section for Professional Services.	<p>b. Plumbing experts called in by the Philippine Government for consultation in connection with certain specific construction, provided that their services shall be limited to such work.</p> <p>4) As indicated in the horizontal section for Professional Services.</p>	
Social Work	SS	<p>1) Unbound*</p> <p>2) None</p> <p>3) No social work agency, as defined in the Act to Regulate the Practice of Social Work and the Operation of Social Work Agencies in the Philippines (RA 4373), shall separate and be accredited as such unless it shall first have registered with the Social Welfare Administration which shall then issue the corresponding registration certificate. Before any social work agency shall be duly registered, the following requirements must have been complied with to the satisfaction of the Social Welfare Administrator:</p>	<p>1) Unbound*</p> <p>2) None</p> <p>3), 4) A certificate of registration may be issued without examination to social workers registered under the laws of any foreign state or country, provided:</p> <p>A. Registration or licensing requirements of social workers in the said foreign state or country, are substantially the same as those required and contemplated by the Act to Regulate the Practice of Social Work and the Operation of Social Work Agencies in the Philippines; and</p>	

		<p>A. That the applicant must be engaged mainly or generally in social work activity;</p> <p>B. That the applicant has employed a sufficient number of duly qualified and registered social workers to supervise and take charge of its social work function in accordance with accepted social work standards;</p> <p>C. That the applicant must show in a duly certified financial statement that at least sixty percent of its funds are disbursed for direct social work services; and</p> <p>D. That the applicant keeps a social work record of all cases and welfare activities handled by it.</p> <p>4) As indicated in the horizontal section for Professional Services.</p>	<p>B. The laws of such state or country grant the same privileges to Filipino social workers on the same basis as the subject or citizens of such foreign state or country.</p> <p>4) As indicated in the horizontal section for Professional Services.</p>	
Agriculture	SS	<p>1) Unbound*</p> <p>2) None</p>	<p>1) Unbound*</p> <p>2) None</p>	

		<p>3) Corporate practice is not allowed.</p> <p>4) As indicated in the horizontal section for Professional Services.</p>	<p>3), 4) A foreigner may be admitted to sit in licensure exam and/or registered as agriculturist/issued a license/temporary permit to practice agriculture profession provided foreigner's country allows Filipinos same privileges, including recognition of prerequisite degrees.</p> <p>4) As indicated in the horizontal section for Professional Services.</p>	
Fisheries	SS	<p>1) Unbound*</p> <p>2) None</p> <p>3) Corporate practice is not allowed.</p> <p>4) As indicated in the horizontal section for Professional Services.</p>	<p>1) Unbound*</p> <p>2) None</p> <p>3), 4) A foreigner may be admitted to sit in licensure exam and/or given a license/temporary permit to practice the profession provided foreigner's country accords Filipinos the same privileges including recognition of prerequisite degrees.</p> <p>4) As indicated in the horizontal section for Professional Services.</p>	
Interior Design	SS	<p>1) None, except services outputs cannot be recognized by Philippine Government.</p> <p>2) None, except services outputs cannot be recognized by Philippine Government.</p>	<p>1) None, except services outputs cannot be recognized by Philippine Government.</p> <p>2) None, except services outputs cannot be recognized by Philippine Government.</p>	

	<p>3) No firm, company, partnership, association or corporation may be registered or licensed as such for the practice of interior design: provided, however, that persons properly registered and licensed as interior designers may among themselves or with a person or persons properly registered and licensed as building architects, town planners, landscape architects, civil engineers and any other allied design professionals, may form and obtain registration with the SEC of a firm, partnership or association using the term "Interior Design," "Interior Designers and Planners" or "Architect and Interior Designer" but nobody shall be a member, partner or associate unless he is a duly registered and licensed design professional, and the members who are interior designers shall only render work and services proper for an interior designer as defined by law.</p>	<p>3),4)</p> <p>A. A temporary license to practice the interior design profession or consultancy thereof may be given to a foreign interior designer if the country of the foreigner permits Filipino interior designers to practice within its territorial limits on the same basis as the subjects or citizens of such foreign state or country.</p> <p>B. A temporary/special permit may be given to foreign nationals who have gained entry in the Philippines to perform professional services as interior designers or consultants in foreign-funded or assisted projects of the Philippine Government, or employed or engaged by Filipino or foreign contractors or private firms to practice his profession in connection with the project to which he was commissioned, provided:</p>	
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			<p>a. That he is a citizen or subject of a country which specifically permits Filipino professionals to practice his profession within their territorial limits, on the same basis as the subjects or citizens of such foreign state or country;</p> <p>b. That he is legally qualified to practice interior design in his own country, and that his expertise is necessary and advantageous to the Philippines particularly in the aspects of technology transfer and specialization; and</p>	
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			<p>c. That foreign nationals shall be required to work with a Filipino counterpart and professional fees and services, and expenses of documentation pertaining to the project shall be shared by both foreign and Filipino interior designers, including liabilities and taxes due to the Philippine Government, if any, according to their participation in, or professional services rendered to, the project.</p>	
		4) As indicated in the horizontal section for Professional Services.	4) As indicated in the horizontal section for Professional Services.	
Geology	SS	<p>1) None, except services outputs cannot be recognized by Philippine Government.</p> <p>2) None, except services outputs cannot be recognized by Philippine Government.</p>	<p>1) None, except services outputs cannot be recognized by Philippine Government.</p> <p>2) None, except services outputs cannot be recognized by Philippine Government.</p>	

	<p>3) A firm, co-partnership, company, corporation, or association can practice geology in the Philippines, provided that such practice is carried out by geologists holding valid certificates of registration issued by the Board of Geology and in the regular employ of said firm, co-partnership, company, corporation or association. In case of a firm, co-partnership, company, corporation or association, the manager, administrator, or the person who has charge of the management or administration of the business shall be held personally liable for any violation of the Geology Profession Law of the Philippines (RA 4209).</p>	<p>3),4)</p> <p>A. In order to be admitted to the examination for geologists, 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 geologists or geological engineers that are:</p> <p>a. Called in by the Government for consultation or for conduct of a specific geological investigation: provided, that his or her practice shall be confined to said consultation or investigation, and prior written permission is secured from the Board.</p> <p>b. Called in by a bonafide corporation registered under the laws of the Philippines, for consultation on or for conduct of a specific investigation, provided:</p>	
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		<p>4) As indicated in the horizontal section for Professional Services.</p>	<p>i. That his or her practice is confined to said consultation or investigation;</p> <p>ii. That such consultation or investigation shall not last longer than 6 months, renewal under authority of the Board for an additional period of not more than six months;</p> <p>iii. That such geologist or geological engineer is legally qualified to practice as geologist or geological engineer in his or her state or country; and</p> <p>iv. That his or her state or country grants the same reciprocity to Filipino citizens.</p> <p>4) As indicated in the horizontal section for Professional Services.</p>	
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Professional Teachers	SS	<p>1) None, except services outputs cannot be recognized by Philippine Government.</p> <p>2) None, except services outputs cannot be recognized by Philippine Government.</p> <p>3) Corporate practice is not allowed.</p> <p>4) As indicated in the horizontal section for Professional Services.</p>	<p>1) None, except services outputs cannot be recognized by Philippine Government.</p> <p>2) None, except services outputs cannot be recognized by Philippine Government.</p> <p>3), 4) A foreign teacher may be admitted to the examination, or be given a certificate of registration if the foreign country or state of which he is a subject permits Filipino professional teachers to practice within its territorial limits on the same basis as subjects or citizens of said country or state, provided:</p> <p>A. The requirements of certification of teachers with said foreign state or country are substantially the same as those required and contemplated in the Philippine law on professional teachers; and</p> <p>B. The laws of such state or country grant the same privilege to Filipino professional teachers on the same basis as the subject or citizens of such foreign country or state.</p> <p>4) As indicated in the horizontal section for Professional Services.</p>	
Customs Brokerage		1) Unbound*	1) Unbound*	

		<p>2) None, except services outputs cannot be recognized by Philippine Government.</p> <p>3) Corporate practice is not allowed.</p> <p>4) As indicated in the horizontal section for Professional Services.</p>	<p>2) None, except services outputs cannot be recognized by Philippine Government.</p> <p>3), 4) A. Foreigners may be admitted to licensure examination/be given a certificate of registration/professional license/be entitled to privileges if foreign country allows Filipino professional customs brokers to practice within its territorial limits on same basis as citizens of foreign country.</p> <p>B. Special/temporary permits may be issued to professional customs brokers from foreign countries whose services are urgently needed in the absence or inadequacy of local professional customs brokers for the purpose of promoting or enhancing the practice of the profession in the Philippines.</p> <p>4) As indicated in the horizontal section for Professional Services.</p>	
B. Computer and Related Services				
a. Consultancy services related to the installation of computer hardware (8410)	SS	<p>1) None</p> <p>2) None</p> <p>3) 100 percent foreign equity participation is allowed in the following cases:</p>	<p>1) None</p> <p>2) None</p> <p>3) None, except as indicated in the horizontal section.</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 percent or more of its output.</p> <p>Otherwise, only up to 40 percent foreign equity participation is allowed.</p> <p>Limitations listed in the horizontal section shall also apply.</p> <p>4) Natural persons are 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>4) Employment of foreign professionals:</p> <p>As indicated in the horizontal section for Professional Services.</p>	
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		<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. he exports 60 percent or more of his output.</p> <p>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>b. Software implementation services</p> <ul style="list-style-type: none"> - Systems and software consulting services (8421) - Systems design services (8423) - Programming services (8424) - Systems maintenance services (8425) 	SS	<p>1) None</p> <p>2) None</p> <p>3) 100 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 DOST; or</p>	<p>1) None</p> <p>2) None</p> <p>3) None, except as indicated in the horizontal section.</p>	

		<p>D. the service provider exports 60 percent or more of its output.</p> <p>Otherwise, only up to 40 percent foreign equity participation is allowed.</p> <p>Limitations listed in the horizontal section shall also apply.</p> <p>4) Natural persons are 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. he exports 60 percent or more of his output.</p> <p>Limitations listed in the horizontal section shall also apply.</p>	4) None	
c. Data processing services (843)	SS	<p>1) None</p> <p>2) None</p> <p>3) 100 percent foreign equity participation is allowed in the following cases:</p>	<p>1) None</p> <p>2) None</p> <p>3) None, except as indicated in the horizontal section.</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 percent or more of its output.</p> <p>Otherwise, only up to 40 percent foreign equity participation is allowed.</p> <p>Limitations listed in the horizontal section shall also apply.</p> <p>4) Natural persons are 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>4) None</p>	
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		<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. he exports 60 percent or more of his output.</p> <p>Limitations listed in the horizontal section shall also apply.</p>		
E. Rental/Leasing Services without Operators				
Leasing or rental services concerning vessels without operators (83103)	SS	<p>1) None</p> <p>2) None</p> <p>3) Up to 40 percent foreign equity participation is allowed. Bareboat charter or lease contract subject to approval by the 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>	
F. Other Business Services ⁴				
a. Advertising Services (871)	SS	<p>1) None</p> <p>2) None</p> <p>3) Up to 30 percent foreign equity is allowed.</p>	<p>1) None</p> <p>2) None</p> <p>3) None, except as indicated in the horizontal section.</p>	

⁴ The Philippines shall undertake a review of the laws and/or regulations on placement and supply services of personnel within 2 years after the date of entry into force of this Agreement. The progress of the review will be shared by both sides.

		<p>The participation of foreign investors in the governing body in such industry shall be limited to their proportionate share in the capital thereof.</p> <p>All the executive and managing officers of such entities must be citizens of the Philippines.</p> <p>Limitations listed in the horizontal section shall also apply.</p> <p>4) None, except as indicated in the horizontal section.</p>	<p>4) None</p>	
<p>h. Services Incidental to Mining (883)</p> <p>Oil and Gas, Geothermal and Coal Exploration and Development</p>		<p>1) Unbound*</p> <p>2) None</p> <p>3) Up to 40 percent foreign equity participation is allowed.</p> <p>However, the President may enter into service contract agreement with foreign-owned corporation for technical, financial or other forms of assistance involving large-scale exploration, development and utilization of energy resources.</p> <p>Limitations listed in the horizontal section shall also apply.</p> <p>4) Employment of foreign professionals:</p> <p style="padding-left: 40px;">As indicated in the horizontal section for Professional Services.</p>	<p>1) Unbound*</p> <p>2) None</p> <p>3) None, except as indicated in the horizontal section.</p> <p>4) Unbound</p>	

		Limitations listed in the horizontal section shall also apply.		
j. Services Related to Energy Distribution (887) Energy distribution networks such as pipelines for transmission, distribution and supply of natural gas, and power transmission and distribution lines	SS	1) Unbound* 2) None 3) Up to 40 percent foreign equity participation is allowed. Limitations listed in the horizontal section shall also apply. 4) Employment of foreign professionals: As indicated in the horizontal section for Professional Services. Limitations listed in the horizontal section shall also apply.	1) Unbound* 2) None 3) None, except as indicated in the horizontal section. 4) Employment of foreign professionals: As indicated in the horizontal section for Professional Services.	
2. COMMUNICATION SERVICES				
A./B. Postal/Courier Services a. Domestic Mail Services - Ordinary Mail - Registered Mail ⁵ - Express Mail - Domestic Parcel	SS	1) Commercial presence is required. 2) None 3) Entry is subject to the following requirements: A. Foreign equity is permitted up to 40 percent; and	1) None 2) None 3) Entry is subject to the following requirements and conditions:	

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

<ul style="list-style-type: none"> - Business Reply⁶ - Printed Matters <p>b. International Mail Services</p> <ul style="list-style-type: none"> - Ordinary Mail - Registered Mail⁷ - Express Mail - Printed Matters - International Parcels <p>c. Money Order Service (Domestic and International)⁸</p>		<p>B. Philippine Government authority to operate private express and/or messengerial delivery services.</p> <p>Limitations listed in the horizontal section shall also apply.</p> <p>4) Provision of postal/courier services is reserved only to Filipino citizens.</p> <p>Limitations listed in the horizontal section shall also apply.</p>	<p>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</p> <p>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) Provision of postal/courier services is reserved only to Filipino citizens.</p>	
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).	SS ⁹	<ul style="list-style-type: none"> 1) Unbound¹⁰ 2) None 	<ul style="list-style-type: none"> 1) None 2) None 	The Philippine Reference Paper on Regulatory Principles will be reviewed in the future in accordance with the developments of its laws and regulations.

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

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

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

9 Paragraph 3 of Article 74 shall apply to these commitments with respect to modes 2, 3 and 4 for market access and modes 1, 2, 3, and 4 for national treatment only.

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

<p>a. Voice telephone services (7521)</p> <p>Local services</p> <p>Toll services</p> <ul style="list-style-type: none"> - Domestic - International <p>b. Packet-switched data transmission services (7523**)</p> <p>c. Circuit-switched data transmission services (7523**)</p> <p>d. Telex Services (7523**)</p> <p>e. Telegraph Services (7522)</p> <p>f. Facsimile services (7521**+7529**)</p> <p>g. Private Leased Circuit Services (7522**+7523)</p> <p>o. Cellular Mobile Telephone Service (75213)</p> <p>o. Satellite services</p>		<p>3) Entry is subject to the following requirements and conditions:</p> <ul style="list-style-type: none"> 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 percent. D. Resale of private leased lines is not allowed¹¹. 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 authorized. G. Subject to the availability and efficient utilization of radio frequencies. H. Only duly enfranchised and certificated telecommunications, broadcast and/or cable TV entities can access satellite space segment service providers. 	<p>3) Entry is subject to the following requirements and conditions:</p> <ul style="list-style-type: none"> 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. <p>Limitations listed in the horizontal section shall also apply.</p>	
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11 Enfranchised public telecommunications entities (PTE) may be authorized to sell/resell private leased lines.

		<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>	
<p>Data and message transmission services</p> <ul style="list-style-type: none"> - Data network services (75231) - Electronic message and information services (75232) 	SS ¹²	<p>1) Unbound¹³</p> <p>2) None</p> <p>3) Entry is subject to the following requirements and conditions:</p> <p>A. Franchise from Congress of the Philippines</p>	<p>1) None</p> <p>2) None</p> <p>3) Entry is subject to the following requirements and conditions:</p> <p>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.</p>	

12 Paragraph 3 of Article 74 shall apply to these commitments with respect to modes 2, 3 and 4 for market access and modes 1, 2, 3, and 4 for national treatment only.

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

		<p>B. Certificate of Public Convenience and Necessity (CPCN) from the National Telecommunications Commission</p> <p>C. Foreign equity is permitted up to 40 percent.</p> <p>D. Resale of private leased lines is not allowed¹⁴.</p> <p>E. Private leased circuit services shall not be connected to a public network (PSTN).</p> <p>F. Call back, dial back and other similar schemes, which result in the same operation, are not authorized.</p> <p>G. Subject to the availability and efficient utilization 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>B. All executives and managers must be citizens of the Philippines.</p> <p>Limitations listed in the horizontal section shall also apply.</p>	
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14 Enfranchised public telecommunications entities (PTE) may be authorized to sell/resell private leased lines.

		<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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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 authorized 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.

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;
- (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.

Sector or Subsector		Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Value added services i.e. h. electronic mail (7523**) i. voice mail (7523**) j. on-line information and database retrieval (7523**) k. electronic data exchange l. value added facsimile service (7523**) m. code and protocol conversion n. on-line information and/or data processing (843**) videotex	SS ¹⁵	1) Unbound ¹⁶ 2) None 3) Entry is subject to the following requirements: A. Foreign equity is permitted up to 40 percent B. Must register with the Philippines regulatory body but is not allowed to build its own network. Limitations listed in the horizontal section shall also apply. 4) Service suppliers must be Filipino citizens. Limitations listed in the horizontal section shall also apply.	1) None 2) None 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 Limitations listed in the horizontal section shall also apply. 4) Service suppliers must be Filipino citizens.	
D. Audiovisual services				
a. Motion picture or video tape production services (96112**)	SS	1) None 2) None	1) None 2) None	

15 Paragraph 3 of Article 74 shall apply to these commitments with respect to modes 2, 3 and 4 for market access and modes 1, 2, 3, and 4 for national treatment only.

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

<p>Only animated cartoons of any kind</p>	<p>3) 100 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 DOST; or</p> <p>D. the service provider exports 60 percent or more of its output.</p> <p>Otherwise, only up to 40 percent foreign equity participation is allowed.</p> <p>Limitations listed in the horizontal section shall also apply.</p> <p>4) Natural persons are 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>3) None, except as indicated in the horizontal section.</p> <p>4) None</p>	
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		<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. he exports 60 percent or more of his output.</p> <p>Limitations listed in the horizontal section shall also apply.</p>		
4. DISTRIBUTION SERVICES ¹⁷				
A. Commission Agents' Services except rice and corn industry (621)	SS	<p>1) Business must be done through an entity registered under Philippine laws.</p> <p>2) None</p> <p>3) 100 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>1) None</p> <p>2) None</p> <p>3) None, except as indicated in the horizontal section.</p>	

17 The Philippines shall undertake a review of the laws and/or regulations on retailing services within 2 years from the date of entry into force of this Agreement. The progress of the review will be shared by both sides.

		<p>C. paid-in equity is not less than US\$100,000 for domestic market enterprises involving advanced technology as determined by the DOST; or,</p> <p>D. the agent exports 60 percent or more of its output.</p> <p>Otherwise, only up to 40 percent foreign equity participation is allowed.</p> <p>Limitations listed in the horizontal section shall also apply.</p>	<p>4) None</p>	
	4)	<p>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 percent or more of his output.</p>		

		Limitations listed in the horizontal section shall also apply.		
5. EDUCATIONAL SERVICES				
<p>A. Primary Education (921)</p> <p>B. Secondary Education (922)</p> <p>D. Adult Education Alternative Learning System (9240**)</p> <p>Basic Education encompasses early childhood, elementary and high school education as well as alternative learning systems for out-of-school youth and adult learners and includes education for those with special need.</p>	SS	<p>1) Commercial presence is required.</p> <p>2) None</p> <p>3) A. Other than those established by religious groups and mission boards, shall be owned solely by citizens of the Philippines or corporations or associations of which at least 60 percent of capital is owned by citizens of the Philippines. The Congress, may however, require increased Filipino equity participation in all education institutions.</p> <p>B. Control and administration of educational institutions shall be vested in citizens of the Philippines.</p>	<p>1) None</p> <p>2) None</p> <p>3) None, except as indicated in the horizontal section.</p>	

		<p>C. No educational institution shall be established exclusively for aliens and no group of aliens shall comprise more than one-third of the enrollment in any school. This shall not apply to schools established for foreign diplomatic personnel and their dependents and, unless otherwise provided by law, for other foreign temporary residents.</p> <p>D. Any private school to be established must incorporate as a non-stock educational corporation in accordance with the provision of the Corporation Code of the Philippines (BP No. 68); and provided, further, that the requirement of incorporation may be waived by the Department of Education (DepEd) in the case of a family-administered school offering a pre-elementary school education programs.</p> <p>Limitations listed in the horizontal section shall also apply.</p> <p>4) Employment of foreign professionals:</p> <p style="padding-left: 40px;">As indicated in the horizontal section for Professional Services.</p>	<p>4) Employment of foreign professionals:</p> <p style="padding-left: 40px;">As indicated in the horizontal section for Professional Services.</p>	
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		<p>A special permit may also be issued by the National Board for Teachers to a person who has excelled and gained international recognition and is a widely acknowledged expert in his or her respective field of specialization.</p> <p>Limitations listed in the horizontal section shall also apply.</p>		
C. Higher education services (923)	SS	<p>1) Transnational education through distance education</p> <p>A. For academic programs offered directly by a Foreign Higher Education provider (FHEP) with no local representative (e.g. via internet)</p> <p>Evidence required:</p> <p>a. Government recognition; and</p> <p>b. Certificate of accreditation (from a recognized accrediting body)</p> <p>B. For academic programs offered by an FHEP with a local representative/partner (e.g. via internet)</p> <p>Evidence required:</p> <p>a. Government recognition;</p>	1) None	

		<p>b. Certificate of accreditation (from a recognized accrediting body); and</p> <p>c. SEC registration</p> <p>2) None</p> <p>3) A. Establishment of Educational Institutions: Conventional programs offered by FHEP through a local branch or satellite campus</p> <p>a. Other than those established by religious groups and mission boards, shall be owned solely by citizens of the Philippines or corporations or associations of which at least 60 percent of capital is owned by citizens of the Philippines. The Congress, may however, require increased Filipino equity participation in all education institutions.</p> <p>b. Control and administration of educational institutions shall be vested in citizens of the Philippines.</p>	<p>2) None</p> <p>3) None, except as indicated in the horizontal section.</p>	
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		<p>c. No educational institution shall be established exclusively for aliens and no group of aliens shall comprise more than one-third of the enrollment in any school. This shall not apply to schools established for foreign diplomatic personnel and their dependents and, unless otherwise provided by law, for other foreign temporary residents.</p> <p>B. Twinning program done through scholarship grants, faculty-student exchange, collaborative exchange, short and long-term training, curriculum development and enhancement, library and laboratory enrichment and cultural exchange.</p> <p>a. Only recognized and accredited HEIs with at least Level II accreditation status shall be authorized by the Commission on Higher Education (CHED) to conduct and initiate linkages and twinning programs with foreign HEIs.</p>		
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		<p>b. Foreign HEIs must be recognized by their respective governments and accredited by their accrediting bodies as quality institutions with the highest level of recognition from their respective governments duly authenticated by their respective embassies and consulates. Furthermore, their standards must be at par with the Philippine HEIs in terms of government recognition, faculty strength and curriculum.</p> <p>c. The twinning agreement shall be submitted to the CHED for evaluation and approval.</p> <p>d. The twinning arrangement between the Philippine HEIs and the Foreign HEIs shall be subject to periodic review, evaluation and validation as part of the quality assurance mechanism to ensure adherence to the international standards of excellence on international programs.</p>		
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		<p>Limitations listed in the horizontal section shall also apply.</p> <p>4) Employment of foreign professionals:</p> <p style="padding-left: 40px;">As indicated in the horizontal section for Professional Services.</p> <p>A special permit may also be issued by the National Board for Teachers to a person who has excelled and gained international recognition and is a widely acknowledged expert in his or her respective field of specialization.</p> <p>Limitations listed in the horizontal section shall also apply.</p>	<p>4) Employment of foreign professionals:</p> <p style="padding-left: 40px;">As indicated in the horizontal section for Professional Services.</p>	
<p>Post-secondary technical and vocational education services (9231) (Technical Vocational Education and Training (TVET))</p>		<p>1) Unbound</p> <p>2) None</p> <p>3) A. Other than those established by religious groups and mission boards, shall be owned solely by citizens of the Philippines or corporations or associations of which at least 60 percent of capital is owned by citizens of the Philippines. The Congress, may however, require increased Filipino equity participation in all education institutions.</p>	<p>1) None</p> <p>2) None</p> <p>3) None, except as indicated in the horizontal section.</p>	

	<p>B. Control and administration of educational institutions shall be vested in citizens of the Philippines.</p> <p>C. No educational institution shall be established exclusively for aliens and no group of aliens shall comprise more than one-third of the enrollment in any school. This shall not apply to schools established for foreign diplomatic personnel and their dependents and, unless otherwise provided by law, for other foreign temporary residents.</p> <p>D. TVET courses offered by institutions should be registered under the Unified TVET Program Registration and Accreditation System (UTPRAS) of the Technical Education and Skills Development Authority (TESDA).</p> <p>Limitations listed in the horizontal section shall also apply.</p> <p>4) Trainers should secure special permit in accordance with the Philippine Teachers Professionalization Act (RA 9293) and Guidelines for the Registration of Foreign Professionals Allowed by Laws to Practice the Regulated Profession in the Philippines (PRC Resolution No. 90-547).</p>	<p>4) None</p>	
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		Limitations listed in the horizontal section shall also apply.		
E. Other education services (929)	SS	1) None 2) None 3) <ul style="list-style-type: none"> A. Other than those established by religious groups and mission boards, shall be owned solely by citizens of the Philippines or corporations or associations of which at least 60 percent of capital is owned by citizens of the Philippines. The Congress, may however, require increased Filipino equity participation in all education institutions. B. Control and administration of educational institutions shall be vested in citizens of the Philippines. C. No educational institution shall be established exclusively for aliens and no group of aliens shall comprise more than one-third of the enrollment in any school. This shall not apply to schools established for foreign diplomatic personnel and their dependents and, unless otherwise provided by law, for other foreign temporary residents. 	1) None 2) None 3) None, except as indicated in the horizontal section.	

		<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>A special permit may also be issued by the National Board for Teachers to a person who has excelled and gained international recognition and is a widely acknowledged expert in his or her respective field of specialization.</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>	
6. ENVIRONMENTAL SERVICES				
A. Sewerage services (9401)	SS	<p>1) Unbound*</p> <p>2) None</p> <p>3) For participation in public and/or private sewerage services, up to 40 percent foreign equity participation is allowed.</p>	<p>1) Unbound*</p> <p>2) None</p> <p>3) None, except as indicated in the horizontal section.</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>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>		
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		<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>4) Employment of foreign professionals:</p> <p>As indicated in the horizontal section for Professional Services.</p>	
7. FINANCIAL SERVICES				
All subsectors ¹⁸		<p>3) The appropriate regulatory authority in the Philippines shall determine whether public interest and economic conditions justify authorization for the establishment of commercial presence or expansion of existing operations in banking and other financial services in the Philippines. For foreign financial institutions with internationally recognized standing, such determination shall include a demonstrated capacity to contribute to the attainment of Philippine development objectives particularly in the promotion of trade, investments and appropriate technology transfer; and the country of incorporation has strategic trade and investment relations with the Philippines.</p>		

18 For the purposes of this Schedule, specific commitments with respect to financial services which are included in the WTO Document GATS/SC/70/Suppl.3 are incorporated into and made a part of this Schedule. The Philippines undertakes its specific commitments with respect to Financial Services in accordance with Chapter 7, Annex 6 and specific commitments in the WTO Documents GATS/SC/70/Suppl.3. In the event of conflict between the commitments in Part 1B of Annex 7 and in the WTO Documents GATS/SC/70/Suppl.3, the former commitments shall prevail to the extent of the conflict.

		<p>In banking, the Monetary Board shall ensure that at all times 70 percent of the resources or assets of the Philippine banking system is held by domestic banks which are at least majority-owned by Filipinos.</p> <p>3), 4) Limitations listed in the horizontal section shall also apply.</p>		
B. Banking and other financial services (excluding insurance)				
Commercial Banking	SS	<p>1) Commercial presence is required.</p> <p>2) None</p> <p>3) Foreign capital participation in commercial banks:</p> <p>A. Acquisition of up to 60 percent of the voting stock of an existing bank; and</p> <p>B. Investing in up to 60 percent of the voting stock of a new banking subsidiary incorporated under the laws of the Philippines</p> <p>Non-Filipino citizens may become members of the Board of Directors of a bank to the extent of the foreign participation in the equity of said bank.</p>	<p>1) None</p> <p>2) None</p> <p>3) None, except as indicated in the horizontal section.</p>	

		<p>Grant of MFN treatment to Japan as regards the establishment of direct branches of foreign banks in the Philippines, subject to reciprocal market access treatment, provided that this is always in accordance with existing laws.</p>		
		<p>4) Limitations listed in the horizontal section for financial services shall apply.</p>	<p>4) A non-Filipino citizen employed as officer or assigned to do technical functions shall have two Filipino understudies.</p>	
8. HEALTH AND SOCIAL SERVICES				
A. Hospital Services (9311)	SS	<p>1) Unbound*</p> <p>2) None</p> <p>3) Up to 100 percent foreign equity participation is allowed, provided:</p> <p>A. paid-in equity capital is at least US\$200,000; or</p> <p>B. paid-in equity must not be less than US\$100,000 for domestic market enterprises employing at least 50 direct employees.</p> <p>Otherwise, only up to 40 percent 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>1) Unbound*</p> <p>2) None</p> <p>3) None, except as indicated in the horizontal section.</p> <p>4) None</p>	

		As indicated in the horizontal section for Professional Services. Limitations listed in the horizontal section shall also apply.		
9. TOURISM AND TRAVEL RELATED SERVICES				
A. Hotels and restaurants				
a. Hotels, resorts, pension houses, tourist inns apartelles (64110)	SS	1) None 2) None 3) None, except as indicated in the horizontal section. 4) None, except as indicated in the horizontal commitment.	1) None 2) None 3) None, except as indicated in the horizontal section. 4) None	
b. Restaurants (6421-64310)		1) Unbound* 2) None 3) Foreign nationals may wholly operate a restaurant 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 appropriate government agencies. Foreign nationals may also establish branches provided that the minimum paid in capital of US\$830,000.00 per restaurant is complied and maintained. Limitations listed in the horizontal section shall also apply.	1) Unbound* 2) None 3), 4) Foreign nationals may wholly operate a restaurant provided that the minimum paid in capital of US\$2.5 million is complied and maintained. Prior notification for cessation of operation. Foreign nationals may also establish additional branches provided that the minimum paid in capital of US\$830,000.00 per restaurant is complied and maintained. Prior notification for opening and closing of branches/stores.	

			<p>Provided further that 30 percent local inventory requirement, public offering requirement under certain conditions and prohibition to engage in certain restaurant activities are complied.</p> <p>Every registered foreign restaurant is to submit to the Department of Trade and Industry (DTI) the following reports:</p> <ul style="list-style-type: none"> A. A general information sheet in the prescribed form showing, among others, the accredited stores of the enterprise and the status of operations of the entity; B. An audited financial statement and income tax return 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>Qualified foreign restaurants 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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		4) Natural persons as service supplier are allowed subject to the same requirements in mode 3 and as provided in the horizontal section.	Limitations listed in the horizontal section shall also apply	
B. Travel agencies and tour operators services (74710)	SS	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	
C. Tourist Guides Services (7472)	SS	1) Unbound* 2) None 3) Tour guides should be employed by a tour operator or a travel agency. Limitations listed in the horizontal section shall also apply. 4) Subject to reciprocity and limitations listed in the horizontal section.	1) Unbound* 2) None 3) None, except as indicated in the horizontal section. 4) None	
11. TRANSPORT SERVICES				
A. Maritime Transport Services a.b. International Maritime Transport (passenger and freight), except cabotage transport and government-owned cargoes (7211, 7212)	SS	1) None 2) None 3) Up to 40 percent foreign equity is allowed.	1) None 2) None 3) None, except as indicated in the horizontal section.	The following services at the port are made available to international maritime transport suppliers on reasonable and non-discriminatory terms and conditions:

		<p>Limitations listed in the horizontal section shall also apply.</p> <p>4) For Philippine-registered ship, under circumstances to be determined by the MARINA, aliens may be employed as supernumeraries only for a period of 6 months.</p> <p>Limitations listed in the horizontal section shall also apply.</p>	<p>4) None</p>	<ol style="list-style-type: none"> 1. Pilotage 2. Towing and tug assistance 3. Provisioning, fuelling and watering 4. Garbage collecting and ballast waste disposal 5. Port Captain's services 6. Navigation aids 7. Shore-based operational services essential to ship operations, including communications, water and electrical supplies 8. Emergency repair services 9. Anchorage, berths and berthing services
d. Maintenance and repair of vessel (8868**)	SS	<ol style="list-style-type: none"> 1) Unbound* 2) 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 MARINA, except in cases of emergency. 3) None, except as indicated in the horizontal section. 4) None, except as indicated in the horizontal section. 	<ol style="list-style-type: none"> 1) Unbound* 2) None 3) None, except as indicated in the horizontal section. 4) None 	

Maritime agency services		<ul style="list-style-type: none"> 1) None 2) None 3) None, except as indicated in the horizontal section. 4) None, except as indicated in the horizontal section. 	<ul style="list-style-type: none"> 1) None 2) None 3) None, except as indicated in the horizontal section. 4) None 	
e. Pushing and towing services (72140)		<ul style="list-style-type: none"> 1) Unbound* 2) None 3) Up to 40 percent foreign equity participation is allowed. Limitations listed in the horizontal section shall also apply. 4) None, except as indicated in the horizontal section. 	<ul style="list-style-type: none"> 1) Unbound* 2) None 3) None, except as indicated in the horizontal section. 4) None 	
f. Supporting services for maritime transport				
Port and waterway operation services (74510)	SS	<ul style="list-style-type: none"> 1) Unbound* 2) None 3) Up to 40 percent foreign equity participation is allowed. Limitations listed in the horizontal section shall also apply. 4) None, except as indicated in the horizontal section. 	<ul style="list-style-type: none"> 1) Unbound* 2) None 3) None, except as indicated in the horizontal section. 4) None 	
Other supporting services for water transport (74590)	SS	<ul style="list-style-type: none"> 1) Unbound* 2) None 	<ul style="list-style-type: none"> 1) Unbound* 2) None 	

		<p>3) Up to 40 percent 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>3) None, except as indicated in the horizontal section.</p> <p>4) None</p>	
C. Air Transport Services				
d. Maintenance and repair of aircraft (8868**)	SS	<p>1) Unbound*</p> <p>2) None</p> <p>3) Up to 40 percent 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>	
Selling and marketing services (GATS Annex on Air Transportation) ¹⁹				
Off-line Carriers	SS	<p>1) None except authorization from Civil Aeronautics Board (CAB) is required.</p> <p>2) None</p> <p>3) 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>	

19 Selling and Marketing services (in the case of the Philippines) are categorized and defined following existing Philippine laws and rules and regulations of its aeronautical authorities as Off-line Carriers, General Sales Agent (GSA) and Cargo Sales Agent (CSA).

		4) None, except as indicated in the horizontal section.	4) None	
General Sales Agent (GSA) Cargo sales Agent (CSA)	SS	<p>1) None except authorization from CAB is required.</p> <p>2) None</p> <p>3) For individuals, only Filipino citizens are allowed.</p> <p>For partnership, each member must be a Filipino citizen.</p> <p>For corporation or association created under the laws of the Philippines, 60 percent of the voting interest shall be owned or controlled by Filipino citizens.</p> <p>Limitations listed in the horizontal section shall also apply.</p> <p>4) Individual 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) The directing head, and two-thirds or more of the Board of Directors and other managing officers shall be Filipino citizens.</p> <p>Limitations listed in the horizontal section shall also apply.</p> <p>4) Individual service suppliers must be Filipino citizens.</p>	
E. Rail Transport Services a. Passenger transportation (7111) b. Freight transportation (7112) e. Supporting services (743) Railroad, street railway, traction railway	SS	<p>1) Unbound*</p> <p>2) None</p> <p>3) Up to 40 percent 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>	

<p>F. Road Transport Services</p> <p>a. Passenger transportation (7121+7122)</p> <p>b. Freight transportation (7123)</p> <p>c. Rental of commercial vehicles with operator (7124)</p>	SS	<p>1) Unbound*</p> <p>2) None</p> <p>3) Up to 40 percent 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>	
<p>G. Pipeline Transport (713)</p>	SS	<p>1) Unbound*</p> <p>2) None</p> <p>3) Up to 40 percent 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>	
<p>H. Services auxiliary to all modes of transport</p>				
<p>a. Maritime Cargo Handling Services (74110**, 74190**)</p>		<p>1) Unbound*</p> <p>2) None</p> <p>3) Up to 40 percent foreign equity participation is allowed.</p>	<p>1) Unbound*</p> <p>2) None</p> <p>3) None, except as indicated in the horizontal section.</p>	

		<p>Limitations listed in the horizontal section shall also apply.</p> <p>4) None, except as indicated in the horizontal section.</p>	<p>4) None</p>	
<p>b. Storage and warehouse services except rice and corn (742)</p>	SS	<p>1) None</p> <p>2) None</p> <p>3) Up to 40 percent foreign equity 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) None</p> <p>2) None</p> <p>3) None, except as indicated in the horizontal section.</p> <p>4) None</p>	
<p>c. Freight transport agency services (74800**)</p>				
<p>International freight forwarding by sea</p>	SS	<p>1) None</p> <p>2) None</p> <p>3) A. Up to 100 percent foreign equity participation is allowed, provided that paid-in equity capital is not less than \$200,000, otherwise up to 40 percent foreign equity participation is allowed.</p>	<p>1) None</p> <p>2) None</p> <p>3) None, except as indicated in the horizontal section.</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>4) None</p>	
Domestic freight forwarding by sea	SS	<p>1) None</p> <p>2) None</p> <p>3) A. Up to 40 percent 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>	
<p>Notes to the Specific Commitments in the Sectors of Transport Services:</p> <p>Maritime Transport Services</p> <p>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:</p>				

- (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 organizing 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 organized independently of the stevedoring or terminal operator companies. The activities covered include the organization 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.

Air Transport Services

- 5. <<Off-line Carriers>> any foreign air carrier not certificated by the CAB, but who maintains office or who has designated or appointed agents or employees in the Philippines, who sells or offers for sale any air transportation in behalf of said foreign air carrier and/or others, or negotiate for, or holds itself out by solicitation, advertisement, or otherwise sells, provides, furnishes, contracts, or arranges for such transportation.
- 6. <<General Sales Agent (GSA)>> means a person not a bonafide employee of an air carrier, who pursuant to an authority from an airline, by itself or through an agent, sells or offers for sale any air transportation, or negotiates for, or holds himself out by solicitation, advertisement or otherwise as one who sells, provides, furnishes, contracts, or arranges for such air transportation.
- 7. <<Cargo Sales Agent (CSA)>> means any person, who does not directly operate an aircraft for the purpose of engaging in air transportation on air commerce and not bonafide employee of an air carrier, who as principal or agent, sells or offers for sale any air transportation of cargo, or negotiates for, or holds himself out of solicitation, advertisement, or otherwise as one who sells, provides, furnishes, contracts, or arranges for such air transportation of cargo.

Freight Forwarding Services

- 8. 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.

(Note 1) <<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.

(Note 2) <<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.

12. OTHERS

ENERGY SERVICES

Services Related to Power Generation

Operation of Power Plants (as provided under the BOT scheme)	<ol style="list-style-type: none"> 1) Unbound* 2) None 3) None, except electric cooperative operation, is limited to Filipinos. Limitations listed in the horizontal section shall also apply. 4) Unbound 	<ol style="list-style-type: none"> 1) Unbound* 2) None 3) None, except as indicated in the horizontal section. 4) Unbound 	
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Services Related to the Supply of Energy

Oil Refinery	<ol style="list-style-type: none"> 1) Unbound* 2) None 3) Initial Public Offering (IPO) for 10 percent of common stock on commencement of refinery operation. Limitations listed in the horizontal section shall also apply. 4) Unbound 	<ol style="list-style-type: none"> 1) Unbound* 2) None 3) None, except as indicated in the horizontal section. 4) Unbound 	
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Oil Terminals/Depots	<ol style="list-style-type: none"> 1) Unbound* 2) None 3) None, except as indicated in the horizontal section. 4) Unbound 	<ol style="list-style-type: none"> 1) Unbound* 2) None 3) None, except as indicated in the horizontal section. 4) Unbound 	
Petroleum Product Retail Outlets	<ol style="list-style-type: none"> 1) Unbound* 2) None 3) Foreign nationals may wholly operate a petroleum product retail outlet provided that the minimum paid in capital of US\$2.5 million is complied; provided further that pre-qualification requirements are complied and maintained in accordance with appropriate government agencies. Foreign nationals may also establish branches provided that the minimum paid in capital of US\$830,000.00 per retail outlet is complied and maintained. Limitations listed in the horizontal section shall also apply. 	<ol style="list-style-type: none"> 1) Unbound* 2) None 3) Foreign nationals may wholly operate a petroleum product retail outlet provided that the minimum paid in capital of US\$2.5 million is complied and maintained. Prior notification for cessation of operation. Foreign nationals may also establish additional branches provided that the minimum paid in capital of US\$830,000.00 per retail outlet is complied and maintained Prior notification for opening and closing of outlets. Provided further that 30 percent local inventory requirement, public offering requirement under certain conditions and prohibition to engage in certain retailing activities are complied. Every registered foreign retail outlet is to submit to the DTI the following reports: 	

		<p>4) Unbound</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> <p>Limitations listed in the horizontal section shall also apply.</p> <p>4) Unbound</p>	
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PART 2
List of Most-Favored-Nation Treatment Exemptions in relation to Article 76

2A: List of Japan

Sector or subsector	Description of measure indicating its inconsistency with Article 76	Intended duration	Conditions creating the need for the exemption ¹
Maritime freight forwarding services	An operation permit or governmental registration for maritime freight forwarding services (including services related to multimodal transport services ²) will not be granted when fair business activities are not ensured.	Termination of this measure shall be considered depending upon the outcome of future negotiations for trade liberalization.	Need to ensure Japanese persons have satisfactory access to the supply of maritime freight forwarding services (including services related to multimodal transport services) in the Philippines.
International shipping services (including passenger transportation and freight transportation services)	Restriction or prohibition of a) entry in Japanese ports and b) loading or unloading of cargoes in Japanese ports for a designated period may be imposed as a countermeasure on operators of vessels who belong to the country in which interests of Japanese operators continue to be substantially damaged, in spite of prior notification of taking such measure, under unfavorable treatment imposed on them by that country or by local authorities or similar entities of that country.	Termination of this measure shall be considered depending upon the outcome of future negotiations for trade liberalization.	Need to ensure favorable treatment for Japanese vessels operators in the Philippines.
Energy Services	With respect to the supply of services in the Electricity Utility Industry, Gas Utility Industry and Nuclear Energy Industry, excluding services supplied under subparagraph (t) (iii) of Article 71, preferential treatment may be accorded to the service suppliers of a non-Party.	Indefinite	Need to secure an efficient and stable supply of energy.

1 Description in this column shall be construed as information provided for reference purposes that does not form a part of commitments.

2 "Multimodal transport services" means freight transport services combining international maritime transport and road/railroad transport, provided on 'door to door' basis by a multimodal transport operator (as defined in Note to the Specific Commitments in the Sectors of Maritime Transport Services and Maritime Auxiliary Transport Services in the Schedule of Specific Commitments of Japan).

<p>Fisheries related services</p>	<p>With respect to the supply of services in fisheries in the territorial sea, internal waters, exclusive economic zone and continental shelf of Japan, including the following fisheries related services, preferential treatment may be accorded to the service suppliers of a non-Party:</p> <ul style="list-style-type: none"> (a) investigation of aquatic resources without taking such resources; (b) luring of aquatic resources; (c) preservation and processing of fish catches; (d) transportation of fish catches and fish products; and (e) provision of supplies to other vessels used for fisheries. 	<p>Indefinite</p>	<p>Need to ensure conservation and management of fishery resources.</p>
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[外務省1]

2B: List of the Philippines

Sector or subsector	Description of measure indicating its inconsistency with MFN Provisions	Intended Duration	Conditions creating the need for the exemption ¹
<p>ALL SECTORS</p> <p>Entry and temporary stay of natural persons supplying services</p>	<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>	<p>Expiry date or termination of bilateral treaties on entry rights for traders and investors</p>	<p>To facilitate entry into the Philippines, on the basis of reciprocity, of foreign nationals for purposes of trade, investment and related activities.</p>
<p>Financial Services</p>			
<p>Commercial banking</p>	<p>Authorization for foreign financial service suppliers to establish commercial presence or expand existing operations in commercial banking in the Philippines shall be subject to a reciprocity test.</p>	<p>Indefinite</p>	<p>To ensure Philippine financial service suppliers are accorded full market access and national treatment in the foreign financial service market.</p>
<p>Financing Companies</p>	<p>Authorization for foreign financial service suppliers to establish commercial presence or expand existing operations in financing companies shall be subject to a reciprocity test.</p>	<p>Indefinite</p>	<p>To ensure Philippine financial service suppliers are accorded full market access and national treatment in the foreign financial service market.</p>
<p>Investment Houses</p>	<p>In approving foreign equity applications in Investment Houses, the appropriate regulatory authority shall approve such applications only if the same or similar rights are enjoyed by Philippine nationals in the applicant's country.</p>	<p>Indefinite</p>	<p>To ensure Philippine financial service suppliers are accorded full market access and national treatment in the foreign financial service market.</p>

1 Descriptions in this column shall be construed as information provided for reference purposes only and do not form part of the Philippines' commitments.

Maritime Transport Services			
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 percent share of its bilateral export and import liner cargo trade with the Philippines.</p>	Indefinite	Ensure effective participation of Philippine ocean-going fleet in Philippine liner cargo trade