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Questionnaire on a 'Free Trade agreement' with the Philippines

Fields marked with \* are mandatory.

INTRODUCTION

On 22 December 2015 the European Commission announced the launch of Free Trade Agreement (FTA) negotiations with the Philippines. Bilateral negotiations with the Philippines are the fifth to be launched with a member of the Association of Southeast Asian Nations (ASEAN) – following the launch of negotiations with Singapore (2010), Malaysia (2010), Vietnam (2012) and Thailand (2013).

Background

The Philippines is one of the 10 members of the ASEAN and, with a GDP of €260 billion in 2014, the fifth largest economy in the region. The Philippine economy has more than doubled its size in the last decade and consolidated itself as one of the fastest growing economies in Southeast Asia (6.1% GDP growth in 2014). With a population of over 100 million it is also the second most populated country in ASEAN.

The Philippines continues to work with the rest of the ASEAN Member States in deepening economic integration in the region under the ASEAN Economic Community –that was formally established on 31 December 2015. As part of ASEAN, the Philippines has concluded five regional FTAs (China, India, South Korea, Japan, and Australia and New Zealand) and is engaged in the negotiation of the Regional Comprehensive Economic Partnership (RCEP) that aims to consolidate all five FTAs under a regional chapeau. The Philippines has one purely bilateral FTA, the Economic Partnership Agreement it concluded in 2004 with Japan – who has been the Philippines' top trading partner for many years. In the past couple of years, the Philippines has started to develop its trade agenda further and has reached out to EFTA (sixth round of negotiations in April 2016), the EU and some individual APEC members on the negotiation of additional bilateral FTAs, and has expressed an interest in joining the Trans-Pacific Partnership (TPP) once it is open to new members.

The FTA the EU is negotiating with the Philippines will develop a key aspect of our overall relationship with the Philippines that is based on the Partnership and Cooperation Agreement (PCA) signed in 2012. The agreement shall facilitate increasing bilateral trade flows between the EU and the Philippines and an expansion of foreign direct investment.

The Philippines is the EU's sixth largest trade partner in ASEAN and ranks 42nd worldwide, while the EU is the Philippines fourth largest trading partner. In 2015, the EU exported goods worth €6.2 billion to the Philippines, while the EU imports from the Philippines amounted to €6.8 billion. Data for 2015 reflects a substantive increase in Philippine exports to the EU that can partly be explained by the Philippines becoming a GSP+ beneficiary in December 2014 (from earlier GSP status).

The EU exports to the Philippines mostly transport equipment (31%), machinery (15%), food products (13%), chemicals (11.5%), and electronic components (11%). Philippines' main exports to the EU are office and telecommunication equipment (45%), machinery (15%), food products (12.5%), and optical and photographic instruments (11%).

Trade in services between the EU and the Philippines was worth €3.3 billion in 2014, with a surplus for the Philippines of €0.4 billion. In addition, European businesses have invested heavily in the Philippines during the last decade, building up an FDI stock in the Philippines of €6.7 billion (2014) that makes the EU the largest investor in the Philippines, well ahead of the US and Japan.

Information on the questionnaire

The questionnaire is divided into the following sections:

I. Trade in Goods
II. Trade in Services and Investment
III. Regulatory Issues (Transparency, Intellectual Property Rights, Competition, Government Procurement)
IV. Other issues

Should there be any additional point you wish to draw the Commission's attention to, please describe this under chapter "IV. Other issues".

In addition, where possible, we would appreciate receiving as specific information as possible (substantiated where possible by economic indicators and/or data) of respondents' interests, prioritization within sectors, and any proposals for solution, where problems have been identified.

The questionnaire has been prepared in order to provide the Commission with information to assist it in establishing priorities and taking decisions throughout the negotiating process. Your reply to this questionnaire is important in this process and we thank you in advance for your contribution.

The Commission, subject to the application of the EU's rules on access to documents (Regulation (EC) No 1049/2001), will treat the information that you provide as confidential. EU rules on access to documents allow the Commission to withhold access to a document where disclosure would undermine the commercial interests of a natural or legal person or harm the EU's relations with third countries, unless there is an overriding public interest in disclosure.

Please send your replies by 30th April 2016 to the following e-mail address: trade-industry@ec.europa.eu

ABOUT YOU

|  |  |
| --- | --- |
| \* | Name |

Pascal KERNEIS

|  |  |
| --- | --- |
| \* | Organisation |

European Services Forum (ESF)

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| \* | Email |

@ 

|  |  |
| --- | --- |
| \* | Are you a small and medium-sized company (SME) (Remark: SMEs have less than 250 employees)?   |
|  | Yes |
|  | No |
|  |  |
|  | Then, please specify: |

|  |  |
| --- | --- |
|  | SME with less than 10 employees |
|  | SME with 10 up to 49 employees |
|  | SME with 50 up to 249 employees |
|  |  |

I. TRADE IN GOODS

The Trade in Goods section of this questionnaire is divided into the following sections:

A. General goods-related questions
B. Questions related to rules of origin
C. Questions related to import restrictions and prohibitions
D. Questions related to access to raw materials and export restrictions and prohibitions
E. Questions related to import and export procedures (included under a general heading "customs procedures")
F. Questions related to discrimination and transparency in domestic regulation and taxation
G. Questions on trade defence instruments (anti-dumping, anti-subsidy and safeguards)
H. Questions related to Technical Barriers to Trade (TBT) (industrial goods)
I.  Questions related to Sanitary and Phytosanitary Measures (SPS) (agricultural goods, fish and fishery products)

A.  General goods related questions

|  |  |
| --- | --- |
|  | 1. What are the existing trade flows in your sector(s)? |

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| --- | --- |
|  | 2. What is your assessment of the potential for growth in this sector(s)? and the specificities of your sector in the Philippines that may have a relevance for the FTA? |

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| --- | --- |
|  | 3. Could you specify your overall “offensive” and “defensive" interests?(Note: “Offensive interest” is understood to mean the interest you may have in gaining access to the Philippine market. “Defensive interest” is understood to mean competition from Philippine firms in your domestic market.) |

Text of 1 to 1000 characters will be accepted

|  |  |
| --- | --- |
|  | 4. In your sector, do you see either:  |
|  | a) an interest in EU companies supplying goods to the Philippines (i.e., an export interest)? |
|  | b)an interest in importing? |
|  | c) an interest in EU companies setting up production facilities in the Philippines? |
|  | d) an interest in using the PH as a basis for trading / business within ASEAN? |
|  |  |
|  | How strongly (for example, in financial terms) would you rate the level of these interests? |

Text of 1 to 1000 characters will be accepted

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| --- | --- |
|  | 5. Do you have an interest in exporting or importing "green goods" (i.e. goods considered to be environmentally and climate change friendly)?  |

Text of 1 to 1000 characters will be accepted

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| --- | --- |
|  | 6. Is there any element in an FTA between the Philippines (or ASEAN) and a third country that harms your competitive position? |

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| --- | --- |
|  | 7. How would you assess for your sector the relative importance of the Philippines (in terms of production capacity, comparative advantage, potential, etc.) among the countries of the Southeast Asian region? |

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B.  Questions related to rules of origin

|  |  |
| --- | --- |
|  | 8. What preferential rules of origin should apply in the sector(s) of your interest in the agreement with the Philippines? Can your sector(s) apply the new rules based on the reform of the GSP rules of origin applicable since 2010? If relevant, please indicate the maximum level of non-originating materials that you would wish to apply to your products. |

Text of 1 to 1000 characters will be accepted

|  |  |
| --- | --- |
|  | 9. Would your industry need specific flexibility to source abroad, including from other ASEAN Member States? If yes, from which ASEAN Member State? Could your industry indicate sensitivities as regards possible cumulation by the Philippines of materials or products from other ASEAN Member States or from other EU FTA partners? |

Text of 1 to 1000 characters will be accepted

C.  Questions related to duties, import restrictions and prohibitions

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| --- | --- |
|  | 10. Does your sector face import restrictions or prohibitions in the Philippines? If so, please specify the type of import restrictions (import duty, combined with additional or specific duties, tariff rate quota, import licensing, import prohibition, etc.)? Please specify the likely effect of their elimination. |

Text of 1 to 1000 characters will be accepted

|  |  |
| --- | --- |
|  | 11. If your product is subject to import licensing requirements, are such licenses granted automatically to all applicants? |

Text of 1 to 1000 characters will be accepted

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| --- | --- |
|  | 12. What other measures are you faced with when importing in the Philippines? |

Text of 1 to 1000 characters will be accepted

|  |  |
| --- | --- |
|  | 13. Are all measures related to import restrictions or prohibitions publicly available? |

Text of 1 to 1000 characters will be accepted

|  |  |
| --- | --- |
|  | 14. What depth of tariff cuts and on which goods would be necessary for these to make an economic difference to your sector? |

Text of 1 to 1000 characters will be accepted

D.  Questions related to access to raw materials and export restrictions and prohibitions

|  |  |
| --- | --- |
|  | 15. Does your sector have an interest in purchasing raw materials from the Philippines? If so, please specify what raw material and describe its economic relevance. Are there any measures that could be included in an agreement to facilitate trade or reduce costs for trade in raw materials? |

Text of 1 to 1000 characters will be accepted

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| --- | --- |
|  | 16. Does your sector face export restrictions or investment restrictions with respect to the Philippines? If so, please specify the type of export restrictions (export duty, tariff rate quota, VAT rebate schemes, licensing, discriminatory promotion schemes, etc.). Please specify the likely effect of their elimination. |

Text of 1 to 1000 characters will be accepted

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| --- | --- |
|  | 17. Are you aware of dual pricing of raw materials (i.e. where raw materials are priced at a lower level on the domestic market compared to international market prices to the benefit of local production)? |

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| --- | --- |
|  | 18. On top of legally binding provisions in an eventual EU-Philippines agreement, does your sector favour closer cooperation in the field of raw materials with the Philippines? If so, in which form (e.g. regular dialogue)? What could be the topics discussed in the framework of such a cooperation (e.g. rules, points of concern, alliance building with raw material producers and potential users)? |

Text of 1 to 1000 characters will be accepted

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|  | 19. Does your sector have an interest in investing into the raw materials sector in the Philippines? Which are the specific issues which should be tackled to facilitate this? Please explain. |

Text of 1 to 1000 characters will be accepted

E.  Customs Procedures (import, export and transit procedures)

20. Do you face problems regarding one or several of the following issues? Please respond with yes/no and where possible provide a more detailed description of the problems faced.

|  |  |
| --- | --- |
|  | a) Overall problems with procedures and requirements for imports, exports and/or transit in the Philippines? |
|  | Yes |
|  | No |
|  |  |
|  | b) Do you encounter specific problems related to: |

|  |  |  |
| --- | --- | --- |
|  | Yes | No |
| inspections and controls during clearance |  |  |
| pre-shipment inspections |  |  |
| release times |  |  |
| fees and charges |  |  |
| confidentiality of data |  |  |
| data requirements |  |  |
| documentation requirements |  |  |
| compulsory use of customs brokers |  |  |
| other customs procedures |  |  |
| transparency / publication of and access to trade regulations |  |  |
| discriminatory treatment |  |  |
| lack of uniformity in application of procedures |  |  |
| complexity in application of procedures |  |  |
| customs valuation |  |  |
| tariff classification |  |  |
| relations with/access to the customs authorities |  |  |
| co-ordination between different border agencies |  |  |
| use or non-use of information technology |  |  |
| application or non-application of relevant international standards |  |  |
| procedures for legal recourse/appeal |  |  |
| transhipment |  |  |
| reference pricing |  |  |
| logistics/congestion |  |  |
| other |  |  |

|  |  |
| --- | --- |
|  | Please specify |
|  | c) In light of your sourcing / delivery patterns, do you have any other comments to make? |

|  |  |
| --- | --- |
|  | 21. Do you face any problems with the way in which customs procedures are implemented by the customs authorities?  |

Text of 1 to 1000 characters will be accepted

F.  Questions related to discrimination and transparency in domestic regulation and taxation

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| --- | --- |
|  | 22. Is your sector faced with discriminatory measures and practices between domestically produced goods and imported goods into the Philippines? If so, describe the nature of this discrimination (e.g. is it based on legislation or on de facto discrimination; does it concern a regular domestic regulation and/or taxation regime?). Can you provide written substantiation of discrimination (including reference to legislation)? |

Text of 1 to 1000 characters will be accepted

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|  | 23. Do you encounter problems due to lack of transparency of Philippine regulation, e.g. in the form of lack of publication of legislation or other documents? (Please also refer to the detailed questions under section III.A below regarding transparency). |

Text of 1 to 1000 characters will be accepted

G.  Questions on trade defence instruments (anti-dumping, anti-subsidy and safeguards)

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| --- | --- |
|  | 24. Have you had experience related to the use of trade defence instruments in the Philippines (anti-dumping, anti-subsidy or safeguards)? |

Text of 1 to 1000 characters will be accepted

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| --- | --- |
|  | 25. Were there particular difficulties in communicating with and/or receiving information from the Philippines authorities dealing with trade defence instruments? |

Text of 1 to 1000 characters will be accepted

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| --- | --- |
|  | 26. Have you encountered market distortions (subsidies, pricing policies) in the Philippines which should be addressed by e.g. trade defence measures or other types of measures or which create structural trade difficulties? |

Text of 1 to 1000 characters will be accepted

H.  Technical Barriers to Trade

In the context of this questionnaire, the term "Technical Barriers to Trade (TBT)" is intended to mean requirements applicable to products (e.g. technical regulations) and the conformity assessment procedures intended to verify compliance with these requirements (e.g. testing, inspection and certification , product registration or licensing, etc.).

Please provide comments on the following issues. Comments are particularly welcome if you or your colleagues in the industry consider that some of the below areas should take priority in the TBT discussions.

|  |  |
| --- | --- |
|  | 27. Have you found product requirements to be a problem in exporting your products to the Philippines? |

Text of 1 to 1000 characters will be accepted

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|  | 28. Often, trade barriers arise not necessarily from the product requirements as such, but from the procedures used to verify compliance with these requirements (conformity assessment procedures). What are the procedures used by the Philippines to verify compliance of products in your sector? Are they more burdensome than those applied in the EU?[1] Do Philippine authorities accept product specific test results from accredited EU conformity assessment bodies? Are there any specific requirements in terms of accreditation? Are time-periods set for certification? Do you encounter difficulties (e.g. increased costs and marketing delays) due to these conformity assessment procedures?[1] For instance, EU legislation may allow for a manufacturer’s declaration of conformity without the mandatory intervention of a third party certification body, whereas Philippine legislation may require that the product be certified by a public authority or a certification body approved by this authority. |

Text of 1 to 1000 characters will be accepted

29. What is your assessment of the Philippines’ transparency and good regulatory practice in the development, adoption and enforcement of technical regulations? Please focus in particular on the questions below, and provide as detailed answers as possible.

|  |  |
| --- | --- |
|  | a. How do Philippine authorities consult industry on proposed technical regulations or conformity assessment procedures? For instance, does the Philippines systematically conduct public consultations on proposed TBT measures? How is transparency and participation of stakeholders ensured with respect to standards used in support of technical regulations or conformity assessment procedures? |

Text of 1 to 1000 characters will be accepted

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|  | b. If not, do importers (or domestic industry in the Philippines) have other opportunities to submit comments during the drafting of new technical regulations or conformity assessment procedures, before the proposal is adopted? |

Text of 1 to 1000 characters will be accepted

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|  | c. Are similar consultation opportunities being provided to both domestic and foreign industry? |

Text of 1 to 1000 characters will be accepted

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| --- | --- |
|  | d. In your experience, have comments made by stakeholders been taken into account? |

Text of 1 to 1000 characters will be accepted

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|  | e. Is industry involved in standardization work in the Philippines? In particular, are foreign and/or foreign-invested companies allowed to participate in standard-setting activities in your sector (e.g. membership in technical committees developing new Philippine standards)? If yes, what is your experience with regard to this area. |

Text of 1 to 1000 characters will be accepted

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|  | f. Have you ever tried to obtain information about proposed or adopted technical regulations, conformity assessment procedures or standards from the [Philippine TBT Notification and Enquiry Point](http://www.bps.dti.gov.ph/)? Have you encountered specific difficulties? |

Text of 1 to 1000 characters will be accepted

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|  | 30. To what extent have you encountered difficulties due to short implementation periods for new measures? |

Text of 1 to 1000 characters will be accepted

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|  | 31. Have you experienced problems or difficulties arising from the division of responsibility for TBT-related measures between Philippine authorities, or from regulatory differences between different regions of the Philippines? |

Text of 1 to 1000 characters will be accepted

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|  | 32. Do any or all of the following issues pose particular problems with regard to exporting your products to the Philippines?(i) short implementation periods for new measures;  (ii) availability of technical regulations, conformity assessment procedures and related applicable standards (e.g. official Journal, public website etc.)  |

Text of 1 to 1000 characters will be accepted

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| --- | --- |
|  | 33. Does the Philippines use relevant international standards as a basis for its technical regulations, conformity assessment procedures and national standards in your sector? If so, are there any unnecessary deviations from, or additions to those international standards, that could create barriers to trade? |

Text of 1 to 1000 characters will be accepted

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|  | 34. Do you encounter any barriers to trade arising from burdensome or discriminatory labelling or marking requirements? If so, please describe them in as much detail as possible. |

Text of 1 to 1000 characters will be accepted

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|  | 35. With your knowledge of the technical regulations, standards and conformity assessment systems both in the EU and the Philippines, do you have any recommendations for solutions which would facilitate trade? |

Text of 1 to 1000 characters will be accepted

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|  | 36. Would your proposed solutions be achievable within the provisions of regulatory systems currently applied in the EU and the Philippines, or would changes to those systems or legislative framework be necessary? |

Text of 1 to 1000 characters will be accepted

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|  | 37. Do you see the recognition of EU standards as an important element of the FTA? What is the importance of standards to your sector? What standards are you using? |

Text of 1 to 1000 characters will be accepted

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|  | 38. Have you encountered in the Philippines any specific barriers for small and medium size enterprises (SMEs) in your sector? If so, please describe briefly. |

Text of 1 to 1000 characters will be accepted

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|  | 39. Are you aware of any user-friendly information on trade opportunities for SMEs provided by the Philippines? |

Text of 1 to 1000 characters will be accepted

I.  Sanitary and Phytosanitary Measures (Agricultural products, fish and fishery products)

Sanitary and Phytosanitary Measures apply in order to protect human, animal, and plant health.

Your answers to specific product questions (40) to (46) will be taken as an indication of interest that might change over time.

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|  | 40. List the agricultural products (these include animals and animal products, plants and plant products) and fishery products you are currently exporting to the Philippines / importing from the Philippines. |

Text of 1 to 1000 characters will be accepted

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|  | 41. List the agricultural and fishery products that you may be potentially interested to export / import in future to the Philippines (regardless of whether exports are currently taking place or have taken place in the past). |

Text of 1 to 1000 characters will be accepted

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|  | 42. Please specify the major Sanitary and Phytosanitary (SPS) barriers you have encountered in the past (or may potentially encounter) when trying to export agricultural and fishery products into the Philippines. |

Text of 1 to 1000 characters will be accepted

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|  | 43. With your knowledge of the technical regulations, standards and conformity assessment systems both in the EU and the Philippines do you have any recommendations for solutions which would facilitate trade? |

Text of 1 to 1000 characters will be accepted

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|  | 44. Would your proposed solutions be achievable within the provisions of regulatory systems currently applied in the EU and the Philippines, or would changes to the systems or legislative framework be necessary? |

Text of 1 to 1000 characters will be accepted

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|  | 45. Do you expect that an SPS chapter in the proposed future agreement will benefit your industry? If so, please clarify. |

Text of 1 to 1000 characters will be accepted

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|  | 46. On the basis of your previous response, which basic elements/provisions should an SPS chapter with the Philippines contain in order to potentially fulfil your priorities? |
|  | Transparency (better notification provisions on SPS import rules including predictability and stability of SPS rules) |
|  | Regionalisation for animal and plant diseases |
|  | Equivalence (system of recognition) |
|  | Pre-listing of exporting establishments |
|  | Certification procedures |
|  | Verification procedures |
|  | Information exchange |
|  | Notification and consultation |
|  | Safeguard measures |
|  | Labelling |
|  | Single (EU) accreditation process for meat and other agricultural products |
|  | Other |
|  |  |

II. TRADE IN SERVICES AND INVESTMENT

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|  | 47. What are the main barriers that your sector encounters in cross-border services trade with the Philippines (e.g. obligation to have a local commercial presence such as an office, branch or subsidiary in order to conduct business, etc.)? |

Text of 1 to 1000 characters will be accepted

• Few commitments on mode 1 & 2 during UR. In Japan-Philippines FTA, Philippines took commitments in various business services as: “None, except services outputs cannot be recognized by the Philippine Govt”. This entry is not clear & need explanation & better wording in EU-Philippines FTA, to lead to proper liberalisation.

• In Postal, Mode 3 required to provide mode 1 services.

• In telecom, mode 1 is “unbound” for basic telecoms and value added services, with a footnote “such a commitment shall be reviewed in future in accordance with developments of laws and regulations”. Negotiators need to check developments in that area since 2006.

• Distribution: very restricted commitments for Commission Agents’ services where “Business must be done through an entity registered under Philippine laws.”

• Mode 3 is required to provide cross border commercial banking. No mode 1 commitment in Insurance

• Authorization Civil Aeronautics Board (CAB) is required for Mode 1 aviation services

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|  | 48. What are the main barriers that your sector encounters in establishing a commercial presence, including by acquisition, in the primary, secondary or tertiary sector in the Philippines (e.g. capital ownership / equity cap, limitations to management control, difficulty in obtaining a licence or authorisation, treatment by state-owned enterprises, complex and lengthy procedure between federal and provincial level, etc.)? How do you assess the obligation to work in joint venture with Filipino nationals, or the limitation on the ownership of land? Should this be a focus of our negotiations or are there ways for business to accommodate this and negotiations should give priority to other elements? Any details would be appreciated. |

Text of 1 to 1000 characters will be accepted

Philippines government recently made efforts to improve economic environment for foreign investors = very positive & could foster EU-Philippines Trade relations. 3 new legislations that are worth being mentioned: 1) The Philippines Competition Act (2015); 2) (The Foreign Ships Co-Loading Act, which allows foreign operators to ship domestic cargoes within Philippines sovereign territories ; 3) the banking sector was widely liberalized in 2014 due to the enactment of a new legislation which removed significant restrictions for foreign investors.

However, major impediments for European companies to do business in Philippines remain. Certain sectors are reserved by law to Philippines citizens with foreign equity limited to a minority share; limits on membership of the board of directors; discriminatory access to capital and a ban on land ownership. And the most formidable impediment to sustained, investment-based growth remains unfortunately unaltered. (Cont. Q50)

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|  | 49. What are the main barriers that your sector encounters with regard to the temporary movement of natural persons for business purposes in the primary, secondary or tertiary sector in the Philippines (e.g. difficulty in obtaining work permits and visas due to lengthy procedures, recognitions of your employees' qualifications, lack of transparency in regulations at various administrative levels, etc.)? Are there any occupations and professions in the Philippines that are not allowed to be exercised by foreigners, and that you would wish to see opened as a result of the FTA? What should be the professions to look at with priority? Are there any industry-specific legislation, regulations or administrative acts which contain criteria on nationality of director, managing partner or manager? |

Text of 1 to 1000 characters will be accepted

Negotiations of commitments to allow high skills European services providers to The Philippines are an important priority in the trade negotiations.

• Some outstanding concerns over the foreign employees’ applications for the work permit in Philippines.

• Rules and procedures for obtaining work permits for foreigners are restrictive and complex.

• The administrative requirements are cumbersome, time-consuming and unnecessarily onerous. The employer is required to try to hire Philippines’ workers for the jobs to which they want to hire foreign workers, before foreign workers can be hired.

• A long notification period precedes the employment of a foreigner, where Philippines work force must be searched for. Foreign company has to provide sufficient evidence that a Filipino cannot fill the position, which has to be approved by the authorities; however the criteria for this are unclear.

The mode 4 conditions are therefore very problematic and should be seriously improved in FTA.

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|  | 50. Do you observe any self-imposed constraints (i.e. voluntary codes of conduct that are agreed and followed by operators) relating to environmental and social aspects of sustainable development, in the context of investment or services trade, which it would be to your advantage to see generalised or codified in the Philippines? And if so, which? |

Text of 1 to 1000 characters will be accepted

Cont. of Q48: The 1987 Constitution still states that foreign investors may not own more than 40% of a company’s share, with the remaining 60% being under control of Philippine company/citizens. We call upon the negotiators to at the very least obtain similar commitments that Philippines granted to Japan. ESF members call on the trade negotiators to ensure that the horizontal commitments of the FTA in relation to establishment/commercial presence abroad (mode 3) will at least bind the existing practice in relation to foreign ownership. The current restrictions deprive the foreign investors of the legal certainty and are therefore a strong disincentive

These restrictions have a particular impact on the services sectors, since a company will not invest in the same way when it has or not the control of its investment. The main reason is because a foreign investor will not want to lose its management expertise, its know-how & other specificities that makes its services more competitive.

|  |  |
| --- | --- |
|  | 51. Do you encounter problems due to lack of transparency (e.g. lack of publication of legislation or other documents relevant for your trade behaviour)? Please also refer to the detailed questions under section III.A) below regarding transparency. Is there an interest in having a Mutual Recognition Agreement in your sector (to cover recognition of standards, licenses, qualifications or else)? |

Text of 1 to 1000 characters will be accepted

Cont. of Q48: ESF Members will provide sector specific information separately. However, here are already some additional elements:

• The Telecommunications services sector is still underdeveloped. Telecommunications companies for example are still mainly in the hand of few, influential families. Hence there is a clear lack of competition and lack of infrastructure investment in that crucial sector. As a result, internet traffic is slow and expensive, thereby hindering the development of other sectors like BPO.

• The Philippines has not committed the construction sector under the Uruguay Round and its DDA offer in construction services was extremely limited, excluding all of buildings, civil engineering, installation and finishing. Nothing either in the FTA with Japan. Instead it covered only two small sections of ‘other’ related to its energy services offer.

|  |  |
| --- | --- |
|  | 52. Is market access allowed in your sector in the Philippines which goes beyond its relevant access obligations in the WTO and if yes, is it still interesting for your business to "lock-in" this market access by means of legally binding commitments at the level of the current situation or would it be necessary to obtain even further formal market access commitments? |

Text of 1 to 1000 characters will be accepted

See here above Question 48. reply to Q52Yes, in many services sectors, market access is allowed in the Philippines beyond its relevant access obligations in the WTO.

Yes, is it still interesting for your business to "lock-in" this market access by means of legally binding commitments at the level of the current situation; and Yes, it would good if possible to obtain even further formal market access commitments.

|  |  |
| --- | --- |
|  | 53. In the sector in which your business specialises, do you have a particular interest in entering the Philippine market? |

Text of 1 to 1000 characters will be accepted

Cont. of Q48:

• ESF welcomes the fact that the Philippines’ banking sector was widely liberalized in 2014 due to the enactment of a new legislation (Republic Act 10641) on 20 July 2014, which removed significant restrictions for foreign investors. It allows foreign banks to either own up to 100% of the voting stock of an existing bank, to invest in up to 100% of the equity of a new banking subsidiary or to open branches. Further, a foreign bank subsidiary is now allowed to open up to five sub-branches. The European banks are already large investors in The Philippines with around 30% of total FDI stock. ESF encourages the Commission negotiators to obtain the binding of the banking reform in the EU-Philippines bilateral agreement, and to broaden and deepen as far as possible the commitments in that sector. Unnecessary restrictions on cross-border financial services business and consumption of services abroad including e-commerce should be removed.

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|  | 54. What are the areas/sectors in which European companies are at a disadvantage vis-à-vis third countries' competitors, due to bilateral trade treaties or FTA agreements to which the Philippines is a Party and that are already in force or about to come into force (e.g. JPEPA, ASEAN-China, ASEAN-South Korea, ASEAN-Australia and New Zealand, future EFTA-Philippines FTA)? |

Text of 1 to 1000 characters will be accepted

Q54: See our comments all along the various responses of the questionnaire. WE have made references to the commitments taken by Philippines towards Japan. We haven’t yet gone into detail examination of the ASEAN-China, ASEAN-South Korea, ASEAN-Australia and New Zealand FTAs, but we understand that most of the Regional ASEAN FTAs have not gone very far into services sectors commitments. We reserve the right to come to the Commission on this at a later stage. However, we would encourage the negotiators to try to find further information on the state of play of the services negotiations between EFTA and Philippines, where it is likely that more modern commitments will be taken by the parties.

|  |  |
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|  | 55. In the light of question 54, what negotiating objectives should the EU focus on, in the various sectors, so as to achieve at least a level playing field for its service providers and investors in the Philippines? |

Text of 1 to 1000 characters will be accepted

Cont. of Q48:

• On insurance, Filipinos are barely insured (the growing middle class may change that). Clear commitments in all segments will encourage EU insurance companies to invest in Philippines, & contribute to long-term investment in infrastructure projects. Full commitments should be taken for market access for cross-border marine, aviation and transport (MAT) insurance and cross-border reinsurance, as well as to insurance intermediaries’ services.

• No commitments in environmental services during the UR. ESF welcomed sewage services have been included in Philippines DDA offer but mode 3 conditions very limited, particularly again the equity cap of 40%, & extremely restrictive conditions to operate in Manila. De facto discourages investors, not come with their technology if no guarantee to remain in control. No commitment either in the FTA with Japan. With fast growing cities like Manilla,Quezon City, Cebu and Davao, there are urgent needs for good environmental services.

|  |  |
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|  | 56. Are foreign investments in the Philippines treated in a fair and equitable manner? Have there been any unreasonable, arbitrary or discriminatory measures against foreign investments?In the course of doing business in the Philippines, have you ever encountered any requirements or incentives to: |
|  | a) export a given level or percentage of goods or services; |
|  | b) or achieve a given level or percentage of domestic content; or |
|  | c) purchase, use or accord a preference to goods produced or services provided in the Philippines, or to purchase goods from Filipino producers or services provided by Filipino service suppliers; or |
|  | d) transfer a particular technology, a production process or other proprietary knowledge; |
|  | e) or grant access to proprietary source code; or |
|  | f) to locate the headquarters of that investor for a specific region or the world market in its territory; or |
|  | g) to achieve a given level or value of research and development in its territory? |
|  |  |
|  | Comments: |

Text of 1 to 1000 characters will be accepted

Cont. of Q48:

• As said here above, we welcome the Foreign Ships Co-Loading Act, which allows foreign operators to ship domestic cargoes within Philippines sovereign territories. But the 40% equity cap in International Maritime Transport (passenger and freight) does not make much sense in a country composed of thousands of islands, and should be removed.

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|  | 57. Have there been any cases of direct or indirect expropriation? If so, have expropriated investments been compensated promptly, adequately and effectively? |

Text of 1 to 1000 characters will be accepted

Q57:Not that we are aware of.

Reply to Q51:The FTA should include a chapter on domestic regulation that should put into place disciplines towards transparency obligation for all level of regulatory authorities. These disciplines should encompass publication of the regulation, transparency on the licensing and other authorization procedures, right of comments by the stakeholders, appeal process when refusal, contact point with the administration, etc.

The development of the professional services like legal services, architectural services, accounting and auditing services are crucial for supporting the development of the economy towards a proper middle income country. EU companies’ expertise in these fields is well-known worldwide and the FTA should aim at opening up this market and bringing legal certainty to the investors.

|  |  |
| --- | --- |
|  | 58. Are provisions on free transfer of funds of capital and payments related to an investment by investors fully respected? |

Text of 1 to 1000 characters will be accepted

Q58: As far as we know, yes.

Continuation of Reply to Q51: Unfortunately, Philippines did not take any commitments on professional services during the UR (except for C&RS, see below) and has no commitments in business services, despite EC request for improving access in almost every sub-sector. The lack of commitments is indicative of a general need to understand effectiveness of services sectors liberalisation for taking advantage of economic potential of integration into global economy.

For legal services, EU negotiators should commit covering at least consultancy on public international law and on law of jurisdiction where the service supplier or its personnel are qualified lawyers.

FTA should put into place a framework allowing, when there is a mutual interest by the profession’s representatives from both sides, to engage into negotiations towards mutual recognition agreement of qualification and diploma. This might be the case for instance with the profession of architects

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|  | 59. Have there been any restrictions on payments due to exceptional circumstances such as pressures on the balance of payments or exchange rate policy? |

Text of 1 to 1000 characters will be accepted

Not that we are aware of.

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| --- | --- |
|  | 60. Are there any known cases where foreign investors have been subjected to physical coercion as a result of the application of the Philippines' criminal law to regular business activity? |

Text of 1 to 1000 characters will be accepted

Not that we are aware of.

|  |  |
| --- | --- |
|  | 61. Have there been any cases where foreign investors encountered difficulties in enforcing their rights established under domestic legislation or judgements issued in their favour by domestic courts? |

Text of 1 to 1000 characters will be accepted

Not that we are aware of.

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| --- | --- |
|  | 62. Have you experience with incentives schemes that were promised but not materialised, notably in terms of tax-reductions, cuts and reimbursements? |

Text of 1 to 1000 characters will be accepted

Not that we are aware of.

III. REGULATORY ISSUES

A. Transparency

To the extent applicable, indicate what problems arise due to lack of transparency such as lack of publication of legislation or other relevant documents. In the questions below, administration/government should also be understood as local authorities, for instance regulatory bodies, regulatory authorities, certification offices, licencing authorities.

|  |  |
| --- | --- |
|  | 63. Is information on trade-related regulations and their administration published and readily available, including on laws and regulations, procedures, penalties, appeal procedures, administrative guidelines and practice, decisions, and agreements with the Philippines where relevant? |

Text of 1 to 1000 characters will be accepted

Yes.

|  |  |
| --- | --- |
|  | 64. Is information made available in a readily accessible way, including through websites? |

Text of 1 to 1000 characters will be accepted

Yes, in the majority of the cases.

|  |  |
| --- | --- |
|  | 65. Are there enquiry points available and accessible to interested parties (including through websites) which help making information on trade-related regulations and their administration available? |

Text of 1 to 1000 characters will be accepted

Yes. The portal of the Government of Philippines (http://www.gov.ph/ ) provides contact details for all government departments and relevant regulatory authorities. It is a well-managed single point of contact with efficient e-services.

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|  | 66. Other requirements, suggestions concerning the availability of information? |

Text of 1 to 1000 characters will be accepted

None

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|  | 67. Are the intervals between publication and entry into force sufficient to allow interested parties to become acquainted with and prepared for complying with them? |

Text of 1 to 1000 characters will be accepted

Usually, yes.

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| --- | --- |
|  | 68. Are appropriate opportunities offered for prior consultation and commenting on new and amended rules (including sufficient minimum delays for comment)? |

Text of 1 to 1000 characters will be accepted

Usually, yes.

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| --- | --- |
|  | 69. Are there any areas or sectors where consultation could be improved? |

Text of 1 to 1000 characters will be accepted

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| --- | --- |
|  | 70. What is your assessment more generally of the Philippines' transparency and regulatory practices in the development and adoption of trade-related rules and regulations? |

Text of 1 to 1000 characters will be accepted

Our assessment is that the practice in the Philippines' transparency and regulatory in the development and adoption of trade-related rules and regulations is rather good. The main problem in the Philippines relies on the implementation of the adopted reforms, which sometimes takes too much time.

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|  | 71. Are advance rulings available from the administration (such as for trade in goods on customs classification and origin)? |

Text of 1 to 1000 characters will be accepted

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| --- | --- |
|  | 72. Are there adequate complaints possibilities and appeal procedures (in terms of non-discrimination, transparency, possibility for representation by independent legal counsel, cost and timelines set by different authorities, including Customs)? |

Text of 1 to 1000 characters will be accepted

To our knowledge, yes.

|  |  |
| --- | --- |
|  | 73. Do you have any other comments on the administration of trade-related regulations, including on the use of discretion, system of penalties, coordination and control mechanisms? |

Text of 1 to 1000 characters will be accepted

|  |  |
| --- | --- |
|  | 74. Please specify any shortcomings identified. Where available, identify best practices (such as existing information and transparency mechanisms in the Philippines) that could serve as a reference or starting point. |

Text of 1 to 1000 characters will be accepted

Timely enactment of adopted legislation in the congress, for instance:

• Enactment of an effective competition authority to implement the recent Competition Act of July 2015

• Enactment of the House Bill 5298, which seeks to amend Regulatory Act 3019 or the Anti-graft and corrupt practice act;

• Timely enactment of the Whistleblower Act;

• Enforcement of measures to combat non-compliance in line with the existing legislative framework in financial services

• Timely passage of the respective implementation rules of the co-loading bill in maritime transport;

|  |  |
| --- | --- |
|  | 75. Are there specific channels of information for SMEs (including through dedicated websites) in the Philippines? |

Text of 1 to 1000 characters will be accepted

Not to our knowledge, but the existing web-sites are well done and easily accessible to anyone, including the SMEs.

B. Intellectual Property Rights

|  |  |
| --- | --- |
|  | 76. Are you satisfied with the current conditions of protection and enforcement of intellectual property rights (IPR) in the Philippines? Please explain briefly nature/scope of the problem, if any? |

Text of 1 to 1000 characters will be accepted

|  |  |
| --- | --- |
|  | 77. According to your experience, what are the main weaknesses / problems of the current system in place (if any)? |

Text of 1 to 1000 characters will be accepted

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| --- | --- |
|  | 78. Is an adequate and effective protection and enforcement of IPR in the Philippines essential for the pursuit of your trading activities there? |

Text of 1 to 1000 characters will be accepted

|  |  |
| --- | --- |
|  | 79. Please indicate whether you consider intellectual property rights issues as priorities and specify which IPRs are the top priorities for you in the Philippines and why : |
|  | Copyright and related rights |
|  | Trademarks |
|  | Geographical Indications (GIs) |
|  | Designs |
|  | Patents |
|  | Data protection |
|  | Plant variety |
|  | Enforcement |
|  |  |
|  | 80. Please indicate one particular aspect of intellectual property protection or enforcement that you would wish to see addressed in the future EU-Philippines FTA. |

Text of 1 to 1000 characters will be accepted

|  |  |
| --- | --- |
|  | 81. Have you encountered problems in protecting/enforcing your IPRs in the Philippines? If yes, how did the protection/enforcement mechanisms function in the Philippines? Did you encounter difficulties in protecting/enforcing your rights as a foreigner in the Philippines? |

Text of 1 to 1000 characters will be accepted

|  |  |
| --- | --- |
|  | 82. Is there any type of enforcement measure missing in Philippine legislation and practices that you consider necessary in order to react against infringements of IP rights? Are penalties proportionate and provide sufficient deterrent against violations? |

Text of 1 to 1000 characters will be accepted

C. Competition, State Aid/Subsidies and State-Owned Enterprises

|  |  |
| --- | --- |
|  | 83. Have you encountered any anti-competitive practices in the Philippines (cartels, abuse of dominant position, vertical or horizontal restrictions of competition, anti-competitive mergers & acquisitions) that are harming your business? If so, describe briefly the nature of the practices and the problems encountered.Are you aware that the EU provides for SMEs the [IPR ASEAN Helpdesk](http://www.southeastasia-iprhelpdesk.eu/)? |

Text of 1 to 1000 characters will be accepted

•Not aware of any specific cases. But welcome adoption of Competition Act, after pending to government & Parliament for +25 years. Will allow all businesses, domestic and foreign, to benefit from fair level playing field. It will make Philippines’ economy + competitive & + attractive to FDI.

Philippines Competition Act finally gives own law guiding competition, area where country has lagged behind most of the world and its ASEAN neighbours. End goal is to benefit consumers (+ choices and lower prices). Under the law, a Philippine Competition Commission (PCC) was established that is composed of a President, a chairperson, 4 commissioners, and 1 executive director (basically equivalent to EU’s DG Competition). The President is foreseen to be at the Under Secretary level, (equivalent to Minister’s level). The independent quasi-judicial body tasked to look into anti-competitive behhaviours, abuses in dominant positions, and anti-competitive mergers and acquisitions.

|  |  |
| --- | --- |
|  | 84. Does Philippine law provide for legal remedies concerning those anti-competitive behaviours? Have you brought these problems to the attention of the relevant competition authority? If so, what has been their response/follow-up and how have decisions been enforced? |

Text of 1 to 1000 characters will be accepted

Continuation of reply to Q83:

The Department of Justice - Office for Competition (DOJ-OFC), which was created in 2011, will handle the prosecution of the cases. The Philippines Competition Act is expected to have an immediate impact on its economy. The implementing acts should be adopted within the forthcoming six months according to the text, and ESF encourages the Commission to ensure that the Philippines government will stick to this timeline.

• Yes, we are aware that the EU provides the IPR ASEAN Helpdesk for SMEs, and by the way for all companies.

Reply to Q84: See below

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| --- | --- |
|  | 85. Have you been subject to investigations for alleged competition infringements by Philippine competition authorities? If yes, how was this experience? |

Text of 1 to 1000 characters will be accepted

No.

|  |  |
| --- | --- |
|  | 86. Have you been party to any merger review filings in the Philippines? If yes, how was this experience? |

Text of 1 to 1000 characters will be accepted

No.

|  |  |
| --- | --- |
|  | 87. Are you aware of instances where state aid/subsidy granted by the Philippine authorities has had adverse effects on you? |

Text of 1 to 1000 characters will be accepted

No.

|  |  |
| --- | --- |
|  | 88. Have Philippines state aid/subsidies put you or a company you know of at a competitive disadvantage? |
|  | Yes - If so, please: |
|  | No |
|  |  |
|  | a) Indicate whether the aid made it more difficult for you to compete in the Philippines market, in the EU market and/or in export markets. |

Text of 1 to 1000 characters will be accepted

|  |  |
| --- | --- |
|  | b) Describe to the extent possible the form of the state aids/subsidies involved (e.g. export rebates, tax/duty exemptions, below-market loans, state guarantees, grants), the objective (e.g. research and development aid, export aid, regional development aid), the sectors concerned, the granting authority (e.g. federal or provincial government, specific agency) and give an estimate of their amount. |

Text of 1 to 1000 characters will be accepted

|  |  |
| --- | --- |
|  | c) Indicate if you have taken any steps to raise this matter, either in the Philippines or with the appropriate authorities in the EU? Have you had problems in getting information on the state aid/subsidy granted by the Philippine authorities? |

Text of 1 to 1000 characters will be accepted

|  |  |
| --- | --- |
|  | 89) Have you invested in the Philippines? Has the availability of state aids/subsidies played a role in your decision? If yes, please describe the form, amounts and objectives of the aid in question and specify the granting authority. Have you experienced discrimination in the access to state aid/subsidies from Philippines authorities (e.g. aid or higher amounts of aid reserved to local firms)? |

Text of 1 to 1000 characters will be accepted

|  |  |
| --- | --- |
|  | 90) Are you aware of the Philippine government granting special or exclusive rights or privileges, advantages or immunities to domestic enterprises that have an adverse effect on your business (e.g. discriminatory treatment, state aid/subsidies, access to markets, access to public procurement, access to financing, etc.)? If so, describe briefly the nature of these practices and the problems encountered. |

Text of 1 to 1000 characters will be accepted

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| --- | --- |
|  | 91) Are you aware of any exemptions from the national law granted to Philippine state-owned enterprises or the existence of statutory laws or favourable regulatory or other measures applicable to state-owned enterprises? If yes, please provide a brief description. |

Text of 1 to 1000 characters will be accepted

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| --- | --- |
|  | 92) Are you aware of any particular government measures that would induce or encourage Philippine state-owned companies to engage in anti-competitive behaviour? Please describe such measures. |

Text of 1 to 1000 characters will be accepted

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| --- | --- |
|  | 93) Are you aware of any national policy objectives that the Philippine government is implementing through domestic state-owned enterprises and which have an adverse effect on your business? If yes, please describe briefly what such policy objectives are and how they affect your business. |

Text of 1 to 1000 characters will be accepted

|  |  |
| --- | --- |
|  | 94) How easy/difficult is it to get information about the activities of Philippine state-owned companies (through annual reports, published accounts, etc.)? If there are problems, how would you suggest improving the situation? |

Text of 1 to 1000 characters will be accepted

D. Government procurement

Please respond with yes/no and where possible provide comments to expand on the replies to the following issues.

|  |  |
| --- | --- |
|  | 95) Are you satisfied with the current conditions of access to Philippines government procurement markets? |

Text of 1 to 1000 characters will be accepted

There is no proper access for European services companies to participate to call of tenders, except eventually to projects where Philippines companies don't have sufficient know-how & expertise. FTA Negotiations are a good opportunity to try to open up this market where a huge need in infrastructure is needed, & hence should allow European construction, architects and engineering companies to participate.

FTA should also ensure adoption of transparency rules and ways & means to fight against corruption. ESF welcomes various initiatives that have been put into place by government in the last decade, in particular the Government Procurement Reform Act – R.A. 9184 (22 July 2000) and its amendments; Philippine Government Electronic Procurement System; creation of the Procurement Transparency Board, etc., but more should be done. Many proposals for amendments by the House and the Senate have been lodged to improve the law, but not al of them passed & some are not well implemented.

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|  | 96) What are the main reasons you are not participating in the public procurement market in the Philippines? |

Text of 1 to 1000 characters will be accepted

Continu Reply Q95:

ESF support introduction of international standards in FTA, as a mean to ensure integrity and efficiency in the public procurement system. Transparent & clear adjudicating criteria should be put in place so as to not always favour the lowest price to the detriment of quality. The Government Procurement Reform Act & its various amendments brought up some improvements, but it continues to give preference to purchase of domestic products and services. Should be removed in the FTA. Access to other services companies like environmental services (water and waste management); energy related services, cleaning services, etc.); telecom & computer related services; financial services etc. should also be negotiated.

Reply to Q96: Discriminations against foreign firms in Philippine procurement laws, regulations & practices. The current law authorizes preferences be given to locally produced goods & services that meet the specific criteria (sec 43, art XII of RA 9184)

|  |  |
| --- | --- |
|  | 97) Which public procurement markets (geographically/sectorally) would you have an interest in participating in the near future? |

Text of 1 to 1000 characters will be accepted

• Manilla and its suburb;

• Cebu and is surroundings

• Airports and ports

• Bridges and major infrastructure projects

|  |  |
| --- | --- |
|  | 98) Are you aware of existing legislation on government procurement in the Philippines? What is your experience with its practical application? |

Text of 1 to 1000 characters will be accepted

The Government Procurement Reform Act (Republic Act 9184) is referring the procurement of infrastructure projects, goods and consulting services of the government of Philippines to the C.A. n° 138 (Commonwealth Act 138) or the Flag Law of 1936. These acts give preference to the purchase of domestic products for government use and allows the award to be given to the domestic entity offering the lowest price in case of public bidding. It is therefore very complicated for European bidders to win tenders. The relevant provisions of these acts and laws should be removed.

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|  | 99) Are there any areas in which you feel EU suppliers face restrictions or different treatments that do not apply to Philippine suppliers? Please indicate the key regulatory and market access obstacles met by EU suppliers when tendering for public contracts. Please specify the extent to which these obstacles prevent EU suppliers from doing business in the Philippines. |

Text of 1 to 1000 characters will be accepted

The Implementing Rules and Regulation (IRR) of the R.A. 9184 contain a reciprocity list established by the Government Public Procurement Board (GPPB). But this list is not public. The publication of this list will greatly improve transparency and allow the concerned international bidders to participate to procurement projects. The FTA should ensure that the European Union and its 28 member states will be included in this reciprocity list.

|  |  |
| --- | --- |
|  | 100) Please indicate whether you consider the following possible elements of a government procurement chapter as a priority concerning procedural rules and national treatment : |
|  | i) Transparency in the tendering process |
|  | ii) Easy access to the qualification system |
|  | iii) Use of international rather than local technical standards |
|  | iv) Effective review mechanisms including the possibility to obtain interim measures |
|  | v) A single point of entry giving an overview of, and access to, all relevant procurement opportunities in a given jurisdiction |
|  | vi) National and MFN treatment |
|  |  |
|  | Comments: |

Text of 1 to 1000 characters will be accepted

The Philippines are not member of the WTO Government Procurement Agreement (GPA). The EU should encourage the Government of Philippines to join the GPA, at least as an observer (like Indonesia, Malaysia and Vietnam) as a first step; and to start to integrate into its own legislative process the requirements that are asked to the GPA members.

ESF calls the EU negotiators to ensure that the EU-Philippines FTA contains at least the same provisions and requirements than those negotiated with Vietnam, and if possible up to the level of those negotiated with Singapore.

|  |  |
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|  | 101) Please indicate which key sectors, types of contract (public contracts, concessions, and other forms of Public Private Partnership) and procuring entities are priorities for EU suppliers. As regard services, mention precisely the category of services as well as the mode of supply (cross-border supply / consumption abroad / commercial presence/ presence of third country natural persons) in which EU providers are interested. |

Text of 1 to 1000 characters will be accepted

There are no many Public-Private Partnership contracts in the Philippines. There is a need to improve the processes of the GPPB and related bodies (like for instance the Road Board) to make the bidding more transparent. The EU services companies in the area of environmental services (water and waste management, etc.) have a great experience and will be ready to contribute to Philippines development in these sectors.

The sector of healthcare sector and its infrastructure is only partially open to foreign companies in the public procurement process.

|  |  |
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|  | 102) Please indicate the key regulatory and market access obstacles faced by EU suppliers when tendering for public contracts. Please specify the extent to which these obstacles prevent EU suppliers from doing business in the Philippines. |

Text of 1 to 1000 characters will be accepted

See above

IV. OTHER ISSUES

|  |  |
| --- | --- |
|  | 103. Are you aware of the ASEAN Economic Community (AEC) integration process? |
|  | Yes |
|  | No |
|  |  |
|  | If yes, do you perceive progress in the AEC is easing doing business in your sector across the region? How do you see EU bilateral FTAs with ASEAN Member States in relation to the ongoing ASEAN economic integration process? |

Text of 1 to 1000 characters will be accepted

|  |  |
| --- | --- |
|  | 104. Are there any other issues related to the topics covered by the above sections or to any other topics that are not mentioned in this questionnaire and that you would like to address?Are you aware that the EU provides EU exporters for free the online [Market Access Database](http://madb.europa.eu/) where you find product specific information for over 100 non-EU countries (tariffs, import formalities, statistics, etc.)? For EU importers, similar information is available in the so-called "[Export Helpdesk](http://exporthelp.europa.eu/thdapp/index.htm)". |

Text of 1 to 1000 characters will be accepted

The space of 1000 characters per boxes is too small to allow substantive responses in some questions. ESF took the liberty to slice its replies to Question 48 and 51 and spread its content in other boxes which were empty or nearly empty.

ESF reserves the right to come back to the Commission with a separate and more substantiated contribution during the negotiations.

Contact

trade-industry@ec.europa.eu