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MEMORANDUM

FOR : The Directors
Forest Management Bureau
Biodiversity Management Bureau
Environmental Management Bureau

FROM : The OIC Director
Policy and Planning Service

SUBJECT : **REQUEST TO ANSWER THE SURVEY QUESTIONNAIRE FOR THE JOINT REVIEW STUDY IN VIEW OF THE ASEAN-KOREA FTA (AKFTA) UPGRADE**

DATE : 01 JUL 2022

This pertains to the letter dated 29 June 2022 from Director Angelo Salvador M. Benedictos of the Bureau of International Trade Relations, Department of Trade and Industry (DTI-BITR) requesting the Department to provide responses to the Survey Questionnaire for the Joint Review Study in view of the ASEAN-Korea FTA (AKFTA) Upgrade.

The Joint Review Study was undertaken in response to the outcomes of the 17th ASEAN Economic Ministers- Republic of Korea (AEM-ROK) Consultations in August 2020 on the importance of reviewing the Agreement with a view to improving market access and ensuring its relevance to business, as well as in response to the decision of the 18th AKFTA Implementing Committee Meeting in July 2021, that a comprehensive review study of the AKFTA is needed to review the overall AKFTA implementation, identify areas in the AKFTA that could be improved for a possible AKFTA upgrade, identify prioritization of those areas, and consider the relevant emerging issues and global trends in the context of the COVID-19 pandemic.

The survey is one of the methodologies that will be used for the Joint Review Study that will identify degree of the further liberalisation of the sensitive track products and improvement of other areas of AKFTA.

In this regard, may we seek your assistance in accomplishing the attached questionnaire, specifically on the following questions under our purview:

- Part A (Utilisation Rates): Questions No. 1 and 2;
- Part B (Engagement with the private sector): Questions No. 12 to 15, 18 to 20; and
- Part C (Future-proofing): Questions No. 21, 33, 34.

We would appreciate receiving an advance copy of your responses by **06 July 2022** through this e-mail address: psddivision@gmail.com, copy furnished policy@denr.gov.ph.

For your preferential and appropriate action, please.


MELINDA C. CAPISTRANO

29 June 2022

(Please refer to the attached Distribution List)

Subject: Request to Answer the Survey Questionnaire for the Joint Review Study in view of the ASEAN-Korea FTA (AKFTA) Upgrade

Dear Sirs/Mesdames:

This has reference to the Joint Review Study of the ASEAN-Korea Free Trade Area. The Joint Review Study responds to the outcomes of the 17th AEM-ROK Consultations in August 2020 on the importance of reviewing the Agreement with a view to improving market access and ensuring its relevance to business, as well as the decision of the 18th AKFTA Implementing Committee Meeting in July 2021 that a comprehensive review study of the AKFTA is needed to review the overall AKFTA implementation, identify areas in the AKFTA that could be improved for a possible AKFTA upgrade, identify prioritization of those areas, and consider the relevant emerging issues and global trends in the context of the COVID-19 pandemic.

Two consultants were selected to conduct the Joint Review Study – Deloitte for the ASEAN side and Korea Institute for International Economic Policy (KIEP) for the Korean side. One of the methodologies for the review study is a survey that will identify degree of the further liberalisation of the sensitive track products and improvement of other areas of AKFTA.

In relation to the survey, we are requesting respective agencies to answer the questions in the survey that fall under your purview.

Question Number	Responsible Agency/ies
Part A: Utilisation Rates	
1	All agencies
2	All agencies
3	PSA, BOC
4	PSA, BOC
5	PSA, BOC
6	PSA, BOC
7	PSA, BOC
8	PSA, SEC, BOI
9	PSA, SEC, BOI
10	PSA, SEC, BOI
11	BOI
Part B: Engagement with the private sector	
12	IAC-TIG, PHWGS
13	IAC-TIG, PHWGS
14	IAC-TIG, PHWGS
15	IAC-TIG, PHWGS
16	BITR, BOI
17	BITR, BOI
18	IAC-TIG, PHWGS
19	IAC-TIG, PHWGS
20	IAC-TIG, PHWGS

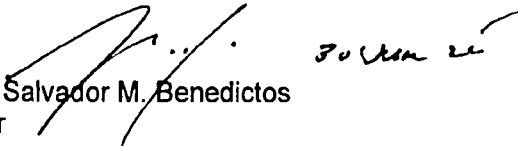
BUREAU OF INTERNATIONAL TRADE RELATIONS

Part C: Future-proofing	
21	IAC-TIG, PHWGS, GPPB, IPOPHL, PCC
22	BOC, EMB
23	BOC, EMB
24	BOC
25	BOC
26	BOC
27	BOC
28	DTI-E-commerce
29	GPPB
30	DA
31	IPOPHL
32	PCC
33	DENR, NEDA
34	All agencies

We would greatly appreciate receiving your responses to the questions **by 7 July 2022**. For any further points for clarification, you may coordinate directly with Ms. Hanah Domingo through HananielaDomingo@dti.gov.ph.

Thank you for your usual support and cooperation.

Sincerely,



 Angelo Salvador M. Benedictos

 Director

CC: Assistant Secretary Allan B. Gepty, IDTPG

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Note: All agencies refer to all the agencies included in the distribution list.

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Survey on the ASEAN-Korea Free Trade Area (AKFTA) Agreement Review – Government Agencies

Objective

As part of the upgrade negotiations by the governments of ASEAN and the Republic of Korea (ROK) to review the existing ASEAN-Korea Free Trade Area (AKFTA) Agreement at the end of 2022, Deloitte has been engaged to conduct a comprehensive review of the Agreement and to request feedback from regulators based on your practical experience in dealing with the AKFTA. As a valued partner, we would like to receive your views and feedback on what you would expect to receive out of the AKFTA upgrade negotiations.

This survey has been prepared to provide us with information in establishing priorities and taking decisions for improvement in the review of the AKFTA. The questions have also been crafted to facilitate comparisons against the newer FTAs, such as the Regional Comprehensive Economic Partnership (RCEP), which ASEAN and ROK are also Parties to.

All inputs received from this survey will be anonymised for purposes of the report that will be presented before the ASEAN Economic Ministers (AEM) and the ASEAN-Korea Implementing Committee (IC).

Confidentiality

Please be assured that your participation is entirely confidential and anonymous. To help protect your confidentiality, the survey will not contain information that will personally identify you or the business. While the results may be shared with our representatives, they will solely be used for the purposes of our study.

If you are not the right person to answer this survey, we would appreciate your assistance to redirect this survey to your colleagues as relevant.

Timeline

Please be informed that the survey closes on **30 June 2022** and we look forward to hearing from you before that. Should you have any questions, concerns or trouble accessing the survey, please reply to this email and we would look into this at first instance.

Your reply is important to us and we thank you in advance for your contributions in making an impact to the AKFTA upgrade negotiations.

The survey will take approximately 5 minutes to complete.

Thank you once again for your kind response.

Name of Respondent: _____; **Position of Respondent:** _____

Name of Agency: _____

Questions	Response	PH Agencies to Respond
Part A: Utilisation Rates		
1. Does your Ministry / Agency track the utilisation of the ASEAN – Korea Free Trade Area (AKFTA)?	Yes <input type="checkbox"/> No <input type="checkbox"/>	All agencies
2. If no, to your knowledge, which national agency or commissioned body tracks the utilisation rate?	(Free text)	All agencies
3. If yes, what is this value based on? (Please select all that apply) a. Total tariff savings by companies using the preferential rates under AKFTA b. Share of total imports or exports entering under Form AK as a share of the total imports or exports eligible for preferences by other AKFTA parties c. Number of Form AK issued for export d. Number of back-to-back Form AK issued e. Number of notifications from new companies providing services under AKFTA f. Amount of investment by AKFTA parties following the ratification of the agreement g. Others	Choose any of the options (may be more than one) a. <input type="checkbox"/> b. <input type="checkbox"/> c. <input type="checkbox"/> d. <input type="checkbox"/> e. <input type="checkbox"/> f. <input type="checkbox"/> g. <input type="checkbox"/> (Please indicate below)	PSA, BOC

<p>4. In relation to the previous question, select which of the following statistics is being tracked? (Please select all that apply)</p> <ul style="list-style-type: none"> a. Number of Form AK issued for export b. Number of back-to-back Form AK issued c. Number of Form AK used for duty drawbacks d. Value of exports to parties under AKFTA e. Value of imports from AKFTA parties utilizing Form AK to claim preferential tariff rates f. Value of transshipment from parties utilising AKFTA through back-to-back Form AK g. Number of notifications from new companies providing services under AKFTA h. Amount of investment under AKFTA parties following the ratification of the agreement i. Others 	<p>Choose any of the options (may be more than one)</p> <ul style="list-style-type: none"> a. <input type="checkbox"/> b. <input type="checkbox"/> c. <input type="checkbox"/> d. <input type="checkbox"/> e. <input type="checkbox"/> f. <input type="checkbox"/> <hr/> <ul style="list-style-type: none"> g. <input type="checkbox"/> h. <input type="checkbox"/> i. <input type="checkbox"/> (Please indicate below) 	<p>PSA, BOC</p>
<p>5. With regard to the value of exports/imports being tracked, can these data be broken down to the HS header level?</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>	<p>PSA, BOC</p>
<p>6. Is the import/export of products in the sensitive list tracked?</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>	<p>PSA, BOC</p>

7. Is the import/export of products in the highly sensitive list tracked?	Yes <input type="checkbox"/> No <input type="checkbox"/>	PSA, BOC
8. Is there a need for notification by the companies to your Ministry or Agency, when a new business unit providing specific services is set up under the ambit of the AKFTA?	Yes <input type="checkbox"/> No <input type="checkbox"/>	PSA, SEC, BOI
9. Does your Ministry/Agency collect information/statistics on market entry of services entrants into your country in the various services sectors/sub-sectors?	Yes <input type="checkbox"/> No <input type="checkbox"/>	PSA, SEC, BOI
10. If statistics are available, are these tracked across the different FTAs (either ASEAN based, or bilateral)?	Yes <input type="checkbox"/> No <input type="checkbox"/>	PSA, SEC, BOI
11. Regarding Investments, does your Ministry/Agency track and/or provide approvals for 'approved investments' into your country under the ambit of the AKFTA?	Yes <input type="checkbox"/> No <input type="checkbox"/>	BOI
Part B: Engagement with the private sector		
12. Please list all official engagements with the private sector in relation to the AKFTA.	(Free text) 1) _____ 2) _____ 3) _____ Etc.	IAC-TIG, PHWGS
13. Which domestic agency leads the efforts on such engagements?	(Free text)	IAC-TIG, PHWGS

14. What are the top 5 feedback that were provided by companies in relation to usage of the AKFTA?	(Free text) 1) _____ 2) _____ 3) _____ 4) _____ 5) _____	IAC-TIG, PHWGS
15. Is there a feedback channel from companies to the domestic agency with regard to issues regarding the usage of the AKFTA?	Yes <input type="checkbox"/> No <input type="checkbox"/>	IAC-TIG, PHWGS

<p>16. Regarding the usage of AKFTA, is there a single contact point or are there separate contact points for issues relating to goods, services and investment?</p> <p>a. Single b. Multiple c. Not aware of the contact point(s)</p>	<p>(Choose one option)</p> <p>a. <input type="checkbox"/> b. <input type="checkbox"/> c. <input type="checkbox"/></p>	<p>BITR, BOI</p>
<p>17. In relation to the designated contact point(s), please list all the relevant agencies and their role.</p>	<p>(Free text)</p>	<p>BITR, BOI</p>
<p>18. How does your Ministry / Agency communicate changes to the AKFTA (e.g., domestic legislation) to the businesses?</p> <p>a. Internal trade agency website b. AKFTA website c. Published circulars d. Email communication to the traders e. Social media f. Others</p>	<p>Choose any of the options (may be more than one)</p> <p>a. <input type="checkbox"/> b. <input type="checkbox"/> c. <input type="checkbox"/> d. <input type="checkbox"/> e. <input type="checkbox"/> f. <input type="checkbox"/> (Please indicate below)</p>	<p>IAC-TIG, PHWGS</p>
<p>19. Are the business councils actively involved in such engagement (i.e., ASEAN-Korea business council or any relevant national business council)?</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>	<p>IAC-TIG, PHWGS</p>
<p>20. If yes, please list the names of these associations/councils.</p>	<p>(Free text)</p>	<p>IAC-TIG, PHWGS</p>
<p>Part C: Future-proofing</p>		

<p>IAC-TIG, PHWGS, GPPB, IPPHIL, PCC</p>	<p>Choose any of the options (may be more than one)</p> <p>a. <input type="checkbox"/></p> <p>b. <input type="checkbox"/></p> <p>c. <input type="checkbox"/></p> <p>d. <input type="checkbox"/></p> <p>e. <input type="checkbox"/></p> <p>f. <input type="checkbox"/></p> <p>g. <input type="checkbox"/></p> <p>h. <input type="checkbox"/></p> <p>i. <input type="checkbox"/></p>	<p>21. Through the various touch points with the domestic business community, has the private sector shown interest in the following upgrades for the AKFTA? Please select those that are relevant:</p> <p>a. Customs procedures and trade facilitation</p> <p>b. E-Commerce</p> <p>c. Government Procurement</p> <p>d. Sanitary and Phytosanitary Measures</p> <p>e. Intellectual Property</p> <p>f. Competition</p> <p>g. Non-tariff barriers (e.g., anti- dumping/countervailing duties</p> <p>h. Environment and sustainability measures)</p>
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i. Labour j. Others	j. <input type="checkbox"/> (Please indicate below)	
22. Is the government open to accepting electronic certification of origin from the AKFTA parties?	Yes <input type="checkbox"/> No <input type="checkbox"/>	BOC, BITR, EMB
23. Is there a current system applicable for such an electronic exchange?	Yes <input type="checkbox"/> No <input type="checkbox"/> Not sure <input type="checkbox"/>	BOC, BITR, EMB
24. Are there any current limitations to accepting the electronic exchange? Please select all options that apply. a. Procedural issues b. Funding for the new system c. Technical expertise to build and maintain the system d. Readiness of other Parties for the electronic exchange e. Others	Choose any of the options (may be more than one) a. <input type="checkbox"/> b. <input type="checkbox"/> c. <input type="checkbox"/> d. <input type="checkbox"/> e. <input type="checkbox"/> (Please indicate below)	BOC, BITR
25. Is your government open to accepting self-certification under the AKFTA?	Yes <input type="checkbox"/> No <input type="checkbox"/> Not sure <input type="checkbox"/>	BOC, BITR

<p>26. Are there any current limitations to accepting self-certification under the AKFTA? Please select all options that apply.</p> <ul style="list-style-type: none"> a. Procedural and recordkeeping issues b. Enforcement issues by Customs c. Low awareness and compliance by importers/exporters or manufacturers etc. d. Readiness of current system e. Lack of legal and institutional mechanism f. Others 	<p>Choose any of the options (may be more than one)</p> <ul style="list-style-type: none"> a. <input checked="" type="checkbox"/> _____ b. <input type="checkbox"/> c. <input type="checkbox"/> d. <input type="checkbox"/> e. <input type="checkbox"/> f. <input type="checkbox"/> (Please indicate below) 	<p>BOC, BITR</p>
<p>27. Is your government open to having a separate Customs Procedures and Trade Facilitation Chapter under the AKFTA?</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>	<p>BOC, BITR</p>
<p>28. Is your government open to having a separate e-Commerce Chapter under the AKFTA?</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>	<p>BITR, DTI E-commerce Office</p>
<p>29. Is your government open to having a separate Government Procurement Chapter under the AKFTA?</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/> _____</p>	<p>BITR, GPPB</p>

<p>30. Is your government open to having a separate Sanitary and Phytosanitary Measures Chapter under the AKFTA?</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>	<p>BITR, DA</p>
<p>31. Is your government open to having a separate Intellectual Property Chapter under the AKFTA?</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>	<p>BITR, IPOPHL</p>
<p>32. Is your government open to having a separate Competition Chapter under the AKFTA?</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>	<p>BITR, PCC</p>
<p>33. Is your government open to having separate Chapters in relation to the environment, labour and sustainability goals, commitments and aspirations?</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>	<p>BITR, DENR, NEDA</p>
<p>34. Please indicate if you have any other comments.</p>	<p>(Free text)</p> <hr/> <hr/> <hr/>	<p>All</p>