



Republic of the Philippines
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**URGENT
MEMORANDUM**

FOR : The Directors
Environmental Management Bureau
Land Management Bureaus
Biodiversity Management Bureau
Forest Management Bureau
Mines and Geosciences Bureau

FROM : The OIC Director
Policy and Planning Service

SUBJECT : **CERTIFICATE OF CONCURRENCE FOR THE RATIFICATION OF THE MODIFICATION TO THE PHILIPPINES' SCHEDULE OF COMMITMENTS (SOC) UNDER THE GENERAL AGREEMENT ON TRADE IN SERVICES (GATS)**

DATE : NOV 18 2022

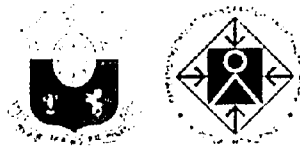
This pertains to the memorandum dated 07 November 2022 from Sec. Arsenio M. Balisacan of the National Economic Development Authority, Co-Chairperson, requesting for the DENR's concurrence for the ratification of the modification to the Philippines' Schedule of Commitments (SOC) under the General Agreement on Trade in Services (GATS) in line with the Philippines' participation in the WTO Joint Statement Initiative on Services Domestic Regulation (JSI-SDR).

Currently, the JSI-SDR is undertaking to advance negotiations on domestic regulations in the WTO. The JSI-SDR obligation (attached in Annex 1) in a form of disciplines on services domestic regulation, particularly those relating to licensing requirements and procedures qualification requirement and procedures and technical standards affecting trade in services sectors under GATS. Likewise, participation in the initiative would requires the Philippine to submit a pre-finalization SOC (attached as Annex 2) that would entail inscribing the disciplines on domestic regulations as additional commitments in the Philippine SOC under GATS.

Please be inform that submission of Philippines' draft schedule for certification is before the year-end. In line with this, may we kindly request your certificate on concurrence on the draft SOC **on or before 22 November 2022** through our email addresses: psddivision@gmail.com and policy@denr.gov.ph. Attached are the relevant documents from NEDA.

For your information and/or appropriate action.


MELINDA C. CAPISTRANO



REPUBLIC OF THE PHILIPPINES

NATIONAL ECONOMIC AND DEVELOPMENT AUTHORITY

FOR : Vice President and Secretary Sara Z. Duterte-Carpio, **DepEd**
Secretary Jaime J. Bautista, **DOTr**
Secretary Benjamin E. Diokno, **DOF**
Secretary Enrique A. Manalo, **DFA**
Secretary Ma. Esperanza Christina Garcia-Frasco, **DOT**
Secretary Raphael P.M. Lotilla, **DOE**
Secretary Bienvenido E. Laguesma, **DOLE**
Secretary Alfredo E. Pascual, **DTI**
Secretary Ivan John E. Uy, **DICT**
Secretary Jesus Crispin C. Remulla, **DOJ**
Secretary Ma. Antonia Yulo-Loyzaaga, **DENR**
Officer-in-Charge Renato U. Solidum, Jr., **DOST**
Officer-in-Charge Maria Rosario S. Vergeire, **DOH**
Governor Felipe M. Medalla, **BSP**
Chairperson J. Prospero E. De Vera III, **CHED**
Chairperson Emilio B. Aquino, **SEC**
Chairperson Charito A. Zamora, **PRC**
Commissioner Dennis B. Funa, **IC**
Commissioner Gamaliel A. Cordoba, **NTC**
OIC-Commissioner Rogelio D. Gevero, **BI**
Acting Commissioner Yogi Filemon Ruiz, **BOC**
Undersecretary Ceferino S. Rodolfo, **BOI**
Undersecretary Ireneo V. Vizmonte, **CIAP**
Administrator Bernard P. Olalia, **POEA**
Administrator Hernani Nieves Fabia, **MARINA**
Director General Danilo Cruz, **TESDA**
Acting Director General Manuel Antonio Tamayo, **CAAP**
General Manager Jay Daniel R. Santiago, **PPA**
General Manager Cesar M. Chiong, **MIAA**
Executive Director Carmelo L. Arcilla, **CAB**
Postmaster General Norman N. Fulgencio, **PHLPost**

FROM : **Arsenio M. Balisacan, PhD**
Secretary

Request for Certificate of Concurrence for the Ratification of the Modifications to the Philippines' Schedule of Commitments under the General Agreement on Trade in Services (GATS) in line with the Philippines' Participation in the WTO Joint Statement Initiative on Services Domestic Regulation (JSI-SDR)

Page 1 of 3

SUBJECT : Request for Certificate of Concurrence for the Ratification of the Modifications to the Philippines' Schedule of Commitments under the General Agreement on Trade in Services (GATS) in line with the Philippines' Participation in the WTO Joint Statement Initiative on Services Domestic Regulation (JSI-SDR)

DATE : 7 November 2022

Action Requested. Member agencies of the Inter-Agency Committee on Trade in Services (IACTS) are requested to submit their Certificate of Concurrence for the ratification of the modifications to the Philippines' GATS Schedule of Commitments (SOC). The changes in the Schedule are in line with the country's participation in the JSI-SDR.

A sample Certificate of Concurrence in the preferred template is attached for your consideration.

Background

1. The JSI-SDR is an undertaking to advance negotiations on domestic regulation in the WTO. The obligations to this undertaking, contained in the attached Reference Paper (Annex 1), come in the form of disciplines on services domestic regulation. The disciplines apply to measures relating to licensing requirements and procedures, qualification requirements and procedures, and technical standards affecting trade in services in sectors/subsectors where commitments have been made under the GATS. Participation in the Initiative requires the Philippines to submit a pre-finalization SOC that would entail inscribing the disciplines on domestic regulation as additional commitments in the Philippine SOC under the GATS.
2. The Philippines' participation in the JSI-SDR was endorsed by the Interagency Committee on Trade in Services (IACTS) meeting held on 15 November 2021. The Technical Committee on WTO Matters (TCWM), in its meeting held on 17 November 2021, subsequently approved the Philippines' participation in the JSI-SDR. Member agencies of the IACTS also provided their confirmations to ensure that a consensus is reached with regard to the text that will be inscribed in the schedule.
3. Aside from inscribing the disciplines on domestic regulation, the pre-finalization SOC (attached as Annex 2), also reflects the Philippines' preference for a transition period of no later than 7 years after entry into force to implement paragraph 22 under Section II (for all sectors except financial services) and paragraph 19 under Section III (for financial services) of the Reference Paper. Paragraphs 22 and 19

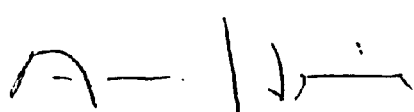
Request for Certificate of Concurrence for the Ratification of the Modifications to the Philippines' Schedule of Commitments under the General Agreement on Trade in Services (GATS) in line with the Philippines' Participation in the WTO Joint Statement Initiative on Services Domestic Regulation (JSI-SDR)

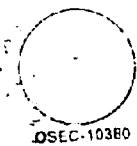
allow members to adopt or maintain measures relating to the authorization for the supply of a service, provided that these measures are based on objective and transparent criteria, impartial and adequate for applicants, and that these do not unjustifiably prevent fulfillment of requirements nor discriminate on the basis of gender.

4. As a participating WTO member to the JSI-SDR, the Philippines' modified schedule will be submitted to the WTO Secretariat for circulation to all Members. The draft schedule containing the modifications shall enter into force after 45 days from the date of its circulation by the Secretariat, or on a later date specified by the modifying Member, provided that no objections are raised by any other Member. At the end of the 45-day period, the WTO Secretariat shall issue a communication to all Members that the certification procedure has been concluded, including the date of entry into force of the modifications of the said Schedule.
5. On 8 April 2022, the TCWM concurred with the IACTS recommendation on the Philippines' draft pre-finalization SOC and was subsequently approved by the Committee on Tariff and Related Matters on 12 April 2022. In a letter dated 13 April 2022, the TCWM transmitted the pre-finalization SOC to the WTO Permanent Mission for subsequent submission of the Schedule to the WTO coordinators of the JSI-SDR Initiative on 25 April 2022. Participants in the Initiative aim to submit their "draft schedules" for certification to the WTO Council for Trade in Services by the end of 2022.

In view of the need to submit the Philippines' draft schedule for certification by year-end, we would appreciate receiving your agency's concurrence through the attached template on or before **18 November 2022**. Mr. Rommel F. Rome of the Trade, Services and Industry Staff will be coordinating with your respective offices regarding this request. For questions and clarifications, Mr. Rome can be contacted at 8631-3739 and at RFRome@neda.gov.ph.

Thank you.


ARSENIO M. BALISACAN, PhD
Secretary



Attachments:

- 1) Template for Certificate of Concurrence
- 2) Reference Paper
- 3) Pre-finalization Schedule of Commitments

Request for Certificate of Concurrence for the Ratification of the Modifications to the Philippines' Schedule of Commitments under the General Agreement on Trade in Services (GATS) in line with the Philippines' Participation in the WTO Joint Statement Initiative on Services Domestic Regulation (JSI-SDR)



JOINT INITIATIVE ON SERVICES DOMESTIC REGULATION

COMMUNICATION FROM THE PHILIPPINES

Pre-finalization Schedule of Specific Commitments

The following communication dated 25 April 2022 was received from the delegation of the Philippines.

-
1. The Philippines submits the attached draft Schedule as its contribution to the finalization of the negotiations in the Joint Initiative on Services Domestic Regulation.
 2. This Schedule reflects the Philippines' scheduling approach in accordance with Section I of document INF/SDR/2.
-

PRE-FINALIZATION SCHEDULE OF SPECIFIC COMMITMENTS – PHILIPPINES

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

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
ALL SECTORS INCLUDED IN THIS SCHEDULE			<p>The Philippines undertakes as additional commitments the disciplines contained in Section II of document INF/SDR/2 for all sectors included in this schedule, except for financial services, and subject to the following transitional period:</p> <ul style="list-style-type: none"> • The Philippines shall implement paragraph 22 of Section II of document INF/SDR/2, no later than 7 years after the entry into force of the additional commitments contained in the above paragraph. <p>The Philippines undertakes as additional commitments the disciplines contained in Section III of document INF/SDR/2 for financial services sectors included in this schedule and subject to the following transitional period:</p> <ul style="list-style-type: none"> • The Philippines shall implement paragraph 19 of Section III of document INF/SDR/2, no later than 7 years after the entry into force of the additional commitments contained in the above paragraph.

(AGENCY LETTERHEAD)

(DATE)

CERTIFICATE OF CONCURRENCE

This is to certify that the (NAME OF AGENCY) has been consulted and certifies its concurrence with the requested action for the ratification of the modifications to the Philippines' Schedule of Commitments under the General Agreement on Trade in Services (GATS) in line with the Philippines' participation in the WTO Joint Statement Initiative on Services Domestic Regulation (JSI-SDR).

(SIGNATURE OVER PRINTED NAME OF AGENCY HEAD)



**DECLARATION ON THE CONCLUSION OF NEGOTIATIONS ON
SERVICES DOMESTIC REGULATION**

This Declaration is being issued at the request of Albania; Argentina; Australia; Bahrain, Kingdom of; Brazil; Canada; Chile; China; Colombia; Costa Rica; El Salvador; European Union; Hong Kong, China; Iceland; Israel; Japan; Kazakhstan; Korea, Republic of; Liechtenstein; Mauritius; Mexico; Moldova, Republic of; Montenegro; New Zealand; Nigeria; North Macedonia; Norway; Paraguay; Peru; Philippines; Russian Federation; Saudi Arabia, Kingdom of; Singapore; Switzerland; The Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu; Thailand; Turkey; Ukraine; United Kingdom; United States; Uruguay.

1. The following Members of the World Trade Organization ("WTO")

Albania	Montenegro
Argentina	New Zealand
Australia	Nigeria
Bahrain, Kingdom of	North Macedonia
Brazil	Norway
Canada	Paraguay
Chile	Peru
China	Philippines
Colombia	Russian Federation
Costa Rica	Saudi Arabia, Kingdom of
El Salvador	Singapore
European Union	Switzerland
Hong Kong, China	The Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu
Iceland	Thailand
Israel	Turkey
Japan	Ukraine
Kazakhstan	United Kingdom
Korea, Republic of	United States
Liechtenstein	Uruguay
Mauritius	
Mexico	
Moldova, Republic of	

hereafter referred to as the "Participants",

in continuance of the commitment announced on 13 December 2017 at the 11th Session of the Ministerial Conference of the World Trade Organization (WT/MIN(17)/61), and reaffirmed on 23 May 2019 (WT/L/1059), and in ongoing recognition of the importance of good regulatory practice in facilitating trade in services,

hereby announce the successful conclusion of the negotiations in the Joint Initiative on Services Domestic Regulation.

2. The Participants note the conclusion of negotiations on the Reference Paper on Services Domestic Regulation (INF/SDR/2, of 26 November 2021, Annex 1).
 3. The Participants welcome the Schedules of Specific Commitments (INF/SDR/3/Rev.1, of 2 December 2021, Annex 2) which were submitted as their contributions to finalize the negotiations.
 4. The Participants intend to incorporate the disciplines in the Reference Paper as additional commitments into their GATS Schedules, in accordance with Section I of the Reference Paper.
 5. Subject to the completion of any required domestic procedures, the Participants aim to submit their Schedules of Specific Commitments for certification, in accordance with the Procedures for the Certification of Rectifications or Improvements to Schedules of Specific Commitments (S/L/84, of 14 April 2000), within twelve months of the date of this Declaration.
 6. Within six months of the date of this Declaration, the Participants intend to convene to provide an update on their progress in completing any required domestic procedures and assess whether their Schedules of Specific Commitments can be submitted for certification earlier than the timeframe specified in paragraph 5.
 7. The Participants welcome any other WTO Member to join this Declaration with a view to incorporating the disciplines in the Reference Paper as additional commitments into its GATS Schedule, in accordance with Section I of the Reference Paper.
-

ANNEX 1



WORLD TRADE
ORGANIZATION

INF/SDR/2

26 November 2021

(21-8948)

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JOINT INITIATIVE ON SERVICES DOMESTIC REGULATION

REFERENCE PAPER ON SERVICES DOMESTIC REGULATION

REFERENCE PAPER ON SERVICES DOMESTIC REGULATION**SECTION I**

1. Members have agreed to the disciplines on Services Domestic Regulation in this Reference Paper ("disciplines") with the objective of elaborating upon the provisions of the General Agreement on Trade in Services ("Agreement"), pursuant to paragraph 4 of Article VI of the Agreement.¹
2. Members recognize the difficulties which may be faced by service suppliers, particularly those of developing country Members, in complying with measures relating to licensing requirements and procedures, qualification requirements and procedures, and technical standards of other Members and in particular, the specific difficulties which may be faced by service suppliers from least-developed country Members.
3. Members recognize the right to regulate, and to introduce new regulations, on the supply of services within their territories in order to meet their policy objectives.
4. Members further recognize the existence of asymmetries with respect to the degree of development of services regulations in different countries, especially in the case of developing and least-developed country Members.
5. The disciplines shall not be construed to prescribe or impose any particular regulatory provisions regarding their implementation.
6. The disciplines shall not be construed as diminishing any obligations of Members under the Agreement.

Sectoral Coverage and Scheduling Modalities

7. Members shall inscribe the disciplines in Section II in their Schedules as additional commitments under Article XVIII of the Agreement. Members may choose to inscribe the alternative disciplines in Section III for their commitments in financial services.
8. The disciplines inscribed pursuant to paragraph 7 of this Section apply where specific commitments are undertaken. In addition, Members are encouraged to inscribe in their Schedules additional sectors to which the disciplines apply.
9. Members may exclude the discipline set out in paragraph 22 (d) of Section II and paragraph 19 (d) of Section III from the additional commitments scheduled under paragraph 7 of this Section.

Development*Transitional Periods for Developing Country Members*

10. A developing country Member may designate specific disciplines for implementation on a date after a transitional period of no longer than 7 years following the entry into force of these disciplines. The scope of the designation may be limited to individual services sectors or subsectors. The transitional periods shall be inscribed in the respective Schedules of specific commitments. A developing country Member requiring an extended transitional period for implementation shall submit a request in accordance with relevant procedures.² Members shall give sympathetic consideration to granting such requests, taking into account the specific circumstances of the Member submitting the request.

¹ Members recognize that further disciplines may be developed pursuant to paragraph 4 of Article VI of the Agreement.

² Relevant procedures include requests for a Waiver in accordance with paragraph 3 (b) of Article IX of the Marrakesh Agreement, or invocation of Article XXI of the GATS.

Participation of Least-Developed Country Members

11. Least-developed country Members shall inscribe the disciplines pursuant to paragraph 7 of this Section in their Schedules of specific commitments, no later than 6 months in advance of their graduation from least-developed country status. Least-developed country Members may, at that time, designate transitional periods pursuant to paragraph 10 of this Section. Least-developed country Members are nonetheless encouraged to apply these disciplines before their graduation, to the extent consistent with their individual implementation capacity.

Technical Assistance and Capacity Building

12. Developed and developing country Members, in a position to do so, are encouraged to provide specific technical assistance and capacity building to developing and in particular least-developed country Members, upon their request and on mutually agreed terms and conditions, aimed, *inter alia*, at:
 - a. developing and strengthening institutional and regulatory capacities to regulate the supply of services and to implement these disciplines, especially provisions and sectors to which transitional periods apply;
 - b. assisting service suppliers of developing and in particular least-developed country Members to meet the relevant requirements and procedures in export markets;
 - c. facilitating the establishment of technical standards and facilitating participation of developing and in particular least-developed country Members facing resource constraints in the relevant international organizations; and
 - d. assisting, through public or private bodies and relevant international organizations, service suppliers of developing and in particular least-developed country Members in building their supply capacity and in complying with domestic regulation.

SECTION II – DISCIPLINES ON SERVICES DOMESTIC REGULATION**Scope of the Disciplines**

1. These disciplines apply to measures by Members relating to licensing requirements and procedures, qualification requirements and procedures, and technical standards affecting trade in services.
2. These disciplines do not apply to any terms, limitations, conditions, or qualifications set out in a Member's Schedule pursuant to Articles XVI or XVII of the Agreement.
3. For the purpose of these disciplines, "authorization" means the permission to supply a service, resulting from a procedure to which an applicant must adhere in order to demonstrate compliance with licensing requirements, qualification requirements, or technical standards.

Submission of Applications

4. Each Member shall, to the extent practicable, avoid requiring an applicant to approach more than one competent authority for each application for authorization. If a service is within the jurisdiction of multiple competent authorities, multiple applications for authorization may be required.

Application Timeframes

5. If a Member requires authorization for the supply of a service, it shall ensure that its competent authorities to the extent practicable permit submission of an application at any time throughout the year.³ If a specific time period for applying exists, the Member shall ensure that the competent authorities allow a reasonable period for the submission of an application.

Electronic Applications and Acceptance of Copies

6. If a Member requires authorization for the supply of a service, it shall ensure that its competent authorities:
 - (a) taking into account their competing priorities and resource constraints, endeavour to accept applications in electronic format; and
 - (b) accept copies of documents, that are authenticated in accordance with the Member's domestic laws and regulations, in place of original documents, unless the competent authorities require original documents to protect the integrity of the authorization process.

Processing of Applications

7. If a Member requires authorization for the supply of a service, it shall ensure that its competent authorities:
 - (a) to the extent practicable, provide an indicative timeframe for processing of an application;
 - (b) at the request of the applicant, provide without undue delay information concerning the status of the application;
 - (c) to the extent practicable, ascertain without undue delay the completeness of an application for processing under the Member's domestic laws and regulations;

³ Competent authorities are not required to start considering applications outside of their official working hours and working days.

- (d) if they consider an application complete for processing under the Member's domestic laws and regulations,⁴ within a reasonable period of time after the submission of the application ensure that:
- i. the processing of the application is completed; and
 - ii. the applicant is informed of the decision concerning the application,⁵ to the extent possible in writing;⁶
- (e) if they consider an application incomplete for processing under the Member's domestic laws and regulations, within a reasonable period of time, to the extent practicable:
- (i) inform the applicant that the application is incomplete;
 - (ii) at the request of the applicant, identify the additional information required to complete the application, or otherwise provide guidance on why the application is considered incomplete; and
 - (iii) provide the applicant with the opportunity⁷ to provide the additional information that is required to complete the application;
- however, if none of the above is practicable, and the application is rejected due to incompleteness, ensure that they so inform the applicant within a reasonable period of time; and
- (f) if an application is rejected, to the extent possible, either upon their own initiative or upon request of the applicant, inform the applicant of the reasons for rejection and, if applicable, the procedures for resubmission of an application; an applicant should not be prevented from submitting another application⁸ solely on the basis of a previously rejected application.
8. The competent authorities of a Member shall ensure that authorization, once granted, enters into effect without undue delay, subject to applicable terms and conditions.⁹

Fees

9. Each Member shall ensure that the authorization fees¹⁰ charged by its competent authorities are reasonable, transparent, based on authority set out in a measure, and do not in themselves restrict the supply of the relevant service.

Assessment of Qualifications

10. If a Member requires an examination for authorization for the supply of a service, that Member shall ensure that its competent authorities schedule such an examination at reasonably frequent intervals and provide a reasonable period of time to enable applicants to request to take the examination. Having regard to the cost, administrative burden, and the integrity of the procedures involved, Members are encouraged to accept requests in electronic format to take

⁴ Competent authorities may require that all information is submitted in a specified format to consider it "complete for processing".

⁵ Competent authorities may meet this requirement by informing an applicant in advance in writing, including through a published measure, that lack of response after a specified period of time from the date of submission of an application indicates acceptance of the application or rejection of the application.

⁶ "In writing" may include in electronic form.

⁷ Such opportunity does not require a competent authority to provide extensions of deadlines.

⁸ Competent authorities may require that the content of such an application has been revised.

⁹ Competent authorities are not responsible for delays due to reasons outside their competence.

¹⁰ Authorization fees do not include fees for the use of natural resources, payments for auction, tendering or other non-discriminatory means of awarding concessions, or mandated contributions to universal service provision.

such examinations, and to consider, to the extent practicable, the use of electronic means in other aspects of examination processes.

Recognition

11. Where professional bodies of Members are mutually interested in establishing dialogues on issues relating to recognition of professional qualifications, licensing or registration, the relevant Members should consider supporting the dialogue of those bodies where requested and appropriate.

Independence

12. If a Member adopts or maintains measures relating to the authorization for the supply of a service, the Member shall ensure that its competent authorities reach and administer their decisions in a manner independent from any supplier of the service for which authorization is required.¹¹

Publication and Information available

13. If a Member requires authorization for the supply of a service, further to Article III of the Agreement, the Member shall promptly publish,¹² or otherwise make publicly available in writing, the information necessary for service suppliers or persons seeking to supply a service to comply with the requirements and procedures for obtaining, maintaining, amending and renewing such authorization. Such information shall include, *inter alia*, where it exists:

- (a) the requirements and procedures;
- (b) contact information of relevant competent authorities;
- (c) fees;
- (d) technical standards;
- (e) procedures for appeal or review of decisions concerning applications;
- (f) procedures for monitoring or enforcing compliance with the terms and conditions of licenses or qualifications;
- (g) opportunities for public involvement, such as through hearings or comments; and
- (h) indicative timeframes for processing of an application.

Opportunity to Comment and Information before Entry into Force

14. To the extent practicable and in a manner consistent with its legal system for adopting measures, each Member¹³ shall publish in advance:
 - (a) its laws and regulations of general application it proposes to adopt in relation to matters falling within the scope of paragraph 1 of this Section; or

¹¹ For greater certainty, this provision does not mandate a particular administrative structure; it refers to the decision-making process and administering of decisions.

¹² For purposes of these disciplines, "publish" means to include in an official publication, such as an official journal, or on an official website. Members are encouraged to consolidate electronic publications into a single portal.

¹³ Paragraphs 14 to 17 of this Section recognize that Members have different systems to consult interested persons and other Members on certain measures before their adoption, and that the alternatives set out in paragraph 14 of this Section reflect different legal systems.

(b) documents that provide sufficient details about such a possible new law or regulation to allow interested persons and other Members to assess whether and how their interests might be significantly affected.

15. To the extent practicable and in a manner consistent with its legal system for adopting measures, each Member is encouraged to apply paragraph 14 of this Section to procedures and administrative rulings of general application it proposes to adopt in relation to matters falling within the scope of paragraph 1 of this Section.
16. To the extent practicable and in a manner consistent with its legal system for adopting measures, each Member shall provide interested persons and other Members a reasonable opportunity to comment on such proposed measures or documents published under paragraphs 14 or 15 of this Section.
17. To the extent practicable and in a manner consistent with its legal system for adopting measures, each Member shall consider comments received under paragraph 16 of this Section.¹⁴
18. In publishing a law or regulation referred to in paragraph 14 (a) of this Section, or in advance of such publication, to the extent practicable and in a manner consistent with its legal system for adopting measures, a Member is encouraged to explain the purpose and rationale of the law or regulation.
19. Each Member shall, to the extent practicable, endeavour to allow reasonable time between publication of the text of a law or regulation referred to in paragraph 14 (a) of this Section and the date on which service suppliers must comply with the law or regulation.

Enquiry Points

20. Each Member shall maintain or establish appropriate mechanisms for responding to enquiries from service suppliers or persons seeking to supply a service regarding the measures referred to in paragraph 1 of this Section.¹⁵ A Member may choose to address such enquiries through either the enquiry and contact points established under Articles III and IV of the Agreement or any other mechanisms as appropriate.

Technical Standards

21. Each Member shall encourage its competent authorities, when adopting technical standards, to adopt technical standards developed through open and transparent processes, and shall encourage any body, including relevant international organizations,¹⁶ designated to develop technical standards to use open and transparent processes.

Development of Measures

22. If a Member adopts or maintains measures relating to the authorization for the supply of a service, the Member shall ensure that:
 - (a) such measures are based on objective and transparent criteria;¹⁷
 - (b) the procedures are impartial, and that the procedures are adequate for applicants to demonstrate whether they meet the requirements, if such requirements exist;

¹⁴ This provision is without prejudice to the final decision of a Member that adopts or maintains any measure for authorization for the supply of a service.

¹⁵ It is understood that resource constraints may be a factor in determining whether a mechanism for responding to enquiries is appropriate.

¹⁶ The term "relevant international organizations" refers to international bodies whose membership is open to the relevant bodies of at least all Members of the WTO.

¹⁷ Such criteria may include, *inter alia*, competence and the ability to supply a service, including to do so in a manner consistent with a Member's regulatory requirements, such as health and environmental requirements. Competent authorities may assess the weight to be given to each criterion.

(c) the procedures do not in themselves unjustifiably prevent the fulfilment of requirements;
and

(d) such measures do not discriminate between men and women.¹⁸

¹⁸ Differential treatment that is reasonable and objective, and aims to achieve a legitimate purpose, and adoption by Members of temporary special measures aimed at accelerating de facto equality between men and women, shall not be considered discrimination for the purposes of this provision.

**SECTION III - ALTERNATIVE DISCIPLINES ON SERVICES DOMESTIC
REGULATION FOR FINANCIAL SERVICES**

Scope

1. These disciplines apply to measures by Members relating to licensing requirements and procedures, and qualification requirements and procedures affecting trade in financial services, as defined in the GATS Annex on Financial Services.
2. These disciplines do not apply to any terms, limitations, conditions, or qualifications set out in a Member's Schedule pursuant to Articles XVI or XVII of the Agreement.
3. For the purpose of these disciplines, "authorization" means the permission to supply a service, resulting from a procedure to which an applicant must adhere in order to demonstrate compliance with licensing requirements, or qualification requirements.

Application Timeframes

4. If a Member requires authorization for the supply of a service, it shall ensure that its competent authorities to the extent practicable permit submission of an application at any time throughout the year.¹⁹ If a specific time period for applying exists, the Member shall ensure that the competent authorities allow a reasonable period for the submission of an application.

Electronic Applications and Acceptance of Copies

5. If a Member requires authorization for the supply of a service, it shall ensure that its competent authorities:
 - (a) taking into account their competing priorities and resource constraints, endeavour to accept applications in electronic format; and
 - (b) accept copies of documents, that are authenticated in accordance with the Member's domestic laws and regulations, in place of original documents, unless the competent authorities require original documents to protect the integrity of the authorization process.

Processing of Applications

6. If a Member requires authorization for the supply of a service, it shall ensure that its competent authorities:
 - (a) to the extent practicable, provide an indicative timeframe for processing of an application;
 - (b) at the request of the applicant, provide without undue delay information concerning the status of the application;
 - (c) to the extent practicable, ascertain without undue delay the completeness of an application for processing under the Member's domestic laws and regulations;
 - (d) if they consider an application complete for processing under the Member's domestic laws and regulations,²⁰ within a reasonable period of time after the submission of the application ensure that:
 - (i) the processing of the application is completed; and

¹⁹ Competent authorities are not required to start considering applications outside of their official working hours and working days.

²⁰ Competent authorities may require that all information is submitted in a specified format to consider it "complete for processing".

- (ii) the applicant is informed of the decision concerning the application,²¹ to the extent possible in writing;²²
- (e) if they consider an application incomplete for processing under the Member's domestic laws and regulations, within a reasonable period of time, to the extent practicable:
 - (i) inform the applicant that the application is incomplete;
 - (ii) at the request of the applicant, identify the additional information required to complete the application, or otherwise provide guidance on why the application is considered incomplete; and
 - (iii) provide the applicant with the opportunity²³ to provide the additional information that is required to complete the application;

however, if none of the above is practicable, and the application is rejected due to incompleteness, ensure that they so inform the applicant within a reasonable period of time; and

- (f) if an application is rejected, to the extent practicable, either upon their own initiative or upon request of the applicant, inform the applicant of the reasons for rejection and, if applicable, the procedures for resubmission of an application; an applicant should not be prevented from submitting another application²⁴ solely on the basis that an application had been previously rejected.

7. The competent authorities of a Member shall ensure that authorization, once granted, enters into effect without undue delay, subject to applicable terms and conditions.²⁵

Fees

8. Each Member shall ensure that its competent authorities, with respect to authorization fees²⁶ they charge, provide applicants with a schedule of fees or information on how fee amounts are determined.

Assessment of Qualifications

9. If a Member requires an examination for authorization for the supply of a service, that Member shall ensure that its competent authorities schedule such an examination at reasonably frequent intervals and provide a reasonable period of time to enable applicants to request to take the examination. Having regard to the cost, administrative burden, and the integrity of the procedures involved, Members are encouraged to accept requests in electronic format to take such examinations, and to consider, to the extent practicable, the use of electronic means in other aspects of examination processes.

Independence

10. If a Member adopts or maintains measures relating to the authorization for the supply of a service, the Member shall ensure that its competent authorities reach and administer their

²¹ Competent authorities may meet this requirement by informing an applicant in advance in writing, including through a published measure, that lack of response after a specified period of time from the date of submission of an application indicates acceptance of the application or rejection of the application.

²² "In writing" may include in electronic form.

²³ Such opportunity does not require a competent authority to provide extensions of deadlines.

²⁴ Competent authorities may require that the content of such an application has been revised.

²⁵ Competent authorities are not responsible for delays due to reasons outside their competence.

²⁶ Authorization fees do not include fees for the use of natural resources, payments for auction, tendering or other non-discriminatory means of awarding concessions, or mandated contributions to universal service provision.

decisions in a manner independent from any supplier of the service for which authorization is required.²⁷

Publication and Information available

11. If a Member requires authorization for the supply of a service, further to Article III of the Agreement and paragraphs 6 and 8 of this Section, the Member shall promptly publish,²⁸ or otherwise make publicly available in writing the information necessary for service suppliers or persons seeking to supply a service to comply with the requirements and procedures for obtaining, maintaining, amending and renewing such authorization. Such information shall include, *inter alia*, where it exists:
 - (a) the requirements and procedures;
 - (b) contact information of relevant competent authorities;
 - (c) procedures for appeal or review of decisions concerning applications;
 - (d) procedures for monitoring or enforcing compliance with the terms and conditions of licenses or qualifications; and
 - (e) opportunities for public involvement, such as through hearings or comments.

Opportunity to Comment and Information before Entry into Force

12. To the extent practicable and in a manner consistent with its legal system for adopting measures, each Member²⁹ shall publish in advance:
 - (a) its laws and regulations of general application it proposes to adopt in relation to matters falling within the scope of paragraph 1 of this Section; or
 - (b) documents that provide sufficient details about such a possible new law or regulation to allow interested persons and other Members to assess whether and how their interests might be significantly affected.
13. To the extent practicable and in a manner consistent with its legal system for adopting measures, each Member is encouraged to apply paragraph 12 of this Section to procedures and administrative rulings of general application it proposes to adopt in relation to matters falling within the scope of paragraph 1.
14. To the extent practicable and in a manner consistent with its legal system for adopting measures, each Member shall provide interested persons and other Members a reasonable opportunity to comment on such proposed measures or documents published under paragraphs 12 or 13 of this Section.
15. To the extent practicable and in a manner consistent with its legal system for adopting measures, each Member shall consider comments received under paragraph 14 of this Section.³⁰
16. In publishing a law or regulation referred to in paragraph 12 (a) of this Section, or in advance of such publication, to the extent practicable and in a manner consistent with its legal system

²⁷ For greater certainty, this provision does not mandate a particular administrative structure; it refers to the decision-making process and administering of decisions.

²⁸ For purposes of these disciplines, "publish" means to include in an official publication, such as an official journal, or on an official website. Members are encouraged to consolidate electronic publications into a single portal.

²⁹ Paragraphs 12 to 15 of this Section recognize that Members have different systems to consult interested persons and other Members on certain measures before their adoption, and that the alternatives set out in paragraph 12 of this Section reflect different legal systems.

³⁰ This provision is without prejudice to the final decision of a Member that adopts or maintains any measure for authorization for the supply of a service.

for adopting measures, a Member is encouraged to explain the purpose and rationale of the law or regulation.

17. Each Member shall, to the extent practicable, endeavour to allow reasonable time between publication of the text of a law or regulation referred to in paragraph 12 (a) of this Section and the date on which service suppliers must comply with the law or regulation.

Enquiry Points

18. Each Member shall maintain or establish appropriate mechanisms for responding to enquiries from service suppliers or persons seeking to supply a service regarding the measures referred to in paragraph 1 of this Section.³¹ A Member may choose to address such enquiries through either the enquiry and contact points established under Articles III and IV of the Agreement or any other mechanisms as appropriate.

Development of Measures

19. If a Member adopts or maintains measures relating to the authorization for the supply of a service, the Member shall ensure that:
- (a) such measures are based on objective and transparent criteria;³²
 - (b) the procedures are impartial, and that the procedures are adequate for applicants to demonstrate whether they meet the requirements, if such requirements exist;
 - (c) the procedures do not in themselves unjustifiably prevent fulfilment of requirements; and
 - (d) such measures do not discriminate between men and women.³³
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³¹ It is understood that resource constraints may be a factor in determining whether a mechanism for responding to enquiries is appropriate.

³² Such criteria may include, *inter alia*, competence and the ability to supply a service, including to do so in a manner consistent with a Member's regulatory requirements. Competent authorities may assess the weight to be given to each criterion.

³³ Differential treatment that is reasonable and objective, and aims to achieve a legitimate purpose, and adoption by Members of temporary special measures aimed at accelerating de facto equality between men and women, shall not be considered discrimination for the purposes of this provision.

ANNEX 2



INF/SDR/3/Rev.1

2 December 2021

(21-9072)

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JOINT INITIATIVE ON SERVICES DOMESTIC REGULATION

SCHEDULES OF SPECIFIC COMMITMENTS

*Revision**

This document contains a list of the Schedules of Specific Commitments concerning services domestic regulation disciplines.

	MEMBER	DATE OF SUBMISSION	DOCUMENT SYMBOL
1.	Albania	22.11.2021	INF/SDR/IDS/ALB/Rev.1
2.	Argentina	29.10.2021	INF/SDR/IDS/ARG
3.	Australia	19.10.2021	INF/SDR/IDS/AUS/Rev.1
4.	Bahrain, Kingdom of	To be submitted no later than 31 March 2022	
5.	Brazil	12.11.2021	INF/SDR/IDS/BRA/Rev.1
6.	Canada	22.10.2021	INF/SDR/IDS/CAN/Rev.1
7.	Chile	29.10.2021	INF/SDR/IDS/CHL/Rev.1
8.	China	29.10.2021	INF/SDR/IDS/CHN/Rev.1
9.	Colombia	29.10.2021	INF/SDR/IDS/COL/Rev.1
10.	Costa Rica	17.11.2021	INF/SDR/IDS/CRI/Rev.1
11.	El Salvador	To be submitted no later than 31 March 2022	
12.	European Union	29.10.2021	INF/SDR/IDS/EU/Rev.1
13.	Hong Kong, China	02.11.2021	INF/SDR/IDS/HKG/Rev.1
14.	Iceland	29.10.2021	INF/SDR/IDS/ISL/Rev.1
15.	Israel	29.10.2021	INF/SDR/IDS/ISR/Rev.1
16.	Japan	28.10.2021	INF/SDR/IDS/JPN/Rev.1
17.	Kazakhstan	26.11.2021	INF/SDR/IDS/KAZ/Rev.1

* This revision is to add El Salvador to the list of Schedules of Specific Commitments.

	MEMBER	DATE OF SUBMISSION	DOCUMENT SYMBOL
18.	Korea, Republic of	28.10.2021	INF/SDR/IDS/KOR/Rev.1
19.	Liechtenstein	10.11.2021	INF/SDR/IDS/LIE/Rev.1
20.	Mauritius	27.10.2021	INF/SDR/IDS/MUS/Rev.1
21.	Mexico	01.11.2021	INF/SDR/IDS/MEX/Rev.1
22.	Moldova, Republic of	29.10.2021	INF/SDR/IDS/MDA/Rev.1
23.	Montenegro	16.11.2021	INF/SDR/IDS/MNE/Rev.1
24.	New Zealand	29.10.2021	INF/SDR/IDS/NZL/Rev.1
25.	Nigeria	23.11.2021	INF/SDR/IDS/NGA/Rev.1
26.	North Macedonia	16.11.2021	INF/SDR/IDS/MDK/Rev.1
27.	Norway	28.10.2021	INF/SDR/IDS/NOR/Rev.1
28.	Paraguay	19.11.2021	INF/SDR/IDS/PRY/Rev.1
29.	Peru	17.11.2021	INF/SDR/IDS/PER/Rev.1
30.	Philippines	To be submitted no later than 28 February 2022	
31.	Russian Federation	To be submitted no later than 28 February 2022	
32.	Saudi Arabia, Kingdom of	22.11.2021	INF/SDR/IDS/KSA/Rev.1
33.	Singapore	03.11.2021	INF/SDR/IDS/SGP/Rev.1
34.	Switzerland	01.11.2021	INF/SDR/IDS/CHE/Rev.1
35.	The Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu	27.10.2021	INF/SDR/IDS/TPKM/Rev.1
36.	Thailand	25.11.2021	INF/SDR/IDS/THA
37.	Turkey	28.10.2021	INF/SDR/IDS/TUR/Rev.1
38.	Ukraine	05.11.2021	INF/SDR/IDS/UKR/Rev.1
39.	United Kingdom	27.10.2021	INF/SDR/IDS/GBR
40.	United States	22.10.2021	INF/SDR/IDS/USA
41.	Uruguay	29.10.2021	INF/SDR/IDS/URY/Rev.1



JOINT INITIATIVE ON SERVICES DOMESTIC REGULATION

COMMUNICATION FROM THE PHILIPPINES

Pre-finalization Schedule of Specific Commitments

The following communication dated 25 April 2022 was received from the delegation of the Philippines.

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1. The Philippines submits the attached draft Schedule as its contribution to the finalization of the negotiations in the Joint Initiative on Services Domestic Regulation.
 2. This Schedule reflects the Philippines' scheduling approach in accordance with Section I of document INF/SDR/2.
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PRE-FINALIZATION SCHEDULE OF SPECIFIC COMMITMENTS – PHILIPPINES

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

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
ALL SECTORS INCLUDED IN THIS SCHEDULE			<p>The Philippines undertakes as additional commitments the disciplines contained in Section II of document INF/SDR/2 for all sectors included in this schedule, except for financial services, and subject to the following transitional period:</p> <ul style="list-style-type: none"> • The Philippines shall implement paragraph 22 of Section II of document INF/SDR/2, no later than 7 years after the entry into force of the additional commitments contained in the above paragraph. <p>The Philippines undertakes as additional commitments the disciplines contained in Section III of document INF/SDR/2 for financial services sectors included in this schedule and subject to the following transitional period:</p> <ul style="list-style-type: none"> • The Philippines shall implement paragraph 19 of Section III of document INF/SDR/2, no later than 7 years after the entry into force of the additional commitments contained in the above paragraph.

**GENERAL AGREEMENT ON TRADE IN SERVICES
PHILIPPINES - SCHEDULE OF COMMITMENTS**

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

Additional Commitments for Confirmation of the Bangko Sentral ng Pilipinas

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Option 1:			
<p>ALL SECTORS INCLUDED IN THIS SCHEDULE</p>	<p>3) In Activities Expressly Reserved by Law to Citizens of the Philippines (i.e. foreign equity is limited to a minority share): The participation of foreign investors in the governing body of any corporation engaged in activities expressly reserved to citizens of the Philippines by law shall be limited to the proportionate share of foreign capital of such entities. All executive and managing officers must be citizens of the Philippines. <u>Acquisition of Land</u> All lands of the public domain are owned by the State. Only citizens of the Philippines or corporations or association at least 60 per cent of whose capital is owned by such citizens may own land other than public lands and acquire public lands through lease. Foreign investors may lease only private-owned lands. 4) Entry and Temporary Stay of Natural Persons Supplying Services 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) Access to Domestic Credit A foreign firm, engaged in nonmanufacturing 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: a) Partnerships, more than 40 per cent of whose capital is owned by non-Filipino citizens; and b) Corporations, more than 40 per cent of whose total subscribed capital stock is owned by non-Filipino citizens. This requirement does not apply to banks and non-bank financial intermediaries</p>	<p><i>The Philippines undertakes as additional commitments the disciplines contained in Section II of document INF/SDR/1 for all sectors included in this schedule</i></p>

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Option 2:			
<p>ALL SECTORS INCLUDED IN THIS SCHEDULE</p>	<p>3) In Activities Expressly Reserved by Law to Citizens of the Philippines (i.e. foreign equity is limited to a minority share): The participation of foreign investors in the governing body of any corporation engaged in activities expressly reserved to citizens of the Philippines by law shall be limited to the proportionate share of foreign capital of such entities. All executive and managing officers must be citizens of the Philippines. <u>Acquisition of Land</u> All lands of the public domain are owned by the State. Only citizens of the Philippines or corporations or association at least 60 per cent of whose capital is owned by such citizens may own land other than public lands and acquire public lands through lease. Foreign investors may lease only private-owned lands.</p> <p>4) Entry and Temporary Stay of Natural Persons Supplying Services 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) Access to Domestic Credit A foreign firm, engaged in nonmanufacturing 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 per cent of whose capital is owned by non-Filipino citizens; and</p> <p>b) Corporations, more than 40 per cent 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><u>The Philippines undertakes as additional commitments the disciplines contained in Section II of document INF/SDR/1 for all sectors included in this schedule, except financial services.</u></p> <p><u>The Philippines undertakes as additional commitments the disciplines contained in Section III of document INF/SDR/1 for financial services sectors included in this schedule.</u></p>

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Option 2a: with transitional period			
<p>ALL SECTORS INCLUDED IN THIS SCHEDULE</p>	<p>3) In Activities Expressly Reserved by Law to Citizens of the Philippines (i.e. foreign equity is limited to a minority share): The participation of foreign investors in the governing body of any corporation engaged in activities expressly reserved to citizens of the Philippines by law shall be limited to the proportionate share of foreign capital of such entities. All executive and managing officers must be citizens of the Philippines. <u>Acquisition of Land</u> All lands of the public domain are owned by the State. Only citizens of the Philippines or corporations or association at least 60 per cent of whose capital is owned by such citizens may own land other than public lands and acquire public lands through lease. Foreign investors may lease only private-owned lands. 4) Entry and Temporary Stay of Natural Persons Supplying Services 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) Access to Domestic Credit A foreign firm, engaged in nonmanufacturing 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: a) Partnerships, more than 40 per cent of whose capital is owned by non-Filipino citizens; and b) Corporations, more than 40 per cent of whose total subscribed capital stock is owned by non-Filipino citizens. This requirement does not apply to banks and non-bank financial intermediaries</p>	<p><i>The Philippines undertakes as additional commitments the disciplines contained in Section II of document INF/SDR/1 for all sectors included in this schedule, except financial services. .</i></p> <p><i>The Philippines undertakes as additional commitments the disciplines contained in Section III of document INF/SDR/1 for financial services sectors included in this schedule and subject to the following transitional periods:</i></p> <ul style="list-style-type: none"> • <i>For Financial Services, the Philippines shall implement paragraphs of Section III of document INF/SDR/1, no later than 7 years after the entry into force of the additional commitments contained in the above paragraph.</i>

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Option 1a: with transitional period			
<p>ALL SECTORS INCLUDED IN THIS SCHEDULE</p>	<p>3) In Activities Expressly Reserved by Law to Citizens of the Philippines (i.e. foreign equity is limited to a minority share): The participation of foreign investors in the governing body of any corporation engaged in activities expressly reserved to citizens of the Philippines by law shall be limited to the proportionate share of foreign capital of such entities. All executive and managing officers must be citizens of the Philippines. <u>Acquisition of Land</u> All lands of the public domain are owned by the State. Only citizens of the Philippines or corporations or association at least 60 per cent of whose capital is owned by such citizens may own land other than public lands and acquire public lands through lease. Foreign investors may lease only private-owned lands. 4) Entry and Temporary Stay of Natural Persons Supplying Services 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) Access to Domestic Credit A foreign firm, engaged in nonmanufacturing 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: a) Partnerships, more than 40 per cent of whose capital is owned by non-Filipino citizens; and b) Corporations, more than 40 per cent of whose total subscribed capital stock is owned by non-Filipino citizens. This requirement does not apply to banks and non-bank financial intermediaries</p>	<p><i>The Philippines undertakes as additional commitments the disciplines contained in Section II of document INF/SDR/1 for all sectors included in this schedule and subject to the following transitional periods:</i></p> <ul style="list-style-type: none"> • <i>For Financial Services, the Philippines shall implement paragraphs of Section II of document INF/SDR/1, no later than 7 years after the entry into force of the additional commitments contained in the above paragraph.</i>