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MEMORANDUM

FOR : **The Directors**
Climate Change Service
Biodiversity Management Bureau
Environmental Management Bureau
Ecosystems Research and Development Bureau
Forest Management Bureau
Mines and Geosciences Bureau

FROM : **The OIC Director**
Policy and Planning Service

SUBJECT : **PHILIPPINE-EUROPEAN UNION FREE TRADE AGREEMENT
(PH-EU FTA) NEGOTIATIONS**

DATE : **22 AUG 2023**

This has reference to the electronic mail of the Department of Trade and Industry, requesting the respective agencies to undertake a preliminary review and identify the names of the principal and alternate representative for the upcoming scoping exercise of the Philippine-European Union Free Trade Agreement (PH-EU FTA) to be held from September to December, virtually.

BACKGROUND

- The exploratory FTA scoping meetings between PH and the EU started in 2013. It includes discussions on the objectives, key principles, and scope of the FTA negotiations. The scoping negotiations were concluded during a meeting between PH and EU Trade Ministers in Brussels on 02 October 2015.
- The launch of the FTA negotiations was subsequently announced by both sides on 11 December 2015. The 1st round of FTA negotiations was held on 23-27 May in Brussels, Belgium while the 2nd round of negotiations was held last 13-17 February 2017 in Cebu, Philippines.
- President Ferdinand Marcos, Jr., and EU Commission President Ursula von der Layen made the announcement regarding the resumption of the Philippines-European Union Free Trade Agreement (PH-EU FTA) negotiations in a joint press conference following the conclusion of their bilateral meeting last 31 July 2023.

ACTION REQUESTED

With reference to the EU's ambition as reflected in the latest texts from the signed EU-New Zealand FTA as well as the ongoing EU-India FTA negotiations, the areas identified under the DENR's purview are the **Energy and Raw Materials** (Chapter 13) and **Trade and Sustainable** (Chapter 19). The actual EU FTAs texts can be accessed at this link: <http://bitly.ws/S5v6>.

Relatedly, considering the resumption of the PH-EU FTA negotiations, as well as the forthcoming scoping exercise to be conducted from September to October, the DENR was requested to review and provide inputs, particularly the Department's **reservation and/or sensitivities, as well as the offensive interest** on the said Chapters.

In this regard, may we kindly request your respective Offices to 1) Provide inputs/comments, particularly your reservation and/or offensive interest in relation to the said Chapters, and 2) Confirm the attendance of at least one (1) of your **Trade Focal/s**¹ to the forthcoming PH-EU FTA meeting/s. We would appreciate receiving your responses on or before **24 August 2023** through our email addresses: psddivision@gmail.com and policy@denr.gov.ph.

Kindly refer to **Annex A** for the schedule of scoping exercise and the proposed template of DTI for inputs (*if applicable*). As for the details of the preparatory meeting, this will be provided by the DTI in a subsequent email. For your reference, attached are the following documents provided by the DTI:

- Annex A: Template of the Philippine Strategy Document for the scoping exercise.
- Annex B: Internal Reference for the PH-EU FTA Scoping Exercise
- Annex C: Presentation during the 1st Inter-Agency meeting
- Annex D: Philippine – EU Scoping Paper as of October 2025
- Annex E: Email from DTI

For your information and preferential action, please.


CHERYL LOISE T. LEAL

¹ DENR SO No. 2023-458

Proposed Template for the Preparation of the Philippine Negotiating Team in the Conduct of the Scoping Exercise on the Resumption of the Philippines-European Union Free Trade Agreement Negotiations

Scoping discussion towards the resumption of the PH-EU FTA negotiations are scheduled this year. President Ferdinand Marcos, Jr. and EU Commission President Ursula von der Layen made the announcement on 31 July 2023 in a joint press conference following the conclusion of their bilateral meeting.

Series of virtual meetings from September to December will be convened virtually culminating in a Chief Negotiators meeting to decide on the level of ambition per FTA chapter. For this scoping exercise, the Philippines and the EU negotiating teams are expected to (a) define key principles and scope of the FTA negotiations and (b) map out and identify areas where there are legal sensitivities and possible solutions therein.

For the inter-agency's guidance, below are the indicative dates and proposed coverage of the scoping exercise.

Tentative Dates	Scope/Chapters	Lead Agency/Agencies (for vetting)
7 September	Trade in goods (text and market access)	BITR, DA, BOI
	Rules of origin	BOI
	Customs and trade facilitation	BOC
	Trade remedies	BIS
	Sanitary Phytosanitary Measures	DA
	Technical Barriers to Trade	BPS
	Sustainable Food Systems	DA
6 October	Dispute settlement	DOJ
	Trade in Services	NEDA
	Investment Liberalization	BOI
	Digital Trade	DICT
	Government procurement	GPPB
	Intellectual property rights	IPOPhil
27 October	Architectural and institutional aspects	DOJ
	Trade and Sustainable Development	NEDA
	Energy and Raw Materials	DOE
	Competition and Subsidies	PCC
	State-Owned Enterprises	PCC
	Small and Medium-Sized Enterprises	BSMED

In view of the above, BITR respectfully requests the agencies to (a) undertake the necessary preliminary review of the respective FTA topics that fall under your purview and (b) identify the names of their principal and their alternate representative for the upcoming scoping exercise. In addition to identified agencies, members of the inter-agency team (e.g., DFA, EMB, DOLE, DMW, BSP, DENR, OP, IPOPhil) are likewise requested to provide comments and identify its representatives.

Relative to the review, BITR prepared a sample template to facilitate the development of the country's key interests and sensitivities. The DTI further requests the agencies to frame review by assessing the Philippines' FTA commitments vis-à-vis current regimes and sensitivities in relation to the EU's ambition as reflected in the latest texts from the signed EU-New Zealand FTA as well as the ongoing EU-India FTA negotiations. The actual EU FTAs' texts can be accessed in the [link](#).

Please see below the proposed template for the agencies' reference:

Scope/Chapter: (for agencies' response)

Specific Elements	Areas for Consideration
<p>I. Situation Report: Analysis of PH Regime</p>	<p>This will include a review of the following, where appropriate:</p> <ul style="list-style-type: none"> ▪ Domestic policy environment ▪ Relevant laws/regulations ▪ Proposed legislative reforms ▪ Relevant provisions in the Philippine Constitution; Medium Term Development Plan ▪ Key Issues Affecting the Sector in General ▪ Identified Opportunities (Domestic and Global Market) ▪ Initiatives/Priorities
<p>II. PH Commitments in Bilateral and Regional FTAs and EU Commitments in FTAs with New Zealand and India.</p>	<p>This will include commitments made under relevant areas of the Philippines' bilateral and regional FTAs, such as:</p> <p><i>Bilateral FTAs of the Philippines</i></p> <ul style="list-style-type: none"> ▪ Philippines-Japan Economic Partnership Agreement ▪ Philippines-EFTA FTA ▪ Philippines-Korea FTA <p><i>Regional FTAs of the Philippines</i></p> <ul style="list-style-type: none"> ▪ ATIGA ▪ ASEAN-China FTA ▪ ASEAN-Korea FTA ▪ ASEAN-India FTA ▪ ASEAN-Japan Comprehensive Economic Partnership Agreement (AJCEPA) ▪ ASEAN-Australia-New Zealand FTA ▪ ASEAN-Hong Kong, China FTA ▪ Regional Comprehensive Economic Partnership (RCEP) Agreement <p><i>Multilateral Agreements of the Philippines</i></p> <ul style="list-style-type: none"> ▪ General Agreement on Tariffs and Trade (GATT) ▪ General Agreement on Trade in Services ▪ Other relevant WTO Agreements and Joint Statement Initiatives (JSI) e.g., Trade-Related Aspects of Intellectual Property Rights agreement, JSI on micro, small, and medium-sized enterprises (MSMEs), JSI on E-commerce, JSI on Investment Facilitation for Development, JSI on Services Domestic Regulation <p>The EU advised the Philippines to look into their texts in the signed FTA texts with New Zealand and ongoing proposals with India. Attached is a matrix on the FTA texts structure (Annex A)</p>
<p>III. Identified PH Critical Issues</p>	<p>Based on the above, the agencies can define the country's offensive and defensive interests.</p>

Specific Elements	Areas for Consideration
/ Concerns and Interests	<p>The agencies can:</p> <ul style="list-style-type: none"> ▪ Identify (a) critical or strategic PH issues or concerns, (b) opportunities/ Interests. ▪ draw up a list of critical commitments that the EU may be expected to require from the Philippines in their respective areas (e.g., amendment of laws, etc.) ▪ identify areas for bilateral cooperation and capacity building
IV. Proposed Philippines Position and Recommended Solutions	<p>Based on the foregoing, the agencies can initially draw up the negotiable or non-negotiable areas or possible bottlenecks. For the latter, the agencies are requested to come up with solutions to address these challenges.</p>

Internal Reference for PH-EU FTA Scoping Exercise

For discussion with the inter-agency

Note: The EU recommends for PH agencies to check the latest texts from the signed EU-New Zealand FTA as well as ongoing EU-India FTA negotiations. Texts are available in this [link](#).

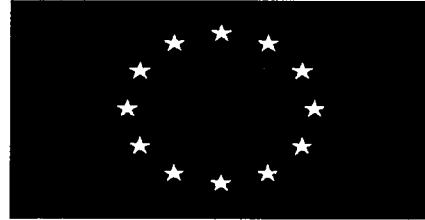
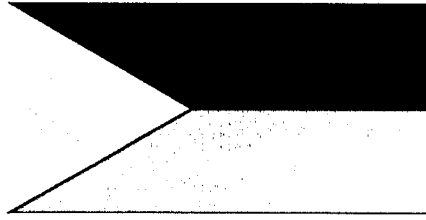
Chapter 6 Sanitary and Phytosanitary Measures (With articles on Specific plant-health related conditions, recognition of pest freedom, Scientific robustness and transparency in specified authorization processes, Antimicrobial resistance)	X.4. – Sanitary and Phytosanitary Measures	DA
Chapter 7 Sustainable Food Systems	X. 17 – Sustainable Food Systems	DA
Chapter 8 Animal Welfare		DA
Chapter 9 Technical Barriers to Trade	X.5 – Technical Barriers to Trade	BPS
Chapter 10 Trade in Services and Investment Section A General Provisions Section B Investment Liberalisation Section C Cross-border Trade in Services Section D Entry and Temporary Stay of Natural Persons for Business Purposes Section E Regulatory Framework Sub-Section 1 Domestic Regulation Sub-Section 2 Provisions of General Application Sub-Section 3 Delivery Services	X.7 – Services and Investment (Note: Ongoing negotiation on Investment Protection Agreement. 5 th round took place in June 2023)	NEDA DOLE DMW BOI-Legal
Chapter 11 – Capital Movements, Payments, and Transfers	X.22 – Capital Movements, Payments, and Transfers, and Temporary Safeguard Measurements	BSP DOF
Chapter 12 – Digital Trade Section A: General Provision Section B: Cross-Border Data Flows and Personal Data Protection Section C: Specific Provisions	X.8 – Digital Trade	DICT NTC NPC
Chapter 13 - Energy and Raw Materials	X. 14 – Energy and Raw Materials	DOE DENR
Chapter 14 – Public Procurement	X. 9 – Government Procurement	GPPB
Chapter 15 – Competition Policy		PCC
Chapter 16 – Subsidies	X.11. Anticompetitive Conduct, Merger Control and Subsidies	PCC DA
Chapter 17 – State-owned Subsidies	X. 12 – State-Owned Enterprises	PCC
Chapter 18 – Intellectual Property	X.10 – Intellectual Property	IPOPHL
Chapter 19 – Trade and Sustainable	X.19 – Trade and Sustainable	NEDA-ANRES

Internal Reference for PH-EU FTA Scoping Exercise

For discussion with the inter-agency

Note: The EU recommends for PH agencies to check the latest texts from the signed EU-New Zealand FTA as well as ongoing EU-India FTA negotiations. Texts are available in this [link](#).

	Development	Development	DENR DOLE
	Chapter 20 – Maori Trade and Economic Cooperation *Dedicated chapter for New Zealand's IP Maori	N/A	
	Chapter 21 – Small and Medium - Sized Enterprises	X. 13 – Small and Medium-Sized Enterprises	DTI
	Chapter 22 – Good Regulatory Practices and Regulatory Cooperation	X. 16 - Good Regulatory Practices	NEDA
	Chapter 23 – Transparency	X.15 – Transparency	DOJ DFA
	Chapter 24 – Institutional Provisions(with articles on establishment of Trade Committee, specialized committees e.g., Committee on Trade in Goods, Committee on Sanitary and Phytosanitary, Committee on Sustainable Food Systems, Committee on Wine and Spirits, Committee on Investment, Services, Digital Trade Government Procurement and Intellectual Property, Joint Customs Cooperation Committee, Civil Society Forum)		DOJ DFA
	Chapter 25 - Exceptions and General Provisions	X.23 – Exceptions	DOJ DFA
	Chapter 26 – Dispute Settlement Section A. Objective and Scope Section B Consultations Section C Panel Procedures Section D Mediation Section E Common Provisions	X.18 – Dispute Settlement	DOJ DFA
	Chapter 27 Final Provisions (with Articles on Entry into Force, Termination, Fulfilment of Obligations)		DOJ DFA

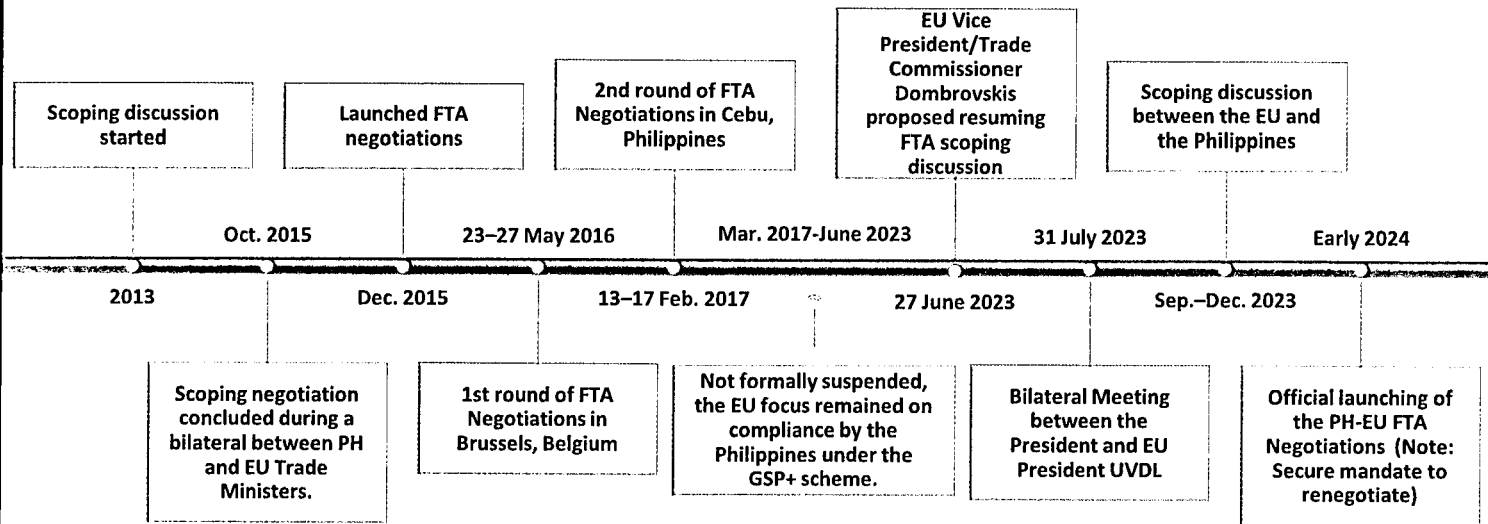


1st Inter-agency Meeting
PH-EU Free Trade Agreement Scoping Discussion
02 August 2023, 1000H
Via Zoom

Proposed Agenda

- I. Background Information and Updates
- II. Indicative Schedule of PH-EU FTA Scoping Exercise
- III. PH Proposed Work Plan
- IV. FTA Chapters and PH Negotiating Team

I. Background/Updates



I. Background/Updates



“First, by taking our trade relations to the next level. The European Union is already your fourth largest trading partner. And we are the first foreign investor. But we can do so much more. So, I am very glad that we have decided to relaunch negotiations for a free trade agreement. Our teams will get to work right now on setting the right conditions so that we can get back to the negotiations. A free trade agreement has huge potential for both of us in terms of growth and jobs. Whether it is on the European continent or here in Southeast Asia, we have all learnt the hard way the cost of economic dependencies. We need to diversify our supply lines and make them resilient. This is the lesson we have learnt. And that is what we call de-risking our trade relations. An FTA is the basis for that, but it is also much more. An FTA can be a springboard for a new technology cooperation to modernise the broader economy.” – EU President Ursula Von Der Leyen, 31 July 2023, Malacanang Palace

I. Background/Updates



Madame von der Leyen and I concluded a successful and productive bilateral meeting. This is the first visit to the country by the President of the European Commission.

During our meeting, we discussed the economic relations with particular focus on revitalizing trade between our two regions. I welcomed the conduct this year of the scoping exercises between the European Commission and the Philippines towards negotiations for a Philippines-EU Free Trade Agreement (FTA). The Philippine government experts will work with the European Commission in achieving a bilateral FTA. – President Ferdinand Marcos Jr., 31 July 2023, Malacanang Palace

<https://pbbm.com.ph/speeches/press-statement-by-president-ferdinand-r-marcos-jr-during-the-official-visit-of-european-commission-president-h-e-ursula-von-der-leyen/>



II. Indicative Schedule of PH-EU FTA Virtual Scoping Exercise

Date	Scope/Chapters	Remarks
7 September Brussels time (14:30-18:30) Manila time)	08:30-12:30 Trade in goods; Rules of origin; Customs and trade facilitation; Trade remedies; Sanitary Phyto Sanitary; Technical Barriers To Trade; Sustainable Food Systems; Dispute settlement	PH can agree
5 October Brussels time (14:30-18:30) Manila time)	08:30-12:30 Trade in services and investment liberalisation, including the temporary movement of natural persons' Digital trade; Government procurement; Intellectual Property Rights; Architectural and institutional aspects	Propose to be held on October 6
7 November Brussels time (15:30-19:30) Manila time)	08:30-12:30 Trade and Sustainable Development; Energy and Raw Materials; Competition and Subsidies; State-Owned Enterprises; Small and Medium-Sized Enterprises; Transparency and good regulatory practices	Propose to be held on October 27
Early December	Stock taking at Chief Negotiator level, with respective coordination teams but without participation from sectoral experts.	

Note: Intersessional meetings may convene, if necessary



II. a. Objective of the PH-EU FTA Scoping Exercise

- Decide on the level of ambition per FTA chapter. EU recommends for PH to review signed EU-New Zealand FTA texts and ongoing India-EU FTA negotiations.
- Map out and identify areas where there are legal sensitivities and possible solutions therein
- Ensure inclusion of Trade and Sustainability Development (EU has no flexibility on TSD)
- Start scoping discussion on TIG, SPS, and TBT.

Note: EU prefers general discussion not to the level of PSRs. EU experts will explain the components. PH can share difficulty on remanufactured goods.

- Finish scoping this year. Subject to the results of the scoping, FTA negotiations to resume next year.

II. B. Coverage of the PH-EU FTA Scoping Exercise

Old Scoping Paper October 2015	New Scoping Paper September-December 2023
<ul style="list-style-type: none"> • Trade in Goods, Rules of Origin • Customs and Trade Facilitation • Trade in Service • Investments • Government Procurement • Intellectual Property Rights • Competition • Trade and Sustainable Development • Legal and Institutional Issues. 	<ul style="list-style-type: none"> • Trade in goods, Rules of origin • Customs and trade facilitation • Trade remedies, Sanitary Phytosanitary Measures, Technical Barriers to Trade • Sustainable Food Systems • Dispute settlement • Trade in services and investment liberalization (including MNP) • Digital trade • Government procurement • Intellectual Property Rights • Architectural and institutional aspects • Trade and Sustainable Development • Energy and Raw Materials • Competition and Subsidies • State-Owned Enterprises • Small and Medium-Sized Enterprises • Transparency and good regulatory practice

III. Initial Work Plan on PH-EU FTA Scoping Exercise

Initial Work Plan on PH-EU FTA Scoping Exercise (Q3 2023 – Q1 2024)	
Activity	Timeline
Announcement of EU Pres. Von Der Leyen and PH President Marcos on PH-EU FTA	30 July – 01 Aug
Convene 1 st PH Inter-agency Meeting	2 Aug 2023
Discuss PH-EU FTA at CTRM; Report proposed workplan	7 Aug 2023
Exchange of Official Focal Points between PH and EU negotiating team	By end of August
PH-EU FTA Scoping Exercise and Intersessional Discussions	Sept – Nov 2023
PH-EU FTA Chief Negotiators' Meeting	Early Dec 2023
Conduct inter-agency meetings, as necessary	Aug – Dec 2023
Work with PIDS to update PH-EU FTA studies	Q3-Q4 2023
Convene series of stakeholders' consultation meetings	Q3-Q4 2023
PH-EU FTA Joint Assessment Report	Q1 2024
Secure mandate to renegotiate	
Relaunch of official FTA Negotiations	

IV. FTA Chapters and PH Negotiating Team - Agency Leads from 1st and 2nd Round of FTA Negotiations

- *Trade in Goods – Text (c/o BITR), Market Access-Tariffs (c/o TC)*
- *SPS (c/o DA) , ROO (c/o BOI)*
- *Customs and Trade Facilitation (c/o BOC)*
- *Technical Barriers to Trade (c/o BPS)*
- *Trade in Services (c/o NEDA)*
- *Investment (c/o BOI)*
- *Intellectual Property Rights (c/o IPOPHL)*
- *Trade and Sustainable Development (c/o NEDA)*
- *Legal and Institutional Issues, Legal Aspects and Transparency (c/o DOJ)*
- *Competition (c/o PCC)*

Note: New FTA topics i.e., Digital Trade, Energy and Raw Materials

IV. FTA Chapters and PH Negotiating Team

- *(See attached matrix)*
- *BITR respectfully requests the agencies to:*
 - (a) undertake the necessary preliminary review*
 - (b) identify the names of their principal and their alternate representative for the upcoming scoping exercise.*
- **Deadline: 25 August 2023**

IV. FTA Chapters and PH Negotiating Team - *Proposed Template*

Specific Elements	Areas for Consideration
I. Situationer Report: Analysis of PH Regime	Review of (a) Domestic policy environment, (b) Relevant laws/regulations, (c) Relevant provisions in the Philippine Constitution; Medium Term Development Plan, (d) Key Issues affecting the Sector in General, (e) Identified Opportunities (Domestic and Global Market), (e) Initiatives/Priorities
II. Review of PH Commitments and EU Commitments	<p>This will include commitments made under relevant areas of the Philippines' bilateral and regional FTAs.</p> <ul style="list-style-type: none"> - Bilateral FTAs of the Philippines (PJEPA, PH-EFTA FTA, PH-KR FTA) - Regional FTAs of the Philippines (ATIGA, ACFTA, AKFTA, AIFTA, AJCEPA, AANZFTA, AHKCFTA, RCEP) - Multilateral Agreements (GATT, GATS, and other relevant WTO agreements). <p>The EU advised the Philippines to look into their texts in the signed FTA texts with New Zealand and ongoing proposals with India.</p>
IV. Identified PH Critical Issues / Concerns and Interests	Based on the above, the agencies can define the country's offensive and defensive interests. Particularly, Identify (a) critical or strategic PH issues or concerns, (b) opportunities/ Interests; draw up a list of critical commitments which the EU may be expected to require from the Philippines in their respective areas (e.g., amendment of laws, etc.); and identify areas for bilateral cooperation and capacity building
V. Proposed Philippines Position and Recommended Solutions	Based on the foregoing, the agencies can initially draw up the negotiable or non-negotiable areas (including possible bottlenecks). For the latter, the agencies are requested to come up with proposed solutions to address these challenges.

IV. FTA Chapters and PH Negotiating Team – Possible Issues/Challenges

- *Remanufactured Goods – Currently, PH has no specific laws/regulations applied to remanufactured goods. No clear definition yet in PH context.*
- *Government Procurement – The EU and New Zealand reciprocally opened up their procurement markets beyond what is already covered under the WTO Government Procurement Agreement (GPA). PH has a constitutional provision on local preference*
- *Trade and Sustainable Development – Under EU-NZ FTA, TSD Chapter will be subject to Dispute Settlement.*
- *Intellectual Property – protection of a full list of EU wines and spirits (close to 2000 names) such as Prosecco, Polish Vodka, Rioja, Champagne and Tokaji. On Plant varieties, protection is in line with the 1991 International Convention for the Protection of New Varieties of Plants (UPOV 91). EU's regime includes its data protection standards, data exclusivity provisions, and patent term protection.*
- *Digital trade – prohibits data localization requirements*

Internal Reference for PH-EU FTA Scoping Exercise

For discussion with the inter-agency

Note: The EU recommends for PH agencies to check the latest texts from the signed EU-New Zealand FTA as well as ongoing EU-India FTA negotiations. Texts are available in this [link](#).

No.	EU-NZ FTA (Signed in July 2023)	EU-India FTA (Ongoing Negotiations) Text Numbers are Indicative	Responsible Agency/Agencies ¹
	Preamble		DOJ DFA
	Chapter 1: Initial Provisions (e.g., Objectives, General definitions, WTO Agreements, Territorial application, Relation to other international agreements)		DOJ DFA
	Chapter 2: National Treatment and Market Access for Goods (With articles on Repaired or altered goods, Remanufactured goods, Origin Marking, Export and Import licensing procedures, Preference utilization rates, Temporary Admission)	X.1 – Trade in Goods	BITR TC BOC BOI-IDS DA-PRS DOF EMB NEDA
	Chapter 3: Rules of Origin and Origin Procedures Section A Rules of Origin Section B Origin Procedures Section C: Final Provisions	X.2 – Rules of Origin X. 12 – Anti-Fraud (e.g., cooperation in preventing circumventions related to granting of Preferential Treatment)	BOI-IDS DA-PRS TC DOF EMB NEDA
	Chapter 4: Customs and Trade Facilitation (With articles on Perishable goods, advance rulings, authorized economic operators, Joint Customs Cooperation Committee)	X.3 – Customs and Trade Facilitation X. 20 – Mutual Administrative Assistance in Customs Matters X. 12 – Anti-Fraud (e.g., cooperation in preventing circumventions related to granting of Preferential Treatment)	BOC DOF
	Chapter 5: Trade Remedies Section A General Provisions (with articles on non-application of preferential rules or origin; Non-application of dispute settlement) Section B Anti-Dumping and Countervailing Duties Section C Global Safeguard Measures Sub-Section 1 Procedural Rules Applicable to Bilateral Safeguard Measures	X.6. – Trade Remedies	BIS TC DA

¹ Other agencies may be added as the scoping discussion progresses. Lead agencies may also tap the participation of their respective inter-agency mechanism.

EU-PHILIPPINES SCOPING PAPER

OBJECTIVES

The Agreement will aim to:

- Enhance market access for goods, services and investment from the Philippines and the EU (the Parties)
- Further facilitate and promote trade and investment flows between both sides, ensuring benefits for small and medium enterprises (SMEs)
- Enhance competitiveness
- Contribute to the objectives of sustainable development, including employment promotion, inclusive growth and green growth
- Identify cooperation and capacity building program needs

KEY PRINCIPLES

- The Agreement should be WTO-consistent and in compliance with Article XXIV of GATT and Article V of GATS
- The Agreement should be treated as a “living document” that should provide for a review mechanism
- The Agreement will aim for overall satisfactory outcomes and not fully equivalent obligations, given the differential levels of development between the Philippines and the EU
- Consistent with existing WTO provisions, the Agreement should accord adequate flexibilities to both sides to regulate as deemed necessary and proportionate to achieve their legitimate public policy objectives
- The Agreement should form part of the overall relationship between the Philippines and the EU and should be appropriately linked to the PCA

1. TRADE IN GOODS

- The Agreement will aim at the highest possible degree of tariff liberalization, with duty elimination on both sides for a minimum of 90% of trade and tariff lines within 7 years. Different solutions can be negotiated for the treatment of the remaining trade/tariff lines, such as tariff elimination, longer timeframes for liberalization (not exceeding an additional 3 years from the 7th year) and partial liberalization.
- Tariff liberalization will consider different modalities, preferably following the linear cuts method.
- The Parties will decide on accelerated liberalization in environmental goods during the negotiations.

- The Agreement should provide for the elimination of all existing export duties and the prohibition of new export duties.
- Non-tariff measures should be tackled through a combination of horizontal rules and sectoral disciplines in areas of mutual interest.
- The Agreement should include mutually agreed WTO-plus provisions with regard to trade remedies.
- The Agreement should include trade facilitation mechanisms, dispute settlement provisions and consultation/mediation procedures applicable to non-tariff measures.
- An annex setting out the rules of origin and providing for administrative cooperation should be attached to the Agreement. Its content should take into account the results of respective improvements in the preferential rules of origin of the European Union and ASEAN, while addressing the issue of regional cumulation in the light of the EU Free Trade Agreements with other ASEAN trade partners.

2. CUSTOMS AND TRADE FACILITATION

- The Agreement will aim at facilitating trade between the Parties, while ensuring effective customs controls. It should include modernization and simplification of all relevant rules, requirements, formalities and procedures of the Parties related to import, export and transit.
- The Agreement should refer to best practice on the modernization and simplification of rules and procedures, standardized documentation, tariff classification, transparency and customs to customs data exchange
- The Agreement should promote the effective implementation and application of international rules and standards in the field of customs and other trade-related procedures, in particular the WTO Trade Facilitation Agreement and WCO instruments. The negotiations should aim at promoting convergence and coordination and cooperation in the customs and trade facilitation field, using relevant international standards as appropriate.
- The Agreement should include provisions to promote effective and efficient IPR enforcement by customs authorities in all situations where goods are under customs supervision and control. Such provisions should be pursuant to the TRIPS Agreement.
- The Agreement should also provide rules on mutual administrative assistance and efficient enforcement mechanisms in order to address cases of fraud or irregularity.

3. TECHNICAL REGULATIONS – SPS

- The Agreement will aim to facilitate access to each Party's market, while respecting legitimate objectives to safeguard human, animal or plant life or health.
- The Agreement will aim to prevent and eliminate barriers to trade by improving transparency and bringing certainty and consistency to the application of SPS measures.
- Consistent with the WTO SPS Agreement, the Agreement will establish mechanisms to facilitate trade (including competent authority audits, pre-listing of food and feed establishments), include commitments to base SPS measures on international standards

or science / risk assessment in the absence of international standards, and work towards the recognition of pest-free or disease-free health status of the Parties for both animal and plant diseases, while maintaining essential checks at the border and the recognition of health certificates. The Parties will explore tools and procedures for effective implementation of the WTO SPS Agreement.

- The Agreement should develop appropriate arrangements to address market access barriers and to facilitate the resolution of differences, including mutually agreed specific timeframes for certain procedures.

4. ANIMAL WELFARE

- The Agreement should establish the appropriate conditions for cooperation on animal welfare.

5. TECHNICAL REGULATIONS – TBT

- The Agreement will aim to facilitate access to each other's markets, while respecting legitimate public policy objectives.
- The Agreement will aim to prevent and eliminate barriers to trade by improving transparency and bringing certainty to the application of TBT measures
- Negotiations will aim at the adoption of relevant international standards, where possible, the use of a risk-based approach to conformity assessment (including the streamlining of testing and certification requirements and use of supplier's self-declaration), the improvement of dissemination of information between the Parties to stakeholders, the promotion of good regulatory practice and the commitment to seeking compatibility and convergence of technical regulations based on international standards.

6. TRADE IN SERVICES AND INVESTMENT

- Trade in services and investment are vital to modern economies and a key part of the Agreement. Therefore the objective of the negotiations is to reach a high level of ambition in this area.
- The Agreement should be compatible with GATS Article V and will provide additional economically meaningful market access opportunities for service providers and investors in both Parties.
- Regarding services, the Agreement should have a broad sectoral coverage and cover all modes of supply; subject to exceptions (kept to a strict minimum), it should exclude no services sector a priori.
- The Agreement should aim at the broadest possible elimination of most market access barriers (considering in particular foreign equity caps) and national treatment limitations in the sectors covered.
- Negotiations should cover regulatory issues, including provisions on domestic regulations, to achieve effective market access and competition between domestic and foreign service suppliers, taking into account the right of Parties to institute regulations to meet legitimate public policy objectives.
- Services negotiations should be based on GATS principles.

- The scope of the negotiations on investment should cover liberalization and protection of investment, both for services and non-services sectors. The Agreement should follow a positive list approach.
- Regarding investment protection, negotiations will aim at the highest possible level of protection and legal certainty for investors and their investments of both Parties in each other's market. The negotiations will take into account recent and future policy developments.

7. PUBLIC PROCUREMENT

- The Agreement will aim to agree on a set of binding rules on transparency in public procurement, effective review procedures and market access opportunities, while taking account of the need for transitional measures.
- The Agreement will aim to achieve improvements in market access on the basis of the principles of non-discrimination and national treatment, while taking into account legitimate public policy objectives and the need for transitional measures. An economically meaningful access to public procurement of goods, services and public works including by central and local authorities, state controlled entities and monopolies will be negotiated and mutually agreed.

8. INTELLECTUAL PROPERTY RIGHTS

- The Agreement should include rules to ensure effective and adequate protection and enforcement of intellectual property rights.
- The Agreement should cover, where applicable, adherence to multilateral agreements and conventions in this field and aim at achieving enhanced rules on other IPR issues of mutual interest
- The Agreement will aim to provide for the recognition and protection of GIs taking into consideration relevant principles of Article 23 of the TRIPS Agreement. The Parties will grant such protection by entry into force. Issues on scope, coverage, extent of protection, enforcement, coexistence with other IPR rights such as trademarks, issues of genericness among others shall be subject to mutual agreement of the Parties.
- The Agreement will also aim at setting up appropriate cooperation mechanisms between the Parties, and finding ways to encourage enterprises and institutions in their territories to promote technology transfer.
- Nothing in this Agreement should limit the use of flexibilities available under the TRIPs Agreement and the Doha Declaration on TRIPs and Public Health (e.g. Paragraph 6 of the Decision of 30 August 2003 and TRIPs amendment of 06 December 2005).

9. COMPETITION POLICY

- The Agreement should contain provisions on enforcement of competition law, principles of transparency, timeliness, due process, procedural fairness and non-discrimination, in accordance with relevant laws.
- The Agreement should contain commitments on restrictive horizontal and vertical agreements, concerted practices, abuse of dominant position, anti-competitive mergers

and acquisitions and the proper enforcement thereof. The Agreement should contain mutually agreed rules regarding subsidies, while respecting the right of both sides to achieve legitimate public policy objectives. The scope should be broad and cover restrictions which have implications on trade in goods and services, and investment. These provisions will apply to all companies, including state-owned enterprises and enterprises with special or exclusive rights.

- The Agreement should include provisions regarding state-owned enterprises, enterprises with special or exclusive rights or privileges, including monopolies, from the perspective of non-discriminatory treatment, commercial considerations, neutral regulation and transparency, the scope of which will be decided in the course of the negotiations. In any case, the Parties should respect the rights of both sides to achieve legitimate public policy objectives.
- The Agreement should provide for the Parties to further develop their cooperation in the field of competition law and policy.

10. TRANSPARENCY OF REGULATION

- The Agreement should include disciplines on the transparency of regulatory requirements and other measures that have an impact on trade and investment.
- The Agreement should include provisions on stakeholder consultations; publication of all rules and regulations, transparency as regards the administration, implementation and application of regulations, including review procedures; and the creation of enquiry points and one-stop shops/contact points to provide information and questions regarding the operation of the Agreement.

11. DISPUTE SETTLEMENT

- The Agreement should include an efficient dispute settlement mechanism inspired by the WTO system and provisions for expedient problem-solving, including flexible mediation mechanism.
- An investment dispute settlement system should be included in respect of the chapter on investment of the agreement.¹

12. TRADE AND SUSTAINABLE DEVELOPMENT

- The Agreement should reaffirm the Parties' commitment to effectively implement core ILO conventions and multilateral environment agreements (MEAs).
- The relevant provisions should confirm that the Agreement does not aim to harmonize the levels of environmental and social protection, which are left to the Parties to regulate but rather to encourage high levels of protection ensuring consistency with internationally agreed standards and rules.
- Such provisions should also address the effective enforcement of each Party's environmental and labor laws in order to avoid distortions in trade or investment. The chapter should confirm the understanding of the Parties that its provisions should not be used for disguised protectionist measures.

¹ The negotiations will take into account recent and future policy developments in investment dispute settlement.

- The Agreement should promote a greater contribution of trade and investment to sustainable development, including employment promotion, through provisions in relevant areas, such as environmental goods and services, climate-friendly products and technologies, as well as promotion of voluntary sustainability assurance schemes and corporate social responsibility.
- The Agreement should also result in commitments to the sustainable management of natural resources, for example, fisheries and forestry, including adherence to relevant international instruments, and include appropriate undertakings to cooperate in these areas and promote trade in legally obtained and sustainable natural resources.
- The chapter on trade and sustainable development should be subject to a mutually agreed mechanism to oversee its implementation, based on dialogue, cooperation and transparency, including through the involvement of both sides' civil society and other stakeholders, rather than through the recourse to sanctions.

**DENR**Undersecretary for Policy, Planning and International Affairs <ouppia@denr.gov.ph> ²⁴⁶³**URGENT: [INVITATION] 1st PH-EU FTA Inter-agency Meeting, 02 August, 1000H**

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Mon, Aug 7, 2023 at 7:04 PM

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Dear Sirs and Mesdames,

We thank you for your active participation in our 1st Inter-agency Meeting last week.

As discussed, please see enclosed the following materials presented during our meeting. These can also be accessed through this link.

- PPT Presentation for the 1st PH-EU FTA Inter-agency Meeting (02 August 2023)
- Proposed Template for the Inter-agency Review in preparation for the PH-EU FTA Scoping Exercise
- Matrix of EU FTA's texts based on signed FTA with New Zealand and ongoing negotiation with India.

Further, we would like to respectfully remind the agencies of the following agreed action points:

- undertake the necessary preliminary review of the respective FTA topics (*see attached template*).
- identify the names of their principal and their alternate representative for the upcoming scoping exercise
- submit inputs by 25 August 2023.

Relative to the review, the DTI requests the agencies to frame its inputs based on the Philippines' FTA commitments vis-à-vis current regimes and sensitivities in relation to the EU's ambition as reflected in the latest texts from the signed EU-New Zealand FTA as well as the ongoing EU-India FTA negotiations. The actual EU FTAs' texts can be accessed in the link. For internal reference, also attached herewith is the 2015 PH-EU FTA Final Scoping Paper.

Lastly, kindly note that the schedule of upcoming preparatory meetings will be sent in our subsequent emails.

Thank you very much.

Very truly yours,

Irish Cassandra B. Tongohan

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