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Organization

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Trade in Services

THE PHILIPPINES

Schedule of Specific Commitments

Supplement 2

(This is authentic in English only)

This text supplements the entries relating to the Telecommunication services section contained on page 11 of document GATS/SC/70.

PHILIPPINES - SCHEDULE OF SPECIFIC COMMITMENTS

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
The following services (a-g) are offered only on a facilities basis, for public use, using either wired or wireless technology except cable television (CATV) and satellite. a. Voice telephone services - Local services - Toll services Domestic	(1) Unbound (2) Unbound (3) Entry is subject to the following requirements and conditions: (i) Franchise from Congress of the Philippines	(1) None (2) None (3) (i) The number of non-Filipino citizens in the Board of Directors of an entity shall be proportionate to the aggregate share of foreign capital of that	

International	(ii) Certificate of Public Convenience and Necessity (CPCN) from the National Telecommunications Commission	entity.	
b. Telegraph Services		(ii) All executives and managers must be citizens of the Philippines.	
c. Telex Services			
d. Packet-switched data transmission services			
e. Circuit-switched data transmission services			
f. Facsimile services	(iii) Foreign equity is permitted up to 40%		
g. Others	(iv) Resale of private leased lines is not allowed		
- Cellular Mobile Telephone Service	(v) Call back, dial back and other similar schemes which result in the same operation are not authorized.	(4) Unbound	
	(vi) Subject to the availability and efficient utilization of radio frequencies.		
	(4) Unbound		

COMMUNICATION SERVICES

The commitments in communication services are in accordance with the General Agreement on Trade in Services and its Annex on Telecommunications. In support of market access commitments undertaken, the following principles will form the basis for the regulatory framework in basic telecommunications.

1. Competitive safeguard

Appropriate measures shall be maintained for the purpose of preventing suppliers from engaging in or continuing anti-competitive practices.

2. Interconnection

In order to achieve viable, efficient, reliable and universal telecommunications services, a fair and reasonable interconnection of facilities of authorized public network operators and other providers of telecommunications services shall be provided.

Interconnection shall be at any technically feasible point in the network, under non-discriminatory terms and

conditions, in a timely fashion, and on terms and conditions that are fair, transparent and reasonable.

A service supplier requesting interconnection with another supplier will have recourse after a reasonable period of time which has been made publicly known to an independent domestic body, which may be a regulatory body referred to in paragraph 5 below, to resolve disputes regarding appropriate terms, conditions and rates for interconnection within a reasonable period of time, to the extent that these have not been established previously.

3. Universal Service

Universal service obligations, as may be defined by the appropriate Authority, shall be administered in a transparent, non-discriminatory and competitively neutral manner.

Authorized international gateway and mobile cellular telephone service providers are required by law to install a set number of local exchange lines in designated areas.

4. Public availability of licensing criteria

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

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

The reasons for the denial of a license will be made known to the applicant upon request.

5. Independent regulators

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

The regulation of telecommunication suppliers shall rely principally on an administrative process that is stable, transparent and fair, giving due emphasis to technical, legal, economic and financial considerations, and with due regard to the observance of due process at all times.

A national consultative forum shall be maintained to allow interaction among the telecommunications industries, user groups, and academic and research institutions on important issues in the field of communications.

6. Allocation and use of scarce resources

Any procedures for the allocation and use of scarce resources which are frequencies, numbers and rights of way, will be carried out in an objective, timely, transparent and non-discriminatory manner. The current state of allocated frequency bands will be made publicly available, but detailed identification of frequencies allocated for specific government uses is not required.