Agreement ID : JAPAN-PHILIPPINES
Short Name : Japan-Philippines FTA&EIA

Member Countries

Japan
Philippines

Total: 2 countries

Agreement between Japan and the Republic of the Philippines for an Economic Partnership

Status : Signed in **2006**. In force since 2008
Scope : Bilateral
Type : FTA & EIA
WTO Notification : GATT Art XXIV, GATS Art V 2008
Agreement text :
http://www.mofa.go.jp/region/asia-paci/philippine/epa0609/main.pdf
Other links :
http://www.mofa.go.jp/region/asia-paci/philippine/epa0609/index.html
WTO consideration process :
Under consideration

GOODS

Tariffs

Chapter 2; Article 18: each Party shall eliminate or reduce its customs duties in accordance with the schedule in Annex 1

Elimination sequenced over 5-11 years from the date if force of the agreement, with some duties (items classified as B4) to be full eliminated by January 1, 2010

Annex 1: tariff reduction schedule, negative list

Rules of Origin

Chapter 3; Article 29: RVC 40%, and Change in tariff classification

Annex 2: product specific rules

Contingency Measures

Anti - Dumping : Chapter 2; Article 18 (4)(b): Allowed as per WTO/GATT
Countervailing Duties : Chapter 2; Article 18 (4)(b): Allowed as per WTO/GATT
Safeguards : Chapter 2; Article 22: Allowed. Article 24: Safeguard for BOP; Allowed as per WTO/GATT

Standards :

Notes :

SERVICES

WTO Notification (GATS Art. V) : Notified
Date of notification : 11/12/2008
Consideration Process : Under Consideration

Liberalization Approach : Positive Lists

Modes Covered

Cross - Border Supply : **Yes**
Consumption Abroad : **Yes**
Commercial Presence Abroad : **Yes**
Movement of Natural Persons : **Yes**

Specific Chapters on

Financial services : **Yes**

Movement of natural persons :**Yes**

Specific Sectors Excluded

Air transport : **Yes**

Other : **Yes**

This Chapter does not apply to Cabotage in maritime transport services.

Public Sectors carve-out : GATS-like (Article I:3(b))

Most Favoured Nation : Binding

National Treatment : Binding

Market Access : Binding

Domestic Regulation : Non-binding (NAFTA-like)

Subsidies covered by services disciplines : Not covered

Denial of benefits for commercial presence : Article 85. Denial of Benefits // services

Notes :

Link to schedules :

Annex 6: http://www.mofa.go.jp/region/asia-paci/philippine/epa0609/annex6.pdf

INVESTMENT

Scheduling Approach : Negative Lists

Definition of investment : Covers portfolio investment

Most Favoured Nation : Binding

National Treatment : Binding

NT provision applies to entry and establishment rights : **Yes**

Fair and Equitable Treatment : Binding

Expropriation : Binding

Board of Directors and executive personnel : Not Featured

Invester - State arbitration : Yes

Denial of Benefits :

Article 105. Denial of Benefits A Party may deny the benefits of this Chapter to an investor of the other Party that is juridical person of such Party and to an investment of such investor if the juridical personis owned or controlled by investors of a non-Party and the denying Party:(a)does not maintain diplomatic relations with the non-Party; or(b)adopts or maintains measures with respect to the non-Party that prohibit transactions with the juridical person or that would be violated or circumvented if the benefits of this Chapter were accorded to the juridical person or to its investments.

Additional BIT exists between the parties : No

BIT list I :

Status:

BIT list II :

Status:

Notes :

Link to schedules :

TRADE FACILITATION

Customs procedures : **Yes** Chapter 4
Customs valuation : **Yes** Chapter 2; Article 19: As per WTO the Agreement on Customs Valuation
Trade regulations publication and administration : **No**
Use of ICT : **No**
Mobility of business people : **No**
Freedom of transit : **No**
Transport and logistics : **No**
Trade finance : **No**

OTHER AREAS

Government Procurement : **Yes** Chapter 11
Investment : **Yes** Chapter 8
Competition Policy : **Yes** Chapter 12
Intellectual Property : **Yes** Chapter 10
Dispute Settlement : **Yes** Chapter 15
Labor Mobility : **No**
Labor and Environmental Standards : **Yes** Chapter 8; Article 103: investment and labour. Chapter 8 on Cooperation in the field of energy and e
Technical cooperation : **Yes** Chapter 10; Article 119: In relation to intellectual property.
Institutional mechanism : **Yes** Chapter 1; Article 13

Notes :
Chapter 13 on Improvement of the Business EnvironmentChapter 14 on Cooperation

RULES OF ORIGIN

Cumulation
Chapter 3; Article 30: Allowed, partial

Specific Process
Annex 2: product specific rules
Heading Change

De Minimis
Chapter 3; Article 31;Annex 2; Section 1 (f): 7-10%
Minimum Content

Drawback
Not mentioned
HTTP Link
http://www.mofa.go.jp/region/asia-paci/philippine/epa0609/annex2.pdf

Notes :
Minimum requirements for the certificate of origin http://www.mofa.go.jp/region/asia-paci/philippine/epa0609/annex3.pdf