



October 22, 2019

CUSTOMS MEMORANDUM CIRCULAR

No. 244-2019

To: All Deputy Commissioners
All Service Directors
All District/Port Collectors
All Others Concerned

SUBJECT: IMPOSITION OF A PROVISIONAL SAFEGUARD DUTY ON IMPORTED CLEAR FLOAT GLASS CLASSIFIED UNDER AHTN CODE 7005.29.90 AND TINTED FLOAT GLASS UNDER AHTN CODE 7005.21.90 INCLUDING REFLECTIVE GLASS UNDER AHTN CODE 7005.10.90.

With reference to the attached letter and DTI Department Administrative Order No. 19-12 Series of 2019 dated July 22, 2019 **RE: IN THE MATTER OF THE PRELIMINARY DETERMINATION OF THE SAFEGUARD MEASURES CASE ON THE IMPORTATION OF CLEAR AND TINTED FLOAT GLASS INCLUDING REFLECTIVE GLASS FROM VARIOUS COUNTRIES (AHTN CODES 7005.29.90 (CLEAR FLOAT GLASS), AND 7005.21.90 (TINTED FLOAT GLASS) INCLUDING 7005.10.90 (REFLECTIVE GLASS) (SAFEGUARD MEASURES CASE NO. SG01-2019)**, all concerned are informed on the imposition of a provisional safeguard duty on imported clear float glass classified under AHTN Code 7005.29.90 and tinted float glass under AHTN Code 7005.21.90 including reflective glass under AHTN Code 7005.10.90.

For your information and guidance.

For records purposes, please confirm the dissemination of this Circular throughout your offices within fifteen (15) days from receipt.

REY LEONARDO B. GUERRERO

Commissioner
OCT 25 2019



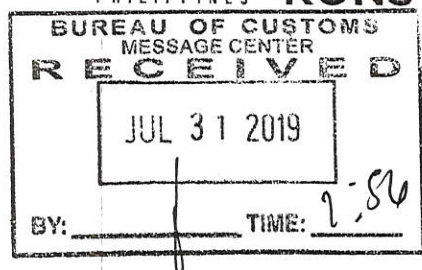
BOC-09-06712

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22 July 2019

SEC. CARLOS G. DOMINGUEZ
Department of Finance
DOF Building, BSP Complex
Roxas Blvd., Manila



BOC-09-05096

Dear Secretary Dominguez,

This is to respectfully furnish your good office with copies of the Department of Trade and Industry's Order and Report (Non-Confidential version) of its preliminary determination that increased importation of clear and tinted float glass including reflective glass is a substantial cause of serious injury to the domestic float glass industry.

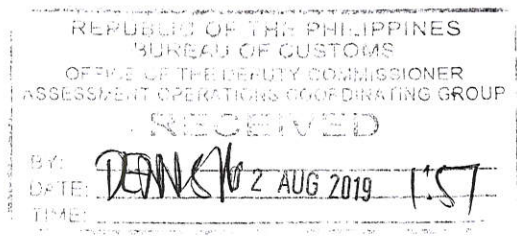
Pursuant to Section 8 of R.A. 8800 (The Philippine Safeguard Measures Act) and its IRR, the Secretary shall, within three (3) calendar days from making a decision, issue through the Secretary of Finance, written instructions to the Commissioner of Customs authorizing the imposition of the provisional safeguard duty in the form of a cash bond in the amount of ₱ 2,552.00/MT for clear float glass under AHTN Code 7005.29.90 and ₱ 2,835.00/MT for tinted float glass under AHTN Code 7005.21.90 including reflective glass under AHTN Code 7005.10.90, for a period of 200 days. The Order shall take effect upon the issuance of the relevant Customs Memorandum Order or after fifteen (15) days from its publication in two (2) newspapers of general circulation, whichever comes earlier.

May we therefore request your office to direct the Commissioner of Customs to issue the Customs Memorandum Order and collect the appropriate amount of the provisional safeguard duty on imported clear and tinted float glass including reflective glass covered by the DTI Order.

Thank you for your cooperation.

Very truly yours,

RAMON M. LOPEZ
Secretary



cc: Commissioner Rey Leonardo Guerrero
Bureau of Customs

OFFICE OF THE SECRETARY

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MASTER COPY

TRABAHOG
NEG. SYO
KONSUMER

Department Administrative Order No. 19 - 12 -
Series of 2019

**IN THE MATTER OF THE PRELIMINARY
DETERMINATION OF THE SAFEGUARD
MEASURES CASE ON THE IMPORTATION
OF CLEAR AND TINTED FLOAT GLASS
INCLUDING REFLECTIVE GLASS FROM
VARIOUS COUNTRIES**

**(AHTN Codes 7005.29.90 (Clear Float Glass),
and 7005.21.90 (Tinted Float Glass) including
7005.10.90 (Reflective Glass)
(Safeguard Measures Case No. SG01-2019)**

X-----X

ORDER

The Philippine float glass industry, represented by Pioneer Float Glass Manufacturing, Inc. (PFGMI) filed a petition for safeguard measures on the importation of float glass, clear and tinted, including reflective glass under AHTN Codes 7005.2990 (clear float glass), 7005.2190 (tinted float glass) and 7005.1090 (reflective glass) from various countries.

The period of investigation covered imports from 2013 to 2017. Updated data for 2018 were also presented. For injury determination, the Department considered relevant information for the same period.

WHEREFORE, IN VIEW THEREOF, the Department, acting under Section 7 of RA 8800, the "Safeguard Measures Act", found after preliminary determination that increased imports of the products under consideration have caused serious injury to the domestic industry, particularly in terms of declining market share, domestic sales, capacity utilization, production, employment, profitability and increased inventories. Landed costs of imports were found to be lower than the ex-plant prices of the domestic product.

Further, pursuant to Section 8 of RA 8800 which provides that "*in critical circumstances where a delay would cause damage which would be difficult to repair, and pursuant to a preliminary determination that increased imports are the substantial cause of serious injury to the domestic industry*", a provisional safeguard measures in the form of a cash bond amounting to ₱2,552/MT for clear float glass under AHTN Code 7005.29.90 and ₱2,835/MT for tinted float glass under AHTN Code 7005.21.90, including reflective glass under AHTN Code 7005.10.90 shall be imposed for a period of 200 days from the date of issuance by the Bureau of Customs (BOC) of the relevant Customs Memorandum Order or fifteen (15) days after the publication of the DTI Order in two (2) newspapers of general circulation, whichever comes earlier.

OFFICE OF THE SECRETARY

Imports originating from developing countries listed in Annexes A and B covered by Rule 8.8 of the IRR of RA 8800 shall not be subject to the provisional safeguard measure.

Importers of clear and tinted float glass including reflective glass originating from a country that is exempt from the safeguard duty shall submit a Certificate of Origin (CO) issued by the authorized agency/office in the source country of manufacture subject to affixation of "Apostille" to the document or authentication by the Philippine Embassy/Consulate General, as applicable.

Moreover, Rule 5.2 of the Implementing Rules and Regulations (IRR) of RA 8800 provides that *"the Secretary when establishing that the application of a safeguard measure will be in the public interest shall take into consideration the following factors; among others: x x x (ii) the extent to which such imposition will cause a shortage of a product under consideration in the domestic market"*.

The case records will be transmitted to the Tariff Commission for a formal investigation to determine whether or not there is a need to impose a definitive safeguard measure.

The non-confidential report of the preliminary safeguard measures investigation can be accessed at the DTI website: <https://www.dti.gov.ph/media/advisories/12990-preliminary-determination-of-the-safeguard-measures-case-against-the-importation-of-clear-and-tinted-float-glass-from-various-countries>

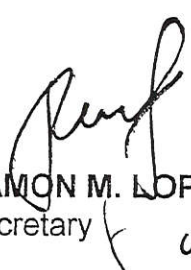
The notification and consultation requirements under Article 12 of the WTO Safeguards Agreement and Section 17 of RA 8800 and its IRR shall be complied with. Imports originating from ASEAN member states shall be governed by the provisions of Articles 11 and 23 of the ASEAN Trade in Goods Agreement (ATIGA).

Let this Order be published in two (2) newspapers of general circulation and let individual notices be sent to all interested parties including the country members concerned.

This Order shall take effect fifteen (15) days after publication or from the date of the issuance of relevant BOC-CMO, whichever comes earlier.

SO ORDERED.

22 July 2019


RAMON M. LOPEZ
Secretary



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ANNEX A

**List of Developing Countries and Separate Customs Territories
Excluded from the Imposition of Provisional Safeguard Measure
on Clear Float Glass**

East & Southern Africa	West Africa	North Africa	South Asia
Angola	Benin	Algeria	Afghanistan
Botswana	Burkina Faso	Egypt, Arab Rep.	Bangladesh
Burundi	Cameroon	Libya	Bhutan
Comoros	Cape Verde	Morocco	British Indian Ocean Territory
Congo, Dem. Rep.	Central African Rep.	Tunisia	East Timor
Djibouti	Chad		India
Eritrea	Congo, Rep.		Maldives
Ethiopia	Cote d' Ivoire		Nepal
Kenya	Equatorial Guinea		Pakistan
Lesotho	Gabon		Sri Lanka
Madagascar	Gambia, The		
Malawi	Ghana		
Mauritius	Guinea		
Mozambique	Guinea, Bissau		
Namibia	Liberia		
Reunion	Mali		
Rwanda	Mauritania		
Seychelles	Niger		
Somalia	Nigeria		
South Africa	Sao Tome & Principe		
Sudan	Senegal		
Swaziland	Sierra Leone		
Tanzania	Togo		
Uganda			
Zambia			
Zimbabwe			

Europe & Central Asia	Middle East	Americas	East Asia & Pacific
Albania Armenia Azerbaijan Belarus Bosnia & Herzegovina Bulgaria Croatia Cyprus Czech Republic Estonia Georgia Greenland Hungary Kazakhstan Kyrgyz Republic Latvia Lithuania Macedonia, FYR Malta Moldova Poland Romania Russian Federation Slovakia Slovenia Tajikistan Turkey Turkmenistan Ukraine Uzbekistan Yugoslavia, Fed. Rep.	Bahrain Iran, Islamic Rep. Iraq Israel Jordan Kuwait Lebanon Oman Qatar Saudi Arabia Syrian Arab Rep. United Arab Emirates West Bank & Gaza Yemen, Rep.	Anguilla Antigua & Barbuda Argentina Aruba Bahamas Barbados Belize Bermuda Bolivia Brazil British Virgin Is. Cayman Is. Chile Colombia Costa Rica Cuba Dominica Dominican Rep. Ecuador El Salvador Falkland Is. (Malvinas) French Guiana Grenada Guadeloupe Guatemala Guyana Haiti Honduras Jamaica Martinique Mexico Montserrat Netherland Antilles Nicaragua Norfolk Is. Panama Paraguay Peru Puerto Rico St. Helena St. Kitts & Nevis St. Lucia St. Pierre & Miquelon St. Vincent & the Grenadines Suriname Trinidad & Tobago Turks & Caicos Is. Uruguay US Virgin Is. Venezuela	American Samoa Brunei Darussalam Cambodia Christmas Is. Cocos (Keeling) Is. Cook Is. Fiji French Polynesia Guam Hong Kong, China Indonesia Johnston Is. Kiribati Korea, Dem. Rep. Korea, Rep. Lao PDR Macau, China Marshall Islands Micronesia, Fed. Sts. Midway Is. Mongolia Myanmar Nauru New Caledonia Niue Northern Marianas Is. Palau Papua New Guinea Pitcairn Is. Samoa Singapore Solomon Islands Taiwan, (R.O.C.) Tokelau Tonga Tuvalu Vanuatu Viet Nam Wake Is. Wallis & Futuna Is.

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ANNEX B

**List of Developing Countries and Separate Customs Territories
Excluded from the Imposition of Provisional Safeguard Measure
on Tinted Float Glass Including Reflective Glass**

East & Southern Africa	West Africa	North Africa	South Asia
Angola	Benin	Algeria	Afghanistan
Botswana	Burkina Faso	Egypt, Arab Rep.	Bangladesh
Burundi	Cameroon	Libya	Bhutan
Comoros	Cape Verde	Morocco	British Indian Ocean Territory
Congo, Dem. Rep.	Central African Rep.	Tunisia	East Timor
Djibouti	Chad		India
Eritrea	Congo, Rep.		Maldives
Ethiopia	Cote d' Ivoire		Nepal
Kenya	Equatorial Guinea		Pakistan
Lesotho	Gabon		Sri Lanka
Madagascar	Gambia, The		
Malawi	Ghana		
Mauritius	Guinea		
Mozambique	Guinea, Bissau		
Namibia	Liberia		
Reunion	Mali		
Rwanda	Mauritania		
Seychelles	Niger		
Somalia	Nigeria		
South Africa	Sao Tome & Principe		
Sudan	Senegal		
Swaziland	Sierra Leone		
Tanzania	Togo		
Uganda			
Zambia			
Zimbabwe			

Europe & Central Asia	Middle East	Americas	East Asia & Pacific
Albania	Bahrain	Anguilla	American Samoa
Armenia	Iran, Islamic Rep.	Antigua & Barbuda	Brunei Darussalam
Azerbaijan	Iraq	Argentina	Cambodia
Belarus	Israel	Aruba	Christmas Is.
Bosnia & Herzegovina	Jordan	Bahamas	Cocos (Keeling) Is.
Bulgaria	Kuwait	Barbados	Cook Is.
Croatia	Lebanon	Belize	Fiji
Cyprus	Oman	Bermuda	French Polynesia
Czech Republic	Qatar	Bolivia	Guam
Estonia	Saudi Arabia	Brazil	Hong Kong, China
Georgia	Syrian Arab Rep.	British Virgin Is.	Johnston Is.
Greenland	United Arab Emirates	Cayman Is.	Kiribati
Hungary	West Bank & Gaza	Chile	Korea, Dem. Rep.
Kazakhstan	Yemen, Rep.	Colombia	Korea, Rep.
Kyrgyz Republic		Costa Rica	Lao PDR
Latvia		Cuba	Macau, China
Lithuania		Dominica	Marshall Islands
Macedonia, FYR		Dominican Rep.	Micronesia, Fed. Sts.
Malta		Ecuador	Midway Is.
Moldova		El Salvador	Mongolia
Poland		Falkland Is. (Malvinas)	Myanmar
Romania		French Guiana	Nauru
Russian Federation		Grenada	New Caledonia
Slovakia		Guadaloupe	Niue
Slovenia		Guatemala	Northern Marianas Is.
Tajikistan		Guyana	Palau
Turkey		Haiti	Papua New Guinea
Turkmenistan		Honduras	Pitcairn Is.
Ukraine		Jamaica	Samoa
Uzbekistan		Martinique	Singapore
Yugoslavia, Fed. Rep.		Mexico	Solomon Islands
		Montserrat	Taiwan, (R.O.C.)
		Netherland Antilles	Tokelau
		Nicaragua	Tonga
		Norfolk Is.	Tuvalu
		Panama	Vanuatu
		Paraguay	Viet Nam
		Peru	Wake Is.
		Puerto Rico	Wallis & Futuna Is.
		St. Helena	
		St. Kitts & Navis	
		St. Lucia	
		St. Pierre & Miquelon	
		St. Vincent & the Grenadines	
		Suriname	
		Trinidad & Tobago	
		Turks & Caicos Is.	
		Uruguay	
		US Virgin Is.	
		Venezuela	