



Republic of the Philippines
Department of Finance
Bureau of Customs
1099 Manila

March 27, 2006

CUSTOMS MEMORANDUM ORDER

No. 11-2006

SUBJECT: Definitive General Safeguard Duty on Importations of Clear Float Glass from Taiwan and Pakistan

Pursuant to the 1st Indorsement dated March 15, 2006 of the Department of Finance signed by Undersecretary Gaudencio A. Mendoza, Jr., in compliance with the attached amended Decision of the Honorable Secretary, Department of Trade and Industry in Safeguard Investigation No. 02-2003 In Re: Application for Definitive General Measure Against the Importations of Clear Float Glass from various countries, with Asahi Glass Philippines, Inc. as protestant, this Office hereby directs the immediate implementation of the said amended DTI Order, viz:

1. The amended Decision provides that based on review conducted by the DTI, the "shares of clear float glass from Taiwan and Pakistan already accounted for 8.49% and 5.82%, respectively, of the total Philippine imports of said products for the January to November 2005 period. Thus, imports from these countries shall be subject to the imposition of the definitive general safeguard measure against said product."
2. In accordance with Section 13 of RA 8800, the list of countries excluded from the imposition of the said definitive general safeguard measure on clear float glass is hereby amended, in particular, by deleting Taiwan and Pakistan therefrom as provided for under the said amended Order in Safeguard Investigation No. 02-2003.
3. Accordingly, importations of clear float glass originating from Taiwan and Pakistan shall be imposed the Definitive General Safeguard Measure as provided for under the Order in DTI Safeguard Investigation No. 02-2003 issued on February 20, 2006.

CMO 16-2004 is hereby amended and/or modified.

The measure shall be effective upon signing of this Order or fifteen (15) days after the publication of the Amended DTI Order in two (2) newspapers of general circulation, whichever comes earlier.

Let copies of the DTI Order, amending the list of developing countries exempted from the imposition of the definitive general safeguard measure against importations of clear float glass, be appended to this Order.

NAPOLEON L. MORALES
Acting Commissioner



06-02393
BUREAU OF CUSTOMS



Republic of the Philippines
DEPARTMENT OF FINANCE
 Roxas Boulevard Corner Vito Cruz Street
 Manila 1004

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1st Indorsement
 March 15, 2006

Respectfully referred to the Commissioner of Customs, Manila for implementation, the attached amended decision of the Honorable Secretary, Department of Trade and Industry in Safeguard Investigation No. 02-2003 In Re: Application for Definitive General Safeguard Measure Against the Importations of Clear Float Glass from various countries, /Asahi Glass Philippines, Inc., Protestant.

The amended decision indicates that based on review conducted, it is shown that "shares of clear float glass from Taiwan and Pakistan already accounted for 8.49% and 5.82%, respectively, of the total Philippine imports of said products for the January to November 2005 period. Thus, imports from these countries should be subject to the imposition of the definitive general safeguard measure against said product".

In view hereof, and as ordered by the Secretary of Trade in accordance with law, the Commissioner of Customs is hereby enjoined to immediately issue an appropriate order to implement the aforesaid decision.

By authority of the Secretary.

GAUDENCIO A. MENDOZA, JR
 Undersecretary
 Legal & Revenue Operations Group

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BUREAU OF CUSTOMS
 Office of the Commissioner
 Manila, Philippines
 06-03933

CC: Hon. Peter B. Favila
 Secretary
 Department of Trade and Industry
 4F, Industry & Investments Building,
 305 Sen. Gil J. Puyat Ave., Makati City

20 February 2006

DMO-11-06

HON. MARGARITO B. TEVES
Secretary
Department of Finance
Roxas Blvd., Manila

Dear Secretary Teves:

The 14 April 2004 Order of the Department of Trade and Industry (DTI) imposing the definitive general safeguard measure on clear float glass from various countries provided that DTI shall conduct an annual review of the Philippine imports of said product after the imposition of the measure and draw up appropriate exemption lists for developing countries for 2005 and 2006.

Section 13 par. 4 of RA 8800 (Safeguard Measures Act) also provides that a "general safeguard measure shall not be applied to a product originating from a developing country if its share to total imports of the product is less than three percent (3%). Provided, however, that developing countries with less than three percent (3%) share collectively account for not more than nine percent (9%) of the total imports of the product concerned".

In view thereof, the DTI analyzed the volume of imports of clear float glass from various countries for the whole year of 2004 and for the January to November 2005 period. Our review indicated that shares of clear float glass from Taiwan and Pakistan already accounted for 8.49% and 5.82%, respectively, of the total Philippine imports of said product for the January to November 2005 period. Thus, imports from these countries should be subject to the imposition of the definitive general safeguard measure against said product.

Attached is a copy of the DTI Order amending the list of developing countries exempted from the imposition of the definitive general safeguard measure against importations of clear float glass.

We would like to request you to direct the Commissioner of Customs to immediately issue a Customs Memorandum Order relevant to the said Order.

With all good wishes for you and our country.

Sincerely,


PETER B. FAVILA
Secretary
The Honorable Secretary of the Department of Finance

DEPARTMENT OF FINANCE
OFFICE OF THE SECRETARY
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IN THE MATTER OF THE APPLICATION FOR
DEFINITIVE GENERAL SAFEGUARD MEASURE
AGAINST THE IMPORTATIONS OF CLEAR FLOAT
GLASS FROM VARIOUS COUNTRIES
(Safeguard Investigation No. 02-2003)

CMO 11-06

ASAHI GLASS PHILIPPINES, INC. (AGP)
Protestant

X-----X

ORDER

On 07 June 2004, the Bureau of Customs issued CMO No. 16-2004 implementing the imposition of definitive general safeguard measures on importations of glass products covered by three (3) Department of Trade and Industry (DTI) Orders of 14 April 2004.

The said DTI Orders provided a list of developing countries exempted from the imposition of the definitive general safeguard measures. The Orders also stated that the DTI shall conduct an annual review of the Philippine imports of glass products covered by the measures and draw up the appropriate exemption lists for 2005 and 2006.

Pursuant to this, the DTI analyzed the volume of imports of clear float glass from various countries subject to the imposition of the definitive general safeguard measure for the whole year of 2004 and for the January to November 2005 period (the period on which official trade statistics i.e. Import Entry Declarations from the Philippine Bureau of Customs, are available).

All interested parties i.e. importers, exporters, representatives of concerned exporting countries were notified on 27 January 2006 and were requested to submit their positions on or before 10 February 2006.

As provided under Section 13 par.4 of RA 8800 (Safeguard Measures Act) and Rule 13.1.d of its IRR, "a general safeguard measure shall not be applied to a product originating from a developing country if its share to total Philippine imports of the said product is less than three percent (3%); Provided, however, that developing countries with less than three percent (3%) share collectively account for not more than nine percent (9%) of the total Philippine imports of the product concerned".

Our review indicated that importations of clear float glass from Taiwan and Pakistan already accounted for 8.49% and 5.82%, respectively, of the total Philippine imports of said product for the January to November 2005 period.

WHEREFORE, AND IN VIEW THEREOF, in accordance with Section 13 of RA 8800, the DTI hereby amends its Decision of 14 April 2004 specifically on the list of countries excluded from the imposition of the said definitive general safeguard measure on clear float glass as follows:

Office of the Secretary

4/F, Industry & Investments Building, 385 Sen. Gil J. Puyat Avenue, 1200 Makati City, Philippines
Telephone (632) 899-7450 • Fax (632) 896-1166 • E-mail: PDI@dti.gov.ph

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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	Hongkong
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	Lao PDR
Kyrgyz Republic		Costa Rica	Macau
Latvia		Cuba	Malaysia
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		Guadeloupe	Niue
Slovenia		Guatemala	Northern Marianas Is.
Tajikistan		Guyana	Palau
Turkey		Haiti	Pitcairn Is.
Turkmenistan		Honduras	Papua New Guinea
Ukraine		Jamaica	Samoa
Uzbekistan		Martinique	Solomon Islands
Yugoslavia, Fed. Rep.		Mexico	Tokelau
		Montserrat	Tonga
		Netherlands Antilles	Tuvalu
		Nicaragua	Vannatu
		Norfolk Is.	Wake Is.
		Panama	Wallis & Futuna Is.
		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	



21 February 2006



MR. NAPOLEON L. MORALES
Commissioner
Bureau of Customs
Port Area, Manila

Dear Commissioner Morales:

Section 13 par. 4 of RA 8800 (Safeguard Measures Act) provides that a "general safeguard measure shall not be applied to a product originating from a developing country if its share to total imports of the product is less than three percent (3%); Provided, however, that developing countries with less than three percent (3%) share collectively account for not more than nine percent (9%) of the total imports of the product concerned".

The 14 April 2004 Order of the Department of Trade and Industry (DTI) which imposed the definitive general safeguard measure on clear float glass from various countries also stated that DTI shall conduct an annual review of the Philippine imports of said product after the imposition of the measure and draw up appropriate exemption lists for developing countries for 2005 and 2006.

In this connection, the DTI analyzed the volume of imports of clear float glass covering the whole year of 2004 and for the January to November 2005 period. Our review of the import statistics for the January to November 2005 period based on available Import Entry Declarations from the Philippine Bureau of Customs indicated that share of imports of clear float glass from Taiwan and Pakistan have already exceeded the 3% threshold under the "developing country rule" of the WTO Safeguards Agreement and RA 8800. Thus, imports from these countries should be subject to the definitive general safeguard measure against said product.

On 20 February 2006, the DTI Secretary sent a letter to the DOF Secretary requesting him to direct the Commissioner of Customs to immediately issue the relevant Customs Memorandum Order.

Attached is a copy of the Order issued by the DTI amending the list of developing countries exempted from the imposition of definitive general safeguard measure against importations of clear float glass.

Thank you. *Respects!*

Very truly yours,

Luis M. Catibayan
LUIS M. CATIBAYAN
Director

File: E54myfloatclear float amended list

BUREAU OF CUSTOMS
Office of the Commissioner
Immigration Services
06-03185

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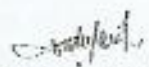
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East & Southern Africa	West Africa	North Africa	South Asia
Angola	Burkina Faso	Algeria	Afghanistan
Botswana	Burkina Faso	Arab Rep.	Bangladesh
Burundi	Cameroun	Libya	Bhutan
Cameroon	Cape Verde	Morocco	British Indian Ocean Territory
Compo. Dem. Rep.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

This Order shall take effect upon the issuance of the relevant Memorandum Order by the Bureau of Customs or 15 days after the publication of this Order in two (2) newspapers of general circulation, whichever comes earlier.

SO ORDERED.

20 February 2006


PETER B. FAVILA
Secretary