



April 28, 2009

**CUSTOMS MEMORANDUM ORDER**

NO. 19-2009

**TO:** All Deputy Commissioners  
All Directors / Chiefs  
All District / Port Collectors  
All Others Concerned

**SUBJECT:** Safeguard Investigation No. 01-2007 entitled: *"In the Matter of the second year final extension of the definitive general safeguard measure against the importation of Ceramic floor and wall tiles from various countries (AHTN Code Nos. 6907.1910, 6907.9090, 6908.9011, 6908.9021, 6908.9029, 6908.9090), Ceramic Tile Manufacturers' Association, Petitioner"*

The 1<sup>st</sup> Indorsement dated 22 April 2009 of the Department of Finance, signed by Undersecretary Estela V. Sales, referred for implementation the Order of the Honorable Secretary of the Department of Trade and Industry in Safeguard Investigation No. 01-2007 entitled: *"In the Matter of the second year final extension of the definitive general safeguard measure against the importation of Ceramic floor and wall tiles from various countries (AHTN Code Nos. 6907.1910, 6907.9090, 6908.9011, 6908.9021, 6908.9029, 6908.9090), Ceramic Tile Manufacturers' Association, Petitioner,"* reducing the definitive safeguard measures on imported ceramic floor and wall tiles for the second year of the final extension period to P1.86/kg. This is pursuant to Section 15(3) of Republic Act No. 8800 (The Safeguard Measures Act) and its implementing Rules and Regulations.

The dispositive portion thereof reads:

*"IN VIEW THEREOF, and in accordance with Section 19(2) of RA 8800, the following is hereby issued:*

1. *The amount of the measure to be imposed on the second year of the final extension of the definitive general safeguard measure on ceramic floor and wall tiles from various countries shall be reduced to P1.86/kg. The measure shall continue to be liberalized for the remaining years year of the*

*P* (09-03116)

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final extension period to the extent of redressing or preventing the injury and to facilitate adjustment by the domestic industry from the adverse effects directly attributed to increased imports.

2. The imported ceramic tiles, however, from Japan and the member states of the European Union, which cannot be considered 'like product or directly competitive product' as defined in Section 4 of RA 8800, are excluded from the imposition of the extended definitive general safeguard measure.
3. Pursuant to Section 13 of RA 8800 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 products concerned.** The following countries and separate customs territories are therefore excluded from the imposition of the extended definitive general safeguard measure on ceramic floor and wall tiles:

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

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

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The composition of the developing countries on the **de minimis** list may change depending on the most recent data available during the period of annual review which will be conducted by DTI during the extension period.

The notification and consultation requirements of 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 6 and 8 of the Agreement on the CEPT Scheme.

The application of the extended definitive general safeguard measure shall be monitored and reviewed in accordance with Section 15 and 16 of RA 8800."

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) newspaper of general circulation, whichever comes earlier.

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."

SO ORDERED."

This Order has been published on the February 27, 2009 issues of Business Mirror and Manila Standard.

For your information and implementation.

**NAPOLEON D. MORALES**  
Commissioner

