

May 18, 2009

CUSTOMS MEMORANDUM ORDER
NO. 21-2009

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

SUBJECT: PROVISIONAL SAFEGUARD MEASURES AGAINST THE IMPORTATION OF STEEL ANGLE BARS FROM VARIOUS COUNTRIES.

Enclosed is the letter dated 20 April 2009 of the Honorable Secretary, Department of Trade and Industry (DTI), with reference to the 12 January DTI Order on the imposition of provisional safeguard measures against the importation of steel angle bars from various countries, informing this bureau that under the *2009 Tariff and Customs Code of the Philippines - The ASEAN Harmonized Tariff Nomenclature (AHTN)*, the subject products are classified under the following headings:

AHTN Codes	Description
7216.2100	L Sections
7216.50	Other angles, shapes and sections, not further worked than hot-rolled, hot-drawn or extruded:
7216.5010	Of a height of less than 80mm
7216.5090	Other: Angles, shapes and sections, not further worked than cold-formed or cold-finished

Imposition and collection of the provisional safeguard duties on imported steel angle bars from various countries covered by the above AHTN Codes is hereby directed.

The provision of the DTI Order, "IN THE MATTER OF THE PRELIMINARY DETERMINATION OF THE SAFEGUARD MEASURES CASE AGAINST THE IMPORTATION OF STEEL ANGLE BARS (CLASSIFIED UNDER AHTN CODES 7216.2100, 7216.5011 AND 7216.5091 FROM VARIOUS COUNTRIES (SAFEGUARD CASE NO. 01-2008), the dispositive portion thereof reads:

"WHEREFORE, IN VIEW THEREOF, the Department of Trade and Industry, acting under Section 7 of RA 8800, the 'Safeguard Measures Act', found under 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, profitability and productivity.

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' provisional safeguard measures in the form of a cash bond amounting to P1.00/MT shall be imposed of specific sizes of imported steel angled bars, i.e. 20mm x 20mm, 25mm x 25mm, 30mm x 30mm, 38mm x 38mm, 50mm x 50mm, 63mm x 63mm, 63.5mm x 63.5mm and 75mm x 75mm with thickness ranging from 2.0mm to 12mm classified under AHTN Codes: 7216.2100, 7216.5010 and 7216.5090 for a period of two hundred (200) days from the date of issuance of the Bureau of Customs of the relevant Customs Memorandum Order (CMO) or fifteen (15) days after the publication of the DTI Order in two (2) newspapers of general circulation, whichever comes earlier.

However, imports originating from the developing countries listed in Annex A covered by Rule 8.8 of the IRR of RA 8800 shall not be subject to the provisional safeguard measure.

All importers of steel angle bars, regardless of port exportation, are required to secure a Certificate of Country of Origin (CO) issued by the authorized agency/office in the source country of manufacture as authenticated by the Philippine Embassy/Consulate thereat.

Considering that steel angle bars are covered by the ASEAN-CEPT Agreement and as provided under Articles 6 and 8 of the said Agreement, the Philippines is required to notify and accord adequate opportunity for consultation with the governments of the ASEAN countries concerned which maybe affected by the application of provisional safeguard measures on imports sourced from said ASEAN countries.

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.

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

Let the Order be published x x x x ."

SO ORDERED."

12 January 2009
(SGD.) PETER B. FAVILA
Secretary

This Order was published on the February 23, 2009 issues of Manila Standard and Business Mirror.

For your information and implementation.

NAPOLEON A. MORALES
Commissioner





20 April 2009

SECRETARY MARGARITO B. TEVES
Department of Finance
6th Floor, Executive Tower Building
BSP Complex, Manila



✓ 5 MAY 11 2009

BUREAU OF CUSTOMS
Office of the Commissioner
Investing Documents
09-08546

BUREAU OF CUSTOMS
Deputy Commissioner-IAG
Incumbent December 7
09-01599

AW 21-2009

3

Attention: **Commissioner Napoleon L. Morales**
Bureau of Customs

Dear Secretary Teves:

This has reference to the 12 January 2009 DTI Order on the imposition of provisional safeguard measures against the importation of steel angle bars from various countries. Please be informed that under the 2009 *Tariff and Customs Code of the Philippines – The ASEAN Harmonized Tariff Nomenclature (AHTN)*, the subject products are classified under the following headings:

AHTN Codes	Description
7216.2100	L Sections
7216.50	Other angles, shapes and sections, not further worked than hot-rolled, hot-drawn or extruded:
7216.5010	Of a height of less than 80 mm
7216.5090	Other: Angles, shapes and sections, not further worked than cold-formed or cold-finished

May we therefore request the Secretary to direct the Commissioner of Customs to impose the collection of the provisional safeguard duties on imported steel angle bars from various countries covered by the above AHTN Codes.

Sincerely yours,

PETER B. FAVILA
Secretary

DEPARTMENT OF FINANCE
OFFICE OF THE SECRETARY
MAY 11 2009
094200

*p0500comp/may09/boc



IN THE MATTER OF THE PRELIMINARY DETERMINATION OF THE SAFEGUARD MEASURES CASE AGAINST THE IMPORTATION OF STEEL ANGLE BARS (CLASSIFIED UNDER AHTN CODES 7216.2100, 7216.5011 AND 7216.5091) FROM VARIOUS COUNTRIES (SAFEGUARD CASE NO. 01-2008)

CMO-21-2009

4

ORDER

The Philippine Steel Angle Bar Industry, represented by Lunar Steel Corporation, Dragon Asia Metal Corporation and Cathay Metal Corporation, filed a safeguard measures protest against the importation of steel angle bars (classified under AHTN Codes 7216.2100, 7216.5011 and 7216.5091) from various countries. The protest alleged that steel angle bars are being imported in increased quantities and that as a result thereof causes serious injury to the domestic industry.

The period of investigation covered imports from 2003-2007. For injury determination, the Department considered relevant information for the same period.

WHEREFORE, IN VIEW THEREOF, the Department of Trade and Industry, acting under Section 7 of RA 8800, the "Safeguard Measures Act", found after preliminary determination that increased imports of the product under consideration have caused serious injury to the domestic industry, particularly in terms of declining market share, domestic sales, capacity utilization, production, profitability and productivity.

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" provisional safeguard measures in the form of a cash bond amounting to ₱1.00/MT shall be imposed on specific sizes of imported steel angle bars, i.e. 20mm x 20mm, 25mm x 25mm, 30mm x 30mm, 38mm x 38mm, 50mm x 50mm, 63mm x 63mm, 63.5mm x 63.5 and 75mm x 75mm with thicknesses ranging from 2.0mm to 12mm, classified under AHTN Codes: 7216.2100, 7216.5010 and 7216.5090 for a period of two hundred (200) days from the date of issuance of the Bureau of Customs of the relevant Customs Memorandum Order (CMO) or fifteen (15) days after the publication of the DTI Order in two (2) newspapers of general circulation, whichever comes earlier.

CMO-21-2009

However, imports originating from the developing countries listed in Annex A covered by Rule 8.8 of the IRR of RA 8800 shall not be subject to the provisional safeguard measure.

All importers of steel angle bars, regardless of port of exportation, are required to secure a Certificate of Country of Origin (CO) issued by the authorized agency/office in the source country of manufacture as authenticated by the Philippine Embassy/Consulate thereat.

Considering that steel angle bars are covered by the ASEAN-CEPT Agreement and as provided under Articles 6 and 8 of the said Agreement, the Philippines is required to notify and accord adequate opportunity for consultation with the governments of the ASEAN countries concerned which maybe affected by the application of provisional safeguard measures on imports sourced from said ASEAN countries.


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.

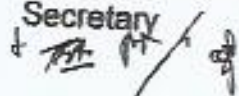
The case records will be transmitted to the Tariff Commission for formal investigation to determine whether or not there is a need to impose a definitive safeguard measure.

Let the 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.

12 January 2009


PETER B. FAVILA
Secretary



ANNEX A

List of Developing Countries and Separate Customs Territories Excluded from the Imposition of Provisional Safeguard Measure on Steel Angle Bars

QW-21-2009

6

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			

AW-21-2009

7

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 Macao, China Malaysia Marshall Islands Micronesia, Fed. Sts. Midway Is. Mongolia Myanmar Nauru New Caledonia Niue Northern Marianas Is. Palau Pitcairn Is. Papua New Guinea Samoa Singapore Solomon Islands Thailand Tokelau Tonga Tuvalu Vanuatu Vietnam Wake Is. Wallis & Futuna Is.