



15 July 2010

**CUSTOMS MEMORANDUM ORDER**

No. 33-2010

**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 Safeguard duty for the Third Year of the Final Extension Of the Definitive General Safeguard Measures Against the Importation of Ceramic Floor and Wall Tiles from various Countries (AHTN Code Nos. 6907.9010, 6907.9030, 6908.9011, 6908.9019, 6908.9021, 6908.9019, 6908.9090), Ceramic Tile Manufacturers' Association, Petitioner"

The 1<sup>st</sup> Indorsement dated 22 December 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, imposing a reduced definitive general safeguard duty on the importation of ceramic floor and wall tiles for the third year of the final extension period in the amount of Php1.80/kg. The measure shall be subject to an annual review during the remaining year of the final extension period pursuant to Sections 13 of Republic Act No. 8800 (The Safeguard Measures Act) and its implementing Rules and Regulations

The dispositive portion 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 third year of the final extension period of the definitive general safeguard measure on ceramic floor and wall tiles from various countries shall be reduced to P1.80/kg. The measure shall continue to be liberalized for the remaining period of the final extension 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 product 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 AND SOUTHERN AFRICA		WEST AFRICA	
Angola	Mozambique	Benin	Guinea
Botswana	Namibia	Burkina Faso	Guinea-Bissau
Burundi	Reunion	Cameroon	Liberia
Comoros	Rwanda	Cape Verde	Mali
Congo, Dem. Rep.	Seychelles	Central African Rep.	Mauritania
Djibouti	Somalia	Chad	Niger
Eritrea	South Africa	Congo, Rep.	Nigeria
Ethiopia	Sudan	Cote d'Ivoire	Sao Tome & Principe
Kenya	Swaziland	Equatorial Guinea	Senegal
Lesotho	Tanzania	Gabon	Sierra Leone
Madagascar	Uganda	Gambia, The	Togo
Malawi	Zambia		
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	
AMERICAS			
Anguilla	Dominican Rep.	Norfolk Is.	
Antigua and Barbuda	Ecuador	Panama	
Argentina	El Salvador	Paraguay	
Aruba	Falkland Islands (Malvinas)	Peru	
Bahamas	French Guiana	Puerto Rico	
Barbados	Granada	St. Helena	
Belize	Guadeloupe	St. Kitts & Nevis	
Bermuda	Guatemala	St. Lucia	
Bolivia	Guyana	St. Pierre & Miquelon	
British Virgin Is.	Haiti	St. Vincent and the Grenadines	
Cayman Islands	Honduras	Suriname	
Chile	Jamaica	Trinidad & Tobago	
Colombia	Martinique	Turks and Caicos Isl.	
Costa Rica	Mexico	Uruguay	
Cuba	Montserrat	US Virgin Is.	
Dominica	Netherlands Antilles	Venezuela	
	Nicaragua		
EUROPE & CENTRAL ASIA		MIDDLE EAST	EAST ASIA & PACIFIC
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 Latvia Lithuania Macedonia, FYR Malta Moldova Poland Romania Russian Federation Slovakia Slovenia Tajikistan Turkey Turkmenistan Ukraine Uzbekistan Yugoslavia, Fed. Rep.		Marshall Islands Micronesia, Fed. Sts. Midway Is. Mongolia Myanmar Nauru New Caledonia Niue Northern Marianas Island Palau Papua New Guinea Pitcairn Is. Samoa Singapore Solomon Islands Tokelau 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 Sections 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) newspapers 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.**

For your information and implementation

  
**ANGELITO A. ALVAREZ**  
 Commissioner

