



# BUREAU OF CUSTOMS

MAKABAGONG ADUANA, MATATAG NA EKONOMIYA



PROFESSIONALISM

INTEGRITY

ACCOUNTABILITY

17 March 2021

## CUSTOMS MEMORANDUM ORDER (CMO)

NO. 14-2021

### **SUBJECT: ORDER FROM THE DEPARTMENT OF TRADE AND INDUSTRY AMENDING DEPARTMENT ADMINISTRATIVE ORDER (DAO) NO. 20-11 ON THE PRELIMINARY DETERMINATION OF THE SAFEGUARD MEASURES CASE ON THE IMPORTATION OF MOTOR VEHICLES FROM VARIOUS COUNTRIES**

As provided under the Department of Trade and Industry (DTI) **DAO No. 21-01<sup>1</sup>**, series of 2021, dated 19 February 2021 and pursuant to the directive dated 15 March 2021 from the Secretary of Finance<sup>2</sup>, the Bureau hereby amends CMO No. 06-2021 to comply with Rule 8.8 of the Implementing Rules and Regulations of Republic Act No. 8800 and Article 9.1 of the World Trade Organization Agreement on Safeguards insofar as excluding from safeguard measures the importations of motor vehicles under AHTN Codes 8703 (Passenger Cars), 8704.21.19 and 8704.21.29 (Light Commercial Vehicles) originating from developing countries with de-minimis volume, quoted hereunder as follows:

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WHEREAS, the Department reviewed the aforementioned Annexes and noted that countries/economies generally considered as developing have certain qualities, such as low to lower middle income and have low, medium, to high human development;

WHEREAS, the Department also notes that many developed countries are members of an international organization comprised mainly of high-income economies such as the Organization for Economic Co-operation and Development;

**WHEREAS, in view of the foregoing, there is a need to amend the List of Developing Countries under Annexes A and B of DAO 20-11 taking into consideration the abovementioned attributes."**

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<sup>1</sup> Annex 1: DAO 21-01 (Series of 2021) entitled, "Amending DAO No. 20-11 on the Preliminary Determination of the Safeguard Measures Case on the Importation of Motor Vehicles from Various Countries (AHTN Codes 8703 (Passenger Cars), 8704.21.19 and 8704.21.29 (Light Commercial Vehicles) (Safeguard Measures Case No. SG01-2020)."

<sup>2</sup> Annex 2

Thus, Developing Countries and Separate Customs Territories listed in Annexes A and B of DAO No. 21-01<sup>3</sup> shall be exempt from the imposition of provisional safeguard duties on imported vehicles in the form of a cash bond.

All other provisions of CMO No. 06-2021 except as herein expressly modified, shall remain in full force and effect.

For records purposes, all District and Sub-Port Collectors, and all others concerned are directed to confirm the dissemination of this Order throughout your offices within five (5) days from receipt thereof.

This Order shall take effect immediately.



**REY LEONARDO B. GUERRERO**  
Commissioner **MAR 19 2021**



BOC-09-19535

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<sup>3</sup> DAO 21-02, *supra* note 1.

Department Administrative Order No. 21-01  
Series of 2021

**AMENDING DAO NO. 20-11 ON THE  
PRELIMINARY DETERMINATION OF THE  
SAFEGUARD MEASURES CASE ON THE  
IMPORTATION OF MOTOR VEHICLES  
FROM VARIOUS COUNTRIES  
(AHTN Codes 8703 (Passenger Cars),  
8704.21.19 and 8704.21.29  
(Light Commercial Vehicles)  
(Safeguard Measures Case No. SG01-2020)**

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### ORDER

WHEREAS, on 29 December 2020, The Department of Trade and Industry issued Administrative Order (DAO) 20-11 imposing provisional safeguard measures in the form of cash bonds amounting to ₱70,000/unit for passenger cars/vehicles classified under AHTN Code 8703 and ₱110,000/unit for light commercial vehicles classified under AHTN Codes 8704.21.19 and 8704.21.29 imported from various countries;

WHEREAS, Rule 8.8 of the Implementing Rules and Regulations of RA 8800 and Article 9.1 of the WTO Agreement on Safeguards excludes from safeguard measures imports originating from developing countries with de-minimis volume;

WHEREAS, Annexes A & B have been drawn up listing certain developing countries that meet the de-minimis import volume on subject motor vehicles as provided under the aforementioned WTO provision and the IRR of RA 8800;

WHEREAS, the Department reviewed the aforementioned Annexes and noted that countries/economies generally considered as developing have certain qualities, such as low to lower middle income and have low, medium, to high human development;

WHEREAS, the Department also notes that many developed countries are members of an international organization comprised mainly of high-income economies such as the Organization for Economic Co-operation and Development;

WHEREAS, in view of the foregoing, there is a need to amend the List of Developing Countries under Annexes A and B of DAO 20-11 taking into consideration the abovementioned attributes.

OFFICE OF THE SECRETARY

**NOW, THEREFORE**, Annexes A and B, List of Developing Countries from which imported motor vehicles subject of the provisional safeguard measures shall not be applied, of DAO 20-11 is hereby amended.

All other provisions of DAO No. 20-11 except as herein expressly modified, shall remain in full force and effect.

The Department Administrative Order can be accessed at the DTI website: <https://bit.ly/AmendedDAO11>

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 after fifteen (15) days from its publication or from the date of the issuance of relevant BOC-CMO, whichever comes earlier.

SO ORDERED.

19 February 2021

  
RAMON M. LOPEZ  
Secretary

## ANNEX A

### List of Developing Countries and Separate Customs Territories from Which the Provisional Safeguard Duties on Passenger Cars Shall Not be Applied

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 Georgia Greenland Kazakhstan Kyrgyz Republic Macedonia, FYR Malta Moldova Romania Russian Federation Tajikistan Turkey Turkmenistan Ukraine Uzbekistan Yugoslavia, Fed. Rep.	Bahrain Iran, Islamic Rep. Iraq 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. 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 Chinese Taipei Christmas Is. Cocos (Keeling) Is. Cook Is. Fiji French Polynesia Guam Hong Kong, China Johnston Is. Kiribati Korea, Dem. Rep. Lao PDR Macau, China Malaysia 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 Tokelau Tonga Tuvalu Vanuatu Viet Nam Wake Is. Wallis & Futuna Is.

ANNEX B

List of Developing Countries and Separate Customs Territories from Which the Provisional Safeguard Duties on Light Commercial Vehicles Shall Not be Applied

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	Jordan	Aruba	Chinese Taipei
Bosnia & Herzegovina	Kuwait	Bahamas	Christmas Is.
Bulgaria	Lebanon	Barbados	Cocos (Keeling) Is.
Croatia	Oman	Belize	Cook Is.
Cyprus	Qatar	Bermuda	Fiji
Georgia	Saudi Arabia	Bolivia	French Polynesia
Greenland	Syrian Arab Rep.	Brazil	Guam
Kazakhstan	United Arab Emirates	British Virgin Is.	Hong Kong, China
Kyrgyz Republic	West Bank & Gaza	Cayman Is.	Indonesia
Macedonia, FYR	Yemen, Rep.	Colombia	Johnston Is.
Malta		Costa Rica	Kiribati
Moldova		Cuba	Korea, Dem. Rep.
Romania		Dominica	Lao PDR
Russian Federation		Dominican Rep.	Macau, China
Tajikistan		Ecuador	Malaysia
Turkey		El Salvador	Marshall Islands
Turkmenistan		Falkland Is. (Malvinas)	Micronesia, Fed. Sts.
Ukraine		French Guiana	Midway Is.
Uzbekistan		Grenada	Mongolia
Yugoslavia, Fed. Rep.		Guadeloupe	Myanmar
		Guatemala	Nauru
		Guyana	New Caledonia
		Haiti	Niue
		Honduras	Northern Marianas Is.
		Jamaica	Palau
		Martinique	Papua New Guinea
		Mexico	People's Republic of China
		Montserrat	Pitcairn Is.
		Netherland Antilles	Samoa
		Nicaragua	Singapore
		Norfolk Is.	Solomon Islands
		Panama	Tokelau
		Paraguay	Tonga
		Peru	Tuvalu
		Puerto Rico	Vanuatu
		St. Helena	Viet Nam
		St. Kitts & Nevis	Wake Is.
		St. Lucia	Wallis & Futuna Is.
		St. Pierre & Miquelon	
		St. Vincent & the Grenadines	
		Suriname	
		Trinidad & Tobago	
		Turks & Caicos Is.	
		Uruguay	
		US Virgin Is.	
		Venezuela	