



REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF FINANCE
BUREAU OF CUSTOMS
Manila

01 September 2011

CUSTOMS MEMORANDUM ORDER
NO. 32-2011

TO: All Deputy Commissioners
All District/Port Collectors
Service/Division/Section Chiefs
All Others Concerned

SUBJECT: IMPOSITION OF SAFEGUARD DUTY ON IMPORTED
STEEL ANGLE BARS FROM VARIOUS COUNTRIES

Attached herewith and deemed as part and parcel of this Memorandum Order is a copy of the ORDER dated 19 April 2010, consisting of two (2) pages plus a List of Developing Countries and Separate Customs Territories Excluded from the Imposition of Definitive Safeguard Measure on Steel Angle Bar (Annex "A"), issued by the Honorable Secretary, Department of Trade and Industry, entitled "IN THE MATTER OF THE REDUCTION OF THE DEFINITIVE GENERAL SAFEGUARD MEASURE AGAINST THE IMPORTATION OF STEEL ANGLE BARS FROM VARIOUS COUNTRIES".

In compliance thereto, the following regulations shall govern the imposition of the definitive general safeguard measure on imported steel angle bars, to wit:

A. ADMINISTRATIVE PROVISIONS

1. The amount of the definitive general safeguard measure for the second year of the implementation period shall be reduced by one-third (1/3). Thus, a definitive general safeguard duty of P5,133.00/MT shall be imposed for the second year of the implementation period.
2. Unequal leg angle bars are included since they have the same application and are directly competitive to domestically produced products. However, marine grade steel angle bars are excluded from the imposition of the definitive general safeguard measure.

3. Section 15(3) of RA 8800 provides further that "an action described in Section 13(a), (b), or (c) that has an effective period of more than one (1) year shall be phased down at regular intervals within the period in which the action is in effect." Thus, the measure shall continue to be liberalized annually for the duration of the implementation 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.
4. 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 countries and separate customs territories listed in Annex "A" are therefore excluded from the imposition of the definitive general safeguard measure on steel angle bars. 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 the DTI during the implementation period.
5. Importers of steel angle bars originating from a country that is exempt from the safeguard duty shall submit a Certificate of Country of Origin (CO) issued by the authorized agency/office in the source country of manufacture authenticated by the Philippine Embassy/Consulate thereof.
6. 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 6 and 8 of the Agreement on the CEPT scheme.
7. The application of the definitive general safeguard measure shall be monitored and reviewed in accordance with Section 15 and 16 of RA 8800. Applicant steel angle bar industry is also directed to comply with its adjustment plan.

B. EFFECTIVITY –

This Order shall take effect immediately.


ANGELITO A. ALVAREZ
Commissioner





ANNEX "A"
RATS-BOC

24 August 2011

HONORABLE CESAR V. PURISIMA
Secretary
Department of Finance
6th Floor, DOF Building
BSP Complex, Roxas Blvd.
Manila

A

BUREAU OF CUSTOMS
Office of the Commissioner
Revenue Operations Group
11-11677

Attn : Undersecretary Carlo A. Carag
Revenue Operations Group

Dear **Secretary Purisima**:

We are following-up the issuance of the Customs Memorandum Order (CMO) for the imposition of the safeguard duty on imported steel angle bars from various countries in the amount of ₱5,133.00/MT for the second year of the three-year implementation period.

Attached for your reference are a) DTI letter and Order of 19 April 2010 and b) follow-up letter of 17 April 2011 to Commissioner Angelito A. Alvarez relevant to the implementation of the said Order.

Thank you very much.

Very truly yours,

ATTY. LUIS M. CATIBAYAN
Director

cc: Commissioner Angelito A. Alvarez
Bureau of Customs

2607-2011
REVENUE OPERATIONS GROUP
BY: M. Rebell
DATE: 8-31-11
TIME: 2:30 pm

File: 201108-000

ANNEX "B"
RATS-BOC

19 April 2010

B

SECRETARY MARGARITO B. TEVES

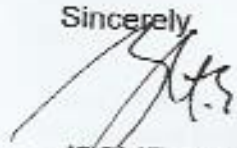
Department of Finance
6th Floor, Executive Tower Building
BSP Complex, Manila

Dear **Secretary Teves**:

As mandated under Section 15 (3) of RA 8800, The Safeguard Measures Act and its Implementing Rules and Regulations (IRR), the DTI Secretary issued an Order on 19 April 2010 reducing the definitive general safeguard measures on imported steel angle bars from various countries for the second year of the three-year implementation period. The definitive general safeguard measure shall be in the amount of ₱ 5,133.00/MT. The measure shall be subject to an annual review during the remaining year of the implementation period. The measure shall take effect upon the issuance of the relevant Customs Memorandum Order or fifteen (15) days after the publication of the Order in two (2) newspapers of general circulation whichever comes earlier.

Pursuant to Rule 13.3.a of the IRR of RA 8800, we are requesting you to direct the Commissioner of Customs to collect the appropriate amount of the definitive general safeguard duty on the importation of steel angle bars covered by the said DTI Order.

Sincerely,



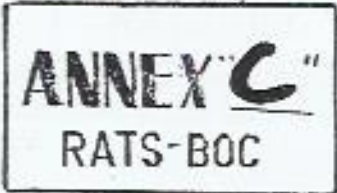
JESLIE A. LAPUS
Secretary
TEL

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

APR 29 2010

BUREAU OF CUSTOMS

BUREAU OF CUSTOMS
Office of the Commissioner
Imposing Duties &
10-08711



IN THE MATTER OF THE REDUCTION OF THE DEFINITIVE GENERAL SAFEGUARD MEASURE AGAINST THE IMPORTATION OF STEEL ANGLE BARS FROM VARIOUS COUNTRIES

(HS Heading No. 7216.2100 (2007 AHTN Subheading No. 7216.2100); 7216.5011 (2007 AHTN Subheading No. 7216.5010); and 7216.5091 (2007 AHTN Subheading No. 7216.5010))
(Safeguard Formal Investigation No. 01-2009)

**Philippine Steel Angle Bar Industry
Petitioner**

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ORDER

On 27 July 2009, the Secretary of the Department of Trade and Industry (DTI) issued an Order implementing the general safeguard measure against the importation of steel angle bars from various countries. Based on the Tariff Commission's (TC) recommendation, a definitive safeguard duty in the amount of ₱7,700.00/MT was imposed for the first year of the implementation period. On 30 September 2009, the Bureau of Customs (BOC) issued Customs Memorandum Order (CMO) No. 42-2009 to implement the DTI Order. The Order, likewise, provides that the safeguard duty for the second and third year of the three-year implementation period will be subject to an annual review as provided under Rule 15.6 of the IRR of RA 8800.

On 26 January 2010, DTI notified the domestic industry, importers, exporters and other concerned parties of the commencement of the annual review to determine the appropriate amount of the safeguard measure for the second year of the implementation period and requested them to submit their positions. Responses were received from the Embassy of the Republic of Singapore, Association of Structural Engineers of the Philippines, Inc. (ASEP), Metals Industry Research and Development Center (MIRDC), Bureau of Research and Standards and Steelco Pacific Trading Ltd.

The DTI evaluated the performance of the domestic industry for 2009 as well as the status of their compliance to their commitments in their adjustment plans.

The DTI also reviewed the movement in prices of both locally produced and imported steel angle bars as well as the import trends for 2009. During the period under consideration, People's Republic of China (PROC) accounted for the biggest share equivalent to 74.28% of total imports of steel angle bars, followed by Chinese Taipei at 22.73%. Imports from these two (2) countries already accounted for about 97% of total Philippine imports in 2009.

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

1. The amount of the definitive general safeguard measure for the second year of the implementation period shall be reduced by one-third (1/3). Thus, a definitive general safeguard duty of ₱5,133.00/MT shall be imposed for the second year of the implementation period.

2. Unequal leg angle bars are included since they have the same application and are directly competitive to domestically produced products. However, marine grade steel angle bars are excluded from the imposition of the definitive general safeguard measure.
3. Section 15(3) of RA 8800 provides further that "an action described in Section 13(a), (b) or (c) that has an effective period of more than one (1) year shall be phased down at regular intervals within the period in which the action is in effect". Thus, the measure shall continue to be liberalized annually for the duration of the implementation 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.
4. 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 countries and separate customs territories listed in Annex A are therefore excluded from the imposition of the definitive general safeguard measure on steel angle bars. 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 the DTI during the implementation period.

Importers of steel angle bars originating from a country that is exempt from the safeguard duty, shall submit a Certificate of Country of Origin (CO) issued by the authorized agency/office in the source country of manufacture authenticated by the Philippine Embassy/Consulate thereat.

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 6 and 8 of the Agreement on the CEPT Scheme.

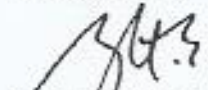
The application of the definitive general safeguard measure shall be monitored and reviewed in accordance with Sections 15 and 16 of RA 8800. Applicant steel angle bar industry is also directed to comply with its adjustment plan.

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.

19 April 2010

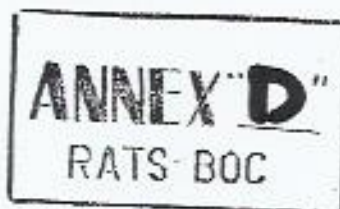

JESLI A. LAPUS
Secretary

ANNEX A

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

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	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	Hong Kong, China
Georgia	Syrian Arab Rep.	British Virgin Is.	Indonesia
Greenland	United Arab Emirates	Cayman Is.	Johnston Is.
Hungary	West Bank & Gaza	Chile	Kiribati
Kazakhstan	Yemen, Rep.	Colombia	Korea, Dem. Rep.
Kyrgyz Republic		Costa Rica	Korea, Rep.
Latvia		Cuba	Lao PDR
Lithuania		Dominica	Macao, China
Macedonia, FYR		Dominican Rep.	Malaysia
Malta		Ecuador	Marshall Islands
Moldova		El Salvador	Micronesia, Fed. Sts.
Poland		Falkland Is. (Malvinas)	Midway Is.
Romania		French Guiana	Mongolia
Russian Federation		Grenada	Myanmar
Slovakia		Guadeloupe	Nauru
Slovenia		Guatemala	New Caledonia
Tajikistan			Niue
Turkey		Haiti	Northern Marianas Is.
Turkmenistan		Honduras	Palau
Ukraine		Jamaica	Pitcairn Is.
Uzbekistan		Martinique	Papua New Guinea
Yugoslavia, Fed. Rep.		Mexico	Samoa
		Montserrat	Singapore
		Netherlands Antilles	Solomon Islands
		Nicaragua	Thailand
		Norfolk Is.	Tokelau
		Panama	Tonga
		Paraguay	Tuvalu
		Peru	Vanuatu
		Puerto Rico	Vietnam
		St. Helena	Wake Is.
		St. Kitts & Nevis	Wallis & Futuna Is.
		St. Lucia	
		St. Pierre & Miquelon	
		St. Vincent & the Grenadines	
		Suriname	
		Trinidad & Tobago	
		Turks & Caicos Is.	
		Uruguay	
		US Virgin Is.	
		Venezuela	



17 January 2011

-VCO
1/27/11

D

Commissioner Angelito A. Alvarez
Office of the Commissioner
Ground Floor OCOM Bldg.
Bureau of Customs
Port Area, Manila

Dear **Comm. Alvarez**:

We are following-up the issuance of the Customs Memorandum Order (CMO) for the imposition of the safeguard duty on imported steel angle bars from various countries in the amount of ₱ 5,133.00/MT for the second year of the three-year implementation period.

Pursuant to the Implementing Rules and Regulations of RA 8800 (Safeguard Measures Act) specifically Rule 13.3(b) thereof, provides that *"It shall be mandatory for the Commissioner of Customs to issue within three (3) calendar days from receipt of the Order of the Secretary of Finance, an instruction to the Collector of Customs to proceed with the final appraisement of the product under consideration. It shall also be mandatory for the Collector of Customs to immediately implement the instructions of the Customs Commissioner upon receipt thereof. xxx"*.

Attached for your reference is the DTI letter and Order of 19 April 2010 relevant to this matter.

Thank you very much.

Very truly yours,

ATTY. LUIS M. CATIBAYAN
Director

cc: **DOF Undersecretary Carlo A. Carag**
Revenue Operations Group

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