

MODIFYING THE RATES OF IMPORT DUTY ON SUGAR PRODUCTS AS PROVIDED FOR UNDER THE TARIFF AND CUSTOMS CODE OF 1978, AS AMENDED IN ORDER TO IMPLEMENT THE TARIFF REDUCTION SCHEDULE ON...

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WHEREAS, the Protocol to Provide Special Consideration for Rice and Sugar (Protocol) signed during the 21st AFTA Council Meeting on 23 August 2007 in Makati, Philippines, allows an ASEAN Member State to, under exceptional cases, request for waiver from the obligations imposed under the CEPT Agreement and its related protocols with regard to rice and sugar;

WHEREAS, during the 23rd AFTA Council Meeting on 13 August 2009 in Bangkok, Thailand, the Philippines confirmed her intention to invoke the Protocol for sugar products;

WHEREAS, the Philippines submitted her official notification to the AFTA Council to invoke the Protocol in a letter dated 21 September 2009;

WHEREAS, the AFTA Council endorsed the Philippines' request for waiver of CEPT/ATIGA commitments on sugar products through the invocation of the Protocol on 21 May 2010;

WHEREAS, the NEDA Board during its meeting on 25 May 2010 approved the tariff reduction schedule on sugar products;

WHEREAS, Section 402 of the Tariff and Customs Code of 1978 (Presidential Decree No. 1464), as amended, empowers the President of the Republic of the Philippines, upon the recommendation of the National Economic and Development Authority, to modify import duties for the promotion of foreign trade;

NOW, THEREFORE, I, GLORIA MACAPAGAL ARROYO, President of the Republic of the Philippines, pursuant to the powers vested in me under Section 402 of the Tariff and Customs Code of 1978, as amended, do hereby order:

SECTION 1. The articles specifically listed in the Annex[*] (Philippines' Commitment on Sugar Products through the Invocation of the Protocol to Provide Special Consideration for Rice and Sugar under the CEPT-AFTA/ATIGA) hereof, as classified under Section 104 of the Tariff and Customs Code of 1978, as amended, shall be subject to the CEPT- AFTA/ATIGA rates in accordance with the schedule indicated in Columns 4 to 9 of said Annex. The CEPT-AFTA/ATIGA rates so indicated shall be accorded to imports coming from ASEAN Member States applying CEPT concessions to the same products.

SECTION 2. The tariff rates listed in the Annex are in accordance with the obligations under Articles 19 (Reduction or Elimination of Import Duties) and 21 (Issuance of Legal Enactments) of the ATIGA.

SECTION 3. From the date of effectivity of this Executive Order, all articles listed in the Annex which are entered or withdrawn from warehouses in the Philippines for consumption shall be imposed the rates of duty therein prescribed subject to compliance with the Rules of Origin as provided for in the Agreement on the CEPT Scheme for the AFTA as amended/ATIGA.

SECTION 4. Nothing in this Executive Order shall preclude the Philippines from invoking its right of recourse to all trade remedy measures provided for in its law, this Agreement and relevant international agreements as an effective device against import surges.

SECTION 5. The provisions of this Executive Order are hereby declared separable and in the event any of such provisions is declared invalid or unconstitutional, the other provisions, which are not affected thereby, remain in force and effect.

SECTION 6. All presidential issuances, administrative rules and regulations, or parts thereof, which are inconsistent with this Executive Order are hereby revoked or modified accordingly.

SECTION 7. This Executive Order shall take effect fifteen (15) days following its complete publication in the Official Gazette or in a national newspaper of general circulation.

(SGD.) GLORIA M. ARROYO

By the President:

(SGD.) LEANDRO R. MENDOZA

Executive Secretary

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