SIMPLIFICATION OF WAIVER PROCEDURE UNDER EXECUTIVE ORDER NO. 769 ON CARGO SHARING

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Effective immediately the processing of waiver application under Executive Order No. 769 is hereby simplified as follows:

1. The Exporter/parties applying for waiver to load on third-flag vessel on any of the legal valid grounds for issuance of waivers, need not accomplish the application form. In lieu thereof, a copy of any of the relevant documents used to accompany the applications maybe submitted:

a. A certified true copy of the Export Declaration/Export Permit, or in case of import, a certified true copy of the letter of credit, or relevant import documents to be the basis of the processing of waivers; or

b. A certified true copy of the letter of credit if waiver is based on the ground that the buyer nominated the carrier; in case of FOB export, the exclusive and specific nomination of the carrier by the buyer of the export shipments.

2. In case of incompleteness of information or failure of any of the foregoing documents to indicate the requisite information needed to determine the 40-40-20 cargo sharing, or cargo throughout, of the participating lines in the RP-US liner trade, then the applicant shall supply the information on value; volume expressed in revenue ton; and freight cost of the shipment applied for, before the waiver is processed.

3. For cargoes requiring special kind of container van or special care of handling, like refrigerated container, a copy of the relevant packing list shall be submitted, showing the contents of the shipment.

Pursuant to existing working arrangement with the Bureau of Customs (Export Coordination Division), the said agency will not issue the corresponding authority to load on board cross-traders for liner cargoe from Philippine ports to the United States of America unless the prescribed waiver has been obtained from this Office.

Third-flag vessels loading export liner cargoes destined for the U.S. without the necessary waivers shall be guilty of a violation of the Rules and Regulations Implementing E.O. No. 769 and shall be subject to the penalty equivalent to the ocean freight.

For the information and guidance of all concerned.

Adopted: 5 May 1983

(SGD.) VICTORINO S. BASCO
Administrator

(SGD.) JOSE P. DANS, JR.
Minister of Transportation and Communication

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