NATIONAL ADMINISTRATIVE REGISTER · JUNE 18, 2010

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

OP EXECUTIVE ORDER NO. 894, S. 2010, June 18, 2010

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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, the Philippines submitted her official notification to invoke the Protocol to the AFTA Council on 24 September 2007;

WHEREAS, during the 22nd AFTA Council Meeting on 26 August 2008 in Singapore, all ASEAN Member States agreed to grant the waiver to the Philippines and requested the Philippines to submit her concrete tariff reduction schedule on rice, including the end-rate and end-date;

WHEREAS, during the 23rd AFTA Council Meeting on 13 August 2009 in Bangkok, Thailand, the Philippines submitted her proposed tariff reduction modality of 40% from 2009 until 2014 and 35% in 2015;

WHEREAS, the Memorandum of Understanding between the Republic of the Philippines and the Kingdom of Thailand was signed on 08 April 2010 in Hanoi, Vietnam;

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

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 Rice 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 6 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.

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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

[*]Text Available at Office of the National Administrative Register, U.P. Law Complex, Diliman,Quezon City.

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