GRANTING AUTHORITY TO THE SUGAR REGULATORY ADMINISTRATION TO FACILITATE THE IMPORTATION OF 154,453 METRIC TONS OF RAW SUGAR IN 1998 AT THE APPLICABLE TARIFF FOR THE IMPORTATION

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WHEREAS, as a consequence of the flat production, increasing demand, and the expected delay in the harvest of the coming sugar crop due to the effects of the El Niño phenomenon, there will be a shortfall in the supply of sugar of about 200,000 metric tons (MT) by the end of the current crop year;

WHEREAS, due to the anticipated sugar shortage, it is of national interest to import sugar to meet the demand of the domestic sugar market, without causing injury to producers and consumers;

WHEREAS, the Sugar Regulatory Administration (SRA) has consulted sugar planters/producers on the extent of the actual shortage;

WHEREAS, the 1998 minimum access volume (MAV) of 45,547 MT was allocated by the MAV Management Committee in July and will be imported by MAV licensees before the end of August;

WHEREAS, the President issued a memorandum dated 3 August 1998 authorizing the Department of Agriculture to cause the importation of 154, 453 MT of raw sugar at the allowable rates under Executive Order No. 313 dated 29 March 1998;

WHEREAS, the SRA, while is not mandated to engage in sugar trading, has the expertise of facilitating the importation of sugar on behalf of private sector importers;

NOW, THEREFORE, I, WILLIAM DOLLENTE DAR, Acting Secretary of the Department of Agriculture, by virtue of the powers vested in me, do hereby order the following:

Section 1. The SRA is granted authority to facilitate the importation by the private sector of 154,253 MT of raw sugar. Provided that if the 1998 MAV Plus is approved, the importation should arrive not later than the end of August 1998.

Section 2. The SRA is further authorized to make available its services, manpower, and facilities for the said importation.

Section 3. The importation shall be purely private sector initiative and funding shall be arranged by the private sector importers. The SRA's role shall include, but not limited to, coordination and supervision of the tender for the importation of the sugar.

Section 4. The guidelines and mechanics for the sugar importation and subsequent distribution of the imported raw sugar shall be as follows:

4.1 The importation shall be supervised by and coordinated with the SRA.

4.2 The importation shall be announced immediately and process for bidding and/or negotiation shall follow, the

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details of which shall be reported to the SRA.

4.3 The sugar importation shall be in standard raw form.

4.4 Based on their respective allocation, the planters' federation will enter into contract with its supplier and buyer. The planters' federations and its supplier and buyer shall submit to the SRA the details of the importation for SRA clearance.

4.5 The SRA shall issue the importation clearance after full payment of the sugar liens mentioned in 4.8 hereof.

4.6 Deliveries of the 154,453 metric tons shall be effected not later than August 31, 1998. The SRA shall allow two (2) ports discharge with one (1) port having two (2) berths.

4.7 The imported sugar shall be distributed through national aggrupations by the SRA on a pro-rated basis per SRA historical records. The national sugar planters federations are: (a) United Sugar Producers' Federation [UNIFED]; (b) Confederation of Sugar Producers' Association, Inc. [CONFED]; (c) National Federation of Sugarcane Planters, Inc. [NFSP]; and (d) Panay Federation of Sugarcane Farmers, Inc. [PANAYFED].

No affiliated producers shall be pro-rated in accordance with aggrupation percentages.

4.8 Liens shall be collected on the imported sugar. Following are the details: (a) Philippine Sugar Research Institute [Philsurin] — P 2.00/Lkg; (b) SRA Processing Fee — P 4.55/Lkg; (c) Sugar Industry Foundation Incorporated [SIFI of Sugar Workers Fund] — P 4.75/Lkg; (d) Sugar Marketing Development Fund [SDMF] — P 6.00/lkg; (e) Producers-Distributors Margin – P 20.00/Lkg.

4.9 Payment Irrevocable L/C to be opened by the designated buyers of the aggrupations officially accredited by the SRA within forty-eight (48) hours of awarding.

4.10 Discharge shall be 750 MT per weather working day. Sundays and holidays excluded even if used. Demurrage/dispatch at Standard Charter Party Rates.

4.11 Insurance shall be for account of the buyer.

4.12 A US $1/ton penalty per day for each day of delay in the arrival of the vessel shall be charged to the seller. In either case, no more than fifteen (15) days delay shall be allowed.

Section 5. The importation of the 154,453 MT of raw sugar covered by this Order to shall be levied the applicable tariff rates which are as follows: (1) 65% if the importation is from ASEAN countries, and (2) 80% if the importation is sourced from non-ASEAN countries.

Section 6. The provisions of other rules and regulations which are inconsistent with this Order are hereby superseded for 1998.

Section 7. This Order shall take effect immediately.

Adopted: 04 Aug. 1998

(SGD.) WILLIAM D. DAR
Acting Secretary

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