

MODIFYING THE RATES OF DUTY ON CERTAIN IMPORTED ARTICLES AS PROVIDED FOR UNDER THE TARIFF AND CUSTOMS CODE OF 1978. AS AMENDED, IN ORDER TO IMPLEMENT THE TRANSFER OF THE LAST TR...

EXECUTIVE ORDER NO. 263, December 30, 2003

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WHEREAS, the Governments of Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, Lao People's Democratic Republic, Malaysia, Union of Myanmar, the Republic of the Philippines, the Republic of Singapore, the Kingdom of Thailand and the Socialist Republic of Viet Nam, signed the Protocol on the Special Arrangement for Sensitive and Highly Sensitive Products on 30 September 1999;

WHEREAS, Member States (i.e., Brunei Darussalam, Indonesia, Malaysia, the Philippines, Singapore and Thailand) phased-in sensitive products to the CEPT Scheme beginning on 01 January 2001 with flexibility but no later than 01 January 2003 and shall complete the phasing-in by 01 January 2010;

WHEREAS, Article III of the Protocol provides that the beginning rate shall be the applied rate and the ending tariff rates shall be 0-5%;

WHEREAS, on 5 November 2001, the NEDA Board approved the 2001-2010 Philippine CEPT Schedule for sensitive agricultural products;

WHEREAS, on 9 December 2003, the NEDA Board confirmed the phasing-in of 44 sensitive agricultural products to the CEPT-IL in 2003 and approved the modification of the CEPT rate on oil cake and other residues of maize (corn) germ, sodium tripolyphosphates and cassava starch, respectively;

WHEREAS, Section 402 of the Tariff and Customs Code of 1978 (Presidential Decree No. 1464), as amended empowers the President, upon the recommendation of the National Economic and Development Authority, to increase, reduce or remove existing protective rates of import duty, as well as to modify the form of duty.

NOW, THEREFORE, I, GLORIA MACAPAGAL ARROYO, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. The articles specifically listed in Annex "A[*]" hereof (Sensitive Agricultural Products Granted Concession under the CEPT for the AFTA), as classified under Section 104 of the Tariff and Customs Code of 1978, as amended, shall be subject to the ASEAN CEPT rate in accordance with the year 2003-2005 schedule indicated in Columns 4-6 of Annex "A". The ASEAN CEPT rates so indicated shall be accorded to imports coming from ASEAN Member States applying CEPT concession to the same product pursuant to Article 4 of the CEPT Agreement and its Interpretative Notes.

SECTION 2. The articles specifically listed in Annex "B"[*] hereof (Articles Granted Concessions under the CEPT for the AFTA), as classified under Section 104 of the Tariff and Customs Code of 1978, as amended, shall be subject to the ASEAN CEPT rate indicated in Column 4 of Annex "B". The ASEAN CEPT rates so indicated shall be accorded to imports coming from ASEAN Member States applying CEPT concession to the same product pursuant to Article 4 of the CEPT Agreement and its Interpretative Notes.

SECTION 3. In the event that any subsequent changes are made in the basic (Most Favored Nation) Philippine rate of duty on any of the articles listed in Annexes "A" and "B" to a rate lower than the rate prescribed in Columns 4-6 of Annex "A" and Column 4 of Annex "B", such articles shall automatically be accorded the corresponding reduced duty.

SECTION 4. From the date of effectivity of this Order, all articles listed in Annexes "A and "B" entered or withdrawn from warehouses in the Philippines for consumption shall be imposed the rates of duty therein prescribed subject to qualification under the Rules of Origin as provided for in the Agreement on the CEPT Scheme for the AFTA signed on 28 January 1992.

SECTION 5. All Presidential issuances, administrative rules and regulations, or parts thereof, which are contrary or inconsistent with this Executive Order are hereby repealed or modified accordingly.

This Executive Order shall take effect immediately following its complete publication in two (2) newspapers of general circulation in the Philippines.

Adopted: 30 Dec. 2003

By the President:

(SGD.) AVELINO J. CRUZ, JR.

Acting Executive Secretary

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

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