MODIFYING THE RATES OF DUTY ON CERTAIN IMPORTED ARTICLES AS PROVIDED UNDER THE TARIFF AND CUSTOMS CODE OF 1978, AS AMENDED, IN ORDER TO IMPLEMENT THE MINIMUM NINETY PER CENTUM (...

EXECUTIVE ORDER NO. 153, January 25, 1994

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WHEREAS, the Philippine is a Contracting Party to the Revised Basic Agreement on ASEAN Industrial Joint Ventures (BAAIJV) signed in Manila on 15 December 1987;

WHEREAS, the Philippines, along with Brunei Darussalam, Indonesia, Malaysia, Singapore, and Thailand, is a participating country in the approved NESTLE ASEAN Industrial Joint Venture Projects;

WHEREAS, in accordance with the Revised BAAIJV, all participating countries shall extend a minimum ninety percent (90%) Margin of Preference (MOP) to new AIJV products within 90 days of their commercial production;

WHEREAS, the commercial production of non-dairy creamer by Nestle ASEAN THAILAND, Ltd. started in November 1993; that of “Smarties” chocolate dragees and “Kitkat” chocolate wafers by Nestle ASEAN (Malaysia) Sdn. Bhd. in December 1993; and that of Soya-based milk powder by P.T. Nestle ASEAN INDONESIA will start in January 1994;

NOW, THEREFORE, I, FIDEL V. RAMOS, President 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 Annex “A” as classified under Section 104 of the Tariff and Customs Code of 1978, as amended, shall be accorded a minimum ninety per centum (90%) MOP as specified in column 8 of said Annex “A”. In effect, such articles shall be subject to the AIJV Preferential Tariff in accordance with the schedule indicated opposite each article as specified in columns 9, 10, 11, and 13 of Annex “A”.

SEC. 2. The MOP herein provided on non-dairy creamer shall be accorded to the AIJV entity in Thailand effective from 1 November 1993 up to 1 November 1997; that on chocolate dragees and chocolate wafers shall be accorded to the AIJV entity in Malaysia effective from 1 December 1993 up to 1 December 1997; and that on soya-based milk powder shall be accorded to the AIJV entity in Indonesia effective from 1 January 1994 to 1 January 1998. As provided under Article III, paragraphs 3 (c) and (d) of the Revised, BAAIJV, the participating countries shall waive their rights under Chapter II, Article 8, paragraph 2 of the ASEAN PTA for the first four (4) years in respect of entities which are not AIJVs but produce the same products within their countries. However, such entities in the participating countries which are not AIJVs but produce the same products shall enjoy the same MOP after the waiver period of four (4) years.

SEC. 3. The minimum ninety per centum (90%) MOP accorded under this Executive Order to the accredited AIJV entities in Thailand, Malaysia, And Indonesia shall remain effective irrespective of any subsequent change in the basic Philippine rate of duty on the above-mentioned articles.

SEC. 4. After the effectivity of this Executive Order, all the above-described articles entered or withdrawn from

warehouses in the Philippines for consumption shall be subject to qualification under the Rules of Origin as prescribed in the Agreement on ASEAN Preferential Trading Arrangements ratified on 1 August 1977.

SEC. 5. This Executive Order shall take effect immediately.

DONE in the City of Manila, this 25th day of January in the year of Our Lord, nineteen hundred and ninety-four.

(Sgd.) FIDEL V. RAMOS
President of the Philippines

By the President:

(Sgd.) TEOFISTO T. GUINGONA, JR.
Executive Secretary

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