

RULES ON SHIPMENT OF "A" EXPORT SUGAR TO THE UNITED STATES OF AMERICA

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Pursuant to the powers vested in the Sugar Regulatory Administration (SRA), the following rules to be observed and complied with in the exportation of "A" Export sugar to the United States of America during any calendar year/quota period are hereby issued:

SECTION 1. U.S. Sugar Quotas - Regular and additional sugar quotas granted by the United States of America to the Philippines shall be filled in accordance with shipping schedules prescribed by the United States Department of Agriculture and the procedures provided in this Sugar Order.

SECTION 2. Sugar Exporters - Any sugar producer or trader duly registered with the SRA as a sugar trader during the crop year, referred to herein as Sugar Exporter, may export sugar to the United States of America during any calendar year/quota period upon compliance with the provisions of this Sugar Order.

During any of the prescribed shipping schedules, any sugar exporter who has ready "A" sugar shall apply with the SRA submitting all the requirements provided herein. The Application shall be approved upon compliance with the provisions of this Sugar Order.

The allocation/booked tonnage of a sugar exporter shall be non-transferable. Where a sugar exporter is short of his allocation/tonnage or the same is discontinued, such shortage shall be reallocated by the SRA.

SECTION 3. Application, other documents - The sugar exporter shall submit to the SRA, North Avenue, Diliman, Quezon City (a) an Application for Shipment of "A" Sugar (see Annex "A") * (b) the Quedan-Permits covering said sugar and listings thereof for verification, and (c) an Affidavit stating his ownership of the sugar (see Annex "B").

Upon approval of the application, the Applicant will be notified thereof and shall be required to submit a document relative to his allocation/booked tonnage, which shall state the following information: (a) Quota to be Filled, (e.g., if quarterly, as 1st, 2nd, etc.), (b) Quantity to be Shipped, in metric tons and LKg, (c) FOB Value, in U.S. Dollars, (d) Consignee, (e) Party to be Notified, (f) Name of Vessel, (g) Port of Loading, (h) Date of Loading, (i) Date of Departure, and (j) Destination. Said document shall be supported by a copy of the Applicant's Export Declaration.

SECTION 4. Priority of Sugar to be Exported - Unshipped "A" sugar of a previous crop year is hereby granted priority status in the filling of the quota during the current crop year.

In the filling of any quarterly quota, quedanned sugar of the current crop year shall have first priority. Advanced-swapped sugar, when authorized, may be availed of as a second priority where no sugar of the current crop year is readily available and only when a reasonable undertaking for repayment thereof is made.

SECTION 5. Priority for Sugar Exporters - The SRA shall determine which Application shall be granted clearance for shipment of sugar during any period in accordance with the following: (a) priority under Section 4, above, (b) priority on a first-come first-served basis and should there be more sugar at hand to fill the quota at any

given period, any excess sugar over said quota shall be spilled over to the next succeeding quarter provided, however, that should this happen in the last quarter, any excess sugar shall be prorated by the SRA.

SECTION 6. Withdrawal of "A" sugar - "A" sugar shall be withdrawn from the mill warehouses only upon surrender of the corresponding quedan-permits and certificate of clearance (withdrawal) issued by the SRA.

SECTION 7. Ports of Loading - "A" sugar withdrawn under Section 6, above, shall be transported directly to and loaded on vessels in the port of loading indicated in the Export Clearance issued by the SRA.

SECTION 8. Transshipment of "A" Sugar - Where it is necessary to transfer "A" sugar to a bulk sugar terminal prior to final shipment, such transfer may be allowed by the SRA upon application by the sugar exporter for which certificate of clearance (inloading/outloading) are issued therefor, provided that the "A" sugar is withdrawn from the mill warehouse in accordance with Section 6 hereof and provided, further, that the bulk sugar terminal shall submit to the SRA two written reports, the first on the inloaded sugar within seven days from date of the clearance to inload and the second on the outloaded sugar within 15 days after departure of the vessel for its foreign port of destination.

SECTION 9. Swapping of Sugar - To facilitate movement of sugar from mill warehouses to loading ports, swapping or exchange of "A" sugar with an equal quantity "B" Domestic sugar, or any other class of sugar may be allowed upon to and approval by the SRA.

SECTION 10. Sanctions - In the event that the U.S. sugar quota could not be filled in accordance with the schedules of shipment on account of speculative practices by holders of "A" sugar quedan-permits or in any other instance, thereby prejudicing the national interest, the SRA shall take such steps and impose such sanctions as may be necessary to insure the filling of the said quota.

SECTION 11. Final Report on Shipment - Within 10 days after completion of shipment to the United States, the sugar exporters concerned shall each submit to the SRA a written report on the completion of the shipment. A report shall likewise be made by said sugar exporters within 10 days from arrival of shipment in the United States indicating actual inload weight, polarization, color, premium, penalties, etc.

SECTION 12. Applicability - In accordance with the policy of the SRA of minimum government regulatory participation, sugar exporters are hereby given every opportunity to make such arrangements/schedules as may be necessary to fill said sugar quotas, subject, however, to approval by the SRA. The provisions of this Sugar Order shall apply only upon failure of the sugar exporter to do so.

SECTION 13. Effectivity - This Sugar order shall take effect beginning with the 1992 U.S. sugar quota and to such export sugar quotas as may hereafter be granted to the Philippines.

SECTION 14. Provisions of Sugar Orders, Circular Letters and/or other regulations contrary to or inconsistent with this Sugar Order are hereby amended, modified or revoked accordingly.

Adopted: 23 June 1992

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