

MODIFYING THE RATES OF DUTY ON CERTAIN AGRICULTURAL PRODUCTS UNDER EXECUTIVE ORDER NO. 851 (S. 2009) IN ORDER TO IMPLEMENT THE PHILIPPINES' ASEAN-AUSTRALIA-NEW ZEALAND FREE TRAD...

EXECUTIVE ORDER NO. 191, November 05, 2015

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WHEREAS, the World Trade Organization (WTO) Agreement on Agriculture (“Agreement”) embodies the multilateral trading rules governing “agriculture”;

WHEREAS, the Philippine government secured “Special Treatment” for rice under Article 4.2 and Section B of Annex 5 of the Agreement which temporarily permitted the country to impose quantitative restrictions in the importation of rice;

WHEREAS, the Special Treatment expired on 30 June 2012 as scheduled in the Rectification and Modification of Schedule LXXV – Republic of the Philippines contained in the WTO documents G/MA/TAR/RS/99/Rev.1 dated 27 September 2006 and WT/Let/562 on 08 February 2007;

WHEREAS, the Special Treatment has been reinstated up to 30 June 2017 by virtue of the WTO Decision on Waiver Relating to Special Treatment for Rice of the Philippines (“Waiver”) contained in WTO document WT/L/42 dated 24 July 2014;

WHEREAS, the Philippine government under Executive Order (EO) No. 851 (s. 2009) committed to accelerate the ASEAN-Australia-New Zealand Free Trade Area (AANZFTA) rates of duty on certain agricultural products as concession for the requested Waiver Relating to Special Treatment for Rice;

WHEREAS, Section 402 of the Tariff and Customs Code of the Philippines (TCCP), as amended, authorizes the President of the Philippines, upon the recommendation of the National Economic and Development Authority (NEDA), to modify import duties (including any necessary change in classification) and other import restrictions, as required or as appropriate to carry out and promote foreign trade with other countries; and

WHEREAS, the NEDA Board, during its meeting on 16 February 2015 approved the tariff reduction schedule on certain agricultural products.

NOW, THEREFORE, I, BENIGNO S. AQUINO III, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. Modification of AANZFTA Rates. The articles specifically listed in Annex A hereof, as classified under Section 104 of the TCCP, as amended, shall be subject to the AANZFTA rates of import duty indicated in Columns 4 and 5 of Annex A.

SECTION 2. Rates for Articles in Annex A are Subject to Rules of Origin. From the date of effectivity of this Executive Order, all articles listed in Annex A which are entered or withdrawn from warehouses in the Philippines for consumption shall be imposed the rates of duty therein prescribed, provided that articles in Annex

A shall comply with the Rules of Origin as provided for in Chapter 3 of the AANZFTA Agreement.

SECTION 3. Rates for Articles in Annex A upon the Expiration of the Waiver. The concession entered by the Philippine government shall continue to apply upon the expiration of the Waiver.

SECTION 4. Articles represented with XXX. The Nomenclature and the rates of import duty on tariff headings not enumerated and those listed but represented by the symbol XXX shall remain in force and in effect.

SECTION 5. Right of Recourse. Nothing in this Executive Order shall preclude the Philippines from invoking its right of recourse to all trade remedy measures provided for in its laws, the AANZFTA Trade in Goods Agreement and other relevant international agreements, as an effective device against import surges.

SECTION 6. Repeal. All other Presidential issuances, administrative rules and regulations, or parts thereof, which are inconsistent with this Executive Order are hereby revoked or modified accordingly.

SECTION 7. Separability. If any provision of this Executive Order is declared invalid or unconstitutional, the other provisions not affected thereby shall remain valid and subsisting.

SECTION 8. Effectivity. This Executive Order shall take effect immediately following its complete publication in the Official Gazette or in a newspaper of general circulation in the Philippines.

DONE, in the City of Manila, this 5th day of November in the year of Our Lord, Two Thousand and Fifteen.

(SGD.) BENIGNO S. AQUINO III

By the President:

(SGD.) PAQUITO N. OCHOA, JR.
Executive Secretary

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