

EXTENDING THE EFFECTIVITY OF THE MOST-FAVOURED-NATION RATES OF DUTY ON CERTAIN AGRICULTURAL PRODUCTS UNDER REPUBLIC ACT NO. 10863, OTHERWISE KNOWN AS THE CUSTOMS MODERNIZATION A...

EXECUTIVE ORDER NO. 23, April 27, 2017

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

WHEREAS, Republic Act (RA) No. 8178 or the "Agricultural Tarrification Act" adopts the use of tariffs in lieu of non-tariff import restrictions to protect local producers of agricultural products, except in the case of rice;

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 but 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, paragraphs 2-8 of the Waiver also embody the terms and conditions including the concessions on rice contained in its "Annex A" and the other concessions to reduce the Most Favoured Nation (MFN) rates of duty on certain agricultural products, and Executive Order (EO) 190 (s. 2015) was issued to implement the said tariff concessions;

WHEREAS, on 1 July 2017, the Waiver Relating to Special Treatment for Rice shall cease to exist;

WHEREAS, Section 1608 of RA No. 10863 authorizes the President of the Philippines, upon the recommendation of the National Economic and Development Authority (NEDA), to increase, reduce or remove existing protective rates of import duty; and

WHEREAS, the NEDA Board, during its meeting on 20 February 2017, approved the extension of the reduced rates of duty on the agricultural products in EO No. 190 for another three (3) years.

NOW, THEREFORE, I, RODRIGO ROA DUTERTE, President of the Philippines, by virtue of the powers vested in me by the Constitution and existing laws, do hereby order:

SECTION 1. Rates for Articles in Annexes A and B. From the date of effectivity of this Order, the articles specifically listed in Annexes A and B hereof, as classified under Section 1611 of RA No. 10863, which are entered or withdrawn from warehouses in the Philippines shall be subject to the MFN rates of import duty indicated in Columns 4, 5, 6, 7, and 8 of said Annexes.

SECTION 2. 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 3. Minimum Access Volume (MAV) commitments on rice. The MAV commitments of 805, 200 MT on rice made in exchange for the waiver shall likewise remain in force and in effect.

SECTION 4. Repeal. All other issuances, administrative rules and regulations, or parts thereof, which are inconsistent with this Order are hereby revoked or modified accordingly.

SECTION 5. Separability. If any provision of this Order is declared invalid or unconstitutional the other provisions not affected thereby shall remain valid and subsisting.

SECTION 6. Effectivity. This Order shall take effect immediately following its complete publication in the Official Gazette or in a newspaper of general circulation in the Philippines and shall be applicable until 30 June 2020 or until such time that a law amending certain provisions relating to rice tariffication in RA No. 8178 is enacted, whichever comes first, after which the MFN rates of duty as provided for in Column 8 of Annexes A and B shall then apply.

DONE, in the City of Manila, this 27th day of April, in the year of our Lord Two Thousand and Seventeen.

(SGD.) RODRIGO ROA DUTERTE

By the President:

(SGD.) SALVADOR C. MEDIALDEA

Executive Secretary

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