CLARIFICATION OF PPA MEMORANDUM CIRCULAR NO. 22-2004 ENTITLED "ASSESSMENT OF WHARFAGE ON EMPTY CONTAINERS OF SHIPPING LINES ENGAGED IN FOREIGN AND DOMESTIC TRADE"

PPA MEMORANDUM CIRCULAR NO. 13-2013, December 11, 2013

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PPA Memorandum Circular (MC) No. 22-2004 dated July 12, 2004 was issued amending the guidelines on the treatment of empty containers in foreign and domestic trade. This circular was clarified per Memorandum dated September 21, 2004 by the AGM for Operations.

There, however, still some issues raised as regards the assessment and granting of exemption of Wharfage for empty containers.

To address the concerns, the following further clarifications are hereby issued, as follows:

I. General Principle

Empty containers (Domestic or Foreign) shall not be charged Wharfage (import, export, domestic, as the case may be), provided such empty containers are owned by the carrying vessel.

II. Treatment of Foreign Empty Containers

A. Subject to Import Wharfage

- Empty containers imported into the country, manifested as commercial cargoes, not owned by the carrying vessel and transported to other domestic ports.

- Foreign-owned containers once emptied which exceed the period for conditional entry as declared by the Bureau of Customs (BOC).

- Foreign empty containers that are not owned by the carrying vessel but owned by companies in the business of container leasing, cargo forwarding or logistics.

B. Not Subject to Import Wharfage

- Foreign empty containers owned by the carrying vessel.

- Foreign-owned containers once emptied and do not exceed the period for conditional entry as set by the BOC.

- Foreign empty containers brought into the Philippines and/or transhipped to other domestic ports thru the vessel owner for use in the exportation of Philippine products. (To ensure that foreign empty containers brought in the country are the same containers to be used in the exportation of Philippine products, the shipping lines shall present to the PMO concerned the Special Permit to Load or Loading List which contain the numbers of the containers for validation purposes.)

- Foreign emptied containers, resulting from the stripping of its contents.

- Foreign empty leased containers carried or employed by the vessel owner provided that these are manifested either as:

- Having shipped by and consigned to the same shipping line; and

- Having no commercial value.

- Foreign empty containers not owned by the carrying vessel but carrying vessel has a co-loading arrangement with another shipping line.

C. Subject to Export Wharfage

- Empty containers bound for other countries manifested as commercial cargo and not owned by the carrying vessel.

D. Not Subject to Export Wharfage

1. Empty containers bound for other countries and owned by the carrying vessel.

III. Treatment of Domestic Empty Containers

A. Subject to Domestic Wharfage

- Domestic empty containers not owned by the carrying vessel but by the companies in the business of container leasing, cargo forwarding or logistics.

- Domestic empty containers used in coastwise trade and owned by shipping line other than the carrying vessel-owner.

B. Not Subject to Domestic Wharfage

- Domestic empty containers owned by the carrying vessel.

- Foreign empty containers requiring transport to another Philippine port in order to load export cargo via domestic vessel. (To ensure that the same foreign empty containers are to be used for loading export cargoes, the shipping lines shall present to the PMO concerned the Special Permit to Load or Loading List which contain the numbers of empty containers for validation purposes).

- Empty containers resulting from stripping of its imported contents consequently used for export of domestic cargoes.

IV. REPEALING CLAUSE

This Circular amends PPA MC No. 22-2004 and repeals or modifies all other PPA issuances in conflict or inconsistent herewith.

V. EFFECTIVITY CLAUSE

This Circular shall take effect 15 days from its publication in newspaper of general circulation.

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