



BUREAU OF CUSTOMS

Professionalism Integrity Accountability



Date _____

CUSTOMS MEMORANDUM ORDER (CMO)
NO. 23-2020

SUBJECT: DEPARTMENT ADMINISTRATIVE ORDER NO. 20-04 (SERIES OF 2020) FROM THE DEPARTMENT OF TRADE AND INDUSTRY

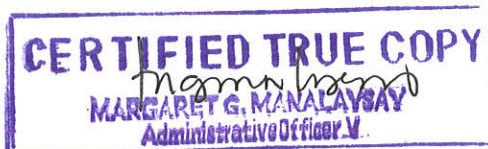
As provided under Department Administrative Order (DAO) No. 20-04 (series of 2020) from DTI (Annex "A"), all cash bonds that may have been imposed on shipments of **reflective, tinted and clear float glass** which entered or are withdrawn from warehouses in the Philippines for consumption **starting from the date of effectivity of Customs Memorandum Circular No. 244-2019**, should be immediately returned to the concerned importer/s.

Further, pursuant to the directive dated 03 September 2020 from the Secretary of Finance (Annex "B"), the return of the covered cash bonds should be immediately processed in accordance with the existing rules and regulations of the Bureau.

Consequently, the MISTG is ordered to remove the said duty on the covered tariff headings as provided by the DAO.

To all District and Sub-Port Collectors, and all others concerned, for records purposes, please confirm the dissemination of this Order throughout your offices within five (5) days from receipt thereof.

This Order shall take effect immediately.



REY LEONARDO B. GUERRERO
Commissioner SEP 14 2020



BOC-09-15174

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A Modernized and Credible Customs Administration That is Among the World's Best



Department Administrative Order No. 20-04
Series of 2020

**IN THE MATTER OF THE APPLICATION FOR
GENERAL SAFEGUARD MEASURES ON THE
IMPORTATION OF REFLECTIVE, TINTED AND CLEAR
FLOAT GLASS FROM VARIOUS COUNTRIES**

**(AHTN 2017 Subheading Nos. 7005.10.90, 7005.21.90
and 7005.29.90)**

X-----X

ORDER

On 02 July 2020, the Department of Trade and Industry (DTI) received the Tariff Commission's (Commission) Formal Investigation Report on the general safeguard measure on the importation of reflective, tinted and clear float glass from various countries classified under AHTN 2017 Subheading Nos. 7005.10.90, 7005.21.90, and 7005.29.90. The period covered by the investigation (POI) is the years 2013 to June 2019.

The Commission, in accordance with the Safeguard Measures Act (RA 8800), concluded that:

- "1. There is a sole float glass manufacturer in the Philippines and the domestic industry requirement under Section 4(f) of R.A. No. 8800 is satisfied.
2. Locally produced clear float glass is a "like" product to imported clear (including ultra-clear) float glass.
3. Locally produced tinted (bronze) float glass is a "like" product to imported tinted float glass.
4. Locally produced tinted (bronze) float glass is a "directly competitive" product to imported reflective (including low-emissivity) float glass.
5. During the POI, clear, tinted and reflective float glass have been imported into the Philippines in increased quantities, both in absolute terms and relative to domestic production. The increases in the volumes of imports starting in 2018 are considered recent, sudden, sharp, and of such magnitude that can be deemed significant.
6. Despite the deterioration in several factors (i.e., market shares, profitability of clear float glass operations, inventory levels of tinted (bronze) float glass), there was no significant overall impairment in the position of the domestic industry during the POI that constitutes serious injury in accordance with R.A. No. 8800.

OFFICE OF THE SECRETARY

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7. There is a low likelihood of continued increase of imports in the near future that would lead to imminent serious injury and significant overall impairment to the position of the domestic float glass industry.
8. Causation has become moot and academic in view of the negative determination of the elements of serious injury and threat thereof to the domestic float glass industry.

Considering the negative determination of the elements of serious injury and threat thereof, the Commission terminated its formal investigation and recommended that no definitive general safeguard measure be imposed on importations of reflective, tinted and clear float glass falling under AHTN 2017 Subheading Nos. 7005.10.90, 7005.21.90, and 7005.29.90."

IN VIEW THEREOF, the application for general safeguard measures on the importation of reflective, tinted and clear float glass from various countries falling under AHTN 2017 Subheading Nos. 7005.10.90, 7005.21.90, and 7005.29.90 are hereby dismissed.

Section 13 of RA 8800 provides, " x x x In the event of a negative final determination, x x x, the Secretary shall immediately issue, through the Secretary of Finance, written instruction to the Commissioner of Customs, authorizing the return of the cash bond or the remainder thereof, as the case may be, previously collected as provisional general safeguard measure within ten (10) days from the date a final decision has been made: Provided, That the government shall not be liable for any interest on the amount to be returned. x x x."

All cash bonds that may have been imposed on shipments of reflective, tinted and clear float glass which entered or are withdrawn from warehouses in the Philippines for consumption starting 22 October 2019, the date of the effectivity of CMO No. 244-2019, shall be immediately returned to the concerned importer/s.

The notification requirements under Article 12 of the WTO Safeguards Agreement and Section 17 of RA 8800 and its IRR shall be complied with. Imports originating from ASEAN Member states shall be governed by the provision of Article 11 of the ASEAN Trade in Goods Agreement (ATIGA).

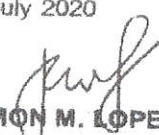
Let this Order be published in two (2) newspapers of general circulation and let individual notices be sent to all interested parties including the country members concerned.

This Order shall take effect upon the issuance of the relevant Customs Memorandum Order.

The DTI Order can be accessed at the DTI website: https://bit.ly/sgm_floatglass

SO ORDERED.

17 July 2020


RAMON M. LOPEZ
Secretary

CMO NO. 23-2020 p.4



Republic of the Philippines
DEPARTMENT OF FINANCE
Roxas Boulevard Corner Pablo Ocampo, Sr. Street
Manila 1004



BOC-09-15174

HON. REY LEONARDO B. GUERRERO

Commissioner
Bureau of Customs
Port Area
Manila



SUBJECT : Issuance of Relevant Customs Memorandum Order for Immediate Release of Cash Bonds Pursuant to DTI DAO 20-04

SEP 11 2020

Dear **Commissioner Guerrero**:

We write to you in relation to Department of Trade and Industry (DTI) Administrative Order (DAO) No. 20-04, issued last 17 July 2020, dismissing the application for general safeguard measures on the importation of reflective, tinted and clear float glass from various countries.

The Tariff Commission (Commission), in their Formal Investigation Report sent to the DTI, concluded that (i) despite the deterioration in several factors (i.e., market shares, profitability of clear float glass operations, inventory levels of tinted (bronze) float glass), there was no significant overall impairment in the position of the domestic industry during the POI [period of investigation] that constitutes serious injury in accordance with R.A. No. 8800, and (ii) there is low likelihood of continued increase of imports in the near future that would lead to imminent serious injury and significant overall impairment in the position of the domestic float glass industry.

Hence, in dismissing the application, the DTI ruled that:

Considering the negative determination of the elements of serious injury and threat thereof, the Commission terminated its formal investigation and recommended that no definitive general safeguard be imposed on importations of reflective, tinted and clear float glass falling under AHTN 2017 Subheading Nos. 7005.10.90, 7005.21.90, and 7005.29.90.

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Section 13 of R.A. 8800, otherwise known as the "Safeguard Measures Act", mandates the DTI Secretary, in the event of a negative final determination, to immediately issue, through the Secretary of Finance, a written instruction to the Commissioner of Customs, authorizing the return of the cash bond or the remainder thereof, as the case may be, previously collected as provisional general safeguard measure within ten (10) days from the date a final decision has been made.

Hence, pursuant to the clear mandate of the law, the Commissioner of Customs is hereby directed to issue a Customs Memorandum Order (CMO) for the immediate release of the cash bond to the importers in relation to the present case.

Please note that the Order of the DTI shall take effect upon the issuance of the CMO by the Bureau of Customs.

Thank you.

Very truly yours,



CARLOS G. DOMINGUEZ
Secretary of Finance

SEP 03 2020



CC: SECRETARY RAMON M. LOPEZ
Department of Trade and Industry



DEPARTMENT OF FINANCE
Republic of the Philippines

