

Department Administrative Order No. 21-02
Series of 2021

**IN THE MATTER OF THE DEFINITIVE
GENERAL SAFEGUARD MEASURES ON
THE IMPORTATION OF CEMENT FROM
VARIOUS COUNTRIES**

(AHNTN Codes 2523.29.90 and 2523.90.00)

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ORDER

On October 22, 2019, the Bureau of Customs issued Customs Memorandum Circular (CMC) No. 239-2019, implementing DTI AO No. 19-13, imposing a definitive safeguard duty on imported cement classified under ASEAN Harmonized Tariff Nomenclature (AHNTN) 2523.29.90 and 2523.90.00 from various countries, dated 27 August 2019.

As provided under Section 13 paragraph 4 of RA 8800 and Rule 13.1.d of its IRR, “a **general safeguard measure shall not be applied to a product originating from a developing country if its share to total Philippine imports of the said product is less than three percent (3%): Provided, however, that developing countries with less than three percent (3%) share collectively account for not more than nine percent (9%) of the total Philippine imports of the product concerned**”. Accordingly, a list of developing countries excluded from the imposition of the definitive safeguard duty on cement was attached as Annex “A” to DAO No. 19-13.

The Department conducted a review of the volume of imports of cement from various countries, particularly those originating from developing countries that were previously exempted from the safeguard measure under the aforementioned provisions on developing countries. The review covered importations from January to December 2020.

Pursuant to the review, subject imported cement products originating from developing countries that have breached the volume share to total import threshold of less than 3% shall now be covered by the definitive safeguard duty.

Further, the Department notes that developing countries fall under low to lower middle income and low, medium, and high human development. Furthermore, membership in relevant international organizations comprised mainly of high-income economies/countries such as the Organization for Economic Co-operation and Development (OECD), is an important criterion in establishing if a country/economy is already developed.

OFFICE OF THE SECRETARY

There is therefore a need to amend Annex "A" (List of Countries Excluded from the Imposition of the Definitive Safeguard Duty on Cement) of DAO No. 19-13, to reflect the aforementioned considerations.

WHEREFORE, AND IN VIEW THEREOF, the Department hereby amends Annex "A", of DAO No. 19-13, the list of countries excluded from the imposition of the definitive safeguard duty on cement, as follows:

East & Southern Africa	West Africa	North Africa	South Asia
Angola Botswana Burundi Comoros Congo. Dem. Rep. Djibouti Eritrea Ethiopia Kenya Lesotho Madagascar Malawi Mauritius Mozambique Namibia Reunion Rwanda Seychelles Somalia South Africa Sudan Swaziland Tanzania Uganda Zambia Zimbabwe	Benin Burkina Faso Cameroon Cape Verde Central African Rep. Chad Congo, Rep. Cote d' Ivoire Equatorial Guinea Gabon Gambia, The Ghana Guinea Guinea, Bissau Liberia Mali Mauritania Niger Nigeria Sao Tome & Principe Senegal Sierra Leone Togo	Algeria Egypt, Arab Rep. Libya Morocco Tunisia	Afghanistan Bangladesh Bhutan British Indian Ocean Territory East Timor India Maldives Nepal Pakistan Sri Lanka

Europe & Central Asia	Middle East	Americas	East Asia & Pacific
Albania Armenia Azerbaijan Belarus Bosnia & Herzegovina Bulgaria Croatia Cyprus Georgia Greenland Kazakhstan Kyrgyz Republic Macedonia, FYR Malta Moldova Romania Russian Federation Tajikistan Turkey Turkmenistan Ukraine Uzbekistan Yugoslavia, Fed. Rep.	Bahrain Iran, Islamic Rep. Iraq Jordan Kuwait Lebanon Oman Qatar Saudi Arabia Syrian Arab Rep. United Arab Emirates West Bank & Gaza Yemen, Rep.	Anguilla Antigua & Barbuda Argentina Aruba Bahamas Barbados Belize Bermuda Bolivia Brazil British Virgin Is. Cayman Is. Colombia Costa Rica Cuba Dominica Dominican Rep. Ecuador El Salvador Falkland Is. (Malvinas) French Guiana Grenada Guadeloupe Guatemala Guyana Haiti Honduras Jamaica Martinique Mexico Montserrat Netherlands Antilles Nicaragua Norfolk Is. Panama Paraguay Peru Puerto Rico St. Helena St. Kitts & Nevis St. Lucia St. Pierre & Miquelon St. Vincent & the Grenadines Suriname Trinidad & Tobago Turks & Caicos Is. Uruguay US Virgin Is. Venezuela	American Samoa Brunei Darussalam Cambodia Christmas Is. Cocos (Keeling) Is. Cook Is. Fiji French Polynesia Guam Hong Kong, China Johnston Is. Kiribati Korea, Dem. Rep. Lao PDR Macau, China Malaysia Marshall Islands Micronesia, Fed. Sts. Midway Is. Mongolia Myanmar Nauru New Caledonia Niue Northern Marianas Is. Palau Papua New Guinea Pitcairn Is. Samoa Singapore Solomon Islands Tokelau Tonga Tuvalu Vanuatu Wake Is. Wallis & Futuna Is.

Importers of cement originating from the above listed countries shall submit a Certificate of Country of Origin (CO) issued by the authorized agency/office in the country of manufacture subject to affixation of "Apostille" to the document or authenticated by the Philippine Embassy/Consulate General, as applicable.


All other provisions of DAO No. 19-13 except as herein expressly modified and under DAO No. 20-08, shall remain in force and effect.

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 can also be accessed at the DTI website: <https://bit.ly/DAOonCement>.

This Order shall take effect upon the issuance of the relevant Customs Memorandum Order by the Bureau of Customs or after fifteen (15) days from its publication in two (2) newspapers of general circulation, whichever comes earlier.

SO ORDERED.

03 March 2021


RAMON M. LOPEZ
Secretary 