

DEPARTMENT OF TRADE AND INDUSTRY  
PHILIPPINES

**IN THE MATTER OF THE IMPOSITION OF  
THE DEFINITIVE GENERAL SAFEGUARD  
MEASURE AGAINST THE IMPORTATION  
OF CLEAR FLOAT GLASS FROM  
VARIOUS COUNTRIES  
(AHTN Nos. 7005.2920 and 7005.2990)  
(Safeguard Measure Investigation No. 02-2003)**

**ASAHI GLASS PHILIPPINES, INC. (AGP)  
Protestant**

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**ORDER**

On 07 June 2004, the Bureau of Customs issued CMO No. 16-2004 implementing the imposition of definitive general safeguard measure on importation of glass products covered by three (3) Department of Trade and Industry Orders of 14 April 2004.

As provided under Section 13 par. 4 of RA 8800 (Safeguard Measures Act) and Rule 13.1.d) of its Implementing Rules and Regulations, **“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.”**

The Formal Investigation Report of the Tariff Commission on Float Glass Industry: Safeguard Action Against Imports (SG Investigation No. 02-2003) dated March 2004 which was the basis for the DTI Orders states that “The DTI Secretary shall draw up a list of the developing countries exempt from the definitive safeguard measure on float glass for 2004. He shall conduct an annual review of the imports of float glass from developing countries and draw up the appropriate exemption lists for 2005 and 2006.” Thus, the said DTI Order provided a list of countries exempted from the imposition of the definitive general safeguard measure based on import statistics for 2003. The said Orders also stated that the DTI shall conduct an annual review on the volume of Philippine imports of glass products covered by the measure and draw up the appropriate exemption lists for 2005 and 2006. It is likewise provided in the said Orders that, in the event that the imports originating from developing countries which were found to be de minimis or below the three percent (3%) threshold individually reach the 3% threshold or collectively account for more than nine percent (9%) of total Philippine imports, the definitive general safeguard measure shall be applied on such imports.

Among the developing countries included in the original list of countries exempted from the definitive safeguard measure on clear float glass are India and Malaysia.

Pursuant to this, the DTI analyzed the volume of imports of clear float glass from various countries for the January to June 2006 period (the period on which official trade statistics i.e. Import Entry Declarations from the Philippine Bureau of Customs, are available). Our review indicated that importation of clear float glass from India and Malaysia already accounted for 19.47% and 12.56%, respectively, of the total Philippine imports of said product for the January to June 2006 period.

All interested parties i.e. importers, exporters, representatives of concerned exporting countries were notified of the said DTI review on 14 July 2006 and were furnished data on Philippine imports of clear float glass for the January – May 2006 period. They were requested to submit their positions on or before 11 August 2006. On 02 August 2006, updated import statistics for January – June 2006 were likewise provided to the concerned parties.

**WHEREFORE AND IN VIEW THEREOF**, in accordance with Section 13 of RA 8800, the DTI hereby amends its Decision of 14 April 2004 (as amended by the DTI Order of 20 February 2006) specifically on the list of countries exempted from the imposition of the said definitive general safeguard measure on clear float glass as follows:

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

<b>Europe &amp; Central Asia</b>	<b>Middle East</b>	<b>Americas</b>	<b>East Asia &amp; Pacific</b>
Albania	Bahrain	Anguilla	American Samoa
Armenia	Iran, Islamic Rep.	Antigua & Barbuda	Brunei Darussalam
Azerbaijan	Iraq	Argentina	Cambodia
Belarus	Israel	Aruba	Christmas Is.
Bosnia & Herzegovina	Jordan	Bahamas	Cocos (Keeling) Is.
Bulgaria	Kuwait	Barbados	Cook Is.
Croatia	Lebanon	Belize	Fiji

Cyprus Czech Republic Estonia Georgia Greenland Hungary Kazakhstan Kyrgyz Republic Latvia Lithuania Macedonia, FYR Malta Moldova Poland Romania Russian Federation Slovakia Slovenia Tajikistan Turkey Turkmenistan Ukraine Uzbekistan Yugoslavia, Fed. Rep.	Oman Qatar Saudi Arabia Syrian Arab Rep. United Arab Emirates West Bank & Gaza Yemen, Rep.	Bermuda Bolivia Brazil British Virgin Is. Cayman Is. Chile 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 Netherland Antilles Nicaragua Norfolk Is. Panama Paraguay Peru Puerto Rico St. Helena St. Kitts & Navis St. Lucia St. Pierre & Miquelon St. Vincent & the Grenadines Suriname Trinidad & Tobago Turks & Caicos Is. Uruguay US Virgin Is. Venezuela	French Polynesia Guam Hongkong Johnston Is. Kiribati Korea, Dem. Rep. Lao PDR Macau Marshall Islands Micronesia, Fed. Sts. Midway Is. Mongolia Myanmar Nauru New Caledonia Niue Northern Marianas Is. Palau Pitcairn Is. Papua New guinea Samoa Solomon Islands Tokelau Tonga Tuvalu Vanuatu Wake Is. Wallis & Futuna Is.
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This Order shall take effect upon the issuance of the relevant Memorandum Order by the Bureau of Customs or 15 days after the publication of this Order in two (2) newspapers of general circulation, whichever comes earlier.

SO ORDERED.

30 August 2006

(Signed)  
**PETER B. FAVILA**  
 Secretary