

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)**

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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.

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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).

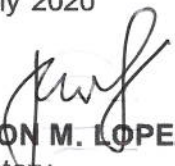
Let this Order be published in two (2) newspapers of general circulation and let individual notices be sent to all interested parties including the country members concerned.

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