

[EXECUTIVE ORDER NO. 395, December 31, 2004]

MODIFYING THE NOMENCLATURE AND THE RATES OF IMPORT DUTY ON INFORMATION TECHNOLOGY (IT) PRODUCTS UNDER SECTION 104 OF THE TARIFF AND CUSTOMS CODE OF 1978 (PRESIDENTIAL DECREE NO. 1464, AS AMENDED)

WHEREAS, on 13 December 1996, fourteen (14) economies signed in Singapore a Ministerial Declaration on Trade in Information Technology (IT) Products providing for the elimination/binding of tariffs on certain IT products beginning 01 July 1997 and ending on 01 January 2000 with extended staging of tariff reductions up to the year 2005 for developing countries;

WHEREAS, the Philippines formally signed the Information Technology Agreement (ITA) on 01 April 1997 and was ratified by the Philippine Senate on 03 December 1998;

WHEREAS, the Philippines availed of the flexibility of extended staging of tariff reductions on sensitive IT products up to year 2005 as approved by the Tariff and Related Matters (TRM) Cabinet Committee in its meeting of 24 March 1997 and confirmed by the NEDA Board on 25 March 1997;

WHEREAS, Section 402 of the Tariff and Customs Code of 1978 (Presidential Decree No. 1464), as amended, empowers the President of the Republic of the Philippines, upon the recommendation of the National Economic and Development Authority, to increase, reduce or remove existing protective rates of import duty, as well as to modify the form of duty.

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. The articles specifically listed in Annex "A" hereof, as classified under Section 104 of the Tariff and Customs Code of 1978, amended, shall be subject to the rates of import duty in accordance with the schedule indicated opposite each article.

SECTION 2. The nomenclature and the rate of import duty on tariff headings not enumerated and those listed but represented by the symbol "X X X" shall remain in force and effect.

SECTION 3. Upon the effectivity of this Executive Order, the articles specifically listed in the aforesaid "Annex" which are entered in or withdrawn from warehouses in the Philippines for consumption shall be levied the rates of duty herein prescribed.

SECTION 4. All other Presidential issuances, administrative rules and regulations, or