

[BOC MEMORANDUM, February 10, 2003]

SPECIAL SAFEGUARD DUTY ON ONIONS

Be informed that as mandated by Sec. 23 (b) of RA 8800, "(b) The special safeguard duty to be imposed subject to the conditions stated under the volume test shall be appropriately set to a level not exceeding one-third of the applicable out-quota Customs duty on the agricultural product under consideration in the year when it is imposed: Provided, that **this duty shall only be maintained until the end of the year in which it is imposed**: Provided, further, that this duty may be reduced or terminated in special cases such as when a shortage of a particular agricultural product exists, as determined by the Secretary."

It is clear in the abovequoted provision that any Safeguard duty imposed shall only be effective until the end of the year in which it is imposed. Hence, the questioned Special Safeguard Duty is applicable only until December 31, 2002. The term of the said measure being self-expiring, its application cannot be extended beyond its term (2002) unless another Safeguard Measure is imposed by the Department of Agriculture, in proper cases.

In view thereof, you are hereby directed to immediately cease from imposing the Special Safeguard Duty on onions.

For your information.

Adopted: 10 February 2003

(SGD.) ANTONIO M. BERNARDO
Commissioner



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