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Committee on Safeguards

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**NOTIFICATION UNDER ARTICLE 12.4 OF THE AGREEMENT
ON SAFEGUARDS BEFORE TAKING A PROVISIONAL
SAFEGUARD MEASURE REFERRED TO IN ARTICLE 6**

**NOTIFICATION UNDER ARTICLE 12.1(B) OF THE AGREEMENT ON
SAFEGUARDS ON FINDING A SERIOUS INJURY OR THREAT
THEREOF CAUSED BY INCREASED IMPORTS**

**NOTIFICATION PURSUANT TO ARTICLE 9, FOOTNOTE 2
OF THE AGREEMENT ON SAFEGUARDS**

PHILIPPINES

Cement

The following communication, dated 20 February and received on 26 February 2025, is being circulated at the request of the delegation of the Philippines.¹

Further to [G/SG/N/6/PHL/21](#) dated 4 November 2024 and pursuant to Article 12 and Article 9 of the WTO Agreement on Safeguards, the Permanent Mission of the Philippines to the WTO hereby notifies the Committee on Safeguards of its preliminary determination findings on the investigation on the importation of Ordinary Portland Cement and Blended Cement from various countries, and before taking a provisional safeguard measure under Article 6 of the Safeguards Agreement.

1. PROVIDE THE PRECISE DESCRIPTION OF THE PRODUCTS INVOLVED

Ordinary Portland Cement under ASEAN Harmonized Tariff Nomenclature (AHTN) Code 2523.29.90 and Blended Cement under AHTN Code 2523.90.00.

2. SPECIFY THE PROPOSED PROVISIONAL SAFEGUARD MEASURE

The provisional safeguard measure will take the form of a cash bond amounting to PhP400/MT or PhP16/40kg bag classified under AHTN Code Nos. 2523.29.90 and 2523.90.00, shall be imposed while the case is under formal investigation by the Tariff Commission, for a period of 200 days from the date of issuance by the Bureau of Customs (BOC) of an Order/Circular.

Imports originating from developing countries listed in Annex A shall not be subject to the provisional safeguard measure.

Importers of Ordinary Portland Cement and Blended Cement from a country that is exempt from the safeguard duty shall submit a Certificate of Origin (CO) issued by the authorized agency/office in

¹ A copy of the DTI Administrative Order has been submitted electronically. To consult this document please contact Ms Richards (anne.richards@wto.org) of the Rules Division.

the source country of manufacture, subject to affixation of "Apostille" to the document or authentication by the Philippine Embassy/Consulate General, as applicable.

3. SPECIFY THE PROPOSED DATE OF INTRODUCTION OF THE PROVISIONAL SAFEGUARD MEASURE

The provisional safeguard measure is scheduled to enter into force upon issuance by the BOC of the relevant Customs Memorandum Order (CMO) or Customs Memorandum Circular (CMC). The Order signed by the Secretary of Department of Trade and Industry (DTI) was published in two (2) newspapers of general circulation on 24 February 2025.

4. EXPECTED DURATION OF THE PROVISIONAL SAFEGUARD MEASURE, IF ANY DECISION ON THE DURATION OF THE SAFEGUARD MEASURE HAS BEEN MADE

The provisional safeguard measure will be in force for two hundred (200) days.

5. PROVIDE THE BASIS FOR:

(a) Making a preliminary determination, as provided for in Article 6, that increased imports have caused or are threatening to cause serious injury

A review of the evidence made available to DTI shows:

1. That the volume of imports of Cement:
 - In absolute terms, imports have steadily risen year-on-year from 2019 to 2024 except in 2020. Imports grew by 10% in 2020, 17% in 2021, 5% in 2023 and 9% in 2024;
 - In relative terms, the share of imports relative to domestic production has also increased from 30% in 2019 to 47% in 2023, and further to 51% in the first half of 2024.
2. That the increased imports caused serious injury to the domestic industry as follows:
 - Share of domestic sales to Philippine market exhibited a downward trend from almost 78% in 2019 to almost 74% in 2020 and 2021 to 71% in 2022 and further decline to almost 68% in 2023;
 - Imports share to Philippine market steadily rose from 22% in 2019 to 32% in 2023.
3. That increased imports were the substantial cause of serious injury to the domestic industry which was caused by increased imports based on the following:
 - The condition of competition showed that the market share of local cement producers decreased during the POI from almost 78% in 2019 to almost 68% in 2023, as imports in the domestic market displaced locally produced cement from approximately 22% of market share of imports in 2019 to 32% in 2023;
 - Domestic industry suffered significant impairment in its overall condition in terms of declining domestic sales, production, capacity utilization, profitability, and employment except in 2021 when the economy started to recover from the pandemic. The condition of the domestic industry worsened in 2023 when imports recorded its highest market share at 32% while domestic industry shrank to the lowest level of sales.

(b) Determining that there are critical circumstances where delay would cause damage which it would be difficult to repair

The existence of a causal link between the increased imports of the product under consideration and serious injury to the domestic industry has been established in the investigation. The evidence submitted by all interested parties justify the imposition of the provisional measure to prevent further injury to the local industry which is difficult to repair.

6. OFFER OF CONSULTATIONS

The Government of the Philippines offers consultations on the provisional safeguard measures.

ANNEX A

**LIST OF DEVELOPING COUNTRIES AND SEPARATE CUSTOMS TERRITORIES EXCLUDED FROM THE
IMPOSITION OF THE PROVISIONAL SAFEGUARD MEASURE ON
IMPORTED ORDINARY PORTLAND CEMENT AND BLENDED CEMENT**

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

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