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## Bill boosting state oversight over carriers' charges ok'd on final reading

- The House of Representatives has approved on final reading a bill strengthening government oversight on the shipping charges imposed by international shipping lines
- House Bill No. 10575 was approved on January 31 with 189 affirmative votes, zero negative votes and no abstention
- The bill requires port or terminal operators, international carriers and freight forwarders to inform the Maritime industry Authority of their charges and publish them in a newspaper

affirmative votes, zero negative votes and zero abstention.

HB 10575 consolidates HB numbers 4316 and 4462. It aims to enhance competitiveness of the Philippine maritime trade by strengthening government oversight functions over shipping charges imposed by international shipping lines and by institutionalizing mechanisms for the efficient movement of goods.

HBs 4316 and 4462, filed in 2019, seek to regulate and standardize local charges imposed at both origin and destination by foreign shipping lines.

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THE House of Representatives has approved on third and final reading a bill that seeks to strengthen government agencies' oversight functions over shipping charges imposed by international shipping lines operating in the Philippines.

House Bill (HB) No. 10575 was approved on January 31 with 189

becomes law would generate more foreign investments, bringing the Philippines more in line with the region's market-opening norms.

"With enactment of the PSA amendments, important new investment opportunities in telecommunications, most forms of transportation, and other

public services will now be open, creating significantly larger foreign capital inflows in future years," the JFC said.

Industry associations also welcomed the development.

"The cold chain sector looks upon this legislation as an opportunity for accelerated growth of the industry as it

allows access to the latest technologies available in refrigeration and supply chain management, thereby enabling better operating efficiencies and enhancing value creation as support mechanisms to the country's agribusiness development thrust," The Cold Chain Association of the Philippines told PortCalls.

"Moreover, it is expected that foreign investments in cold chain facilities will also create export market opportunities to countries that have expressed interest in procuring Philippine agricultural products but which require stringent processing standards and minimum economies of scale. This in turn, is anticipated to spearhead upgrading of sanitation standards in the food processing and distribution sectors to ensure compliance with internationally accepted practices."

The Philippine Exporters Confederation said the PSA amendments are "consistent with the thrust towards recovery and competitiveness especially for our exporters. With more investors and service providers coming in, we expect the cost of doing business to go down and address gaps in the supply chain, particularly in the logistics sector."

For its part, the Supply Chain Management Association of the Philippines believes the measure "will foster further competition, enable innovation, and drive lower costs in the logistics and supply chain sectors, which play a critical role in resilient and responsive businesses. We hope that the amendments would help in the recovery of our economy from the long-term impacts of the COVID-19 pandemic. We pray for its signing by the President at the soonest possible time."

Senator Grace Poe, Senate committee

agents, freight forwarders, and NVOCCs on Philippine consignees and shippers.

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Continued from previous page

on public services chairperson and bill sponsor, earlier pointed out the liberalization of certain public utilities "should not be misunderstood as an invitation for hostile countries to take advantage of our resources."

She said "adequate safeguards and security provisions are in place to protect our national security and sovereignty."

These include authorizing the President to suspend or prohibit any proposed merger or acquisition transaction, or any investment in a public service that will grant control to a foreigner or a foreign corporation.

Another provision prohibits foreign state-owned enterprises from owning capital in any public service classified as a public utility or critical infrastructure.

Foreign nationals are also prohibited from owning more than 50% of the capital of entities engaged in the operation and management of critical infrastructure, unless their country accords reciprocity to Philippine nationals.

To ensure all public services in the country comply with the terms of their certificates and the relevant rules and regulations of the appropriate administrative agencies, Poe said the measure includes penal provisions with flexible amounts of fines to accommodate future developments.

"The ratified measure has made its intentions clear and unequivocal by adding a provision that says that 'nothing in the bill shall be interpreted as a requirement for legislative franchise where the law does not require any,'" Poe said.

The measure also provides that "no person shall be deemed a public utility unless otherwise subsequently provided by law." — Roumina Pablo

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## PH manufacturing growth slips in Jan due to Odette, Omicron

- Typhoon Odette combined with rising Omicron cases stalled Philippine manufacturing growth at the start of 2022*
- The Philippine Purchasing Managers' Index fell from 51.8 in December 2021 to 50.0 in January 2022, ending four successive months of growth*
- Production volumes decreased at the quickest rate for five months*
- The decline is due to pandemic restrictions, adverse weather conditions and a lack of raw materials*
- Virus-related restrictions and port congestions markedly increased lead times and limited raw material availability*
- Firms faced additional surcharges and higher freight costs*
- Declines in production and new orders also hit business confidence at the start of the year*

TYPHOON Odette combined with rising Omicron cases put a brake on Philippine manufacturing sector growth in January, with the Philippine Purchasing

Managers' Index (PMI) falling from 51.8 in December 2021 to 50.0 in January 2022, according to the latest survey of London-based IHS Markit.

A PMI reading of over 50 indicates growth or expansion; under 50 suggests a contraction.

The latest PMI ended four successive months of growth amid the impact of Typhoon Odette, material scarcity, and the COVID-19 pandemic, IHS Markit said.

"The latest PMI data revealed an unfortunate start to the year for the Philippines manufacturing sector, with the surge in case numbers and typhoon Odette hitting large parts of the nation," IHS Markit economist Shreeya Patel said in a statement.

Anecdotal evidence suggested both factors weighed heavily on both domestic and international demand as well as firms' ability to produce goods. Material shortages and delivery delays were also prominent, continuing pressure on vendor performance."

Production volumes decreased at the quickest rate for five months with survey panel comments linking the decline to

pandemic restrictions, adverse weather conditions, and a lack of raw materials.

IHS Markit noted tighter restrictions paired with higher prices for goods weakened the demand environment.

Except for the marked contractions seen in mid-2020, the latest decline was among the strongest in the survey's six-year history, despite being only modest overall.

### International demand decline

Meanwhile, international demand declined at the fifth quickest rate in the series with the pandemic and the typhoon reportedly weighing on sales to foreign markets.

With new orders and output falling in January, IHS Markit said firms continued to scale back on headcounts. Job shedding has now been seen in each of the last 23 months, though the latest fall was the softest in the current period of decline and only marginal.

Goods producers saw another severe decline in supplier performance at the start of the year, with respondents noting that virus-related restrictions and port congestions had markedly increased

lead times and limited raw material availability.

Consequently, firms faced additional surcharges and higher freight costs.

Despite a renewed fall in output and new orders, companies raised their stocks of pre-production inventories amid efforts to secure inputs ahead of further shortages. Post-production inventories fell sharply, however.

Input scarcity and higher raw material costs were widely reported in the latest survey period. Input prices rose sharply, despite easing to the softest rate in four months. Meanwhile, firms passed on higher expenses through greater selling prices, which rose at the quickest rate in seven months. Firms reportedly sought to protect profit margins.

Declines in production and new orders also hit business confidence at the start of the year. Survey panelists commented that the lasting effects of the pandemic and the typhoon muted sentiment.

Despite this, the outlook remained positive overall with survey panelists' hopeful of a return to normality and fruitful market conditions over the course of the year.

## Global box volume to grow this year despite ongoing risks: Maersk

- Maersk puts its global container volume growth in 2021 at 7.8%, reflecting the ongoing growth in global GDP*
- Challenges will remain amid ongoing pressures and bottlenecks in the broader supply chain*
- Port congestion and inland transportation delays remain key issues, while freight rates are expected to remain elevated*
- Maersk said equipment and space will remain under pressure, with a tight supply of shipping space foreseen through the Chinese New Year, although this could ease during the month*

It noted that global manufacturing showed signs of firming in December, citing global Purchasing Managers' Index (PMI) figures released in January. The carrier also said manufacturing sentiment remained upbeat in the fourth quarter of 2021 despite a raft of challenges including delivery delays and the continuing threat from COVID-19.

China's manufacturing PMI nudged higher in December 2021 for the second straight month to hit 50.3, showing the economy was in expansion mode ahead of the Chinese New Year holiday in February 2022. The PMI also showed a GDP increase for China during the fourth quarter of 2021, up 4% from the previous year, while manufacturing in China also grew in tandem, up 4.3% from the previous year.

However, the carrier warned that challenges remain, noting that Deutsche Bank's congestion index points to ongoing pressures and bottlenecks in the broader supply chain. Port congestion and inland transportation delays are among the key issues, while freight rates are expected to remain elevated.

Maersk in the January 31 market update said COVID-19 flare-ups continue to challenge Greater China supply chains.

CONTAINERIZED cargo volumes will grow this year despite risks to global trade including geopolitical tensions, delivery delays, and the continuing pandemic, predicts container shipping liner group Maersk.

Maersk in its Asia-Pacific market update estimated its global container volume growth in 2021 to be at 7.8%, which reflects the ongoing growth in global GDP and indicates that volumes are now back to trend levels.

Even though container loading and discharge operations at ports and terminals have remained normal despite cases in January 2022 in Ningbo, Tianjin, Shenzhen, Dalian and Guangzhou, district-level lockdowns and mass testing have led to warehouse closures and trucker shortages.

In Ningbo, transport and warehousing operations are operating normally after a cluster of cases in early January in the city's Beilun district led to extensive trucker delays as drivers had to undergo testing and quarantine before being allowed into Beilun's three container terminals.

In Shenzhen, there are gate entry restrictions at the city's Shekou terminal as health officials carry out testing after cases in Shenzhen. In Beijing, several cases of the highly transmittable Omicron variant of COVID-19 are putting the city on alert ahead of the Beijing Winter Olympics due to start on February 4.

The pandemic is also impacting port operations in the wider Maersk global network, with Omicron particularly creating acute staff shortages at ports and terminals even though the facilities remain operational.

In the short term, Maersk said equipment and space will remain under pres-

sure, with a tight supply of shipping space foreseen through the Chinese New Year (CNY), although this could ease during weeks 5, 6 and 7 (February 1-20).

"Equipment will be tight in specific locations and we urge shippers to consider using 20ft containers and non-operating reefer (NOR) in place of 40ft boxes," it advised.

Maersk also anticipates a quick rebound after CNY on most trades, saying demand remains strong but capacity is tied up due to congestion delays at ports in North America and Europe.

"Unfortunately, this situation is likely to continue for some time particularly now that Omicron has cut workforce numbers in some locations by up to 25%," it said. "Our schedule reliability continues to be the best in class, although it is still unacceptable for us. We will continue to seek ways to improve reliability and service levels."

Sea-Intelligence recently again named Maersk as the most reliable Top-14 carrier in December 2021, with schedule reliability of 46.2%, although the global schedule reliability of ships overall dropped again last month, the lowest point reached in 11 years.

## BOC exceeds Jan collection target by 11.6%

- The Bureau of Customs collected revenues of P58.158 billion in January 2022*
- The collection is 11.6% higher than the P52.123 billion target for the month*
- 14 out of 17 collection districts hit their January targets*

THE Bureau of Customs (BOC)

collected revenues of P58.158 billion in January 2022, 11.6% higher than the P52.123 billion target for the month.

Based on BOC's Financial Service report, 14 out of 17 collection districts surpassed their January targets: San Fernando, Port of Manila, Manila International Container Port, Batangas, Legazpi, Iloilo, Cebu, Surigao, Zamboanga, Davao, Subic, Clark, Aparri and Limay.

BOC attributed the positive performance to improved valuation, intensified enforcement against illegal importations, improved compliance by traders to customs laws, gradual improvement of importation volume, and government effort to ensure unhampered movement of goods domestically and internationally.

For full-year 2022, BOC is tasked to collect P679 billion, 10.1% higher than

the P616.749-billion target for 2021 and 5.1% more than the P645.765-billion actual collection last year.

Customs Commissioner Rey Leonardo Guerrero earlier said BOC has also set a higher internal target of P699 billion as the agency is also required to collect additional revenues for value-added tax refund.

Despite the pandemic, the customs bureau had been surpassing its annual revenue collection targets since 2020.

## First phase of New Clark City to Clark Airport access road completed

- The first phase of a road project connecting New Clark City to Clark International Airport has been completed*
- The P3.7-billion project involves a 5.33km segment of CRK to the NCC Access Road, providing faster access to the gateway's new passenger terminal*
- Costing P2.72-billion, the second phase is 62.16% complete*
- The third and last phase, costing P1.86 billion, is 31.03% finished*
- The entire six-lane P8.2-*

billion access road covers 19.83 kilometers

- The entire project is set for completion by the second quarter of 2022*

THE first phase of a 19.83-kilometer, six-lane road project connecting New Clark City (NCC) to Clark International Airport (CRK) has been completed.

Costing P3.7 billion, the 5.33km CRK to NCC Access Road project will provide faster and easier access to the gateway's new passenger terminal, according to the Bases Conversion and Development

Authority.

Part of the project's first phase is the iconic 900-meter bridge crossing the Sacobia River in Bamban, Tarlac.

The entire access road project will reduce travel time from NCC to other districts of Clark from 45 minutes to about 15 minutes.

The entire P8.2-billion access road is scheduled for completion by the second quarter of 2022 and is funded by the General Appropriations Act.

The P2.72-billion second phase, or the Aranguren-Dapdap section, consists of an 8.80km, six-lane road.

It is 62.16% complete as of end-2021 and expected to be finished by the first quarter of 2022.

The P1.86-billion third and last phase, or the Dapdap-Calumpang section, is a 5.70km, six-lane road. Construction is at 31.03% as of end-2021 and is targeted for completion by the second quarter of this year.

Both Phases 2 and 3 feature bike and pedestrian lanes, roadway lighting and linear parks.

Motorists will also be able to use the access road upon completion of all three phases.









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## Bill boosting state oversight... Continued from page 4

The imposition and parameters of such imposition must also be clearly defined in the contract of carriage and subscribed by the shipper or consignee.

Moreover, no new or initial rate or change in the existing rate that increases the cost for the shipper may become effective earlier than 30 days after filing with MARINA, except when allowed by the maritime authority for a reasonable cause.

Stakeholders have claimed high shipping charges "are caused by a lack of regulatory oversight as there is no agency assigned to oversee local charges imposed by international shipping lines."

### Aiming for transparency

HB 10575 aims to promote transparency by mandating all port or terminal operators, international carriers, non-vessel operating common carriers (NVOCC), and freight forwarders to inform the Maritime Industry Authority (MARINA) of their shipping charges and fees and publish them in a newspaper of general circulation.

Under the bill, no charges or fees should be imposed beyond the published rates.

HB 10575 requires that certified copies of all existing agreements made between and among international carriers operating in Philippine ports that affect maritime trade must be submitted to MARINA.

MARINA is authorized to review whether the agreement or amendment could unreasonably reduce transportation services or increase transportation cost, and refer it to the Philippine Competition Commission (PCC) for appropriate action.

No detention charges in the return

of empty containers should be imposed by shipping lines for delays caused by the carriers. Any demurrage fee or detention charge should not constitute a direct or indirect lien on container deposits or on other cargoes or shipments covered by a separate transaction of the same shipper or consignee.

Under the bill, MARINA may allow container deposits only in the following circumstances:

- If the freight forwarders or agents of international shipping lines implement an expeditious procedure for refunding the deposit within a non-extendable period of 15 days from the return of the container.

- There are clear and fair standards for deduction made known by the freight forwarders or agents to the other party prior to the engagement.

- There is actual proof that a container deposit has been paid before any deduction is made.

HB 10575 prohibits international carriers and their agents and port or terminal operators to operate under an agreement that has been suspended through an order of a proper authority, or a temporary restraining order, or rendered ineffective by injunction issued by the court.

Moreover, HB 10575 prohibits international carriers and their agents, port or terminal operators, freight forwarders, NVOCCs, or logistics service providers, either alone or in connivance with one another, to directly or indirectly charge, demand, collect, or receive greater, less or different compensation for transporting property or for any related service other than the rates and charges in the service contract or those published and filed with MARINA. - *Roumina Pablo*



The Taiwan government arranged a donation of relief goods for the victims of recent typhoon Rai. The donation was loaded in TS Lines containers.

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