



REPUBLIC OF THE PHILIPPINES

TARIFF COMMISSION

**IN THE MATTER OF THE CONDUCT OF
AN EXPIRY REVIEW OF THE ANTI-
DUMPING DUTY IMPOSED AGAINST
THE IMPORTATION OF WHEAT FLOUR
FROM THE REPUBLIC OF TURKEY**

**AHTN 2012 Subheading 1101.00.10
(AHTN 2017 Subheadings 1101.00.11
and 1101.00.19)**

**FOR: ANTI-DUMPING MEASURE
(Republic Act (RA) No. 8752)
Investigation No. AD-2019-ER-
WheatFlourTR**

ORDER

Pursuant to paragraph 5; Section 4 of Commission Order No. 00-01 (*Rules and Regulations to Govern Conduct of Investigation by the Tariff Commission Under Section 301 of the Tariff and Customs code of the Philippines, as amended by RA 8752 [adopted in Section 711 of RA 10863 or the Customs Modernization and Tariff Act]*), this Commission hereby issues this Order covering the following matters that were taken up and agreed upon by the parties who were present during the Preliminary Conference on 9 September 2019.

1. SCHEDULE OF ACTIVITIES

ACTIVITY	DATE/DEADLINE
Conduct of Inspections/ Verification of Submissions	10 September 2019 onwards
Submission of Initial Memoranda/ Position Papers	24 September 2019
Issuance of Staff Report (Non-Confidential)	11-15 November 2019
Submission of Comments on Staff Report	20 November 2019
Submission of: (1) Affidavits of Witnesses (2) List of Proposed Additional Issues for the Public Hearing	25-29 November 2019
Conduct of Public Hearings	2-6 December 2019
Submission of Final Memoranda/ Position Papers	20 December 2019
Disclosure of Essential Facts	27 December 2019
Comments to the Essential Facts	3 January 2020

2. NATURE OF INVESTIGATION

The investigation is fact-finding and administrative in nature which shall be conducted in a summary manner and no dilatory tactics or unnecessary or unjustified delays shall be allowed. Except by analogy or in suppletory character, technical rules of procedure and admissibility of evidence shall not be applied. Parties may be required to formally present evidence for purposes of determining and clarifying factual matters that are relevant in the conduct of the investigation.

3. APPEARANCE OF COUNSEL AND PARTIES

Parties may appear by themselves or through their authorized representative/s or counsel/s. Should parties be represented by authorized representative/s or counsel/s, they are required to submit the necessary authority and the contact details of said counsel/s or representative/s.

4. INCLUSION AND EXCLUSION OF PARTIES

Parties who did not submit answers to the required questionnaires shall have no legal personality to participate in the proceedings and appear in the scheduled public hearings.

However, for valid reasons, a party may file, within thirty (30) calendar days from the commencement of the expiry review, a written request, to be included as a party to the expiry review, together with accomplished questionnaire. Also, the party shall be required to submit other relevant data and information that can be subjected to verification as an indispensable requirement for inclusion of the party in the proceeding. The approval of said request is subject to the discretion of the Commission.

5. MODES OF SERVICE/NOTICE

Service of pleadings and notices may be made using personal service, registered mail, special courier, facsimile or electronic mail. The date of transmission for facsimile or electronic mail shall be deemed to be the date of service. A notice to counsel representing a party is considered notice to the latter.

In case of voluminous pleadings, the Commission may, upon proper motion, waive the requirements of service, provided a copy together with its annexes is filed with the Commission and made available for examination and reproduction and the notice of such filing and availability is duly served on the parties by the party filing it.

6. ACCESIBILITY OF DOCUMENTS AND PUBLIC FILE

The Commission shall maintain a public file, the contents of which shall be made available to all interested parties as defined in Section 6 (g) of the Implementing Rules and Regulations of RA 8752. Except for confidential information, said public file shall contain a copy of all submissions from interested parties and all relevant correspondences concerning the investigation.

Upon written request to the Commission contents of the public file may be made available for examination and reproduction of parties at cost.

7. CONFIDENTIALITY OF INFORMATION

Information which is confidential shall not be disclosed to the public without the express authority of the owner of the information.

Parties providing confidential information should provide two (2) copies of non-confidential summaries thereof to be placed in the Commission's public file. Said summaries must contain sufficient details to permit a reasonable understanding of the confidential information to enable other parties to respond to claims based on such information. In exceptional circumstances wherein summarization of confidential information is not possible, the party must state the reason why it cannot be provided.

A party claiming confidentiality is required to provide justifications why said information can be considered as such. Should there be an issue on the nature of the information, the Commission shall issue an appropriate Order stating the reasons for its finding.

Where the request for confidentiality is not warranted or the party is either unwilling to make the information public or to authorize its disclosure in generalized or summary form, such information may be disregarded by the Commission, unless it can be demonstrated to the Commission's satisfaction from appropriate sources that the information is correct.

8. CONDUCT OF OCULAR INSPECTION AND ACCESS TO DOCUMENTS

Starting 10 September 2019, the Commission shall conduct on-site investigations to include ocular inspections and visits to verify information provided or to obtain or clarify further details. Visits or inspections may be conducted by the Commission even without the presence of other interested parties.

Parties shall be advised of the general nature of the information to be verified and the pertinent documents that may be required during the on-site investigation before the scheduled visit. However, the Commission is not precluded from conducting further verification and inquiry on other relevant information during the said on-site investigation.

Interested parties, when required, must allow the Commission access to and/or provide copies of necessary information to enable the Commission to expedite its investigation. The Commission may also visit other domestic producers, importers, foreign exporters or producers who have not provided a submission to the Commission.

Without the required submissions from the parties, the Commission shall base its findings on the best available information.

9. SUBMISSION OF INITIAL MEMORANDA/POSITION PAPERS

Interested parties are given until 24 September 2019 to submit copies of their respective position papers and all information in support of their position.

10. COMMENTS ON STAFF REPORT

All identified interested parties shall be provided a copy of the Staff Report. Within five (5) calendar days from receipt thereof, they are required to submit their comments on the aspects of product comparability and price difference/dumping as these matters will be binding and excluded for discussion in the public hearing. If no comment is filed, then the factual findings on product comparability and price difference/dumping of the Commission contained in the Staff Report will be binding to the party who did not submit its comment.

11. PUBLIC HEARING

The public hearing is scheduled from 2 to 6 December 2019 to give all interested parties who submitted themselves to the jurisdiction of the Commission the opportunity to be heard, and to present evidence including the opportunity to respond to the presentations of other parties. The public hearing shall be conducted continuously for 5 working days unless otherwise terminated earlier by the Commission.

All interested parties may appear at the public hearing and present, under oath, evidence relevant and material to the subject matter.

Issues on product comparability and price difference are excluded from the coverage of the matters for discussion in the public hearing.

Should a party desire to submit additional issues for the public hearing, the same shall be submitted by 29 November 2019 for consideration of the Commission.

A party who did not submit a list of issues may be deemed to have no controversial matter to raise and hence, will be given less priority in the order of parties to ask clarificatory questions during the public hearing.

A party's failure to appear on the scheduled public hearings is considered a waiver to propound clarificatory questions to the witnesses who were presented on that day.

The order of the public hearing shall be as follows:

- a. Presentation of evidence by domestic industry
- b. Clarificatory questions/examination by interested parties
- c. Presentation of evidence by the oppositor/s
- d. Clarificatory questions/examination by the domestic industry

12. PRESENTATION OF WITNESSES

Parties are required to submit affidavits of their witnesses by 29 November 2019.

13. DISCLOSURE AND COMMENTS TO THE ESSENTIAL FACTS

Under Section 20 of Commission Order No. 00-01, before a final determination is made, the Commission shall inform all the interested parties in writing of the essential facts relied upon which form the basis for the decision to apply definitive measures. Within 5 calendar days from receipt thereof, parties are required to submit their comments thereof stating their views on what the facts should be, including supporting documents and computations for the consideration by the Commission.

14. REQUESTS FOR EXTENSION OF TIME

Requests for extension of time for submission of required documents and information shall be in writing and may only be allowed for justifiable reasons. All interested parties are enjoined to extend utmost cooperation in observing the timelines for the schedule of activities,

SO ORDERED.

Issued at Quezon City, Metro Manila, 12 September 2019.



ERNESTO L. ALBANO

Commissioner
Presiding Officer