



CMC 177-2010

4

**IN THE MATTER OF THE PRELIMINARY
DETERMINATION OF THE SAFEGUARD
MEASURES CASE AGAINST THE IMPORTATION OF
TESTLINER BOARD FROM VARIOUS COUNTRIES
(AHTN Codes 4805.2400, 4805.2510 & 4805.2590)
(Safeguard Measure Case No. 01-2009)**

**Philippine Testliner Board Industry
Petitioner**

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ORDER

The Philippine Testliner Board Industry, represented by United Pulp and Paper Co., Inc. (UPPC), filed a petition for safeguard measures on the importation of testliner board (classified under AHTN Codes 4805.2400, 4805.2510 and 4805.2590) from various countries. The petitioner alleged that testliner boards are being imported in increased quantities and that as a result thereof is causing serious injury to the domestic industry.

The period of investigation covered imports from 2004 to 2008. For injury determination, the Department considered relevant information for the same period.

WHEREFORE, IN VIEW THEREOF, the Department of Trade and Industry, acting under Section 7 of RA 8800, the Safeguard Measures Act, found after preliminary determination that increased imports of the product under consideration have caused serious injury to the domestic industry, particularly in terms of declining market share, domestic sales, capacity utilization, production, profitability and productivity.

Pursuant to Section 8 of RA 8800 which provides that "in critical circumstances where a delay would cause damage which would be difficult to repair and pursuant to a preliminary determination that increased imports are the substantial cause of serious injury to the domestic industry", provisional safeguard measures in the form of a cash bond amounting to ₱1,480.00/MT shall be imposed on imported testliner board with basis weight of 125gsm, 140gsm, 150gsm, 160gsm, 175gsm, 185gsm, 200gsm and 230gsm, classified under AHTN Codes 4805.2400, 4805.2510 and 4805.2590 for a period of two hundred (200) days from the date of issuance of the Bureau of Customs of the relevant Customs Memorandum Order (CMO) or fifteen (15) days after the publication of the DTI Order in two (2) newspapers of general circulation, whichever comes earlier.

However, imports originating from the developing countries listed in Annex A covered by Rule 8.8 of the IRR of RA 8800 shall not be subject to the provisional safeguard measure.

CMC 174 - 2010

9

Importers of testliner boards originating from a country exempt from the provisional safeguard duty shall submit a Certificate of Origin (CO) issued by the authorized agency/office in the source country of manufacture authenticated by the Philippine Embassy/Consulate thereat.

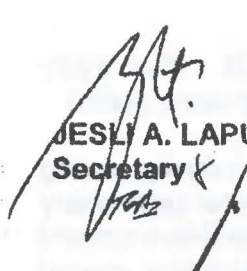
The notification and consultation requirements under Article 12 of the WTO Safeguards Agreement and Section 17 of RA 8800 and its IRR shall be complied with. Imports originating from ASEAN member states shall be governed by the provisions of Articles 6 and 8 of the ASEAN-CEPT Agreement.

The case records will be transmitted to the Tariff Commission for formal investigation to determine whether or not there is a need to impose a definitive safeguard measure.

Let the Order be published in two (2) newspapers of general circulation and let individual notices be sent to all interested parties including the country members concerned.

SO ORDERED.

05 May 2010


JESLI A. LAPUS
Secretary

CMC 177-2010

6

ANNEX A

List of Developing Countries and Separate Customs Territories Excluded from the Imposition of Provisional Safeguard Measure on Testliner Boards

| 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 | East Timor |
| Djibouti | Chad | | India |
| Eritrea | Congo, Rep. | | Maldives |
| Ethiopia | Cote d' Ivoire | | Nepal |
| Kenya | Equatorial Guinea | | Pakistan |
| Lesotho | Gabon | | Sri Lanka |
| Madagascar | Gambia, The | | |
| Malawi | Ghana | | |
| Mauritius | Guinea | | |
| Mozambique | Guinea, Bissau | | |
| Namibia | Liberia | | |
| Reunion | Mali | | |
| Rwanda | Mauritania | | |
| Seychelles | Niger | | |
| Somalia | Nigeria | | |
| South Africa | Sao Tome & Principe | | |
| Sudan | Senegal | | |
| Swaziland | Sierra Leone | | |
| Tanzania | Togo | | |
| Uganda | | | |
| Zambia | | | |
| Zimbabwe | | | |

8

CMC 177 - 2010

7 *

| 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 | Israel | Aruba | Christmas Is. |
| Bosnia & Herzegovina | Jordan | Bahamas | Cocos (Keeling) Is. |
| Bulgaria | Kuwait | Barbados | Cook Is. |
| Croatia | Lebanon | Belize | Fiji |
| Cyprus | Oman | Bermuda | French Polynesia |
| Czech Republic | Qatar | Bolivia | Guam |
| Estonia | Saudi Arabia | Brazil | Hong Kong, China |
| Georgia | Syrian Arab Rep. | British Virgin Is. | Johnston Is. |
| Greenland | United Arab Emirates | Cayman Is. | Kiribati |
| Hungary | West Bank & Gaza | Chile | Korea, Dem. Rep. |
| Kazakhstan | Yemen, Rep. | Colombia | Korea, Rep. |
| Kyrgyz Republic | | Costa Rica | Lao PDR |
| Latvia | | Cuba | Macau, China |
| Lithuania | | Dominica | Malaysia |
| Macedonia, FYR | | Dominican Rep. | Marshall Islands |
| Malta | | Ecuador | Micronesia, Fed. Sts. |
| Moldova | | El Salvador | Midway Is. |
| Poland | | Falkland Is. (Malvinas) | Mongolia |
| Romania | | French Guiana | Myanmar |
| Russian Federation | | Grenada | Nauru |
| Slovakia | | Guadeloupe | New Caledonia |
| Slovenia | | Guatemala | Niue |
| Tajikistan | | Guyana | Northern Marianas Is. |
| Turkey | | Haiti | Palau |
| Turkmenistan | | Honduras | Pitcairn Is. |
| Ukraine | | Jamaica | Papua New Guinea |
| Uzbekistan | | Martinique | Samoa |
| Yugoslavia, Fed. Rep. | | Mexico | Singapore |
| | | Montserrat | Solomon Islands |
| | | Netherlands Antilles | Tokelau |
| | | Nicaragua | Tonga |
| | | Norfolk Is. | Tuvalu |
| | | Panama | Vanuatu |
| | | Paraguay | Vietnam |
| | | Peru | Wake Is. |
| | | Puerto Rico | Wallis & Futuna Is. |
| | | St. Helena | |
| | | St. Kitts & Nevis | |
| | | St. Lucia | |
| | | St. Pierre & Miquelon | |
| | | St. Vincent & the Grenadines | |
| | | Suriname | |
| | | Trinidad & Tobago | |
| | | Turks & Caicos Is. | |
| | | Uruguay | |
| | | US Virgin Is. | |
| | | Venezuela | |