

# 1 THE APPLICANT/S

Photocopy this worksheet before you start so you can complete it for each relevant producer.

Please give details for each of the **Philippine producer/s** by or on whose behalf this application is made.

1.1 Name \_\_\_\_\_

1.2 Address \_\_\_\_\_

1.3 Phone \_\_\_\_\_ 1.4 Fax \_\_\_\_\_ 1.5 Email Address \_\_\_\_\_

1.6 Names and titles of contact people for this case.

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1.7 Ownership details. Submit articles of incorporation; SEC registration etc.

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Provide broad details of shareholding e.g. 100% privately owned, or 45% XYZ Corp., 55% ABC Corp.

1.8 Details of company accounting year.

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1.9 Briefly list all products manufactured and/or sold.  
(Continue on separate sheet if needed)

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1.10 Describe your distribution channels.

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1.11 Describe your production process. Provide flowchart of manufacturing operations.

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**BIS-IRM-AD-SF-02**  
**Application to Initiate Anti-Dumping Investigation**

## 2 OTHER PHILIPPINE PRODUCER/S

Photocopy this worksheet before you start so you can complete it for each relevant producer.

Please give details for any other **Philippine producer/s**.

2.1 Name \_\_\_\_\_

2.2 Address \_\_\_\_\_

2.3 Phone \_\_\_\_\_ 2.4 Fax \_\_\_\_\_ Email Address \_\_\_\_\_

2.5 Briefly, list all products manufactured and/or sold.

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Written expressions from Philippine producer/s of support for the application, or opposition to it, should be attached to the application.

To show clearly the position regarding support and opposition, complete the form before this page.

The collective output of Philippine producers expressly supporting the application must be 25% or more of the total Philippine production of like products during the most recent period of not less than six (6) months. Moreover, producers supporting the application must account for at least 50% of total Philippine production of those producers supporting or opposing the application in writing.

## 2a SUMMARY OF PHILIPPINE PRODUCERS

**Total Philippine Domestic Production of Like Products for the Past Three (3) Years**  
**(During the period .... / .... / .... to .... / .... / ....)**

The period is the most recent representative period immediately preceding the date of herein protest.

Domestic production of **like products** by those **Philippine producers** who have, in writing, *supported* the Application

|                  | Quantity       |
|------------------|----------------|
| <b>Producer:</b> |                |
| <b>Producer:</b> |                |
|                  | <b>Total A</b> |

Domestic production of **like products** by those Philippine producers who have, in writing, *opposed* the Application

|                  | Quantity       |
|------------------|----------------|
| <b>Producer:</b> |                |
| <b>Producer:</b> |                |
|                  | <b>Total B</b> |

Domestic production of **like products** by those Philippine producers who have, in writing, *neither supported nor opposed* the Application

|  | Quantity       |
|--|----------------|
| <b>Producer:</b>   |                |
| <b>Producer:</b>   |                |
|  | <b>Total C</b> |
| Total domestic production<br>(i.e. Total A + Total B + Total C)  | <b>Total D</b> |
| Total domestic production of those producers who have, in writing, expressed <i>support or opposition</i> to the application. (i.e. Total A + Total B) | <b>Total E</b> |
| Total A as % of Total D  | %              |
| Total A as % of Total E  | %              |

### 3 THE PRODUCT

3.1 Please describe the allegedly dumped product.  
*(Submit samples (if possible), brochures, catalogues and specifications).*

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3.2 Please provide the tariff classification, statistical code and tariff duty for the allegedly dumped product.

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**NOTE:** The Tariff Commission, Bureau of Customs, customs brokers or consultants can provide the correct tariff classifications.

3.3 Please describe the like products produced by Philippine industry.  
*(Submit samples (if possible), brochures, catalogues and specifications).*

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3.4 Explain how the products produced by the Philippine industry are like the allegedly dumped products, including physical characteristics, end use, methods of manufacture and marketing system.

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**NOTE:** If the products you manufacture are not identical to the allegedly dumped products, please give details and explain how you consider that they closely resemble the allegedly dumped products. Describe any differences in nature or end-use between the allegedly dumped products and your product.

## 4 ALLEGEDLY DUMPED PRODUCTS

4.1 Name the **countries of origin or export** of the allegedly dumped product.

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Disregard countries which the allegedly dumped products pass through in transit. For example, if the products are made in Country A and pass through Country B without further significant processing, the country of export is Country A and the normal values in the Country A domestic market would be used.

4.2 State the other countries known to be exporting the allegedly dumped products to the Philippines.

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4.3 If action is sought against several countries, demonstrate that these countries collectively account for more than 7% of total imports of the allegedly dumped products, if individually they comprise less than 3% of total imports.

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4.4 Provide the names and addresses of the overseas producers and/or exporters supplying the allegedly dumped products

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4.5 Give the names and addresses of any known importers of the allegedly dumped products or articles and describe the nature of their business, e.g. wholesaler, retailer.

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4.6 Indicate when the allegedly dumped products began causing injury.

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## 5 EXPORT PRICE

### 5.1 Provide the **export price** of the allegedly dumped product.

This is the price paid by the importer for the product adjusted by costs relating to its exportation. This is the price at which the product left the exporting country (normally ex-factory level). There is a different method for calculating the export price if the exporter and importer are related – it is described in 5.2 below.

To the extent possible, please provide this information for each product, type or model of allegedly dumped product (photocopy extras sheets if necessary).

Submit evidence to support the export prices e.g. price lists, commercial invoices, sales correspondence and other satisfactory evidence.

It may be necessary to estimate these prices from the best information available to you, but please give evidence to support the prices given.

Are the importer and exporter related? If so, sales may not be at **arm's length**.

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### 5.2 Please explain why the sales are not at arm's length, if this is the case, and why this means that prices may not be reliable for determining dumping.

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### 5.3 Construct an export price and provide evidence of the price for the allegedly dumped product at the first point of resale to an independent purchaser in the Philippines and any costs incurred between exportation and that sale.

Work out the constructed export price by taking the first arm's length transaction in the importing country and deducting all duties and taxes, cost, charges or expenses, and a provision for profit incurred after exportation. Please refer to the next page for the procedure for deriving the constructed export price.

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## DEDUCTIVE EXPORT PRICE ESTIMATE

Model / Type: \_\_\_\_\_

|                            |  |         |
|----------------------------|--|---------|
| 1.                         | PRICE AT FIRST POINT OF RESALE IN THE PHILIPPINES  | ₱ _____ |
| DEDUCTIONS TO ACCOUNT FOR: |  |         |
| 2.                         | Importer's profit on Resale in the Philippines   | ₱ _____ |
| 3.                         | Freight in the Philippines   | _____   |
| 4.                         | Further processing in the Philippines (if any)   | _____   |
| 5.                         | Broker's Fees  | _____   |
| 6.                         | Philippine Customs Duty  | _____   |
| 7.                         | General, Selling and Administrative Costs <sup>1</sup>   | _____   |
| 8.                         | Other (if any, please specify)   | _____   |
| 9.                         | TOTAL INCURRED FOR ALL ACTIVITIES IN THE PHILIPPINES (2 to 8)  | _____   |
| 10.                        | IMPORTER'S PURCHASE PRICE (1 minus 9)  | ₱ _____ |
| 11.                        | Freight to the Philippines   | _____   |
| 12.                        | Insurance to the Philippines   | _____   |
| 13.                        | Others (if any, please specify)  | _____   |
| 14.                        | TOTAL EXPORT CHARGES (11 to 13)  | _____   |
| 15.                        | DEDUCTIVE EXPORT PRICE (10 minus 14)   | _____   |
| 16.                        | ESTIMATED F.O.B. EXPORTER'S SELLING PRICE<br>(Line 15 above divided by the exchange rate of currency of exporting country) | ₱ _____ |

<sup>1</sup> Incurred in reselling the products in the Philippines. Please insure that they do not include any of the costs referred to on 3,5,6 and 8

## 6 NORMAL VALUES

- 6.1 Please state the **normal value** for the allegedly dumped product on the domestic market in the country of origin.

Please specify the level of trade (e.g. manufacturer to wholesaler, wholesaler to retailer etc.) and remember to provide prices for each product, model or type.

If it is not possible to establish normal value in the country of origin, base the value on:

- **Constructed Value** in the country of export; or
- Export Sales made to a third country by the exporter; or
- If none of the above are possible, establish the value from the best information available to you.

**NOTE:** The Bureau of Import Services (BIS) can advise on establishing normal values in situations where domestic sales are not appropriate to use.

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- 6.2 Please give evidence such as price lists or invoices for any value given in item 6.1 above

(If possible, submit evidence to support the normal value e.g. price list, commercial invoices, discount schedules, commercial attaché reports and other satisfactory evidence.

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- 6.3 Please state any factors affecting the comparability of prices for export sales and domestic sales, e.g. quantities sold, conditions and terms of sales, level of trade, taxation or physical differences.

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- 6.4 What amounts should be allowed for the factors in item 6.3 above?

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6.5 Describe how estimates were determined and the information on which they were based on such other factors considered – the differences in technology, equipment, labor, raw material costs, or for economies of scale.

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6.6 If there are other producers/sellers of the allegedly dumped product in the domestic market of the country of export, please provide names and addresses.

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## 7 DUMPING MARGIN

- 7.1 Show the difference between the normal value and export price of each product, type, or model of the allegedly dumped product or article. Please ensure that the normal value and export prices are expressed in the same currency.

Careful and fair comparison must be made between the export price and the normal value. As much as possible, adjustments are to be made at the same level of trade and for sales made at the same time allowing for adjustments to the normal by taking into account factors that may affect price comparability.

The assessment of dumping margin can be made by:

- Comparing the weighted average of export prices with the corresponding weighted average of normal values, or
- Comparing export prices and normal values on a transaction to transaction basis.

**NOTE:** If the **dumping margin** is less than 2% as a percentage of the export price it is *de minimis* and the investigation cannot be initiated.

## INJURY

In order to investigate claims of injury, the Bureau of Import Services must have evidence showing:

- The volume of imports of allegedly dumped product;
- The effect of the allegedly dumped product on prices in the Philippine market;
- The economic impact of the volume of imports of allegedly dumped product on the Philippine industry.

All information provided to support claims of injury unless specifically requested must cover the last three (3) years immediately preceding the date of the protest.

It is important for applications to show a **causal link** between the alleged dumping and the alleged injury. For example, a decrease in local production and sales may be causally linked to an increase in imports of allegedly dumped product.

You may believe that although your industry is not currently suffering injury, there will be injury if the dumping is not stopped. Your application will then be based on threat of injury.

When the Bureau of Import Services makes a determination of threat of injury it does so on the basis of guidelines set down in Section I of RA 8752.

- A determination must be based on facts, not merely on allegation, conjecture or remote possibility. The change in circumstances which will create a situation in which the dumping will cause injury must be clearly foreseen and imminent.

In considering the injury factors set out in this Act, the Bureau will take account of the following key factors in determining that a threat of injury exists:

- The likelihood of substantially increased imports;
- The exporters capacity to increase dumped exports in the Philippine market;
- Whether the prices of imports are having a significant effect on prices in the Philippines;
- Inventories of the products being investigated.

None of these factors alone will necessarily give decisive guidance to the determination, but taken together, must lead to the conclusion that further dumped exports are imminent and that, unless protective action is taken, material injury could occur.

Your application should have enough information to permit the Bureau to assess the claims in terms of these guidelines.

***After 60 days from initiation of investigation, provisional anti-dumping duties can be applied at any time, provided there is reasonable cause to believe that the products are dumped and causing injury, and provided such action is necessary to prevent injury being caused during the remaining period of investigation. If you think this situation applies to your industry, then you should request that provisional duties be imposed.***

## 8 INCREASED IMPORT VOLUME

8.1 State quantities of imports of the allegedly dumped product.

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8.2 State dollar value of imports of the allegedly dumped product.

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For both items on this page, please provide these details for the most recent three (3) years available, if possible by month or by quarter and for each country named in the application. This information may be available from the Philippine Statistics Authority or the Bureau of Customs.

## 9 PRICE EFFECTS

- 9.1 Outline the extent to which the allegedly dumped products are **price undercutting** like domestic products.

Remember to provide information on price effects for each model, product or type of alleged dumped product, and for each exporter named in this application. Ex-factory prices should, where possible, be compared with prices ex importers' store (excluding any distribution costs).

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- 9.2 Outline the extent to which the allegedly dumped products are causing **price depression**.

Provide supporting evidence e.g. price lists, invoices, declines in average unit ex-factory prices.

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- 9.3 Outline the extent to which the allegedly dumped products have caused **price suppression**.

Provide supporting evidence such as details of increases in production costs and selling and administration costs, and any information on your pricing policy and history.

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## 10 ECONOMIC IMPACT

Complete the following injury summary for domestic sales of the like product for the most recent 3 years available, if possible by month or by quarter.

Table should show the consolidated figures of all the producers by or for whom this application is made. Please state if the table covers different accounting years, and if so, identify the different accounting years for each producer.

### Injury Summary

Accounting Period  
Sales Volume  
Revenue  
Cost of Production  
Gross Profit  
Selling and Admin.

Complete the following cost of production of the product under protest for the most recent 3 years available.

Raw Materials  
Conversion Cost  
Specify  
    Direct Labor  
    Factory Overhead  
    Variable Expense  
    Fixed Expense

**10.1 OUTPUT**

10.1.1 Provide details of any decline in the industry’s output of the like product for the Philippine market.

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**10.2 RAW MATERIALS USAGE**

10.2.1 Indicate the utilization for each major raw material used for production of the like product.

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10.2.2 State whether the specific raw material is imported or locally produced.

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**10.3 SALES**

10.3.1 Provide details of any decline in the industry’s sales of the like product.

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10.3.2 Explain any lost sales due to direct competition from the allegedly dumped product.

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10.3.3 Give copies of any correspondence or cancelled orders from the industry’s customers showing they are buying the goods from other sources.

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10.3.4 Provide a schedule of volume and value of export sales over the most recent three (3) years available, if possible by month or by quarter.

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## 10.4 MARKET SHARE

10.4.1 Provide evidence of the size of the Philippine market, preferably by volume, but otherwise by value.

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10.4.2 Compare the market share of domestic industry with the share held by imports of the allegedly dumped product and imports from other sources.

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## 10.5 PROFITS

10.5.1 Explain how the **gross** and **net profit** on the domestic sales of like product have been affected.

This explanation should be consistent with changes in gross and net profit shown on page 14 above.

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## 10.6 PRODUCTIVITY

10.6.1 Show how productivity has been affected in the most recent three (3) years, monthly or quarterly if possible.

Remember to state the basis used for measuring productivity (e.g. Production per worker, or per period etc.)

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## 10.7 RETURN ON INVESTMENTS

10.7.1 Show return on shareholders' funds or return on assets, or a similar appropriate measure of return on investment, in terms of net profit.

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10.7.2 Provide details of how any allocation of shareholder's funds or assets has been made to like product.

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**10.8 USE OF PRODUCTION CAPACITY**

10.8.1 State the industry’s production capacity for the most recent three (3) years available, if possible on a monthly or quarterly basis, for the like product.

Explain the basis for this assessment, e.g. machine capacity, number of shifts, and state the units of measurement, for example, tons, meters, liters.

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10.8.2 What has been the industry’s capacity utilization rate for the periods specified above?

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**11 OTHER ADVERSE EFFECTS**

11.1 Please give evidence to support claims of injurious effects (actual or potential) in any of the following areas for the most recent three (3) years:

- Cash flow – specify cash inflows and cash outflows
- Inventories – volume and value
- Employment
- Wages
- Growth
- Ability to raise capital
- Investments

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11.2 Comment on the impact made by the alleged margin of dumping, and any other factors affecting domestic prices.

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## 12 OTHER CAUSES OF INJURY

Please comment on factors other than the allegedly dumped product that have injured, or are injuring the industry. These factors could include:

- The volume and prices of like products or articles that are not sold at dumped prices;
- Reduction in demand or changes in the pattern of consumption;
- Restrictive trade practices of, and competition between, overseas and the Philippine producers;
- Developments in technology; and
- The export performance of the Philippine producers.

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## 13 IMPORTS BY THE INDUSTRY

If the industry has imported the subject product in the past three (3) years please provide:

- Full description of the product;
- Details of each shipment (including dates of importation, supplier, country of origin, values for duty, CIF values and volume).
- An explanation why the industry has imported the subject product.

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# RA 8752 – ANTI-DUMPING ACT OF 1999

## Application to Initiate a Dumping Investigation

I hereby apply to initiate an investigation into the dumping of (product)

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from (country of origin)

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In support of this application I attached evidence of:

- (i) Dumping
- (ii) Injury to the Industry; and
- (iii) A causal link between the alleged dumping and alleged injury.

and such information as is reasonably available to me in relation to the matters referred to in RA 8752, the Philippine Anti-Dumping Act of 1999.

This application is made [by] [on behalf of] the Philippine industry producing like product or article to those subject to the application, and is supported by producers of like product or article whose collective output constitutes:

- (a) Twenty five percent (25%) or more of the total Philippine production of like product produced for domestic consumption (during the most recent representative period, being not less than six months); and
- (b) More than fifty percent (50%) of the total production of like product produced for domestic consumption by those Philippine producers who have, in writing, expressed support for or opposition to the application.

Furthermore, I certify that the information contained in this application are accurate and complete to the best of my knowledge.

Signature \_\_\_\_\_

Name \_\_\_\_\_

Position \_\_\_\_\_

Date \_\_\_\_\_

**YES!**

**You have reached the end of the applicant's questionnaire.**

Please make sure you compile your application using the numbering system used in this questionnaire.

Have you signed the application? \_\_\_\_\_

Have you covered everything in the checklist? \_\_\_\_\_

Have you prepared two (2) copies of a non-confidential summary or version of your application and its attachments, to be made available upon request to any interested party if an investigation is initiated? \_\_\_\_\_

Hold on to your questionnaire, it will be useful if further questions arise during a dumping investigation.

Please send the application for an investigation to:

**THE DIRECTOR**

Bureau of Import Services  
Department of Trade and Industry

**Address:** 3<sup>rd</sup> Floor, Tara Building  
389 Sen. Gil Puyat Avenue,  
Makati City

**Telephone No:** 896-4430/403-1418

**Fax No:** 896-4431

**Email:** LuisCatibayan@dti.gov.ph  
bis\_irmd@dti.gov.ph

