

Importer - Protestee's Questionnaire

Anti-Dumping Investigation

Inquiries Relating to the Export to the Philippines of Certain Articles Alleged to be Dumped and Causing, or Threatening to Cause, Material Injury to a Domestic Industry

Protestees providing submissions must ensure that:

- each page is labelled either "confidential" or "non-confidential";
 - two (2) confidential copies of the accomplished questionnaire and its annexes are provided;
 - two (2) copies of the non-confidential version or summary of accomplished questionnaire and its annexes are provided;
 - the non-confidential version fully explains the content and significance of the confidential information; and
 - the declaration is completed.
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D E C L A R A T I O N

I hereby declare that _____ (name of the company) to import the articles under consideration and have completed the attached questionnaire. I also certify that the information contained in this submission is complete and correct to the best of my knowledge and belief.

(Signature Over Printed Name)

(Designation/Position)

(Date) _____

REPUBLIC OF THE PHILIPPINES) SS

_____)

_____ (Name of the Company Representative(s)) after being duly sworn, deposes and says that he is the importer-protetee of the article(s) subject to protest; that he has completed the attached questionnaire; and that the information contained therein is true of his own knowledge.

SUBSCRIBED AND SWORN to me before this _____ day of _____ 20__ in the _____, Philippines, affiant(s) exhibited to me his/her Government Issued ID _____ issued at _____, Philippines on _____ 20__, respectively.

Doc. No. _____

Page No. _____

Book No. _____

Series of _____

GENERAL INFORMATION

WHY HAVE YOU BEEN ASKED TO FILL OUT AN IMPORTER-PROTESTEE'S QUESTIONNAIRE

An application for anti-dumping protest has been lodged with the Department of Finance and has been referred to the Bureau of Import Services (BIS), an agency attached to the Department of Trade and Industry (DTI), for prima facie case determination/preliminary investigation. The application is directed against your importation - the subject article(s) of the protest. The domestic industry alleges that the subject articles are imported at dumped prices. It also alleges that the imported articles have materially injured the domestic industry.

Republic Act 8752 (Anti-Dumping Act of 1999) and its Implementing Rules and Regulations provides remedies by way of duties where imported articles are found to be dumped and are causing or threatening to cause material injury to a domestic industry producing like articles.

As a member of the World Trade Organization (WTO), the Philippine administration of anti-dumping practices adheres to the rights and obligations set out in the WTO Agreement on Anti-Dumping Practices. This Agreement seeks to ensure that anti-dumping practices should not constitute an unjustifiable impediment to international trade. For this reason, any action contemplated must be carefully examined and solid grounds must be established to demonstrate that the action meets the requirements, procedural and evidentiary, of the Anti-Dumping Act and our obligations under international trade agreements.

The DTI-BIS is not an advocate for any party in these inquiries, but rather evaluates the data submitted and provided by the applicant, importer-protestees and exporters, together with the information obtained independently to determine whether or not a prima facie case exists as to warrant a formal investigation for an anti-dumping protest.

You are requested to complete this questionnaire and return it to the DTI-BIS within thirty (30) days, from the date letter and attached questionnaire is received. You are strongly recommended to respond to all the questions asked. The absence of responses to individual questions or the lack of a response to the questionnaire will cause the agency to use the best information available, which may be the information provided in the original complaint which triggered the investigation. A copy of the non-confidential version of the application is enclosed.

Part of this Questionnaire asks you to provide comments on market trends and the applicant's claim of injury. This provides you with the opportunity to provide information on factors that affect the industry in which you operate and refute claims of injury made by

the applicant. The information you provide will give the DTI-BIS a broader understanding of the various relevant factors affecting the domestic market and the industry producing the articles under consideration.

It is in your interest to complete the questionnaire because the outcome of the DTI-BIS's prima facie case determination/preliminary investigation may affect your business.

This questionnaire is not designed to be filled in except for the request to complete the declaration which is to be returned. Thus, your answers and any supplementary material provided in support of your answer, should clearly identify the questions to which they relate (in sequence) and must be attached to this questionnaire. Additional information may be requested from your company as necessary.

All information provided to the agency in confidence will be treated accordingly. You should ensure that the information you provide which is confidential, is clearly marked as such, and that there is a non-confidential version (or summary) of that data. Failure to provide a non-confidential summary may result in the information being disregarded by the DTI-BIS.

The non-confidential version of the submission is placed on a public file and made available to interested parties. This allows your claims to be considered by the other parties, who have a right to see the information relevant to the presentation of their case. Similar arrangements apply to submissions made by other interested parties.

The recommended method of satisfying the requirement for confidential and non-confidential copies is to keep the body of the application non-confidential and to place confidential data in appendices.

Should you have questions or inquiries in preparing and/or answering this questionnaire, advice or assistance can be obtained from the officer of the Bureau of Import Services with office address at the 3rd Floor, Tara Bldg. 389 Sen. Gil Puyat Avenue, 1200 Makati City. The contact telephone/fax numbers are: Tel. Nos. 8896-44-30 / 8403-14-18; Fax No. 8896-44-31. Email Address: bis@dti.gov.ph and bis_irmd@dti.gov.ph

Questionnaire

1. Identification

- 1.1 Give your complete company name, address, telephone and fax numbers.
- 1.2 Provide the name(s) and title(s) of personnel in your company whom we should contact in case we have further questions.
- 1.3 Provide details of ownership and/or shareholding of your company.
Please **submit** articles of incorporation and/or SEC registration, etc.
- 1.4 Describe the organizational structure, the functions and distribution channels of your business. Please submit relevant company publication and/or profile.

2. Imports

Imports in this form, unless otherwise indicated, means the allegedly dumped articles against which an anti-dumping investigation is warranted.

- 2.1 Describe fully the articles you imported. If possible, please supply samples, brochures and/or catalogues of the articles imported.
- 2.2 Identify the tariff classification, statistical code and rate of duty applying to the articles you imported.
- 2.3 Identify the source country(ies) of the your imports. Is any country of manufacture different from the country of export? If so, give details.
- 2.4 Provide the complete names and addresses, contact person, telephone and fax numbers of the exporters and/or foreign producers from whom you purchase the articles.
- 2.5 Details of importation by volume, both in value and quantity for the last two(2) years and the current year to date, indicating the date, name of the exporter and level and terms of sale (FOB, CIF, C&F, cash sales, credit terms). Please attach copies of all relevant documentary evidences, e.g., copies of all invoices, import entries, etc. to support this data.
- 2.6 Describe any differences between the articles which are imported by your company and those manufactured by the domestic producers.

3. Export Price

- 3.1 Please provide the details of the export price of your imports over the last two (2) years and the current year to date (on a monthly basis), including the basis for the price (e.g., CIF, FOB) and any discounts or special terms that you receive from the exporter. If there are several articles, types, or models, details must cover all models, types, grades, etc.

Evidence is required to support the export prices calculated, e.g., price lists, commercial invoices, sales correspondence, and other documentary evidence from the exporter of your imports.

- 3.2 How was payment made to the exporter e.g., bank draft, letter of credit, overseas loan, telegraphic transfer?
- 3.3 Has the exporter or an associate of the exporter provided any reimbursement, compensation or a benefit in respect of the whole or any part of the price? If yes, please provide details.
- 3.4 Do you have a commercial or other relationship with the exporter, e.g., shareholders? If yes, what is the relationship? Does this relationship affect the price of the articles?
- 3.5 Do you have a written agreement with the exporter? If yes, does this affect the

price paid. Please provide a copy of this agreement.

4. Selling Costs

Please provide the details of your selling costs per unit for the imported goods, i.e. overseas costs (whether or not in the invoice price), costs incurred from the port to the store or outlet; selling, general and administrative costs. Specify whether the above costs are actual or average and the period to which apply. Attach copies of representative invoices as evidence to support such costs.

5. Sales of Imports

Depending on the function your company/organization performs, this information should be provided in Section C1 to C3 of the questionnaire. Please break up the sales information where there are different models, grades or types on the goods which have different pricing structures.

What function does your company/organization perform?:

- a trader go to C1
- a distributor go to C2
- a further processor of the imports go to C3
- a mixture of the above go to C1, C2 and /or C3

C1 Trader

- i. What is the normal gross margin on these articles? its level of profit as compared to other articles you sell? Please elaborate.
- ii. What percentage of your overall business does the trading of these articles represent in the current year to date and the last 2 years?
- iii. Please attach a list of your customers who have purchased the articles from you the last 2 years and the current year to date to include volumes, prices and approximate dates.
- iv. Please explain the terms and conditions governing sales of the subject articles during the last 2 years and the current year to date, including selling prices, discounts, payment terms, freight policy, unit of measurement, total quantity sold, total gross sales revenue, sales return and allowances, and cash or other discounts allowed.

Evidence is required to support the selling prices - price lists that were in place or if price lists were not used, indicate the method used in determining selling prices.

C2 Distributor

- i. What percentage of your overall business does the trading of these articles represent in the current year to date and the last 2 years?
- ii. What is the normal gross margin on these articles? Its level of profit as compared to other articles you sell? Please elaborate.
- iii. Please attach a list of your customers who have purchased the articles from you the last 2 years and the current year to date to include volumes, prices and approximate dates.
- iv. What were the terms and conditions governing sales for all or the majority of your sales of the articles during the last 2 years and the current year to date? Please explain to include selling prices, discounts, payment terms, freight policy, unit of measurement, total quantity sold, total gross sales revenues, sales returns and allowances, and cash and other discounts allowed.

C3 Further Processor

- i. If you use the articles in the manufacture or production of another product, what is that product?
- ii. What is the content of the imported articles as a percentage of the finished product? Please provide a cost breakdown of the manufactured product. Submit a copy of the statement of cost of production of the finished product.
- iii. Over the period of importation of the articles or in the last 2 years (whichever is the lesser) has the finished product been sold profitably? Please elaborate and attach a list of your customer who have purchased your product the last 2 years and the current year to date.
- iv. What were the terms and conditions governing sales for all or the majority of your sales of the finished product during the last 2 years and the current year to date? Please explain to include selling prices, discounts, payment terms, freight policy, unit of measurement, total quantity sold, total gross sales revenues, sales returns and allowances, and cash and other discounts allowed.

Evidence is required to support the selling price - price lists that were in place or if price lists were not used, indicate the method used in determining selling prices.

5. Profitability

Please attach a copy of your company's financial statements for the last 2 years and the current year to date. Please provide also a copy of the profit and loss statement for the sale of the imported articles under consideration. In the latter case, please provide estimated statements for the subject articles and explain how they were derived.

6. Domestic Market/Material Injury

The applicant(s) has made a number of statement regarding the domestic market and material injury. You may wish to provide comments on the domestic market, market trends generally and/or any other factors you consider relevant to the claims of material injury. If possible, any comments should be supported by documentary evidence.

6.1 Please provide a general outline of the domestic market including any segmentation (e.g., brand name versus generics, geographic divisions), historical and expected demand patterns, changes in consumer tastes, distribution channels and seasonal fluctuations. You may also wish to comment on other factors affecting the domestic industry such as supply and demand, prices, the relative importance of imports, etc.

6.2 Please comment on each specific claim made by the applicant in regards to material injury.

6.3 Please provide details of any factors you consider to be the cause of the material injury **claimed** by the applicant.

7. General Comments

This section gives you the opportunity to make comments on the allegations made by the applicant(s) that has claimed to be materially injured because of dumped imports.

You are also invited to make comments on any other issues you consider relevant which you believe will assist in your rebuttal of the applicant's allegations.

Any rebuttal should be supported by documentary evidence, if possible.
