

Exporter's Questionnaire **Anti-Dumping Investigation**

For use by Overseas Manufacturers and Exporters to the Philippines

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

Exporters providing submissions must ensure that:

- each page is labeled 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;
- the declaration is completed; and
- all the information provided are subject to affixation of "Apostille" to the document or authentication by the Philippine Embassy/Consulate General in your country, as applicable.

DECLARATION

- I hereby declare that _____ (*name of company*) do export 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.
- I hereby declare that _____ (*name of company*) do not export the articles under consideration and therefore have not completed the attached questionnaire.

(Signature Over Printed Name)

(Designation/Position)

(Date)

GENERAL INFORMATION

WHY HAVE YOU BEEN ASKED TO FILL OUT AN EXPORTER'S QUESTIONNAIRE

An application for anti-dumping protest has been lodged and referred to the Bureau of Import Service (BIS)-Department of Trade and Industry (DTI) for *prima facie* case determination/preliminary investigation. The application is directed against your product(s) - the subject articles(s) of this protest. The Philippine industry alleges that the product you manufactured and/or exported to the Philippines are at dumped prices. It also alleges that, as a result thereof, domestic industry producing like articles is materially injured.

Republic Act 8752 (Anti-Dumping Act of 1999) and its Implementing Rules and Regulations, provides remedies and/or protection by way of duties to the domestic industry which are injured by dumping. Action under this legislation becomes an international issue because it represents an accusation that a trading partner is trading unfairly. For this reason, it is contemplated that careful examination and solid grounds must be established to demonstrate that the action meets the requirements, procedural and evidentiary, of the legislation and our obligations under international trade agreements.

As a member of the World Trade Organization (WTO), the Philippine administration adheres to the rights and obligations set out in the WTO Agreements on Anti-Dumping Practices.

Manufacturers and/or exporters are requested to respond to this questionnaire and return it to the DTI-BIS within thirty (30) days from the date letter and attached questionnaire is received. There is a statutory time limit imposed for the inquiry and the agency may not be able to give full consideration to submissions received after this period. You are strongly recommended to respond to the questions asked. The absence of responses to individual questions or lack of a response to the questionnaire will cause the DTI-BIS to use the best information available, which may be the information provided by the original complaint, which triggered the investigation. A copy of the non-confidential version of the application is enclosed.

The questionnaire is in a number of parts to make it easier for you to complete. A suggested format is shown for statistical or accounting data. Should you prefer to provide your answers/data in a different format, this may be acceptable to the DTI-BIS. Any major differences should be discussed with DTI-BIS at the earliest opportunity. It is possible that some questions will not be relevant to your situation and, in these circumstances, a brief explanation of the reasons why you have not responded should be provided. On the other hand, there may be matters not covered in the questionnaire that you believe should be addressed. If this is so, please include those details.

Part of this Questionnaire asks you to provide comments on market trends and the applicants 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 make available in response to the questionnaire will assist the DTI-BIS in its inquiries into the allegations.

It is therefore in your interest to complete the questionnaire and provide detailed submissions.

The 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 the declaration.

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, Makati City, 1200 Philippines. The contact telephone/fax numbers are: Telephone Nos. (632) 8896-4430/8403-1418; Fax No. (632) 8896-4431. Email address: bis@dti.gov.ph and bis_irmd@dti.gov.ph.

Questionnaire

1. Identification

- 1.1 Give your complete legal name, address, telephone and fax numbers. Provide details of any other business names which you use to export and/or sell your articles.
- 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 Please provide details of your company's ownership and/or shareholding. Provide any evidentiary documents, if possible.
- 1.4 Describe the organizational structure, nature and functions, and distribution channels, both export and domestic, of your company. Please provide a copy of your most recent annual report and/or any brochures or pamphlets of your business activities.
- 1.5 Briefly describe all of the types of articles you produce and/or sell.
- 1.6 To the best of your knowledge, please provide other manufacturer and/or exporter of the subject articles shipped to the Philippines to include their business name, address, fax number and the person(s) to be contacted.

2. Subject Article(s)

- 2.1 Describe fully the articles you manufactured and/or exported to the Philippines. If the articles involve a number of models and/or types, the details must cover all models or types manufactured and/or exported to the Philippines. Please supply samples, brochures and catalogues of the articles sold to the importer(s) in the Philippines.
- 2.2 For each model/type exported to the Philippines, please identify like articles sold by your business on the domestic market in your country. Like articles has been defined in the Philippine legislation as articles that are identical to the articles under consideration or, if not identical, have characteristics closely resembling the articles under consideration. Please provide:
- technical and illustrative material on the articles sold domestically, and
 - a detailed explanation of the differences where those articles sold domestically are not identical to the articles exported to the Philippines.

3. Market Share

- 3.1 State the total quantity and value of like articles that you have sold during the last two (2) years and the current year to date - in your domestic market, to importers in the Philippines and to importers in other countries other than the Philippines. The preferred format for this information is shown at Appendix 1.
- 3.2 In each market identified in 3.1, state the most commonly used terms and conditions with regards to delivery, payments, method of payment, discounts and other information relative to sales.

4. Export Sales

The information elicited in this part is required to determine the export price of the articles which were shipped to importers in the Philippines. The export price of the articles is normally assessed at the Free On Board (FOB) level. DTI-BIS therefore requires costs beyond the ex-factory level to enable calculation of a FOB price.

- 4.1 Provide the name and address of each importer in the Philippines to whom your company shipped/sold the subject articles, indicating their level of trade and other activities which the importer undertakes in respect to the subject articles prior to and following importation.
- 4.2 For each importer in the Philippines in 4.1, provide a list of all shipments of the subject articles made during the last 2 years and the current year to date (on a monthly basis) to include quantity, unit selling price, invoice amount, and the approximate date. Suggested format for this information is shown at Appendix 2.

Evidence is required to support this data, e.g., importer's purchase order, commercial invoices, bill of lading, letter of credit, details of any discounts or rebates, evidence of payments, etc.

- 4.3 Indicate the relationship between your business and each of your Filipino customers. If this relationship is other than the ordinary buyer-seller relationship, please elaborate to include details of any arrangements, financial

or otherwise, existing between your company and the importers in the Philippines of the subject articles.

- 4.4 Please give details of any other matters which pass between you and your Filipino customers which may affect the actual export price of the 2 subject articles. Provide copies of any catalogues, brochures, price lists, specification data, agreements or contracts, current and forward orders, etc. relative to your export sales.
- 4.5 For the articles under consideration, please provide details of costs incurred for each unit after factory and up to FOB in the country of export. Such costs may include: export packing, storage, inland freight from factory to port/border, insurance, handling, export taxes, export inspection fees, customs brokers, fees, commission, and other taxes.
- 4.6 Where export sales are other than FOB in the country of export, please provide any details of other costs incurred in addition to the costs listed in response to 4.5. Such costs may include: freight from border to port, overseas freight, overseas insurance, Philippine Customs duty, Customs agent fee in the Philippines, and port and transport costs in the Philippines.
- 4.7 Please describe your export pricing policy. If sales are in accordance with price lists, supply copies of all lists that applied during the last two (2) years as well as the current price lists.
- 4.8 Describe your export payment terms. If sales are on credit terms, please give details on the interest rates charged and the export prices applicable under such payment terms.
- 4.9 Provide details on any taxes or duties levied on the goods under consideration which are remitted or refunded on export.

5. Domestic Sales

The information requested in this part is required to determine the normal values of the articles shipped to importer in the Philippines during the last 2 years and the current year to date. Generally, normal values are based on your firm's domestic selling prices of like articles where there are a sufficient number of profitable domestic sales to arm's length customers to form a proper comparison with the sales of articles to importers in the Philippines.

Factors which may be taken into account in the DTI-BIS' analysis and for which adjustments may be made include the trade levels of the importers in the Philippines as compared to the trade level of your domestic customers; the quantities of articles sold to the Philippines as compared with the quantities sold domestically; qualitative differences and other differences, taxation differences and other differences in terms and condition of sale.

- 5.1 Please provide details on your domestic sales of like articles. If any of the customers listed are associated with your business, please provide details of the association and the effect, if any it has on the price. A preferred format for this information is shown at Appendix 3.

5.2 Please describe your domestic pricing policy. If sales are in accordance with the price list, please supply copies of all lists that applied as well as current price list. Provide details of any discounts given for cash, quantity, or articles supplied free of charge. If the price is negotiated and varies from customer to customer, please provide the weighted average prices on a monthly, quarterly or annual basis depending on your accounting practices.

5.3 From the information on domestic customers, select a customer that purchases at arm's length (ordinary course of trade), is at the same level of trade, and purchases a similar volume of like articles as your Philippine customer. If you do not have a customer as described above, select a domestic customer that purchases at arm's length and whose purchases you believe are most comparable with purchases by the Philippine customers. Give reason for your selection.

If neither of the above is applicable, choose a customer whose domestic prices are closest to the weighted average for each quarter.

5.4 Once the domestic customer has been selected, provide copies of sales invoices, details of discounts or rebates applicable, commissions or royalties granted or any other consideration or reimbursements made in respect of the selling price and evidence of payment. Please provide details of the contractual arrangements concerning the transactions.

5.5 To enable a fair comparison between the export price to the Philippines and the domestic price in your country, certain adjustments may be made. Please advise if there are any differences between your domestic and export sales in the following areas and, if so, provide supporting documentation to assist in quantifying this difference: packing, inland freight, insurance, storage, handling, credit interest, taxes, sales incentives, commissions, warehousing/storage, and other FOB charges.

If you believe that there are other factors affecting price comparability between your domestic and export sales, provide full details including a calculation of the amount of adjustment claimed and provide any supporting documentation you may have in quantifying this difference.

6. Export Sales to Countries Other than the Philippines

6.1 Please provide details of selling price of like articles sold at arm's length sales to customers in countries other than the Philippines at the same level of trade, if possible, and with similar sales volume as your Filipino customers. The information should be presented in a format similar to that shown at Appendix 4.

If you do not have a customer as described above, please provide information on arms length sales you believe are most comparable to sales to the Filipino customers. Give reasons for your selection of those sales.

6.2 Support the above information with copies of documents relating to a selection of sales invoices, contracts, details of any discounts or rebates, bills of lading and evidence of payments.

6.3 For sales referred to in 6.1, provide details of cost incurred, for each unit after factory up to FOB in the country of export. Such costs may include: export packing, inland freight from factory to port/border, insurance, storage, handling, export taxes, export inspection fees, customs broker's fees and commissions.

Where export sales are other than FOB in the country of export, please provide details of any costs incurred in addition to the costs listed in response above. Such costs may include: freight from border to port, overseas freight, overseas insurance, customs duty in the importing country, port and transport cost in the importing country, etc.

6.4 Please provide details of any taxes or duties levied on the subject articles which are remitted or refunded on export.

6.5 Please identify any other differences in these prices which may affect its comparison to export sales to the Philippines.

7. Costs to Produce and Sell

This section relates to costs incurred in manufacturing and selling the subject articles to the Philippines, and for the articles sold in the domestic market and articles exported to countries other than the Philippines.

7.1 Please provide (in the format shown at Appendix 5) the actual unit cost to produce and sell for each model/type of the articles sold to the Philippines, and for the articles sold in the domestic market and export market other than the Philippines. It is necessary to show all the costs associated with the manufacture and sale of the goods. Provide copies of any work sheets and supporting documentation used in your calculations.

7.2 Where the figures in 7.1 show that differences in specifications exist between articles sold to the domestic markets and those sold for export, give the reasons and supporting evidence for these differences.

7.3 Provide details of your net profit to sales ratio realized over the last two (2) years and the current year to date for the profit center which includes the articles under consideration. How does this compare to the profit ratio for the subject articles?

What level of profit has your company achieved for the subject articles sold on the domestic market? What is the basis for determining this profit?

7.4 Describe methods used in your general accounting system, e.g., what methods do you use to allocate costs from general costs categories to specific goods, how do you determine depreciation and useful life of fixed assets, how do you deal with costs and revenue of any by-products, how do you deal with incidental revenue, if standard costing is used rather than actual costs, describe methods used to determine standards, the frequency of revisions and the treatment of variances.

- 7.5 If, in answer to 7.1, your allocation of selling, administration, finance and other costs differs from the proportion these costs bear to sales revenue as shown in your Profit and Loss Statement for the period under inquiry, please give details and reasons.
- 7.6 If the fully absorbed cost to produce and sell any one model/type of the like articles sold on the domestic market or to customers in countries other than the Philippines exceeds net selling prices, please comment on reasons for these sales at a loss.
- 7.7 Further to 7.6, do you expect to recover the losses on these sales. If so, give reasons and indicate over what period of time the losses would be expected to be recovered?
- 7.8 Give details and an explanation of any significant differences between the costs shown and the costs normally determined in accordance with your general accounting system. Particular reference should be made to those differences arising from the movements in inventory levels and variances arising under standard costing methods.

8. Profitability

Please attach a copy of your company's financial statements for the last two (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.

9. Philippine Market/Material Injury

The applicant has made a number of statement regarding the Philippine market and material injury. You may wish to provide comments on the Philippine 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.

- 9.1 Please provide a general outline of the Philippine market from your perspective and provide comments on any other factors you believe affect the Philippine industry such as supply and demand, prices, the relative importance of imports, etc.
- 9.2 Please comment on each specific claim made by the applicant in regards to material injury.
- 9.3 Please provide details of any factors you consider to be the cause of the material injury claimed by the applicant.

10. General Comments

This section gives you the opportunity to make comments on the allegations made by the applicant (s) on its claim of material injury 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 rebuttals should be supported by documentary evidence, if possible.

APPENDIX 1

TOTAL SALES

NOTE: INFORMATION SHOULD BE SUPPLIED FOR EACH YEAR OF THE RELEVANT PERIOD AND FOR EACH MODEL/TYPE.

Model/Type _____
Year ^{1/}

	Total Sales Quantity ^{2/}	Net Sales Revenue ^{3/}
Exports to the Philippines		
Domestic Market		
Exports to Other Countries		
TOTAL		

^{1/} Specify year

^{2/} Specify unit of measurement (e.g. tons, liters, grams, kilograms).

^{3/} Specify unit of currency (and exchange rate if applicable).

APPENDIX 5

COST TO PRODUCE AND SELL PER UNIT

NOTE: INFORMATION SHOULD BE SUPPLIED FOR EACH MONTH-YEAR OF THE RELEVANT PERIOD FOR EACH MODEL/TYPE. PLEASE SPECIFY UNIT OF CURRENCY.

	Model Exported to the Philippines	Comparable Domestic Model	Comparable Model Exported to Other Countries
Model/Type			
Materials ^{1/}			
Total Material Cost			
Direct Labor			
Manufacturing Overheads			
Other Costs ^{2/}			
Costs of Production			
Selling Costs			
Administration Costs			
Financial Costs			
Delivery Expenses ^{3/}			
Other Costs ^{3/}			
Unit Cost to Produce and Sell			

^{1/} Include indirect material costs as a separate item only if not included in manufacturing overhead.

^{2/} Relating to costs of production only; identify each cost separately.

^{3/} Identify each cost separately. Please ensure non-operating expenses that relate to the subject articles are included.
