

IN THE MATTER OF THE PETITION FOR THE
IMPOSITION OF SAFEGUARD MEASURES
AGAINST IMPORTATIONS OF TESTLINER
BOARD FROM VARIOUS COUNTRIES

AHTN Sub-heading Nos. 4805.24 00
4805.25 10
4805.25 90

FOR: SAFEGUARD MEASURE
(R.A. No. 8800)
SG. INV. No. 01-2010

PHILIPPINE TESTLINER BOARD INDUSTRY,
Petitioner.

ORDER

Pursuant to paragraph 2, Section 4 of Commission Order No. 00-02 [Rules and Regulations to Govern Conduct of Investigation by the Tariff Commission (TC) Pursuant to Republic Act No. 8800], this Commission hereby issues this Order covering the following matters that were taken up and agreed upon by the parties present during the Preliminary Conference held on June 8, 2010.

1. SCHEDULE

ACTION REQUIRED	DATE
SUBMISSION OF POSITION PAPERS / INITIAL MEMORANDA / DOCUMENTARY EVIDENCES BY PARTIES	June 16, 2010
TC DATA VERIFICATION / PLANT VISITS	June 9 - September 21, 2010
SUBMISSION OF SUPPLEMENTAL INFORMATION AND DOMESTIC INDUSTRY'S ADJUSTMENT PLAN	July 16, 2010
SUBMISSION OF COMMENTS ON TC STAFF REPORT BY PARTIES	July 28, 2010
SUBMISSION BY PARTIES OF LIST OF ISSUES TO BE EXPLORED OR CLARIFIED AT PUBLIC HEARING / AFFIDAVITS OF WITNESSES	July 28, 2010
TC PUBLIC HEARING	August 2-6, 2010
SUBMISSION OF AMENDED POSITION PAPERS BY PARTIES	August 16, 2010

2. ENTRY OF APPEARANCE OF INTERESTED PARTIES

All interested parties (petitioner/oppositor/other interested parties), regardless of whether they were present at the preliminary conference or not, are enjoined to formally enter their appearance through a Motion filed with the Commission signifying their interest in the case and indicating their names, addresses and contact details (telephone and fax numbers, e-mail addresses) including the name, address and

contact details of their counsel, if represented by one. Parties are required to inform the Commission of their alternate and/or collaborating counsels aside from their Counsels of Record to avoid delays in the conduct of the public hearing.

The Commission should be informed of any changes in the company leadership or representing counsel.

Notices will be served only to those who manifested their interest through the filing of aforesaid Motion.

3. SUFFICIENT NOTICE

Parties shall be notified either by fax, e-mail, personal delivery or by mail.

A notice to counsel representing a party is considered notice to the latter.

4. CONFIDENTIALITY OF DOCUMENTS

. The confidentiality of documents submitted to the Commission by any of the parties and marked as such shall be assured. The Commission, however, reserves the right to declassify certain documents as non-confidential if, in its judgement, the information is not confidential in nature.

5. ACCESSIBILITY OF DOCUMENTS

The Commission will maintain a public file of all non-confidential documents/evidence submitted to it.

Parties which submit documents marked confidential should provide a public version of the same, for inclusion in the public file.

The public file will be made accessible to all parties on record upon prior request with the head of the investigating team and upon payment of reproduction fee.

6. SERVICE OF PLEADINGS / AFFIDAVITS

A party submitting pleadings, affidavits of witnesses, and other documentary evidence/information in support of their position to the Commission shall also serve a copy to the other parties who have formally entered their appearance, service of which shall be indicated in the original copy to be submitted to the Commission. The Commission will immediately notify the concerned parties about newly entered appearances for purposes of copy furnishing.

Parties may make service by fax or e-mail in which case the date of transmission shall be deemed to be the date of service.

In cases where voluminous documents are submitted to the Commission, the requirement of service to the parties is waived as long as the submitting party files a

Motion to Admit/Deposit with the Commission said voluminous documents together with its consent to make the same available for review, examination and/or reproduction by the other parties.

7. SUBMISSION OF POSITION PAPER/S

Interested parties are given until June 16, 2010 to submit four (4) copies of their respective position papers, all documentary evidence and other information in support of their position(s). These submissions are deemed preliminary or supplementary for purposes of the Commission's investigation. Copies of these submissions should be served to the other parties who formally entered their appearances at the Commission. Final submission of amended position papers by the parties, if any, shall be on August 16, 2010.

8. ADDITIONAL DATA

The Commission, in the course of the investigation, may request additional data from all parties, which are to be verified by the investigating team. Ocular inspection and/or plant visits will also be conducted as scheduled in the indicative dates above.

9. ADJUSTMENT PLAN

The adjustment plan to be submitted by the petitioner shall provide a clear quantification of its proposed goals and detail the efforts that the domestic industry and other concerned parties will make to place the domestic industry in a more competitive position *vis a vis* import competition.

10. PUBLIC HEARING

The public hearing shall be held from August 2-6, 2010. Once commenced, the public hearing shall continue as scheduled with morning and afternoon sessions, if necessary.

All parties are required to be present on the first day of the public hearing.

As clarified during the preliminary conference, issues for discussion during the public hearing shall be limited to the following:

- a. the presence and extent of serious injury or the threat thereof to the domestic industry that produces like or directly competitive product, and
- b. the existence of a causal relationship between the increased imports of the product under consideration and the serious injury or threat thereof to the domestic industry.

Affidavits of witnesses and Issues which parties may wish to explore or clarify at the public hearings should be submitted to the Commission by July 28, 2010.

11. WITNESSES TO BE PRESENTED

Counsel for the petitioner manifested that he will be presenting at least four (4) witnesses who will testify on the determination of serious injury or threat thereof, as well as on the petitioner's adjustment plan.

SO ORDERED.

Issued at Quezon City, June 9, 2010.

MARILOU P. MENDOZA
Acting Commissioner-Presiding Officer