



Republic of the Philippines
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DEPARTMENT ORDER

NO. 12

Series of 2023

SUBJECT : SECOND EXTENSION OF THE IMPOSITION OF ANTI-DUMPING DUTY ON IMPORTS OF WHEAT FLOUR (ATHN 2022 subheadings 1101.00.11 and 1101.00.19) FROM THE REPUBLIC OF TÜRKIYE

On 18 December 2023, the Department of Agriculture (DA) received the Tariff Commission's 2nd Expiry Review Report on the anti-dumping duties imposed against importation of wheat flour (AHTN 2022 subheadings 1101.00.11 and 1101.00.19) from the Republic of Türkiye. The period of investigation (POI) for the dumping determination is 01 February 2022 to 31 January 2023 while the period covered for the injury determination is 2020 to 2022.

The Tariff Commission (Commission), in accordance with RA No. 8752, or the Anti-Dumping Act of 1999, concluded that:

1. The product subject to anti-dumping duty, and covered by the expiry review, is wheat flour falling under AHTN 2022 subheadings 1101.00.11 (fortified) and 1101.00.19 (other), originating or imported from the Republic of Türkiye;
2. The requirement that the request for an expiry review must be made by or in behalf of the domestic industry was satisfied;
3. There is a high likelihood that the termination of the anti-dumping duties will lead to the continuation of dumping of wheat flour imported from the Republic of Türkiye. Notwithstanding the imposition of anti-dumping duties, the Commission found that:
 - a. dumping of wheat flour imported from the Republic of Türkiye occurred during the POI for dumping determination;
 - b. the volume of dumped imports of Turkish wheat flour at 9%, is above the 3% negligibility threshold;
 - c. Türkiye remains an important country exporter of wheat flour to the Philippines; and
 - d. there is significant excess production capacity of wheat flour in Türkiye which indicates more incentive for its exporters to dump their wheat flour surpluses to the Philippines, as preferred Asian market.

4. The extension of anti-dumping duty prevented the occurrence of material injury to the domestic industry.
5. There is a high likelihood that material injury to the domestic wheat flour industry would occur if the anti-dumping duties are terminated since a real and imminent threat of material injury continues to exist at present even with the imposition of anti-dumping duties.

Having established that (i) the termination of anti-dumping duties is highly likely to lead to the continuation of dumping, (ii) the imposition of definitive anti-dumping duties prevented the occurrence of material injury to the domestic industry, and (iii) a real and imminent threat of material injury continues to exist and there is a high likelihood that material injury to the domestic wheat flour industry would occur once the anti-dumping duties are terminated, **the Commission has ordered the extension of the imposition of anti-dumping duties for another three (3) years.**

WHEREOF, IN VIEW THEREOF, and pursuant to RA No. 8752, the **DA hereby orders the imposition of the corresponding anti-dumping duty** on the following exporters from the Republic of Türkiye for a period of three (3) years:

Exporter	Weighted Average Dumping Margin (% of Export Price)
Unay Gıda Nak San Ve Tic Ltd Sti	16.19
Dost Gıda Sanayi Ve Ticaret A.S.	15.43
Tekinak Gıda Sanayi Ve Ticaret A.S.	13.72
Tekirdağ Un San Ve Tic Ltd Sti	12.60
Karahan Degirmencilik Ltd Sti	7.91
Akduy Gıda Traim Tarım İns Nak San	5.90
Erisler Gıda Sanayi Ve Ticaret	5.07
Eksun Gıda Tarım San Ve Tic A.S.	4.72
Turun Gıda San Ve Tic A.S.	4.60
Kale Madencilik San Ve Tic A.S.	3.55
Doruk Marmara Un Sanayi Ciligi A.S.	3.12
Ulusoy Un Sanayi Ve Ticaret	3.04
Ulas Gıda Un Tekstil Nakliye Ticaret Ve Sanayi A.S.	2.87
Other Exporters (All Others' Rate)	16.19

On the other hand, the **DA hereby orders the termination of the imposition of the anti-dumping duty on the following exporters from the Republic of Türkiye**, found to have *de minimis* dumping margins, i.e. less than 2%, or to not have dumped, i.e., with negative dumping margins:

Exporter	Dumping Margin in the Original Investigation
Ektas Tarim Urunleri End Ve Tic A.S	De Minimis
Ozdoyuran Dis Tikaret Ve Un Sanayi	Negative
Yorukugullari Gida Sanayi Ve	De Minimis
Yuksel Tezcan Gida San Ve Tic Ltd. Sti	Negative

In addition, paragraph (g) of Section 18 of the Implementing Rules and Regulations (IRR) of RA No. 8752 provides that

"New foreign exporters who have not exported the dumped product to the Philippines during the POI may request for an accelerated review provided they are not related to any foreign exporter who is subject to the anti-dumping duty. The application must be submitted to the Commission in writing and must contain:

- 1. description of the foreign exporter's product; and*
- 2. the basis of the request.*

No anti-dumping duty shall be imposed during the review. A provisional duty may be required to ensure that, in case of an affirmative finding, the anti-dumping duty can be levied retroactively up to the date of the initiation of the review."

Thus, for those exporters or producers in the Republic of Türkiye who have not exported wheat flour to the Philippines during the POI, their individual margins of dumping shall be determined following a review by the Commission which shall be initiated and carried out on an accelerated basis, provided that such exporters or producers can show that they are not related to any of the exporters or producers in the Republic of Türkiye who are subject to anti-dumping duties on their aforementioned product. No anti-dumping duties shall be levied on imports from such exporters or producers while the review is being carried out.

Further, paragraph (c) of Section 19 of the IRR of RA No. 8752 provides that

"The Commission may also, motu proprio or upon the direction of the Secretary, conduct an interim review of the need for the continued imposition of the anti-dumping duty, taking into consideration the need to protect the existing industry against dumping. Any interested party with substantial positive information may also petition the Secretary for an interim review of the continued imposition of the anti-dumping duty: Provided, that at least one (1) year has elapsed since the imposition of the anti-dumping duty.

An interim review shall be initiated where the request contains sufficient evidence that the continued imposition of the duty is no longer necessary to offset dumping and/or that the injury would be unlikely to continue or recur if the duty was removed or varied, or that the existing duty is not, or is no longer, sufficient to counteract the dumping which is causing injury"

Thus, after a year of application of the extended definitive anti-dumping duties on Turkish wheat flour, any interested party may request for an interim review to the Commission.

The DA Order on the 2nd extension of the imposition of the anti-dumping measure can be accessed at the DA website: <https://www.da.gov.ph/laws-and-issuances/departments-orders/>

Let this Order be published in two (2) newspapers of general circulation.

This Order shall take effect upon the issuance of the relevant Memorandum Order by the Bureau of Customs or 15 days after the publication of this Order in two (2) newspapers of general circulation, whichever comes earlier.

Done this 2nd day of December 2023.

SO ORDERED.


FRANCISCO P. TIU LAUREL, JR.
Secretary



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