

**[BOC CUSTOMS MEMORANDUM CIRCULAR NO.
213-97, May 27, 1997]**

ANTI-DUMPING

Attached for your information and guidance is a copy of the order of the Honorable Secretary of Finance in Anti-Dumping Case No. 2-97, entitled: "In the matter of protest against the importation of Hubless Cast Iron Soil Pipes and Fittings from Canada" filed by Filipino Pipes and Foundry Corp.

Adopted: 27 May 1997

(SGD.) RAY M. ALLAS
Deputy Commissioner
Internal Administration Group

" Attachment"

IN THE MATTER OF PROTEST AGAINST THE IMPORTATION OF HUBLESS CAST IRON
SOIL PIPES AND FITTINGS FROM CANADA

ANTI-DUMPING CASE NO. 2-97

FILIPINO PIPES AND FOUNDRY CORP.

Protestant

X _____

ORDER

This is in reference to the anti-dumping protest filed by the Filipino Pipes and Foundry Corporation (FPFC) against the importation of hubless cast iron soil pipes and fittings from Canada; a member of Canada-U.S. Free Trade Area Agreement. Particularly, the protest was directed against the importation of hubless cast iron soil pipes and fittings consisting of bends, cleanouts, plugs, reducers, coupling, elbows, hubs, crosses, tees, sweeps of all types and sizes by ASA Metal Products, Inc.

FPFC claims that the importation of the subject article from Canada at prices lower than its fair value is causing injury to the local industry.

After examination of the supporting documents presented by FPFC and the importers of subject article, this Department certified that a prima facie case of dumping exists so as to warrant a full investigation thereof by the Tariff Commission

pursuant to Section 301 of the Tariff and Customs Code, as amended.

Pending investigation at the Tariff Commission, parties to the protest submitted a joint manifestation, the full text of which is hereunder reproduced:

RESOLUTION

WHEREAS, the dumping case under consideration in the Tariff Commission stemmed when the respondent ASA Metal Products, Inc., imported hubless pipes and fittings from Canada on April 15, 1994 purposely to be used as pattern and samples for comparison as the company will be engaged in the manufacture of hubless pipes locally.

WHEREAS, in view of this importation protestant Filipino Pipes and Foundry Corporation filed an anti-dumping protest on September 1, 1994 pursuant to Section 301 of the Tariff and Customs Code with the Department of Finance against Canada.

WHEREAS, on the basis of the submission of the parties, a prima facie case of dumping was established. A directive dated December 19, 1994 was issued to the Commission (sic) of Customs not to release any pending or subsequent shipment of the said articles unless a bond in an amount equal to twice the estimated dutiable value thereof is given, and instructed the Tariff Commission to conduct investigation including public hearing to determine whether such importation caused injury (sic) to the local industry.

WHEREAS, in the public hearing held on March 01, 1996, Commissioner Anthony A. Abad informed the parties that the Commission is giving the opportunity for them to discuss the possibility of amicably setting the case or a price undertaking wherein the parties get together to consider the price adjustment on the imported product and have the case dismissed.

WHEREAS, in response to the offer for amicable (sic) or a price undertaking, the parties met and discussed the matter having in mind the early adjudication of the case and more importantly, for the best interest of the Association, Philippine Metal casting Association, which are (sic) both members in good standing.

WHEREAS, the respondent agreed that the fair value of hubless pipes and fittings be upgraded and the protestant, in turn, is willing to have the case withdrawn.

WHEREAS, the parties agreed that the fair value of hubless pipes and fittings be upgraded from 94 cents per kilo to \$2.40 per kilo CIF.

WHEREAS, if the agreement is approved together with the upgraded valuation, protestant is withdrawing the anti-dumping protest filed against the importation of hubless pipes and fittings from Canada and the