

Department Administrative Order No. 22-17
Series of 2022

IN THE MATTER OF DEFINITIVE ANTI-DUMPING MEASURE AGAINST IMPORTATIONS OF ORDINARY PORTLAND CEMENT TYPE 1 (AHTN 2017 SUBHEADING NO. 2523.29.90) AND BLENDED CEMENT TYPE 1P (AHTN 2017 SUBHEADING NO. 2523.90.00) FROM VIET NAM

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ORDER

On 11 October 2022, the Department of Trade and Industry (DTI) received the Tariff Commission's (Commission) Final Report on the Formal Investigation on the Application for Imposition of Definitive Anti-Dumping Duty Against Importations of Ordinary Portland Cement Type 1 (AHTN 2017 Subheading No. 2523.29.90) and Blended Cement Type 1P (AHTN 2017 Subheading No. 2523.90.00) from Viet Nam.

The Period of Investigation (POI) for dumping determination is the 18-month period from 01 July 2019 to 31 December 2020 and the updated period until 2021. With respect to the material injury determination, the POI covers the five-year period from 2017 to 2021.

The Commission, in accordance with RA 8752 (The Anti-Dumping Act of 1999), its Implementing Rules and Regulations and the WTO Anti-Dumping Agreement, concluded the following:

“1. The production of Ordinary Portland Cement Type 1 and Blended Cement Type 1P by the four applicant-companies and two cement manufacturers supporting the application accounted for 91% of total domestic production (eight cement manufacturers) of subject articles in 2020. This satisfies the domestic industry requirement.

2. Locally manufactured Ordinary Portland Cement Type 1 is a “like product” to Portland Cement Type 1 imported from Viet Nam. Both have similar material composition and production process, fall under the same tariff classification, conform to the chemical and physical requirements of PNS 07:2018, are used for similar applications, and have similar distribution channels.

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Locally produced Blended Cement Type 1P is a “like product” to Blended Cement Type 1P imported from Viet Nam. Both products have similar material composition and tariff classification, are used for similar applications, have similar distribution channels and production process, and conform to the chemical and physical requirements of PNS 63:2019.

3. Portland Cement specified in TCVN 2682:2009 Standard and sold in the domestic market of Viet Nam (PC30, PC40, and PC50) has characteristics closely resembling the Ordinary Portland Cement Type 1 exported to the Philippines. Both have similar material composition, chemical and physical requirements, and production process. Said products also have similar uses and distribution channels.

Blended Cement Type 1P specified in TCVN 6260:2009 Standard and sold in the domestic market of Viet Nam (PCB30, PCB40, and PCB50) has characteristics closely resembling the Blended Cement Type 1P exported to the Philippines. Both have similar material composition, chemical and physical requirements, manufacturing process, uses, and distribution channels.

4. In July 2019 to December 2020, the POI for dumping determination, there were price differences between the normal values and export prices to the Philippines of Ordinary Portland Cement Type 1 and Blended Cement Type 1P originating from Viet Nam.

5. The volume of imports of Ordinary Portland Cement Type 1 and Blended Cement Type 1P at dumped prices is not negligible, accounting for 53% of total Philippine cement imports from July 2019 to December 2020.

6. An evaluation of the economic factors having a bearing on the state of the domestic cement industry during the POI of 2017 to 2021, when taken together, shows that the domestic industry is not materially injured by dumped Ordinary Portland Cement Type 1 and Blended Cement Type 1P from Viet Nam.

7. The existence of threat of material injury to the domestic industry is imminent in the near future as indicated by the significant rate of increase of dumped imports into the Philippines capturing substantial market share; presence of price undercutting, price depression and price suppression during the POI; the substantial available production capacities of Viet Nam that can accommodate increasing exports to the Philippines, its top export market; and the openness of the Philippine cement market.”

Thus, the Commission, having established that the threat of material injury to the domestic cement industry is imminent in the near future from dumped imports from Viet Nam, ordered that anti-dumping duties be imposed on imports of Ordinary Portland Cement Type 1 (AHTN 2017/2022 Subheading No. 2523.29.90) and Blended Cement Type 1P (AHTN 2017/2022 Subheading No. 2523.90.00) originating and exported from Viet Nam, for a period of five (5) years.

WHEREFORE, IN VIEW THEREOF, the DTI reviewed the recommendation of the Commission and hereby issues the following:

1. Definitive anti-dumping duties shall be imposed for a period of five (5) years on imports of Ordinary Portland Cement Type 1 (AHTN 2017/2022 Subheading No. 2523.29.90) and Blended Cement Type 1P (AHTN 2017/2022 Subheading No. 2523.90.00) originating from Viet Nam in accordance with Annex “A.”

The “All Others’ Rates” shall be applied to foreign exporters who (1) did not make themselves known to the Commission, (2) did not cooperate sufficiently during the formal investigation, and (3) new foreign exporters who have not exported subject articles to the Philippines during the POI and updated period.

However, for those exporters or producers in Viet Nam who have not exported Type 1 and Type 1P cement to the Philippines during the POI (2017-2021), their individual margin of dumping may be determined following a review pursuant to Section 3 (n) of RA 8752 and elaborated under Section 18 (g) of the IRR (New Shippers Review). The said review 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 Viet Nam who are subject to anti-dumping duties on their aforementioned product. An application must be submitted to the Commission in writing containing a description of the foreign exporter’s product and the basis of the request. No anti-dumping duties shall be levied on imports from such exporters or producers while the review is being carried out.

2. Investigation on exporters determined to have a *de minimis* and/or negative dumping margins under Annex “B,” is hereby terminated.

With the termination of investigation on the exporters listed under Annex “B,” no anti-dumping duty, even at zero (0%) rate, shall be imposed on their exports of subject articles to the Philippines. The “All Others’ Rates” shall likewise, not be applied to them. The said identified exporters are thus, excluded from the scope of the instant Department Administrative Order imposing the anti-dumping duties.

3. Accordingly, cash bonds deposited/paid by exporters pursuant to BOC CMO No. 38-2021 (Annex C), shall be returned immediately upon the effectivity of the instant Department Administrative Order. The Commission determined that said exporters have a *de minimis* and/or negative dumping margins (Annex B).

4. Finally, with respect to the cash bond deposited/paid by Nam Phuong Imex Import and Export JSC and those deposited/paid by exporters under the “All Others’ Rate” as provisional anti-dumping duty under CMO No. 38-2021 which are in excess of the anti-dumping duty assessed, the remainder shall likewise, be returned immediately upon the effectivity of this Department Administrative Order.

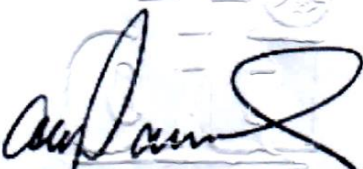
This DTI Department Administrative Order can be accessed at the DTI website: <https://bit.ly/antidumping-cement>.

The Order shall take effect after the lapse of the period to file a Motion for Reconsideration in case no Motion for Reconsideration has been filed or upon a negative resolution of the motion in case one is filed, in accordance with Sections 16 and 20 of the IRR of RA 8752. The BOC shall issue the relevant Customs Memorandum Order after the lapse of such period.


Let this Order be published in two (2) newspapers of general circulation and let individual notices be sent to all interested parties including the country member concerned.

SO ORDERED.

16 December 2022



ALFREDO E. PASCUAL
Secretary



ANNEX “A”

DEFINITIVE DUMPING MARGINS (BY CEMENT TYPE)

No.	Company Name	Cement Type	Dumping Margin	
			In Absolute Terms (USD/MT)	As a Percentage of Export Price (%)
1	Ha Long Cement Joint Stock Company	1	3.85	9.48
2	Long Son Company Limited	1	7.24	17.97
		1P	6.74	17.01
3	Thang Long Cement Joint Stock Co.	1	4.47	10.38
		1P	1.43	3.41
4	Vicem Hai Phong Cement Company Ltd.	1	3.15	7.27
5	Vicem Tam Diep Cement One Member Co. Ltd.	1P	2.16	6.19
6	Vissai Ninh Binh JSC	1	9.03	23.45
7	Nam Anh Trade and Export Joint Stock Company	1	4.10	10.55
		1P	6.08	18.13
8	Nam Phuong Imex Import & Export	1	7.00	19.08
		1P	2.00	5.25
9	NCL Trading Joint Stock Company	1	2.25	5.35
		1P	2.81	7.48
10	Omanco Material Viet Nam Company Limited	1	1.61	3.90
		1P	3.98	11.17
11	Viet HP Import Export and Investment Joint Stock Co.	1	10.29	27.64
		1P	16.42	54.82
All Others' Rates		1	10.29	27.64
		1P	16.42	54.82

ANNEX “B”

EXPORTERS DETERMINED TO HAVE A *DE MINIMIS* AND/OR NEGATIVE DUMPING MARGINS (BY CEMENT TYPE)

No.	Name of Exporter	Dumping Margin
Ordinary Portland Cement Type 1		
1	Campha Cement Joint Stock Company	Negative
2	Chinon Cement Corporation	Negative
3	Vicem Tam Diep Cement One Member Co. Ltd.	Negative
4	Vietnam Trading Services and Import Export Limited	Negative
Blended Cement Type 1P		
1	Chinon Cement Corporation	Negative
2	Ha Long Cement Joint Stock Company	Negative
3	Vissai Ninh Binh JSC	Negative
4	Vietnam Trading Services and Import Export Limited	Negative

ANNEX "C"

EXPORTERS WITH CASH BONDS TO BE RETURNED (BY CEMENT TYPE)

No.	Name of Exporters	Cement Type	Dumping Margin	
			Provisional Dumping Margin (Amount of Cash Bond) USD/MT	As a Percentage of Export Price (%)
1	Campha Cement Joint Stock Company	1	1.31	3.35
2	Chinphon Cement Corporation	1P	11.07	24.31
3	Viet Nam Trading Service and Import Export Limited Company	1	1.05	2.67