



BUREAU OF CUSTOMS

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August 1, 2022 **MASTER COPY**

CUSTOMS MEMORANDUM CIRCULAR

NO. 114-2022

TO: The Assistant Commissioner
All Deputy Commissioners
All Service Directors
All District/Port Collectors
All Others Concerned

SUBJECT: **DEPARTMENT OF TRADE AND INDUSTRY (DTI) DEPARTMENT ADMINISTRATIVE ORDER (DAO) NO. 22-05 S. OF 2022 RE: IN THE MATTER OF THE APPLICATION FOR GENERAL SAFEGUARD MEASURES ON THE IMPORTATION OF LINEAR LOW-DENSITY POLYETHYLENE (LLDPE) PELLETS AND GRANULES FROM VARIOUS COUNTRIES (AHTN 2017 3901.10.12, 3901.10.92, 3901.40.00 AND 3901.90.90)**

With reference to the herein attached letter dated June 03, 2022, from Ramon M. Lopez, Secretary, Department of Trade and Industry (DTI) furnishing a copy of the DTI DAO No. 22-05 s. of 2022 dismissing the application for general safeguard measures in the importation of LLDPE pellets and granules from various countries, please be informed that said Order is based on the Tariff Commission's (TC) findings that the said product was not imported in increased quantities (whether absolute or relative to domestic production) during the period of investigation.

In view thereof, the TC has recommended that no definitive safeguard measure be imposed on importations of LLDPE pellets and granules falling under AHTN 2017 Codes 3901.10.12, 3901.10.92, 3901.40.00 and 3901.90.90.

For guidance.

For records purposes, please confirm the dissemination of this Circular throughout your offices within fifteen (15) days from receipt thereof.


AUG 10 2022
YOGI FILEMON L. RUIZ
Acting Commissioner



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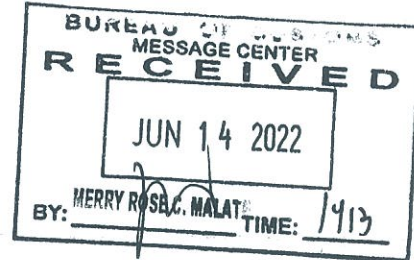
CMC NO. 114-2022 p.2

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lmo

03 June 2022



SECRETARY CARLOS G. DOMINGUEZ
Department of Finance
DOF Building, BSP Complex
Roxas Blvd., Manila



Dear **Secretary Dominguez**:

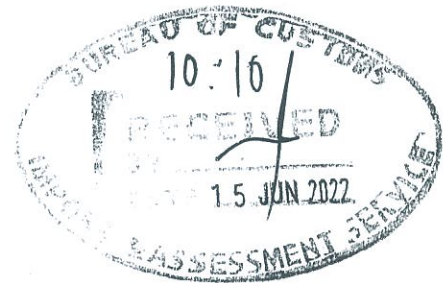
This is to respectfully furnish your good office a copy of the Department of Trade and Industry's (DTI) Order dismissing the application for general safeguard measures on the importation of Linear Low-Density Polyethylene (LLDPE) pellets and granules from various countries. The said Order is based on the Tariff Commission's findings that the said product was not imported in increased quantities (whether absolute or relative to domestic production) during the period of investigation. Hence, the Tariff Commission terminated its formal investigation and recommended that no definitive general safeguard measure be imposed on importations of Linear Low-Density Polyethylene (LLDPE) pellets and granules falling under AHTN 2017 Codes 3901.10.12; 3901.10.92; 3901.40.00; and 3901.90.90.

The Department Administrative Order issued on this case can be accessed at the DTI web page: <https://bit.ly/DAO-053022>

Thank you for your collaboration.

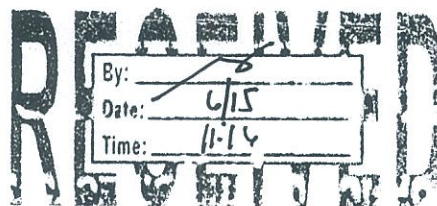
Very truly yours

Ramon M. Lopez
RAMON M. LOPEZ
Secretary

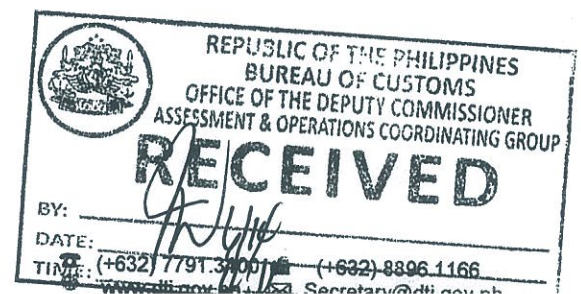


cc: Commissioner Rey Leonardo Guerrero
Bureau of Customs

OFFICE OF THE DIRECTOR
IAS



OFFICE OF THE SECRETARY



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MASTER COPY
TRABAHO NEGOSYO
KONSYUMAR

Department Administrative Order No. 22-05
Series of 2022

**IN THE MATTER OF THE APPLICATION FOR
GENERAL SAFEGUARD MEASURES ON
THE IMPORTATION OF LINEAR LOW-
DENSITY POLYETHYLENE PELLETS AND
GRANULES FROM VARIOUS COUNTRIES**

✓ (AHTN 2017 CODES 3901.10.12; 3901.10.92;
3901.40.00; and 3901.90.90)

X-----X

ORDER

On 20 May 2022, the Department of Trade and Industry (DTI) received the Tariff Commission's (Commission) Formal Investigation Report on the general safeguard measure on the importation of Linear Low-Density Polyethylene (LLDPE) Pellets and Granules from various countries classified under AHTN 2017 Codes 3901.10.12; 3901.10.92; 3901.40.00; and 3901.90.90. The period covered by the investigation (POI) are the years 2015 to June 2021.

The Commission, in accordance with the Safeguard Measures Act (RA 8800), and its Implementing Rules and Regulations (JAO No. 03, Series of 2000), concluded that:

1. JG Summit Olefins Corporation is the country's sole producer of LLDPE pellets and granules. As the sole manufacturer of LLDPE products, its output complies with the domestic industry requirement under Section 4(f) of RA No. 8800.
2. Locally produced LLDPE pellets and granules are intended for film applications and are like products to imported LLDPE pellets and granules falling under AHTN 2017 subheadings 3901.10.92 and 3901.40.00 which are intended for the same processes and applications.
3. Locally produced LLDPE pellets and granules are directly competitive products to imported metallocene-catalyzed LLDPE (mLLDPE) and C8 LLDPE pellets and granules classified under AHTN 2017 subheadings 3901.10.92 and 3901.40.00 and intended for film applications.
4. There was no increase in imports of LLDPE pellets and granules, both in absolute terms and relative to domestic production, during the POI.
5. Since it has been established that LLDPE pellets and granules were not imported in increased quantities (whether absolute or relative to domestic production) during the POI, the determination of serious injury or threat thereof, causation, and unforeseen developments has become moot and academic.

OFFICE OF THE SECRETARY

Considering that, LLDPE pellets and granules were not imported in increased quantities (whether absolute or relative to domestic production) during the POI, the Commission terminated its formal investigation and recommended that no definitive general safeguard measure be imposed on importations of the LLDPE pellets and granules subject of the investigation.

The non-confidential version of the final report of the formal investigation by the Commission on the imposition of safeguard measure on importations of LLDPE pellets and granules from various countries can be accessed at <https://tariffcommission.gov.ph/lldpe>.

IN VIEW THEREOF, the application for general safeguard measures on the importation of LLDPE pellets and granules from various countries falling under AHTN 2017 Codes 3901.10.12; 3901.10.92; 3901.40.00; and 3901.90.90, is hereby dismissed.

The DTI Order can be accessed at the DTI website: <https://bit.ly/DAO-053022>.

This Order shall take effect upon publication in two (2) newspapers of general circulation. Let individual notices be sent to all interested parties including the country members concerned.

SO ORDERED.

03 June 2022


RAMON M. LOPEZ
Secretary