

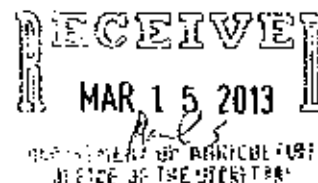
PETITIONER'S APPLICATION



PHILIPPINE ASSOCIATION OF FLOUR MILLERS, INC.

Room 311, 3rd Floor Atrium Building, Makati Avenue, 1226 Makati City
Tels. 811-43-86; 811-43-87 * Fax No. 810-9462
E-mail: pafmil@info.com.ph

March 14, 2013
Ref. 001-13-2013



HON. PROCESO J. ALCALA
Secretary of Agriculture
DEPARTMENT OF AGRICULTURE
DA Building, Elliptical Road
Diliman, Quezon City

Subject: Application for Dumping Duty Protection against Imported Wheat Flour from Turkey

Dear Secretary Alcala:

The Philippine wheat flour milling industry herewith formally seeks dumping duty protection from wheat flour imports (Tariff Classification MFN/AHTN 1101.00.10) from Turkey.

In support of this application we have attached information showing:


1. Substantial differences in domestic flour prices in Turkey and the much lower landed cost prices in the Philippines;
2. Five-year Philippine Bureau of Customs figures showing volume and declared values of imported wheat flour from Turkey;
3. Injury to the industry; and
4. Causal link between the dumping of the commodity and the injury this has caused the industry

This application is made in behalf of the Philippine flour milling industry and is supported by local flour millers whose collective output constitutes more than fifty percent (50%) of the total production of wheat flour for domestic consumption.

In support of this appeal, these flour millers, have, in writing, expressed support for this application.

Furthermore, we certify that the information contained in this application is accurate and complete to the best of our knowledge.

Very truly yours,



SABINA M. ABOITIZ
President

DEPARTMENT OF AGRICULTURE
In reply, please use this code:
General Documents: OSEC-03-13-0398
Received: 03/16/2013 11:07 AM

PHILIPPINE ASSOCIATION OF FLOUR MILLERS, INC.
Anti-Dumping Protest Against Turkish Wheat Flour Importation

1. THE APPLICANT

1.1 Name PHILIPPINE ASSOCIATION OF FLOUR MILLERS, INC. (PAFMIL)

PAFMIL was incorporated in the Philippines and was registered with the Securities and Exchange Commission (SEC) on 18 January 2012. The purposes for which such association is incorporated are:

- a. To foster adherence to the ethical standards of fair business practice and to promote common welfare and interest and to maintain and enhance amicable relations among each other;
- b. To cooperate with the government or any agency thereof in the study and solution of all problems affecting the flour mill industry;
- c. To assist its members in keeping abreast of progressive trends in the efficient operation and management of flour mills; and
- d. To promote research and conduct surveys as to the needs, equipment and materials and products of the flour mill industry, promote and encourage development of wheat growing in the country and in general, serve and promote the common needs and interest of the flour mill industry.

Attached is the SEC Certificate of Registration, Articles of Incorporation and By Laws, and latest General Information Sheet for your reference. (Annexes 1, 2 and 3, respectively)

PAFMIL represents the seven (7) Philippine Flour millers as listed in Item or Question No. 1.6 below representing 54% of the local Wheat Flour production. All the member companies have expressed their support thru PAFMIL in the application of Anti-Dumping Protest and Safeguard Protection. Kindly refer to the attached written expression of support from the Philippine Flour millers for your reference. (Annex 4)

1.2 Address Room 311, 3rd Floor Atrium Building, Makati Avenue, Makati City

1.3 Phone 811-4366 & 811-4387

1.4 Fax 810-9462

1.5 Names and titles of contact people for this case

Mr. Sabin M. Aboitiz, President
Mr. Ricardo M. Pinca, Executive Director

PHILIPPINE ASSOCIATION OF FLOUR MILLERS, INC.
Anti-Dumping Protest Against Turkish Wheat Flour Importation

1.6 Ownership details

Following are the member companies of PAFMIL:

1. UNIVERSAL ROBINA CORPORATION (URC)
43RD Floor, Robinsons PCI Bank Tower
ADB Avenue corner Poveda, EDSA, Ortiga
Phone – 671-1578
2. RFM CORPORATION (RFM)
5th Floor, RFM Building
Pioneer St., Mandaluyong City
Phone – 631-8101
3. LIBERTY FLOUR MILLS, INC. (LFM)
7th Floor, Liberty Building
Arnaiz Street, Makati City
Phone – 892-5011
4. GENERAL MILLING CORPORATION (GMC)
18TH Floor, Marajo Tower
312 26th Street West corner 4th Avenue
Bonifacio Global City, Taguig
Phone – 902-2500
5. WELLINGTON INVESTMENT AND MANUFACTURING CORP (WFM)
Barrio Pineda, Pasig City
Phone – 671-9761
6. PILMICO FOODS CORPORATION (PFC)
3RD Floor, Twin Cities Building
Legaspi Street, Makati City
Phone – 793-2800
7. PHILIPPINE FLOUR MILLS (PFM)
4th Floor, ENZO Building
399 Sen Gil J. Puyat Avenue, Makati City
Phone – 890-9697

1.7 Details of company accounting year

The Company is using a calendar year

1.8 Briefly list all products manufactured and/or sold

LOCALLY PRODUCED/MILLED WHEAT FLOUR with Tariff classification AHTN 1101.00.10

1.9 Describe the distribution channels

Generally, Wheat Flour is distributed nationwide through external distributors and dealers located in major cities and provinces around the Philippines. These distributors handle sales to bakeries, restaurant chains, hotels, and other large end-users.

1.10 Describe the production process

Production process flow has six (6) stages as follows:

- 1.) Wheat Intake is the process where the wheat is weighed, sampled and analyzed, passed through a preliminary cleaner and magnet, then stored accordingly into class, grade and protein content.
- 2.) Cleaning & Tempering is the stage where the wheat is cleaned by removing weed seeds, dirt and other extraneous material through machines. These machines separate the wheat according to size, quality and shape. Frictional cleaning equipment scours the surface of the kernel, removing the surface contamination and the outermost layers of the bran.
- 3.) The Milling Process is the stage where the grinding and separating of wheat is done. Grinding is done on break rolls, sizing rolls and reduction rolls to reduce endosperm into flour. Separation of different sized flour particles is done using machines called sifters and purifiers.
- 4.) Flour Preparation is the stage where the different flour separations may be combined to produce many different types of flour, including household flour, bakers' flour and noodle flour. Flour can be produced either by blending wheat at the milling stage, or by milling wheat separately and blending the resulting flour to meet customer specifications.
- 5.) Flour Treatment is the stage where the flour is bleached after being milled. Flour may also be enriched to put back vitamins and minerals removed in the refining process. The flour is now ready to be packed and sent to the bakery, store or warehouse.
- 6.) By Products is the stage where most of the endosperm is recovered as flour. Germ, bran and unrecoverable endosperm are sold as by-product, usually as base animal feed.

PHILIPPINE ASSOCIATION OF FLOUR MILLERS, INC.
Anti-Dumping Protest Against Turkish Wheat Flour Importation

2. OTHER PHILIPPINE PRODUCERS

2.1-4 Name, Address, Phone and Fax of other Philippine Flour Producers

Following are the other Philippine Flour millers which comprising the other local flour mill association, Chamber of Philippine Flour Mills (Champfleur):

SAN MIGUEL MILLS, INC. (SMMI)
22/F JMT Corporation Condominium
ADB Avenue, Ortigas Center, Pasig City
Phone – 633-8690 Fax – 631-0194

PHILIPPINE FOREMOST MILLING CORPORATION (PFMC)
Lot 2&3 Block 1, Romero Boulevard
Manila Harbour Centre, Vitas, Tondo, Manila
Phone – 516-8411 Fax – 708-0310

MORNING STAR MILLING CORPORATION (MSMC)
Fort Legend Tower, 3rd Avenue cor 31st St
Bonifacio Global City, Taguig
Phone – 828-7888 Fax – 828-8111

DELTA MILLING CORPORATION (DMC)
102-104 E Rodriguez Jr. Avenue
Brgy Ugong Norte, Libis, Quezon City
Phone – 633-1215 Fax – 637-1247

All Champfleur member companies have also expressed their support in the application of Anti-Dumping Protest and Safeguard Protection. Accordingly, Champfleur member companies will present itself if required in the verification proceedings.

Below is another wheat flour producer in the country. Its wheat flour is not for sale but for use to produce biscuits, etc.

MONDE NISSIN CORPORATION
22F & 23F 6750 Office Tower
Ayala Avenue, Makati City
Phone – 810-3550 Fax – 819-3302

2.5 Briefly, list all products manufactured and/or sold

LOCALLY PRODUCED/MILLED WHEAT FLOUR with Tariff Classification AHTN
1101.00.10

PHILIPPINE ASSOCIATION OF FLOUR MILLERS, INC.
Anti-Dumping Protest Against Turkish Wheat Flour Importation

2a SUMMARY OF PHILIPPINE PRODUCERS

Following are the Philippine local production and/or sales volume of Wheat Flour for the past Five (5) years:

LOCAL FLOUR MILLERS	VOLUME (in Bags '000)				
	2010	2010	2010	2011	2012
1.	6,050	6,561	7,335	7,560	7,444
2.	4,273	4,963	4,693	4,885	4,443
3.	2,323	2,408	2,990	2,430	2,123
4.	4,108	4,876	5,651	6,454	6,498
5.	1,935	2,656	2,877	2,999	3,545
6.	7,842	8,031	8,543	8,427	8,866
7.	1,504	1,729	1,746	1,785	1,790
8.	10,207	10,827	11,018	11,034	11,298
9.	8,441	8,410	8,582	8,843	9,165
10.	3,787	3,439	3,949	4,282	3,510
11.	747	645	1,062	718	898
12.	4,586	4,518	4,218	4,560	5,053
TOTAL	55,802	59,065	62,663	63,976	64,634
PAFMIL (1-7) %age	50%	53%	54%	54%	54%
Champfleur (8-11) %age	42%	39%	39%	39%	38%
With written expression of support (1-7) %age	50%	53%	54%	54%	54%

Wheat Flour is considered perishable and has an assumed shelf-life of two (2) months, as an industry practice. Thus, the local flour millers usually produce Wheat Flour on a weekly production plan as it only takes about 24 to 48 hours to mill wheat into flour packed at 25 kilogram per bag. Further, the local flour millers do not usually carry flour as finished goods inventory due to perishability and usually holds not more than two (2) weeks in inventory.

Kindly refer to attached summary of local flour miller plant location in the Philippines. (Annex 5)

PHILIPPINE ASSOCIATION OF FLOUR MILLERS, INC.
Anti-Dumping Protest Against Turkish Wheat Flour Importation

3. THE PRODUCT

3.1 Please describe the allegedly dumped product

Imported WHEAT FLOUR from Turkey with Tariff Classification AHTN 1101.00.10

3.2 Please provide the tariff classification, statistical code and tariff duty for the allegedly dumped product

Tariff Classification: AHTN 1101.00.10
Statistical/Commodity Code: 0461001
Tariff Duty: 7.0%

3.3 Please describe the like products produced by Philippine Industry

LOCALLY PRODUCED/MILLED WHEAT FLOUR with Tariff Classification AHTN 1101.00.10

3.4 Explain how the products produced by the Philippine industry are like the same allegedly dumped products, including physical characteristics, end use, methods of manufacture and marketing system

The Wheat Flour produced by the Philippine flour millers is exactly the same as the Wheat Flour produced and exported by the Turkish flour millers. Both millers use Wheat as the main raw material in producing Wheat Flour. Both Wheat Flour produced by flour millers from Philippines and Turkey is a basic food ingredient used in baking of breads and other baked goods including noodles, pasta and biscuits.

PHILIPPINE ASSOCIATION OF FLOUR MILLERS, INC.
Anti-Dumping Protest Against Turkish Wheat Flour Importation

4. ALLEGEDLY DUMPED PRODUCTS

4.1 Name the countries of origin or export of the allegedly dumped product

TURKEY

4.2 State the other countries known to be exporting the allegedly dumped product to the Philippines

N/A

4.3 If action is sought against several countries, demonstrate that these countries collectively account for more than 7% of total imports of the allegedly dumped products, if individually they comprise less than 3% of total imports

N/A

4.4 Provide the names and address of the overseas producers and/or exporters supplying the allegedly dumped products

There are at least about 700 flour millers in Turkey. Out of the 700 flour millers, the following are the known and major exporters of Turkish Wheat Flour in 2012 based on the Import Entry Declaration (IED) secured from the Bureau of Customs (BOC):

1. UNAY GIDA NAK SAN VE TIC LTD STI
Zile Gad. Bugday Pazarı Karsisi, Alaca Corum, Turkey
2. EKTAS TARIM URUNLERI END VE TIC A.S.
Inonu Mh. Ankara Cd. No.11 Oşmaneli, Bilecik, Turkey
3. KALE MADENCILIK SAN VE TIC A.S.
Ipsala Yolu Uzeri 2, Km Kesan, Ederni, 22900 Turkey
4. DOST GIDA SANAYI VE TICARET A.S.
Ankara Yolu 6.km Çorum, Turkey
5. AKDUY GIDA TARIM INS NAK SAN VE TIC A.S.
Organize Sanayii Bölgesi 2. Bulvar No:2 Kızıltepe Mardin, Turkey
6. TEKINAK GIDA SANAYI VE TICARET A.S.
Ballica Mevkii Küçük sanayi Sitesi Karşısı, Turkey

PHILIPPINE ASSOCIATION OF FLOUR MILLERS, INC.
Anti-Dumping Protest Against Turkish Wheat Flour Importation

7. EKSUN GIDA TARIM SAN VE TIC A.S.
Fahrenttin Kerim Gokay Cad. No. 36, Altunizade Uskudar, Istanbul,
34662 Turkey
8. KARAHAN DEGIRMENCILIK TUNCAYLAR UN VE YEM FAB. ITH. IHR. VE SAN
LTD STI
Canta Beldesi Kinali Kopru Mevkii Silivri, Istanbul, Turkey
9. ULUSOY UN SANAYI VE TICARET A.S.
Hidiraga Mah., Istasyon Cad. No. 43, Corlu Tekirdag, 59860 Turkey
10. DORUK MARMARA UN SANAYICILIGI A.S.
Serif Ali Mah. Turker Cad. No.55 Umraniye, Istanbul, Turkey
11. ULAS GIDA UN TEKSIL NAKLIYE TICARET VE SANAYI A.S.
Eski Istanbul Cad. Buyukkaristan Luleburgaz, Kirklareli, Turkey
12. YORUKOGLULARI GIDA SAN VE TIC A.S.
Enez Yolu Uzeri, Tmo Yani Kesan, Edirne, 22800 Turkey
13. ERISLER GIDA SANAYI VE TICARET A.S.
Eski Silivri Yolu 58 Mimar Sinan B. Cekmece, Istanbul, 34535 Turkey
14. YUKSEL TEZCAN GIDA SAN VE TIC LTD STI
Canakkale Asfalti, Ulus Mh, No. 20 Koyundere Ulus Menemen, Izmir,
Turkey
15. TURUN GIDA SAN VE TIC A.S.
E-5 Karayolu Uzeri 7 Km, Yenibedir Koyu Mevkii, Luleburgaz, Kirklareli,
39750 Turkey
16. TEKIRDAG UN SAN VE TIC LTD STI
Rihtim CD. No: 59 Fransiz Gecidi Is Mrk. C24 Karakoy, Beyoglu, Istanbul,
Turkey

The above Turkish Wheat Flour millers directly exports Wheat Flour to many countries including the Philippines. Kindly refer to the IED Worksheet for your reference. (Annex 6)

There may be other Turkish Wheat Flour millers also exporting to the Philippines but not yet known as of this application. On the other hand, the other Turkish Wheat Flour millers may possibly export to the Philippines in the near future as the opportunity grows.

PHILIPPINE ASSOCIATION OF FLOUR MILLERS, INC.
Anti-Dumping Protest Against Turkish Wheat Flour Importation

4.5 Give the names and addresses of any known importers of the allegedly dumped products or articles and describe the nature of their business, e.g. wholesaler, retailer

Following are the known and major importers of Turkish Wheat Flour in 2012 based on the IED secured from the BOC:

1. MALABON LONGLIFE TRADING CORPORATION
#67 General Luna St, Malabon City
2. GREAT CRESCENT FLOUR CORPORATION
Unit 512 AIC Goldtower Condo, Emerald Ave cor Garnet Road
Ortigas Center, Pasig City
3. MOUNTAIN GLORY AGRI SALES CORPORATION
Rm 316 Regina Bldg, Escolta St, Binondo, Manila
4. REACH HIGH MULTI-SALES CORPORATION
Rm 602 Artex Bldg, #435 Juan Luna St, Brgy 287 Zone 027, Binondo,
Manila
5. J.S.J.J. TRADING
Block 2 Lot 19, Lynville Subd, Molino 3, Bacoor, Cavite City
6. DANVIL COMMERCIAL CORPORATION
Unit 2, 3rd Floor Topy Bldg IV, #3 Economia St, Bagumbayan, Quezon City
7. ATMA INTERNATIONAL CORPORATION
Building F-1, Halina Compound, Brgy. San Juan, Taytay Rizal
8. HOCPO FEEDS CORPORATION
Zarate Subdivision, Dagupan City, Pangasinan
9. MHUZYNA AGRI MARINE IMPORT EXPORT TRADING
Sinunuc, Zamboanga
10. MCT TRADING
152 Aglipay St., Brgy. Old Zaniga, Mandaluyong City
11. ARVIN INTERNATIONAL MARKETING, INC.
158 Suerte St. Pasay City
12. KEMICOM ENTERPRISES CORP.
625 Asuncion St., Binondo, Manila

PHILIPPINE ASSOCIATION OF FLOUR MILLERS, INC.
Anti-Dumping Protest Against Turkish Wheat Flour Importation

The above list is generally importer of commodity and foreign products and the same acts as wholesaler and general trader in the local market. Kindly refer to the IED Worksheet for your reference. (Annex 6)

There may be other importers of Turkish Wheat Flour not yet known as of this application.

4.6 Indicate when the allegedly dumped products began causing injury

Referring to Item or Question No. 8, the table will show that the volume of imported Turkish Wheat Flour started to pick-up in 2009 driving import volume of Wheat Flour to about 6% in the local market. But the growth rate in 2012 of imported Turkish Wheat Flour of 73% drives the market share of imported Wheat Flour to 11% while Turkish Wheat Flour accounts for at least 81% of the total imported Wheat Flour. This growth rate alone is an alarming sign that is significantly and seriously affecting local flour miller industry.

Referring to Item or Question No. 9, the table will show that price undercutting already exist since 2008 by about 26% and it increased to 38% in 2009 coupled with the increase in volume on the same year as explained above. Without the Turkish government subsidy given to its Wheat Flour exporters as explained in Item or Question No. 6.3, there should be no significant price difference against Philippine domestic Wheat Flour prices.

5. EXPORT PRICE

5.1 Provide the export price of the allegedly dumped product

The weighted average FOB price US\$ per metric ton as shown in the IED secured from the BOC are as follows:

Year 2012	\$349
Year 2011	\$388
Year 2010	\$270
Year 2009	\$300
Year 2008	\$432

Year 2012 FOB export price per Exporter is shown in Item or Question No. 7.1. Kindly refer to the IED Worksheet for the computation of weighted average FOB price US\$ per metric ton and IED for your reference. (Annex 6)

5.2 Please explain why the sales are not at arm's length, if this is the case, and why this means that prices may not be reliable for determining dumping

N/A

5.3 Construct and export price and provide evidence of the price for the allegedly dumped product at the first point of resale to an independent purchaser in the Philippines and any costs incurred between exportation and that sale

N/A

PHILIPPINE ASSOCIATION OF FLOUR MILLERS, INC.
Anti-Dumping Protest Against Turkish Wheat Flour Importation

6. NORMAL VALUES

6.1 Please state the normal value for the allegedly dumped product on the domestic market in the country of origin

Following are the normal value for the Turkish Wheat Flour on the domestic market in the country of origin:

	<u>US\$ per Kg</u>	<u>Equivalent US\$ per MT</u>
Year 2012		\$470
Year 2011	\$0.5173	\$517
Year 2010	\$0.5027	\$503

6.2 Please give evidence such as price lists or invoices for any value given in item 6.1 above

Year 2010 and 2011 domestic flour prices of \$0.5027 per kilogram (Kg) and \$0.5173 per Kg, respectively, were provided by The Embassy of the Philippines in Ankara, Turkey (Phil Embassy) in its letter addressed to Director Luis M. Catibayan of the Bureau of Import Services of Department of Trade and Industry (DTI-BIS) duly signed by Ambassador Marilyn J. Alarilla dated February 10, 2012. Accordingly, the above normal values represent the domestic wholesale price of Turkish Wheat Flour which was provided by the Union of Chambers and Commodity Exchanges of Turkey (TOBB). (Annex 7)

Accordingly, DTI-BIS already requested the Phil Embassy the 2012 domestic wholesale price of Turkish Wheat Flour. To date, there office is still waiting for the feedback from the Phil Embassy.

At the moment, year 2012 domestic flour price of \$470 per metric ton was quoted from international publication CitraIndonesia.com dated January 21, 2013, "This 8 Commodity Turkish Government Subsidised Exported to Indonesia" and "Problem Flour, GW: "Together We Will Sit With Them". (Annex 8)

Further, based on our online monitoring of Wheat Flour prices in the Turkish Polatli Grain Exchange Bulletin, summarized below are the monthly average of Wheat Flour prices per metric ton:

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Average
Domestic Wheat Flour price \$/ MT	\$ 539	\$ 533	\$ 562	\$ 548	\$ 562	\$ 538	\$ 585	\$ 576	\$ 559	\$ 537	\$ 566	\$ 555

6.3 Please state any factors affecting the comparability of prices for export sales and domestic sales, e.g. quantities sold, conditions and terms of sales, level of trade, taxation or physical differences

Turkish Wheat Flour export is duly subsidized by the Turkish Gov't to encourage at least 700 Turkish flour millers increase utilization of its plant while providing employment to Turkish people.

According to U.S. Wheat Associates report to the Office of the United States Trade Representative, based on its international publication dated 4 October 2011, "2012 National Trade Estimate Report, Foreign Trade Barriers", Turkey currently applies an import tax of up to 130% on all wheat that effectively allows the domestic farm to be above international prices. Turkish flour exporters are entitled to import duty-free wheat that is equivalent to the quantity of Wheat Flour exported. Turkey's protectionist policies effectively help permit subsidized flour sales. At current domestic and import prices, flour exports from Turkey can be priced well below the market, resulting in cheap flour sales that impact wheat exporters from all origins. Of most concern is that Turkish flour has been routinely arriving in the Southeast Asian countries of Indonesia and the Philippines at prices below landed U.S. wheat costs.

Turkish flour millers holding "Inward Processing License" (IPL) can buy wheat at prices lower than domestic commercial prices of the Turkish Grain Board provided equivalent volume are sold to the export market. IPL holders can also import wheat duty and VAT free provided the same or equivalent volume is for export. While non-IPL holders or flour millers that produces for local consumption have to pay a 130% customs tax on wheat import. Further, Turkish government eliminated the import duty on one (1) million metric ton of wheat through 2014.

Accordingly, Turkish flour millers do not use high quality wheat for export purposes. They tend to import high quality wheat but for domestic consumption.

Kindly refer to US Wheat Associates report submitted to the 2012 National Trade Estimate Report on Foreign Trade Barriers as requested by the Office of the United States Trade Representative for your reference. (Annex 9)

6.4 What amounts should be allowed for the factors in item 6.3 above?

N/A

PHILIPPINE ASSOCIATION OF FLOUR MILLERS, INC.
Anti-Dumping Protest Against Turkish Wheat Flour Importation

6.5 Describe how estimates were determined and the information on which they based on such other factors considered – the differences in technology, equipment, labor, raw material costs, or for economies of scale

There should be no difference considering that the Turkish wheat flour millers produce for their domestic consumption and for their export market. The difference only arises from the subsidy provided by the Turkish government in consideration for the export market as explained in Item or Question No. 6.3.

6.6 If there are other producers/sellers of the allegedly dumped product in the domestic market of the country of export, please provide names and addresses

N/A

PHILIPPINE ASSOCIATION OF FLOUR MILLERS, INC.
Anti-Dumping Protest Against Turkish Wheat Flour Importation

7. DUMPING MARGIN

7.1 Show the difference between the normal value and export price of each product, type, or model of the allegedly dumped product or article

Summarized below is the three (3) year historical comparison between Turkish domestic flour prices against FOB export flour prices for your reference:

YEAR	DOMESTIC FLOUR PRICE/MT	EXPORT FLOUR PRICE/MT	DUMPING MARGIN	DUMPING MARGIN %AGE
2012	\$ 470.00	\$ 349.41	\$ 120.59	35%
2011	\$ 517.30	\$ 388.18	\$ 129.12	33%
2010	\$ 502.70	\$ 270.47	\$ 232.23	86%

Summarized below is the computation of dumping margin per Exporter for the year 2012:

EXPORTER	DOMESTIC FLOUR PRICE/MT	EXPORT FLOUR PRICE/MT	DUMPING MARGIN	DUMPING MARGIN %AGE
1 Unay Gıda Nak. San. Ve Tic. Ltd. Sti	\$ 470.00	\$ 291.51	\$ 178.49	61%
2 Ektas Tarım Ürünleri End. Ve. Tic. A.S.	\$ 470.00	\$ 320.94	\$ 149.06	46%
3 Kale Madencilik San. Ve Tic A.S.	\$ 470.00	\$ 303.95	\$ 166.05	55%
4 DOST Gıda Sanayi Ve Ticaret A.S.	\$ 470.00	\$ 317.33	\$ 152.87	48%
5 Akduy Gıda Tarım İns. Nak. San. Ve Tic A.S.	\$ 470.00	\$ 373.91	\$ 96.09	26%
6 Tekinak Gıda San Ve Ticaret A.S.	\$ 470.00	\$ 330.45	\$ 139.55	42%
7 Eksun Gıda Tarım Sanayi Ve Tic A.S.	\$ 470.00	\$ 307.16	\$ 162.84	53%
8 Karahan Değirmencilik Tun. Un Ve Yem Fab İh Tic	\$ 470.00	\$ 372.63	\$ 97.37	26%
9 Ulusoy Un Sanayi Ve Ticaret A.S.	\$ 470.00	\$ 372.34	\$ 97.66	26%
10 Doruk Marmara Un Sanayiciligi A.S.	\$ 470.00	\$ 370.10	\$ 99.90	27%
11 Ulas Gıda Un Tekstil Nak. Tic. Ve San. A.S.	\$ 470.00	\$ 364.29	\$ 105.71	29%
12 Yorukogullari Gıda Sanayi Ve Ticaret A.S.	\$ 470.00	\$ 370.83	\$ 99.17	27%
13 Erisler Gıda Sanayi Ve Ticaret A.S.	\$ 470.00	\$ 348.58	\$ 121.42	35%
14 Yüksel Tezcan Gıda San. Ve Tic Ltd. Sti	\$ 470.00	\$ 335.91	\$ 134.09	40%
15 Turun Gıda San. Ve. Tic. A.S.	\$ 470.00	\$ 368.69	\$ 101.31	27%
16 Tekirdag Un San Tic Ltd Sti	\$ 470.00	\$ 352.34	\$ 117.66	33%
Weighted Average Prices, Dumping Margin, %age	\$ 470.00	\$ 349.41	\$ 120.59	35%

Above list is the known Exporter in 2012 per IED. By comparing Turkish domestic flour price per metric ton against Turkish FOB export price per metric ton, dumping margin percentage ranges from 26% to 61%. Kindly refer to the IED worksheet for the computation of weighted average FOB export price per Exporter. (Annex 6)

PHILIPPINE ASSOCIATION OF FLOUR MILLERS, INC.
Anti-Dumping Protest Against Turkish Wheat Flour Importation

8. INCREASED IMPORT VOLUME

8.1 State quantities of imports of the allegedly dumped product

Summarized below is the five (5) year historical Wheat Flour import from Top 4 countries:

ORIGIN COUNTRY	VOLUME (in Bags '000)						
	2008	2009	2010	2011	2012		
TURKEY	669	2,580	3,350	3,622	6,280	81%	75%
INDONESIA	1	0	2	202	576	7%	418%
VIETNAM	160	214	201	326	489	6%	32%
AUSTRALIA	477	438	5	15	296	4%	-11%
OTHERS	821	223	232	46	121	2%	-38%
TOTAL	2,128	3,455	3,789	4,210	7,761	100%	38%
Annual Growth		62%	10%	11%	84%		

Turkish Wheat Flour accounts for at least 81% of the imported Wheat Flour in the last three (3) years. The year-on-year volume growth rate at 75% of imported Turkish Wheat Flour has been the key driver in the increasing imported Wheat Flour in the Philippines. 2012 volume growth alone at 84% shows an alarming sign that will significantly affect local industry.

Based on the above growth trend of imported Wheat Flour, the local flour millers expects that the 2012 growth rate which is driven by Turkish Wheat Flour will repeat year on year if there is no intervention by any Philippine Government Agency. Turkish Wheat Flour export market has been aggressively looking for an alternative market as their volume in Indonesia is declining due to the Anti-Dumping Protest lodged by the Indonesian flour miller association which is being granted with 20% safeguard protection tax for all imported Wheat Flour. Indonesia is the 2nd biggest export market of Turkish Wheat Flour with 25% share next to Iraq of 45% while the Philippines is the 3rd biggest and potential growth market for Turkish Wheat Flour.

Enumerated below were the events related to Indonesian Flour Mill Association's anti-dumping protest against Turkish Wheat Flour import:

PHILIPPINE ASSOCIATION OF FLOUR MILLERS, INC.
Anti-Dumping Protest Against Turkish Wheat Flour Importation

- December 2009, Indonesian Anti-Dumping Committee submitted its finding to the Trade Minister for the imposition of anti-dumping duty on Turkish Wheat Flour import
- Indonesian government postponed the implementation of anti-dumping duty on Turkish Wheat Flour due to bilateral agreement between two (2) countries
- January 2012, Indonesian Flour Mill Association filed a lawsuit against the Finance Ministry for refusing to impose an anti-dumping duty on Turkish Wheat Flour as recommended by the Trade Ministry
- November 2012, Trade Ministry to apply 20% temporary safeguard tax on imported Wheat Flour subject to the approval of Finance Ministry and Trade Ministry
- December 2012, Indonesian government has imposed 20% emergency tariff on imported Wheat Flour for 200 days to shield Indonesian flour millers from surge of imported Wheat Flour

8.2 State dollar value of imports of the allegedly dumped product

Summarized below is the five (5) year historical value of imported Turkish Wheat Flour:

25Kg per Bag	Year				
	2008	2009	2010	2011	2012
Volume, in Bags	668,858	2,579,822	3,349,807	3,621,756	6,280,200
Volume, in MT	16,721	64,496	83,745	90,544	157,005
FOB Price US\$/MT	\$ 432	\$ 300	\$ 270	\$ 388	\$ 349
CNF Price US\$/MT	\$ 453	\$ 315	\$ 292	\$ 406	\$ 379
FOB VALUE, in US\$ '000.	\$ 7,219	\$ 19,369	\$ 22,650	\$ 35,147	\$ 54,859
CNF VALUE, in US\$ '000	\$ 7,577	\$ 20,327	\$ 24,483	\$ 36,788	\$ 59,503

PHILIPPINE ASSOCIATION OF FLOUR MILLERS, INC.
Anti-Dumping Protest Against Turkish Wheat Flour Importation

9. PRICE EFFECTS

9.1 Outline the extent to which the allegedly dumped products are price undercutting like domestic products

Following is the summary or computation of the five (5) year historical price difference between locally produced Wheat Flour and imported Turkish Wheat Flour:

	2008	2009	2010	2011	2012
DOMESTIC FLOUR SELLING PRICE - vat-ex					
Average Selling Price / Bag (ex-Factory)	P 740	P 654	P 621	P 719	P 719
TURKISH FLOUR LANDED COST					
CNF Export Price to the PH US\$ / MT	\$ 453.14	\$ 315.17	\$ 292.35	\$ 406.30	\$ 378.99
Weighted average of CNF Price/MT per IED (Refer to summary sheets "2008 - 2012")					
Import Duty (7.0%)	31.72	22.00	20.46	28.44	26.53
Insurance and Others (1.5%)	6.80	4.73	4.39	6.09	5.68
Landed Cost / MT (\$)	\$ 491.66	\$ 341.96	\$ 317.20	\$ 440.84	\$ 411.20
Average PDS Exchange rate (US\$:PhP)	P 44.500	P 47.632	P 45.095	P 43.310	P 42.217
Number of Bags / MT (at 25kg/Bag)	40	40	40	40	40
Landed Cost / Bag (PhP)	P 547	P 407	P 358	P 477	P 434
PRICE UNDERCUTTING	P 193	P 247	P 263	P 242	P 285
PRICE UNDERCUTTING %	26%	38%	42%	34%	40%

Domestic flour selling prices is based on the yearly weighted average selling prices of local flour millers supporting PAFMIL's anti-dumping protest representing at least 58% of the local production. Kindly refer to the attached Consolidated 3-Year Historical Local Flourmill Income Statements for your reference. (Annex 10)

Price undercutting of imported Turkish Wheat Flour have been existing since the last five (5) years. It substantially increased in the year 2009 to 38% coupled with the significant increase in volume on the same year as shown in Item or Question No. 8.1.

9.2 Outline the extent to which the allegedly dumped products are causing price depression

So far, the local flour millers have not yet effected any drastic downward adjustment on selling prices. But the increasing threat of imported Turkish Wheat Flour will definitely drive the local flour millers of a possible downward adjustments on prices despite of increasing raw materials cost.

PHILIPPINE ASSOCIATION OF FLOUR MILLERS, INC.
Anti-Dumping Protest Against Turkish Wheat Flour Importation

9.3 Outline the extent to which the allegedly dumped products have caused price suppression

Following is the summary or computation of the five (5) year historical price changes versus cost of goods including raw materials and direct labor:

	2007	2008	2009	2010	2011
DOMESTIC FLOUR SELLING PRICE - vat-ex					
Average Selling Price / Bag (ex-Factory)	P 740	P 654	P 621	P 719	P 719
Annual Effective Increase (Decrease)		-12%	-5%	16%	0%
DOMESTIC FLOUR PRODUCTION COST					
Direct Materials Used / Bag	657	525	442	553	547
Direct Labor Used / Bag	7	8	9	10	10
Manufacturing Cost / Bag	35	35	44	45	52
Total Cost of Goods / Bag	699	568	495	608	609
Annual Effective Increase (Decrease)		-19%	-13%	23%	0%
PRICE SUPPRESSION		7%	8%	-7%	0%

The changes or increases in raw materials cost or more specifically wheat cost were not compensated w/ any upward adjustment in selling prices. More particularly in 2011 where the increase in cost of goods of 23%, selling price was only adjusted at 16%. The inability to fully pass-on any increases in wheat cost is mainly due to the increasing threat of imported Turkish Wheat Flour.

10. ECONOMIC IMPACT

10.1 Output

As illustrated in Item or Question No. 10.4, year-on-year Wheat Flour industry growth rate of 6% does not convert to local flour mill industry growth. The surge of imported Turkish Wheat Flour has captured the industry growth more particularly in 2012 as explained in Item or Question No. 8.1.

10.2 Raw Materials Usage

Wheat is the main raw material in the Wheat Flour milling. "Wheat Flour is a powder made from the grinding of Wheat used for human consumption. Wheat varieties are called "clean", "white", or "brown" or "hard" if they have high gluten content, and they are called "soft" or "weak" flour if gluten content is low. Hard flour, or bread flour, is high in gluten, with 12% to 14% gluten content, and has elastic toughness that holds its shape well once baked. Soft flour is comparatively low in gluten and so results in a finer or crumbly texture. Soft flour is usually divided into cake flour, which is the lowest in gluten, and pastry flour, which has slightly more gluten than cake flour." (Wikipedia)

Wheat is usually procured from U.S. and Canada as both is considered consistently as world's leading Wheat exporter, well known for quality and availability. Australia has becoming a leading Wheat exporter more particularly in the South East Asian region. Other consideration is the logistics requirement which is more in place for U.S., Canada and Australia as compared to other Wheat exporting countries or region.

10.3 Sales

10.3.1 Provide details of any decline in the industry's sales of the like product

Following is the three (3) year comparative sales, costs of goods and gross profit analysis of local flour millers supporting PAFMIL's anti-dumping protest representing at least 58% of the local production:

PHILIPPINE ASSOCIATION OF FLOUR MILLERS, INC.
Anti-Dumping Protest Against Turkish Wheat Flour Importation

<u>Amount in Millions except per Bag</u>	<u>2010</u>	<u>2011</u>	<u>2012</u>
SALES	22,484	26,377	26,869
COST OF GOODS SOLD			
Raw Materials Used	16,014	20,295	20,453
Labor Cost	322	351	364
Manufacturing Cost	1,584	1,655	1,933
	17,920	22,301	22,750
GROSS PROFIT	4,564	4,076	4,119
Selling Price / Bag	621	719	719
Raw Materials Cost / Bag	442	553	547
Direct Labor Cost / Bag	9	10	10
Manufacturing Cost / Bag	44	45	52
Gross Profit / Bag	126	111	110
VOLUME (in Bags '000)	36,212	36,690	37,386

Kindly refer to the attached Consolidated 3-Year Historical Local Flourmill Income Statements for your reference. (Annex 10)

As explained in Item or Question No. 9.3, significant increase in raw materials cost in 2011 were not fully compensated with upward adjustment in selling prices, thus resulting to decline in gross profit on the same period. With the increasing production cost, upward adjustment in selling prices cannot be implemented due to the surged of imported Turkish Wheat Flour on the same period as explained in Item or Question No. 8.1. As of to date, gross profit per bag continue to fall below 2010 rate of P126 per bag.

10.3.2 Explain any lost sales due to direct competition from allegedly dumped product

As shown in Item or Question No. 10.4, the Wheat Flour industry year-on-year growth rate of 6% does not convert to local flour mill industry growth due to the increasing Wheat Flour import volume which is driven by Turkish Wheat Flour. The opportunity for the local flour mill industry to produce and sell at the level of 6% growth rate is overtaken by the increasing volume of Turkish Wheat Flour.

10.3.3 Give copies of any correspondence or cancelled orders from the industry's customers showing they are buying the goods from other sources

N/A

PHILIPPINE ASSOCIATION OF FLOUR MILLERS, INC.
Anti-Dumping Protest Against Turkish Wheat Flour Importation

10.3.4 Provide a schedule of volume and value of export sales over the most recent three years available, if possible by month or by quarter

N/A

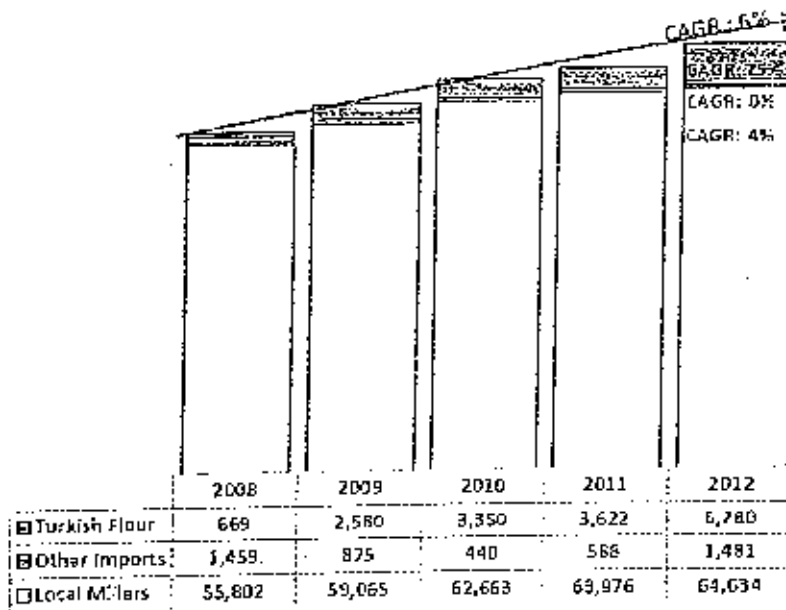
10.4 Market Share

Summarized below is the five (5) year historical Wheat Flour volume and corresponding market share of Turkish Wheat Flour vis-à-vis other Wheat Flour imports and local flour mill production:

	2008	2009	2010	2011	2012
<u>VOLUME (in Bags '000)</u>					
Turkish Flour	669	2,580	3,350	3,622	6,280
Other Imports	1,459	875	440	588	1,481
Local Millers	55,802	59,065	62,663	63,976	64,634
Total	57,930	62,520	66,452	68,186	72,395
<u>MARKET SHARE</u>					
Turkish Flour	1%	4%	5%	5%	9%
Other Imports	3%	1%	1%	1%	2%
Local Millers	96%	94%	94%	94%	89%
Total	100%	100%	100%	100%	100%
<u>ANNUAL GROWTH RATE</u>					
Turkish Flour	286%	30%	8%	73%	
Other Imports	-40%	-50%	34%	152%	
Total Imports	62%	10%	11%	84%	
Local Millers	6%	6%	2%	1%	
Industry	8%	6%	3%	6%	

Also presented below a graph showing the effect of imported Wheat Flour, which is driven by Turkish Wheat Flour, in the industry and how it affect local flour millers:

PHILIPPINE ASSOCIATION OF FLOUR MILLERS, INC.
Anti-Dumping Protest Against Turkish Wheat Flour Importation



Above graph shows that the Wheat Flour industry year-on-year growth rate of 6% does not convert to local flour mill industry growth. Market share of imported flour grew from 4% to 11% in the last five (5) years while local industry market share shrunk from 96% to 89% in 2012. To reiterate, the surged of imported Wheat Flour is driven by the Turkish Wheat Flour which is growing at a year-on-year growth rate of 75%.

10.5 Profits

Following is the three (3) year comparative gross profit, operating income and net income analysis of local flour millers supporting PAFMIL's anti-dumping protest representing at least 58% of the local production:

PHILIPPINE ASSOCIATION OF FLOUR MILLERS, INC.
Anti-Dumping Protest Against Turkish Wheat Flour Importation

<u>Amount in Millions, except per Bag</u>			
GROSS PROFIT	4,564	4,076	4,119
OPERATING EXPENSES	1,567	1,746	1,846
OPERATING INCOME	2,997	2,330	2,274
OTHER INCOME - NET	1,559	1,812	2,001
INCOME BEFORE TAX	4,556	4,141	4,275
INCOME TAX	1,367	1,242	1,282
NET INCOME	3,189	2,899	2,992
Gross Profit / Bag	126	111	110
Operating Expense / Bag	43	48	50
Operating Income / Bag	83	64	60
Other Income - Net / Bag	43	49	53
Income Before Tax / Bag	126	113	113
Income Tax / Bag	38	34	34
Net Income / Bag	88	79	79
VOLUME (in Bags '000)	36,217	36,690	37,386

Kindly refer to the attached Consolidated 3-Year Historical Local Flourmill Income Statements for your reference. (Annex 10)

While the increase in operating expenses account for the inflationary increases, gross profit is not sustaining it, thus a decline in operating income started in 2011. Operating income per bag continue to drop from P83 in 2010 down to P60 in 2012. This challenge will continue to exist and even get worst as the surge of imported Turkish Wheat Flour will continue to assume market share of local flour millers, as explained in Item or Question No. 10.4.

10.6 Productivity (Employment)

Following is the three (3) year comparative labor cost, production headcount and corresponding cost, and productivity analysis of local flour millers supporting PAFMIL's anti-dumping protest representing at least 58% of local production:

PHILIPPINE ASSOCIATION OF FLOUR MILLERS, INC.
Anti-Dumping Protest Against Turkish Wheat Flour Importation

Direct Labor Cost (P'000)	321,938	351,484	363,799
Production Headcount	1,922	2,048	2,037
Annual Cost / Head	167,493	171,657	178,589
Average Cost per head / Month	12,884	13,204	13,738
Annual Increase	10%	2%	4%
Productivity / Head (Bags/head)	18,840	17,918	18,353

Plant or Production headcount in 2012 stayed at within the same level in 2011 as it showed a drop in terms of productivity per head. With the surge of imported Turkish Wheat Flour in 2012, the local flour millers are being cautious in its headcount. Accordingly, some local flour millers are considering of cutting headcount if the trend of imported Wheat Flour continue to surge.

Total local flour industry plant or production headcount estimated at least 3,000 plant workers.

As explained in Item or Question No. 11, if the Turkish Wheat Flour continues to surge at the growth rate of 2012, plant utilization will dip from 53% to 30% within three (3) years. Most likely, local flour millers will definitely let go of at least 50% of their plant workers. By 2017, the entire local flour mill industry will shut down.

10.7 Return on Investments

Following is the three (3) year comparative gross profit, operating income and net profit ratios of local flour millers supporting PAFMIL's anti-dumping protest representing at least 58% of the local production:

GROSS PROFIT RATIO	20%	15%	15%
OPERATING PROFIT RATIO	13%	9%	8%
NET PROFIT RATIO	14%	11%	11%

Kindly refer to the attached Consolidated 3-Year Historical Local Flourmill Income Statements for your reference. (Annex 10)

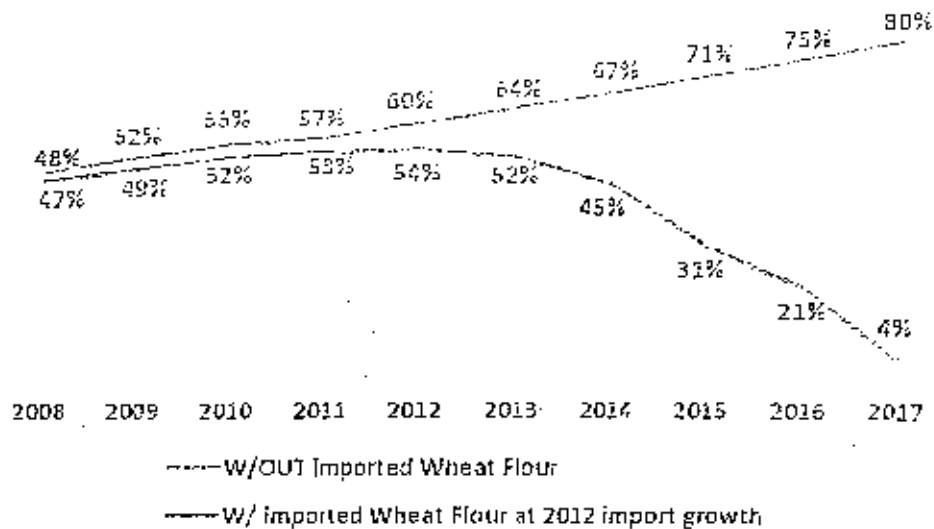
Gross profit, operating profit and net profit ratios showed a consistent decline from 2010 rates. As explained in Item or Question No. 9.3, the increase in raw materials cost more specifically wheat cost in 2011 were not compensated w/ any upward adjustment in selling prices. The inability to fully pass-on any

PHILIPPINE ASSOCIATION OF FLOUR MILLERS, INC.
Anti-Dumping Protest Against Turkish Wheat Flour Importation

any upward adjustment in selling prices. The inability to fully pass-on any increases in wheat cost is mainly due to the increasing threat of imported Turkish Wheat Flour.

10.8 Use of Production Capacity

Total annual capacity of local flour millers accounts for about 120 million bags of Wheat Flour while current production is only at 64 million bags. Utilization rate is only factored at 53% in 2012 assuming the mills will run at 300 days per year. As shown in Item or Question No. 11, the 2012 growth rate of imported Wheat Flour which is driven by Turkish Wheat Flour will repeat year on year. Projected plant utilization rate of the local flour millers will dip to 30% in the next three (3) years and most likely all flour milling plant will shut down by 2017. On the other hand, plant utilization rate should have been at 60% if without imported Wheat Flour and will further improve to 80% in the next five (5) years.



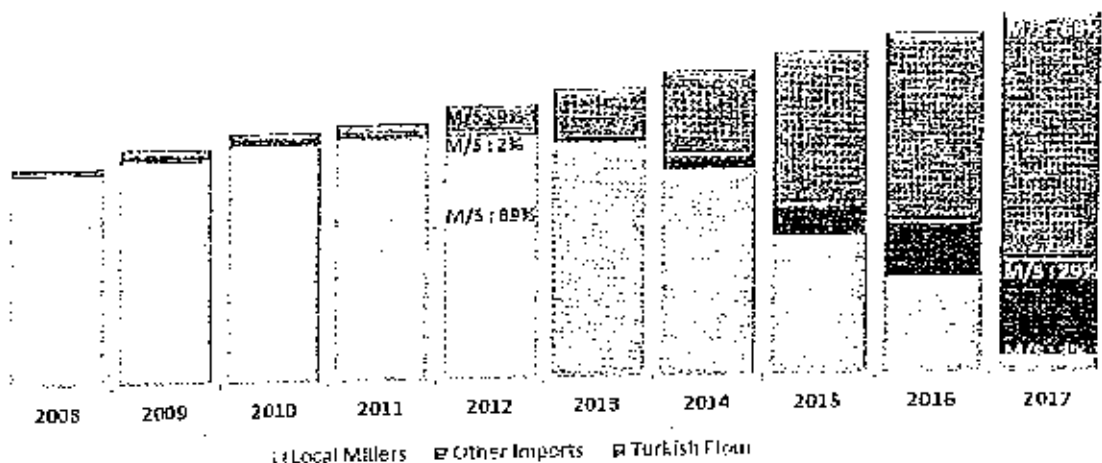
11. OTHER ADVERSE EFFECT

11. Please give evidence to support claims of injurious effects (actual or potential) in any of the following areas for the most recent three (3) years

Effect in local Flour Mill Industry

To reiterate, based on the five (5) year historical volume of imported Wheat Flour as shown in Items or Questions No. 8.1 and 10.4, the local flour millers expects that the 2012 growth rate which is driven by Turkish Wheat Flour will repeat year on year if there is no intervention by any Philippine Government Agency. Turkish Wheat Flour export market has been aggressively looking for an alternative market as their volume in Indonesia is declining due to the Anti-Dumping Protest lodged by the Indonesian flour miller association which is being granted w/ 20% safeguard protection tax for all imported Wheat Flour. Indonesia is the 2nd biggest export market of Turkish Wheat Flour with 25% share next to Iraq of 45% while the Philippines is the 3rd biggest and potential growth market for Turkish Wheat Flour.

The local flour millers project an eminent danger in the next two (2) to three (3) years as follows:



With this trend, market share of local flour miller will take a dip to at least 40% in the next three (3) years. Likewise, local flour mill industry plant utilization will immediately dropped from 53% to 30% in the next three (3) years. By then many local flour millers will likely to shut down. By 2017, local flour industry will be dead.

PHILIPPINE ASSOCIATION OF FLOUR MILLERS, INC.
Anti-Dumping Protest Against Turkish Wheat Flour Importation

Effect in GDP and employment

Suppressing local industry growth due to substitution to imported goods will drive to declining GDP. Continuous substitution to imported goods will erode domestic company competitiveness resulting to significant transfers of wealth and loss of capital. Business closure for the local industries will contribute to a higher unemployment rate.

While the local flour millers believe in a free-market economy and unhindered competition is beneficial to consumers, the case of imported Turkish Wheat Flour is not allowing us a competitive level playing field. With the subsidy the Turkish flour millers are getting from their government, they can export at a price way lower than their domestic price as presented in Item or Question No. 7.1.

12. OTHER CAUSES OF INJURY

12. Please comment on factors other than the allegedly dumped product that have injured, or are injuring the industry. These factors could include:

The volume and prices of like products or articles that are not sold at dumped prices, reduction in demand or changes in the pattern of consumption, restrictive trade practices of, and competition between, overseas and the Philippine producers, developments in technology and the export performance of the Philippine producers

N/A

13. IMPORTS BY THE INDUSTRY

13. If the industry has imported the subject product in the past three years please provide:

Full description of the product, Details of each shipment and explanation why the industry has imported the subject product

N/A

ANNEXES

- ANNEX 1 PAFMIL SEC Certificate of Registration
- ANNEX 2 PAFMIL Articles of Incorporation and By Laws
- ANNEX 3 PAFMIL 2012 General Information Sheet
- ANNEX 4 Written Expression of Support from Philippine Wheat Flour Millers
- ANNEX 5 Local Flour Miller plant location in the Philippines
- ANNEX 6 2012 Import Entry Declaration Transaction Worksheets
- ANNEX 7 Philippine Embassy in Turkey letter dated February 10, 2012 to DTI-815
- ANNEX 8 CitralIndonesia.com dated January 21, 2013, "This 8 Commodity Turkish Government Subsidised Exported to Indonesia" and "Problem Flour, GW: "Together We Will Sit With Them"
- ANNEX 9 U.S. Wheat Associates report dated October 4, 2011, "2012 National Trade Estimate Report, Foreign Trade Barriers" submitted to the Office of the United States Trade Representatives
- ANNEX 10 Consolidated 3-Year Historical Local Flourmill Income Statements



REPUBLIC OF THE PHILIPPINES
SECURITIES AND EXCHANGE COMMISSION
SEC Building, EDSA, Greenhills
City of Mandaluyong, Metro Manila

ANNEX 1

COMPANY REG. NO. CN201200984
COMPANY TIN 008-199-149

CERTIFICATE OF INCORPORATION

KNOW ALL PERSONS BY THESE PRESENTS:

This is to certify that the Articles of Incorporation and By-Laws of

PHILIPPINE ASSOCIATION OF FLOUR MILLERS, INC.

were duly approved by the Commission on this date upon the issuance of this Certificate of Incorporation in accordance with the Corporation Code of the Philippines (Batas Pambansa Blg.68), and copies of said Articles and By-Laws are hereto attached.

This Certificate grants juridical personality to the corporation but does not authorize it to undertake business activities requiring a Secondary License from this Commission such as, but not limited to acting as: broker or dealer in securities, government securities eligible dealer (GSED), investment adviser of an investment company, close-end or open-end investment company, investment house, transfer agent, commodity/financial futures exchange/broker/merchant, financing company, pre-need plan issuer, general agent in pre-need plans and time shares/club shares/membership certificates issuers or selling agents thereof. Neither does this Certificate constitute as permit to undertake activities for which other government agencies require a license or permit.

As a registered corporation, it shall submit annually to this Commission the reports indicated at the back of this certificate.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of this Commission to be affixed at Mandaluyong City, Metro Manila, Philippines, this 18th day of January, Twenty Twelve.




BENITO A. CATARAN
Director
Company Registration and Monitoring Department



COVER SHEET

ANNEX 2

S.E.C. Registration Number

PHILIPPINE ASSOCIATION OF FLOUR MILLERS, INC.

311 3RD FLOOR ATRIUM BLDG. MAKATI AVENUE MAKATI CITY

CORA P. MANARSA Contact Person

811-43-666 Company Telephone Number

12 Month

31 Day

Fiscal Year

AI-BL FORM TYPE

Annual Meeting

Month Day

Secondary License Type, If Applicable

Dept. Requiring this Doc.

Amended Articles Number/Section

Total No. of Stockholders

Total Amount of Borrowings Domestic Foreign

Top be accomplished by SEC Personnel concerned

Signature lines

LCU CASHIER

STAMPS

Remarks=pls. use black ink for scanning purposes

ARTICLES OF INCORPORATION
OF



PHILIPPINE ASSOCIATION OF FLOUR MILLERS, INC.

Know All Men By These Presents:

The undersigned incorporators, all of legal age and majority of whom are residents of the Philippines, have this day voluntarily agreed to form a non-stock and non-profit association under the laws of the Republic of the Philippines.

THAT WE HEREBY CERTIFY:

FIRST: That the name of the association shall be –

PHILIPPINE ASSOCIATION OF FLOUR MILLERS, INC.

SECOND: A. That the purpose or purposes for which such association is incorporated are:

- a. to foster adherence to the ethical standards of fair business practice and to promote common welfare and interest and to maintain and enhance amicable relations among each other.
- b. to cooperate with the government or any agency thereof in the study and solution of all problems affecting the flour mill industry;
- c. to assist its members in keeping abreast of progressive trends in the efficient operation and management of flour mills;
- d. to promote research and conduct surveys as to the needs, equipments and materials and products of the flour mill industry, promote and encourage development of wheat growing in the country and in general, serve and promote the common needs and interest of the flour mill industry.

THIRD: That the place where the principal office of the association to be established is at :

Room 311, 3rd floor, Atrium Building
Makati Avenue, Makati City

FOURTH: that the term for which the association is to exist is FIFTY (50) years from and after the date of the issuance of the articles of incorporation.

FIFTH: That the names, nationalities and residences of the incorporators of the association are as follows:

NAMES	NATIONALITY	RESIDENCES
Wilfredo P. Reyes	Filipino	1545 Mahogany St., Dasmariñas Village, Makati City
Sabin M. Abelliz	Filipino	110 Legaspi St., Legaspi Tower, Makati City
William Carlos Uy	Filipino	Liberty Bldg., Arnaiz St., Makati City
Wellson Ty	Filipino	64 Quezon Avenue, corner BMA Quezon City
Ellison Dean Lee	Filipino	C/O Universal Robina Corp. URC Flour Division, Pasig Blvd. Pasig City
Norman Uy	Filipino	217 Madison Avenue, Alabang Hills Muntinlupa City
George U. Young, Jr.	Filipino	27-D Luna Garden, 21 Residential Drive Rockwell, Makati City

SIXTH: That the number of trustees of said association shall be ~~seven (7)~~ and that the names, nationalities and residences of the first trustees of the association are as follows:

NAMES	NATIONALITY	RESIDENCES
Wilfrido P. Reyes	Filipino	1545 Mahogany St., Dasmarinas Village, Makati City
Sabin M. Aboliz	Filipino	110 Legaspi St., Legaspi Tower, Makati City
William Carlos Uy	Filipino	Liberty Bldg., Arnaiz St., Makati City
Welson Ty	Filipino	64 Quezon Avenue, corner BMA Quezon City
Norman Uy	Filipino	217 Madison Avenue, Alabang Hills Muntinlupa City
Ellison Dean Lee	Filipino	C/O Universal Robina Corp. URC Flour Division, Pasig Blvd. Pasig City
George U. Young, Jr.	Filipino	27-D Luna Garden, 2 nd Residential Drive Rockwell, Makati City

SEVENTH: That the capital of the association was contributed by the incorporators and directors who are also members of the association as follows:

NAMES	Contribution
Wilfrido P. Royes	100.00
Sabin M. Aboliz	100.00
William Carlos Uy	100.00
Welson Ty	100.00
Ellison Dean Lee	100.00
Norman Uy	100.00
George U. Young, Jr.	100.00
TOTAL:	700.00

EIGHT: That no part of the income which the association may obtain as an incident to its operation shall be distributed as dividends to its members, trustees or officers subject to the provisions of the corporation Code on dissolution. Any profit obtained by the association as a result of its operation, whenever necessary or proper shall be used for the furtherance of the purposes enumerated in Article II, subject to the provision of Title XI of the Corporation Code of the Philippines.

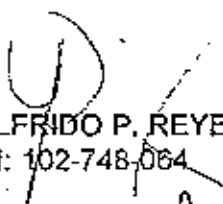
NINTH: That WILLIAM CARLOS UY has been elected by the members as Treasurer of the association to act as such until his/her successor is duly elected and qualified in accordance with the by-laws and that as such Treasurer, he/she has been authorized to receive for and in the name and for the benefit of the foundation, all contributions or donations paid or given by the members.


TENTH: That the incorporators undertake to change the name of the corporation immediately upon receipt of notice or directive from the Securities and Exchange Commission that another corporation, partnership or person has acquired a prior right to the use of that name or that the name has been declared misleading, deceptive, confusingly similar to a registered name, or contrary to public morals, good customs or public policy.

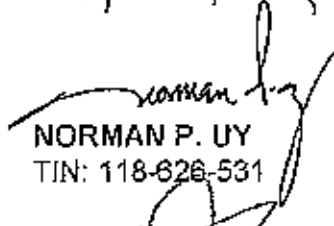
ELEVENTH: That the association shall comply with the requirements for non-stock corporation in the course of its operation,


JAN 17 2012

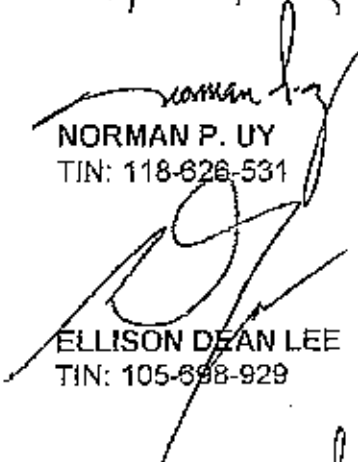
IN WITNESS WHEREOF, we have set our hands this _____ of _____
2012, at MANILA, Philippines.

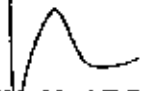

WILFRIDO P. REYES
TIN: 102-748-064

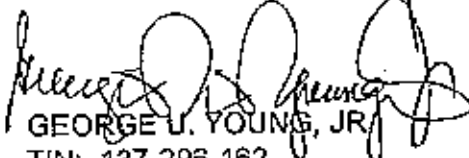

WILLIAM CARLOS UY
TIN: 123-282-691


NORMAN P. UY
TIN: 118-626-531


WELISON TY
TIN: 122-183-327


ELLISON DEAN LEE
TIN: 105-698-929


SABIN M. ABOITIZ
TIN: 131-057-827


GEORGE U. YOUNG, JR.
TIN: 137-296-162

ACKNOWLEDGMENT

Republic of the Philippines)
MANILA)

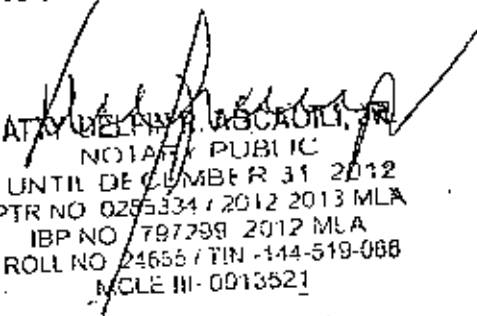
BEFORE ME, a Notary Public in and for Manila Philippines,
this JAN 17 2012, personally appeared:

<u>Names</u>	<u>CIC/TIN/PASSPORT NO.</u>
WILFRIDO P. REYES	TIN: 102-748-064
WILLIAM CARLOS UY	TIN: 123-282-691
NORMAN P. UY	TIN: 118-626-531
WELISON TY	TIN: 112-183-327
ELLSION DEAN LEE	TIN: 105-698-929
GEORGE U. YOUNG, JR.	TIN: 137-295-162

all known to me and to me known to be the same persons who executed the foregoing Articles of Incorporation and they acknowledged to me that the same is their free and voluntary act. And deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my notarial seal on the date and the place first above written

DOC. NO. 512
PAGE NO. 12
BOOK NO. 11
SERIES OF 2012


ATTY. WELTON A. ESCOBAR, JR.
NOTARY PUBLIC
UNTIL DECEMBER 31 2012
PTR NO. 0255334 / 2012 2013 MLA
IBP NO. 797299 / 2012 MLA
ROLL NO. 24655 / TIN - 144-519-068
MCLE III - 0013521

BY-LAWS
OF
PHILIPPINE ASSOCIATION OF FLOUR MILLERS, INC.

ARTICLE I
MEETINGS

Section 1. Annual Meetings – The annual meetings of the members shall be held at the principal office of the association on First Thursday of March of each year. The President shall render to the members regarding the activities of the association. The election of directors shall also be held during this regular meeting.

Section 2. Special Meetings – Special meetings of the members shall be called as the need thereof arises, by the Board of Trustees or the President or upon petition of 1/3 of the general membership.

Section 3. Notices – Notices of the time and place of annual and special meetings of the members shall be given either personally or by special delivery mail, at least two (2) weeks before the date set for such meeting. The notice of every meeting special meeting shall state briefly the purpose or purposes of the meeting.

Section 4. Quorum – a quorum for any meeting of the members shall consist of a majority of the members and a majority of each quorum may decide any question at the meeting, except those matters where the Corporation Code requires the affirmative vote of a greater proportion.

Section 5. Order of Business – The order of business at the annual meeting of the members shall be as follows:

- a. Proof of service of the required notice of the meeting.
- b. Proof of the presence of a quorum.
- c. Reading and approval of the minutes of the previous annual meeting.
- d. Unfinished business.
- e. Report of the President.
- f. Election of the Trustees for the ensuing year.
- g. Other matters.

Section 6. Voting Proxy – Each member shall be entitled to one vote, and he may vote either in person or by proxy which shall be in writing and filed with the Secretary of the association before the scheduled meeting.

ARTICLE II

TRUSTEES

Section 1. Board of Trustees – The corporate powers of the association shall be exercised, its business conducted and its property controlled by the Board of Trustees.

Section 2. Qualifications – The trustees to be elected must be of legal age and members of the association.

Section 3. Disqualification of Trustees or Officers – No member convicted by final judgment of an offense punishable by imprisonment for a period exceeding six (6) years, or a violation of the Corporation Code of the Philippines committed within five (5) years prior to the date of his election or appointment, shall qualify as a trustee or officer.

Section 4. Term of Office of Trustees – The trustees shall hold office for one year and until their successors are duly elected and qualified.

ARTICLE III

OFFICERS

Section 1. Officers – the officers of the association shall be a President, a Vice-President, a Secretary and a Treasurer. They shall be elected by the Board of Trustees from among themselves. The Board may combine compatible offices in a single person.

Section 2. Term of Office of Officers – All officers of the association shall hold office for one year and until their successors are duly elected and qualified.

ARTICLE IV

FUNCTIONS & POWERS OF OFFICERS

Section 1. President – The President shall be the Chief Executive Officer of the association. He shall preside in all meetings of the members of the association and the board of trustees.

He shall execute all resolutions of the Board of Trustees. He shall be charged with directing and overseeing the activities of the association. He shall submit to the Board as soon as possible after the close of each fiscal year, and to the members of each annual meeting, a complete report of the activities and operations of the association for the fiscal year under his term.

Section 2. Vice-President – The Vice-President, if qualified, shall exercise all powers and perform all duties of the President during his absence or incapacity of the latter and shall perform duties that maybe assigned by the Board of Trustees.

Section 3. Secretary – The Secretary shall give all notices required by these by-laws and keep the minutes of all meetings and of the Board of Trustees in a book kept for the purpose. He shall keep the seal of the foundation and affix such seal to any paper or instrument requiring the same. He shall have custody of the members register and the correspondence files of the foundation. He shall perform all such other duties and work as the Board of Trustees may from time to time assign to him.

Section 4. Treasurer – The Treasurer shall have charge of the funds, receipts and disbursements of the association. He shall keep all moneys and other valuables of the foundation in such banks as the Board of Trustees may designate. He shall keep and have charge of the books of accounts. He shall also perform such other duties and functions as may be assigned to him from time to time by the Board of Trustees. He shall post a bond in such amount as may be fixed by the Board of Trustees.

ARTICLE V

MEMBERS

Section 1. Qualifications for Membership – The board shall determine the qualifications of an applicant for membership.

Section 2. Rights of Members – A member shall have the following rights:

- a. To exercise the right to vote on all matters relating to the affairs of the association
- b. the association.
- c. To avail of all the facilities of the association.

d. To examine all the records or books of the association during business hours.

Section 3. Duties and Responsibilities of the Members – a member shall have the following duties and responsibilities:

- a. To obey and comply with the by-laws, rules and regulations that may be promulgated by the association from time to time.
- b. To attend all meetings of the association
- c. To pay membership dues and other assessments of the association

ARTICLE VI

SUSPENSION, EXPULSION AND TERMINATION OF MEMBERSHIP

Suspension, expulsion and termination of membership, shall be in accordance with the rules and regulations of the association.

Any member of the association may file charges against a member by filing a written complaint with the Secretary of the association. The Board of Trustees shall call a special meeting to consider the charges. The affirmative vote of majority of all the trustees shall be necessary to suspend a member. Provided that where the penalty is expulsion, the affirmative vote of majority of all the members of the association shall be necessary.

ARTICLE VII

FUND

Section 1. Funds – The funds of the association shall be derived from admission fees, annual dues and special assessments of members, gifts or donations.

Section 2. Disbursements – Withdrawal from the funds of the association, whether by check or any other instrument shall be signed by the Treasurer and countersigned by the President. If necessary, the Board of Trustees may designate other signatories.

Section 3. Fiscal Year – The fiscal year of the association shall be from January 1st to December 31 of each year.

ARTICLE VIII

CORPORATE SEAL

Section 1. Form – The corporate seal of the association shall be in such form and design as maybe determined by the Board.

AMENDMENTS OF THE BY-LAWS

Section 1. Amendments – These by-laws, or any provision thereof, may be amended or repealed by a majority vote of the members and by a majority vote of the Trustees at any regular or special meeting duly held for the purpose.

Adopted this ~~17th~~ day of ~~JAN~~, 2012 in ~~WAKATL CITY~~ by the affirmative vote of the undersigned members representing a majority of the members of the foundation in a special meeting duly held for the purpose.




WILFRIDO P. REYES



WILLIAM CARLOS UY



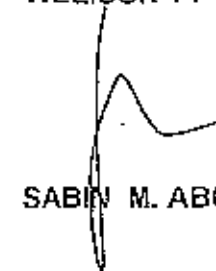
NORMAN P. UY




WELISON TY



ELLISON DEAN LEE



SABIN M. ABOITIZ



GEORGE V. YOUNG, JR.

ANNEX 3



109032012000040



SECURITIES AND EXCHANGE COMMISSION

SEC Building, EDSA, Greenhills, Mandaluyong City, Metro Manila, Philippines.
Tel: (632) 726-0931 to 39 Fax: (632) 726-5293 Email: mis@sec.gov.ph

Barcode Page

The following document has been received:

Receiving Officer/Encoder : Wendalyn Francisco
Receiving Branch : SEC Head Office
Receipt Date and Time : September 03, 2012 09:14:17 AM
Received From : Head Office

Company Representative

Doc Source

Company Information

SEC Registration No. CN201200984
Company Name PHILIPPINE ASSOCIATION OF FLOUR MILLERS, INC.
Industry Classification Miscellaneous Business Activities, N.E.C.
Company Type Non-stock Corporation

Document Information

Document ID 109032012000040
Document Type GENERAL INFORMATION SHEET
Document Code GIS
Period Covered August 16, 2012
No. of Days Late 0
Department CED/GFD/CRMD/MRD
Remarks

GENERAL INFORMATION SHEET (GIS)

NON-STOCK CORPORATION

FOR THE YEAR 2012

GENERAL INSTRUCTIONS:

1. FOR USER CORPORATION: THIS GIS SHALL BE SUBMITTED WITHIN THIRTY (30) CALENDAR DAYS FROM THE DATE OF THE ANNUAL MEMBERS' MEETING AS STATED IN THE BY-LAWS. DO NOT LEAVE ANY ITEM BLANK. WRITE "N.A." IF THE INFORMATION REQUIRED IS NOT APPLICABLE TO THE CORPORATION OR "NONE" IF THE INFORMATION IS NON-EXISTENT.
2. IF THE ANNUAL MEMBERS' MEETING IS HELD ON A DATE OTHER THAN THAT STATED IN THE BY-LAWS, THE GIS SHALL BE SUBMITTED WITHIN THIRTY (30) CALENDAR DAYS FROM THE ACTUAL DATE OF THE ANNUAL MEMBERS' MEETING.
3. THIS GIS SHALL BE ACCOMPLISHED IN ENGLISH AND CERTIFIED AND SWORN TO BY THE CORPORATE SECRETARY OF THE CORPORATION.
4. ALL CHANGES ARISING BETWEEN ANNUAL MEETINGS AND AFFECTING THE INFORMATION STATED IN THE GIS, SUCH AS THE DEATH, RESIGNATION OR CESSATION OF HOLDING OF OFFICE OF A DIRECTOR, TRUSTEE, OR OFFICER, SHALL BE REFLECTED IN AN AMENDED GIS LABELED AS SUCH AND THE CHANGES CLEARLY HIGHLIGHTED. THE AMENDED GIS SHALL BE SUBMITTED WITHIN THIRTY (30) DAYS AFTER SUCH CHANGES OCCURRED OR BECAME EFFECTIVE.
5. SUBMIT FIVE (5) COPIES OF THE GIS TO THE CENTRAL RECEIVING SECTION, GROUND FLOOR, SEC BLDG., EDSA, MANDALUYONG CITY. ALL COPIES SHALL BE ON A4 OR LETTER-SIZE PAPER WITH THE STANDARD COVER SHEET. THE PAGES OF ALL COPIES SHALL USE ONLY ONE SIDE. CORPORATIONS SUBMITTING A SOFT COPY OF THEIR GIS SHALL SUBMIT FOUR (4) HARD COPIES OF THE GIS, TOGETHER WITH A CERTIFICATION UNDER OATH BY ITS PRESIDENT, CHIEF EXECUTIVE OFFICER, OR CORPORATE SECRETARY THAT THE SOFT COPY CONTAINS THE EXACT DATA IN THE HARD COPIES.
6. ONLY THE GIS ACCOMPLISHED IN ACCORDANCE WITH THESE INSTRUCTIONS SHALL BE CONSIDERED AS COMPLIANT WITH EXISTING RULES AND REGULATIONS.
7. THIS GIS MAY BE USED AS EVIDENCE AGAINST THE CORPORATION AND ITS RESPONSIBLE DIRECTORS/TRUSTEES/OFFICERS FOR ANY VIOLATION OF EXISTING LAWS, RULES AND REGULATIONS.

===== PLEASE PRINT LEGIBLY =====

CORPORATE NAME:	PHILIPPINE ASSOCIATION OF FLOUR MILLERS, INC.	DATE REGISTERED:	January 18, 2012
BUSINESS/TRADE NAME	PHILIPPINE ASSOCIATION OF FLOUR MILLERS, INC.	FISCAL YEAR END:	December 31, 2011
SEC REGISTRATION NUMBER:	GN201200984	CORPORATE TAX IDENTIFICATION NUMBER (TIN):	008-199-149
DATE OF ANNUAL MEETING PER BY-LAWS:	First Thursday of March	WEBSITE/URL ADDRESS:	N/A
DATE OF ACTUAL MEETING:	Special Meeting, August 16, 2012	EMAIL ADDRESS:	pafmil_inc@yahoo.com
COMPLETE PRINCIPAL OFFICE ADDRESS:	Room 311, 3rd Floor, Atrium Building Makati Avenue, Makati City	TELEPHONE NUMBER(S):	811-4366 & 811-4387
COMPLETE BUSINESS ADDRESS:	same as above	FAX NUMBER(S):	810-9462
PRIMARY PURPOSE ENGAGED IN:	To foster adherence to the ethical standards of fair business practice and to promote common welfare.		
NAME OF EXTERNAL AUDITOR & SIGNING PARTNER:	Floresca, Refuerzo & Co., CPAS	SEC ACCREDITATION NUMBER:	TELEPHONE NUMBER(S):
		PP200604688	N/A
IF ENGAGED IN MICROFINANCE BUSINESS, CHECK SERVICES		TO BE FILLED UP BY SEC PERSONNEL:	
<input type="checkbox"/> Deposits	<input type="checkbox"/> Insurance Products	INDUSTRY CLASSIFICATION CODE:	NATIONAL GEOGRAPHICAL CODE (NGC):
<input type="checkbox"/> Loans	<input type="checkbox"/> Payment Services		
<input type="checkbox"/> Money Transfer	<input type="checkbox"/> Others		

GENERAL INFORMATION SHEET

NON-STOCK CORPORATION

===== PLEASE PRINT LEGIBLY =====

CORPORATE NAME: PHILIPPINE ASSOCIATION OF FLOUR MILLERS, INC.

DIRECTORS / OFFICERS

NAME <i>CURRENT, COMPLETE RESIDENTIAL ADDRESS</i>	NATIONALITY	INCORPORATOR	BOARD	OFFICER	TAX IDENTIFICATION NO. (TIN) FOR FILIPINOS or PASSPORT NO. FOR FOREIGNERS
1. <u>SABIN M. ABOITIZ</u> <u>110 Legaspi Tower, Makati City</u>	Filipino	President	M	Pres.	131-507-827
2. <u>WILLIAM CARLOS UY</u> <u>Liberty Bldg., Arnaiz St., Makati City</u>	Filipino	Treasurer	M	Treas.	123-282-691
3. <u>RICARDO M. PINCA</u> <u>Unit 702, Metropolitan Terraces, Makati</u>	Filipino	N	M	Corp. Sec.	106-903-209
4.					
5.					
6.					
7.					
8.					
9.					
10.					
11.					
12.					
13.					
14.					
15.					

INSTRUCTIONS:

FOR INCORPORATOR COLUMN, PUT "Y" IF AN INCORPORATOR, "N" IF NOT.

FOR BOARD COLUMN, PUT "C" FOR CHAIRMAN, "M" FOR MEMBER.

FOR OFFICER COLUMN, INDICATE PARTICULAR POSITION IF AN OFFICER, SUCH AS:

PPS - PRESIDENT CEO - CHIEF EXEC. OFFICER
 COO - CHIEF OPERATING OFFICER COS - CORPORATE SECRETARY
 AAO - EXTERNAL AUDITOR GOV - GOVERNMENT REPRESENTATIVE

CFO - TREASURER
 LEG - LEGAL COUNSEL
 OTR - OTHERS

N - NONE

GENERAL INFORMATION SHEET

NON-STOCK CORPORATION

PLEASE PRINT LEGIBLY

CORPORATE NAME: PHILIPPINE ASSOCIATION OF FLOUR MILLERS, INC.

1. INTERCOMPANY AFFILIATIONS

PARENT COMPANY	SEC REG. NO.	ADDRESS
AFFILIATE	SEC REG. NO.	ADDRESS
N/A	N/A	N/A

NOTE: USE ADDITIONAL SHEET IF NECESSARY

2. INVESTMENT OF CORPORATE FUNDS IN ANOTHER CORPORATION	AMOUNT (In PhP)	DATE OF BOARD RESOLUTION
2.1 STOCKS		
2.2 BONDS/COMMERCIAL PAPER (issued by private corporations)	N/A	N/A
2.3 LOANS/ CREDITS/ ADVANCES		
2.4 GOVERNMENT TREASURY BILLS		
2.5 OTHERS		

3. INVESTMENT OF CORPORATE FUNDS IN ACTIVITIES UNDER ITS SECONDARY PURPOSES (PLEASE SPECIFY:)	DATE OF BOARD RESOLUTION	DATE OF MEMBERS' RATIFICATION
3.1		
3.2		
3.3 N/A	N/A	N/A
3.4		
3.5		

4. FUND BALANCE (In PhP):	N/A
---------------------------	-----

5. SECONDARY LICENSE/REGISTRATION/AUTHORITY/ACCREDITATION OTHER GOVERNMENT AGENCY:

6.1 NAME OF AGENCY:	BANGKO SENTRAL NG PILIPINAS	INSURANCE COMMISSION	DEPARTMENT OF EDUCATION	COMMISSION ON HIGHER EDUCATION	TECHNICAL EDUCATION AND SKILLS DEVELOPMENT AUTHORITY	DEPARTMENT OF SOCIAL WELFARE AND DEVELOPMENT
6.2 DATE ISSUED:						
6.3 DATE STARTED OPERATIONS:	N/A	N/A	N/A	N/A	N/A	N/A

6. TOTAL ANNUAL COMPENSATION OF DIRECTORS/TRUSTEES DURING THE PRECEDING FISCAL YEAR (In PhP)	7. TOTAL NO. OF OFFICERS	8. TOTAL NO. OF RANK & FILE EMPLOYEES	9. TOTAL MANPOWER COMPLEMENT
N/A	N/A	N/A	N/A

NOTE: USE ADDITIONAL SHEET IF NECESSARY

**GENERAL INFORMATION SHEET
NON-STOCK CORPORATION**

I, RICARDO M. PINCA CORPORATE SECRETARY OF PHILIPPINE ASSOCIATION OF FLOUR MILLERS, INC.
(Name) (Position) (Corporation)

DECLARE UNDER THE PENALTY OF PERJURY, THAT ALL MATTERS SET FORTH IN THIS GENERAL INFORMATION SHEET WHICH CONSISTS OF four (4) PAGES HAVE BEEN MADE IN GOOD FAITH, DULY VERIFIED BY ME AND TO THE BEST OF MY KNOWLEDGE AND BELIEF, ARE TRUE AND CORRECT.

I UNDERSTAND THAT THE FAILURE OF THE CORPORATION TO FILE THIS GIS FOR FIVE (5) CONSECUTIVE YEARS SHALL BE CONSTRUED AS NON-OPERATION OF THE CORPORATION AND A GROUND FOR THE REVOCATION OF THE CORPORATION'S CERTIFICATE OF INCORPORATION. IN THIS EVENTUALITY, THE CORPORATION HEREBY WAIVES ITS RIGHT TO A HEARING FOR THE SAID REVOCATION.

DONE THIS SEP. 02, 2012 DAY OF SEP. 02, 2012 IN MANILA
RICARDO M. PINCA
(SIGNATURE)

SUBSCRIBED AND SWORN TO BEFORE ME IN _____
PHILIPPINES ON _____ AFFIANT PERSONALLY APPEARED
BEFORE ME AND EXHIBITED TO ME HIS/HER COMMUNITY TAX CERTIFICATE NO. 06979405
ISSUED AT Makati City ON January 2, 2012

DOC. NO. 736
PAGE NO. 68
BOOK NO. XAX
SERIES OF 2012

NOTARY PUBLIC FOR CESAR C. GARCIA
Notarial Commission No. Notary Public
Commission expires on December 31, 2012
Roll of Attorney Number PTR No. 4334759 / PTR-12-012
PTR No. IBP No. 830487
IBP No. IBP No. 830487
Office Address: 1001 N. ...

ANNEX 4

WRITTEN EXPRESSION OF SUPPORT FROM PHILIPPINE FLOUR MILLERS

1. Universal Robina Corporation
2. RFM Corporation
3. Liberty Flour Mills, Inc.
4. General Milling Corporation
5. Wellington Investment and Manufacturing Corporation
6. Pilmico Foods Corporation
7. Philippine Flour Mills
8. San Miguel Mills, Inc.



**UNIVERSAL ROBINA
CORPORATION**

110 E. RODRIGUEZ, JR. AVENUE, BAGUMBAYAN, QUEZON CITY, PHILIPPINES 1600, P.O. BOX 3542 MM 2803 - P.O. BOX 59-AC CUBAO, QUEZON CITY
TEL. 635-0751 TO 85 : 671-2935 TO 47

March 1, 2013

MR. SABIN M. ABOITIZ
President
Philippine Association of Flour Millers, Inc. (PAFMIL)
Room 311, 3rd Floor Atrium Bldg.
Makati Avenue, Makati City

Dear Mr. Aboitiz:

As a bonafide member of PAFMIL, Universal Robina Corporation expresses its support for the application of Anti-Dumping/Safeguard Protection against Turkish Wheat Flour. We hereby authorize PAFMIL to represent the Company in the Anti-dumping/Safeguard proceedings. We will assist PAFMIL and provide any documents required from us to support our application.

We hope this written expression of support will suffice the primary requirement in the application for Anti-Dumping/Safeguard Protection against Turkish Wheat Flour.

Thank you very much.

Very truly yours,

Lance Y. Gokongwei
President



March 1, 2013

MR. SABIN M. ABOITIZ
President
Philippine Association of Flour Millers, Inc. (PAFMIL)
Room 311, 3rd Floor Atrium Bldg.
Makati Avenue, Makati City

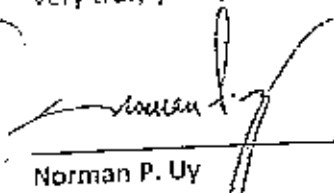
Dear Mr. Aboitiz:

As a bona fide member of PAFMIL, RFM CORPORATION expresses its support for the application of Anti-Dumping/Safeguard Protection against Turkish Wheat Flour. We hereby authorize PAFMIL to represent the Company in the Anti-dumping/Safeguard proceedings. We will assist PAFMIL and provide any documents required from us to support our application.

We hope this written expression of support will suffice the primary requirement in the application for Anti-Dumping/Safeguard Protection against Turkish Wheat Flour.

Thank you very much.

Very truly yours,


Norman P. Uy
SVP-General Manager
Flour-based Group
RFM Corporation

RFM CORPORATION

RFM Corporate Center, Pioneer corner Sheridan Streets, Mandaluyong City 1550, Metro Manila, Philippines
Telephone: (63-2) 631-8101 Facsimile: (63-2) 632-0839 Website: www.rfmfoods.com



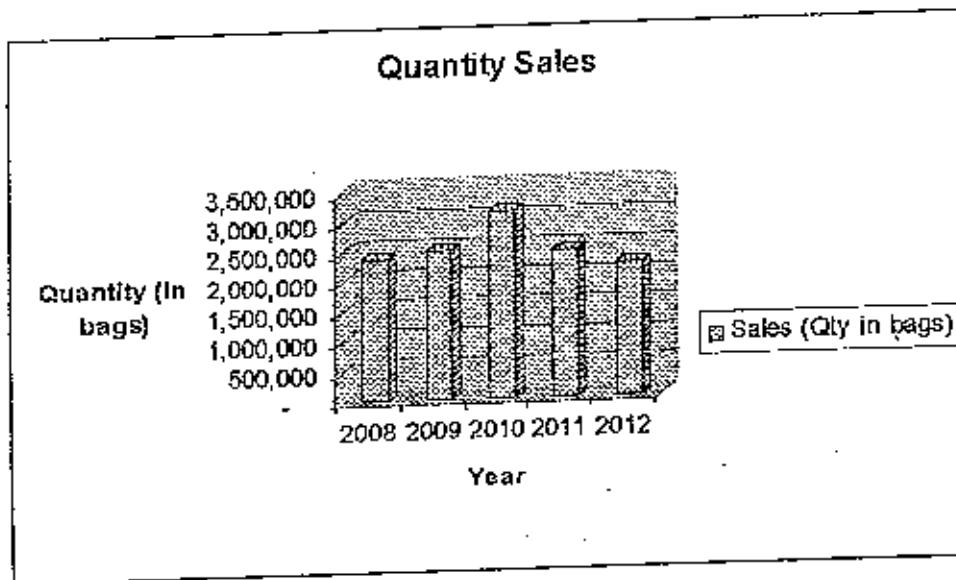
February 27, 2013

Mr. Ric M. Pinca
Executive Director
Philippine Association of Flour Miller, Inc. (PAFMIL)
Rm 311, 3rd Floor, Atrium Building
Makati Avenue
1226 Makati City

Dear Mr. Pinca:

Our Company is supporting your move to address the disparity between the export price of Turkish flour and the price it is normally charged in Turkish home market and the possible effect of the massive importations of Turkish flour in our local market.

In line with this, we are submitting our report on the effects of the Turkish flour importation on our Company. The illustration below shows the decreasing sales in quantity over the years. Our Company's sales volume is greatly affected by different market conditions such as economy factor, market competition and the like. As the market recovers in 2010, our sales still continue to decrease due to market competition. This may be affected by the share of Turkish flour in the market.

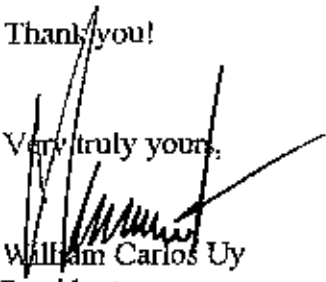


Year	Sales (Qty in bags)
2008	2,386,650
2009	2,499,725
2010	3,145,854
2011	2,476,758
2012	2,243,708

I hope the above data will suffice.

Thank you!

Very truly yours,



William Carlos Uy
President
Liberty Flour Mills, Inc.



GENERAL MILLING
CORPORATION

March 1, 2013

MR. SABIN M. ABOITIZ
President
Philippine Association of Flour Millers, Inc. (PAFMIL)
Room 311, 3rd Floor Atrium Bldg.
Makati Avenue, Makati City

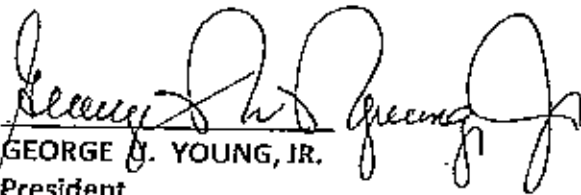
Dear Mr. Aboitiz:

As a bona fide member of PAFMIL, GENERAL MILLING CORPORATION expresses its support for the application of Anti-Dumping/Safeguard Protection against Turkish Wheat Flour. We hereby authorize PAFMIL to represent the Company in the Anti-dumping/Safeguard proceedings. We will assist PAFMIL and provide any documents required from us to support our application.

We hope this written expression of support will suffice the primary requirement in the application for Anti-Dumping/Safeguard Protection against Turkish Wheat Flour.

Thank you very much.

Very truly yours,


GEORGE J. YOUNG, JR.
President



Wellington Investment and Manufacturing Corporation

Wellington Bldg., Plaza Lorenzo Ruiz, Bonifacio Estate, Taguig City 1600, Philippines • Tel: 241-0659 • Telefax: 241-0764

March 1, 2013

MR. SABIN M. ABOITIZ
President
Philippine Association of Flour Millers, Inc. (PAFMIL)
Room 311, 3rd Floor Atrium Bldg.
Makati Avenue, Makati City

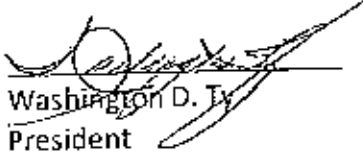
Dear Mr. Aboitiz:

As a bona fide member of PAFMIL, Wellington Investment & Manufacturing Corporation (Wellington Flour Mills) expresses its support for the application of Anti-Dumping/Safeguard Protection against Turkish Wheat Flour. We hereby authorize PAFMIL to represent the Company in the Anti-dumping/Safeguard proceedings. We will assist PAFMIL and provide any documents required from us to support our application.

We hope this written expression of support will suffice the primary requirement in the application for Anti-Dumping/Safeguard Protection against Turkish Wheat Flour.

Thank you very much.

Very truly yours,


Washington D. Ty
President

PILMICO

March-1, 2013

MR. RICARDO M. PINCA
Executive Director
Philippine Association of Flour Millers, Inc. (PAFMIL)
Room 311, 3rd Floor Atrium Bldg.
Makati Avenue, Makati City

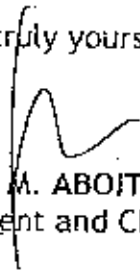
Dear Mr. Pinca:

As a bona fide member of PAFMIL, PILMICO FOODS CORPORATION expresses its support for the application of Anti-Dumping Protest and Safeguard Protection against Turkish Wheat Flour and other imported wheat flours. We hereby authorize PAFMIL to represent the Company in the anti-dumping/safeguard proceedings. We will assist PAFMIL and provide any documents required from us to support our application.

We hope this written expression of support will suffice the primary requirement in the application of Anti-Dumping Protest and Safeguard Protection against Turkish Wheat Flour and other imported wheat flours.

Thank you very much.

Very truly yours,



SABIN A. ABOITIZ
President and CEO



PHILIPPINE FLOUR MILLS

A DIVISION OF GONZALO PUYAT & SONS, INC.
FACTORY: HONDAGUA, CUEZON - OFFICE: 4TH FLR ENZO BLDG. 399 SEN. GIL PUYAT AVE.
MAKATI CITY, PHILIPPINES • TELS. 8902697; 8952625 TO 94 FAX NO. (632) 8975309

March 1, 2013

MR. SABIN M. ABOITIZ
President
Philippine Association of Flour Millers, Inc. (PAFMIL)
Room 311, 3rd Floor Atrium Bldg.
Makati Avenue, Makati City


Dear Mr. Aboitiz:

As a bona fide member of PAFMIL, PHILIPPINE FLOUR MILLS expresses its support for the application of Anti-Dumping/Safeguard Protection against Turkish Wheat Flour. We hereby authorize PAFMIL to represent the Company in the Anti-dumping/Safeguard proceedings. We will assist PAFMIL and provide documents required from us to support our application.

We hope this written expression of support will suffice the primary requirement in the application for Anti-Dumping/Safeguard Protection against Turkish Wheat Flour.

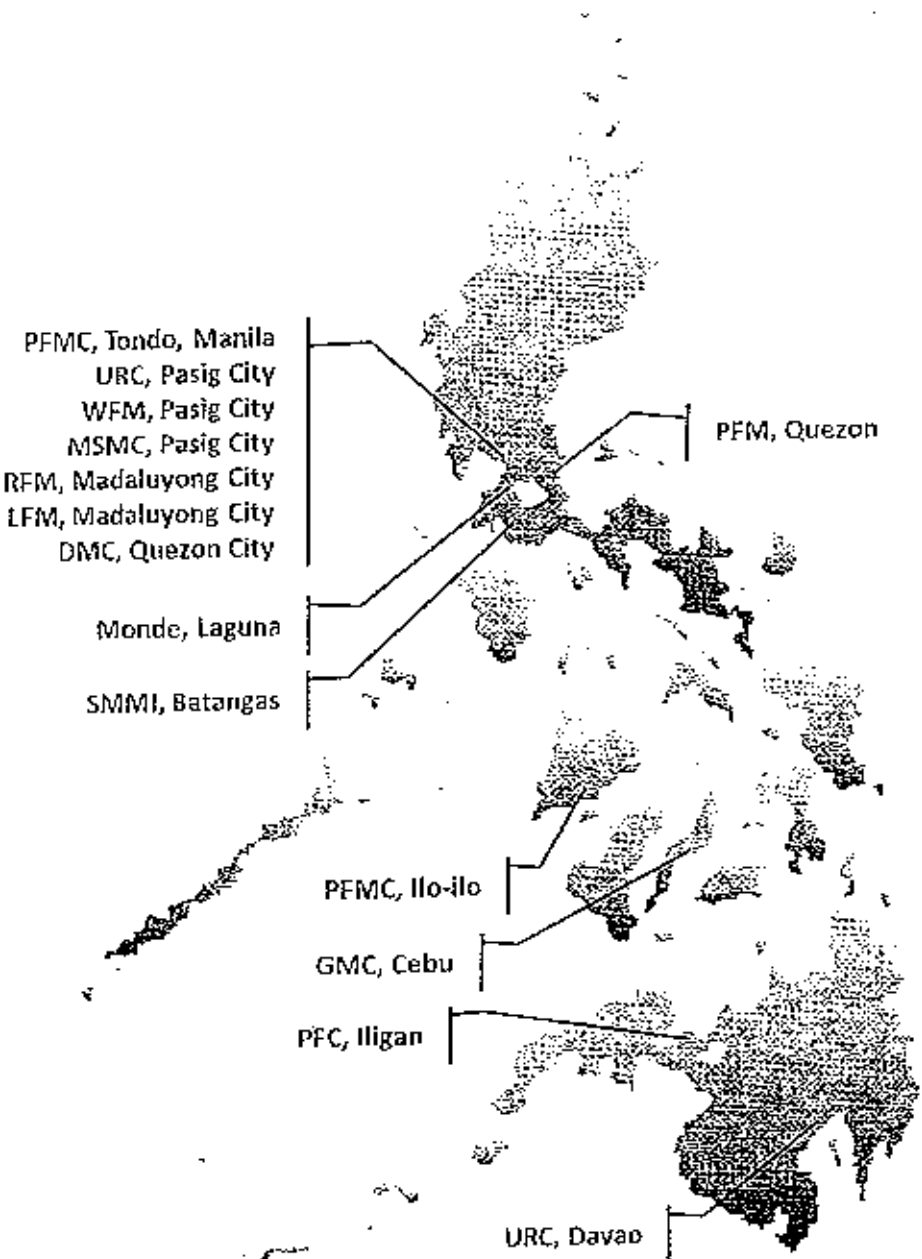
Thank you very much.

Very truly yours,


WILFRIDO P. REYES
General Manager

ANNEX 5

LOCAL FLOUR MILLER PLANT LOCATION IN THE PHILIPPINES



PER-IMPORTER DECLARATION		COMMODITY - Grade		TARIFF CODE	TARIFF DUTY	C. ORIGIN	C. EXPTN	NET WT (MT)	# BAGS (25KG)	NO. OF CONTNERS	FOB VALUE \$/MT	NET WT (MT)	FOB VALUE \$/MT	FOB VALUE TOTAL \$	CMF VALUE TOTAL \$
Ulas Gida Un Tekstil Nak. Tt. Ve San. A.S.	7-Sep-12	PO2B	Wheat flour - Durill 10.1%	1101.00.10	7%	Turkey		416.50	16,920	17 x 20	310.41	360.00	149,946.00	186,440.77	
Ulas Gida Un Tekstil Nak. Tt. Ve San. A.S.	30-Sep-12	PO2A	Wheat flour - Durill 10.1%	1101.00.10	7%	Turkey		245.00	9,800	10 x 20	483.00	439.00	107,656.00	113,436.00	
Ulas Gida Un Tekstil Nak. Tt. Ve San. A.S.	14-Sep-12	PO2B	Wheat flour - Durill 10.1%	1101.00.10	7%	Turkey		310.50	12,740	13 x 20	310.41	360.00	114,666.00	121,180.50	
Ulas Gida Un Tekstil Nak. Tt. Ve San. A.S.	7-Sep-12	PO2B	Wheat flour - Durill 10.1%	1101.00.10	7%	Turkey		318.50	12,740	13 x 20	360.41	360.00	114,666.00	121,180.50	
Ulas Gida Un Tekstil Nak. Tt. Ve San. A.S.	14-Sep-12	PO2D	Wheat flour - Durill 10.1%	1101.00.10	7%	Turkey		310.41	17,040	18 x 20	360.41	360.00	168,766.00	187,980.31	
Ulas Gida Un Tekstil Nak. Tt. Ve San. A.S.	30-Aug-12	PO2B	Wheat flour - Durill 10.45%	1101.00.10	7%	Turkey		240.00	9,600	10 x 20	375.83	360.00	105,200.00	109,189.20	
Ulas Gida Un Tekstil Nak. Tt. Ve San. A.S.	28-Aug-12	PO2B	Wheat flour - Durill 10.45%	1101.00.10	7%	Turkey		240.00	9,600	10 x 20	375.83	360.00	105,200.00	109,189.20	
Ulas Gida Un Tekstil Nak. Tt. Ve San. A.S.	16-Aug-12	PO2B	Wheat flour - Durill 10.45%	1101.00.10	7%	Turkey		240.00	9,600	10 x 20	375.83	360.00	105,200.00	109,189.20	
Ulas Gida Un Tekstil Nak. Tt. Ve San. A.S.	12-Aug-12	PO2B	Wheat flour - Durill 10.45%	1101.00.10	7%	Turkey		240.00	9,600	10 x 20	375.83	360.00	105,200.00	109,189.20	
Ulas Gida Un Tekstil Nak. Tt. Ve San. A.S.	1-Aug-12	PO2B	Wheat flour - Durill 10.45%	1101.00.10	7%	Turkey		240.00	9,600	10 x 20	375.83	360.00	105,200.00	109,189.20	
Ulas Gida Un Tekstil Nak. Tt. Ve San. A.S.	26-Jul-12	PO2B	Wheat flour - Durill 10.45%	1101.00.10	7%	Turkey		240.00	9,600	10 x 20	375.83	360.00	105,200.00	109,189.20	
Ulas Gida Un Tekstil Nak. Tt. Ve San. A.S.	12-Jun-12	PO2D	Wheat flour - Durill 10.45%	1101.00.10	7%	Turkey		240.00	9,600	10 x 20	375.83	360.00	105,200.00	109,189.20	
Ulas Gida Un Tekstil Nak. Tt. Ve San. A.S.	29-Jun-12	PO2B	Wheat flour - Durill 10.45%	1101.00.10	7%	Turkey		240.00	9,600	10 x 20	375.83	360.00	105,200.00	109,189.20	
Ulas Gida Un Tekstil Nak. Tt. Ve San. A.S.	11-May-12	PO2B	Wheat flour - Durill 10.45%	1101.00.10	7%	Turkey		240.00	9,600	10 x 20	375.83	360.00	105,200.00	109,189.20	
Ulas Gida Un Tekstil Nak. Tt. Ve San. A.S.	30-Apr-12	PO2B	Wheat flour - Durill 10.45%	1101.00.10	7%	Turkey		240.00	9,600	10 x 20	375.83	360.00	105,200.00	109,189.20	
Ulas Gida Un Tekstil Nak. Tt. Ve San. A.S.	30-Apr-12	PO2B	Wheat flour - Durill 10.45%	1101.00.10	7%	Turkey		240.00	9,600	10 x 20	375.83	360.00	105,200.00	109,189.20	
Ulas Gida Un Tekstil Nak. Tt. Ve San. A.S.	20-Apr-12	PO2B	Wheat flour - Durill 10.45%	1101.00.10	7%	Turkey		240.00	9,600	10 x 20	375.83	360.00	105,200.00	109,189.20	
Ulas Gida Un Tekstil Nak. Tt. Ve San. A.S.	20-Apr-12	PO2B	Wheat flour - Durill 10.45%	1101.00.10	7%	Turkey		240.00	9,600	10 x 20	375.83	360.00	105,200.00	109,189.20	
Ulas Gida Un Tekstil Nak. Tt. Ve San. A.S.	28-Mar-12	PO2B	Wheat flour - Durill 10.45%	1101.00.10	7%	Turkey		240.00	9,600	10 x 20	375.83	360.00	105,200.00	109,189.20	
Ulas Gida Un Tekstil Nak. Tt. Ve San. A.S.	29-Mar-12	PO2B	Wheat flour - Durill 10.45%	1101.00.10	7%	Turkey		240.00	9,600	10 x 20	375.83	360.00	105,200.00	109,189.20	
Ulas Gida Un Tekstil Nak. Tt. Ve San. A.S.	19-Mar-12	PO2B	Wheat flour - Durill 10.45%	1101.00.10	7%	Turkey		240.00	9,600	10 x 20	375.83	360.00	105,200.00	109,189.20	
Ulas Gida Un Tekstil Nak. Tt. Ve San. A.S.	12-Mar-12	PO2B	Wheat flour - Durill 10.45%	1101.00.10	7%	Turkey		240.00	9,600	10 x 20	375.83	360.00	105,200.00	109,189.20	
Ulas Gida Un Tekstil Nak. Tt. Ve San. A.S.	12-Mar-12	PO2B	Wheat flour - Durill 10.45%	1101.00.10	7%	Turkey		240.00	9,600	10 x 20	375.83	360.00	105,200.00	109,189.20	
Yonukogullari Gida Sanayi Ve Ticaret A.S.	17-Oct-12	PO2E	Wheat flour - Primo 13.2%	1101.00.10	7%	Turkey		375.51	4,700	15 x 20	480.00	387.50	137,989.83	147,080.00	
Yonukogullari Gida Sanayi Ve Ticaret A.S.	17-Oct-12	PO2B	Wheat flour - Premiere 9.5%	1101.00.10	7%	Turkey		335.51	5,800	8 x 20	330.00	347.00	49,319.07	52,820.00	
Yonukogullari Gida Sanayi Ve Ticaret A.S.	17-Oct-12	PO2B	Wheat flour - Golden Grain 10.8%	1101.00.10	7%	Turkey		313.07	2,540	3 x 20	330.00	347.00	23,064.76	24,863.00	
Yonukogullari Gida Sanayi Ve Ticaret A.S.	25-Sep-12	PO2B	Wheat flour - Golden Grain 10.8%	1101.00.10	7%	Turkey		313.07	3,000	2 x 20	330.00	347.00	18,170.00	18,170.00	
Yonukogullari Gida Sanayi Ve Ticaret A.S.	25-Sep-12	PO2B	Wheat flour - Premiere 9.5%	1101.00.10	7%	Turkey		358.71	3,920	4 x 20	387.22	387.22	34,163.60	37,047.50	
Yonukogullari Gida Sanayi Ve Ticaret A.S.	25-Sep-12	PO2B	Wheat flour - Primo 13.2%	1101.00.10	7%	Turkey		300.00	3,720	14 x 20	410.61	343.00	133,770.00	143,640.00	
Yonukogullari Gida Sanayi Ve Ticaret A.S.	20-Aug-12	PO2D	Wheat flour - P. Premiere 9.5%	1101.00.10	7%	Turkey		405.51	4,800	15 x 20	387.60	387.60	149,024.00	158,025.00	
Yonukogullari Gida Sanayi Ve Ticaret A.S.	28-Aug-12	PO2B	Wheat flour - P. Premiere 9.5%	1101.00.10	7%	Turkey		365.51	980	1 x 20	410.00	34.00	9,445.00	10,046.00	
Yonukogullari Gida Sanayi Ve Ticaret A.S.	28-Aug-12	PO2B	Wheat flour - P. Premiere 9.5%	1101.00.10	7%	Turkey		365.51	980	1 x 20	410.00	34.00	9,445.00	10,046.00	
Yonukogullari Gida Sanayi Ve Ticaret A.S.	12-Jul-12	PO2B	Wheat flour - Golden Grain 10.1%	1101.00.10	7%	Turkey		393.50	430.00	16,000	17 x 20	410.60	410.60	100,882.75	109,886.00
Yonukogullari Gida Sanayi Ve Ticaret A.S.	8-Jul-12	PO2B	Wheat flour - P. Primo 13.2%	1101.00.10	7%	Turkey		313.07	480.00	1,980	2 x 20	318.00	318.00	16,508.03	16,170.00
Yonukogullari Gida Sanayi Ve Ticaret A.S.	4-Jun-12	PO2B	Wheat flour - P. Primo 13.2%	1101.00.10	7%	Turkey		388.03	12,740	13 x 20	318.00	318.00	123,908.06	127,613.40	
Yonukogullari Gida Sanayi Ve Ticaret A.S.	25-Jun-12	PO2B	Wheat flour - P. Primo 13.2%	1101.00.10	7%	Turkey		394.74	268.00	11,520	1 x 20	318.00	318.00	106,302.43	115,982.50
Yonukogullari Gida Sanayi Ve Ticaret A.S.	23-Jun-12	PO2B	Wheat flour - Quaters Choice 9.8%	1101.00.10	7%	Turkey		314.22	288.00	11,520	2 x 20	318.00	318.00	90,815.62	96,040.00
Yonukogullari Gida Sanayi Ve Ticaret A.S.	23-Jun-12	PO2B	Wheat flour - Primo Hard 13.3%	1101.00.10	7%	Turkey		300.29	420.00	11,760	1 x 20	318.00	318.00	114,100.78	122,400.00
Yonukogullari Gida Sanayi Ve Ticaret A.S.	23-Apr-12	PO2B	Wheat flour - S. Evertling Star 9.8%	1101.00.10	7%	Turkey		304.29	288.00	11,520	2 x 20	318.00	318.00	87,632.52	92,180.00
Yonukogullari Gida Sanayi Ve Ticaret A.S.	27-Feb-12	PO2B	Wheat flour - P. Primo 9.5%	1101.00.10	7%	Turkey		340.51	24.00	900	1 x 20	400.81	400.81	9,542.60	9,812.60
Yonukogullari Gida Sanayi Ve Ticaret A.S.	27-Feb-12	PO2B	Wheat flour - P. Primo 13.4%	1101.00.10	7%	Turkey		390.04	190.00	1,460	0 x 20	410.00	410.00	77,182.04	81,982.00
								3,058.50	746,540			3,058.50	1,449,285.99	1,437,587.55	
								370.85				370.85		368.00	
Eraker Gida Sanayi Ve Ticaret A.S.	10-Dec-12	PO2A	Wheat flour - Banania 10% min	1101.00.10	7%	Turkey		420.00	24,500	25 x 20	420.00	412.50	251,525.00	287,250.00	
Eraker Gida Sanayi Ve Ticaret A.S.	18-Dec-12	PO2A	Wheat flour - Banania 10% min	1101.00.10	7%	Turkey		403.87	24,500	25 x 20	420.00	412.50	247,247.38	287,250.00	
Eraker Gida Sanayi Ve Ticaret A.S.	6-Dec-12	PO2A	Wheat flour - Banania 10% min	1101.00.10	7%	Turkey		382.71	14,700	15 x 20	403.00	367.50	134,306.03	148,102.50	
Eraker Gida Sanayi Ve Ticaret A.S.	27-Nov-12	PO2A	Wheat flour - Banania 10% min	1101.00.10	7%	Turkey		352.70	24,500	15 x 20	403.00	367.50	134,306.03	148,102.50	
Eraker Gida Sanayi Ve Ticaret A.S.	21-Nov-12	PO2A	Wheat flour - 10% min	1101.00.10	7%	Turkey		386.67	24,500	25 x 20	403.00	412.50	224,153.78	247,205.00	
Eraker Gida Sanayi Ve Ticaret A.S.	18-Nov-12	PO2A	Wheat flour - Banania 10% min	1101.00.10	7%	Turkey		362.70	24,500	25 x 20	403.00	412.50	238,835.30	240,837.50	
Eraker Gida Sanayi Ve Ticaret A.S.	9-Nov-12	PO2A	Wheat flour - Banania 10% min	1101.00.10	7%	Turkey		362.70	24,500	25 x 20	403.00	412.50	224,153.78	247,205.00	
Eraker Gida Sanayi Ve Ticaret A.S.	17-Nov-12	PO2B	Wheat flour - 10% min	1101.00.10	7%	Turkey		335.24	48.00	1,920	2 x 20	378.00	378.00	17,908.00	18,048.00

FOB OR CMF PER MT (€)

3,272.00 370.880

3064.28

FOB OR CMF PER MT (€)

3,058.50 746,540

370.85

FOB OR CMF PER MT (€)

3,058.50 746,540

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Table with columns: #, DATE OF ENTRY, PORT OF ENTRY, ENTRY NUMBER, COMMODITY DESCRIPTION, TARIFF CODE, TARIFF RATE, C. ORIGIN, FOB VALUE, CNF VALUE, NET WT, # BAGS, NO. OF CNF/MT, FOB VALUE, CNF VALUE, TOTAL S. Includes data for various wheat and flour entries from Turkey and the USA.

SHIPPER	IMPORTER	DECLARATION	EXPORTER	DATE OF ENTRY	PORT OF ENTRY	ENTRY NUMBER	COMMODITY	DESCRIPTION - Brand	TARIFF CODE	DUTY	% EXPTN	FOB VALUE \$/MT	CNF VALUE \$/MT	NET WT (MT)	X BAGS (PKGS)	NO. OF CONTNERS	FOB VALUE TOTAL \$	CNF VALUE TOTAL \$
Turun Gida San. Ve. Tic. A. S.			Turun Gida San. Ve. Tic. A. S.	11-May-12	P020	C-79145	Wheat flour - Diamond	1101.00.10	7%	Turkey	385.98	400.00	70.00	2,020	3 x 20	27,088.10	29,200.00	
Turun Gida San. Ve. Tic. A. S.			Turun Gida San. Ve. Tic. A. S.	11-May-12	P028	C-79146	Wheat flour - P. Choice	1101.00.10	7%	Turkey	333.96	350.00	117.59	4,700	5 x 20	39,240.20	41,423.00	
Turun Gida San. Ve. Tic. A. S.			Turun Gida San. Ve. Tic. A. S.	2-May-12	P028	C-72831	Wheat flour - White bear	1101.00.10	7%	Turkey	333.94	356.00	795.00	20,300	30 x 20	236,427.70	260,276.00	
Turun Gida San. Ve. Tic. A. S.			Turun Gida San. Ve. Tic. A. S.	25-Apr-12	P02A	C-45522	Wheat flour - White bear	1101.00.10	7%	Turkey	340.10	365.00	706.00	28,200	30 x 20	229,770.00	250,276.00	
Turun Gida San. Ve. Tic. A. S.			Turun Gida San. Ve. Tic. A. S.	10-Apr-12	P02B	C-57300	Wheat flour - Europe's best	1101.00.10	7%	Turkey	383.90	400.00	94.00	3,700	4 x 20	36,092.24	37,800.00	
Turun Gida San. Ve. Tic. A. S.			Turun Gida San. Ve. Tic. A. S.	10-Apr-12	P02B	C-57300	Wheat flour - Diamond	1101.00.10	7%	Turkey	383.98	400.00	94.00	3,700	4 x 20	36,092.24	37,800.00	
Turun Gida San. Ve. Tic. A. S.			Turun Gida San. Ve. Tic. A. S.	10-Apr-12	P02B	C-57300	Wheat flour - White Bear	1101.00.10	7%	Turkey	383.11	400.00	922.50	39,800	35 x 20	31,382.24	32,900.00	
Turun Gida San. Ve. Tic. A. S.			Turun Gida San. Ve. Tic. A. S.	28-Feb-12	P02B	C-45398	Wheat flour - White Bear	1101.00.10	7%	Turkey	383.11	400.00	822.50	32,000	35 x 20	316,782.98	339,000.00	
Turun Gida San. Ve. Tic. A. S.			Turun Gida San. Ve. Tic. A. S.	13-Feb-12	P02B	C-24077	Wheat flour - White Bear	1101.00.10	7%	Turkey	384.04	400.00	795.00	20,200	30 x 20	270,748.20	317,250.00	
Turun Gida San. Ve. Tic. A. S.			Turun Gida San. Ve. Tic. A. S.	7-Feb-12	P02B	C-21411	Wheat flour - White bear	1101.00.10	7%	Turkey	371.96	400.00	23.00	920	1 x 20	8,663.08	9,200.00	
Turun Gida San. Ve. Tic. A. S.			Turun Gida San. Ve. Tic. A. S.	24-Jan-12	P020	C-13551	Wheat flour - White bear	1101.00.10	7%	Turkey	371.96	400.00	15,879.94	630,180	1 x 20	6,891,512.05	7,277,024.67	
																360.00	382.26	
																	168,599.00	178,000.00
Itresing Corp.			Itresing Corp.	18-Jan-12	P02A	C-42228	Wheat flour - Cougar	1101.00.10	7%	Turkey	352.34	360.00	470.00	16,800	20 x 20	82,780.80	88,300.00	
Itresing Corp.			Itresing Corp.	18-Jan-12	P02A	C-5883	Wheat flour - Cougar	1101.00.10	7%	Turkey	382.34	380.00	236.00	9,400	10 x 20	248,393.70	267,900.00	
																	342.34	350.00
																	340.41	378.96



Dasuguan ng Pilipinas

Ankara, Turkey

ANNEX 7
Embassy of the Philippines

ZAK - MIS - 62 - 12

10 February 2012

Sir,

Further to Embassy's letter dated 06 February 2012 with ref. No. ZAK-MIS-47-2012, the Philippine Embassy in Ankara wishes to forward to the DTI-BIS the attached document obtained from the Union of Chambers and Commodity Exchanges of Turkey (TOBB).

In this regard, according to the figures of TOBB, the domestic wholesale price of wheat flour is US\$0,5027/Kg for the year 2010 and US\$0,5173/Kg for the year 2011.

Under the World Customs Organization, Turkey has been using Harmonized System Nomenclature (HS Code) dated 01.01.1958 which also formed the basis of the Turkish National Tariff Nomenclature (GTIP) adopted in 14.05.1964 in order to ensure uniformity in the classification of goods entered to Turkey from member countries instead of ASEAN Harmonized Tariff Nomenclature (AHTN).

Please accept my best wishes.

Very truly yours,


MARILYN J. ADARILLA
Ambassador

MR. LUIS M. CATIBAYAN

Director

Bureau of Import Services, Department of Trade and Industry
3F Tara Building, 389 Sen. Gil J. Puyat Avenue, Makati City
Tel. Nos. (+632) 896 4431, Fax No. (+632) 895 7466
E-mail: thebisdirector@yahoo.com.ph

Cc: Assistant Secretary Elizabeth P. Buensuceso, Office of European Affairs- DFA

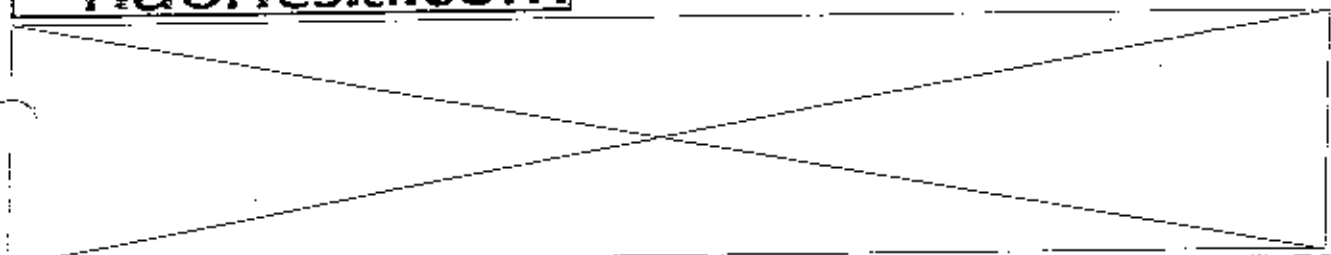
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ANNEX 8

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Monday, 11 March 2013



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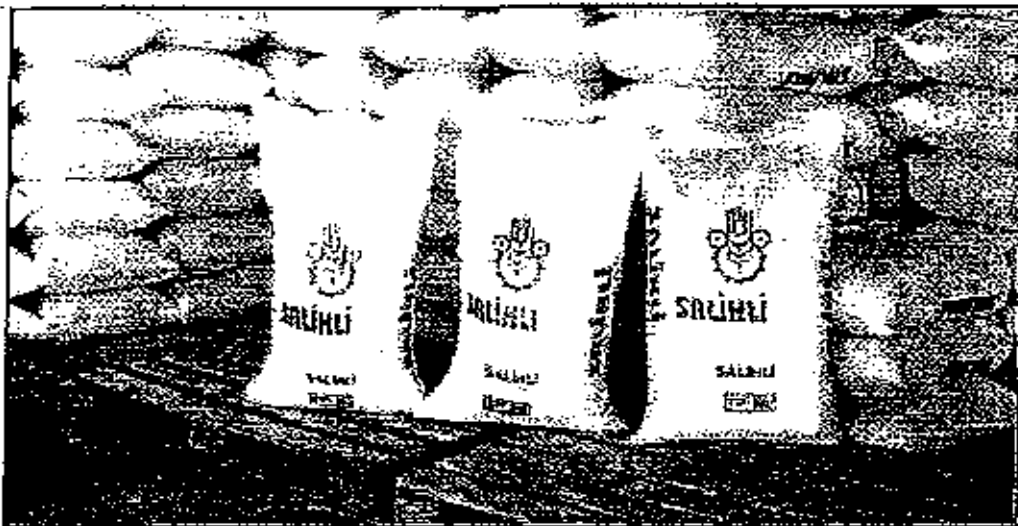
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This 8 Commodity Turkish Government Subsidised Exported to Indonesia

21 January 2013 | Jan 13:44 Pm

[http://citraindonesia.com/ini-8-komoditi-turki-disubsidi-pemerintah-diekspor-ke-indonesia/...](http://citraindonesia.com/ini-8-komoditi-turki-disubsidi-pemerintah-diekspor-ke-indonesia/) 3/11/2013

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illustration

CitraIndonesia.Com: Wheat Production Turkey as long as Indonesia is imported subsidized by local governments.

As is known, WTO (world trade body) prohibit government-subsidized product for export. Hence the case improt Turkish flour rolled into WTO.

"Commodity disbusidi Grain Turkey Turkey appropriate reports & Feed Annual, edition 05 November 2012. It was published by USDA (United States Dept Agriculture),"Said Ratnasari Loppies, Executive Director Aptindo (Indonesian Employers Association of Flour), Monday (21/1/2013).

Commodities that disbusidi Turkish version Aptindo among others:

-Turkish wheat farmers get:

1. Seed subsidy (certified seed): 60 TL/Ha (33.3 USD / Ha)
2. Subsidi analyzes (Soil Analysis) : 25 TL/Ha (13.9 USD / Ha)
3. Premium subsidiary (Premium Payment): 50 TL/Ha (27.8 USD / Ha)
4. Fuel Subsidy (Diesel): 40 TL/Ha (22.2 USD / Ha)
5. Fertilizer Subsidy (Fertilizer): 50 TL/Ha (27.8 USD / Ha)

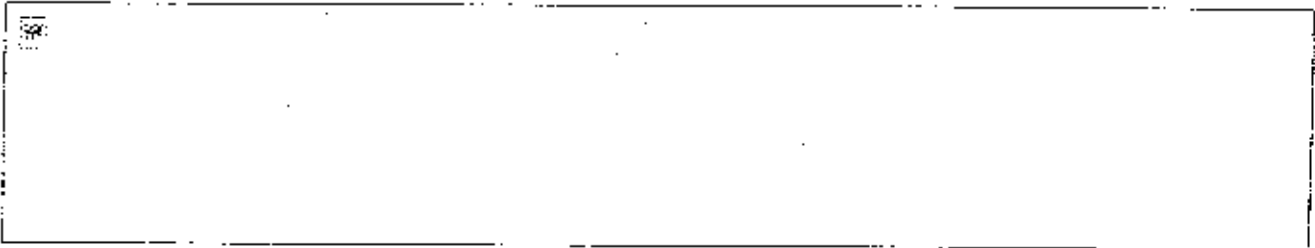
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Tuesday, 26 February 2013



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He also said Turkey was very emphatic in wearing anti-dumping duties against products- industrial products from Indonesia.

"98 types of products we already battered there (Turki). The period we let? So I invite the government take fight,"He concluded.

Previous, Turgay Bakery: "Meeting with Aptindo, investigation none met the requirements,"He said, in a press conference at the Four Seasons, Jakarta, Friday (18/1/2013).

Minister of Finance issued Regulation of the Minister of Finance (PMK) No: 139/PMK.011/2012. And this applies imposition BMTPS 200 days from the date 5 December 2012.

"Her BMTPS for 20% Nila Dari important,"Said the Head of Public Relations of the Ministry of Finance, Yudi Pramadi in a release, Saturday (12/1/2013). (feeling)

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Trade Minister Gita Wirjawan

CitraIndonesia.Com: Related imposition BMTP (duty as a security measure) who then complained to the WTO Turkey, Trade Minister Gita Wirjawan (GW), said it would try to communicate with Turkey.

"We'll sit down with them," GW said when met reporters at his office in Jakarta, Monday (21/1/2013).

He sat down and deliberations would be better off looking for the latest solutions. So the situation is mutually beneficial trade between the two countries.

Separately, Executive Director APTINDO (Association of Indonesian Wheat Flour), Ratna Sari dumping flour Loppies ensure that not only harm Turkey Indonesia. But the Turks also lost.

"To be sure, entrepreneurs of Turkish flour investors also lose by dumping cases it," he told CitraIndonesia.Com, in Jakarta, Monday (21/1/2013).

Previous, Rainasari Loppies also showed data reports Grain Turkey & Feed Annual, edition 05 November 2012. It was published by USDA (United States Dept Agriculture).

That 8 Turkish agricultural commodities are then exported to various countries in the world was getting subsidies from the government's.

-Turkish wheat farmers get:

1. Seed subsidy (certified seed): 60 TL/Ha (33.3 USD / Ha)
2. Subsidy analyzes (Soil Analysis) : 25 TL/Ha (13.9 USD / Ha)
3. Premium subsidiary (Premium Payment): 50 TL/Ha (27.8 USD / Ha)
4. Fuel Subsidy (Diesel): 40 TL/Ha (22.2 USD / Ha)
5. Fertilizer Subsidy (Fertilizer): 50 TL/Ha (27.8 USD / Ha)
6. Data year 2011 , Milling Wheat Price pada kisaran 360 – 418 USD/MT
7. Domestic Flour Price: 470 USD/MT



U.S. WHEAT ASSOCIATES

ANNEX 9

3103 10th Street, North, Suite 300
Arlington, Virginia 22201

2012 National Trade Estimate Report Foreign Trade Barriers

4 October 2011

The following is a submission to the 2012 National Trade Estimate Report on Foreign Trade Barriers as requested by the Office of the United States Trade Representative. These comments are on behalf of U.S. Wheat Associates (USW).

Open markets and fair trade are critical to the U.S. wheat industry as roughly 50 percent of U.S. wheat production is exported each year. U.S. wheat farmers have a competitive advantage in producing wheat and the U.S. has been the largest exporter of wheat in the world for many years. Ensuring a fair playing field for U.S. producers encourages the production of wheat, which brings revenue and jobs to rural America.

There are a number of barriers and policies around the world that restrict wheat trade. Several of these are common constraints across multiple markets, while other barriers are market specific. Details on general trade barriers as well as country specific issues that limit exports for U.S. wheat farmers have been identified along with their effect on U.S. wheat exports.

The number of free trade agreements between customs unions and countries is increasing at a rapid pace. While the U.S. has moved forward with several free trade agreements, our competitors are aggressively negotiating new market access. Australia, Canada, the EU and the Mercosur block are all negotiating agreements with wheat importing countries that, if implemented, would put U.S. wheat farmers at a price disadvantage due to often dramatic differences in tariffs.

Unfair export subsidies result in lost sales to markets where the United States would normally be competitive. A number of countries have relied on export subsidies, particularly in times of surplus production, to encourage exports. A Doha Round agreement resulting in the elimination of export subsidy use in agricultural trade is one of USW's objectives.

Domestic subsidies that exceed WTO commitment levels encourage production, lowering wheat prices and signaling U.S. producers to plant other crops. A number of wheat producing countries provide subsidies beyond their allowable levels through crop payments, input subsidies and price support mechanisms that result in the overproduction of wheat. This creates a tremendous barrier to trade for U.S. wheat producers as countries produce crops that the market is not signaling them to plant, inflating production, distorting trade flows and lowering global wheat prices.

Among the most challenging and long-standing issues facing the U.S. wheat industry in the export market are the hidden subsidies and trade distorting practices of monopoly export state trading enterprises (STEs), such as the Canadian Wheat Board (CWB). Capitalizing on their export monopoly and captive producers, export STEs do not make market driven decisions and offer wheat at different prices in different markets. This cross-subsidization is a serious market distortion. The fact that export STE subsidies are harder to detect than other export subsidies does not make them any less disruptive. Placing disciplines on the monopoly practices of STEs through a successful conclusion of the Doha Round will create a more level playing field, benefiting wheat producers. USW strongly believes that no party should have the right to restrict the right of any interested entity to export, or purchase for export, agricultural products.

A number of countries pursue policies that undermine the development, use and import of agricultural biotechnology. While biotech wheat is not expected to be in commercial production in the United States for many years, well entrenched resistance to accept commodities produced via biotechnology is a concern that inhibits progress toward the development of biotech wheat varieties. As population increases and the demand for food grows, new technologies like biotechnology are a necessary investment to ensure there is enough food to feed the world. A critical constraint is the lack of standard tolerance levels of both approved and unapproved biotech events that can cause serious trade disruptions for commodities that do not have commercial biotech varieties in production. A zero tolerance is not possible, even for non-biotech crops, due to the shared logistical infrastructure. The U.S. government's efforts to ensure that regulations regarding the trade of commodities derived through biotechnology be based on scientific evidence is fully supported by the wheat industry.

U.S. producers can also be shut out of markets due to U.S. policies. Trade missions to the United States consisting of top executives, middle management, and government officials are an important avenue for educating customers, promoting exports and nurturing relationships. These missions increase confidence in the United States as a reliable supplier and create opportunities for future sales. USW has created strong relationships with businesses around the world, but has experienced a number of delays in the processing of visa applications, particularly for travelers from the Middle East and Africa. Delays and rejections in obtaining business visas for USW's trade contacts results in a negative opinion of conducting business with U.S. companies and puts

Export Subsidies – European Union. The European Union's (EU) past use and potential use of export subsidies is a concern to the wheat industry. In the past, the EU used export subsidies to gain market share at the expense of the United States and did so by subsidizing both wheat and flour, disrupting trade in both commodities. Spending on these subsidies once reached USD \$6 billion per year, a majority of which was used for wheat. The EU has not used export subsidies since 2007 on wheat, while the United States discontinued the use of export subsidies in 1996. U.S. negotiators need to continue to press for the complete removal of the EU's export subsidies as part of any reciprocity agreement to ensure against future use.

Export Subsidies – India. When stocks become excessive, India uses export subsidies to allow the Food Corporation of India (FCI) to sell sound wheat to government owned exporters in the past for less than 50 percent of the acquisition costs. This results in India becoming one of the largest wheat export subsidizers. This unfair practice must be addressed in the Doha Round of the WTO trade negotiations.

Domestic Subsidies – Brazil. Every WTO member nation committed to domestic subsidy caps upon accession to the WTO. This includes a fixed cap on trade distorting supports, known as the aggregate measure of support (AMS). Countries also have caps on *de minimis* spending as a percentage of general and product specific production with developing nations capped at 10 percent, developed at 5 percent and China at 8.5 percent. While countries are to report domestic support spending annually, Brazil has not notified domestic support spending to the WTO in a number of years. Based on past notifications and data contained in USDA/FAS country reports, we have detected violations of product specific subsidy caps on Brazil's wheat production. Analysis indicates that Brazil's product-specific aggregate measure of support (AMS) for wheat was \$785 million in 2010—greatly exceeding Brazil's *de minimis* threshold of \$144 million. Similar analysis indicates that Brazil is above their AMS commitments for other commodities such as corn, rice and cotton, with their total AMS totaling \$3.9 billion—well above their limit of \$912 million. AMS spending needs to be monitored and U.S. negotiators to the WTO should address this issue through the WTO consultative process in Geneva.

Domestic Subsidies – China. China notified domestic subsidy levels upon accession to the WTO in 2001, binding their Aggregate Measure of Support (AMS) at zero. China's *de minimis* entitlement is 8.5 percent of the value of production for both general and product specific expenditures. It is worth noting that China has not made a domestic support notification to the WTO since 2001, while the United States has reported spending through 2009.

Shadow analysis indicates that China's domestic support spending has increased in recent years to levels greatly exceeding their *de minimis* commitment. For wheat specifically, initial price support calculations indicate price support payments exceed the 8.5 percent *de minimis* level, resulting in non-compliance with China's domestic support commitments. For 2010, an initial estimate for wheat price support plus other amber box support results in an AMS for wheat of \$12 billion, versus a *de minimis* threshold of only \$2.7 billion. These excessive subsidies stimulate production that displaces large volumes of wheat imports. The minimum procurement price for wheat has increased annually, and the 2012 price stands at \$319 per metric ton for non-

durum wheat. This minimum price is above today's higher-than-average prices for most classes of high quality U.S. wheat.

In addition, China agreed to not use the Article 6.2 exemption in its accession for resource poor farmers, and said the support to these farmers would be included in China's AMS calculation. This results in a straightforward calculation of domestic support payments.

This pattern of AMS spending is not limited to wheat and applies to other crops as well, potentially resulting in a violation of China's overall *de minimis* cap. China's AMS spending creates another deterrent to U.S.-China wheat trade. The agreed upon playing field with China is not fair when wheat subsidies are at levels well beyond the 2001 commitments.

Domestic Subsidies – India. Every WTO member nation committed to domestic subsidy caps upon accession to the WTO. This includes a fixed cap on trade distorting supports, known as the aggregate measure of support (AMS). Countries also have caps on *de minimis* spending as a percentage of general and product specific production with developing nations capped at 10 percent, developed at 5 percent and China at 8.5 percent. While countries are to report domestic support spending annually, India has not notified domestic support spending to the WTO in a number of years. Based on past notifications to the WTO and data contained in USDA country reports, we have detected violations of product specific subsidy caps on wheat in India. Analysis indicates that India's wheat-specific aggregate measure of support is between \$11.8 and \$13.4 billion, well above their *de minimis* threshold of \$2.3 billion. Similar analysis indicates that India is exceeding price support commitments for other commodities, including rice, corn, soybeans, cotton, soybeans and rapeseed. It is estimated that India's total AMS is between \$37.3 and \$62.0 billion, while India's total AMS limit is zero. AMS spending needs to be carefully monitored and U.S. negotiators should address this issue through the WTO consultative process in Geneva.

Domestic Subsidies – Turkey. Every WTO member nation committed to domestic subsidy caps upon accession to the WTO. This includes a fixed cap on trade distorting supports, known as the aggregate measure of support (AMS). Countries also have caps on *de minimis* spending as a percentage of general and product specific production with developing nations capped at 10 percent, developed at 5 percent and China at 8.5 percent. While countries are to report domestic support spending annually, Turkey has not notified domestic support spending to the WTO in a number of years. Based on past notifications to the WTO and data contained in USDA country reports, we have detected violations of product specific subsidy caps on wheat in Turkey. Analysis of Turkey's price support practices shows a wheat-specific AMS of \$5.541 billion, while Turkey's *de minimis* limit is only \$0.441 billion. Similar analysis indicates that Turkey is exceeding domestic support commitments in other commodities such as corn, rice, sugar, soybeans and others, with an estimated total AMS of \$9.201 billion. Turkey's AMS limit is zero, so any spending above *de minimis* levels is prohibited. AMS spending needs to be carefully

effectively prohibited most U.S. corn and corn product exports to the EU. In addition to being inconsistent with EU law, the United States believed that the moratorium clearly breached World Trade Organization (WTO) rules. The WTO confirmed this, as well as their role in enforcing trade decisions be scientifically based, by ruling the EU moratorium in violation of WTO rules governing trade. The WTO decision effectively lifts delays on a number of biotech products shipped from the United States. While the U.S. wheat industry applauds the WTO's decision, this measure has made only a limited impact on the willingness of the EU to import new biotech products, particularly for human consumption, which could include wheat in the future. The progress on approvals is slow, but a few countries have softened their negative stance on biotechnology.

Actions that would allow individual country genetically modified organisms (GMOs) regulation seem to be straining EU efforts at regulatory harmonization. The non-harmonized regulations on biotechnology planting and varieties approved for import could result in confusion, delays and increased risk for U.S. exporters. Currently, the EU sets a 0.9 percent tolerance on approved events for food imports and a 0.1 percent tolerance on unapproved events in the regulatory pipeline for food imports only, otherwise the tolerance is zero. The U.S. wheat industry is concerned with the seeming lack of scientific, health and environmental evidence used as the basis for the decisions in the EU in setting these tolerances. The setting of science-based tolerances and their application by the trade are essential. Demanding zero tolerances for biotech content in finished products requires suppliers to certify zero tolerances in wheat. A zero tolerance isn't practical and a low-level tolerance for adventitious material is needed.

EU policies on biotechnology have a wide impact on trade flows due to the number of countries exporting food products to EU consumers. Scientific based EU regulations would have a positive impact around the world.

Biotechnology – Japan. The U.S. wheat industry remains concerned with Japan's insistence that they will shut off all imports of U.S. wheat upon commercialization of biotech wheat. Japan is a highly sensitive market and the U.S. wheat industry has been engaged with the industry and government on biotech wheat for a number of years. Currently, Japan sets a five percent tolerance on approved events and a zero tolerance on unapproved events. The setting of science-based tolerances and their application by the trade are essential. Demanding zero tolerances for biotech content in finished products requires suppliers to certify zero tolerances in wheat. A zero tolerance isn't practical and a low-level tolerance for adventitious material is needed.

Biotechnology – Korea. Korea is a highly sensitive market in terms of the regulatory environment for the purchase of biotech food and feed, labeling requirements and food safety issues. We understand that the regulatory approval process in Korea is becoming even more complex as more agencies are added to the process. The U.S. wheat industry is aware of these challenges and communicates with its Korean contacts to limit potential marketplace disruption with the eventual commercialization of biotech wheat. In the past, prohibitive terms for the purchase of LMOs (living modified organisms) have appeared in grain tenders and disrupted purchases. We encourage the U.S. government to engage in dialogue with their South Korean counterparts on setting scientific standards to avoid future market share loss.

Export State Trading Enterprises – Canada. The Canadian Wheat Board (CWB), a government backed monopoly export state trading enterprise (STE), has sole control over the purchase of wheat from producers in western Canada for domestic consumption and export. The CWB's activities distort wheat markets and injure U.S. wheat producers. The CWB routinely reduces export prices that increase the volume of Canadian exports beyond levels that would exist in undistorted markets. The price at which the CWB sells grain is not transparent and reports indicate administrative pricing discounts at up to \$50 per MT below offered U.S. prices for comparable quality.

The CWB sets transportation and other marketing costs that the Canadian government supports or subsidizes. A major advantage of the CWB is the ability to position wheat in strategic storage locations to serve different market areas because they do not have to purchase the wheat from producers prior to shipping to these transshipment locations. Canadian farmers need to have the ability to sell their wheat and barley to whomever they choose and receive the full value of that wheat at the time of sale instead of the current practice that results in partial payment upfront with a final settlement later in the year.

The CWB often delivers significantly better than contracted quality. For example, the CWB will sell Canadian Western Red Spring (CWRS) wheat grade 2 to many countries and deliver grade 1 quality or sell 12 percent protein, but deliver 12.5 percent protein or higher. It is clear that wheat importers recognize the benefit of receiving better quality against the contracted quality.

Meanwhile, the Australian wheat export system changed from an export STE monopoly to a free marketing structure in July 2008. The U.S.-Korea Free Trade Agreement (KORUS) should clearly state Korea's commitment to work with the United States through the World Trade Organization (WTO) negotiations to ensure transparent tendering as well as the elimination of export STEs. We urge the inclusion of this language in this and all future FTAs.

As another concrete example of the distortion in trade caused by monopoly export STE, the CWB sells CWRS at a discount to U.S. hard red spring (HRS) wheat of comparable protein in the Philippines. When Canada has sufficient exportable supplies of wheat, the CWB routinely undercuts prices to buy their way into the market, but this practice is diminished or the CWB even excludes the Philippines when Canadian supplies are tight. The CWB also subsidizes the additional cost for a two port-load, Vancouver, British Columbia and Portland, Oregon, when Philippine mills load CWRS and U.S. soft white wheat on the same vessel.

The CWB sold CWRS at a large discount to U.S. hard red winter (HRW) wheat to capture market share in Saudi Arabia's first few government wheat tenders. Saudi Arabia began a policy of reducing its wheat production and tendering for wheat in 2008 in an effort to conserve ground

Some Canadian producers and government officials have been reluctant to end the CWB monopoly. Changes in the Canadian government in 2007 lead to a reexamination of the CWB practices and extensive questioning of its very existence. A temporary decision to eliminate the barley monopoly was reversed. Prime Minister Harper's government has announced plans to end the CWB monopoly for the 2012 marketing year. USW is encouraged by this announcement and hopes to see this commitment come to fruition.

It is very difficult to obtain documentation on these various monopoly practices. To ensure meaningful reform during WTO negotiations the United States should press for: 1) the elimination of the export monopoly; 2) the elimination of the supply monopoly; 3) full market access and national treatment for U.S. wheat entering Canada; 4) elimination of the transportation preferences and subsidies afforded the CWB by the Canadian government; 5) the elimination of the government's financial guarantees and; 6) full transparency of CWB operations.

The flagrant trade distorting behavior of the CWB needs to end immediately to ensure a level playing field for U.S. wheat producers where hidden subsidies are not a routine occurrence.

Export State Trading Enterprise – Russia. It is critical that any wheat-exporting nation considering the formation of a monopoly export state trading enterprise (STE) be prohibited from doing so. The United Grain Company has many diverse functions in the Russian market, and include both domestic grain purchases and sales from intervention stocks to development of infrastructure and logistics for grain transportation and building elevators. While the UGC is an open joint stock company, 100% of its stocks belong to the government. The source of UGC funding is not certain, but it is likely that, like any another trader, it takes a credit from a bank; such as Rosselkhozbank, which is another joint stock company wholly owned by the Government of Russia. Despite claims that the UGC is solely a market player, the company is a de facto STE and has the potential to use its government backing to distort the market.

In addition, the government has been heavily involved in controlling the country's wheat supplies through export taxes and bans.

Russia's accession to the WTO has accelerated in the past year, and it is likely to join the rules-based system soon. USW has expressed its concerns to the USTR regarding Russia's trade-distorting practices. It is important that Russia's admittance to the WTO be conditioned on a non-monopoly status of its STE as well as with strong disciplines on its STE.

Trade Sanctions – Cuba, Iran and Sudan. While not classified as an official barrier to trade, continued sanctions in several key wheat buying countries continue to lead to the loss of wheat sales for the United States. This leads to billions of dollars in lost revenue for the wheat industry. Agriculture is closely tied to politics, but our livelihood depends on commerce and the free flow of goods and services across the globe. While the Trade Sanctions Reform and Enhancement Act allows for limited business with sanctioned markets, it creates complicated and cumbersome requirements that make it easier for exporters who have no specific loyalties to origins to purchase wheat from competitor countries to supply these countries.

This primarily includes the ability to sell wheat to Cuba, Iran and Sudan. USW has received many inquiries from importers that wish to purchase U.S. wheat, but the cumbersome requirements limit U.S. sales. In Sudan, the licensing requirements and limitations of trade eligibility severely limit U.S. sales to this market. U.S. licensing and business requirements for Iran remain difficult and are becoming further complicated by the entry of private importers, whereas in the recent past sales were conducted through a government purchasing agency. USW would be grateful to any assistance from the USTR in facilitating the ability to remove some of the export burdens to sell wheat in these countries.

Sanctions need to be plurilateral, as unilateral efforts by the United States only hurt U.S. businesses. U.S. government efforts to gain country coalitions for agricultural sanctions would be a welcome step in providing long-term trade benefits to U.S. producers.

Market Access – Brazil. USW remains concerned about the long-term possibility of increased export tariffs on U.S. wheat to Brazil if a permanent solution is not found in the 2012 farm bill on cotton payments and the GSM-102 export credit guarantee program. Wheat was on Brazil's retaliation list and was set to face tariffs of 30 percent, up from the current level of 10 percent. The United States and Brazil interim solution avoids the imposition of any punitive tariffs on wheat, but this is contingent upon compliance with a number of factors that comply with the WTO dispute panel ruling. Any increase in tariffs in this market that results from retaliation of non-compliance with the WTO ruling will result in lost wheat exports to one of the largest importing countries in the world.

U.S. wheat imports are subject to a 25 percent merchant marine renewal tax (MMRT). The transportation tariff was suspended for shipments to the Northeast port of Fortaleza for a ten-year period but has since been reinstated. As understood from WTO language, additional tariffs like the MMRT are only supposed to cover the cost of service and a 25 percent tariff on ocean freight seems excessive. While mills in the Northeast can request a refund on the tariff, the additional paperwork and hassle, as well as the possibility of not receiving the money back puts the United States at a competitive disadvantage to Argentine wheat that does not have to pay the MMRT under the Mercosur agreement.

In addition to Mercosur's duty free treatment on wheat, the EU is negotiating a FTA with the Mercosur block that could result in EU wheat being competitive to Brazil. EU and Mercosur decided to start talks again in 2010 after several years of inactivity. The current language calls for a phase-out on wheat import duties from the EU within 10 years of implementation. The most recent meeting between Mercosur and the EU in July 2011 ended with little progress, but another round is scheduled for November 2011.

The United States, therefore, has a right to negotiate with Brazil on the terms of eliminating the TRQ. Brazil has not been working with the United States to come to an acceptable agreement for either implementing or ending the TRQ. However, Brazil did confirm the TRQ's existence in a March 2009 WTO notification on their TRQs. A zero duty TRQ for all WTO members would provide valuable trade opportunities for the United States and other wheat exporting WTO country members.

Market Access – Canada. Canada has many policies in place that restrict the cross-border movement of wheat between Canada and the United States. A variety approval system, which determines which varieties of wheat may be grown and marketed in a class is restrictive and excludes many U.S. wheat varieties. This system results in unapproved classes being designated as feed wheat or general purpose wheat despite being high quality. Meanwhile, Canadian wheat exported to the United States does not have to fit a varietal designation and is designated into a U.S. marketing class based on its physical characteristics. End use certificates require that U.S. wheat entering Canada be traced and documented regularly. Due to Canada's requirement, the United States also requires the end use certificates for Canadian wheat crossing the U.S. border.

Market Access – Caribbean Region. French wheat shipments to the French territories of Martinique and Guadeloupe are subsidized by the French government, allowing wheat to arrive in these Caribbean islands at below market cost. Some portion of that wheat is then transshipped to Suriname. The Surinamese market size is about 35,000 MT, with French wheat accounting for approximately 40 percent of the total. This transshipment effectively allows French wheat to enter Suriname at subsidized rates and puts U.S. wheat shipments to Suriname at a price disadvantage to French wheat.

Market Access – Chile. Chile instituted a scaled tariff system that will mirror the price band system and continues price floors and ceilings. The floor price protects the domestic wheat producer, but results in a higher input price to the miller and ultimately the consumer. Higher prices reduce demand, limiting potential exports from the United States. The U.S.-Chile free trade agreement (FTA) zeroed out duties on U.S. wheat, but U.S. imports are still subject to the scaled tariff system. The scaled tariffs on U.S. wheat will reach zero in 2014 as per the U.S.-Chile FTA. Expediting the phase down period will help U.S. competitiveness.

Market Access – China. Out-of-quota tariffs for wheat at 65 percent are extremely high and prohibitive for any imports other than within the established tariff rate quota (TRQ). Overall, China's agricultural import duties average a much lower level. With respect to TRQ administration, the process of determining which applicants receive TRQs, whether a state trading enterprise (STE) or non-STE is not transparent. China committed to a 9.64 MMT TRQ, with 10 percent allocated to non-STE participants. Unused STE TRQs are reallocated to private mills or private trading entities on a very limited basis. Based on China's WTO accession and the intent of the working party during accession discussions (which are integral to the agreement), while STE TRQs must use a state-designated buying agent to purchase the commodity, there is no limitation as to the recipients (state or non-state). Current procedures do not guarantee full utilization of the total TRQ in any given year. Increased TRQ allocation to the

private sector and full reallocation of unused STE quotas will provide U.S. wheat much greater access to this market.

In addition, USW believes that the import licensing procedure is duplicative to the application for TRQ preference and results in another import burden. The Report of the Working Party on China's WTO accession states that import licenses shall be valid for a period of six months, except for *exceptional circumstances*. The government licensing procedure should be timely in order to allow importers to capture market opportunities, especially in today's price volatile market. Receipt of a TRQ should not require a separate import license that further complicates the import process.

China's value added tax (VAT) administration creates an additional barrier to the growing market. China is obliged to ensure that discrimination between domestic and imported goods does not occur. Analysis indicates that conformity has not been achieved for wheat and that imports are taxed 13 percent while domestically produced wheat is exempt from the VAT. In addition, VAT exemptions for SOEs are also a concern as it provides a 13 percent advantage over private importers. A 2004 dispute settlement case on VAT in the semi-conductor industry between the United States and China illustrated the discrepancy between imported and domestic products. The two countries achieved a resolution for equal treatment of imported and domestic semi-conductors.

Chinese officials also routinely state that SOEs must operate on commercial terms, but the commercial market is not an equal field with the private sector when a VAT exemption exists for SOEs. USW does not believe that China has satisfied its VAT commitments, resulting in higher priced private sector imports than should be realized.

Market Access – Colombia. The U.S. wheat industry will lose market share in Colombia due to delays in ratification of the U.S.-Colombia Free Trade Agreement (FTA). While the U.S. government has delayed this legislation, Canada has ratified a FTA with Colombia that went into force on August 15, 2011. Duties are now zero for Canadian wheat, while the United States will face duties of up to 35 percent. Applied U.S. wheat import duties are currently around 10 percent, resulting in a significant price advantage for origins with a zero duty. The United States has been the dominant supplier to Colombia, but millers are already turning to Canada and USW expects U.S. market share to fall from a high of over 70 percent in recent years to less than 30 percent. In addition, Argentine wheat has entered Colombia at a lower duty free since 2006, which reached zero in 2009, and has gained market share due to its price advantage resulting from lower duties. In addition, the EU signed an agreement with Colombia in 2010. Further delays in ratification by the United States will result in lost exports with this natural trading partner with a growing population and economy.

USW is observing the EU's current Common Agriculture Policy (CAP) reform Health Check and has learned of the possible elimination of reference pricing on durum imports as well as a review of the duty structure on imports. USW hopes to see duties lowered and reference pricing eliminated. Through the Doha Round negotiations, the EU may also lock in a zero duty on wheat or match the duty over the last three years. USW supports this initiative.

Market Access – India. India has a long history of being one of the most protective markets and it has clearly manifested in the agricultural sector. In the past, when imports were clearly required, India repeatedly insisted that they had no need to import wheat. The Indian government has used import tenders from time to time to pressure farmers to sell more wheat to the Food Corporation of India (FCI), thereby avoiding the need to import wheat. Floating tenders to bring pressure on local wheat prices and creating unrealistic contract terms that wheat exporting countries cannot realistically meet are trade-distorting practices that we find unacceptable in the current environment of warming trade relations between the United States and India.

India has traditionally imposed prohibitively high tariffs on wheat. In 1999, the government of India raised the import tariff on wheat from zero to 100 percent. In years of a wheat shortfall, the Indian government dropped the tariff on wheat to zero and allowed temporary private wheat imports at this level. Tariffs rise, along with rigid phytosanitary specifications, when buffer stocks reach acceptable levels.

Market Access – Israel. A Free Trade Agreement (FTA) of some form with Israel has been in place with the United States since 1985. The United States and Israel also have a side agreement for agriculture, apart from the FTA that commits Israel to make the utmost effort to purchase 1.6 million metric tons (MMT) of grain from the United States, which includes wheat. U.S. grain exports do not reach this level and U.S. and Israeli officials should revisit this side agreement. U.S. wheat exports to Israel benefit with duty free market access currently.

Another potential trade sensitive item is the 50 percent U.S. cargo preference requirement for U.S. origin grain imports under the side agreement, which seems out of place for a commercial market agreement. This policy, which seems out of character in a commercial arrangement, should be reviewed in the renegotiation process.

Market Access – Japan. The Japanese government is the responsible purchasing agent for wheat. There has been some revision to the purchasing scheme with the implementation of the Simultaneous Buy Sell (SBS) system. The SBS system allows for increased private sector actions and results in the government collecting a mark-up. The government is still involved and manages the transaction between the importer and user. The mark-up is the difference between the importer's price and user's price and functions similar to an import duty. The mark-up covers administrative costs to run the SBS system as well as provide funds for domestic production subsidies. Japan's in-quota tariff rate is zero, but a mark-up charge of 45 yen/kg is allowed, while the out-of-quota tariff rate is 55 yen/kg (\$620/MT). The out of quota rate should be targeted for reduction and it is important to ensure that a new mark-up charge under the SBS system would not circumvent an agreed upon reduction in the import duty.

Japan continues to strive for food self-sufficiency. While this is a noble goal, it is unlikely that Japan will attain self-sufficiency in wheat. We encourage the U.S. government to engage their Japanese counterparts in a continuing dialogue about the U.S.-Japan trade relationship and the importance of open markets.

Market Access – Kenya. Kenya currently applies a 10 percent duty on the imported wheat value. When prices are high, this practice encourages under-invoicing by many smaller exporters. The United States has a very transparent price and invoices cannot be changed. Higher duties place the United States at a disadvantage to competitors who can alter the values shown on documents for taxation purposes.

Further, the customs authority requires a bond for another 15 percent, where release of the bond is based on accounting proof that the wheat was milled and sold in Kenya. This requirement has added an incredible amount of additional accounting for importing millers.

Market Access – Korea. USW urges immediate ratification of the U.S.-Korea FTA signed in 2007. Even though duties are bound at less than two percent and the in-quota tariff is one percent, an FTA between Australia and Korea or Canada and Korea would put the United States at a disadvantage in this market. The zero duty would result in a price advantage and freight rates would be another factor in U.S. competitiveness.

Market Access – Morocco. The U.S.-Morocco Free Trade Agreement (FTA) is in effect, which has resulted in some increase of U.S. wheat exports to Morocco, a market traditionally dominated by the EU. During the 2010 calendar year, Morocco imported 303,000 MT of US wheat under the tariff rate quota (TRQ) of the FTA, but did not purchase any wheat under the durum TRQ.

The FTA does not contain strong assurances or enforcement mechanisms to adequately implement the TRQ preference for U.S. wheat, requiring some other compliance mechanism to ensure an adequate TRQ fill rate.

A calendar versus marketing year definition has been an issue with this FTA. The United States defines a year as a calendar year, while Morocco would prefer it to be a marketing year, as is the case with the EU-Morocco FTA. The major advantage to using a marketing year is that TRQ levels are based on Morocco's domestic crop size. Establishing the TRQ after the domestic harvest will help establish a tender schedule for the full quota amount since the domestic harvest would not split TRQ tenders for U.S. wheat. In addition, instituting a tender schedule would help importers plan their annual purchases and likely result in better utilization of the TRQs. Further complications to the FTA involve the rounding of the allocated TRQ imports to the nearest 5,000 MT. In sum, China's wheat imports to the U.S. are 1.1 billion MT.

An additional problem with the FTA, which in practice renders the agreement ineffective, is that the most favored nation (MFN) rate for durum in 2009 was lower than the TRQ duty for U.S. durum under the FTA, which resulted in buyers not utilizing the TRQs. Duties were lower on U.S. durum wheat purchased outside of the TRQ. This resulted in Morocco importing Canadian durum at a lower price than they would have paid buying U.S. durum under the FTA. In calendar year 2011 to date, the MFN rate for durum and bread wheat was effectively zero up until the annual closure of the market to imports in June. In 2011, the Moroccan government tendered for the entire durum quota at one time and did not receive offers. The regular intervention in the market by the Moroccan government creates uncertainty and risk to importers to fully utilize the FTA. For example, if an importer bid on a license to import U.S. durum at a preferential duty rate, but the government later decided to cancel all duties, the importer would lose money on his license.

The Moroccan - Canadian FTA is reportedly under negotiation, which could very adversely affect the potential advantages gained over the past five years in the US-Morocco FTA. Efforts to ensure the U.S.-Morocco FTA work properly to benefit from the FTA ahead of Canada's will provide opportunities for U.S. wheat.

Market Access – Pakistan. Private sector wheat imports are charged a 35 percent import duty and a 15 percent sales tax. Imported flour is subject to a 10 percent import duty and the same 15 percent sales tax. Wheat tariffs should be reduced to levels at least equal to the 10 percent flour duty.

Market Access – Panama. The U.S.-Panama Free Trade Agreement was signed in 2007. Since the period of signing the agreement, the EU and Canada have also signed FTAs in this market. The United States has maintained around a 90 percent market share in recent years, but implementation of FTAs with Canada and the EU ahead of the United States could put U.S. wheat farmers at a price disadvantage. While Panama currently has no applied tariff rate, it can implement a base rate duty of 2.8 percent at any time. At current market prices, an implementation of a base rate duty would result in a \$9.00 per metric ton disadvantage for U.S. farmers to countries that sell duty free.

Market Access – Philippines. Philippine flour millers have been loyal U.S. wheat customers for a number of years, resulting in this country being a top five customer with purchases averaging around 1.7 MMT each year. Due to high prices, the Philippine government reduced duties on all wheat origins beginning in 2008 and ended this exemption in July 2011. U.S. wheat now faces a three percent duty disadvantage against Australian wheat that enters duty free as a result of the Australia-ASEAN agreement. Australia's geographic proximity and three percent duty advantage will hurt U.S. market share in the future. U.S. wheat producers need equal market conditions to compete against Australian wheat in this market.

Another limitation for U.S. wheat market access to the Philippines involves the culmination of production subsidies, import tariffs and import licensing quotas in Turkey that results in Turkish flour being offered in South Asia at prices below fair market value. Imports of Turkish flour by the Philippines rose to a wheat equivalent of 100,000 MT/year in recent years. Cheap Turkish

flour exports are taking U.S. market share in this market and many others across South Asia, especially in Indonesia.

Market Access – Turkey. Turkey currently applies an import tax of up to 130 percent on all wheat that effectively allows the domestic farm price to be above international prices. The tax level varies each year based on domestic production levels. In addition to high tariffs, the government of Turkey often refuses to issue import permits to further control wheat imports.

In Turkey, flour exporters are entitled to import duty-free wheat that is equivalent to the quantity of flour exported. Turkey's protectionist policies effectively help permit subsidized flour sales. At current domestic and import prices, flour exports from Turkey can be priced well below the market, resulting in cheap flour sales that impact wheat exporters from all origins. Of most concern is that Turkish flour has been routinely arriving in the Southeast Asian countries of Indonesia and the Philippines at prices below landed U.S. wheat costs. USW urges the USTR to examine Turkey's flour export policy, including their inward processing regime, as it results in major trade distorting export flows.

Wheat from the United States is likely to face increased competition in the future as Canada explores free trade agreement talks in Turkey. Many millers in Turkey prefer to buy high protein wheat to blend with their local crop that has some degree of suni bug damage, which destroys wheat's gluten quality. High protein, strong gluten wheat is sourced mainly from the United States, Canada and Kazakhstan. For the lower protein wheat, Turkey mainly sources this from the Black Sea and the EU. The EU already has a 300,000 MT duty free wheat quota with Turkey. With the Black Sea geographical advantage, a duty free quota for the EU and the likelihood of a Canadian FTA, U.S. wheat will unfortunately be the importers last choice due to its higher cost.

Impact – Brazil. Brazil continues to encourage wheat production through domestic subsidies and ensuring that spending complies with WTO commitments could result in lower production, which would provide increased trade opportunities to U.S. producers. Compliance on the merchant marine tax would also make U.S. wheat more competitive against Mercosur origin wheat, increasing U.S. wheat sales by some degree. If Brazil were to implement a duty free TRQ of 750,000 metric tons, even if U.S. suppliers only receive 50 percent of the annual allocation, more stable sales under the TRQ would increase competitiveness and add over \$100 million in annual wheat sales at today's prices.

Increased competitiveness from the removal of Brazil's domestic subsidies and MMRT, and the implementation of a TRQ, could add between \$100 and \$500 million in annual wheat sales at today's prices.

Canada's varietal classification system is restrictive, and results in high quality U.S. wheat not being classified as equal to Canadian varieties of wheat. End use certificates discourage Canadian buyers from purchasing U.S. wheat due to unnecessary and burdensome paperwork and administrative requirements.

Impact – Caribbean Region. The Caribbean region is a natural export destination for U.S. wheat. The removal of trade barriers would result in increased exports and gains for U.S. wheat producers.

Impact – Chile. Chile imports up to 1.0 million metric tons (MMT) of wheat each year from the United States, Argentina and Canada. U.S. market share averages around 40 percent and competition is intense between the three suppliers. U.S. suppliers need every advantage possible to maintain a higher market share. Maintaining a 40 percent market share against lower levels seen in the past few years results in a \$50 million increase to U.S. producers.

Impact – China. Creating a fair playing field for U.S. producers in China would increase sales of U.S. wheat. If China reduces domestic subsidies to comply with their WTO commitments, production would fall, lowering global supplies, increasing wheat prices and provide trade opportunities. This price increase would incent farmers in the United States and the world to increase production. Increased TRQ allocation to the private sector and full reallocation of TRQs would result in greater fill rates for private buyers to purchase U.S. wheat at the one-percent in quota duty, potentially increasing sales of high quality wheat. Removing duplicity in TRQ applications and import licensing would further reduce impediments to trade. A fair application of China's value added tax would create a more level playing field for U.S. wheat imports versus Chinese domestic wheat. Resolving these trade irritants with China could result in annual U.S. sales exceeding 500,000 MT, which represents over \$150 million in sales at today's prices.

Impact – Colombia. U.S. market share in Colombia will likely fall 50 percent now that the Canada-Colombia FTA is in effect. U.S. wheat exports to Colombia have averaged a little over 700,000 MT over the past five years, resulting in a loss of 350,000 MT of exports, valued at over \$100 million dollars at today's prices.

Impact – Sanctioned Countries. Cuba, Sudan and Iran are large wheat markets that demand quality wheat. Normalized trade relations for agriculture products with these countries could result in U.S. wheat opportunities. These markets combined represented 1.37 million MTs of wheat trade in marketing year 2010/2011. Trade with Cuba is natural, while the U.S. would receive a smaller percentage of the market in Sudan and Iran. Sudan requires high protein wheat that we can supply and Iran was our fifth largest customer just a few years ago. Never the less, opportunities exist and we estimate wheat producers could gain between \$100 to \$500 million in additional sales with normalized agricultural trade relations.

Impact – European Union. The complete removal of export subsidies would create a permanent level playing field for U.S. wheat producers. When applied, export subsidies depress

price levels worldwide as competing countries must lower prices to compete against subsidized export prices. Elimination of these subsidies would result in higher market prices, creating better returns to producers.

The EU is an important market for U.S. wheat producers and the scientific approval of biotech wheat or at least a tolerance for biotech wheat is a key factor to the commercialization of biotech wheat in the United States and other countries. The EU is seen as a leader on this issue and their acceptance would likely result in other countries establishing tolerance levels. U.S. wheat acreage has been on a steady decline as other crops with GM traits have become better economic alternatives to wheat. Approval in the EU would help reduce this declining acreage trend and lead to more rapid yield gains and economic returns to wheat producers.

Complications in trade resulting from biotech regulations and the potential of lost market share from an EU-Canada FTA are a concern.

This is a large market for high quality wheat exports. U.S. exports to the EU consist mainly of HRS and durum wheat, which reached almost 2.0 MMT in the past and in 2009/10 totaled 600,000 MT.

Impact – India. The permanent elimination of export subsidy use by India would create a level playing field for U.S. wheat producers in years when India decides to export wheat. Competing with non-subsidized Indian wheat would result in higher market prices, creating better returns to all producers.

High levels of domestic support and import tariffs protect this market and provide an incentive to grow wheat when importing this crop would be more economical to the country's consumers. Compliance on domestic subsidy spending would likely increase economic returns per acre to U.S. producers due to higher wheat prices and provide more trade opportunities.

India is the second largest producer of wheat and one of the largest consumers of wheat in the world. Better market access through reduced tariffs and the removal of phytosanitary barriers could provide a major market opportunity for U.S. producers. India has imported large quantities of wheat two times in the past 10 years, with the highest level totaling 6.7 MMT. Even a 10 percent market share of that total, or 670,000 MT, translates to roughly \$200 million in sales for U.S. wheat producers.

Impact – Israel. Israel imports almost all of its food and feed wheat. The United States used to be the dominant supplier to Israel, but market share for food wheat imports has fallen to around 30 percent in recent years or around 300,000 MT. Removal of trade restricting behavior such as 50 percent cargo preference could improve U.S. competitiveness. A 50 percent market share

and their acceptance would likely result in other countries establishing tolerance levels. U.S. wheat acreage is declining steadily as other crops with GM traits became better economic alternatives to wheat. Approval in Japan would help reduce this declining acreage trend and lead to more rapid yield gains and economic returns to wheat producers.

Japan is a large, mature market and is typically the largest importer of U.S. wheat each year. Imports from the United States routinely total over 3.0 MMT per year and market share has been relatively stable at about 55 percent. At today's prices, this equates to almost \$1 billion dollars of annual business.

Impact – Kenya. Kenya is a growing wheat consumption market and demand is up 20 percent over the last 10 years. Kenya produces up to 30 percent of its wheat needs reducing import tariffs in Kenya would make the United States more competitive. Ocean freight charges from the United States to Kenya are likely the highest of any major wheat supplier and the import duty compounds that differential. A 20 percent market share at today's prices would provide \$50 million or more in returns to U.S. producers.

Impact – Korea. Korea is an important market for U.S. wheat producers and the scientific approval of biotech wheat and a tolerance for biotech wheat are key factors to the commercialization of biotech wheat in the United States and other countries. Korea is seen as a leader on this issue and their acceptance would likely result in other countries establishing tolerances. U.S. wheat acreage is declining steadily as other crops with biotech traits became better economic alternatives to wheat. Approval in Korea would help reduce this declining acreage trend and lead to more rapid yield gains and economic returns to wheat producers.

Any duty advantage obtained by Australia or Canada through FTAs would negatively affect U.S. wheat exports to this market. Ratifying the U.S.-Korea FTA ahead of our competitors would maintain or even increase U.S. market share due to slightly more attractive prices.

Korea is a top ten market for U.S. wheat producers, typically purchasing over 1.1 MMT of wheat per year. This amounts to over \$300 million dollars in annual business at today's prices.

Impact – Morocco. U.S. wheat sales to Morocco under the FTA agreement should have reached about 625,000 MT in the 2010 calendar year as this was the total TRQ established for year five of the FTA. Instead, total imports only reached 300,000 MT and will likely be even lower in 2011. The difference is roughly \$100 million dollars in lost sales for U.S. wheat producers. Greater cooperation and enforcement with Morocco on utilizing the TRQs would be a major benefit to U.S. wheat producers.

Impact – Pakistan. While this is not a large import market, harmonizing flour and wheat import duties would make wheat more competitive when Pakistan does need to import wheat, which would improve U.S. wheat sales potential.

Impact – Panama. U.S. market share in Panama has averaged over 90 percent the past five years. Ratifying the free trade agreement will keep market share at this level, while delays could result in some lost market share to Canada or the EU due to a 2.8 percent duty difference.

Impact – Philippines. The FTA with Australia will hurt U.S. market share as it results in at least a three percent duty advantage, equating to about \$10/MT at today's prices. In addition to lower duties, Australia has a freight advantage to this market, which makes it very attractive to Philippine millers.

Resolving the issue of cheap Turkey flour exports will help U.S. market share, as roughly five percent of consumption is currently filled by flour imports. Philippine millers estimate that subsidized Turkish flour results in a loss of \$35 million to U.S. wheat farmers.

The Philippines is a top ten customer for the United States, routinely buying over 1.5 MMT of wheat, which consist mainly of high protein hard wheat and soft wheat classes. Canada buys market share in the Philippines when they have excess supplies, resulting in dips in U.S. market share that have totaled over 500,000 MT in some years. These lost exports along with increased Australian competition could result in roughly \$150 million in losses at today's prices.

Impact – Russia. Russia has become a major competitor to U.S. wheat exports around the world since 2002, exporting over 18 MMT of wheat in 2008/09 and 2009/10 and changing wheat's historical trade flows. However, export taxes and bans in recent years have disrupted market based trade flows and increased authority to their STE could distort trade flows and negatively affect U.S. wheat producers. Russia's accession to the WTO should help ensure that its STE practices comply with world trade rules.

Impact – Turkey. High levels of domestic support and very high import tariffs protect this market and provide an incentive to Turkey's producers to grow wheat when importing this crop would be more economical. The main benefits to U.S. wheat producers from correcting these trade issues is less competition from Turkish wheat and flour in other markets, higher wheat prices due to reduced subsidized production and some level of increased imports. Canadian competition, especially with successful free trade negotiations, would temper any increase in U.S. wheat exports to Turkey.

U.S. Wheat Associates appreciates the opportunity to provide comments to increase the competitiveness of U.S. wheat in the world and looks forward to further dialogue on these issues to increase U.S. wheat exports.

ANNEX 10

**CONSOLIDATED 3-YEAR HISTORICAL LOCAL FLOURMILL INCOME STATEMENTS
COMPANIES: I**

<u>Amount in Millions except per Bag</u>	<u>2011</u>	<u>2010</u>	<u>2009</u>
SALES	22,484	26,377	26,869
COST OF GOODS SOLD			
Raw Materials Used	16,014	20,295	20,453
Labor Cost	322	351	364
Manufacturing Cost	1,584	1,655	1,933
	17,920	22,301	22,750
GROSS PROFIT	4,564	4,076	4,119
OPERATING EXPENSES	1,567	1,746	1,846
OPERATING INCOME	2,997	2,330	2,274
OTHER INCOME - NET	1,559	1,812	2,001
INCOME BEFORE TAX	4,556	4,141	4,275
INCOME TAX	1,367	1,242	1,282
NET INCOME	3,189	2,899	2,992
Selling Price / Bag	620.90	719	719
Raw Materials Cost / Bag	442.22	553	547
Direct Labor Cost / Bag	8.89	10	10
Manufacturing Cost / Bag	43.75	45	52
Gross Profit / Bag	126	111	110
Operating Expense / Bag	43	48	50
Operating Income / Bag	83	64	60
Other Income - Net / Bag	43	49	53
Income Before Tax / Bag	126	113	113
Income Tax / Bag	38	34	34
Net Income / Bag	88	79	79
VOLUME (in Bags '000)	36,212	36,690	37,386
GROSS PROFIT RATIO	20%	15%	15%
OPERATING PROFIT RATIO	13%	9%	8%
NET PROFIT RATIO	14%	11%	11%

Anti-Dumping Case No. 01-2013: Anti-Dumping on Imported Wheat Flour from Turkey
Petitioner : Philippine Association of Flour Millers, Inc. (PAFMIL)
Represented by : Mr. Sabin M. Aboitiz
President
Address : Room 311, 3rd Floor Atrium Bldg., Makati Avenue, Makati City
Contact Nos. : 811-4366 and 811-4387

INITIATION REPORT

1. Introduction

The Philippine Association of Flour Millers, Inc. (PAFMIL) filed a petition with the Department of Agriculture (DA) on 15 March 2013 for the imposition of anti-dumping duty on imported wheat flour from Turkey. The association claimed that the exporters in Turkey are dumping the products to the Philippines, i.e., the export price of wheat flour to the Philippines is lower than their domestic selling price. Pursuant to Republic Act No. 8752, the Secretary of Agriculture through the Office of Undersecretary for Policy and Planning examined PAFMIL's petition and determined that the petition has satisfied all the requirements of a properly documented application. Thus, the DA Secretary formally accepted PAFMIL's petition on 29 May 2013.

After formally accepting the properly documented application, the law mandates that DA shall examine the accuracy and adequacy of PAFMIL's petition to determine the existence of *prima facie* case that will justify the initiation of a preliminary investigation. This report thus evaluates the sufficiency of evidence provided in the PAFMIL application. More specifically, this report shows that on the basis of available documents, the DA shall be able to determine, whether (or not), there is evidence indicating dumping or likelihood of dumping, and material injury or threat thereof suffered by PAFMIL caused by the said importation of the product under consideration.

This initiation report is organized following the requirements in the conduct of preliminary investigation to determine whether or not to impose of an anti-dumping duty on imported wheat flour. The following conditions must be met to be considered dumping: i) there must be a price difference between the export price and the normal value of the allegedly dumped product in the country of export or origin; ii) the imported product is injuring or threatening to injure or retard the establishment of a domestic industry producing the like product; and iii) there is a causal link to show that injury to the local industry is due to dumping. The succeeding discussions, therefore, follow this sequence of analysis.

2. Basis for Application

The protest was directed against imported wheat flour from Turkey classified under tariff classification AHTN 1101.00.10 and statistical code 0461001 with applicable rate of duty equal to 7%. Allegedly, exporters in Turkey are selling wheat flour to Philippine importers

at prices lower than the selling price in their domestic market, thus, an anti-dumping duty should be imposed on the product under consideration.

Further, PAFMIL claims that the importation of the dumped product has affected the prices of the domestic market such as price undercutting and price suppression. Moreover, the supposed dumping has resulted in:

- Decline in market share
- Decline in return on investments
- Threat in utilization of production capacity

The period of investigation for dumping is 2012, the period covered by the arrival of the alleged dumped wheat flour from Turkey, while the period of investigation for injury is from 2010 to 2012.

3. The Philippine Association of Flour Millers, Inc. (PAFMIL) and the Local Flour Mill Industry

The Philippine Association of Flour Millers, Inc. (PAFMIL) represents seven (7) Philippine flour millers namely:

1. UNIVERSAL ROBINA CORPORATION (URC)
2. RFM CORPORATION (RFM)
3. LIBERTY FLOUR MILLS, INC. (LFM)
4. GENERAL MILLING CORPORATION (GMC)
5. WELLINGTON INVESTMENT AND MANUFACTURING CORP (WFM)
6. PILMICO FOODS CORPORATION (PFC)
7. PHILIPPINE FLOUR MILLS (PFM)

PAFMIL with its seven member companies represent 54% of the local wheat flour production. Its wheat flour is distributed nationwide through external distributors and dealers located in major cities and provinces around the Philippines. These distributors handle sales to bakeries, restaurant chains, hotels, and other large end-users.

The Flour Mill Industry in the Philippines

Aside from PAFMIL, there is one other local flour mill association in the country, the Chamber of Philippine Flour Mills (Champfleur) which represents four (4) Philippine flour millers namely:

MONDE NISSIN CORPORATION is also a wheat flour producer in the Philippines but the wheat flour produced by the corporation is not for sale but for use to produce biscuits, etc.

In totality, there are twelve (12) wheat flour producers in the Philippines. All PAFMIL and Champflour member companies have expressed their support in this application. However, only PAFMIL and SMMI submitted their written expression of support representing 71% of the local wheat flour production. It should be noted that the local flourmill income statement submitted by PAFMIL is a consolidated data of SMMI and 5 member companies of PAFMIL namely, URC, RFM, WFM, PFC, and PFM, representing 58% of the local wheat production.

Following are the Philippine local production and/or sales volume of wheat flour for 2010-2012:

Table 1. Philippine local production of wheat flour for 2010 - 2012

Local Flour Millers	Volume (in Bags '000), Bag = 25kg		
	2010	2011	2012
1. A	7,335	7,560	7,444
2. B	4,693	4,885	4,443
3. C	2,990	2,430	2,123
4. D	5,651	6,454	6,498
5. E	2,877	2,999	3,545
6. F	8,543	8,427	8,866
7. G	1,746	1,785	1,790
8. H	11,018	11,034	11,298
9. I	8,582	8,843	9,165
10. J	3,949	4,282	3,510
11. K	1,062	718	898
12. L	4,218	4,560	5,053
TOTAL	62,663	63,976	64,634

Wheat flour is considered perishable and has an assumed shelf-life of two (2) months, as an industry practice. Thus, the local flour millers usually produce wheat flour on a weekly production plan as it only takes about 24 to 48 hours to mill wheat flour packed at 25

kilogram per bag. Further, the local flour millers do not usually carry flour as finished goods inventory due to perishability and usually holds not more than two (2) weeks in inventory.

4. Imported versus local wheat flour

An anti-dumping measure can be imposed only when there is an industry which produces a product that is identical in all respects, or which have characteristics closely resembling the product that is imported into the Philippines at an export price less than its normal value when destined for consumption in the country of export or origin and determined to be a substantial cause of material injury or threat thereof to the domestic producers of like or directly competitive products.

Thus as indicated in the pro-forma petitioner's questionnaire, PAFMIL was asked to fully describe the wheat flour that they produce and compare/contrast it with the imported wheat flour. It described the product as imported wheat flour from Turkey classified under tariff classification AHTN 1101.00.10 and statistical code 0461001 with tariff duty equal to 7%. In its submission, PAFMIL stated that:

The wheat flour produced by the Philippine flour millers is exactly the same as the wheat flour produces and exported by the Turkish flour millers. Both millers use wheat as the main raw material in producing wheat flour. Both wheat flour produced by flour millers from Philippines and Turkey is a basic food ingredient used in baking of breads and other baked goods including noodles, pasta and biscuits.

While there were no samples of wheat flour submitted, information provided are sufficient to determine the likeness/comparability of the local and imported wheat flour. The DA, therefore, for the purpose of initiation, considers the imported wheat flour and the locally produced wheat flour to be within the definition of like products, or that while not identical in all respects, the local product closely resembles the imported wheat flour.

5. Imports of Wheat Flour (MT)

Table 2. Five (5) year historical wheat flour import (Volume in MT) from Top 4 countries

Country of Origin or Export	2010	2011	2012
Turkey	86,979	100,836	172,905
Indonesia	45	5,508	14,142
Vietnam	6,724	9,687	13,961

Based on the above table, wheat flour imports from Turkey for the period 2010-2011 shows an increase of 16% while 2011-2012 shows a significant increase of 71%, from 100,636 in 2011 to 172,905 in 2012. Moreover, wheat flour imports from Turkey accounts for at least 80% of the imported wheat flour from 2010-2012.

List of Importers and Exporters

Based on the application submitted by PAFMIL, the following are the identified exporters/foreign producers and Philippine importers of the alleged dumped wheat flour:

Exporters:

1. UNAY GIDA NAK SAN VE TIC LTD STI
Zile Cad. Bugday Pazarı Karsisi, Alaca Corum, Turkey
2. EKTAS TARIM URUNLERI END VE TIC A.S.
Inonu Mh. Ankara Cd. No.11 Osmaneli, Bilecik, Turkey
3. KALE MADENCILIK SAN VE TIC A.S.
Ipsala Yolu Uzeri 2, Km Kesan, Ederni, 22900 Turkey
4. DOST GIDA SANAYI VE TICARET A.S.
Ankara Yolu 6.km Corum, Turkey
5. AKDUY GIDA TARIM INS NAK SAN VE TIC A.S.
Organize Sanayli Bolgesi 2. Bulvar No:2 Kiziltepe Mardin, Turkey
6. TEKINAK GIDA SANAYI VE TICARET A.S.
Ballica Mevkii Kucuk Sanayi Sitesi Karsisi, Turkey
7. EKSUN GIDA TARIM SAN VE TIC A.S.
Fahrenttin Kerim Gokay Cad. No. 36, Altunizade Uskudar, Istanbul, 34662 Turkey
8. KARAHAN DEGIRMENCILIK TUNCAYLAR UN VE YEM FAB. ITH. IHR. VE SAN LTD STI
Canta Haldesi Kinali Kopru Mevkii Silivri, Istanbul, Turkey
9. ULUSOY UN SANAYI VE TICARET A.S.
Hidiriga Mah., Istasyon Cad. No. 43, Corlu Tekirdag, 59860 Turkey
10. DORUK MARMARA UN SANAYICILIGI A.S.
Serif Ali Mah. Turker Cad. No.55 Umraniye, Istanbul, Turkey
11. ULAS GIDA UN TEKSIL NAKLIYE TICARET VE SANAYI A.S.
Eski Istanbul Cad. Buyukkaristan Luleburgaz, Kirkdareli, Turkey
12. YORUKOGULLARI GIDA SAN VE TIC A.S.
Enez Yolu Uzeri, Tmo Yani Kesan, Edirne, 22800 Turkey
13. ERISLER GIDA SANAYI VE TICARET A.S.
Eski Silivri Yolu 58 Mimar Sinan B. Cekmece, Istanbul, 34535 Turkey
14. YUKSEL TEZCAN GIDA SAN VE TIC LTD STI
Canakkale Asfalti, Ulus Mh, No. 20 Koyundere Ulus Menemen, Izmir, Turkey

15. TURUN GIDA SAN VE TIC A.S.
E-5 Karayolu Uzeri 7 Km, Yenibedir Koyu Mevki, Luleburgaz, Kirdkareli, 39750
Turkey
16. TEKIRDAG UN SAN VE TIC LTD STI
Rihtm CD. No:59 Fransiz Gecidi Is Mrk. C24 Karakoy, Beyoglu, Istanbul, Turkey

Importers

1. MALABON LONGLIFE TRADING CORPORATION
#67 General Luna St., Malabon City
2. GREAT CRESCENT FLOUR CORPORATION
Unit 512 AIC Goldtower Condo, Emerald Ave cor Garnet Road
Ortigas Center, Pasig City
3. MOUNTAIN GLORY AGRI SALES CORPORATION
Rm 316 Regina Bldg., Escolta St., Binondo, manila
4. REACH HIGH MULTI-SALES CORPORATION
Rm 602 Artex Bldg., #435 Juan Luna St., Brgy. 287 Zone 027, Binondo, Manila
5. J.S.J. TRADING
Block 2 Lot 19, Lynville Subd, Molino 3, Bacoor, Cavite City
6. DANVIL COMMERCIAL CORPORATION
Unit 2, 3rd Floor Topy Bldg IV, #3 Economia St, Bagumbayan, Quezon City
7. ATMA INTERNATIONAL CORPORATION
Building F-1, Halina Compound, Brgy. San Juan, Taytay Rizal
8. HOCPO FEEDS CORPORATION
Zarate Subdivision, Dagupan City, Pangasinan
9. MHUZYNA AGRI MARINE IMPORT EPORT TRADING
Sinunuc, Zambangoa
10. MCT TRADING
152 Aglipay St., Brgy. Old Zaniga, Mandahuyong City
11. ARVIN INTERNATIONAL MARKETING, INC.
158 Suerte St. Pasay City
12. KEMICOM ENTERPRISES CORP.
625 Asuncion St., Binondo, Manila

However, upon acceptance of data from Bureau of Customs (BOC), the following are additional exporters and importers not included in the submitted list of PAFMIL:

Exporters:

1. BEGASAN BESICILIK GIDA AM BALAJ
2. BEMTAT GIDA VE YAT. END A.S.
3. EDJER BLOK TUGLA UN IRMIK VE GIDA

Importers

1. ACUSAN PLYWOOD CORPORATION
2. BYORKS MARKETING
3. CUSTANS ENTERPRISES
4. DAVAO TRADERS TRUST MULTIPURPOSE
5. FATIHRIZA INTERNATIONAL TRADE CORP.
6. GREEN LIMIT ENTERPRISES
7. KMAGZ MARKETING
8. OVERSEA FEEDS CORPORATION
9. PUREBAKE TRADING
10. RENAISSANCE FOODS CORPORATION
11. REPUBLIC BISCUIT CORPORATION
12. ST. MATTHEW INTERNATIONAL TRADING
13. SUNCREST FOODS INC.

6. Evidence of Dumping

In the conduct of the preliminary investigation, the DA shall essentially determine the existence of dumping by making a fair comparison between the export price and the normal value of the allegedly dumped product, covering all transactions for the allegedly dumped product during the period of investigation. The period of investigation for the determination of the margin of dumping or price difference shall cover import transactions made at least six (6) months prior to the date of filing of the petition.

Thus, as specified in the pro-forma petitioner's questionnaire, PAFMIL was asked to state the export prices and the normal values of the allegedly dumped product on the domestic market in the country of origin to determine the existence of price difference or dumping margin. The value of export price used in this report is an official data from Bureau of Customs (BOC). It should be noted that the data from PAFMIL and BOC are almost the same. A summary is shown below.

Table 3. Dumping Margin Analysis for wheat flour imported from Turkey

Year	Export Price (USD)	Normal Value (USD)	Price Difference (USD)	Dumping Margin
2010	267.99	517.30	249.31	93.03%
2011	382.92	502.70	119.78	31.28%
2012	343.80	470	126.20	36.71%

¹ Price difference is the difference of the Normal Value and the Export Price

² Dumping Margin is the percentage of the price difference against the Export Price

Table 4. Exporter by Exporter Dumping Margin Analysis

Exporter	Normal Value	Export Price	Price Difference	Dumping Margin
AKDUY GIDA TRAIM TARIM INS NAK SAN	470	372.83	97.17	26%
BEGASAN BESICILIK GIDA AM BALAJ	470	184.88	285.12	154%
BEMTAT GIDA VE YAT. END A.S.	470	117.49	352.51	300%
DORUK MARMARA UN SANAYI CILIGI AS	470	369.58	100.42	27%
DOST GIDA SANAYI VE TICARET A.S.	470	326.45	143.55	44%
EDJER BLOK TUĞLA UN IRMIK VE GIDA	470	102.83	367.17	357%
EKSUN GIDA TARIM SAN VE TIC A.S.	470	306.75	163.25	53%
EKTAS TARIM URUNLERI ENDUSTRI VE TI	470	326.82	143.18	44%
ERISLER GIDA SANAYI VE TICARET A.S.	470	353.44	116.56	33%
GEORGE B CORTES	470	107.30	362.70	338%
KALE MADENCILIK SAN VE TIC A.S.	470	302.00	168.00	56%
KARAHAN DEGIRMENCILIK LTD STI	470	366.39	103.61	28%
OZDOYURAN DIS TICARET VE UN SANAYI	470	109.78	360.22	328%
TEKINAK GIDA SANAYI VE TICARET AS	470	321.46	148.54	46%
TEKIRDAG UN SAN VE TIC LTD STL	470	351.59	118.41	34%
TURUN GIDA SAN VE TIC AS	470	364.33	105.67	29%
TURSA TARIM URUNLERI SAN VETIC	470	398.41	71.59	18%
UC-EL DEGIRMENCILIK SAN TLC LTD STI	470	94.24	375.76	399%
ULAS GIDA UN TEKSTIL NAKLIYE	470	366.86	103.14	28%
ULUSOY UN SANAYI VE TICARET	470	367.98	102.02	28%
UNAY GIDA NAK SAN VE TIC LTD STI	470	301.03	168.97	56%
YORUKOĞULLARI GIDA SANAYI VE	470	363.02	106.98	29%
YUKSEL TEZCAN GIDA SAN VE TIC LTD S	470	282.86	187.14	66%

The normal value for 2010 and 2011 were obtained from the communication of Philippine Embassy in Ankara (Ankara PE) with Union of Chambers and Commodity Exchanges of Turkey (TOBB). However, the only available data for 2012 normal value of wheat flour from Turkey was provided by PAFMIL since Ankara PE is still on the process of gathering data from TOBB. The data of PAFMIL was obtained from the international publication CitraIndonesia.com dated January 21, 2013, "This 8 Commodity Turkish Government Subsidised Exported to Indonesia" and "Problem Flour, GW: Together We Will Sit With Them". It was also quoted from USDA GAIN Report dated August 8, 2012, "Grain and Feed July 2012 Update".

7. Evidence of Injury

The DA shall also determine the presence and extent of material injury to the domestic industry as a result of the importation of the dumped products on the basis of positive evidence and shall require an objective examination on the following: changes in the level of sales, market share, prices, production, productivity, capacity utilization, inventories, profits and losses, wages and employment of the domestic industry. Furthermore, rate of increase and amount of importation shall also be examined. Data on injury shall cover the previous three (3) years (2010-2012) prior to the submission of the application.

Based on PAFMIL's responses to the pro-forma questionnaire and other submissions, the DA shall be able to carry out the required analysis and conclude whether or not the domestic wheat flour industry is injured, or there is likelihood of being injured because of the importation of dumped product in the country. The evidence submitted by PAFMIL, for the relevant periods, are on the following:

- Volume and amount sales
- Cost of production and sales
- Income (losses)
- Market Shares
- Return on Investments
- Utilization of production capacity
- Employment

Moreover, relevant documents were also submitted by PAFMIL such as commercial invoices, bills of lading and Import Entry Declaration (IED) secured from the Bureau of Customs (BOC).

A summary of the indicators of injury or threat thereof are shown in the tables below:

Table 5. Decline in Market Share and Annual Growth Rate

	2010	2011	2012
Volume (In Bags ' 000)			
Turkish Flour	3,479	4,033	6,916
Other Imports	606	751	1,726
Local Millers	62,663	63,976	64,634
Market Share			
Turkish flour	5%	6%	9%
Other Imports	1%	1%	2%
Local Millers	94%	93%	88%
Annual Growth Rate			
Turkish flour		16%	71%
Other Imports		24%	130%
Local Millers		2%	1%

Table 6. Consolidated 3-Year Historical Local Flourmill Income Statements

(Amount in Millions except per Bag, Php)	2010	2011	2012
Sales	22,484	26,377	26,869
Cost of goods sold	17,920	22,301	22,750
Gross Profit	4,564	4,076	4,119
Operating Income	2,997	2,330	2,274
Net Income	3,189	2,899	2,992
Selling Price/Bag	620.90	719	719
Gross Profit/Bag	126	111	110
Operating Income/Bag	83	64	60
Net Income/Bag	88	79	79

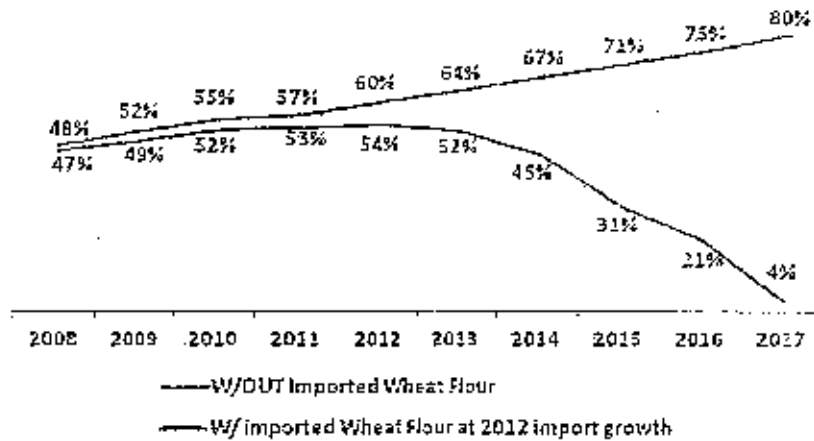
Table 7. Price Suppression.

(Amount in Peso)	2009	2010	2011	2012
Domestic Flour Selling Price - vat-ex				
Average Selling Price/Bag (ex-Factory)	654	621	719	719
Annual Effective Increase (Decrease)		-5%	16%	0%
Domestic Flour Production Cost				
Direct Materials Used/Bag	525	442	553	547
Direct Labor Used/Bag	8	9	10	10
Manufacturing Cost/Bag	35	44	45	52
Total Cost of Goods/Bag	568	495	608	609
Annual Effective Increase (Decrease)		-13%	23%	0%
PRICE SUPPRESSION		8%	-7%	0%

Table 8. Price Undercutting

(Amount in Peso)	2010	2011	2012
Average Domestic Flour Selling Price/Bag (ex-Factory)	621	719	719
Turkish Flour Landed Cost/Bag	353	473	424
Price Undercutting	268	246	295
Price Undercutting %	43%	34%	41%

Projected Plant Utilization Rate of the Local Flour Millers



8. Causal Relationship between the Dumped Product and Material Injury

The final item that shall be determined by the DA in its conduct of the preliminary investigation is the response to the question whether the allegedly dumped potato paste products are causing material injury, or threat thereof to the domestic flour mill industry. A "causal link" must exist between the allegedly dumped product and the material injury or threat of material injury to the affected local flour mill industry, i.e. it must be clear that the injury is directly attributable to the alleged dumping of tomato paste. The determination of causal link must be based on evidence and involves an examination of the comparability of the imported wheat flour and the wheat flour produced in the Philippines, volume and value of imports, their effect on prices and the resulting impact on domestic producers.

In its application, PAFMIL claimed that the dumped wheat flour from Turkey began to cause or threaten to cause injury to the local flour mill industry in 2008. It in fact stated that price undercutting already exist since 2008 by about 26% and it increased to 38% in 2009 coupled with the increase in volume on the same year. Also, PAFMIL stated that the growth rate in 2012 of imported wheat flour from Turkey of 71% is an alarming sign that is significantly and seriously affecting the local flour mill industry. Further, PAFMIL claimed that the 2012 growth rate will repeat year on year for the reason that wheat flour exporters from Turkey have been aggressively looking for an alternative market as their volume in Indonesia is declining due to the 20% safeguard protection tax for all imported wheat flour granted to the Indonesian flour miller association.

As can be seen in table 7, the changes or increase in raw materials cost or more specifically wheat cost were not compensated with any upward adjustment in selling prices. More

particularly in 2011 where selling price was only adjusted at 16% even though the increase in cost of goods is at 23%. As stated in the petition of PAFMIL, the inability to fully pass-on any increases in wheat cost is mainly due to the increasing threat of imported wheat flour from Turkey.

The preliminary determination of DA with regard to this petition will therefore be based on the evidence submitted as well as on other information that will be able to generate from interested parties such as the importers, other producers and exporters of wheat flour to the Philippines including their governments and relevant statistical agencies (such as BOC, PE Ankara, NSO, etc.)

9. Conclusion and Recommendation

Based on the examination of data/evidence submitted by PAFMIL including its responses to the questionnaire, the DA finds that there exists sufficient evidence that justifies the initiation of preliminary investigation on the PAFMIL petition. In particular, this reports showed that on the basis of available documents, DA shall be able to determine whether or not there are dumped wheat flour in the country that are substantially causing material injury or threat thereof to the domestic producers of wheat flour.

It is therefore recommended that preliminary determination on the petition filed by PAFMIL be conducted by DA. As indicated in the IRR of RA 8752, notice of initiation shall be published in two (2) newspapers of general circulation and that individual notices shall be sent to all known interested parties, i.e. importers, exporters and/or producers including the government of the exporting country concerned.

Exporter's Questionnaire Anti-Dumping Investigation

For use by Overseas Manufacturers and Exporters to the Philippines
Inquiries Relating to the Export to the Philippines of Certain Articles
Alleged to be Dumped and Causing, or Threatening to Cause, Material
Injury to a Domestic Industry

Exporters providing submissions must ensure that:

- each page is labeled either "confidential " or "non-confidential";
- a non-confidential version of the submission is provided;
- the non-confidential version fully explains the content and significance of the confidential information; and
- the declaration is completed.

DECLARATION

➤ I hereby declare that _____ (name of company) do export the articles under consideration and have completed the attached questionnaire. I also certify that the information contained in this submission is complete and correct to the best of my knowledge and belief.

➤ I hereby declare that _____ (name of company) do not export the articles under consideration and therefore have not completed the attached questionnaire.

(Signature Over Printed Name)

(Designation/Position)

(Date)

GENERAL INFORMATION

WHY HAVE YOU BEEN ASKED TO FILL OUT AN EXPORTER'S QUESTIONNAIRE

An application for anti-dumping protest has been lodged with the Bureau of Import Service (BIS)-Department of Trade and Industry (DTI) for *prima facie* case determination/preliminary investigation. The application is directed against your product(s) - the subject article(s) of this protest. The Philippine industry alleges that the product you manufactured and/or exported to the Philippines are at dumped prices. It also alleges that, as a result thereof, domestic industry producing like articles is materially injured.

The Philippine legislation (Section 301 of the Philippine Tariff and Customs Code, as amended by Republic Act 7843), provides remedies and/or protection by way of duties to the domestic industry which are injured by dumping. Action under this legislation becomes an international issue because it represents an accusation that a trading partner is trading unfairly. For this reason, it is contemplated that careful examination and solid grounds must be established to demonstrate that the action meets the requirements, procedural and evidentiary, of the legislation and our obligations under international trade agreements.

As a member of the World Trade Organization (WTO), the Philippine administration adheres to the rights and obligations set out in the WTO Agreements on Anti-Dumping Practices.

Manufacturers and/or exporters are requested to respond to this questionnaire and return it to the DTI-BIS within thirty (30) days from the date letter and attached questionnaire is received. There is a statutory time limit imposed for the inquiry and the agency may not be able to give full consideration to submissions received after this period. You are strongly recommended to respond to the questions asked. The absence of responses to individual questions or lack of a response to the questionnaire will cause the DTI-BIS to use the best information available, which may be the information provided by the original complaint, which triggered the investigation. A copy of the non-confidential version of the application is enclosed.

The questionnaire is in a number of parts to make it easier for you to complete. A suggested format is shown for statistical or accounting data. Should you prefer to provide your answers/data in a different format, this may be acceptable to the DTI-BIS. Any major differences should be discussed with DTI-BIS at the earliest opportunity. It is possible that some questions will not be relevant to your situation and, in these circumstances, a brief explanation of the reasons why you have not responded should be provided. On the other hand, there may be matters not covered in the questionnaire that you believe should be addressed. If this is so, please include those details.

Part of this Questionnaire asks you to provide comments on market trends and the applicant's claim of injury. This provides you with the opportunity to provide information on factors that affect the industry in which you operate and refute claims of injury made by the applicant. The information you make available in response to the questionnaire will assist the DTI-BIS in its inquiries into the

allegations.

It is therefore in your interest to complete the questionnaire and provide detailed submissions.

The questionnaire is not designed to be filled-in except for the request to complete the declaration which is to be returned. Thus, your answers and any supplementary material provided in support of your answer should clearly identify the questions to which they relate (in sequence) and must be attached to the declaration.

All information provided to the agency in confidence will be treated accordingly. You should ensure that the information you provide which is confidential, is clearly marked as such, and that there is a non-confidential version (or summary) of that data. Failure to provide a non-confidential summary may result in the information being disregarded by the DTI-BIS.

The non-confidential version of the submission is placed on a public file and made available to interested parties. This allows your claims to be considered by the other parties, who have a right to see the information relevant to the presentation of their case. Similar arrangements apply to submissions made by other interested parties.

The recommended method of satisfying the requirement for confidential and non-confidential copies is to keep the body of the application non-confidential and to place confidential data in appendices.

Should you have questions or inquiries in preparing and/or answering this questionnaire, advice or assistance can be obtained from the officer of the Bureau of Import Services with office address at the 3rd Floor, OPPEN Bldg., 349 Sen. Gil Puyat Avenue, Makati City, Philippines. The contact telephone/fax numbers are: Telephone Nos. (632) 895-92-28; Fax No. (632) 895-7466.

Questionnaire

1. Identification

1.1 Give your complete legal name, address, telephone and fax numbers. Provide details of any other business names which you use to export and/or sell your articles.

1.2 Provide the name(s) and title(s) of personnel in your company whom we should contact in case we have further questions.

1.3 Please provide details of your company's ownership and/or shareholding. Provide any evidentiary documents, if possible.

1.4 Describe the organizational structure, nature and functions, and distribution channels, both export and domestic, of your company. Please provide a copy of your most recent annual report and/or any brochures or pamphlets of your business activities.

1.5 Briefly describe all of the types of articles you produce and/or sell.

1.6 To the best of your knowledge, please provide other manufacturer and / or exporter of the subject articles shipped to the Philippines to include their business name, address, fax number and the person(s) to be contacted.

2. Subject Article(s)

2.1 Describe fully the articles you manufactured and/or exported to the Philippines. If the articles involve a number of models and/or types, the details must cover all models or types manufactured and/or exported to the Philippines. Please supply samples, brochures and catalogues of the articles sold to the importer(s) in the Philippines.

2.2 For each model/type exported to the Philippines, please identify like articles sold by your business on the domestic market in your country. Like articles has been defined in the Philippine legislation as articles that are identical to the articles under consideration or, if not identical, have characteristics closely resembling the articles under consideration. Please provide:

- a technical and illustrative material on the articles sold domestically, and
- a detailed explanation of the differences where those articles sold domestically are not identical to the articles exported to the Philippines.

3. Market Share

3.1 State the total quantity and value of like articles that you have sold during the last two (2) years and the current year to date - in your domestic market, to importers in the Philippines and to importers in other countries other than the Philippines. The preferred format for this information is shown at Appendix 1.

3.2 In each market identified in 3.1, state the most commonly used terms and conditions with regards to delivery, payments, method of payment, discounts and other information relative to sales.

4. Export Sales

The information elicited in this part is required to determine the export price of the articles which were shipped to importers in the Philippines. The export price of the articles is normally assessed at the Free On Board (FOB) level. DTI-BIS therefore requires costs beyond the ex-factory level to enable calculation of a FOB price.

4.1 Provide the name and address of each importer in the Philippines to whom your company shipped/sold the subject articles, indicating their level of trade and other activities which the importer undertakes in respect to the subject articles prior to and following importation.

4.2 For each importer in the Philippines in 4.1, provide a list of all shipments of the subject articles made during the last 2 years and the current year to date (on a monthly basis) to include quantity, unit selling price, invoice amount, and the approximate date. Suggested format for this information is shown at Appendix 2.

Evidence is required to support this data, e.g., importer's purchase order, commercial invoices, bill of lading, letter of credit, details of any discounts or rebates, evidence of payments, etc.

4.3 Indicate the relationship between your business and each of your Filipino customers. If this relationship is other than the ordinary buyer-seller relationship, please elaborate to include details of any arrangements, financial or otherwise, existing between your company and the importers in the Philippines of the subject articles.

4.4 Please give details of any other matters which pass between you and your Filipino customers which may affect the actual export price of the subject articles. Provide copies of any catalogues, brochures, price lists, specification data, agreements or contracts, current and forward orders, etc. relative to your export sales.

4.5 For the articles under consideration, please provide details of costs incurred for each unit after factory and up to FOB in the country of export. Such costs may include: export packing, storage, inland freight from factory to port/border, insurance, handling, export taxes, export inspection fees, customs brokers, fees, commission, and other taxes.

4.6 Where export sales are other than FOB in the country of export, please provide any details of other costs incurred in addition to the costs listed in response to 4.5. Such costs may include: freight from border to port, overseas freight, overseas insurance, Philippine Customs duty, Customs agent fee in the Philippines, and port and transport costs in the Philippines.

4.7 Please describe your export pricing policy. If sales are in accordance with price lists, supply copies of all lists that applied during the last two (2) years as well as the current price lists.

4.8 Describe your export payment terms. If sales are on credit terms, please give details on the interest rates charged and the export prices applicable under such payment terms.

4.9 Provide details on any taxes or duties levied on the goods under consideration which are remitted or refunded on export.

5. Domestic Sales

The information requested in this part is required to determine the normal values of the articles shipped to importer in the Philippines during the last 2 years and the current year to date. Generally, normal values are based on your firm's domestic selling prices of like articles where there are a sufficient number of profitable domestic sales to arm's length customers to form a proper comparison with the sales of articles to importers in the Philippines.

Factors which may be taken into account in the DTI-BIS' analysis and for which adjustments may be made include the trade levels of the importers in the Philippines as compared to the trade level of your domestic customers; the quantities of articles sold to the Philippines as compared with the quantities sold domestically; qualitative differences and other

differences, taxation differences and other differences in terms and condition of sale.

5.1 Please provide details on your domestic sales of like articles. If any of the customers listed are associated with your business, please provide details of the association and the effect, if any it has on the price. A preferred format for this information is shown at Appendix 3.

5.2 Please describe your domestic pricing policy. If sales are in accordance with the price list, please supply copies of all lists that applied as well as current price list. Provide details of any discounts given for cash, quantity, or articles supplied free of charge. If the price is negotiated and varies from customer to customer, please provide the weighted average prices on a monthly, quarterly or annual basis depending on your accounting practices.

5.3 From the information on domestic customers, select a customer that purchases at arm's length (ordinary course of trade), is at the same level of trade, and purchases a similar volume of like articles as your Philippine customer. If you do not have a customer as described above, select a domestic customer that purchases at arm's length and whose purchases you believe are most comparable with purchases by the Philippine customers. Give reason for your selection.

If neither of the above is applicable, choose a customer whose domestic prices are closest to the weighted average for each quarter.

5.4 Once the domestic customer has been selected, provide copies of sales invoices, details of discounts or rebates applicable, commissions or royalties granted or any other consideration or reimbursements made in respect of the selling price and evidence of payment. Please provide details of the contractual arrangements concerning the transactions.

5.5 To enable a fair comparison between the export price to the Philippines and the domestic price in your country, certain adjustments may be made. Please advise if there are any differences between your domestic and export sales in the following areas and, if so, provide supporting documentation to assist in quantifying this difference: packing, inland freight, insurance, storage, handling, credit interest, taxes, sales incentives, commissions, warehousing/storage, and other FOB charges.

If you believe that there are other factors affecting price comparability between your domestic and export sales, provide full details including a calculation of the amount of adjustment claimed and provide any supporting documentation you may have in quantifying this difference.

6. Export Sales to Countries Other than the Philippines
 - 6.1 Please provide details of selling price of like articles sold at arm's length sales to customers in countries other than the Philippines at the same level of trade, if possible, and with similar sales volume as your Filipino customers. The information should be presented in a format similar to that shown at Appendix 4.

If you do not have a customer as described above, please provide information on arms length sales you believe are most comparable to sales to the Filipino customers. Give reasons for your selection of those sales.

6.2 Support the above information with copies of documents relating to a selection of sales invoices, contracts, details of any discounts or rebates, bills of lading and evidence of payments.

6.3 For sales referred to in 6.1, provide details of cost incurred, for each unit after factory up to FOB in the country of export. Such costs may include: export packing, inland freight from factory to port/border, insurance, storage, handling, export taxes, export inspection fees, customs broker's fees and commissions.

Where export sales are other than FOB in the country of export, please provide details of any costs incurred in addition to the costs listed in response above. Such costs may include: freight from border to port, overseas freight, overseas insurance, customs duty in the importing country, port and transport cost in the importing country, etc.

6.4 Please provide details of any taxes or duties levied on the subject articles which are remitted or refunded on export.

6.5 Please identify any other differences in these prices which may affect its comparison to export sales to the Philippines.

7. Costs to Produce and Sell

This section relates to costs incurred in manufacturing and selling the subject articles to the Philippines, and for the articles sold in the domestic market and articles exported to countries other than the Philippines.

7.1 Please provide (in the format shown at Appendix 5) the actual unit cost to produce and sell for each model/type of the articles sold to the Philippines, and for the articles sold in the domestic market and export market other than the Philippines. It is necessary to show all the costs associated with the manufacture and sale of the goods. Provide copies of any work sheets and supporting documentation used in your calculations.

7.2 Where the figures in 7.1 show that differences in specifications exist between articles sold to the domestic markets and those sold for export, give the reasons and supporting evidence for these differences.

7.3 Provide details of your net profit to sales ratio realized over the last two (2) years and the current year to date for the profit center which includes the articles under consideration. How does this compare to the profit ratio for the subject articles?

What level of profit has your company achieved for the subject articles sold on the domestic market? What is the basis for determining this profit?

7.4 Describe methods used in your general accounting system, e.g., what

methods do you use to allocate costs from general costs categories to specific goods, how do you determine depreciation and useful life of fixed assets, how do you deal with costs and revenue of any by-products, how do you deal with incidental revenue, if standard costing is used rather than actual costs, describe methods used to determine standards, the frequency of revisions and the treatment of variances.

7.5 If, in answer to 7.1, your allocation of selling, administration, finance and other costs differs from the proportion these costs bear to sales revenue as shown in your Profit and Loss Statement for the period under inquiry, please give details and reasons.

7.6 If the fully absorbed cost to produce and sell any one model/type of the like articles sold on the domestic market or to customers in countries other than the Philippines exceeds net selling prices, please comment on reasons for these sales at a loss.

7.7 Further to 7.6, do you expect to recover the losses on these sales. If so, give reasons and indicate over what period of time the losses would be expected to be recovered?

7.8 Give details and an explanation of any significant differences between the costs shown and the costs normally determined in accordance with your general accounting system. Particular reference should be made to those differences arising from the movements in inventory levels and variances arising under standard costing methods.

8. Profitability

Please attach a copy of your company's financial statements for the last 2 years and the current year to date. Please provide also a copy of the profit and loss statement for the sale of the imported articles under consideration.

9. Philippine Market/Material Injury

The applicant has made a number of statement regarding the Philippine market and material injury. You may wish to provide comments on the Philippine market, market trends generally and/or any other factors you consider relevant to the claims of material injury.

If possible, any comments should be supported by documentary evidence.

9.1 Please provide a general outline of the Philippine market from your perspective and provide comments on any other factors you believe affect the Philippine industry such as supply and demand, prices, the relative importance of imports, etc.

9.2 Please comment on each specific claim made by the applicant in regards to material injury.

9.3 Please provide details of any factors you consider to be the cause of the material injury claimed by the applicant.

10. General Comments

This section gives you the opportunity to make comments on the allegations made by the applicant (s) on its claim of material injury because of dumped imports.

You are also invited to make comments on any other issues you consider relevant which you believe will assist in your rebuttal of the applicant's allegations.

Any rebuttals should be supported by documentary evidence, if possible.

APPENDIX 1
TOTAL SALES

NOTE: INFORMATION SHOULD BE SUPPLIED FOR EACH YEAR OF THE RELEVANT PERIOD AND FOR EACH MODEL/TYPE.

Model/Type _____
Year ¹ _____

	Total Sales Quantity ¹	Net Sales Revenue ²
Exports to the Philippines		
Domestic Market		
Exports to Other Countries		
TOTAL		

¹ Specify year

² Specify unit of measurement (e.g. tons, liters, grams, kilograms).

² Specify unit of currency (and exchange rate if applicable).

APPENDIX 2
EXPORT SALES TO THE PHILIPPINES

NOTE: INFORMATION SHOULD BE SUPPLIED FOR EACH MONTH/YEAR OF THE RELEVANT PERIOD AND FOR EACH MODEL/TYPE.

Customer _____ Period _____
Model/Type _____ Association (Y/N) ¹ _____
Level of Trade ² _____

Date	Invoice Number	Value ^{4/}	Quantity ^{5/}
TOTAL			

^{1/} Specify year and month.

^{2/} If the customer is associated with your business, indicate with letter "Y", if not associated, use letter "N". Provide a separate explanation of the association.

^{3/} For example, wholesaler, distributor, end-user.

^{4/} Specify unit of currency (and exchange rate if applicable).

^{5/} Specify unit of measurement.

APPENDIX 3
DOMESTIC SALES
SALES OF LIKE ARTICLES TO THE DOMESTIC CUSTOMERS

NOTE: INFORMATION SHOULD BE SUPPLIED FOR EACH MONTH-YEAR OF THE RELEVANT PERIOD AND FOR EACH MODEL/TYPE.

Model/Type _____
Period ^{1/} _____

Customer Name	Assoc. ^{2/} (Y/N)	Level of Trade ^{3/}	Total Sales	
			Value ^{4/}	Quantity ^{5/}

TOTAL				

- * Specify year and month.
- * If the customer is associated with your business, indicate with letter 'x', if not associated, use letter 'N'. Provide a separate explanation of the association.
- * For example, wholesaler, distributor, end-user. Provide an explanation of the differences in price if there are any.
- * Specify unit of currency (and exchange rate if applicable).
- * Specify unit of measurements.

APPENDIX 4
EXPORT SALES TO COUNTRIES OTHER THAN THE
PHILIPPINES

NOTE: INFORMATION SHOULD BE SUPPLIED FOR EACH MONTH-YEAR OF THE RELEVANT PERIOD AND FOR EACH MODEL TYPE.

Model Type _____
Period _____

Customer (Name/Country)	Assoc. #(x/N)	Level of Trade #	Total Sales	
			Value \$	Quantity
TOTAL				

^{4/} Specify unit of currency (and exchange rate if applicable),
^{5/} Specify unit of measurement.

APPENDIX 5
COST TO PRODUCE AND SELL PER UNIT

NOTE: A SEPARATE SCHEDULE SHOULD BE SUPPLIED FOR EACH MODEL/TYPE. PLEASE SPECIFY UNIT OF CURRENCY.

Model Exported to the Philippines	Comparable Domestic Model	Comparable Model Exported to Other Countries
Model/Type		
Materials ^{1/}		
Total Material Costs		
Direct Labor		
Manufacturing Overheads		
Other Costs ^{2/}		
Costs of Production		
Selling Costs		
Administration Costs		
Financial Costs		
Delivery Expenses ^{3/}		
Other Costs ^{3/}		
Unit Cost to Produce and Sell		

^{1/} Include indirect material costs as a separate item only if not included in manufacturing overhead.

^{2/} Relating to costs of production only; identify each cost separately.

^{3/} Identify each cost separately. Please ensure non-operating expenses that relate to the subject articles are included.