QUESTIONS CONCERNING THE LEGISLATION OF THE PHILIPPINES

United States

1. The Philippines law appears to provide for extremely short periods for countervailing duty investigations: 15 days for a finding of subsidization and 45 days for an injury finding. How will the Philippines authorities compile the information necessary to conduct a thorough investigation of the facts and to develop sufficient evidence to justify the imposition of countervailing duties?

2. Given the short time periods for investigations, what measures will the Philippines authorities take to ensure that all interested parties have a "reasonable opportunity" to present their views, as required by Article 2:5 of the Code?

3. Sections 6 and 7 of the Philippines law appear to authorize a finding by the Tariff Commission that subsidized imports are causing injury prior to the determination by the Secretary of Finance that the imports are subsidized. Since some imports may not be benefiting from subsidies, how can the Tariff Commission make the injury finding without prior identification of the subsidized imports the Secretary of Finance?

1 Document SCM/1/Add.23