

**[DTI DEPARTMENT ADMINISTRATIVE ORDER NO.
06, February 22, 2008]**

**REVISING THE GUIDELINES FURTHER IN THE RESOLUTION OF
EXPORT TRADE COMPLAINTS FORMALLY LODGED WITH THE
DEPARTMENT OF TRADE AND INDUSTRY**

Whereas, the Department of Trade and Industry is mandated to oversee the country's export trade program;

Whereas, the DTI continuously receives export trade complaints from either foreign buyers, exporters or local suppliers of Philippine goods and services, and from other sources;

Whereas, one of the services of DTI is to match Philippine suppliers/exporters with potential foreign buyers and vice-versa and promote ethical business practices among the same to further enhance the image of the Philippines as a reliable supplier of products and services in the global market;

Whereas, the complaint if it remains unresolved will seriously affect the image of the Philippines as a reliable source of export products and services.

NOW, THEREFORE, premises considered, the following guidelines are hereby prescribed for the compliance and information of all concerned:

1. Scope:

This Department Administrative Order provides the rules and procedures for the resolution of export trade complaints received by DTI national offices, regional, provincial and PI offices involving Philippine-based suppliers of goods and services.

2. Definition of Terms

For the purpose of this Department Administrative Order, the following definitions shall apply:

2.1 DTI -Department of Trade and Industry

2.2 BETP - Bureau of Export Trade Promotion

2.3 EXPONET - Export Assistance Network, the BETP unit under the Export Trade Facilitation Division, which receives and processes export trade complaints received by DTI, for mediation and/or settlement, or resolution.

2.4 Export Trade Complaints - all complaints arising from export trade-related transactions including but not limited to Non-Payment of Delivery (NPD), Non-

Delivery of Paid Order (NDPO), Cancelled L/C Order (CL/C), Short Shipment (SS), Quality Specification (QS), and other nature of complaints not elsewhere classified (OTH).

2.5 Mediation Officer - the technical and/or supervisory staff of the Export Trade Facilitation Division who is assigned to process and evaluate a particular export trade complaint, as per the provisions of this DAO.

2.6 Trade Representative - an officer of the Foreign Trade Service Corps (FTSC), DTI, assigned to a specific overseas post, who may carry any of these titles: Senior Commercial Attache, Special Trade Representative, Trade Service Officer, Commercial Counselor, Commercial Attache, Consul (Commercial), Assistant Commercial Attache.

2.7 PTIC - Philippine Trade and Investment Center, the overseas post where the trade representative is assigned.

2.8 Regional Director/Provincial Director - head of a DTI Regional Office or Provincial Office.

2.9 ETCC - Export Trade Complaints Committee, an inter-agency committee created to recommend specific actions on export trade complaints filed with any bureau or office of DTI which are referred to the BETP.

2.10 Supervising Undersecretary - the DTI undersecretary designated by the Secretary of Trade and Industry to supervise the BETP.

2.11 Watchlist- list of Philippine exporters, manufacturers, suppliers, foreign buyers who are respondents in export trade complaints whose inclusion in said list is based on the resolutions of the ETCC and as approved by the supervising undersecretary.

2.12 Services-refers to the supply of service for export as defined in Rule III, Section 1.a of the Rules and Regulations to Implement the Export Development Act of 1994 (R.A. 7844)

3. Composition of the Export Trade Complaints Committee (EfCC):

3.1 Chairperson - The director or designated head of the BETP shall act as the Chairperson of the ETCC. Should a need arise, the supervising undersecretary may designate an Alternate Chairperson from among the assistant directors or caretakers, officers-in-charge of the BETP.

3.2 Members -

3.2.1 The director or designated head/alternate of the DTI Office of Legal Affairs;

3.2.2 A representative of the organization of exporters which has a subsisting accreditation from the Export Development Council (EC) under Section 12 of the Export Development Act (R.A. 7844); and

3.2.3 A representative of the CIBI Information, Inc.

In instances, however, when the designated alternate attends an ETCC meeting, he or she may only sign the resolution if his or her designation (as alternate) has been authorized by the agency/organization/office concerned and has been recognized by the ETCC, otherwise the principal shall still sign.

3.3 The Committee may call upon any of the following to attend any Committee meeting and give pertinent information, advice and such other assistance as may be needed by the Committee in resolving the complaints:

3.3.1 A representative of each of the other government agencies involved in the case (e.g. DENR, DA, BFAD, BOC, etc.);

3.3.2 The President or representative of the trade association where one of the parties belongs; and

3.3.3 The parties to the case and other entities or individuals who may shed light on the case.

4. Jurisdiction, Powers and Functions of the ETCC:

4.1 The ETCC shall act on the following complaints:

4.1.1. The ETCC shall act on the following complaints:

4.1.1. Export trade complaints from foreign buyers, agents, exporters and local suppliers of Philippine goods and services, and from other sources;

4.1.2 Export trade complaints against foreign buyers, agents, exporters, and local suppliers of Philippine goods and services;

4.1.3 Export trade complaints involving/affecting the promotion of ethical business practices among Philippine suppliers/exporters, to further enhance the image of the Philippines as a reliable supplier of products and services in the global market;

4.1.4 Export trade-related complaints which, if unresolved, will seriously affect the image of the Philippines as a reliable source of export products and services.

4.2 The ETCC shall be authorized to demand the submission of documents, reports and evidences resulting from initial investigation(s) and/or mediation conducted by DTI regional/ provincial offices, DTI bureaus, offices and attached agencies, and by FTSC offices abroad on the export trade complaint they have referred, endorsed or elevated to the ETCC. All communication to this effect shall be addressed to the head of agency concerned.

4.3 The ETCC shall likewise be authorized to demand the presence of any DTI officer and/ or staff in any of its meetings to shed light on the export trade complaint referred, endorsed Or elevated to the ETCC by his or her

respective bureau/office/agency The DTI officer and/ or staff concerned shall however be given sufficient time to prepare for the meeting and he or she shall be given reasonable time to be informed of the schedule and venue of such meeting. All communication to this effect shall be addressed to the head of agency concerned.

4.4 The ETCC shall serve as the dispute settlement body for all export trade complaints lodged with the Department of Trade and Industry by foreign buyers, exporters and suppliers of Philippine goods and services and those export trade complaints which were referred to DTI by other government agencies, instrumentalities and entities, whether local or foreign.

5. ETCC Secretariat:

5.1 The EXPONET shall serve as the Secretariat of the Committee. It shall perform the following functions:

5.1.1 Receive and process export trade disputes;

5.1.2 Prepare and send correspondences required under this Order;

5.1.3 Designate trade dispute account officers who shall act as mediation officers;

5.1.4 Prepare the meeting agenda, notice of meeting containing the information on schedule, venue and agenda, inform the ETCC of said facts and secure confirmation of the attendance of all the members of the ETCC;

5.1.5 Prepare the draft and finalize the orders, decisions, resolutions and documents approved and issued by the ETCC;

5.1.6. Prepare the draft and finalize the minutes of the ETCC meetings;

5.1.7 Implement an efficient and user-friendly system of managing the files, records and documents generated in connection with the work and responsibility of the ETCC;

5.1.8 Disseminate information on export trade related resolutions and watch list via all means possible (media including but not limited to website, radio, print and TV) with discretion; and

5.1.9 Perform other functions that shall be assigned and as may be required by the ETCC

6. Meetings of the ETCC:

6.1 The ETCC shall meet once a month or more, as required, such requirement to be determined and decided by the Chairperson of the Committee, in consultation with the other members. An affirmation of this schedule shall be made during the meeting of the previous month and shall be included in the minutes of said meeting.