GENERAL AGREEMENT ON
TARIFFS AND TRADE

Committee on Anti-Dumping Practices
Committee on Subsidies and
Countervailing Measures

QUESTIONS SUBMITTED BY HONG KONG CONCERNING THE
TURKISH LAW ON THE PREVENTION OF UNFAIR
COMPETITION IN IMPORTATION
(SCM/1/Add.28 of 23 October 1989)

At the request of the delegation of Hong Kong, the following questions are hereby circulated in the Committee on Anti-Dumping Practices and the Committee on Subsidies and Countervailing Measures.

I. Decree No. 89/14506

Article 2 (Retroactivity)

Question 1

Paragraph 3 of the Article provides that retroactive implementation is limited to 90 days. Could the Turkish authorities confirm that the 90-day limit refers to the period not more than 90 days prior to the date of application of provisional measures as provided in both Agreements on implementation of Article VI of the GATT?

Article 3 (Provisional and Definitive Measures)

Question 2

Paragraph 2 of the Article provides that "in case of several exporters from the same country and impossibility of determining all exporters, provisional and definitive measures may be applied to all such investigated products imported from that country". Could the Turkish authorities explain how they would impose provisional and definitive measures on the exporters which have been investigated and those which have not been investigated and whether any distinction would be made on the measures to be imposed on these two groups of exporters?
Question 3

Also on paragraph 2 of the Article, could the Turkish authorities explain how they would deal with the imports of the product subject to provisional and definitive measures from exporters who start to export to Turkey only after the initiation of the investigations and from those who only started exporting after the completion of the investigations?

Question 4

Paragraph 3 of the Article provides that "in case the investigated product is imported from more than one country, measures may be taken on a non-discriminatory basis on imports of such product causing injury". Could the Turkish authorities explain what is meant by "on a non-discriminatory basis"?

Article 5 (Definitive measures)

Question 5

According to paragraph 2 of the Article, definitive measures shall remain in effect as long as necessary to remove the effects of the injury caused by such importation. Could the Turkish authorities explain under what circumstances and based on what kind of evidence they would consider that the effects of the injury have been removed?

II. Regulation on the Prevention of Unfair Competition in Importation

Article 3

Question 6

Could the Turkish authorities explain how they would assess the standing of the complainant for the purpose of initiating an investigation, bearing in mind that both Agreements on implementation of Article VI of the GATT provide that an investigation shall normally be initiated upon written request by or on behalf of the industry affected and that the term "domestic industry" shall be interpreted as referring to the domestic producers as a whole of the like products or those of them whose collective output of the products constitutes a major proportion of the total domestic production of those products?

Articles 8 and 9 (Evidence)

Question 7

Could the Turkish authorities explain who are the parties that have the right to request interview with the Turkish General Directorate under Article 8 and to examine non-confidential information relating to the investigation under Article 9? Would such parties include the government of the exporting countries as provided under both Agreements on implementation of Article VI of the GATT?
Question 8

Could the Turkish authorities confirm whether an interested party to the investigation would be allowed to present in writing its views on the investigation and the provisional and definitive measures that might be taken, in addition to the questionnaire referred to in Article 5 and the interviews with the General Directorate mentioned in Article 8?

Article 11 (Investigation Team and Announcement)

Question 9

According to paragraph 1 of the Article, conclusive decision "shall be rendered within one year from the initiation of the investigation to the latest". Could the Turkish authorities explain what does the "conclusive decision" refer to? Would it mean that definitive measures, if necessary, would have to be imposed within one year from the initiation of the investigation?

Question 10

What kind of information would be included in the announcement of the investigation results? Would it include the findings and conclusions reached on all issues of fact and law considered material by the investigating authorities, and the reasons and basis therefor as provided under both Agreements on the implementation of Article VI of the GATT?

Article 12 (Undertakings)

Question 11

Could the Turkish authorities explain under what circumstances they would accept quantitative type undertaking, bearing in mind that both anti-dumping and countervailing measures are aimed at addressing problems in pricing behaviour?

Article 24

Question 12

Could the Turkish authorities explain what direct or indirect benefit in the transportation of a product would be deemed as subsidy?

Article 25

Question 13

Could the Turkish authorities explain what is "reasonable distribution of the subsidy value", and how it is related to the calculation of subsidization per unit provided under the Subsidies/Countervailing Duties Code?