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

(a) Article 3 of Decree No. 89/14506 (Provisional and Definitive Measures)

Question 1 (Related to Hong Kong’s original question No. 2 in SCM/W/226 and ADP/W/282)

Could the Turkish authorities elaborate on how the provisional and definitive anti-dumping and countervailing duties are imposed? Would there be a specific duty rate for each of the companies participating in the investigation? Would there be a separate all-others rate for companies not participating in the investigation, and, if yes, how is it determined?

Question 2 (Related to Hong Kong’s original question No. 3 in SCM/W/226 and ADP/W/282)

According to the Turkish authorities' reply to Hong Kong’s question in SCM/W/226 and ADP/W/282, exporters who start to export to Turkey after initiation of the investigations will be automatically subject to the provisional and definitive measures imposed on the exporting country concerned and they can only request revision of the definitive measures at least one year after the conclusion of the investigation. Would the Turkish authorities agree that this is unfair to the newcomers, as it amounts to imposition of duties before dumping or subsidies and injury are established, and that this is inconsistent with Article VI of the General Agreement and the two Codes which provide for remedy only when injury caused by dumping or subsidies is found to exist?
(b) **Article 5 of Decree No. 89/14506 (Definitive Measures)**

**Question 3** (Related to Hong Kong's original question No. 5 in SCM/W/226 and ADP/W/282)

Would the Turkish authorities explain when they would examine whether the effects of the injury caused by dumped or subsidized imports have been removed? Would the Turkish authorities take the initiative to undertake a review if the anti-dumping duties or countervailing duties have already been imposed for, say, a certain number of years?

(c) **Article 3 of the Regulation**

**Question 4** (Related to Hong Kong's original question No. 6 in SCM/W/226 and ADP/W/282)

According to the Turkish authorities' reply to Hong Kong's question in SCM/W/226 and ADP/W/282, the article on the status of the complainant was prepared in conformity with Article 2.1 of the Subsidies Code which states that "An investigation to determine the existence, degree and effect of any alleged subsidy shall normally be initiated upon a written request by or on behalf of the industry affected". Could the Turkish authorities elaborate on how the term "by or on behalf of the industry affected" is interpreted in their implementation?