QUESTIONS SUBMITTED BY THE UNITED STATES
ON THE LEGISLATION OF TURKEY
(SCM/1/Add.28)

1. In its response to the European Communities' question 1.2 concerning the meaning of the term "impairment of the market" as found in Articles 1, 2 and 3 of Law 3577 (SCM/W/215), Turkey indicates that "the phrase ... is used in order to take into consideration the effects of dumped or subsidized goods upon the market of similar goods in Turkey" (SCM/W/221). How does this relate specifically to the question of whether subsidized imports cause, or threaten to cause, material injury to a domestic industry producing a like product? How would impact upon a market relate to impact upon an industry in the Turkish authorities' analysis? Is a finding of "impairment" the same as, or necessary to, a finding of injury?

2. Article 11 of Law 3577 states that "[t]he suspension of the investigation shall not prevent provisional measures previously adopted be [sic] made into definitive measures". Please clarify the meaning of this provision. Does this presume that an undertaking has been violated? If not, on what basis may definitive measures be imposed while an investigation is suspended and/or an undertaking is in effect?