

**Committee on Anti-Dumping Practices
Ad Hoc Group on Implementation**

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PRACTICAL ISSUES AND EXPERIENCE IN APPLYING ARTICLE 2.4.2

**PRACTICAL ISSUES AND EXPERIENCE WITH RESPECT TO
QUESTIONNAIRES AND REQUESTS FOR INFORMATION
UNDER ARTICLES 6.1 AND 6.1.1**

Paper by Turkey

Revision

The following communication, dated 20 March 2000, has been received from the Permanent Mission of Turkey.

I. PRACTICAL ISSUES AND EXPERIENCE IN APPLYING ARTICLE 2.4.2

Some of the issues raised by Australia in document G/ADP/AHG/W/71:

Application of the approach set out in article 2.4.2

Turkey is of the view that, all three approaches described in this Article establishes a guidance with respect to dumping determination and applicable for all kinds of investigations. Turkey uses the approaches set out in Article 2.4.2 in every case where a determination of dumping shall be made and a dumping margin shall be calculated, whether for a provisional or final measure or for reviews.

Approach to the application of the *de minimis* provision in Article 5.8

In Turkish practice, in an investigation, firstly, the most appropriate approach to be used for dumping calculation in accordance with Article 2.4.2 is determined. Subsequently, the margin of dumping is calculated by using that approach. If the resultant margin is *de minimis*, then the investigation is terminated. The Anti-Dumping Agreement does not lay out any approach specifically designed for the application of the *de minimis* provision in Article 5.8.

Turkey is of the opinion that, in case the transaction-to-transaction approach is used, all the individual margins do not have to be below 2 per cent for the investigations to be terminated by reason of *de minimis* rule. In this situation, all individual margins are weight averaged and a single dumping margin is found. If only weighted average margin is below 2 per cent, the investigation is terminated with respect to the *de minimis* provision in Article 5.8.

Calculation issues

If an export price falls outside the time covered by the period for the calculation of the weighted average normal value, export prices are not immediately discarded. In such cases, as an option, the investigation period for dumping margin calculation can be changed with the consent of the producer/exporter, so as to cover all export prices falling outside the period. Turkey has not encountered exactly such a situation. However, in one case, Turkey changed the period for dumping calculations upon the request of producer/exporter so that it coincides with the producer/exporter's financial accounting period.

II. PRACTICAL ISSUES AND EXPERIENCE WITH RESPECT TO QUESTIONNAIRES AND REQUESTS FOR INFORMATION UNDER ARTICLES 6.1 AND 6.1.1 (ITEMS 17, 18 AND 19)

Some of the issues raised by Japan in document G/ADP/AHG/W/72:

Turkey agrees with Japan that Member countries should grant extension of time periods for replying to the questionnaires whenever practical and cause is shown. However a balance must be established as to granting extensions and timely completion of the investigation. This opportunity should not be abused.

In Turkish practice, extension is granted in such a way that the interested parties are motivated to participate as much as possible.

Turkey believes that in the evaluation of extension requests, provisions of Article 15 should be taken into consideration. Companies of developing countries subject to anti-dumping investigations are usually medium-or small-sized, which have scarce resources in this respect, special regard should be given to developing countries' companies. Turkey, taking into consideration the special situation of such companies, grants additional extensions as long as it does not impede the timely completion of the investigation.

As to the supplementary questionnaires, Turkey believes that these should not create a burden on the producer/exporters. Naturally, these kinds of supplementary questionnaires should not be as extensive as the main questionnaire.

In one of the cases, it has been observed that in addition to the main questionnaire issued at the beginning of the investigation, a set of supplementary questions relating to cost of production were sent to the producer/exporter. The authority tried to verify the cost of production solely on the basis of the responses to the supplementary questions without visiting the premises of the producers. As can be imagined, these created extra burden on producers. Turkey would like to know if such practice is viable with respect to the Anti-Dumping Agreement.
