

ด่วนที่สุด

ที่ พณ ๐๓๐๙.๐๙/ว ๑๙๕



ถึง สภาอุตสาหกรรมแห่งประเทศไทย

กรมการค้าต่างประเทศขอแจ้งกรณีกระทรวงการค้าของสาธารณรัฐตูร์เคีย (Ministry of Trade) ได้ออกประกาศเปิดการไต่สวนเพื่อพิจารณากำหนดการใช้มาตรการตอบโต้การทุ่มตลาด (Anti - Dumping: AD) กับสินค้า Polystyrene ภายใต้พิกัดศุลกากร ๓๙๐๓.๑๙.๐๐.๐๐.๐๐ และ ๓๙๐๓.๙๐.๙๐.๐๐.๐๐ จากประเทศไทย ลงวันที่ ๑๔ พฤษภาคม ๒๕๖๗ สำหรับช่วงระยะเวลาการพิจารณาความเสียหายระหว่างวันที่ ๑ มกราคม ๒๕๖๔ - ๓๑ ธันวาคม ๒๕๖๖ โดยผู้มีส่วนได้เสียที่เกี่ยวข้องสามารถเข้าร่วมกระบวนการไต่สวนดังกล่าวด้วยการตอบแบบสอบถามและยื่นต่อกระทรวงการค้าของสาธารณรัฐตูร์เคียภายใน ๓๗ วัน นับจากวันประกาศเปิดการไต่สวน ทั้งนี้ สามารถศึกษาข้อมูลเพิ่มเติมได้ที่เว็บไซต์ <https://thaitr.dft.go.th/th/home> หรือดาวน์โหลดประกาศดังกล่าวได้ตาม QR Code ที่แนบ



กองปกป้องและตอบโต้ทางการค้า

โทรศัพท์ ๐ ๒๕๔๗ ๔๗๔๐

โทรสาร ๐ ๒๕๔๗ ๔๗๔๑



สิ่งที่ส่งมาด้วย

NOTIFICATION

From the Ministry of Commerce:

**NOTIFICATION ON THE PREVENTION OF UNFAIR COMPETITION IN IMPORTS
(COMMUNIQUE NO: 2024/18)**

Purpose and scope

ARTICLE 1- (1) The purpose of this Communiqué is to inform the domestic producer Aschem Petrokimya Sanayi A.Ş. made by Dioki Petrokimya Sanayi A.Ş. Based on the application supported by , a dumping action was taken against the polystyrene product classified as "Others" goods classified under the customs tariff statistical positions 3903.19.00.00.00 and 3903.90.90.00.00, originating from the People's Republic of China, Chinese Taiwan , the Republic of India, the Republic of Korea, the Russian Federation and the Kingdom of Thailand. opening an investigation and determining the procedures and principles of the investigation.

Rest

ARTICLE 2- (1) This Communiqué includes the Law on the Prevention of Unfair Competition in Imports No. 3577 dated 14/6/1989 , the Decision on the Prevention of Unfair Competition in Imports put into effect by the Decision of the Council of Ministers No. 99/13482 dated 20/10/1999 and Law No. 30 It was prepared based on the Regulation on the Prevention of Unfair Competition in Imports published in the Official Gazette dated 10/1999 and numbered 23861.

Definitions

ARTICLE 3- (1) In this Communiqué;

- Ministry: Ministry of Commerce,
- CIF: Delivery including costs, insurance and freight ,
- PRC: People's Republic of China,
- EBYS: Electronic Document Management System,
- General Directorate: Ministry General Directorate of Imports,
- GTIP: Customs tariff statistical position,
- South Korea: Republic of Korea,
- India: Republic of India,
- ITC: International Trade Center,
- Law: Law on the Prevention of Unfair Competition in Imports dated 14/6/1989 and numbered 3577,
- Decision: Decision on the Prevention of Unfair Competition in Imports, which was put into effect by the Decision of the Council of Ministers dated 20/10/1999 and numbered 99/13482,
- KEP: Registered e-mail address,
- Russia: Russian Federation,
- Thailand: The Kingdom of Thailand,
- TGTC: Turkish Customs Tariff Schedule Divided into Statistical Positions,
- Regulation: Regulation on the Prevention of Unfair Competition in Imports published in the Official Gazette dated 30/10/1999 and numbered 23861, expresses .

The product under investigation

ARTICLE 4- (1) The product subject to investigation is the polystyrene product defined as "Others" goods classified under HS Codes 3903.19.00.00.00 and 3903.90.90.00.00 .

(2) The GTIPs in question are given for informational purposes only and are not binding.

(3) Changes to be made in the tariff positions and/or goods definitions of the product subject to investigation in TGTC do not constitute an obstacle to the implementation of the provisions of this Communiqué.

Representative nature of the application

ARTICLE 5- (1) **From the evidence submitted at the application stage, the domestic producer** Aschem Petrokimya Sanayi A.Ş. is understood to represent the domestic production branch within the framework of Article 18 of the Regulation. It has been understood that the application made by was made on behalf of the domestic production branch in accordance with Article 20 of the Regulation . In this context, the company in question will be referred to as "domestic production branch" in the relevant sections of this Communiqué.

Allegation of dumping

ARTICLE 6- (1) In determining the normal value, the valid domestic market prices of the countries subject to the application could not be reached. In this context, within the framework of the provisions of Article 5 of the Regulation, as the first method for determining the normal value, the comparable export price that is representative of the export of the product subject to investigation to an appropriate third country has been accepted as the normal

value. In this calculation method, where ITC data is used, the third country in question is determined by taking into account geographical proximity and their capacity to produce the product under investigation. It is assumed that the normal values determined by this method are at the factory exit stage. Since the data for the year 2023, which is the review period for Chinese Taiwan, India and Russia, could not be accessed in the ITC database, normal value calculation could not be made with this method.

(2) Within the framework of Article 5 of the Regulation, as the second method in determining the normal value, the normal value calculation was made based on the type of the product subject to investigation. In this context, normal values for the product types subject to investigation were created by adding general, administrative and sales expenses, financing expenses and a reasonable profit to the unit manufacturing cost of similar goods in Turkey, and the values in question were accepted to be at the ex-factory stage.

(3) In determining the export price, CIF weighted average unit export prices occurring in the imports of the product types subject to investigation from the countries subject to application were taken into account by using data based on import declarations in the Ministry's statistical database for the year 2023, which is the review period. By deducting external freight and insurance costs from the export prices in question, it has been accepted that the mentioned values are at the ex-factory stage.

(4) The normal values determined as explained in this article and the export prices to Turkey have been compared, to the extent possible, at the same commercial stage, in other words, at the ex-factory stage, and the dumping margins calculated on a type basis for the product subject to investigation are below the negligible rate mentioned in Article 28 of the Regulation. It was found to be on .

Damage and causality claim

ARTICLE 7- (1) Within the framework of Article 17 of the Regulation, the damage claim was examined for the period 1/1/2021 -31/12/2023.

(2) When 2021 is considered as the base year, imports of the product subject to investigation of PRC origin are seen to increase significantly in 2023, both in absolute and relative terms.

(3) When 2021 is considered as the base year, imports of the product subject to investigation originating from Chinese Taiwan appear to increase significantly in 2023, both in absolute and relative terms.

(4) When 2021 is considered as the base year, imports of the product subject to investigation originating from South Korea are seen to increase significantly in 2023, both in absolute and relative terms.

(5) When 2021 is considered as the base year, imports of the product subject to investigation originating from India are seen to increase significantly in 2023, both in absolute and relative terms.

(6) When 2021 is considered as the base year, imports of the product subject to investigation originating from Russia are seen to increase significantly in 2023, both in absolute and relative terms.

(7) When 2021 is considered as the base year, imports of the product subject to investigation originating from Thailand are seen to increase significantly in 2023, both in absolute and relative terms.

(8) It is observed that imports of PRC origin did not break or suppress the domestic market sales prices of the domestic production branch of the most used type of the product under investigation in 2021, 2022 and 2023, but the trend is towards breaking and suppressing the prices in question.

(9) It is observed that imports originating from Chinese Taiwan did not break or suppress the domestic market sales prices of the domestic production branch in 2021 and 2022 for the most used type of the product under investigation, and started to break and suppress them in 2023.

(10) It is seen that imports originating from South Korea did not break or suppress the domestic market sales prices of the domestic production branch in 2021 and 2022 for the most used type of the product under investigation, and did so in 2023.

(11) It is seen that imports originating from India did not break or suppress the domestic market sales prices of the domestic production branch in 2021 for the most used type of the product under investigation, and did not break and suppress them in 2022 and 2023.

(12) Russian imports broke the domestic market sales prices of the domestic production branch of the most used type of the product under investigation in 2021, 2022 and 2023; It is seen that it does not suppress in 2021, but does suppress in 2022 and 2023.

(13) It is observed that imports of Thai origin did not break or suppress the domestic market sales prices of the domestic production branch of the most used type of the product under investigation in 2021 and 2022, and did not break and suppress them in 2023.

(14) It is seen that the unit profitability rate from domestic sales of the domestic production branch decreased to 32 units in 2022 and to 1 unit in 2023, considering 2021 as 100 units.

(15) It is seen that the ratio of unit commercial costs of the domestic production branch to unit sales prices increases to the level of 110 units in 2022 and to 116 units in 2023, when 2021 is accepted as 100 units.

(16) In this context, as a result of the price suppression calculation, it was determined that the domestic production branch could not increase its unit sales prices sufficiently in the examined period and, accordingly, experienced deteriorations in its profitability.

(17) In the period 1/1/2021 - 31/12/2023, deterioration in the basic economic indicators of the domestic production branch such as production, domestic sales amount, stock amount and stock value, product cash flow, capacity utilization rate and market share of the product under investigation It is seen that unit profitability from domestic sales will decrease significantly in 2023.

(18) In the light of the evidence presented at the application stage and the findings made based on the data in the Ministry's statistical database regarding imports, it is concluded that the allegedly dumped imports originating from the PRC, Chinese Taiwan , South Korea, India, Russia and Thailand cause material damage to the economic indicators of the domestic production branch. It was evaluated that it opened.

Decisions and actions

ARTICLE 8- (1) As a result of the examination, it was understood that there was sufficient information, documents and evidence to open a dumping investigation, and by the decision of the Unfair Competition in Import Evaluation Board, the Regulation was made for the product subject to the application originating from the PRC, Chinese Taiwan , South Korea, India, Russia and Thailand. It was decided to open a dumping investigation within the framework of Article 20 .

Market economy assessment

ARTICLE 9- (1) If the manufacturer or producers located in the PRC and subject to investigation prove with sufficient evidence within the periods specified in Article 12 that market economy conditions are valid in the production and sale of the product subject to investigation within the framework of the criteria set out in Additional Article 1 of the Regulation, this producer or producers In determining the normal value for producers, Article 5 of the Regulation applies, otherwise the provisions of Article 7 of the Regulation apply . In case the provisions of Article 7 of the Regulation are implemented, it is envisaged that Turkey will be selected as a precedent country implementing a market economy for the said country.

Notification of the opening of an investigation to relevant parties

ARTICLE 10- (1) In accordance with Article 23 of the Regulation, the exporter of the goods subject to investigation, the foreign producer, the importer, the professional organizations whose members are the majority of them, the government of the exporting country, the producer of the similar goods in Turkey, the professional organizations whose members are the majority of the producers of the similar goods in Turkey. organizations are considered interested parties. However, those who report themselves to the competent authority by answering the questionnaires or presenting their opinions within the periods specified in Article 12 are considered as relevant parties in the investigation .

(2) Following the opening of an investigation, notification is made regarding the opening of the investigation to known producers/exporters located in the countries subject to investigation, to the Embassies of the countries subject to investigation in Ankara, and to known importers of the product subject to investigation specified in the application and determined by the Ministry.

(3) The notification includes information about the investigation opening notification, the non-confidential summary of the application and access to the questionnaires.

(4) Other relevant parties to whom a notification cannot be sent or who have not received a notification can obtain information regarding the investigation from the Ministry's website with the extension "https://www.ticaret.gov.tr/imthalat" under "Trade Policy Defense Tools", "Dumping and Subsidy", respectively. You can access the relevant title of the investigation by following the "Investigations" tabs.

The competent authority requests the relevant parties to present their opinions and answers.

ARTICLE 11- (1) The investigation is carried out by the General Directorate whose contact information is given below.

Turkish Ministry of Commerce
General Directorate of Imports
Dumping and Subsidy Department
Address: Söğütözü Mah. Nizami Gencevi Caddesi No:63/1 06530 Çankaya/ANKARA
Tel: +90 312 204 75 00

(2) In the investigation, "companies, institutions and organizations established in Turkey" send their answers to the questionnaires and their official opinions from their own KEP addresses to the Ministry's KEP address below.

KEP address: comercebakanligi@hs01.kep.tr

(3) In the investigation, "companies, institutions and organizations resident abroad" send their answers to the questionnaires and their official opinions in writing, and the attachments regarding their answers to the questionnaire and their official opinions only in electronic form (via CD/USB) to the mailing address of the Ministry. Questionnaire answers, official comments and their attachments are also sent to the EBYS e-mail address below.

EBYS e-mail address: ithebys@ticaret.gov.tr

(4) Written and verbal communication regarding the investigation is made in Turkish. Except for responses to the questionnaire, any information, documents, opinions and requests submitted in a language other than Turkish will not be taken into consideration.

(5) The answers given to the questionnaire by the relevant parties and other information, documents, opinions and supporting evidence presented regarding the investigation are submitted in writing unless otherwise stated. In written presentations, the names and titles, address information, e-mail addresses and telephone numbers of the relevant parties are stated. "Those who wish to become interested parties from companies, institutions and organizations established in Turkey" must also state their KEP addresses in their written presentations.

(6) Apart from the information requested in the questionnaire, relevant parties may submit other information, documents and opinions thought to be relevant to the investigation, together with supporting evidence, to the General Directorate in writing within the period specified in the second paragraph of Article 12 .

(7) During the investigation, a non-confidential summary of all information, documents and opinions given under the condition of confidentiality within the framework of the second paragraph of Article 22 of the Regulation is submitted . The non-confidential summary shall be in detail that will allow a reasonable understanding of the essential information. Relevant parties may state that, in exceptional cases, this information cannot be summarized. In such exceptional cases, the reasons why the information cannot be summarized must be stated.

Durations

ARTICLE 12- (1) The response time to the questionnaire for all relevant parties to whom the notification specified in the second paragraph of Article 10 is sent is 37 days, including postal time, from the date of sending the notification regarding the opening of the investigation.

(2) Relevant parties to whom the notification in the fourth paragraph of Article 10 could not be sent shall submit their answers to the questionnaire and their opinions regarding the investigation within 37 days starting from the date of publication of this Communiqué.

(3) Other domestic and foreign parties who claim that they may be affected by the outcome of the investigation and who are excluded from the first paragraph of Article 10 may present their opinions during the investigation process, as of the date of publication of this Communiqué, in a way that does not affect the course of the investigation.

non-cooperation

ARTICLE 13- (1) Within the framework of the provision of Article 26 of the Regulation , in cases where one of the relevant parties does not provide the necessary information and documents within the given periods and in the requested form, or refuses access to this information and documents, or is understood to hinder the investigation, or provides false or misleading information, the party in question is deemed to have failed to cooperate. In such cases, provisional or final determinations within the scope of the investigation can be made, positively or negatively, based on available data.

(2) If the relevant parties do not cooperate or partially cooperate, the outcome of the investigation may be less advantageous for the party in question than if they cooperate.

Taking temporary measures and applying the measures retroactively

ARTICLE 14- (1) In accordance with the relevant provisions of the Law and the Decision, it may be decided to apply interim measures during the investigation and definitive measures may be applied retroactively.

Start date of the investigation

ARTICLE 15- (1) The investigation is deemed to have started on the date of publication of this Communiqué.

Force

ARTICLE 16- (1) This Communiqué shall enter into force on the date of its publication.

Executive

ARTICLE 17- (1) The provisions of this Communiqué shall be enforced by the Minister of Trade.