

NOTIFICATION

From the Ministry of Commerce:

**NOTIFICATION ON PREVENTION OF UNFAIR COMPETITION IN IMPORTS
(NOTIFICATION NO: 2024/25)**

Purpose and scope

ARTICLE 1- (1) The purpose of this Communiqué is to regulate the production of industrial wastes by the domestic manufacturer Sasa Polyester Industry Inc. and by Koza Polyester Industry and Trade Inc., Ertona Textile Inc., Yerpak Recycling Fiber Industry Trade Inc., Eurofiber Textile Plastic Fiber Tourism Packaging Waste Recycling Industry and Trade Ltd. Co., Yılmaz Packaging Waste Recycling Industry and Trade Ltd. Co., Ecofiber Fiber Industry Trade Ltd. Co., Akipek Polyester Fiber Food Industry Inc., Pakistan Polyester Industry and Trade Inc., Ritas Chemical and Textile Industry Trade Inc., Cappadocia Pet Packaging Sheet Fiber Industry Trade Ltd. Co. and Atafiber Plastic Energy Industry Trade Inc. The aim of this investigation is to open a final review investigation regarding the definitive anti-dumping measure in force against imports of "polyesters" (polyester fiber) registered under the customs tariff statistical position 5503.20.00.00.00 originating from Taiwan, the Republic of India and the Kingdom of Thailand, and to determine the procedures and principles of the investigation.

Rest

ARTICLE 2 - (1) This Communiqué has been prepared based on the Law on Prevention of Unfair Competition in Imports, dated 14/6/1989 and numbered 3577, the Decision on Prevention of Unfair Competition in Imports, put into effect by the Council of Ministers Decision, dated 20/10/1999 and numbered 99/13482, and the Regulation on Prevention of Unfair Competition in Imports, published in the Official Gazette, dated 30/10/1999 and numbered 23861.

Definitions

ARTICLE 3 - (1) In this Communiqué;

- a) Ministry: Ministry of Commerce,
- b) CIF: Delivery including costs, insurance and freight,
- c) EBYS: Electronic document management system,
- c) General Directorate: General Directorate of Import of the Ministry,
- d) GTIP: Customs tariff statistics position,
- e) GTP: Customs tariff position,
- f) India: The Republic of India,
- g) KEP: Registered e-mail address,
- g) NGGS: Final review investigation,
- h) Thailand: The Kingdom of Thailand
- i) TGTC: Turkish Customs Tariff Schedule Divided into Statistical Positions,
- i) Regulation: Regulation on 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 in question is a "polyester" (polyester fiber) registered under the GTIP 5503.20.00.00.00 originating from India, Thailand and Chinese Taiwan.

(2) The GTIP in question is provided for informational purposes only and is not binding.

(3) Changes to the tariff position and/or goods description of the product under investigation in the TGTC do not prevent the application of the provisions of this Communiqué.

Representative nature of the application

ARTICLE 5 - (1) From the evidence presented at the application stage, it was understood that the application made by the domestic manufacturer Sasa Polyester Sanayi A.Ş., which is understood to be representative of the domestic production sector within the framework of Article 18 of the Regulation, was made on behalf of the domestic production sector in accordance with Article 20 of the Regulation. In this context, the company in question will be referred to as the "domestic production sector" in the relevant sections of this Communiqué.

Current measure

ARTICLE 6 - (1) With the Communiqué on Prevention of Unfair Competition in Imports (Communiqué No: 2003/14) published in the Official Gazette dated 29/7/2003 and numbered 25183, anti-dumping measures were put into effect against imports of "polyesters" (polyester fiber) registered under GTP 5503.20, at rates varying between 16.5% and 23.9% of the CIF price, depending on the company, against those of Indian origin, at rates varying between 15.8% and 22% of the CIF price, depending on the company, against those of Thai origin, and at rates varying between 6.4% and 20.1% of the CIF price, depending on the company, against those of Chinese Taiwan origin.

(2) As a result of the first NGGS, which was concluded with the Communiqué on Prevention of Unfair Competition in Imports (2009/13) published in the Official Gazette dated 18/4/2009 and numbered 27204, it was decided that the anti-dumping measure in force for imports of "polyesters" (polyester fiber) registered under GTP 5503.20 would continue to be applied in the same manner.

(3) As a result of the second NGGS, which was concluded with the Communiqué on Prevention of Unfair Competition in Imports (Communiqué No: 2014/37) published in the Official Gazette dated 13/11/2014 and numbered 29174, it was decided that the anti-dumping measures applied to the product "polyesters" (polyester fiber) registered under the GTIP number 5503.20.00.00.00 originating from the aforementioned countries would continue to be applied in the same manner.

(4) Finally, as a result of the third NGGS, which was concluded with the Communiqué on Prevention of Unfair Competition in Imports (Communiqué No: 2019/26) published in the Official Gazette dated 4/8/2019 and numbered 30852, it was ruled that the anti-dumping measures applied to the product of "polyesters" (polyester fiber) registered under the GTIP 5503.20.00.00.00 originating from the aforementioned countries will continue to be applied by changing the rates between 8.5% and 12% of the CIF price against imports of products originating from India, 12% of the CIF price against imports of products originating from Thailand, and 6.4% to 12% of the CIF price against imports of products originating from Taiwan, depending on the company.

(5) On the other hand, the product in question is also subject to a safeguard measure within the scope of the Decree on the Implementation of Safeguard Measures in Polyester Fiber Imports, which was put into effect by the Presidential Decree dated 23/8/2021 and numbered 4412, and in accordance with the Communiqué on the Prevention of Unfair Competition in Imports (Communiqué No: 2021/44) published in the Official Gazette dated 8/9/2021 and numbered 31592, it has been decided to suspend the part of the existing anti-dumping measures equal to the safeguard measure as long as the safeguard measure remains in force.

Reason

ARTICLE 7 - (1) In accordance with the second paragraph of Article 35 of the Regulation, it has been announced through the Communiqué on Prevention of Unfair Competition in Imports (Communiqué No: 2024/6) published in the Official Gazette dated 1/2/2024 and numbered 32447 that the current measure will be repealed and that the domestic producer or producers of the relevant product may request the opening of an NGGS with an application supported by sufficient evidence within the periods stipulated in the legislation.

(2) As a result of the examination of the application submitted by the domestic production sector following the aforementioned announcement, it was understood that there was information, documents and evidence that would justify the opening of an NGGS regarding the possibility of dumping and damage continuing or reoccurring in the event that the implemented anti-dumping measure was repealed.

Decision and actions

ARTICLE 8 - (1) As a result of the examination, it was understood that there was sufficient information, documents and evidence to open an NGGS, and with the decision of the Unfair Competition in Import Assessment Board, it was decided to open an NGGS within the framework of Article 35 of the Regulation for the import of "polyesters" (polyester fiber) registered under the GTIP 5503.20.00.00.00 originating from India, Thailand and Chinese Taiwan.

Notification of the opening of the investigation to the relevant parties

ARTICLE 9 - (1) Pursuant to Article 23 of the Regulation, the exporter, foreign producer, importer of the product in question, professional organizations whose members are mostly composed of these, the government of the exporting country, the producer of similar goods in Turkey, professional organizations whose members are mostly composed of producers of similar goods in Turkey are considered as relevant parties. However, those who report themselves to the competent authority by answering the questionnaires or presenting their opinions within the periods specified in Article 11 are considered as relevant parties in the investigation.

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

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

(4) Other interested parties who were not notified or did not receive the notification can access information about the investigation from the Ministry's website at the extension " <https://www.ticaret.gov.tr/ithalat> " by following the tabs "Trade Policy Defense Tools", "Dumping and Subsidy", "Investigations" respectively, under the relevant heading of the investigation.

The competent authority shall request the relevant parties to submit their views and responses.

ARTICLE 10 - (1) The investigation is carried out by the General Directorate, whose contact information is given below.

Ministry of Commerce of the Republic of Turkey

General Directorate of Imports

Bureau of Dumping and Subsidies

Address: Söğütözü Neighborhood, Nizami Gencevi Street, No:63/1 06530 Çankaya/ANKARA

Phone: +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: ticaretbakanligi@hs01.kep.tr

(3) In the investigation, “companies, institutions and organizations established abroad” shall send their answers to the questionnaires and their official opinions in writing, and the attachments related to the questionnaire answers and their official opinions shall be sent only electronically (via CD/USB) to the Ministry’s postal address. The questionnaire answers, official opinions and their attachments shall also be sent to the EBYS e-mail address below.

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

(4) Written and verbal communication regarding the investigation shall be conducted in Turkish. Except for responses to the questionnaire, any information, document, opinion or request submitted in a language other than Turkish shall not be taken into consideration.

(5) The answers given to the questionnaire by the relevant parties, other information, documents, opinions and supporting evidence submitted regarding the investigation shall be submitted in writing unless otherwise stated. In written submissions, the names and titles of the relevant parties, their address information, e-mail addresses and telephone numbers shall be stated. In written submissions by “companies, institutions and organizations established in Turkey that wish to become relevant parties”, their own KEP addresses shall also be stated.

(6) Interested parties may submit to the General Directorate, in writing, any other information, documents and opinions deemed relevant to the investigation, in addition to the information requested in the questionnaire, together with supporting evidence, within the period specified in the second paragraph of Article 11.

(7) A non-confidential summary of all information, documents and opinions provided under confidentiality within the framework of the second paragraph of Article 22 of the Regulation during the investigation shall be provided. The non-confidential summary shall be in a detail that will allow the main information to be understood to a reasonable extent. In exceptional cases, the parties concerned may state that this information cannot be summarized. In such exceptional cases, the reasons for the information not being summarized must be stated.

Durations

ARTICLE 11 - (1) The period for answering the questionnaire for all relevant parties to whom the notification specified in the second paragraph of Article 9 was sent is 37 days, including the postal period, from the date on which the notification regarding the opening of the investigation was sent.

(2) The relevant parties to whom the notification referred to in the fourth paragraph of Article 9 could not be sent shall submit their answers to the questionnaire and their opinions regarding the investigation within a period of 37 days starting from the date of publication of this Communiqué.

(3) Other domestic and foreign parties, other than those in the first paragraph of Article 9, who claim that they may be affected by the outcome of the investigation may submit their views during the investigation process, as of the date of publication of this Communiqué, in a manner that will not affect the flow of the investigation.

Failure to cooperate

ARTICLE 12 - (1) In accordance with the provisions of Article 26 of the Regulation, if one of the parties fails to provide the necessary information and documents within the given time periods and in the requested form, or refuses access to such information and documents, or is understood to have obstructed 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 may be made, positively or negatively, based on the available data.

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

Implementation of the measure in force

ARTICLE 13 - (1) The measure in force pursuant to Article 35 of the Regulation shall remain in force until the investigation is concluded.

Start date of investigation

ARTICLE 14 - (1) The investigation is deemed to have started on the date of publication of this Communiqué.

Force

ARTICLE 15 - (1) This Communiqué shall enter into force on the date of its publication.

Executive

ARTICLE 16 - (1) The Minister of Trade shall execute the provisions of this Communiqué.