

Quarterly Update on Trade Defense Cases in Turkey (September 2018)

Authors: Gönenç Gürkaynak, Esq., Ceren Yıldız, Sinem Uğur and Nazlı Gürün of ELIG Gürkaynak Attorneys-at-Law

After Turkey's recent change to executive presidency, the President has made some changes in the government system. Accordingly, instead of the previous two ministries that have been the Ministry of Customs and Trade and the Ministry of Economy, there will be only one Ministry of Trade. As a result, through the Presidential Decree on Presidential Organization No. 1 published on 10.07.2018, the Ministry of Trade (the "Ministry") now has the authority to initiate dumping or subsidy examinations, upon complaint or, where necessary, *ex officio*. Although the General Directorate of Imports is now affiliated with the Ministry of Trade, the recent changes remain at a ministerial level and the Board of Evaluation of Unfair Competition in Imports (within the General Directorate of Imports) is yet responsible for resolving matters with respect to actions and measures to be taken with the aim of protecting an industry against damage caused by dumped and/or subsidized imports in case of unfair competition. During the third quarter of 2018, the Ministry has initiated a number of anti-circumvention investigations and announced its decisions upon concluding several of the ongoing expiry review investigations. As in the past, the Ministry has announced its decisions with the communiqués published on the Official Gazette.

Below is a bullet-point summary of the status of the trade defense cases initiated, concluded or amended during the 3rd quarter of 2018:

- *Communiqué No. 2018/27 dated August 15th, 2018 concerning the withdrawn application regarding imports of terephthalic acid originating from Republic of Korea, Spain and Belgium:*

The Ministry announced its decision regarding the withdrawal of the application within the investigation term in relation to the imports of terephthalic acid classified under the CN Code 2917.36.00.00.11 originating from Republic of Korea, Spain and Belgium. Accordingly, the Ministry decided to conclude the anti-dumping investigation without applying any anti-dumping duties.

- *Communiqué No. 2018/28 dated September 5th, 2018 concerning several imports originating from People's Republic of China:*

The Ministry announced its decision upon the completion of the expiry review in relation to the current dumping measures on imports of chrome fire brick, classified

under the CN code 6902.10.00.10.11, magnesite fire brick classified under the CN code 6902.10.00.10.12, chrome magnesite fire brick classified under the CN code 6902.10.00.10.13 and magnesite, dolomite or chrome based (except dolomite based; magnesium oxide based, 3 to 30 millimeter thick building panels) classified under the CN code 6815.91 originating from People's Republic of China. Accordingly, the Ministry decided to apply an anti-dumping duty of 145 USD/m³ on the above imports originating from People's Republic of China.

- *Communiqué No. 2018/33 dated September 7th, 2018 concerning the imports of woven fabrics of synthetic filament yarn under the CN Code 54.07 and woven fabrics of synthetic yarn or artificial staple fibers under CN Codes 55.13, 55.14, 55.15 and 55.16 originating from Greece:*

Currently, anti-dumping duties are imposed to the imports of woven fabrics of synthetic filament yarn under the CN Code 54.07 originating from People's Republic of China, South Korea, Malaysia, Thailand and Taiwan as per the Communiqué No. 2015/3 and to the imports of woven fabrics of synthetic yarn or artificial staple fibers under CN Codes 55.13, 55.14, 55.15 and 55.16 originating from People's Republic of China as per the Communiqué No. 2013/10. After the completion of anti-circumvention investigations, the Ministry decided to include (i) the Philippines with respect to products under the CN Code 54.07 (see Communiqué No. 2006/30), (ii) Bulgaria with respect to products under the CN Code 54.07, and CN Codes 55.13, 55.14, 55.15 and 55.16 (see Communiqués No. 2015/41 and 2015/40 respectively) and (i) Poland with respect to products under CN Codes 55.13, 55.14, 55.15 and 55.16 (see Communiqué No. 2015/40). With the Communiqué No. 2018/33 dated September 7th, 2018, the Ministry initiated an anti-circumvention investigation regarding the imports of woven fabrics of synthetic filament yarn and woven fabrics of synthetic yarn or artificial staple fibers originating from Greece.

- *Communiqué No. 2018/29 dated September 8th, 2018 concerning the imports of polyester textured yarn (polyester) originating from Republic of India and Chinese Taipei:*

The Ministry announced its decision upon the completion of the expiry review in relation to the current dumping measures on imports of polyester textured yarn (polyester), classified under the CN code 5402.33 originating from Republic of India and Chinese Taipei. Accordingly, the Ministry decided to apply the anti-dumping duty at a rate of 20.3% on imports of polyester textured yarn originating from Republic of India, excluding fourteen companies for which the Ministry decided to apply anti-dumping duties at lower rates differentiating from 6.8% to 14.1%; and at a rate of 28.6% on imports of polyester textured yarn originating from Chinese Taipei, excluding five companies for which the Ministry decided to apply anti-dumping duties at rates differentiating from 9.9% to 18.9%. One of the companies located in Chinese

Taipei (Yi Jinn Industrial Co. Ltd.) that has cooperated with the Ministry was also excluded from the other companies in Chinese Taipei but has received a duty of 28.6% anyway as the dumping margin calculation particular for Yi Jinn Industrial Co. Ltd. resulted also in a 28.6% duty necessity.

- *Communiqué No. 2018/30 dated September 8th, 2018 concerning the imports of unvulcanized rubber yarn and fabric originating from Thailand:*

The Ministry announced its decision upon the completion of the expiry review in relation to the current dumping measures on imports of unvulcanized rubber yarn and fabric, classified under the CN code 4007.00 originating from Thailand. Accordingly, the Ministry decided to continue to apply the anti-dumping duty at a rate of 8.75% on imports of unvulcanized rubber yarn and fabric originating from Thailand, with the exception of one company for which the Ministry decided to apply an anti-dumping duty at a rate of 4.37%.

- *Communiqué No. 2018/32 dated September 8th, 2018 concerning the imports of products classified as “others (Electric, Storage Water Heater)” originating from People’s Republic of China, Italy and Serbia:*

The Ministry initiated an expiry review in relation to the current dumping measures on imports of products classified as “others (Electric, Storage Water Heater)” under the CN Code 8516.10.80.00.19 originating from People’s Republic of China, Italy and Serbia.

- *Communiqué No. 2018/31 dated September 26th, 2018 concerning the imports of products classified as “glass fiber-reinforced materials” originating from Egypt:*

The Ministry announced its decision upon the completion of the anti-dumping investigation on products classified as “glass fiber-reinforced materials” defined as “glass reinforced and trimmed yarns shorter than 50 millimeters” under the CN code 7019.11.00.00.00, “cords” under the CN code 7019.12.00.00.00, “of filaments” under the CN code 7019.19.00.00.00, “of discontinuous fibers” under the CN code 7019.19.90.00.00, “reinforcement layers” under the CN code 7019.31.00.00.00, “of weavable fibers (except pipe and tube isolation molds and covers)” under the CN code 7019.90.00.10.00 and “glass fiber mat” under the CN code 7019.90.00.30.00 originating from Egypt. Accordingly, the Ministry decided to conclude the anti-dumping investigation without applying any anti-dumping duties.

Article contact: Gönenç Gürkaynak, Esq.

Email: gonenc.gurkaynak@elig.com

(First published by Mondaq on October 10, 2018)