


FACTS AVAILABLE



Asuman KILIÇ TÜRKEŞ, Head of Section
Dumping and Subsidies Department
Ministry of Economy, TURKEY

Regional Workshop on Anti-Dumping for Asian Investigating Authorities
1-3 October 2016, New Delhi



Procedure

- WHO

- The Investigating Authority makes the decision and shares it

- WHEN

- If the decision made after the submissions - immediately notify the interested party
- If it is figured out during the verification- official report is signed, decision and notification is made after an evaluation at the department



Informing the Interested parties

- ▶ The possibility of facts available is shared
 - ▶ While sending the initial questionnaires
 - ▶ In deficiency letters
 - ▶ In verification letters
- ▶ And then in disclosures



When to Resort to Facts Available-1

- ▶ Late Submission
 - ▶ Submission of the questionnaire after the deadlines
 - ▶ Submission of some data in deficiency letters after the deadlines
- ▶ Partial/Incomplete Information
 - ▶ Is it possible to calculate the dumping margin (i.e Cost, sales info present-operating statistics or PNL is not)
 - ▶ General integrity
 - ▶ Lack of the supporting documentation



When to Resort to Facts Available-2

- ▶ Deliberately misleading info
 - ▶ May lead to non cooperation
- ▶ Mistakes made by the interested parties that effect the result
 - ▶ After the deficiency letters
 - ▶ During the verification



When to Resort to Facts Available-3

- ▶ Lack of submission by some entities
 - ▶ Importers
 - ▶ Traders
 - ▶ Related firms (i.e. Raw material suppliers, Distributors)
- ▶ Format issues
 - ▶ Language
 - ▶ Computerized response



When to Resort to Facts Available-4

- ▶ Inability to verify-because of whom?
 - ▶ Investigation authority
 - ▶ Interested party
 - ▶ «force majeure»



What data is used as Facts Available?

- ▶ If possible use data in their submission (i.e other types' averages)
- ▶ Use other parties data as well (i.e.other parties cost data by type)
- ▶ May use information provided in the application (i.e. product type or cost data)
 - ▶ We verify that data since dumping and injury is made both by the same department