

DOMINICAN REPUBLIC

Regulatory Commission of Unfair Practices in Trade and Safeguard Measures

Santo Domingo, National District

"Year of the Consolidation of Food Security"

December 23, 2020

 **306**

Ambassador

**Yesim Kebapcioğlu**

Diplomatic Representation of Turkey in the Dominican Republic

C / Los Laureles No. 29, Bella Vista, Santo Domingo

Your office.-

Subject: Notification Resolution No. CDC-RD-AD-004-2020 that approves the calendar of procedural actions in file no.  CDC-RD/AD/2010-008-RV2 on the sunset review of the anti-dumping measure on bars or rods for reinforcement of concrete, originating from Turkey.

Her Excellency Mrs. Ambassador:

We politely address your excellence with the objective of bringing to your knowledge, as well as to that of the related authorities of the government of Turkey, Resolution No. CDC-RD-AD-004-2020, dated twenty-three (23) of December of the year two thousand and twenty (2020), by means of which the calendar of procedural actions of file No. CDC-RD/ AD/2010-008-RV2 on the examination due to extinction of the anti-dumping duties on the  imports of steel bars or rods for concrete reinforcement, originating in Turkey, set through Resolution No. CDC-RD-AD-107-2011 of June 03, 2011 and maintained through Resolution No. CDC-RD-AD-025-2016 of November 30, 2016.

Without any other particular for the moment,

Sincerely,

**Paola Michelle Vásquez Medina**

President

RESOLUTION NO. CDC-RD-AD-004-2020

THAT APPROVES THE CALENDAR OF PROCEDURAL ACTIONS IN FILE NO. CDC-RD / AD / 2010-008-RV2 (EXAMINATION OF ANTI-DUMPING RIGHTS TO IMPORTS OF STEEL BARS OR RODS FOR CONCRETE REINFORCEMENT, ORIGINATING IN TURKEY APPLIED BY RESOLUTION NUM. CDC-RD-AD-1072011 JUNE 03 - 2011 AND MAINTAINED THROUGH RESOLUTION NUM. CDC-RD-AD-025-2016 OF NOVEMBER 30, 2016).

The Regulatory Commission on Unfair Trade Practices and on Safeguard Measures (hereinafter "Trade Defense Commission or CDC"), in the exercise of its legal powers conferred by Law No. 1-02 on Unfair Trade Practices and Safeguards Measures of the Dominican Republic of January 18, 2002 (hereinafter "Law No. 1-02") and the Regulations for the Application of Law No. 102 adopted in 2015, validly assembled after the call dictates the following Resolution:

1. Background:
2. On August 14, 2020, the company Gerdau Metaldom, S.A. requested the CDC to conduct a sunset review of the anti-dumping duties applied to the steel bars or rods identified and imported under tariff subheadings numbers 7213.20.90, 7214.10.00, 7214.20.00, originating in the Republic of Turkey, through Resolution No. CDC-RD-AD-107-2011 of June 3, 2011 and maintained through Resolution No. CDC-RD-AD-025-2016 dated November 30, 2016;
3. On August 26, 2020, through communication No. 162, the CDC requested the company Gerdau Metaldom, S.A. the clarification or supplementation of the information presented in your request for examination due to the expiration of anti-dumping duties, as well as the correction of some documents that were listed or mentioned in the inventory of documents, which were not in the confidential and non-confidential Form . In this sense, the CDC granted Gerdau Metaldom, S.A. a period of five (5) business days, in accordance with the provisions of paragraph I of article 31 of the Regulations for the Application of Law No. 1-02 on Unfair Trade Practices and Safeguard Measures;
4. On September 2, 2020, the company Gerdau Metaldom, S.A. responded to the previous request by presenting the information both in confidential and non-confidential versions, and in digital and physical format;
5. In order to proceed with the preparation of the initial technical report, the CDC once again requested additional information, as well as other clarifications from Gerdau Metaldom, SA, through communication No. 185 of September 15, 2020, to which the latter responded on September 22, 2020;
6. On October 14, 2020, the CDC issued Resolution No. CDCRD-AD-003-2020, by which the initiation of the sunset review of anti-dumping duties on imports of steel bars or rods was ordered. steel for concrete reinforcement originating in Turkey, applied by Resolution No. CDC-RD-AD-107-2011 of June 3, 201 1 and maintained by Resolution No. CDC-RD-AD-025-2016 of June 30 November 2016;
7. On October 14, 2020, the aforementioned resolution was notified to the interested parties that the CDC was aware of, and that the CDC also gave public notice of it in a copy of the newspaper El Caribe and was also published on the website CDC website, in accordance with the provisions of Article 34 of the Regulations for the Application of Act No. 1-02.

II. Considerations of the Plans by the CDC:

1. By virtue of Law No. 1-02, the CDC was created, as a decentralized state entity, with functional, jurisdictional and financial autonomy, its own patrimony and legal personality, with legal capacity to acquire rights and contract obligations and perform the acts and exercise the mandates provided for by the aforementioned Law and its Application Regulations;
2. Article I of Act No. 1-02 establishes the following: «Protection against unfair trade practices that threaten to cause or cause damage to national production, artificially divert trade flows, or artificially divert damage the confidence in which free trade is protected ”;
3. Among the attributions granted to the CDC by Law No. 1-02 in its article 84, numeral a) is the one to “carry out, at the request of the interested party or ex officio, all the investigations that the administration of this law and its regulations to determine, where appropriate, the application of “anti-dumping” duties, countervailing duties and safeguards ”.;
4. That in relation to on-site investigations, Article 63 of the Regulations for the Application of Act No. I -02 provides that: «During the course of the investigation, the CDC will ensure the accuracy and suitability of the information presented by the Accredited interested parties, for this, may verify the information and evidence presented in the course of the investigation, with prior authorization from the accredited interested parties who are determined to be verified. Verification visits will be conducted provided the consent of the accredited stakeholders is obtained. If the verification visit is not accepted, the CDC will act based on the facts available to it ";
5. However, and by virtue of the fact that the visits are not the only means of verifying the information, the Plenary of the CDC will be considering in due course the realization of the same, taking into account the conditions of the place and the safety of the workers and officials who would be participating in his execution, due to the Covid-19 pandemic;
6. On the other hand, the Regulation itself considers as a sine qua non element of the investigation, the holding of a public, oral and contradictory hearing. In this regard, it establishes in article 68 that: "The CDC will schedule a hearing at which all accredited interested parties may present their arguments";
7. In that sense, and once the verification of the information is completed, and after the hearing is held, the CDC must inform in writing all the accredited interested parties of the essential facts considered that serve as the basis for the final decision, at least thirty (30) days before the date set for said determination and safeguarding the confidentiality of certain information.
8. The CDC must guarantee due process and the right to defense of the interested parties accredited in the investigation procedures in matters of commercial defense in the Dominican Republic;
9. In accordance with the provisions of the paragraph of article 37 of Act No. 1-02, the CDC will make available to the accredited interested parties throughout the process the opportunity to examine all the pertinent information that has not been consigned confidentially, so that you can properly prepare your arguments;
10. That Article 47 of the Regulation for the Application of Law No. 1-02 establishes that: "During the investigations, all the accredited interested parties will have full opportunity to defend their interests, as well as the presentation of evidence and presentation of their opinions. To this end, the CDC will give all accredited interested parties, upon written request, the opportunity to meet with those parties that have opposing interests so that opposing theses and rebuttal arguments can be presented. to safeguard the confidential nature of the information ";
11. The Article 60 of the Regulation for the Application of Law No. 1-02 establishes that: «The period of presentation of evidence shall comprise from the day following the publication of the initiation of the investigation to five (5) business days before the holding the public hearing, without prejudice to the CDC's ability to request information at any stage of the procedure. However, if there are justified reasons, the CDC may extend the probationary period, safeguarding at all times the right of defense of all interested parties accredited in the procedure.

**Viewed:**

1. The Dominican Constitution dated June 13, 2015;
2. The Agreement on the Application of Article VI of the General Agreement on Tariffs and Trade of 1994 (Anti-Dumping Agreement);
3. Law No. 1-02 on Unfair Trade Practices and Safeguard Measures, of January 18, 2002;
4. Law No. 107-13 on the Rights of People in their Relationships with the Administration and Administrative Procedure, dated August 6, 2013;
5. The Regulations for the Application of Law No. 1-02 on Unfair Practices in Commerce and Safeguard Measures, dated November 1, 2015;
6. The Initiation Resolution No. CDC-RD-AD-003-2020, issued by the CDC on October 14, 2020;
7. File No. CDC-RD / AD / 2010-008-RV2, regarding the extinction examination of anti-dumping duties on imports of steel bars or rods for reinforcing hon • nigon, originating in Turkey, applied by Resolution No. CDC-RD-AD-107-201 1 of June 3, 201 1 and maintained by Resolution No. CDC-RD-AD-025-2016 of November 30, 2016.

**After deliberating the case, the Regulatory Commission on Unfair Practices in Trade and on Safeguard Measures resolves:**

**First: APPROVE the following Schedule of Procedural Actions of file No. CDC-RD / AD / 2010-008-RV2, related to the extinction examination procedure of anti-dumping duties on imports of steel bars or rods for concrete reinforcement, originating in Turkey, which consists of the following activities:**

1. **Possible information requirements and verification visits:**

l . The CDC will evaluate all the arguments and evidence presented by the accredited interested parties, so that the accredited interested parties may be requested to request additional information, as well as carry out verification visits if they are considered adequate due to the current sanitary conditions;

1. **Public Hearing:**

2. The public hearing will be held on April 6, 2021. However, no later than March 15, 2021, the CDC will publish the notice stating the time and place of the public hearing, as well as the rules that must be applied by all accredited interested parties who wish to participate in it;

1. Accredited interested parties who intend to appear at the public hearing shall notify the CDC of the names of the representatives and witnesses who will appear there at least five (5) business days before the date of the public hearing, this at least no later than March 29, 2021;
2. The accredited interested parties may present written arguments on any question they deem pertinent regarding the investigation at least five (05) business days before the date set for the holding of the public hearing, this no later than March 29, year 2021;
3. The information presented orally during the public hearing, in order to be taken into consideration, must be consigned in writing by the accredited interested parties within a period of no more than five (5) business days after the date of celebration. of this public hearing, this no later than April 13, 2021;
4. **Evidentiary period and final arguments:**
5. The period for presenting evidence to be taken into account in the investigation ranges from the day after the publication of the initiation of the investigation to five (5) business days before the public hearing of the process, by virtue of From the date scheduled for the public hearing, this period ends on March 29, 2021;
6. Once the evidence presentation period has concluded, the accredited interested parties will have ten (10) business days to present in writing to the CDC their conclusions on the merits or incidents that occurred during the procedure, this no later than the 13th of April of the year 2021;
7. **Essential Facts Report:**
8. In May 2021, the Essential Facts Report will be published;
9. **Final Technical Report and final resolution:**
10. In July 2021, the Final Technical Report will be published and the final resolution that will decide on the extinction examination of the anti-dumping duties applied to imports of steel bars or rods for concrete reinforcement, originating in Turkey;

**Second: NOTIFY this resolution to the interested parties accredited in this examination procedure;**

**Third: AUTHORIZE the executive director of the CDC to proceed with the publication of this resolution on the CDC website: www.cdc.aob.do.**

Thus, this resolution has been approved and signed by unanimous votes of the Regulatory Commission of Unfair Practices in Commerce and on Safeguard Measures, in the city of Santo Domingo de Guzmán, National District, capital of the Dominican Republic, today twenty-three (23) of the month of December of the year two thousand and twenty (2020).