



MOST URGENT
No. 0310/ 3442

Department of Foreign Trade
Ministry of Commerce
44/100 Nonthaburi 1 Rd.
Nonthaburi 11000, Thailand
Tel. (662) 547-4739
Fax. (662) 547-4741

๒) November 2007

Dear Mr. Spooner,

Re: Targeted Dumping in Antidumping Investigations – Request for Comments

Pursuant to the notice published in the Federal Register on 25 October 2007, the Royal Thai Government hereby informs the Department of Commerce of its observations with respect to the Department of Commerce's request for comments and suggestions on the development of a methodology for determining whether targeted dumping is occurring in antidumping investigations.

First, with respect to the use of certain standards or methods to show a "pattern" of price differences, the Royal Thai Government believes that setting a general standard to analyze whether targeted dumping is taking place is not appropriate. As each product or industry subject to an anti-dumping investigation is different by nature, the Royal Thai Government is of the opinion that the existence of targeted dumping is more appropriately examined on a case-by-case basis rather than through the application of a fixed test.

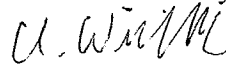
Second, and for the same reasons, the Royal Thai Government is of the opinion that no fixed threshold should be set to determine whether price differences are "significant". Again, each product or industry subject to an anti-dumping investigation has distinctive characteristics and setting a fixed threshold is therefore inappropriate to take these inherent differences into account. Indeed, while a small difference in prices can already be a "significant" difference for commodity products, the same difference in prices might not be "significant" for non-commodity products.

Finally, the Royal Thai Government would like to make the general observation that as a finding of targeted dumping allows the use of the exceptional comparison method of comparing a weighted average normal value with individual export transactions, the presence of targeted dumping needs to be interpreted restrictively. Moreover, even if targeted dumping is found, this does not mean that the two preferred comparison methods (weighted average to weighted average and transaction to transaction) cannot be used, since Article 2.4.2 of the WTO Anti-

Dumping Agreement explicitly provides that the weighted average to individual transactions comparison can only be used when an explanation is provided as to why such differences in prices cannot be taken into account appropriately by the two preferred comparison methods.

Should further information be required, please do not hesitate to contact us.

Yours sincerely,



(Mrs. Unchana Withayathamthat)
Deputy Director General

Mr. David Spooner
Assistant Secretary for Import Administration
US Department of Commerce
Central Records Unit, Room 1870
14th and Constitution Avenue, N.W.
Washington, DC 20230