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No. 56009/ 416

June 6, 2008

Mr. David M. Spooner
Assistant Secretary for Import Administration
US Department of Commerce
Central Records Unit, Room 1870
14th Street and Constitution Ave., NW
Washington, DC 20230

Subject: Proposed Methodology for Identifying and Analyzing
Targeted Dumping in Antidumping Investigations; Request for Comment

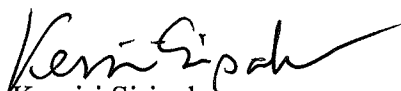
Dear Assistant Secretary Spooner,

Pursuant to the US Department of Commerce's ("the Department") request for public comment on its proposed methodology for identifying and analyzing targeted dumping in antidumping investigations published in the Federal Register Notice Vol. 73, No. 91 on Friday, May 9, 2008, the Office of Commercial Affairs hereby submits, in response to the Department's request, the attached comments as prepared by the Department of Foreign Trade, Ministry of Commerce of Thailand for your consideration.

As per the submission requirements stated in the Federal Register Notice, we have enclosed here a signed original and six copies of each set of comments and have also submitted a copy of the comment in electronic form via e-mail to webmaster-support@ita.doc.gov to accompany the required paper copies.

Please do not hesitate to contact us should you require any clarification or have any questions.

Sincerely,


Kessiri Siripakorn
Minister (Commercial)



MOST URGENT
No. 0310/ 1535

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Ministry of Commerce
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b June 2008

Dear Mr. Spooner,

Re: Targeted Dumping in Antidumping Investigations – Request for Comments

Pursuant to the notice published in the Federal Register on 9 May 2008, the Royal Thai Government [RTG] has the following observations and requests for clarification with respect to the US Department of Commerce's request for comments and suggestions for developing a methodology to determine whether targeted dumping is occurring in anti-dumping investigations.

First, in order to allow the RTG to meaningfully comment on the US Department of Commerce's proposed methodology to establish targeted dumping, the RTG respectfully seeks the following clarifications:

- In general, could the US Department of Commerce provide one or more detailed calculation examples for each of the stages and steps that are envisaged in the process? At the moment only one simplified example is provided for one step within the entire process. The rest of the proposal is drafted in the abstract and appears to be open to multiple interpretations. However, for each step in each stage of the calculation process a detailed calculation example would probably help understanding;
- More specifically, could the US Department of Commerce provide more details on the various aspects of its two-stage and multi-step approach in identifying a targeted customer? For example, but not enumerative:
 - For the first step of stage 1 (calculation of share of sales value of targeted customer), the US Department of Commerce proposes a standard deviation test to determine a price difference between the price of the PCN to the allegedly targeted customer and the weighted average price of the PCN to all customers. It is, however, unclear what exactly should be understood under such a standard deviation test and how this would be applied in practice. In addition, the RTG has

concerns that such a standard deviation benchmark may too easily be exceeded in a situation where the pool of transactions is larger and may therefore facilitate a finding of targeted dumping in situations of large exporters;

- For the second step of stage 1, the RTG would like to know the reasoning behind the Department of Commerce's current proposal to set the percentage of lower priced transactions of a PCN at a threshold of 33% of the overall sales to the customer concerned to establish whether there is a pattern;
- For the first step of stage 2 (calculation of a weighted-average price gap), the RTG would like to obtain additional information regarding the currently proposed threshold as to whether price differences are "significant". At the moment, the RTG is concerned that the proposed threshold is too low and will therefore be too easily met; and
- With respect to the final step in the significant difference test, the RTG would like to know the reasoning and background behind the Department of Commerce's current proposal to fix the threshold at 5%.

Second, the RTG would also like to receive additional information concerning the calculation of the dumping margin in a situation in which the Department of Commerce has established the existence of targeted dumping. More specifically, the RTG would appreciate clarification on the following issues:

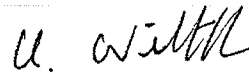
- How will the dumping margin be determined for an exporter for which the existence of targeted dumping is established? For example, will this be based on the weighted-average-to-individual-transaction for all transactions or only for those transactions for which targeted dumping is found?
- Will the establishment of a fixed methodology to establish the existence of targeted dumping have any impact on the current format of the anti-dumping questionnaire? If so, will this create additional obligations on exporters when replying to anti-dumping questionnaires and what would these additional obligations consist of?

Finally, as mentioned in the cover letter, in view of the technical complexities of the methodology proposed by the US Department of Commerce and the above questions that it has raised the RTG respectfully requests to be granted an opportunity to provide additional comments once clarification has been obtained from the US Department of Commerce on the issues set out in Annex I. In this light an extension to comment is sought until after the clarifications have been obtained. The RTG appreciates these clarifications and extension. In this light, any possible

comments from the RTG on the treatment of targeting of regions and time-periods are also withheld until more clarity is obtained on the above issues.

We hope our comments would be useful in determining whether targeted dumping is taking place in anti-dumping investigation. We are also looking forward to hearing from you regarding our request for further clarification.

Yours sincerely,



(Mrs. Unchana Withayathamthat)
Deputy Director-General
For Director-General

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