REPUBLIC OF TÜRKİYE
MINISTRY OF TRADE
Directorate General for Imports

On the Safeguard Investigation Concerning the Imports of "*Poly(ethylene Terephthalate)*"

August 28, 2026

VIEWS OF THE TURKISH GOVERNMENT ON THE INITIATION OF AN SAFEGUARD INVESTIGATION AGAINST, IMPORTS POLY (ETHYLENE TEREPHTHALATE) BY THE UNITED KINGDOM.

This document includes the views of the Government of Türkiye in accordance with Articles 2.1, 3.1, 4.1 and 4.2 of World Trade Organization (WTO) Agreement on Safeguards (hereinafter referred to as "AoS") regarding investigation of safeguard measures against imports of "Poly (Ethylene Terephthalate)" by the Trade Remedies Authority ("TRA") (hereinafter referred to as the "Investigating Authority")

1. General Remarks

Following the application lodged by domestic industry, in particular ALPEK Polyester Limited, (hereinafter referred to as the "the applicant" or "the domestic industry"), TRA has decided to initiate a safeguard investigation concerning imports of "Poly (ethylene Terephthalate) ("PET"). (falling under commodity codes: 3907.61.00 and 3907.69.00).

Pursuant to Article 12.1.(a) of AoS, TRA notified the Committee on Safeguards ("the Committee") of World Trade Organization ("WTO") concerning the initiation of the investigation on August 5, 2026.

Türkiye regrets the initiation of this investigation. Türkiye hereby would like to submit its comments to the application which is made by the domestic industry.

2. Bilateral Trade Between Türkiye and UK

Türkiye and the United Kingdom (UK) are close and long-standing trading partners. Our commercial relationship is governed by a Free Trade Agreement in force since 2021, under which industrial goods are fully liberalised[1]. Total merchandise trade between the two countries

[1] Free Trade Agreement between the United Kingdom of Great Britain and Northern Ireland and the Republic of Türkiye, signed on 29 December 2020.

amounted to USD 24.0 billion in 2025[2]. Bilateral trade has expanded by approximately 43 per cent since 2020.

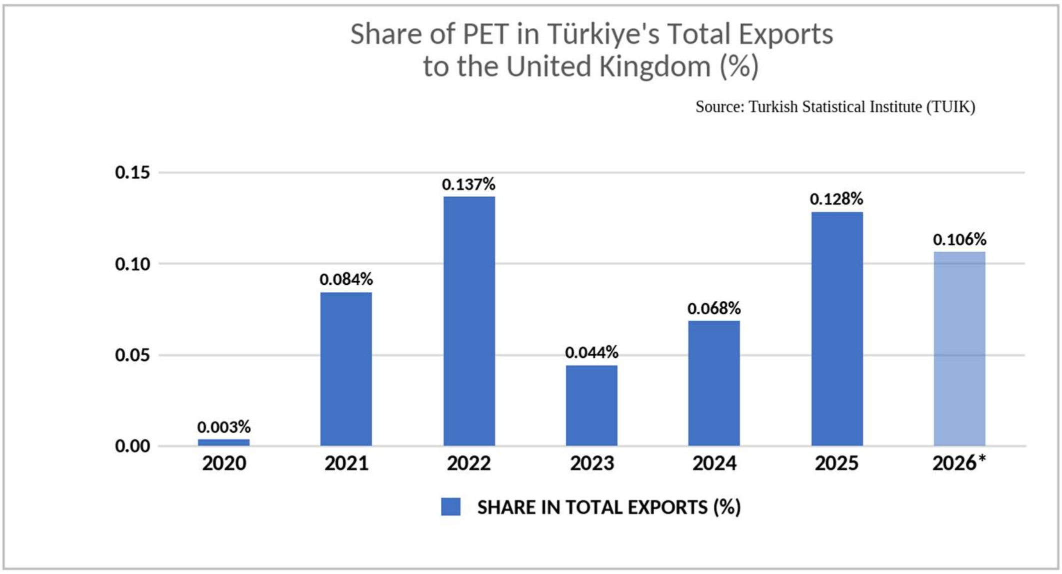
The two Parties are currently neTürkiyeiating an enhanced Free Trade Agreement. Five rounds of neTürkiyeiations have been concluded and eleven chapters have been closed to date, with a sixth round expected in the autumn of 2026[3]. This mutual commercial importance underscores the strategic nature of the bilateral economic relationship within the framework of the existing preferential trade arrangements.

Trade between Türkiye and the United Kingdom in the product under investigation is of marginal significance within that relationship. In 2025, Turkish exports of PET to the United Kingdom amounted to USD 21.5 million against total exports of USD 16.8 billion[4].

The same pattern is observed in volume terms. Export volumes fluctuated markedly from year to year, contracting to 4,500 tonnes in 2023 before recovering in subsequent years. Such variation is characteristic of a commodity market subject to shifting freight costs, feedstock prices and contract timing. It does not describe a steady and continuous increase in imports of the kind contemplated by Article 2.1 of the AoS.

Expressed as a share of the bilateral relationship, the product under investigation accounted for no more than 0.137 per cent of Türkiye's total exports to the United Kingdom in any year of the period examined[5]. Türkiye therefore submits that its exports cannot reasonably be characterised as a source of import pressure capable of causing serious injury to United Kingdom producers.

[2]Turkish Statistical Institute (TUIK).
[3]Department for Business and Trade, "Update following neTürkiyeiations on an enhanced FTA with Turkey", 8 July 2026.
[4]TUIK. Figures for 2026 cover part of the year only.
[5]TUIK.



Türkiye further recalls that, pursuant to Article 9.1 of the Agreement on Safeguards, a safeguard measure shall not be applied against a product originating in a developing country Member whose share of imports of the product concerned does not exceed 3 per cent, provided that developing country Members with less than 3 per cent import share collectively account for not more than 9 per cent of total imports of the product concerned. Türkiye is a developing country Member for the purposes of that provision. Türkiye requests that the TRA make the determination required by Article 9.1 and exempt Türkiye in this possible measure.

Should the TRA nevertheless recommend the imposition of a safeguard measure, Türkiye requests that any measure take the form of a tariff rate quota and that quota shares be allocated in accordance with Article 5.2(a) of the Agreement on Safeguards, on the basis of the proportions supplied by each exporting country during a previous representative period. Türkiye's share of United Kingdom imports of the product concerned fluctuated over the period examined, and any allocation that failed to reflect that development would not preserve the traditional trade flows that Article 5.2(a) is designed to protect. Türkiye further requests that any country-specific allocation be accompanied by a mechanism permitting the transfer of unused quota volumes, and that the measure provide for progressive liberalisation in accordance with Article 7.4.

3. Remarks on the Nature of Safeguard Measures

First and foremost, Türkiye would like to draw Investigating Authority's attention to the fact that safeguard measures are emergency actions to cope with urgent situations and are therefore subject to stringent prerequisites in very exceptional circumstances with the existence of "unforeseen developments.". In this regard, three basic requirements should be settled for applying safeguard measures, which can be classified as "**unforeseen developments**" "**increased imports**" and "**serious injury**". According to Article XIX of GATT 1994 and the pertinent WTO jurisprudence, the competent authorities are required to demonstrate that "unforeseen developments" have resulted in increased imports, which should be recent enough, sudden, sharp, and significant. In addition, safeguard measures can only be imposed on the basis of objective evidence following the demonstration of the existence of a causal link between increased imports of the product concerned and serious injury or threat thereof. Thereby, the AoS stipulates that any injury caused by factors other than the increased imports must not be attributed to such imports.

The second point worth noticing here is that, contrary to the remedial purposes of anti -dumping and countervailing duty measures against trade distorting practices, safeguard actions affect fairly imported products irrespective of their resource. For this reason, WTO jurisdiction differentiates between the concept of "serious injury" in the AoS and the concept of "material injury" contained in the Anti-Dumping Agreement (ADA) and the Agreement on Subsidies and Countervailing Measures (SCMA). In this sense, the Appellate Body in the U.S.-Lamb case specified that 'serious injury' in the AoS for the application of a safeguard measure has a much higher standard of injury compared to the concept of "material injury" for levying anti–dumping measures or countervailing duties under ADA and SCMA.[6] So Türkiye states that the examination of the injury in this safeguard investigation requires a stronger demonstration from the AD-CVD investigation prior to this investigation. From this perspective, when construing the prerequisites for implementing safeguard actions, the investigating authorities should demonstrate that the injurious conditions prevalent over the period of investigation are extraordinary.

[6] Appellate Body Report on US – Lamb; para.124

Regarding the term "threat of serious injury," the Appellate Body in U.S.–Lamb also noted that in order to constitute a "threat" the serious injury must be "clearly imminent" and the anticipated "serious injury" must be on the very verge of occurring.[7] In other words, the investigating authorities must use a very high standard of injury for the definition of "threat of serious injury", as well. Obviously, that is why a safeguard action is deemed to have peculiar characteristics.

Within this context, Türkiye requests the TRA to take into due consideration the concerns hereby raised and terminate this proceeding without any measures.

4. Remarks on Lack of Unforeseen Developments

Article XIX:1(a) of the General Agreement on Tariffs and Trade 1994 (GATT 1994) holds that: "*If, as a result of unforeseen developments … any product is being imported into the territory of that contracting party in such increased quantities and under such conditions as to cause or threaten serious injury to domestic producers …the contracting party shall be free, in respect of such product, and to the extent and for such time as may be necessary to prevent or remedy such injury, to suspend the obligation in whole or in part, or to withdraw or modify the concession*.".

The Appellate Body in Argentina – Footwear (EC) held that the Article XIX:1(a) requires that a product be imported '*in such increased quantities and under such conditions as to cause or threaten serious injury to domestic producers*' (emphasis added). In our view, the text of Article XIX:1(a) of the GATT 1994, demonstrates that safeguard measures were intended by the drafters of the GATT to be 'emergency actions.'

As clearly stated in the above-cited decision, a safeguard measure is an "extraordinary" remedy that can be applied in cases of developments that are "unforeseen" or "unexpected". However, despite the necessity of demonstrating unforeseen developments, the application only refer to unforeseen development as "*in that the increase was a result of unforeseen developments*[8]."

[7] Appellate Body Report on US – Lamb ; para.125
[8] Notice of initiation investigation no. Sg0094 page 4

Regulation 6 of the Trade Remedies (Increase in Imports Causing Serious Injury to UK Producers) (EU Exit) Regulations 2019 gives effect to that requirement in United Kingdom law: in assessing whether an increase in imports was foreseeable, the TRA may take account of, among other matters, changes in patterns of demand and increases in global capacity, and where the TRA determines that an increase was foreseeable, that increase is not to be treated as significant for the purposes of Regulation 5.

Notwithstanding the necessity of demonstrating unforeseen developments, the application states no more than that the increase was the result of unforeseen developments. The notification made to the Committee on Safeguards[9] identifies three factors said to constitute such developments: Russia's war in Ukraine; accelerated increases in excess global PET capacity; and fundamental changes to the PET resin market in Asia. None of them, individually or taken together, satisfies the standard set out above.

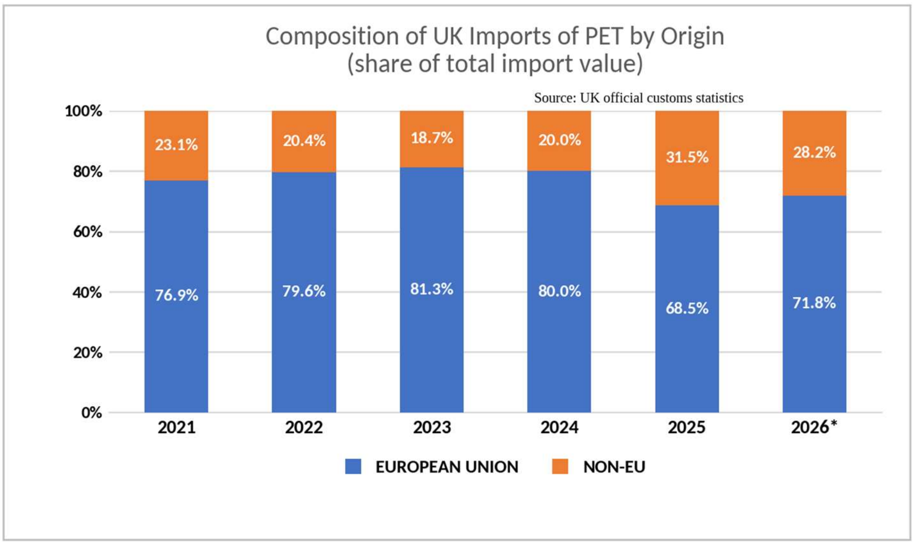
As regards the first claim, neither the Russian Federation nor Ukraine is a significant participant in international trade in the product concerned. ITC Trade Map data show that neither country accounts for a material share of exports and imports of goods falling within HS 3907.61 and 3907.69 to the United Kingdom or to the world. The application does not explain, and the notification does not disclose, by what mechanism a conflict between two countries that are not material suppliers of the product concerned is said to have caused an increase in imports of that product into the United Kingdom. In any event, the conflict commenced in February 2022 and had therefore been in existence throughout almost the entirety of the period of investigation. A development that has been continuously present, publicly known and extensively documented for more than four years cannot be characterised as unexpected. Article XIX:1(a) is directed at emergency situations; it is not engaged by conditions that have become an established feature of the operating environment.

As regards the other claim, the assertion is stated at a level of generality that does not permit assessment. The notification does not identify which changes are meant, in which markets they occurred, when they occurred, or how they are said to have caused imports into the United Kingdom to increase. An assertion in these terms cannot discharge the burden of

[9] Notification Under Article 12.1(A) Of The Agreement On Safeguards On Initiation Of An Investigation And The Reasons For It (dated: 5 August 2026 Number: G/SG/N/6/GBR/2)

demonstrating unforeseen developments as a factual matter. To the extent that the applicant's concern is directed at supply originating in Asian economies, that concern is neither novel nor unforeseen. Trade remedy measures (especially anti-dumping measures) on the product concerned are currently maintained by a number of Members against imports originating in, among others, China, Indonesia, Japan, the Republic of Korea, Malaysia, Oman, Pakistan, the United States and Viet Nam[10]. The existence of that body of measures demonstrates that the conditions now described as fundamental changes have been recognised, investigated and addressed by importing Members over an extended period, and were by any reasonable measure foreseeable. Türkiye is not subject to any such measure in respect of the product concerned, is accordingly not among the sources of supply whose conduct is said to have given rise to the developments relied upon, and the application discloses no basis on which exports originating in Türkiye could be said to form part of them.

The European Union has been the predominant source of supply to the United Kingdom market throughout the period of investigation, accounting for between 68.5 and 81.3 per cent of the value of imports in every year examined. In 2025, the final year of the period, imports originating in the European Union amounted to £225.6 million out of total imports of £329.2 million.



[10] https://ad-notification.wto.org/

Exporting country	2021	2025	Share 2021 (%)	Share 2025 (%)
European Union member States				
Lithuania	6,391	57,809	3.5	18.7
Belgium	4,743	36,523	2.6	11.8
Netherlands	81,808	29,876	44.5	9.7
France	9,487	21,286	5.2	6.9
Germany	9,982	20,482	5.4	6.6
Ireland	7,135	10,309	3.9	3.3
Spain	2,934	6,789	1.6	2.2
Sub-total, listed EU member States	**122,480**	**183,074**	**66.7**	**59.3**
Asian economies				
China	11,074	20,657	6.0	6.7
Viet Nam	537	13,514	0.3	4.4
India	225	9,665	0.1	3.1
Indonesia	3,834	9,298	2.1	3.0
Malaysia	—	3,638	0.0	1.2
Sub-total, listed Asian economies	**15,670**	**56,772**	**8.5**	**18.4**
Türkiye	**10,181**	**19,133**	**5.5**	**6.2**
Total imports, all origins	**183,753**	**308,914**	**100.0**	**100.0**

Origins listed are the principal individual suppliers within each group; the lists are not exhaustive and the sub-totals therefore do not represent the whole of each group.

Source: United Kingdom official customs statistics.

At this point, an important question is about *the time* in which a development should be/should have been foreseen. Regarding this issue, the Appellate Body in Korea – Dairy case concluded that emergency actions are to be invoked only in situations when, as a result of obligations incurred under the GATT 1994, an importing Member finds itself confronted with developments it had not 'foreseen' or 'expected' *when it incurred that obligation*[11]. From this perspective, since the tariff concessions on the chemical products concerned were discussed by the EU during the Uruguay Round (1986-1994), the time in which the UK should have foreseen the developments was the time of the Uruguay Round, i.e., 1986-1994.

Türkiye therefore submits that the application does not demonstrate the existence of unforeseen developments within the meaning of Article XIX:1(a) of the GATT 1994, and does

[11] See Appellate Body Report in Korea – Dairy, para. 86.

not establish the required causal connection between any such development and the increase in imports alleged. Türkiye requests that the TRA make the determination required by Regulation 6 and set out in its report the factual basis on which any finding of unforeseen developments is made. Hence, the pertinent investigations should be terminated immediately without imposing any measure.

5. Remarks on Volume of Imports

Article 2.1 of the AoS states that "*A Member may apply a safeguard measure to a product only if that Member has determined, pursuant to the provisions set out below, that such product is being imported into its territory in such increased quantities, absolute or relative to domestic production, and under such conditions as to cause or threaten to cause serious injury to the domestic industry that produces like or directly competitive products*.".

In U.S. – Wheat Gluten case, the Panel, when interpreting the phrase "in such increased quantities", held that "Article XIX:1(a) of the GATT 1994 and Article 2.1 of the AoS do not speak only of an 'increase' in imports. Rather, they contain specific requirements with respect to the quantitative and qualitative nature of the 'increase' in imports of the product concerned. Both Article XIX:1(a) of the GATT 1994 and Article 2.1 AoS require that a product is being imported into the territory of the Member concerned in such increased quantities (absolute or relative to domestic production) as to cause or threaten to cause serious injury. Thus, not just any increase in imports will suffice. Rather, we agree with the Appellate Body's finding in Argentina – Footwear that the increase must be sufficiently recent, sudden, sharp and significant, both quantitatively and qualitatively, to cause or threaten to cause serious injury."

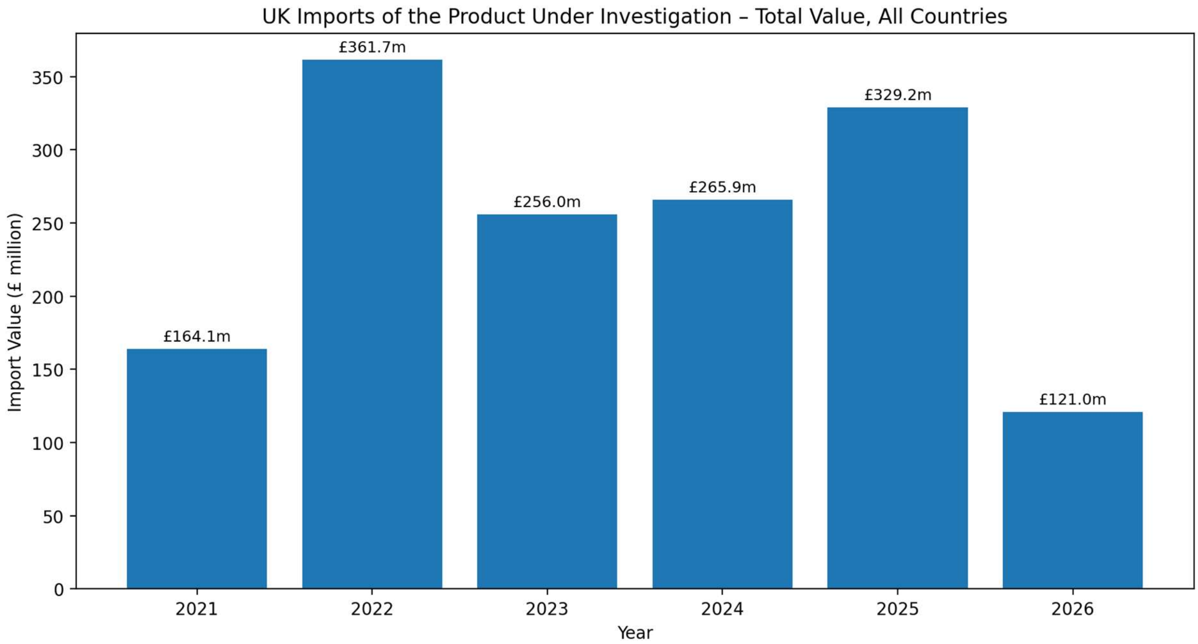
The above-referred decision clarifies that the correct application of Article 2.1 of the AoS, which sets the conditions for a member to apply a safeguard measure, stipulates an "increase" in imports which is not a mere rise but an increase which is "sufficiently recent, sudden, sharp and significant, both quantitatively and qualitatively, to cause or threaten to cause serious injury".

Furthermore, The Panel in Argentina – Footwear (EC) examined whether there is consistency with Articles 2.1 and 4.2(a) in a Member making a finding of increased imports on the basis of a comparison between the volume of imports at the starting-point of an investigation period and the volume of imports at the end of that period ("end-point-to-end-point-comparison"). The Panel, upheld in this respect by the Appellate Body, concluded that:

> *"[I]n assessing whether an end-point-to-end-point increase in imports satisfies the increased imports requirement of Article 2.1, the sensitivity of the comparison to the specific years used as the end-points is important as it might confirm or reverse the apparent initial conclusion. If changing the starting-point and/or ending-point of the investigation period by just one year means that the comparison shows a decline in imports rather than an increase, this necessarily signifies an intervening decrease in imports at least equal to the initial increase, thus calling into question the conclusion that there are increased imports.*
>
> *In other words, if an increase in imports in fact is present, this should be evident both in an end-point-to-end-point comparison and in an analysis of intervening trends over the period. That is, the two analyses should be mutually reinforcing. Where as here their results diverge, this at least raises doubts as to whether imports have increased in the sense of Article 2.1."*[12]

The TRA is required to consider the trends in imports over the entire period of investigation and should, in such a trend analysis, evaluate the most recent past in light of the longer-term trends. The petition focused its allegations on the end points between 2021 and 2025. As such, a demonstration of an increase in imports between any two points in time will not be sufficient to meet the requirement of Article XIX:1(a) of the GATT 1994 and Articles 2.1 and 4.2(a) of the AoS.

[12] (WTO Appellate Body Report, *Argentina – Footwear (EC)*, 1999, para. 129)



Source: United Kingdom official customs statistics.

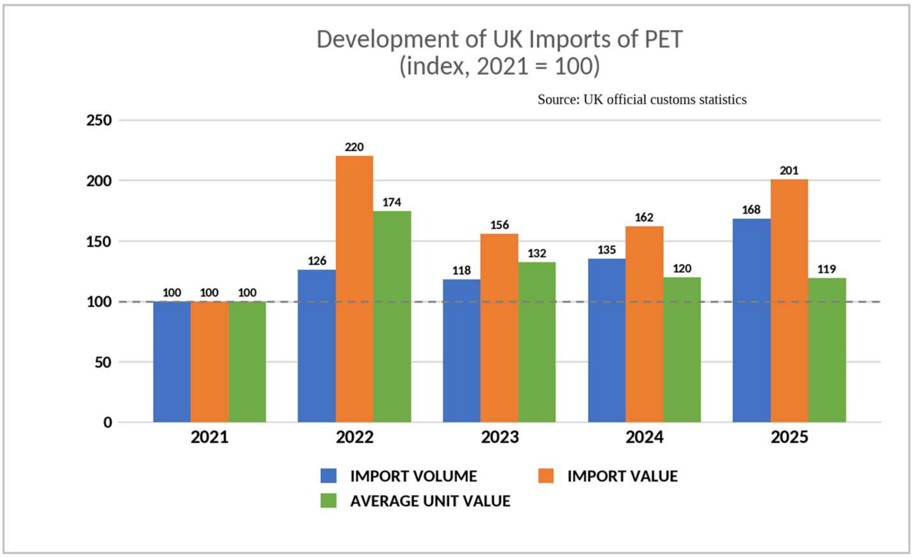
The applicant asserts that there have been clear, sustained and significant year-on-year increases in import volumes of the goods concerned into the United Kingdom, and the notice of initiation records that customs statistics at a six-digit commodity code level appear to support that claim. Even though it is not appeared on any of the initiation Türkiye submits that the official data[13] do not bear out that characterisation. Import volumes of goods falling within HS 3907.61.00 and 3907.69.00 into the United Kingdom stood at approximately 183,753 tonnes in 2021, rose to 232,116 tonnes in 2022, **fell to 216,697 tonnes in 2023**, recovered to 248,334 tonnes in 2024 and reached 308,914 tonnes in 2025. The trend is therefore neither sustained nor uniform: it includes a year-on-year contraction in the middle of the period of investigation. The position in value terms is more marked still. The value of United Kingdom imports of the goods concerned amounted to approximately £164.1 million in 2021, rose to £361.7 million in 2022, fell to £256.0 million in 2023, stood at £265.9 million in 2024 and reached £329.2 million in 2025. **The value of imports in 2025 therefore remained below the level recorded in 2022**, three years earlier. An assertion of clear, sustained and significant year-on-year increases cannot be reconciled with that record.

[13] https://www.uktradeinfo.com/

Indicator	2022	2023	2024	2025	2025 vs 2021
Total import volume	▲ +26.3%	▼ -6.6%	▲ +14.6%	▲ +24.4%	▲ +68.1%
Total import value	▲ +120.4%	▼ -29.2%	▲ +3.9%	▲ +23.8%	▲ +100.6%
Average unit value	▲ +74.4%	▼ -24.2%	▼ -9.4%	▼ -0.5%	▲ +19.3%
Imports from Türkiye, volume	▼ -3.5%	▼ -54.4%	▲ +13.0%	▲ +278.3%	▲ +87.9%
Share of Türkiye in total imports	▼ -23.6%	▼ -51.2%	▼ -1.4%	▲ +204.1%	▲ +11.8%

Source: United Kingdom official customs statistics.

The average unit value of imports likewise contradicts the characterisation advanced. Derived from the figures above, the average unit value of United Kingdom imports rose from approximately £893 per tonne in 2021 to £1,558 per tonne in 2022, before declining to £1,181 per tonne in 2023, £1,071 per tonne in 2024 and £1,066 per tonne in 2025. The elevated level recorded in 2022 could reflects the exceptional feedstock and energy costs prevailing in that year[14], and the subsequent decline reflects the normalisation of those costs. Movements in import values over the period of investigation are accordingly explained by input cost developments common to all producers, including United Kingdom producers, rather than by any change in the conditions under which imports enter the United Kingdom market.



Indicator	Unit	Peak year	Peak level	2025 vs peak
Total import value	*£ million*	**2022**	361.7	▼ -9.0%
Average unit value	*£ / tonne*	**2022**	1558.1	▼ -31.6%

[14] https://www.gov.uk/government/collections/quarterly-energy-prices#2022

Indicator	Unit	Peak year	Peak level	2025 vs peak
Total import volume	*thousand tonnes*	**2025**	308.9	▲ +0.0%

Source: United Kingdom official customs statistics.

The composition of imports is equally relevant to the assessment required by Article 2.1 of AoS. In 2025, imports originating in the European Union accounted for approximately £225.6 million of total imports of £329.2 million, or some 69 per cent by value. The great majority of United Kingdom imports of the goods concerned therefore originate in a single trading bloc with which the United Kingdom maintains preferential arrangements. As regards the increase recorded between 2024 and 2025, of the additional 60,580 tonnes imported in that year, approximately 17,997 tonnes were of Chinese origin and approximately 12,649 tonnes were of Omani origin. Those two origins alone account for slightly more than half of the increase relied upon.

The Omani figures warrant particular attention. Imports of Omani origin stood at approximately 692 tonnes in 2024 and rose to approximately 13,341 tonnes in 2025. The applicant's own audited financial statements for the year ended 31 December 2025 disclose that[15], during its force majeure shutdown, it procured PET resin from sister companies and competitors in order to maintain supply to its customers, and identify Octal SAOC FZC, an entity established in Oman[16], among the related parties from which it made purchases in the ordinary course of business. **Türkiye respectfully requests that the TRA establish what proportion of the increase in imports relied upon in the application is attributable to the applicant's own purchasing decisions, and that any such volumes be excluded from the assessment under Article 2.1.** Imports procured by the applicant itself cannot logically constitute imports causing serious injury to the applicant.

As regards the alternative test of an increase relative to domestic production, the applicant relies on production and sales data for the period 2021 to 2025. Those years include a period from October 2024 to March 2025 during which the applicant's plant was wholly shut down following a machinery breakdown for which it declared force majeure, and during which

[15] Alpek Polyester UK Limited Annual Report and Financial Statements For the year ended 31 December 2025 (Registered No. 07108602)
[16] https://www.chemeurope.com/fr/entreprises/1046496/octal-petrochemicals-llc-fzc.html

it lost its sole supply position with two of its principal customers[17]. Any increase in imports relative to domestic production in 2025 is therefore substantially attributable to a contraction in the denominator arising from the applicant's own operational failure, rather than to any change in the behaviour of exporting countries. An increase in a ratio produced in that manner does not evidence the emergency circumstances that Article XIX:1(a) and Article 2.1 are designed to address.

Fair review of the business

The company has incurred a loss for the year after taxation amounted to £8.1m (2024 – loss of £4.1m) mainly due to the market challenges across PET industry and a force majeure (FM) shutdown. At 31 December 2025, the company had net assets of £76.1 million (2024 – net assets of £83.5 million). Net current assets were £54.2 million (2024 – £60.5 million). Plant was shut down from Oct 2024 till March 2025 due to a force majeure on account of machinery breakdown. This has resulted in sharp decline in revenue on account of lower volumes sold, and diminished the margins due to high fixed costs.

Plant Activity:

Source: Alpek Polyester UK Limited Annual Report and Financial Statements For the year ended 31 December 2025 (Registered No. 07108602).

Plant Activity:

The company continued to drive the Safety Step Change programme that was introduced in 2022 to engage with employees and contractor teams. Unfortunately, during the year we had one reportable injury to an APUK employee. Environmental performance was, once again, excellent with no reportable environmental incidents.

Activities in 2025 focussed on the following key areas:

- LC1 Plant
  LC1 restarted production in March (after a force majeure due to a machinery breakdown) and has been performing very well, the plant made a combination of resin grades during the year.

- Sustainability
  We remain committed to increasing the levels of inclusion of recycled PET in our products. This is being achieved through a combination of development of our existing processes and review and investment in emerging solutions.

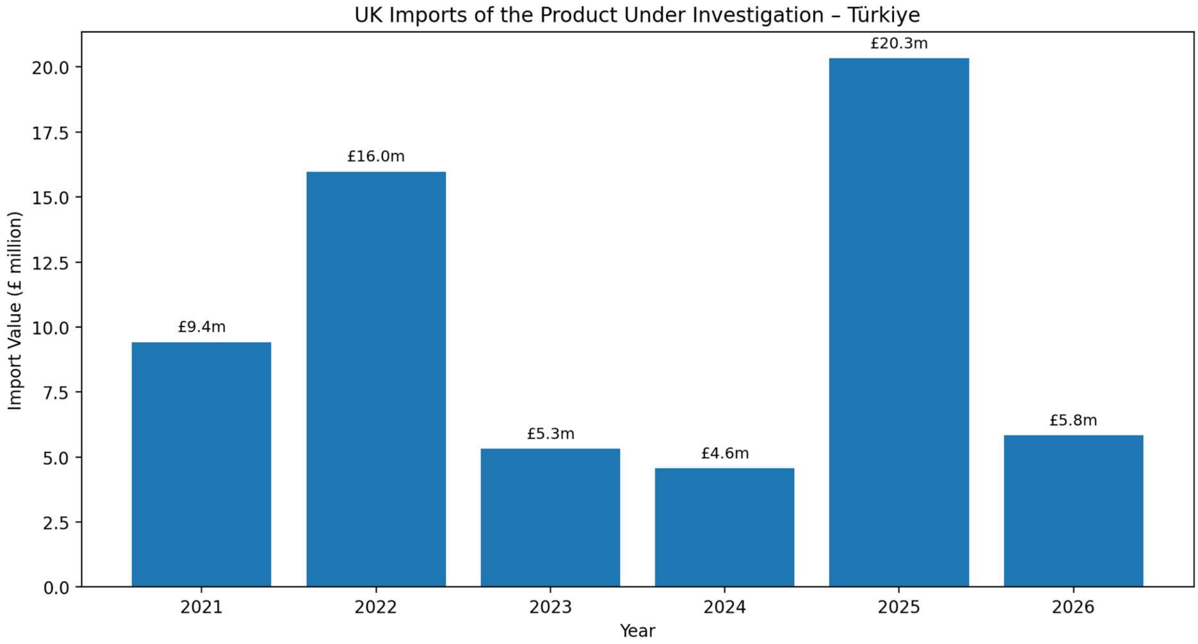
  The company continues its work in ensuring that all plastic pellet and powders at its site are contained and do not enter our rivers or the sea.

Commercial Activity:

The European PET industry faced another challenging year namely reduced consumer demand, more recycle

Source: Alpek Polyester UK Limited Annual Report and Financial Statements For the year ended 31 December 2025 (Registered No. 07108602).

[17] Alpek Polyester UK Limited Annual Report and Financial Statements For the year ended 31 December 2025 (Registered No. 07108602)



Source: United Kingdom official customs statistics.

Finally, imports originating in Türkiye do not exhibit the pattern alleged. Turkish exports of the goods concerned to the United Kingdom amounted to approximately 10,181 tonnes in 2021, 9,826 tonnes in 2022, 4,478 tonnes in 2023, 5,058 tonnes in 2024 and 19,133 tonnes in 2025. Expressed as a share of total United Kingdom imports, those volumes represent approximately 5.5 per cent in 2021 and approximately 6.2 per cent in 2025. **Türkiye's share of United Kingdom imports of the goods concerned is therefore substantially unchanged across the period of investigation**, notwithstanding the pronounced contraction recorded in the intervening years. Türkiye submits that a supplier whose relative position in the market is the same at the end of the period of investigation as at its beginning cannot be characterised as a source of the increase on which the application is founded.

6. Remarks on Injury Allegations and Causal Link

To begin with, Türkiye would like to draw attention to the fact that contrary to the remedial purposes of anti-dumping and countervailing duty measures against trade distorting practices, safeguard actions affect fairly imported products irrespective of their resource. For this reason, WTO jurisdiction differentiates the concept of "serious injury" in the AoS and the concept of "material injury" contained in the Anti-Dumping Agreement (ADA) and the

Subsidies and Countervailing Measures Agreement (SCMA). In this sense, the Appellate Body in US–Lamb specified that 'serious injury' in the AoS for the application of a safeguard measure has a much higher standard of injury when compared to the concept of 'material injury' for levying anti-dumping measures or countervailing duties under ADA and SCMA. From this perspective, when construing the prerequisites for implementing safeguard actions, the investigating authorities should demonstrate that the injurious conditions prevalent over the period of investigation are extraordinary.

Article 3.2 of the AoS holds that: *"(...) Parties providing confidential information may be requested to furnish non-confidential summaries thereof or, if such parties indicate that such information cannot be summarized, the reasons why a summary cannot be provided. (...)"* As well known, in the Petition, most of the information was treated as confidential, and **no percentages or indices** were included to give a reasonable understanding of the trends in some indicators such as current assets, import prices into UK, weighted average unit cost of products etc.

Therefore, Türkiye asks the Investigating Authority to provide interested parties adequate opportunity to respond and comment to the record.

With regards to the threat of serious injury, the Appellate Body in *US – Lamb* held that the wording of Article 4.1(b) of the AoS which stipulates that the "*serious injury", in order to constitute a threat, must be "clearly imminent" implies that "the anticipated 'serious injury' must be on the very verge of occurring."*.

Indeed, in *US – Lamb* the Appellate Body held that: "*We recall that, in Argentina – Footwear Safeguard, we stated that 'it is essential for a panel to take the definition of 'serious injury' in Article 4.1(a) of the Agreement on Safeguards into account in its review of any determination of 'serious injury'.' The same is equally true for the definition of 'threat of serious injury' in Article 4.1(b) of that Agreement. Thus, in making a determination on either the existence of 'serious injury', or on a 'threat' thereof, panels must always be mindful of the very high standard of injury implied by these terms.*".

Türkiye is of the opinion that neither any injury has been suffered by the domestic industry nor there exists any threat to cause serious injury. Thus, Türkiye would kindly invite

Investigating Authority to take the extraordinary nature of the safeguard measures and the above-mentioned rules and jurisprudence into account.

According to the provision of Article 4.2(a) of AoS, "*the competent authorities shall evaluate all relevant factors of an objective and quantifiable nature having a bearing on the situation of that industry, in particular, the rate and amount of the increase in imports of the product concerned in absolute and relative terms, the share of the domestic market taken by increased imports, changes in the level of sales, production, productivity, capacity utilization, profits and losses, and employment.*".

The notice of initiation records that the applicant provided evidence that the increase in the quantity of imports of the goods concerned has caused, and is causing, serious injury to United Kingdom producers, and lists a number of factors said to have been affected: a significant increase in the quantity of imports reflected in the changing market share held by overseas exporters, together with a decline in domestic sales, productivity, production and employment levels, a reduction in capacity utilisation, and a deterioration in financial performance including prices and profitability.

Türkiye observes at the outset that neither the notice of initiation nor the notification made to the Committee on Safeguards discloses any figures, indices or trends in respect of any of those factors. The listed items are the headings of Article 4.2(a) of the Agreement on Safeguards and of Regulation 8 of the Trade Remedies (Increase in Imports Causing Serious Injury to UK Producers) (EU Exit) Regulations 2019; their reproduction does not constitute a demonstration that the factors have moved in the direction alleged, still less that they have done so to a degree amounting to a significant overall impairment of the position of United Kingdom producers within the meaning of Article 4.1(a).

Türkiye is accordingly unable, on the material presently before it, to comment on the substance of the injury allegation. Türkiye requests that indexed data for each of the injury factors listed, covering each year of the period of investigation, be placed on the non-confidential file, and reserves its right to submit further comments once that information has been made available. Article 3.1 of the Agreement on Safeguards requires that interested parties be given an opportunity to present evidence and their views; that opportunity is not meaningful where the factual basis of the allegation is withheld. Article 4.2(c) requires the competent authority to publish a detailed analysis of the case under investigation together with a demonstration of the relevance of the factors examined, and Article 12.2 requires that notifications contain all pertinent information. Türkiye would like state with respect that the TRA's statement that it has reviewed the applicant's data does not discharge those obligations as regards interested parties, who must be placed in a position to test that data themselves.

Türkiye does not dispute that the applicant recorded losses during the period of investigation. Its audited financial statements for the year ended 31 December 2025[18], which are publicly available, disclose a loss after taxation of £8.1 million, following a loss of £4.1 million in 2024. What those statements do not specify is that the losses were caused by imports. The directors state that the loss for the year arose mainly from market challenges across the PET industry and from a force majeure shutdown, and record that the plant was shut down from October 2024 until March 2025 following a machinery breakdown, that this resulted in a sharp decline in revenue on account of lower volumes sold, and that margins were diminished by high fixed costs.

> **Fair review of the business**
>
> **The company has incurred a loss for the year after taxation amounted to £8.1m (2024 – loss of £4.1m) mainly due to the market challenges across PET industry and a force majeure (FM) shutdown. At 31 December 2025, the company had net assets of £76.1 million (2024 – net assets of £83.5 million). Net current assets were £54.2 million (2024 – £60.5 million). Plant was shut down from Oct 2024 till March 2025 due to a force majeure on account of machinery breakdown. This has resulted in sharp decline in revenue on account of lower volumes sold, and diminished the margins due to high fixed costs.**

The disruption was neither isolated nor confined to a single year. The applicant declared force majeure at its Wilton facility on at least three occasions during the period of investigation. In February 2023[19] it declared force majeure on the plant on account of a shortage of raw materials. In February 2024[20] it again declared force majeure, following a shortage of purified terephthalic acid arising from the disruption of shipping through the Red Sea, and encountered technical difficulties on restart. In October 2024 it declared force majeure for a third time following a machinery breakdown, and production did not resume until March 2025. A

[18] *Alpek Polyester UK Limited Annual Report and Financial Statements For the year ended 31 December 2025 (Registered No. 07108602).*
[19] https://www.chemanalyst.com/NewsAndDeals/NewsDetails/alpek-polyester-declares-force-majeure-for-the-uk-pet-resin-supply-15458
[20] https://www.chemanalyst.com/NewsAndDeals/NewsDetails/alpek-polyester-uk-ltd-issues-force-majeure-for-pet-supply-disruptions-in-uk-25224

producer that was unable to meet its contractual commitments in three of the five years under examination cannot attribute the resulting loss of sales and market share to the conduct of exporting countries. Shortages of imported feedstock arising from the disruption of international shipping routes affect all producers dependent on those materials and are not attributable to the exporters whose goods are the subject of this investigation. Nor is the applicant's operational performance otherwise consistent with the injury alleged: its own reported plant uptime was 76.6 per cent in 2024 and 76.2 per cent in 2025, indicating that approx.

It is further recorded that contractual volumes in the United Kingdom were severely impacted in 2025 as a consequence of the preceding year's force majeure, and that the applicant lost its sole supply position with two of its principal customers, who introduced competition into the United Kingdom market as a result. That is a description of injury caused by an inability to supply, and of a loss of market share that followed from it. It is not a description of injury caused by imports.

Chemicals ⌄ Polyester ⌄ Recycled fiber ⌄ Nylon ⌄ Spandex ⌄ Acrylic ⌄ Cellulose ⌄ Cotton

Alpek Polyester declares force majeure on PET resin plant in Wilton

Amber

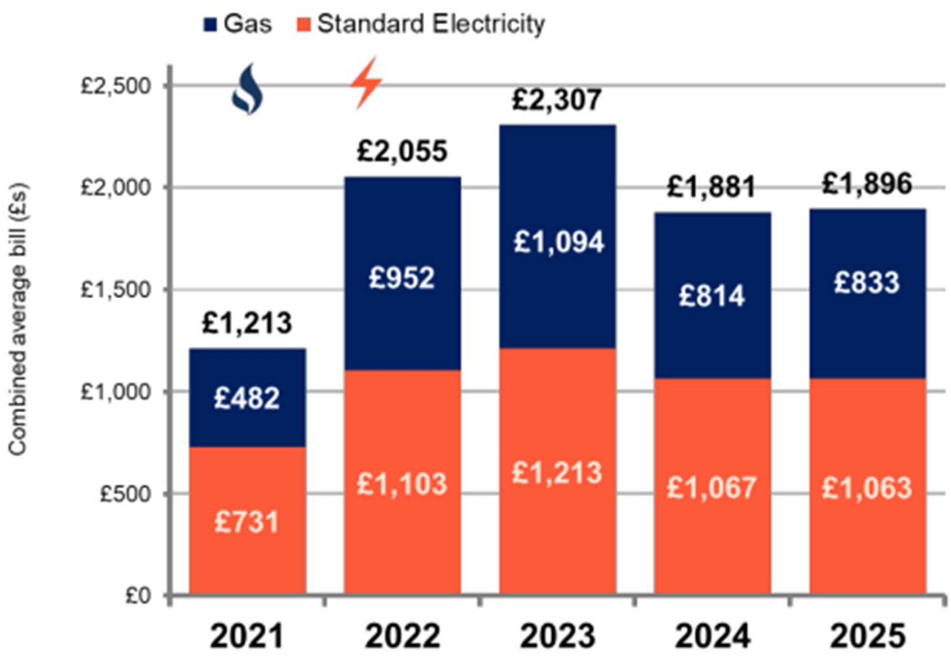
Industry News | Time: Feb 13 2023 9:52AM

A+ A-

Alpek Polyester announced force majeure on its 200kt/year PET bottle chip plant in Wilton, UK due to short of raw materials.

Source:https://cnc.ccfgroup.com/newscenter/newsview.php?Class_ID=600000&Info_ID=2023021330033

A further factor operating independently of imports is the cost of electricity in the United Kingdom. Industrial electricity prices in the United Kingdom are among the highest in the developed world and have for several years exceeded those faced by competing producers in continental Europe by a substantial margin. That disadvantage bears directly on the competitiveness of an energy-intensive process such as the production of PET, and it is a matter of domestic cost structure rather than of import competition. The United Kingdom Government has itself recognised the difficulty, announcing measures intended to reduce electricity costs for energy-intensive industries from 2027.[21]



Source: https://www.gov.uk/government/statistics/quarterly-energy-prices-december-2025

[21] https://www.gov.uk/government/news/government-cuts-electricity-bill-for-10000-manufacturers-in-boost-for-uk-competitiveness

Source:https://www.deloitte.com/uk/en/blogs/monday-briefing/why-britain-pays-more-for electricity.html[22]

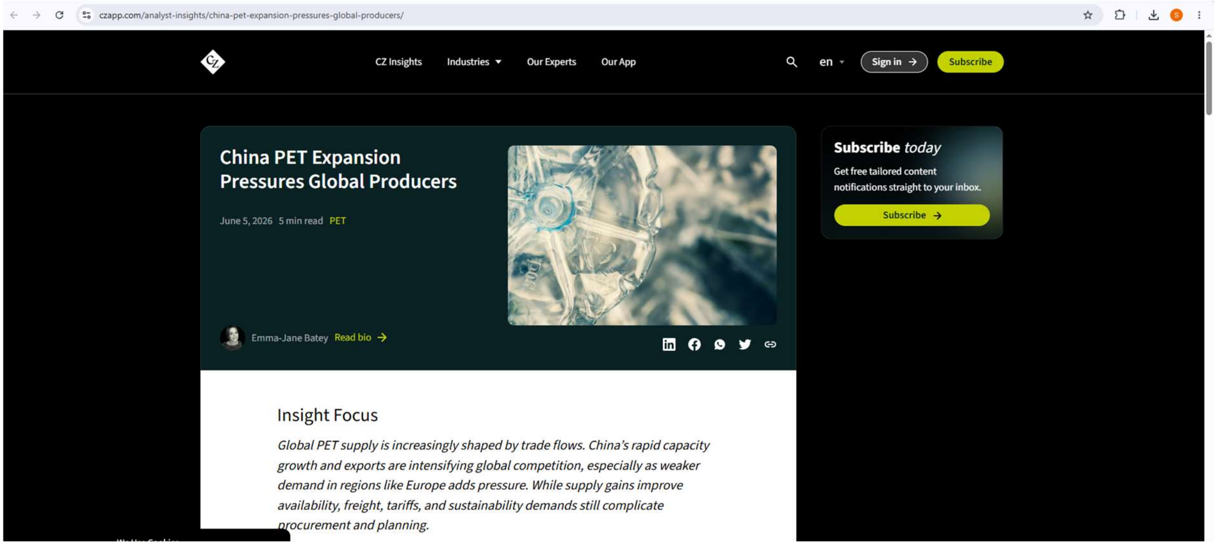
The applicant's own conduct is also inconsistent with a producer suffering serious injury within the meaning of Article 4.1(a). Its 2025 financial statements[23] record no impairment of tangible fixed assets; additions to fixed assets of £2.8 million during the year, with £4.7 million transferred from assets under construction into plant and machinery; net assets of £76.1 million and net current assets of £54.2 million; an undrawn revolving loan facility of USD 25 million provided by a group company; and a written commitment of financial support from the parent undertaking. The statements further disclose that the applicant had lent approximately £32 million to Alpek Polyester USA, LLC and received interest income of £1.4 million from group undertakings during the year. In addressing deferred tax, the directors state that forecasts point to continued profitability. Employment fell by four persons, from 101 to 97. Türkiye would like to submit that an undertaking which continues to invest in its plant, records no impairment, extends substantial credit to affiliates and forecasts continued profitability is not an undertaking whose position has suffered a significant overall impairment.

Source: https://www.alpek.com/pr-alpek-will-cease-operations-at-its-pet-facility-in-north-carolina/

[22] Also please look at : https://davidturver.substack.com/p/high-uk-electricity-prices-continue-into-2025
[23] *Alpek Polyester UK Limited Annual Report and Financial Statements For the year ended 31 December 2025 (Registered No. 07108602).*

Regulation 9(3) and (4) require the TRA to consider whether factors other than the increase in imports have caused injury, and prohibit it from attributing to imports injury caused by such other factors. The factors identified above a six-month shutdown arising from a machinery failure, a feedstock shortage arising from the disruption of international shipping, structurally elevated domestic energy costs, a group restructuring strategy under which the applicant's parent has closed a number of its smaller and older facilities worldwide, and the well-documented global excess of PET capacity are each capable of explaining the applicant's reported results without reference to imports at all. Türkiye requests that the TRA separate and quantify the injury attributable to each, and that it explains in its report the basis on which any residual injury is attributed to the increase in imports.

Finally, if and to the extent that any part of the injury alleged is found to be attributable to imports, the record does not support attributing it to imports originating in Türkiye. The increase in United Kingdom import volumes between 2024 and 2025 is accounted for in substantial part by origins other than Türkiye, including China and Oman. Substantial capacity additions in the product concerned have taken place in economies against which trade remedy measures on the same product are maintained by a number of Members, and the resulting global excess of capacity is a condition affecting all markets rather than the United Kingdom alone. The applicant's own financial statements describe that excess, together with reduced consumer demand and increased conversion to recycled PET, as characteristics of the European PET industry in 2025, and record that producers across the European Union and the United Kingdom were operating below capacity or idling assets. Türkiye submits that the causal link required by Article 4.2(b) of the Agreement on Safeguards is not established, and that the conditions for the imposition of a safeguard measure are accordingly not met.



Source:https://www.czapp.com/analyst-insights/china-pet-expansion-pressures-global-producers/[24]

7. Conclusion

Türkiye expresses its regrets for the initiation of this investigation and underlines the fact that this investigation fails to meet the *sine qua non* requirements of the imposition of a safeguard measure, in terms of serious injury, causality, and lack of unforeseen developments in particular.

Therefore, Türkiye cordially requests esteemed TRA's termination of safeguard proceeding without any definitive measure.

As it is stated above, Türkiye could not comment on the economic parameters of the domestic industry due to the confidentiality in data provided in the petition. Therefore, we reserve our right to comment on these figures in the course of this proceeding.

Türkiye reserves all its rights stemming from the prevailing provisions of WTO Agreement on Safeguards, Article XIX of GATT 1994 and the related WTO jurisprudence.

[24] Also please look at: https://www.resourcewise.com/blog/chemicals/china-pet-packaging-resin-outlook-2026