

"Government Courier" newspaper of the Cabinet of Ministers of Ukraine

April 17, 2024

NOTIFICATION

on the initiation and conducting of an anti-dumping investigation regarding the import of fresh cucumbers and fresh tomatoes originating from the Republic of Türkiye into Ukraine. In accordance with the Law of Ukraine "On the Protection of National Product Producers from Dumping Imports" (*hereinafter - the Law*), the Interdepartmental Commission on International Trade (*hereinafter - the Commission*) considered:

the complaint of the limited liability company "Agroconcern", the private joint-stock company "Zmiyivska vegetable factory", the private joint-stock company "Kombinat "Teplichnyi", the limited liability company "Krasnogradskaya vegetable factory", the limited liability company "Kremenchutsk vegetable factory", the limited company liability "Vegetable Plant Stanyshivka", limited liability company "Perspektiva", limited liability company "Greenhouse Combine "Dniprovsky", private rental agricultural enterprise "Uman Greenhouse Combine" (*hereinafter - the Applicant*) on the violation and conduct of an anti-dumping investigation regarding imports into Ukraine of fresh cucumbers and fresh tomatoes originating from the Republic of Türkiye (*hereinafter referred to as the Complaint*);

report and conclusions of the Ministry of Economy of Ukraine (*hereinafter referred to as the Ministry of Economy*) on the results of the anti-dumping procedure regarding the import of fresh cucumbers and fresh tomatoes from the Republic of Türkiye into Ukraine.

Based on the results of the review, the Commission established:

the Complaint contains sufficient substantiated evidence, on the basis of which it can be assumed that it was submitted by a proper national product manufacturer;

the Complaint provides sufficient substantiated evidence, on the basis of which it can be assumed that the import of fresh cucumbers and fresh tomatoes from the Republic of Türkiye to Ukraine could be carried out at dumped prices and the level of the dumping margin cannot be considered minimal, and the volume of imports - insignificant in accordance with the provisions of the Law;

the Complaint provides sufficient substantiated evidence to the effect that the import of fresh cucumbers and fresh tomatoes from the Republic of Türkiye to Ukraine was carried out in such volumes and under such conditions, which may cause damage to the national producer.

In particular, according to the Complaint materials for the research period (2019 - 2022):

volumes of dumped imports from the Republic of Türkiye increased in absolute terms;

prices of dumped imports were lower than the level of prices of the Applicant;

analysis of the dynamics of the main indicators of the applicant's financial and economic activity showed that there was a deterioration of a number of indicators, namely: a decrease in production volumes, sales volumes on the domestic market and share in consumption, deterioration of the financial result from the sale of goods, a decrease in profitability, a reduction in the number of personnel and productivity labor, decrease in liquidity.

In connection with the above and in accordance with Article 12 of the Law, the Commission adopted a decision dated 04/12/2024 No.: АД-560/2024/441-01, according to which it initiated an anti-dumping investigation into the import of goods to Ukraine with the following description:

cucumbers, gherkins, fresh or chilled, classified in commodity subheading **0707 00** according to the Ukrainian classification of goods of foreign economic activity (UKT ZED) and

tomatoes, fresh or chilled, classified in commodity subcategory **0702 00 00 00** according to the Ukrainian classification of goods of foreign economic activity (UKT ZED).

The country of origin of the goods described above is the **Republic of Türkiye**.

The Ministry of Economy is entrusted with conducting an anti-dumping investigation.

If the investigation concerns the interests of individuals or legal entities, such persons have the right to send the Ministry of Economy information that may be useful for conducting the investigation.

The information submitted to the Ministry of Economy should be based on facts, and not on unspoken statements or assumptions. At the same time, the information is taken into account by the Ministry of Economy if it is submitted **in the official language of Ukraine** and **within the terms established by the Law, the Commission or the Ministry of Economy**.

Within 30 days from the date of publication of this notice, the Ministry of Economy registers the interested parties of the investigation and considers the requirements for holding hearings. In the request for registration, the interested party of the investigation must indicate the name, legal address, telephone number, e-mail address of the organization, type of activity (manufacturer, importer, exporter, etc.), surname, first name and patronymic of the contact person. The recommended form of request for registration by an interested party of the investigation is attached to this notice.

Within 60 days from the date of publication of this notice, the Ministry of Economy considers written comments and information regarding the initiation of an investigation. The information must be provided in Ukrainian or the original language and accompanied by a translation into Ukrainian.

If the information is of a confidential nature, it is necessary to prepare and send its confidential and non-confidential versions to the Ministry of Economy.

In the course of an anti-dumping investigation, the Ministry of Economy, in accordance with the Law, may limit itself to a moderate number of parties, types of goods or transactions, applying selective anti-dumping investigation methods.

The decision of the Commission dated April 12, 2024 No. AD-560/2024/441-01 shall enter into force from the date of publication of this notice.

Contact information: tel. (068) 494-16-05; e-mail: tradedefence@me.gov.ua.

Address for official registration of documents: Ministry of Economy of Ukraine: str. M. Hrushevskyi, 12/2, Kyiv, 01008. E-mail: meconomy@me.gov.ua.

Information on incoming correspondence: tel. (044) 200-47-53.

Interdepartmental Commission on International Trade

Appendix request form for the registration of an interested party of the investigation

{ on the official letterhead of the company/organization }

In accordance with the twelfth part of Article 12 of the Law of Ukraine "On the Protection of the National Product Producer from Dumping Imports", we ask that the interested party register an anti-dumping investigation regarding the import of fresh cucumbers and fresh tomatoes from the Republic of Türkiye into Ukraine (company/organization) on the basis of the following:

I. Information about the interested party:

Full and abbreviated company names:

The status of the company within the framework of the investigation {importer, exporter, manufacturer, consumer, their association, other (specify)}:

The main type of activity:

Information about the contact person:

Information about the legal representative (if available):

Address for receiving correspondence within the framework of the investigation:

Email address for receiving correspondence within the framework of the investigation:

II. Information about the company's activities

{ it is necessary to provide data on the product that is the object of the investigation, relating to the company according to the type of activity, for the calendar year immediately preceding the initiation of the investigation }

The total volume of production of the product under investigation in terms of quantity (tons) and value (USD):

Volume of production (tons) (in terms of UCT codes of the ZED or main types of goods):

The total volume of the purchase of the product that is the object of the investigation in terms of quantity (tons) and value (US dollars):

The main suppliers of the product with an indication of their volumes, cost of supply and the supplier's share in the total supply of the product that is the object of the investigation:

The total volume of sales of the product under investigation in terms of quantity (tons) and value (USD):

Sales volume (tons) (in terms of UCT codes or main types of goods):

The main buyers of the goods with an indication of their volumes, sales value and the buyer's share in the total sale of the goods that are the object of the investigation:

{ under the signature of the head of the enterprise or an authorized person }

{ if there are reasonable grounds for applying confidential treatment to the information, it must be clearly indicated and in such a case two versions of the request must be prepared: confidential and non-confidential }.