



**KARADENİZ İHRACATÇI BİRLİKLERİ
GENEL SEKRETERLİĞİ**

Sayı : 35649853-TİM.KİB.GSK.UYG.2024/1161-3546

Giresun, 04/11/2024

Konu : Ukrayna Anti Damping Soruşturması

E-POSTA

**KARADENİZ İHRACATÇI BİRLİKLERİ ÜYELERİNE SİRKÜLER
2024/679**

Sayın üyemiz,

Kiev Ticaret Müşavirliğinin bir yazısına atfen, T.C. Ticaret Bakanlığı İthalat Genel Müdürlüğünden alınan 01/11/2024 tarih 102425053 sayılı yazıda;

Ukrayna Ekonomi Bakanlığı tarafından 18 Ekim 2024 tarihli Ukrayna Resmi Gazetesinde, ülkemizden ve Çin Halk Cumhuriyeti'nden Ukrayna'ya ihraç edilen boru bağlantı parçalarında (Ukrayna Dış Ticareti Ürünleri Sınıflandırma Sistemi'ne göre GTP: 3917 40 00 90 ve 7412 20 00 00) anti-damping soruşturmasının başlatıldığı, buna göre, 18 Ekim 2024 tarihinden itibaren 30 takvim günü içerisinde Ukrayna Ekonomi Bakanlığı soruşturmaya müdahil olmak isteyenleri kaydedecek; 60 takvim günü içerisinde kaydedilen tüm tarafların (ülkemiz dahil) yazılı görüşlerini alacağı, anılan anti-damping soruşturması, ülkemizin de taraf olduğu Dünya Ticaret Örgütü (DTÖ) Anti-Damping Anlaşması'nın amir hükümleri, ilgili DTÖ içtihadı ve Ukrayna'nın anti-damping uygulamalarına ilişkin ilgili mevzuatı çerçevesinde yürütüleceği, yerli sanayilerin, üretimini gerçekleştirdikleri benzer veya doğrudan rakip mal konumundaki bir ürün grubunun ithalatı nedeniyle uğradıklarını iddia ettikleri maddi zararı önlemek için ülkeler, ticaret politikası önlemlerine başvurabilmekte ve mevcut gümrük vergilerinin üzerine ek yükümlülükler getirebildikleri bahse konu zarar olgusu, ilgili ürün ihracatçılarının, ithalatçı ülke pazarında iç piyasalarından farklı fiyat politikaları izlemelerinden, yani dumping uygulamaları, ya da kamu kurumlarınca sübvansede edilen ihracatın haksız rekabete neden olması gibi nedenlerden kaynaklanabildiği, bu itibarla, bahse konu anti-damping soruşturması çerçevesinde, Ukrayna'nın ülkemiz menşeli "boru bağlantı parçaları" ithalatının dumpingli olup olmadığı, ayrıca bu süreçte dumpingli olduğu iddia edilen ülkemiz menşeli ilgili ürün ithalatının Ukrayna yerli üretimi üzerinde bir zarara yol açıp açmadığı değerlendirilecek olup soruşturma otoritesi tarafından bu hususlarda müspet karar verilmesi halinde ülkemiz firmalarına anti-damping vergisi tatbik edilmesine hükmedilmesinin olasılık dahilinde bulunduğu belirtilmektedir.

Bununla beraber, soru formuna verilen cevaplar doğrultusunda soruşturmaya taraf olan firmalarımız için bireysel dumping marjlarının hesaplanacağı, öte yandan, ilgili herhangi bir tarafın belirlenen süreler içerisinde gerekli bilgileri vermesi veya soruşturmayı

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Şahin KURUL tarafından 5070
sayılı Kanun Gereğince güvenli
elektronik imza ile
imzalanmıştır.

Ayrıntılı bilgi için: Şahin KURUL – Şube Müdürü

**KARADENİZ İHRACATÇI BİRLİKLERİ
GENEL SEKRETERLİĞİ**



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engellediği durumlarda, mevcut veriler esas alınarak (facts available) olumlu veya olumsuz ön ve nihai belirlenmeler yapılabileceği, dolayısıyla, ilgili herhangi bir tarafın işbirliği yapmaması ve bu nedenle ilgili bilgilerin yetkili mercilere verilmemesi halinde, bu durumun ilgili tarafların işbirliği yaptığı duruma kıyasla, söz konusu tarafın daha az lehine olan bir sonuca yol açması ihtimal dahilinde olacağı, bu itibarla firmalarımızın Bakanlıkları internet adresinde “Türk İhraç Ürünlerine Yönelik TPSA Önlemleri” başlığı altında yer alan “TPSA Önlemlerine İlişkin Faydalı Bilgiler” kısmındaki belgeleri ve Türkiye İhracatçıları Meclisi (TİM) tarafından düzenlenen “Ticaret Politikası Önlemleri Soruşturmaları ve Genelleştirilmiş Tercihler Sistemi Uygulamaları Kapsamında Firmalarca Alınacak Avukatlık ve/veya Danışmanlık Hizmeti Harcamalarının Desteklenmesine İlişkin Uygulama Usul ve Esasları” incelenmesinde fayda görüldüğü, bununla birlikte firmalarımızdan talep olması halinde Bakanlıklarınca bir bilgilendirme toplantısı yapılması olanağı da bulunduğu, söz konusu soruşturma kapsamında ihracatımızın ve ihracatçılarımızın savunulması amacıyla Türkiye Cumhuriyeti Hükümeti adına Bakanlıklarınca yazılı ve şifahi görüşlerin Ukrayna ilgili makamlarına tevdi edileceği ifade edilmektedir.

Bilgilerinize sunarız.

e-imzalıdır
Şahin KURUL
Genel Sekreter a.
Şube Müdürü

EKLER:

EkI: Bildirim (İng)

EkII: Bildirim (Ukr)

Newspaper of the Cabinet of Ministers of Ukraine
"Government Courier"
October 18, 2024

<https://ukurier.gov.ua/uk/news/povidomlennya-pro-zastosuvannya-poperednih-antidem/>

NOTIFICATION
on the application of preliminary anti-dumping measures
on the import into Ukraine of radiators for heating originating in
the Republic of Türkiye and the People's Republic of China

In accordance with the Law of Ukraine "On the Protection of the National Product Producer from Dumping Imports" (*hereinafter - the Law*) based on the complaint of the "SAN TECH RAY" LLC and the "YUTERM UKRAINE" LLC by the decision of the Interdepartmental Commission on International Trade (*hereinafter - the Commission*) dated April 12, 2024, No. AD-561/2024/441-01, an anti-dumping investigation was initiated regarding the import into Ukraine of heating radiators originating from the Republic of Türkiye and the People's Republic of China (*hereinafter referred to as the investigation*).

According to the mentioned decision of the Commission, the object of the investigation was the product with the following description:

radiators for heating (steel, aluminum, bimetallic), classified under the codes ex7322 19 00 00, ex7615 20 00 00, ex7616 99 10 00, ex7616 99 90 00 according to the Ukrainian classification of goods of foreign economic activity.

The mark "ex" next to the classification code means that the investigation is carried out in relation to the goods, the description of which is defined in the decision (*hereinafter - the Goods*).

The countries of origin of the Goods: the Republic of Türkiye and the People's Republic of China.

The investigation of the facts regarding the presence of dumping imports was carried out within the investigation period immediately preceding the initiation of the investigation: 04/01/2023 - 03/31/2024 (*hereinafter referred to as the investigation period*).

The investigation of the facts regarding the existence of damage to the national producer, as well as the establishment of the fact of the existence of a cause-and-effect relationship between the dumping imports and the damage to the national producer, was carried out within the research period: 01.01.2021 - 03.31.2024 (*hereinafter - the research period*).

In accordance with the Law, the Commission reviewed the materials submitted by the Ministry of Economy of Ukraine on the progress of the investigation and, based on the results of their consideration, established:

"SAN TECH RAY" LLC and "UTERM UKRAINE" LLC is a proper national producer within the meaning of clause 16 of article 1 of the Law, since their share in the total production of goods in Ukraine is more than 50%;

The goods produced by the national producer, in the sense of the provisions of paragraph 26 of article 1 of the Law, are similar to the goods that are the object of the investigation;

a preliminary positive conclusion regarding the presence during the investigation period of dumping imports into Ukraine of goods originating from the Republic of Türkiye and the People's Republic of China. The calculation of the preliminary dumping margin was carried out on the basis of a comparison of the average sales prices of the Goods in the domestic markets of the Republic of Türkiye and the People's Republic of China (on terms of delivery EXW, excluding VAT) with the average prices of imports into Ukraine of the Goods originating from the Republic of Türkiye and the People's Republic of China, adjusted to the average costs of transporting the Goods from the ports of the Republic of Türkiye and the People's Republic of China to the border of Ukraine, as a percentage of the customs value of the Goods. A preliminary positive conclusion was made regarding the validity of the method, on the basis of which the preliminary dumping margin was determined at the level of 41,86% for producers and exporters of Goods originating from the Republic of Türkiye and at the level of 42% for producers and exporters of Goods originating from the People's Republic of China;

a preliminary positive conclusion on causing significant damage to the national producer. During the research period, there was a deterioration of a number of financial and economic indicators of the national goods producer: production volumes - by 74,56%, production capacities - by 13,75%, the level of utilization of production capacities - by 70.5%, volumes of sales of goods on the domestic market of Ukraine - by 40,97%, the profitability of the sale of the Goods on the domestic market of Ukraine – by 2095,19%, the financial result from the sale of the Goods on the domestic market of Ukraine – by 1606,24%, the number of employees employed in the production of similar Goods – by 37,22% , labor productivity - by 59,47%, and the volume of investments in dollar terms - by 78,69%. At the same time, there are facts that indicate the possibility of causing significant damage to the national producer already during the investigation, namely the increase in the volume of imports of goods originating from the Republic of Türkiye and the People's Republic of China in the 1st quarter. 2024 compared to the first quarter 2023 by 157,13%, compared to the first quarter 2021 – by 21,19% under the conditions of downward dynamics of average prices of such imports. Considering the presence of significant export potential of the Republic of Türkiye and the People's Republic of China, the situation that has developed requires taking urgent measures to prevent damage to the national producer at the stage of the investigation;

a preliminary positive conclusion regarding the presence of a cause-and-effect relationship between the dumping import into Ukraine of goods originating from the Republic of Türkiye and the People's Republic of China and causing significant damage to the national producer, which is confirmed by the following:

- the volume of imports into Ukraine of goods originating from the Republic of Türkiye and the People's Republic of China during the research period increased by 31,27% relative to the consumption of similar goods in Ukraine, relative to production by 173,29%;

- dumping imports into Ukraine of goods originating from the Republic of Türkiye and the People's Republic of China were carried out under such conditions that prevented a significant increase in prices for similar goods of the national producer, which would have taken place in the absence of dumping imports;

- during the research period, there was an influence of other factors related to military operations on the territory of Ukraine and export activities of the national producer. At the same time, the influence

of such factors does not exclude the previously established fact regarding the presence of a cause-and-effect relationship between dumped imports and causing significant damage to the national producer;

the national interests of Ukraine require the application of preliminary anti-dumping measures in order to prevent damage to the national producer.

Taking into account the above and guided by the provisions of Article 14 of the Law, the Commission adopted a decision dated 15.10.2024 No. AD-568/2024/441-01 "On the application of preliminary anti-dumping measures on the import into Ukraine of radiators for heating originating from the Republic of Türkiye and the People's Republic of China" , according to which it applied preliminary anti-dumping measures on the import into Ukraine of goods originating from the Republic of Türkiye and the People's Republic of China, which has the following description:

heating radiators (steel, aluminum, bimetallic) (excluding towel warmers, water-based underfloor convectors and designer radiators (vertical and horizontal tubular) classified under codes ex 7322 19 00 00, ex 7616 99 10 00, ex 7616 99 90 00 according to the Ukrainian classification of goods of foreign economic activity.

The mark "ex" next to the classification code means that anti-dumping measures are applied to the goods described in the decision.

Approximate typical appearance of aluminum and bimetallic radiators



Approximate typical appearance of steel radiators



Preliminary anti-dumping measures are applied for a period of four months by introducing the payment of preliminary anti-dumping duties at the following rates:

for producers and exporters of goods originating from the Republic of Türkiye – 41,86%;

for producers and exporters of goods originating from the People's Republic of China - 42%.

Preliminary anti-dumping duty is paid as a percentage of the customs value of the goods.

The payment of the preliminary anti-dumping duty is carried out in cash or non-cash form, or by depositing the amount of the duty on a deposit, or issuing a corresponding debt obligation, unless otherwise provided by the legislation of Ukraine.

The preliminary anti-dumping duty is handled by the customs authorities of Ukraine regardless of the payment of other taxes and fees (mandatory payments).

The application of previous anti-dumping measures should not create obstacles to customs clearance of goods.

Import into the customs territory of Ukraine of goods that are subject to the application of previous anti-dumping measures, without a certificate of origin or other documents on the origin of the goods, defined by international agreements on free trade, consent to the binding of which has been granted by the Verkhovna Rada of Ukraine, and in case of impossibility determination of its origin is carried out with the payment of the previous anti-dumping duty at the highest rate.

The decision of the Commission dated October 15, 2024 No. AD-568/2024/441-01 shall enter into force 5 days after the publication of this notice.

Interdepartmental Commission on International Trade

Newspaper of the Cabinet of Ministers of Ukraine
"Government Courier"
October 18, 2024

<https://ukurier.gov.ua/uk/news/povidomlennya-pro-zastosuvannya-poperednih-antidem/>

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The decision of the Commission dated October 15, 2024 No. AD-568/2024/441-01 shall enter into force 5 days after the publication of this notice.

Interdepartmental Commission on International Trade