

NOTICE
of the application of definitive anti-dumping measures
on imports into Ukraine of cement originating in the Republic of Turkey.

According to the Law of Ukraine "On Protection of Domestic Producers from Dumped Imports" (*hereinafter - the Law*) on the complaint of PJSC "Dickerhoff Cement Ukraine", PJSC "Kryvyi Rih Cement", PJSC "Mykolayivcement", PJSC "Podilsky Cement" and LLC "Cement", supported by PJSC "Ivano-Frankivskcement", the decision of the Interdepartmental Commission on International Trade (*hereinafter - the Commission*) dated 02.09.2020 № AD-463/2020/4411-03 initiated an anti-dumping investigation into imports into Ukraine of cement originating in the Republic of Turkey (*hereinafter - the investigation*).

According to the said decision of the Commission, the object of investigation established the goods originating in the Republic of Turkey, which has the following description:

cement, in particular, cement clinkers and portland cement, classified according to the following UKTZED codes: 2523.10.00.00, 2523.21.00.00, 2523.29.00.00.

As part of the investigation, the Ministry of Economy of Ukraine (*hereinafter - the Ministry*) did not establish the existence of production in Ukraine of goods similar to white cement originating in the Republic of Turkey, classified according to UKTZED under code 2523.21.00.00.

As a result, the description of the product under investigation was clarified, namely:

cement clinkers and portland cement, classified according to UKTZED under codes 2523.10.00.00 and 2523.29.00.00 (*hereinafter - the goods*).

The country of origin of the goods is the Republic of Turkey.

The facts about the presence and magnitude of damage caused to the national producer were established during the study period: 01.01.2017 - 30.06.2020.

The facts concerning the existence and magnitude of dumping during the import of goods into Ukraine were established during the investigation period: 01.07.2019 - 30.06.2020.

In accordance with the Law, the Commission considered the report and materials submitted by the Ministry on the results of the investigation and established the following:

goods produced by a national producer, within the meaning of the provisions of paragraph 26 of Article 1 of the Law, are similar to the goods under investigation;

PJSC "Dickerhoff Cement Ukraine", PJSC "Kryvyi Rih Cement", PJSC "Mykolayivcement", PJSC "Ivano-Frankivskcement" and PJSC "Podilsky Cement" are a proper national producer, within the meaning of the provisions of paragraph 16 of Article 1 and Article 11 of the Law, as they the share in the total production of such goods in Ukraine was over 50%. In accordance with paragraph 1 of the first part of Article 11 of the Law, the indicators of Cement LLC were not taken into account when determining the national producer;

During the investigation period, imports into Ukraine of goods originating in the Republic of Turkey were made at dumped prices. In accordance with the provisions of Article 30 of the Law and in view of the participation in the investigation of a significant number of foreign exporters, the investigation of dumped imports was limited to those exporters which exported the most to Ukraine

during the investigation period. For other exporters that properly cooperated in the investigation, in accordance with the provisions of Article 16 (7) of the Law, the dumping margin was set at the weighted average of the individual dumping margins calculated for the exporters with the largest exports. The dumping margin for the exporters that exported the largest volume of goods to Ukraine during the IP was determined by a fair comparison of the normal value and the export price of the goods by type. In cases where there was no sale of such goods in the ordinary course of trade or where the sale was insignificant, normal value was determined in accordance with Article 7 § 5 of the Act. A positive conclusion was made on the validity of the method on the basis of which the dumping margin was determined;

During the IP, the domestic producer was in the recovery phase from material injury caused by previous dumped imports from the Russian Federation, the Republic of Belarus and the Republic of Moldova. However, the impact of the dumped imports originating in the Republic of Turkey prevented its full recovery;

there is a threat of causing significant harm to the domestic producer, as indicated by a significant growth rate of dumped imports into Ukraine of goods originating in the Republic of Turkey, significant volumes of idle production capacity in the Republic of Turkey, which is more than 5,5 times higher than apparent consumption in Ukraine. the level of domestic consumption in the Republic of Turkey by 33,88% and the reorientation of Turkish producers to export markets (an increase of 2,8 times), including the market of Ukraine;

there is a causal link between the dumped imports into Ukraine of goods originating in the Republic of Turkey and the threat of causing material injury to the domestic producer, given that:

the volume of dumped imports into Ukraine of goods originating in the Republic of Turkey during the study period increased in absolute terms by 184,58%, relative to consumption of similar goods in the domestic market of Ukraine - by 182,10%, relative to total production of similar goods in Ukraine - by 182,79%;

dumped imports into Ukraine of goods originating in the Republic of Turkey were carried out at prices that were lower both at the selling prices of similar goods of the domestic producer on the domestic market of Ukraine and at its cost;

other factors, as a result of the simultaneous action of which damage may be caused, did not have a decisive influence on the condition of the national producer;

Ukraine's national interests require the application of definitive anti-dumping measures.

The anti-dumping investigation did not take into account the information provided by Sanko Dış Ticaret A.Ş. did not allow the Ministry to draw accurate conclusions about the export price. In accordance with the requirements of Article 31 of the Law, the interested party was informed about the reasons for the rejection of this information and was given the opportunity to provide additional comments. Filed by Sanko Dış Ticaret A.Ş. additional comments were insufficient to change the relevant conclusions of the Ministry.

The main facts and conclusions of the Ministry in the framework of the investigation were sent to all interested parties and provided with the opportunity to provide comments.

The comments of the interested parties did not contain sufficiently substantiated and substantiated arguments and facts that could change the conclusions reached on the existence of dumping, the threat of material injury to the domestic producer and the causal link between them.

Proposals for voluntary written commitments from Bartın Çimento Sanayi ve Ticaret Anonim Şirketi, Sanko Dis Ticaret A.Ş., VEZIRHAN ÇİMENTO MADENCILIK SANAYI VE TICARET A. Ş. and OYAK Çimento Fabrikaları A.Ş. on the revision of their prices was considered unsatisfactory, as they do not ensure the elimination of the impact of dumping, which causes harm, as well as given the inconsistency of their adoption to the national interests of Ukraine.

Proposals for voluntary written commitments from Adoçim Çimento Beton Sanayi ve Ticaret A. Ş., KAVÇİM ÇİMENTO SANAYİ VE TİC. A. Ş., ASKALE CIMENTO PAZARLAMA SANAYI VE TICARET A. Ş. and BURSA ÇİMENTO FABRIKASI A. Ş. on the revision of their prices are unacceptable given the inconsistency of their adoption to the national interests of Ukraine.

Taking into account the above and guided by the provisions of Article 16 of the Law, **the Commission adopted a decision of 27.08.2021 № AD-499/2021/4411-03 "On the application of definitive anti-dumping measures on imports into Ukraine of cement originating in the Republic of Turkey"**, according to which it decided to apply definitive anti-dumping measures on imports into Ukraine of goods originating in the Republic of Turkey, which have the following description:

cement clinkers and Portland cement, classified according to UKTZED under codes 2523.10.00.00 and 2523.29.00.00.

The definitive anti-dumping measures shall be applied for a period of five years by imposing a definitive anti-dumping duty at the rate of:

for manufacturer-exporter Adoçim Çimento Beton Sanayi ve Ticaret A. Ş. (Dereboyu Cad. Meydan Sok. Beybi Giz Plaza No: 1 Floor: 13 Maslak / Istanbul, Turkey) – 40,73%;

for the exporter-producer Bartın Çimento Sanayi ve Ticaret A. Ş. (Gölbucağı Mahallesi, 114. Cadde, No: 72/8 74200 Bartın, Turkey) – 32,64%;

for exporter Sanko Dış Ticaret A. Ş. (Burak Mah. Sani Konukoğlu Bulvarı No: 223 Şehitkamil, Gaziantep / Turkey) concerning exports of goods from Bartın Çimento Sanayi ve Ticaret A.. (Gölbucağı Mahallesi, 114. Cadde, No: 72/8 74200 Bartın, Turkey) – 32,64%;

for manufacturer-exporter AKÇANSA Çimento Sanayi ve Ticaret A. Ş. (Barbaros Mah., Kardelen Sok., No: 2 D. 124-125, Palladium Tower, Ataşehir, Istanbul / Turkey) – 36,91%;

for manufacturer-exporter KAVÇİM ÇİMENTO SANAYİ VE TİCARET A. Ş. (Bekdemir Mah.Yukarı Bekdemir Sok. No: 53-1 Kavak-Samsun, Turkey) – 36,91%;

for exporter ASKALE CIMENTO PAZARLAMA SANAYI VE TICARET A. Ş. (Yeşilova Mah. Trabzon Yolu 3.Km Aşkale / Erzurum / Turkey) concerning exports of goods KAVÇİM ÇİMENTO SANAYİ VE TİCARET A.. (Bekdemir Mah.Yukarı Bekdemir Sok. No: 53-1 Kavak-Samsun, Turkey) – 36,91%;

for manufacturer-exporter BURSA ÇİMENTO FABRIKASI A. Ş. (Yeni Mahalle Uludağ Caddesi No: 170 Kestel / Bursa) – 36,91%;

for the exporting producer ÇİMSA Çimento Sanayi ve Ticaret A. Ş. (Küçükbakkalköy Mahallesi, Kayışdağı Caddesi, No: 1/90, 34750 Ataşehir / Istanbul, Turkey) – 36,91%;

for manufacturer-exporter VEZIRHAN ÇİMENTO MADENCILIK SANAYI VE TICARET A. Ş. (Minareliçavus OSB Mahallesi, N.113 Sk. No: 17 / _Nilüfer / Bursa / Turkey) – 36,91%;

for manufacturer-exporter OYAK Çimento Fabrikaları A. Ş. (Çukurambar Mahallesi 1480 Sokak No: 2A / 55 kaankaya Ankara) – 36,91%;

for other manufacturers and exporters – 50,54%.

The manufacturer-exporter must be at the same time a producer, exporter of goods and a party to a foreign trade contract concluded with residents of Ukraine for the supply of goods to Ukraine.

The exporter (in relation to the export of the manufacturer's goods) must be both an exporter of goods and a party to a foreign trade contract concluded with residents of Ukraine for the supply of goods to Ukraine.

The final anti-dumping duty is levied as a percentage of the customs value of the goods.

Payment of the final anti-dumping duty shall be made in cash or non-cash form, or by depositing the amount of the duty on the deposit, or by drawing up a corresponding debt obligation, unless otherwise provided by the legislation of Ukraine.

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

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

Import into the customs territory of Ukraine of goods subject to anti-dumping measures, without a certificate of origin or other documents on the origin of goods specified in international free trade agreements, the binding consent of which was given by the Verkhovna Rada of Ukraine, and in case of impossibility to determine its origin is subject to the payment of a definitive anti-dumping duty at the highest rate.

The decision of the Commission shall take effect 30 days after the date of publication of this notice.

Interdepartmental Commission on International Trade