



**ORTA ANADOLU HUBUBAT
BAKLİYAT YAĞLI TOHUMLAR
İHRACATÇI BİRLİKLERİ**



Sayı: 79316202-TİM.OAİB.06.2019/354-09459

Ankara, 30/07/2019

Konu: ABD Kurutulmuş Vişne Anti-Dumping ve Telafi Edici Vergi Soruşturmaları

SİRKÜLER (H/2019)

Sayın Üyemiz,

Bilindiği üzere, ABD Ticaret Bakanlığı tarafından (DoC) tarafından ülkemiz menşeli “kurutulmuş vişne” (*dried tart cherries*) (ABD gümrük tarife cetveline göre 0813.40.3000, 0813.40.9000, 0813.50.0020, 0813.50.0060, 2006.00.2000, 2006.00.5000 ve 2008.60.0060 gümrük tarife istatistik pozisyonlarında yer alan) ithalatına karşı 13 Mayıs 2019 tarihinde eş zamanlı olarak anti-dumping ve telafi edici vergi soruşturmaları açılmıştır.

Bahse konu soruşturmalar kapsamında ilgili soru formları gerek Bakanlığımıza gerekse DoC tarafından seçilen firmalara iletilmiş olup, söz konusu firmaların soruşturmaya taraf olmadığı ve mezkur soru formlarını belirtilen tarihler içerisinde yanıtlamadığı anlaşılmıştır. Diğer taraftan, Dünya Ticaret Örgütü Anti-Dumping Anlaşması uyarınca soruşturmalar dâhilinde herhangi bir önlem alınabilmesi için dumpingin ve/veya sübvansiyonun varlığı tek başına yeterli olmamakta, bununla beraber ABD’de mukim üreticilerin zarar görüyor olması ve söz konusu zararın Türkiye’den yapıldığı iddia edilen dumpingli ve/veya sübvansiyonlu ithalattan kaynaklanıyor olması gerekmektedir. Bu kapsamda, anılan soruşturmalar kapsamında Bakanlığımız tarafından yapılması planlanan savunmada ABD’de mukim üreticilerde herhangi bir zararın mevcut olmadığı ve/veya iddia edilen zararın ülkemizden yapılan ithalattan kaynaklı olmadığı hususları vurgulanacaktır.

Bu bağlamda, ABD Uluslararası Ticaret Komisyonu (ITC) tarafından hazırlanan ve Bakanlığımız tarafından yapılacak savunmada da referans olarak kullanılması planlanan “yabancı üretici soru formu” ekte iletilmektedir. Soruşturmanın önlemsiz olarak kapatılabilmesini teminen söz konusu soru formunun soruşturma konusu ürün üretimi ve ihracatı yapan tüm firmalar tarafından doldurulması ve birliğimize (coskunc@oaib.org.tr) iletilmesi önem arz etmektedir.

Bilgilerini rica ederim.

Özkan AYDIN
Genel Sekreter

Ek: 1 sayfa

FOREIGN PRODUCERS'/EXPORTERS' QUESTIONNAIRE

DRIED TART CHERRIES FROM TURKEY

This questionnaire must be received by the Commission by **XXX**
See last page for filing instructions.

The information called for in this questionnaire is for use by the United States International Trade Commission in connection with its countervailing duty and antidumping investigations concerning dried tart cherries from Turkey (Inv. Nos. 701-TA-622 and 731-TA-1448 (Final)). The information requested in the questionnaire is requested under the authority of the Tariff Act of 1930, title VII.

Name of firm _____

Address _____

Website _____

Has your firm produced or exported dried tart cherries (as defined on next page) at any time since January 1, 2016?

☐ **NO** (Sign the certification below and promptly return **only** this page of the questionnaire to the Commission)

☐ **YES** (Complete all parts of the questionnaire, and return the entire questionnaire to the Commission)

Return questionnaire via the Commission **Drop Box** by clicking on the following link:
<https://dropbox.usitc.gov/oinv/>. (PIN: **TART**)

CERTIFICATION

I certify that the information herein supplied in response to this questionnaire is complete and correct to the best of my knowledge and belief and understand that the information submitted is subject to audit and verification by the Commission. By means of this certification I also grant consent for the Commission, and its employees and contract personnel, to use the information provided in this questionnaire and throughout this proceeding in any other import-injury proceedings conducted by the Commission on the same or similar merchandise.

I, the undersigned, acknowledge that information submitted in response to this request for information and throughout this proceeding or other proceedings may be disclosed to and used: (i) by the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel, solely for cybersecurity purposes. I understand that all contract personnel will sign appropriate nondisclosure agreements.

Name of Authorized Official

Title of Authorized Official

Date

Signature

Phone

Email address

PART I.—GENERAL INFORMATION

Background.--This proceeding was instituted in response to a petition filed on April 23, 2019, by the Dried Tart Cherry Trade Committee. Countervailing and/or antidumping duties may be assessed on the subject imports as a result of these proceedings if the Commission makes an affirmative determination of injury, threat, or material retardation, and if the U.S. Department of Commerce ("Commerce") makes an affirmative determination of subsidization and/or dumping. Questionnaires and other information pertinent to this proceeding are available at https://www.usitc.gov/investigations/701731/2019/dried_tart_cherries_turkey/preliminary.htm.

Dried tart cherries covered by these investigations may also be referred to as dried sour cherries or dried red tart cherries. Dried tart cherries may be processed from any variety of tart cherries. Tart cherries are generally classified as *Prunus cerasus*. Types of tart cherries include, but are not limited to, Amarelle, Kutahya, Lutowka, Montmorency, Morello, and Oblacinska. Dried tart cherries are covered by the scope of these investigations regardless of the horticulture method through which the cherries were produced (e.g., organic or not).

Dried tart cherries are covered by the scope of these investigations whether or not they contain any added sugar or other sweetening matter, whether or not they are coated in oil or rice flour, whether infused or not infused, and regardless of the infusion ingredients, including sugar, sucrose, fruit juice, and any other infusion ingredients. The subject merchandise covers all shapes, sizes, and colors of dried tart cherries, whether pitted or unpitted, and whether whole, chopped, minced, crumbled, in granules, broken, or otherwise reduced in size. The scope covers dried tart cherries in all types of packaging, regardless of the size or packaging material.

Included in the scope of these investigations are dried tart cherries that otherwise meet the definition above that are packaged with non-subject products, including, but not limited to, mixtures of dried fruits and mixtures of dried fruits and nuts. Only the dried tart cherry components of such products are covered by these investigations; the scope does not include the non-subject components of such products.

Included in the scope of these investigations are all dried tart cherries produced in Turkey, including dried tart cherries that have been further processed in a third country, including but not limited to processing by sweetening, coating, chopping, mincing, crumbling, packaging with non-subject products, or other packaging, or any other processing that would not otherwise remove the merchandise from the scope of the investigations if performed in Turkey.

The scope of these investigations does not cover finished bakery and confectionery items (cakes, cookies, candy, etc.) that incorporate dried tart cherries as an ingredient.

The subject merchandise is currently classifiable under 0813.40.3000 of the Harmonized Tariff Schedule of the United States (HTSUS). The subject merchandise may also enter under subheadings 0813.40.9000, 0813.50.0020, 0813.50.0060, 2006.00.2000, and 2008.60.0060. The HTSUS subheadings set forth above are provided for convenience and U.S. Customs purposes only. The written description of the scope is dispositive.

Reporting of information.-- If information is not readily available from your records, provide carefully prepared estimates. If your firm is completing more than one questionnaire (i.e., a producer, importer, purchaser and/or foreign producer questionnaire), you need not respond to duplicated questions.

Confidentiality.--The commercial and financial data furnished in response to this questionnaire that reveal the individual operations of your firm will be treated as confidential by the Commission to the extent that such data are not otherwise available to the public and will not be disclosed except as may be required by law (see 19 U.S.C. §1677f). Such confidential information will not be published in a manner that will reveal the individual operations of your firm; however, general characterizations of numerical business proprietary information (such as discussion of trends) will be treated as confidential business information only at the request of the submitter for good cause shown.

Verification.--The information submitted in this questionnaire is subject to audit and verification by the Commission. To facilitate possible verification of data, please keep all files, worksheets, and supporting documents used in the preparation of the questionnaire response. Please also retain a copy of the final document that you submit.

Release of information.--The information provided by your firm in response to this questionnaire, as well as any other business proprietary information submitted by your firm to the Commission in connection with this proceeding, may become subject to, and released under, the administrative protective order provisions of the Tariff Act of 1930 (19 U.S.C. § 1677f) and section 207.7 of the Commission's Rules of Practice and Procedure (19 CFR § 207.7). This means that certain lawyers and other authorized individuals may temporarily be given access to the information for use in connection with this proceeding or other import-injury proceedings conducted by the Commission on the same or similar merchandise; those individuals would be subject to severe penalties if the information were divulged to unauthorized individuals.

Valid number error messages.--If you are completing this form in a country that uses periods (".") to delineate multiples of 1000 (e.g., one million would appear as \$1.000.000 rather than \$1,000,000), you may be unable to enter in numbers greater than 999 in numeric form fields. The solution to this data entry issue is to temporarily change your operating system's number formatting to be consistent with the U.S. number formatting system while you complete this form. Detailed instructions on how to resolve this issue is provided at the end of this questionnaire and is available upon request from Calvin Chang (202-205-3062, hangyul.chang@usitc.gov).

I-1. **OMB statistics.**--Please report below the actual number of hours required and the cost to your firm of completing this questionnaire

Hours	Dollars

The questions in this questionnaire have been reviewed with market participants to ensure that issues of concern are adequately addressed and that data requests are sufficient, meaningful, and as limited as possible. Public reporting burden for this questionnaire is estimated to average 20 hours per response, including the time for reviewing instructions, gathering data, and completing and reviewing the questionnaire.

We welcome comments regarding the accuracy of this burden estimate, suggestions for reducing the burden, and any suggestions for improving this questionnaire. Please attach such comments to your response or send to the Office of Investigations, USITC, 500 E St. SW, Washington, DC 20436.

- I-2. **Establishments covered.**--Provide the name and address of establishment(s) covered by this questionnaire. If your firm is publicly traded, please specify the stock exchange and trading symbol.

“Establishment”-- Each facility of a firm in Turkey involved in the production or export of dried tart cherries, including auxiliary facilities operated in conjunction with (whether or not physically separate from) such facilities. Firms operating more than one establishment in Turkey should combine the data for all establishments into a single report.

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- I-3. **Related producers.**--Does your firm or any related firm produce, have the capability to produce, or have any plans to produce dried tart cherries in the United States or other countries?

No	Yes	If yes, please name the firm(s) and country(ies) below and, if U.S. producer(s), ensure that they complete the Commission's producer questionnaire.
<input type="checkbox"/>	<input type="checkbox"/>	

- I-4. **Related U.S. importers.**--Does your firm or any related firm import or have any plans to import dried tart cherries into the United States?

No	Yes	If yes, please name the firm(s) below and ensure that they complete the Commission's importer questionnaire.
<input type="checkbox"/>	<input type="checkbox"/>	

- I-5. **U.S. importers.**--Please provide the names, contacts, telephone numbers, and e-mail addresses of the **FIVE** largest U.S. importers of your firm's dried tart cherries in 2018.

	Importer's name	Contact person	Email	Telephone	Share of your firm's 2018 U.S. exports (%)
1					
2					
3					
4					
5					

PART II.--TRADE AND RELATED INFORMATION

Further information on this part of the questionnaire can be obtained from **Calvin Chang (202-205-3062, calvin.chang@usitc.gov)**. Supply all data requested on a calendar-year basis.

- II-1. **Contact information.**--Please identify the responsible individual and the manner by which Commission staff may contact that individual regarding the confidential information submitted in part II.

Name	
Title	
Email	
Telephone	
Fax	

- II-2a. **Changes in operations.**--Please indicate whether your firm has experienced any of the following changes in relation to the production of dried tart cherries since January 1, 2016.

<i>(check as many as appropriate)</i>		<i>(If checked, please describe; leave blank if not applicable)</i>
<input type="checkbox"/>	plant openings	
<input type="checkbox"/>	plant closings	
<input type="checkbox"/>	relocations	
<input type="checkbox"/>	expansions	
<input type="checkbox"/>	acquisitions	
<input type="checkbox"/>	consolidations	
<input type="checkbox"/>	prolonged shutdowns or production curtailments	
<input type="checkbox"/>	revised labor agreements	
<input type="checkbox"/>	weather-related events	
<input type="checkbox"/>	other (e.g., technology)	

- II-2b. **Anticipated changes in operations.**--Does your firm anticipate any changes in the character of its operations or organization (as noted above) relating to the production of dried tart cherries in the future?

No	Yes	If yes, supply details as to the time, nature, and significance of such changes and provide underlying assumptions.
<input type="checkbox"/>	<input type="checkbox"/>	

- II-3a. **Production using same machinery.**-- Please report your firm's production of products using the same equipment, machinery, or employees as used to produce dried tart cherries, and the combined production capacity on this shared equipment, machinery, or employees in the periods indicated.

"Overall production capacity" or "capacity" --The level of production that your establishment(s) could reasonably have expected to attain during the specified periods for all products manufactured in that establishment using the same manufacturing equipment. Assume normal operating conditions (i.e., using equipment and machinery in place and ready to operate; normal operating levels (hours per week/weeks per year) and time for downtime, maintenance, repair, and cleanup).

Note.--If your firm does not produce any out-of-scope merchandise on the same machinery and equipment as scope merchandise then the "overall production capacity" numbers reported in this question should be exactly equal to the "average production capacity" numbers reported in question II-10. If, however, your firm does produce out-of-scope merchandise using the same machinery and equipment as scope merchandise, then the "average production capacity" reported in question II-10 should exclude the portion of "overall production capacity" that was used to produce this out-of-scope merchandise.

"Production" --All production in your establishment(s) in Turkey, including production consumed internally within your firm.

Quantity (in pounds)					
Item	Calendar years			January-June	
	2016	2017	2018	2018	2019
Overall production capacity					
Production of:					
Dried tart cherries ¹	0	0	0	0	0
Other products ²					
Total	0	0	0	0	0
¹ Data entered for production of dried tart cherries will populate here once reported in question II-10.					
² Please identify these products: _____.					

- II-3b. **Operating parameters.**--The production capacity reported in II-3a is based on the following operating parameters:

Hours per week	Weeks per year

- II-3c. **Capacity calculation.**--Please describe the methodology used to calculate overall production capacity reported in II-3a, and explain any changes in reported capacity.

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- II-3d. **Production constraints.**--Please describe the constraint(s) that set the limit(s) on your firm's production capacity.

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- II-3e. **Product shifting.**—

- (i). Is your firm able to switch production (capacity) between dried tart cherries and other products using the same equipment and/or labor?

No	Yes	If yes—(i.e., have produced other products or are able to produce other products) Please identify other actual or potential products.
<input type="checkbox"/>	<input type="checkbox"/>	

- (ii). Please describe the factors that affect your firm's ability to shift production capacity between products (e.g., time, cost, relative price change, etc.), and the degree to which these factors enhance or constrain such shifts.

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II-4. **Share of sales.**--What percentage of your firm's total sales in its most recent fiscal year was represented by sales of dried tart cherries? _____ percent.

II-5. **Firm's estimated share of production in Turkey.**--Please estimate the percentage of total production of dried tart cherries in Turkey accounted for by your firm's production in 2018. _____ percent.

II-6. **Firm's estimated share of country's exports.**--Please estimate the percentage of total exports to the United States of dried tart cherries from Turkey accounted for by your firm's exports in 2018. _____ percent.

II-7. **Third country trade actions.**--Is the dried tart cherries exported by your firm subject to antidumping/countervailing duty/safeguard findings, remedies, or proceedings?

No	Yes	If yes--List the products(s), countries affected, and the date of such findings/remedies/proceedings.
<input type="checkbox"/>	<input type="checkbox"/>	

II-8. **Growth cycle.**—Since January 1, 2016, has the availability of tart cherries for use in the production of dried tart cherries been cyclical?

No	Yes	If yes—In aggregate what have been years of peak production / what have been years of low production since January 1, 2016
<input type="checkbox"/>	<input type="checkbox"/>	

II-9. **Efforts by firm to manage cyclical.**—Given the cyclical nature of cherry production, what steps has your firm taken to manage this cyclical nature (e.g., alternative sources of supply / storage of inventories of dried tart cherries in peak year of sales in non-peak years / et cetera)?

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- II-10. **Trade data.**--Report your firm's production capacity, production, shipments, and inventories related to the production of dried tart cherries in your establishment(s) in Turkey during the specified periods. Do not include resales of dried tart cherries that your firm did not produce in this question; those data to the degree they are exported to the United States should only be reported in question II-11.

Do not submit data by manufacturing facility if they are in the same country. If your firm has multiple manufacturing establishments within one country, you are required to combine data for those establishments within one foreign producer questionnaire response.

"Average production capacity" or "capacity" --The level of production that your establishment(s) could reasonably have expected to attain during the specified periods for all products manufactured in that establishment using the same manufacturing equipment. Assume normal operating conditions (i.e., using equipment and machinery in place and ready to operate; normal operating levels (hours per week/weeks per year) and time for downtime, maintenance, repair, and cleanup; and a typical or representative product mix).

"Production" --All production in your establishment(s) in Turkey, including production consumed internally within your firm.

"Shipments"--Shipments of products produced in your establishment(s) in Turkey. Quantities reported should be net of returns.

"Home market commercial shipments"--Shipments, other than internal consumption and transfers to related firms, within Turkey.

"Home market internal consumption/transfers to related firms"--Shipments made to related firms in Turkey, including product consumed internally by your firm.

"Export shipments"--Shipments to destinations outside of the country indicated on page 1 (Turkey), including shipments to related firms.

"Inventories"--Finished goods inventory, not raw materials or work-in-progress.

Note: As requested in Part I of this questionnaire, please keep all supporting documents/records used in the preparation of the trade data, as Commission staff may contact your firm regarding questions on the trade data. The Commission may also request that your company submit copies of the supporting documents/records (such as production and sales schedules, inventory records, etc.) used to compile these data.

II-10. **Trade data.**--Continued.

Quantity (in pounds)							
Item	Actual experience					Projections ¹	
	Calendar year			January-June		Calendar year	
	2016	2017	2018	2018	2019	2019	2020
Average production capacity ² (A)							
Beginning-of-period inventories (B)							
Production (C)							
Home market shipments: Internal consumption/ transfers (D)							
Commercial shipments (E)							
Exports to the United States (F)							
Exports to all other markets ³ (G)							
Total exports (H) (should equal F+G)	0	0	0	0	0	0	0
Total shipments (I) (should equal D+E+F+G)	0	0	0	0	0	0	0
End-of-period inventories (J)							
¹ Please explain the basis for your firm's projections. _____. ² The production capacity reported is based on operating _____ hours per week, _____ weeks per year. Please describe the methodology used to calculate production capacity, and explain any changes in reported capacity. _____. ³ Identify principal other export markets. _____.							

RECONCILIATION OF SHIPMENTS, PRODUCTION, AND INVENTORY.--Generally, the data reported for the end-of-period inventories (i.e., line J) should be equal to the beginning-of-period inventories (i.e., line B), plus production (i.e., line C), less total shipments (i.e., lines D, E, F, and G). Please ensure that any differences are not due to data entry errors in completing this form, but rather actually reflect your firm's records; and also provide any likely explanations for any differences (e.g., theft, loss, damage, record systems issues, etc.) if they exist.

Item	Actual experience					Projections	
	Calendar year			January-June		Calendar year	
	2016	2017	2018	2018	2019	2019	2020
B + C – D – E – F – G – J = should equal zero ("0") or provide an explanation. ¹	0	0	0	0	0	0	0
¹ Explanation if the calculated fields above are returning values other than zero (i.e., "0") but are nonetheless accurate: _____							

- II-11. **Exports to the United States not produced by your firm.**--Report your firm's exports to the United States of dried tart cherries that was produced in Turkey but not by your firm during the specified periods. Note these data should **not** be included in question II-10.

Quantity (in pounds)							
Item	Actual experience					Projections	
	Calendar year			January-June		Calendar year	
	2016	2017	2018	2018	2019	2019	2020
Exports of dried tart cherries to the United States not produced by your firm ¹							
¹ List the producer(s). _____.							

- II-12. **Other explanations.**--If your firm would like to further explain a response to a question in Part II for which a narrative box was not provided, please note the question number and the explanation in the space provided below. Please also use this space to highlight any issues your firm had in providing the data in this section, including but not limited to technical issues with the MS Word questionnaire.

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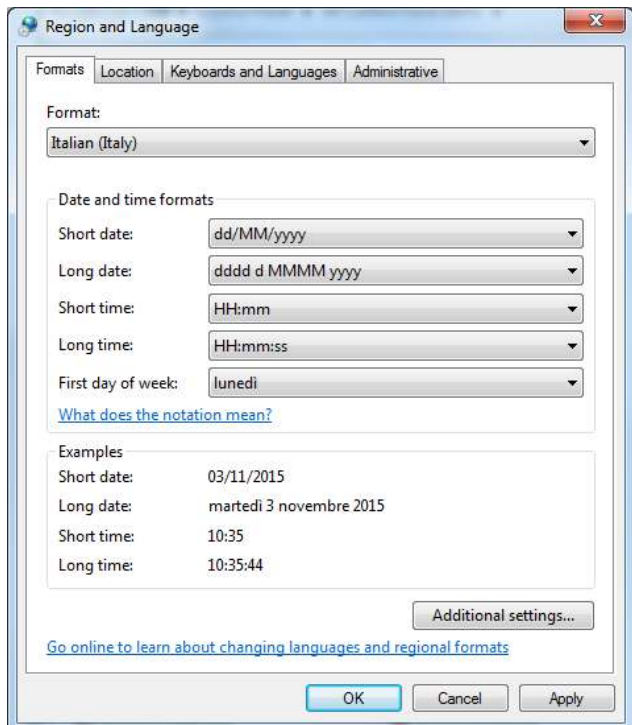
Correcting Valid number error messages.--If you are completing a Commission questionnaire in a country that uses periods (".") to delineate multiples of 1000 (e.g., one million would appear as \$1.000.000 instead of as \$1,000,000), you may be unable to enter in numbers greater than 999 in numeric form fields. This issues stem from your computer number formatting setting (e.g., not the MS Word document itself, but the computer from which you are opening up the document). In the United States commas (,) delineate multiples of 1000 and periods (.) delineate fractions less than one. Many EU countries use the reverse where multiples of 1000 are delineated with periods (.) and fractions less than one are delineated with commas (,). The US International Trade Commission's questionnaires are set-up in the United States with the U.S. number formatting. When this formatting interacts with a computer set to EU number formatting, we believe this may cause this issue.

The solution to this data entry issue is to temporarily change your operating system's number formatting to be consistent with the U.S. number formatting system while you complete the questionnaire.

To temporarily change your computer's number settings to U.S. settings, please do the following (for Microsoft Windows Operating system):

- START
- Control Panel
- Region and Language (under Clock, Language, and Region category)
- Format tab
- Change the Format from your existing one (e.g. "Italian (Italy)") to "English (United States)" (see screen shots below)

When you do this the number "twelve million dollars and thirty five cents" would change from \$12.000.000,35 (Italy format) to \$12,000,000.35 (U.S. format), and then there will be no conflict with the USITC foreign producer questionnaire form. When you finish reporting the data then you can close the questionnaire and switch back to Italy settings.



HOW TO FILE YOUR QUESTIONNAIRE RESPONSE

This questionnaire is available as a “fillable” form in MS Word format on the Commission’s website at:

https://www.usitc.gov/investigations/701731/2019/dried_tart_cherries_turkey/preliminary.htm

Please do not attempt to modify the format or permissions of the questionnaire document. Please submit the completed questionnaire using one of the methods noted below. If your firm is unable to complete the MS Word questionnaire or cannot use one of the electronic methods of submission, please contact the Commission for further instructions.

- **Upload via Secure Drop Box.**—Upload the MS Word questionnaire along with a scanned copy of the signed certification page (page 1) through the Commission’s secure upload facility:

Web address: <https://dropbox.usitc.gov/oinv/> **Pin:** **TART**

- **E-mail.**—E-mail your questionnaire to hangyul.chang@usitc.gov; include a scanned copy of the signed certification page (page 1). *Submitters are strongly encouraged to encrypt nonpublic documents that are electronically transmitted to the Commission to protect your sensitive information from unauthorized disclosure. The USITC secure drop-box system and the Electronic Document Information System (EDIS) use Federal Information Processing Standards (FIPS) 140-2 cryptographic algorithms to encrypt data in transit. Submitting your nonpublic documents by a means that does not use these encryption algorithms (such as by email) may subject your firm’s nonpublic information to unauthorized disclosure during transmission. If you choose a non-encrypted method of electronic transmission, the Commission warns you that the risk of such possible unauthorized disclosure is assumed by you and not by the Commission.*

If your firm did not produce or export this product, please fill out page 1, print, sign, and submit a scanned copy to the Commission.

Parties to this proceeding.—If your firm is a party to this proceeding, you are required to serve a copy of the completed questionnaire on parties to the proceeding that are subject to administrative protective order (see 19 CFR § 207.7). A list of such parties may be obtained from the Commission’s Secretary (202-205-1803). A certificate of service must accompany the completed questionnaire you submit (see 19 CFR § 207.7). Service of the questionnaire must be made in paper form.