

Sayı: 21704200-TİM.OAİB.11.ARG3.2020/154-6005
Konu: Mısır Anti Damping SoruŐturması

Ankara, 19/05/2020

SİRKÜLER (D-2020)

Sayın Üyemiz,

Kahire Ticaret MüŐavirliĐimiz vasıtasıyla edinilen malumata göre, Mısır Ticaret ve Sanayi BakanlıĐı (Bakanlık) tarafından Çin Halk Cumhuriyeti ve Tunus'un yanı sıra ülkemiz menŐeli 'Haddelenmiş ve deforme beton takviye çubukları' (7312.10.61 ve 7312.10.69 Gümrük tarife pozisyonlarında) ithalatına karşı anti-damping soruŐturması başlatılmış olup soruŐturma açılıŐ bildirimlerinin bir örneĐi ekte yer almaktadır.

BilindiĐi üzere, yerli sanayilerin, üretimini gerçekleŐtirdikleri 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 getirebilmektedirler. Bahse konu zarar olgusu, ilgili ürün ihracatçılarının, ithalatçı ülke pazarında kendi iç piyasalarından farklı fiyat politikaları izlemelerinden, yani dumping uygulamalarından, ya da kamu kurumlarınca sübvansede edilen ihracatın haksız rekabete sebebiyet vermesi gibi nedenlerden kaynaklanabilmektedir. Bu itibarla, Mısır tarafından başlatılan mezkûr soruŐturmalarda ülkemiz menŐeli 'Haddelenmiş ve deforme beton takviye çubukları' ithalatının dumpingli olup olmadığı, ayrıca bu süreçte dumpingli olduĐu iddia edilen ülkemiz menŐeli ilgili ürün ithalatının Mısır yerli üretimi üzerinde bir zarara yol açıp açmadıĐı deĐerlendirilecektir. Mısır soruŐturma otoritesi tarafından bu hususlarda müspet karar verilmesi halinde tüm ülkemiz firmalarına anti-damping önlemleri tatbik edilmesine hükmedilmesi olasıdır.

Anılan soruŐturma, ülkemizin de taraf olduĐu Dünya Ticaret Örgütü (DTÖ) Anti-Damping AnlaŐması'nın amir hükümleri, ilgili DTÖ içtihadı ve Mısır'ın anti-damping ve telafi edici vergi uygulamalarına iliŐkin ulusal mevzuatı (Ulusal Ekonominin Uluslararası Ticaretteki Haksız Uygulamaların Zararlı Etkilerinden Korunmasına İliŐkin 161 sayılı Kanun ve buna baĐlı Uygulama Esasları) çerçevesinde yürütülecektir.

DTÖ Anti-Damping AnlaŐması'nın 6.10 Maddesi ve 161/1998 sayılı Kanun'un Uygulama Usul ve Esasları'nın 24. Maddesi soruŐturma otoritesinin ihracatçı sayılarının yüksek olduĐu durumlarda örnekleme (*sampling*) tekniĐine başvurulabileceĐini karara bağlamaktadır. Bu çerçevede, Mısır soruŐturma otoritesi kendisi tarafından bilinen üç adet ihracatçı firmamıza soru formları göndermiştir. İlaveten, soruŐturma otoritesi diĐer ülkemiz ihracatçılarını da soruŐturmaya katılmaya davet etmektedir. Bu itibarla, BakanlıĐın örneklemeye gidip gitmeme kararına temel oluşturmasını teminen, mevcut soruŐturmaya taraf olmak isteyen tüm ihracatçıların, **ivedilikle** ilgili Bakanlık ile irtibata geçmeleri ve ekte yer alan açılıŐ bildiriminde istenilen bilgiler ile kendilerini tanıtmaları gerekmektedir.

Ayrıntılı bilgi için: Zeynep KaraosmanoĐlu - Uzman

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ANKARA DEMİR VE DEMİR DIŐI
METALLER
İHRACATÇILARI BİRLİĐİ

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Ayrıca, ilgili Bakanlık'tan alınan 4 Mayıs 2020 tarihli yazıya istinaden **37 (otuz yedi) günlük** süre zarfında ekte yine bir örneĐi bulunan soru formunu doldurarak mezkur Bakanlık'a iletmeleri beklenmektedir. İhracatçı firmalarımızca makul gerekçeler sunulması durumunda ve soruőturma otoritesince bunların kabul edilmesi halinde soru formlarının teslimi için süre uzatımı temin edilmesi imkan dahilinde olabilecektir.

Soru formlarına verilen cevaplar doĐrultusunda, örnekleme dahilinde yer alan firmalar için bireysel damping marjları hesaplanacaktır. Bakanlık ile iletişime geçen ancak örneklemede yer almayan firmalar, soruőturmalar kapsamında işbirliğine giden taraf olarak addedilecek olup bu firmalara yönelik olarak örneklemede yer alan ilgili taraflar için hesaplanan marjların aĐırlıklı ortalamasını geçmeyecek damping marjları hesaplanması olanak dahilindedir.

Açılıő bildirimlerinde de ifade edildiĐi üzere, herhangi bir ilgili tarafın belirlenen süreler içerisinde gerekli bilgileri vermeyi reddettiĐi veya yanıltıcı malumat sunduĐu veya soruőturmaları engellediĐi durumlarda, ulaőılabilen mevcut diĐer veriler esas alınarak (*best information available*) olumlu veya olumsuz ön ve nihai belirlemeler yapılabilir. Dolayısıyla, ilgili herhangi bir tarafın işbirliği yapmaması ve bu nedenle ilgili bilgilerin yetkili mercilere verilmemesi halinde, bu durum ilgili tarafların işbirliği yaptıĐı duruma kıyasla, söz konusu tarafın daha az lehine olan bir sonuca yol açabilir.

Bu itibarla, firmalarımızın Ticaret BakanlıĐı internet adresinde "Türk İhraç Ürünlerine Yönelik Uygulanan Ticaret Politikası Savunma Önlemleri" başlıĐı altında yer alan "TPSA Önlemlerine İliőkin Faydalı Bilgiler" kısmındaki belgeleri ve Türkiye İhracatçıları Meclisi (TİM) tarafından düzenlenen "Ticaret Politikası Önlemleri Soruőturmaları ve Genelleőtirilmiş Tercihler Sistemi Uygulamaları Kapsamında Firmalarca Alınacak Avukatlık ve/veya Danıőmanlık Hizmeti Harcamalarının Desteklenmesine İliőkin Uygulama Usul ve Esasları"nı incelemesinde fayda görölmektedir.

Söz konusu soruőturmalar kapsamında ihracatımızın ve ihracatçılarımızın savunulması amacıyla Türkiye Cumhuriyeti Hükümeti adına Ticaret BakanlıĐınca yazılı ve őifahi görüşler Mısır makamlarına tevdi edilecektir. İlaveten, anılan soruőturmaya ölkemiz özel sektörünü temsilen ilgili İhracatçı Birliğimiz de taraf olup yukarıda belirtilen uygulama usul ve esasları kapsamında avukatlık/danıőmanlık hizmeti olarak ölkemiz ihracatçılarını savunması imkânı mevcut bulunmaktadır.

Bilgilerini ve gereĐini rica ederim.

Özkan AYDIN
Genel Sekreter

Ek: Açılıő Bildirimi ve Soru Formu

Ayrıntılı bilgi için: Zeynep KaraosmanoĐlu - Uzman

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Arab Republic of Egypt
Ministry of Trade and Industry
Trade Remedies Sector
Notice No. (3) of the Year 2020
Concerning the Initiation of an Anti-Dumping Investigation
on the Dumped Imports of Pre-stressed Concrete Steel Strands,
Originating in or Exported from
China, Tunisia and Turkey
=====

Pursuant to the provisions of Law No. 161 of the year 1998 on the Protection of the National Economy from the Effects of Injurious Practices in International Trade and the Executive Regulation thereof issued by virtue of the Ministerial Decree No.549 of the year 1998, and amendments thereof (hereinafter referred to as “The Regulation”),

On 14/4/2020, the Minister of Trade and Industry approved the recommendation of the Advisory Committee on the initiation of an investigation and the publication of a notice of initiation in the Egyptian *Official Gazette*, in accordance with the provisions of Article no. (10) of the Regulation and in the light of the conclusions reached by the Trade Remedies Sector, hereinafter referred to as “The Investigating Authority”.

1. Procedures

On 19/1/2020, the Investigating Authority received a properly documented application from United Wires Co. Elsewedy, hereinafter referred to as "the domestic industry", alleging that the imports of “pre-stressed concrete steel strands”, originating in or exported from China, Tunisia and Turkey are imported to Egypt at dumped prices causing material retardation to the domestic industry.

The Investigating Authority examined the accuracy and the adequacy of the data included in the application and notified, on 1/4/2020, embassies of China, Tunisia, and on 2/4/2020 embassy of Turkey in Egypt, with the acceptance of the application.

On 25/3/2020, the Investigating Authority submitted a report to the Advisory Committee which, in turn, submitted the recommendation thereof to the Minister of Trade and Industry to initiate the investigation and publish the notice of initiation in the Egyptian Official Gazette.

2. Domestic Industry

The domestic industry producing the like product is an infant industry, i.e. a newly established industry which constitutes 100 percent of total domestic production of the like product and therefore represents the domestic industry pursuant to Article (19) of the Regulation.

3. Product under Investigation

The product under investigation is "Pre-stressed Concrete Steel Strands, which is classified under H.S tariff code: 73089010

4. Period of Investigation

- The dumping investigation period is from 1/1/2019 to 31/12/2019.
- The injury investigation period covers the years 2017, 2018 and 2019.

5. Allegation of Dumping

The domestic industry bases the allegation of dumping on the comparison between the export prices of the product under investigation imported from China, Tunisia and Turkey with the selling prices of such products in the domestic market of these countries at the same level of trade. The comparison has resulted in the existence of a non-de minimis dumping margin exceeding 2 percent of the export price.

6. Allegation of Material Retardation

The domestic industry alleges that the increase in the volume of the allegedly dumped imports of the product under investigation originating in or exported from China, Tunisia and Turkey exceeds 3 percent of the total imports from the world has retarded the achievement of the economic indices planned in the feasibility studies.

7. Questionnaires and Collection of Information

In order to obtain the necessary information, the Investigating Authority will send questionnaires to known foreign exporters and producers and to unknown foreign exporters and producers through their embassies in Cairo.

Questionnaires will be sent also to the domestic industry and known importers of the product under investigation.

Unknown foreign exporters, producers and importers of the product under investigation should make themselves known to the IA in order to receive a copy of the questionnaire within a fifteen-day period from the date of publication in the Egyptian *Official Gazette* in order to be able to submit responses thereof within the specified time limits.

All parties shall send their responses to the questionnaires to the Investigating Authority within a thirty-seven-day term from the date of receipt.

8. Sampling Technique

In accordance with Article (24) of the Regulation, the Investigating Authority may apply sampling technique in case of having many interested parties or many kinds of the product under investigation.

A) Sampling Technique for Foreign Exporters/Producers

To enable the IA to determine whether it is necessary to resort to sampling technique, all foreign exporters and producers, or legal representatives acting on their behalf are requested to contact the IA, and to provide the following information of their company or companies within a fifteen-day term from the date of publication of this notice in the Egyptian *Official Gazette*:

- Name, Address, E-mail, Phone number, Fax number and the contact person,
- Quantity and value of sales of the product under investigation that were exported by the company to Egypt during the period from 1/1/2019 to 31/12/2019.
- Quantity and value of sales of the product under investigation which were sold by the subject company in the domestic market of the aforementioned countries during the period from 1/1/2019 to 31/12/2019.
- Specified activities of the company with regard to the production and sale of the product under investigation,
- Names and specific activities of all subject companies producing and/or selling the product under investigation in export and/or domestic market, and
- Any other relevant information that would assist the Investigating Authority in the selection of the sample.

By submitting all the above-mentioned information, the company thereby approves the inclusion thereof in the sample. The selection of a company as a part of the sample implies the response to questionnaires and the approval of conducting an on-the-spot verification visit. Were the company to express unwillingness to be included in the sample, this would be deemed to be non-cooperation with the Investigating Authority.

For the purpose of collecting the information deemed to be necessary for the selection of the sample for foreign exporters/producers, the Investigating Authority may also contact any known associations of exporters/producers in China, Tunisia and Turkey.

b) Sampling Technique for Importers

For the purpose of enabling the Investigating Authority to determine the necessity of applying sampling technique, all importers or the legal representatives acting on their behalf shall contact the Investigating Authority and provide the following information related to company/companies

thereof within a fifteen-day period from the date of publication of this notice in the Egyptian *Official Gazette*:

- Name, Address, E-mail, Phone number, Fax number and the contact person,
- Total quantity and value of the company's sales of the product under investigation that were sold in the Egyptian domestic market during the period from 1/1/2019 to 31/12/2019,
- Total number of workers during the period from 1/1/2019 to 31/12/2019,
- Activities of the company with regard to the product under investigation,
- Volume of imports (quality and value in L.E) of the product under investigation imported by the company for purposes of resale in the Egyptian Market during the period from 1/1/2019 to 31/12/2019,
- Names and activities of all the companies producing and/or selling the product under investigation, and
- Any other relevant information that would assist the Investigating Authority in the process of selection of the sample.

By submitting all the above-mentioned information, the company thereby approves the inclusion thereof in the sample. The selection of a company as a part of the sample implies the response to the questionnaires and the approval of conducting an on-the-spot verification visit. Were the company to express unwillingness to be included in the sample, this would be deemed to be non-cooperation with the Investigating Authority.

For the purpose of collecting the information deemed to be necessary for the selection of the sample of importers, the Investigating Authority may also contact any known associations of importers.

c) Final Selection of Samples

All interested parties willing to submit any relevant information regarding the selection of the samples shall do so within the specified time limits.

The Investigating Authority might make the final selection of the samples after conducting consultations with the interested parties who have expressed willingness thereof to be included in the sample.

Companies included in the sample shall respond to the questionnaires within the time limits specified in this notice and shall cooperate with the Investigating Authority.

In case of insufficient cooperation, the Investigating Authority may base the findings thereof on the best information available.

9. Public Hearings

Pursuant to Article (25) of the Regulation, hearings may be held at the premises of the Investigating Authority for all interested parties and other parties concerned to present their views and arguments, provided that they submit a written request to the Investigating Authority that includes specific reasons as to why they should be heard. Parties concerned and other interested parties must express their wish to hold a hearing within a 21-day period from the date of publication of this notice in the Egyptian Official Gazette.

10. On-the-Spot Verification Visits

In accordance with the provisions of Article (26) of the Regulation, the Investigating Authority may conduct on-the-spot verification visits at the premises of the interested parties in order to verify the accuracy of the information submitted.

11. Time Limits

For information on the time limits concerning the submission of information to the IA, sampling and hearings, please refer to points (7, 8 and 9) mentioned in this notice.

12. Non-Cooperation

In cases any interested party refuses to provide necessary information, does not provide such information within the specified time limits which impedes the course of the investigation or provides false or misleading information, the Investigating Authority will make its preliminary and final determinations based on the best information available pursuant to the provisions of Article (27) and (35) of the Regulation.

13. Public File

The Investigating Authority shall, during the course of the investigation, make available all the relevant non-confidential information submitted by the interested parties through the public file. This information shall be available for all parties concerned at the premises of the Investigating Authority in Cairo pending the final determination.

14. Provisional Measures

The Investigating Authority may resort to the imposition of provisional measures in accordance with the provisions of Article (44) of the Regulation.

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