



## FACT SHEET

### Commerce Finds Dumping and Countervailable Subsidization of Imports of Dried Tart Cherries from Turkey

- On December 5, 2019, the Department of Commerce (Commerce) announced its affirmative final determinations in the antidumping duty (AD) and countervailing duty (CVD) investigations of imports of dried tart cherries from Turkey.
- The AD and CVD laws provide U.S. businesses and workers with a transparent, quasi-judicial, and internationally accepted mechanism to seek relief from the market-distorting effects caused by injurious dumping and subsidization of imports into the United States, establishing an opportunity to compete on a level playing field.
- For the purpose of an AD investigation, dumping occurs when a foreign company sells a product in the United States at less than its fair value. For the purpose of a CVD investigation, a countervailable subsidy is financial assistance from a foreign government that benefits the production of goods from foreign companies and is limited to specific enterprises or industries, or is contingent either upon export performance or upon the use of domestic goods over imported goods.
- No company or the Government of Turkey responded to requests for information in the CVD investigation. Therefore, the final subsidy rate assigned to mandatory respondents Isik Tarim Urunleri Sanayi ve Ticaret A.S., Yamanlar Tarim Urunleri, and all other Turkish producers and exporters is 204.93 percent.
- No companies responded to requests for information in the AD investigation. Therefore, the final AD rate assigned to mandatory respondents Isik Tarim Urunleri Sanayi ve Ticaret A.S. and Yamanlar Tarim Urunleri is 648.35 percent. The AD rate for all other Turkish producers and exporters is 541.29 percent.
- Upon publication of the final affirmative AD and CVD determinations, Commerce intends to instruct U.S. Customs and Border Protection (CBP) to continue to collect AD and CVD cash deposits equal to the applicable final weighted-average dumping and subsidy rates. These cash deposit requirements will remain in effect until further notice and may be subject to change based on the U.S. International Trade Commission's (ITC) forthcoming injury determination.
- The petitioner is the Dried Tart Cherry Trade Committee. The members are Cherry Central Cooperative (Traverse City, MI), Graceland Fruit, Inc. (Frankfort, MI), Payson Fruit Growers Coop (Payson, UT), Shoreline Fruit, LLC (Traverse City, MI), and Smeltzer Orchard Co. (Frankfort, MI).
- The scope of the investigations is listed in Appendix I.
- In 2018, imports of dried tart cherries from Turkey were valued at an estimated \$1.2 million.
- The signed Federal Register notices are on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <https://access.trade.gov>, and to all parties in the Central Records Unit, Room

B8024 of the main Department of Commerce building. Please refer to case numbers: C-489-836 and A-498-835 for the CVD and AD investigations, respectively.

#### **NEXT STEPS**

- The ITC is scheduled to make its final determinations on or about January 21, 2020.
- If the ITC makes affirmative final determinations that imports of dried tart cherries from Turkey materially injure, or threaten material injury to, the domestic industry, Commerce will issue AD and CVD orders and instruct U.S. Customs and Border Protection to collect cash deposits equal to the final AD and CVD rates determined in these proceedings, as applicable. If the ITC makes negative determinations of injury, the investigations will be terminated and any cash deposits collected will be returned, as appropriate.

**FINAL DUMPING RATES:**

COUNTRY	EXPORTER/PRODUCER	DUMPING RATES
Turkey	Isik Tarim Urunleri Sanayi ve Ticaret A.S.	648.35%
	Yamanlar Tarim Urunleri	648.35%
	All Others	541.29%

\*\*Rates are adjusted for export subsidies.

**FINAL SUBSIDY RATES:**

COUNTRY	EXPORTER/PRODUCER	SUBSIDY RATE
Turkey	Isik Tarim Urunleri Sanayi ve Ticaret A.S.	204.93%
	Yamanlar Tarim Urunleri	204.93%
	All Others	204.93%

**CASE CALENDAR:**

EVENT	CVD	AD
Petition Filed	April 23, 2019	April 23, 2019
DOC Initiation Date	May 13, 2019	May 13, 2019
ITC Preliminary Determinations	June 7, 2019	June 7, 2019
DOC Preliminary Determinations	September 20, 2019	September 20, 2019
DOC Final Determinations †	December 4, 2019	December 4, 2019
ITC Final Determinations	January 21, 2020	January 21, 2020
Issuance of Orders*	January 28, 2020	January 28, 2020

NOTE: Commerce preliminary and final determination deadlines are governed by statute. For AD investigations, the deadlines are set forth in sections 733(b) and 735(a)(1) of the Tariff Act of 1930, as amended (the Act). For CVD investigations, the deadlines are set forth in sections 703(b) and 705(a) of the Act.

\*This will take place only in the event of affirmative final determinations from Commerce and the ITC.

†Where the deadline falls on a weekend/holiday, the appropriate date is the next business day.

**IMPORT STATISTICS:**

Israel	2016	2017	2018
Volume (Metric Tons)	188	375	686
Value (USD)	345,235	655,844	1,239,540

Source: U.S. Census Bureau, accessed through Global Trade Atlas (Harmonized Tariff Schedule of the United States (HTSUS) 0813.40.3000)

## Appendix I

- The scope of these investigations covers dried tart cherries, which may also be referred to as, *e.g.*, 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 this investigation regardless of the horticulture method through which the cherries were produced (*e.g.*, organic or not), 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 scope includes partially rehydrated dried tart cherries that retain the character of dried fruit. The subject merchandise covers all shapes, sizes, and colors of dried tart cherries, whether pitted or unpitted, and whether whole, chopped, minced, crumbled, 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, where the smallest individual packaging unit of any such product contains a majority (*i.e.*, 50 percent or more) of dried tart cherries by dry net weight. 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 dried tart cherries that have been further processed in a third country, including but not limited to processing by stabilizing, preserving, sweetening, adding oil or syrup, 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 the country of manufacture of the dried tart cherries.

Excluded from the scope of these investigations are dried tart cherries that have been incorporated as an ingredient in finished bakery and confectionary items (cakes, cookies, candy, granola bars, etc.).

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, 2006.00.5000, 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.