



FACT SHEET

Commerce Issues Affirmative Preliminary Determinations in the Antidumping Duty and Countervailing Duty Investigations of Imports of Dried Tart Cherries from Turkey

- On September 23, 2019, the Department of Commerce (Commerce) announced the affirmative preliminary determinations of the antidumping (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 unfair subsidization of imports into the United States, establishing an opportunity to compete on a level playing field.
- For the purpose of AD investigations, dumping occurs when a foreign company sells a product in the United States at less than its fair value. For the purpose of CVD investigations, 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 preliminary 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 preliminary 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.
- 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 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.

- In 2018, imports of dried tart cherries from Turkey were valued at an estimated \$1.2 million.
- The Preliminary Decision Memoranda 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: A-489-835 for the AD investigation and C-489-836 for the CVD investigation.

NEXT STEPS

- Commerce is scheduled to announce its final AD and CVD determinations on or about December 5, 2019.
- If Commerce's final determinations are affirmative, the U.S. International Trade Commission (ITC) is scheduled to make its final AD and CVD injury determinations on or before January 21, 2020.
- If the ITC makes an affirmative final determination 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. If the ITC makes a negative final determination of injury, the investigations will be terminated.

PRELIMINARY DUMPING RATES:

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

PRELIMINARY 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	AD INVESTIGATIONS	CVD INVESTIGATIONS
Petitions 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 determinations deadlines are governed by statute. For CVD investigations, the deadlines are set forth in sections 703(b) and 705(a)(1) of the Tariff Act of 1930, as amended (the Act). For AD investigations, the deadlines are set forth in sections 733(b) and 735(a) of the Act of 1930.

These deadlines may be extended under certain circumstances.

*These deadlines may be extended under the governing statute.

**These will take place only in the event of final affirmative determinations from Commerce.

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

IMPORT STATISTICS:

TURKEY	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)