

Sayı: 17812098-TİM.AKİB.GSK.SAN.2024/335-3726
Konu: Brezilya Anti-Damping Soruşturması Hk.

Mersin, 05/08/2024

Sayın Üyemiz,

Ticaret Bakanlığından iletilen yazıda, Sao Paulo Ticaret Ataşeliğimizden alınan bilgiye göre, Brezilya Cam Sanayicileri Birliğinin (“ABIVIDRO”), 1,8 mm’den 20,0 mm’ye kadar kalınlığında, Malezya, Pakistan ve Türkiye menşeli, genellikle MERCOSUR Ortak İsimlendirmesi – NCM/SH’nin 7005.29.00 GTP’sinde sınıflandırılan renksiz düz cam ürününde dampingli ithalatın yerli üretim dalına zarar verdiği iddiasıyla bir anti-damping soruşturması açılması için ilgili Brezilya otoritesine yapılan bir başvuru neticesinde bir anti-damping soruşturması başlatıldığı öğrenilmiştir. Bu çerçevede, Brezilya otoritesinden alınan bildirim gayri resmi tercümesi de ekte iletilmektedir.

Bilindiği üzere, yerli sanayilerin, üretimini gerçekleştirdikleri 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 iç piyasalarından farklı fiyat politikaları izlemelerinden, yani damping uygulamaları, ya da kamu kurumlarınca sübvans edilen ihracatın haksız rekabete neden olması gibi nedenlerden kaynaklanabilmektedir. Bu itibarla, bahse konu anti-damping soruşturması çerçevesinde, Brezilya’nın ülkemiz menşeli “renksiz düz cam” ithalatının dampingli olup olmadığı, ayrıca bu süreçte dampingli olduğu iddia edilen ülkemiz menşeli ilgili ürün ithalatının Brezilya yerli üretimi üzerinde bir zarara yol açıp açmadığı değerlendirilecek olup, soruşturma otoritesi tarafından bu hususlarda müspet karar verilmesi halinde ülkemiz firmalarına anti-damping vergisi tatbik edilmesine hükmedilmesi olasılık dahilindedir.

Bildirim gayri resmi tercümesinden, soruşturma başlangıcından itibaren 30 gün içerisinde soruşturmaya taraf olunabileceği, uzatma taleplerinin 30 gün dolmadan yapılması gerektiği ve aşağıdaki internet adresinde yer alan soru formunun yine 30 gün içerisinde soruşturmaya taraf olan firmalar tarafından doldurulması gerektiği anlaşılmaktadır. <https://www.gov.br/mdic/pt-br/assuntos/comercio-exterior/defesa-comercial-e-interesse-publico>

Anılan anti-damping soruşturması, ülkemizin de taraf olduğu Dünya Ticaret Örgütü (DTÖ) Anti-Damping Anlaşması’nın amir hükümleri, ilgili DTÖ içtihadı ve Brezilya’nın anti-damping uygulamalarına ilişkin ilgili mevzuatı çerçevesinde yürütülecektir.

Bununla beraber, soru formuna verilen cevaplar doğrultusunda soruşturmaya taraf olan firmalarımız için bireysel damping marjları hesaplanacaktır. Öte yandan, ilgili herhangi bir tarafın belirlenen süreler içerisinde gerekli bilgileri vermeyi reddettiği veya soruşturmayı engellediği durumlarda, mevcut veriler esas alınarak (facts available) olumlu veya olumsuz ön ve nihai belirlemeler yapılabilecektir. Dolayısıyla, ilgili herhangi bir tarafın işbirliği yapmaması ve bu nedenle ilgili bilgilerin yetkili mercilere verilmemesi halinde, bu durumun ilgili tarafların işbirliği yaptığı duruma kıyasla, söz konusu tarafın daha az lehine olan bir sonuca yol açması ihtimal dahilinde olacaktır.



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Bununla birlikte firmalarımızdan talep olması halinde Ticaret Bakanlığınca bir bilgilendirme toplantısı yapılması olanağı da bulunmaktadır. Söz konusu soruşturma kapsamında ihracatımızın ve ihracatçılarımızın savunulması amacıyla Türkiye Cumhuriyeti Hükümeti adına Ticaret Bakanlığınca yazılı ve şifahi görüşler Brezilya ilgili makamlarına tevdi edilecektir.

Bilgileri ve gereğini rica ederim.

H. Okan ŞENEL
Genel Sekreter V.



UNOFFICIAL TRANSLATION

MINISTRY OF DEVELOPMENT, INDUSTRY, COMMERCE AND SERVICES (MDIC)
SECRETARIAT OF FOREIGN TRADE (SECEX)
DEPARTMENT OF TRADE REMEDIES (DECOM)

Brasília, 31 de julho de 2024.

Subject: dumping investigation. Colorless floated flat glass.

Madam Ambassador,

1. I refer to the application submitted by Associação Brasileira das Indústrias de Vidro (ABIVIDRO), protocolled on March 27, 2024, related to the investigation of dumping in colorless floated flat glass, 1.8 mm to 20.0mm exports to Brazil, usually classified under subitem(s) 7005.29.00 of the MERCOSUR Common Nomenclature (NCM – Nomenclatura Comum do MERCOSUL), originating in Malaysia, Pakistan and Turkey, and to the investigation of injury to the domestic industry due to such practice, object of the Process SEI No 19972.000621/2024-18 restricted and 19972.000620/2024-65 confidential.
2. Pursuant to Article 45 of Decree No. 8.058, of July 26, 2013, I wish to inform that SECEX has initiated the aforementioned investigation through Circular SECEX No.36 of July 26, 2024, published in the Official Gazette (D.O.U.) of July 29, 2024. A copy of this Circular can be obtained at: <https://www.in.gov.br/en/web/dou/-/circular-n-36-de-26-de-julho-de-2024-574800501>.
3. In accordance with paragraph 2 of Article 45 of the aforementioned Decree, the government of Turkey is an interested party in the investigation, regardless of formal manifestation. All official communication between DECOM and the government of Turkey will be carried out through this Embassy.
4. The participation and representation of foreign governments in the course of this investigation shall be done by the Head of Official Representation in Brazil or by a representative designated by him/her. The nomination of representatives must be submitted on official communication from the Embassy to DECOM.
5. I inform you that, in accordance with SECEX Ordinance No. 162 of January 06, 2022, interested parties may participate in the course of this investigation necessarily through “peticionamento intercorrente” Process SEI No 19972.000621/2024-18 restricted and 19972.000620/2024-65 confidential in the Electronic Information System - SEI, available in

<https://www.gov.br/economia/pt-br/aceso-a-informacao/sei/usuario-externo-1>. Further information about SEI is available at <https://www.gov.br/mdic/pt-br/assuntos/comercio-exterior/defesa-comercial-e-interesse-publico/arquivos/guias/guia-sdd-sei>.

6. DECOM warns that the interested party shall classify its documents as "Restricted" or "Confidential" and attach in the corresponding process SEI, so that it is the responsibility of the interested party to correctly classify these documents within the system, which shall prevail in the event of inconsistency between this classification and the content of the document submitted. The indication of confidentiality of the documents shall appear on all its pages, centered at the top and foot of each page, in red color in accordance with § 10 of Article 51 of Decree No. 8.058, 2013. At the same time as the information submitted in the confidential process, the appropriate rationale for the request for confidentiality and the restricted summary of the information deemed confidential must be submitted in the restricted process.

7. In compliance with the provisions set forth in paragraph 4 of Article 45 of Decree No. 8.058, of 2013, I inform you that the full text of the application upon which the investigation was initiated is available for download until October 29, 2024, at: https://sei.economia.gov.br/sei/processo_aceso_externo_consulta.php?id_aceso_externo=3289468&infra_hash=6e86239fe16e1197c3eac73210bdd4ea.

8. The electronic version of the questionnaire of the producer/exporter to be filled by the producers of Turkey may be obtained at the following address: <https://www.gov.br/mdic/pt-br/assuntos/comercio-exterior/defesa-comercial-e-interesse-publico/investigacoes/investigacoes-de-defesa-comercial>. The English version of the questionnaire is available for consultation on the same electronic page.

9. The response to the questionnaire of the producer/exporter must be lodged, through SEI, within 30 (thirty) days of the date of acknowledgment of this document, pursuant to the **caput** of Article 50 of Decree No. 8.058, of 2013 and footnote 15 of the Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994 contained in the Final Act which incorporated the results of the Uruguay Round Agreement, promulgated by Decree No. 1.355 of December 30, 1994.

10. Requests for an up to 30 (thirty) days extension of the deadline may be granted, whenever possible, provided that the request is done before the original expiration date.

11. I register that, pursuant to paragraph 3 of Article 50 of Decree No. 8.058, of 2013, DECOM may use the best information available in case the producer investigated does not provide the solicited information or provides them partially or creates obstacles to the investigation. In these situations, the outcome may be less favorable to the producer than it would have been in case they had cooperated.

12. I inform you that all producers from Turkey identified by DECOM and listed in Annex 1 will be notified of the beginning of the investigation and will have access not only to the full text of the application that originated the investigation but also to the producer/exporter questionnaire.

13. The government of Turkey may express itself with a view to clarify if the companies listed in Annex 1 are exporters, trading companies or producers of the product under

investigation, within 10 (ten) days of the date of acknowledgment of this document, pursuant to Article 19 of Law No. 12.995, of June 18, 2014.

14. Furthermore, in case this Embassy knows other producers or exporters that exported the product under investigation during the period of dumping investigation but are not listed in Annex 1, I kindly ask you to report such producers or exporters to this Department within 15 (fifteen) days of the date of sending of this document. These producers or exporters may submit a request to be considered as interested parties in the course of this investigation, within 20 (twenty) days from the date of publication of Circular SECEX No 36 of July 26, 2024, in accordance with paragraph 3 of Article 45 of Decree No 8.058, of 2013.

15. Any document submitted as part of the investigation will only be attached to the file if it is written in Portuguese or in one of the official languages of the World Trade Organization – WTO, pursuant to Article 18 of Law No. 12.995, of June 18, 2014

16. The translations to Portuguese of documents originally written in languages other than the aforementioned languages must be done by a sworn translator in Brazil, in compliance with the provisions in Article 26 of Law No. 14.195, of August 26, 2021.

17. Pursuant to Article 18 of Law No. 12.995, of June 18, 2014, in the case of documents written in a foreign language for which there is no sworn translator in Brazil, translations to Portuguese carried out by the Official Representation of the exporting country located in Brazil will be accepted, provided that the translations are accompanied by official communication attesting the authorship of the translation. Further information about documents in foreign languages can be found in Article 385 of SECEX Ordinance No. 171 of February 9, 2022.

18. I inform you that, according to paragraph 11 of Article 51 of Decree No 8.058, of 2013, the pages of any document submitted to DECOM must be numbered and indicate the total amount of pages that compose such document.

19. In accordance with the provisions of SECEX Ordinance No. 162, 2022, and pursuant to Article 17 of Law No. 12.995, 2014, all procedural acts of investigations and commercial defense procedures shall be digitally signed with the use of a digital certificate issued under the Brazilian Public Keys Infrastructure - ICP-Brasil. For the purposes of complying with the provisions of the legislation, it is sufficient that only the application, provided that it contains a list of all documents filed and attached, is digitally signed by a qualified legal representative of the corresponding interested party with the use of a digital certificate issued under the ICP-Brazil before its submission in SEI.

20. Further information may be obtained by calling (+55 61) 2027-7770 or vidrosplanosflotados@mdic.gov.br.

ANNEX 1
LIST OF ALL IDENTIFIED PRODUCERS
Sisecam Dis Ticaret