

## **MAIN FACTS AND CONCLUSIONS**

**Ministry of Economy of Ukraine by results  
conducting an anti-dumping investigation into the import of fresh  
cucumbers and fresh tomatoes originating in the Republic of Türkiye  
into Ukraine**

**KYIV**

**2025**

## CONTENT

<b>Introduction .....</b>	<b>4</b>
<b>1. Procedural issues .....</b>	<b>5</b>
1.1. Violation of the investigation .....	5
1.2. Stakeholders of the investigation .....	5
1.3. Establishing the investigation period .....	7
1.4. Sample .....	7
1.5. Sending questionnaires to interested parties in the investigation .....	8
1.6. Sending requests for information .....	11
1.7. Conducting hearings .....	11
1.8. Comments from interested parties on the initiation of the investigation .....	12
1.9. Verification visit .....	13
<b>2. Information regarding the Goods that are the subject of the investigation and the Goods of domestic production. Establishment of similarity .....</b>	<b>14</b>
2.1. Description and classification of the Goods subject to investigation .....	14
2.2. Features of Goods produced in Ukraine .....	14
2.3. Description and classification of goods produced by a national producer .....	16
2.4. Establishing the similarity of the Goods manufactured by the Applicant to the Goods that are the subject of the investigation .....	19
2.5. Product Variety Control Numbers (PCN Codes) .....	24
2.6. Comments of interested parties regarding the Product under investigation .....	24
<b>3. Information on the Applicant's production volumes and determination of whether the Applicant is a qualified domestic producer .....</b>	<b>26</b>
3.1. Establishment of a national producer .....	26
3.1.1. Stakeholder .....	34
3.2. Current status of the Applicant's enterprises .....	36
<b>4. Investigation of dumping facts .....</b>	<b>38</b>
4.1. Procedural aspects of investigating dumping facts .....	38
4.2. Determination of normal value and export price .....	40
4.3. Determination of export price .....	42
4.4. Comparison of normal value and export price .....	44
4.5. Calculation of the dumping margin .....	46
4.6. Stakeholder comments .....	46
4.7. Regarding the establishment of a dumping margin for a foreign exporter .....	48
<b>5. Establishing the fact of causing harm to a sector of the economy of Ukraine</b>	<b>53</b>
5.1. Research into the financial and economic situation of a national producer .....	53
5.2. Investigation of the threat of significant harm to a national producer .....	67
5.3. Calculation of the damage margin .....	75
5.4. Stakeholder comments .....	77
<b>6. Research into the causal relationship between dumped imports and injury caused to the national producer .....</b>	<b>78</b>
6.1. Investigation of the volume of dumped imports and market share .....	78
6.2. Study of the impact of dumped imports of the Product on the prices of similar products ..	81
6.3. Study of the influence of other factors .....	83
6.4. Stakeholder comments .....	86
<b>7. National interests .....</b>	<b>88</b>

7.1. Interests of the national producer .....	88
7.2. Consumer interests .....	89
7.3. Employment of the population .....	89
7.4. International interests .....	90
7.5. The need to restore competition and eliminate the impact of imbalances in trade resulting from dumped imports .....	92
7.6. Stakeholder comments on national interests .....	92
<b>8. Planned actions of the Applicant in the event of application of definitive anti- dumping measures .....</b>	<b>94</b>
<b>9. Final conclusions and recommendations of the Ministry .....</b>	<b>95</b>

## Introduction

These materials were prepared by the Ministry of Economy of Ukraine (hereinafter referred to as the Ministry) as part of an anti-dumping investigation into imports into Ukraine. fresh cucumbers and fresh tomatoes originating in the Republic of Türkiye (hereinafter referred to as the investigation) , initiated by the decision of the Interdepartmental Commission on International Trade (hereinafter referred to as the Commission ) dated 12.04.2024 No. AD -560/2024/441-01.

The materials reflect the main issues that the Ministry investigated during the investigation, as well as the conclusions based on the results of the research.

The investigation was carried out on the basis of the Agreement on the Implementation of Article VI of the General Agreement on Tariffs and Trade of 1994 (hereinafter referred to as the Agreement) and the Law of Ukraine "On the Protection of National Producers from Dumped Imports" No. 330-XIV dated 22.12.1998 (hereinafter referred to as the Law ).

The materials were prepared on the basis of the most indicative information at the disposal of the Ministry, obtained in accordance with the procedure provided for by the Agreement and the Law, in particular, based on the results of consideration of information and evidence:

- complaint on the initiation and conduct of an anti-dumping investigation into the import of fresh cucumbers and fresh tomatoes originating in the Republic of Türkiye into Ukraine (hereinafter referred to as the complaint ), filed by the Limited Liability Company "Agroconcern", Private Joint-Stock Company "Zmiiv Vegetable Factory", Private Joint-Stock Company "Kombinat "Teplychny", Limited Liability Company "Krasnograd Vegetable Factory", Limited Liability Company "Kremenchut Vegetable Factory", Limited Liability Company "Vegetable Factory Stanyshivka", Limited Liability Company "Perspektiva", Limited Liability Company "Greenhouse Factory "Dniprovsky", Private-Leased Agricultural Enterprise "Uman Greenhouse Factory" and supported by the Federation of Employers of Ukraine;

- responses from interested parties to questionnaires and additional requests ;
- information from government agencies, enterprises, institutions and organizations ;
- information from other sources available to the Ministry.

## 1. Procedural issues

### 1.1. Violation of the investigation

On 05.10.2023, the Ministry received a complaint from the Limited Liability Company "Agroconcern", Private Joint-Stock Company "Zmiyiv Vegetable Factory", Private Joint-Stock Company "Greenhouse Plant", Limited Liability Company "Krasnograd Vegetable Factory", Limited Liability Company "Kremenchuk Vegetable Factory", Limited Liability Company "Vegetable Plant Stanyshivka", Limited Liability Company "Perspektiva", Limited Liability Company "Greenhouse Plant Dniprovsky", Private-Lease Agricultural Enterprise "Uman Greenhouse Plant" (hereinafter referred to as the Applicant) "On the initiation and conduct of an anti-dumping investigation into imports to Ukraine fresh cucumbers and fresh tomatoes originating in the Republic of Türkiye". A letter of support from the Federation of Employers of Ukraine was attached to the complaint.

In accordance with Article 12 of the Law, the Ministry violated the anti-dumping procedure regarding the import into Ukraine of fresh cucumbers and fresh tomatoes originating from the Republic of Türkiye .

During the anti-dumping procedure, the Ministry reviewed the complaint for evidence of dumped imports and injury to the national producer as a result of such imports, and established their sufficiency and validity to recommend to the Commission to initiate an anti-dumping investigation.

Based on the results of the review of the materials and recommendations of the Ministry, the Commission made a decision dated 12.04.2024 No. AD-560/2024/441-01 "On the initiation and conduct of an anti-dumping investigation into the import into Ukraine of fresh cucumbers and fresh tomatoes originating from the Republic of Türkiye".

The notification of the said decision of the Commission was published in the newspaper "Government Courier" dated 17.04.2024 No. 78 <sup>1</sup>( hereinafter referred to as the notification of the initiation of the investigation ).

In accordance with the requirements of Articles 13 and 34 of the Law, the Ministry notified known exporters, importers, associations of importers or exporters, the competent authorities of the country of export, and the applicant of the initiation of the investigation.

In accordance with the Commission's decision dated 16.04.2025 No. AD-574/2025/441-01, the investigation period was extended to 15 months. The notification of the said decision was published in the newspaper "Government Courier" dated 18.04.2025 No. 80. <sup>2</sup>On 22.04.2025, the Ministry informed the competent authorities of the exporting country and interested parties of the investigation about the extension of the investigation period.

### 1.2. Stakeholders of the investigation

Within the time limit specified in the notice of initiation of the investigation, the Ministry registered interested parties to the investigation, taking into account paragraph 21 of Article 1 of the Law. The list of registered interested parties is provided below.

#### **Ukrainian manufacturers:**

1. "Agroconcern" LLC, Address : 35314, Rivne region, Rivne district, Zorya village, Polyova street, house 1;
2. PrJSC "Zmiyevskaya Vegetable Factory", Address : 63460, Kharkiv region, Chuguyiv district, urban-type settlement Slobozhanske, Balakliyskoe highway, building 17-A ;
3. PrJSC "Greenhouse Plant" address: 07443, Kyiv region, Brovarskyi district, urban-type settlement Kalynivka, Teplychna st., building 2 ;
4. LLC "Krasnograd Vegetable Factory" , address : 63343, Kharkiv region, Krasnograd district, Nataline village, Svyato-Troitskaya street, house 39-A ;

<sup>1</sup> <http://surl.li/srcog>

<sup>2</sup> <https://surl.li/zsxmot>

5. LLC "Kremenchuk Vegetable Factory" , address: 39713, Poltava region, Kremenchuk district, Omelnyk village, Kozatska street, house 7 ;
6. LLC "Vegetable Plant Stanyshevka" , address : 12430, Zhytomyr region, Zhytomyr district, Stanyshevka village, Parnikova street, 3 ;
7. LLC "Perspektiva" , address: 85113, Donetsk region, Kramatorsk district, Illinivka village, st. Dorozhnaya, house 45 ;
8. LLC "Greenhouse Plant "Dniprovsky" , Address : 51831, Dnipropetrovsk region, Petrykivskiy district, village of Elizavetivka, Teplychna street, house 1 ;
9. POSP "Uman Greenhouse Combine" , address: 20300, Cherkasy region, Uman city, Derevyanka street, building 26 .

(hereinafter collectively – National Producer or Applicant, Representative – AO "Law Firm Sayenko Kharenko").

**Foreign manufacturers/exporters:**

10. ALIN FRESH DIŞ TICARET LIMITED COMPANY (exporter), address: MERKEZ MAH.AYSOĞMUŞ CAD.MUSTAFA IZ APT.NO:79/6KUMLUCA/TÜRKİYE;
11. B.Ş.F. AÇIKYÜREK ÜRÜNLERİ KOMİSYON TAŞIMACILIK İNŞAAT DIŞ TICARET İTHALAT VE İHRACAT LIMITED ŞİRKETİ (exporter), address: MEYDAN NAHALLESİ ALI AĞA BULVARI MANOLYA APARTMANI ALTI NO:19 KUMLUCA/ANTALYA/TÜRKİYE;
12. AKDENİZ BİRLİK TARIM TAŞ. TUR.SAN.VE.TIC.LTD. ŞTİ. (exporter), address: KÜÇÜK KUM MAH. HAL. SOK.NO.2/CH 07570, DEMRE ANTALYA;
13. ER İNŞAAT HAFRIYAT GIDA TUR. TAŞ. SAN.VE.TIC.LTD.ŞTİ. (exporter), address: BAĞLIK MAH. GÖDENE CAD. No:189;
14. ERBEYLER TARIM LOJİSTİK GIDA GÜMRÜK İNŞAAT SANAYİ VE TICARET LIMITED COMPANY (exporter), address: Merkez Mah. Hal Sokak Hal Kompleksi L Blok No: 2L1, Antalya/Kumluca, (representative – AO Law Firm " Robinson Patman ");
15. GRD GROUP DIŞ TICARET VE PAZARLAMA LIMITED ŞİRKETİ (exporter), address: MAVIKKRNT MAH.HAL\_2CAD.NO:95/D KUMLUCA;
16. İYİ TICARET GIDA LTD.ŞTİ. (exporter), address: CUMHURİYET MAHALLESİ GÖDENE CADDESİ NO:235/1 KUMLUCA/ANTALYA/TÜRKİYE;
17. KUMEY TARIM PAZARLAMA TICARET LIMITED ŞİRKETİ (exporter), address: KUMLUCA HALI NO:047 BEELEDİYE TOPTANCI/ KUMLUCA/ANTALYA/TÜRKİYE;
18. MS OLGUN GIDA LIMITED ŞİRKETİ (exporter), address: MERKEZ MAHALLESİ HAL SOKAK HAL KOMPLEKSİ SITE F BLOK MO:2F/21 KUMLUCA/ANTALYA/ TÜRKİYE;
19. NATUREX DIŞ TICARET LIMITED ŞİRKETİ (exporter), address: MERKEZ MAH. HAL. SOK. NO:2T KUMLUCA/ANTALYA/ TÜRKİYE;
20. TALYA FRESH TARIM İTHALAT İHRACAT SANAYİ VE TICARET LIMITED COMPANY (exporter), address: GÜNEŞ MAH.ALTİNOVA BULV.TOPTANICI HALL NO:5/694 KEPEZ/ ANTALYA/TÜRKİYE (representative – lawyer Melnyk Oleksandr);
21. SARP FRESH DIŞ TICARET LIMITED ŞİRKETİ (exporter), address: BAŞPEHLİVAN ORHAN OKULU CFD. FATİH APT 12/18 A MAH. KUMLUCA/ANTALYA/ TÜRKİYE;
22. SEMİRS GIDA TARIM DIŞ TIC. VE SANAYİ LTD. ŞTİ (exporter), address: KASAPÇAYIRI CAD ÖZDEMİRLER KAYRA APT.2/4 NARENCİYE MAH. KUMLUCA/ANTALYA/ TÜRKİYE;
23. SUNFRUI GIDA TICARET LIMITED ŞİRKETİ (exporter), address: MERKEZ MAHALLESİ HAL SOKAK HAL KOMPLEKSİ KUMLUCA TOPTANCI HALI D NO:2D/5 KUMLUCA/ANTALYA/ TÜRKİYE;
24. SOY EXPORT TARIM ÜRÜNLERİ SANAYİ VE TICARET LIMITED ŞİRKETİ (exporter), address: BAĞLIK MAH.1 CAD. ÖZDEMİRLER KOM. TARIM LTD. ŞTİ SİTESİ NO: 135 KUMLUCA/ANTALYA/ TÜRKİYE .

**Importers, consumers, traders:**

25. LLC "OMEGA" (importer), address: 49055, Dnipro city, Ave. O. Fields, house 104a;  
 26. LLC "FOZZI COMMERCE" (importer), address: 02152, Kyiv city, Tychyny Pavla Avenue, building 1c, office 189;  
 27. LLC "FRUKTIMPEX.UAE" (importer), address: 81100, Lviv region, city of Pustomyty, Vygadivka st., building, 2.

**Associations**

28. Federation of Employers of Ukraine, address: Mykhayla Kotsiubynsky Street, 1, Kyiv, 01054;  
 29. Association "Greenhouses of Ukraine", address: Kalynivka village, Teplychna st., 2, Brovarskyi district, Kyiv region, 07443;  
 30. GENERAL SECRETARY OF THE WESTERN AKDENIZ EXPORTERS' UNION (Turkish Exporters' Union), address: TOPÇULAR MH. ASPENDOS BULVARI NO:163 – MURATPAŞA/ ANTALYA;  
 31. AEGEAN EXPORTERS ASSOCIATIONS (Association of Turkish Exporters), address: ATATÜRK CADDESİ NO:382 ALSANCAK, 35220 IZMİR.

**Representative office of the exporting country:**

32. Ministry of Trade of the Republic of Türkiye (*through the Embassy of the Republic of Türkiye in Ukraine*), address: 01901, Kyiv, Panas Myrny St., 22.

By letter dated 05/24/2024 No. 4412-05/38166-07 The Ministry informed the indicated parties that they were registered as interested parties in the investigation, and also informed them of their rights and obligations within the framework of the investigation.

**1.3. Establishing the investigation period**

In accordance with paragraph 18 of Article 1 and part two of Article 13 of the Law, the Ministry, in order to investigate the facts regarding the presence/absence of dumped imports, determined the investigation period that immediately preceded the initiation of the investigation:

01.04.2023 – 31.03.2024 (hereinafter referred to as the investigation period ).

The investigation of the fact of the presence/absence of injury to the national producer, as well as the establishment of the presence/absence of a causal link between dumped imports and injury to the national producer, was carried out within the framework of the investigation period:

01.01.2021 – 31.03.2024 (hereinafter referred to as the research period ), namely :

- 1st annual period: 01.01.2021 – 31.12.2021 ;  
 2nd annual period: 01.01.2022 – 31.12.2022 ;  
 3rd year period: 01.01.2023 – 31.12.2023 ;  
 4th year period: 01.04.2023 – 31. 03.2024.

**1.4. Sampling**

Given the significant number of foreign producers/exporters from the Republic of Türkiye (hereinafter referred to as Türkiye) that registered in the investigation, the Ministry, in order to conduct an anti-dumping investigation within the time limits established by the Law, considered the issue of applying a sampling method of investigation by limiting the investigation to a moderate number of parties.

The sampling methods of the anti-dumping investigation were carried out in accordance with paragraph 10 of Article 6 of the Agreement and Articles 9 and 30 of the Law.

The Ministry notified all registered foreign exporters and/or manufacturers (06/17/2024) of the possibility of choosing a sampling method of investigation and sent a request form, which had to be filled out and submitted to the Ministry.

Within the established deadline (03.07.2024), responses were received from the following

foreign exporters:

1. ALIN FRESH DIŞ TICARET LIMITED COMPANY;
2. NATUREX DIŞ TICARET LIMITED COMPANY;
3. TALYA FRESH TARIM İTHALAT İHRACAT SANAYİ VE TICARET LIMITED ŞİRKETİ;
4. SOY EXPORT TARIM ÜRÜNLERİ SANAYİ VE TICARET LIMITED ŞİRKETİ.

Based on the results of processing the information submitted by interested parties, the Ministry found that the information provided did not comply with the request format and distorted the content of the indicators and their values. According to Part Nine of Article 13 of the Law, if information and evidence cannot be verified, such information and evidence shall not be taken into account in the anti-dumping investigation process.

Considering the unsuitability of the responses provided by the above-mentioned companies, the Ministry sent a questionnaire for foreign manufacturers and/or exporters to all registered foreign exporters without applying the sampling method.

### 1.5. Sending questionnaires to interested parties of the investigation

In accordance with Part Three of Article 13 of the Law, the Ministry, in order to obtain information and evidence used for the purposes of conducting an investigation, sent questionnaires to interested parties in the investigation. When sending questionnaires, the Ministry determined the deadline by which it was necessary to provide a response. At the same time, the Ministry considered the appeals of interested parties for an extension of the deadlines for providing responses to the questionnaires and, if there were sufficient grounds, made a decision to extend/renew the deadlines.

**Table 1.**

Stakeholder	Directions	Term granting	Date of receipt
Domestic manufacturers			
"Agroconcern" LLC	06/25/2024	01.08.2024	09/13/2024
PrJSC "Zmiiv Vegetable Factory"		continued:	09/12/2024
PrJSC "Teplichny Combine"		until	09/12/2024
LLC "Krasnograd Vegetable Factory"		16.08.2024,	09/13/2024
LLC "Kremenchuk Vegetable Factory"		until	09/13/2024
LLC "Vegetable Plant Stanyshivka"		30.08.2024,	09/13/2024
LLC "Perspektiva"		until	09/12/2024
LLC "Greenhouse Plant "Dniprovsky"		06.09.2024,	09/13/2024
POSP "Uman Greenhouse Plant"		until 13.09.2024	09/13/2024
Foreign exporters			
ALIN FRESH DI Ş TICARET LIMITED ŞİRKETİ	04.07.2024	08/12/2024	08/12/2028
B.Ş.F. A ÇIKYÜREK ÜRÜNLERİ KOMİSYON TAŞIMACILIK IN ŞAAT DI Ş TICARET İTHALAT VE İHRACAT LIMITED ŞİRKETİ			No response received.
AKDENİZ BİRLİK TARIM TAŞ. TUR.SAN.VE.TIC.LTD. ŞTİ.			No response received.
ER İNŞAAT HAFRIYAT GIDA TUR. TAŞ. SAN.VE.TIC.LTD. ŞTİ.			No response received.
ERBEYLER TARIM LOJİSTİK GIDA GÜMRÜK İNSAAT SANAYİ VE TICARET LIMITED ŞİRKETİ			No response received.



GRD GROUP DIŞ TICARET VE PAZARLAMA LIMITED ŞİRKETİ			No response received.
IYI FOOD TRADE LTD. ŞTİ.			No response received.
KUMEY TARIM PAZARLAMA TICARET LIMITED ŞİRKETİ			No response received.
MS OLGUN GIDA LIMITED ŞİRKETİ			No response received.
NATUREX DIŞ TICARET LIMITED ŞİRKETİ			No response received.
TALYA FRESH TARIM İTHALAT İHRACAT SANAYİ VE TICARET LIMITED ŞİRKETİ			09.08.2024
SARP FRESH DIŞ TICARET LIMITED ŞİRKETİ			No response received.
SEMIRS GIDA TARIM DIŞ TIC. VE SANAYİ LTD. ŞTİ			No response received.
SUNFRUI GIDA TICARET LIMITED ŞİRKETİ			No response received.
SOY EXPORT TARIM ÜRÜNLERİ SANAYİ VE TICARET LIMITED ŞİRKETİ			08/13/2024
Importers			
LLC "OMEGA"	06/25/2024	01.08.2024	No response received.
LLC "FOZZI KOMERTS"			No response received.
LLC "FRUKTIMPEX.UAE"			No response received.
Associations/Unions			
BATI AKDENİZ İHRACATÇILAR BİRLİĞİ GENEL SECRETERLİĞİ	09.07.2024	08/15/2024	08/16/2024
AEGEAN EXPORTERS ASSOCIATIONS			08/19/2024
Association "Greenhouses of Ukraine"	07/18/2024	08/26/2024, extended until 09.09.2024, until 20.09.2024	09/19/2024
Authority of the exporting country			
Ministry of Trade of the Republic of Türkiye (through the Embassy of Ukraine in the Republic of Türkiye)	08/19/2024	09/25/2024	09.09.2024 (in comments format)

Responses to questionnaires received by the Ministry within the specified deadlines were accepted for consideration.

The interested parties, namely the foreign exporter SOY EXPORT TARIM ÜRÜNLERİ SANAYİ VE TICARET LIMITED ŞİRKETİ and the Turkish associations BATI AKDENİZ İHRACATÇILAR BİRLİĞİ GENEL SEKRETERLİĞİ and AEGEAN EXPORTERS ASSOCIATIONS, were informed by the Ministry that their responses were left without consideration, due to the violation of the deadlines and conditions for preparing a response to the questionnaire established by the Ministry (Articles 6, 13 and 31 of the Law). In accordance with the provisions of Article 31 of the Law, they were recognized as not cooperating with the Ministry properly.

Based on the results of consideration of the responses to the questionnaires of PrJSC "Zmiyivska Vegetable Factory", PrJSC "Kombinat "Teplichny", OOO "Olive Plant Stanyshivka",

OOO "Perspektiva", OOO "Greenhouse Plant "Dniprovsky", POSP "Umansky Greenhouse Plant", ALIN FRESH DIŞ TICARET LIMITED ŞİRKETİ, TALYA FRESH TARIM İTHALAT İHRACAT SANAYİ VE TICARET LIMITED ŞİRKETİ, the Ministry, in order to obtain the information necessary for conducting the investigation, sent additional requests to the indicated interested parties.

**Table 1.5.2.**

<i>Stakeholder</i>	<i>Directions</i>	<i>Term granting</i>	<i>Date of receipt</i>
<b><i>Domestic manufacturers</i></b>			
Representative of the Applicant ( <i>Agroconcern LLC, Zmiiv Vegetable Factory Private Joint Stock Company, Teplychnyy Plant Private Joint Stock Company, Krasnograd Vegetable Factory Private Joint Stock Company, Kremenchug Vegetable Factory Private Joint Stock Company, Stanyshivka Vegetable Factory Private Joint Stock Company, Perspektiva Private Joint Stock Company, Dniprovskyyi Greenhouse Factory Private Joint Stock Company, Uman Greenhouse Factory Private Joint Stock Company</i> )	13.12.2024	12/27/2024, extended until 01/06/2025	06.01.2025
	12/30/2024	10.01.2025	
	01/14/2025	01/21/2025, extended until 01/28/2025	01/28/2025
	01/20/2025	01/31/2025, extended until 02/10/2025	02/10/2025
	02/13/2025	02/21/2025	02/21/2025
	03/11/2025	03/21/2025	03/21/2023
<b><i>Foreign exporters</i></b>			
ALIN FRESH DIŞ TICARET LIMITED ŞİRKETİ	08/14/2024	08/20/2024	No response received.
TALYA FRESH TARIM İTHALAT İHRACAT SANAYİ VE TICARET LIMITED ŞİRKETİ	08/29/2024	08/12/2024	08/12/2024
	09/30/2024	09.10.2024	09.10.2024

Information and evidence provided in the response to the questionnaires for the foreign manufacturer and/or exporter by the foreign exporter ALIN FRESH DIŞ TICARET LIMITED ŞİRKETİ were not taken into account within the framework of the investigation due to the violation of the deadline established by the Ministry for an additional request and the format for preparing a response to the questionnaire (Articles 6, 13 and 31 of the Law), of which the interested party to the investigation was informed. In accordance with the provisions of Article 31 of the Law, it was recognized as not cooperating with the Ministry properly.

Interested parties, namely foreign exporters: B. Ş.F. A ÇIKYÜREK ÜRÜNLERİ KOMİSYON TAŞIMACILIK İN ŞAAT DI Ş TICARET İTHALAT VE İHRACAT LIMITED ŞİRKETİ , AKDENİZ BİRLİK TARIM TAŞ. TUR.SAN.VE.TIC.LTD. ŞTİ. , ER İNŞAAT HAFRIYAT GIDA TUR. TAŞ. SAN.VE.TIC.LTD. ŞTİ. , AKDENİZ BİRLİK TARIM TAŞ. TUR.SAN.VE.TIC.LTD. ŞTİ. , ER İNŞAAT HAFRIYAT GIDA TUR. TAŞ. SAN.VE.TIC.LTD. ŞTİ. , ERBEYLER TARIM LOJİSTİK GIDA GÜMRÜK İNŞAAT SANAYİ VE TICARET LIMITED ŞİRKETİ , GRD GROUP DIŞ TICARET VE PAZARLAMA LIMITED ŞİRKETİ , İYİ TICARET GIDA LTD.ŞTİ. , KUMEY TARIM PAZARLAMA TICARET LIMITED ŞİRKETİ , MS OLGUN GIDA LIMITED ŞİRKETİ , NATUREX DIŞ TICARET LIMITED ŞİRKETİ , SARP FRESH DIŞ TICARET LIMITED ŞİRKETİ , SEMİRS GIDA TARIM DIŞ TIC. VE SANAYİ LTD. ŞTİ. , SUNFRUI GIDA TICARET LIMITED ŞİRKETİ ; importers, consumers: LLC "OMEGA", LLC "FOZZI KOMMERTS", LLC "FRUKTIMPEX.UAE" did not provide answers to the questionnaires and in accordance with the provisions of Article 31 of the Law are recognized as not cooperating with the Ministry properly.

As part of obtaining the information necessary for the purposes of conducting the investigation, the Ministry on August 19, 2024 sent to the Ministry of Trade of the Republic of

Türkiye (through the Embassy of Ukraine in the Republic of Türkiye) a list of questions for the competent authorities of the exporting countries. The Ministry of Trade of the Republic of Türkiye (through the Embassy of Ukraine in the Republic of Türkiye) provided a response in the form of comments on 09.09.2024, which did not contain the necessary information. In turn, on August 30, 2024, the Ministry informed the Ministry of Trade of the Republic of Türkiye (through the Embassy of Ukraine in the Republic of Türkiye) about the consequences of failure to provide such information, in accordance with Article 31 of the Law.

Also, on July 9, 2025, the Ministry sent the Embassy of Ukraine in the Republic of Türkiye a relevant list of questions for the competent authorities of the exporting countries. Response received Embassies of Ukraine in the Republic of Türkiye did not contain sufficient substantiated information.

Taking into account the above and guided by the provisions of Article 31 of the Law, the Ministry made the relevant conclusions based on the information and evidence available to the Ministry.

### **1.6. Sending requests for information**

In accordance with the provisions of Part Four of Article 13 of the Law, in order to obtain information necessary for the investigation, the Ministry sent requests to:

1. The State Customs Service of Ukraine (hereinafter referred to as the State Customs Service) regarding the provision of customs statistics on the import and export of Goods, as well as examinations and research conducted upon the import of goods into the customs territory of Ukraine ;
2. Antimonopoly Committee of Ukraine regarding violations of legislation on the protection of economic competition;
3. State Statistics Service of Ukraine regarding the list of domestic producers of goods, sales volumes, production and consumption of goods in Ukraine;
4. SE "Ukrpromzovnesheexpertiza" regarding the study of product markets in Ukraine and Türkiye;
5. other well-known institutions, organizations, and enterprises.

### **1.7. Conducting hearings**

The notice of initiation of the investigation set a 30-day period during which the Ministry considered the requests for hearings.

Within the specified period (until 05/17/2024), the Ministry of Trade of the Republic of Türkiye (through the Embassy of the Republic of Türkiye in Ukraine) addressed the Ministry with requirements for holding hearings.

In connection with the military aggression of the Russian Federation against Ukraine, based on the proposal of the National Security and Defense Council of Ukraine, in accordance with Clause 20 of Part One of Article 106 of the Constitution of Ukraine, the Law of Ukraine "On the Legal Regime of Martial Law", Decree of the President of Ukraine dated February 24, 2022 No. 64/2022 "On the Introduction of Martial Law in Ukraine", approved by the Law of Ukraine dated February 24, 2022 No. 2102-IX, as amended, martial law has been introduced in Ukraine.

In view of the above, the Ministry informed (02.01.2025) interested parties about the peculiarities of conducting hearings under martial law, in particular, about the cancellation of their holding in the format of face-to-face meetings.

Given the significant volume of comments from interested parties to the investigation received by the Ministry regarding a wide range of issues considered and investigated during the investigation, the Ministry decided to hear the positions of interested parties to the investigation in an online format.

In view of the above, in order to ensure the exercise by the parties of the right to protect their interests in accordance with the provisions of the Law, the hearing was held on January 17, 2025 in a video conference format using the Zoom platform.

In order to properly prepare for the hearings within the established deadline (until January 16, 2025), positional materials were uploaded to the investigation's personal account, located on cloud storage (Google Drive), by the following interested parties:

- SECRETARY GENERAL OF THE WESTERN AKDENİZ EXPORTERS ASSOCIATION (*Turkish Exporters' Union*) ;
- AEGEAN EXPORTERS ASSOCIATIONS (*Association of Turkish Exporters*) ;
- TALYA FRESH TARIM İTHALAT İHRACAT SANAYİ VE TİCARET LİMİTED ŞİRKETİ (*exporter*) ;
- Applicant's enterprises (*LLC "Agroconcern", PrJSC "Zmiivska vegetable factory", PrJSC "Kombinat "Teplychny", LLC "Krasnogradska vegetable factory", LLC "Kremenchukska vegetable factory", LLC "Stanyshivka vegetable factory", LLC "Perspektiva", LLC "Greenhouse factory "Dniprovsky", POSP "Umansk greenhouse factory"*) ;
- Ministry of Trade of the Republic of Türkiye (*through the Embassy of Ukraine in the Republic of Türkiye*) ;
- Association "Greenhouses of Ukraine";
- Federation of Employers of Ukraine.

During the hearings, issues such as the status of the national producer and its market share, product similarity, dumping were discussed. imports from Türkiye (incl. h regarding the import of TALYA FRESH TARIM İTHALAT İHRACAT SANAYİ VE TİCARET LİMİTED ŞİRKETİ and calculation of the dumping margin ), the causal link between dumped imports and the injury caused, as well as national interest factors.

Interested parties also had the opportunity to provide their comments and counterarguments to the positions expressed by other interested parties following the hearings. Within the established deadline (until 24.01.2025), the Ministry received counterarguments from the following interested parties:

- Association "Greenhouses of Ukraine";
- TALYA FRESH TARIM İTHALAT İHRACAT SANAYİ VE TİCARET LİMİTED ŞİRKETİ (*exporter*) ;
- Federation of Employers of Ukraine;
- Applicant's enterprises (*Agroconcern LLC, Zmiiv Vegetable Factory PrJSC, Teplychny Combine PrJSC, Krasnograd Vegetable Factory LLC, Kremenchug Vegetable Factory LLC, Stanyshivka Vegetable Plant LLC, Perspektiva LLC, Dniprovskiy Greenhouse Plant LLC, Uman Greenhouse Plant*).

### 1.8. Comments from interested parties on the initiation of the investigation

In accordance with the notification of the initiation of the investigation, the Ministry considered the written comments and information regarding the initiation of the investigation. Taking into account the provisions of paragraph three of part four of Article 6 of the Law, the deadline for providing comments was set at 17.06.2024.

**Table 1.8.1.**

Stakeholder	Deadline	Actual registration date
Ministry of Trade of the Republic of Türkiye ( <i>through the Embassy of the Republic of Türkiye in Ukraine</i> )	06/17/2024	06/13/2024
GENERAL SECRETARY OF THE WESTERN		06/17/2024

AKDENİZ EXPORTERS ASSOCIATION ( <i>Turkish Exporters' Union</i> )		
TALYA FRESH TARIM İTHALAT İHRACAT SANAYİ VE TİCARET LİMİTED ŞİRKETİ ( <i>exporter</i> )		06/17/2024

During the investigation, the Ministry took into account the comments of interested parties and conducted a comprehensive study of issues related to the determination of the national producer, the establishment of the product that is the subject of the investigation, the presence of dumped imports into Ukraine, the presence of material injury or threat of injury to the national producer, etc.

The above-mentioned issues were separately investigated within the framework of the analysis of responses to the questionnaire for the domestic manufacturer and the foreign manufacturer and/or exporter and were compared with data from the State Customs Service, the State Statistics Service of Ukraine, SE "Ukrpromzovnesheksperytyza" and other information that was at the disposal of the Ministry during the investigation.

In order to familiarize themselves with all the information provided by interested parties to the investigation, the Ministry has provided access to non-confidential investigation materials on cloud storage (Google Drive) through the investigation's personal account.

In order to protect their rights and interests, interested parties during the investigation provided the information, evidence, explanations, and counterarguments necessary for the purposes of the investigation on each of the questions raised and sent them to all interested parties in compliance with the requirements of Articles 32 and 33 of the Law.

### 1.9. Verification visit

As part of an anti-dumping investigation in accordance with Article 13 of the Law, the Ministry has the right, with the consent of the relevant interested party, to verify information by conducting a verification visit.

In accordance with the provisions of Annex I to the Agreement, Part Five of Article 13 and Part Two of Article 29 of the Law, a letter of consent to conduct a verification visit of a foreign exporter TALYA FRESH TARIM İTHALAT İHRACAT SANAYİ VE TİCARET LİMİTED ŞİRKETİ dated 11.10.2024 No. 11102024-A-1 The Ministry conducted a verification visit between 25.11 - 27.11.2024 of the foreign exporter TALYA FRESH TARIM İTHALAT İHRACAT SANAYİ VE TİCARET LİMİTED ŞİRKETİ (hereinafter referred to as TALYA FRESH ) by its actual location: Güneş neighborhood, Altınova Toptancı Hali City No. 5, office 694, Kepez, Antalya, Republic of Türkiye.

The verification visit was conducted with the knowledge and in the presence of the company's shareholders, legal representative and external accountant . Also, with the consent of the company's shareholders, trade specialists and representatives of the Turkish Ministry of Trade were present during the verification visit.

[...].

The verification visit confirmed the possibility of using the financial and economic indicators of the foreign exporter TALYA FRESH in the course of an anti-dumping investigation.

## 2. Information regarding the Goods that are the subject of the investigation and the Goods of domestic production. Establishment of similarity

### 2.1. Description and classification of the Goods subject to investigation

According to the Commission's decision of 12.04.2024 No. AD-560/2024/441-01, the product that is the subject of the investigation has the following description:

cucumbers, gherkins, fresh or chilled, classified in commodity subheading 0707 00 according to the UKT FEA; and

tomatoes, fresh or chilled, classified in commodity subcategory 0702 00 00 00 according to the UKT FEA (hereinafter referred to as the Goods).

The country of origin of the Goods is the Republic of Türkiye .

**Code and description of the product according to the UKT Foreign Economic Activity Code :**

**Table 2. 1.1.**

Code according to the UKT Foreign Economic Activity Code	Description according to the UKT Foreign Economic Activity Code
0707 00	Cucumbers, gherkins, fresh or chilled
0702 00	Tomatoes, fresh or chilled

In the Republic of Türkiye, the Goods are classified according to the codes of the Harmonized Commodity Coding System:

**Table 2. 1.2.**

HS Code	Name
070700	Cucumbers and gherkins, fresh or chilled
	Cucumbers and gherkins, fresh or chilled
070200	Tomatoes, fresh or chilled
	Tomatoes, fresh or chilled

### 2.2. Features of Goods produced in Ukraine

As part of the investigation, the Ministry investigated the conditions and features of the varieties of the Goods produced in Ukraine, based on the most indicative information available, in particular, the report "Ukrainian market of tomatoes and cucumbers in closed ground in 2019-2022" by the State Enterprise "Ukrpromzovnesheexpertiza" (attached to the complaint on the initiation of the investigation), the report "Ukrainian market of tomatoes and cucumbers in closed ground in 2021 - 1st quarter of 2024" by the State Enterprise "Ukrpromzovnesheexpertiza", received by the Ministry in response to the request, information and analytical materials provided by the industry association "Greenhouses of Ukraine" and responses to the questionnaire for the domestic producer.

According to the information provided, it is noted that in Ukraine, fresh cucumbers (hereinafter referred to as Cucumbers) and fresh tomatoes (hereinafter referred to as Tomatoes) are grown in two ways - in open ground and in greenhouses (hereinafter referred to as closed ground).

Growing in open ground involves planting seedlings, depending on the region of Ukraine, in the following terms: Cucumbers - 2nd half of April - 1st half of May, Tomatoes - during May. Harvesting: Cucumbers - July-August, Tomatoes - August-September.

Vegetables grown in open ground retain their fresh appearance for a limited period of time, up to 10-14 days. Therefore, only a small part of cucumbers and tomatoes grown in open ground (up to 3%) is consumed fresh, the main part of the crop is used for further processing - canning, pickling, production of ketchups, tomato paste and sauces, etc.

Growing Cucumbers and Tomatoes in closed ground involves planting seedlings in a greenhouse throughout the year, which makes it possible to get a planned harvest of vegetables at the right time. Cucumbers and Tomatoes grown in closed ground are consumed fresh.

Therefore, Cucumbers and Tomatoes grown in open ground have a limited period of harvest and fresh consumption (up to 2 months during the year), and are used for further processing. In closed ground, Cucumbers and Tomatoes are grown throughout the year and are used for fresh consumption, while Cucumbers and Tomatoes grown in closed ground are grown only during certain periods.

Agricultural enterprises in Ukraine grow vegetables in closed ground in significant volumes throughout the year. The products grown by them are supplied to retail companies, in particular to supermarket chains, which then sell them to the population. Deliveries are made year-round in batches, in accordance with the volumes and frequency of deliveries stipulated in the contracts. Among retailers, vegetables from domestic agricultural producers compete with similar foreign products, in particular from the Republic of Türkiye.

Domestic agricultural enterprises have large-scale industrial greenhouses (greenhouse complexes with an area of from [...] hectares), which are equipped with heating systems and modern growing technologies (hydroponics). The significant area of greenhouses and the presence of heating allow planting seedlings at different times and obtaining a harvest of vegetables throughout the year. This provides the possibility of forming commodity batches of vegetables of the required volumes and periodicity throughout the year (for example, weekly deliveries to the retail network of a certain volume of vegetables).

The use of hydroponics increases the yield of vegetables from [...] m<sup>2</sup> of greenhouse area by [...] times compared to greenhouses with conventional soil cultivation, and allows for more accurate planning of harvest volumes.

When growing vegetables, agricultural enterprises monitor the process of plant development by conducting chemical analyses of hydroponics (nutrient medium) and plant stems. Such analyses are carried out once every two weeks for 1 ha for each crop. The cost of 1 analysis is about [...] UAH. Therefore, if a producer has an area of 6 ha and grows two crops (Tomatoes and Cucumbers), the costs are [...] thousand UAH/month or [...] thousand UAH/year. Such costs cannot be borne by households and small producers (FOPs). Large producers have their own laboratories, the cost of which is from [...] thousand USD.

The use of hydroponics and control of growing technology allows you to get year-round high-quality vegetables with a safe/permitted content of chemicals (nitrates, nitrites, heavy metals, etc.), which retain freshness and consumer properties for a long time. Thus, cucumbers grown in organized greenhouses (depending on the variety) are stored for 20-30 days at a temperature of 10-14°C and a relative humidity of 90-95%. The shelf life of tomatoes under similar storage conditions is 30-45 days (depending on the variety). Such vegetables can be transported throughout Ukraine, similarly to imported products.

The minimum period of preservation of freshness of vegetables of not less than 21 days and strict observance of the periodicity and volume of deliveries of quality products are key conditions of retail chains for suppliers of such products. Their fulfillment can be ensured only by domestic agricultural enterprises, as well as foreign suppliers of similar products. That is, in the "battle" for access to the counter of retail chains, vegetables of Ukrainian agricultural enterprises compete with Turkish vegetables of closed ground.

Households (including sole proprietors) grow vegetables in closed ground mainly in small greenhouses with an area of up to [...] m<sup>2</sup>, a significant part of which is covered with film and has no heating system. Due to the small area of the greenhouse and the lack of high-quality heating, one harvest is laid and obtained per year, within 1-2 months. Family members are usually involved in the work in such greenhouses, hired labor is not used (in some cases, hired workers may be involved for a short period of time during the harvest, usually without official employment).

Since the small area makes it impossible to use hydroponics, outdated soil cultivation technology is used in household greenhouses. Due to the lack of a laboratory, plant development is

monitored only visually, without regular chemical analyses of the soil and plant stems, as in agricultural enterprises. Therefore, the content of harmful substances, such as nitrates or nitrites, may be increased in the grown vegetables. Such products can be sold illegally in spontaneous markets, where there is no control over the quality of the products.

Due to the use of outdated soil cultivation technology, vegetables grown in closed soil by households have short storage times – 5-10 days for cucumbers and 10-14 days for tomatoes (at a temperature of 10-14°C and relative humidity of 90-95%). This is several times less than that of vegetables grown by agricultural enterprises, and below the requirements of retailers for minimum storage times (from 21 days). Therefore, such vegetables cannot be transported throughout Ukraine.

Due to the low quality of the products, which do not meet the requirements of retail trade, vegetables grown in greenhouses of households (including sole proprietors) under closed ground are used for their own consumption or sold near the places of cultivation at local markets. Vegetables grown without control of chemical composition and with an increased content of harmful substances are sold "on the black" in spontaneous markets without documents. Statistics on the volume of sales of vegetables under closed ground by households at bazaars and spontaneous markets are absent.

The bulk of vegetables grown by households are consumed by them themselves.

Thus, the sales volumes of Cucumbers and Tomatoes in Ukraine in 2019 - 2021 practically corresponded to the volumes of their cultivation by agricultural enterprises. In other words, it is the products of agricultural enterprises that form the commodity market for vegetables, while the products of households are used for their own consumption or are sold on spontaneous markets where there is no accounting/statistics.

Thus, vegetables grown in closed ground in agricultural enterprises and households, due to different growing technologies, have different consumer properties (storage duration, content of various substances, such as nitrates and nitrites, etc.), and, accordingly, different consumers.

Thus, agricultural enterprises sell vegetables through an organized retail system (including supermarket chains), while households use their grown vegetables for their own consumption or sell them at local bazaars or spontaneous markets.

### **2.3. Description and classification of goods produced by a national producer**

According to the Applicant, there are no single approved mandatory standards in Ukraine for the physical and quality characteristics of fresh cucumbers and fresh tomatoes. Accordingly, the physical characteristics of cucumbers and tomatoes must be determined by external signs: integrity, freshness, color, damage by pests or diseases.

#### **Main characteristics of Cucumbers:**

depending on the ripening time : there are early-ripening varieties, mid-ripening varieties, late-ripening varieties;

According to the size of the fruit , short-fruited, medium-fruited and long-fruited varieties are distinguished;

fruits are small-tuberous and large-tuberous;

depending on the type of pollination : parthenocarpic and self-pollinated;

units of measurement : cucumbers sold on the Ukrainian market are measured in kg (can be converted to tons);

Storage conditions in stores or at the factory : fresh cucumbers are stored in refrigerators at a temperature of +4°C - +10°C;

packaging for transportation : fresh cucumbers are packed in cardboard boxes quite tightly, on flush with the edges of the container to prevent damage during transportation. Each package must contain cucumbers of the same size group;

Shelf life : fresh cucumber is stored for no more than 20-30 days at a temperature of up to +10°C - +14°C and a relative humidity of 90-95 %;

transportation conditions : fresh cucumbers are transported in special trucks equipped with automatic cooling systems capable of maintaining a temperature of +5°C - +10°C in both winter and



summer;

Scope of use : for sale fresh and for industrial processing.

**Cucumbers can be divided into different types depending on various criteria:**

depending on the ripening time:

- early ripening varieties (characterized by a period between germination and the first harvest of fruits of 32 to 44 days);
- mid-season varieties (characterized by a period between germination and the first harvest of fruits of 45 to 50 days);
- late-ripening varieties (characterized by a period between emergence and the first harvest of fruits of more than 50 days);

by fruit size:

- short-fruited cucumbers (divided into two more groups: the first group includes those whose greens do not exceed 11 cm in length, in the second group, the greens should not exceed 14 cm);
- medium-fruited cucumbers (greens no longer than 25 cm long);
- cucumbers of long-fruited varieties (greens length more than 25 cm);

depending on the type of pollination:

- parthenocarpic – varieties and hybrids that absolutely do not require pollination to form fruits, their characteristic feature is the absence of seeds in mature cucumbers. [ ... ] ;
- self-pollinating are capable of forming ovaries without insects. One flower contains both stamens and pistils, so pollination occurs without the participation of external factors [ ... ] .

**Description of the Cucumber production process:**

- sowing;
- growing seedlings;
- plant care;
- plant formation;
- microclimate support;
- watering and feeding plants;
- protection against diseases and pests;
- harvest;
- sorting and packaging;
- storage.

**Main characteristics of Tomatoes:**

According to ripening dates, they are distinguished : early , mid-ripening , late;

by bush size : tall , medium , short , bushy;

by color : ripe fruits have a variety of colors: from yellow, orange-red to red, they can be green, purple and even black;

units of measurement : tomatoes sold on the Ukrainian market are measured in kg (can be converted to tons);

Storage conditions in stores or at production : fresh tomatoes are stored in closed, clean, ventilated rooms at temperatures up to +15°C;

packaging for transportation : fresh tomatoes are packed in wooden crates with many sides or in dense rows flush with the edges of the container;

Shelf life : storage life of tomatoes of red (yellow, orange), pink degree of maturity at a temperature of 0-2°C - no more than 1-1.5 months; brown degree of maturity at a temperature of 4-6°C, milk degree of maturity at a temperature of 8-10°C, green degree of maturity at a temperature of 12-14°C - no more than 1 month;

Transportation conditions : fresh tomatoes are transported by all modes of transport in accordance with the rules for the transportation of perishable goods applicable to this type of transport. Fresh tomatoes of milky maturity, fully formed, are allowed to be transported without refrigeration in the summer period only over long distances (for interregional transportation). Fresh

tomatoes of red maturity are allowed to be transported by refrigerated trucks and cars for local delivery. When transporting fresh tomatoes in refrigerated cars, the height of stacking boxes must be at least 1.6 m and not more than 2.4 m. The temperature regime for transportation must be up to +15 degrees;

Scope of use : for sale fresh and for industrial processing.

**Tomatoes can be divided into different types :**

by maturity date:

- early (fruiting 80-90 days after sowing);
- mid-season (tomatoes ripen in 100-120 days);
- late (vegetation period reaches 120-140 days after planting seeds);

by fruit size :

- tall (grow over 1.5 m);
- medium-sized (grow from 1 to 1.5 m);
- low-growing (dwarf tomatoes, the height of the bush of which does not exceed 0.5-0.6 m);
- shtamb (low (up to 0.5 m) tomatoes with thick stems, with limited branching);

by color :

- red (tomatoes have this color due to the pigment lycopene. It is thanks to this pigment that the fruits have a beneficial effect on the heart and act as a good preventive measure against various diseases [ ... ] ;

- yellow-orange (fruits contain a large percentage of beta-carotene and alpha-carotene. They also contain a large amount of vitamin C, which has a positive effect on the condition of the skin. Regular consumption of such fruits reduces the risk of stomach diseases, respiratory tract diseases, and inflammatory processes [ ... ] ;

- pink (fruits of this color are much more tender and sweeter than red ones. Pink ones contain a large number of trace elements, carotene and lycopene, vitamin C. Tomatoes help strengthen immunity, improve brain function, and are a prevention of various diseases, etc. [...];

- purple (this color of tomatoes is given by phenol and anthocyanin. Eating fruits with this color helps prevent memory loss and has a positive effect on the body [ ... ] ;

- green (this color is not an indicator of the "immaturity" of the fruit, but a new miracle of selection. These tomatoes were developed specifically for allergy sufferers who have contraindications to anthocyanins/lycopenes. This is an excellent remedy for harmful UV radiation. Prevention of diseases, cataracts, etc. [ ... ] ;

- black (the fruits contain a large percentage of anthocyanin [ ... ] .

**Description of the Tomato production process :**

- sowing seeds;
- growing seedlings;
- diving;
- landing;
- plant care;
- plant formation;
- microclimate support;
- watering and feeding plants;
- protection against diseases and pests;
- harvesting;
- sorting and packaging;
- storage.

The product produced by the Applicant is similar to the product identified as the subject of the anti-dumping investigation.

#### **2.4. Establishing the similarity of the Goods manufactured by the Applicant to the Goods that are the subject of the investigation**

In order to establish the similarity of the varieties of the Goods produced by the Applicant to the varieties of the Goods that are the subject of the investigation, the Ministry sent questionnaires to the domestic manufacturer and foreign manufacturers and/or exporters, which required detailed information on the characteristics of the varieties of the Goods.

In response to a questionnaire for a foreign manufacturer and/or exporter TALYA FRESH TARIM İTHALAT İHRACAT SANAYİ VE TİCARET LİMİTED ŞİRKETİ stated that the types of Goods purchased and sold for export to Ukraine correspond to the current commodity nomenclature of foreign economic activity and have the following description: pickles and gherkins, fresh or chilled (code according to HS 070700) and tomatoes, fresh or chilled (code according to HS 070200). It is also noted that the types of Goods of domestic production and origin from Türkiye have identical consumer characteristics, standards, etc.

According to the Applicant, the types of Goods produced by the national producer and the types of Goods imported into Ukraine from the Republic of Türkiye are similar and comparable with the main criteria for the similarity of goods (by functional purpose, by technological properties (physical, technical and quality characteristics), by production processes and classification of foreign economic activity).

Tables 2.4.1 and 2.4.2 provide a comparison of the general characteristics of the varieties of the Goods originating in the Republic of Türkiye, which are the subject of the investigation, and the varieties of the Goods produced by the Applicant.

Table 2.4.1.

## Comparison of Cucumbers produced by the Applicant and Cucumbers originating from the Republic of Türkiye

Criterion	Cucumbers of Ukrainian production	Cucumbers imported from Republic of Türkiye <sup>3</sup>	Conclusion
<b>Physical characteristics</b>	<p>In Ukraine, there are no approved standards for the physical and quality characteristics of fresh cucumbers. Therefore, the physical characteristics of cucumbers are determined by</p> <ul style="list-style-type: none"> <li>- <u>external signs</u> : integrity, freshness, color, damage by pests or diseases.</li> <li>- <u>depending on the ripening time</u>, there are early-ripening varieties (characterized by an interval between seedlings and the first harvest of fruits of 32 to 44 days), mid-ripening varieties (characterized by an interval between seedlings and the first harvest of fruits of 45 to 50 days), late-ripening varieties (characterized by an interval between seedlings and the first harvest of fruits of more than 50 days).</li> <li>- <u>fruits</u> are small-tuberous and large-tuberous;</li> <li>- <u>by the size of the fruit</u>, short-fruited, medium-fruited and long-fruited varieties are distinguished. Short-fruited cucumbers are divided into two more groups (the first group of short-fruited cucumbers includes those whose green part does not exceed 11 cm in length, in the second group it should not be longer than 14 cm). In medium-fruited cucumbers, the length of the green part is no more than 25 cm, in long-fruited cucumbers - more than 25 cm.</li> <li>- depending on the type of pollination: <ul style="list-style-type: none"> <li>· parthenocarpic - varieties and hybrids that do not require pollination to produce fruit. A characteristic feature is the absence of seeds in mature cucumbers. Such varieties are suitable for growing in greenhouses and cold climates;</li> <li>· Self-pollinating plants are able to form ovaries without insects. One flower contains both stamens and pistils, so pollination occurs without the participation of external factors.</li> </ul> </li> </ul>	<p>In the Republic of Türkiye, there are generally no approved standards for the physical and quality characteristics of fresh cucumbers. Therefore, the physical characteristics of cucumbers are determined by external signs: integrity, freshness, color, damage by pests or diseases.</p>	Similar
<b>Shelf life</b>	Fresh cucumber is stored for 20-30 days at a temperature of up to +10 - +14°C and a relative humidity of 90-95. %.	Fresh cucumber is stored for 20-30 days at a temperature of up to +10 - +14°C and a relative humidity of 90-95. %.	Similar
<b>Units of</b>	kg, which can be converted into tons.	kg, which can be converted into tons.	Similar

<sup>3</sup> [http://www.adameytarim.com/urun\\_detay.php?urunid=50](http://www.adameytarim.com/urun_detay.php?urunid=50) ; <https://www.akpafruits.com/sebzeler.html> ; <http://www.akcantarim.com/salatalik.html> ; <https://akdemsebbe.com/cucumber/>

<b>measurement</b>			
<b>Scope of use</b>	They are eaten fresh and canned.	They are eaten fresh and canned.	Similar
<b>Classification according to the UKT Foreign Economic Activity</b>	0707 00	0707 00	Similar
<b>Production process</b>	<p>Cucumber production consists of the following stages:</p> <ul style="list-style-type: none"> <li>- sowing;</li> <li>- growing seedlings;</li> <li>- plant care:</li> <li>- plant formation;</li> <li>- microclimate support;</li> <li>- watering and feeding plants;</li> <li>- protection against diseases and pests;</li> <li>- harvest;</li> <li>- sorting and packaging;</li> <li>- storage.</li> </ul>	<p>The production of cucumbers, according to information from the sites <sup>4</sup>, consists of the following stages:</p> <ul style="list-style-type: none"> <li>- sowing;</li> <li>- growing seedlings;</li> <li>- plant care:</li> <li>- plant formation;</li> <li>- microclimate support;</li> <li>- watering and feeding plants;</li> <li>- protection against diseases and pests;</li> <li>- harvest;</li> <li>- sorting and packaging;</li> <li>- storage.</li> </ul>	Similar
<b>Packaging</b>	Fresh cucumbers are packed into cardboard boxes tightly enough, flush with the edges of the container, to prevent damage during transportation. Each package should contain cucumbers of the same size group.	Fresh cucumbers are packed in cardboard or plastic boxes.	Similar
<b>Transportation</b>	Fresh cucumbers are transported in special trucks equipped with automatic cooling systems capable of maintaining a temperature of +5°C to +10°C in both winter and summer.	Fresh cucumbers are transported in special trucks equipped with automatic cooling systems capable of maintaining a temperature of +5°C to +10°C in both winter and summer.	Similar
<b>Storage conditions in stores or at production facilities</b>	In cold storage at a temperature of +4 - +10°C and a relative humidity of 90-95%.	In cold storage at a temperature of +4 - +10°C and a relative humidity of 90-95%.	Similar

<sup>4</sup> [http://www.adameytarim.com/urun\\_detay.php?urunid=50](http://www.adameytarim.com/urun_detay.php?urunid=50) ; <https://www.akpafruits.com/sebzeler.html> ; <http://www.akcantarim.com/salatalik.html> ; <https://akdemsebze.com/cucumber/>

Table 2.4.2.

**Comparison of Tomatoes produced by the Applicant and Tomatoes originating from the Republic of Türkiye**

<b>Criterion</b>	<b>Tomatoes of Ukrainian production</b>	<b>Tomatoes imported from Republic of Türkiye<sup>5</sup></b>	<b>Conclusion</b>
<b>Physical characteristics</b>	<p>In Ukraine, there are no approved mandatory standards for the physical and quality characteristics of fresh tomatoes. Therefore, the physical characteristics of tomatoes are determined by external signs: shape, freshness, color, damage by pests or diseases.</p> <p>Main characteristics of Tomatoes:</p> <ul style="list-style-type: none"> <li>- <u>according to ripening time</u>, they are distinguished: early - bear fruit 80-90 days after sowing; mid-season - tomatoes ripen in 100-120 days; late - the growing season reaches 120-140 days after planting seeds.</li> <li>- <u>by bush size</u>: tall - grow over 1.5 m; medium-sized - grow from 1 to 1.5 m; short - dwarf tomatoes, the height of the bush of which does not exceed 0.5-0.6 m; shtamb - low (up to 0.5 m) tomatoes with thick stems, with limited branching.</li> <li>- <u>by color</u>: ripe fruits have a variety of colors - from yellow, orange-red to red, they can be green, purple and even black.</li> </ul>	<p>In Türkiye, there are generally no approved mandatory standards for physical and quality characteristics, so the physical characteristics of tomatoes are determined by external signs: shape, freshness, color, damage by pests or diseases.</p> <p>Main characteristics of Tomatoes:</p> <ul style="list-style-type: none"> <li>- <u>according to ripening time</u>, they are distinguished: early - bear fruit 80-90 days after sowing; mid-season - tomatoes ripen in 100-120 days; late - the growing season reaches 120-140 days after planting seeds.</li> <li>- <u>by bush size</u>: tall - grow over 1.5 m; medium-sized - grow from 1 to 1.5 m; short - dwarf tomatoes, the height of the bush of which does not exceed 0.5-0.6 m; shtamb - low (up to 0.5 m) tomatoes with thick stems, with limited branching.</li> <li>- <u>by color</u>: ripe fruits have a variety of colors - from yellow, orange-red to red, they can be green, purple and even black.</li> </ul>	Similar
<b>Shelf life</b>	The storage period of tomatoes of red (yellow, orange), pink maturity at a temperature of 0-2°C is no more than 1-1.5 months; brown maturity at a temperature of 4-6°C, milk maturity at a temperature of 8-10°C, green maturity at a temperature of 12-14°C is no more than 1 month.	The storage period of tomatoes of red (yellow, orange), pink maturity at a temperature of 0-2°C is no more than 1-1.5 months; brown maturity at a temperature of 4-6°C, milk maturity at a temperature of 8-10°C, green maturity at a temperature of 12-14°C is no more than 1 month.	Similar
<b>Units of measurement</b>	kg, which can be converted into tons.	kg, which can be converted into tons.	Similar
<b>Scope of use</b>	They are eaten fresh and canned.	They are eaten fresh and canned.	Similar
<b>Classification according to the UKT Foreign Economic Activity</b>	0702 00	0702 00	Similar
<b>Production process</b>	<p>Tomato production consists of the following stages:</p> <ul style="list-style-type: none"> <li>- sowing seeds;</li> <li>- growing seedlings;</li> <li>- dive;</li> </ul>	<p>Tomato production, according to information from websites<sup>6</sup>, consists of the following stages:</p> <ul style="list-style-type: none"> <li>- sowing seeds;</li> <li>- growing seedlings;</li> </ul>	Similar

<sup>5</sup> <https://www.akpafruits.com/sebzeler.html>; <http://www.akcantarim.com/domates.html>; <https://akdemsebze.com/tomato/>

<sup>6</sup> <https://www.akpafruits.com/sebzeler.html>; <http://www.akcantarim.com/domates.html>; <https://akdemsebze.com/tomato/>

	<ul style="list-style-type: none"> <li>- landing;</li> <li>- plant care;</li> <li>- plant formation;</li> <li>- microclimate support;</li> <li>- watering and feeding plants;</li> <li>- protection against diseases and pests;</li> <li>- harvest;</li> <li>- sorting and packaging;</li> <li>- storage.</li> </ul>	<ul style="list-style-type: none"> <li>- dive;</li> <li>- landing;</li> <li>- plant care;</li> <li>- plant formation;</li> <li>- microclimate support;</li> <li>- watering and feeding plants;</li> <li>- protection against diseases and pests;</li> <li>- harvest;</li> <li>- sorting and packaging;</li> <li>- storage.</li> </ul>	
<b>Packaging</b>	Fresh tomatoes are packed in wooden crates with many sides or in dense rows flush with the edges of the container.	Fresh tomatoes are packed in cardboard or plastic boxes.	Similar
<b>Transportation</b>	Fresh tomatoes are transported by all modes of transport in accordance with the rules for the transportation of perishable goods applicable to this type of transport. Fresh tomatoes of milky maturity, fully formed, are allowed to be transported without refrigeration in the summer period only over long distances (for interregional transportation). Fresh tomatoes of red maturity are allowed to be transported by refrigerated trucks and cars for local delivery. When transporting fresh tomatoes in refrigerated cars, the stacking height of the boxes must be at least 1.6 m and not more than 2.4 m. The temperature regime of transportation must be up to +15 degrees.	Fresh tomatoes are transported in special trucks equipped with automatic cooling systems capable of maintaining temperatures up to +15°C.	Similar
<b>Storage conditions in stores or at production facilities</b>	Store fresh tomatoes in closed, clean, ventilated rooms at temperatures up to +15°C.	Store fresh tomatoes in closed, clean, ventilated rooms at temperatures up to +15°C.	Similar

According to the Applicant, special DSTUs for Cucumbers and Tomatoes are in force in Ukraine: DSTU 3247-95 "Fresh Cucumbers. Technical Conditions" and DSTU 3246-95 "Fresh Tomatoes. Technical Conditions". The relevant DSTUs regulate the characteristics of greenhouse cucumbers and tomatoes, which are checked when transferring Cucumbers and Tomatoes for sale to retail chains or other sales channels. Since Turkish Cucumbers and Tomatoes are sold on the same shelves as the Applicants' Cucumbers and Tomatoes, and also compete with each other, comply with the same DSTUs, the Applicants' Cucumbers and Tomatoes are similar to the Cucumbers and Tomatoes imported from Türkiye.

Taking into account the above, the Goods produced by the Applicant are similar in their main characteristics to the Goods originating in Türkiye, which are the subject of the anti-dumping investigation.

## 2.5. Product Variety Control Numbers (PCN codes)

In order to ensure an objective comparison of the selling prices of the Goods that are the subject of the investigation with the corresponding selling prices of similar Goods on the domestic market of the exporting country and the selling prices of similar Goods of the Applicant, the investigation considered the issue of conducting a study in terms of control numbers of varieties of Goods (hereinafter referred to as PCN codes), combined according to the main criteria that have the greatest impact on the formation of the price of the Goods and/or determine the belonging of the Goods to a certain category.

The methodology for assigning PCN codes based on the main characteristics, developed by the Applicant, was sent to all interested parties in the investigation. Taking into account the agreed position of the interested parties, the Ministry used the following methodology for determining PCN codes according to the main features and characteristics of the Goods:

**Table 2.5.**

<b>Product Type</b>	<b>Product Description</b>	<b>PCN code</b>
Type 1	cucumbers, gherkins, fresh or chilled, classified in commodity subheading 0707 00 according to the UKT FEA;	<b>PCN-1 (cucumbers)</b>
Type 2	tomatoes, fresh or chilled, classified in commodity subcategory 0702 00 00 00 according to the UKT FEA.	<b>PCN-2 (tomatoes)</b>

## 2.6. Comments of interested parties regarding the Product under investigation

The Turkish exporter TALYA FRESH TARIM ITHALAT IHRACAT SANAYI VE TICARET LIMITED ŞİRKETİ, in its comments and position papers for the hearings, noted that the description of the Goods, which are the subject of the investigation, does not include identification features regarding the conditions of cultivation of the goods, namely in a closed or open ground.

It is worth noting that in accordance with the Commission's decision dated 12.04.2024 No. AD-560/2024/441-01, an anti-dumping investigation was initiated regarding the import into Ukraine of the Goods with the following description: cucumbers, gherkins, fresh or chilled, classified in commodity subheading 0707 00 according to the UKT FEA; and tomatoes, fresh or chilled, classified in commodity subcategory 0702 00 00 00 according to the UKT FEA originating from the Republic of Türkiye.

At the initial stage of the investigation, interested parties had the opportunity to participate in the formation of the methodology for assigning PCN codes. The methodology for assigning PCN codes based on the main characteristics, formed by the domestic producer, was sent to all interested parties. Interested parties had the opportunity to provide their comments and observations on the



specified methodology. It should be noted separately that within the established period (03.06.2024), comments were received on the formation of PCN codes from interested parties, namely Turkish exporters: ALIN FRESH DIŞ TICARET LIMITED ŞİRKETİ, B.Ş.F. AÇIKYÜREK ÜRÜNLERİ KOMİSYON TAŞIMACILIK İNŞAAT DIŞ TICARET İTHALAT VE İHRACAT LIMITED ŞİRKETİ, AKDENİZ BİRLİK TARIM TAŞ. TUR.SAN.VE.TIC.LTD. ŞTİ., ER İNŞAAT HAFRIYAT GIDA TUR. TAŞ. SAN.VE.TIC.LTD. ŞTİ., ERBEYLER TARIM LOJİSTİK GIDA GÜMRÜK İNŞAAT SANAYİ VE TICARET LIMITED ŞİRKETİ, GRD GROUP DIŞ TICARET VE PAZARLAMA LIMITED ŞİRKETİ, İYİ TICARET GIDA LTD.ŞTİ., KUMEY TARIM PAZARLAMA TICARET LIMITED ŞİRKETİ, MS OLGUN GIDA LIMITED ŞİRKETİ, NATUREX DIŞ TICARET LIMITED ŞİRKETİ, **TALYA FRESH TARIM İTHALAT İHRACAT SANAYİ VE TICARET LIMITED ŞİRKETİ**, SARP FRESH DIŞ TICARET LIMITED ŞİRKETİ, SEMİRS GIDA TARIM DIŞ TIC. VE SANAYİ LTD. ŞTİ., SUNFRUI GIDA TICARET LIMITED ŞİRKETİ, SOY EXPORT TARIM ÜRÜNLERİ SANAYİ VE TICARET LIMITED ŞİRKETİ, who unanimously agreed on the format of the methodology for forming PCN codes , without comments and additions.

At the same time, it should be noted that in order to protect its rights and interests, the Applicant provided all the information, evidence, explanations necessary for the purposes of the investigation regarding the peculiarities of growing the product in both closed and open soil, the similarity of the varieties of the Product, standards, etc.

In view of the above, as part of the investigation, the varieties of the Goods that are the subject of the investigation were comprehensively investigated (including taking into account the conditions of their cultivation).

#### **The Ministry's conclusion to the section**

Based on the results of the investigation, the Ministry established that the Goods of Ukrainian production and Goods originating in the Republic of Türkiye, which are the subject of the investigation:

- a) have a similar description and similar coding according to the UKT FEA;
- b) have similar or identical characteristics;
- in) have the same scope and use ;
- d) are manufactured to similar standards;
- e) are produced using similar technology.

Thus, the Ministry has established that, within the meaning of paragraph 26 of Article 1 of the Law, the Goods of Ukrainian origin are similar to the Goods that are the subject of the investigation.

### **3. Information on the Applicant's production volumes and determination of whether the Applicant is a qualified domestic producer**

#### **3.1. Establishment of a national producer**

The Ministry investigated information regarding the Applicant and the parties who notified their interest in the anti-dumping investigation in accordance with Part Twelve of Article 12 of the Law, and who actively participated in the anti-dumping investigation by submitting written evidence or other information sufficient for the purposes of this investigation.

During the investigation, the Ministry investigated whether the Applicant is a qualified national producer within the meaning of the provisions of Clause 16 of Article 1 and Article 11 of the Law.

The Ministry established the Applicant's share in the total production of the Goods in Ukraine, and also determined whether the Applicant is related to exporters or importers, or is simultaneously an importer of the Goods that are the subject of the investigation.

In order to establish whether the Applicant is a national producer, in accordance with Part Four of Article 13 of the Law, the Ministry sent a request to the State Statistics Service of Ukraine to provide a list of domestic producers of the Goods, sales volumes and volumes of products produced by them, as well as volumes of consumption of the Goods in Ukraine for the period 2021 - 1 Q. 2024.

In response to the request, the State Statistics Service of Ukraine (hereinafter referred to as the State Statistics Service) provided summarized data on the production volumes of industrial products <sup>7</sup>under the Nomenclature of Industrial Products (hereinafter referred to as the NPP) code 10.39 and noted that information on the list of manufacturing enterprises and their production volumes is obtained by state statistics bodies in the process of statistical observations, therefore it is confidential, protected by the Law of Ukraine "On State Statistics" and is used exclusively for statistical purposes in a summarized, depersonalized form.

In addition, it was noted that in connection with the military aggression of the Russian Federation against Ukraine, in accordance with the Law of Ukraine "On Protection of the Interests of Subjects of Reporting and Other Documents during the Period of Martial Law or a State of War", individuals, individual entrepreneurs, legal entities during martial law or a state of war have the right not to submit statistical and financial reporting. According to the State Statistics Service, some respondents exercised this right and did not submit reports, which makes it impossible for state statistics bodies to form objective statistical information. It was also noted that state statistics bodies suspend the publication of statistical information, except separate information for the periods 2022–2024.

In connection with the above, the Ministry investigated the volumes of production, consumption, sales of the goods in Ukraine and the list of domestic producers of the Goods. for the period 2021 – 1st quarter 2024. based on the most indicative information at the disposal of the Ministry, in particular taking into account the report "Ukrainian market of tomatoes and cucumbers in closed ground in 2019-2022" of the State Enterprise "Ukrpromzovnesheexpertiza" (attached to the complaint on the initiation of the investigation), the report "Ukrainian market of tomatoes and cucumbers in closed ground in 2021 - 1st quarter of 2024" of the State Enterprise "Ukrpromzovnesheexpertiza", received by the Ministry in response to the request, as well as information from the industry association "Greenhouses of Ukraine".

Statistics on the volume of growing Tomatoes and Cucumbers in closed soil in Ukraine include agricultural enterprises and households.

---

<sup>7</sup> [ ... ]

Agricultural enterprises include agricultural producers of various legal forms (LLC, PrJSC, PJSC, PE, etc.), as well as farms.

Households include private households, as well as small entrepreneurs (individual entrepreneurs).

[...]

Vegetable growing corresponds to code 01.13 of the KVED "Growing of vegetables and melon crops, root and tuber crops". This code covers a wider range of vegetable growing in open and closed ground.

Data on the volume of production by agricultural enterprises are formed on the basis of annual statistical reporting of producers, and data on the volume of production by households are formed on the basis of periodic sample surveys of the population (households) and annual estimates by the State Statistics Service. As noted above, the information is confidential and protected by the Law of Ukraine "On State Statistics".

[...].

The applicant has repeatedly emphasized that it is the production of agricultural enterprises that forms the commodity market for vegetables, while the production of households is used for their own consumption or is sold on spontaneous markets where there is no accounting and statistics. Only the production of agricultural enterprises is considered a commodity product that has a wide sales market, statistical reporting and can actually compete with imported fresh vegetables imported into Ukraine, including Partly from Türkiye.

According to information from the State Statistics Service, on which the data is based According to the State Enterprise "Ukrpromzovnesheexpertiza" and the Association "Greenhouses of Ukraine", the Ukrainian market for the production of Tomatoes and Cucumbers in Ukraine includes agricultural enterprises and households, and the sales volumes of Cucumbers and Tomatoes in Ukraine in 2019-2021 practically corresponded to the volumes of their cultivation by agricultural enterprises.

**Table 3.1.**

Indicator	2019	2020	2021	2022
<b>PRODUCTION</b>				
<b>TOTAL, thousand tons</b>				
<b>Cucumbers and gherkins (total), thousand tons</b>	[...]	[...]	[...]	[...]
open soil, thousand tons	[...]	[...]	[...]	[...]
closed soil, thousand tons	[...]	[...]	[...]	[...]
<b>Tomatoes (total), thousand tons</b>	[...]	[...]	[...]	[...]
open soil, thousand tons	[...]	[...]	[...]	[...]
closed soil, thousand tons	[...]	[...]	[...]	[...]
<b>Households of the population</b>				
<b>Cucumbers and gherkins (total), thousand tons</b>	[...]	[...]	[...]	[...]
open soil, thousand tons	[...]	[...]	[...]	[...]
closed soil, thousand tons	[...]	[...]	[...]	[...]
<b>Tomatoes (total), thousand tons</b>	[...]	[...]	[...]	[...]
open soil, thousand tons	[...]	[...]	[...]	[...]
closed soil, thousand tons	[...]	[...]	[...]	[...]
<b>Enterprises</b>				
<b>Cucumbers and gherkins (total), thousand tons</b>	[...]	[...]	[...]	[...]
open soil, thousand tons	[...]	[...]	[...]	[...]
closed soil, thousand tons	[...]	[...]	[...]	[...]

<b>Tomatoes (total), thousand tons</b>	[...]	[...]	[...]	[...]
open soil, thousand tons	[...]	[...]	[...]	[...]
closed soil, thousand tons	[...]	[...]	[...]	[...]
<b>REALIZATION</b>				
<b>Cucumbers and gherkins (total), thousand tons</b>	[...]	[...]	[...]	[...]
<b>Tomatoes (total), thousand tons</b>	[...]	[...]	[...]	[...]

*Source of information: information from reports of the State Enterprise "Ukrpromzovnesheksperytyza".*

In view of the above, vegetables grown in closed ground in agricultural enterprises and households, due to different growing technologies, have different consumer properties (storage duration, content of various substances, such as nitrates and nitrites, etc.), and, accordingly, different consumers.

Thus, agricultural enterprises sell vegetables through an organized retail system (including supermarket chains), while households use their grown vegetables for their own consumption or sell them at local bazaars or spontaneous markets.

Agricultural producers' products compete with foreign indoor vegetables, in particular Turkish ones, in the retail chain, while household products do not compete with foreign products.

Given the above, marketable products (Cucumbers and Tomatoes) in Ukraine are grown by agricultural enterprises. Information about such enterprises is used in the following analysis.

Information on the production of Onions and Tomatoes by closed-field agricultural enterprises in Ukraine for the period from 2021 to Q1 2024 is provided below.

**Table 3.2.**

<b>Indicator</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>	<b>Q2 2023 – Q1 2024</b>
<b>Total production volumes of agricultural enterprises in closed ground in Ukraine Cucumbers, thousand tons</b>	[...]	[...]	[...]	[...]
<i>Dynamics compared to the previous period, %</i>	-	-46.92	37.20	-12.68
<i>Dynamics compared to the base period, %</i>	100	-46.92	-27.18	-36.41
<b>Total production volumes agricultural enterprises of closed ground in Ukraine Tomatoes, thousand tons</b>	[...]	[...]	[...]	[...]
<i>Dynamics compared to the previous period, %</i>	-	-55.18	55.38	2.77
<i>Dynamics compared to the base period, %</i>	100	-55.18	-30.36	-28.43

*Source information: data from the State Enterprise "Ukrpromzovnesheksperytyza".*

Information on the production of Cucumbers and Tomatoes by major agricultural producers for the period from 2021 to Q1 2024, taking into account the most indicative information available to the Ministry\*, is provided below.

**Table 3.3.**

<b>Indicator</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>	<b>Q2 2023 - Q1 2024</b>
<b><i>Production volumes Cucumbers</i></b>				
LLC " REALTY ESTATE ", thousand tons	[...]	[...]	[...]	[...]
LLC "Agroconcern", thousand tons	[...]	[...]	[...]	[...]
PrJSC "Zmiiv Vegetable Factory", thousand tons	[...]	[...]	[...]	[...]
PrJSC "Teplichny Combine", thousand tons	[...]	[...]	[...]	[...]
LLC "Krasnograd Vegetable Factory", thousand tons	[...]	[...]	[...]	[...]
LLC "Kremenchuk Vegetable Factory", thousand tons	[...]	[...]	[...]	[...]

LLC "Vegetable Plant Stanyshivka", thousand tons	[...]	[...]	[...]	[...]
LLC "Perspektiva", thousand tons	[...]	[...]	[...]	[...]
LLC "Greenhouse Plant "Dniprovsky", thousand tons	[...]	[...]	[...]	[...]
POSP "Uman Greenhouse Plant", thousand tons	[...]	[...]	[...]	[...]
<b>Total production of cucumbers, thousand tons</b>	[...]	[...]	[...]	[...]
<i>Dynamics compared to the previous period, %</i>	-	-50.94	25.73	-4.45
<i>Dynamics compared to the base period, %</i>	100	-50.94	-38.31	-41.06
<b>Production volumes Tomatoes</b>				
LLC " REALTY ESTATE ", thousand tons	[...]	[...]	[...]	[...]
LLC "Agroconcern", thousand tons	[...]	[...]	[...]	[...]
PrJSC "Teplichny Combine", thousand tons	[...]	[...]	[...]	[...]
LLC "Krasnograd Vegetable Factory", thousand tons	[...]	[...]	[...]	[...]
LLC "Kremenchuk Vegetable Factory", thousand tons	[...]	[...]	[...]	[...]
LLC "Vegetable Plant Stanyshivka", thousand tons	[...]	[...]	[...]	[...]
LLC "Greenhouse Plant "Dniprovsky", thousand tons	[...]	[...]	[...]	[...]
POSP "Uman Greenhouse Plant", thousand tons	[...]	[...]	[...]	[...]
<b>In general Tomato production, thousand tons</b>	[...]	[...]	[...]	[...]
<i>Dynamics compared to the previous period, %</i>	-	-61.12	80.47	-5.69
<i>Dynamics compared to the base period, %</i>	100	-61.12	-29.84	-33.83

\*Source of information: data from the State Enterprise "Ukrpromzovnesheksperytyza", complaints about violations of the investigation and responses to the questionnaire for the domestic manufacturer and additional requests.

Total production volumes Cucumbers and Tomatoes by the Applicant's enterprises are given in the table below.

Table 3.4.

Indicator	2021	2022	2023	Q2 2023 - Q1 2024
<b>Cucumbers</b>				
<b>Total production volume of Cucumbers by enterprises Applicant Oghirkiv (incl. (of enterprises that supported the complaint), thousand t</b>	[...]	[...]	[...]	[...]
<i>Dynamics compared to the previous period, %</i>	-	-49.04	6.61	-0.97
<i>Dynamics compared to the base period, %</i>	100	-49.04	-45.67	-46.19
<b>Total production volume of Cucumbers by the Applicant's enterprises that provided responses to the questionnaire : PrJSC "Zmiivska vegetable factory", PrJSC "Kombinat "Teplychny", OOO "Vegetable combine Stanyshivka", OOO "Perspektiva", OOO "Greenhouse combine Dniprovsky", POSP "Uman greenhouse combine" *</b>	[...]	[...]	[...]	[...]
<i>Dynamics compared to the previous period, %</i>	-	-49.63	6.59	12.02
<i>Dynamics compared to the base period, %</i>	100	-49.63	-46.31	-39.86
<b>Tomatoes</b>				
<b>Total production volume of tomatoes by the Applicant's enterprises (including enterprises that supported the complaint), thousand tons.</b>	[...]	[...]	[...]	[...]
<i>Dynamics compared to the previous period, %</i>	-	-61.73	82.57	-5.78
<i>Dynamics compared to the base period, %</i>	100	-61.73	-30.14	-34.17
<b>Total volume of Tomato production by the Applicant's enterprises that provided responses to the questionnaire : PrJSC "Greenhouse Plant "Teplychny", LLC "Vegetable Plant Stanyshivka",</b>	[...]	[...]	[...]	[...]

LLC "Greenhouse Plant "Dniprovisky", POSP "Uman Greenhouse Plant" *				
<i>Dynamics compared to the previous period, %</i>	-	-66.34	128.91	1.39
<i>Dynamics compared to the base period, %</i>	100	-66.34	-22.95	-21.87

Source of information: data from the complaint about the violation of the investigation and responses to the questionnaire for the domestic producer and additional requests.

\*For reference: [...].

During the investigation, the Applicant drew attention to the fact that on the market of fresh cucumbers and fresh tomatoes there are companies that simultaneously act as producers of the Goods and their importers and/or are related to agricultural enterprises that grow the Goods. The information was checked with the data of the State Customs Service, SE "Ukrpromzovneshekspertyza" and responses to the questionnaire for the domestic producer. The data analysis showed the following.

**Table 3.5.**

EDRPOU code	Company name	Relationship status	Activity analysis
38954939	LLC "REALTY ESTATE"	[...]	1. LLC " REALTY ESTATE" , a producer of Cucumbers and Tomatoes, as well as an importer of Goods originating from the Republic of Poland and the European Union; 2. LLC "ATB Market" , importer of Cucumbers and Tomatoes originating from the Republic of Türkiye
05528361	PrJSC "Teplichny Combine"	[...]	Cucumber and Tomato Producer
38947036	LLC "Trading House "Kalynivka-Premium"		Importer of Cucumbers and Tomatoes originating from the Republic of Türkiye, as well as importer of Cucumbers and Tomatoes originating from the Republic of Poland, the European Union and the Republic of Belarus.
30420987	LLC "Greenhouse Plant "Dniprovisky"	[...]	Producer of Cucumbers and Tomatoes. In 2022, importer of Cucumbers and Tomatoes originating from the Republic of Türkiye, taking into account exceptional circumstances ( <i>share of Cucumbers and Tomatoes imports [ ... ] % in total Cucumbers and Tomatoes imports</i> )

Source of information: data from the State Enterprise "Ukrpromzovneshekspertyza", responses to the questionnaire for the domestic manufacturer and additional requests.

For reference: According to the Applicant [...].

Based on the above and taking into account the provisions of Article 11 of the Law, the total production volumes of agricultural enterprises in closed ground in Ukraine of Cucumbers and Tomatoes, adjusted for the volumes production of REALTY ESTATE LLC for Cucumbers and Tomatoes for each annual period from 2021 - 1st quarter of 2024. The indicators are given in the table below.

**Table 3. 6.**

Indicator	2021	2022	2023	Q2 2023 – Q1 2024
<b>Cucumber Production in Ukraine</b>				

<b>Total production volumes of agricultural enterprises of closed ground in Ukraine Cucumbers , thousand tons</b>	[...]	[...]	[...]	[...]
Production volume of cucumbers by REAL ESTATE LLC , thousand tons	[...]	[...]	[...]	[...]
<i>Share of LLC " REALTY ESTATE " in total production volumes of Cucumbers, %</i>	[...]	[...]	[...]	[...]
<b>Adjusted total production volume of agricultural enterprises in closed ground in Ukraine Cucumbers, thousand tons</b>	[...]	[...]	[...]	[...]
<i>Dynamics compared to the previous period, %</i>	-	-44.69	26.55	-12.95
<i>Dynamics compared to the base period, %</i>	100	-44.69	-30.00	-39.06
<b>Tomato Production in Ukraine</b>				
<b>Total production volumes of agricultural enterprises in closed soil in Ukraine Tomatoes, thousand tons</b>	[...]	[...]	[...]	[...]
Production volume of Tomatoes by REAL ESTATE LLC , thousand tons	[...]	[...]	[...]	[...]
<i>Share of LLC " REALTY ESTATE " in total production volumes of Cucumbers, %</i>	[...]	[...]	[...]	[...]
<b>Adjusted total production volume of agricultural enterprises in closed ground in Ukraine Tomatoes, thousand tons</b>	[...]	[...]	[...]	[...]
<i>Dynamics compared to the previous period, %</i>	-	-55.65	56.44	2.80
<i>Dynamics compared to the base period, %</i>	100	-55.65	-30.62	-28.68

Source of information: responses to the questionnaire for the domestic manufacturer, responses to the questionnaire for the association of Ukrainian manufacturers and/or importers and information from the State Enterprise "Ukrpromzovnesheexpertiza".

Along with this , Import volumes adjusted Cucumbers and Tomatoes originating from the Republic of Türkiye on import indicator of LLC "Trading House "Kalynivka-Premium" and LLC "ATB Market" . The indicators are given in the table below ( taking into account information on importing companies from the Republic of Türkiye given in table 3.5) .

Table 3.7.

Indicator	2021	2022	2023	Q2 2023 - Q1 2024
<b>Import of Cucumbers</b>				
<b>Total volume of imports of Cucumbers to Ukraine, thousand tons</b>	<b>24.5</b>	<b>38.2</b>	<b>28.9</b>	<b>27.5</b>
<i>Dynamics compared to the previous period, %</i>	-	55.92	-24.35	-4.84
<i>Dynamics compared to the base period, %</i>	100	55.92	17.96	12.24
<b>Import of Cucumbers originating from Türkiye, thousand tons</b>	[...]	[...]	[...]	[...]
Import of Cucumbers by LLC "Trading House "Kalynivka-Premium" from Türkiye, thousand tons	[...]	[...]	[...]	[...]
<i>Share of LLC "Trading House "Kalynivka-Premium" in the import of Cucumbers from Türkiye, %</i>	[...]	[...]	[...]	[...]
Import of Cucumbers by ATB Market LLC from Türkiye, thousand tons	[...]	[...]	[...]	[...]
<i>Share of ATB Market LLC in imports of Cucumbers from Türkiye, %</i>	[...]	[...]	[...]	[...]
<b>Adjusted volume import of Cucumbers originating from Türkiye, thousand tons</b>	<b>20.1</b>	<b>24.8</b>	<b>24.7</b>	<b>23.2</b>
<i>Dynamics compared to the previous period, %</i>	-	23.02	-0.30	-6.23

<i>Dynamics compared to the base period, %</i>	100	23.02	22.65	15.01
<b>Import of Tomatoes</b>				
<b>Total volume of imports of Tomatoes into Ukraine, thousand tons</b>	<b>101.9</b>	<b>93.9</b>	<b>95.3</b>	<b>97.8</b>
<i>Dynamics compared to the previous period, %</i>	-	-7.85	1.49	2.62
<i>Dynamics compared to the base period, %</i>	100	-7.85	-6.48	-4.02
<b>Import of Tomatoes originating from Türkiye, thousand tons</b>	[...]	[...]	[...]	[...]
Import of Tomatoes by Trading House "Kalynivka-Premium" LLC from Türkiye, thousand tons	[...]	[...]	[...]	[...]
<i>Share of LLC "Trading House "Kalynivka-Premium" in the import of Tomatoes from Türkiye, %</i>	[...]	[...]	[...]	[...]
Import of Tomatoes by ATB Market LLC from Türkiye, thousand tons	[...]	[...]	[...]	[...]
<i>Share of ATB Market LLC in imports of Tomatoes from Türkiye, %</i>	[...]	[...]	[...]	[...]
<b>Adjusted volume Import of Tomatoes originating from Türkiye, thousand tons</b>	<b>91.7</b>	<b>68.0</b>	<b>80.4</b>	<b>82.9</b>
<i>Dynamics compared to the previous period, %</i>	-	-25.85	18.15	3.16
<i>Dynamics compared to the base period, %</i>	100	-25.85	-12.40	-9.63

Source of information: data from the State Customs Service .

The import figures of Cucumbers and Tomatoes from the Republic of Türkiye by LLC "Trading House "Kalynivka-Premium" and LLC "ATB Market" are insignificant and cannot be considered dumping. Given the above, these figures are attributed to imports from other countries .

In view of the above , the Ministry calculated the shares to determine the status of the National Producer of Cucumbers in the total production of agricultural enterprises in closed soil in Ukraine of Cucumbers and the National Producer of Tomatoes in the total production of agricultural enterprises in closed soil in Ukraine of Tomatoes, taking into account the enterprises that supported the complaint. The indicators are given in the table below.

**Table 3.8.**

<b>Indicator</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>	<b>Q2 2023 - Q1 2024</b>
<b>Cucumbers</b>				
<b>Adjusted total production volume of agricultural enterprises in closed ground in Ukraine Cucumbers, thousand tons</b>	[...]	[...]	[...]	[...]
<i>Dynamics compared to the previous period, %</i>	-	-44.69	26.55	-12.95
<i>Dynamics compared to the base period, %</i>	100	-44.69	-30.00	-39.06
<b>Share of the Applicant's enterprises Ogiriv (including enterprises that supported the complaint), %</b>	[...]	[...]	[...]	[...]
<i>Dynamics compared to the previous period, %</i>	-	-7.86	-15.76	13.76
<i>Dynamics compared to the base period, %</i>	100	-7.86	-22.38	-11.70
<b>Tomatoes</b>				
<b>Adjusted total production volume of agricultural enterprises in closed ground in Ukraine Tomatoes, thousand tons</b>	[...]	[...]	[...]	[...]
<i>Dynamics compared to the previous period, %</i>	-	-55.65	56.44	2.80
<i>Dynamics compared to the base period, %</i>	100	-55.65	-30.62	-28.68
<b>Share of enterprises of the Applicant Tomato</b>	[...]	[...]	[...]	[...]



<b>(including enterprises that supported the complaint), %</b>				
<i>Dynamics compared to the previous period, %</i>	-	-13.72	16.71	-8.34
<i>Dynamics compared to the base period, %</i>	100	-13.72	0.70	-7.71

Having analyzed the available information, the Ministry established that the production volume of the Applicant's enterprises during the study period is more than 50% of both Cucumbers and Tomatoes.

At the same time, taking into account that as part of the investigation took place changes in the composition of the Applicant's enterprises ( namely , the location of 3 enterprises [...], close to the territories where hostilities are (were) being conducted or temporarily occupied by the Russian Federation ) , when calculating the share of the National Producer of Cucumbers and the National Producer of Tomatoes, the Ministry took into account the production volumes of Cucumbers and Tomatoes by agricultural enterprises that provided answers to the questionnaire for domestic producers, in particular: PrJSC "Zmiivska Vegetable Factory", PrJSC "Kombinat "Teplychny", LLC "Vegetable Combine Stanyshivka", LLC "Perspektyva", LLC "Greenhouse Combine Dniprovsky", POSP "Uman Greenhouse Plant". The indicators are given in the table below.

Table 3. 9.

Indicator	2021	2022	2023	Q2 2023 – Q1 2024
<b>Cucumbers</b>				
<b>Adjusted total production volume in Ukraine of cucumbers, thousand tons</b>	[...]	[...]	[...]	[...]
<b>Total production of Cucumbers by enterprises Applicant, thousand tons</b>	[...]	[...]	[...]	[...]
PrJSC "Zmiiv Vegetable Factory" , thousand tons	[...]	[...]	[...]	[...]
PrJSC "Teplichny Combine", thousand tons	[...]	[...]	[...]	[...]
LLC "Vegetable Plant Stanyshivka" , thousand tons	[...]	[...]	[...]	[...]
LLC "Perspektiva" , thousand tons	[...]	[...]	[...]	[...]
LLC "Greenhouse Plant "Dniprovsky" , thousand tons	[...]	[...]	[...]	[...]
POSP "Uman Greenhouse Plant" , thousand tons	[...]	[...]	[...]	[...]
<b>Share of the National Producer of Cucumbers in the adjusted total production of Cucumbers in Ukraine, %</b>	<b>64</b>	<b>58</b>	<b>49</b>	<b>63</b>
<i>Dynamics compared to the previous period, %</i>	-	-8.93	-15.78	2.22
<i>Dynamics compared to the base period, %</i>	100	-8.93	-23.30	-21.60
<b>Tomatoes</b>				
<b>Adjusted total production volume in Ukraine Tomatoes, thousand tons</b>	[...]	[...]	[...]	[...]
<b>Total production of Tomatoes by the Applicant's enterprises, thousand tons</b>	[...]	[...]	[...]	[...]
PrJSC "Teplichny Combine" , thousand tons	[...]	[...]	[...]	[...]
LLC "Vegetable Plant Stanyshivka" , thousand tons	[...]	[...]	[...]	[...]
LLC "Greenhouse Plant "Dniprovsky" , thousand tons	[...]	[...]	[...]	[...]
POSP "Uman Greenhouse Plant" , thousand tons	[...]	[...]	[...]	[...]
<b>Share of the National Producer Tomatoes in adjusted total production of Tomatoes in Ukraine, %</b>	<b>72</b>	<b>54</b>	<b>80</b>	<b>78</b>
<i>Dynamics compared to the previous period, %</i>	-	-24.10	46.33	-1.37
<i>Dynamics compared to the base period, %</i>	100	-24.10	11.06	9.54

Having analyzed the available information, the Ministry established that during the study period the share of the National Producer of Cucumbers and the National Producer of Tomatoes in the total production of Cucumbers in Ukraine and in the total production of Tomatoes in Ukraine amounted to more than 50% (except for 2023 for Cucumbers - 49%).

At the same time, the Applicant, referring to the WTO practice on determining a national producer, stated that the fact of the presence of a national producer (with a share of more than 50% in total production) concerns exclusively the initiation of an investigation and does not require its constant monitoring <sup>8</sup>.

Thus, in the Interpipe case <sup>9</sup>, the Court of Justice of the European Union held that Article 5(4) of Regulation (EC) No 384/96 (now Regulation 2016/1036) does not impose any obligation on the Commission to terminate an anti-dumping proceeding if the level of support for the complaint falls below the minimum threshold of 25% of Community production. That article concerns only the level of support for the complaint required for the Commission to initiate proceedings. In the present case, the required level of support was reached at the time of the initiation of the anti-dumping investigation, but allegedly fell below the 25% threshold during the investigation, when the Commission asked the Community producers to reply to its questionnaire. The Council cannot therefore be accused of infringing Article 5(4) of the basic Regulation in the present case.

In Philips Lighting <sup>10</sup>, Puma <sup>11</sup>, Duralamp Electronics <sup>12</sup>, Gem-Year and Jinn-Well Auto-Parts (Zhejiang) Co Ltd <sup>13</sup>, the Court of Justice of the European Union reaffirmed that Regulation No 384/96 (now Regulation 2016/1036) does not contain provisions on the measures to be taken during an investigation if the support of the complaint by producers decreases, even if such a decrease means that such support corresponds to a level of production which is below one of the two thresholds set out in Article 5(4) of the Regulation.

Article 11 of the Law and Article 4 of the Agreement expressly provide that Ukrainian producers who simultaneously import goods from the exporting country under investigation may not be taken into account for the purposes of determining the status of a domestic producer. Accordingly, in practice, the Ministry did not take into account the production volumes of such producers when determining the status of a domestic producer. This approach was used by the Ministry in the anti-dumping investigation into imports into Ukraine of thermal insulation materials originating in Russia and Belarus, particleboard originating in Russia and Belarus, etc.

In general, for the period 2021 - 1 Q. 2024, the share of the National Producer of Cucumbers was from 49 to 63%, and the share of the National Producer of Tomatoes was from 54% to 80%. Also, during the investigation period (2 Q. 2023 - 1 Q. 2024), the share of the National Producer in absolute terms was: for Cucumbers - 63%, and for Tomatoes - 78%.

In view of the above, the calculated shares are considered sufficient to establish the status of the Applicant as a National Producer of Cucumbers and a National Producer of Tomatoes.

### **3.1.1. Stakeholder comments on the national producer status**

As part of the investigation, interested parties from the Republic of Türkiye, in their comments on the complaint, position papers for the hearings, as well as during the online hearings and in

<sup>8</sup>Panel Report, Mexico – Steel Pipes and Tubes, para. 5.26.

<sup>9</sup>Report of the Group of Experts, Mexico - Definitive Countervailing Measures on Olive Oil From the European Communities, para. 7.202.

<sup>10</sup>Case T-249/06, Interpipe Nikopol'sky Seamless Tubes Plant Niko Tube ZAT (Interpipe Niko Tube ZAT) and Interpipe Nizhnedneprovsky Tube Rolling Plant VAT (Interpipe NTRP VAT) v. Council, EU:T:2009:62, paras 139-140.

<sup>11</sup>Case C-511/13P, Philips Lighting Poland SA and Philips Lighting BV v. Council, EU:C:2015:553, para. 53

<sup>12</sup>Joined Cases C-659/13 and C-34/14, C & J Clark International Ltd. v. The Commissioners for Her Majesty's Revenue & Customs and Puma SE v. Hauptzollamt Nimberg, EU:C:2016:74, paras 153-154

<sup>13</sup>Case T—459/07, Hangzhou Duralamp Electronics v. Council, EU T:2013:369, paras 215-216

<sup>14</sup>Case T-172/09, Gem-Year and Jinn-Well Auto-Parts (Zhejiang) Co Ltd v. Council, EU T.2012:532, para. 42

counterarguments following their results, questioned whether the Applicant is a proper national producer within the meaning of paragraph 1 of part one of Article 11 of the Law.

*Regarding the inclusion of households in the status of national commodity producer*

According to the Turkish exporter TALYA FRESH TARIM ITHALAT IHRACAT SANAYI VE TICARET LIMITED ŞİRKETİ, the status of a national commodity producer should include data from all business entities, not only agricultural enterprises, but also households, which, in addition to the population, include individual entrepreneurs (hereinafter referred to as FOPs).

In order to protect their rights and interests during the investigation, as well as during the hearings, the Applicant, the Federation of Employers of Ukraine and the Association "Greenhouses of Ukraine" have repeatedly expressed their categorical disagreement with the approach of including households to the status of a national commodity producer, and also provided evidence and arguments regarding the issue raised.

Thus, according to the information provided, data on the volume of production by agricultural enterprises are formed on the basis of annual statistical reporting of producers, and data on the volume of production by households, including individual entrepreneurs, are formed on the basis of periodic sample surveys of the population (households) and annual additional estimates by the State Statistics Service. Therefore, direct data on the volume of vegetable production by households, including individual entrepreneurs, are absent, which makes it impossible to identify the total number of producers in this group, their list and specific production volumes. At the same time, complete and confirmed information in the State Statistics Service is information on the production of agricultural enterprises.

It was also noted that growing vegetables corresponds to the KVED code 01.13 "Growing of vegetables and melon crops, root crops and tuber crops", which covers a wider range of growing vegetables (not only cucumbers and tomatoes) in open and closed soil. Individual entrepreneurs can choose a large number of KVED codes during registration. Accordingly, information from statistical authorities about individual entrepreneurs who registered under the KVED code 01.13 is not indicative, since such individual entrepreneurs may not carry out the relevant activity, and may not be limited to growing cucumbers and tomatoes, since KVED 01.13 applies to all vegetables and melon crops.

The Applicant and the Greenhouses of Ukraine Association have also repeatedly provided information on the features of growing cucumbers and tomatoes in open and closed soil and their differences, and detailed justifications were provided as to why the Applicant's agricultural enterprises are considered national commodity producers. In particular, attention was drawn to the fact that it is agricultural enterprises that grow vegetables in closed soil in significant volumes throughout the year and form the commodity market. At the same time, households, including sole proprietors, are limited to seasonal cultivation in open soil. The main part of the products grown by households is used for their own consumption and processing (canning, pickling, production of ketchup, tomato paste and sauces, etc.) or is sold on spontaneous markets where there is no accounting/statistics. Therefore, only the production of agricultural enterprises can really compete with imported fresh vegetables imported into Ukraine, including originating from the Republic of Türkiye.

At the same time, the Federation of Employers of Ukraine and the Greenhouses of Ukraine Association expressed support for the proposed approach of Ukrainian producers to apply seasonal anti-dumping measures (from October to May (inclusive)), which would allow distinguishing between cultivation in open and closed ground, as well as the activities of households, including individual entrepreneurs. In this case, protection will be provided only to greenhouse farms whose enterprises are the Applicant in the current investigation.

*Regarding the provision of information and evidence by a national producer*

In the position papers for the hearings, the Turkish exporter TALYA FRESH TARIM ITHALAT IHRACAT SANAYI VE TICARET LIMITED ŞİRKETİ noted that the information presented by the national producer is not based on statistical data.

In order to protect its rights and interests, the Applicant emphasized during the hearings that the information and evidence provided during the investigation (including calculations, statistical data, etc.) are based on official sources of information and can be verified, including according to the confidential versions of documents provided by the national producer. The Applicant also noted that the reports of the State Enterprise "Ukrpromzovnesheksperyta" are confidential information and are not disclosed to third parties. At the same time, the Applicant drew attention to the fact that the right of other interested parties to protection is not violated, since other interested parties have access to non-confidential summaries of information (including numerical statistical data) that were directly used in the preparation of the relevant information and can be commented on.

*Regarding the implementation of activities on the territory of the Russian Federation*

The Turkish exporter TALYA FRESH TARIM ITHALAT IHRACAT SANAYI VE TICARET LIMITED ŞİRKETİ, in its comments, as well as in position papers for the hearings, emphasized that some of the Applicant's enterprises, namely "Perspektiva" LLC, "Krasnogradskaya Ovocheva Fabrika" LLC, "Kremenchutskaya Ovocheva Fabrika" LLC, operate on the territory of the Russian Federation.

During the investigation and during the hearings, the Applicant (as well as the Federation of Employers of Ukraine and the Association of Greenhouses of Ukraine in their materials on the hearings ) expressed objections to the allegations of the alleged activities of Ukrainian producers on the territory of the Russian Federation .

According to the information and evidence provided by the Applicant, Ukrainian producers LLC "Perspektiva", LLC "Krasnograd Vegetable Factory", LLC "Kremenchut Vegetable Factory", according to extracts from the Unified State Register of Legal Entities, Individual Entrepreneurs and Public Organizations, are currently registered business entities operating within the framework of Ukrainian legislation.

### **3.2. Current status of the Applicant's enterprises**

In connection with the military aggression of the Russian Federation against Ukraine, based on the proposal of the National Security and Defense Council of Ukraine, in accordance with Clause 20 of Part One of Article 106 of the Constitution of Ukraine, the Law of Ukraine "On the Legal Regime of Martial Law", Decree of the President of Ukraine dated February 24, 2022 No. 64/2022 "On the Introduction of Martial Law in Ukraine", approved by the Law of Ukraine dated February 24, 2022 No. 2102-IX, as amended, martial law has been introduced in Ukraine.

According to the information received by the Ministry, as of February 21, 2025, the enterprises of the national producer [...] continue their activities in the usual mode (except for [...] , which is located close to the territories where hostilities are (were) being conducted or temporarily occupied by the Russian Federation). The enterprises of the National Producer of Cucumbers and Tomatoes have sufficient production capacity to meet market needs.

### **The Ministry's conclusion to the section**

In view of the above, the Ministry concluded that the Applicant is a proper national producer of Cucumbers and Tomatoes within the meaning of the provisions of Clause 16 of Article 1 and Article 11 of the Law.

## 4. Investigation of dumping facts

### 4.1. Procedural aspects of investigating dumping facts

As part of the investigation, the following foreign exporters were registered by interested parties: Goods:

- ALIN FRESH DIŞ TICARET LIMITED ŞİRKETİ ;
- B.Ş.F. AÇIKYÜREK ÜRÜNLERİ KOMİSYON TAŞIMACILIK İNŞAAT DIŞ TICARET İTHALAT VE İHRACAT LIMITED ŞİRKETİ ;
- AKDENİZ BİRLİK TARIM TAŞ. TUR.SAN.VE.TIC.LTD. ŞTİ. ;
- ER İNŞAAT HAFRIYAT GIDA TUR. TAŞ. SAN.VE.TIC.LTD. ŞTİ. ;
- ERBEYLER TARIM LOJİSTİK GIDA GÜMRÜK İNŞAAT SANAYİ VE TICARET LIMITED ŞİRKETİ ;
- GRD GROUP DIŞ TICARET VE PAZARLAMA LIMITED ŞİRKETİ ;
- İYİ TICARET GIDA LTD.ŞTİ. ;
- KUMEY TARIM PAZARLAMA TICARET LIMITED ŞİRKETİ ;
- MS OLGUN GIDA LIMITED COMPANY ;
- NATUREX DIŞ TICARET LIMITED ŞİRKETİ ;
- TALYA FRESH TARIM İTHALAT İHRACAT SANAYİ VE TICARET LIMITED ŞİRKETİ ;
- SARP FRESH DIŞ TICARET LIMITED ŞİRKETİ ;
- SEMİRS GIDA TARIM DIŞ TIC. VE SANAYİ LTD. ŞTİ. ;
- SUNFRUI GIDA TICARET LIMITED ŞİRKETİ ;
- SOY EXPORT TARIM ÜRÜNLERİ SANAYİ VE TICARET LIMITED ŞİRKETİ .

In accordance with the provisions of Part Three of Article 13 of the Law, in order to obtain information for the purposes of the investigation, the Ministry sent questionnaires for foreign manufacturers and/or exporters to the above-mentioned companies.

Within the established deadline (08/12/2024), responses to the questionnaire for a foreign manufacturer and/or exporter were received from the following companies:

- ALIN FRESH DIŞ TICARET LIMITED ŞİRKETİ;
- TALYA FRESH TARIM İTHALAT İHRACAT SANAYİ VE TICARET LIMITED ŞİRKETİ;
- SOY EXPORT TARIM ÜRÜNLERİ SANAYİ VE TICARET LIMITED ŞİRKETİ .

The information and evidence provided in the response to the questionnaires for the foreign manufacturer and/or exporter by the foreign exporter ALIN FRESH DIŞ TICARET LIMITED ŞİRKETİ were not taken into account in the investigation due to the violation of the deadline set by the Ministry (failure to respond to the additional request) and conditions for preparing a response to the questionnaire (Articles 6, 13 and 31 of the Law) , which was informed to the interested party of the investigation . In accordance with the provisions of Article 31 of the Law, the company was recognized as not cooperating with the Ministry properly .

Answers to the questionnaire for a foreigner manufacturer and/or exporter and additional requests from the foreign exporter TALYA FRESH TARIM İTHALAT İHRACAT SANAYİ VE TICARET LIMITED ŞİRKETİ were considered during the investigation and verified during the verification visit.

Response from the foreign exporter SOY EXPORT TARIM ÜRÜNLERİ SANAYİ VE TICARET LIMITED COMPANY to the questionnaire for a foreign manufacturer and/or exporter. was left without consideration, due to violation of the deadline and format for preparing a response to the questionnaire established by the Ministry (Articles 6, 13 and 31 of the Law), about which the interested party to the investigation was informed. In accordance with the provisions of Article 31 of the Law, the company was recognized as not cooperating with the Ministry properly.

Interested parties of the investigation foreign exporters: B.Ş.F. AÇIKYÜREK ÜRÜNLERİ KOMİSYON TAŞIMACILIK İNŞAAT DIŞ TİCARET İTHALAT VE İHRACAT LIMITED ŞİRKETİ, AKDENİZ BİRLİK TARIM TAŞ. TUR.SAN.VE.TIC.LTD. ŞTİ., ER İNŞAAT HAFRIYAT GIDA TUR. TAŞ. SAN.VE.TIC.LTD. ŞTİ., AKDENİZ BİRLİK TARIM TAŞ. TUR.SAN.VE.TIC.LTD. ŞTİ., ER İNŞAAT HAFRIYAT GIDA TUR. TAŞ. SAN.VE.TIC.LTD. ŞTİ., ERBEYLER TARIM LOJİSTİK GIDA GÜMRÜK İNŞAAT SANAYİ VE TİCARET LIMITED ŞİRKETİ, GRD GROUP DIŞ TİCARET VE PAZARLAMA LIMITED ŞİRKETİ, İYİ TİCARET GIDA LTD.ŞTİ., KUMEY TARIM PAZARLAMA TİCARET LIMITED ŞİRKETİ, MS OLGUN GIDA LIMITED ŞİRKETİ, NATUREX DIŞ TİCARET LIMITED ŞİRKETİ, SARP FRESH DIŞ TİCARET LIMITED ŞİRKETİ, SEMİRS GIDA TARIM DIŞ TİC. VE SANAYİ LTD. ŞTİ, SUNFRUI GIDA TİCARET LIMITED ŞİRKETİ did not provide answers on a questionnaire for a foreign manufacturer and/or exporter and in accordance with the provisions of Article 31 of the Law, the above-mentioned companies are recognized as not having cooperated with the Ministry properly.

Also, as part of the investigation by interested parties registered BATI AKDENİZ İHRACATÇILAR BİRLİĞİ GENEL SEKRETERLİĞİ ( Turkish Exporters' Union) and AEGEAN EXPORTERS ASSOCIATIONS (Turkish Exporters' Association). In order to obtain information for the purposes of conducting an investigation The Ministry sent the specified interested parties of the investigation questionnaires for the association of foreign exporters. The submitted responses of the above-mentioned interested parties were left without consideration due to the violation of the deadlines established by the Ministry, as well as the format for preparing a response to the questionnaire (Articles 6, 13 and 31 of the Law), about which the interested parties of the investigation were informed. In accordance with the provisions of Article 31 of the Law, they were recognized as not cooperating with the Ministry properly.

As part of obtaining information necessary for the purposes of the investigation, the Ministry sent to the Ministry of Trade of the Republic of Türkiye (through the Embassy of Ukraine in the Republic of Türkiye) , which is registered interested party to the investigation, a list of questions for the competent authorities of the exporting countries. The response of the Ministry of Trade of the Republic of Türkiye (through the Embassy of Ukraine in the Republic of Türkiye) was submitted. in the format of comments did not contain the necessary information. In turn , the Ministry informed the Ministry of Trade of the Republic of Türkiye (through the Embassy of Ukraine in the Republic of Türkiye) about the consequences of failure to provide information in accordance with Article 31 of the Law.

Taking into account the above and guided by the provisions of Article 31 of the Law, the Ministry investigated the facts regarding the presence or absence of dumping. varieties of Goods to Ukraine originating from Türkiye on the basis of the information available at the Ministry information .

In order to obtain the information necessary for the calculation dumping margin, the Ministry [...] sent requests to the State Enterprise "Ukrpromzovnesheptiza" regarding :

- list of manufacturers in Turkish Republic by type of goods ;
- volumes, value and average prices of exports of varieties of Goods from the Republic of Türkiye ;
- average export prices to Ukraine by types of Goods originating from the Republic of Türkiye at the border of Ukraine;
- average costs of transporting the types of Goods from the territory of the Republic of Türkiye to the border of Ukraine, as well as (if any) other expenses and adjustments, the deduction of which from the export price is necessary to ensure its fair comparison with the normal value;

- average sales prices of varieties of Goods on the domestic market Republic of Türkiye ;
- features pricing and price formation on the inside and external markets of the Republic of Türkiye.

By letters [ ... ], the State Enterprise "Ukrpromzovnesheexpertiza" provided responses to the Ministry's requests.

Also The Ministry sent a letter [ ... ] to the Embassy of Ukraine in the Republic of Türkiye with a list of questions for the competent authorities of the exporting countries. The response provided by the Embassy of Ukraine in the Republic of Türkiye did not contain sufficient substantiated information.

Taking into account the above, for the purposes of calculating the dumping margin, the Ministry used the most indicative and detailed justification information it possessed , in particular information and evidence are provided in the report "Ukrainian market of cucumbers and tomatoes in closed ground in 2021 - 1st quarter. 2024." SE "Ukrpromzovnesheexpertiza" regarding the average prices of sales of varieties of Goods on the domestic market of the Republic of Türkiye, the cost of transporting varieties of Goods to the border of Ukraine from the Republic of Türkiye , information State Customs Service regarding the volumes , value and average prices of imports of various types of Goods into Ukraine , as well as the Turkish exporter TALYA FRESH TARIM ITHALAT IHRACAT SANAYI VE TICARET LIMITED ŞİRKET .

#### **4.2 . Determination of normal value and export price**

In accordance with the provisions of Article 7 of the Law, normal value is generally determined on the basis of prices established in the ordinary course of trade between independent buyers in the exporting country during the investigation period.

The normal value on EXW terms is determined by adjusting the actual transaction prices for the amounts of transportation and other trading costs.

The Complainant provided information in the Complaint regarding the average sales prices on the domestic market of the Republic of Türkiye for the period 2019-2022, which does not reflect the investigation period (Q2 2023 - Q1 2024). Taking into account the provisions of Article 31 of the Law, the Ministry determined the normal value on the basis of the information in its possession.

According to the report "Ukrainian market of cucumbers and tomatoes in closed ground in 2021 - 1st quarter. 2024." State Enterprise "Ukrpromzovnesheexpertiza" in the Republic of Türkiye distinguishes two types of greenhouse farms:

1. Agricultural companies that have large greenhouse complexes with an area of over [...] hectares or more. They use modern growing technologies, ensure high quality of grown vegetables and form competitiveness , both in the domestic and foreign (export) markets. At the same time, they grow significant volumes of vegetables, which allow them to form product batches that are directly supplied to both domestic consumers and for export. Typically, agricultural companies have their own refrigerated warehouses and a fleet of refrigerated trucks, which ensures the safety of their products and the ability to deliver them to consumers in fresh form.

Large greenhouse agricultural companies are members of the Association of Investors and Producers of Greenhouse Vegetables SERA-BIR, which unites more than 40 large greenhouse agricultural companies (*for example: KOZANLAR TARIM - greenhouse area of more than [...] hectares, supplier of large batches of fresh vegetables (including tomatoes and cucumbers) for the domestic market and for export. AGROBAY - greenhouse area of more than [...] hectares, one of the largest producers of cucumbers and tomatoes in closed ground in the Republic of Türkiye*).

2. Family farms, where the area of greenhouses is on average [...] hectares, and usually does not exceed [...] hectares. Family members work in such greenhouses. The volumes of vegetables grown by one such farm are insignificant (up to [...] kg/day during the harvest period), farmers sell



them to intermediaries (traders), who, purchasing vegetables from many small farmers, accumulate large batches that are sold to domestic or foreign consumers. Due to the need for storage costs, the purchase prices from farmers are less than 50% of the export price (i.e., if the average export price of tomatoes in 2023 from the Republic of Türkiye was [...] USD/t, then farmers (family greenhouses) received up to [...] USD/t from each ton of tomatoes).

In the Republic of Türkiye, there is no state regulation of prices for fruit and vegetables, pricing is based on market principles. Prices for indoor tomatoes and cucumbers in the Republic of Türkiye depend on the size of the lot. Turkish producers offer for sale lots of greenhouse grown products of various sizes. Since there are many small producers in the Republic of Türkiye, a significant part of fruit and vegetables is offered in small lots (up to [...] kg/day). Intermediaries purchase these small lots of fruit and vegetables from different farmers, forming larger lots for sale directly to domestic consumers (retail) or for export. As a result, as the lot size increases, the price increases.

Depending on the type (variety) of the producer, the purchasing distribution channel may have several links. For example, a small farm may purchase products from both a commission agent-exporter (a national-level distributor) and a regional (local) distributor, who subsequently resells larger batches to a national exporter.



Мал. 1. Модель реалізації продукції крупними агровиробниками



Мал. 2. Модель реалізації продукції малими виробниками та/або сімейними фермами

The above models of organizing the procurement of fruit and vegetable products in the domestic market of the Republic of Türkiye (which have existed for a very long time) allow participants in the fruit and vegetable market to quickly respond to the market situation regarding overproduction or shortage of a particular product.

The most important element of the model for small producers and/or family farms is a two-tier system of commission agents (distributors), who form the daily wholesale price in the region of production, and at the same time in the region of consumption, increasing or decreasing it depending on the supply and demand in the domestic and/or foreign market. This model provides a market infrastructure for small Turkish producers, who, due to small production lots, cannot independently sell their products for export or retail. Commission agents form wholesale lots and are constantly looking for new customers, while producers focus on increasing yield and product quality, as well as production efficiency and safety.

It is worth noting that in the main areas of fruit and vegetable production in the Republic of Türkiye, there are relevant Internet resources that contain information about the range of market prices for fruit and vegetable products without specifying whether they are open or closed ground products. The prices given on such resources are for reference only and are not binding on market

participants. As a rule, the lower range corresponds to the purchase price of distributors from small producers. The higher price level corresponds to the purchase prices of large agricultural companies (this corresponds to data from the Greenhouse Producers Association of the Republic of Türkiye SERA-BIR, which unites about 75 % of greenhouse farms throughout the territory of the Republic of Türkiye ).

According to the price information of the Greenhouse Producers Association of the Republic of Türkiye SERA-BIR <sup>14</sup>, provided in the report "Ukrainian market of cucumbers and tomatoes in closed ground in 2021 - 1st quarter of 2024" by the State Enterprise "Ukrpromzovnisheksperityza", the price level for varieties of the Goods during ordinary trade operations on the domestic market of the Republic of Türkiye in the period 2nd quarter of 2023 - 1st quarter of 2024 (investigation period) was established on the basis of quarterly dynamics of average prices for cucumbers and tomatoes grown in closed ground on the domestic market of the Republic of Türkiye (excluding VAT, on EXW warehouse delivery terms , taking into account information on the exchange rate of the Turkish lira to the US dollar). The indicators are given in the table below.

**Table 4. 2.**

Quarter	Course, TRY /USD	Cucumbers		Tomatoes	
		TRY/t	USD /t	TRY/t	USD /t
Q2 2023	20.77	[ ... ]	[ ... ]	[ ... ]	[ ... ]
Q3 2023	26.79	[ ... ]	[ ... ]	[ ... ]	[ ... ]
Q4 2023	28.51	[ ... ]	[ ... ]	[ ... ]	[ ... ]
Q1 2024	30.92	[ ... ]	[ ... ]	[ ... ]	[ ... ]
<b>2 square meters 2023 - 1 square meter 2024</b>	<b>26.75</b>	[ ... ]	[ ... ]	[ ... ]	[ ... ]

*Source of information: data from the State Enterprise "Ukrpromzovnesheksperityza" and the Greenhouse Manufacturers Association of Türkiye (SERA-BIR)*

Thus, during the investigation period The average prices on the domestic market of the Republic of Türkiye on the EXW warehouse delivery terms were: for Cucumbers – [ ...] USD/t , for Tomatoes – [ ...] USD/t.

### 4.3 . Determination of export price

In accordance with the provisions of Article 8 of the Law, the export price of the Goods is considered to be the price at which the Goods sold to Ukraine from the country of export are actually paid or payable.

During the investigation, it was found that the information provided in the Complaint regarding export prices for various types of Goods originating in the Republic of Türkiye does not cover the investigation period.

According to the information available to the Ministry, export price calculations were carried out based on data from the State Customs Service in the context of import operations of various types of Goods to Ukraine.

**Table 4.3.1 .**

Indicators	2021	2022	2023	Q2 2023 -
------------	------	------	------	-----------

<sup>14</sup> [ ... ]

				Q1 2024
<b>Import of Cucumbers</b>				
<b>Total volume of imports of Cucumbers to Ukraine, thousand tons</b>	<b>24.5</b>	<b>38.2</b>	<b>28.9</b>	<b>27.5</b>
<i>Dynamics compared to the previous year, %</i>	-	55.92	-24.35	-4.84
<i>Dynamics compared to the base year, %</i>	100	55.92	17.96	12.24
<b>Import volume of Cucumbers originating from the Republic of Türkiye, thousand tons</b>	<b>20.1</b>	<b>24.8</b>	<b>24.7</b>	<b>23.2</b>
<i>Dynamics compared to the previous year, %</i>	-	23.02	-0.30	-6.23
<i>Dynamics compared to the base year, %</i>	100	23.02	22.65	15.01
<b>Customs value of Cucumbers originating from the Republic of Türkiye, thousand US dollars</b>	<b>16,678</b>	<b>23,580</b>	<b>28,100</b>	<b>27,166</b>
<i>Dynamics compared to the previous year, %</i>	-	41.39	19.17	-3.33
<i>Dynamics compared to the base year, %</i>	100	41.39	68.49	62.89
<b>Average import price of Cucumbers originating from the Republic of Türkiye, USD/t</b>	<b>828</b>	<b>952</b>	<b>1,138</b>	<b>1,173</b>
<i>Dynamics compared to the previous year, %</i>	-	14.93	19.52	3.10
<i>Dynamics compared to the base year, %</i>	100	14.93	37.37	41.63
<b>Share of imports of Cucumbers originating from the Republic of Türkiye in total imports of Cucumbers to Ukraine, %</b>	<b>82.2</b>	<b>64.8</b>	<b>85.4</b>	<b>84.2</b>
<i>Dynamics compared to the previous year, %</i>	-	-21.10	31.79	-1.46
<i>Dynamics compared to the base year, %</i>	100	-21.10	3.98	2.46
<b>Import of Tomatoes</b>				
<b>Total volume of imports of Tomatoes into Ukraine, thousand tons</b>	<b>101.9</b>	<b>93.9</b>	<b>95.3</b>	<b>97.8</b>
<i>Dynamics compared to the previous year, %</i>	-	-7.85	1.49	2.62
<i>Dynamics compared to the base year, %</i>	100	-7.85	-6.48	-4.02
<b>Import volume of Tomatoes originating from the Republic of Türkiye, thousand tons</b>	<b>91.7</b>	<b>68.0</b>	<b>80.4</b>	<b>82.9</b>
<i>Dynamics compared to the previous year, %</i>	-	-25.85	18.15	3.16
<i>Dynamics compared to the base year, %</i>	100	-25.85	-12.40	-9.63
<b>Customs value of Tomatoes originating from the Republic of Türkiye, thousand US dollars</b>	<b>53,567</b>	<b>59,981</b>	<b>89,649</b>	<b>95,354</b>
<i>Dynamics compared to the previous year, %</i>	-	11.97	49.46	6.36
<i>Dynamics compared to the base year, %</i>	100	11.97	67.36	78.01
<b>Average import price of Tomatoes originating from the Republic of Türkiye, USD/t</b>	<b>584</b>	<b>882</b>	<b>1,116</b>	<b>1,150</b>
<i>Dynamics compared to the previous year, %</i>	-	51.02	26.50	3.10
<i>Dynamics compared to the base year, %</i>	100	51.02	91.05	96.98
<b>Share of imports of Tomatoes originating from the Republic of Türkiye in total imports of Tomatoes to Ukraine, %</b>	<b>90.0</b>	<b>72.4</b>	<b>84.3</b>	<b>84.8</b>
<i>Dynamics compared to the previous year, %</i>	-	-19.54	16.41	0.52
<i>Dynamics compared to the base year, %</i>	100	-19.54	-6.33	-5.84

Source information: data from the State Customs Service

Analysis of customs statistics on imports of varieties of Goods into Ukraine showed that during the investigation period, the share of imports originating from the Republic of Türkiye in the structure of varieties of Goods in absolute terms is: in the total volume of imports of Cucumbers into Ukraine - 84.2%, and in the total volume of imports of Tomatoes into Ukraine - 84.8%, respectively.

Based on customs statistics data from the State Customs Service, it was determined TOP-10 main exporters of varieties of Goods originating from the Republic of Türkiye during the investigation period.

Table 4.3.2 .

Exporter	Volume, thousand tons	Customs value, thousand USD	Weighted average price, USD/t	Specific gravity, %
<b>Cucumbers</b>				
[...]	[...]	[...]	[...]	[...]
[...]	[...]	[...]	[...]	[...]
[...]	[...]	[...]	[...]	[...]
[...]	[...]	[...]	[...]	[...]
[...]	[...]	[...]	[...]	[...]
[...]	[...]	[...]	[...]	[...]
[...]	[...]	[...]	[...]	[...]
[...]	[...]	[...]	[...]	[...]
[...]	[...]	[...]	[...]	[...]
[...]	[...]	[...]	[...]	[...]
Others	[...]	[...]	[...]	[...]
<b>IN GENERAL</b>	<b>23.2</b>	<b>27,166</b>	<b>1,173</b>	<b>100</b>
<b>Tomatoes</b>				
[...]	[...]	[...]	[...]	[...]
[...]	[...]	[...]	[...]	[...]
[...]	[...]	[...]	[...]	[...]
[...]	[...]	[...]	[...]	[...]
[...]	[...]	[...]	[...]	[...]
[...]	[...]	[...]	[...]	[...]
[...]	[...]	[...]	[...]	[...]
[...]	[...]	[...]	[...]	[...]
[...]	[...]	[...]	[...]	[...]
[...]	[...]	[...]	[...]	[...]
Others	[...]	[...]	[...]	[...]
<b>IN GENERAL</b>	<b>82.9</b>	<b>95,354</b>	<b>1,150</b>	<b>100</b>

Source information: data from the State Customs Service

In view of the above, the average export prices for The types of Goods originating from the Republic of Türkiye during the investigation period (Q2 2023 - Q1 2024) were :

Table 4. 3.3.

Product Type	Volume, thousand tons	Customs value, thousand USD	Export price, USD/t
Cucumbers	23.2	27,166	1,173
Tomatoes	82.9	95,354	1,150

Source information: data from the State Customs Service

#### 4.4. Comparison of normal value and export price

In accordance with the provisions of Article 9 of the Law, for the purpose of determining the dumping margin, a fair comparison is made between the normal value and the export price of the Goods. Such comparison is made on the basis of the same basic delivery conditions (as a rule, ex-

works).

In order to bring the export price and normal value to the same basic terms of delivery ex-works (EXW), the Ministry adjusted the export price at the border of Ukraine by the amount of transportation costs to the border of Ukraine .

The average prices for the types of Goods on the domestic market of the Republic of Türkiye on EXW terms (excluding VAT), presented in the report of the State Enterprise "Ukpromzovnesheexpertiza", were used as the normal value.

As the export price, data from the State Customs Service of Ukraine on average export prices for types of Goods originating from the Republic of Türkiye were used.

Considering that the Complaint provides information and evidence exclusively for the period 2019-2022, the Ministry used information on transportation costs for the investigation period based on data from the report "Ukrainian market of cucumbers and tomatoes in closed ground in 2021-1Q2024." State Enterprise "Ukpromzovneshekstertyza".

#### **Transportation costs for delivery of Goods from the Republic of Türkiye to Ukraine**

According to the materials of the report of the State Enterprise "Ukpromzovneshekspertyza", Turkish producers of Tomatoes and Cucumbers in closed ground supply their products to Ukraine by road transport in refrigerators (refrigerators), which ensures the shortest possible delivery times and maintenance of the required temperature regime during transportation. The average transportation distance to the border with Ukraine is about 2.5 thousand km , since the bulk of fresh cucumbers and tomatoes are grown in the south of the Republic of Türkiye (in particular, in the province of Antalya). According to information According to the specialized truck logistics agency DELLA <sup>15</sup>, the cost of transporting fresh vegetables in refrigerated trucks from the Republic of Türkiye to Ukraine in 2021 was about [...] thousand USD/car. With the beginning of Russia's military aggression and the corresponding high military risks, the cost of transportation has increased to [...] thousand USD/car since the end of February 2022 , or on average to [...] thousand USD/car.

In 2023 - 1st quarter of 2024 , the cost of transportation increased to [...] thousand USD/car (or on average it was [...] thousand USD/car). The main reasons for this increase in price are the shortage of refrigerators due to heavy traffic jams/idleness on the border with Ukraine, the threat of being attacked by drones, and the reluctance of car owners to transport cargo to a warring country because of this. Thus, the average transportation costs to the border of Ukraine during the investigation period were [...] thousand USD/car . One refrigerator car transports about [...] tons of fresh vegetables (net weight, excluding the weight of containers/boxes). The average cost of transporting 1 ton of tomatoes and cucumbers from the Republic of Türkiye to Ukraine is [...] USD/ton .

Taking into account the above methodology, the Ministry made adjustments based on the information export price on terms CIF/CIP- Ukrainian border for the amount of average transport costs to the Ukrainian border and established average export prices for varieties of Goods originating from the Republic of Türkiye on the terms EXW . The figures are given in the table below.

**Table 4. 4.**

<b>Product Type</b>	<b>Export price at the border of Ukraine, USD/t</b>	<b>Transportation costs incurred to the border with Ukraine, USD/t</b>	<b>Export price, reduced to EXW terms, USD/t</b>
Cucumbers	1,173	[...]	[...]
Tomatoes	1,150	[...]	[...]

<sup>15</sup>[ ... ]

#### 4.5 . Calculation of the dumping margin

In accordance with the provisions of paragraph 4 of part five of Article 16 of the Law, the dumping margin was determined as a percentage of the customs value of the Goods.

The dumping margin was calculated using the following formula:

$$DM = (NV_{EXW} - EP_{EXW}) / EP_{border\ of\ Ukraine} * 100\% ,$$

where

*DM* – dumping margin;

*NV<sub>EXW</sub>* – normal value on basic terms (usually EXW);

*EP<sub>EXW</sub>* – export price on basic terms (usually EXW);

*EP<sub>border of Ukraine</sub>* – export price at the border of Ukraine.

#### Calculation of the dumping margin for the Republic of Türkiye

Considering specified above (including in point 4.1 of this section ) , the dumping margin was determined for the Republic of Türkiye on the basis of the available information for each type of Product . The Ministry calculated the dumping margin by comparing the export price and the normal value, brought to the same basic conditions.

Based on the results of the calculations, the Ministry determined the following level of dumping margin: regarding the import into Ukraine of varieties of Goods originating from the Republic of Türkiye. The indicators are given in the table below.

**Table 4.5.**

Names of indicators and their units of measurement	Product type indicators	
	Cucumbers	Tomatoes
Normal cost, USD/t	[...]	[...]
Export price at the border with Ukraine, USD/t	1,173	1,150
Transportation cost, USD/t	[...]	[...]
Export price, adjusted to basic terms (EXW), USD/t	[...]	[...]
<b>Dumping margin, %</b>	<b>22.8</b>	<b>26.9</b>

According to the calculations conducted by the Ministry, the established amount of the dumping margin is higher than the minimum amount (2%) within the meaning of the provisions of Article 16 of the Law.

#### 4.6. Stakeholder comments

During the investigation, as well as during the hearings, the Applicant, the Federation of Employers of Ukraine and the Association "Greenhouses of Ukraine" emphasized the impossibility of establishing an individual dumping margin for TALYA FRESH TARIM ITHALAT IHRACAT SANAYI VE TICARET LIMITED ŞİRKET (further - TALYA FRESH), since the interested party, in accordance with the provisions of Article 31 of the Law, did not cooperate with the Ministry properly (in particular, the foreign exporter improperly filled out the questionnaire for a foreign producer and/or exporter, did not fully provide answers to additional requests, the information and evidence provided contain unreliable data or distort the essence of the statements, etc.). The Applicant also drew attention to the practice of conducting trade investigations by the Ministry and the WTO practice in terms of establishing an individual dumping margin for exporters and provided calculations of the dumping margin. in relation to the Republic of Türkiye as a whole and the foreign exporter.

As part of the investigation, the Ministry examined the information and evidence of the foreign exporter TALYA FRESH TARIM ITHALAT IHRACAT SANAYI VE TICARET LIMITED ŞİRKET (hereinafter referred to as TALYA FRESH), which, in accordance with Part Twelve of

Article 12 of the Law, is registered as an interested party to the investigation, based on the information duly submitted to the Ministry.

*For reference: During the investigation period , the share of TALYA FRESH TARIM ITHALAT IHRACAT SANAYI VE TICARET LIMITED ŞİRKET in the total volume of imports originating from the Republic of Türkiye, broken down by product type, was: Cucumbers – [ ... ]% [ ... ] , Tomatoes – [ ... ] % [ ... ] .*

In accordance with Part Three of Article 13 of the Law, the Ministry, in order to obtain information and evidence used for the purposes of conducting the investigation, sent questionnaires to interested parties to the investigation (including a questionnaire for a foreign manufacturer and/or exporter (hereinafter referred to as the questionnaire) to the foreign exporter TALYA FRESH).

Information and evidence provided in the questionnaire response TALYA FRESH were incomplete (including regarding normal value, export price and their fair comparison) and needed additional processing . In order to clarify the information necessary for the purposes of conducting the investigation, the Ministry sent additional requests to the interested party. Responses to additional requests received contained the necessary information, but at the same time required its verification reliability, in particular by conducting a verification visit.

Taking into account the above, and in accordance with the provisions of Annex I to the Agreement, part five of Article 13 and part two of Article 29 of the Law, the letter of consent of the interested party , the Ministry conducted an investigation verification visit to the exporter's enterprise TALYA FRESH. The results of the verification visit confirmed the possibility of using information and evidence (including financial and economic indicators) of TALYA FRESH in the course of the investigation.

*Regarding the establishment of a dumping margin for a foreign exporter*

In order to ensure the right to protection, the foreign exporter TALYA FRESH provided counterarguments regarding the impossibility of calculating the individual dumping margin and establishing an individual anti-dumping duty. In particular, it noted that the Applicant's reference to the Ministry's practice as a basis for not calculating the amount of the individual dumping margin for the interested party is unacceptable, since in accordance with Part Three of Article 30 of the Law, Part Seven of Article 16 of the Law , the possibility of such a calculation without additional conditions regarding the mandatory participation of the manufacturer . He also noted that the practice of the Ministry is not a source of law . At the same time, he noted that the implementation of economic activities in each country and in each market is different and requires an individual approach. Ministries, and the formation of a separate practice taking into account the specifics of the market in the respective country.

*For reference , it is worth noting that in practice, such an approach as determining the size of the individual dumping margin for an interested party - an exporter, was used by the Ministry in anti-dumping investigations regarding the import into Ukraine of switch points originating from the Russian Federation, coated carbon steel rolled products originating from the People's Republic of China, cement originating from the Republic of Türkiye.*

Thus, given the significant number of exporters (15) who registered as interested parties within the framework of the investigation and in order to ensure the conduct of the anti-dumping investigation within the time limits established by the Law, the Ministry In accordance with paragraph 10 of Article 6 of the Agreement and Articles 9 and 30 of the Law, the issue of choosing a selective investigation method was considered. by limiting the study to a moderate number of parties. However, based on the results of processing the information submitted by interested parties (specified in paragraph 1.4 of section 1 of this report ) , the Ministry sent to all registered foreign manufacturers,

exporters (including TALYA FRESH) questionnaire for a foreign manufacturer and/or exporter without using a sampling method.

#### **4.7. Regarding the establishment of a dumping margin for a foreign exporter**

##### **Calculation features dumping margin for foreign exporter TALYA FRESH**

The dumping margin according to paragraph 6 of Article 1 of the Law is the amount by which the normal value exceeds the export price.

According to Article 9 of the Law, the dumping margin is determined on the basis of a comparison between the normal value determined in accordance with Article 7 of the Law and the export price determined in accordance with Article 8 of the Law.

In order to determine the individual dumping margin for the foreign exporter TALYA FRESH, the Ministry examined the constituent elements of the dumping margin, taking into account the information provided by TALYA FRESH in its responses to the questionnaire, additional requests and during the verification visit, as well as other information at the disposal of the Ministry .

According to the information and evidence provided by TALYA FRESH regarding its business activities, the Ministry has established that the company is not a manufacturer of the types of Goods that are the subject of the investigation. The scope of TALYA FRESH's activities is an intermediary that carries out wholesale sales of fresh vegetables and fruits for a fee and under a contract. The peculiarity of such activities is the organization of resale processes between commission agents and producers of goods by reselling goods to domestic and foreign markets.

*For reference: The Ministry of Trade of the Republic of Türkiye (through the Embassy of Ukraine in the Republic of Türkiye) in its position papers for the hearings noted that the export of various types of goods to Ukraine is carried out mostly by Turkish traders and/or exporters who do not sell goods on the domestic market of the Republic of Türkiye .*

It is also established that TALYA FRESH is a member of the Western Mediterranean Exporters Association (BATI AKDENİZ İHRACATÇILAR BİRLİĞİ GENEL SECRETERLİĞİ), according to the membership certificate for promoting the development of the country's economy and creating jobs through exports.

##### **Regarding the normal cost of TALYA FRESH**

The applicant, in its comments and position papers, drew attention to the impossibility of determining the normal value for an exporter who does not produce and sell goods in the country of export in the ordinary course of trade between independent buyers on the domestic market of the Republic of Türkiye. It also noted that the purchase and sale prices of goods of small producers are regulated on the market and are lower than the prices of agricultural producers.

According to paragraph 17 of Article 1 of the Law, normal value is the equivalent of the price of the goods on the domestic market. The procedure for determining normal value is established in Article 7 of the Law.

Taking into account the information of the State Enterprise "Ukrpromzovnesheexpertiza" provided in paragraph 4.2 of this section, as well as the explanations provided by TALYA FRESH regarding price formation purchase and sale of varieties of Goods on the domestic market of the Republic of Türkiye, the Ministry concluded that the intermediary activities of the foreign exporter TALYA FRESH are carried out on non-market terms due to the significant influence of commission agents on pricing, which form through commodity exchanges wholesale prices for batches of goods purchased/sold both in the region of production and in the region of consumption, increasing or decreasing them depending on supply and demand in the domestic and/or foreign markets. It is also noted that the organizational activities of TALYA FRESH are comparable to the structure of the activities of small producers operating in the domestic market of the Republic of Türkiye, namely



through a chain of commission agents (Fig. 2, paragraph 4.2 of this section) . According to TALYA FRESH, the company purchases batches of various sizes of products through commission agents and organizes their further resale on the domestic and/or foreign markets. Thus, due to the specifics of TALYA FRESH's activities in the domestic market of the Republic of Türkiye, there are reasons to believe that during the investigation period the purchase and sale of varieties of the Goods was carried out outside the scope of ordinary trade operations, and therefore such sales cannot be used to determine the normal value and require its construction by varieties of the Goods.

At the same time, the Ministry conducted a test for the sufficiency of sales volumes of goods intended for consumption on the domestic market of the exporting country in accordance with Part Four of Article 7 of the Law and established that the sales volumes of TALYA FRESH on the domestic market of the Republic of Türkiye of the varieties of the Goods were less than 5% (cucumbers – [ ... ] %, tomatoes – [ ... ] %) of the sales volumes of the corresponding varieties of the Goods for export to Ukraine (cucumbers – [ ... ] %, tomatoes – [ ... ] %). Therefore, the sales volumes of the specified varieties of the Goods on the domestic market are insufficient to determine the normal value on their basis and must be constructed.

In view of the above, in accordance with the provisions of Part Five of Article 7 of the Law, the normal value is determined on the basis of production costs increased by a reasonable amount of selling, administrative and other general expenses and a reasonable amount of profit . Thus, as production costs actual amounts of direct production costs were considered depending on the TALYA FRESH business model . [ ... ] . The indicators are given in the table below.

**Table 4.7.1.**

Names of indicators and their units of measurement	Product type indicators	
	Cucumbers	Tomatoes
Direct production costs, USD/t	[...]	[...]
SG&A, USD/t	[...]	[...]
Reasonable profit margin, %	[...]	[...]
<b>Constructed normal value on EXW terms, USD/t</b>	[...]	[...]

#### **Regarding the export price of TALYA FRESH**

As part of the investigation, the Applicant provided evidence regarding dumped imports of various types of Goods originating from the Republic of Türkiye and a foreign exporter TALYA FRESH, and also demonstrated calculations of dumping margin values.

In its counterarguments, the foreign exporter TALYA FRESH noted that the dumping margin calculations made by the Applicant in relation to the interested party cannot be used, since made on the basis of artificial information, namely regarding the prices declared by the exporter at customs during import into Ukraine, since the State Customs Service is the administrator of such information.

In accordance with the provisions of Part One of Article 8 of the Law, the export price of TALYA FRESH was considered on the basis of the actually paid sales prices of the varieties of the Goods for export to Ukraine, provided by the company during the investigation.

According to the answers TALYA FRESH on the questionnaire, additional requests and results verification visit , during the investigation period, the sale of varieties of the Goods for export to Ukraine was carried out to independent buyers by road transport on FCA, CPT, DAP terms in accordance with the International Rules for the Interpretation of Commercial Terms "Incoterms".

Bringing the export price to the basic delivery conditions, in accordance with the provisions of Article 9 of the Law, is usually determined by adjusting the export price by the values of factors that affect its fair comparison (in particular, the amounts of transportation costs to the border of Ukraine and costs of commission fees were considered ).

Thus, as the amount of transport costs to the border of Ukraine, information was considered

regarding transportation costs TALYA FRESH, according to the answers on the questionnaire, additional queries and results verification visit .

According to the explanation provided by TALYA FRESH, the foreign exporter does not have its own vehicles for transporting goods and is completely dependent on the market demand and supply of transport services of carriers. [...].

Also, the foreign exporter TALYA FRESH provided a calculation of transport costs based on accounting data. The calculation methodology used such indicators as the total cost of delivery, the weight of 1 truck of goods – [...] tons and the average number of kilometers from Antalya (Republic of Türkiye) to the checkpoints on the border of Ukraine: checkpoint [...] km and checkpoint [...] km.

According to the results of the calculations During the investigation period, it was determined that the weighted average cost of 1 km of delivery of the types of Goods is [...] USD/km.

**Table 4.7.2.**

Transportation costs to checkpoints on the border of Ukraine, route	Average distance, km	Weighted average cost of deliveries, USD/car	Weighted average delivery cost USD/t
checkpoint [...]	[...]	[...]	[...]
checkpoint [...]	[...]	[...]	[...]

The weighted average cost of transportation costs to cross the border of Ukraine is [...] USD/car, and the weighted average cost of delivering 1 ton of goods to cross the border of Ukraine is [...] USD/t.

Taking into account the features of the TALYA FRESH business model, the two-tier supply chain system through commission agents, as well as the priority of the sales market for varieties of Goods for export to Ukraine (cucumbers – [...] %, tomatoes – [...] %), [...]. The indicators are given in the table below.

**Table 4.7.3.**

Name of indicators and their units of measurement	Product type indicators	
	Cucumbers	Tomatoes
Export price at the border with Ukraine, USD/t	[...]	[...]
Transportation cost, USD/t	[...]	[...]
Reasonable amount of commission agent's profit, %	[...]	[...]
<b>Constructed export price, adjusted to basic conditions (EXW), USD/t</b>	[...]	[...]

In view of the above, the Ministry calculated the dumping margin by comparing the export price and the normal value, reduced to the same basic conditions according to the type of the Product that is the subject of the investigation, according to the following formula:

$$DM = (NV_{EXW} - EP_{EXW}) / EP_{border\ of\ Ukraine} * 100\% .$$

Based on the results of the calculations, the Ministry determined the following levels of dumping margin for the relevant types of Goods for the foreign exporter TALYA FRESH TARIM

ITHALAT IHRACAT SANAYI VE TICARET LIMITED ŞİRKET.

Table 4.7. 4 .

Names of indicators and their units of measurement	Product type indicators	
	Cucumbers	Tomatoes
Designed normal value, adjusted to basic conditions (EXW), USD/t	[...]	[...]
Constructed export price, adjusted to basic conditions (EXW), USD/t	[...]	[...]
Export price at the border with Ukraine, USD/t	[...]	[...]
<b>Dumping margin, %</b>	<b>20 ,1</b>	<b>25.0</b>

According to the calculations conducted by the Ministry, the established amount of the dumping margin is higher than the minimum amount (2%) within the meaning of the provisions of Article 16 of the Law.

Taking into account the information at the disposal of the Ministry and the results of the dumping margin study based on TALYA FRESH data, the Ministry concluded that the presented model of TALYA FRESH's activities indicates that the purchase and sale operations (including resale) of varieties of Goods on the domestic and/or foreign markets are outside the scope of ordinary trade operations. It is noted that a significant range of factors influencing its activities are: a two-tier system of commission agents who form and regulate prices in regions and provinces; non-market pricing and price formation through commodity exchanges; low transportation costs compared to the transportation costs for the Republic of Türkiye provided by the State Enterprise "Ukrpromzovnesheexpertiza", and the absence of accompanying components related to the organization and safety of transportation; currency risks, etc.

It is also worth noting that in their position papers for the hearings, the BATI AKDENİZ İHRACATÇILAR BİRLİĞİ GENEL SEKRETERLİĞİ (Turkish Exporters' Union) and the AEGEAN EXPORTERS ASSOCIATIONS (Turkish Exporters' Association) noted that In the Republic of Türkiye, the process of production of agricultural products and the formation of their prices is dynamic, therefore it does not allow obtaining reliable data that could confirm the dumping nature of current prices. The Applicant also noted in additional comments that according to the data of the State Enterprise "Ukrpromzovnesheexpertiza" , the purchase prices of traders are less than 50 % of the export price. This is due to the fact that traders accumulate commodity (significant in terms of volume ) batches of cucumbers and tomatoes, which entails costs for warehouses, refrigerators, personnel, sorting, etc.

In view of the above , the Ministry has determined the following levels of dumping margin for imports into Ukraine of varieties of Goods originating in the Republic of Türkiye:

Table 4.7.4.

Foreign manufacturers and exporters	Dumping margin,%	
	Cucumbers	Tomatoes
TALYA FRESH TARIM İTHALAT İHRACAT SANAYİ VE TICARET LIMITED ŞİRKET	<b>20.1</b>	<b>25.0</b>
other manufacturers and/or exporters of varieties of Goods originating from the Republic of Türkiye	<b>22.8</b>	<b>26.9</b>

For the foreign exporter TALYA FRESH , which duly cooperated with the Ministry in conducting the investigation, taking into account the specifics of its activities and the provisions of parts six and seven of Article 16 of the Law.

For foreign exporters that did not cooperate properly with the Ministry in the investigation,

the dumping margin was established in accordance with Article 31 of the Law on the basis of the information available to the Ministry, namely at the level of the highest dumping margin rate calculated by type of Goods for the Republic of Türkiye.

**The Ministry's conclusion to the section**

Based on the results of calculations based on the information and evidence available, the Ministry established the facts of dumping imports of varieties of Goods originating from the Republic of Türkiye into Ukraine during the investigation period. The dumping margin was determined: for the exporter TALYA FRESH TARIM ITHALAT IHRACAT SANAYI VE TICARET LIMITED ŞİRKET – at the level of 20.1% for fresh cucumbers and 25.0% for fresh tomatoes. For other producers and/or exporters of goods originating from the Republic of Türkiye – at the level of 22.8% for fresh cucumbers and 26.9% for fresh tomatoes.

## 5. Establishing the fact of causing damage to a sector of the Ukrainian economy

### 5.1. Research into the financial and economic situation of a national producer

According to the information provided in the responses to the questionnaire for the domestic producer, additional requests regarding the study of the impact of dumped imports on it, the Ministry, in accordance with the provisions of Part Five of Article 10 of the Law, investigated the economic factors and financial and economic indicators of the National Producer of Cucumbers and the National Producer of Tomatoes.

#### 5.1.1. Financial and economic situation of the National Producer of Cucumbers

The indicators of the National Commodity Producer of Cucumbers were studied based on the aggregate data of the Applicant's enterprises: PrJSC "Zmiivska Vegetable Factory", PrJSC "Kombinat "Teplychny", LLC "Vegetable Combine Stanyshivka", LLC "Perspektyva", LLC "Greenhouse Combine "Dniprovsky", POSP "Umansky Greenhouse Combine".

**Table 5.1.1.1.**

Indicators	2021	2022	2023	Q2 2023- Q1 2024
<b>Total production volumes of agricultural enterprises closed ground in Ukraine Cucumbers (adjusted), thousand tons</b>	[...]	[...]	[...]	[...]
<i>Dynamics compared to the previous period, %</i>	-	-44.69	26.55	-12.95
<i>Dynamics compared to the base period, %</i>	100	-44.69	-30.00	-39.06
<b><i>Production and production facilities</i></b>				
<b>Production volumes of Cucumbers by the Applicant's enterprises, thousand tons:</b>	[...]	[...]	[...]	[...]
<i>Dynamics compared to the previous period, %</i>	-	-49.63	6.59	12.02
<i>Dynamics compared to the base period, %</i>	100	-49.63	-46.31	-39.86
PrJSC "Zmiiv Vegetable Factory", thousand tons	[...]	[...]	[...]	[...]
PrJSC "Teplichny Combine", thousand tons	[...]	[...]	[...]	[...]
LLC "Vegetable Plant Stanyshivka", thousand tons	[...]	[...]	[...]	[...]
Cucumbers LLC "Perspektiva", thousand tons	[...]	[...]	[...]	[...]
LLC "Greenhouse Plant "Dniprovsky", thousand tons	[...]	[...]	[...]	[...]
POSP "Uman Greenhouse Plant", thousand tons	[...]	[...]	[...]	[...]
<b><i>Share of the National Producer of Cucumbers in the total production of Cucumbers in Ukraine, %</i></b>	<b>64</b>	<b>58</b>	<b>49</b>	<b>63</b>
<i>Dynamics compared to the previous period, %</i>	-	-8.93	-15.78	2.22
<i>Dynamics compared to the base period, %</i>	100	-8.93	-23.30	-21.60
<b><i>Volumes of production capacities of cucumbers collectively by the Applicant's enterprises, m<sup>2</sup> :</i></b>	[...]	[...]	[...]	[...]
<i>Dynamics compared to the previous period, %</i>	-	-50.44	28.37	-5.57
<i>Dynamics compared to the base period, %</i>	100	-50.44	-36.38	-39.92
PrJSC "Zmiiv Vegetable Factory", m <sup>2</sup>	[...]	[...]	[...]	[...]
PrJSC "Teplichny Combine", m <sup>2</sup>	[...]	[...]	[...]	[...]
LLC "Vegetable Plant Stanyshivka", m <sup>2</sup>	[...]	[...]	[...]	[...]
LLC "Perspektiva", m. <sup>2</sup>	[...]	[...]	[...]	[...]
LLC "Greenhouse Plant "Dniprovsky", m <sup>2</sup>	[...]	[...]	[...]	[...]

POSP "Uman Greenhouse Plant", m <sup>2</sup>	[...]	[...]	[...]	[...]
<b>Production capacity utilization rate of Ogiriv, %</b>	[...]	[...]	[...]	[...]

During 2021 - 1st quarter. 2024. The total production volumes of the Goods in Ukraine decreased in 2022 by 46.63 % , in 2023 by 30.0 % , and in 2 sq. 2023 - 1st quarter 2024 on 39.06% compared from 2021. The production volumes of the National Commodity Producer of Cucumbers also had a tendency to reduce production : in 2022 - 1 sq. 2024 decreased by 46.63 %, by 46.31 % and 39.86 % respectively comparatively from 2021. The production capacity of the National Producer of Cucumbers correlates with the general trends of decreasing production volumes of Cucumbers in Ukraine and the decrease in production volumes of the National Producer of Cucumbers in 2022 - 1st quarter of 2024 compared to 2021, namely, they decreased in 2022 by 50.44 %, in 2023 - by 36.38% and in 2nd quarter of 2024 - by 10.1%, in 2023 - 1st quarter 2024 - by 39.92% .

As noted in the responses to the questionnaire for domestic producers , the production capacity of the National Producer of Cucumbers is defined as the actual area of greenhouses used for their cultivation. At the same time, the area used for a particular crop can vary from year to year . Moreover, the same areas can be used for different crops in different months of the year. That is why the utilization of production capacities is [...] %.

Table 5.1.1.2.

Indicators	2021	2022	2023	Q2 2023 - Q1 2024
<b><i>Domestic sales and consumption</i></b>				
<b>Sales volumes on the domestic market of cucumbers by the Applicant's enterprises, thousand tons:</b>	[...]	[...]	[...]	[...]
<i>Dynamics compared to the previous period, %</i>	-	-50.56	3.77	21.28
<i>Dynamics compared to the base period, %</i>	100	-50.56	-48.69	-37.78
PrJSC "Zmiiv Vegetable Factory", thousand tons	[...]	[...]	[...]	[...]
PrJSC "Teplichny Combine", thousand tons	[...]	[...]	[...]	[...]
LLC "Vegetable Plant Stanyshivka", thousand tons	[...]	[...]	[...]	[...]
LLC "Perspektiva", thousand tons	[...]	[...]	[...]	[...]
LLC "Greenhouse Plant "Dniprovsky", thousand tons	[...]	[...]	[...]	[...]
POSP "Uman Greenhouse Plant", thousand tons	[...]	[...]	[...]	[...]
<b>Consumption in Ukraine of Cucumbers*, thousand tons</b>	[...]	[...]	[...]	[...]
<i>Dynamics compared to the previous period, %</i>	-	-0.85	-3.62	-7.51
<i>Dynamics compared to the base period, %</i>	100	-0.85	-4.44	-11.62
<b><i>Share of the National Producer of Cucumbers in consumption, %</i></b>	[...]	[...]	[...]	[...]
<i>Dynamics compared to the previous period, %</i>	-	-50.13	7.67	31.14
<i>Dynamics compared to the base period, %</i>	100	-50.13	-46.31	-29.59

\* Source of information: SE "Ukpromzovnesheksperyta", indicator calculated as (production-export)+import.

Sales volumes of Cucumbers by the National Commodity Producer on the domestic market of Ukraine during the study period demonstrated unstable dynamics. Thus, compared to 2021, sales volumes of Cucumbers in 2022 decreased by 50.56%, in 2023 - by 48.69%, in Q2 2023 - Q1 2024 - by 37.78% compared to 2021 , although they increased.

During the study period, there was a tendency to reduce the market of fresh cucumbers in Ukraine. Thus, the consumption volumes of Cucumbers in Ukraine decreased by 11.62%. The share of the National Producer of Cucumbers in consumption decreased by 29.59% during the study period.

Table 5.1.1.3.

Indicators	2021	2022	2023	Q2 2023 - Q1 2024
<b>Export sales</b>				
<b>Export sales volumes of Cucumbers by the Applicant's enterprises, thousand tons</b>	[...]	[...]	[...]	[...]
<i>Dynamics compared to the previous period, %</i>	-	-34.16	45.88	-92.94
<i>Dynamics compared to the base period, %</i>	100	-34.16	-3.95	-93.22
<b>Share of exports of the National Producer of Cucumbers in the production of the Applicant's enterprises of Cucumbers, %</b>	[...]	[...]	[...]	[...]
<i>Dynamics compared to the previous period, %</i>	-	30.72	36.87	-93.70
<i>Dynamics compared to the base period, %</i>	100	30.72	78.91	-88.72

During the study period, the National Producer of Cucumbers' export sales decreased by 93.22% and its share of exports relative to Cucumber production decreased by 88.72% compared to 2021.

Table 5.1.1.4.

Indicators	2021	2022	2023	Q2 2023 – Q1 2024
<b>Prices and cost</b>				
<b>Selling prices of Cucumbers on the domestic market, USD/ t</b>	[...]	[...]	[...]	[...]
<i>Dynamics compared to the previous year, %</i>	-	23.09	18.27	0.38
<i>Dynamics compared to the base year, %</i>	100	23.09	45.58	46.14
<b>Full cost of cucumbers, USD/ t</b>	[...]	[...]	[...]	[...]
<i>Dynamics compared to the previous year, %</i>	-	23.49	-8.32	-1.62
<i>Dynamics compared to the base year, %</i>	100	23.49	13.21	11.38
<b>Difference between price and cost price of Cucumbers, USD/ t</b>	[...]	[...]	[...]	[...]
<i>Dynamics compared to the previous period, %</i>	-	25.87	-164.02	20.06
<i>Dynamics compared to the base period, %</i>	100	25.87	-180.58	-196.75

For the period 2021 - 1st quarter of 2024, compared to 2021, the selling prices on the domestic market of the National Commodity Producer of Cucumbers had a positive upward trend and increased by 46.14%. However, the growth in the cost of goods of the National Commodity Producer of Cucumbers occurred at a slower pace and increased in 2023 - 1st quarter of 2024 by 11.38%. It is noted that the National Commodity Producer of Cucumbers managed to raise prices above cost only in 2023 - 1st quarter of 2024, and in the remaining periods the cost exceeded the prices of the National Commodity Producer of Cucumbers.

Table 5.1.1.5.

Indicators	2021	2022	2023	Q2 2023 – Q1 2024
<b>Cucumbers remaining at the end of the period, thousand tons</b>	[...]	[...]	[...]	[...]
<i>Dynamics compared to the previous period, %</i>	-	-81.48	940.00	-68.44
<i>Dynamics compared to the base period, %</i>	100	-81.48	92.59	-39.22

The remaining goods in the warehouses of the National Commodity Producer Ogherkiv had an unstable dynamics in both absolute and relative terms, taking into account perishable nature goods,

its storage did not foresee a long being in warehouses . So, - compared to 2021, the balances of Cucumbers decreased in 2022 by 81.48% and in 2023 - 1st quarter of 2024 - by 39.22% , while in 2023 they increased by 92.59 %. During the investigation period, compared Since 2023, the remains of Ogirky have decreased by 68.44 %.

Table 5.1.1.6.1.

Indicators	2021	2022	2023	Q2 2023 – Q1 2024
<b>Financial result and profitability*</b>				
<b>Financial result from sales to the domestic market of cucumbers, UAH million</b>	[...]	[...]	[...]	[...]
<i>Dynamics compared to the previous period, %</i>	-	-4.01	-135.42	69.75
<i>Dynamics compared to the base period, %</i>	100	-4.01	-134.00	-157.72
<b>Financial result from sales to the domestic market of cucumbers, million USD</b>	[...]	[...]	[...]	[...]
<i>Dynamics compared to the previous period, %</i>	-	-19.02	-131.33	67.87
<i>Dynamics compared to the base period, %</i>	100	-19.02	-125.37	-142.59
<b>Profitability of cucumber sales on the domestic market, %</b>	[...]	[...]	[...]	[...]
<i>Dynamics compared to the previous period, %</i>	-	1.93	-169.83	22.04
<i>Dynamics compared to the base period, %</i>	100	1.93	-171.18	-186.87

\*Financial performance and profitability indicators are given without taking into account investments and loans.

The financial performance indicators of the National Commodity Producer of Cucumbers in the domestic market of Ukraine and profitability during the study period were unstable, namely, they ranged from negative in 2021-2022 to positive in 2023 - 1 Q. 2024.

Thus, the negative indicator of the financial result in the hryvnia equivalent rapidly reached a positive level in 2023, the positive indicator of which, in turn, increased by 134.0%, and during the investigation period by 157.72% in absolute terms. The negative indicator of the financial result in the dollar equivalent, accordingly, also rapidly reached a positive level in 2023, the positive indicator of which, in turn, increased by 125.37%, and during the investigation period by 142.59% in absolute terms.

There was also a rapid increase in the level of profitability and a transition to a positive value in 2023 by 171.18%, and during the investigation period - by 186.87%.

However, the Applicant, in its response to the questionnaire for domestic producers (including in its responses to additional requests), position papers and during the hearings, emphasized that the greenhouse industry requires constant investment, as well as a stable flow of significant working capital. This is due to the fact that a significant period of time passes from the moment of sowing seedlings to the moment of receiving funds for the goods sold. [...].

In view of the above, the Applicant demonstrated a reasonable calculation of the financial result and level of profitability (taking into account the above factors), which reflects the real financial situation of the National Producer of Cucumbers.

Table 5.1.1.6.2.

Indicators	2021	2022	2023	Q2 2023 – Q1 2024
<b>Reasonable financial result and profitability *</b>				
<b>Financial result from the sale of Cucumbers on the domestic market, UAH million:</b>	[...]	[...]	[...]	[...]
<i>Dynamics compared to the previous period,%</i>	-	-9.10	-68.18	-19.22
<i>Dynamics compared to the base period, %</i>	100	-9.10	-71.07	-76.63
PrJSC "Zmiiv Vegetable Factory", UAH million	[...]	[...]	[...]	[...]



PrJSC "Teplichny Combine", UAH million	[...]	[...]	[...]	[...]
LLC "Vegetable Plant Stanyshivka", UAH million	[...]	[...]	[...]	[...]
"Perspektiva" LLC, million UAH	[...]	[...]	[...]	[...]
LLC "Greenhouse Plant "Dniprovsky", UAH million	[...]	[...]	[...]	[...]
POSP "Uman Greenhouse Plant", UAH million	[...]	[...]	[...]	[...]
<b>Financial result from the sale of Cucumbers on the domestic market, million USD</b>	[...]	[...]	[...]	[...]
Dynamics compared to the previous period, %	-	-23.31	-71.86	-20.09
Dynamics compared to the base period, %	100	-23.31	-78.42	-82.76
<b>Profitability of cucumber sales on the domestic market, %</b>	[...]	[...]	[...]	[...]
Dynamics compared to the previous period, %	-	6.45	-72.73	-33.33
Dynamics compared to the base period, %	100	6.45	-70.97	-80.65

\*Financial performance and profitability indicators are given taking into account investments and loans.

The analysis results show that compared to 2021, there was a reduction in the negative value of the financial result from activities on the domestic market of Ukraine in hryvnia equivalent by 9.10% in 2022, 71.07% in 2023 and 76.63% in Q2 2023 - Q1 2024, in dollar terms - by 23.31%, 78.42% and 82.76% respectively, and the negative profitability indicator for the corresponding period decreased by 80.65% compared to the base period. At the same time, the indicators of the financial result of the National Commodity Producer of Cucumbers on the domestic market of Ukraine and profitability throughout the study period maintained negative values

**Table 5.1.1.7.**

Indicators	2021	2022	2023	Q2 2023 – Q1 2024
<i>Personnel and salaries</i>				
<b>Staff of the National Producer of Cucumbers, employed in the production of Cucumbers, people.</b>	[...]	[...]	[...]	[...]
<i>Dynamics compared to the previous period, %</i>	-	-37.72	-8.65	-2.65
<i>Dynamics compared to the base period, %</i>	100	-37.72	-43.11	-44.61
<b>Average salary National producer of cucumbers, UAH/person.</b>	[...]	[...]	[...]	[...]
<i>Dynamics compared to the previous period, %</i>	-	9.39	35.48	9.07
<i>Dynamics compared to the base period, %</i>	100	9.39	48.21	61.65
<b>Average salary National producer of Cucumbers, USD/person</b>	[...]	[...]	[...]	[...]
<i>Dynamics compared to the previous period, %</i>	-	-7.71	19.81	7.89
<i>Dynamics compared to the base period, %</i>	100	-7.71	10.57	19.30
<b>Labor productivity National producer of cucumbers, tons/person</b>	[...]	[...]	[...]	[...]
<i>Dynamics compared to the previous period, %</i>	-	-19.13	16.68	15.06
<i>Dynamics compared to the base period, %</i>	100	-19.13	-5.63	8.58

During the study period, the number of employees directly employed in the production of cucumbers at the enterprises of the National Commodity Producer of Cucumbers decreased by 44.61%. At the same time, the level of wages in general during the study period increased by 61.65% (in hryvnia equivalent) and by 19.30% (in dollar equivalent), respectively. Labor productivity during the study period increased by 8.58%.

Table 5.1.1.8.

Indicators	2021	2022	2023	Q2 2023- Q1 2024
<i>Other indicators</i>				
<b>The volume of investments made National producer of cucumbers, million USD</b>	[...]	[...]	[...]	[...]
<i>Dynamics compared to the previous period, %</i>	-	-63.47	56.98	1.03
<i>Dynamics compared to the base period, %</i>	100	-63.47	-42.66	-42.07
<b>The volume of investments made National producer of Cucumbers, UAH million:</b>	[...]	[...]	[...]	[...]
<i>Dynamics compared to the previous period, %</i>	-	-56.71	77.52	2.14
<i>Dynamics compared to the base period, %</i>	100	-56.71	-23.14	-21.50
PrJSC "Zmiiv Vegetable Factory", UAH million	[...]	[...]	[...]	[...]
PrJSC "Greenhouse Plant", UAH million	[...]	[...]	[...]	[...]
LLC "Vegetable Plant Stanyshivka", UAH million	[...]	[...]	[...]	[...]
"Perspektiva" LLC million UAH	[...]	[...]	[...]	[...]
LLC "Greenhouse Plant "Dniprovsky", UAH million	[...]	[...]	[...]	[...]
POSP "Uman Greenhouse Plant", UAH million	[...]	[...]	[...]	[...]
<b>Current liquidity ratio National producer of cucumbers</b>	[...]	[...]	[...]	[...]
<i>Dynamics compared to the previous period, %</i>	-	-23.32	16.21	20.78
<i>Dynamics compared to the base period, %</i>	100	-23.32	-10.89	7.63

The volumes of investments in technical equipment of the Applicant's enterprises during the study period tended to decrease and in absolute terms decreased in hryvnia equivalent by 21.50%, in dollar terms by 42.07%, respectively. At the same time, the liquidity of the National Commodity Producer of Cucumbers during the study period decreased in 2022 by 23.32%, in 2023 by 10.89% and increased in Q2 2023 - Q1 2024 by 7.63% compared to the base period.

Table 5.1.1.9.

Indicators	2021	2022	2023	Q2 2023 - Q1 2024
<b>Flow of funds of the National Commodity Producer Ogiriv (at the end of the period), UAH million:</b>	[...]	[...]	[...]	[...]
<i>Dynamics compared to the previous period, %</i>	-	110.53	198.89	-75.21
<i>Dynamics compared to the base period, %</i>	100	110.53	529.25	56.00
PrJSC "Zmiiv Vegetable Factory", UAH million	[...]	[...]	[...]	[...]
PrJSC "Teplichny Combine", UAH million	[...]	[...]	[...]	[...]
LLC "Vegetable Plant Stanyshivka", UAH million	[...]	[...]	[...]	[...]
"Perspektiva" LLC, million UAH	[...]	[...]	[...]	[...]
LLC "Greenhouse Plant "Dniprovsky", UAH million	[...]	[...]	[...]	[...]
POSP "Uman Greenhouse Plant", UAH million	[...]	[...]	[...]	[...]
<b>Flow of funds of the National Commodity Producer of Cucumbers (at the end of the period), million USD</b>	[...]	[...]	[...]	[...]
<i>Dynamics compared to the previous period, %</i>	-	77.61	164.31	-75.48
<i>Dynamics compared to the base period, %</i>	100	77.61	369.45	15.12

The cash flow of the National Commodity Producer of Cucumbers shows that during the study period, the balance at the end of the period compared to 2021 in hryvnia equivalent increased in 2022 by 110.53%, in 2023 by 529.25% and in Q2 2023 - Q1 2024 by 56.0%, in dollar terms - by 77.61%, 369.45% and 15.12%, respectively. At the same time, a peak increase in cash flow is noted in 2023. During the investigation period, compared to the previous period, cash flow (at the end of the period) decreased by 75.21% in hryvnia equivalent and by 75.48% in dollars equivalent.

Overall, the Ministry's study of the National Producer of Cucumbers confirmed the facts of deterioration row financial and economic indicators for the period of the study . For the period 2 Q. 202 3 - 1 Q. 2024 compared to 2021, the indicators of the National Producer demonstrate the following :

- Cucumber production volumes decreased by 39.86%;
- production capacity decreased by 39.92%;
- The Applicant's share in the production of Cucumbers decreased by 2 1.26%;
- the level of utilization of production capacities has not changed;
- Sales volumes of Cucumbers on the domestic market decreased by 37.78%;
- the Applicant's share in the consumption of Cucumbers decreased by 29.59%;
- export sales volumes decreased by 93.22%;
- Cucumber stocks (at the end of the period) decreased by 3 9.22%;
- the full cost of production of Cucumbers by the Applicant increased by 11.38 %, and the price on the domestic market increased by 46.14%;
- The justified financial result from the sales of Cucumbers on the domestic market of Ukraine was negative throughout the entire research period and its negative value decreased by 76.63 % in hryvnia equivalent and by 82.76% in dollar equivalent ;
- the profitability level was negative throughout the period and its negative value decreased by 80.65 %;
- the volume of investments made decreased by 21.50 % in hryvnia equivalent and by 42.07% in dollar equivalent ;
- the number of personnel involved in the production of cucumbers decreased by 44.61%;
- labor productivity increased by 8.58%;
- wages increased by 19.30% in dollar equivalent and by 61.65% in hryvnia equivalent ;
- the current liquidity ratio increased by 7.63%.

### 5.1.2. Financial and economic situation National Producer of Tomatoes

The indicators of the National Producer of Tomatoes were studied based on the aggregate data of the Applicant's enterprises: PrJSC "Greenhouse Plant", LLC "Vegetable Plant Stanyshivka", LLC "Greenhouse Plant Dnirovsky", POSP "Uman Greenhouse Plant".

**Table 5.1.2.1.**

Indicators	2021	2022	2023	Q2 2023 - Q1 2024
<b>Total production volumes Tomatoes by agricultural enterprises of closed soil in Ukraine (adjusted), thousand tons:</b>	[...]	[...]	[...]	[...]
<i>Dynamics compared to the previous period, %</i>	-	-55.65	56.44	2.80
<i>Dynamics compared to the base period, %</i>	100	-55.65	-30.62	-28.68
<b><i>Production and production facilities</i></b>				
<b>Total production volumes of Tomatoes by the Applicant's enterprises, thousand tons</b>	[...]	[...]	[...]	[...]
<i>Dynamics compared to the previous period, %</i>	-	-66.34	128.91	1.39

<i>Dynamics compared to the base period, %</i>	100	-66.34	-22.95	-21.87
PrJSC "Teplichny Combine", thousand tons	[...]	[...]	[...]	[...]
LLC "Vegetable Plant Stanyshivka", thousand tons	[...]	[...]	[...]	[...]
LLC "Greenhouse Plant "Dniprovsky", thousand tons	[...]	[...]	[...]	[...]
POSP "Uman Greenhouse Plant", thousand tons	[...]	[...]	[...]	[...]
<b>Share of the National Producer Tomatoes in total production of Tomatoes in Ukraine, %</b>	<b>72</b>	<b>54</b>	<b>80</b>	<b>78</b>
<i>Dynamics compared to the previous period, %</i>	-	-24.10	46.33	-1.37
<i>Dynamics compared to the base period, %</i>	100	-24.10	11.06	9.54
<b>Volumes of tomato production capacities of the Applicant's enterprises, m<sup>2</sup>:</b>	[...]	[...]	[...]	[...]
<i>Dynamics compared to the previous period, %</i>	-	-45.49	74.23	4.26
<i>Dynamics compared to the base period, %</i>	100	-45.49	-5.02	-0.98
PrJSC "Teplichny Combine", m <sup>2</sup>	[...]	[...]	[...]	[...]
LLC "Vegetable Plant Stanyshivka", m <sup>2</sup>	[...]	[...]	[...]	[...]
LLC "Greenhouse Plant "Dniprovsky", m <sup>2</sup>	[...]	[...]	[...]	[...]
POSP "Uman Greenhouse Plant", m <sup>2</sup>	[...]	[...]	[...]	[...]
<b>Tomato production capacity utilization rate, %</b>	[...]	[...]	[...]	[...]

During 2021 - 1st quarter. 2024 compared to 2021 Similar trends towards a reduction in the production volumes of Tomatoes and their production capacities are observed, as is the case with the National Producer of Cucumbers .

There is a decrease of total production volumes in Ukraine of Tomatoes in absolute terms ( by 55.65% in 2022 , 30.62% in 2023 and 28.68% during Q2 2023 - Q1 2024 ), reduction in the volume of production of goods by the National Commodity Producer Tomatoes (by 66.34%, 22.95% and 21.87 % respectively), and there is also a reduction in the production capacity of the National Producer of Tomatoes ( by 45.49 %, 5.02% and 0.98% respectively ). At the same time The level of capacity utilization is unchanged. This trend continues , as The actual greenhouse area used for growing produce can vary from year to year for different crops. Therefore, the capacity utilization rate is [...] %.

Table 5.1.2.2.

Indicators	2021	2022	2023	Q2 2023 - Q1 2024
<b>Domestic sales and consumption</b>				
<b>Sales volumes of Tomatoes on the domestic market collectively by the Applicant's enterprises, thousand tons:</b>	[...]	[...]	[...]	[...]
<i>Dynamics compared to the previous period, %</i>	-	-66.44	133.75	1.50
<i>Dynamics compared to the base period, %</i>	100	-66.44	-21.57	-20.39
PrJSC "Teplichny Combine", thousand tons	[...]	[...]	[...]	[...]
LLC "Vegetable Plant Stanyshivka", thousand tons	[...]	[...]	[...]	[...]
LLC "Greenhouse Plant "Dniprovsky", thousand tons	[...]	[...]	[...]	[...]
POSP "Uman Greenhouse Plant", thousand tons	[...]	[...]	[...]	[...]
<b>Consumption in Ukraine of Tomatoes*, thousand tons</b>	[...]	[...]	[...]	[...]
<i>Dynamics compared to the previous period, %</i>	-	-18.99	9.63	2.76
<i>Dynamics compared to the base period, %</i>	100	-18.99	-11.19	-8.74
<b>Share of the National Producer of Tomatoes in consumption, %</b>	[...]	[...]	[...]	[...]
<i>Dynamics compared to the previous period, %</i>	-	-58.58	113.22	-1.23
<i>Dynamics compared to the base period, %</i>	100	-58.58	-11.68	-12.77

\* Source of information: SE "Ukpromzovnesheexpertiza", the indicator is calculated as (production-export) + import.

Taking into account the decrease in the production of Tomatoes in Ukraine for the period 2 Q2 2023 - 1 Q1 2024, compared to 2021, their consumption in Ukraine decreased by 8.74%, the sales volumes of Tomatoes by the National Producer of Tomatoes to the domestic market also decreased by 20.39% (the peak drop occurred in 2022 by 66.44%), and the share of the National Producer of Tomatoes in consumption decreased compared to the base period in absolute terms by 12.77%, respectively.

Table 5.1.2.3.

Indicators	2021	2022	2023	Q2 2023 - Q1 2024
<b>Export sales</b>				
<b>Export sales volumes of Tomatoes by the Applicant's enterprises, thousand tons</b>	[...]	[...]	[...]	[...]
<i>Dynamics compared to the previous period, %</i>	-	-72.55	-31.63	-73.13
<i>Dynamics compared to the base period, %</i>	100	-72.55	-81.23	-94.96
<b>Share of exports of the National Producer of Tomatoes in the total production of the Applicant's enterprises of Tomatoes, %</b>	[...]	[...]	[...]	[...]
<i>Dynamics compared to the previous period, %</i>	-	-18.45	-70.13	-73.50
<i>Dynamics compared to the base period, %</i>	100	-18.45	-75.64	-93.55

During the study period, the National Producer of Tomatoes' export sales decreased by 94.96% and its share of exports relative to Tomato production decreased by 93.55% compared to 2021.

Table 5.1.2.4.

Indicators	2021	2022	2023	Q2 2023 - Q1 2024
<b>Prices and cost</b>				
<b>Selling prices of Tomatoes on the domestic market, USD/ t</b>	[...]	[...]	[...]	[...]
<i>Dynamics compared to the previous year, %</i>	-	27.02	-19.07	3.35
<i>Dynamics compared to the base year, %</i>	100	27.02	2.80	6.24
<b>Full cost of Tomatoes, USD/ t</b>	[...]	[...]	[...]	[...]
<i>Dynamics compared to the previous year, %</i>	-	41.86	-35.65	13.78
<i>Dynamics compared to the base year, %</i>	100	41.86	-8.71	3.87
<b>Difference between price and cost of Tomatoes, USD/ t</b>	[...]	[...]	[...]	[...]
<i>Dynamics compared to the previous period, %</i>	-	287.76	-125.63	-165.00
<i>Dynamics compared to the base period, %</i>	100	287.76	-199.37	-35.41

A significant increase in the selling price of the National Commodity Producer Tomatoes is noted in 2022 by 27.02% compared to the previous period. However, in 2023, prices decreased by 19.07% compared to the previous period. % and increased by 5.35 during the investigation period %. Overall, during the study period, domestic market sales prices of the National Commodity Producer of Tomatoes increased by 6.24% compared to 2021.

The cost of goods of the National Commodity Producer of Tomatoes also increased in 2022 by 41.86%, and in 2023 compared to the previous one decreased by 35.65%. During the investigation period, the growth rate of cost compared to the previous period was 13.78%. However, during the study period, the growth rate of cost of Tomatoes is observed at a lower rate than the price increase, and is 3.87% compared to the base period.

At the same time, it is noted that the National Commodity Producer of Tomatoes managed to raise prices above cost only in 2023, and in the remaining periods, cost exceeded the prices of the National Commodity Producer of Tomatoes.

Table 5.1.2.5.

Indicators	2021	2022	2023	Q2 2023 - Q1 2024
<b>Remaining Tomatoes at the end of the period, thousand tons</b>	[...]	[...]	[...]	[...]
<i>Dynamics compared to the previous period, %</i>	-	0	100	-210.65
<i>Dynamics compared to the base period, %</i>	100	-100.00	-98.35	-73.65

Considering the perishable nature of the product and its storage characteristics, the remaining stocks in the warehouses of the National Commodity Producer of Tomatoes during the study period were insignificant. Thus, a reduction in balances in 2023 by 98.35 % and in Q2 2023 - Q1 2024 by 73.65% compared to 2021 is noted.

Table 5.1.2.6. 1.

Indicators	2021	2022	2023	Q2 2023 - Q1 2024
<b><i>Financial result and profitability *</i></b>				
<b>Financial result from the sale of Tomatoes on the domestic market, UAH million</b>	[...]	[...]	[...]	[...]
<i>Dynamics compared to the previous period, %</i>	-	239.06	-137.94	-164.27
<i>Dynamics compared to the base period, %</i>	100	239.06	-228.65	-17.32
<b>Financial result from the sale of Tomatoes on the domestic market, million USD</b>	[...]	[...]	[...]	[...]
<i>Dynamics compared to the previous period, %</i>	-	186.01	-133.56	-163.56
<i>Dynamics compared to the base period, %</i>	100	186.01	-195.98	-38.99
<b>Profitability of sales of Tomatoes on the domestic market, %</b>	[...]	[...]	[...]	[...]
<i>Dynamics compared to the previous period, %</i>	-	173.33	-139.82	-157.13
<i>Dynamics compared to the base period, %</i>	100	173.33	-208.84	-37.82

\*Financial performance and profitability indicators are given without taking into account investments and loans.

The financial performance indicators of the National Commodity Producer of Tomatoes from activities on the domestic market of Ukraine throughout the entire research period (except for 2023) were negative (both in hryvnia and dollar equivalent). A similar trend is observed with regard to the level of profitability (the indicators were exclusively negative, except for 2023).

As already noted above, the greenhouse industry requires constant investment and significant working capital. [...].

In view of the above, the Applicant demonstrated a reasonable calculation of the financial result and level of profitability (taking into account the above factors), which fully reflects the real financial component of the National Producer of Tomatoes.

Table 5.1.2.6.2 .

Indicators	2021	2022	2023	Q2 2023 - Q1 2024
<b><i>Reasonable financial result and profitability *</i></b>				
<b>Financial result from the sale of Tomatoes on the domestic market, UAH million:</b>	[...]	[...]	[...]	[...]
<i>Dynamics compared to the previous period, %</i>	-	65.12	-76.31	171.78
<i>Dynamics compared to the base period, %</i>	100	65.12	-60.88	6.33
PrJSC "Teplichny Combine", UAH million	[...]	[...]	[...]	[...]

LLC "Vegetable Plant Stanyshivka", UAH million	[...]	[...]	[...]	[...]
LLC "Greenhouse Plant "Dniprovsky", UAH million	[...]	[...]	[...]	[...]
POSP "Uman Greenhouse Plant", UAH million	[...]	[...]	[...]	[...]
<b>Financial result from the sale of Tomatoes on the domestic market, million USD</b>	[...]	[...]	[...]	[...]
<i>Dynamics compared to the previous period, %</i>	-	39.30	-79.05	168.84
<i>Dynamics compared to the base period, %</i>	100	39.30	-70.81	-21.53
<b>Profitability of selling Tomatoes in the domestic market, %</b>	[...]	[...]	[...]	[...]
<i>Dynamics compared to the previous period, %</i>	-	111.76	-83.33	133.33
<i>Dynamics compared to the base period, %</i>	100	111.76	-64.71	-17.65

\*Financial performance and profitability indicators are given taking into account investments and loans.

During 2021 - Q1 2024, compared to 2021, there was an increase in the negative value of the financial result from activities in the domestic market of Ukraine in absolute terms by 6.33% in hryvnia equivalent and a decrease of 21.53% in dollar equivalent.

As the data shows, the profitability level also had a negative value during the study period. At the same time, compared to 2021, in 2022 there was a significant increase in the negative value by 111.76%, however, in 2023 and Q2 2023 - Q1 2024 there is a reduction in the negative value of profitability by 64.71% and 17.65%, respectively. At the same time, the indicators of the financial result of the National Commodity Producer of Tomatoes in the domestic market of Ukraine and profitability throughout the study period had a negative value.

**Table 5.1.2.7.**

Indicators	2021	2022	2023	Q2 2023 - Q1 2024
<b>Personnel and salaries</b>				
<b>Personnel of the National Producer, engaged in the production of Tomatoes, people</b>	[...]	[...]	[...]	[...]
<i>Dynamics compared to the previous period, %</i>	-	-19.36	4.76	6.12
<i>Dynamics compared to the base period, %</i>	100	-19.36	-15.52	-10.35
<b>Average salary National producer of Tomatoes, UAH/person.</b>	[...]	[...]	[...]	[...]
<i>Dynamics compared to the previous period, %</i>	-	-19.60	66.97	8.22
<i>Dynamics compared to the base period, %</i>	100	-19.60	34.23	45.27
<b>Average salary National producer of Tomatoes, USD/person</b>	[...]	[...]	[...]	[...]
<i>Dynamics compared to the previous period, %</i>	-	-32.17	47.65	7.05
<i>Dynamics compared to the base period, %</i>	100	-32.17	0.15	7.21
<b>Labor productivity National producer of Tomatoes, tons/person</b>	[...]	[...]	[...]	[...]
<i>Dynamics compared to the previous period, %</i>	-	-58.26	118.52	-4.46
<i>Dynamics compared to the base period, %</i>	100	-58.26	-8.79	-12.85

During the study period, the number of employees directly employed in the production of Tomatoes at the enterprises of the National Commodity Producer of Tomatoes decreased by 10.35% compared to the base period. At the same time, the level of wages for the study period increased by 45.27% (in hryvnia equivalent) and by 7.21% (in dollar equivalent), respectively. Labor productivity decreased compared to the base period: in 2022 by 58.26%, in 2023 by 8.79% and in Q2 2023-Q1 2024 by 12.85%.

**Table 5.1.2.8.**

Indicators	2021	2022	2023	Q2 2023 - Q1 2024
<i>Other indicators</i>				
<b>The volume of investments made National producer of Tomatoes, million USD</b>	[...]	[...]	[...]	[...]
<i>Dynamics compared to the previous period, %</i>	-	-13.54	-6.59	0.78
<i>Dynamics compared to the base period, %</i>	100	-13.54	-19.24	-18.61
<b>The volume of investments made National producer of Tomatoes, UAH million:</b>	[...]	[...]	[...]	[...]
<i>Dynamics compared to the previous period, %</i>	-	2.48	5.63	1.89
<i>Dynamics compared to the base period, %</i>	100	2.48	8.25	10.29
PrJSC "Teplichny Combine", UAH million	[...]	[...]	[...]	[...]
LLC "Vegetable Plant Stanyshivka", UAH million	[...]	[...]	[...]	[...]
LLC "Greenhouse Plant "Dniprovsky", UAH million	[...]	[...]	[...]	[...]
POSP "Uman Greenhouse Plant", UAH million	[...]	[...]	[...]	[...]
<b>Current liquidity ratio National Producer of Tomatoes</b>	[...]	[...]	[...]	[...]
<i>Dynamics compared to the previous period, %</i>	-	-14.49	16.93	5.27
<i>Dynamics compared to the base period, %</i>	100	-14.49	-0.01	5.27

The volume of investments in technical equipment of the Applicant's enterprises Pomodorov during Q2 2023 - Q1 2024 compared to 2021 increased in hryvnia equivalent by 10.29%, and in dollar terms by equivalent decreased by 18.61%. At the same time, the liquidity of the National Commodity Producer of Tomatoes compared to 2021 decreased in 2022 by 14.49% and in Q2 2023 - Q1 2024 increased by 5.27%.

Table 5.1.2.9.

Indicators	2021	2022	2023	Q2 2023 - Q1 2024
<b>Flow of funds of the National Producer of Tomatoes (at the end of the period), UAH million:</b>	[...]	[...]	[...]	[...]
<i>Dynamics compared to the previous period, %</i>	-	172.46	134.24	-75.24
<i>Dynamics compared to the base period, %</i>	100	172.46	538.21	58.05
PrJSC "Teplichny Combine", UAH million	[...]	[...]	[...]	[...]
LLC "Vegetable Plant Stanyshivka" mln. UAH	[...]	[...]	[...]	[...]
LLC "Greenhouse Plant "Dniprovsky" mln. UAH	[...]	[...]	[...]	[...]
POSP "Uman Greenhouse Plant" mln. UAH	[...]	[...]	[...]	[...]
<b>Flow of funds of the National Producer of Tomatoes (at the end of the period), million USD</b>	[...]	[...]	[...]	[...]
<i>Dynamics compared to the previous period, %</i>	-	129.87	107.14	-75.50
<i>Dynamics compared to the base period, %</i>	100	129.87	376.14	16.64

The flow of funds of the National Commodity Producer of Tomatoes shows that during the study period the balance had a steady growth trend. Thus, compared to 2021, in hryvnia equivalent it increased in 2022 by 172.46%, in 2023 - by 538.46%, in 2 Q2 2023 - 1 Q1 2024 - by 58.05%. In dollar terms equivalent similar trends: there was an increase compared to 2021 in 2022 by 129.87%, in 2023 - by 376.14%, 2nd quarter 2023 - 1st quarter 2024 - by 16.64%. However, for the period 2nd quarter 2023 - Q1 2024 compared to 2023, the cash flow of the National Commodity Producer of Tomatoes decreased by 75.24% in hryvnia equivalent and by 75.50% in dollar equivalent.

Overall, the Ministry's study of the National Producer of Tomatoes confirmed the facts of deterioration row financial and economic indicators for the period of the study. For the period 2 Q. 2023 - 1 Q. 2024 compared to In 2021, the National Producer's indicators demonstrate the following



:

- Tomato production volumes decreased by 21.87%;
- production capacity decreased by 0.98%;
- Applicant's share in the production of Tomatoes increased by 9.57%;
- the level of utilization of production capacities has not changed;
- Sales volumes of Tomatoes on the domestic market decreased by 20.39%;
- the Applicant's share in the consumption of Tomatoes decreased by 12.77%;
- export sales volumes decreased by 94.96%;
- Tomato stocks (at the end of the period) decreased by 73.65%;
- the full cost of production of the Applicant's Tomatoes increased by 3.87 %, and the price on the domestic market increased by 6.24%;
- the justified financial result from the sales of Tomatoes on the domestic market of Ukraine was negative throughout the entire research period and its negative value increased by 6.33% in hryvnia equivalent and decreased by 21.53% in dollar equivalent;
- the profitability level was negative throughout the period and its negative value and decreased by 17.65%;
- The volume of investments increased by 10.29 % in hryvnia equivalent and decreased by 18.61% in dollar equivalent;
- the number of personnel involved in the production of Tomatoes decreased by 10.35%;
- the level of wages increased by 45.27% in hryvnia equivalent and by 7.21% in dollar equivalent;
- labor productivity decreased by 12.85%;
- the current liquidity ratio increased by 5.27%.

### 5.1.3. Regarding contributions to the State and local budgets

Throughout the entire research period, the enterprises of the National Commodity Producer of Cucumbers and the National Commodity Producer of Tomatoes, despite the difficult socio-economic situation and the deterioration of a number of key financial and economic indicators of economic activity, conscientiously paid taxes and relevant deductions to the State and local budgets. The indicators are given in the table below.

**Table 5.1.3.1.**

Indicators	2021	2022	2023	Q2 2023 - Q1 2024
<b>The amount of taxes and fees paid to the State Budget by the Applicant's enterprises (total), million UAH:</b>	[...]	[...]	[...]	[...]
<i>Dynamics compared to the previous period, %</i>	-	-58.52	116.03	8.13
<i>Dynamics compared to the base period, %</i>	100	-58.52	-10.38	-3.09
PrJSC "Zmiiv Vegetable Factory", UAH million	[...]	[...]	[...]	[...]
PrJSC "Teplichny Combine", UAH million	[...]	[...]	[...]	[...]
LLC "Vegetable Plant Stanyshivka", UAH million	[...]	[...]	[...]	[...]
"Perspektiva" LLC, million UAH	[...]	[...]	[...]	[...]
LLC "Greenhouse Plant "Dniprovsky", UAH million	[...]	[...]	[...]	[...]
POSP "Uman Greenhouse Plant", UAH million	[...]	[...]	[...]	[...]

To the State Budget of Ukraine during 2021 - 1st quarter of 2024, the Applicant's enterprises paid taxes and fees in excess of [...] million UAH. The highest level of payment is noted during the investigation period of [...] million UAH, however, the total amount of taxes and fees paid decreased by 3.09% compared to 2021.

**Table 5.1.3.2.**

Indicators	2021	2022	2023	Q2 2023 - Q1 2024
<b>The amount of taxes and fees paid to the local budget by the Applicant's enterprises (total), million UAH:</b>	[...]	[...]	[...]	[...]
<i>Dynamics compared to the previous period, %</i>	-	-46.07	47.96	20.98
<i>Dynamics compared to the base period, %</i>	100	-46.07	-20.21	-3.47
PrJSC "Zmiiv Vegetable Factory", UAH million	[...]	[...]	[...]	[...]
PrJSC "Teplichny Combine", UAH million	[...]	[...]	[...]	[...]
LLC "Vegetable Plant Stanyshivka", UAH million	[...]	[...]	[...]	[...]
"Perspektiva" LLC, million UAH	[...]	[...]	[...]	[...]
LLC "Greenhouse Plant "Dniprovsky", UAH million	[...]	[...]	[...]	[...]
POSP "Uman Greenhouse Plant", UAH million	[...]	[...]	[...]	[...]

For the period 2021 - 1st quarter of 2024, the general fund of local budgets received [ ...] million UAH from the Applicant's enterprises .

A significant contribution to the formation of revenues of the general fund of local budgets is made by the Applicant's enterprises in the following regions: [...] .

Despite the Russian invasion of Ukraine (2022) and the difficult financial and economic situation, the Applicant's enterprises ensure constant allocation of funds to local budgets, however, their level decreased by 3.47% compared to 2021.

**Table 5.1.3.3.**

Indicators	2021	2022	2023	Q2 2023 - Q1 2024
<b>Amounts of taxes and fees paid to the State and local budgets (aggregate) by the Applicant's enterprises (aggregate), million UAH:</b>	[...]	[...]	[...]	[...]
<i>Dynamics compared to the previous period, %</i>	-	-55.51	96.11	10.97
<i>Dynamics compared to the base period, %</i>	100	-55.51	-12.75	-3.18
PrJSC "Zmiiv Vegetable Factory", million UAH	[...]	[...]	[...]	[...]
PrJSC "Teplichny Combine", UAH million	[...]	[...]	[...]	[...]
LLC "Vegetable Plant Stanyshivka", UAH million	[...]	[...]	[...]	[...]
"Perspektiva" LLC, million UAH	[...]	[...]	[...]	[...]
LLC "Greenhouse Plant "Dniprovsky", UAH million	[...]	[...]	[...]	[...]
POSP "Uman Greenhouse Plant", UAH million	[...]	[...]	[...]	[...]

In total, the enterprises of the National Commodity Producer of Cucumbers and the National Commodity Producer of Tomatoes during 2021 - 1 Q. 2024 transferred more than [...] million UAH in taxes and fees to the budgets of all levels in Ukraine.

It is worth noting that during the hearings, the Federation of Employers of Ukraine (incl. (in their position papers) drew attention to the fact that the enterprises of the National Commodity Producer, which initiated the investigation , pay significantly more taxes than the state receives from the import of goods (in particular, over [...] million UAH was paid during the relevant period ). Moreover, the mentioned greenhouse farms provide decent working conditions for almost [...] thousand workers, particularly in rural areas, which are depressed. It was also emphasized that the preservation The national producer in the greenhouse industry will support and stimulate Ukrainian production not only agricultural enterprises of the core industry, but also the production of related industries , to provide jobs and promote the development own products with added value, which is an important vector of the stability of the Ukrainian economy.

## 5.2. Investigation of the threat of significant harm to a national producer

In accordance with Part Ten of Article 10 of the Law, the Ministry investigated the facts of the threat of causing significant harm to the National Producer of Cucumbers and the National Producer of Tomatoes.

In order to investigate the threat of significant harm, the Ministry sent relevant requests for information. Based on the analysis of the information received, the following was established.

### *Growth rates of dumped imports*

According to information State Customs Service Dumped imports of Cucumbers and Tomatoes during 2021 - 1 sq. 2024 demonstrates the following trends.

#### Regarding dumped imports of cucumbers originating from the Republic of Türkiye

Dumped imports of Cucumbers from the Republic of Türkiye during the investigation period increased by 15.01% compared to the base period and decreased by 6.23% compared to the previous period. The share of imports of Cucumbers originating in the Republic of Türkiye in relation to production during the investigation period increased by 88.73% and during the investigation period compared to the previous period - by 7.71%.

The consumption of Cucumbers in Ukraine during the investigation period decreased by 11.62% compared to the base period and by 7.51% compared to the previous period. At the same time, the share of imports of Cucumbers from the Republic of Türkiye in relation to consumption during the investigation period increased by 30.14%, and during the investigation period compared to the previous period - by 1.39% . At the same time, the share of the domestic producer of cucumbers in consumption during the investigation period increased by 31.14% compared to the previous period and decreased by 29.59% compared to the base period.

#### Regarding dumped imports Tomatoes originating from the Republic of Türkiye

Dumped imports of Tomatoes from the Republic of Türkiye during the investigation period decreased by 9.63% compared to the base period and increased by 3.16% compared to the previous period. The share of imports of Tomatoes originating in the Republic of Türkiye in terms of production during the investigation period increased by 26.70% and during the investigation period compared to the previous period - by 0.35%.

The volume of consumption of Tomatoes in Ukraine during the investigation period decreased by 8.74% compared to the base period and increased by 2.76% compared to the previous period. At the same time, the share of imports of Tomatoes from the Republic of Türkiye in consumption decreased by 0.98% compared to the base period and during the investigation period compared to the previous period. increased by 0.39% . At the same time, the share of the domestic producer of Tomatoes in terms of consumption during the investigation period decreased by 1.23% compared to the previous period and by 12.77% compared to the base period, respectively.

So, the above trends indicate the likelihood of continued growth of such imports and injury to the National Producer of Cucumbers and the National Producer of Tomatoes.

### *Export potential*

According to the report of the State Enterprise "Ukrpromzovnesheexpertiza" and materials of the Industry Association "Greenhouses of Ukraine", the Republic of Türkiye is among the world's largest producers of tomatoes and cucumbers in closed ground. Total production volumes (cucumbers and tomatoes) during 2021-2023 amounted to [...] thousand tons to [...] thousand tons per year.

**Table 5.2.1.**

Indicators	2021	2022	2023
<b>Total production (Cucumbers and Tomatoes) in the Republic of Türkiye, thousand tons</b>	[...]	[...]	[...]
<i>Dynamics compared to the previous period, %</i>	-	0.18	3.55
<i>Dynamics compared to the base period, %</i>	100	0.18	3.74
<b>Cucumber Production in Türkiye, thousand tons</b>	[...]	[...]	[...]
<b>Tomato Production in Türkiye, thousand tons</b>	[...]	[...]	[...]

Source: data from SE "Ukpromzovnesheptiza", Turkish Statistical Institute (TURKSTAT)

For growing vegetables in closed ground in the Republic of Türkiye there is a significant material and technical base. An indicator that characterizes the production capacity of a closed ground is its productive area. Thus, the total area of the closed ground is [...] thousand hectares, but the main part ( [...] thousand hectares) falls on greenhouses, which cannot be used throughout the year and therefore have low productivity of the area.

At the same time, Turkish companies are actively replacing greenhouses with new types of greenhouses, in particular, geothermal greenhouses, which use the energy of the earth and can be operated year-round. According to information According to the Turkish Geothermal Association (TGA), the total area of such greenhouses in the Republic of Türkiye in 2023 is almost [...] hectares, and continues to grow.

The untapped geothermal potential in the Republic of Türkiye is estimated at at least [...] GW. Despite significant investment costs (up to [...] thousand USD/unit), its use reduces energy costs by 70 %, which is critically important for greenhouse production. The Government of the Republic of Türkiye financially stimulates the increase in energy efficiency of greenhouse farming by providing preferential loans and tax breaks for such producers.

Analysis of the production of Cucumbers and Tomatoes in closed ground in the Republic of Türkiye indicates its significant export potential of greenhouse farming. The indicators by product type are given below.

Regarding the production of cucumbers in the Republic of Türkiye and their export to foreign markets

**Table 5.2.3.**

Indicators	2021	2022	2023
<b>Cucumber Production in Türkiye, thousand tons</b>	[...]	[...]	[...]
<i>Dynamics compared to the previous period, %</i>	-	0.38	7.27
<i>Dynamics compared to the base period, %</i>	100	0.38	7.68
<b>Consumption in Ukraine of Cucumbers*, thousand tons</b>	[...]	[...]	[...]
<i>Dynamics compared to the previous period, %</i>	-	-0.85	-3.62
<i>Dynamics compared to the base period, %</i>	100	-0.85	-4.44
<b>Total production volumes of agricultural enterprises of closed ground in Ukraine Cucumbers, thousand tons</b>	[...]	[...]	[...]
<i>Dynamics compared to the previous period, %</i>	-	-44.69	26.55
<i>Dynamics compared to the base period, %</i>	100	-44.69	-30.00
<b>RATIO of Cucumber consumption in Ukraine to Cucumber production in Türkiye, times</b>	[...]	[...]	[...]
<b>RATIO of Cucumber production in Ukraine to Cucumber production in Türkiye, times</b>	[...]	[...]	[...]

\* Source of information: SE "Ukpromzovnesheptiza", the indicator is calculated as (production-export) + import

The production volumes of Cucumbers in the Republic of Türkiye during 20 21-2023 grew

steadily and in 2023 compared to 2021 increased by 7.68%. At the same time, during 2021-2023 . The production volumes of Cucumbers in the Republic of Türkiye exceeded the consumption volumes of Cucumbers in Ukraine by approximately [...] times and the production volumes of Cucumbers in Ukraine approximately in [...] times depending on the time of year .

**Table 5.2.4 .**

Indicators	2021	2022	2023	Q2 2023 - Q1 2024
<b>Total export volume of Cucumbers from Türkiye, thousand tons</b>	[...]	[...]	[...]	[...]
<i>Dynamics compared to the previous period, %</i>	-	15.41	-11.62	-2.20
<i>Dynamics compared to the base period, %</i>	100	15.41	2.00	-0.24
<b>Total export value of Cucumbers from Türkiye, million USD</b>	[...]	[...]	[...]	[...]
<i>Dynamics compared to the previous period, %</i>	-	5.71	6.21	-6.60
<i>Dynamics compared to the base period, %</i>	100	5.71	12.27	4.86
<b>Volume of exports to Ukraine from Türkiye, thousand tons</b>	[...]	[...]	[...]	[...]
<i>Dynamics compared to the previous period, %</i>	-	21.65	-1.78	-7.63
<i>Dynamics compared to the base period, %</i>	100	21.65	19.48	10.36
<b>Value of exports to Ukraine from Türkiye, million USD</b>	[...]	[...]	[...]	[...]
<i>Dynamics compared to the previous period, %</i>	-	34.73	7.49	-7.67
<i>Dynamics compared to the base period, %</i>	100	34.73	44.82	33.72
<b>Ukraine's share in total exports of Cucumbers from Türkiye, %</b>	[...]	[...]	[...]	[...]
<b>Export volume to other countries from Türkiye, thousand tons</b>				
<i>Dynamics compared to the previous period, %</i>	-	13.59	-14.69	-0.25
<i>Dynamics compared to the base period, %</i>	100	13.59	-3.09	-3.33
<b>The cost of exports to other countries from Türkiye, thousand US dollars</b>	[...]	[...]	[...]	[...]
<i>Dynamics compared to the previous period, %</i>	-	-1.13	5.80	-6.25
<i>Dynamics compared to the base period, %</i>	100	-1.13	4.60	-1.94
<b>Share of other countries in total exports of Cucumbers from Türkiye, %</b>	[...]	[...]	[...]	[...]

Source of information: data from the State Enterprise "Ukrpromzovnesheptiza"

Turkish exports of Cucumbers increased by 2.0 % during 2021-2023 compared to 2021 and decreased by 0.24% during the investigation period .

Export of Cucumbers from of the Republic of Türkiye to Ukraine increased by 10.36% during the investigation period , compared to 2021 , and exports of Cucumbers to other countries from the Republic of Türkiye decreased by 3.33%, respectively .

The share of cucumber exports to Ukraine in total cucumber exports from the Republic of Türkiye was about [...] %.

#### Selling prices of cucumbers from the Republic of Türkiye to foreign markets

Total export prices of Cucumbers with Republic of Türkiye throughout the entire study period (except 2022 ) exceeded the export prices of Cucumbers to Ukraine and were lower than the prices export of Cucumbers to other countries .

**Table 5.2.5 .**

Indicators	2021	2022	2023	Q2 2023 - Q1 2024
<b>Weighted average selling price of Cucumbers on the domestic market of Türkiye, USD/t</b>	[...]	[...]	[...]	[...]
<i>Dynamics compared to the previous period, %</i>	-	6.92	23.69	1.67
<i>Dynamics compared to the base period, %</i>	100	6.92	32.25	34.46
<b>Weighted average price of total exports of Cucumbers from Türkiye, USD/t</b>	[...]	[...]	[...]	[...]
<i>Dynamics compared to the previous period, %</i>	-	-8.40	20.16	-4.50
<i>Dynamics compared to the base period, %</i>	100	-8.40	10.07	5.12
<b>Weighted average export price of Cucumbers from Türkiye to Ukraine, USD/t</b>	[...]	[...]	[...]	[...]
<i>Dynamics compared to the previous period, %</i>	-	10.76	9.43	-0.04
<i>Dynamics compared to the base period, %</i>	100	10.76	21.21	21.16
<b>Weighted average export price of Cucumbers to other countries from Türkiye, USD/t</b>	[...]	[...]	[...]	[...]
<i>Dynamics compared to the previous period, %</i>	-	-12.96	24.01	-6.02
<i>Dynamics compared to the base period, %</i>	100	-12.96	7.94	1.44

Source of information: data from the State Enterprise "Ukrpromzovnesheexpertiza"

At the same time, it is also observed that Turkish producers and/or exporters, when exporting Cucumbers to third-country markets, applied prices that are lower than the average sales prices on the domestic market (except for 2021).

Together with this Ministry, the selling prices of Cucumbers from the Republic of Türkiye to other countries in the geographical structure of product exports were also investigated.

**Table 5.2.6 .**

Indicators	2021	2022	2023	Q2 2023 - Q1 2024
<b>Weighted average export price of Cucumbers from Türkiye to Albania, USD/t</b>	[...]	[...]	[...]	[...]
<i>Dynamics compared to the previous period, %</i>	-	11.33	-11.74	1.33
<i>Dynamics compared to the base period, %</i>	100	11.33	-1.74	-0.44
<b>Weighted average export price of Cucumbers from Türkiye to Bulgaria, USD/t</b>	[...]	[...]	[...]	[...]
<i>Dynamics compared to the previous period, %</i>	-	-1.73	28.30	-4.91
<i>Dynamics compared to the base period, %</i>	100	-1.73	26.08	19.88
<b>Weighted average export price of Cucumbers from Türkiye to Bosnia and Herzegovina, USD/t</b>	[...]	[...]	[...]	[...]
<i>Dynamics compared to the previous period, %</i>	-	-0.98	72.78	-2.17
<i>Dynamics compared to the base period, %</i>	100	-0.98	71.09	67.38
<b>Weighted average export price of Cucumbers from Türkiye to Greece, USD/t</b>	[...]	[...]	[...]	[...]
<i>Dynamics compared to the previous period, %</i>	-	39.05	19.73	1.11
<i>Dynamics compared to the base period, %</i>	100	39.05	66.49	68.34
<b>Weighted average export price of Cucumbers from Türkiye to Georgia, USD/t</b>	[...]	[...]	[...]	[...]
<i>Dynamics compared to the previous period, %</i>	-	-14.00	43.41	20.54
<i>Dynamics compared to the base period, %</i>	100	-14.00	23.33	48.67
<b>Weighted average export price of Cucumbers from Türkiye to Israel , USD/t</b>	[...]	[...]	[...]	[...]

<i>Dynamics compared to the previous period, %</i>	-	5.05	-18.78	-0.54
<i>Dynamics compared to the base period, %</i>	100	5.05	-14.68	-15.14
<b>Weighted average export price of Cucumbers from Türkiye to Italy, USD/t</b>	[...]	[...]	[...]	[...]
<i>Dynamics compared to the previous period, %</i>	0	-	-18.15	0.00
<i>Dynamics compared to the base period, %</i>	0	100	-18.15	-18.15
<b>Weighted average export price of Cucumbers from Türkiye to Kazakhstan, USD/t</b>	[...]	[...]	[...]	[...]
<i>Dynamics compared to the previous period, %</i>	-	16.71	6.75	-36.21
<i>Dynamics compared to the base period, %</i>	100	16.71	24.58	-20.53
<b>Weighted average export price of Cucumbers from Türkiye to Kyrgyzstan, USD/t</b>	[...]	[...]	[...]	[...]
<i>Dynamics compared to the previous period, %</i>	-	20.69	-13.14	-35.16
<i>Dynamics compared to the base period, %</i>	100	20.69	4.83	-32.02
<b>Weighted average export price of Cucumbers from Türkiye to Latvia, USD/t</b>	[...]	[...]	[...]	[...]
<i>Dynamics compared to the previous period, %</i>	-	-19.16	22.02	-10.46
<i>Dynamics compared to the base period, %</i>	100	-19.16	-1.36	-11.68
<b>Weighted average export price of Cucumbers from Türkiye to Lithuania, USD/t</b>	[...]	[...]	[...]	[...]
<i>Dynamics compared to the previous period, %</i>	-	-17.12	21.58	2.16
<i>Dynamics compared to the base period, %</i>	100	-17.12	0.76	2.94
<b>Weighted average export price of Cucumbers from Türkiye to Moldova, USD/t</b>	[...]	[...]	[...]	[...]
<i>Dynamics compared to the previous period, %</i>	-	1.76	12.11	-9.04
<i>Dynamics compared to the base period, %</i>	100	1.76	14.09	3.77
<b>Weighted average export price of Cucumbers from Türkiye to North Macedonia, USD/t</b>	[...]	[...]	[...]	[...]
<i>Dynamics compared to the previous period, %</i>	-	-10.77	8.20	1.38
<i>Dynamics compared to the base period, %</i>	100	-10.77	-3.46	-2.13
<b>Weighted average export price of Cucumbers from Türkiye to Poland, USD/t</b>	[...]	[...]	[...]	[...]
<i>Dynamics compared to the previous period, %</i>	-	0.00	30.97	-7.85
<i>Dynamics compared to the base period, %</i>	100	0.00	30.97	20.69
<b>Weighted average export price of Cucumbers from Türkiye to the Russian Federation, USD/t</b>	[...]	[...]	[...]	[...]
<i>Dynamics compared to the previous period, %</i>	-	-14.75	-4.78	-1.62
<i>Dynamics compared to the base period, %</i>	100	-14.75	-18.82	-20.14
<b>Weighted average export price of Cucumbers from Türkiye to Serbia, USD/t</b>	[...]	[...]	[...]	[...]
<i>Dynamics compared to the previous period, %</i>	-	24.27	33.65	-6.87
<i>Dynamics compared to the base period, %</i>	100	24.27	66.08	54.68
<b>Weighted average export price of Cucumbers from Türkiye to Syria, USD/t</b>	[...]	[...]	[...]	[...]
<i>Dynamics compared to the previous period, %</i>	-	-70.48	121.43	8.29
<i>Dynamics compared to the base period, %</i>	100	-70.48	-34.64	-29.22
<b>Weighted average export price of Cucumbers from Türkiye to France, USD/t</b>	[...]	[...]	[...]	[...]
<i>Dynamics compared to the previous period, %</i>	-	-19.71	11.46	-26.93
<i>Dynamics compared to the base period, %</i>	100	-19.71	-10.50	-34.61

<b>Weighted average export price of Cucumbers from Türkiye to the Czech Republic, USD/t</b>	[...]	[...]	[...]	[...]
<i>Dynamics compared to the previous period, %</i>	-	9.61	84.46	-25.60
<i>Dynamics compared to the base period, %</i>	100	9.61	102.19	50.42
<b>Weighted average export price of Cucumbers from Türkiye to Montenegro, USD/t</b>	[...]	[...]	[...]	[...]
<i>Dynamics compared to the previous period, %</i>	-	-13.48	-7.09	-7.34
<i>Dynamics compared to the base period, %</i>	100	-13.48	-19.61	-25.51

Source of information: data from the State Enterprise "Ukrpromzovnesheptiza"

Therefore, the above information shows that Turkish producers and/or exporters, when exporting Cucumbers to third-country markets, apply prices that are lower than the average sales prices on the domestic market, which indicates the practice of supplying Cucumbers at dumping prices not only to Ukraine, but also to third countries .

Regarding the production of Tomatoes in the Republic of Türkiye and their export to foreign markets

Tomato production volumes in the Republic of Türkiye during 2021-2023 also increased and significantly exceeded both the production volumes and the consumption volumes of Tomatoes in Ukraine.

**Table 5.2.7.**

<b>Indicators</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>
<b>Tomato Production in Türkiye, thousand tons</b>	[...]	[...]	[...]
<i>Dynamics compared to the previous period, %</i>	-	0.12	2.39
<i>Dynamics compared to the base period, %</i>	100	0.12	2.51
<b>Consumption in Ukraine of Tomatoes *, thousand tons</b>	[...]	[...]	[...]
<i>Dynamics compared to the previous period, %</i>	-	-18.99	9.63
<i>Dynamics compared to the base period, %</i>	100	-18.99	-11.19
<b>Total production volumes Tomatoes by agricultural enterprises closed soil in Ukraine, thousand tons</b>	[...]	[...]	[...]
<i>Dynamics compared to the previous period, %</i>	-	-55.65	56.44
<i>Dynamics compared to the base period, %</i>	100	-55.65	-30.62
<b>RATIO of Tomato consumption in Ukraine to Tomato production in Türkiye, times</b>	[...]	[...]	[...]
<b>RATIO of Tomato production in Ukraine to Tomato production in Türkiye, times</b>	[...]	[...]	[...]

\* Source of information: SE "Ukrpromzovnesheptiza", the indicator is calculated as (production-export) + import

Tomato production volumes in the Republic of Türkiye during 2021-2023 . increased by 2.51%. At the same time, during 2021-2023 , the production volumes of Tomatoes in the Republic of Türkiye exceeded the consumption volumes of Tomatoes in Ukraine by approximately [...] times and the production volumes of Tomatoes in Ukraine by approximately [...] times, depending on the annual period.

**Table 5.2.8 .**

<b>Indicators</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>	<b>Q2 2023 - Q1 2024</b>
<b>Total export volume of Tomatoes from Türkiye, thousand tons</b>	[...]	[...]	[...]	[...]



<i>Dynamics compared to the previous period, %</i>	-	-15.66	12.77	-2.83
<i>Dynamics compared to the base period, %</i>	100	-15.66	-4.89	-7.58
<b>Value of total exports of Tomatoes from Türkiye, million USD</b>	[...]	[...]	[...]	[...]
<i>Dynamics compared to the previous period, %</i>	-	3.60	43.44	-6.70
<i>Dynamics compared to the base period, %</i>	100	3.60	48.60	38.64
<b>Volume of exports of Tomatoes to Ukraine from Türkiye, thousand tons</b>	[...]	[...]	[...]	[...]
<i>Dynamics compared to the previous period, %</i>	-	-25.72	17.44	2.63
<i>Dynamics compared to the base period, %</i>	100	-25.72	-12.77	-10.47
<b>Value of exports to Ukraine from Türkiye, million USD</b>	[...]	[...]	[...]	[...]
<i>Dynamics compared to the previous period, %</i>	-	11.66	43.03	6.90
<i>Dynamics compared to the base period, %</i>	100	11.66	59.71	70.73
<b>Ukraine's share in total exports of Tomatoes from Türkiye, %</b>	[...]	[...]	[...]	[...]
<b>Volume of exports of Tomatoes to other countries from Türkiye, thousand tons</b>	[...]	[...]	[...]	[...]
<i>Dynamics compared to the previous period, %</i>	-	-13.88	12.06	-3.71
<i>Dynamics compared to the base period, %</i>	100	-13.88	-3.50	-7.07
<b>The cost of exports to other countries from Türkiye, thousand US dollars</b>	[...]	[...]	[...]	[...]
<i>Dynamics compared to the previous period, %</i>	-	2.59	43.49	-8.54
<i>Dynamics compared to the base period, %</i>	100	2.59	47.21	34.64
<b>Share of other countries in total exports of Tomatoes from Türkiye, %</b>	[...]	[...]	[...]	[...]

Source of information: data from the State Enterprise "Ukrpromzovnesheptiza"

Turkish export volumes of Tomatoes decreased during the study period and decreased by 7.58% in the investigation period compared to 2021.

Exports of Tomatoes from the Republic of Türkiye to Ukraine decreased at a slightly faster rate than total exports from the Republic of Türkiye and decreased by 10.47% during the study period, compared to 2021, while exports of Tomatoes to other countries from the Republic of Türkiye decreased by 7.07 %, respectively.

The share of exports of Tomatoes to Ukraine in total exports of Tomatoes from the Republic of Türkiye was about 13-15%, depending on the annual period.

#### Selling prices of Tomatoes from the Republic of Türkiye to foreign markets

The prices of total exports of Tomatoes from the Republic of Türkiye throughout the study period exceeded the prices of exports of Tomatoes to Ukraine and were lower than the prices of exports of Tomatoes to other countries.

**Table 5.2.9 .**

Indicators	2021	2022	2023	Q2 2023 - Q1 2024
<b>Weighted average selling price of Tomatoes on the domestic market of Türkiye, USD/t</b>	[...]	[...]	[...]	[...]

<i>Dynamics compared to the previous period, %</i>	-	5.70	23.45	1.64
<i>Dynamics compared to the base period, %</i>	100	5.70	30.48	32.62
<b>Weighted average price of total exports of Tomatoes from Türkiye, USD/t</b>	[...]	[...]	[...]	[...]
<i>Dynamics compared to the previous period, %</i>	-	22.83	27.19	-3.98
<i>Dynamics compared to the base period, %</i>	100	22.83	56.23	50.02
<b>Weighted average export price of Tomatoes from Türkiye to Ukraine, USD/t</b>	[...]	[...]	[...]	[...]
<i>Dynamics compared to the previous period, %</i>	-	50.33	21.79	4.16
<i>Dynamics compared to the base period, %</i>	100	50.33	83.09	90.70
<b>Weighted average export price of Tomatoes to other countries from Türkiye, USD/t</b>	[...]	[...]	[...]	[...]
<i>Dynamics compared to the previous period, %</i>	-	19.12	28.05	-5.02
<i>Dynamics compared to the base period, %</i>	100	19.12	52.54	44.89

Source of information: data from the State Enterprise "Ukrpromzovnesheexpertiza"

At the same time, it is also noted that Turkish producers and/or exporters, when exporting Tomatoes to third-country markets, applied prices that were lower than the average selling prices on the domestic market (except for Q2 2023 - Q1 2024), which indicates the presence of exports of goods at dumped prices.

Together with this Ministry, the selling prices of Tomatoes from the Republic of Türkiye to other countries in the geographical structure of product exports were also investigated .

**Table 5.2. 10.**

<b>Indicators</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>	<b>Q2 2023 - Q1 2024</b>
<b>Weighted average export price of Tomatoes from Türkiye to Azerbaijan, USD/t</b>	[...]	[...]	[...]	[...]
<i>Dynamics compared to the previous period, %</i>	-	-24.68	38.62	-39.30
<i>Dynamics compared to the base period, %</i>	100	-24.68	4.42	-36.62
<b>Weighted average export price of Tomatoes from Türkiye to Albania, USD/t</b>	[...]	[...]	[...]	[...]
<i>Dynamics compared to the previous period, %</i>	-	6.79	-12.96	0.56
<i>Dynamics compared to the base period, %</i>	100	6.79	-7.05	-6.53
<b>Weighted average export price of Tomatoes from Türkiye to Bulgaria, USD/t</b>	[...]	[...]	[...]	[...]
<i>Dynamics compared to the previous period, %</i>	-	0.77	8.49	0.23
<i>Dynamics compared to the base period, %</i>	100	0.77	9.32	9.58
<b>Weighted average export price of Tomatoes from Türkiye to Bosnia and Herzegovina, USD/t</b>	[...]	[...]	[...]	[...]
<i>Dynamics compared to the previous period, %</i>	-	19.04	9.44	2.99
<i>Dynamics compared to the base period, %</i>	100	19.04	30.28	34.17
<b>Weighted average export price of Tomatoes from Türkiye to Greece, USD/t</b>	[...]	[...]	[...]	[...]
<i>Dynamics compared to the previous period, %</i>	-	1.13	24.26	0.56
<i>Dynamics compared to the base period, %</i>	100	1.13	25.67	26.38
<b>Weighted average export price of Tomatoes from Türkiye to Georgia, USD/t</b>	[...]	[...]	[...]	[...]
<i>Dynamics compared to the previous period, %</i>	-	-5.63	75.50	18.87
<i>Dynamics compared to the base period, %</i>	100	-5.63	65.63	96.88
<b>Weighted average export price of Tomatoes from Türkiye to Israel, USD/t</b>	[...]	[...]	[...]	[...]

<i>Dynamics compared to the previous period, %</i>	-	21.42	-4.80	3.54
<i>Dynamics compared to the base period, %</i>	100	21.42	15.59	19.69
<b>Weighted average export price of Tomatoes from Türkiye to Kazakhstan, USD/t</b>	[...]	[...]	[...]	[...]
<i>Dynamics compared to the previous period, %</i>	-	6.98	-30.87	18.55
<i>Dynamics compared to the base period, %</i>	100	6.98	-26.05	-12.33
<b>Weighted average export price of Tomatoes from Türkiye to Qatar, USD/t</b>	[...]	[...]	[...]	[...]
<i>Dynamics compared to the previous period, %</i>	-	37.67	25.12	0.00
<i>Dynamics compared to the base period, %</i>	100	37.67	72.25	72.25
<b>Weighted average export price of Tomatoes from Türkiye to Cyprus, USD/t</b>	[...]	[...]	[...]	[...]
<i>Dynamics compared to the previous period, %</i>	-	23.48	-11.11	3.61
<i>Dynamics compared to the base period, %</i>	100	23.48	9.76	13.72
<b>Weighted average export price of Tomatoes from Türkiye to the United Arab Emirates, USD/t</b>	[...]	[...]	[...]	[...]
<i>Dynamics compared to the previous period, %</i>	-	-14.57	59.68	0.43
<i>Dynamics compared to the base period, %</i>	100	-14.57	36.42	37.01
<b>Weighted average export price of Tomatoes from Türkiye to North Macedonia, USD/t</b>	[...]	[...]	[...]	[...]
<i>Dynamics compared to the previous period, %</i>	-	3.77	2.35	-6.68
<i>Dynamics compared to the base period, %</i>	100	3.77	6.21	-0.89
<b>Weighted average export price of Tomatoes from Türkiye to Russian Federation, USD/t</b>	[...]	[...]	[...]	[...]
<i>Dynamics compared to the previous period, %</i>	-	6.71	-5.53	-0.69
<i>Dynamics compared to the base period, %</i>	100	6.71	0.81	0.12
<b>Weighted average export price of Tomatoes from Türkiye to Saudi Arabia, USD/t</b>	[...]	[...]	[...]	[...]
<i>Dynamics compared to the previous period, %</i>	-	-	48.67	0.00
<i>Dynamics compared to the base period, %</i>	100	100	48.67	48.67
<b>Weighted average export price of Tomatoes from Türkiye to Serbia, USD/t</b>	[...]	[...]	[...]	[...]
<i>Dynamics compared to the previous period, %</i>	-	52.68	19.17	-4.16
<i>Dynamics compared to the base period, %</i>	100	52.68	81.95	74.39
<b>Weighted average export price of Tomatoes from Türkiye to Montenegro, USD/t</b>	[...]	[...]	[...]	[...]
<i>Dynamics compared to the previous period, %</i>	-	37.24	5.73	-1.33
<i>Dynamics compared to the base period, %</i>	100	37.24	45.10	43.18

Source of information: data from the State Enterprise "Ukrpromzovnesheptiza"

Therefore, the above demonstrates that Turkish producers and/or exporters, when exporting Tomatoes to third-country markets, apply prices that are lower than the average sales prices on the domestic market, which indicates the practice of supplying Tomatoes at dumping prices not only to Ukraine, but also to other countries.

Considering the above, there is every reason to argue that foreign manufacturers have significant production capacities that significantly exceed production volumes and consumption volumes Goods in Ukraine, and also apply the practice of supplying varieties of Goods at dumping prices not only to Ukraine, but also to other countries.

### 5.3. Calculation of the damage margin

The calculation of the damage margin for the product is carried out using the formula:

$$IM = (NIP - IP) * 100\% / EP_{CIF},$$

where

*IM* – damage margin;

*NIP* – the price at which no harm is caused to the national producer;

*IP* – import price;

*EP<sub>CIF</sub>* – export price on CIF terms.

The price at which no damage is caused is calculated using the following formula:

$$NIP = C * (1 + P),$$

where

*C* – cost of sales of a unit of Goods;

*P* is the level of profitability for the industry.

The import price was calculated by the Ministry using the following formula:

$$IP = EP_{CIF} + CP,$$

where

*EP<sub>CIF</sub>* – import price on CIF terms, import duty not paid;

*CP* – customs payments (the size of the duty rate on varieties of Goods originating from the Republic of Türkiye was: for Cucumbers – 10 %, for Tomatoes – %).

According to the information provided by the Applicant, [ ... ].

The organization of a greenhouse economy is a capital-intensive type of business [.. .] . [ ...]

Thus, the minimum level of profitability of the greenhouse business in Ukraine in the period 2021 - 1st quarter of 2024 varied in the range from [ ... ] % to [ ... ] %, and the sufficient (reasonable) level of profitability of the functioning of greenhouse enterprises varied in the range from [ ... ] % to [ ... ] %.

In view of the above and taking into account the justification provided by the Applicant, a profitability level of [ ... ] % is sufficient for the normal and effective functioning of the enterprises of the National Commodity Producer.

In order to correctly calculate the injury margin, the Ministry compared the varieties of Goods imported into Ukraine and sold by the National Producers of Cucumbers and Tomatoes on the domestic market of Ukraine to independent buyers.

According to the information available to the Ministry, the cost of transporting the types of Goods to Ukraine from the Republic of Türkiye was on average [ ... ] USD/ton. The import duty rate for each type of Goods originating in the Republic of Türkiye was [ ... ] %.

**Table 5.3. 1.**

Product Type	Cost price, USD/t (C)	Profitability, % (P)	No-injury price of NT, USD/t (NIP)	Import price from TR, USD /t (IR)	Export price from TR, USD/t (EP <sub>CIF</sub> )	Damage margin, %
Cucumbers	[...]	[...]	[...]	[...]	[...]	70.35

<b>Tomatoes</b>	[...]	[...]	[...]	[...]	[...]	<b>69.54</b>
-----------------	-------	-------	-------	-------	-------	--------------

Thus, the calculated injury margin for the varieties of Goods originating in the Republic of Türkiye was: for Cucumbers – 70.35%, for Tomatoes – 69.54%.

#### **5.4. Stakeholder comments**

In their comments, as well as during the hearings, some interested parties from the Republic of Türkiye emphasized the absence of injury caused to the national producer by imports of goods from the Republic of Türkiye. In their opinion, the deterioration of certain indicators of the national producer's performance is associated with other factors, in particular, due to military aggression by the Russian Federation against Ukraine.

In turn, the Applicant noted that the growth of dumped imports from the Republic of Türkiye was present both at the stage of filing the Complaint for the period 2019-2022 and during the investigation period (2021 - 1st quarter of 2024). In this context, the Applicant noted that, according to Article 10 of the Law, for the purposes of applying anti-dumping measures, it is sufficient for there to be an increase in imports either in absolute terms, or in relation to production, or in relation to consumption. Currently, such a trend is observed in the context of types of Goods according to the specified factors.

The Applicant also considers the Turkish exporter's suggestion that the national producer's performance deteriorated only in 2022 to be unfounded. In view of the above, the Applicant refuted the above statement and drew attention to the fact that from the end of 2022 onwards, the enterprises of the national producer could not fully restore their pre-war positions in the Ukrainian market due to the dominance of cheap dumped imports from the Republic of Türkiye. At the same time, the national producer provided information (including primary sources) regarding all socio-economic indicators by type of Goods (which mostly deteriorated), and also demonstrated an injury margin that did not depend on the factor of the 2022 war, and once again emphasized that it was dumped imports from the Republic of Türkiye that were causing it harm.

The Ministry took into account the above comments when examining the cause of material injury and the threat of its cause to the domestic producer and examined the impact of other factors in Section 6.

At the same time, it is worth noting that the issue of establishing injury was investigated by the Ministry in accordance with the investigation period determined at the initial stage of the investigation and which was notified to all interested parties. Taking into account the above, the conducted investigation and calculations of the level of injury margin by type of Goods confirm the fact that it was dumped imports from the Republic of Türkiye that could have caused injury to the Applicant.

#### **The Ministry's conclusion to the section**

The study conducted by the Ministry confirmed the fact of deterioration in the main financial and economic indicators of the enterprises of the National Producer of Cucumbers and the National Producer of Tomatoes during the study period and the presence of harm to the national producer .

At the same time, taking into account the significant export potential of the Republic of Türkiye , there is a possibility of an increase in the volume of dumped imports into Ukraine of varieties of Goods originating from this country, which may threaten to cause significant harm to the National Producer in the future.

## 6. Research into the causal relationship between dumped imports and injury caused to the national producer

### 6.1. Research on the volume of dumped imports and market distribution

Based on data obtained during the investigation from the State Customs Service, the National Producer, as well as the Ministry's calculated data, in accordance with Article 10 of the Law, the Ministry investigated whether there was a significant increase in dumped imports into Ukraine of the Goods that are the subject of the investigation, either in absolute terms or relative to the production or consumption of the Goods in Ukraine, and market share during the investigation period.

#### *Situation on the domestic market of cucumbers in Ukraine*

Table 6.1.1.

Indicators	2021	2022	2023	Q2 2023 - Q1 2024
<b>Cucumber Market</b>				
<b>Total volume of imports of cucumbers, thousand tons</b>	<b>24.5</b>	<b>38.2</b>	<b>28.9</b>	<b>27.5</b>
<i>Dynamics compared to the previous year, %</i>	-	55.92	-24.35	-4.84
<i>Dynamics compared to the base year, %</i>	100	55.92	17.96	12.24
<b>Total import value of Cucumbers, thousand USD</b>	<b>22,581</b>	<b>42,353</b>	<b>33,959</b>	<b>33,252</b>
<i>Dynamics compared to the previous year, %</i>	-	87.56	-19.82	-2.08
<i>Dynamics compared to the base year, %</i>	100	87.56	50.39	47.26
<b>Volume of dumped imports of cucumbers, thousand tons</b>	<b>20.1</b>	<b>24.8</b>	<b>24.7</b>	<b>23.2</b>
<i>Dynamics compared to the previous year, %</i>	-	23.02	-0.30	-6.23
<i>Dynamics compared to the base year, %</i>	100	23.02	22.65	15.01
<b>Cost of dumped imports of cucumbers, thousand US dollars</b>	<b>16,678</b>	<b>23,580</b>	<b>28,100</b>	<b>27,166</b>
<i>Dynamics compared to the previous year, %</i>	-	41.39	19.17	-3.33
<i>Dynamics compared to the base year, %</i>	100	41.39	68.49	62.89
<b>Share of dumped imports of cucumbers in total imports of cucumbers, %</b>	<b>82.2</b>	<b>64.8</b>	<b>85.4</b>	<b>84.2</b>
<i>Dynamics compared to the previous year, %</i>	-	-21.10	31.79	-1.46
<i>Dynamics compared to the base year, %</i>	100	-21.10	3.98	2.46
<b>Consumption in Ukraine of Cucumbers, thousand tons</b>	[...]	[...]	[...]	[...]
<i>Dynamics compared to the previous period, %</i>	-	-0.85	-3.62	-7.51
<i>Dynamics compared to the base period, %</i>	100	-0.85	-4.44	-11.62
<b>Share of dumped imports of Cucumbers relative to consumption of Cucumbers, %</b>	[...]	[...]	[...]	[...]
<i>Dynamics compared to the previous year, %</i>	-	24.08	3.45	1.39
<i>Dynamics compared to the base year, %</i>	100	24.08	28.36	30.14
<b>Total production volume in Ukraine of cucumbers, thousand tons</b>	[...]	[...]	[...]	[...]
<i>Dynamics compared to the previous period, %</i>	-	-44.69	26.55	-12.95
<i>Dynamics compared to the base period, %</i>	100	-44.69	-30.00	-39.06
<b>Share of dumped imports of Cucumbers relative to production of Cucumbers in Ukraine, %</b>	[...]	[...]	[...]	[...]
<i>Dynamics compared to the previous year, %</i>	-	122.40	-21.22	7.71

<i>Dynamics compared to the base year, %</i>	100	122.40	75.22	88.73
<b>Share of the National Producer of Cucumbers in consumption, %</b>	[...]	[...]	[...]	[...]
<i>Dynamics compared to the previous period,%</i>	-	-50.13	7.67	31.14
<i>Dynamics compared to the base period, %</i>	100	-50.13	-46.31	-29.59
<b>Share of the National Producer of Cucumbers in the production of Cucumbers in Ukraine, %</b>	64	58	49	63
<i>Dynamics compared to the previous period,%</i>	-	-8.93	-15.78	28.68
<i>Dynamics compared to the base period, %</i>	100	-8.93	-23.30	-1.31
<b>Export volume of cucumbers from Ukraine, thousand tons</b>	[...]	[...]	[...]	[...]
<i>Dynamics compared to the previous period,%</i>	-	-81.92	49.89	-52.36
<i>Dynamics compared to the base period, %</i>	100	-81.92	-72.89	-87.09

Against the background of a decrease in production (39.06%) and consumption of Cucumbers (11.62%) in Ukraine during the investigation period, the volume of dumped imports increased by 15.01% . The share of such imports in relation to production during the investigation period increased by 7.71% in the investigation period compared to the previous period and by 88.73% compared to the baseline. The share of dumped imports in relation to consumption during the investigation period increased by 1.39% in the investigation period compared to the previous period and by 30.14% compared to the baseline.

In addition, it is worth noting that in absolute terms in 2022 there was a sharp decline in the share of dumped imports of Cucumbers from the Republic of Türkiye in the total volume of imports of Cucumbers to Ukraine by 21.10%. At the same time , the share of of dumped imports of Cucumbers from the Republic of Türkiye in the total volume of imports of Cucumbers during the investigation period increased in 2023 in absolute terms by 3.98%, in relative terms by 31.79%, and in the investigation period in absolute terms it decreased by 1.46%, in relative terms it increased by 2.46%, however, this share practically reached its level in 2023 and was high during the study period. This situation indicates a threat of further increase in the volume of dumped imports from the Republic of Türkiye .

It is also noted that the proportion National producer of Cucumbers on the market compared to 2021 had a tendency to decrease in absolute terms both in relation to production (1.31%) and consumption (29.59%) .

Thus, during the study period, the national producer of cucumbers was gradually displaced from the Ukrainian market by dumped imports of cucumbers from the Republic of Türkiye .

#### ***Situation on the domestic market of tomatoes in Ukraine***

**Table 6.1.2.**

Indicators	2021	2022	2023	Q2 2023 - Q1 2024
<b>Tomato Market</b>				
<b>Total volume of imports of Tomatoes, thousand tons</b>	<b>101.9</b>	<b>93.9</b>	<b>95.3</b>	<b>97.8</b>
<i>Dynamics compared to the previous year, %</i>	-	-7, 85	1.49	2.62
<i>Dynamics compared to the base year, %</i>	100	-7.85	-6.48	-4.02
<b>Total import value of Tomatoes, thousand USD</b>	<b>63,714</b>	<b>88,173</b>	<b>116,395</b>	<b>123,404</b>
<i>Dynamics compared to the previous year, %</i>	-	39.96	30.53	6.02
<i>Dynamics compared to the base year, %</i>	100	39.96	82.68	93.68
<b>Volume of dumped imports of Tomatoes, thousand tons</b>	<b>91.7</b>	<b>68.0</b>	<b>80.4</b>	<b>82.9</b>
<i>Dynamics compared to the previous year, %</i>	-	-25.85	18.15	3.16

<i>Dynamics compared to the base year, %</i>	100	-25.85	-12.40	-9.63
<b>Cost of dumped imports of Tomatoes, thousand USD</b>	<b>53,567</b>	<b>59,981</b>	<b>89,649</b>	<b>95,354</b>
<i>Dynamics compared to the previous year, %</i>	-	11.97	49.46	6.36
<i>Dynamics compared to the base year, %</i>	100	11.97	67.36	78.01
<b>Share of dumped imports of Tomatoes in total imports of Tomatoes, %</b>	<b>90.0</b>	<b>72.4</b>	<b>84.3</b>	<b>84.8</b>
<i>Dynamics compared to the previous year, %</i>	-	-19.54	16.41	0.52
<i>Dynamics compared to the base year, %</i>	100	-19.54	-6.33	-5.84
<b>Consumption in Ukraine of Tomatoes, thousand tons</b>	[...]	[...]	[...]	[...]
<i>Dynamics compared to the previous period, %</i>	-	-18.99	9.63	2.76
<i>Dynamics compared to the base period, %</i>	100	-18.99	-11.19	-8.74
<b>Share of dumped imports of Tomatoes relative to consumption of Tomatoes, %</b>	[...]	[...]	[...]	[...]
<i>Dynamics compared to the previous year, %</i>	-	-8.48	7.77	0.39
<i>Dynamics compared to the base year, %</i>	100	-8.48	-1.36	-0.98
<b>Total production volume in Ukraine of Tomatoes, thousand tons</b>	[...]	[...]	[...]	[...]
<i>Dynamics compared to the previous period, %</i>	-	-55.65	56.44	2.80
<i>Dynamics compared to the base period, %</i>	100	-55.65	-30.62	-28.68
<b>Share of dumped imports of Tomatoes relative to production of Tomatoes in Ukraine, %</b>	[...]	[...]	[...]	[...]
<i>Dynamics compared to the previous year, %</i>	-	67.18	-24.48	0.35
<i>Dynamics compared to the base year, %</i>	100	67.18	26.26	26.70
<b>Share of the National Producer of Tomatoes in consumption, %</b>	[...]	[...]	[...]	[...]
<i>Dynamics compared to the previous period, %</i>	-	-58.58	113.22	-1.23
<i>Dynamics compared to the base period, %</i>	100	-58.58	-11.68	-12.77
<b>Share of the National Producer of Tomatoes in the total production of Tomatoes in Ukraine, %</b>	<b>72</b>	<b>54</b>	<b>80</b>	<b>78</b>
<i>Dynamics compared to the previous period, %</i>	-	-24.10	46.33	-1.37
<i>Dynamics compared to the base period, %</i>	100	-24.10	11.06	9.54
<b>Export volume of Tomatoes from Ukraine, thousand tons</b>	[...]	[...]	[...]	[...]
<i>Dynamics compared to the previous period, %</i>	-	-93.88	304.33	-8.08
<i>Dynamics compared to the base period, %</i>	100	-93.88	-75.27	-77.26

Similar trends to the Cucumber market are observed in the Tomato market in Ukraine. Thus, during the study period, the production volumes of Tomatoes decreased by 28.68% in absolute terms, and the consumption volumes by 8.74%, and the volumes of dumped imports decreased by 9.63%, but increased by 3.16% in relative terms. The share of such imports in relation to production during the study period increased by 0.35% in the investigation period compared to the previous period and by 26.70% compared to the baseline. The share of dumped imports in relation to consumption during the study period increased by 0.39% in the investigation period compared to the previous period and decreased by 0.98% compared to the baseline.

In addition, it is worth noting that in 2022 there was a sharp decrease in the share of dumped imports of Tomatoes from the Republic of Türkiye in the total volume of imports of Tomatoes into Ukraine by 19.54 %. At the same time, this share continued to decrease compared to 2021: in 2023 - by 6.33 %, during the investigation period - by 5.84 %. However, in relative terms, this share increased: in 2023 - by 16.41 %, during the investigation period - by 0.52%.



The share of the National Producer of Tomatoes in the market has decreased in absolute terms relative to consumption by 12.77%, although relative to production this share increased by 9.54% .

Thus, during the study period, the national producer of tomatoes was gradually displaced from the Ukrainian market by dumped imports of tomatoes from the Republic of Türkiye.

## 6.2. Research into the impact of dumped imports of the Goods on the prices of similar goods

In accordance with Part Three of Article 10 of the Law on the Impact of Dumped Imports on Prices of Similar Goods, the Ministry, based on data from Ukrainian executive authorities and Ukrainian producers, investigated the following facts:

1) whether the prices of the Goods subject to dumped imports were significantly lower than the prices of similar Goods;

2) whether the dumped imports have led to a significant decrease in prices for the like Product;

3) whether the dumped imports prevented a significant increase in prices for the similar Goods that would have occurred in the absence of dumped imports.

In order to fairly compare the prices of imports of goods into Ukraine originating from the Republic of Türkiye with the prices of the national producer on the domestic market of Ukraine, the Ministry compared the prices of goods (cucumbers and tomatoes) imported into Ukraine from the Republic of Türkiye with the prices of goods sold by the National Producer of Cucumbers and the National Producer of Tomatoes on the domestic market of Ukraine.

**Table 6.2.1.**

Indicator	2021	2022	2023	Q2 2023 – Q1 2024
<b>Prices and cost of Cucumbers</b>				
<b>Total import price of Cucumbers, USD/t</b>	<b>922</b>	<b>1,109</b>	<b>1,175</b>	<b>1,209</b>
<i>Dynamics compared to the previous period, %</i>	-	20.29	5.98	2.90
<i>Dynamics compared to the base period, %</i>	100	20.29	27.49	31.19
<b>Price of dumped imports of cucumbers, USD/t</b>	<b>828</b>	<b>952</b>	<b>1,138</b>	<b>1,173</b>
<i>Dynamics compared to the previous period, %</i>	-	14.93	19.52	3.10
<i>Dynamics compared to the base period, %</i>	100	14.93	37.37	41.63
<b>Applicant's price when selling Cucumbers on the domestic market , USD/t</b>	[...]	[...]	[...]	[...]
<i>Dynamics compared to the previous period, %</i>	-	23.09	18.27	0.38
<i>Dynamics compared to the base period, %</i>	100	23.09	45.58	46.14
<b>Applicant's full cost of Cucumbers, USD/t</b>	[...]	[...]	[...]	[...]
<i>Dynamics compared to the previous period, %</i>	-	23.49	-8.32	-1.62
<i>Dynamics compared to the base period, %</i>	100	23.49	13.21	11.38
<b>Difference between the price of dumped imports and the cost price of the National Producer of Cucumbers, USD/t</b>	[...]	[...]	[...]	[...]
<i>Dynamics compared to the previous period, %</i>	-	50.57	-75.61	-57.51
<i>Dynamics compared to the base period, %</i>	100	50.57	-63.28	-84.40
<b>Difference between the price of dumped imports and the price of the National Producer of Cucumbers, USD/t</b>	[...]	[...]	[...]	[...]
<i>Dynamics compared to the previous period, %</i>	-	87.02	12.23	-13.55
<i>Dynamics compared to the base period, %</i>	100	87.02	109.89	81.46

The analysis of the impact of dumped import prices of Cucumbers shows that during 2021 -

1 Q. 2024, both the prices of general imports of Cucumbers and the prices of dumped imports of Cucumbers increased in absolute and relative terms, with the prices of dumped imports growing at a faster pace. At the same time, the prices of the National Commodity Producer of Cucumbers had a positive upward trend when selling goods on the domestic market and increased by 46.14% during the investigation period, the cost of goods increased by 11.38%, which demonstrates a slower growth rate than the prices of the national commodity producer.

Throughout the entire period of investigation, the prices of dumped imports of cucumbers were lower than the prices of the National Producer of Cucumbers and lower than its cost price.

Table 6.2.2.

Indicator	2021	2022	2023	Q2 2023 - Q1 2024
<b>Prices and cost of Tomatoes</b>				
<b>Total import price of Tomatoes, USD/t</b>	<b>625</b>	<b>950</b>	<b>1,221</b>	<b>1,262</b>
<i>Dynamics compared to the previous period, %</i>	-	51.88	28.61	3.31
<i>Dynamics compared to the base period, %</i>	100	51.88	95.34	101.80
<b>Price of dumped imports of Tomatoes, USD/t</b>	<b>584</b>	<b>882</b>	<b>1,116</b>	<b>1,150</b>
<i>Dynamics compared to the previous period, %</i>	-	51.02	26.50	3.10
<i>Dynamics compared to the base period, %</i>	100	51.02	91.05	96.98
<b>The Applicant's price when selling Tomatoes on the domestic market , USD/t</b>	[...]	[...]	[...]	[...]
<i>Dynamics compared to the previous period, %</i>	-	27.02	-19.07	3.35
<i>Dynamics compared to the base period, %</i>	100	27.02	2.80	6.24
<b>Applicant's full cost of Tomatoes, USD/t</b>	[...]	[...]	[...]	[...]
<i>Dynamics compared to the previous period, %</i>	-	41.86	-35.65	13.78
<i>Dynamics compared to the base period, %</i>	100	41.86	-8.71	3.87
<b>Difference between the price of dumped imports and the cost price of the National Producer of Tomatoes, USD/t</b>	[...]	[...]	[...]	[...]
<i>Dynamics compared to the previous period, %</i>	-	32.20	-110.63	-139.50
<i>Dynamics compared to the base period, %</i>	100	32.20	-114.05	-94.45
<b>Difference between the price of the dumped and the price of the National Producer of Tomatoes, USD/t</b>	[...]	[...]	[...]	[...]
<i>Dynamics compared to the previous period, %</i>	-	-1.68	-102.79	-16.94
<i>Dynamics compared to the base period, %</i>	100	-1.68	-102.74	-102.28

Analysis of the impact of dumped import prices of tomatoes shows an increase in prices throughout the study period both total imports of goods and and prices of dumped imports of Tomatoes. At the same time, prices of dumped imports of Tomatoes were significantly lower than the prices of the National Commodity Producer of Tomatoes in 2021 and 2022, but slightly higher during 2023 - 1st quarter of 2024 , when dumped import prices were practically equal to domestic producer prices. At the same time, the cost price was significantly higher than dumped import prices and exceeded domestic producer prices. during the study period, except for 2023, when the cost was lower than import prices and prices of the National Producer of Tomatoes.

Taking into account the above, the Ministry concluded that there was a negative impact of dumped imports of Cucumbers and Tomatoes from Türkiye on the prices of the national producer of Cucumbers and Tomatoes.

### 6.3. Research into the influence of other factors

In accordance with the provisions of Part Seven of Article 10 of the Law, the Ministry analyzed the presence of other known factors, the simultaneous action of which may cause harm to the national producer of Cucumbers and Tomatoes.

#### Volumes and prices of imports of Cucumbers from third countries

**Table 6.3.1.1.**

Indicators	2021	2022	2023	Q2 2023 - Q1 2024
<b>Total volume of imports of cucumbers, thousand tons</b>	<b>24.5</b>	<b>38.2</b>	<b>28.9</b>	<b>27.5</b>
<i>Dynamics compared to the previous period, %</i>	-	55.92	-24.36	-4.84
<i>Dynamics compared to the base period, %</i>	100	55.92	17.96	12.24
<b>Volume of imports of cucumbers from third countries, thousand tons</b>	<b>4.4</b>	<b>13.4</b>	<b>4.2</b>	<b>4.3</b>
<i>Dynamics compared to the previous year, %</i>	-	207.64	-68.69	3.30
<i>Dynamics compared to the base year, %</i>	100	207.64	-3.68	-0.50
<b>Share of Cucumber imports from third countries in total Cucumber imports, %</b>	<b>17.8</b>	<b>35.2</b>	<b>14.6</b>	<b>15.8</b>
<i>Dynamics compared to the previous period, %</i>	-	97.31	-58.61	8.56
<i>Dynamics compared to the base period, %</i>	100	97.31	-18.34	-11.35
<b>Share of imports of Cucumbers originating from third countries relative to consumption of Cucumbers, %</b>	[...]	[...]	[...]	[...]
<i>Dynamics compared to the previous period, %</i>	-	210.30	-67.51	11.69
<i>Dynamics compared to the base period, %</i>	100	210.30	0.80	12.59

Against the background of the overall increase in the volume of imports of Cucumbers into Ukraine by 12.24%, the volume of imports of Cucumbers from third countries (except Türkiye) during the study period decreased by 0.50%. At the same time, the share of imports of Cucumbers from third countries in total imports during the study period decreased by 11.35% compared to the base period, and increased by 8.56% compared to the previous one, while the share of dumped imports of Cucumbers from the Republic of Türkiye relative to consumption increased by 12.59% in absolute terms and by 11.69% in relative terms.

**Table 6.3.1.2.**

Indicators	2021	2022	2023	Q2 2023 - Q1 2024
<b>Price of dumped imports of Cucumbers , USD/ t</b>	<b>828</b>	<b>952</b>	<b>1,138</b>	<b>1,173</b>
<i>Dynamics compared to the previous period, %</i>	-	14.93	19.52	3.10
<i>Dynamics compared to the base period, %</i>	100	14.93	37.37	41.63
<b>Prices of imports into Ukraine of cucumbers originating from third countries, USD/ t</b>	<b>1,352</b>	<b>1,398</b>	<b>1,393</b>	<b>1,401</b>
<i>Dynamics compared to the previous period, %</i>	-	3.37	-0.32	0.56
<i>Dynamics compared to the base period, %</i>	100	3.37	3.04	3.62
<b>Selling prices of Cucumbers by a national producer on the domestic market, USD/t</b>	[...]	[...]	[...]	[...]
<i>Dynamics compared to the previous period, %</i>	-	23.09	18.27	0.38
<i>Dynamics compared to the base period, %</i>	100	23.09	45.58	46.14

<b>Full cost of cucumbers of the national producer, USD/ t</b>	[...]	[...]	[...]	[...]
<i>Dynamics compared to the previous period, %</i>	-	23.49	-8.32	-1.62
<i>Dynamics compared to the base period, %</i>	100	23.49	13.21	11.38

The import prices of cucumbers to Ukraine originating from third countries during the study period were higher than the prices of dumped imports of cucumbers from the Republic of Türkiye, as well as the selling prices and cost price of the National Producer of Cucumbers.

Volumes and prices of imports of Tomatoes from third countries

**Table 6.3.2.1.**

<b>Indicators</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>	<b>Q2 2023 - Q1 2024</b>
<b><i>Import of Tomatoes from third countries</i></b>				
<b>Total volume of imports of Tomatoes, thousand tons</b>	<b>101.9</b>	<b>93.9</b>	<b>95.3</b>	<b>97.8</b>
<i>Dynamics compared to the previous period, %</i>	-	-7.85	1.49	2.62
<i>Dynamics compared to the base period, %</i>	100	-7.85	-6.48	-4.02
<b>Volume of imports of Tomatoes from third countries, thousand tons</b>	<b>10.2</b>	<b>25.9</b>	<b>14.9</b>	<b>14.9</b>
<i>Dynamics compared to the previous year, %</i>	-	154.48	-42.27	-0.27
<i>Dynamics compared to the base year, %</i>	100	154.48	46.92	46.52
<b>Share of imports of Tomatoes from third countries in total imports of Tomatoes, %</b>	<b>10.0</b>	<b>27.6</b>	<b>15.7</b>	<b>15.2</b>
<i>Dynamics compared to the previous period, %</i>	-	176.16	-43.11	-2.82
<i>Dynamics compared to the base period, %</i>	100	176.16	57.10	52.66
<b>Share of imports of Tomatoes originating from third countries relative to consumption of Tomatoes, %</b>	[...]	[...]	[...]	[...]
<i>Dynamics compared to the previous period, %</i>	-	214.13	-47.34	-2.95
<i>Dynamics compared to the base period, %</i>	100	214.13	65.44	60.55

Import volumes from third countries (except Türkiye) increased by 46.52% during the study period. At the same time, against the background of a decrease in total imports of Tomatoes by 4.02%, the share of imports from third countries in total imports during the study period increased by 52.66%. The share of imports of Tomatoes from third countries in relation to consumption during the study period increased by 60.55%.

**Table 6.3.2.2.**

<b>Indicators</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>	<b>Q2 2023 - Q1 2024</b>
<b>Price of dumped imports of Tomatoes , USD/ t</b>	<b>584</b>	<b>882</b>	<b>1,116</b>	<b>1,150</b>
<i>Dynamics compared to the previous period, %</i>	-	51.02	26.50	3.10
<i>Dynamics compared to the base period, %</i>	100	51.02	91.05	96.98
<b>Prices of imports into Ukraine of Tomatoes originating from third countries, USD/ t</b>	<b>997</b>	<b>1,128</b>	<b>1,789</b>	<b>1,882</b>
<i>Dynamics compared to the previous period, %</i>	-	13.05	58.70	5.16
<i>Dynamics compared to the base period, %</i>	100	13.05	79.40	88.67
<b>Selling prices of Tomatoes by national producers on the domestic market, USD/t</b>	[...]	[...]	[...]	[...]
<i>Dynamics compared to the previous period, %</i>	-	27.02	-19.07	3.35
<i>Dynamics compared to the base period, %</i>	100	27.02	2.80	6.24

<b>Full cost of Tomatoes of the national producer, USD/ t</b>	[...]	[...]	[...]	[...]
<i>Dynamics compared to the previous period, %</i>	-	41.86	-35.65	13.78
<i>Dynamics compared to the base period, %</i>	100	41.86	-8.71	3.87

The prices of imports of Tomatoes into Ukraine originating from third countries during the study period were significantly higher than the prices of dumped imports of Tomatoes from the Republic of Türkiye, as well as the selling prices and cost of goods of the National Producer of Tomatoes (except for 2021-2022).

Thus, an analysis of the dynamics of imports of Cucumbers and Tomatoes from third countries and the conditions of their implementation shows that it could not have a significant negative impact on the indicators of the National Producer of Cucumbers and the National Producer of Tomatoes .

#### ***Market contraction or changes in consumption patterns***

The Ukrainian market research was conducted taking into account its distribution among individual market participants, which ensures a fair assessment of the situation.

#### ***Development of technology and engineering***

As part of the investigation, no information was received from interested parties regarding the development of technology and equipment that significantly changes the physical or qualitative characteristics of the Goods or the presence of significant differences in production technology.

#### ***Export activity of a national producer***

According to the response to the questionnaire for the domestic producer and additional requests, the Ministry established that the National Producer of Cucumbers and the National Producer of Tomatoes sold a share of their products on foreign markets. The indicators are given in the table below.

**Table 6.3.3.1.**

<b>Indicators</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>	<b>Q2 2023 - Q1 2024</b>
<b><i>Export activities of the National Producer of Cucumbers</i></b>				
<b>Export sales volumes of Cucumbers by the Applicant's enterprises, thousand tons</b>	[...]	[...]	[...]	[...]
<i>Dynamics compared to the previous period, %</i>	-	-34.16	45.88	-92.94
<i>Dynamics compared to the base period, %</i>	100	-34.16	-3.95	-93.22
<b>Share of Cucumber exports in the total production of the National Producer of Cucumbers, %</b>	[...]	[...]	[...]	[...]
<i>Dynamics compared to the previous period, %</i>	-	30.72	36.87	-93.70
<i>Dynamics compared to the base period, %</i>	100	30.72	78.91	-88.72
<b>Profit/loss from export sales of cucumbers, UAH million</b>	[...]	[...]	[...]	[...]
<i>Dynamics compared to the previous period, %</i>	-	-52.09	484.18	-94.57
<i>Dynamics compared to the base period, %</i>	100	-52.09	179.90	-84.80
<b>Profit/loss from export sales of cucumbers, million USD</b>	[...]	[...]	[...]	[...]
<i>Dynamics compared to the previous period, %</i>	-	-59.65	417.20	-94.59
<i>Dynamics compared to the base period, %</i>	100	-59.65	108.68	-88.72
<b><i>Export activities of the National Producer of Tomatoes</i></b>				

<b>Export sales volumes of Tomatoes by the Applicant's enterprises, thousand tons</b>	[...]	[...]	[...]	[...]
<i>Dynamics compared to the previous period, %</i>	-	-72.55	-31.63	-73.13
<i>Dynamics compared to the base period, %</i>	100	-72.55	-81.23	-94.96
<b>Share of Tomato exports in the total production of the National Producer of Tomatoes, %</b>	[...]	[...]	[...]	[...]
<i>Dynamics compared to the previous period, %</i>	-	-18.45	-70.13	-73.50
<i>Dynamics compared to the base period, %</i>	100	-18.45	-75.64	-93.55
<b>Profit/loss from export sales of Tomatoes, UAH million</b>	[...]	[...]	[...]	[...]
<i>Dynamics compared to the previous period, %</i>	-	-73.68	76.61	-93.68
<i>Dynamics compared to the base period, %</i>	100	-73.68	-53.51	-97.06
<b>Profit/loss from export sales of Tomatoes, million USD</b>	[...]	[...]	[...]	[...]
<i>Dynamics compared to the previous period, %</i>	-	-77.76	55.74	-93.68
<i>Dynamics compared to the base period, %</i>	100	-77.76	-65.37	-97.81

During the study period, there was a sharp decrease in the volume of Cucumber exports (by 93.22%) and Tomato exports (by 94.96%). At the same time, the share of Cucumber exports in the total production of the National Commodity Producer decreased by 88.72%, and the share of Tomato exports in it decreased by 93.55%.

It should be noted that during the investigation period, the profit from the sale of varieties of the Goods for export in relative terms significantly decreased: for Cucumbers - by 94.57% in hryvnia equivalent and by 94.59% in dollar equivalent, for Tomatoes - by 93.68% both in hryvnia equivalent and in dollar equivalent. A similar trend of decreasing profit from the sale of varieties of Goods for export is observed compared to 2021: for Cucumbers - by 84.80% in hryvnia equivalent and by 88.72% in dollar equivalent, for Tomatoes - by 97.06% in hryvnia equivalent and by 97.81% in dollar equivalent). Despite the above, the export activities of the National Commodity Producer were profitable.

Thus, the determination of injury was carried out, primarily, in relation to the activities of the national producer of varieties of the Goods on the domestic market of Ukraine and the aggregate assessment of all economic factors.

#### 6. 4. Comments from interested parties

Interested parties from the Republic of Türkiye in their comments noted the absence of a causal link between the import of the Goods and the alleged injury to the national producer. In particular, they noted the presence of other factors that could have had a negative impact on the activities of the national producer, such as military aggression by the Russian Federation against Ukraine and imports from third countries.

It is worth noting that the fact of significant damage to the national producer by dumped imports from the Republic of Türkiye is confirmed by the fact that during the study period, dumped imports to Ukraine increased: for Cucumbers - in absolute terms by 15.01%, relative to production by 88.73% and consumption by 30.14%, for Tomatoes - only relative to consumption by 26.70%. At the same time, the prices of dumped imports were significantly lower than the prices of the National Producer for Cucumbers and Tomatoes (except for 2023 - 1st quarter of 2024) and below the cost of similar varieties of the National Producer's Goods for Cucumbers and Tomatoes (except for 2023 ) and, taking into account the growth of dumped imports on the Ukrainian market, this situation had a negative impact on the pricing policy of the national producer, which ultimately led to a sharp deterioration in the financial position of the national producer.

At the same time, the national producer notes that imports of goods originating from other countries could not have a significant negative impact on the enterprises of the national producer. unlike imports originating from the Republic of Türkiye.

As already noted above, the shares of imports of varieties of the Goods from third countries in the total import volumes were less than the shares of dumped imports from the Republic of Türkiye, and on the domestic market of Ukraine they were quite insignificant, compared to the shares of imports from the Republic of Türkiye and the shares of the Applicant in terms of varieties of the Goods. Thus, the analysis of the dynamics of import volumes from third countries and the conditions of its implementation shows that such imports could not have a significant negative impact on the indicators of the National Producer of Cucumbers and the National Producer of Tomatoes.

#### **The Ministry's conclusion to the section**

Based on the results of the study, the Ministry established the fact of supply of varieties of Goods of origin from the Republic of Türkiye at dumped prices. At the same time, due to dumped imports, a number of financial and economic indicators of the National Producer of Cucumbers and the National Producer of Tomatoes deteriorated . At the same time, there is a possibility of a significant increase in dumped imports of varieties of Goods originating from the Republic of Türkiye, which threatens to cause significant damage to the enterprises of the National Producer of Cucumbers and the National Producer of Tomatoes.

During the investigation of the price of dumped imports of varieties of Goods originating in the Republic of Türkiye were lower than the prices of similar varieties of the National Commodity Producer of Cucumbers and the National Commodity Producer of Tomatoes on the domestic market of Ukraine and their cost price .

prices from third countries were higher than the prices of the Applicant's similar Product on the domestic market during the investigation period.

Other factors did not have a decisive negative impact on the Applicant's activities.

Thus, the conditions for the import of varieties of Goods from the Republic of Türkiye confirm the existence of a causal link between dumped imports and the damage caused to the enterprises of the National Producer of Cucumbers and the National Producer of Tomatoes.

## 7. National interests

Within 60 days from the date of publication of the notice of initiation of the investigation, the Ministry considered written comments and information regarding the initiation of the investigation, as well as the compliance of the application of anti-dumping measures with the national interests of Ukraine.

Taking into account the comments of interested parties and information obtained during the investigation (from the complaint, responses of domestic enterprises to questionnaires, and responses of state authorities to inquiries), the Ministry determined whether national interests required the application of anti-dumping measures.

In accordance with the provisions of Part One of Article 36 of the Law, the study of the national interests factor was based on an assessment of all interests, in particular:

- interests of the national producer and its investments;
- interests of consumers of the product;
- employment of the population of Ukraine;
- international economic interests of Ukraine.

### 7.1. Interests of the national producer

The applicant emphasizes that the enterprises of the national commodity producer form the basis of the national industrial production of cucumbers and tomatoes in closed ground. The total area of greenhouses of the enterprises of the national commodity producers covers more than [ ... ] square meters. Such production areas allow the national producer to provide Ukrainian consumers with fresh cucumbers and tomatoes for most of the year, regardless of weather conditions. All enterprises of the national producer are more focused on meeting the needs of the domestic market, although some enterprises also carry out export activities.

The national producer monitors global technological progress and makes active efforts to implement advanced technologies for the production of greenhouse vegetables and purchase high-quality modern equipment, which has a positive impact on the taste characteristics of products.

In general, the enterprises of the National Commodity Producer are guided by high quality standards in their activities. The products of both the National Commodity Producer of Cucumbers and the National Commodity Producer of Tomatoes comply with state product quality standards: DSTU 3247-95 "Fresh Cucumbers. Technical Conditions" and DSTU 3246-95 "Fresh Tomatoes. Technical Conditions".

The quality of products manufactured by the enterprises of the national producer is also confirmed by the fact that the products of individual enterprises have received certificates from the certification body TUV HELLAS (TUV Nord) SA, confirming the compliance of the products with the voluntary international standards for unprocessed food products GLOBALG.AP, developed on the basis of HACCP guidelines.

The application of anti-dumping measures will allow Ukrainian producers to increase production volumes (as already noted, certain producers of goods were forced to stop producing fresh cucumbers in certain periods due to the inexpediency of growing them), as well as to restore the level of utilization of production capacities of agricultural enterprises, which will contribute to increasing sales of goods on the domestic market of Ukraine. Obtaining a reasonable profit at the enterprises of the national producer will allow to direct funds to expand production, increase the assortment groups of varieties of goods, introduce new varieties and varieties of products into production, which will ultimately lead to a decrease in cost, expansion of the variety line of varieties of Goods to better satisfy consumer needs with quality products.

Also, the Applicant emphasized that if the conditions of competition are leveled due to anti-dumping duties, the number of greenhouse farms will increase (including due to relevant grant



programs), which will promote the interests of consumers. Moreover, producers will be able to grow more vegetables in the same greenhouses, which will reduce the cost and, accordingly, the price. Currently, fresh cucumbers and fresh tomatoes are grown only in the volume that they can sell.

At the same time, the Applicant notes that the presence of significant volumes of dumped imports from the Republic of Türkiye on the Ukrainian market causes significant harm to the national producer. In this regard, the introduction of anti-dumping measures on imports of fresh cucumbers and fresh tomatoes originating in the Republic of Türkiye will allow:

- protect the interests of Ukraine by preserving the largest existing production of cucumbers and tomatoes;
- increase the utilization of production capacities of agricultural enterprises of the national commodity producer to the level of full utilization and prevent the shutdown of existing ones greenhouse enterprises equipped with the latest technologies;
- national producers of goods should reach a level of profits sufficient for the further development of the industry;
- attract additional investments for the implementation of planned projects for further restoration, re-equipment and modernization of production;
- increase employment levels and wage levels in the regions ;
- to provide the consumer with high-quality products of national production.

## **7.2. Consumer interests**

The national producer emphasizes that the application of anti-dumping measures is in the interests of consumers, which in particular consists in protecting consumers from being forced out of the Ukrainian market by a national producer, which in the medium term will inevitably lead to foreign producers raising prices for their own products as soon as the national producer slows down and/or stops production.

In addition, it is worth noting that for consumers, when purchasing, ordering or using products sold in Ukraine to meet their personal needs, effective communication with the manufacturer is important in terms of protecting personal rights, namely:

- protection of one's rights by the state;
- proper quality of products and services ;
- product safety ;
- necessary , accessible, reliable and timely information about the product, its quantity , quality , assortment , as well as about its manufacturer (performer, seller );
- compensation for damage (losses) caused by defective or counterfeit products or products of inadequate quality, as well as property and moral (non-property) damage caused by dangerous for life and health people with products in cases provided for by law .

Therefore, prompt correction of the situation and consideration of consumer needs, etc., is possible primarily with Ukrainian manufacturers .

## **7.3. Employment of the population**

The impact of dumped imports, which are the subject of an anti-dumping investigation, on employment is an important factor of Ukraine's national interest, as further displacement of domestic producers from the domestic market may lead to the closure (bankruptcy) of greenhouse farms and a decrease in the number of workers employed in both production and sales of goods.

The enterprises of the national producer play an important social role in the regions of Rivne, Kharkiv, Kyiv, Poltava, Zhytomyr, Donetsk, Dnipropetrovsk and Cherkasy regions. The Applicant's greenhouse farms provide decent working conditions for almost [...] thousand workers , who are

mostly located in rural areas, and also contribute to the development of adjacent industries. This is important in the context of high unemployment in Ukraine, which as of 2023 was 18 %.

Moreover, the enterprises of the national producer are conscientious payers of taxes and fees . During the research period, enterprises paid more than [ ...] million UAH to the State and local budgets . Also, enterprises take an active public position, directing funds to charitable assistance [ ...] million UAH ( including to development of regions, support for the Armed Forces of Ukraine and social and humanitarian projects of territorial communities ).

In view of the above, the continuation of dumped imports of the Goods from the Republic of Türkiye will lead to a further deterioration in the financial results of the enterprises of the national producer, and will also create conditions for the slowdown and/or suspension of the cultivation of cucumbers and tomatoes, which in turn will lead to significant losses of capacity in the greenhouse industry. Such a step will also have a number of other consequences:

- dismissal of employees, which in turn will lead to increased social tension in the regions and will affect the increase in government spending on unemployment benefits;
- cessation of fulfillment of all tax and social obligations by enterprises of the national commodity producer, which directly affects the development of the investment climate in the regions where greenhouse farms are located;
- the absolute dependence of Ukrainian consumers on the import of fresh cucumbers and fresh tomatoes from abroad, as well as the inevitable increase in prices for their own products by foreign producers.

Thus, the application of anti-dumping measures will have a positive impact on the level of employment of the population. It will enable the Applicant to increase the production of similar goods and their sale on the domestic market of Ukraine, create new jobs, implement investment programs, support innovative startups, and carry out social and public activities in the regions.

#### **7.4. International interests**

In the opinion of the Applicant, the Federation of Employers of Ukraine and the Association "Greenhouses of Ukraine", the introduction of anti-dumping measures on the import of fresh cucumbers and fresh tomatoes originating from the Republic of Türkiye is in line with the international economic interests of Ukraine.

They separately emphasized that despite the current situation in connection with the military aggression of the Russian Federation against Ukraine, the Republic of Türkiye continues to cooperate closely with Russia, both in political and economic areas, and to benefit from such cooperation. It was noted that Turkish manufacturers fresh vegetables and fruits continue to trade actively with Russia. Thus, in April 2023, exports of fresh vegetables and fruits from the Republic of Türkiye to Russia increased by 25 %, as a result of which Russia became the main importer of the relevant Turkish products. As for cucumbers and tomatoes themselves, Russia ranked third and fourth in the structure of Turkish exports in Q2 2023 - Q1 2024 , respectively .

Moreover, the Applicant , the Federation Employers of Ukraine and the Association "Greenhouses of Ukraine" emphasized that the issue of protecting the national production of fresh cucumbers and fresh tomatoes from dumped imports originating from the Republic of Türkiye is particularly relevant, since on February 3, 2022, a Free Trade Agreement was concluded between Ukraine and the Republic of Türkiye ("FTA Agreement"), which was ratified by the Turkish Republic 02.08.2024 . In accordance with Annex I to the FTA Agreement, all duties on goods originating from the other party shall be abolished from the date of entry into force of the agreement. Therefore, such liberalization will also apply to cucumbers and tomatoes from the Republic of Türkiye. Currently, a draft law on the ratification of the said agreement is registered in the Verkhovna Rada of Ukraine [...] . The entry into force of the said Agreement will lead to a reduction in the import duty on cucumbers and tomatoes imported from the Republic of Türkiye (from 10 % to 0 % ), which will

further strengthen the position of the Republic of Türkiye in the Ukrainian market and lead to an increase in the damage caused to Ukrainian producers.

At the same time, the Applicant noted that increased cooperation between Ukrainian and Turkish enterprises carries the risk of increasing the presence of Turkish products on the Ukrainian market, which cannot meet Ukraine's international economic interests, especially if such a presence destroys Ukraine's national industry. Therefore introduction of all possible support measures, in particular by introducing anti-dumping measures to protect national commodity producers in the greenhouse sector, meets the international economic interests of Ukraine.

For its part, the Federation of Employers of Ukraine also emphasized the importance of protecting the national producer from dumped imports from the Republic of Türkiye, as this is in line with the Strategy of Economic Security of Ukraine for the period until 2025 (in accordance with the decision of the National Security and Defense Council of Ukraine dated August 11, 2024 "On the Strategy of Economic Security of Ukraine for the period until 2025", put into effect by the Decree of the President of Ukraine dated August 11, 2021 No. 347/2021). Among other things, the Strategy identifies "excessive penetration of imports into the domestic market and the displacement of Ukrainian producers from it" as one of the main challenges and threats in the field of industrial security. At the same time, attention is drawn to the mechanisms for protecting Ukrainian producers in the field of trade protection, which are directly indicated in the provisions of this Strategy. Therefore, preserving national production is a priority task of the state.

Also, the Applicant and the Federation of Employers of Ukraine focused on a number of initiatives of the President of Ukraine regarding programs to support national producers ("Made in Ukraine", "Buy Ukrainian", preferential lending program for processors "5-7-9", grants for the development of greenhouse farming, etc.), which are aimed specifically at successful development of Ukrainian production, not on bankruptcy due to unscrupulous imports.

*For reference: Interested parties (Applicant, Federation of Employers of Ukraine, Association "Greenhouses of Ukraine") separately drew attention to grant programs for the creation or development of businesses in the greenhouse sector.*

*According to the Ministry of Agrarian Policy and Food of Ukraine (hereinafter referred to as the Ministry of Agrarian Policy), the government grant program "eWork" has been operating since July 1, 2022, which provides support for small and medium-sized businesses. Among its advantages is the opportunity for anyone who wishes to create or develop their own business in the areas of "Your Business", "Your Garden", "Your Greenhouse", "New Level". By Resolution of the Cabinet of Ministers of Ukraine dated June 21, 2022 No. 738 "Some issues of providing business grants" were approved in particular "Procedure for granting grants for the creation or development of a greenhouse farm". To implement the relevant procedure, the Ministry of Agrarian Policy approved the Procedure for making a decision by the Ministry of Agrarian Policy on granting a grant for the creation or development of a greenhouse farm; Form of an agreement on granting a grant for the creation or development of a greenhouse farm; Form of information on the list of recipients of a grant for the creation or development of a greenhouse farm; Form of an application for cancellation of a decision on granting a grant for the creation or development of a greenhouse farm. Also, the Ministry of Agrarian Policy approved a Model Project of a Modular Greenhouse.*

*During the period of the program, the Ministry of Agrarian Policy adopted [...] orders for the creation or development of greenhouse farming [...].*

*According to the decisions made on granting a grant in the greenhouse industry, it is planned to create [...] permanent, [...] seasonal jobs, and the area of the greenhouses will be [...] hectares. [...].*

*Thus, supporting the greenhouse business in Ukraine is currently one of the priority areas of support for Ukrainian business.*

Summarizing the above, international Economic interests consist in ensuring the existence of fair competitive conditions for trade in goods on the basis of fair market competition. International agreements to which Ukraine is a party, in particular the WTO Agreement on Implementation of Article VI of the GATT 1994, provide for the possibility of applying anti-dumping measures on imports. The restoration of competitive conditions as a result of the application of anti-dumping measures on goods originating in the Republic of Türkiye will not contradict WTO rules. Thus, the application of anti-dumping measures to stop harm to the national producer is fully consistent with Ukraine's international obligations.

#### **7.5. The need to restore competition and eliminate the impact of imbalances in trade resulting from dumped imports**

The national producer noted that anti-dumping measures are not a ban on Turkish imports, but an element of equalizing the conditions of competition in the market, which will lead to the diversification of import supplies of cucumbers and tomatoes to Ukraine, in particular due to imports from the EU. At the same time, he noted that the Republic of Türkiye has almost completely displaced European producers from the Ukrainian market, despite the fact that European producers are not subject to duties on varieties of the Goods, which is the subject of the investigation, while a 10% duty is applied to Turkish producers. The application of anti-dumping measures is necessary to improve Ukraine's trade balance. [...]. In addition, it is noted that the Republic of Türkiye has a significant advantage in imports to Ukraine, compared to exports from Ukraine to the Republic of Türkiye. Only during the investigation period, Ukrainian consumers paid Turkish suppliers of the Goods [...] million USD for fresh cucumbers and [...] million USD for fresh tomatoes. Thus, it is noted displacement dumped imports Ukrainian commodity producers from the domestic market. If dumped imports continue, the imbalance in trade will only increase.

[...].

The application of anti-dumping measures can prevent capital outflow and deterioration of Ukraine's trade balance by supporting domestic production in Ukraine in the form of anti-dumping measures and increasing Ukraine's investment attractiveness for foreign investors.

#### **7.6. Stakeholder comments on national interests**

As part of the investigation, interested parties from the Republic of Türkiye, namely: the Ministry of Trade of the Republic of Türkiye (through the Embassy of Ukraine in the Republic of Türkiye), the Turkish Exporters' Union BATI AKDENİZ İHRACATÇILAR BİRLİĞİ GENEL SEKRETERLİĞİ, the Turkish Exporters' Association AEGEAN EXPORTERS ASSOCIATIONS and the foreign exporter TALYA FRESH TARIM İTHALAT İHRACAT SANAYİ VE TİCARET LİMİTED ŞİRKET, in their comments on the initiation of the investigation and position papers for the hearings, expressed their considerations regarding the assessment of the main factors of national interest, especially regarding the interests of consumers.

In accordance with Part Two of Article 36 of the Law, applicants, importers, their associations, consumers and their organizations may, within the time limits specified in the notice of initiation of an anti-dumping investigation, express their point of view and submit to the Ministry information on the compliance of the application of anti-dumping measures with national interests for consideration by the Commission when making the relevant decision.

Such information or a relevant summary thereof may be transmitted by the Ministry to other parties specified in this article, who may submit relevant comments.

Taking into account the above (including in paragraph 7.2 of this section), the Applicant provided its views on the issue raised and comprehensively substantiated counterarguments regarding the impact of anti-dumping measures on the interests of consumers. The Applicant also noted that issues regarding national interests (including the breakdown of its individual factors) are beyond the

powers of the above-mentioned interested parties, within the meaning of the provisions of part two of Article 36 of the Law.

**The Ministry's conclusion to the section**

Based on the results of the study, the Ministry concluded that the application of anti-dumping measures on the import into Ukraine of varieties of Goods originating from the Republic of Türkiye would not contradict national interests.

## 8. Planned actions of the Applicant in the event of the application of definitive anti-dumping measures

Each of the enterprises of the national commodity producer has its own plans for the development of the enterprise in the medium term. The implementation of these plans depends on the financial capacity of the enterprises, which in turn depends on the volumes of product sales and the profitability of production.

The enterprises of the national producer note that currently the dumped import of Goods from the Republic of Türkiye threatens not only the implementation of these plans, but also the existence of the industry for growing fresh cucumbers and fresh tomatoes, since it is precisely as a result of dumped imports that the enterprises of the national producer are forced to reduce the volumes of production and sales of products and work with negative profitability (which in the medium term may lead to the cessation of production of goods in Ukraine).

### List of planned actions to increase the competitiveness of the Goods by enterprises of the national commodity producer

Table 8.1.

No. s/n	West	Approximate investment*	Comment
<b>POSP "Uman Greenhouse Plant"</b>			
[...]	[...]	[...]	[...]
<b>LLC "Greenhouse Plant "Dniprovsky"</b>			
[...]	[...]	[...]	[...]
<b>PrJSC "Zmiiv Vegetable Factory"</b>			
[...]	[...]	[...]	[...]
<b>LLC "Vegetable Plant Stanyshivka"</b>			
[...]	[...]	[...]	[...]
<b>PrJSC "Greenhouse Plant"</b>			
[...]	[...]	[...]	[...]
<b>LLC "Perspektiva"</b>			
[...]	[...]	[...]	[...]

\* [ ... ]

The national producer also noted that the implementation of the above-mentioned projects will allow to restore and modernize production, introduce the latest energy-saving technologies, both in the heating system and in lighting at enterprises, increase competitiveness, improve the level of social security for employees and create additional jobs, as well as promote regional development.

## 9. Final conclusions and recommendations of the Ministry

As part of the investigation, the Ministry reached the following conclusions:

1. The applicant is a qualified national producer within the meaning of the provisions of paragraph 16 of Article 1 and Article 11 of the Law.
2. Goods of Ukrainian origin within the meaning of paragraph 26 of Article 1 of the Law are similar to the Goods that are the subject of the investigation.
3. During the investigation period, imports into Ukraine of Goods originating in the Republic of Türkiye were carried out at dumped prices.
4. There has been a deterioration in the key financial and economic indicators of the national producer. In addition, there is a possibility of a significant increase in the volume of dumped imports into Ukraine of goods originating from the Republic of Türkiye, which will threaten to cause significant harm to the national producer in the future.
5. There is a causal link between the dumped imports of the Goods into Ukraine and the material injury caused to the national producer. The influence of other factors, except for dumped imports, was not of decisive importance on the state of the national producer.
6. The application of anti-dumping measures on the import into Ukraine of goods originating in the Republic of Türkiye does not contradict national interests.

Thus, the results of the anti-dumping investigation showed that there is sufficient evidence and grounds to submit to the Commission recommendations regarding the appropriateness of applying definitive anti-dumping measures on imports into Ukraine of fresh cucumbers and fresh tomatoes originating in the Republic of Türkiye.

In accordance with the requirements of Article 16 of the Law, it is proposed to apply definitive anti-dumping measures to the Goods originating in the Republic of Türkiye, which have the following description:

" cucumbers, gherkins, fresh or chilled, classified in commodity subheading 0707 00 according to the UKT FEA; and  
tomatoes, fresh or chilled, classified in commodity subcategory 0702 00 00 00 according to the UKT Foreign economic activity (hereinafter referred to as the Goods) "  
".

During the anti-dumping investigation, the Ministry calculated:

- dumping margin for Goods originating in the Republic of Türkiye :
  - for TALYA FRESH TARIM ITHALAT IHRACAT SANAYI VE TICARET LIMITED ŞİRKETİ, a foreign exporter of fresh cucumbers originating from the Republic of Türkiye – 20,1%;
  - for TALYA FRESH TARIM ITHALAT IHRACAT INDUSTRY VE TICARET LIMITED ŞİRKETİ foreign exporter of fresh tomatoes originating from the Republic of Türkiye – 25%;
  - for other producers and/or exporters of fresh cucumbers – 22,8%;
  - for other producers and/or exporters of fresh tomatoes – 26,9%.
- injury margin for Goods originating in the Republic of Türkiye:
  - for fresh cucumbers – 70,35 %;
  - for fresh tomatoes – 69,54 %.

In accordance with paragraph 3 of part five of Article 16 of the Law, the rate of the definitive

anti-dumping duty shall not exceed the dumping margin and may be less than this margin if such rate is sufficient to prevent injury to the domestic producer.

Taking into account the above, it is proposed to apply definitive anti-dumping measures on imports into Ukraine for a period of five years. fresh cucumbers and fresh tomatoes originating in the Republic of Türkiye by imposing a definitive anti-dumping duty. The rate is given below:

- for **TALYA FRESH TARIM ITHALAT IHRACAT SANAYI VE TICARET LIMITED ŞİRKETİ**, a foreign exporter of fresh cucumbers originating from the Republic of Türkiye – **20,1%**;
- for **TALYA FRESH TARIM ITHALAT IHRACAT SANAYI VE TICARET LIMITED ŞİRKETİ**, a foreign exporter of fresh tomatoes originating from the Republic of Türkiye – **25,0%**;
- for other producers and/or exporters of fresh cucumbers originating from the Republic of Türkiye – **22,8%**;
- for other producers and/or exporters of fresh tomatoes originating from the Republic of Türkiye – **26,9%**.