

VAN BAEL & BELLIS

**Application for partial interim review of the
countervailing measures on imports of certain rainbow
trout originating in Turkey**

**Selina Balik Isleme Tesis Ithalat Ihracat Ve Ticaret
Anonim Sirketi**

EXECUTIVE SUMMARY



1. BACKGROUND

Following the initiation of an anti-subsidy investigation on 15 February 2014, the European Commission imposed definitive countervailing duties on imports of rainbow trout originating in Turkey by means of Implementing Regulation (EU) 2015/309 of 26 February 2015. The applicable countervailing duties range from 6,9% to 9,5%.

On 20 July 2017, the Commission initiated a partial interim review in relation to all Turkish exporting producers, which was terminated by Implementing Regulation (EU) 2018/823.

On 22 May 2019, the Commission initiated a partial interim review limited in scope to the Turkish exporting producer BAFA Su Ürünleri Yavru Üretim Merkezi Sanayi Ticaret AŞ. By Implementing Regulation (EU) 2020/658 of 15 May 2020, the Commission amended the level of the individual duty applicable to the above-mentioned producer.

On 27 February 2020, the Commission initiated an expiry review of the measures imposed by Implementing Regulation (EU) 2015/309, which is currently ongoing.

2. APPLICANT

The present request is filed on behalf of Selina Balık İşleme Tesis İthalat İhracat ve Ticaret Anonim Şirketi (hereinafter, "**Selina Balık**" or the "**Applicant**"), a Turkish processor of trout, and its related entities.

For the reasons set out below, the Applicant respectfully requests the Commission to initiate a partial interim review pursuant to Article 19(1) of Council Regulation (EC) No 2016/1037 (hereinafter, the "**Basic Regulation**") aimed at determining an individual countervailing duty for the Applicant.

3. PRODUCT CONCERNED

The product concerned by this request is the same as that covered by Implementing Regulation (EU) 2015/309 imposing a definitive countervailing duty on imports of certain rainbow trout originating in Turkey, i.e. *"rainbow trout (Oncorhynchus mykiss) live weighing 1.2 kg or less each, or fresh, chilled, frozen and/or smoked, in the form of whole fish (with heads on), whether or not gilled, whether or not gutted, weighing 1.2 kg or less each, or with heads off, whether or not gilled, whether or not gutted, weighing 1 kg or less each, or in the form of fillets weighing 400 g or less each originating in Turkey"*.

The product concerned currently falls within CN codes ex 0301 91 90, ex 0302 11 80, ex 0303 14 90, ex 0304 42 90, ex 0304 82 90 and ex 0305 43 00 (TARIC codes 0301 91 90 11, 0302 11 80 11, 0303 14 90 11, 0304 42 90 10, 0304 82 90 10 and 0305 43 00 11).

4. GROUNDS FOR REVIEW

The request is justified by a significant change of circumstances which is of lasting nature and which makes the continued imposition of the measures at their current levels no longer necessary to offset the injurious subsidisation in the Applicant's particular situation.

- At the outset it must be noted that throughout the original investigation the Applicant was *de facto* part of the sampled Turkish exporter *Ternaeben Gida ve Su Urunleri Ithalat ve Ihracat Sanayi AS* (hereinafter, "**Ternaeben**"), with whom it had previously concluded a lease agreement. For this reason, the Applicant could not participate in the proceeding in its own name. However, the Applicant did cooperate in the original investigation under the name of Ternaeben. It follows that the application of the 9,5% duty results in an unfair treatment for the Applicant. The expiry of the lease agreement between Selina Balik and Ternaeben constitutes a significant change in circumstances compared to the situation existing during the investigation AS606. This change is of lasting nature as per Article 19(4) of the Basic Regulation. The effects of the termination of the contractual relationship between Selina Balik and Ternaeben is equivalent, in substance, to a corporate reorganisation through which the Applicant re-acquired its own decision-making power and independence, as it was the case before the entry into force of the lease agreement;
- In addition, the Applicant's request for partial interim review is justified by significant changes in the structure and the terms of the implementation of the subsidies granted by the Turkish Government. In this regard, reference is made to Implementing Regulation (EU) 2020/658, where the Commission acknowledged that, although the legislative reform of 2016 did not substantially affect the overall level of subsidies received for an important part of the Turkish trout producers, some of them received substantially less subsidies. This is indeed the case of the Applicant. Such conclusion is even more true considering that in 2019 the eligibility criteria for the granting of direct subsidies further changed compared to those analysed in Regulation (EU) 2020/658, with the effect of further decreasing the overall amount of subsidies paid to Turkish producers of trout.

5. INTERESTED PARTIES

See Annex.

Annex

Turkish exporters
Abaliođlu Su Ürünleri.Gıda Tar.İnş.İth.İhr.San.Tic.Ltd.Şti.
Abaliođlu Yem Soya Ve Teks.San .A.Ş.
Adasu Ürün. Turz.Inş. Ve Tic. Ltd. Şti.
Ahmet Bedirhanoglu Kuzey Balık
Akgöl Balıkçılık Su Üm.ÜR.Hay.Hay.Üm.Bak.İnş.Mal.İth.İhr.Ltd.Şti.
Akyol Su Üm.Ürt.Taş.Kom.İth.İhr.Paz.San. Ve Tic. Ltd Şti
Alima Su Ürünleri Ve Gıda San.Tic.A.Ş
Antalya Balık Turizm Gıda Taş. İnş.San.Ve Tic.A.Ş.
Asya Söğüt Su Ürünleri Üretim Dahili Paz.Ve İhr. Ltdşti
Bafa Su Ürünleri Yavru Üretim Merkezi Sanayi Ticaret Aş
Bal-Pi Gıda San.Ve Tic.Ltd.Şti
Bandırma Balıkçılık Gıda Nakliyat Soğuk Hava Tesisleri Akaryakit Turizm Ltd.Şti.
Baypa Bayhan Su Ürünleri San.Tic.A.Ş.
Blue Fish Su Ürünleri Ve Petrol İthalat İhracat Sanayi Ve Ticaret Anonim Şirketi
Callut Tarım Turizm Ve Su Ürün İth.İhr.San Tic Ltd Şti.
Dersu Alabalık Ür.Tur.Tic.San. Ltd.Şti.
Drs Gıda Ve Su Ürünleri Üretim Sanayi Ve Ticaret Limited Şirketi
Erba Su Ürünleri İthalat İhracat San. Ve Tic. Ltd.Şti
Fokaci Su Ürünleri Gıda Paz.Nak.San.Ve Tic.Ltd.Şti
Global Point Lojistik Tic.Ltd.Şti
Gms Su Ürünleri Üretim İth. Paz. San. Ve Tic. Ltd Şti
Gülport Liman Hizmetleri Tic. A.Ş.
Gümüşdođa Su Ürün.Üretim İhr Ve İth.Aş
Gümüşdođa Su Ürünleri Üretim İhracat İthalat Aş
Gümüş-Yel Su Ürünleri Üretim İhracat Ve İthalat Ltd Şti
Hakan Komandit Şirketi
Hamburg Gıda Sanayi Ticaret Anonim Şirketi
İlker Özer Özer Gıda Su Ürün. İthalat İhracat Ve Ticareti
İskele Su Ürünleri Hayv.Gıda Tur.Inş.Paz.İhr.Ltdşti
Karaköy Su Ürünleri Üretim Paz.Tic.İhr. Ve İth.Ltdşti
Kayhanlar Su Ürünleri Paz Ve Nak.Tic.Ltd.Şti
Keban Alabalık Su Ürünleri.Gıda Ürt.Paz.San.Ve Tic.A.Ş
Kemal Balıkçılık İhr.Ltd.Şti.
Kiriş Gıda Maddeleri Su Ürünleri Sanayi Ve Ticaret Anonim Şirketi
Klc Gıda Ürünleri İth.İhr.Ve Tic.A.Ş.
Kocaman Balıkçılık İhracat Ve İthalat Ticaret Anonim Şirketi
Kopuzmar Su Ürünleri San.Ve Diş Tic.A.Ş.
Kuzey Balıkçılık Gıda Tur.İth.İhr.San. Ve Tic.A.Ş.
Leröy Turkey Su Ürün. San. Ve Tic. A.Ş.
Mer Su Ürünleri Hayvancılık Nakliye Pazarlama İth. İhr. San .Ve T İc. A.Ş.
Mersin Üniversal Deniz.Gi.İnş Pet.İth.İhr.San.Ltd.Şti.
Mittos Su Ürünleri.Turzm.Petrol Nak.Enerj.Hayv.İhr.İth.San.Ve Tic.Ltd.Şti.
More Su Ürünleri Tic.A.Ş.
Neba Diş Tic.Ltd.Şti
Ömer Yavuz Balıkçılık Su Ürünleri. San.Ve Tic.Ltd.Şti
Önder Su Ürünleri Turizm.San. Tic.Ltd.Şti.

Özer Gıda Sanayi Ve Dış Ticaret Ltd. Şti.
Özgü Su Ürün. Üret. Tas. Komis. İth. İhr. Paz. San. Ve Tic. Ltd Şti
Özpekler İnşaat Taahhüd Dayanikli Tüketim Malları Su Ürünleri Sanayi Ve Ticaret Limited Şirketi
Özpekler İth.İhr. Su Ürün.San Ve Tic.Ltd.Şti.
Pakyürek Dış Tic.Ltd.Şti.
Penta Su Ürünleri Üretim Sanayi Ve Ticaret Anonim Şirketi
S.S.Yapağlı Köyü Tarımsal Kal. Kooperatifi
Şahlanlar Gıda San Ve Ticaret Ltd. Şti
Searay Su Ürünleri Sanayi Ve Ticaret Anonim Şirketi
Seçkin Turizm Balıkçılık San. Ve Tic.Ltd.Şti.
Selina Balık İşleme Tesisi İthalat İhracat Ve Ticaret Anonim Şirketi
Susan Gıda San.Ve Tic. Aş
Ternaeben Gıda Ve Su Ürünleri İthalat Ve İhracat Sanayi Ticaret Aş
Trust İç Ve Dış Ticaret Anonim Şirketi
Tumay Balıkçılık Gıda Dış Ticaret Sanayi Anonim Şirketi
Uluturhan Balıkçılık Turizm Ticaret Ve Limited Şirketi
Yahya Denizer Gıda Maddeleri Tic. Ve Nak. Ltd. Şti.
Yamakoğlu İnşaat Taahhüt Ve Dış Ticaret Ltd. Şti.
Yaşar Dış Tic.A.Ş
Yavuzlar Otomotiv Balık.San.Ve Tic.Ltd.Şti.
Zeon Dış Tic.Su Ürünleri Tarım Hayvancılık San Ve Tic.A.Ş

EU Associations of Producers (and their members)
Danish Aquaculture Organisation
Comité Interprofessionel des Produits de l'Aquaculture (CIPA)
Polish Trout Breeders Association
Asociación Empresarial de Acuicultura de España (APROMAR)
Associazione Piscicoltori Italiani (API)
Verband der Deutschen Binnenfischerei und Aquakultur e. V. (VDBA)
British Trout Association
Federation of European Aquaculture Producers (FEAP)