

**ASSOCIATION  
BETWEEN  
THE EUROPEAN UNION  
AND TURKEY**

**The Association Council**

**Brussels, 28 January 2022  
(OR. en)**

**UE-TR 4801/22**

**NOTE**

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From: Mr Dennis REDONNET, Deputy-Director General for Trade, European Commission  
On: 28 January 2022  
To: President of the EU-Turkey Association Council

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Subject: R735 – Partial interim review of the countervailing measures applicable to imports of certain rainbow trout originating in the Republic of Turkey  
Proposal to terminate the proceeding

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Your Excellency,

I have the honour to inform you that the Commission has sent to the Mission of Turkey to the European Union the enclosed General Disclosure Document concerning the above review.

In accordance with Article 46 of Decision No 1/95 of the EC-Turkey Association Council of 22 December 1995 on implementing the final phase of the Customs Union, I hereby inform the Customs Union Joint Committee that the Commission intends to terminate the partial interim review of the countervailing measures applicable to imports of certain rainbow trout originating in the Republic of Turkey. The partial interim review was limited in scope to the examination of subsidisation in so far the applicant, Selina Balik Isleme Tesis Ithalat Ihracat ve Ticaret Anonim Sirketi, was concerned.

I take this opportunity to renew to the President of the EU-Turkey Association Council the assurance of my highest consideration, and to assure you that you will be kept duly informed of any further developments.

*(e-signed)*

Denis REDONNET  
Deputy Director-General

Encl.: General Disclosure Document

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EUROPEAN COMMISSION  
DIRECTORATE-GENERAL FOR TRADE

Directorate G – Trade Defence  
Investigations I. Relations with Member States for Trade Defence Matters

Brussels, 21 January 2022  
trade.g.1(2022)287911

**GENERAL DISCLOSURE DOCUMENT**

**Subject:** R735 – Partial interim review of the countervailing measures applicable to imports of certain rainbow trout originating in the Republic of Turkey

**Proposal to terminate the proceeding without measures**

<b>SUBSIDY TEAM</b>
PEJCOCH Lukas – Head of Section SEJERSEN Tommy – Case Officer COXON Richard – Case Officer BUSELATO Marta – Case Officer  Email address: <a href="mailto:TRADE-R735-TROUT@ec.europa.eu">TRADE-R735-TROUT@ec.europa.eu</a>

## 1. PROCEDURE

### 1.1. Previous investigations and measures in force

- (1) By Commission Implementing Regulation (EU) 2015/309<sup>1</sup>, the Commission imposed definitive countervailing duties on imports of certain rainbow trout originating in the Republic of Turkey ('the original investigation').
  - (2) On 4 June 2018, following a partial interim review concerning subsidisation of all exporting producers, pursuant to Commission Implementing Regulation (EU) 2018/823<sup>2</sup>, the Commission decided to maintain the measures as established in the original investigation.
  - (3) It found that the legislative change in the Turkish legislation on subsidies to trout producers that was subject to the review did not justify revising the countervailing duties to all trout producers in Turkey. However, it was observed that the impact of the legislative change differed at individual company level<sup>3</sup>.
  - (4) On 15 May 2020, following a partial interim review, pursuant to Commission Implementing Regulation (EU) 2020/658<sup>4</sup>, the Commission amended the level of the countervailing duty with regard to one exporting producer.
  - (5) On 20 May 2021, following an expiry review, pursuant to Commission Implementing Regulation (EU) 2021/823<sup>5</sup>, the Commission decided to maintain the level of the countervailing duties as established in the original investigation and as amended by Commission Implementing Regulation (EU) 2020/658.
  - (6) It found that the expiry of the measures in force would have resulted in the continuation of subsidisation, as the subsidised exports of the product concerned to the Union would have continued in substantial volumes. In addition, given the massive spare capacity in Turkey, the attractiveness of the Union market, the price levels of imports from Turkey and their likely impact on the Union industry, there was a likelihood of continuation of injury should measures have been allowed to lapse and consequent recurrence of injury on the Union industry.
  - (7) To conclude, it was established that there were no compelling reasons of Union interest against the maintenance of the existing measures.
  - (8) The definitive countervailing duties currently in force range from 1.5% to 9.5%.
- ### 1.2. Initiation of a partial interim review
- (9) On 29 May 2020 the Commission received a request for a partial interim review of the countervailing duty in force pursuant to Article 19 of Regulation (EU) 2016/1037 of the European Parliament and of the Council of 8 June 2016 ('the

<sup>1</sup> OJL 56, 27.2.2015, p. 12.

<sup>2</sup> OJL 139, 5.6.2018, p. 14.

<sup>3</sup> Recital (49) of Commission Implementing Regulation (EU) 2018/823.

<sup>4</sup> OJL 155, 18.5.2020, p. 3.

<sup>5</sup> OJL 183, 25.5.2021, p. 5.

basic Regulation') lodged by the exporting producer Selina Balık Isleme Tesis Ithalat Ihracat ve Ticaret Anonim Sirketi ('the applicant'). The request for a partial interim review was limited in scope to the examination of subsidisation as far as the applicant was concerned.

(10) On 5 February 2021, the European Commission initiated an interim review of the countervailing measures applicable to imports into the Union of certain rainbow trout originating in the Republic of Turkey (the 'country concerned') pursuant to Article 19 of Regulation (EU) 2016/1037 of the European Parliament and of the Council of 8 June 2016 ('the basic Regulation'). It published a Notice of Initiation in the *Official Journal of the European Union* (the 'Notice of Initiation')<sup>6</sup>.

(11) The applicant argued that the circumstances justifying the existing countervailing measures appear to have changed and to be of a lasting nature in so far the applicant was concerned.

#### 1.3. Review investigation period and period considered

(12) The review concerning subsidisation of the applicant covered the period from 1 January 2020 to 31 December 2020.

#### 1.4. Interested parties

(13) In the Notice of Initiation, interested parties were invited to contact the Commission in order to participate in the review. In addition, the Commission specifically informed the applicant, the known Union producers and associations, as well as the Government of the country concerned about the initiation of the review and invited them to participate.

(14) Interested parties had an opportunity to comment on the initiation of the review and to request a hearing with the Commission and/or the Hearing Officer in trade proceedings.

##### 1.4.1. Questionnaire replies and verification visits

(15) The Commission sent questionnaires to the applicant and to the authorities of the country concerned.

(16) The Commission received questionnaire replies from both the applicant and the authorities of the country concerned.

## 2. PRODUCT CONCERNED AND LIKE PRODUCT

### 2.1. Product under review

(17) The product subject to this review is rainbow trout (*Oncorhynchus mykiss*)

- live weighing 1,2 kg or less each, or
- fresh, chilled, frozen and/or smoked:

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<sup>6</sup> OJ C 40, 5.2.2021, p. 12.

- 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 the Republic of Turkey and currently falling under 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) ('product under review').

- (18) As in the original investigation, the Commission found that the product produced in Turkey and exported into the Union and the product produced and sold in the Union by the Union industry have the same basic physical, technical and chemical characteristics and the same basic end-uses. They were therefore considered to be like products within the meaning of Article 2(c) of the basic Regulation.

### 3. WITHDRAWAL OF THE REQUEST

- (19) In its letter to the Commission of 30 November 2021 the applicant withdrew its request for an interim review.
- (20) In accordance with Article 14(1) of the basic Regulation, the proceeding may be terminated, unless such termination would not be in the Union interest.
- (21) The investigation had not brought to light any considerations demonstrating that such termination would not be in the Union interest.
- (22) Moreover, on 20 September 2021, the European Commission initiated a countrywide interim review of the countervailing measures applicable to imports into the Union of certain rainbow trout originating in the Republic of Turkey<sup>7</sup>. Therefore, the anti-subsidy measures currently in force will be reviewed for all exporting producers within this framework.

### 4. CONCLUSION AND DISCLOSURE

- (23) The Commission therefore considered that the partial interim review proceeding should be terminated without a formal determination concerning any significant lasting changes and the applicant's subsidisation practices.
- (24) Interested parties are informed accordingly and are given an opportunity to comment.

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<sup>7</sup> OJ C 380, 20.9.2021, p. 15