
Hughes Hubbard & Reed

New Antidumping and Countervailing Duty Petitions on Dried Tart Cherries from the Republic of Turkey

Client Advisories

Hughes Hubbard & Reed LLP • A New York Limited Liability Partnership
One Battery Park Plaza • New York, New York 10004-1482 • +1 (212) 837-6000

Attorney advertising. Readers are advised that prior results do not guarantee a similar outcome. No aspect of this advertisement has been approved by the Supreme Court of New Jersey. For information regarding the selection process of awards, please visit <https://www.hugheshubbard.com/legal-notices-methodologies>.

April 23, 2019 – On April 23, 2019, the Dried Tart Cherry Trade Committee (“Petitioner”), including Cherry Central Cooperative, Graceland Fruit, Inc., Payson Fruit Growers Coop, Shoreline Fruit, LLC, and Smeltzer Orchard Co., filed antidumping (“AD”) and countervailing (“CVD”) petitions with the U.S. Department of Commerce (“DOC”) and the U.S. International Trade Commission (“ITC”).

Under U.S. law, a domestic industry can petition the government to initiate an AD investigation into the pricing of an imported product to determine whether it is sold in the United States at less than fair value (i.e., “dumped”). A domestic industry can also petition the initiation of a CVD investigation of alleged subsidization of foreign producers by a foreign government, in this case the Government of Turkey. Additional duties can be imposed if DOC determines that imported goods are “dumped” and/or subsidized and if the ITC also determines that the domestic industry is materially injured or threatened with such injury by reason of subject imports.

If the ITC and DOC make preliminary affirmative determinations, U.S. importers will be required to post cash deposits in the amount of the AD and/or CVD duties for all entries on or after the date DOC’s preliminary determination is published in the Federal Register. The preliminary AD/CVD rates can change in the final DOC determination, especially if foreign producers and their governments participate fully in the investigations.

Scope

The products covered by these investigations include dried tart cherries, which may also be referred to as dried sour cherries or dried red tart cherries. Dried tart cherries may be processed from any variety of tart cherries. Tart cherries are generally classified as *Prunus cerasus*. Types of tart cherries include, but are not limited to, Amarelle, Kutahya, Lutowka, Montmorency, Morello, and Oblacinska. Dried tart cherries are covered by the scope

of this investigation regardless of the horticulture method through which the cherries were produced (e.g., organic or not).

A more detailed description of the scope is provided in [Attachment 1](#).

Foreign Producers and Exporters of Subject Merchandise

A list of foreign producers of the subject merchandise as identified in the petitions is provided in [Attachment 2](#).

U.S. Importers of Subject Merchandise

A list of U.S. importers of the subject merchandise as identified in the petitions is provided in [Attachment 3](#).

Alleged Margins of Dumping/Subsidization

Petitioner alleges dumping margins of 628.90%.

DOC generally assigns duties at these alleged dumping rates to exporters that fail to cooperate with the investigation.

No specific subsidy margins are included in the petition.

Potential Trade Impact

According to the petitions, \$1,349,720 of the subject merchandise was imported into the United States in 2018.

Estimated Schedule of Investigations

4/23/2019 – Petition filed
6/7/2019 – ITC preliminary injury determination
6/27/2019 – DOC preliminary CVD determination, if not postponed
8/31/2019 – DOC preliminary CVD determination, if fully postponed
9/10/2019 – DOC preliminary AD determination, if not postponed
10/30/2019 – DOC preliminary AD determination, if fully postponed
3/20/2020 – DOC final AD and CVD determinations, if both preliminary and final determinations are fully postponed
5/11/2020 – ITC final injury determination, if DOC's determinations are fully postponed
5/25/2020 – AD/CVD orders published

If you have any questions about the petitions, please contact the experienced attorneys in HHR's international trade group.

Related People



Joanne E. Osendarp



Matthew R. Nicely



Dean A. Pinkert



Julia K. Eppard

Related Areas of Focus

International Trade

Trade Remedies & Trade Agreements