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MINISTRY OF ECONOMY  
OF UKRAINE

# PROTECTION FROM UNFAIR COMPETITION OR GROWING IMPORTS

first steps producers should take

by International Development Group  
for U.S. Agency for International Development



▶ **ISSUE:** deterioration in economic climate within a company as a result of unfair competition triggered by importing of goods/constantly growing imports

▶ **SOLUTION:** initiation of anti-dumping/subsidy and safeguard investigations

▶ **RESULT:** opportunity to take restrictive (anti-dumping, countervailing or safeguard) measures against the imports.

### Types of investigations:

- Anti-dumping: unfair competition – dumped imports (imports from one or several countries)
- Anti-subsidy: unfair competition – subsidized imports (imports from one or several countries)
- Safeguard: increase in general importation of certain goods (despite the country of origin)

### Possible preconditions for launching an investigation:

- Loss of Ukrainian market share by a company
- Unfair competition or growing imports
- Deterioration in economic climate within a company following growing or unfair imports

### In case of preconditions for an investigation, a producing company shall take the following steps:

#### ▶ STEP 1

- I. Determine the product (description, UCG FEA code);
- II. Make sure that a company (producer) occupies the major share of the total production of such products in Ukraine or is supported by other production enterprises;
- III. Decide on the type of an investigation depending on trade violations;
- IV. Analyze figures and factors that indicate deterioration in the economic climate (within a producer or a group of producers);
- V. Make sure that the economic climate within a producer is exactly a result of unfair competition or growing imports;
- VI. Address the Department for foreign economic activity and trade protection for advisory assistance.

#### ▶ STEP 2

### Draft an application or a claim to initiate opening of an investigation as follows:

1. Information about applicants and facts proving that companies (producers) represent the major share of the total production in Ukraine;
2. Information about goods that should be a subject to the investigation and information about goods produced by an applicant;
3. Information about foreign producers that should be a subject to investigation (in case of anti-dumping or anti-subsidy investigation);
4. Information about imports (dumped, subsidized or growing);
5. Information about injury caused to an applicant as result of unfair competition or growing imports;
6. Facts that prove that national interests require imposition of restrictive measures (safeguard, anti-dumping or countervailing) against the imports;
7. Information and evidence of dumped or subsidized imports (in case respective investigation is open).

ATTENTION! All the aforementioned information must be supported with respective evidence.

### ► STEP 3

#### Official address regarding opening of an investigation

Address the Ministry of Economy of Ukraine to request opening of respective investigation.

#### FAQ

##### (1) Legal framework:

WTO agreements: General Agreement on Tariffs and Trade of 1994, Agreement on Safeguards, Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade of 1994, Agreement on Subsidies and Countervailing Measures.

Laws of Ukraine On Application of Safeguard Measures against Imports to Ukraine, On Protection of National Producer against Dumped Imports, On Protection of National Producer against Subsidized Imports.

##### (2) Information to be used in an application/claim can be found here:

The State Statistics Service of Ukraine – [www.ukrstat.gov.ua](http://www.ukrstat.gov.ua), the Ukrainian Industry Expertise state-run enterprise (UkrPromZovnishEkspertyza) – [www.expert.kiev.ua](http://www.expert.kiev.ua), the State Enterprise National Research and Information Center for Monitoring International Commodity Markets (Derzhzovnishinform) – [www.ukrdzi.com](http://www.ukrdzi.com), - websites of companies/enterprises, specialized relevant websites, etc.

##### (3) How long does an investigation last:

Anti-dumping/subsidy investigation – as a rule takes 12 months, safeguard investigations - nine months.

##### (4) Preliminary measures:

Preliminary measures shall be taken through imposition of respective duties (anti-dumping, countervailing or safeguard) 45-60 days from the date of opening of respective investigation and for the period of 4-6 months should all requirements of the Ukrainian legislation on trade protection be observed.

##### (5) Outcome of the investigations:

If the fact of unfair or growing imports, injury and causal link between them is established, if the fact that national interests require protection is ascertained, safeguard measures (in a form of duties or quantitative restrictions) or anti-dumping/countervailing measures (duties as a rule) can be taken against importation of goods to Ukraine.

##### (6) Period the measures are imposed for:

As a rule, anti-dumping or countervailing measures are imposed for the period of 5 years and safeguard measures - 4 years. Trade protection measures can also be revised and extended.

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## CONTACTS

### Ministry of Economy of Ukraine

Address: 01008, Ukraine, Kyiv, M. Grushevs'kyi Street, 12/2

Tel.: +38 (044) 200-47-53

e-mail: [meconomy@me.gov.ua](mailto:meconomy@me.gov.ua)

### Department for foreign economic activity and trade protection

Tel.: +38 (044) 596 67 48

e-mail: [tradedefence@me.gov.ua](mailto:tradedefence@me.gov.ua)

## USEFUL LINKS

[www.me.gov.ua](http://www.me.gov.ua)

<https://twitter.com/mineconomdev>

<https://uk-ua.facebook.com/mineconomdev/>

<http://www.wto.org>



# Initiation of an investigation (safeguard, anti-dumping, anti-subsidy)

## Producer's actions



**COMMODITY**  
determine the product



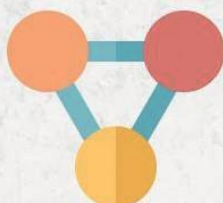
**NATIONAL PRODUCER**  
estimate own share in overall  
production, earn support of other  
producers if necessary



**IMPORT**  
determine dumped or  
subsidized imports  
(one or several countries),  
growing imports (all countries)



**INJURY**  
estimate the injury



**RELATION**  
determine presence of causal link  
between the injury and  
dumped/subsidized or growing  
imports



**CONSULTATIONS**  
earn advisory assistance in  
opening of an investigation



**DOCUMENT**  
draft an application/claim to  
launch an investigation under a  
previously defined scheme



**MAIL**  
official address aimed at  
opening of an investigation:  
send an application/claim



**COOPERATION**  
ensure fair cooperation with  
Ministry of Economy of  
Ukraine during  
consideration of an  
application/claim



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INITIATION OF AN INVESTIGATION

