

9 September 2019

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Page: 1/2

Committee on Safeguards

Original: English

**NOTIFICATION UNDER ARTICLE 12.1(A) OF THE AGREEMENT ON
SAFEGUARDS ON INITIATION OF AN INVESTIGATION AND
THE REASONS FOR IT**

UKRAINE

(Certain nitrogen fertilizers)

The following communication, dated 5 September 2019, is being circulated at the request of the delegation of Ukraine.

Pursuant to Article 12.1(a) of the Agreement on Safeguards, Ukraine submits a notification of the initiation of a safeguards investigatory process, as follows:

1. Specify the date when the investigation was initiated

On 28 August 2019 the investigation process was initiated in accordance with the Decision of the Interdepartmental Commission of Foreign Trade of 21 August 2019 N° SP – 425/2019/4411-03 "On initiation and conduction of safeguard investigation on import in Ukraine of certain nitrogen fertilizers (including: ammonium nitrate and lime-ammonium nitrate, urea and urea-ammonia mixture), regardless of country of origin and export".

2. Provide the precise description of the product involved

(1) Solid fertilizers and other mineral or chemical products, nitrogen (not in aqueous solution): ammonium nitrate (ammonium nitrate), impurities, ammonium nitrate with calcium carbonate or other inorganic substances other than fertilizers and mixtures of fertilizers and other products based on ammonium nitrate (ammonium nitrate) containing two or more nutrients, in which the total mass fraction of nitrate and ammonium nitrogen in terms of nitrogen in the dry matter is not less than 28 wt. %, irrespective of their intended use, imported into Ukraine and classified in accordance with UKTZED (UKTZED is the Ukrainian Foreign Economic Activity Commodity Classification, based on Harmonized System 2012) in headings 3102 and 3105;

(2) Urea, including in aqueous solution, and a mixture of urea and ammonium nitrate in aqueous or ammonia solution, imported into Ukraine and classified in accordance with UKTZED under codes 3102 10 and 3102 80 00 00 respectively.

3. Provide the reasons for the initiation of investigation

- (i) The investigation has been initiated pursuant to the petition of the domestic industry, in particular by PJSC "Azot", PJSC "Rivneazot", PJSC "Severodonetsk Association Azot", LLC "Status-Trade" and JSC "DniproAzot.
- (ii) The statement sets out sufficiently substantiated evidence on the basis of which it can be considered as having been submitted by the appropriate national producer.

- (iii) The statement provides sufficient substantiated evidence on the basis of which, during 2016 - Q1 2019, imports in Ukraine of certain nitrogen fertilizers (in particular: ammonium nitrate and limestone-ammonium nitrate, urea and urea-ammonia mixture) regardless of country of origin and export were carried out to such an extent and on such conditions that it could cause significant injury to the national producer.

4. Provide a point of contact for the investigation and identify the preferred means for corresponding

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Information Contact Point: Phone: +38044 596-67-36, 596-67-48; email: tradedefence@me.gov.ua, suhanov@me.gov.ua; zaiets@me.gov.ua; demtsiura@me.gov.ua.

5. Provide the deadlines and procedures for importers, exporters and other interested parties to present evidence

Notice of the Decision of the Interdepartmental Commission of Foreign Trade of 21 August 2019 № SP - 425/2019/4411-03 is published in "Uryadoviy Courier" as of 28 August 2019, No 163. (<http://bit.ly/2NCGHxe>).

Within 30 days from the notice publication, the Ministry of Economic Development and Trade of Ukraine carries out registration of interested parties and considers the requirements for conducting of hearings. In investigation initiation enquiry it is necessary to indicate: name, juridical address, fax and telephone number, email and name of contact person, type of activity (producer, importer, exporter, etc.). The recommended form of request for registration as an interested party of an investigation is provided in the annex to the notice.

Within 60 days from the notice publication, the Ministry of Economic Development and Trade of Ukraine considers the written comments on the initiation of investigation. Information should be provided in Ukrainian or in original language, accompanied by the Ukrainian translation. If case the information is confidential, it is necessary to prepare and submit to the Ministry both confidential and non-confidential versions.
