People's Republic of China
Embassy (in the Republic of Türkiye)

Büyükçekmece 4th Civil Court of Peace

Honourable Judge,

EXPERT REPORT

Case No.: 2024/195 D. İş
Judge: Buse GÜNDÜZ TÜRK 220017
Applicant: PROTURK PROFİL SANAYİ İÇ VE DIŞ TİCARET LİMİTED ŞİRKETİ
Attorney: Av. SEDAT CANGÜL
Counterparty: JIUGANG METAL GROUP
Subject of the Case: Preservation of Evidence
Application Date: 20/12/2024
Ruling Date: 20/12/2024
Inspection Date: 25/12/2024

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1- Introduction

Pursuant to the ruling of the Court dated 20/12/2024, it was decided to conduct a technical inspection of the disputed goods. In accordance with this ruling, on 25/12/2024, the panel of experts visited the warehouse located at "Beylikdüzü OSB, Mermerciler San. Sitesi 5. Cad. No:12/6 Beylikdüzü/İSTANBUL" and carried out an on-site inspection of the disputed goods. The results of the inspection, the technical examination, and the opinions of the experts are respectfully submitted to Your Honourable Court.

2- Subject of Expertise and Application

In the petition submitted to the Court by the applicant's attorney, the following statements were made:

1. **The applicant, Proturk Profil San. İç ve Dış Tic. Ltd. Şti, has for many years been engaged in the production of stainless steel profiles in the Beylikdüzü Organized Industrial Zone in Istanbul. It is a medium-sized enterprise, exporting 80% of its products. Since there is no domestic production of the relevant raw materials in Türkiye, the company has been importing stainless steel raw materials from China for the past seven years. Until now, no problems had occurred during previous imports.**

2. **The applicant recently participated in a trade fair held at the TÜYAP Exhibition Center in Istanbul and concluded a purchase contract with the Chinese company JIUGANG METAL GROUP (with which there had previously been one transaction). The order value was USD 81,681.00, covering 4,200 sheets of stainless steel plates with a thickness of 0.50mm. The shipment arrived in Türkiye on 18/12/2024.**

However, upon arrival it was discovered that the goods did not conform to the order specifications: both the thickness and the weight of the sheets were insufficient. Customs, under the "Yellow Channel" procedure, conducted only a document review, confirmed that the documents matched the declaration, and released the goods. After payment of duties, the import process was completed. The container was transported on 18/12/2024 from Kumport Port to the company's warehouse located in Beylikdüzü OSB.

Upon removal of the original customs seal, the company's inspection revealed that although the documents (packing list, proforma invoice, bill of lading, etc.) corresponded with the order, the actual thickness of the plates was below specifications. On-site measurements showed thicknesses of 0.26mm, 0.28mm, 0.30mm, and 0.32mm, rather than the contractual thickness of 0.50mm.

Weighing results showed that the total weight was only 40,040 kg, i.e., 14,830 kg less than required.

3. **On 19/12/2024, the applicant submitted a written complaint to the Commercial Office of the Turkish Embassy in Beijing (Annex 1). The proforma invoice (Annex 2), the trade contract between the parties (Annex 3), the import declaration (Annex 4), and the minutes of the subsequent meeting (Annex 5) were also submitted to the case file.**

Conclusion and Request:
In light of the above, the applicant requests, pursuant to Article 400 of the Civil Procedure Code and related provisions, that an expert inspection be carried out promptly on the stainless steel plates stored in the warehouse to confirm whether the actual thickness and weight conform to the contract (the applicant asserts that the actual thickness is 0.26–0.32mm, and the total weight is only 40,040 kg, i.e., 14,830 kg less than required). Should the applicant's claims be verified, the experts are requested to assess the potential damages arising therefrom.

3- Court's Decision on the Change of Matters

The Court, on 20/12/2024, rendered the following ruling:

"The applicant's request for preservation of evidence in its current state is in compliance with Articles 400 and 402 of the Code of Civil Procedure; therefore, the request for preservation of evidence is hereby granted. As for the remaining claims beyond this scope, they shall be subject to further review in the main proceedings of the case, and are therefore dismissed at this stage."

4- On-Site Inspection Results
Inspection Location: Beylikdüzü OSB, Mermerciler Sanayi Sitesi, 5th Street, No:12/6, Beylikdüzü/İstanbul.

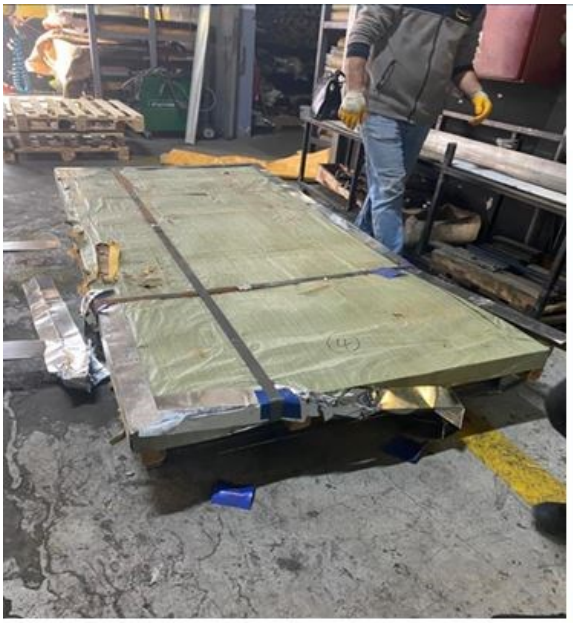
Findings are as follows:

- **A total of 20 pallets of stainless steel sheets were found in the warehouse, neatly stacked.**
- **Upon individual weighing, the pallets were recorded at 1,437 kg, 1,886 kg, 1,913 kg, 2,277 kg, 2,365 kg, etc.**
- **Sheet dimensions: 1219 mm × 2700 mm.**
- **Measurements taken with a digital caliper indicated an average thickness of approximately 0.35 mm, rather than the 0.50 mm specified in the contract.**
- **The total weight was approximately 40,204 kg, which is significantly lower than the ordered weight of 55,000 kg.**

Conclusion:
It was thereby confirmed on site that the thickness of the sheets was generally 0.35 mm and that the total weight was insufficient.

(Photographs of the pallets and sheets taken on the day of inspection are attached herewith.)

"A pallet placed on the weighing equipment, along with a photograph showing the weight of that pallet."。



“Photograph of the stainless steel sheet thickness being measured with a digital caliper.” ·

5- Examination of Documents Contained in the Case File

During the review of the documents attached to the case file, it was observed that, according to the proforma invoice, the applicant had ordered stainless steel sheets with a total weight of approximately 55,000 kg and dimensions of 0.50 × 1219 × 2700 mm, with a total order value of USD 81,681.00.

The proforma invoice attached to the case file is shown below.。

JIUGANG METAL GROUP

Address:Suzhou Industrial Park,Suzhou area,China (Jiangsu) Pilot Free Trade Zone

JIUGANG

INVOICE

S/C No.合同号 JG20240722ZJY

Date 日期： 2024,july, 22 SUPPLIER(

卖方）：JIUGANG METAL GROUP

Address: suzhou industrial park， suzhou area, china(jiangsu) pilot free trade zone;

TEL: +86 1476301830 Colin zhang

BUYER(买方）： Proturk profil san ic ve dis tic ltd sti

ADDRESS / BEYLIKDUZU O.S.B MERMERCILER SANAYI SITESI 5.CADDE NO:12/6 - 34520 BEYLIKDUZU - ISTANBUL

Mr.Abdullah Turker + 90 545 637 45 51
PROTURK
proturkprofil@gmail.com

Abdullah@proturkprofil.com.tr

We here by confirm having sold to you the following goods on the terms and conditions as specified below:

品名 Commodity	表面颜色 Surface	规格 Specification	数量 Quantity	单价 CFR Unit Price	总价 Total Amount
201 Stainless steel sheet Pvc bule film (60 micro)	6K mirror	0.50x1219x2700 mm	1200	$17.78	$21,366
	6K Ti Gold		800	$20.07	$16,056
	6K Ti rose gold mirror		400	$20.80	$8,320
	6K LIC black		500	$20.15	$10,075
	SILVER Brushed		200	$17.65	$3,530
	GOLD Brushed		400	$20.30	$8,120
	ROSE GOLD Brushed		400	$20.4	$8,160
	Brushed LIC Black		300	$20.18	$6,054
			TOTALAMOUNT		$81,681

1.Delivery time: 15-20 WORK DAY LOADING

2. Payment terms: 30% TT deposit （$21,681） + 70% balance($60,000) after loading container

GÜMRÜK BEYANNAMESİ

Ek-4

2 Gönderici/İhracatçı
JIUGANG METAL GROUP
Suzhou Industrial Park , Suzhou area ,
China (Jiangsu) Pilot Free Trade Zone

IM 4

3 Formlar 1 1 | 4 Yükl. listeleri 0

24343100IM00276159
AMBARLI GÜMRÜK MÜDÜRLÜĞÜ
17.12.2024

5 Kalem sayısı 1 | 6 Kap Adedi 20 | 7 Referans numarası 24-06221 /13293 CANSUG

8 Alıcı No 7330417121 / BEYLİKDÜZÜ VD
PROTURK PROFİL SANAYİ İÇ VE DIŞ TİCARET LİMİTED ŞİRKETİ
Beylikdüzüosb Mah. 5. Cad. N.12
Beylikdüzü / İstanbul

9 Mali Müşavir/Serbest Muhasebeci 7330417121
PROTURK PROFİL SANAYİ İÇ VE DIŞ TİCARET LİMİTED Şİ
Beylikdüzüosb Mah. 5. Cad. N.12
Beylikdüzü / İstanbul

10 Gideceği ülke 720 | 11 Ticaret yapılan ülke 720 | 12 T.P.

14 Beyan sahibi/Temsilci 24-06221 No 6870040549
ÖZEN GÜMRÜK MUŞAVİRLİK HİZMETLERİ LTD ŞTİ
ÇOBANÇEŞME MAH SANAYİ CAD ELPA RESİDANCE NO:20
KAT:5 D:5ÇOBANÇEŞME BAHÇELİEVLER İSTANBUL

15 Çıkış/İhracat ülkesi ÇİN HALK CUMHURİYETİ | 15 Çıkış ülkesi kodu 720 | 17 Gideceği ülke kodu 052
16 Menşe ülke | 17 Gideceği ülke TÜRKİYE

18 Çıkıştaki aracın kimliği ve kayıtlı olduğu ülke CUL SHEKOU 2446W 706 | 19 Kap 1 | 20 Teslim şekli CFR ÇİN

21 Sınırı geçecek taşıtın kimliği ve kayıtlı olduğu ülke CUL SHEKOU 2446W 706 | 22 Döviz ve toplam fatura bedeli USD 81.681,00 | 23 Döviz kuru 34,96130 | 24 İşlemin niteliği

25 Sınırdaki taşıma şekli 10 | 26 Dahili taşıma şekli | 27 Yükleme yeri AMBARLI GÜMRÜK MÜDÜRL | 28 Finansal ve bankacılık verileri TÜRKİYE CUMHURİYETİ ZİRAAT BANKASI A.Ş. - BEYLİKDÜZ

29 Giriş gümrük idaresi AMBARLI GÜMRÜK MÜDÜRL | 30 Eşyanın bulunduğu yer KUMPORT | MAL MUKABİLİ

31 Kaplar ve eşyanın tanımı — Koplar, marka ve numaraları - konteyner no(ları) - adet ve cinsleri
2 KONTEYNER 4200 AD Marka:ADDR
No:CLNU0004600,CLNU0014228
Ticari tanımı:Paslanmaz Çelik Sac
K1: KULLANILMAMIŞ

32 Kalem No 1 | 33 Eşya kodu 72199080 00 19
34 Menşe ülke kodu 720 | 35 Brüt ağırlık (kg) 55.210,00 | 36 Tercihli tarife
37 R E J İ M 4000 | 38 Net ağırlık (kg) 55.000,00 | 39 Kota
40 Özet beyan 24343100IM125547 / 11.12.2024
41 Tamamlayıcı ölçü birimi 4.200,00 AD | 42 Kalem fiyatı 81.681,00 | 43 KY kodu

44 Ek bilgi/ İbraz edilen belgeler/ Sertifika ve izinler
VEKALET="20.09.2024-31026 BÜYÜKÇEKMECE 15. NOTERLİĞİ" "B/L NO:
CSDSHA024741" [FOB Kıymetin %3ü Sigorta Bedeli Olarak Alınmıştır.] Fatura (V)
22.07.2024/JG20240722ZJY '2015/7511 sayılı BKK kapsamında KKDF'den muaftır.'

45 Ayarlama
46 İstatistiki kıymet 84.131,43

47 Vergilerin hesaplanması

Tür	Vergi matrahı	Oran	Tutar	ÖŞ
10	2.941.344,17	0,00	0,00	P
40	2.986.292,87	20,00	597.258,57	P
89	0,00	0,00	624,10	P
		Toplam	597.882,67	

48 Ödemenin ertelenmesi | 49 Antrepo kodu

B HESAP DETAYLARI

MalBed	2.855.673,95	G.V.	0,00
Sigorta	85.670,22	DV	624,10
Ara Toplam	2.941.344,17	Dep. Gid.	15.000,00
GV Mat.	2.941.344,17	Liman Gid.	29.230,00
		DP	94,60
		KDVMat	2.986.292,87

50 Sorumlu | No | İmza | C HAREKET GÜMRÜK İDARESİ

Temsilci
Yer ve tarih

Kod | 53 Varış gümrük idaresi (ve ülke)

Teminat geçerli değil

VARIŞ GÜMRÜK İDARESİ KONTROLÜ | Mühür | 54 Yer ve tarih

In the case file, it can be seen that the applicant company prepared an Excel spreadsheet comparing the quantities ordered with the quantities of the products actually inspected. The Excel spreadsheet submitted by the applicant is shown below. Upon verification, it was confirmed that the products were **short by 14,796 kg**。

	Palet no	Toplam ağırlık	renk	gelen (kg)	gelmesi gereken (kg)	fark (kg)
container 1	2	2363	BLACK	4728	5480	752
	6	2365	BLACK			
	12	1922	MIRROR	13298	13700	402
	16	2277	MIRROR			
	18	2278	MIRROR			
	19	2277	MIRROR			
	20	2272	MIRROR			
	7*	2272	MIRROR			
	13	1886	ROSE GOLD	1886	5480	3594
toplam ağırlık		19912		1.konteyner toplam fark		4748

	Palet no	Toplam ağırlık	renk	gelen (kg)	gelmesi gereken (kg)	fark (kg)
container 2	1	1914	BRUSHED rose gold	3831	5480	1649
	2	1917	BRUSHED rose gold			
	3	1913	BRUSHED GOLD	3823	5480	1657
	4	1910	BRUSHED GOLD			
	5	1923	BRUSHED SILVER	1923	2740	817
	8	1906	TI GOLD	7623	10960	3337
	9	1906	TI GOLD			
	10	1905	TI GOLD			
	11	1906	TI GOLD			
	14	1455	BRUSHED BLACK	2892	5480	2588
	15	1437	BRUSHED BLACK			
toplam ağırlık		20092		2.konteyner toplam fark		10048
		40004,00				
			gelmesi gereken ağırlık	54800 (KG)		
			gelen ağırlık	40004 (KG)		
			TOPLAM FARK	14796 (KG)		

6- Evaluation and Conclusion

This report is submitted for the discretion of the Honourable Court.

Pursuant to the Court's decision, a technical inspection was carried out on the stainless steel sheets in question. The inspected products, along with photographs, have been described in detail in the preceding sections.

Upon verification, it was confirmed that the quantity of stainless steel sheets requested by the applicant was 55,000 kg, whereas the total quantity actually delivered amounted to 40,204 kg, i.e., 14,796 kg less than the ordered quantity. This discrepancy was also confirmed by the expert panel during on-site measurements.

The weights and quantities of the products provided by the applicant company corresponded with the weights and quantities determined by the experts on site.

According to the invoice, the applicant company was to pay USD 81,681.00 for 55,000 kg of stainless steel sheets. However, the delivered products were short by 14,796 kg compared to the ordered quantity.

Based on the proforma invoice, the total price of the stainless steel sheets was USD 81,681.00, which corresponds to a unit price of USD 1.4851 per kilogram.

Therefore, the value of the missing stainless steel sheets is calculated as follows:
14,796 kg × 1.4851 USD = 21,973.53 USD

In accordance with the mandate entrusted by the Court, the expert panel has completed the above investigation and evaluation, and respectfully submits its opinions and conclusions for the consideration of the Honourable Court.

Date: 06/01/2025

Experts:

- **MAİDE AYDIN – Civil Engineer**
- **FATİH PAYAT – Civil Engineer / Real Estate Valuation Expert**

—This Expert Report has been issued together with the official cover letter and in electronic signature format—