



Dumping Commodity Register

Tomatoes, prepared or preserved Exported from Italy

Document release date	Brief description of change(s)
3 April 2017	Correction to Feger rates and removal of La Doria from dumping measures following ADRP decision.
28 April 2017	Addition of manufacturer/supplier relationships
5 May 2017	Implementation of new measures following a review of commodity (except La Doria and Feger).
6 July 2017	Removal of securities for Brunella Food Industry Addition of manufacturer/supplier relationship
31 July 2017	Addition of manufacturer/supplier relationships
16 February 2018	Update to measures for Mutti S.p.A and Princes S.p.A following ADRP review and incorrectly applied measures.
20 February 2018	Change of calculation method for those exporters with 0% effective rate of duty.
23 March 2018	Addition of securities for Della Peruta Vincenzo S.p.A
10 April 2018	Addition of manufacturer/supplier relationship
2 May 2018	Adjustment to duty assessment importation periods
19 June 2018	Measures imposed for Della Peruta Vincenzo S.p.A
15 August 2018	Addition of supplier Italian Food & Wine SRL to manufacturer Davia S.p.A
16 April 2019	Expiry of measures on tomatoes from Italy except goods exported from Feger.

Note:

DCRs notify the outcomes of finalised investigations and should be read in conjunction with any relevant current investigations, such as reviews and inquiries. Please refer to the [Cases page](#) on the website to locate any current information for this commodity.

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Question	Response
1. What countries do measures apply to?	<p>On 11 February 2017, with an effective date of 12 February 2017, anti-dumping measures in the form of IDD were imposed on tomatoes, exported from Italy by Feger Di Gerardo Ferraioli S.p.A (Feger).</p> <p>For more information please refer to the Final Report REP 276 and Anti-dumping Notice 2016/13.</p> <p>On 16 April 2019, anti-dumping measures in the form of IDD expired for tomatoes exported from Italy except for goods exported by Feger. For more information please refer to anti-dumping notice 2019/31</p>
2. What types of tomatoes are subject to anti-dumping measures?	<p>The ‘description of goods’ subject to measures are: Tomatoes, whether peeled or unpeeled, prepared or preserved otherwise than by vinegar or acetic acid, either whole or in pieces (including diced, chopped or crushed), with or without other ingredients (including vegetables, herbs or spices) in packs not exceeding 1.14 litres in volume.</p> <p>The following descriptions are <i>excluded</i> from measures, exemption type “GOODS” applies:</p> <ul style="list-style-type: none"> • Pastes, purees, sauces, pasta sauces, juices and sundried tomatoes. <p><u>Please Note:</u></p> <ol style="list-style-type: none"> 1. When importing goods into the country importers are required to self-assess whether the imported goods meet the goods description outlined above and whether anti-dumping measures apply. 2. The Anti-Dumping Commission is not in a position to provide advice on whether certain goods meet the description above. 3. The use of exemption types is subject to monitoring by the Anti-Dumping Commission (the Commission) and the Department of Immigration and Border Protection (DIBP).
3. How much Interim Dumping Duties (IDD) will an importer have to pay?	<p><u>IDD – Feger Di Gerardo Ferraioli S.p.A</u></p> <p>IDD is in the form of a fixed and variable measure. The total IDD liability is calculated as follows:</p> <ul style="list-style-type: none"> • fixed component of IDD: dumping export price (DXP) or ascertained export price (AEP), whichever is the greatest, multiplied by the applicable IDD ad valorem duty rate; plus • variable component of IDD: the amount, if any, by which the DXP is lower than the AEP.

<p>4. Example of how to calculate the Interim Dumping Duties (IDD) liability</p>	<p><u>Fixed and variable measures</u></p> <p>The following is an example of how to calculate the IDD liability.</p> <ul style="list-style-type: none"> • DXP = AUD \$1,000 (Free-On-Board (FOB), cash) • AEP = AUD \$2,000 (FOB, cash) • IDD ad valorem rate = 10% <p><u>Fixed component of IDD:</u> The higher of the DXP (\$1,000) or AEP (\$2,000) multiplied by the IDD ad valorem rate (10%) \$2,000 x 10% = \$200</p> <p><u>Variable component of IDD:</u> the amount, if any, by which the DXP (\$1,000) is lower than the AEP (\$2,000) \$2,000 - \$1,000 = \$1,000</p> <p>Total IDD liability: \$1,200 (\$200 + \$1,000)</p>
	<p>The DXP refers to the actual export price of the exported goods. The DXP should reflect the total export (invoice) price of the goods being entered, not the unit price of the goods.</p> <p>The DXP should be recorded on the relevant Full Import Declaration for the goods in the same terms as the AEP for the goods. Calculating the DXP may involve adjusting the actual export invoice price of the goods to the terms specified for the AEP.</p> <p>For example, if the AEP terms are “FOB, cash” and the actual invoice terms of the goods are “CIF, 60 days, packed”, the following adjustments will need to be made in order to calculate the DXP at FOB, cash level.</p> <ul style="list-style-type: none"> • step 1 - an adjustment for interest on credit terms will need to be made; and • step 2 - the overseas freight and insurance components will need to be subtracted from the export invoice price. <p>Where suitable evidence cannot be proffered by the importer of the interest rate, then 1.0% per month (0.033% per day) should be applied to the actual invoice price credit terms.</p> <p>An example of adjusting for credit and incoterms is provided below:</p> <ul style="list-style-type: none"> • Invoice terms = CIF, 60 days • Specified terms = FOB, cash • Export price - invoice amount = \$1,000 • Marine insurance and ocean freight amount = \$100

<p>5. What is the dumping export price (DXP) and how do I calculate it?</p>	<p>Step 1 - adjust for credit terms</p> <ol style="list-style-type: none"> 1. 1% per month interest rate should be applied to the invoiced price credit terms (i.e. 30 days = 1%) 2. If the invoiced CIF, 60 days price is \$1,000, then the CIF, cash price = \$980 (\$1,000 less 2%) <p>Step 2 - adjust for incoterms</p> <ol style="list-style-type: none"> 3. Adjust for freight and insurance to calculate DXP at FOB, cash equivalent 4. CIF, cash price of \$980 minus freight and insurance amount of \$100 = \$880 5. The DXP price = \$880 FOB, cash 																								
<p>6. What information is needed to complete an import declaration for goods subject to measures?</p>	<p>The information required by an importer or Customs broker to complete an import declaration for goods subject to IDD/DSA is:</p> <ul style="list-style-type: none"> • DXP; • Dumping Specification Number (DSN) or exemption type (where appropriate); • Country (this is usually country of origin or export country); • Tariff classification and statistical code; • Exporter / supplier; and • Quantity. <p>Please see below to determine which DSN applies to the exporter of your goods.</p>																								
<p>7. What DSN do I use for my imported goods and what are the rates for my exporter?</p>	<p>The following DSNs apply to goods exported from Italy and entered for home consumption on or after 12 February 2017.</p> <table border="1" data-bbox="506 1070 1890 1362"> <thead> <tr> <th>Exporter</th> <th>CCID</th> <th>Description</th> <th>Measure</th> <th>Effective Rate of Duty</th> <th>Ascertained Export Price</th> <th>Export Terms</th> <th>DSN</th> </tr> </thead> <tbody> <tr> <td colspan="8">Italy</td> </tr> <tr> <td><u>Feger Di Gerardo Ferraioli S.p.A.</u> supplied directly or through <u>FJ Tytherleigh Italia S.R.L.</u>; or <u>Leo's Imports and Distributors</u></td> <td>CCC7797347E CCC6739447C CCE3369376Y 26006238928 CEJ6947966A</td> <td>All types</td> <td>IDD</td> <td>2.3%</td> <td>Confidential</td> <td>FOB, cash</td> <td>55</td> </tr> </tbody> </table>	Exporter	CCID	Description	Measure	Effective Rate of Duty	Ascertained Export Price	Export Terms	DSN	Italy								<u>Feger Di Gerardo Ferraioli S.p.A.</u> supplied directly or through <u>FJ Tytherleigh Italia S.R.L.</u> ; or <u>Leo's Imports and Distributors</u>	CCC7797347E CCC6739447C CCE3369376Y 26006238928 CEJ6947966A	All types	IDD	2.3%	Confidential	FOB, cash	55
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7. What DSN do I use for my imported goods and what are the rates for my exporter? (continued)	<p>Please Note:</p> <ol style="list-style-type: none"> 1. The actual duty liability may be higher than the effective rate of duty published due to the variable component of IDD. 2. IDD and AEP are considered confidential. Please see below on how importers can request the rates.
8. How do I find out the confidential rate and ascertained export price for my exporter?	<p>The IDD ad valorem rate and the AEP for each DSN are considered confidential and will not be published.</p> <p>Importers of these goods may be provided with the confidential IDD ad valorem rate and the AEP, however the onus is on the importer to substantiate their commercial relationship with an exporter/supplier of their goods by providing evidence of:</p> <ul style="list-style-type: none"> • A previous trading history with a nominated exporter/supplier of the goods. Evidence of a trading history would take the form of at least commercial invoices, packing list and bills of lading from previous shipments. Additional documentation may be requested by the Commission; or • In the absence of a trading history, an offer or a quotation from an exporter/supplier of goods subject to dumping/countervailing measures. The offer or quotation must be on the exporter/supplier's company letterhead – emails will not generally be accepted. <p>Requests and evidence should be sent to clientsupport@adcommission.gov.au</p> <p>Please note:</p> <ol style="list-style-type: none"> 1. Any requests for the confidential information that do not include sufficient evidence as outlined above will be rejected. 2. Only as much of the confidential information as is necessary to enter the goods will be provided. <p>The ABF will conduct monitoring of imports subject to anti-dumping measures consistent with its published policy.</p>
9. Are there any exporters exempt from anti-dumping measures?	<p>All exporters and suppliers of tomatoes from Italy are exempt from IDD except Feger Di Gerardo Ferraioli S.p.A.</p> <p>The 'SUPPLIER' dumping exemption type will apply to exported goods from all other exporters from Italy.</p>
10. How long are the measures in place for?	<p>The measures have been imposed for five years, unless revoked earlier.</p> <p>In the case of tomatoes exported from Italy by Feger, the measures are in place until 11 February 2021.</p>

<p>11. What tariff classifications and statistical codes are covered by the anti-dumping measures?</p>	<p>Goods subject to measures should be classified using the tariff sub-headings and associated statistical codes below:</p> <table border="1" data-bbox="712 220 1370 316"> <thead> <tr> <th>Tariff subheading</th> <th>Statistical code</th> </tr> </thead> <tbody> <tr> <td>2002.10.00</td> <td>60</td> </tr> </tbody> </table> <p>Where importers are unclear on the correct tariff classification of their goods, it is recommended they contact the DIBP on 131 881 for further advice.</p>	Tariff subheading	Statistical code	2002.10.00	60								
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<p>12. What are the duty assessment importation and application period dates?</p>	<p>An importer of goods on which an IDD has been paid, may lodge an application with the Commissioner requesting that the Parliamentary Secretary make an assessment of the final liability of those goods to duty.</p> <p>This usually occurs when an importer considers that the IDD paid in respect of goods exceed the total amount payable (i.e. importers consider they are entitled to a refund of duties). In relation to IDD, an importer may consider that the dumping margin for the goods is now less than it was during the investigation period, or that its exporter is no longer dumping, and as a result it has paid more duty than it should have paid.</p> <p>There are a series of time frames fixed by legislation that govern the duty assessment system (referred to as importation periods). The duty assessment importation periods and application dates for tomatoes from Italy are as follows:</p> <p style="text-align: center;">Feger Di Gerardo Ferraioli S.p.A.</p> <table border="1" data-bbox="678 922 1603 1137"> <thead> <tr> <th>Importation Period</th> <th>Application Period</th> </tr> </thead> <tbody> <tr> <td>11 August 2018 - 10 February 2019</td> <td>11 February 2019 - 10 August 2019</td> </tr> <tr> <td>11 February 2019 - 10 August 2019</td> <td>11 August 2019 - 10 February 2020</td> </tr> <tr> <td>11 August 2019 - 10 February 2020</td> <td>11 February 2020 - 10 August 2020</td> </tr> <tr> <td>11 February 2020 - 10 August 2020</td> <td>11 August 2020 - 10 February 2021</td> </tr> <tr> <td>11 August 2020 - 10 February 2021</td> <td>11 February 2021 - 10 August 2021</td> </tr> </tbody> </table> <p>More information about duty assessments is available on the Anti-Dumping Commission website.</p>	Importation Period	Application Period	11 August 2018 - 10 February 2019	11 February 2019 - 10 August 2019	11 February 2019 - 10 August 2019	11 August 2019 - 10 February 2020	11 August 2019 - 10 February 2020	11 February 2020 - 10 August 2020	11 February 2020 - 10 August 2020	11 August 2020 - 10 February 2021	11 August 2020 - 10 February 2021	11 February 2021 - 10 August 2021
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