



## **ANTI-DUMPING NOTICE NO. 2014/39**

### **Prepared or Preserved Tomatoes Exported from Italy by DAVIA S.p.A.**

#### **Initiation of an Accelerated Review**

I, Dale Seymour, the Commissioner of the Anti-Dumping Commission (the Commissioner) have commenced an accelerated review of the anti-dumping measures applying to prepared or preserved tomatoes exported to Australia from Italy in so far as they relate to a new exporter DAVIA S.p.A. (DAVIA).

The lodgement date of 17 April 2014 is the commencement date of the accelerated review.

#### **The goods**

The goods subject to anti-dumping measures, in the form of a dumping duty notice are prepared or preserved tomatoes ("the goods").

The applicant provided further details as follows:

*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*

Excluded from the goods are:

*Pastes, purees, sauces, pasta sauces, juices and sundried tomatoes*

The goods are currently classified to the tariff subheading 2002.10.00 (statistical code 60) of Schedule 3 to the *Customs Tariff Act 1995*. These goods exported from Italy are subject to 5% Customs duty.

#### **Existing measures**

The anti-dumping measures were initially imposed by public notice on 16 April 2014 by the Parliamentary Secretary to the Minister for Industry (Parliamentary Secretary) following consideration of the *Anti-Dumping Commission Report No. 217 (REP 217)*. These measures are applicable to all exporters from Italy except La Doria S.p.A. and Feger di Gerardo Ferraioli S.p.A.

The duty that had been determined was an amount worked out in accordance with the combination of fixed and variable duty method.

#### **The current review**

On 17 April 2014, DAVIA lodged an application under s.269ZE of the *Customs Act 1901* (the Act) for an accelerated review of the dumping duty notice in relation to the

goods exported to Australia from Italy by DAVIA.

Following consideration of the application I have decided not to reject the application. Further detail on the consideration of the application is contained in the Commission's Consideration Report Number 246 (CON 246).

Having regard to the expedited nature of an accelerated review, the Commission considers that it is not the relevant mechanism to reassess certain aspects of the anti-dumping measures applying to prepared or preserved tomatoes. This accelerated review will not:

- reassess the finding of whether or not a market situation exists such that sales in that market are not suitable for use in determining normal value as specified in REP 217.

After concluding the accelerated review, a recommendation will be made to the Parliamentary Secretary that the dumping duty notice:

- i. remain unaltered; or
- ii. be altered so as not to apply to the applicant; or
- iii. be altered so as to apply to the applicant as if different variable factors had been fixed.

If recommending to the Parliamentary Secretary that different variable factors be applied to the applicant, I may propose a change in the method to determine the duty. The amount could be worked out in accordance with the combination of fixed and variable duty method, the floor price duty method, the fixed duty method or the ad valorem duty method.

### **Public Record**

There is no legislative requirement to maintain a public file for accelerated reviews. However, in the interests of ensuring this process is conducted in an open and transparent manner, a public file for this accelerated review has been opened may be examined at the Anti-Dumping Commission's (the Commission) office by contacting the case manager on the details provided below. Alternatively, the public record is accessible at [www.adcommission.gov.au](http://www.adcommission.gov.au)

The public record will contain, among other things, a copy of the application, CON 246 and a copy of all submissions from interested parties.

### **Securities**

I have made a declaration under paragraph 269ZH(b) was made to ensure securities in respect of dumping duty that may be payable on exports of prepared or preserved tomatoes are collected for the period of the review. The effective rate of duty has been determined in accordance with the combination of fixed and variable duty method.

### **Lodgement of submissions**

Interested parties are invited to lodge written submissions concerning the accelerated review no later than the close of business on **16 June 2014**, addressed to:

The Director Operations 1  
Anti-Dumping Commission  
Lvl 5 Customs House  
5 Constitution Avenue

Canberra City ACT 2601

or by email [operations1@adcommission.gov.au](mailto:operations1@adcommission.gov.au), or fax number 1300 882 506 or +61 2 6275 6888 (outside Australia).

Interested parties wishing to participate in the accelerated review must ensure that submissions are lodged promptly. Interested parties should note that I am not obliged to have regard to a submission received by the Commission after the date mentioned above if to do so would, in my opinion, prevent the timely preparation of the report to the Parliamentary Secretary.

Interested parties claiming that information contained in their submission is confidential, or that the publication of the information would adversely affect their business or commercial interests, must:

- provide a summary containing sufficient detail to allow a reasonable understanding of the substance of the information that does not breach that confidentiality or adversely affect those interests, or
- satisfy the Commissioner that there is no way such a summary can be given to allow a reasonable understanding of the substance of the information.

Submissions containing confidential information must be clearly marked "FOR OFFICIAL USE ONLY".

Interested parties must lodge a non-confidential version or a summary of their submission in accordance with the requirement above (clearly marked "PUBLIC RECORD").

### **Report to the Parliamentary Secretary**

Submissions received by 16 June 2014 will be taken into account in completing the report and recommendation to the Parliamentary Secretary. A recommendation to the Parliamentary Secretary will be made in a report on or before 26 July 2014, (or such later date as the Parliamentary Secretary may allow).

### **Anti-Dumping Commission contact**

Enquires concerning this notice may be directed to the case management team by email to [operations1@adcommission.gov.au](mailto:operations1@adcommission.gov.au), by telephone on (03) 9244 8259 or by fax on 1300 882 506 or +61 2 6275 6888 (outside Australia).

Dale Seymour  
Commissioner  
Anti-Dumping Commission

13 May 2014