



## **ANTI-DUMPING NOTICE NO. 2014/140**

### **Prepared or Preserved Tomatoes**

### **Exported from Italy**

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

#### ***Customs Act 1901 – Part XVB***

I, Dale Seymour, the Commissioner of the Anti-Dumping Commission, 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 Davia S.p.A. (Davia).

The lodgement date of 2 December 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”). Further details are 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.*

The goods subject to the measures do not include pastes, purees, sauces, pasta sauces, juices and sundried tomatoes.

The goods are currently classified to tariff subheading 2002.10.00 (statistical code 60) of Schedule 3 to the *Customs Tariff Act 1995*. These goods are subject to 5 per cent 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 *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 dumping duty that had been determined in REP 217 was an amount worked out in accordance with the combination of fixed and variable duty method.

## **The current review**

On 2 December 2014, Davia lodged an application under section 269ZF 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 *Anti-Dumping Commission Consideration Report No. 278* (CON 278).

Having regard to the expedited nature of an accelerated review, the Anti-Dumping Commission (the Commission) considers that it is not the mechanism to reassess certain aspects of the anti-dumping measures applying to prepared or preserved tomatoes. Therefore, this accelerated review will not reassess findings as to 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 record 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 and may be examined at the Commission's 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 278 and a copy of all submissions from interested parties.

## **Securities**

Pursuant to paragraph 269ZH(b), Customs require securities be taken for the period of the review in respect of interim dumping duty that may be payable on importation of prepared or preserved tomatoes from 2 December 2014. 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 no later than the close of business on 31 January 2015, addressed to:

The Director, Operations 1  
Anti-Dumping Commission  
Customs House  
1010 La Trobe Street  
Docklands Victoria 3008

or by email [operations1@adcommission.gov.au](mailto:operations1@adcommission.gov.au), or fax number 1300 882 506 or +61 3 9244 8902 (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:

- (i) 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
- (ii) satisfy me 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 31 January 2015 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 12 March 2015.

**Anti-Dumping Commission contact**

Enquires about 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 8023 or by fax on 1300 882 506 or +61 3 9244 8902 (outside Australia).

Dale Seymour  
Commissioner  
Anti-Dumping Commission

19 December 2014