



ANTI-DUMPING NOTICE NO. 2015/04

Food service and industrial pineapple

Exported from the Kingdom of Thailand

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 food service and industrial pineapple (FSI Pineapple) exported to Australia from the Kingdom of Thailand (Thailand), in so far as they relate to a new exporter Prime Products Industry Co., Ltd (Prime Products).

The lodgement date of 4 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 pineapple prepared or preserved in containers exceeding one litre (food service and industrial pineapple) (“the goods”).

The goods are currently classified to the tariff subheading 2008.20.00 (statistical codes 27 and 28) of Schedule 3 to the *Customs Tariff Act 1995*. These goods are duty free.

Existing measures

The anti-dumping measures were initially imposed on 11 October 2001 by the then Minister for Justice and Customs following consideration of the *Australian Customs Service Trade Measures Branch Report No. 41* (REP 41). The anti-dumping measures were subject to continuation enquiries in 2006 and 2011. In 2013, following a review of measures, the Minister for Industry declared that the dumping duty notice applying to exports of FSI Pineapple exported from Thailand has the effect as if different variable factors have been fixed.

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 4 December 2014, Prime Products 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 Thailand by Prime Products.

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. 279* (CON 279).

After concluding the accelerated review a recommendation will be made to the Parliamentary Secretary to the Minister for Industry (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 the 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 transparency, a public file for this accelerated review has been opened and 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

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

Securities

Pursuant to paragraph 269ZH(b) Customs may require and take securities for the period of the review in respect of interim dumping duty that may be payable on importation of FSI Pineapple

Lodgment of submissions

Interested parties are invited to lodge written submissions no later than the close of business on 6 February 2015, addressed to:

The Director Operations 4,
Anti-Dumping Commission
1010 La Trobe St
Docklands VIC 3008

or email operations4@adcommission.gov.au, or fax to (03) 9244 8902.

Interested parties wishing to participate in the accelerated review must ensure that submissions are lodged promptly. Interested parties should note that I may not 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 6 February 2015 will be taken into account in preparing the report and recommendations to the Parliamentary Secretary. A recommendation to the Parliamentary Secretary will be made in a report on or before 16 March 2015.

Anti-Dumping Commission contact

Enquiries about this notice may be directed to the case management team by email to operations4@adcommission.gov.au, by telephone (03) 9244 8844, or fax (03) 9244 8902.

Dale Seymour
Commissioner
Anti-Dumping Commission

12 January 2015