

The National Manager
International Trade Remedies Branch
Australian Customs and Border Protection Service
Customs House
5 Constitution Avenue
Canberra ACT 2601
Fax: 02 675 6990

APPLICATION FOR REVIEW OF ANTI DUMPING MEASURES

1. APPLICANT SEEKING REVIEW
FRUTEX AUSTRALIA PTY LTD
NO.18 ST ALBANS ROAD, KINGSGROVE, NSW. 2208.

2. CONTACT PERSON
MRS. XANTHIPPI (SANDY) TSOUTSAS
GENERAL MANAGER – FRUTEX AUSTRALIA
TEL: 9502-6500 / FAX: 9502-6511 / Mobile: 0419-015-335
EMAIL: globalsourcing@frutex.com.au

3. APPLICATION SUBMITTED ONLY FOR FRUTEX. APPLICATION IS FOR A SPECIFIC EXPORTER; AGRICULTURAL CO-OP UNION AEGHION “AEGHION”.

4. OUR INTEREST – THE IMPORTATION OF THE GOODS, AS PART OF THE AUSTRALIAN MANUFACTURING INDUSTRY.

5. CURRENT ANTI-DUMPING MEASURE(S) THE SUBJECT OF THIS APPLICATION:
 - GOODS – CURRANTS DRY VINE FRUIT -
 - TARIFF CLASSIFICATION: 0806.20.00
 - COUNTRY SPECIFIED: GREECE
 - DATE OF PUBLICATION: 6TH JANUARY 2009

6. APPLICATION FOR A VARIABLE FACTORS REVIEW:

CHANGED VARIABLE FACTORS

EXPORT PRICE:

The export price has clearly changed since Dumping Duty was first applied to Currants in 2007-2008. Based on our imports from Aeghion during April 2007 to February 2008 our average export price was [REDACTED]. Using the figures from our most recent duty assessment application no. 6 from period 14-Jul-2011 to 13-Jan-2012, we can see the current export price is [REDACTED]. Further to this, I

have supplied [REDACTED] (description of supporting evidence regarding the cost of the goods)

CURRENCY:

The effect of the weakening Euro and strengthening AUD has been catalyst for inaccurate normal value. For example, the exchange rate for the EUR as of 20-Apr-2007 was 0.6128, according the historical figures published on the RBA website. When you compare that to our most recent duty assessment application no. 6, valuation date 01-Sep-2011 had an exchange rate of 0.7396. Further to this, Customs is using the effective exchange rate of the day, but Forward Exchange Contracts are written and signed at varying times of the contract period and the normal value measurement is not a true measurement of the "real price". Example, a contract written in September 2011 for the sales period effective 1.1.2012 to 31.12.2012. The relevant euro exchange rate for our contract was signed and sealed in September 2011.

[TAB B]

DOMESTIC PRICES:

There is no basis of using the current price list for domestic sales; quotations or invoices relating to domestic sales; or published information on the domestic selling prices. Currants are not sold nor used in Greece in the same manner as Australia. The percentage of product that is exported to ratio of domestic consumption is not a measurement or gauge of domestic price. Volume of 99% of the commercial production of currants is exported. Using a 12kg sale of domestic currants is not an accurate measurement.

[TAB A]

NORMAL VALUE:

We believe the normal value has changed since the introduction of Interim Dumping Duty on Greek Currants in 2008. Based from our duty assessment application #6, the current normal value for Agricultural Co-Op Union Aeghion is

[TAB A]

MEASURES ARE NO LONGER WARRANTED:

NO DUMPING:

Greek Currants are not dumped nor subsidized. The European subsidy of Greek Currants has not been in effect for over five years.

NO INJURY:

We believe Currants are being imported into Australia from destinations other than Greece, and at similar prices, without causing injury to Australian Industry. The import price from South Africa in some instances is lower than the export price from Greece. I have included some import statistical data to show the increase in import volume of Currants being purchased from South Africa.

[TAB C]

All these products are being imported without injury to the industry.
Why is the imposition of dumping duty for only "Greek Currants"?

These import statistics are a gauge. The other statistic that is very important is that of the finished goods being imported from New Zealand and other origins.

The two major retailers are now importing finished Fruit Cake /Puddings/ Fruit Mince tarts completely packed for retail shelf. This avoids the dumping duty completely and puts the balance of the already suffering manufacturing sector under an extraordinary amount of suffering.

The measures have had absolutely no effect, as there is no injury; the only injury is to Australian Manufacturers and ultimately the "dry vine fruit industry".

Since the introduction of "Dumping Duty" on currants we list a sequence of events to illustrate the frustration of the industry:

2008 - drought / Water allocations to the Mildura region, poor crop, low yields/ low returns.

2009 - drought / farmers had to buy water allocations creating an uncompetitive product/ converted their farms to table grapes or almonds higher return for less work.

2010 - Flood and devastation / water damage crop completely wiped out. We did not have 1kg of currants to supply our customers of the domestic product. Due to the high price for Greek Currants most manufactures converted to raisins from the USA "Free of any Duty". The benefit of the rising currency and the Free Trade Agreement have made the USA dry vine fruit the cheapest from all origins.

2011 - Flood and devastation / crop from as small as 600 metric tones. Zero stock left in Australia. The balance of the manufacturers that have not already eliminated the currants from their recipes do so this year due to the excessive moisture, mould and quality issues of the wettest and smallest crop since 1976.

This time line approximately gives an account of how ineffective the dumping duty for Greek currants has been.

The only beneficiaries are the solicitors and legal representatives that have capitalized on our suffering.

We implore Customs to review the measures for the dumping of Greek Currants. Our competitors who initiated the dumping duty investigation have since been sold to the Chinese Private Equity consortium Bright Foods. The global economic factors have dramatically changed since the imposition of the dumping duty on currants.

We are all about protecting Australian Manufacturing / Australian Industry and the creation of work for all Australians. Frutex employs 125 people in the western suburbs of Sydney.

Imposing dumping duty on an ingredient that is a component for many Australian Manufacturers has just made it an obstacle for the retail sector to find another excuse to export jobs overseas.

We implore you to review and revoke these measures.

We have spent near \$1 million dollars in dumping duty.

We have spent over \$250,000 in legal costs.