



Australian Government
Australian Customs and
Border Protection Service

B602 (10/11)

**NON -
CONFIDENTIAL**

APPLICATION

FOR

REVIEW OF
ANTI-DUMPING
MEASURES

International Trade Remedies Branch
Australian Customs and Border Protection Service

**APPLICATION UNDER SECTION 269ZA
OF THE CUSTOMS ACT 1901 FOR
REVIEW OF ANTI-DUMPING MEASURES**

In accordance with section 269ZA of the *Customs Act 1901*, I request that the CEO initiate a review of anti-dumping measures in respect of the goods the subject of this application to:

1. ☒ **revise the level of the measures** because one or more of the variable factors relevant to the taking of measures have changed (a variable factors review)

In this case the factors that I consider have changed are:

- ☒ normal value
- ☒ export price
- ☐ non injurious price
- ☐ subsidy

The variable factors review is in relation to:

- ☒ a particular exporter, viz –
 - Tipco Foods Public Company Limited, Thailand
- ☐ exporters generally

or

2. ☒ **revoke the measures** because the anti-dumping measures are no longer warranted (a revocation review)

In this case the measure I consider should be revoked is:

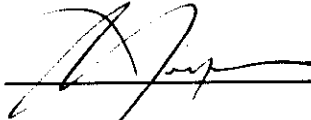
- ☒ the dumping duty notice
- ☐ the countervailing duty
- ☐ notice the undertaking

The revocation review is in relation to:

- ☒ a particular exporter, viz –
 - Tipco Foods Public Company Limited, Thailand
- ☐ exporters generally

DECLARATION

I believe that the information contained in this application provides reasonable grounds for review of the anti-dumping measure; and is complete and correct to the best of my knowledge and belief.

Signature: 
Name: Roger Simpson
Position: Director
Company: Roger D Simpson & Associates Pty Ltd
Date: 6.12.12

REQUIRED INFORMATION

Applicant

Tipco Foods Public Company Ltd ("Tipco")
Tipco Tower 28th Floor
118/1 Rama 6 Road
Samsen Nai, Phayathai
Bangkok 10400
Thailand

Contact Person

Mr Roger Simpson
Director
Roger D Simpson & Associates Pty Ltd
Tel: 08 8447 3699
Fax: 08 8447 2661
Email: roger@panpac.biz

Other parties supporting this application

None

Applicant's interest

Tipco is concerned with the exportation of the goods from Thailand.

Details of the current anti-dumping measures

- The goods: Food Service and Industrial (FSI) pineapple.
- Tariff classification: 2008. 20.00/27/28
- Country specified: Thailand
- Date of publication of the notice: 14 October 2011

Grounds for revocation

The current anti-dumping measures are no longer warranted in relation to exports of FSI pineapple to Australia by Tipco because –

- there is no dumping by Tipco; and
- dumping is unlikely to recur if measures are revoked.

Evidence of these grounds follows:

Exports to Australia

During the period 1 October 2011 to 30 September 2012, Tipco made [REDACTED] shipments of FSI pineapple to Australia and at an average export price of THB [REDACTED] per kg; ex-factory – details are at attachment 1.

Domestic sales

Tipco has made no sales of FSI into the Thai domestic market.

Normal value

In the absence of sales into the domestic market, it is appropriate to determine Tipco's normal value vide s269TAC(2)(c) of the Customs Act.

Tipco's normal value vide s269TAC(2)(c) for the period 1 October 2011 to 30 September 2012 is THB [REDACTED] per kg; FOB ex-factory – details are at attachment 2.

Dumping margin

Tipco's dumping margin for the period 1 October 2011 to 30 September 2012 is [REDACTED]%, calculated as follows:

	(THB/kg)	
Normal value – ex-factory	[REDACTED]	
Export price – ex-factory	[REDACTED]	
Dumping margin		([REDACTED]%)

Likelihood of recurrence of dumping

It is demonstrated above that Tipco's exports to Australia are not dumped. Concerning the likelihood of recurrence of dumping, it is paramount that the dumping duty applicable to Tipco's exports is the "All Other Exporters" rate as Tipco did not participate in the investigation (review) which determined this rate. That is, it has not been determined that Tipco's exports during the period of the review leading to the imposition of dumping duty on Tipco's current exports were actually dumped.

Other interested parties

Golden Circle Ltd, the sole Australian manufacturer, is likely to have an interest in this matter.

LIST OF ATTACHMENTS

- | | |
|---------------|---|
| Attachment: 1 | Exports to Australia (Confidential) |
| 2 | Normal value calculation (Confidential) |
| 3 | Authorization letter |

ATTACHMENT 3

AUTHORIZATION LETTER



TIPCO FOODS PCL.

Tipco Tower 118/1 Rama 6 Rd, Samsen Noi, Phayathai, Bangkok 10400
Tel : (662) 273 – 6200, Fax (662) 271-1600, 271 – 4304, E-mail : food@tipco.net

*The National Manager
International Trade Remedies Branch
Australian Customs and Border Protection Service
Canberra ACT 2600
Australia*

Dear Sir/Madam,

This letter is to advise that we have engaged Roger D Simpson & Associates Pty Ltd of Port Adelaide, Australia to represent Tipco Foods Public Company Limited in seeking revocation of the anti-dumping measures applicable to our exports of FSI pineapple to Australia and review of the anti-dumping measures applicable to our exports of consumer pineapple to Australia.

Yours faithfully,

A handwritten signature in black ink, appearing to read "Napat Subsakorn", with a long horizontal flourish extending to the right.

*Name: Mr. Napat Subsakorn
Position: Marketing Director
Date: 7 November 2012*