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**Australian Government**  
**Australian Customs and**  
**Border Protection Service**

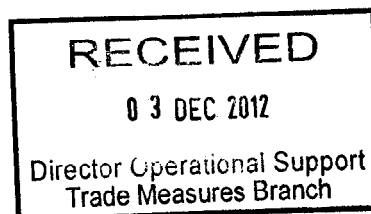
B602 (10/11)

**NON -  
CONFIDENTIAL**

**APPLICATION**

**FOR**

**REVIEW OF**  
**ANTI-DUMPING**  
**MEASURES**



International Trade Remedies Branch  
Australian Customs and Border Protection Service

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

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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 –
  - Thai Pineapple Canning Industry Corp Ltd, Bangkok (“TPC”)
- 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 –
  - Thai Pineapple Canning Industry Corp Ltd, Bangkok (“TPC”)
- 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: 30 November 2012

**REQUIRED INFORMATION****Applicant**

Siam Agro-Food Industry Public Company Limited ("SAICO")  
50 GMM Grammy Place,  
17<sup>th</sup> Floor Sukhumvit 21 (Asoke) Road,  
Klongtoey Nua, Wattana,  
Bangkok 10110,  
Thailand

**Contact Person**

Mr Roger Simpson  
Director  
Roger D Simpson & Associates Pty Ltd  
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**Other parties supporting this application**

None

**Applicant's interest**

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

**Details of the current anti-dumping measures**

- The goods: Consumer pineapple.
- Tariff classification: 2008. 20.00/26/28
- 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 TPC – SAICO because –

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

Evidence of these grounds follows:

**Background**

It was ascertained by the Customs' investigation which resulted in the imposition of the current measures that SAICO is a wholly owned subsidiary of TPC. TPC is the holding company and all operations are performed by SAICO – Customs' Visit Report of July 2011 refers.

All exports to Australia by TPC during the investigation period of the abovementioned investigations and since were produced by factories operated by SAICO. They were exported by TPC because of TPC's contractual arrangements with its long-term Australian customers, Coles and Woolworths, established well before TPC's acquisition of SAICO.

For the purpose of Customs' anti-dumping measures, TPC and SAICO should be considered a single entity.

**Exports to Australia**

At attachment 1 are details of TPC's exports of consumer pineapple to Australia during October '11 – September '12. The weighted average export price of these exports is **THB [REDACTED] per Kg; ex-factory.**

**Domestic sales**

TPC/SAICO has made no sales of consumer pineapple into the Thai domestic market.

**Normal value**

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

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

**Dumping margin**

SAICO'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]
<b>Dumping margin</b>	[REDACTED]

**Likelihood of recurrence of dumping**

It is demonstrated above that TPC/SAICO's exports to Australia are not dumped. Concerning the likelihood of recurrence of dumping, the dumping determined by Customs' investigation which led to the imposition of the existing anti-dumping measures is unlikely to recur in the foreseeable future. This is because during the investigation period of the said investigation, January – December 2010, the price of the pineapple fruit raw material used in the production of exports to Australia during that period was abnormally high because of shortage of supply due to extreme drought conditions in Thailand, causing the normal value of those exports which was constructed vide s269TAC(2)(c) to the abnormally high. It is also of note that the

previous investigation of TPC's exports in 2006 determined that TPC's exports were not 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**





บริษัท สยามอุตสาหกรรมเกษตรอาหาร จำกัด (มหาชน)  
SIAM AGRO-FOOD INDUSTRY PUBLIC COMPANY LIMITED  
*Golden richness ... uniquely Thai*

November 13, 2012

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

Dear Sir/Madam,

**Review of anti-dumping measures – pineapple from Thailand**

This letter is to authorise Roger D Simpson & Associates Pty Ltd to act on our behalf in making applications for the review of anti-dumping measures applicable to our exports of consumer and FSI pineapple from Thailand.

Yours sincerely,

Ghanyapad Tantipipatpong  
Director