



ANTI-DUMPING NOTICE NO. 2015/72

Food Service and Industrial

Prepared or Preserved Pineapple

Exported from the Kingdom of Thailand

Initiation of an Accelerated Review

Customs Act 1901 – Part XVB

I, Paul Sexton, the Acting Commissioner of the Anti-Dumping Commission, have commenced an accelerated review of the anti-dumping measures applying to food service and industrial (FSI) prepared or preserved 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 3 May 2015 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 tariff subheading 2008.20.00 (statistical codes 27 and 28) of Schedule 3 to the *Customs Tariff Act 1995*.

There is currently no general duty imposed on the goods exported from Thailand in accordance with the Thailand-Australia Free Trade Agreement.

Existing measures

The anti-dumping measures were initially imposed by public notice on 11 October 2001 by the then Minister for Justice and Customs following consideration of *Trade Measures Report No. 41*.

The anti-dumping measures were subject to continuation enquiries in 2006 and 2011. In 2013, following a review of the measures, the then Minister for Home Affairs 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 has been determined is an amount worked out in accordance with the combination of fixed and variable duty method.

The current review

On 3 May 2015, Prime Products lodged an application under subsection 269ZE(1) 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. 295* (CON 295).

After concluding the accelerated review, I will make a recommendation under subsection 269ZG(1) of the Act to the Parliamentary Secretary to the Minister for Industry and Science (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 record for accelerated reviews. However, in the interests of transparency, a public record for this accelerated review has been opened and is accessible at www.adcommission.gov.au. Alternatively, the public record may be examined at the Commission's office by contacting the case manager on the details provided below.

The public record will contain, among other things, a copy of the application, CON 295 and a copy of all submissions from interested parties.

Securities

Pursuant to subsection 269ZH(b) of the Act, 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 from 3 May 2015. The effective rate of duty has been determined in accordance with the combination of fixed and variable duty method.

Lodgment of submissions

Interested parties are invited to lodge written submissions no later than the close of business on **2 July 2015**, addressed to:

The Director
Operations 4
GPO Box 1632
Melbourne VIC 3001

or email operations4@adcommisison.gov.au, or fax +61 3 8539 2499.

Interested parties wishing to participate in the accelerated review must ensure that submissions are lodged promptly.

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 2 July 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 11 August 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 +61 3 8539 2424 or fax +61 3 8539 2499.

Paul Sexton
Acting Commissioner
Anti-Dumping Commission

4 June 2015