



Australian Government
**Department of Industry,
Innovation and Science**

**Anti-Dumping
Commission**

Application for a
review of
anti-dumping measures

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

In accordance with section 269ZA of the *Customs Act 1901* (the Act), I request that the Anti-Dumping Commissioner 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 – Prime Products Industry Co. Ltd from 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 - Prime Products Industry Co. Ltd from Thailand
 exporters generally

NOTE

Where seeking variable factors review as well as a revocation review, indicate this in *both* 1 and 2 above.

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:

Ms Chuanchom Ketkaew

Position:

Regional Sales Manager

Company:

Prime Products Industry Co. Ltd

ABN:

Not applicable

Date:

4 May 2018

Signature requirements

Where the application is made:

By a company - the application must be signed by a director, servant or agent acting with the authority of the body corporate.

By a joint venture - a director, employee, agent of each joint venturer must sign the application. Where a joint venturer is not a company, the principal of that joint venturer must sign the application form.

On behalf of a trust - a trustee of the trust must sign the application.

By a sole trader - the sole trader must sign the application.

In any other case - contact the Commission's client support section for advice.

Assistance with the application

The Anti-Dumping Commission has published guidelines to assist applicants with the completion of this application. Please refer to the '*Instructions and guidelines for applicants: Application for review or revocation of measures*' on the Commission's website.

The Commission's client support section can provide information about dumping and countervailing procedures and the information required by the application form. Contact the team on:

Phone: 13 28 46 or +61 2 6213 6000 (outside Australia)

Fax: (03) 8539 2499 or +61 3 8539 2499 (outside Australia)

Email: clientsupport@adcommission.gov.au

Other information is available from the Commission's website at www.adcommission.gov.au.

Small and medium enterprises (i.e., those with less than 200 full-time staff, which are independently operated and which are not a related body corporate for the purposes of the *Corporations Act 2001*), may obtain assistance, at no charge, from the International Trade Remedies Advisory (ITRA) Service. For more information on the ITRA Service, visit www.business.gov.au or telephone the ITRA Service Hotline on +61 2 6213 7267.

Review Period

The review period is *generally* the 12 month period preceding the initiation date and ending on the most recently completed month or quarter.

For the purposes of information requested in this application, please consider the review period as the 12 month period ending on the most recently completed quarter prior to the date that you submit the application.

The actual review period will be set by the Commissioner if a review is initiated, and may differ to that used by the applicant in the application form.

Required information

1. Provide details of the name, street and postal address, of the applicant seeking the review.
2. Provide details of the name of a contact person, including their position, telephone number and facsimile number, and e-mail address.
3. Name other parties supporting this application.
4. Describe your interest as an affected party (e.g. are you concerned with the exportation of the goods, the importation of the goods, or part of the

Australian industry, or acting on behalf of the Government of an exporting country).

5. Provide details of the current anti-dumping measure(s) the subject of this review application and the goods subject to the measure(s), including:
- tariff classification
 - the countries and/or companies
 - specified date of publication of the measure
6. If you are an exporter of the goods the subject of this application please answer the following questions:
- Have you exported the goods to Australia during the review period?
 - o If yes, what was the total quantity and total value of the goods exported to Australia during the review period?
 - Have you previously (prior to the review period) exported the goods to Australia?
 - o If yes, please provide the total quantity and total value of the goods exported to Australia each year during the three years prior to the review period.
 - Have you exported like goods to countries other than Australia during the review period?
 - o If yes, please provide the total quantity and total value of exports of the goods to each other country during the review period. Please indicate if any of the sales are to a related party.

NB: In relation to the goods the subject of this application, 'like goods' means goods that are identical in all respects to the goods the subject of this application or, although not alike in all respects to the goods the subject of this application, have characteristics closely resembling those goods (s 269T(1) refers).

NB: Please note you must provide this information if you are an exporter of the goods the subject of the application. If you are not an exporter of the goods, you may choose to provide information relevant to this question.

7. Provide the names, addresses, telephone numbers and facsimile numbers of other parties likely to have an interest in this matter e.g. Australian manufacturers, importers, exporters and/or users.

**Applications
for review of
variable
factors**

If you are applying for a variable factors review (in box 1 above) provide a detailed statement setting out your reasons. Include information about:

- the factor(s) you wish to have reviewed;
- the amount by which that factor is likely to have changed since anti-dumping measures were last imposed, and evidence in support; and
- in your opinion the causes of the change and whether these causes are likely to persist.

**Application
for a
revocation
review**

If you are applying for a revocation review (in box 2 above), provide a detailed statement setting out your reasons.

Include evidence in support of your view that there are reasonable grounds

for asserting that the measures are no longer warranted. Refer to the *'Instructions and guidelines for applicants: Application for review or revocation of measures'* as part of preparing your response. If you consider anti-dumping measures are no longer warranted because of:

- *no dumping or no subsidisation*: provide evidence that there is no dumping, or no subsidy, and why dumping or subsidisation is unlikely to recur if measures were revoked.
- *no injury*: provide evidence that there is no current injury, and there is unlikely to be a recurrence of injury if the measures were to be revoked.

Lodgement of the application

In accordance with subsection 269SMS(2) of the Act, this application, together with the supporting evidence, must be lodged by either:

- preferably, email, using the email address clientsupport@adcommission.gov.au, or
- post to:

The Commissioner of the Anti-Dumping Commission
GPO Box 2013
Canberra ACT 2601, or
- facsimile, using the number (03) 8539 2499 (or +61 3 8539 2499 if outside Australia)

Public Record

During a review all interested parties are given the opportunity to defend their interests, by making a submission. The Commission maintains a public record of these submissions. The public record is available on the Commission's website at www.adcommission.gov.au.

At the time of making the application both a confidential version (for official use only) and non-confidential version (public record) of the application must be submitted. Please ensure each page of the application is clearly marked "FOR OFFICIAL USE ONLY" or "PUBLIC RECORD". The non-confidential application should enable a reasonable understanding of the substance of the information submitted in confidence, clearly showing the reasons for seeking the review, or, if those reasons cannot be summarised, a statement of reasons why summarisation is not possible. If you cannot provide a non-confidential version, contact the Commission's client support section for advice.

**APPLICATION FOR REVIEW OF VARIABLE FACTORS –
PRIME PRODUCTS INDUSTRY CO. LTD**

REQUIRED INFORMATION

1. Applicant:

Company: Prime Products Industry Co. Ltd (PPI)

Address: 1/19 Nanakarin, Soi. Supaphong 3, Yak 8, Srinakarin Rd., Nhongbon, Pravet, Bangkok 10250 Thailand

2. Contact person:

Name: Ms Chuanchom Ketkaew

Tel: (66)2 743 4699 ext. 115

Fax: n/a

Email: chuanchom@primeproducts.co.th

Applicant's representative

Name: Mr John Bracic

Company: J.Bracic & Associates Pty Ltd

Address: PO Box 3026

Manuka, ACT 2603

Tel: +61 (0)499 056 729

Email: john@jbracic.com.au

3. Other parties supporting this application:

, an importer of the goods supports PPI's request to have the measures revoked or reviewed.

4. Applicant's interest:

PPI is a producer and exporter of canned pineapple products.

5. Details of current anti-dumping measures:

The 'description of goods' subject to measures are consumer pineapple, being pineapple fruit prepared or preserved in containers not exceeding 1 litre.

Tariff classification:

Consumer pineapple is classified using the tariff sub-headings and associated statistical codes of Schedule 3 to the Customs Tariff Act 1995 (Tariff Act) below:

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Tariff subheading	Statistical code
2008.20.00	26 (consumer) 28 (consumer and FSI)

Country subject to the notice:

The Kingdom of Thailand

Date of publication of the notice:

On 11 October 2001, the Minister imposed interim dumping duties on consumer pineapple exported from Thailand (refer to Australian Customs Dumping Notice No. 2001/62). On 17 October 2016, anti-dumping measures were varied in respect to consumer pineapple fruit exported from Thailand following a continuation inquiry (refer to **ADN 2016/82**), except for exports by Thai Pineapple Canning Corp Ltd.

6. Exports by PPI:

- Have you exported the goods to Australia during the review period? **Yes PPI exported consumer pineapple to Australia during the expected review period.**
 - o If yes, what was the total quantity and total value of the goods exported to Australia during the review period?

Consumer pineapple exports to Australia		
Period	Value (USD)	Volume (kgs)
Apr '17 – Mar '18	[REDACTED]	[REDACTED]

- Have you previously (prior to the review period) exported the goods to Australia? **Yes PPI exported consumer pineapple to Australia prior to the expected review period.**
 - o If yes, please provide the total quantity and total value of the goods exported to Australia each year during the three years prior to the review period.

Consumer pineapple exports to Australia		
Period	Value (USD)	Volume (kgs)
Jan-Dec 2014	[REDACTED]	[REDACTED]
Jan-Dec 2015	[REDACTED]	[REDACTED]
Jan-Dec 2016	[REDACTED]	[REDACTED]

- Have you exported like goods to countries other than Australia during the review period? **Yes PPI exported consumer pineapple to other countries during the expected review period.**
 - o If yes, please provide the total quantity and total value of exports of the goods to each other country during the review period. Please indicate if any of the sales are to a related party.
 - o

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Consumer pineapple exports to other countries		
Period	Value (USD)	Volume (kgs)
Apr '17 – Mar '18		

7. Details of interested parties

Importer



Australian Producer

Golden Circle Limited
260 Earnshaw Road
Northgate QLD 4013

1. GROUNDINGS FOR REVIEW

PPI submits that at least one of its relevant variable factors has changed since the original imposition of the interim dumping duties.

2. ASCERTAINED EXPORT PRICE

Basis for current ascertained export prices

As PPI did not have exports to Australia during the previous review (REP 333), the current applicable ascertained export price relevant to PPI's exports was determined in accordance with s.269TAB(3) of the Act, using all relevant information, being the weighted average export price for Thailand from the Australian Border Force import database at FOB terms.

2.1 Grounds for review of ascertained export prices

Since the completion of the previous review, PPI has commenced exporting consumer pineapple to Australia. The contemporary export selling prices are supported by a sample of export sales commercial invoices contained at **Confidential Attachment 1**.

The submitted information at **confidential attachment 2** shows that unit selling prices across a proposed review period of 1 April 2017 to 31 March 2018 varied from [REDACTED]/kg to [REDACTED]/kg. The weighted average export price over this period was approximately [REDACTED]/kg. These inflated contemporary export prices ([REDACTED] than the applicable AEP) reflect the higher ascertained export prices established during the previous review and do not accord with PPI's contemporary costs which have substantially reduced over the past 18 months due to reduced fresh pineapple prices.

2.2 Conclusion

On the basis of the attached evidence for export sales of consumer pineapple, PPI considers that there appears to be reasonable grounds for asserting that the ascertained export price relevant to the taking of anti-dumping measures has changed.

3. ASCERTAINED NORMAL VALUE

3.1 Basis for current ascertained normal values

As PPI did not have domestic sales in Thailand during the previous review (REP 333), the current applicable ascertained normal value relevant to PPI was determined in accordance with s.269TAC(6) of the Act, using all relevant information, being the weighted average normal value determined for Dole Philippines, excluding any part of that price that relates to post-exportation charges.

3.2 Grounds for review of ascertained normal values

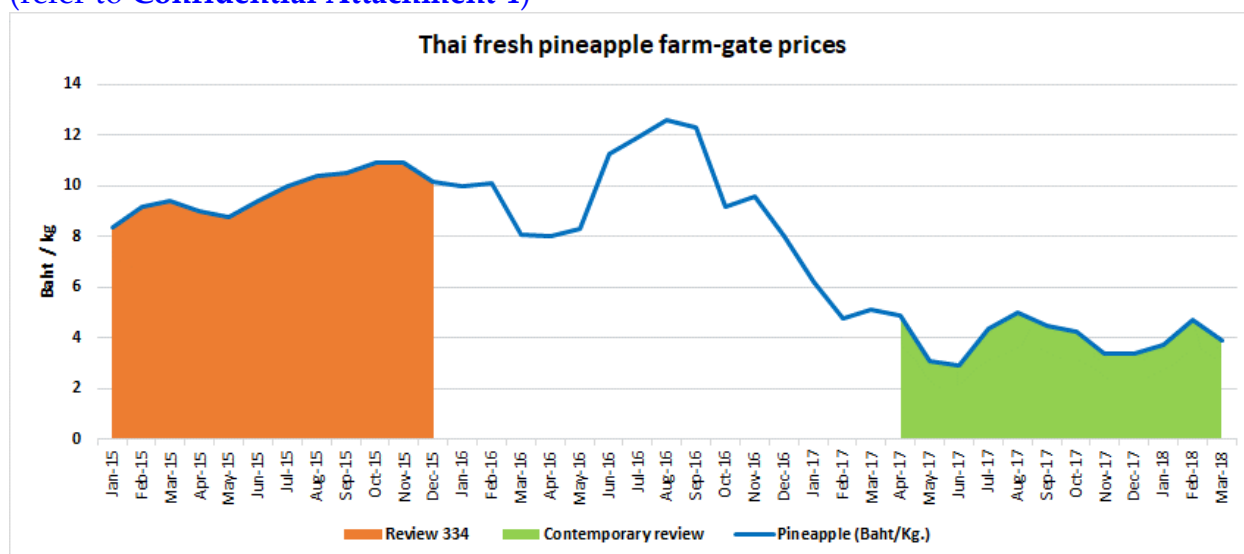
Since the completion of the previous review, PPI has made domestic sales of consumer pineapple. The contemporary domestic selling prices are supported by a sample of domestic invoices contained at **Confidential Attachment 3**. These contemporary

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domestic prices demonstrate a ■ % decrease in the contemporary normal value, when compared to the previously determined ascertained normal value.

The primary cause of the change in contemporary normal values is the sharp decrease in local fresh pineapple farm-gate prices. As the Commission would be aware, and as confirmed during previous investigations, fresh pineapple represents a significant cost of the cost to manufacture consumer pineapple.

The graph below shows that local fresh pineapple prices have fallen sharply since the end of the previous review period, reaching its lowest point in June 2017. The data shows that fresh pineapple prices have decreased significantly between the previous review period and the proposed contemporary review period, with prices falling by approximately 59% (refer to **Confidential Attachment 4**)



Source: Office of Agricultural Economics, Ministry of Agriculture and Cooperatives

The favourable climate and growing conditions in Thailand are forecast to continue growing pineapple fruit at full production, or approximately 8,000 to 9,000 tons of pineapple fruit each day. This high volume of pineapple fruit is expected to maintain farm-gate prices at current levels through to the end of 2017 and into early 2018 (refer to article at **Attachment 5** for support).

Therefore, in PPI's opinion, contemporary normal values during the nominated review period are estimated to have fallen significantly since the previous review, and are likely to persist given the observed trend for pineapple fruit production and corresponding farm-gate prices.