



ANTI-DUMPING NOTICE NO. 2015/52

Preserved Mushrooms

Exported from the People's Republic of China

Initiation of a Revocation Review

Customs Act 1901 – Part XVB

I, Dale Seymour, the Commissioner of the Anti-Dumping Commission (the Commission) have initiated a review of the anti-dumping measures applying to preserved mushrooms exported to Australia from the People's Republic of China (China). This follows an application by Global Procurement Pty Ltd (GlobalCo).

GlobalCo alleges that the sole Australian manufacturer of preserved mushrooms, Windsor Farm Foods Pty Limited (Windsor Farm), has ceased manufacturing preserved mushrooms.

The Goods

The goods subject to anti-dumping measures, in the form of a dumping duty notice, are preserved mushrooms or champignons of the genus *Agaricus*, whole, sliced or as pieces and stems, in brine, sauce or some other preserving medium, packed in containers, including bottles, cans, bags, pails and barrels (the goods).

Preserved mushrooms refer to fresh mushrooms that have been washed, blanched, prepared (e.g. sliced or diced), packed into containers in a suitable liquid medium, heated and cooled.

All other species of mushrooms, including straw, shiitake, and oyster, are not covered.

The goods are currently classified to the tariff subheading 2003.10.00 (statistical code 87) of Schedule 3 to the *Customs Tariff Act 1995*. These goods are subject to 5 per cent Customs duty.

This review will examine whether the current anti-dumping measures are no longer warranted.

Background to the measures

The anti-dumping measures were initially imposed by public notice on 12 January 2006 by the then Minister for Justice and Customs following consideration of Australian Customs

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and Border Protection Service (ACBPS) Trade Measures Report No. 99 (REP 99). These measures were applicable to all exporters from the People's Republic of China other than by Jiangsu Cereals, Oils & Foodstuff Import Export Group (Jiangsu COF).

The Minister's decision was the subject of a reinvestigation following a review by the Trade Measures Review Officer. On 9 November 2006, the Minister accepted the ACBPS recommendation in Trade Measures Report 99A that anti-dumping measures be imposed on the goods exported from China other than by Jiangsu COF and Xiamen Gulong Import & Export Co., Ltd (Xiamen Gulong). The Minister published a dumping duty notice, on 21 November 2006, for preserved mushrooms exported to Australia from China other than by Jiangsu COF and Xiamen Gulong.

The anti-dumping measures were originally due to expire on 12 January 2011. On 28 June 2010, ACBPS initiated a continuation inquiry following the consideration of an application by Windsor Farm. The then Minister for Home Affairs decided to continue the measures on 21 December 2010.

The current anti-dumping measures are due to expire on 13 January 2016.

A review of anti-dumping measures was also initiated by ACBPS on 13 September 2010, following the consideration of an application made by Xiamen Fortune Imp & Exp Co., Ltd on behalf of itself and Fujian Zishan Group Co., Ltd. The then Minister for Home Affairs accepted the ACBPS recommendations outlined in Trade Measures Report No. 166 (REP166), that the dumping notice in respect of preserved mushrooms exported from China is taken to have effect, in relation to exporters of the goods generally, as if different variable factors had been fixed in respect of those exporters, relevant to the determination of duty.

The current revocation review

GlobalCo has made an application under section 269ZA of the *Customs Act 1901* (the Act) for a review of the anti-dumping measures in respect of the goods exported to Australia from China.

A notice indicating that it is proposed to review the measures was published in *The Australian* on **4 May 2014**. The review will examine whether the current anti-dumping measures are no longer warranted.

After concluding the review, I will recommend to the Parliamentary Secretary to the Minister for Industry and Science (the Parliamentary Secretary) that the current dumping duty notice:

- i. remain unaltered; or
- ii. be revoked in its application to a particular exporter or to a particular kind of goods or revoked generally.

Public Record

A public record will be maintained for the review containing, among other things, a copy of all submissions from interested parties.

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Documents included in the public record may be examined at the Commission's office by contacting the case manager on the details provided below. Alternatively, the public record is available at www.adcommission.gov.au

Lodgment of submissions

Interested parties, as defined by subsection 269T(1) of the Act, are invited to lodge written submissions concerning this review, no later than the close of business on **13 June 2015**, addressed to:

Director Operations 1
Anti-Dumping Commission
Level 35, 55 Collins Street
Melbourne VIC 3000

or by email at operations1@adcommission.gov.au

Interested parties wishing to participate in the review must ensure that submissions are lodged by the due date. Interested parties should note that under subsection 269ZD(3) of the Act, I am not obliged to have regard to a submission received by the Commission after the date mentioned above if to do so would, in my opinion, prevent the timely placement of the statement of essential facts on the public record.

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 making submissions must also provide a non-confidential version for public record (clearly marked "PUBLIC RECORD").

Statement of Essential Facts

The dates specified in this notice for lodging submissions must be observed to enable me to report to the Parliamentary Secretary within the legislative timeframe. A statement of essential facts will be placed on the public record by **22 August 2015**, or by such later date as the Parliamentary Secretary may allow, in accordance with subsection 269ZHI(3) of the Act.

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The statement will set out the essential facts on which I propose to base a recommendation to the Parliamentary Secretary. That statement will invite interested parties to respond to the issues raised within 20 days of the statement being placed on the public record.

Given the applicant's claims that the Australian industry has ceased manufacturing the goods domestically, I will seek to publish the statement of essential facts at the earliest opportunity prior to 22 August 2015, having regard to the relevant statutory requirements of the Act.

Report to the Parliamentary Secretary

Submissions received in response to the statement of essential facts will be taken into account in preparing the report and recommendation to the Parliamentary Secretary. A recommendation to the Parliamentary Secretary will be made in a report on or before **6 October 2015** (or such later date as the Parliamentary Secretary will allow).

Given the applicant's claims that the Australian industry has ceased manufacturing the goods domestically, I will seek to report to the Parliamentary Secretary at the earliest opportunity prior to **6 October 2015**, having regard to the relevant statutory requirements of the Act.

The Parliamentary Secretary must make a declaration within 30 days after receiving the report, or such longer period as the Parliamentary Secretary considers appropriate.

Anti-Dumping Commission contact

Enquiries about this notice may be directed to the case manager on telephone number +61 3 8539 2408 (outside Australia) or email at operations1@adcommission.gov.au.

Dale Seymour
Commissioner
Anti-Dumping Commission

4 May 2015