



ANTI-DUMPING NOTICE NO. 2015/92

Certain preserved mushrooms Exported from the People's Republic of China

Initiation of a Continuation Inquiry into Anti-Dumping Measures

Customs Act 1901 – Part XVB

I, Dale Seymour, the Commissioner of the Anti-Dumping Commission have initiated an inquiry which is proposed to inquire whether the continuation of anti-dumping measures in respect of certain preserved mushrooms exported from the People's Republic of China (China) is justified.

The Goods

The goods subject to anti-dumping measures are, in the form of a dumping duty notice are preserved mushrooms ("the goods").

The applicant provided further details as follows:

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

Background to the measures

The anti-dumping measures were initially imposed by public notice on 12 January 2006 following the relevant Minister's consideration of *Trade Measures Branch Report No 99*.

The anti-dumping measures were continued for a further five years by public notice on 7 January 2011 following the relevant Minister's consideration of *Trade Measures Branch Report No 164*.

The anti-dumping measures which currently apply to certain exports of preserved mushrooms from China are due to expire on 13 January 2016.

The current continuation inquiry

On 30 April 2015, I published a notice in *The Australian* newspaper inviting certain persons to apply to me for the continuation of anti-dumping measures on certain preserved mushrooms exported from China, in accordance with section 269ZHB of the *Customs Act 1901* (the Act).

Following receipt of an application made by Simplot Australia Pty Ltd representing the Australian industry, in accordance with subsection 269ZHB(1)(b) of the Act, I initiated this inquiry into whether the continuation of measures for another five years is justified.

Anti-Dumping Commission Consideration Report No. 303, which sets out my decision not to reject the application, is available on the public record.

A notice was published in *The Australian* newspaper on 24 July 2015 indicating that an inquiry will be undertaken.

Public Record

I must maintain a public record of this continuation inquiry. The public record must contain, among other things, a copy of all submissions from interested parties.

Documents included in the public record may be examined at www.adcommission.gov.au or alternatively at the Anti-Dumping Commission's office by contacting the case manager on the details provided below.

Lodgment of submissions

Interested parties, as defined in subsection 269T(1) of the Act, are invited to lodge written submissions concerning this inquiry, no later than the close of business on 2 September 2015, addressed to:

The Director
Operations 3
Anti-Dumping Commission
GPO Box 1632
MELBOURNE VIC 3001

or by email at operations3@adcommission.gov.au or fax to +61 3 8539 2499.

Interested parties wishing to participate in the inquiry must ensure that submissions are lodged promptly. Interested parties should note that I am not obliged to have regard to a submission I receive after the date indicated above if to do so would, in my opinion, prevent the timely placement of the statement of essential facts (SEF) 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 must lodge a non-confidential version or a summary of their submission in accordance with the requirement above (clearly marked "PUBLIC RECORD").

Statement of Essential Facts

The dates specified in this notice for lodging submissions must be observed to enable my report to the Parliamentary Secretary to the Minister for Industry and Science (Parliamentary Secretary) within the legislative timeframe. A SEF will be placed on the public record by 11 November 2015, or by such later date as the Parliamentary Secretary may allow in accordance with subsection 269ZHI(3) of the Act. The SEF will set out the essential facts on which I propose to base a recommendation to the Parliamentary Secretary. That SEF will invite interested parties to respond to the issues raised within 20 days of the statement being placed on the public record.

Submissions received in response to the SEF will be taken into account in completing my report and recommendation to the Parliamentary Secretary.

Report to the Parliamentary Secretary

A recommendation to the Parliamentary Secretary will be made in a report on or before 26 December 2015 (or such later date as the Parliamentary Secretary may allow).

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

The Commission contact

Enquiries about this notice may be directed to the case manager on telephone number +61 3 8539 2437, fax number + 61 3 8539 2499 or email at operations3@adcommission.gov.au.

Dale Seymour
Commissioner
Anti-Dumping Commission

24 July 2015