



Australian Government
Australian Customs and
Border Protection Service

AUSTRALIAN CUSTOMS DUMPING NOTICE NO. 2012/65

Food service and industrial pineapple

Exported from Thailand

Initiation of a review of anti-dumping measures

The Chief Executive Officer (CEO) of the Australian Customs and Border Protection Service (Customs and Border Protection) will undertake a review in respect of food service and industrial (FSI) pineapple exported to Australia from Thailand by Tipco Foods Public Company Ltd (Tipco) pursuant to section 269ZC of the *Customs Act 1901* (the Act).

The review will commence on 19 December 2012.

The goods subject to anti-dumping measures, in the form of dumping duty notices, are FSI pineapple. FSI pineapple is described as pineapple prepared or preserved in containers exceeding one litre.

FSI pineapple is classified to tariff subheading 2008.20.00, statistical code 27 and 28 in Schedule 3 of the *Customs Tariff Act 1995 (Cth)*. There is currently no general duty imposed on goods exported from Thailand in accordance with the Thailand-Australia Free Trade Agreement.

Background to the measures

Anti-dumping measures were first imposed on certain pineapple products exported from Thailand on 18 October 2001. All exporters of FSI pineapple from Thailand with the exception of Malee Sampran Public Co. Limited were subject to interim dumping duties.

Continuation inquiries and a review of the variable factors of the measures were undertaken in 2006 and 2011. The measures were continued and the variable factors fixed at different rates as a result.

Measures are due to expire on 14 October 2016, subject to any continuation inquiry or revocation.

The current review

On 10 December 2012, Tipco, an exporter of FSI pineapple from Thailand, lodged an application requesting both a review of the variable factors and review to determine whether the dumping measures applying to FSI pineapple exported to Australia from Thailand by Tipco were no longer warranted. The variable factors are the export price and normal value.

The CEO decided not to reject the application, the reasons for which are set out in Consideration Report No. 196 (CON 196). CON 196 is available at www.customs.gov.au. A notice indicating that it is proposed to conduct a review of the measures was published in *The Australian* on 19 December 2012.

The review period is 1 October 2011 to 30 September 2012 and covers exports of FSI pineapple to Australia by Tipco.

The review will examine changes to the variable factors applying to Tipco and will not examine whether the measures as they relate to Tipco are no longer warranted. However, if an affected party considers that it can provide evidence that may satisfy the CEO that there are reasonable grounds for determining that the anti-dumping measures are no longer warranted that party may, within 40 days of the commencement of this review, request that the CEO consider such evidence. The application form to extend the review to include whether the measures are no longer warranted can be found on the Customs and Border Protection website at www.customs.gov.au.

After concluding the review, Customs and Border Protection will recommend to the Minister of Home Affairs (the Minister) that the dumping duty notice:

- i. remain unaltered; or
- ii. be revoked, in part or generally; or
- iii. have effect as if different variable factors had been ascertained.

A recommendation to revoke the measures may only be made if the review has been extended accordingly.

Lodgement of submissions

Interested parties are invited to lodge written submissions concerning this review not later than **28 January 2013** with:

The Director
Operations 1, International Trade Remedies Branch
Australian Customs and Border Protection Service
5 Constitution Avenue
Canberra ACT 2601

or by email itrops1@customs.gov.au, or fax number 02 6275 6990.

Interested parties wishing to participate in the review must ensure that submissions are lodged promptly. Interested parties should note that the CEO is not obliged to have regard to a submission received by Customs and Border Protection after the end of the period mentioned above if to do so would, in the CEO's opinion, prevent the timely placement of the statement of essential facts on the public record.

The CEO must maintain a public record of each inquiry and review. The public record must contain, among other things, a copy of all submissions from interested parties. Letters and electronic mail are generally regarded as submissions if they contain information relevant to the inquiry or review.

Submissions containing confidential information must clearly be marked "For Official Use Only".

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:

- provide a summary containing sufficient detail to allow a reasonable understanding of the information that does not breach that confidentiality or adversely affect those interests; or
- satisfy the CEO that there is no way such a summary can be given to allow a reasonable understanding of the substance of the information.

Interested parties must also lodge a non-confidential version or summary of their submission in accordance with the requirement above. All non-confidential submissions will be placed on the public record for this review. Further direction on the provision of information for the public record is available at <http://www.customs.gov.au/webdata/resources/files/ACDN201242Provisionofinformationforthepublicrecord.pdf>.

Interested parties wishing to examine the public record may do so on the internet at <http://www.customs.gov.au/anti-dumping/cases/default.asp> or in person at Customs House, 5 Constitution Avenue, Canberra ACT during business hours by contacting the International Trade Remedies office on 02 6275 6547.

Statement of essential facts and final report

A statement of the essential facts on which the CEO proposes to base a recommendation to the Minister will be placed on the public record by 8 April 2013, or such longer period as the Minister allows.

Interested parties are invited to lodge submissions in response to the statement of essential facts within 20 days of that statement being placed on the public record. These submissions should also be lodged with Customs and Border Protection at the above mail, fax or email addresses.

A final report and recommendation to the Minister will be made on or before 23 May 2013, or such longer period as the Minister allows.

Customs and Border Protection contact

Enquiries about the review and continuation may be directed to the case team on telephone number 02 6275 5675 or email itrops1@customs.gov.au.

Kim Farrant
National Manager
International Trade Remedies Branch
19 December 2012