



Coppola Foods Ltd
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From	Ernesto Coppola Coppola Foods Ltd	F	+44 (0) 208 181 7283
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Re	Application for an accelerated dumping review NON-CONFIDENTIAL	Date	25/07/2014

20140617 - Coppola Foods - Application for an accelerated dumping review

APPLICATION FOR ACCELERATED REVIEW COPPOLA FOODS LIMITED

1. Details of the Applicants

The applicants for an accelerated review are Coppola Foods Ltd, an UK based trading company whose full details are indicated below.

Coppola Foods Ltd
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Registered in England and Wales. No. 7953310
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2. Description of the goods to which the notice relates.

The Anti-Dumping Commission's (the Commission) Report No. 217 describes the goods as follows:

*Tomatoes, whether peeled or unpeeled, prepared or preserved otherwise than by vinegar or acetic acid, either whole or in pieces (including diced, chopped or crushed) with or without other ingredients (including vegetables, herbs or spices) in packs not exceeding 1.14 litres in volume.
The goods excluded from this definition are pastes, purees, sauces, pasta sauces, juices and sundried tomatoes.*

3. Grounds for review

A new exporter may request an accelerated review of a dumping duty notice, in so far as that notice affects that exporter.

New exporter is defined under s.269T of the Customs Act 1901 as:

an exporter who did not export such goods to Australia at any time during the period:
a) *Starting at the start of the investigation period in relation to the application; and*
b) *Ending immediately before the day the Commissioner places on the public record the statement of essential facts in relation to the investigation of the application.*

Coppola Foods Ltd has never exported prepared or preserved tomatoes to Australia.

Coppola Foods Ltd seeks an accelerated review of the notice as, although being trading companies, it understands that although it is an UK based trading company, it is currently subject to the duty rate of 26.35% for the products indicated above which exports from Italy.

This rate reflects the dumping margins determined for non-cooperating exporters during the original investigation which was based on the lowest weighted average export price and the highest weighted average normal value from the cooperating exporters during the original investigation period.

As Coppola Foods Ltd did not have the opportunity to participate in the original investigation as it had not exported the subject goods to Australia, these ascertained variable factors are clearly inappropriate and hindering its ability to access the Australian market.

As outlined in the Commission's Dumping and Subsidy Manual, it is not required for a new exporter to have already exported a minimum quantity of the subject goods to Australia. Therefore Coppola Foods Ltd seeks the determination of an ascertained normal value based on their own domestic selling prices or constructed selling prices, where appropriate.

Coppola Foods Ltd note that the current interim dumping duties are in the form of a fixed amount of duty plus a variable amount of duty where actual export prices fall below the ascertained export prices. In these circumstances, Coppola Foods Ltd seeks an ascertained export price set equal to the determined ascertained normal value. This would effectively result in an undumped floor price with a zero fixed amount of duty payable.

For the purposes of s.269ZE(2)(b), Coppola Foods Ltd wishes to state that the company is a UK based trading company, and that it does not have any direct affiliation with the producers of preserved tomatoes in Italy

Best regards

A handwritten signature in blue ink, appearing to read 'Ernesto Coppola', written in a cursive style.

Ernesto Coppola
Managing Director

Coppola Foods Ltd.