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Customs Act 1901 – Part XVB

## **Anti-Dumping Notice No. 2016/41**

**Prepared or preserved tomatoes**

**Exported from Italy**

**Initiation of a Review of Anti-Dumping Measures  
Relating to AR Industrie Alimentari S.p.A.**

***Public notice under subsection 269ZC(4) of the Customs Act 1901***

I, Dale Seymour, the Commissioner of the Anti-Dumping Commission have initiated a review of the anti-dumping measures applying to certain prepared or preserved tomatoes (the goods) exported to Australia from Italy. The review will be limited to examining whether the variable factors relevant to the taking of the anti-dumping measures as they affect AR Industrie Alimentari S.p.A have changed.

### **The Goods**

The goods subject to anti-dumping measures, in the form of a dumping duty notice are:

*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.*

The goods are currently classified to subheading 2002.10.00 (statistical code 60) to Schedule 3 of the *Customs Tariff Act 1995*. These goods are subject to 5% Customs duty.

### **Background to the measures**

The anti-dumping measures were initially imposed by public notice on 16 April 2014 by the then Parliamentary Secretary to the Minister for Industry following consideration of *Anti-Dumping Commission Report No. 217 (REP 217)*. These measures are applicable to all exporters from Italy, with the exception of Feger di Gerardo Ferraioli S.p.A. (Feger) and La Doria S.p.A. (La Doria).

## **The current review**

An application was lodged by AR Industrie Alimentari S.p.A. under subsection 269ZA(1) of the *Customs Act 1901* (the Act) for a review of a dumping duty notice in relation to the goods exported to Australia from Italy by AR Industrie Alimentari S.p.A.

Particulars of the reasons for the decision to undertake this inquiry are in Anti-Dumping Commission Consideration Report No. 349, which has been placed on the public record.

The review period is 1 April 2015 to 31 March 2016. The review will examine whether the variable factors relevant to the taking of the measures have changed.

After concluding the review, I will recommend to the the Assistant Minister for Science and Parliamentary Secretary to the Minister for Industry, Innovation and Science (the Parliamentary Secretary)<sup>1</sup> that the dumping duty notice:

- i. remain unaltered; or
- ii. have effect in relation to AR Industrie Alimentari S.p.A. as if different variable factors had been ascertained.

If an affected party considers that it can provide evidence that may satisfy me that there are reasonable grounds for determining that anti-dumping measures are no longer warranted, that party may lodge an application<sup>2</sup> no later than 28 May 2016 to request that I consider that evidence to extend a review of anti-dumping measures to include revocation.

## **Future Reviews**

Under subsection 269ZA(2) of the Act, an application for a review must not be made earlier than 12 months after the publication of the notice implementing the original measures or the notice declaring the outcome of the last review. Once a notice declaring the outcome of this review is published (regardless of the outcome), an application for a review of measures in relation to the dumping duty notice that is the subject of this review cannot be made for a period of 12 months.

## **Public Record**

A public record must be maintained for each review. 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 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](http://www.adcommission.gov.au)

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<sup>1</sup> On 20 September 2015, the Prime Minister appointed the Parliamentary Secretary to the Minister for Industry, Innovation and Science as the Assistant Minister for Science.

<sup>2</sup> In accordance with section 269ZCA of the Act.

## **Lodgment of submissions**

Interested parties, as defined in subsection 269T(1) of the Act, are invited to lodge written submissions concerning this review, no later than the close of business on 28 May 2016 addressed to:

The Director  
Operations 1,  
GPO Box 1632  
Melbourne VIC 3001

or email to [Operations1@adcommission.gov.au](mailto:Operations1@adcommission.gov.au), or fax to +61 3 8539 2499.

Interested parties wishing to participate in the review must ensure that submissions are lodged promptly. Interested parties should note that I am not obliged to have regard to a submission received 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 (SEF) will be placed on the public record by 9 August 2016, or by such later date as the Parliamentary Secretary allows in accordance with section 269ZHI of the Act. The SEF will set out the essential facts on which I propose to base a recommendation to the Parliamentary Secretary. The SEF will invite interested parties to lodge submissions within 20 days of that statement being placed on the public record.

## **Report to the Parliamentary Secretary**

Submissions received in response to the SEF 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 23 September 2016 (or such later date as the Parliamentary Secretary may allow under section 269ZHI of the Act).

## **Anti-Dumping Commission contact**

Enquiries about this notice may be directed to the Case Manager on telephone number (03) 8539 2467 or email to [Operations1@adcommission.gov.au](mailto:Operations1@adcommission.gov.au).

Dale Seymour  
Commissioner  
Anti-Dumping Commission

21 April 2016