



Customs Act 1901 – Part XVB

Anti-Dumping Notice No. 2017/171

Consumer Pineapple

Exported to Australia from the Kingdom of Thailand

Initiation of Two Reviews of Anti-Dumping Measures Relating to Kuiburi Fruit Canning Co., Ltd and Kuiburi Fruit Cup Co., Ltd (as joint applicants) and Prime Products Industry Co., Ltd

Notice under subsection 269ZC(4) of the Customs Act 1901

I, Dale Seymour, the Commissioner of the Anti-Dumping Commission have initiated two reviews of the anti-dumping measures applying to consumer pineapple or 'the goods' exported to Australia from the Kingdom of Thailand (Thailand). Each review will be limited to examining whether the variable factors relevant to the taking of the anti-dumping measures as they affect each particular applicant have changed. The two applicants are:

- Prime Products Industry Co., Ltd (PPI); and
- Kuiburi Fruit Canning Co., Ltd (KFC) and Kuiburi Fruit Cup Co., Ltd (KFCup) as joint applicants.

The Goods

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

Pineapple prepared or preserved in containers not exceeding one litre (consumer pineapple).

The goods are currently classified to the tariff subheading 2008.20.00 (statistical codes 26 and 28) in Schedule 3 to the *Customs Tariff Act 1995*.

Background to the measures

The anti-dumping measures were initially imposed by public notice on 11 October 2001 by the then Minister for Justice and Customs following consideration of *Trade Remedies Branch Report No. 41 (REP 41)*.

These measures have subsequently been subject to three continuation inquiries, which have resulted in a continuation of the measures, with the most recent inquiry detailed in

Anti-Dumping Commission Report No. 333 (and via *Anti-Dumping Notice No. 2016/82* published on 12 September 2016).

These measures are applicable to all exporters from Thailand with the exception of Thai Pineapple Canning Industry Corp Ltd.

The current review

Two separate applications were lodged, one by PPI, and a second, jointly by KFC and KFCup, under subsection 269ZA(1) of the *Customs Act 1901* (the Act) for reviews of the dumping duty notice in relation to the goods exported to Australia from Thailand by those exporters

Particulars of the reasons for the decision to undertake these reviews of measures are shown in *Anti-Dumping Commission Consideration Report Nos. 453 and 455*, which has been placed on the public record. The review period is 1 October 2016 to 30 September 2017. The reviews will examine whether the variable factors relevant to the taking of the measures, with respect to the applicants, have changed.

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

- i. remain unaltered; or
- ii. have effect 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 application² no later than **02 January 2018** 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 measure or the notice declaring the outcome of the last review. Once a notice declaring the outcome of a 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 these reviews 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.

¹ On 19 July 2016, the Prime Minister appointed the Parliamentary Secretary to the Minister for Industry, Innovation and Science as the Assistant Minister for Industry, Innovation and Science. For the purposes of these reviews the Minister is the Parliamentary Secretary to the Minister for Industry, Innovation and Science.

² In accordance with s.269ZCB of the Act.

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 these reviews, no later than 02 January 2018, addressed to:

The Director
Investigations 3
GPO Box 2013
Canberra ACT 2601

or email investigations3@adcommission.gov.au, or fax to +61 3 8539 2499.

Interested parties wishing to participate in these reviews must ensure that submissions are lodged promptly. Interested parties should note that 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 (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 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 SEF will be placed on the public record by **14 March 2018**³, or by such later date as may be allowed 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. Interested parties are invited to lodge submissions in response to the SEF within 20 days of the SEF being placed on the public record

³ As this day falls on a Saturday, the effective due date is the next working day, which given that Monday 12 March 2018 is a public holiday in Victoria, is Tuesday 13 March 2018.

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 **30 April 2018** (or such later date as is allowed).

Anti-Dumping Commission contact

Enquiries about this notice may be directed to the Case Manager on telephone number 03 8539 2478 or investigations3@adcommission.gov.au.

Dale Seymour
Commissioner
Anti-Dumping Commission

24 November 2017