

**ANTI-DUMPING NOTICE NO. 2017/32****Certain Prepared or Preserved Tomatoes
Exported From Italy****Initiation of an Accelerated Review*****Customs Act 1901 – Part XVB***

I, Dale Seymour, the Commissioner of the Anti-Dumping Commission, have commenced an accelerated review of the anti-dumping measures applying to certain prepared or preserved tomatoes exported to Australia from Italy, in so far as they relate to a new exporter, Brunella Food Industry S.r.l (Brunella).

The lodgement date of 24 February 2017 is the commencement date of this accelerated review.

The goods

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

Tomatoes (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*. The general rate of Customs duty is currently 5% for the goods imported from Italy.

Existing measures

Anti-dumping measures in relation to exports of the goods to Australia from Italy were initially imposed by a public notice (a dumping duty 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), and applied to all exporters of the goods from Italy, with the exception of two exporters, Feger di Gerardo Ferraioli S.p.A. (Feger) and La Doria S.p.A. (La Doria), against whom the investigation was terminated.

The current review

On 24 February 2017, Brunella lodged an application for an accelerated review of the dumping duty notice that apply to certain prepared or preserved tomatoes exported to Australia from Italy in so far as the notice affects the applicant. Following consideration of the application, I have decided not to reject the application. Further detail on the consideration of the application is contained in *Anti-Dumping Commission Consideration Report No. 398 (CON 398)*.

After concluding the accelerated review, I will make a recommendation under subsection 269ZG(1) of the *Customs Act 1901* (the Act) to the Assistant Minister for Industry, Innovation and Science and the Parliamentary Secretary to the Minister for Industry, Innovation and Science (the Parliamentary Secretary)¹ that the dumping duty notice:

- (i) remain unaltered; or
- (ii) be altered so as to apply to the applicant as if different variable factors had been fixed.

If recommending to the Parliamentary Secretary that different variable factors be applied to the applicant, I may propose a change in the method to determine the interim dumping duty. The available methods for determining the interim dumping duty are outlined in section 5 of the *Customs Tariff (Anti-Dumping) Regulation 2013*.

Public record

There is no legislative requirement to maintain a public record for accelerated reviews. However, in the interests of transparency, a public record for this accelerated review has been opened and is accessible at www.adcommission.gov.au. Alternatively, the public record may be examined at the Commission's office by contacting the Case Manager on the details provided below.

The public record will contain, among other things, a copy of the application, CON 398 and a copy of all submissions from interested parties.

Securities

Pursuant to subsection 269ZH(b) of the Act, the Commonwealth may require and take securities under section 42 of the Act in respect of interim dumping duty that may be payable on importation of the goods to which the application relates.

I have recommended that the Commonwealth require and take securities under section 42 of the Act from 24 February 2017 in respect of interim dumping duty that may be payable on the importation of the goods exported from Italy to which the application under subsection 269ZE(1) of the Act relates.

The interim dumping duty that has been determined is an amount that has been worked out in accordance with the combination of fixed (*ad valorem*) and variable duty method pursuant to subsection 5(2) of the *Customs Tariff (Anti-Dumping) Regulation 2013*.

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 this accelerated review, the Minister is the Parliamentary Secretary to the Minister for Industry, Innovation and Science.

Lodgment of submissions

Interested parties are invited to lodge written submissions concerning this review via:

Email to: operations1@adcommission.gov.au
Fax to: +61 3 8539 2499, or
Mail to: The Director, Operations 1
Anti-Dumping Commission
GPO Box 1632
Melbourne VIC 3001

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").

Report to the Parliamentary Secretary

A recommendation to the Parliamentary Secretary will be made in a report on or before 5 June 2017.

Anti-Dumping Commission contact

Enquiries about this notice may be directed to the Case Manager by email to operations1@adcommission.gov.au, or by telephone number: +61 3 9268 7560.

Dale Seymour
Commissioner
Anti-Dumping Commission

24 March 2017