



Anti-Dumping Notice No. 2016/46

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 (the goods) exported to Australia from Italy, in so far as they relate to a new exporter, Le Specialità Italiane S.R.L. (Le Specialità).

The lodgement date of 5 April 2016 is the commencement date of this accelerated review.

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 exported to Australia from Italy are subject to 5% Customs duty.

Existing measures

Anti-dumping measures in relation to exports of the goods to Australia 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. and La Doria S.p.A.

The current review

On 4 April 2016, Le Specialità lodged an application under subsection 269ZE(1) of the *Customs Act 1901* (the Act) for an accelerated review of the dumping duty notice in relation to its exports of the goods exported to Australia from Italy.

Following consideration of the application, I have decided not to reject the application. Further detail on the consideration of the application is contained in the *Anti-Dumping Commission Consideration Report No. 351* (CON 351).

After concluding the accelerated review, I will make a recommendation under subsection 269ZG(1) of the Act to the Assistant Minister for 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 dumping duty, which currently applies to the goods exported to Australia in accordance with the combination fixed and variable duty method. The amount could be worked out in accordance with the combination of fixed and variable duty method, the floor price duty method, the fixed duty method, or the *ad valorem* duty method.

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 351 and a copy of all submissions from interested parties.

Securities

Pursuant to subsection 269ZH(b) of the Act, the Commonwealth may require securities to be taken for the period of the review in respect of interim dumping duty that may be payable on importation of the goods to which the application relates. The effective rate of interim dumping duty has been determined in accordance with the combination of fixed and variable duty method.

¹ 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.

Lodgment of submissions

Interested parties, as defined in subsection 269T(1) of the Act, are invited to lodge written submissions concerning this review, via:

email to operations1@adcommisison.gov.au

fax to +61 3 8539 2499, or

mail to The Director
Operations 1,
GPO Box 1632
Melbourne VIC 3001

Interested parties wishing to participate in the accelerated review must ensure that submissions are lodged promptly.

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 14 July 2016 (or such later date as the Parliamentary Secretary may allow under section 269ZH1 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 by email to operations1@adcommission.gov.au.

Dale Seymour
Commissioner
Anti-Dumping Commission

26 April 2016