

MERLIN Ben

From: WILLIAMS Matthew
Sent: Thursday, 19 February 2015 4:34 PM
To: 'John Bracic (john@jbracic.com.au)'
Cc: MERLIN Ben
Subject: Prime Products - FSI Pineapple Accelerated Review - Case 279 [DLM=For-Official-Use-Only]

Dear John

As discussed with you yesterday, the Commission is likely to recommend to the Parliamentary Secretary that the FSI pineapple dumping duty notice in respect of Prime Products remain unaltered.

In summary, based on the trading circumstances of Prime Products and the information provided in its exporter questionnaire response, at this stage, we consider there to be insufficient information to calculate exporter specific variable factors (and therefore a dumping margin / individual rate) for FSI pineapple exported by Prime Products.

As you would be aware, there were no export sales by Prime Products during the review period. Therefore, it is not possible to establish an export price under s. 269TAB of the *Customs Act 1901* (the Act). In addition, the Commission does not consider it is possible to determine a normal value for FSI pineapple supplied by Prime Products, for the reasons detailed below. This effectively means that it not possible or appropriate to calculate a floor price based on normal value (which could be an outcome of an accelerated review).

- During the review period Prime Products made no domestic sales of FSI pineapple in the ordinary course of trade, as required by s. 269TAC(1) of the Act, so normal value cannot be established under this provision;
- It is not possible to construct a normal value pursuant to s. 269TAC(2)(c) of the Act, because there is no CTMS data relating to goods exported to Australia;
- It is not possible to select comparable third country sales under s. 269TAC(2)(d), consistent with Chapter 10.3 of the Dumping and Subsidies Manual (and as discussed yesterday); and
- We do not consider there is sufficient and reliable information to calculate a normal value under s. 269TAC(6) of the Act.

Therefore (as mentioned above), at this stage, the Commission is not able to ascertain variable factors (specifically export price and normal value) relevant to FSI pineapple exported by Prime Products.

You may wish to make a submission regarding the above. Although please note, the Commission has a very limited time in which to complete this accelerated review (the final report is currently due to the Parliamentary Secretary 16 March 2015).

Please appreciate these views are preliminary and specific to the facts of this accelerated review only.

In the event that a recommendation is made to the Parliamentary Secretary that the dumping duty notice for FSI remain unaltered in relation to Prime Products, your client will be eligible to seek another accelerated review at a later date. If this occurs the Commission will provide further advice.

Regards

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