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Commissioner
Anti-Dumping Commission
1010 La Trobe Street
DOCKLANDS VIC 3008

Cc: Ms Kerry Taylor – Director Operations

By email: dale.seymour@adcommission.gov.au

Dear Commissioner,

I act on behalf of PMC SRL (PMC), an Italian producer of prepared or preserved tomatoes (canned tomatoes) that wishes to commence exporting goods currently subject to interim dumping duties.

On 25 July 2014, I lodged an application with the Anti-Dumping Commission (the Commission) on PMC's behalf requesting an accelerated review of the measures currently applying to PMC's exports. As PMC did not export canned tomatoes during the original investigation period or before the publication of the SEF, it is currently subject to the country-wide rate of 26.35%.

Subsection 269ZH of the *Customs Act 1901* (the Act) requires that:

- (a) no interim duty can be collected from the applicant in respect of consignments of goods entered for home consumption after the application is lodged and until the completion of the review; but
- (b) The Commissioner may, on the importation of goods to which the application relates, require and take securities under section 42 in respect of interim duty that may be payable.

This provision reflects the requirements of Article 9.5 of the WTO Anti-Dumping Agreement.

As of today, 36 days after the application was lodged, interim dumping duties continue to apply to PMC's exports and I am unaware of any determination by you to require and take securities under section 42 of the Act. Therefore, it is clear that the Commission is not complying with the requirements of the Act.

Further, I note that there has not been notification of the review or creation of a public record for the review. This is of particular concern given that a third of the statutory 100 day timeframe has already passed. Finally, we are yet to be advised of the reporting date to the Parliamentary Secretary and whether the European Union have been notified of the lodgement of the application.

Given the issues outlined above, PMC is deeply concerned by the lack of transparency in this matter and respectfully requests an urgent update of the status of the interim dumping duties applying to PMC exports and the review itself.

In the interests of transparency, can I ask that this submission be uploaded onto the public record for this inquiry?

Yours sincerely

John Bracic