

**ANTI-DUMPING NOTICE NO. 2017/110****Certain Prepared or Preserved Tomatoes
Exported From Italy****Termination of an Accelerated Review of
Anti-Dumping Measures****La Vera Napoli Soc. Coop. Agr.*****Customs Act 1901 – Part XVB***

On 13 July 2017, I, Dale Seymour, the Commissioner of the Anti-Dumping Commission, initiated an accelerated review of the anti-dumping measures, in the form of a dumping duty notice, applying to prepared or preserved tomatoes (the goods) exported to Australia from Italy in so far as they relate to La Vera Napoli Soc. Coop. Agr. (La Vera).

I did not reject the application and commenced the accelerated review. Pursuant to subsection 269ZH(b) of the *Customs Act 1901* (the Act), the Commonwealth required and took securities in respect of interim dumping duty that may be payable on exports of the goods by La Vera for the period of the accelerated review.

Anti-Dumping Notice (ADN) No. 2017/96 was published to notify interested parties of the accelerated review, and is available at the Anti-Dumping Commission's (the Commission) website at www.adcommission.gov.au.

Grounds for termination

On 20 June 2017, the Commission sent La Vera an exporter questionnaire to complete by 27 June 2017. The questionnaire requested information necessary to complete the accelerated review. Although a response to the exporter questionnaire was received by the due date, the Commission found the response to be substantially incomplete and that it did not contain the required information.

On 26 June and 25 July 2017, La Vera was sent letters to rectify several deficiencies in its exporter questionnaire response to complete by 27 July and 1 August 2017 respectively. Although responses to the letters were received by the due dates, the Commission found the responses to be incomplete. Specifically, La Vera failed to provide domestic sales data, documentation for a sample of two domestic sales and a completed excel spreadsheet for raw tomato purchases. Without this information, I am unable to determine a normal value for La Vera and I am unable to ascertain whether the dumping duty notice should be altered so as to apply to La Vera as if different variable factors had been fixed.

Having regard to the above, I am satisfied that La Vera's failure to provide the required information within the timeframe requested amounts to a refusal to co-operate with an

aspect of the accelerated review. I have, for that reason, terminated the accelerated review in accordance with subsection 269ZE(3)(a) of the Act.

Effect of the termination of the accelerated review

Termination of this accelerated review means that securities taken in relation to the goods exported by La Vera and entered for home consumption in the period 13 July 2017 to 18 August 2017 will now be converted to interim dumping duty.

The applicable rate of interim dumping duty is the rate applying to 'All other / uncooperative exporters' specified in the notice made under subsection 269ZDB(1) of the Act and published on the Commission's website on 5 May 2017 (ADN No. 2017/47). Future exports of the goods by La Vera will also be subject to this rate of duty.

If you would like to discuss any of the matters raised in this letter, please contact the case manager on +61 3 8539 2470 or email investigations2@adcommission.gov.au.

Dale Seymour
Commissioner
Anti-Dumping Commission

18 August 2017