



ANTI-DUMPING NOTICE NO. 2014/80

Prepared or Preserved Tomatoes Exported to Australia from Italy

Termination of Accelerated Review of Anti-Dumping Measures

Customs Act 1901 – Part XVB

On 11 June 2014, I, Dale Seymour, the Commissioner of the Anti-Dumping Commission, initiated an accelerated review of the anti-dumping measures applying to prepared or preserved tomatoes exported to Australia from Italy in so far as they relate to F.P.D. SRL Industria Conserve Alimentari (FPD).

Anti-Dumping Notice (ADN) No. 2014/47 was published to notify interested parties of the accelerated review, and is available at www.adcommission.gov.au.

I did not reject the application and continued the accelerated review, and a declaration under paragraph 269ZH(b) of the *Customs Act 1901* (the Act) was made to ensure securities in respect of interim dumping duty that may be payable on exports by FPD of prepared or preserved tomatoes were collected for the period of the review.

Termination Grounds

On 29 May 2014, FPD was sent an exporter questionnaire to complete by 7 July 2014. Although a response to the exporter questionnaire was received by the due date, the Anti-Dumping Commission (the Commission) found the response to be incomplete.

On 8 July 2014, the Commission granted an extended due date of 11 July 2014 to submit a complete exporter questionnaire response. On 10 July 2014, FPD provided to the Commission a revised response to the exporter questionnaire which the Commission has assessed and found that it contained insufficient information to be able to complete the accelerated review.

The Commission considers that the failure to provide a substantially compliant response to the exporter questionnaire amounts to a refusal to co-operate with an aspect of the accelerated review. I am satisfied that FPD is refusing to cooperate with an aspect of the review and I have, for that reason, terminated the accelerated review in accordance with paragraph 269ZE(3)(a) of the Act.

Termination Report No. 251, which contains further details on this matter, has been placed on the Commission's public record and is accessible at www.adcommission.gov.au.

Effect of the termination of the accelerated review

Termination of this accelerated review means that securities taken on prepared or preserved tomatoes exported by FPD and entered for home consumption in the period 23 May 2014 to 29 August 2014 will now be converted to interim dumping duty.

The effective rates of duty are at the 'All other exporters' rate specified in the dumping duty notice published by the Commission on 16 April 2014. These rates can be found on the Commission's website and is accessible at www.adcommission.gov.au. Future exports of prepared or preserved tomatoes by FPD will also be subject to this duty rate.

Enquiries about this notice may be directed to the case manager on telephone number +61 3 9244 8609, fax number +61 3 9244 8902 or email Operations1@adcommission.gov.au.

Dale Seymour
Commissioner
Anti-Dumping Commission

29 August 2014