



PRODUCER ORGANISATIONS AND PRODUCER ORGANISATION ASSOCIATIONS QUESTIONNAIRE

Product: Prepared or preserved tomatoes, exported from Italy by La Doria S.p.A. and Feger di Gerardo Ferraioli S.p.A.

Period of Investigation: 1 January 2014 to 31 December 2014

Response due by: **19 March 2015**

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Return of completed questionnaires:

By mail on (CD-ROM or USB):

| |
|-----------------------------------|
| Attention: Director, Operations 1 |
| Anti-Dumping Commission |
| Customs House, 1010 Latrobe St |
| Docklands Vic 3008 |
| AUSTRALIA |

By email:

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PUBLIC RECORD

PART A: BACKGROUND AND GENERAL INSTRUCTIONS..... 3

A1. Background 3

A2. The goods under consideration 3

A3. Investigation period..... 4

A4. Purpose of this questionnaire 4

A5. Response to this questionnaire..... 4

A6. If Producer Organisations and Producer Organisations Associations decide to respond 5

A7. Declaration..... 5

A8. Coordination of responses..... 5

A9. Consultants/parties acting on your behalf 6

A10. Provision of documents 6

A11. Lodgement 6

A12. General matters 6

A13. Clarification 7

A14. Further questions and verification 7

PART B –QUESTIONS..... 8

B1. Structure of the Producer Organisations, Producer Organisations Associations..... 8

B2. Framework pricing agreement..... 9

B3. Benefits paid to the Italian tomato sector under CAP and associated support schemes10

B4. Additional queries regarding the tomato sector.....11

PART C – GENERAL QUERIES REGARDING THE IMPORTATION OF TOMATOES
..... 12

PART - D DECLARATION..... 12

PART A: BACKGROUND AND GENERAL INSTRUCTIONS

A1. Background

Following a dumping application by SPC Ardmona Operations Limited (SPCA), the Anti-Dumping Commission (the Commission) has initiated an investigation into allegations that prepared or preserved tomatoes exported from Italy by Feger di Gerardo Ferraioli SpA and La Doria S.p.A have been exported to Australia at dumped prices, and because of that dumping, material injury has been caused to an Australian industry producing like goods.

The abovementioned dumping investigation will also investigate whether there is a situation in the Italian domestic market that renders domestic sales unsuitable for determining normal values (i.e. that a 'particular market situation' exists).

A notice advising initiation of the investigation was published in *The Australian* newspaper on 19 January 2015. Anti-Dumping Notice (ADN) No. 2015/05 outlining the details of the investigation and the procedures to be followed during the investigation can be accessed on the Commission's website at www.adcommission.gov.au.

The dumping investigation will examine whether there is a situation in the Italian domestic market for the prepared or preserved tomatoes that renders domestic sales of prepared or preserved tomatoes unsuitable for determining normal value under section 269TAC(1) of the *Customs Act 1901* (the Act) (i.e. that a 'market situation' exists). The assessment of market situation will include an examination of factors that affect the supply and price of raw tomatoes.

A2. The goods under consideration

The goods under consideration (the goods) ie the goods exported to Australia allegedly at dumped prices are:

Tomatoes (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 (prepared or preserved tomatoes), exported from Italy by La Doria S.p.A and Feger di Gerardo Ferraioli S.p.A. The following tomato products do not form part of this application: pastes, purees, sauces, pasta sauces, juices and sundried tomatoes.

Throughout the questionnaire, the goods are referred to as 'prepared or preserved tomatoes'.

The application contains the following further information in relation to the goods the subject of the application:

The common container sizes of the imported prepared or preserved tomatoes the subject of this application are 300grams to 850grams, but the application covers all container sizes up to and including 1.14L.

The imported goods could be packaged in different containers such as cans, glass jars, pouches or Tetra packs.

Products sold in multi-unit packs, for example 3x400gram cans, are to be considered as three single packs.

The imported prepared or preserved tomatoes can be labelled with a generic, a house brand / private label for retailer or a proprietary label. The imported prepared or preserved tomatoes the subject of this application covers all imported prepared or preserved tomatoes regardless of how labelled.

The goods are currently classified to the tariff subheading 2002.10.00 (statistical code 60) of Schedule 3 to the Customs Tariff Act 1995. These goods are subject to 5% Customs duty.

A3. Investigation period

The existence and amount of any dumping in relation to prepared or preserved tomatoes exported to Australia from Italy by Feger di Gerardo Ferraioli S.p.A. and La Doria S.p.A. will be determined on the basis of an investigation period from **1 January 2014 to 31 December 2014** (herein after referred to as ‘the investigation period’).

The Commission will examine details of the Australian market from 1 January 2010 for injury analysis purposes.

A4. Purpose of this questionnaire

The purpose of this questionnaire is to assist the Commission to obtain information from the Producer Organisations and Producer Organisations Associations¹ it considers necessary for investigating whether a particular market situation exists in the Italian domestic market that renders sales of prepared or preserved tomatoes in that market not suitable for use in determining normal value.

Any additional questions relating to a particular market situation in Italy will be posed to Producer Organisations and Producer Organisations Associations in the form of supplementary questionnaires.

A separate Exporter Questionnaire has been supplied to Feger di Gerardo Ferraioli S.p.A. and La Doria S.p.A to complete, as well as government questionnaires to the European Union (EU) and Italian Government, if they chose to cooperate with the investigation.

Both the exporter and government questionnaires request information on market situation.

A5. Response to this questionnaire

The Producer Organisations and Producer Organisations Associations do not have to complete the questionnaire. However, if you do not respond, the Commission may be required to rely on all available information in making its conclusions and recommendations, including:

¹ The Commission considers this terminology is reflective of EC Regulation 2200/1996, which describes the different types and forms of organisations that represent members, such as growers and producers, in the agricultural sector within Italy and the EU.

PUBLIC RECORD

- information supplied by other parties (including information supplied by the Australian industry – the applicant for the anti-dumping measures) and;
- information gathered during the previous investigation concerning prepared or preserved tomatoes exported from Italy to Australia.

Therefore, it is considered to be in your best interests, and the interest of the Italian exporters of prepared or preserved tomatoes, to provide a complete response.

If you choose to respond to this questionnaire, the response is due by **COB 19 March 2015**.

A6. If Producer Organisations and Producer Organisations Associations decide to respond

If you choose to respond to this questionnaire, it is required that you lodge one confidential version (for official use only) and one non-confidential version (for public record) of your submission by the due date. Please ensure that each page of information you provide is clearly marked either “**FOR OFFICIAL USE ONLY**” or “**PUBLIC RECORD**” in the header and/or the footer.

All information provided to the Commission in confidence will be treated accordingly. The non-confidential version of your submission will be placed on the Commission’s public record which is available at www.adcommission.gov.au.

Please note, Australia’s anti-dumping and countervailing legislation requires that to the extent that information given to the Commission is claimed to be confidential or whose publication would adversely affect a business or commercial interest, the person giving the information must ensure that a summary of that information contains sufficient detail to allow a reasonable understanding of the substance of the information, but does not breach confidentiality nor adversely affect those interests.

The legislation allows that a person is not required to provide a summary for the public record if the Commission can be satisfied that no such summary can be given that would allow a reasonable understanding of the substance of the information. However, such a summary would add considerably to an interested party’s understanding of information contained in a document.

As provided for in Australia’s anti-dumping and countervailing legislation, all submissions are required to have a bracketed explanation of deleted or blacked out information for the non-confidential version of the submission. Note that if such an explanation is not provided, the Commission may disregard the information in the submission. If, for some reason, you cannot produce a non-confidential summary, please contact the investigation case manager.

A7. Declaration

You are required to make a declaration that the information contained in your response is complete and correct. You must return the signed declaration of an authorised official from the Producer Organisations and Producer Organisations Associations at Section D of this questionnaire.

A8. Coordination of responses

In completing the questionnaire, if a question requires information from other various sections of your organisation, please forward the questions to the correct source.

However, it is the responsibility of the Producer Organisations and Producer Organisations Associations to ensure that a full and complete response to all sections of the questionnaire is submitted, and those responses from all levels of your organisation, are collated and coordinated in the one response.

A9. Consultants/parties acting on your behalf

If you intend to have another party acting on your behalf please advise the Commission of the relevant details. The Commission will require a written authorisation from your organisation for any party acting on its behalf.

A10. Provision of documents

Numerous documents are requested from your organisation throughout this questionnaire. In some cases, the titles or description of these documents within the questionnaire may not correlate to the official title of each document, but is rather a descriptor of the document to the best of the Commission's knowledge.

If the listed title is unknown to your organisation but a document that appears to be similar to the requested document, relates to a similar topic area, or otherwise would be considered to contain useful information is identified by your organisation, please provide this document.

Further, when providing requested documents, please indicate whether the documents:

- are current/in force;
- were current/in force during the investigation period; or
- have been revised or superseded.

Where the documents have been revised or superseded, where applicable:

- indicate when this revision occurred;
- provide the revised version;
- provide the document that supersedes the requested document; and;
- indicate whether the revised version was in force during the investigation period.

A11. Lodgement

You may lodge your response by mailing it to the address for lodgement shown on the front cover of this questionnaire. Alternatively, you are welcome to lodge your response by email. The email address for lodgement is shown on the front cover of this questionnaire. If you lodge by email you are still required to provide a confidential and a non-confidential version of your submission by the due date.

In completing any lists of data requested throughout this questionnaire, electronic responses in a Microsoft Excel spreadsheet would be preferred. If lodging your response in hard copy, please include these lists in electronic format on an included CD-ROM or USB device.

A12. General matters

Responses to questions should:

- be as accurate and complete as possible, and attach all relevant supporting documents, even where not specifically requested in this questionnaire;

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- be in English (with fully translated versions of all requested and other applicable documents submitted);
- list your source(s) of information for each question;
- identify all units of measurement used in any tables, lists and calculations;
- show any amounts in the currency in which they were originally denominated.

Please note that answers such as: "Not Applicable" may not be considered by the Commission to be adequate.

A13. Clarification

If you have any difficulties in completing the questionnaire, or require clarification on any questions asked, contact the case manager as soon as possible (contact details are provided on Page 1 of this questionnaire).

A14. Further questions and verification

The Commission may seek to carry out a visit to the Producer Organisations and Producer Organisations Associations to examine relevant records and to verify the information provided. It is common practice for Commission officers to visit government officials, exporters and manufacturer(s) of the goods in order to verify the information submitted. You will be contacted in advance of such a meeting to make arrangements as to the time and place of the verification meeting.

A complete response, including all of the documentation requested, must be submitted to the Commission before a verification meeting will be considered.

If verification is undertaken, it is preferable that the key personnel involved in preparing the response and who have knowledge of the source documentation and the information contained therein be available to meet with Commission officers and to provide additional clarification and explanation, as required.

If verification meetings are unreasonably delayed, cancelled, or otherwise hindered, the assessment of a particular market situation may be based on the facts available to the Commission.

The purpose of the verification meeting is to verify information already provided to the Commission in your submission prior to the meeting. It is not intended to be a second opportunity for the Producer Organisations and Producer Organisations Associations to provide new or additional information. Accordingly, your original response should be complete and accurate.

PART B –QUESTIONS

The Commission seeks your assistance to gain an understanding of the interaction between the Italian Government and Producer Organisations and Producer Organisations Associations. Further, the Commission also seeks to gain an understanding of the interaction between the Producer Organisations and Producer Organisations Associations with the growers of raw tomatoes and the processors of prepared or preserved tomatoes.

Our specific enquires are set out in detail below. We respectfully request that you provide a completed response to each of the enquiries listed below. **Where questions are not applicable, please clearly indicate the reasons why.**

B1. Structure of the Producer Organisations, Producer Organisations Associations

B1.1 Please provide an overview of the structure of your organisation?

In relation to your structure, please provide details of the board make-up, the decision making process and details of any board members that are also growers or processors of tomatoes in Italy?

B1.2 How many members does your organisation have in total and how many of those members are involved in the tomato sector in Italy?

B1.3 Please provide details of how an entity becomes a member of your organisation?

B1.4 Please provide details of how your organisation derives its income, including details of financial contributions made by members, the Italian Government and the EU?

B1.5 The Commission would like to gain an understanding of your organisation's relationship with the Italian Government. Please clearly:

- a) state if your organisation is recognised by the Italian Government pursuant to EC Regulation 2200/1996
- b) explain the relationship between your organisation and the government;
- c) provide all related official regulations and administrative documents related to the recognition of your organisation;
- d) explain the degree of government involvement in relation to the your organisation's development of any programmes and initiatives with respect to the organisation of the tomato sector;
- e) provide details of any forms of Italian Government assistance (financial or otherwise) provided to your organisation including, but not limited to,
 - i. the establishment of any operational funds and or programmes related to the organisation of the tomato sector in Italy and;
 - ii. the administration of those funds or programs delivered to your members involved in the tomato sector.

B1.6 Please provide details of any compliance or reporting obligations your members have when provided any form of assistance by your organisation?

PUBLIC RECORD

B1.7 Does membership of your organisation entitle your members involved in the tomato sector to;

- a) Grants from the Italian Government or the EU;
- b) Tax concessions from the Italian Government or the EU;
- c) Long term loans or access to any preferential finance and;
- d) Promotional activities; or
- e) Free access to industry consultants?

B1.8 The Commission understands that the EU established a crisis fund for producers in 2011, with €34.6 million being made available to the Italian agricultural sector. Please provide a list of your members involved in the tomato sector that have received any form of crisis funding during 2011 to 2014?

This table may help with the provision of this information

| Name of Member | How is funding applied for | Reasons Funding applied for | Amounts received in EURO | Amount received per hectare/tonne (if payment made this way) | Your organisations involvement in securing funds for the member |
|-----------------------|-----------------------------------|------------------------------------|---------------------------------|---|--|
| | | | | | |
| | | | | | |

B1.9 Does your organisation have a legal or equitable interest in any entity that is involved in the growing or processing of tomatoes in Italy?

B1.10 Please list the main services that your organisation provides to its members? In particular describe your organisations role as a political advocate for your members?

B2. Framework pricing agreement

The Commission understands that pursuant to negotiations undertaken in Parma in April 2013, tomato Producer Organisations and Producer Organisations Associations and representatives from the processing industry in Italy signed a framework agreement for Northern Italy which, in summary established a basic price of tomatoes fixed at €86/ton, against €84/ton of 2012.

B2.1 Could you please advise whether the Italian Government played any role in the negotiation between Producer Organisations and Producer Organisations Associations, growers and processors in Italy such as the agreement specified above?

B2.2 Please provide a copy of all subsequent agreements settled between these parties in 2011, 2012, 2013 and 2014 (or summaries thereof).

B2.3 Please provide details of any agreements or negotiations undertaken, similar to those described above, between Producer Organisations and Producer Organisations Associations and representatives of the Italian Government for a framework price agreement for Southern Italy?

B2.4 Detail the extent to which the Italian Government and the EU interacts with your Organisation in relation to price setting and dynamics of supply between growers and processors.

B3. Benefits paid to the Italian tomato sector under CAP and associated support schemes

The Commission understands that the CAP has seen significant reform since 2003. The Commission understands that as part of these reforms your members have access to the single payment scheme (SPS), transitional payments and programs such as the European Agricultural Fund for Rural Development (EAFRD).

B3.1 For each of the above and any other additional benefit program/scheme your members in the tomato sector have accessed or have access to, please provide the following information:

- a) Full description of the programme including its strategic objectives and purposes
- b) Identification of the source of funding for the programme (for example EAFRD)
- c) Description of the administrative processes under which applications are received and the conditions for eligibility for payment of benefits under the programme;
- d) Total annual budget allocated to the scheme for 2011, 2012, 2013 to 2014; and
- e) Total payments made under the scheme to your members involved in the tomato sector for 2011, 2012, 2013 to 2014.

Examples of how this information can be provided are set out in the below tables:

Table 1. Recipients of benefits under SPS

| Recipient | Location of Recipient | Type of agricultural operation | Calculated total benefit payable | Area of land for which benefit allocated | Total annual payment provided (EURO) |
|-----------|-----------------------|--------------------------------|----------------------------------|--|--------------------------------------|
| | | | | | |
| | | | | | |

Table 2: Recipients of benefits pursuant to transitional payments

| Recipient | Location of Recipient | Type of agricultural operation | Programme under which benefit provided | Total annual payment provided (EURO) |
|-----------|-----------------------|--------------------------------|--|--------------------------------------|
| | | | | |
| | | | | |

Table 3: Recipients of benefit under specific support programs

| Recipient | Location of Recipient | Type of agricultural operation | Programme under which benefit provided (if funded otherwise than by CAP please indicate) | Total annual payment provided (EURO) |
|-----------|-----------------------|--------------------------------|--|--------------------------------------|
| | | | | |
| | | | | |

In preparing the above information, summary explanation (in tabular form) will be sufficient. However, please note that the Commission may wish to request source documentation – such as reports and records relating to payments made to specific entities - as the investigation progresses.

B3.2 Does your organisation act as an intermediary for your members when applying for financial assistance or access to complementary programs under the CAP? If so, please describe your role as the intermediary?

B4. Additional queries regarding the tomato sector

B4.1 The Commission understands that the tomato sector may involve a high level of sunk capital. Please advise;

- a) Does your organisation believe that a level of flexibility is available to participants in the tomato sector to allow transition to and from the tomato sector? Please explain.
- b) Have your members involved in the tomato sector moved in to substitute crops? If so, please provide the number of members that have done so and the reasons for the move over the period 2011-2014.

B4.2 Please provide the volume of raw tomatoes grown for processing for the years 2011, 2012, 2013 and 2014? In regards to this data, please provide your organisations view on any trends in the data and explain which trends are related to market forces and which are related to reform of the CAP?

B4.3 Can you explain what affects the CAP and its recent reforms have had on the supply and price of raw tomatoes and prepared or preserved tomatoes in Italy in 2011, 2012, 2013 and 2014?

B4.4 The Commission further understands that the recent reforms to the CAP have placed a compliance burden upon recipients of assistance under the CAP. Can you explain any aid or assistance, financial or otherwise that your organisation or the Italian Government provide to the tomato sector to offset the costs related to compliance under the CAP?

B5.5 The Commission understands that the CAP is about to enter a further period of reform and part of those reforms may be the return of coupled payments. Please provide your organisations position on coupled payments and the reasons for your position? Please include your organisations views on the advantages and disadvantages of coupled payments.

PART C – GENERAL QUERIES REGARDING THE IMPORTATION OF TOMATOES

The Commission understands that Common Customs Tariff levels are set under EC Regulations. The Commission understands that, under these regulations, certain goods (including tomatoes classified to code 0702 are subject to an Entry Price System (EPS)).

- C1.1 Please explain in what capacity your organisation is involved in the policy setting or operational aspects of the Entry Price System for the tomato sector administered by the Italian Government.
- C1.2 Please provide details of any import quotas or any other import volume restrictions placed on tomatoes by the Italian Government or the EU that your organisation is aware of?
- C1.3 Please explain any involvement your organisation has or has had in the formation of policy for import quotas or other import volume restrictions on the importation of tomatoes into Italy?
- C1.4 Please provide the details of all of your members that purchased imported tomatoes in 2011 to 2014? Please include if known, the amounts purchased, the price paid and the reasons why imported tomatoes were purchased by your members?
- C1.5 Please advise if any of your members have received a refund of duty (in whole or in part) in relation to the purchase of imported tomatoes used in the production or processing of products subsequently exported.

PART - D DECLARATION

The undersigned certifies that all information supplied herein in response to the questionnaire (including any data supplied in an electronic format) is complete and correct to the best of his/her knowledge and belief.

Date

Signature of authorised official

Name of authorised official

Title of authorised official