



ITALIAN GOVERNMENT 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: 16 March 2015

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Return of completed questionnaires

By mail on (CD-ROM or USB):

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Anti-Dumping Commission
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Prepared or preserved tomatoes – #276 Italian Government Questionnaire

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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 prepared or preserved tomatoes used for processing 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 Italian Government it considers necessary for investigating whether a particular market situation exists in the Italian domestic market that renders sales of prepared or preserved 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 the Italian Government 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, if they chose to cooperate with the investigation. All known exporters have been sent notification of the investigation and advice how to access the Exporter Questionnaire.

The exporter questionnaire also has a section requesting information on market situation

A5. Response to this questionnaire

The Italian Government does not have to complete the questionnaire. However, if the Italian Government does not respond, the Commission may be required to rely on all available information in making its conclusions and recommendations, including:

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

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

If the Italian Government chooses to respond to this questionnaire, the response is due by **COB 16 March 2015**.

A6. If the Italian Government decide to respond

If the Italian Government chooses to respond to this questionnaire, it is required to 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 the Italian Government’s response is complete and correct. You must return the signed declaration of an authorised Italian Government official at Section C of this questionnaire.

A8. Coordination of responses

In completing the questionnaire, if a question requires information from various authorities/ agencies/ departments, please forward the questions to the correct source.

However, it is the responsibility of the Italian Government to ensure that a full and complete response to all sections of the questionnaire is submitted, and that responses from various authorities/ agencies/ departments are collated and coordinated in the one response. Please note a questionnaire has also been forwarded to the EU for completion.

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 the Italian Government for any party acting on its behalf.

A10. Provision of documents

Numerous documents are requested from the Italian Government 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 the Italian Government 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 the Italian Government, 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 repealed, revised or superseded.

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

- indicate when this revision occurred;
- provide any notice of repeal;
- 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 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:

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- be as accurate and complete as possible, and attach all relevant supporting documents, even where not specifically requested in this questionnaire;
- 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 Italian Government 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 such a verification is undertaken, it is preferable that the key government officials 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 Italian Government 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 framework of financial support and complimentary initiatives administered by the Italian Government in relation to the cultivation of raw tomatoes grown for processing. In summary, we seek a response, and related information, regarding:

- The characteristics of the domestic industry associated with the cultivation of raw tomatoes grown for processing
- The administration of agricultural support benefits under the Common Agricultural Policy and associated agricultural development programmes in Italy; and
- Details of the value of financial benefits and details of the complimentary initiatives administered to the growers of raw tomatoes for processing during 2011, 2012, 2013 and 2014.

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 tomatoes sector in Italy

Size of tomato sector in Italy

- B1.1 What is the estimated size of the agricultural sector in Italy related to the domestic cultivation of raw tomatoes grown for processing? (hectares)
- B1.2 What is the current number of farms/individual cooperatives that are recognised to comprise the sector?
- B1.3 How has the number of entities changed across years 2011, 2012, 2013 and 2014?
- B1.4 What is the current estimated annual crop yield for tomatoes (metric tonnes)?
- B1.5 What was the actual achieved annual crop yield (metric tonnes) in 2011, 2012, 2013, 2014 and respectively?

Organisation of the sector

- B1.7 Are there any producer organizations in Italy related to the cultivation of tomatoes grown for processing that are officially recognized by the Italian Government pursuant to the terms of EC Regulation 2200/1996 (or the current equivalent regulation, should this regulation have become superseded)?
- B1.8 Please provide details of all recognised producer organisations in Italy, including contact details (if applicable).
- B1.9 If there exist, in relation to the cultivation of raw tomatoes grown for processing, producer organisations which are recognised by the government, please clearly:
- explain the relationship between the organisation and the government;

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- provide all related official regulations and administrative documents related to the recognition of such organisations and the role of such organisations;
- explain the degree of government involvement in relation to the producer organisation's development or any programmes and initiatives with respect to the organisation of the sector;
and
- provide details of any forms of government assistance (financial or otherwise) directly or indirectly provided by the Italian Government to such organisations including, but not limited to, the establishment of any operational funds and programmes related to the organisation of the raw tomatoes for processing sector in Italy and the operations of the members of the producer organisation.

B2. Framework pricing agreement

The Commission understands that pursuant to negotiations undertaken in Parma in April 2013, tomato producer organisations and representatives from the processing industry in Italy signed a framework agreement for Northern Italy which, in summary established a basic price of industry tomatoes fixed at €86/tonne, against €84/tonne of 2012. **Can you please explain the term "industry tomatoes"?**

- B2.1 Could you please advise whether the Italian Government played any role in the negotiation or consultation between Producer Organisations and processors described in the above framework?
- B2.2 Where applicable, provide a copy of relevant agreements settled between these parties in 2012, 2013 and 2014 (or summaries thereof).
- B2.3 Does the Italian Government provide Producer Organisation's with direct or indirect support subject to applicable EC regulations?
- B2.4 What involvement does the Italian Government have in relation to price setting negotiation and dynamics of supply between Producer Organisation's and processors?

B3. The CAP and associated complimentary agricultural support schemes

The Commission seeks to understand the processes associated with the administration of payments made by the Italian Government under the CAP, with specific focus on the payments made to the growers of raw tomatoes for processing during the period 2011-2014 inclusive.

Identification of relevant authorities

- B3.1 Please identify the branch or agency within the Italian Government that is responsible for the administration of the CAP.
- B3.2 Please provide complete contact details for a suitable nominate representative of the responsible authority to enable further correspondence should it be required.

Administration of the CAP

Please provide an explanation of the administration of the CAP in Italy including:

- B3.3 Identification of all benefit programs available to farms or eligible agricultural entities within Italy (your explanation should cover Single Payment Scheme (SPS), direct payment schemes, other

payment initiatives and any transitional payments that have been available during the period 2011-2014).

B3.4 For each benefit program, please provide a summary of the key criteria for eligibility and the process by which:

- Applications are received;
- Benefits are calculated for eligible entities; *and*
- Payments are made.

B3.5 In providing your response to question C3.4 above, please clearly indicate how benefits are paid – that is:

- whether benefits are paid directly to farmers or through producer organisations or community funds; *and*
- whether benefits are paid as lump sums or as incremental or conditional payments.

B3.6 Please provide a summary of the record keeping/reporting practices that are maintained in relation to the payment of benefits in accordance with regulations and requirements established by the EU in relation to the administration of CAP benefits by EU members?

B4. Benefits paid to Italian agriculture under CAP and associated support schemes

The Commission seeks to understand the total amount of financial payments administered by the Italian Government in relation to the cultivation of raw tomatoes grown for processing under the CAP and any related support scheme administered by the Italian Government, pursuant to which benefits have been provided to the tomato growers.

CAP budgets

B4.1 Please identify the total budgetary ceilings and total actual expense applicable to CAP payments administered by the Italian Government for the years 2011 - 2014 in relation to the following:

- Total CAP payment budget (and total actual expense expressed in EURO)
- Composite budgetary ceilings and actual payments made in relation to:
 - o Annual payments under the SPS;
 - o Direct payments made pursuant to transitional payments; *and*
 - o Other direct payment schemes applicable to the cultivation of raw tomatoes grown for processing in Italy.

Other support schemes

B4.2 Please list any other benefit or support schemes administered in Italy during 2011-2014 under which benefits have been paid to recipients in the Italian tomato sector - such as payments financed by the European Agricultural Fund for Rural Development (EAFRD), in accordance with the principles set out under EC regulation no. 1698/2005.

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B4.3 For each additional agricultural benefit program/scheme identified please provide the following information:

- Full description of the programme including its strategic objectives and purposes
- Identification of the source of funding for the programme (for example EAFRD)
- Description of the administrative processes under which applications are received and the conditions for eligibility for payment of benefits under the programme;
- Total annual budget allocated to the scheme for 2011 to 2014; *and*
- Total payments made under the scheme for each calendar year (or period for which benefits are paid).

Benefit payments

B4.4 For benefit categories of the CAP and other support schemes identified above, please provide summary data of all recipients of payments in, 2011, 2013 and 2014 (if possible) identifying:

- The name and location of the recipient;
- Summary description of the agricultural operation for which benefit was paid;
- Identification of the specific program/s under which benefits were provided to each recipient; *and*
- Total value of benefit paid to recipient (expressed in EURO).

B4.5 In preparing the above, could you please clearly identify all recipients of benefits which are recognised by the Italian Government as engaged in the cultivation of raw tomatoes grown for processing? 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 (EURO)	Area of land for which benefit allocated	Total annual payment provided (EURO)

Table 2: 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)

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Table 3: Recipients of benefits pursuant to transitional coupled payments

Recipient	Location of Recipient	Type of agricultural operation	Programme under which benefit provided	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.

B5. Additional queries regarding the tomato sector

Specific support of tomato growing sector

- B5.1 Please confirm whether Italy has applied specific direct payments permissible under the terms of Article 68 of EC regulation 73/2009 in relation to the cultivation of raw tomatoes grown for processing during, 2011, 2012, 2013 and 2014?
- B5.2 Please describe the Italian Government’s relationship with the Producer and or Growers Organisations that represent the tomato sector in Italy?
- B5.3 Please explain any benefits that are provided to Producer and or Growers Organisations by the Italian Government? These benefits may take the form of but are not limited to financial payments, access to industry consultants, preferential financing agreements, tax concessions.

Specific transitional benefits to tomatoes for processing

- B5.4 Please confirm whether, pursuant to Article 54 (1) of EC Regulation 73/2009, transitional payments have been applied in Italy after 2005 in relation to the fruit and vegetable sector and tomatoes in particular until 31 December 2014?
- B5.5 Please confirm whether pursuant to Article 54(2) of EC Regulation 73/2009, Italy has applied transitional payments (of up to 75% of total budgetary ceiling) until 31 December 2014 for the support of the cultivation of raw tomato grown for processing? (being crops harvested for the production of products that were eligible under the aid schemes set out in EC regulation 2201/96).
- B5.6 If not specifically addressed in your response to the previous questions, please provide a detailed explanation of any direct or indirect payment programs administered by the Italian Government under the auspices of the CAP in relation to the cultivation of raw tomatoes grown for processing.

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In providing your response, and where applicable, please indicate:

- B5.7 The relevant percentage of annual CAP budgetary ceilings allocated to payments specific to the cultivation of raw tomatoes grown for processing.
- B5.8 The total value of benefits paid to farmers under such payment schemes.
- B5.9 Details of all recipients during 2011, 2012 and 2013 and 2014, if available.
- B5.10 In providing your response to the above, we would appreciate it if you could indicate whether there are any other direct or indirect payment schemes or remaining transitional payments related to the cultivation of raw tomatoes grown for processing.

PART C – GENERAL QUERIES REGARDING THE IMPORTATION OF TOMATOES

The Commission understands that significant volumes of tomatoes are imported into Italy each year. The Commission understands that, by virtue of the operation of the terms of council regulation (EEC) No 2658/87 as amended by subsequent regulations, Common Customs Tariffs are determined annually to be applied in relation to all importations of products classified therein, by all member countries.

The Commission seeks information regarding importations of raw tomatoes and prepared or preserved tomatoes into Italy during Calendar Year (CY) 2011, 2012, 2013 and 2014 and the administration of the Common Customs Tariffs within Italy.

- C1.1 Please complete a separate table (using the template below) in relation to Italian imports of tomatoes, other than cherry tomatoes, classified to code 7020 00 00 for CY 2011, 2012, 2013 and Year to Date 2014.

Country of origin	Total imported volume (KGs)	Total imported value (EURO)	Total duty value (EURO)

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

- C1.2 Please provide an explanation of the way in which Entry Price Systems are administered by the Italian Government.
- C1.3 Outline the role of the Italian Government in administering the EPS system in relation to importations of raw tomatoes and prepared or preserved tomatoes.

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- C1.4 Explain the forms of additional duties are applied in relation to imported tomato products described above which do not satisfy the set minimum entry price and outline how these additional forms of duty are collected.
- C1.5 Please provide details of all import quotas or any other volume related restrictions on tomatoes entering Italy?
- C1.6 Please identify and explain any complementary domestic policies which are administered by the Italian Government in relation to the administration of Common Customs Tariff levels in relation to tomatoes products described above?
- C1.7 Please advise whether Italy applies any programmes or policies associated with the refund of duty (in whole or in part) in relation to tomatoes products described above imported for use in the production or processing of products subsequently exported.
- C1.8 Where applicable, please provide a detailed explanation of the regulations setting out the programme/policy, the conditions of eligibility and outline the systems through which the Italian Government (or relevant authority thereof) administers the refund system and ensures compliance with its relevant regulations (please provide source documentation if available).
- C1.9 Where any duty refund or draw-back systems have been identified in relation to the importation of tomatoes products described above, please complete the below table.

CALENDAR YEAR	Total imported volume (KGs)	Total applicable duty value (EURO)	Total value of duty refund (EURO)
2011			
2012			
2013			
2014			

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