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**Public File Version**

Mr Con Soumbassis  
Case Manager  
Anti-Dumping Commission  
Level 35, 55 Collins Street  
Melbourne Victoria 3000  
By email: con.soumbassis@adcommission.gov.au

Dear Mr Soumbassis

**Continuation Inquiry 334 – FSI pineapple exported from the Philippines and Thailand – Comments on submission by Siam Agro-Food Industry Public Co Ltd**

We refer to the submission of Siam Agro-Food Industry Public Co Ltd (**SAICO**) dated 1 June 2016 regarding the continuation of anti-dumping measures on FSI pineapple exported from Thailand.

SAICO has claimed that the anti-dumping measures that have operated have been ineffective and therefore should not be continued. This is a curious comment given the findings of the Anti-Dumping Commission (the **Commission**) concerning exports of FSI pineapple to Australia from Thailand by SAICO that had a dumping margin determined of 30.5 per cent over the 2015 investigation period.

Golden Circle Limited (**GCL**) further notes that exports by the Thai exporter Kuiburi Fruit Canning Co., Ltd (**Kuiburi**) have also been found to have been exported at dumped prices, with a weighted average dumping margin of 9.2 per cent determined.

The FSI pineapple market is a price sensitive market with intense competition from imports. Anti-dumping measures apply to the two largest exporting countries of processed pineapple – the Philippines and Thailand. The anti-dumping measures that apply to exports of FSI pineapple from the Philippines and Thailand are intended to prevent a continuation or recurrence of material injury that the industry has previously experienced.

Section 269ZHF(2) of the Customs Act 1901 (Cth) (the **Act**) provides that the Commissioner must not recommend the continuation of anti-dumping measures unless the Commissioner “is satisfied that the expiration of the measures would lead, or would be likely to lead, to a continuation of, or a recurrence of, the dumping ... and the material injury that the anti-dumping measure is intended to prevent.” GCL has provided evidence to the Commission that it has experienced material injury in its FSI pineapple business during the investigation period. The Commission has to date established that two Thai exporters (i.e. Kuiburi and SAICO) of FSI pineapple to Australia throughout the investigation period have exported at dumped prices. It would reasonably be expected therefore that other Thai exporters supplying the Australian market during 2015 would also be exporting at dumped prices (assuming

similar cost base to Kuiburi and SAICO). In the absence of any public file verification reports for FSI exporters to Australia from the Philippines being available as at the date of this letter, GCL relies upon the information in its original application as prima facie evidence that exports of FSI pineapple from the Philippines were also at dumped prices during 2015.

In accordance with the requirements of s 269ZH(2) the Commissioner would therefore be satisfied that exporters of FSI pineapple in the Philippines and Thailand are exporting at dumped prices. If the measures were allowed to expire it is undeniable that the Australian industry would again experience a continuation or recurrence of injury that may be described as material.

GCL urges the Commissioner to confirm that the expiration of the measures on FSI pineapple exported from the Philippines and Thailand will lead, or will likely lead, to a continuation or recurrence of the dumping and material injury that the measures were intended to prevent.

GCL reaffirms its submission that the anti-dumping measures are required to ensure that the Australian industry does not experience a continuation or recurrence of material injury from the dumped and injurious exports of FSI pineapple from the Philippines and Thailand.

If you have any questions concerning this submission, please do not hesitate to contact the writer on (03) 9861 5701 or GCL's representative John O'Connor on (07) 3342 1921.

Yours sincerely



Len Hickey  
Legal Counsel  
Golden Circle Ltd