



CUSTOMS ACT 1901 - PART XVB

REPORT TO THE MINISTER
NO. 220

REVIEW OF ANTI-DUMPING MEASURES

PROCESSED DRIED CURRANTS
EXPORTED FROM GREECE

13 December 2013



Australian Government
Anti-Dumping Commission

Customs Act 1901 – Part XVB

PROCESSED DRIED CURRANTS

Exported from Greece

Findings in Relation to a Review of Anti-Dumping Measures

Public Notice under subsection 269ZDB(1) of the Customs Act 1901

The Anti-Dumping Commission (the Commission) has completed its review, which commenced on 25 July 2013, of the anti-dumping measures applying to processed dried currants (‘the goods’) exported to Australia from Greece.

Recommendations resulting from that review, reasons for the recommendations and material findings of fact or law in relation to the review are contained in *Anti-Dumping Commission Report No. 220 (REP 220)*.

I, BOB BALDWIN, Parliamentary Secretary to the Minister for Industry, have considered REP 220 and have decided to accept the recommendations and reasons for the recommendations, including all the material findings of fact or law set out in REP 220.

Under subsection 269ZDB(1) of the *Customs Act 1901* (the Act), I declare, for the purposes of the Act and the *Customs Tariff (Anti-Dumping) Act 1975* to the extent that anti-dumping measures concerning the goods involved the publication of a dumping duty notice that, with effect from 14 January 2014, the notice is to be taken to have effect in relation to exporters generally as if different variable factors had been fixed, relevant to the determination of duty.

The duty that has been determined is an amount worked out in accordance with the floor price duty method.

To preserve confidentiality, the revised variable factors (as ascertained in the confidential tables attached to this notice) will not be published. Bona fide importers of the goods can obtain details of the new rates from the Regional Dumping Officer in their respective capital city.

Interested parties may seek a review of this decision by lodging an application with the Anti-Dumping Review Panel (www.adreviewpanel.gov.au) in accordance with the requirements in Division 9 of Part XVB of the Act, within 30 days of the publication of this notice.

REP 220 has been placed on the Commission's public record, available at www.adcommission.gov.au. Alternatively, the public record may be examined at the Commission's office during business hours by contacting the case manager on the details provided below.

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Enquiries about this notice may be directed to the case manager on telephone number (02) 6275 5755, fax number 1300 882 506 or +61 2 6275 6888 (outside Australia) or Operations2@adcommission.gov.au.

Dated this 9th day of January 2014



BOB BALDWIN
Parliamentary Secretary to the Minister for Industry

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ABBREVIATIONS

\$	Australian dollars
the Act	<i>Customs Act 1901</i>
Aeghion	Agricultural Co-Operative Union Aeghion
APDF	Australian Premium Dried Fruits Pty Ltd
AUD	Australian dollars
CIF	cost, insurance and freight
the Commission	The Anti-Dumping Commission
the Commissioner	The Anti-Dumping Commissioner
CTMS	Cost to make & sell
Currants	Processed dried currants
EUR	Euros
FOB	Free on board
Frutex	Frutex Australia Pty Ltd
the goods	the goods the subject of the application (also referred to as the goods under consideration or GUC)
the Minister	The Minister for Industry
REP 140	Trade Measures Report No. 140
REP 149	Trade Measures Report No. 149
REP 192	International Trade Remedies Report No. 192
Scalzo	Scalzo Trading Co Pty Ltd
SEF	Statement of Essential Facts
Sunbeam	Sunbeam Foods Pty Ltd

1 SUMMARY AND RECOMMENDATIONS

This report provides the results of the request from the Minister for Home Affairs¹ to review the anti-dumping measures applying to currants exported from Greece.

1.1 Recommendations

The Anti-Dumping Commission (the Commission) recommends that the Minister for Industry (the Minister) sign the requisite notice² and schedules (**Appendix 1**) to declare that the dumping duty notice in respect of processed dried currants exported from Greece have effect in relation to exporters generally as if different variable factors had been ascertained.

1.2 Application of law to facts

Division 5 of Part XVB of the *Customs Act 1901* (the Act)³ enables affected parties to apply for the review of measures. The Division also empowers the Minister to initiate such a review. The Division, among other matters:

- sets out the procedures to be followed by the Anti-Dumping Commissioner (the Commissioner) in dealing with applications or requests and preparing reports for the Minister; and
- empowers the Minister, after consideration of such reports, to leave the measures unaltered or to modify them as appropriate.

After conducting a review of anti-dumping measures, the Commissioner must give the Minister a report containing his recommendations in relation to the review.

1.3 Findings and conclusions

Based on available evidence, the Commission is satisfied that the export prices, normal values and non-injurious price relevant to the taking of anti-dumping measures in relation to all exporters from Greece have changed.

Consequently, the Commission recommends that the Minister ascertain new variable factors relating to currants exported to Australia from Greece as outlined in Chapter 6 of this report.

As a result of this review, the Commission recommends that the interim dumping duty payable is an amount which will be worked out in accordance with the floor price duty method⁴.

¹ Prior to 25 September 2013, anti-dumping matters were the responsibility of the Minister for Home Affairs. On 25 September 2013, responsibility for anti-dumping matters was transferred to the Minister for Industry.

² Section 269ZDB(1).

³ A reference to a division, section or subsection in this report is a reference to a provision of the Act, unless otherwise specified.

⁴ Section 5(4) of the *Customs Tariff (Anti-Dumping) Regulation 2013*

2 BACKGROUND

2.1 Review process

If anti-dumping measures have been taken in respect of certain goods, the Minister may request that the Commissioner conduct a review of those measures if one or more of the variable factors has changed. The Minister may initiate a review at any time.

When a review of anti-dumping measures is requested by the Minister, the Commission has up to 155 days, or such longer time as the Minister may allow, to inquire and report to the Minister on the review of the measures. Within 110 days of the initiation, or such longer time as the Minister may allow, the Commission must place on the public record a statement of essential facts (SEF) on which it proposes to base its recommendation to the Minister concerning the review of the measures.

In making recommendations in its final report to the Minister, the Commission must have regard to:

- any submission relating generally to the review of the measures to which the Commissioner has had regard for the purpose of formulating the SEF;
- the SEF; and
- any submission made in response to the SEF that is received by the Commission within 20 days of being placed on the public record.

The Commission may also have regard to any other matter that it considers to be relevant to the review.

The Commission must provide a proposed recommendation to the Minister that the dumping duty notice⁵:

- remain unaltered; or
- be revoked in its application to a particular exporter or to a particular kind of goods or revoked generally; or
- have effect in relation to a particular exporter or to exporters generally as if different variable factors had been ascertained.

In respect of this review, the Minister did not publish a revocation review notice advising that the review would examine whether anti-dumping measures should be revoked. The second dot point above is therefore not an available outcome for this review.

Following the Minister's decision, a notice will be published advising interested parties of the decision.

⁵ Section 269ZDA(1)(a) of the Act.

2.2 Notification and participation

On 25 July 2013, the Commission initiated a review of anti-dumping measures applying to currants exported from Greece after a request was made by the Minister for Home Affairs. The period of 1 July 2012 to 30 June 2013 was set as the review period, and covers all exporters of the goods from Greece. Public notification of initiation of the review was made on 25 July 2013 in *The Australian* newspaper. Anti-Dumping Notice No. 2013/61 provides further details of the initiation and is available at www.adcommission.gov.au.

The Commission visited Sunbeam Foods Pty Ltd (Sunbeam), representing the majority of the Australian industry, to verify data contained in its application for a continuation of anti-dumping measures⁶. The Commission also visited Dried Fruits Australia, the industry association representing growers of currants, to collect information in respect of the growers. Non-confidential reports of the visits are on the public record.

The Commission also contacted Australian Premium Dried Fruits Pty Ltd (APDF), an Australian processor of currants, however APDF decided not to participate with this review.

The Commission identified two companies that imported currants from Greece during the review period. An importer questionnaire was provided to one of these importers, Frutex Australia Pty Ltd (Frutex), a major importer of currants from Greece, requesting information relating to its importations of currants and its sales of these imports into the Australian market.

The Commission visited Frutex and verified data contained in the importer questionnaire response. A non-confidential report of the visit is on the public record.

The Commission contacted Scalzo Trading Co Pty Ltd (Scalzo), a minor importer of currants from Greece, and requested source documents relating to its imports of currants from Greece during the review period and the subsequent sale of these imports into the Australian market. Due to the relatively small volume of imports, the Commission did not visit Scalzo.

The Commission sent correspondence inviting all known exporters of currants from Greece during the review period to complete an exporter questionnaire and cooperate with review. A completed exporter questionnaire response was received from Agricultural Co-Operative Union Aeghion (Aeghion). The Commission decided not to visit Aeghion. The non-confidential exporter questionnaire response and a report detailing the calculation of its dumping margin are on the public record.

The Commission contacted four end-users of currants to discuss issues raised by Sunbeam and Frutex during the respective visits and other issues relevant to the review. A report detailing the discussions is on the public record.

⁶ REP 213

During the course of the review, the Commission received three submissions, two from Sunbeam and one from Dried Fruits Australia. The submissions are on the public record.

2.3 Statement of Essential Facts (SEF)

On 29 October 2013, the Commission published on the public record a combined SEF [No. 213 & 220] for the continuation inquiry and review of anti-dumping measures applying to currants from Greece.

The combined SEF sets out the essential facts on which the Commission proposed to base its final recommendations to the Minister.

2.4 Responses to the SEF

The commission received two submissions in response to the SEF, one from Dried Fruits Australia⁷ and one from Sunbeam⁸. The submissions are on the public record.

2.5 History of anti-dumping measures

4 March 2008 Sunbeam lodged an application requesting that the then Minister publish a dumping duty notice in respect of currants exported to Australia from Greece.

6 January 2009 The then Minister published a dumping duty notice applying to currants exported from Greece after accepting the recommendations made in Trade Measures Report No. 140 (REP 140).

This decision was subject to a reinvestigation following an appeal to the Trade Measures Review Officer and the original decision was affirmed by the Minister on 4 November 2009 (after accepting the recommendations contained in Trade Measures Report No. 149 (REP 149)).

13 May 2013 The measures relating to exports of currants from Greece by Aeghion were subject to a review and the Minister subsequently revised the measures in so far as they relate to Aeghion (after accepting the recommendations in International Trade Remedies Report No. 192 (REP 192)).

The anti-dumping measures on currants as far as they relate to all exporters other than Aeghion have not been reviewed since their introduction in 2009.

⁷ Document 23.

⁸ Document 24.

2.1 Continuation inquiry

Anti-dumping measures applying to currants from Greece are due to expire on 14 January 2014. The Commissioner initiated an inquiry on 11 July 2013 into the continuation of measures applying to currants exported from Greece, following consideration of an application by Sunbeam.

A separate report (REP 220) was provided to the Minister on 13 December 2013 in relation to that inquiry.

3 THE GOODS AND LIKE GOODS

3.1 Findings

The Australian industry produces currants that have characteristics closely resembling those of currants produced in Greece and exported to Australia. Therefore currants manufactured by the Australian industry are like goods⁹.

3.2 The goods

The goods subject to anti-dumping measures are processed dried currants of the grape variety *Vitis Vinifera L. Black Corinth*. Sultanas, muscat raisins, unprocessed currants or blended dried fruit mixtures are excluded from the definition of the goods.

Sunbeam defined the meaning of “processed” in the context of dried currants as:

Processing of sun dried currants involves a multi-staged procedure which includes the separation of good fruit from stems, capstems, poor fruit, grit, and other foreign matter through a riddle and cone system. The fruit is then washed and passes to a dewatering procedure via a spinner and the fruit then passes onto a belt where it is examined and unsuitable fruit or foreign matter not removed earlier is removed via hand-picking. Finally, a light oil is sprayed onto the fruit before packing for sale.

3.3 Tariff classification

The goods are currently correctly classified to tariff subheading 0806.20.00, statistical code 29 in Schedule 3 of the *Customs Tariff Act 1995*.

The rate of duty for the goods exported from Greece is 5 per cent.

3.4 Like goods

In the original investigation, it was found that the Australian industry, comprising of Sunbeam and several other smaller processors, manufactured like goods to the goods exported to Australia from Greece.

During the course of this review, the Commission did not receive any submissions that suggest that the Australian industry no longer manufactures like goods. In particular, the Commission finds that the Australian industry, comprising of Sunbeam, APDF and Murray River Organics, manufactures currants that have characteristics closely resembling the goods because it:

- is made from the same raw materials;
- is manufactured using similar processes and to similar standards;
- has similar physical characteristics;
- competes in price with the imported goods; and
- can be substituted for imported currants in a variety of end-use applications.

⁹ In terms of section 269T of the Act.

4 THE AUSTRALIAN INDUSTRY

4.1 Finding

The like goods were wholly manufactured in Australia and there is an Australian industry consisting of persons who produce like goods in Australia in the form of Sunbeam, APDF, Murray River Organics and the growers of currants.

4.2 Production of currants

For goods to be taken as produced in Australia:

- they must be wholly or partly manufactured in Australia¹⁰; and
- for the goods to be partly manufactured in Australia, at least one substantial process in the manufacture of the goods must be carried out in Australia¹¹.

During the visit to Sunbeam, it was confirmed that currants are wholly or partly manufactured in Australia and at least one substantial process in the manufacture of currants is carried out at its Irymple facility.

While Sunbeam is the major manufacture of currants in Australia, there are two other manufacturers of currants in Australia – APDF and Murray River Organics.

4.3 Close processed agricultural goods

Where the like goods are close processed agricultural goods, the Australian industry in respect of those close processed agricultural goods consists not only of the person or persons producing the processed goods, but also the person or persons producing the raw agricultural goods from which the processed goods are derived¹².

The processed agricultural goods derived from raw agricultural goods can be taken to be close processed agricultural goods where the Minister is satisfied that:

- (a) the raw agricultural goods are devoted substantially or completely to the processed agricultural goods; and
- (b) the processed agricultural goods are derived substantially or completely from the raw agricultural goods; and
- (c) either:
 - (i) there is a close relationship between the price of processed agricultural goods and the price of the raw agricultural goods; or
 - (ii) a significant part of the production cost of the processed agricultural goods, whether or not there is a market in Australia for those goods, is,

¹⁰ Section 269T(2) of the Act.

¹¹ Section 269T(3) of the Act.

¹² Section 269T(4A) of the Act.

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or would be, constituted by the cost to the producer of those goods of the raw agricultural goods.¹³

The Commission is satisfied that currants, consistent with the above, are close processed agricultural goods, and therefore, the Australian industry of currants consists of not only the processors of currants, but also the growers of the currants.

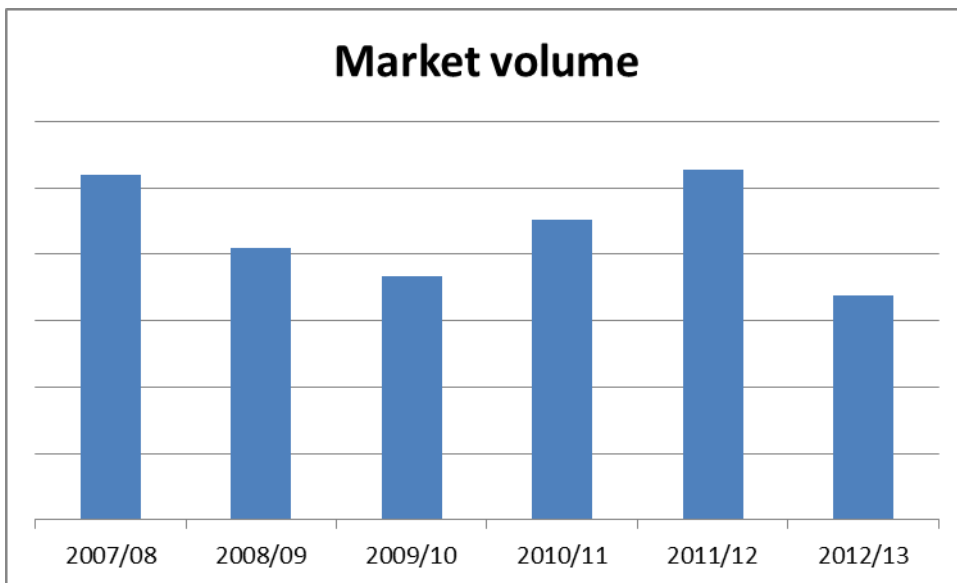
¹³ Section 269T(4B) of the Act

5 AUSTRALIAN MARKET

5.1 Market size

The currants market in Australia is supplied by Australian production, imports from Greece and imports from other countries.

Based on Sunbeam’s sales data and import data from the Australian Customs and Border Protection Service’s import database, the market size of currants in Australia during the review period was approximately 1,740 tonnes. Below is a graph showing the Australian currants market size from 2007/08 (the investigation period in the original investigation) to 2012/13 (**confidential attachment 1**).



The market size declined between 2007/08 and 2009/10 before recovering in 2010/11 and 2011/12. In 2012/13, the market for currants declined again.

5.2 Market structure

Currants are generally used as ingredients in further food manufacturing applications and are sold into two main market segments in Australia, namely the retail and industrial food market segments. These market segments can be differentiated by the package size sold in the respective markets as outlined in the table below:

Packaging size	Market segment
225g	Retail
300g	Retail
750g	Retail
1kg	Retail

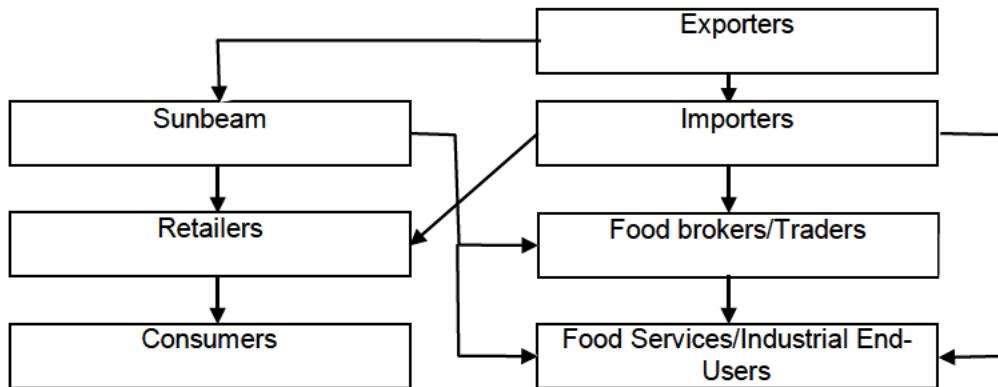
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10kg	Industrial
12.5kg	Industrial

Typical retail customers are supermarkets and health food stores, whereas industrial food customers include cereal, biscuit, cake and baked goods manufacturers, and smaller distributors.

The retail market for currants is generally supplied by Australian currants, whereas the industrial food market segment is supplied by Australian as well as imported currants. The Australian industry's main competitor of currants in the industrial food market segment is Frutex, an importer of currants from Greece.

The marketing and distribution channels are illustrated in the diagram below:



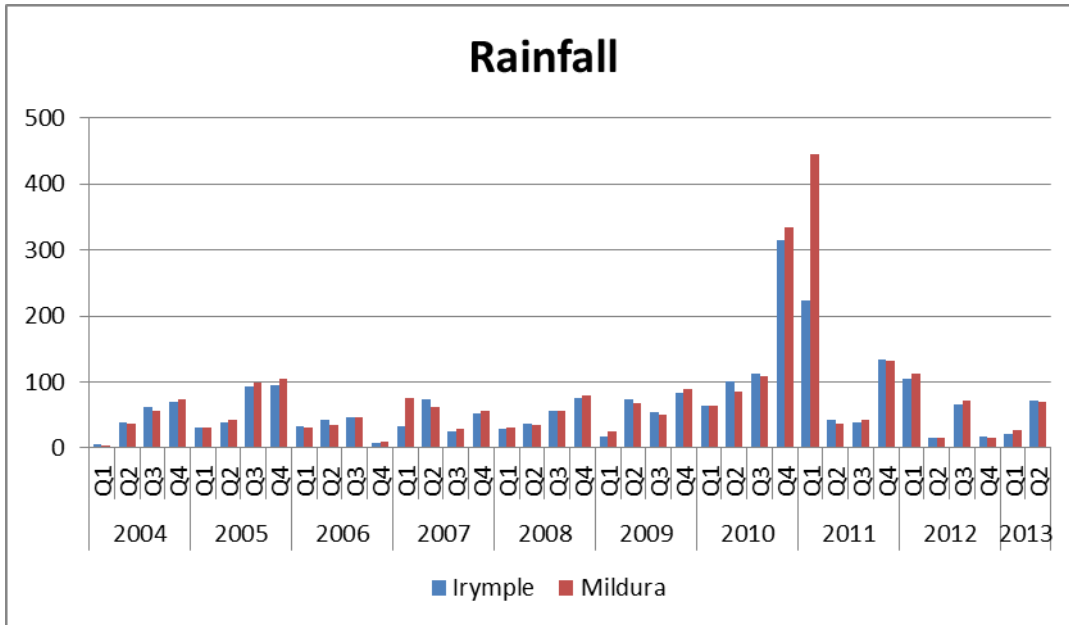
The Australian industry and importers compete at the same level of trade and have common customers.

5.3 Growing conditions

Since measures were imposed five years ago, currant growers have been impacted by several natural weather events that affected the quality and quantity of currants grown in Australia.

Growing conditions were affected by the drought and heatwave that impacted southeast Australia in 2009, with the flowering of currants crops coinciding with high temperatures that affected harvesting in 2010.

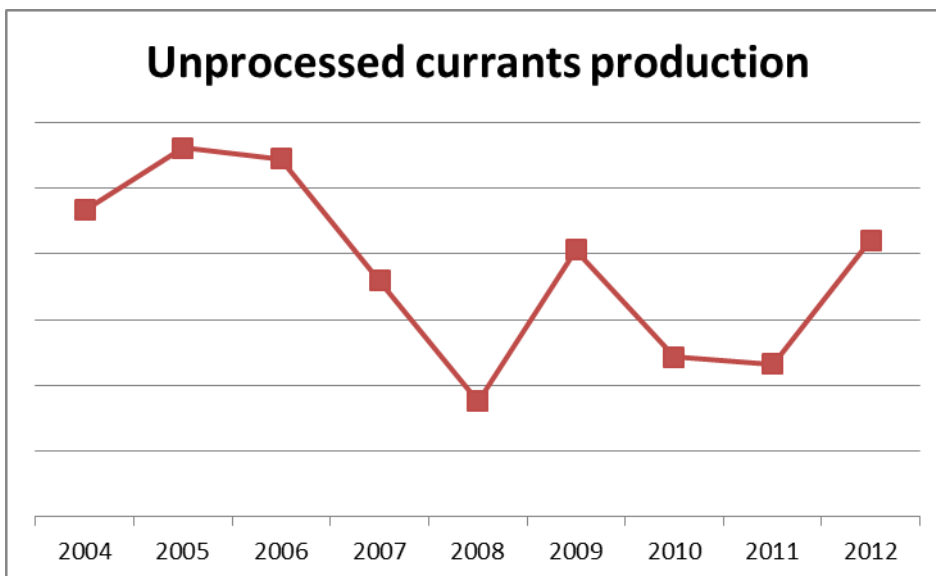
Conversely, 2010/11 saw torrential rain and flooding in the region that impacted on the quality of the 2011 crop of currants. The following graph shows rainfall data from the Bureau of Meteorology in Irymple and Mildura weather stations since 2004 (**attachment 2**).



As observed in the graph above, the region experienced high levels of rainfall in the December 2010 and March 2011 quarters. As a result, the crop was affected by disease, including downy mildew, and splitting of the fruit. The heavy rainfall also produced immature fruit during harvesting where not much sugar was produced, resulting in currants being half their usual weight.

In 2012 and 2013, good growing conditions had returned with no adverse weather events, resulting in good volumes for the 2013 harvest.

The following graph shows the volume of unprocessed currants received by the major processors from the growers between 2005 and 2012 (**confidential attachment 3**).

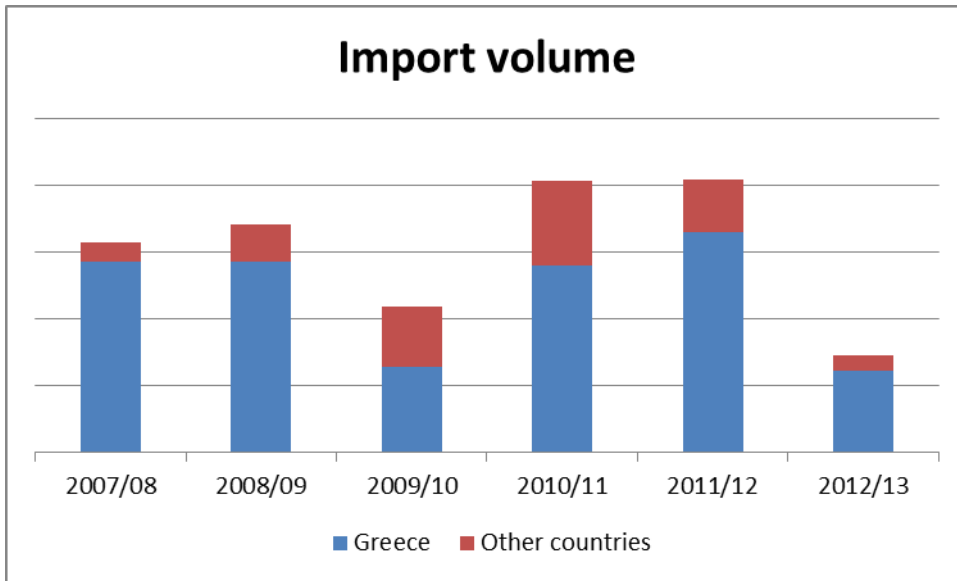


As shown in the graph above, the production quantity of currants contracted significantly from 2006. Dried Fruits Australia explained that this was the result of the removal of currant crops at that time. Production then recovered in 2009 but at

levels that were still lower than those in 2006. Production volumes then contracted in 2010 and 2011, due to the adverse meteorological events discussed above, before recovering in 2012.

5.4 Import volume

The following graph shows the volume of imports between 2007/08 and 2012/13 and includes importations of currants from the Australian industry (confidential attachment 1).



As shown in the graph above, the import volume of currants from Greece reduced significantly in 2009/10 when measures were first imposed. The volumes then recovered in 2010/11 and 2011/12, likely due to supply issues with Australian currants. In 2012/13, the volume of Greek currants declined again as Australian production returned to normal.

In addition, there were significant volumes of currants imported from countries other than Greece during the last six years, particularly between 2009/10 and 2011/12.

The Commission notes that there were significant quantities of mixed fruit importations in 2012/13 where currants were declared as the majority fruit under the tariff heading 0813.50.00. However, when the volume of currants that were imported in mixed fruit were included, the total import volume in 2012/13 was still below the 2011/12 volumes.

6 REVIEW OF VARIABLE FACTORS

6.1 Findings

The export prices, normal values and non-injurious price relevant to the taking of anti-dumping measures in relation to Aeghion and other exporters from Greece have changed.

6.2 Introduction

In accordance with section 269ZDA(1)(a) of the Act, the Commissioner must recommend to the Minister, to the extent that the measures involved the publication of a dumping duty notice, that:

- the notice remained unaltered; or
- the notice have effect in relation to a particular export or to exporters generally, as if different variable factors had been ascertained.

Currently, the interim dumping duties on currants exported from Greece are in the form of a combination of fixed and variable duty method. As a result of REP 192, the fixed component of duty for Aeghion was set at zero.

6.2.1 Importers

An analysis of the Australian Customs and Border Protection Service's import database found that Frutex and Scalzo imported currants from Greece during the review period.

During the review, the Commission visited Frutex and a copy of the non-confidential visit report is available on the public record.

The Commission did not visit Scalzo but obtained import documentation in relation to its imports of currants from Greece.

6.2.2 Exporters

Exporter questionnaires were sent to all suppliers of currants from Greece that were identified from the Australian Customs and Border Protection Service's import database as having supplied currants to Australia during the review period.

A completed exporter questionnaire response was received from Aeghion. The Commission did not visit Aeghion and ascertained variable factors based on data contained in its exporter questionnaire response. A non-confidential version of the exporter questionnaire response and dumping margin calculation report are available on the public record.

The Commission was satisfied that the commercial sales data provided by Aeghion was relevantly complete and accurate to enable a desk-based verification to be undertaken for the purposes of establishing export price and normal value with respect to the goods.

Additionally, the Commission was cognisant of key circumstances of the investigation including, but not limited to, determinations that had been made relating to the contemporary non-injurious price (see section 6.5 below) which provided sufficiently robust indication that the lesser duty provision would apply.

On this basis, having regard to all the circumstances of the investigation, the Commission was satisfied that a verification visit to Aeghion was not warranted.

6.3 Aeghion

6.3.1 Export price

The export price for the goods exported by Aeghion has been determined under section 269TAB(1)(a) of the Act being the price paid or payable by the importer other than any part of that price which represents a charge in respect of the transportation of the goods after exportation or in respect of any other matter arising after exportation.

The export price for the goods exported by Aeghion has changed since it was last reviewed.

6.3.2 Normal value

The normal value for the goods exported by Aeghion has been determined under section 269TAC(1) of the Act using domestic sales of like goods by Aeghion in Greece. The following adjustments were made to the normal value for comparison with the export price in accordance with section 269TAC(8) of the Act:

- Export inland freight – an upwards adjustment for export inland freight was applied to the normal value using the weighted average export inland freight over the review period.
- Export handling costs - an upwards adjustment for export handling costs was applied to the normal value using the weighted average export handling costs over the review period.

The normal value for the goods exported by Aeghion has changed since it was last reviewed.

6.3.3 Dumping margins

A calculation of dumping margins is not required for the purpose of reviewing variable factors, however it is relevant for the continuation inquiry in assessing whether dumping will continue¹⁴. A dumping margin for the review period has been calculated by comparing the export prices with the corresponding quarterly weighted average normal values in accordance with section 269TACB(2)(a) of the Act.

¹⁴ REP 213

The product dumping margin indicates that the goods exported by Aeghion from Greece to Australia during the review period were exported at dumped prices, with a dumping margin of 3.3%.

The variable factors calculation for Aeghion is at **Confidential Attachment 4**.

6.4 Other exporters

6.4.1 Export price

Sufficient information has not been furnished or is unavailable to enable the export price of currants exported from Greece by other exporters to be ascertained under section 269TAB(1) of the Act. Therefore, the export price for other exporters from Greece has been determined under section 269TAB(3) of the Act, having regard to all relevant information.

The export price for other exporters of currants from Greece has been calculated by reference to the export price of the goods imported by Scalzo from Greece over the review period.

The export price for the goods exported by exporters other than Aeghion has changed since the imposition of anti-dumping measures.

6.4.2 Normal value

Sufficient information has not been furnished or is unavailable to enable the normal value of currants exported from Greece by other exporters to be established under sections 269TAC(1) or 269TAC(2) of the Act. Therefore, the normal value for other exporters from Greece have been determined under section 269TAC(6) of the Act, having regard to all relevant information.

The normal value for currants for other exporters from Greece has been calculated by reference to Aeghion's weighted average normal value.

The normal value for exporters other than Aeghion has changed since the imposition of measures.

6.4.3 Dumping margins

A calculation of dumping margins is not required for the purpose of reviewing variable factors, however it is relevant for the continuation inquiry in assessing whether dumping will continue¹⁵. A dumping margin for the review period has been calculated by comparing the export price of the goods during the review period, with the corresponding normal value in accordance with section 269TACB(2)(a) of the Act.

The product dumping margin indicates that currants exported by other exporters from Greece to Australia during the review period were exported at dumped prices, with a dumping margin of 8.1%.

¹⁵ REP 213

The variable factors calculation for other exporters from Greece is at **Confidential Attachment 5**.

6.5 Non-injurious price

The level of dumping duty imposed cannot exceed the margin of dumping, but a lesser duty may be applied if it is sufficient to remove the injury.

The calculation of the non-injurious price provides the mechanism whereby this lesser duty provision¹⁶ is given effect. The non-injurious price is the minimum price necessary to prevent the injury, or a recurrence of the injury, caused to the Australian industry by the dumping.¹⁷

Anti-dumping duties are based on FOB prices in the country of export. Therefore a non-injurious price is calculated in FOB terms for the country of export.

6.5.1 Methods of calculating non-injurious price

The non-injurious price is generally derived by first establishing a price at which the local industry might reasonably sell its product in a market unaffected by dumping. This price is referred to as the unsuppressed selling price.

The preferred approach to establishing the unsuppressed selling price observes the following hierarchy:

1. industry selling prices at a time unaffected by dumping;
2. constructed industry prices – industry cost to make and sell plus profit; or
3. selling prices of undumped imports.

Having calculated the unsuppressed selling price, a non-injurious price is then calculated by deducting the costs incurred in getting the goods from the export FOB point (or another point if appropriate) to the relevant level of trade in Australia. The deductions normally include overseas freight, insurance, into store costs and amounts for importer expenses and profit.

In the original investigation, the unsuppressed selling price for currants was determined using the second methodology set out above – that is, using Sunbeam's cost to make and sell plus a rate of profit achieved with respect to sales of all products.

In REP 192, selling prices in that review period were deemed to reflect prices achieved in relation to the goods at a time unaffected by dumping, by virtue of the measures that were in force. Therefore, the unsuppressed selling price was determined using the first methodology above. Specifically, the unsuppressed selling price was determined based on Sunbeam's verified selling prices during that review period.

¹⁶ Section 8(5B) of the *Customs Tariff (Anti-Dumping) Act 1975*.

¹⁷ The non-injurious price is defined in section 269TACA of the Act.

6.5.2 Claims by the Australian industry

Sunbeam requested that the unsuppressed selling price be calculated based on its CTMS plus an amount for profit for the following reasons:

- There has been a deterioration in its selling prices, which can be attributed to declining import offers for imported Greek currants.
- Frutex has sold its imports of Greek currants at a loss, which has impacted Sunbeam's selling prices.
- It had lost contracts to imported currants.
- The price to growers has fallen from the previous period, which is due to the impact of the selling prices of imported Greek currants.
- The unsuppressed selling price cannot be based on injurious selling prices.

In addition, Sunbeam submitted that it disagreed with the methodology used to calculate the unsuppressed selling price in the previous review (REP 192) as it was found during that review period that Aeghion had exported currants at dumped prices and its selling prices would have been impacted by the dumping.

6.5.3 The Commission's assessment

In this review, the Commission does not consider it necessary to depart from the methodology used to calculate the unsuppressed selling price in REP 192. The selling prices of the Australian industry during the review period can be deemed as being unaffected by dumping as anti-dumping measures were in force during the review period. This is also consistent with the Commission's preferred approach to establishing the unsuppressed selling price.

The Commission does not agree with Sunbeam's argument that the Australian industry's selling prices were impacted by imports of Greek currants at dumped prices during a period where anti-dumping measures were in effect. The role of anti-dumping measures is to remove the injurious effect of dumping and as anti-dumping measures applied during the review period, the prices of Greek currants entering the Australian market are such that the injurious effect of dumping is assumed to have been remedied.

In addition, Sunbeam's argument that the deterioration of its selling prices during the review period was caused by the importation of Greek currants at dumped prices is not supported by evidence before the Commission. Prices of Greek currants were materially higher than the Australian currants during the review period. Sunbeam's claim that it lost contracts due to price undercutting of Greek currants is not supported by evidence obtained by the Commission from the exporter, importer and through discussions with end users. Enquiries by the Commission found that the likely reason Sunbeam lost contracts was due to quality differences, real or perceived, between Greek and Australian currants, and preferences for Greek currants by those end-users¹⁸.

¹⁸ Document 15 refers.

The Commission has calculated the unsuppressed selling price based on Sunbeam's weighted average selling prices of Australian currants into the industrial food market segment during the review period.

The non-injurious price has been calculated by deducting from the unsuppressed selling price Frutex's weighted average ocean freight costs, importation costs, and selling general and administrative expenses over the review period.

The non-injurious price has changed since it was last reviewed.

Unsuppressed selling price and non-injurious price calculations are at **Confidential Attachment 6**.

6.6 Submissions in response to the SEF

The Commission received submissions from Dried Fruits Australia¹⁹ and Sunbeam²⁰ in response to the SEF.

Dried Fruits Australia and Sunbeam disagrees with the Commission's approach in using Sunbeam's weighted average selling prices of Australian currants into the industrial food market segment during the review period to calculate the unsuppressed selling price, arguing that:

- Sunbeam's selling prices in the industrial food segment of the market declined after 2012, coinciding with declines in prices to growers for dried currants.
- Currants exported from Greece during the review period were at dumped prices of between 3.3% and 8.1%.
- The reduction in the Australian industry's selling prices was driven by the availability and competitive prices of dumped Greek currants.
- The Greek export prices declined across the review period.
- The Australian industry prices were suppressed during the review period²¹.
- Anti-dumping measures cannot be 'assumed' to have removed the injurious impact of dumping.
- The Australian industry's selling prices in 2012/13 were impacted by imports of Greek currants at dumped prices.

Dried Fruits Australia and Sunbeam argue that the unsuppressed selling price should be based upon Sunbeam's cost to make and sell currants.

6.6.1 The Commission's assessment

The Commission notes that neither Dried Fruits Australia nor Sunbeam has provided evidence to support its view that price suppression experienced during the review period by the Australian industry was caused by the importation of Greek currants. Specifically, the evidence supplied by Sunbeam does not show that the imported Greek currants undercut the Australian industry selling prices, it is merely evidence

¹⁹ Public record document 23.

²⁰ Public record document 24.

²¹ REP 213

of lost contracts. The Commission, upon further investigation, has found that the prices of Greek currants were higher than the Australian industry prices by approximately 4%, increasing to 10% in the latest round of tenders²². The Commission acknowledges that the Australian industry experienced price reductions in 2012 and 2013, however concludes that the price reductions were not caused by the imports of Greek currants.

The Commission assessed Dried Fruit Australia's and Sunbeam's views that anti-dumping measures cannot be 'assumed' to have removed the injurious impact of dumping. It is noted that the effective rate of interim dumping duties that applied to all imports of Greek currants during the review period was over 10%. Considering that the dumping margin found during the investigation period was between 3.3% and 8.1%, the Commission is satisfied that the interim dumping duties applying to imports of Greek currants during the review period sufficiently remedied the effects of dumping. Therefore, the Commission is satisfied that the Australian industry's selling prices during the review period were unaffected by dumping.

²² REP 213.

7 EFFECT OF THE REVIEW OF VARIABLE FACTORS

As a result of this review, the Commission has found that, in relation to currants exported to Australia from Greece:

- the export price for Aeghion has increased;
- the normal value for Aeghion has increased;
- the export price for other exporters has increased;
- the normal value for other exporters has increased; and
- the non-injurious price has increased.

The Commission has also found that the non-injurious price for currants from Greece was below the export price of the goods exported by Aeghion and other exporters during the review period.

Consequently, the Commission recommends to the Minister that the interim dumping duty payable is an amount which will be worked out in accordance with the floor price duty method²³. In this case, the result is that interim dumping duties are payable in circumstances where the actual export price is less than the non-injurious price²⁴ determined during the review.

²³ Section 5(4) of the *Customs Tariff (Anti-Dumping) Regulation 2013*

²⁴ In accordance with section 8(5B) of the *Customs Tariff (Anti-Dumping) Act 1975*

8 RECOMMENDATION

The Commission recommends to the Minister that the dumping duty notice have effect in relation to all exporters generally as if different variable factors had been ascertained.

9 ATTACHMENTS

Appendix 1	Section 269ZDB(1) notice
Confidential Attachment 1	Market volume, import volume and market share data
Attachment 2	Rainfall data
Confidential Attachment 3	Unprocessed currants production data
Confidential Attachment 4	Aeghion variable factors calculation
Confidential Attachment 5	Other Greek exporters variable factors calculation
Confidential Attachment 6	Non-injurious price calculation

PUBLIC RECORD

Attachment 2

Year	Qtr	Irymple	Mildura
2004	Q1	5.8	4.4
	Q2	38	37.8
	Q3	61.2	56.8
	Q4	69	74.2
2005	Q1	30.4	30.6
	Q2	38.4	42
	Q3	93.4	100
	Q4	95.6	105.2
2006	Q1	33.2	30.4
	Q2	42	35.6
	Q3	47.4	46.6
	Q4	8.2	10.6
2007	Q1	33.6	75.4
	Q2	73	62.4
	Q3	25.4	28.2
	Q4	51.8	56.8
2008	Q1	30	30.8
	Q2	37	35
	Q3	57.2	55.8
	Q4	75.2	80.4
2009	Q1	17.4	24.8
	Q2	73.6	68.2
	Q3	53.6	50.4
	Q4	83.8	89.6
2010	Q1	64	64
	Q2	100.2	84.6
	Q3	111.8	109.2
	Q4	315.4	333.4
2011	Q1	223.6	444
	Q2	42.2	37.4
	Q3	39.8	43.2
	Q4	134	132.8
2012	Q1	105.2	113.4
	Q2	14.6	14.6
	Q3	66.2	71.6
	Q4	17.2	15
2013	Q1	21.6	26.6
	Q2	72	70.2

Source: Bureau of Meteorology

PUBLIC RECORD

