



FILE NOTE

**PREPARED OR PRESERVED TOMATOES EXPORTED TO
AUSTRALIA FROM ITALY BY FEGER DI GERARDO
FERRAIOLI S.P.A. AND LA DORIA S.P.A.**

Anti-Dumping Commission Case 276

This file note relates to the investigation by the Anti-Dumping Commission (the Commission) into the allegations made by SPC Ardmona Operations Ltd (SPCA) that certain prepared or preserved tomatoes exported to Australia from Italy by Feger di Gerardo Ferraioli S.p.A. (Feger) and La Doria S.p.A. (La Doria) at dumped prices have caused material injury to the Australian industry producing like goods (Case 276).

The purpose of this file note is to notify interested parties of how the Commission will use a report titled “*Assessment of the market situation factors in Italy for prepared or preserved tomatoes*” that has been completed by Dr George Barker of Law and Economics Consulting Associates Ltd (LECA). This report (attached) was completed at the request of the Commission for the purposes of the investigation (see file note folios EPR 276/032 and EPR 276/034).

Please note that the language and interpretations of the report are those of the author. As with all submissions, the report does not necessarily represent the views of the Commission and is not necessarily endorsed by the Commission.¹

The Commission will consider the findings of the report, together with other evidence, when assessing whether:

- the situation in the domestic market in Italy for prepared or preserved tomatoes was such that sales in that market are not suitable² for assessing the normal value of prepared or preserved tomatoes in Italy during 2014 (the investigation period); and
- the records of Feger and La Doria relating to like goods reasonably reflect competitive market costs associated with the production or manufacture of like goods³.

The Commission’s assessments in these respects will be incorporated into the statement of essential facts (SEF) for the investigation.

The SEF will set out material findings of fact upon which the Commissioner of the Anti-Dumping Commission (the Commissioner) intends to base his recommendations to the Parliamentary Secretary to the Minister for Industry and Science (the Parliamentary Secretary)⁴.

¹ The Commission’s full disclaimer regarding submissions that are published on the Electronic Public Record can be viewed on the Commission’s website at <http://adcommission.gov.au/cases/EPR%20193%20%20250/Disclaimer%208Jul15.pdf>

² In terms of paragraph 269TAC(2)(a)(ii) of the *Customs Act 1901*.

³ In terms of Regulation 43 of the Customs (International Obligations) Regulation 2015 - paragraph (2)(b)(ii)

PUBLIC RECORD

The Commission will take into account interested parties' submissions obtained in the course of the investigation that do not prevent the timely placement of the SEF on the public record. The Commission considers that submissions made in response to this file note and the LECA report that are received by **24 July 2015** can be taken into account for the purpose of the SEF, which is due to be placed in the public record by 7 August 2015.

When making submissions, interested parties should attach relevant evidence to support the views expressed in their submissions. A non-confidential version of submissions must also be provided. Submissions can be provided:

by mail to: Director, Operations 1
 Anti-Dumping Commission
 Level 35, 55 Collins Street
 Melbourne Vic 3000

or by email to: operations1@adcommission.gov.au

or by fax to: +61 3 8539 2499.

BACKGROUND TO INVESTIGATION

Refer to <http://adcommission.gov.au/cases/Pages/CurrentCases/ADC276.aspx>

⁴ The Minister for Industry and Science has delegated responsibility with respect to anti-dumping matters to the Parliamentary Secretary, who is the relevant decision maker for this investigation.