



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

FILE NOTE – MEETING WITH SPC ARDMONA OPERATIONS LIMITED

MARKET SITUATION REPORT

Background

On 19 January 2015, the Anti-Dumping Commission (the Commission) initiated an investigation into allegedly dumped exports of prepared or preserved tomatoes exported to Australia from Italy by Feger di Gerardo Ferraioli S.p.A. and La Doria S.p.A. This was in response to an application for a dumping duty notice from SPC Ardmona Operations Limited (SPCA), a manufacturer of prepared or preserved tomatoes in Australia.

The Commission met with SPCA to discuss:

- the publically available non-confidential version of the report completed by Dr George Barker of Law and Economics Consulting Associates Ltd (LECA) about whether the situation in the domestic market in Italy for prepared or preserved tomatoes is such that sales in that market are not suitable for assessing normal value of prepared or preserved tomatoes in Italy during 2014; and
- progress of the investigation.

Date: Wednesday, 22 July 2015

SPCA attendees: Shalini Valecha – SPC Ardmona
Jules Croft - Blackburn Croft & Co

The Commission attendees: Geoff Gleeson, Director
Steven Spears, Assistant Director
Thalia Brazdil, A/g Assistant Director
Lisa Lee, Anti-Dumping Information Service

Matters discussed:

- Redactions contained in the non-confidential version of the report provided by LECA.
 - SPCA was informed that a majority of the data contained in the report belonged to Feger and La Doria, which necessitated redaction. All other redactions had been deemed confidential by the Commission in consultation with LECA.



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- SPCA was informed that the wording “**Commission considers the amount to be insignificant**” on page 5 of the report was the current view of the Commission with respect to the magnitude of the amount by which the price of prepared or preserved tomatoes may be lower as a result of the CAP subsidy. However, the Commission confirmed that a determination of market situation has not been made and would not be made until full consideration of all submissions from interested parties has been completed.
 - ‘Market situation’ assessment
 - The Commissioner’s market situation assessment will be set out in the statement of essential facts.
 - Options for determining normal value if a finding of ‘market situation’ is made or is not made.
 - Exporter verification reports
 - The reports were progressing and the non-confidential versions of the reports would be published as soon as is practicable.
 - The verification reports were a representation of the findings from the verification visits and had not taken into consideration ‘market situation’ for the purposes of the calculations contained in the reports.
 - The Commission is likely to seek approval for a further extension of time to the Statement of Essential Facts, which will extend the overall investigation timeframe, due to the added complexity of the requirement for a market situation assessment.