



ANTI-DUMPING NOTICE NO. 2015/112

Prepared or Preserved Tomatoes

**Exported from Italy by
Feger di Gerardo Ferraioli S.p.A and La Doria S.p.A**

Preliminary Affirmative Determination and Imposition of Securities

Customs Act 1901 – Part XVB

On 19 January 2015, I, Dale Seymour, the Commissioner of the Anti-Dumping Commission, initiated an investigation into the alleged dumping of 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) following an application lodged by SPC Ardmona Operations Limited.

The goods subject of the application (“the goods”) 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 in volume (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 the goods: pastes, purees, sauces, pasta sauces, juices and sundried tomatoes.

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.

In accordance with subsection 269TD(4)(a) of the *Customs Act 1901* (the Act), I give public notice that, on 11 September 2015, a preliminary affirmative determination has been made that there appears to be sufficient grounds for the publication of a dumping duty notice in respect of the goods exported to Australia from Italy by Feger and La Doria.

In reaching this preliminary decision, I have had regard to the requirements of section 269TAE of the Act and am satisfied that dumped goods appear to have caused material injury to the Australian industry producing like goods.

The preliminary analysis of the dumping margins is tabulated below. The following dumping margins have been calculated in accordance with subsection 269TACB(2)(a)

of the Act, by comparing the weighted average of export prices over the whole of the investigation period with the weighted average of corresponding normal values over the whole of that period.

Exporter / Manufacturer	Preliminary dumping margin
Feger	7.5%
La Doria	5.1%

Statement of Essential Facts and Preliminary Affirmative Determination Report No 276 sets out the reasons for making this preliminary determination, and has been placed on the public record. Alternatively it may be examined at the Commission's office by contacting the Case Manager on the details provided below.

Under subsection 269TD(4)(b), I am satisfied that it is necessary to require and take securities to prevent material injury occurring to the Australian industry while the investigation continues.

The Commonwealth will require and take securities under section 42 of the Act in respect of interim dumping duty that may become payable in respect of the goods exported from Italy by Feger and La Doria entered for home consumption on or after 11 September 2015.

The security that has been determined is the amount worked out in accordance with the combination of fixed and variable duty method. The securities will be imposed in relation to the goods exported to Australia from Italy by Feger and La Doria at the rate specified in the above table of preliminary dumping margin assessments.

The actual security liability may be higher than the effective rate of security due to a number of factors. Affected parties should contact the Commission by phone 1300 884 159 or +61 2 6275 6066 (outside Australia) or at clientsupport@adcommission.gov.au for further information regarding the actual security liability calculation in their particular circumstance.

I must report to the Parliamentary Secretary to the Minister for Industry and Science (Parliamentary Secretary) with final recommendations in relation to this investigation on or by 19 October 2015. The Parliamentary Secretary will then decide whether to publish a dumping duty notice and, if relevant, the level of measures to be imposed. If dumped goods give rise to retrospective notices being imposed on the goods under section 269TN of the Act, the dumping duty notice will also include the duties to be imposed retrospectively.

Enquiries about this notice may be directed to the Case Manager on telephone number +61 3 8359 2443 or by email at operations1@adcommission.gov.au.

Dale Seymour
Commissioner
Anti-Dumping Commission

11 September 2015