



**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 FEGER DI GERARDO FERRAIOLI S.P.A. AND LA  
DORIA S.P.A**

**Background**

Feger di Gerardo Ferraioli S.p.A and La Doria S.p.A sought a meeting to clarify the comments made in their publically available non-confidential joint submission dated 24 September 2015 and their separate publically available non-confidential submissions dated 26 September 2015. These submissions relate to the Statement of Essential Facts (SEF 276) published by the Anti-Dumping Commission (the Commission) on 4 September 2015.

**Date:** Thursday, 1 October 2015

**Location:** Level 35, 55 Collins Street, Melbourne (via video link)

**Feger attendees:** Maurizio Ferraioli, Managing Director

**La Doria attendees:** Antonio Ferraioli, Chief Executive Officer  
Fiammetta Monaco, Legal Affairs Manager

**European Commission attendees:** Joanna Krzeminska  
Gemma Serra-Blasco

**Italian Government attendees:** Gioacchino Catanzaro

**Van Bael and Bellis attendees:** Fabrizio Di Gianni  
Gabriele Coppo

**The Commission attendees:** Paul Sexton, General Manager Operations  
Rhys Piper, A/g Director Operations 1  
Tyson Lange, A/g Director Policy  
Steven Spears, Assistant Director Operations 1  
Chris Harrison, Senior Investigator

**The claims made in the above mentioned public submissions were restated verbally to the Anti-Dumping Commission, particularly in regard to the following claims:**

*Investigation matters*

1. The Common Agricultural Policy (CAP) and the Single Payment Scheme (SPS) are fully decoupled, World Trade Organization (WTO) compliant, and are known as “green box” and therefore have no trade distorting effects.
2. The initiation of the investigation by the Commission infringes WTO law in relation to initiating an investigation within 12 months and whether circumstances have changed.
3. The cost replacement of raw tomatoes used in production undertaken by the Commission has infringed WTO law.
4. Obsolete data has been used to calculate the subsidy amount used for the cost replacement, stemming from the Commission’s interpretation of EC Regulation 73/2009.
5. Injury and causation are not evident in the SEF.

*Dumping Margin Calculations*

6. The amount of profit used in constructing normal value pursuant to section 269TAC(2)(c) of the *Customs Act 1901* should be a reduced amount calculated using the increased cost to make and sell data after the cost replacement of raw tomatoes.
7. Amendments and inclusions of certain adjustments to reduce the normal value are warranted.