



Application for the publication of  
dumping and/or  
countervailing duty notices

Food Service and Industrial (FSI)  
Pineapple exported to Australia from  
the Republic of Indonesia and the  
Kingdom of Thailand

**Public File**

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APPLICATION UNDER SECTION 269TB OF THE *CUSTOMS ACT 1901* FOR THE PUBLICATION OF DUMPING AND/OR COUNTERVAILING DUTY NOTICES

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**DECLARATION**

I request, in accordance with section 269TB of the *Customs Act 1901* (the Act), that the Minister publish in respect of goods the subject of this application:

- a dumping duty notice, or
- a countervailing duty notice, or
- a dumping and a countervailing duty notice.

This application is made on behalf of the Australian industry producing like goods to the imported goods the subject of this application. The application is supported by Australian producers whose collective output comprises:

- ii. 25% or more of the total Australian production of the like goods; and
- iii. more than 50% of the total production of like goods by those Australian producers that have expressed either support for, or opposition to, this application.

I believe that the information contained in this application:

- iv. provides reasonable grounds for the publication of the notice(s) requested; and
  - is complete and correct.

*Please note that giving false or misleading information is a serious offence.*

Signature: **[sgd]**

Name:

[REDACTED]

Position:

[REDACTED]

Company:

H.J. Heinz Company Australia Limited

ABN:

64 622 234 379

Date:

3 July 2023



## IMPORTANT INFORMATION

### Signature requirements

Where the application is made:

*By a company* - the application must be signed by a director, servant or agent acting with the authority of the body corporate.

*By a joint venture* - a director, employee, agent of each joint venturer must sign the application. Where a joint venturer is not a company, the principal of that joint venturer must sign the application form.

*On behalf of a trust* - a trustee of the trust must sign the application.

*By a sole trader* - the sole trader must sign the application.

*In any other case* - contact the Commission's Client support section for advice.

### Assistance with the application

The Anti-Dumping Commission has published guidelines to assist applicants with the completion of this application. Please refer to the following guidelines for additional information on completing this application:

- *Instructions and Guidelines for applicants on the application for the publication of dumping and/or countervailing duty notices*
- *Instructions and Guidelines for applicants on the examination of a formally lodged application*

The Commission's client support section can provide information about dumping and countervailing procedures and the information required by the application form. Contact the team on:

**Phone:** 13 28 46

**Email:** [clientsupport@adcommission.gov.au](mailto:clientsupport@adcommission.gov.au)

Information is available from the Commission's website at [www.adcommission.gov.au](http://www.adcommission.gov.au).

Small and medium enterprises (i.e., those with less than 200 full-time staff, which are independently operated and which are not a related body corporate for the purposes of the *Corporations Act 2001*), may obtain assistance, at no charge, from the International Trade Remedies Advisory (ITRA) Service. For more information on the ITRA Service, visit [www.business.gov.au](http://www.business.gov.au) or telephone the ITRA Service Hotline on +61 2 6213 7267.

### Important information

To initiate an investigation into dumping and/or subsidisation, the Commission must comply with Australia's international obligations and statutory standards. This form provides an applicant industry with a framework to present its case and will be used by the Commission to establish whether there appear to be reasonable grounds for the publication of a dumping duty or countervailing duty

notice and initiate an investigation. To assist consideration of the application it is therefore important that:

- all relevant questions are answered; and
- information that is reasonably available be supplied.

The Commission does not require conclusive evidence to initiate an investigation, but any claims made should be reasonably based. An application will be improved by including supporting evidence and where the sources of evidence are identified. Simple assertion is inadequate to substantiate an application.

To facilitate compilation and analysis, the application form is structured in 3 parts:

1. **Part A** seeks information about the Australian industry. This data is used to evaluate industry trends and assess claims of material injury due to dumping/subsidisation. Where an Australian industry comprises more than one company, each should separately prepare a response to Part A to protect commercial confidentiality.
2. **Part B** relates to evidence of dumping.
3. **Part C** is for supplementary information that may not be appropriate to all applications. However some questions in Part C may be essential for an application, for example, if action is sought against subsidisation.

All questions in Parts A and B must be answered, even if the answer is 'Not applicable' or 'None'. Where appropriate, applicants should provide a short explanation about why the requested data is not applicable. This will avoid the need for follow up questions by the Commission.

The application form does not specifically address all the information required when making a claim that the establishment of an Australian industry producing like goods has been or may be materially hindered. If you are considering making such a claim, please contact the Commission to discuss information requirements.

The application form requests data over several periods ( $P^1, P^2, \dots, P^n$ ) to evaluate industry trends and to correlate injury with dumped or subsidised imports. The labels  $P^1 \dots P^n$  are used for convenience in this application form. Lodged applications should identify the period relevant to the data. This form does not specify a minimum period for data provision. However, sufficient data must be provided to substantiate the claims made. If yearly data is provided, this would typically comprise a period of at least four years (for example the current financial year in addition to three prior years). Where information is supplied for a shorter period, applicants may consider the use of quarterly data. Data must also be sufficiently recent to demonstrate that the claims made are current.

When an investigation is initiated, the Commission will verify the claims made in the application. A verification visit to the Australian industry usually takes several days.

Applicants should be prepared to substantiate all Australian industry financial and commercial information submitted in the application. Any worksheets used in preparing the application should therefore be retained to facilitate verification.

During verification, the Commission will examine company records and obtain copies of documents relating to the manufacture and sale of the goods.

<b>Appendices</b>	Some questions require attachments to be provided. The attachment numbering sequence should refer to the question answered. For example, question A2.2 requests a copy of an organisation chart. To facilitate reference, the chart should be labelled <u>Attachment A2.2</u> . If a second organisation chart is provided in response to the same question, it should be labelled <u>Attachment A2.2.2</u> (the first would be labelled <u>Attachment A2.2.1</u> ).
<b>Provision of data</b>	<p>Industry financial data must, wherever possible, be submitted in an electronic format.</p> <ul style="list-style-type: none"> <li>• The data should be submitted on a media format compatible with Microsoft Windows.</li> <li>• Microsoft Excel, or an Excel compatible format, is required.</li> <li>• If the data cannot be presented electronically please contact the Commission’s client support section for advice.</li> </ul>
<b>Lodgement of the application</b>	<p>This application, together with the supporting evidence, must be lodged in the manner approved by the Commissioner under subsection 269SMS(2) of the Act. The Commissioner has approved lodgement of this application by either:</p> <ul style="list-style-type: none"> <li>• preferably, email, using the email address <a href="mailto:clientsupport@adcommission.gov.au">clientsupport@adcommission.gov.au</a>, or</li> <li>• post to: The Commissioner of the Anti-Dumping Commission GPO Box 2013 Canberra ACT 2601, or</li> <li>• facsimile, using the number (03) 8539 2499.</li> </ul>
<b>Public Record</b>	<p>During an investigation all interested parties are given the opportunity to defend their interests by making a submission. The Commission maintains a public record of these submissions. The public record is available on the Commission’s website at <a href="http://www.adcommission.gov.au">www.adcommission.gov.au</a>.</p> <p>At the time of making the application both a confidential version (for official use only) and non-confidential version (public record) of the application <u>must</u> be submitted. Please ensure each page of the application is clearly marked “FOR OFFICIAL USE ONLY” or “PUBLIC RECORD”. The non-confidential application should enable a reasonable understanding of the substance of the information submitted in confidence, clearly showing the reasons for seeking the publication of a dumping duty or countervailing duty notice, or, if those reasons cannot be summarised, a statement of reasons why a summary is not possible.</p>

# **PART A**

## **INJURY**

### **TO AN AUSTRALIAN INDUSTRY**

#### **IMPORTANT**

All questions in Part A should be answered even if the answer is 'Not applicable' or 'None'. If an Australian industry comprises more than one company/entity, each should separately complete Part A.

## A-1 Identity and communication

Please nominate a person in your company for contact about the application:

Contact Name:	[REDACTED]
Company and position:	[REDACTED]
Address:	[REDACTED]
Telephone:	[REDACTED]
Facsimile:	N/A
E-mail address:	[REDACTED]
ABN:	64 622 234 379

### Alternative contact

Name:	[REDACTED]
Position in company:	[REDACTED]
Address:	[REDACTED]
Telephone:	[REDACTED]
Facsimile:	N/A
E-mail address:	[REDACTED]

If you have appointed a representative to assist with your application, provide the following details and complete Appendix A8 (Representation).

Name:	Chad Uphill
Business name:	Chad Uphill Trade Advisory
Address:	[REDACTED]
Telephone:	[REDACTED]
Facsimile:	N/A
E-mail address:	[REDACTED]
ABN:	31 207 328 729

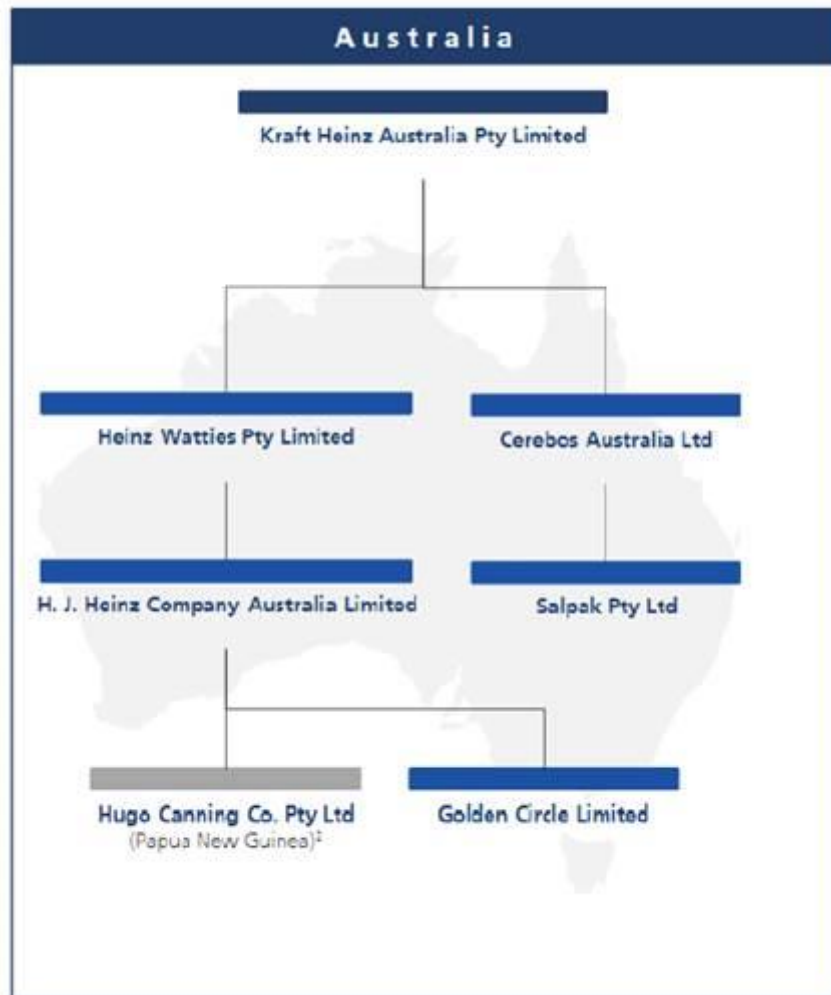
## A-2 Company information

1. State the legal name of your business and its type (e.g. company, partnership, sole trader, joint venture). Please provide details of any other business names you use to manufacture/produce/sell the goods that are the subject of your application.

The Australian manufacturer applicant requesting the imposition of anti-dumping measures applicable to Food Service Industry (FSI) Pineapple exported from the Republic of Indonesia (**Indonesia**) and the Kingdom of Thailand (**Thailand**) is Golden Circle Limited (**Golden Circle**) (ABN 85 054 355 618). Golden Circle is a wholly owned subsidiary of Kraft Heinz Australia Limited (**Kraft Heinz Australia**) (ABN 87 004 200 319).

2. Provide your company's internal organisation chart. Describe the functions performed by each group within the organisation.

The Kraft Heinz Australia corporate Australian organisational chart is provided as follows:



The internal organisational chart specific to the production and sale of FSI pineapple is represented as follows:

*[commercial-in-confidence organisational chart]*



Kraft Heinz Australia is the ultimate parent entity of Golden Circle and currently provides *[commercial-in-confidence corporate arrangement details]*.

3. List the major shareholders of your company. Provide the shareholding percentages for joint owners and/or major shareholders.

*[Commercial-confidence shareholding details]*.

4. If your company is a subsidiary of another company list the major shareholders of that company.

*[Commercial-confidence shareholding details]*.

5. If your parent company is a subsidiary of another company, list the major shareholders of that company.

*[Commercial-confidence shareholding details]*.

6. Provide an outline diagram showing major associated or affiliated companies and your company's place within that structure (include the ABNs of each company).

In relation to the goods the subject of this application, Golden Circle has no related suppliers or customers.

7. Are any management fees/corporate allocations charged to your company by your parent or related company?

Yes – as noted above, Kraft Heinz Australia is the ultimate parent entity of Golden Circle and provides financial, sales, supply chain, marketing, human resources, quality assurance, research and development, and legal services to Golden Circle under a shared services arrangement.

8. Identify and provide details of any relationship you have with an exporter to Australia or Australian importer of the goods.

Golden Circle has a relationship with *[commercial-in-confidence number and names of foreign suppliers]*. During the proposed investigation period *[commercial-in-confidence importation details]*.

9. Provide a copy of all annual reports applicable to the data supplied in appendix A3 (Sales Turnover). Any relevant brochures or pamphlets on your business activities should also be supplied.

Golden Circle does not prepare a separate annual report. The Kraft Heinz Australia Pty Limited annual report consolidates the financial results for all subsidiaries noted at A-2.2 above. Refer Confidential Attachments A-2(9)(a)-(d) for the Kraft Heinz Australian annual reports for calendar years 2018-2021.

10. Provide details of any relevant industry association.

Kraft Heinz Australia (and therefore Golden Circle) is a member of the Australian Food and Grocery Council, and the Australian Beverage Council.

### A-3 The imported and locally produced goods

1. Fully describe the imported product(s) the subject of your application:
  - Include physical, technical or other properties.
  - Where the application covers a range of products, list this information for each make and model in the range.
  - Supply technical documentation where appropriate.

The imported goods from Indonesia and Thailand the subject of this application are:

- Pineapple, prepared or preserved in containers exceeding one litre (**FSI pineapple**) in various product forms, including (but not limited to) chunks, pieces, pizza cut, sliced, thick sliced, tidbits and crushed pineapple. The goods are packaged with liquid added.

Excluded from this application are glace and/or dehydrated pineapple.

The applicable unit of quantity for Customs duty is litres. However, for the purposes of this application, the applicable unit of quantity is kilograms. Kilograms can be converted to litres by dividing the number of kilograms by 1.043174.

By this application, Golden Circle is seeking anti-dumping measures in respect of Indonesian and Thailand exports of FSI pineapple to Australia (by all exporters).

2. List the tariff classification(s) and statistical code(s) of the imported goods.

FSI pineapple is generally, but not exclusively, classified in Schedule 3 to the *Customs Tariff Act 1995* as follows:

Tariff Code	Statistical Code	Description
2008.20.00	27	Canned, in containers, exceeding one litre
2008.20.00	28	Other

3. Fully describe your product(s) that are 'like' to the imported product:
  - Include physical, technical or other properties.
  - Where the application covers a range of products, list this information for each make and model in the range.
  - Supply technical documentation where appropriate.
  - Indicate which of your product types or models are comparable to each of the imported product types or models. If appropriate, the comparison can be done in a table.

FSI pineapple manufactured by the Australian industry is a like good to FSI pineapple exported to Australia from Indonesia and Thailand.

Golden Circle produces a range of pineapple products in the FSI category (refer Confidential

Attachment A-3.3.1).

The goods manufactured by Golden Circle and the FSI pineapple produced by exporters in Indonesia and Thailand are alike and compete directly with each other.

4. Describe the ways in which the essential characteristics of the imported goods are like to the goods produced by the Australian industry.

Golden Circle is the sole Australian manufacturer of FSI pineapple. FSI pineapple is produced at Golden Circle's Northgate (Brisbane) facility and closely resembles the imported subject goods from Indonesia and Thailand.

The essential characteristics of the imported goods as being alike to the FSI pineapple produced by Golden Circle are as follows:

- **Physical likeness:** The primary characteristics of the goods and locally produce goods are the same. Both the imported goods and locally produced goods are made of raw pineapple fruit cut into slices, pieces or crush in containers exceeding 1 litre. The locally produced goods also include thin slices (**thins**).
  - **Production likeness:** The goods are produced using the same or similar raw material inputs. The goods are produced using similar equipment and a similar manufacturing processes.
  - **Commercial likeness:** The goods are produced using the same or similar raw material inputs. The goods are produced using similar equipment and manufacturing processes.
  - **Functional likeness:** The goods can be considered functionally alike, as they have similar or identical end uses.
5. What is the Australian and New Zealand Standard Industrial Classification Code (ANZSIC) applicable to your product.

The ANZSIC code applicable to consumer pineapple is category 1140 (Fruit and Vegetable Processing).

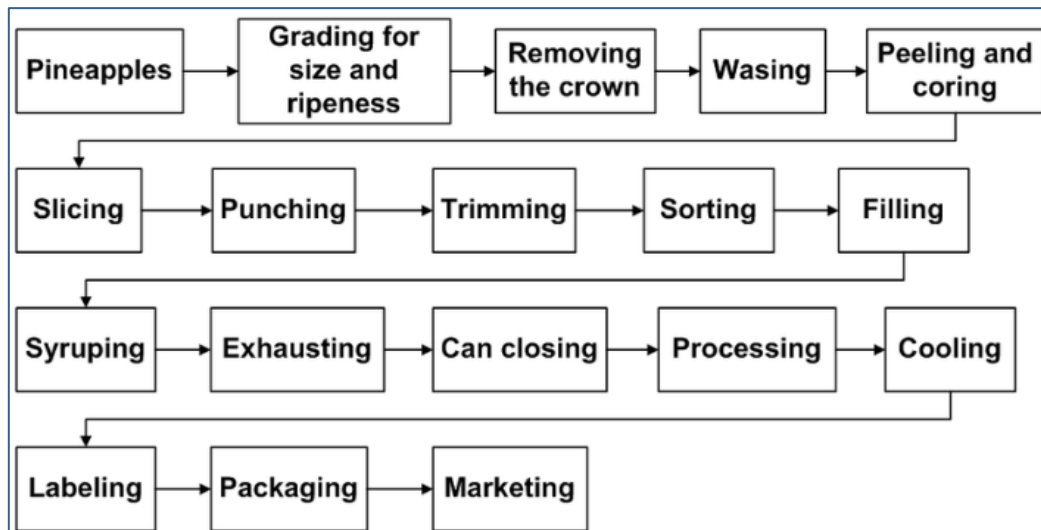
6. Provide a summary and a diagram of your production process.

Golden Circle manufactures FSI pineapple products at its Northgate production facility located in Queensland, Australia. The production processed can be summarised as follows:

- Pineapple fruit is delivered from Australian pineapple growers to Golden Circle, organised for processing into cut pineapple (slices, pieces, thins, crushed or juice) and assessed for suitability for processing as canned pineapple;
- Suitable pineapple fruit is moved onto conveyor belts and then into machinery for skin removal;
- The pineapple fruit is grouped into a long cylinder (slug) and processed again to remove any remaining pineapple skin, before it is cut into slices and thins of pineapple. The fruit retains its core throughout the cutting process;

- Pineapple skin offcuts are removed for use as scrap;
- The quality of the pineapple slices is confirmed through an examination of the slices as they move out of the machine. Slices that do not meet the required standard are removed;
- Pineapple fruit that is unsuitable for canning is used for further processing as crushed or juiced pineapple products;
- FSI pineapple is packed into cans (of a size above 1KG) with a packing medium.
- After canning, the tins of pineapple are placed into a pressure cooker and left to cool prior to packaging the tins with Golden Circle branding according to cut, net weight, packing medium and place of production; and
- The finished goods are placed into pallets and wrapped with plastic film to be stored in the production facility prior to warehousing.

In diagrammatic format, the production process can be represented as follows:



**Non-Confidential Diagram 1: FSI pineapple production process**

7. If your product is manufactured from both Australian and imported inputs:
  - describe the use of the imported inputs; and
  - identify that at least one substantial process of manufacture occurs in Australia (for example by reference to the value added, complexity of process, or investment in capital).

Golden Circle does not utilise imported inputs.

8. If your product is a processed agricultural good, you may need to complete Part C-3 (close processed agricultural goods).

Not applicable.

9. Supply a list of the names and contact details of all other Australian producers of the product.

Golden Circle is the sole Australian producer of FSI pineapple.

10. If different models can be established for the goods subject to the application:
- What are the differences in physical characteristics that give rise to distinguishable and material differences in price?
  - Provide supporting documentation or analysis supporting the differences in physical characteristics that affects price comparability. Unit costs may also be used to demonstrate differences in physical characteristics where it affects price comparability.
  - In providing the list of physical differences, identify the characteristics in order of significance.
  - Identify key characteristics where the physical differences are significantly different and it is not meaningful to compare models with different physical characteristics.
  - Identify the physical characteristics that can be reported in relation to sales and cost data respectively. This should be reflected in the sales data provided in appendices A4 and A6.
  - Complete the table below having regard to the information provided above. The Commission will consider this information in establishing a model control code structure for the investigation.

Golden Circle manufactures and sells preserved pineapple products in containers (tin cans) exceeding one litre, being pineapple thins (thin slices) preserved in syrup in cans holding 3.2 kilograms (**KG**).

Golden Circle also imports and sells tropical pineapple pieces, tropical pineapple crush and tropical pineapple slices in syrup and unsweetened juice in 3KG cans. Golden Circle markets imported pineapple as 'tropical pineapple' and Australian 'self-manufactured' goods as 'Australian pineapple'.

The following table details the proposed Model Control Code (**MCC**) structure for FSI pineapple:

Model Control Code Structure – FSI Pineapple					
Item	Category	Sub-Category	Identifier	Sales Data	Cost Data
1	Pineapple cut	Chunks	CH	Mandatory	Mandatory
		Crushed	CR		
		Pieces	PC		
		Pizza cut	PZ		
		Sliced	SL		
		Tidbits	TD		
		Thin sliced	TH		
2	Container type	Tin can	TC	Mandatory	Mandatory
3	Container size	Size in net weight (e.g. 850 grams)		Mandatory	Mandatory
4	Packing medium	Light syrup	L	Mandatory	Mandatory
		Heavy syrup	H		
		Natural juice (sweetened)	S		
		Natural juice (unsweetened)	U		

Non-Confidential Table 1: Proposed MCC structure

#### A-4 The Australian market

1. Describe the end uses of both your product and the imported goods.

FSI pineapple includes pineapple fruit in various forms including thins, slices, pieces and crushed, packed in syrup or natural juice in 3.0 to 3.2 kilogram (**kg**) cans that are sold into the food service and industrial sectors.

The food service sector includes pizza outlets, takeaways, restaurants and institutions, which use the product as an ingredient for other processed foods such as fruit salads, frozen pizzas, sauces, packaged meals, etc.

2. Describe the Australian market for the Australian and imported product and the conditions of competition within the overall market. Your description could include information about:
  - sources of product demand;
  - marketing and distribution arrangements;
  - typical customers/users/consumers of the product;
  - the presence of market segmentation, such as geographic or product segmentation;
  - causes of demand variability, such as seasonal fluctuations, factors contributing to overall market growth or decline, government regulation, and developments in technology affecting either demand or production;
  - the way in which the imported and Australian product compete; and
  - any other factors influencing the market.

#### Sources of product demand

The Australian market is supplied from local production (Golden Circle) and imports. Major source countries for imports include Indonesia, and Thailand.

## Marketing, segmentation, distribution arrangements, and typical customers

Trade Measures Report No. 573 & 574<sup>1</sup> (**REP 573/574**) affirmed that the marketing and distribution arrangements for FSI pineapple are as follows:<sup>2</sup>

*The Australian market for FSI pineapple consists of fast food outlets, cafes, bakeries and the broader food manufacturing industry. Typically customers issue request for tenders and select a supplier based on a number of factors, including price, quality and ability to supply. Based on discussions with the Australian industry and importers, it is the commission's understanding that FSI pineapple is a commodity, and that price is the main factor for purchasing decisions. Since the customers buying the end-product do not know the source of the pineapple, there is no premium attached to branding or Australian-made status.*

Wholesalers and importers supply the Australian market. As confirmed by the Commission in REP 573/574, Golden Circle no longer participates in the tender process for the sale of FSI pineapple, and instead sells directly to wholesalers.

## Causes of demand variability

Pineapple fruit is a primary agricultural product, and is therefore affected by seasonality of supply. Golden Circle's pineapple fruit supply may be impacted by floods specific to the Queensland region, however this short-term impact is managed by Golden Circle.

## Competition between imports and local product

Prepared or processed pineapple fruit is a price-sensitive product. Golden Circle's product competes directly with imports, whether in the FSI/Industrial or the consumer market segments.

## Any other factors influencing the market

Golden Circle's sales of FSI pineapple over the proposed injury analysis and investigation period have declined by [XX]% as compared to CY2017. In contrast exports of FSI pineapple from Indonesia and Thailand<sup>3</sup> have increased by approximately 11% over the same period.

Imported FSI pineapple therefore has a significant impact on the Australian market.

3. Identify if there are any commercially significant market substitutes for the Australian and imported product.

There are no commercially significant market substitutes for the Australian and imported product.

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<sup>1</sup> *Inquiry into the Continuation of Anti-Dumping Measures Applying to Food Service and Industrial (FSI) Pineapple Exported to Australia from the Republic of the Philippines and the Kingdom of Thailand.* 6 September 2021.

<sup>2</sup> *Ibid*, p. 18-19.

<sup>3</sup> The implications of the earlier trade measures applicable to exports of FSI pineapple from Thailand are assessed later in this application.

- Complete appendix A1 (Australian production). This data is used to support your declaration at the beginning of this application.

Golden Circle has completed Confidential Appendix A1 for total production (local and export sales) for the twelve months ending December 2022.

- Complete appendix A2 (Australian market).

Golden Circle has completed Confidential Appendix A2 – Australian market for FSI pineapple.

The import data represented in Confidential Appendix A-2 is based on import statistics published by [*commercial-in-confidence data source*].<sup>4</sup>

- Use the data from appendix A2 (Australian market) to complete this table:

*Indexed table of sales quantities*

Calendar Year	(a)	(b)	(c)	(d)	(e)	(f)	Total Market
	Applicant Sales	Other Aust. Sales	Total Aust. Sales	Dumped Imports	Other Imports	Total Imports	
2017	100.00	0.00	100.00	100.00	100.00	100.00	100.00
2018	88.00	0.00	88.00	95.91	77.21	94.10	93.15
2019	78.26	0.00	78.26	101.89	74.60	99.25	95.96
2020	56.98	0.00	56.98	69.46	68.68	69.38	67.44
2021	61.47	0.00	61.47	105.74	83.65	103.61	97.00
2022	66.48	0.00	66.48	110.88	82.28	108.13	101.59

#### **A-5 Applicant's sales**

- Complete appendix A3 (sales turnover).

Golden Circle has completed Confidential Appendix A3 for all sales of FSI pineapple.

<sup>4</sup> Refer [*commercial-in-confidence data source*].



2. Use the data from appendix A3 (sales turnover) to complete these tables.

*Indexed table of Applicant's sales quantities*

Quantity	Calendar Year					
	2017	2018	2019	2020	2021	2022
<b>All Products</b>						
Australian market	100.00	105.96	107.85	105.47	98.49	82.26
Export Market	100.00	98.43	108.58	95.55	95.20	143.44
<b>Total</b>	<b>100.00</b>	<b>105.80</b>	<b>107.87</b>	<b>105.25</b>	<b>98.41</b>	<b>83.62</b>
<b>Like goods</b>						
Australian market	100.00	87.28	74.87	30.80	34.16	35.63
Export Market	100.00	55.56	38.89	222.22	13.89	0.00
<b>Total</b>	<b>100.00</b>	<b>87.27</b>	<b>74.86</b>	<b>30.86</b>	<b>34.16</b>	<b>35.62</b>

*Indexed table of Applicant's sales values*

Value	Calendar Year					
	2017	2018	2019	2020	2021	2022
<b>All Products</b>						
Australian market	100.00	105.64	101.82	103.11	99.10	104.86
Export Market	100.00	95.93	104.95	92.17	91.10	141.92
<b>Total</b>	<b>100.00</b>	<b>105.40</b>	<b>101.90</b>	<b>102.84</b>	<b>98.91</b>	<b>105.77</b>
<b>Like goods</b>						
Australian market	100.00	81.52	74.35	33.52	42.15	47.76
Export Market	100.00	44.42	37.21	231.33	13.19	0.00
<b>Total</b>	<b>100.00</b>	<b>81.51</b>	<b>74.34</b>	<b>33.56</b>	<b>42.14</b>	<b>47.75</b>

3. Complete appendix A5 (sales of other production) if you have made any:
- internal transfers; or
  - domestic sales of like goods that you have not produced, for example if you have imported the product or on-sold purchases from another Australian manufacturer.

Golden Circle has completed Confidential Appendix A5.

4. Complete appendix A4 (domestic sales).

Golden Circle has completed Confidential Appendix A4 for the twelve months ending December 2022.

5. If any of the customers listed at appendix A4 (domestic sales) are associated with your business, provide details of the association. Describe the price effect of the association.

Golden Circle does not have any associations with the customers listed in Confidential Appendix A4.

6. Attach a copy of distributor or agency agreements/contracts.

Golden Circle's customer agreements/contracts comprise product range assessments, reviewed annually. Refer Confidential Attachments A-5.6(a – c) for a sample of these.

7. Provide copies of any price lists.

Refer Confidential Attachment A-5.7.

8. If any price reductions (for example commissions, discounts, rebates, allowances and credit notes) have been made on your Australian sales of like goods provide a description and explain the terms and conditions that must be met by the customer to qualify.
  - Where the reduction is not identified on the sales invoice, explain how you calculated the amounts shown in appendix A4 (domestic sales).
  - If you have issued credit notes (directly or indirectly) provide details if the credited amount has **not** been reported appendix A4 (domestic sales) as a discount or rebate.

Golden Circle provides discounts for some sales identified in Confidential Appendix A4. Discounts are separately identified. Discounts are available for early settlement of accounts.

9. Select two domestic sales in each quarter of the data supplied in appendix A4 (domestic sales). Provide a complete set of commercial documentation for these sales. Include, for example, purchase order, order acceptance, commercial invoice, discounts or rebates applicable, credit/debit notes, long or short term contract of sale, inland freight contract, and bank documentation showing proof of payment.

Commercial documentation collated by Golden Circle is provided at Confidential Attachment A-5.9(1) and Confidential Attachment A-5.9(2).

10. Provide a list of model control codes from appendix A4.

Refer Appendix 4.

## **A-6 General accounting/administration information**

1. Specify your accounting period.

Golden Circle's financial year is 1 January to 31 December.

2. Provide details of the address(es) where your financial records are held.

Golden Circle's financial records are located at 2 Southbank Blvd, Southbank, Victoria, 3006.

3. To the extent relevant to the application, please provide the following financial documents for the two most recently completed financial years plus any subsequent statements:

- chart of accounts;

Golden Circle's Chart of Accounts has been provided at Confidential Attachment A-6.3.

- audited consolidated and unconsolidated financial statements (including all footnotes and the auditor's opinion);

The Kraft Heinz Australia Pty Limited annual report consolidates the financial results for all subsidiaries noted at A-2.2 above. Refer Confidential Attachments A-2(9)(a)-(d) for the Kraft Heinz Australian annual reports for calendar years 2018-2021.

- internal financial statements, income statements (profit and loss reports), or management accounts, that are prepared and maintained in the normal course of business for the goods.

*These documents should relate to:*

1. the division or section/s of your business responsible for the production and sale of the goods covered by the application, and
2. the company overall.

This documentation is provided in conjunction with Golden Circle's confidential appendix data.

4. If your accounts are **not** audited, provide the unaudited financial statements for the two most recently completed financial years, together with your taxation returns. Any subsequent monthly, quarterly or half yearly statements should also be provided.

Golden Circle's accounts are audited annually.

5. If your accounting practices, or aspects of your practices, differ from Australian generally accepted accounting principles, provide details.

The accounting practices of Kraft Heinz Australia Pty Limited (and therefore Golden Circle) are maintained in accordance with Australia's generally accepted accounting principles.

6. Describe your accounting methodology, where applicable, for:

- the recognition/timing of income, and the impact of discounts, rebates, sales returns warranty claims and intercompany transfers;

Revenue is measured at the fair value of the consideration received or receivable. Amounts disclosed as revenue are net of returns, trade allowances and duties and taxes paid. The consolidated Kraft Heinz Australia group (and therefore Golden Circle) recognises revenue when the amount of revenue can be measured reliably, it is probable that the future economic benefits will flow to the entity and specific criteria have been met for each of the consolidated entity's activities as described below.

The Kraft Heinz Australia group manufactures and sells processed food and marketing brand name grocery products. Revenue from the sale of goods is recognised to the extent that the group satisfies its single performance obligation to transfer agreed goods and the transaction price can be readily identified, being the point in time at which control of the goods passes to the customer; i.e. when products are delivered.

Delivery occurs when the products have been delivered to the specified location or picked up by the customer's nominated delivery service provider, the risks of obsolescence and loss have been transferred to the retailer or wholesaler, the customer has full discretion over the products and price to sell the products, and the customer has accepted the products in accordance with the sales contract, the acceptance provisions have lapsed, or the group has objective evidence that all criteria for acceptance have been satisfied.

Products are often sold with rebates and sales discounts. Revenue from sales is based on the price specified in the sales contracts, net of the fixed and estimated rebates and sales discounts and returns at the time of sale. Accumulated experience is used to estimate and provide for the discounts and returns.

- provisions for bad or doubtful debts;

The Kraft Heinz Australia group (and therefore Golden Circle) applies the *AASB 9 Financial Instruments* simplified approach to measuring expected credit losses which uses a lifetime expected loss allowance for all trade receivables and contract assets.

To measure the expected credit losses, trade receivables are grouped based on shared credit risk characteristics and the days past due.

The expected loss rates are based on the payment profiles of sales over a 12-month period, and the corresponding historical credit losses experienced within that period. The historical loss rates are adjusted to reflect current and forward-looking information on macroeconomic factors affecting the ability of the customers to settle the receivables.

- the accounting treatment of general expenses and/or interest and the extent to which these are allocated to the cost of goods;

#### Maintenance and repairs

Replacements, maintenance and repairs to fixed assets which do not improve or extend the useful lives of the respective assets are expensed in the period in which they are incurred.

#### Borrowings

Borrowings in the form of loans are carried at their principal amounts, which represent the present value of future cash flows associated with the servicing of the debt. Interest is accrued over the period it becomes due and is recorded as part of other creditors.

#### Employee benefits

Liabilities for wages and salaries, including non-monetary benefits, annual leave and sick leave are recognised, and are measured as the amount unpaid at the end of the reporting period at nominal pay rates in respect of employee's services up to that date.

Liabilities for annual leave and long service leave are recognised and measured as the

present value of expected future payments to be made in respect of services provided by employees up to the end of the reporting period. Consideration is given to expected future wage and salary levels, experience of employee departures and periods of service. Expected future payments are discounted using interest rates on national government guaranteed securities with terms to maturity that match, as closely as possible, the estimated future cash outflows.

#### Interest bearing liabilities

Interest bearing liabilities are initially recognised at fair value plus transaction costs incurred. Interest bearing liabilities are subsequently measured at amortised cost. Any difference between the proceeds (net of transaction costs) and the redemption amount is recognised in the profit or loss component of the consolidated statement of comprehensive income over the period of the borrowings using the effective interest method, interest bearing liabilities are classified as current liabilities unless the group has an unconditional right to defer settlement of the liability for at least 12 months after the balance sheet date. Borrowing costs are expensed as incurred.

- costing methods (eg by tonnes, units, revenue, activity, direct costs etc) and allocation of costs shared with other goods or processes;

Golden Circle uses a standard costing system which is updated annually.

- the method of valuation for inventories of raw material, work-in-process, and finished goods (eg FIFO, weighted average cost);

Raw materials and stores, work in progress and finished goods are stated at the lower of cost and net realisable value. Cost comprises direct materials, direct labour and an appropriate proportion of variable and fixed overhead expenditure, the latter being allocated on the basis of normal operating capacity. Costs are assigned to individual items of inventory mainly on the basis of first in first out.

- valuation methods for scrap, by-products, or joint products;

Golden Circle uses a standard costing system to value these items.

- valuation methods for damaged or sub-standard goods generated at the various stages of production;

Golden Circle uses a standard costing system for damaged/sub-standard goods, updated monthly with provisioning and accruals.

- valuation and revaluation of fixed assets;

Property, plant and equipment is stated at historical cost less accumulated depreciation. Historical cost includes expenditure that is directly attributable to the acquisition of the items. Cost may also include transfers from equity of any gains or losses on qualifying cash flow hedges of foreign currency purchases of property, plant and equipment.

Increases in the carrying amounts arising on revaluation of land and buildings are recognised, net of tax, in other comprehensive income and accumulated in reserves in shareholders' equity.

The carrying amount of any component accounted for as a separate asset is derecognised when replaced. All other repairs and maintenance are charged to profit or loss during the reporting period in which they are incurred.

Depreciation is calculated using the straight-line basis to write off the net cost or revalued amount of each item of property, plant and equipment (excluding land) over its expected useful life to the consolidated entity. Estimates of remaining useful lives are made on a regular basis for all assets, with annual assessments of major items. The straight-line method is used.

The expected useful lives are as follows:

- Buildings 40 years or less; and
- Plant & equipment 15 years or less.
  
- average useful life for each class of production equipment, the depreciation method and depreciation rate used for each;

As above.

- treatment of foreign exchange gains and losses arising from transactions and from the translation of balance sheet items; and

Foreign currency transactions are initially translated into Australian currency using the exchange rates prevailing at the dates of the transactions. At the end of the reporting period amounts payable and receivable in foreign currencies are translated to Australian currency at rates of exchange current at that date. Resulting exchange differences are recognised in determining the profit or loss for the period.

- restructuring costs, costs of plant closure, expenses for idle equipment and/or plant shut-downs.

Any such costs are based on actual costs and cost accruals.

7. If the accounting methods used by your company have changed over the period covered by your application please provide an explanation of the changes, the date of change, and the reasons.

For the earlier calendar year 2021 reporting period, none of the new standards and amendments to standards that were mandatory for the first time for the financial period beginning 2021 affected any of the amounts recognised in the period, or any prior period, and were not expected to affect future periods.

As the date of this application pre-dates the finalisation of the calendar year 2022 audited accounts, Golden Circle will provide a further response to the Anti-Dumping Commission during the course of the inquiry.

## A-7 Cost information

1. Complete appendices A6.1 and A6.2 (cost to make and sell) for domestic and export sales.

Golden Circle has completed Confidential Appendix A6.1 and A6.2.

2. Provide a list of model control codes from appendix A6.1 and A6.2.

The full list of Model Control Codes is provided above at A-3(10).

## A-8 Injury

The principal indicators of injury are price, volume and profit effects – although not all of these must be evident. For this application, profit refers to amounts earned. Profitability is the ratio of profit to sales revenue. Where the application includes a claim of threat of material injury you must also complete question C.2.

1. Estimate the date when the material injury from dumped and/or subsidised imports commenced.

The Australian industry alleges that the material injury arising from the volume and price effects of the dumped goods from Indonesia and Thailand commenced across the calendar year 2017 and 2018 periods.

Specifically, Golden Circle claims, and will establish in the subsequent parts of this application, that it has experienced material injury during the proposed investigation period in the form of:

- lost sales volume;
- lost market share;
- price suppression;
- loss of profits;
- loss of profitability;
- reduced revenue;
- reduced return on investment;
- reduced capacity utilisation; and
- reduced employment.

2. Using the data from appendix A6 (cost to make and sell), complete the following tables for each model control code of your production. P<sup>n</sup> is the most recent period.

*Index of production variations (model control code)*

Calendar Year	2017	2018	2019	2020	2021	2022
FSI Pineapple	100.00	119.35	87.43	49.71	121.97	21.47

*Index of cost variations (model control code)*

Calendar Year	2017	2018	2019	2020	2021	2022
FSI Pineapple	100.00	105.76	133.17	151.10	156.85	165.09

*Index of price variations (model control code)*

Calendar Year	2017	2018	2019	2020	2021	2022
FSI Pineapple	100.00	93.40	99.31	108.82	123.38	134.05

*Index of profit variations (model control code)*

Calendar Year	2017	2018	2019	2020	2021	2022
FSI Pineapple	100.00	56.00	-3.23	-19.21	22.02	40.07

*Index of profitability variations (model control code)*

Calendar Year	2017	2018	2019	2020	2021	2022
FSI Pineapple	100.00	59.95	-3.26	-17.66	17.85	29.89

3. Complete appendix A7 (other injury factors).

Where applicable to injury claims, prepare an indexed table for other injury factor(s) in the format above.

*Index of relevant Appendix A7 factors*

FSI Pineapple	2017	2018	2019	2020	2021	2022
Revenue	100.00	81.52	74.35	33.52	42.15	47.76
Return on Investment	100.00	96.60	90.09	41.80	50.05	62.88
Capacity Utilisation	100.00	95.74	76.87	32.20	60.48	65.55
Employment	100.00	100.47	71.86	33.27	44.87	55.83

**A-9 Link between injury and dumped or subsidised imports**

To establish grounds to initiate an investigation there must be evidence of a causal relationship between the injury and the alleged dumping or subsidisation. This section provides for an applicant to analyse the data provided in the application to establish this link. It is not necessary that injury be shown for each economic indicator.

1. Identify from the data at appendix A2 (Australian market) the influence of the volume of dumped and/or subsidised imports on your quarterly sales volume and market share.

There is a direct correlation between the increase in volumes of FSI pineapple imported from

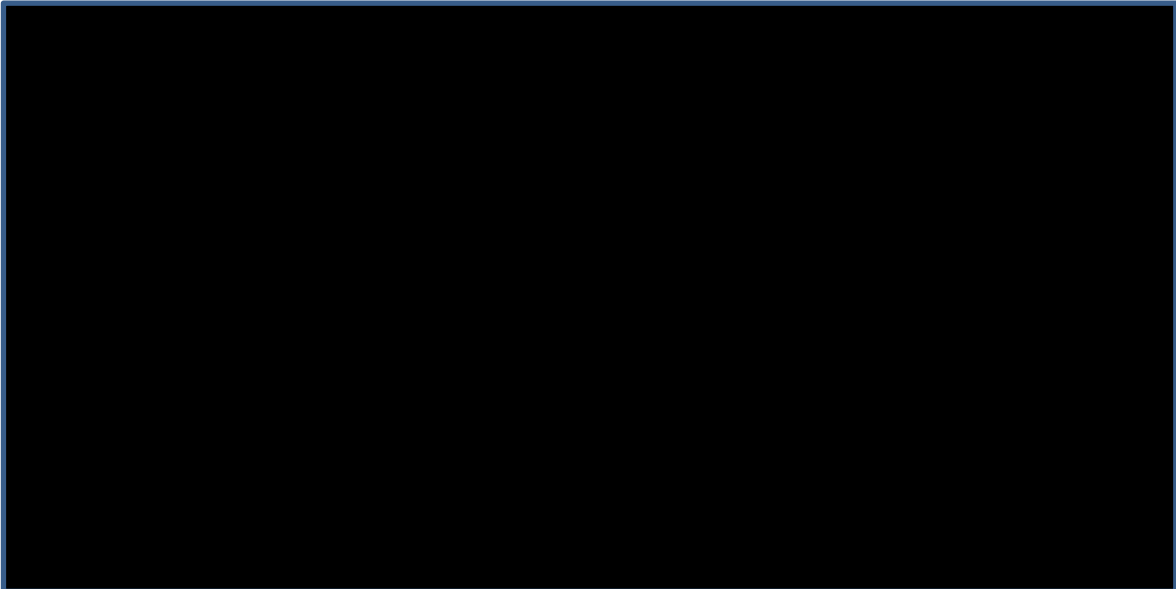


Indonesia and Thailand and the Australian industry’s annual sales volume and market share for the like goods. Confidential Chart A-9.1.1 below highlights this:



**Confidential Chart A-9.1.1:** CY2017-CY2022 Australian Market Share (source: Appendix A2)

Following the CY2017 base year, imports from Thailand maintained a dominant Australian market presence, such that by CY2021 imports had increased by [XX]% compared to the previous year. Thailand’s imports then remained at this level throughout CY2022. Over the same period, Indonesian imports also increased, and in doing so progressively acquired additional market share such that by CY2021 its presence in the Australian market had risen to [XX]%. Indonesia’s year-on-year export volume increase between CY2020 and CY2021 was [XX]%, with an additional [XX]% increase in CY2022:



**Confidential Chart A-9.1.2:** CY2017-CY2022 sales volume comparison (source: Appendix A2)

2. Use the data at appendix A2 (Australian market) to show the influence of the price of dumped and/or subsidised imports on your quarterly prices, profits and profitability provided at appendix A6.1 (costs to make and sell). If appropriate, refer to any price undercutting and price depression evident in the market.

### Influence on prices

The correlation between the Australian industry's annual selling prices for the like goods and the annual FOB export prices for the dumped imports across the injury analysis period exists because the Australian industry's prices were heavily influenced by presence and prices of the dumped imports. Specifically, Golden Circle has responded to the presence of imports (by importers of the dumped goods) by suppressing its price increases for like goods.

In the Commission's consumer pineapple reinvestigation report for the *Anti-Dumping Review Panel (ADRP)* in relation to certain findings in report REP 571/572,<sup>5</sup> it concluded that:

*On reconsideration, the commission considers that, in respect of consumer pineapples, all wholesale market participants are aware of the presence of the imported product in the market. In that context direct evidence of the type envisaged by REP 571 & 572 is not necessary to satisfy the commission that the availability of lower priced imports would be a factor in price negotiations between Golden Circle and the supermarkets. Rather, the commission's analysis of the operation and composition of the market, and price and volume trends in the market supports its finding.*

On assessment of this reconsidered view, the ADRP Panel Member concluded that:<sup>6</sup>

*The parties to the correspondence [correspondence being examples of price negotiations with supermarkets] are the Australian industry (Golden Circle) and major customers. **Both sides would be aware of the presence in the market of imported product and the significant price undercutting of such imports.** The conclusion reached [that there was no reference to selling prices of imported consumer pineapple, nor any perceived pricing pressure due to imports from the subject countries] does not take into account that price negotiations take place in that context. **It would not need to be spelt out in the correspondence for it to have an effect.** [emphasis added].*

Price negotiations between Golden Circle and its customers vis-à-vis dumped and materially injurious FSI subject goods imports from Indonesia and Thailand transpired in the same manner for CY2022, and had a price suppressive effect.

The Commission's Dumping and Subsidy Manual (**the Manual**) states that price suppression, in terms of Article 3.2 of the ADA, is where price increases for the Australian industry's products, which otherwise would have occurred, have been prevented to a significant degree.<sup>7</sup> In determining whether price suppression has occurred the Commission may examine:<sup>8</sup>

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<sup>5</sup> *Anti-Dumping Commission Reinvestigation Report for the Anti-Dumping Review Panel; Reinvestigation of Certain Findings in Report No's 571 & 572; Consumer Pineapple Exported to Australia from the Republic of the Philippines and the Kingdom of Thailand.* June 2022. Page 23.

<sup>6</sup> *ADRP Report No. 144; Consumer Pineapple from the Republic of the Philippines and the Kingdom of Thailand.* July 2022. Page 17-18.

<sup>7</sup> *The Manual*, p. 16.

<sup>8</sup> *Ibid.*

- a comparison of prices with costs to assess whether over time (e.g. the injury analysis period) or within a specified period (e.g. the investigation period) prices have not increased at the same rate as cost increases; and/or
- an assessment as to whether the prices for the Australian industry’s product are lower than prices that may have been achieved in the absence of dumping.

In either case, the Commission will base its price suppression analysis on a counterfactual conclusion. In other words, assessing what trend in, or level of, prices the Australian industry would have achieved in the absence of dumping.<sup>9</sup>

Golden Circle submits that, absent imports from Indonesia and Thailand at material margins of dumping, it would have achieved prices indicative of a level playing field in the Australian market.

### ***Indonesian / Thailand Imports – REP 573/574***

Firstly, the substantial presence in the Australian market of Indonesian and Thailand imports was categorically evidenced in REP 573/574. In relevant parts:

#### **i. Market Share**

The Commission found that Indonesia and Thailand represented the majority of the Australian market for FSI pineapple during the CY2020 inquiry period, and that in relation to exports from Thailand, exporters that were exempt from the measures that were then in place accounted for **90%** of the Thailand import volume.<sup>10</sup> At Figure 2 of REP 573/574:

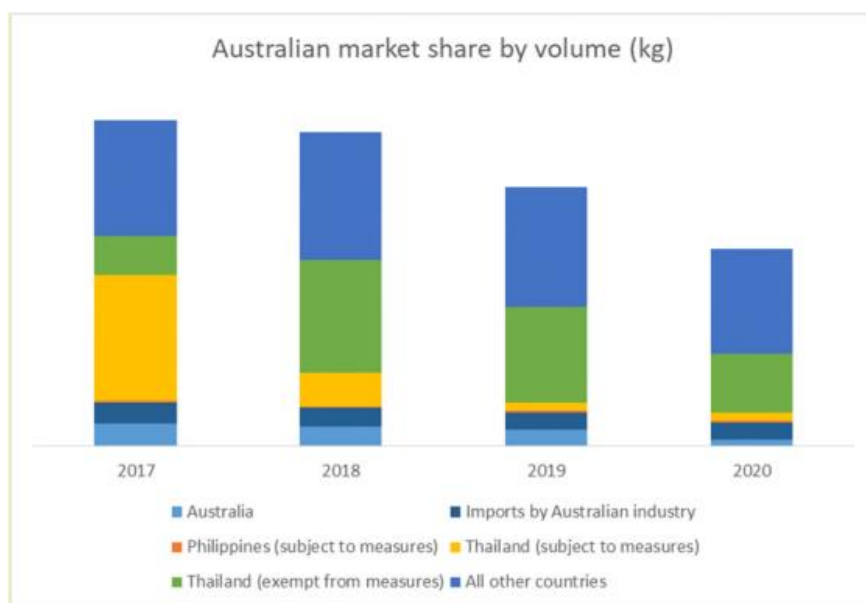


Figure 2 demonstrates that there had been a significant shift in the market share of manufacturers supplying the market following the exemption of two key Thai exporters from the measures in 2017 and 2018.<sup>11</sup>

<sup>9</sup> Ibid.

<sup>10</sup> REP 573/574, p. 18.

<sup>11</sup> Ibid.

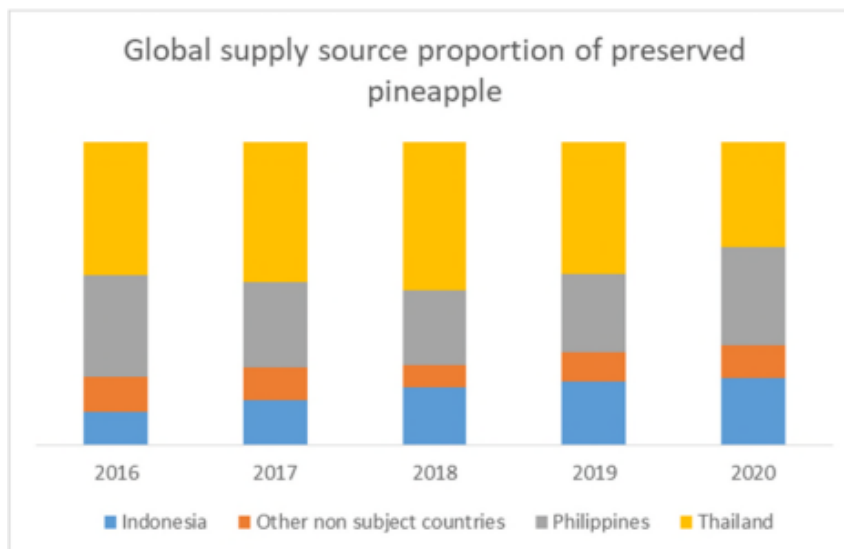
v. Global Supply

The Commission analysed trade data for preserved and prepared pineapple traded globally, and found that Thailand, the Philippines and Indonesia were the key exporting countries over the 2016-2020 period. At Figure 3 of REP 573/574:<sup>12</sup>



For Indonesia in particular, the above highlights that it has increased and maintained a significant presence in the global market for prepared and preserved pineapple.

The Commission also found that Indonesia had gained global market share in each year since 2016. As the market share percentage for each exporting country, Figure 4 of REP 573/574 depicted the following growing trend:<sup>13</sup>



vi. Global demand

The Commission found that Australia’s proportion of total world imports had doubled from

<sup>12</sup> Ibid, p. 21.

<sup>13</sup> Ibid.

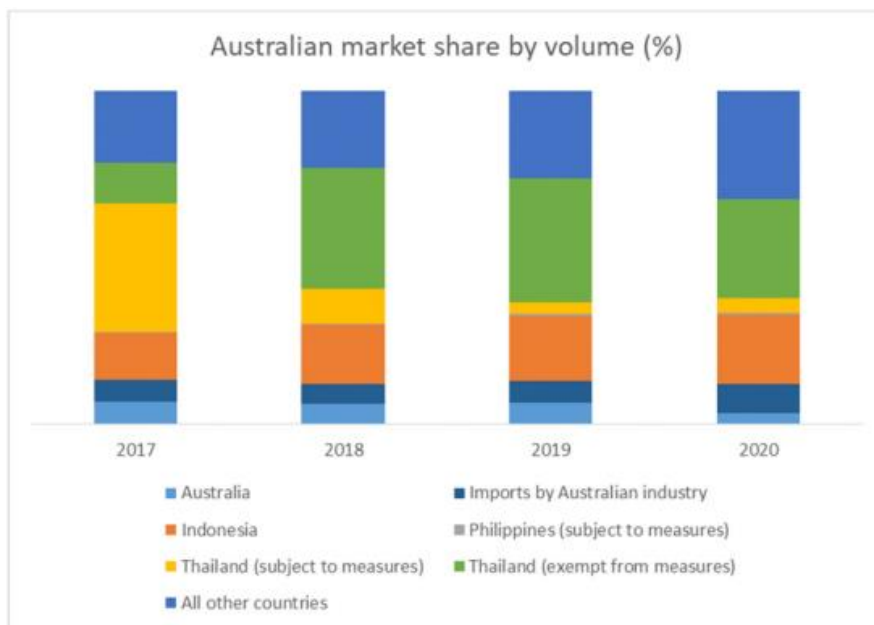
2018 to 2020. At Figure 6 of REP 573/5747:<sup>14</sup>



This trend has continued, with Golden Circle’s Confidential Appendix A2 data evidencing an approximate average 53% increase in Australian FSI imports during CY2021 and CY2022 as compared to CY2020, approximately 92% of which is accounted for by exports from Indonesia and Thailand.<sup>15</sup>

vii. Market share

Figure 8 of REP 573/574 depicted as follows the Australian market share by volume percentage between 2017 and 2020:<sup>16</sup>



The above indicates that:

<sup>14</sup> Ibid, p. 23.

<sup>15</sup> Refer Confidential Appendix A2.

<sup>16</sup> REP 573/574, p. 25.

- *The Australian industry holds a minority of the market since 2017, with its share reducing year-on-year*
- ***Since 2018, the majority of goods imported from Thailand are from exempt exporters***
- *Since 2017, goods imported from the Philippines are a negligible proportion of the Australian market*
- *Since 2017, an increasing proportion of goods are imported from countries not subject to measures, **primarily Indonesia**.*<sup>17</sup> [emphasis added].

REP 573/574 therefore clearly documented the impact of Indonesia's and Thailand's Australian exports of FSI pineapple over the injury analysis period and the CY2020 period of investigation. For Thailand, the earlier trade measures that had been imposed expired in October 2021 following the outcomes of CON 573/574 and ADRP Report No. 145. Critically however, these measures applied to only 10% of exports from Thailand. The remaining 90% has been unencumbered by trade measures to enter the Australian market, as clearly evidenced by the Commission in REP 573/574 – Golden Circle submits that Thailand's presence in the Australian market is at material margins of dumping causing material injury. The Commission's analysis in its reinvestigation of certain findings in REP573/574 further reinforced this:<sup>18</sup>

*The commission observes that the market share of exports from Thailand subject to measures, excluding imports by Australian industry, have remained stable since 2019 2020, making up between 1.1% and 1.3% of the overall Australian market.*

*Although market share of exports from Thailand subject to the measures reduced significantly between 2017 and 2018 (from approximately 38% to less than 11%), this correlates with a similar increase in the market share of exports from Thailand not subject to measures (from approximately 13% to almost 35%) during the same period. This coincides with a major exporter becoming exempt from measures as a result of Anti-Dumping Commission Report No. 477. The exempt exporter continues to export FSI pineapple to Australia.*

*The commission considers the market share of exports not subject to measures (over 90% of the market) at lower prices than the goods subject to measures (as discussed at chapter 3.5.4 below) to be placing pressure on Australian industry selling prices rather than imports from Thailand.*

Indonesia has also clearly grown its presence in the Australian market, at what will be evidence below has been at material margins of dumping.

### **CY2022 Injury Case Studies**

Secondly, Golden Circle provides the following evidence of [commercial-in-confidence injury case study parameters] where both parties were aware of the presence of lower-priced Indonesian and Thailand imports, and where Golden Circle suffered price suppression as a result.

[Commercial-in-confidence injury case studies]

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<sup>17</sup> Ibid, p. 25.

<sup>18</sup> Anti-Dumping Commission Reinvestigation Report for the Anti-Dumping Review Panel. Reinvestigation of Certain Findings in Report No's 573 & 574. Food Service and Industrial (FSI) Pineapple Exported to Australia from the Republic of the Philippines and the Kingdom of Thailand, p. 15-16.

This analysis indicates that Golden Circle’s prices were undercut and that it would have achieved higher prices in the absence of the presence of FSI pineapple exported from Indonesia and Thailand at dumped prices. In other words, the price undercutting caused the Australian industry to experience price suppression that it would not have otherwise experienced if not for the offers for sale of dumped goods.

**Influence on profits and profitability**

Golden Circle competes on price in order to maintain production volume. Therefore, the Australian industry’s profits (expressed as net gains or loss) and profitability are affected by factors impacting its ability to raise prices sufficient to cover costs.

[Commercial-in-confidence injury case study details].<sup>19</sup>

The price suppressive impact across this volume of sales therefore had a material impact on profits and profitability.

- 3. Compare the data at appendix A2 (Australian market) to identify the influence of dumped and/or subsidised imports on your quarterly costs to make and sell at appendix A6.1 (for example refer to changes in unit fixed costs or the ability to raise prices in response to material cost increases).

Section A-9.2, above, and A-9.4 below, demonstrates the occurrence of price suppression. Confidential Chart A-9.3.1 below indicates that the Australian industry experienced price suppression throughout the assessment period with rising volumes of the goods exported from Indonesia and Thailand, which were not necessarily also accompanied by falling prices:



**Confidential Chart A-9.3:** Indonesia and Thailand volume influence on Golden Circle net prices, together with unit CTMS of Australian industry own production (Sources: Appendix A2/A6)

There is a high degree of substitutability between domestically produced like goods and the imported goods and price is a major determinant of customers’ purchasing decisions. Due to these factors, the Australian industry has been unable to raise its prices independent of the

<sup>19</sup> Refer Confidential Attachment A-9(2)(5).

market price without suffering lost sales, price suppression, and lost revenue. There is a clear and close trending correlation between Indonesian and Thailand export prices and those of Australian industry. Across the injury analysis and dumping periods, Golden Circle encountered price suppression and was unable to raise prices sufficient to recover costs. The presence of dumped imports from Indonesia and Thailand thus significantly hampered Golden Circle's profit and profitability.

4. The quantity and prices of dumped and/or subsidised imported goods may affect various economic factors relevant to an Australian industry. These include, amongst other things, the return on investment in an industry, cash flow, the number of persons employed and their wages, the ability to raise capital, and the level of investment in the industry. Describe, as appropriate, the effect of dumped and/or subsidised imports on these factors and where applicable use references to the data you have provided at [appendix A7](#) (other economic factors). If factors other than those listed at [appendix A7](#) (other economic factors) are relevant, include discussion of those in response to this question.

The impact of the dumped FSI pineapple from Indonesia and Thailand has been significant in terms of price-effect injury. Golden Circle can demonstrate at Confidential Appendix A7 that it has also experienced injury in other forms, including:

- reduced revenue;
- reduced return on investment;
- reduced capacity utilisation; and
- reduced employment.

It is Golden Circle's view that the deterioration in each of the identified 'other' indicators can be readily attributed to dumped imports from Indonesia and Thailand, and a subsequent deterioration in sales of the locally produced subject goods.

5. Describe how the injury factors caused by dumping and/or subsidisation and suffered by the Australian industry are considered to be 'material'.

Golden Circle considers that it has experienced material injury during the proposed injury assessment and dumping periods in the form of:

- lost sales volume;
- lost market share;
- price suppression;
- loss of profits;
- loss of profitability;
- reduced revenue;
- reduced return on investment;
- reduced capacity utilisation; and
- reduced employment.

### ***Volume/market share effects***

Golden Circle has been unable to maintain sales volume across the injury analysis period, which has been reflected in its material loss of market share to dumped imports from Indonesia and Thailand.



Table A-9.5.1 below indicates that Golden Circle’s total domestic sales volume for FSI pineapple has decreased by approximately [XX]%

FSI Pineapple	CY2017	CY2018	CY2019	CY2020	CY2021	CY2022
Sales qty	100.00	119.35	87.43	49.71	121.97	21.47

**Confidential Table A-9.5.1:** Index of Australian industry’s sales of FSI pineapple (source: Appendix A6.1)

Chart A-9.5.2 below shows Golden Circle’s share of the Australian market for FSI pineapple has progressively decreased since CY2017:



**Confidential Chart A-9.5.2:** Australian market share for FSI pineapple (source: Appendix A2)

Golden Circle therefore considers it has suffered material injury in the form of lost sales volumes since CY2018, which continued through to CY2022. Furthermore, Golden Circle considers that it has suffered material injury in the form of lost market share from CY2017 onwards.

**Price suppression**

Price suppression occurs when price increases, which otherwise would have occurred, have been prevented. One indicator of price suppression is the margin between revenues and costs. This approach is proposed by Golden Circle in its analysis, as it contends that a normal business unaffected by dumping would look to increase prices to, at a minimum, cover its cost to make and attempt to maximise profits.

Confidential Chart A-9.5.3 below demonstrates movements in Golden Circle’s domestic weighted average unit costs and prices for FSI pineapple during the proposed injury analysis period:



**Confidential Chart A-9.5.3:** Australian selling price and CTM&S (source: Appendix A6)

Golden Circle's weighted average unit costs have exceeded its weighted average unit selling prices in each year of the proposed injury analysis period. Golden Circle therefore considers that it has suffered material injury in the form of price suppression. This is demonstrated by the inability of Golden Circle to increase prices sufficiently to cover increases in the fully absorbed CTMS of the goods.

***Profits & profitability***

As explained above, Golden Circle considers that it has suffered injury in the form of price suppression and that injury was caused by sales of FSI pineapple exported from Indonesia and Thailand at dumped prices.

Confidential Chart A-9.5.4 below indicates that the Australian industry experienced reduced profits and profitability over the proposed injury analysis period on a weighted average basis, commencing CY2018:



**Confidential Chart A-9.5.4:** Australian industry profits and profitability (source: Appendix A6)

The price suppression observed since CY2018 has impacted negatively on Golden Circle’s profits and profitability over the proposed inquiry period. Golden Circle considers that its unit revenue would have improved if the price suppression were not occurring. Therefore, Golden Circle considers that it has suffered injury in the form of reduced profits and profitability and that injury was caused by sales of FSI pineapple exported from Indonesia and Thailand at dumped prices, and that the injury was material.

Furthermore, due to the relatively high fixed costs required to produce products such as FSI pineapple, the loss of sales volume results in fixed costs being higher than they otherwise would be resulting in reduced profitability.

**Other Factors**

**Revenue**

As indicated in Table A-9.5.5 below, there was a decline in revenue over the proposed investigation period:

FSI Pineapple	CY2017	CY2018	CY2019	CY2020	CY2021	CY2022
Revenue	100.00	81.52	74.35	33.52	42.15	47.76

**Non-Confidential Table A-9.5.5:** Index of changes to Golden Circle’s revenue (source: Appendix A7)

**Return on investment**

As indicated in Table A-9.5.6 below, there was a decline in return on investment (ROI) over the proposed investigation period:

FSI Pineapple	CY2017	CY2018	CY2019	CY2020	CY2021	CY2022
ROI	100.00	96.60	90.09	41.80	50.05	62.88

**Non-Confidential Table A-9.5.6:** Index of changes to Golden Circle’s ROI (source: Appendix A7)

### **Capacity utilisation**

As indicated in Table A-9.5.7 below, there was a decline in capacity utilisation over the proposed investigation period:

<b>FSI Pineapple</b>	<b>CY2017</b>	<b>CY2018</b>	<b>CY2019</b>	<b>CY2020</b>	<b>CY2021</b>	<b>CY2022</b>
<b>Capacity Utilisation</b>	100.00	95.74	76.87	32.20	60.48	65.55

**Non-Confidential Table A-9.5.7:** Index of changes to Golden Circle's capacity utilisation (source: Appendix A7)

### **Employment**

The Australian industry's changes to its employment of workforce for production of like goods across the proposed injury analysis period is provided in Table A-9.5.8 below. There was a decline in this indicator over the proposed investigation period when compared to its height in CY2017:

<b>FSI Pineapple</b>	<b>CY2017</b>	<b>CY2018</b>	<b>CY2019</b>	<b>CY2020</b>	<b>CY2021</b>	<b>CY2022</b>
<b>Employment</b>	100.00	100.47	71.86	33.27	44.87	55.83

**Non-Confidential Table A-9.5.8:** Index of changes to Golden Circle's employment (source: Appendix A7)

### **Materiality of Injury**

Golden Circle contends that the injury suffered by it (and caused by the dumped imports from Indonesia and Thailand) is greater than that likely to occur in the normal ebb and flow of business.

Golden Circle has lost market share and has experienced price suppression within the investigation period. When considered as a whole, these factors have adversely impacted its profits and profitability in relation to FSI pineapple, collectively and not in isolation, and when also taking into account all relevant economic factors, the Australian industry has experienced injury from dumped imports from Indonesia and Thailand, and this injury has been material.

6. Discuss factors other than dumped and/or subsidised imports that may have caused or may threaten to cause injury to the industry. This may be relevant to the application in that an industry weakened by other events may be more susceptible to injury from dumping and subsidisation.

Subsection 269TAE(2A) contains a list of factors that the Minister must have regard to when considering whether injury is being caused by factors other than exportation of the dumped goods, but it is not an exhaustive list.

### **The volume and prices of imported like goods that are not dumped**

Chart A-9.6.1 below indicates that imports from Indonesia and Thailand constitute the single largest source (by volume) of FSI pineapple imported to Australia, and to a material degree, of no less than [XX]%, and no greater than [XX]% of total imports:



**Confidential Chart A-9.6.1:** Source country imports summary (source: Appendix A2)

Chart A-9.6.2 below indicates that the export price of FSI pineapple exported from Indonesia and Thailand constituted the lowest export price across almost the entire proposed injury analysis period:



**Confidential Chart A-9.6.2:** Weighted average FOB export prices of imports from Indonesia and imports from other sources (source: Appendix A2)

Across the proposed CY2022 investigation period, FSI pineapple exported from Indonesia and Thailand undercut the weighted average export price of all other imports by approximately [XX]%.

Golden Circle contends that Indonesia and Thailand exported the subject goods to Australia during the proposed investigation period at sufficient volumes and at sufficiently low prices, as compared to the export volumes and prices from other sources, to cause the Australian

industry the material injury alleged. Therefore, despite any effect of imports from other sources, the injury to the Australian industry caused by the goods from Indonesia and Thailand is material and significant.

***Contractions in demand or changes in patterns of consumption***

Chart A-9.6.3 below illustrates that the demand for the goods and like goods fluctuated slightly across the injury analysis period, reaching its highest volumes in CY2022, and its lowest volumes in CY2020. The Australian market for FSI pineapple grew during the proposed investigation period (CY2022) by [XX]% when compared to FY2021.



**Confidential Chart A-9.6.3:** Australian FSI pineapple market (source: Appendix A2)

Golden Circle is not aware of changes in patterns of consumption in the proposed investigation period such that reduced the demand for the goods and like goods in the Australian market.

***Developments in technology***

Golden Circle is unaware of any developments in technology that would otherwise explain any aspect of the material injury experienced by the Australian industry.

***Export performance and productivity of the Australian industry***

Given the minor proportion of the Golden Circle’s export sales ([XX]% by volume in CY2022), it cannot be a factor causing injury.

***Productivity***

Confidential Appendix A7 indicates that across the proposed injury analysis period Golden Circle maintained a stable measure of productivity.

***Causation***

For all the reasons discussed above, Golden Circle considers that the injury suffered by it is

directly attributable to the alleged dumped exports from Indonesia and Thailand. It is not necessary that the dumping be the sole cause of injury to the Australian industry. It must however not be insignificant or immaterial.

7. This question is not mandatory, but may support your application. Where trends are evident in your estimate of the volume and prices of dumped and/or subsidised imports, forecast their impact on your industry's economic condition. Use the data at appendix A2 (Australian market), appendix A6 (cost to make and sell), and appendix A7 (other economic factors) to support your analysis.

Golden Circle seeks to compete on the Australian market with fairly priced imports. Golden Circle does not consider that imports from Indonesia and Thailand are priced on a fair basis. This application demonstrates that subject exports are at dumped prices that have undercut Golden Circle's selling prices throughout the proposed investigation period. As a result, Golden Circle has experienced injury in the following forms:

- lost sales volume;
- lost market share;
- price suppression;
- loss of profits;
- loss of profitability;
- reduced revenue;
- reduced return on investment;
- reduced capacity utilisation; and
- reduced employment.

Golden Circle contends that the injury experienced is material in nature and can be directly attributed to the dumped imports from Indonesia and Thailand. The progressively upward trajectory of Indonesian and Thailand imports over the injury analysis and investigation period will certainly continue unabated in the absence of appropriate trade measures. The forecast impact on the Australian industry is therefore a continued deterioration in sales volume, market share, profits and profitability, the continued inability to raise prices sufficient to cover fully absorbed costs to make and sell, and ongoing deleterious effects on investment returns, capacity utilisation, and employment.

Section C of this application also evidences that material injury is threatened to the Australian industry because of the exported FSI pineapple from Indonesia and Thailand.

By the application therefore, Golden Circle is seeking the imposition of dumping measures to address the dumped exports and consequently return import prices to non-dumped levels.

# PART B

## DUMPING

### **IMPORTANT**

All questions in Part B should be answered even if the answer is 'Not applicable' or 'None' (unless the application is for countervailing duty only: refer Part C). If an Australian industry comprises more than one company/entity, Part B need only be completed once.



## B-1 Source of exports

1. Identify the country(ies) of export of the dumped goods.

The goods the subject of this application are exported from Indonesia and Thailand.

2. Identify whether each country is also the country of origin of the imported goods. If not, provide details.

It is Golden Circle's understanding that the country of export is also the country of origin of the goods the subject of this application.

3. If the source of the exports is a non-market economy, or an 'economy in transition' refer to Part C.4 and Part C.5 of the application.

Not applicable.

4. Where possible, provide the names, addresses and contact details of:
  - producers of the goods exported to Australia;
  - exporters to Australia; and
  - importers in Australia.

The following are understood by Golden Circle to be the producers and Australian exporters of FSI pineapple:

Indonesia:

- Great Giant Foods Indonesia  
Sequis Tower Level 39 – 40  
Jl. Jendral Sudirman Kav. 71  
SCBD Lot 11B  
Jakarta 12190, Indonesia  
Tel: 62 725 757 3001  
Fax: 62 725 757 3008  
Web: <https://www.greatgiantfoods.com/>
- PT Buatama Indojoya  
JI Roya Cileungsi Kp Rawa Hingkik  
Ciibinung 16820 Jawa Barat, Indonesia  
Tel: 62 021 823 0322  
Fax: 62 021 823 0323
- PT Inni Pioneer Food Industry  
Plaza Pacific Block A1/18  
Boulevard Barat Raya  
Kelapa Gading 14240 Jakarta Indonesia  
Tel: 62 21 4584 6826  
Fax: 62 21 4584 0455

Thailand:

- Siam Food Products Public Co., Ltd  
1 Empire Tower 43rd Floor, South Sathorn Road,  
Yannawa, Sathorn, Bangkok 10120  
Ph: (662) 287-7000  
Fax: (662) 670-0154  
Web: <http://www.siamfood.co.th/index.php/en/>

- Dole Thailand Ltd

Bangkok office:

Panjathani Tower 10th fl., 127/11 Nonsee rd., Chongnonsee, Yannawa,  
Bangkok 10120  
Tel: 0-2686-7676  
Fax: 0-2686-7621, 0-2686-7622  
Web: <http://www.dole.co.th/>

Hua-Hin Factory:

Address: 180 Moo 4, Hua-Hin Nongplub Road, T.Nongplub, A.Hua-Hin,  
Prachuabkirikhan 77110  
Tel: 0-2686-7676, 032-618-111  
Fax: 0-2686-7600

Chumphon Factory:

Address: 75 Moo 10, Petchkasem Road, T.Tasae, A.Tasae,  
Chumphon 86140  
Tel: 0-2686-7676, 0-7759-9177-8, 0-7758-4164  
Fax: 0-2686-7611

Rayong Factory:

Address: 18 Moo 1, Bankhai - Banbueng Rd., Tambon Nongbua, Bankhai District,  
Rayong 21120  
Tel: 038-646415-8  
Fax: 038-646414

The following are understood by Golden Circle to likely be Australian importers of FSI pineapple from Indonesia and Thailand:

- Bidfood Australia Limited  
Building A, 10-14 McPherson Street  
Banksmeadow, NSW 2019  
Web: <https://www.bidfood.com.au/>
- PFD Food Services Pty Limited  
6 Henderson Road  
Knoxfield, VIC 3180  
Ph: 03 9759 2000  
Web: <https://www.pfdfoods.com.au/contact>
- Superior Food Services  
33-59 Clarinda Road, South Oakleigh VIC, 3169  
Ph: 03 9538 0800

Web: <https://superiorfs.com.au/>

- Woolworths Group Limited  
1 Woolworths Way  
Bella Vista, NSW 2153  
Ph: 02 8885 0000  
Web: <https://www.woolworthsgroup.com.au/>
- Coles Supermarkets  
800 Toorak Road  
Hawthorn East, VIC 3123  
Ph: 03 9829 5111  
Web: <https://www.colesgroup.com.au/home/?page=home>
- Aldi  
1 Sergeants Road  
Minchinbury, NSW 2770  
Ph: 02 9675 9000  
Web: <https://corporate.aldi.com.au/>

5. If the import volume from **each** nominated country at Appendix A.2 (Australian Market) does not exceed 3% of all imports of the product into Australia refer to Part C.6 of the application.

Not applicable as the import volumes from Indonesia and Thailand exceed 3% of all imports of the goods the subject of this application.

6. In the case of an application for countervailing measures against exports from a developing country, if the import volume from **each** nominated country at Appendix A.2 (Australian Market) does not exceed 4% of all imports of the product into Australia refer to Part C.6 of the application.

Not applicable as this is not an application for countervailing measures.

## B-2 Export price

Possible sources of information on export price include export price lists; estimates from the Australian Bureau of Statistics; a deductive export price calculation from the Australian selling price of the imported goods; export sales quotations or invoices; foreign government export trade clearances.

1. Indicate the FOB export price(s) of the imported goods. Where there are different model control codes or levels of trade involved, an export price should be supplied for each.

The FOB export prices of the imported goods have been provided for FSI pineapples, based on the commodity code 2008.20. Golden Circle has included FOB values for the subject goods per Confidential Appendix A2, as sourced from [*commercial-in-confidence data source*]. The Indonesian and Thailand FOB prices are the basis for determining prime facie dumping margins.

- Specify the terms and conditions of the sale, where known.

The researched export price data for the imported goods from Indonesia and Thailand are at the Free On-Board, country of export point of sale (i.e. at wharf in country of export). Golden Circle understands that FOB export prices will therefore include amounts for inland freight to the port of loading, and export packaging.

- If you consider published export prices are inadequate, or do not appropriately reflect actual prices, please calculate a deductive export price for the goods. Appendix B1 (Deductive Export Price) can be used to assist your estimation.

The researched export price data for Indonesia and Thailand is considered adequate for the purposes of this application.

- It is important that the application be supported by evidence to show how export price(s) have been calculated or estimated. The evidence should identify the source(s) of data.

Refer Confidential Appendix A2 for import volume and value details for the goods the subject of this application.

### **B-3 Selling price (normal value) in the exporter's domestic market**

Possible sources of information about domestic selling prices in the country of export include: price lists for domestic sales (with information on discounts); actual quotations or invoices relating to domestic sales; published material providing information on the domestic selling prices; or market research undertaken on behalf of the applicant.

- State the selling price for each model control code of like goods sold by the exporter, or other sellers, on the domestic market of the country of export.

Golden Circle has obtained domestic retail selling prices for FSI pineapple in Indonesia and Thailand. Golden Circle does not have access to selling prices paid by the retailer to the pineapple processor, nor the selling prices from the processor to food service industry providers.

Consistent with the methodology used in its previous application for the continuation of measures regarding the Philippines and Thailand, Golden Circle has adjusted upwards the consumer pineapple selling prices to reflect an equivalent price for FSI pineapple of greater than one litre. Golden Circle has also adjusted prices (downwards) for a retailer's margin and an amount for a trade deal/wholesale discount.

Domestic prices for FSI pineapple sold in Indonesia are shown in the following table:

No.	Brand	Store Name/Location	Price – AU\$/kg
1	Ayam Brand	Indogrosir Cikokol	\$3.10
2	Duta	Lotte Grosir Karawang	\$2.83
3	Lily Flower	Lotte Grosir Karawang	\$2.70
4	Lily Flower	Lulu Hypermarket BSD	\$3.37
5	Ayam Brand	Lulu Hypermarket BSD	\$3.29
6	Belycs	Lulu Hypermarket BSD	\$4.07

7	SW	Lottemart Kelapa Gading	\$5.61
8	Ayam Brand	Lottemart Kelapa Gading	\$3.60
9	Ayam Brand	Aeon BSD City	\$3.04
10	Duta	Hypermart Puri Indah	\$3.57
11	Lily Flower	Hypermart Puri Indah	\$3.89
12	Ayam Brand	Transmart Cempaka Putih	\$3.96
13	Duta	Lion Superindo Cirendue	\$3.89
14	Ayam Brand	Farmers Botani Square	\$3.61
15	Duta	Farmers Botani Square	\$3.11
16	Ayam Brand	Foodhall Puri Indah	\$3.91
17	Duta	Foodhall Puri Indah	\$3.76
18	Ayam Brand	Tip Top Pondok Gede	\$3.11
19	Belycs	Tip Top Pondok Gede	\$3.03
20	Naraya	Hari Hari Ciledug	\$3.49
<b>CY22 Average</b>			<b>\$3.55</b>

**Non-Confidential Table B-3.1-1:** Domestic selling prices for Indonesian FSI pineapple

Domestic prices for FSI pineapple sold in Thailand are shown in the following table:

No.	Brand	Store Name/Location	Price – AU\$/kg
1	Brook	Tops	\$4.59
2	McGarrett	Tops	\$4.88
3	McGarrett	Villa Market	\$3.68
<b>CY22 Average</b>			<b>\$4.38</b>

**Non-Confidential Table B-3.1-2:** Domestic selling prices for Thailand FSI pineapple

- Specify the terms and conditions of the sale, where known.

The terms and conditions of sale for Indonesian and Thailand like goods to which the above normal value information relates are those typical of sales FSI pineapple at the wholesale level.

- Provide supporting documentary evidence.

Refer Confidential Attachment B-3.3.

- List the names and contact details of other known sellers of like goods in the domestic market of the exporting country.

Golden Circle has addressed this above at B-1.4.

## **B-4 Estimate of normal value using another method**

This section is not mandatory. It need only be completed where there is no reliable information available about selling prices in the exporter's domestic market. Other methods of calculating a normal value include:

- the cost to make the exported goods plus the selling and administration costs (as if they were sold in the exporter's domestic market) plus an amount for profit (if applicable);  
OR
- the selling price of like goods from the country of export to a third country.

1. Indicate the normal value of the like goods in the country of export using another method (if applicable, use appendix B2 Constructed Normal Value).
2. Provide supporting documentary evidence.

Not applicable. Golden Circle considers that sufficient reliable information has been provided above for selling prices in the exporter's domestic market.

## **B-5 Adjustments**

A fair comparison must be made between the export price and the normal value. Adjustments should be made for differences in the terms and circumstances of the sales such as the level of trade, physical characteristics, taxes or other factors that affect price comparability.

1. Provide details of any known differences between the export price and the normal value. Include supporting information, including the basis of estimates.
2. State the amount of adjustment required for each and apply the adjustments to the domestic prices to calculate normal values. Include supporting information, including the basis of estimates.

Golden Circle has adjusted the selling prices for amounts for a retailer's margin and an amount for a trade deal/wholesale discount. Refer Confidential Attachment B-3.3.

## **B-6 Dumping margin**

1. Subtract the export price from the normal value for each model control code of the goods (after adjusting for any differences affecting price comparability).

Golden Circle has calculated prima facie dumping margins for FSI pineapple exported from Indonesia for the 12 months ending December 2022 as follows:

No.	Brand	Normal Value AU\$/kg	Export Price AU\$/kg	Dumping Margin – AU\$	Dumping Margin – %
1	Ayam Brand	\$3.10			
2	Duta	\$2.83			
3	Lily Flower	\$2.70			
4	Lily Flower	\$3.37			
5	Ayam Brand	\$3.29			
6	Belycs	\$4.07			
7	SW	\$5.61			
8	Ayam Brand	\$3.60			
9	Ayam Brand	\$3.04			
10	Duta	\$3.57			
11	Lily Flower	\$3.89			
12	Ayam Brand	\$3.96			
13	Duta	\$3.89			
14	Ayam Brand	\$3.61			
15	Duta	\$3.11			
16	Ayam Brand	\$3.91			
17	Duta	\$3.76			
18	Ayam Brand	\$3.11			
19	Belycs	\$3.03			
20	Naraya	\$3.49			
<b>CY22 Average</b>		<b>\$3.55</b>			<b>90%</b>

**Confidential Table B-6.1.1:** Dumping Margins for FSI pineapple exported from Indonesia

Golden Circle has calculated prima facie dumping margins for FSI pineapple exported from Thailand for the 12 months ending December 2022 as follows:

No.	Brand	Normal Value AU\$/kg	Export Price AU\$/kg	Dumping Margin – AU\$	Dumping Margin – %
1	Brook	\$4.59			
2	McGarrett	\$4.88			
3	McGarrett	\$3.68			
<b>CY22 Average</b>		<b>\$4.38</b>			<b>174%</b>

**Confidential Table B-6.1.2:** Dumping Margins for FSI pineapple exported from Thailand

Refer also Confidential Attachment B-3.3.

2. Show dumping margins as a percentage of the export price.

Golden Circle has included dumping margins as a percentage of the export price in the above tables, and at Confidential Attachment B-3.3. Indonesia is dumping by a weighted average margin of 90%. Thailand is dumping by a weighted average margin of 174%.

# PART C

## SUPPLEMENTARY SECTION

### IMPORTANT

Replies to questions in Part C are not mandatory in all instances, but may be mandatory for certain applications.



## C-1 Subsidy

This section must be completed where countervailing duties are sought to offset foreign government assistance through subsidies to exporters or producers.

If the application is for countervailing duty alone, the domestic price information required by Part B of the application need not be supplied.

Responses to questions A-9 will need to identify the link between subsidisation and injury.

1. Identify the subsidy paid in the country of export or origin. Provide supporting evidence including details of:
  - (i) the nature and title of the subsidy;
  - (ii) the government agency responsible for administering the subsidy;
  - (iii) the recipients of the subsidy; and
  - (iv) the amount of the subsidy.

Not applicable. Countervailing duties are not sought by this application.

## C-2. Threat of material injury

You must complete this section if the application includes a claim that material injury is threatened to an Australian industry because of the exportation of goods into the Australian market.

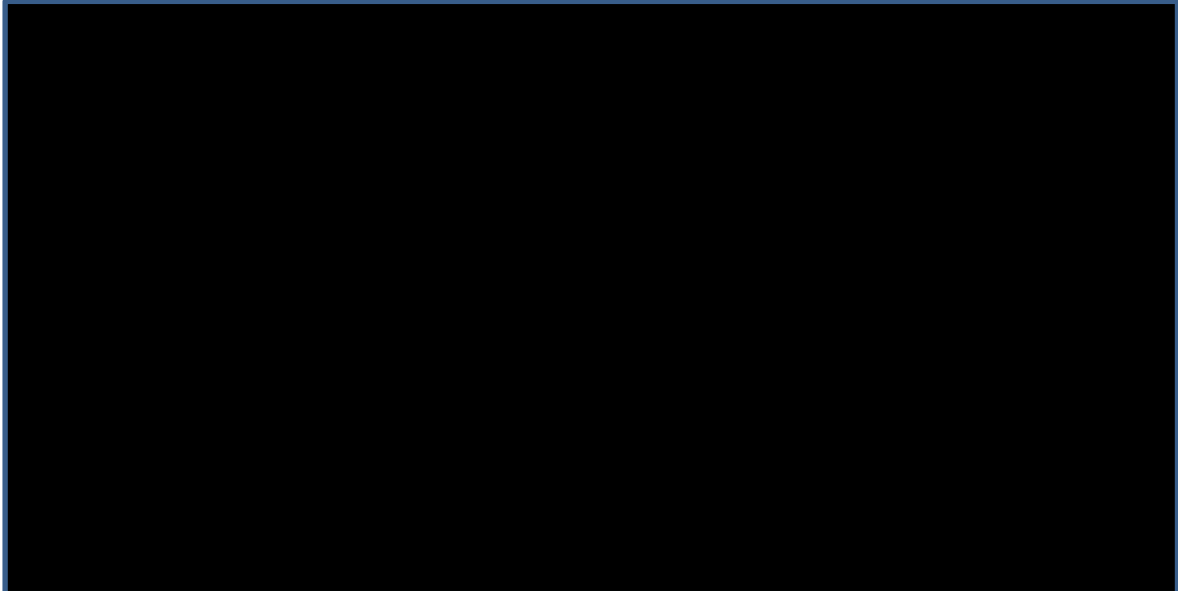
1. Identify the change(s) in circumstances that would make material injury foreseeable and imminent unless dumping or countervailing measures were imposed, for example by having regard to:
  - (i) the rate of increase of dumped/subsidised imports;
  - (ii) changes to the available capacity of the exporter(s);
  - (iii) the prices of imports that will have a significant depressing or suppressing effect on domestic prices and lead to further imports;
  - (iv) inventories of the product to be investigated;
  - (v) for applications claiming subsidisation, the nature of the subsidies in question and the trade effects likely to arise therefrom; or
  - (vi) any other relevant factor(s).

Articles 3.4 and 3.7 of the *Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994 (ADA)* and article 15 of the *Agreement on subsidies and countervailing measures* (the SCM Agreement) set out the factors to be considered in a determination of threat of material injury. The Agreements give a non-exhaustive list of factors that should be considered when making a determination of threat of material injury.

Golden Circle alleges that the dumped goods exported from Indonesia and Thailand have caused it actual and realised material injury. However, further or in the alternative, if material injury to the Australian industry is not yet evident, then Golden Circle alleges that the increase in the volume of the dumped imports from Indonesia and Thailand, at increasingly higher rates of dumping, will create a situation where the threat of material injury to the Australian industry is foreseeable and imminent.

**i). the rate of increase of dumped/subsidised imports**

Chart C-2.1.1 and C-2.1.2 below indicates the rate of increase of dumped imports from Indonesia and Thailand into the domestic Australian market during the proposed investigation period:



**Confidential Chart A-C.2.1:** Volume of consumer pineapple exported from Indonesia, actuals and trend (source: Appendix A2)



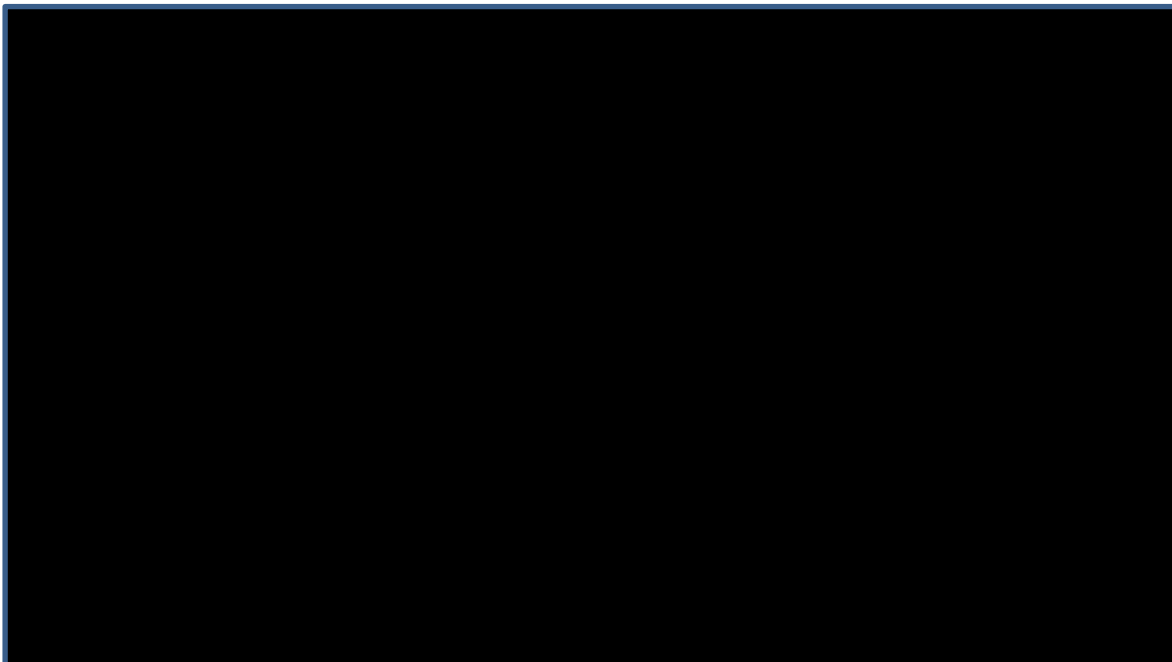
**Confidential Chart A-C.2.1:** Volume of FSI pineapple exported from Thailand, actuals and trend (source: Appendix A2)

These trends clearly make material injury foreseeable and imminent unless dumping measures are imposed.

**ii). other factors – the long-term supply-side outlook compromised**

Golden Circle made representations during CON 573/574 that it was committed to growing its processed pineapple operations to return to production and sales volumes that were achievable when the measures, as applicable to CON 573/574, were first applied.<sup>20</sup> In the then most recent calendar year (2020), Golden Circle had outlaid approx. AU\$[XX]M in capital expenditure on its food and beverage operations that impacted pineapple processing directly.<sup>21</sup> That recent expenditure brought total capital expenditure to AU\$[XX]M over the seven years prior.

Golden Circle also noted that due to the severe environmental conditions from 2017 to 2020, *[commercial-in-confidence raw material sourcing details]*.<sup>22</sup> At that stage however, it was anticipated that Golden Circle’s recently introduced initiatives would increase the number of fresh pineapples sourced from Australian growers. Golden Circle had anticipated achieving an approximate [XX]% increase in the sourcing of pineapple raw material from 2020 to 2027, represented with the following schematic:



**Confidential Chart A-C.2.3:** *[commercial-in-confidence chart details]*<sup>23</sup>

At that stage, Golden Circle had adopted the following actions in its long-term plan for increasing supply stocks:

*[commercial-in-confidence long term supply initiatives]*

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<sup>20</sup> INV 573/574, Folio No. 5.

<sup>21</sup> Ibid.

<sup>22</sup> Ibid.

<sup>23</sup> Confidential Attachment C-2(1).

As at the date of this application [*commercial-in-confidence supply initiative developments*]<sup>24</sup>  
25.



**Confidential Chart A-C.2.4:** [*commercial-in-confidence chart details*]

It is evident that the Australian industry is vulnerable to dumping as it seeks to rebuild raw material supply. Golden Circle has demonstrated that it has a plan to strategically rebuild the supply of raw material pineapple fruit for processing. This rebuild cannot be achieved if the industry is weakened by the injurious effects of dumping. Material injury is therefore threatened on this basis – that Golden Circle will be unable to achieve its growth plans in the face of ongoing imports at material margins of dumping.

It is clearly imminent and foreseeable that Golden Circle faces the threat of material injury in the absence of appropriate trade measures to address the above-evidence actual material margins of dumping and consequent material injury.

2. If appropriate, include an analysis of trends (or a projection of trends) and market conditions illustrating that material injury is both foreseeable and imminent.

Not applicable.

### **C-3. Close processed agricultural goods**

Where it is established that the like (processed) goods are closely related to the locally produced (unprocessed) raw agricultural goods, then – for the purposes of injury assessment – the producers of the raw agricultural goods form part of the Australian industry. This section is to be completed only where processed agricultural goods are the subject of the application. **Applicants are advised to contact the Commission's client support section before completing this section.**

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<sup>24</sup> Confidential Attachment C-2(2).

<sup>25</sup> Confidential Attachment C-2(3).

1. Fully describe the locally produced raw agricultural goods.
2. Provide details showing that the raw agricultural goods are devoted substantially or completely to the processed agricultural goods.
3. Provide details showing that the processed agricultural goods are derived substantially or completely from the raw agricultural goods.
4. Provide information to establish **either**:
  - a close relationship between the price of the raw agricultural goods and the processed agricultural goods; **or**
  - that the cost of the raw agricultural goods is a significant part of the production cost of the processed agricultural goods.

#### **C-4. Exports from a non-market economy**

Complete this section only if exports from a non-market economy are covered by the application. The domestic price information required by Part B of the application need not be supplied if this question is answered.

Normal values for non-market economies may be established by reference to selling prices or to costs to make and sell the goods in a comparable market economy country.

1. Provide evidence the country of export is a non-market economy. A non-market economy exists where the government has a monopoly, or a substantial monopoly, of trade in the country of export and determines (or substantially influences) the domestic price of like goods in that country.
2. Nominate a comparable market economy to establish selling prices.
3. Explain the basis for selection of the comparable market economy country.
4. Indicate the selling price (or the cost to make and sell) for each model control code of the goods sold in the comparable market economy country. Provide supporting evidence.

#### **C-5 Exports from an 'economy in transition'**

An 'economy in transition' exists where the government of the country of export had a monopoly, or substantial monopoly, on the trade of that country (such as per question C-4) and that situation no longer applies.

Complete this section only if exports from an 'economy in transition' are covered by the application. **Applicants are advised to contact the Commission's client support section before completing this section**

1. Provide information establishing that the country of export is an 'economy in transition'.
2. A price control situation exists where the price of the goods is controlled or substantially controlled by a government in the country of export. Provide evidence that a price control situation exists in the country of export in respect of like goods.
3. Provide information (reasonably available to you) that raw material inputs used in manufacturing/producing the exported goods are supplied by an enterprise wholly owned by a government, at any level, of the country of export.
4. Estimate a 'normal value' for the goods in the country of export for comparison with export price. Provide evidence to support your estimate.

### C-6 Aggregation of Volumes of dumped goods

Only answer this question if required by question B-1.5 of the application and action is sought against countries that individually account for less than 3% of total imports from all countries (or 4% in the case of subsidised goods from developing countries). To be included in an investigation, they must collectively account for more than 7% of the total (or 9% in the case of subsidised goods from developing countries).

	Quantity	%	Value	%
All imports into Australia		100%		100%
Country A*				
Country B*				
etc*				
<b>Total</b>				

\* Only include countries that account for less than 3% of all imports (or 4% in the case of subsidised goods from developing countries). Use the data at [Appendix A.2](#) (Australian Market) to complete the table.

## APPENDICES

Appendix A1	Australian Production
Appendix A2	Australian Market
Appendix A3	Sales Turnover
Appendix A4	Domestic Sales
Appendix A5	Sales of Other Production
Appendix A6.1	Cost to Make and Sell (& profit) Domestic Sales
Appendix A6.2	Cost to Make and Sell (& profit) Export Sales
Appendix A7	Other Injury Factors
Appendix A8	Authority to Deal With Representative
Appendix B1	Deductive Export Price
Appendix B2	Constructed Normal Value