



# ANTI-DUMPING NOTICE NO 2023/090

*Customs Act 1901*

*Customs (Preliminary Affirmative Determinations) Direction 2015*

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

### **Investigation No 628 into alleged dumping**

## **Day 60 Status Report**

Based on the information available to me at day 60 of the investigation, I, Dr Bradley Armstrong PSM, the Commissioner of the Anti-Dumping Commission (the Commissioner), am not yet satisfied that there appear to be sufficient grounds for the publication of a dumping duty notice for food service and industrial (FSI) pineapple exported to Australia from the Republic of Indonesia (Indonesia) and the Kingdom of Thailand (Thailand).

Accordingly, I have not made a Preliminary Affirmative Determination (PAD).

### **1. Introduction**

This Status Report concerns the investigation into the alleged dumping of FSI pineapple (the goods) exported to Australia from Indonesia and Thailand. The report reflects the status of the investigation at day 60. This Status Report sets out the reasons why I have not made a PAD on 3 October 2023, being 60 days after the initiation of the investigation.

I note that I may make a PAD at any time from day 60 onwards, if I am satisfied the requirements of section 269TD(1) of the *Customs Act 1901*<sup>1</sup> have been met.

### **2. The goods**

The goods subject of the investigation (the goods):

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

The applicant provided the following further information:

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.

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<sup>1</sup> All legislative references in this report are to the *Customs Act 1901* unless otherwise specified.

### 3. Background

On 4 August 2023, by public notice I initiated an investigation into the alleged dumping of the goods.<sup>2</sup> An application (under section 269TB) for the investigation was made by Golden Circle Limited (Golden Circle).<sup>3</sup> Golden Circle is a manufacturer of like goods in Australia.

I may make a PAD at any time not earlier than 60 days after I initiate an investigation (under section 269TD(1)), if I am satisfied that:

- there appears to be sufficient grounds for the publication of such a notice, or
- it appears that there will be sufficient grounds for the publication of such a notice subsequent to the importation into Australia of such goods.

In accordance with the *Customs (Preliminary Affirmative Determinations) Direction 2015* (the Direction), 60 days after the initiation of such an investigation I must either make a PAD or provide a Status Report outlining the reasons why I have not made a PAD.

### 4. Reasons for publishing a Status Report

In deciding whether to make a PAD on day 60 of this investigation, I have, in accordance with section 269TD(2), had regard to:

- Golden Circle's application
- submissions received in response to the initiation of the investigation
- data from the Australian Border Force import database
- importer questionnaire responses received, and
- exporter questionnaire responses received.

The Anti-Dumping Commission is required to examine various issues in the investigation, including:

- export prices and normal values of the goods exported from Indonesia and Thailand
- volumes of the goods exported from Indonesia and Thailand, and
- the Australian market for the goods.

These issues are critical to determine if:

- the goods exported from Indonesia and Thailand are dumped and at above negligible levels, and
- the dumping has caused, is causing, or will cause material injury to the Australian industry.

The information received to address these issues will inform whether there are sufficient grounds for the publication of a dumping duty notice.

Based on the information currently available to me, I am not yet satisfied that there appear to be sufficient grounds for the publication of a dumping duty notice for FSI pineapple exported to Australia from Indonesia and Thailand.

Accordingly, I have not made a PAD.

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<sup>2</sup> Anti-Dumping Notice No 2023/047 is found on the electronic public record (EPR) 628 - [document no 03](#). The EPR is available at [www.adcommission.gov.au](http://www.adcommission.gov.au).

<sup>3</sup> EPR 628 – [document no 01](#).

## 5. Other considerations

### Relevant matters – section 269TD(2)(b)

In accordance with the Direction and for the purposes of section 269TD(2)(b), I have considered the desirability of providing relief to an injured Australian industry as quickly as possible, where warranted.

I have decided it is not yet warranted to make a PAD because I am not yet satisfied that there appear to be sufficient grounds for the publication of a dumping duty notice, for the reasons outlined above.

I will continue to assess the need for a PAD and may make one as soon as I am satisfied there appears to be sufficient grounds to do so, on the basis of the evidence before me.

### Reconsideration of making a PAD – section 269TDAA

The Direction requires me to reconsider making a PAD at least once prior to the publication of the Statement of Essential Facts (SEF). The SEF requirements are described in section 269TDAA.

I am due to publish the SEF on **22 November 2023**. Prior to the publication of, or in the SEF, I will advise whether I have reconsidered making a PAD after day 60 and provide the reasons for my decision.

## 6. Anti-Dumping Commission contact

Enquiries about this report may be directed to the case manager on telephone number +61 3 8539 2471 or at [investigations1@adcommission.gov.au](mailto:investigations1@adcommission.gov.au).

Dr Bradley Armstrong PSM  
Commissioner  
Anti-Dumping Commission

3 October 2023