

Application for the imposition of dumping and countervailing duty in respect of prepared or preserved tomato products exported to Australia from Italy

- The Government of Italy respectfully finds petitioners' allegations unwarranted and unsubstantiated. In the framework of the application, petitioners use among their main sources the United States Department of Commerce's 2024 Decision Memorandums for the Results of the Fifth Sunset Review and the Preliminary Results of an Administrative Review of the Countervailing on Certain Pasta from Italy. The use of these sources is unjustified for the following reasons:
 - A. Petitioners refer to a different proceeding in which the US Department of Commerce assessed the countervailability of certain programmes administered by the Italian Government in light of the specific rules applicable under the US legal framework. Relying on the conclusions reached in the US is therefore ungrounded due to the difference between the US and the Australian legal systems.
 - B. Petitioners refer to proceedings targeting certain types of pasta, which is a product unrelated to the product targeted by the petition filed with the Australian Anti-dumping Commission (prepared and preserved tomato products). The two sectors, despite having some interactions in specific cases, are totally distinct and based on different business models. In particular, the companies that were involved in the US proceedings do not export tomato products to Australia.
 - C. Petitioners refer to programmes that are not sector, nor company-specific, as clarified by the Government of Italy on several occasions vis à vis the Department of Commerce. The Government of Italy strongly reaffirms the non-countervailability of these programs.
 - Therefore, the mere existence of CVD measures imposed by the US on certain types of pasta from Italy cannot substantiate the initiation of an investigation by the Australian Anti-Dumping Commission, especially in consideration of the difference between the products and sectors concerned, as well as the Australian and US legal systems. This would create a critical and potentially harmful precedent for trade defence investigation targeting Italian companies.

- Furthermore, the complaint submitted by the company should be grounded on the alleged growth in sales of Italian products in Australia. Nevertheless, looking at the data reported by the Italian National Statistic Agency (ISTAT), it appears that between 2022 and 2023 there has been a 11% reduction in Italian exports to Australia in volume terms, and a 12% increase in value terms.
- For the reasons expressed above, the Government of Italy calls the Australian authorities to disregard petitioners' allegations and reject petitioners' application.