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The Director,
Investigations 3
Anti-Dumping Commission | Department of Industry, Innovation and Science
L35/55 Collins St, Melbourne VIC 3000

Dear Sir,

This submission, on behalf of Siam Agro Foods Industry Public Company Limited (SAICO) to the Review of Measures No.478, outlines its position in relation to the Commission's request of 4 July 2018 inviting SAICO to complete an exporter questionnaire response and with an exemption to its previous named entity, Thai Pineapple Canning Industry Co Ltd (TPC). The fact is that Customs found in 2013 that TPC and SAICO are the same corporate entity and therefore SAICO exports are exempted from dumping duty.

Background

Customs in 2013 concluded that TPC and SAICO are the same corporate entity, and decided that they were to be treated as a single exporter for the purpose of determining dumping duties. Reference is made to Customs' International Trade Remedies Branch Report to the Minister, Report No. 195A ,Section 4.5.1 which states:

"ACBPS is satisfied that SAICO and TPC are the same corporate entity, and it is reasonable to treat them as a single exporter for the purpose of determining variable factors and applicable dumping duties."

Following a review of Measures by the Australian Customs Service, SAICO appealed that decision to the Anti-Dumping Review Panel (ADRP). The application to the Panel was on the basis that "the review by the Australian Customs and Border Protection Service (Customs) to which the application refers found that Siam Agro-Food industry Public Co Ltd (SAICO) and Thai Pineapple Canning Industry Co Ltd (TPC) are the same corporate entity. Consequently references to SAICO and TPC in this application are synonymous."

SAICO and TPC are the same corporate entity as witnessed in the overview on the SAICO website which states:-

At the beginning of 2010, the business was restructured so that TPC became an investment company in SAICO and the operation of TPC was transferred under SAICO. The new organization is now known as the Siam Agro-Food Industry Public Company Limited, in order to cover other food products that SAICO may venture into in the future.

Conclusion

Customs found that TPC and SAICO are the same corporate entity, therefore SAICO, as with TPC are exempt from the review of measures no 478.

John McDermott