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Mr Dale Seymour  
The Commissioner of the Anti-Dumping Commission  
Anti-Dumping Commission  
55 Collins Street  
Melbourne VIC 3000

Dear Mr Seymour

### **Anti-Dumping Review Panel – Conference Summary**

Further to this Conference Summary being available SPCA wishes to draw the attention of the Commission to some observations that are relevant to the reinvestigation.

SPCA has not repeated in detail what has already been presented to the Commission and the ADRP.

- SPCA notes that the re-investigation (commenced after the date of the conference summary) could be perceived as losing credibility because there has been no request to seek further information (as at the time of this letter) from interested parties. There is nothing in the Act that precludes further submissions and in the context of the “openness” of the Act’s structure it would seem preferable that interested parties are able to be involved with the reinvestigation.
- The conference summary suggests the original decision maker is responsible for the reinvestigation. It is therefore, difficult to accept that the ADC will be able to deliver an impartial reinvestigation. Even though SPCA’s submissions were not fully considered in investigation 349/354 the ADC is recorded as informing the ADRP the “ADC was convinced of the correctness of its analysis in REP 360” (a similar comment was made to SPCA at a meeting with the ADC prior to the closing date of submissions on the SEF). Such a mindset could point to a predetermined outcome of the reinvestigation.
- The relevant regulations support SPCA’s submissions and there is no evidence that the ADC has critically examined these regulations which guarantee that historical subsidies (and a coupled subsidy) continue to benefit the growing of tomatoes for processing.
- Historical payments are by their very nature implicitly tied to the growing of tomatoes. The design of the SPS allowed historical tomato payments to be made, as La Doria explained, such that smaller inefficient growers could exit the industry. But this does not break the link between historical payments and the growing of tomatoes.

- SPCA's many submissions including documents 051 and 063 have demonstrated this link. The excerpt from the La Doria 2014 annual report is but one example (consistent with various regulations and manuals) that links the historical payment to land that grows tomatoes. The coupled tomato payment applicable in 2015(€160 per hectare) is explicitly tied to land growing tomatoes for processing and is shown to supplement the historical payment (which is implicitly coupled) received for land growing tomatoes for processing. The very existence of this new coupled payment based on land growing tomatoes should allow the ADC to understand that there must be another identifiable land based payment tied to tomatoes such that it was considered necessary by the Government of Italy to provide an additional land based subsidy for the growing of tomatoes.
- The understanding of tomato subsidies has, it appears, been confused by the analysis of self-selected data supplied by the exporters. The analysis of this data shows that the ADC has not fully understood the relevant regulations. The ADC examined the single payment per hectare received by a farm. But this understated the tomato subsidy per hectare because the recorded single payment is an average amount per hectare of the different values of entitlements (such as tomatoes) applicable to the agricultural holding.

If other parties have approached the ADC, SPCA requests copies of any submissions received and other relevant documents since the reinvestigation was notified.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Reg Weine', with a long horizontal flourish extending to the right.

Reg Weine  
Managing Director