



SIAM FOOD PRODUCTS PUBLIC CO., LTD.

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NON-CONFIDENTIAL FOR PUBLIC RECORD

Submission to:

ADRP Review No. 144 – Consumer Pineapple exported from the Republic of
the Philippines and the Kingdom of Thailand

Submitted by:

Mr. Charnvit Subsanyakorn

President

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Role of the party making the submission:

Thailand exporter



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February 3, 2022

The Director, Investigations 2
Anti-Dumping Commission
GPO Box 2013
Canberra ACT 2601

To the Director,

Submission in relation to the ADRP Review No. 144 – Consumer Pineapple exported from the Republic of the Philippines and the Kingdom of Thailand

We, Siam Food Products Public Company Limited and its subsidiary Siam Food (2513) Company Limited hereby wish to make our submission in relation to the matter as follows:

1. The application by Golden Circle Limited (GC) for review of the Minister's decisions published on 6 October 2021 not to secure the continuation of the anti-dumping measures applied to Consumer pineapple exported to Australia from Thailand is not justifiable and without any sufficient supporting evidence.
2. We wish to reiterate the findings of the Anti-Dumping Commission Report No. 571 & 572 that during the period of review the Commissioner ascertained the dumping margin of Siam Food to be -5.3%, and that our sales reflected our actual cost of production and reasonable margin and not a dumped price.
3. We support the reviewable decisions of the Minister and do not agree with GC grounds as mentioned in the Application for Review of a Ministerial Decision on the following grounds: the Commission found that the volume of imports from exporters from Thailand is low and has declined since 2016. No evidence has been provided by GC demonstrating how such a small volume of exports has caused or is causing material injury and consequently a scenario involving recurrence is without any justifiable ground. In addition, certain countries not subject to the anti-dumping tariff have market shares in Australian pineapple market that are increasing dramatically while the market share of Thai pineapple subject to measures sold in Australia



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have declined. GC, however, has not applied for the initiation of an inquiry into consumer pineapple exports from those sources even though they are amongst the lowest price products.

4. We do not agree with GC's argument in relation to Section 269ZHF(2) of the Custom Act claiming that the ADC erred in law in its application of s.269ZHF(2) of the Act in stating that the threat of future material injury is not part of the test for the continuation of the measures. To consider whether there is a threat of material injury may involve an assessment to the extent that there is a "possibility" or "likelihood" of such material injury as a result of our future export of Consumer pineapple. The statutory test requires that such possibility must be established to the satisfaction of the Minister. Based upon the reason we provided in Clause 2 and Clause 3 above, there is no possibility or likelihood that GC will suffer material injury in the future as a result of our export of Consumer pineapple to Australia.
5. We conclude that, based upon the reason we mentioned herein-above and GC has produced neither evidence nor argument to overturn the proposition of reviewable decision, the reviewable decision concerning Consumer pineapple was, therefore, the correct and preferable decision in accordance with the statutory test set out in s269ZHF(2) of the Act which provides that: "The Commissioner must not recommend that the Minister take steps to secure the continuation of the anti-dumping measures unless the Commissioner is satisfied that the expiration of the measures would lead, or would be likely to lead, to a continuation of, or a recurrence of, the dumping or subsidization and the material injury that the anti-dumping measure is intended to prevent."

We, therefore, request that the Panel recommend to the Minister that the reviewable decisions be affirmed.

Yours faithfully,

Charnvit S.

Mr. Charnvit Subsanyakorn

President

Siam Food Products Public Company Limited

