



Australian Government
**Department of Industry,
Innovation and Science**

**Anti-Dumping
Commission**



Application for the
continuation of a dumping
and/or
countervailing notice
or
continuation of an undertaking

APPLICATION UNDER SECTION 269ZHC OF THE *CUSTOMS ACT 1901*
FOR THE CONTINUATION OF A DUMPING AND/OR COUNTERVAILING
DUTY NOTICE OR CONTINUATION OF AN UNDERTAKING

I hereby request, in accordance with section 269ZHC of the *Customs Act 1901* (the Act) that the Minister:

- continue a dumping duty notice, or
- continue a countervailing duty notice, or
- continue the undertaking given under the Act by

[REDACTED]
(Name of company or organisation)

in respect of the goods the subject of this application.

I believe that the information contained in this application:

- provides reasonable grounds for continuation of the anti-dumping measure; and
- is complete and correct to the best of my knowledge and belief.

Signature:

Name: Carolyn Fox
Position: Director
Company: H.J. Heinz Company Australia Limited
ACN: 004 200 319
Date: 18 December 2020

Signature requirements

Where the application is made:

By a company - the application must be signed by a director, servant or agent acting with the authority of the body corporate.

By a joint venture - a director, employee, agent of each joint venturer must sign the application. Where a joint venturer is not a company, the principal of that joint venturer must sign the application form.

On behalf of a trust - a trustee of the trust must sign the application.

By a sole trader - the sole trader must sign the application.

In any other case - contact the Commission's client support section for advice.

Assistance with the application

The Anti-Dumping Commission has published guidelines to assist applicants with the completion of this application. Please refer to the '*Instructions and Guidelines for applicants: Application for continuation*' on the Commission's website.

The Commission's client support section can provide information about dumping and countervailing procedures and the information required by the application form. Contact the team on:

Phone: 13 28 46

Fax: (03) 8539 2499

Email: clientsupport@adcommission.gov.au

Other information is available from the Commission's website at www.adcommission.gov.au

Small and medium enterprises (i.e., those with less than 200 full-time staff, which are independently operated and which are not a related body corporate for the purposes of the *Corporations Act 2001*), may obtain assistance, at no charge, from the Department of Industry, Innovation and Science's International Trade Remedies Advisory (ITRA) Service. For more information on the ITRA Service, visit www.business.gov.au or telephone the ITRA Service Hotline on +61 2 6213 7267.

Required information

1. Provide details of the name, street and postal address, of the applicant seeking the continuation.

The applicant requesting the continuation of anti-dumping measures applicable to Pineapple Fruit – Consumer and Food Service Industrial (FSI) exported to Australia from the Kingdom of Thailand and the Republic of the Philippines ("Philippines") is Golden Circle Limited ("GCL") (ABN 85 054 355 618). GCL is a wholly owned subsidiary company of Kraft Heinz Australia Limited (HJ Heinz) (ABN 87 004 200 319).

Contact details for the applicant is as follows:

Golden Circle Limited
260 Earnshaw Road
Northgate Queensland 4013

Tel: (07) 3266 0000

Contact details at H J Heinz is as follows:

Mr Mike Pretty
Non-Executive Chairman
Kraft Heinz Australasia

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Level 3, 2 Nuffield Street
Newmarket Auckland New Zealand
Tel: +64 9 308 5130

If you have appointed a representative to assist with your application:

The Applicant has appointed John O'Connor of John O'Connor and Associates Pty Ltd as their representative for the purposes of this application. Contact details for Mr O'Connor are as follows:

John O'Connor
Director
John O'Connor and Associates Pty Ltd
P.O. Box 329
Coorparoo QLD 4051
Tel: (07) 33421921
Email: jmoconnor@optusnet.com.au

2. Provide details of the name of a contact person, including their position, telephone number and facsimile number, and e-mail address.

Please see contact details at 1 above.

3. Provide the names, addresses, telephone numbers and facsimile numbers of other parties likely to have an interest in this matter e.g. Australian manufacturers, importers, exporters, users.

GCL is the sole Australian manufacturer of processed pineapple in Australia. GCL therefore constitutes the Australian industry for the purposes of this application.

Other interested parties (i.e. exporters) to this application include as follows:

The Philippines

(i) Dole Pineapple Company
26th Floor Tower 2
Insular Life Corporate Centre
Filinvest Corporate City, Alabang
1781 Muntinlupa City, Philippines
Tel: +632 771 2146
Fax: +632 771 2146

(ii) Del Monte Philippines
c/o Del Monte Pacific
c/p 17 Bukit Road
Singapore 089831
Tel: +65 6324 6822
Fax: +65 6221 9477

Thailand

(i) Siam-Agro Food Industry Public Co., Ltd
50 GMM Grammy Place 17th Floor
Sukhumvit 21 (asoke) Road
Klongtoey Nua, Wattana
Bangkok 10110 Thailand
Tel: +66 0 2665 9333
Fax: +66 0 2665 9348

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(ii) TIPCO Foods Public Company Limited
Floor 28-29, Tipco Tower
118/1 Rama 6 Road
Samsennai Phayathai, Bangkok 10400 Thailand
Tel: +66 2273 6200
Fax: +66 2271 4304

(iii) Kuiburi Fruit Canning Co Ltd
Muang Kaew Building
236 Sirindhorn Road
Bangplad Bangkok 10700 Thailand
Tel: +662 8810 530-5
Fax: +662 435 0956

(iv) Prime Products Industry Co., Ltd
79/1 Moo 4, Kasetsuwan, Bo-tong
Chonburi 20270 Thailand
Tel: +66 38165 430
Fax: +66 38165 429

4. The application must include a detailed statement setting out reasons for seeking continuation of the anti-dumping measure. Applicants must provide evidence addressing whether, in the absence of measures, dumped or subsidised imports would cause material injury to the local industry producing like goods. Applicants should refer to the “Guidelines for Preparing an Application for Continuation of Measures” for assistance.

Refer Attachment A.

5. The applicant must provide details of the current anti-dumping measure(s) the subject of this continuation application, including:

- **tariff classification**

The goods the subject of this continuation of measures application to which the current anti-dumping measures apply are:

- (i) *Consumer pineapple:*
Pineapple prepared or preserved in containers not exceeding one litre (consumer pineapple), and
- (ii) *Food Service Industrial pineapple:*
Pineapple prepared or preserved in containers exceeding one litre (food service industrial pineapple).

The tariff classification of the goods includes:

- (i) *Consumer pineapple:*

Consumer pineapple is generally classified in Schedule 3 to the *Customs Tariff Act 1995*:

2008.20.00	Pineapples
2008.20.00/26	Canned, in containers not exceeding one litre
2008.20.00/28	Other

- (ii) *Food service industrial pineapple:*

FSI pineapple is generally classified in Schedule 3 to the *Customs Tariff Act 1995*:

2008.20.00	Pineapple
2008.20.00/27	Canned, in containers exceeding one litre
2008.20.00/28	Other

- ***the countries or companies***

The countries the subject of the measures are the Philippines and Thailand (excluding Malee and Prime Products Industry Co., Ltd).

- ***specified date of publication of the measure***

The date of notification of the then Assistant Minister for Industry, Innovation and Science and Parliamentary Secretary to the Minister for Industry, Innovation and Science decision dated 12th of September 2016 in respect of consumer pineapple exported from the Philippines and Thailand was contained in Australian Dumping Notice No. 2016/81 (Philippines) and 2016/82 (Thailand) published on 13 September 2016.

The date of notification of the then Assistant Minister for Industry, Innovation and Science and Parliamentary Secretary to the Minister for Industry, Innovation and Science decision dated 12th of September 2016 in respect of Food Service Industrial (FSI) pineapple exported from the Philippines and Thailand was contained in Australian Dumping Notice No. 2016/83 (Philippines) and 2016/84 (Thailand) published on 13 September 2016.

A notice notifying of the expiry of the measures on consumer and FSI pineapple was published on 6 November 2020 (refer Anti-Dumping Notice No. 2020/100) notifying that applications must be lodged by 5 January 2021.

Provision of data

Industry financial data must, wherever possible, be submitted in an electronic format.

- The data should be submitted on a media format compatible with Microsoft Windows.
- Microsoft Excel, or an Excel compatible format, is required.
- If the data cannot be presented electronically please contact the Commission's client support section for advice.

Lodgement of the application

This application, together with the supporting evidence, must be lodged in the manner approved by the Commissioner under subsection 269SMS(2) of the Act. The Commissioner has approved lodgement of this application by either:

- preferably, email, using the email address clientsupport@adcommission.gov.au, or
- post to:
The Commissioner of the Anti-Dumping Commission
GPO Box 2013
Canberra ACT 2601, or
- facsimile, using the number (03) 8539 2499.

Public Record

During an investigation all interested parties are given the opportunity to defend their interests, by making a submission. The Commission maintains a public record of these submissions. The public record is available on the Commission's website at www.adcommission.gov.au.

At the time of making the application both a confidential version (for official use only) and non-confidential version (public record) of the application must be submitted. Please ensure each page of the application is clearly marked "FOR

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OFFICIAL USE ONLY” or “PUBLIC RECORD”. The non-confidential application should enable a reasonable understanding of the substance of the information submitted in confidence. If you cannot provide a non-confidential version, contact the Commission’s client support section for advice.