



# Conference Summary

## Review No. 177 – Tomatoes, prepared or preserved exported from the Italian Republic

Panel Member	Leora Blumberg
Review type	Review of Minister's decision
Date	23 April 2026
Participants	Anti-Dumping Commission ('ADC'): <ul style="list-style-type: none"><li>• [REDACTED]</li><li>• [REDACTED]</li></ul>
Time opened	2:00pm AEST
Time closed	2:32pm AEST

### Purpose

The Anti-Dumping Review Panel (Review Panel) opened the conference with an Acknowledgment of Country.

The purpose of this conference was to obtain further information in relation to the review before the Anti-Dumping Review Panel (Review Panel) in relation to tomatoes, prepared or preserved exported from the Italian Republic (Italy).

The conference was held pursuant to section 269ZZHA of the *Customs Act 1901* (the Act).

During the conference, I was able to ask parties to clarify any argument, claim or specific detail contained in their application or submission. The conference was not a formal hearing of the review and was not an opportunity for parties to argue their case before me.

In accordance with section 269ZZHA(2), in making a recommendation under subsection 269ZZK(1), I may have regard to:

- (a) further information provided at this conference to the extent that it relates to "relevant information" within the meaning of section 269ZZK(6) of the Act; and
- (b) any conclusions reached at this conference based on "that relevant information".

At the time of the conference, I advised the participants:

- That the conference was being recorded and transcribed by Microsoft Teams (as facilitated by the Review Panel's Secretariat), and that the recording would capture everything said during the conference.



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- That the conference was being recorded for the Review Panel to have regard to when preparing a conference summary. The conference summary would then be published on the Review Panel's website.
- Any confidential information discussed during the conference would be redacted from the conference summary prior to publication.

Prior to the conference, participants were provided with a copy of the Review Panel's Privacy Statement. The Privacy Statement outlines who the conference recording and transcript may be disclosed to. The Privacy Statement is available on the Review Panel's website [here](#). The participants indicated that they understood the Privacy Statement and consented to:

- The recording of the conference; and
- The recording being dealt with as set out in the Privacy Statement.

## Background

1. On 14 April 2026, the ADC advised the Secretariat that in the course of preparing its s 269ZZJ submission in Review 177, it had identified a "minor calculation error" in Confidential Attachment 31 "Price undercutting analysis" to Anti-Dumping Commission Report No 654 ('REP 654').
2. In its communication to the Secretariat, the ADC provided a description and explanation of the error and a revised Confidential Attachment 31, as well as details as to how the error affected wording in REP 654.
3. The specific purpose of this conference is for the Review Panel to obtain further information relating to the calculation error identified and explained by the ADC in the communication to the Secretariat of 14 April 2026.
4. Following the conference, the ADC provided a written version of its responses to the further information requested during the conference ('the Written Response'), which is attached as Addendum 1.



## Further information requested and provided

The specific information that the Review Panel sought and that was provided at this conference was:

### 1. Further Information Request 1

The ADC should provide a detailed explanation of the error and how it occurred, as well as the revised Confidential Attachment 31.

**ADC Response:**

*See the ADC's response to Further Information Request 1 in the Written Response, attached as Addendum 1.*

### 2. Further Information Request No. 2

The ADC should identify and reproduce all passages in REP 654 that are affected by the error, indicating any revisions, as well as any relevant Tables or Figures in REP 654 that are affected (or not) by the error.

**ADC Response:**

*See the ADC's response to Further Information Request 2 in the Written Response, attached as Addendum 1.*

### 3. Further Information Request No. 3

The ADC should also identify any paragraphs in the ADC's s 269ZZJ submission that were impacted by the error (for example, paragraph 21).

**ADC Response:**

*See the ADC's response to Further Information Request 3 in the Written Response, attached as Addendum 1.*

### 4. Further Information Request No. 4

The ADC should provide a reasoned explanation as to whether (or not) the correction of error impacted the undercutting analysis in REP 654 and whether it has any effect on the reviewable decision.

**ADC Response:**

*See the ADC's response to Further Information Request 4 in the Written Response, attached as Addendum 1.*



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Interested parties who wish to have an opportunity to comment on the further information obtained at this conference should notify the Review Panel Secretariat by no later than 1 May 2026. In their request, parties should set out the reasons that the Review Panel should exercise its discretion to hold a conference pursuant to s 269ZZHA and provide a short summary of the further information they wish to provide.



*The further information sought is as follows:*

1. *The ADC should provide a detailed explanation of the error and how it occurred, as well as the revised Confidential Attachment 31.*

The error occurs on the worksheet “Undercutting analysis” for the Australian industry injury gap analysis. Cells B86 to E88 convert the absolute figures for “Australian industry gap”, “ICD+IDD” and “Italian price” at cells B80 to E82 into percentages, by dividing each individual figure by the sum of the three figures for the relevant quarter. For example, cell B86 expresses the “Australian industry gap” for the December 2023 quarter by dividing cell B80 (■) by the sum of cells B80 to B82 (■ + ■ + ■).

The error is that the percentages for the “Australian industry gap”, “ICD + IDD”, and “Italian price” for the March 2024, June 2024 and September 2024 quarters divide the relevant cell by the sum of cells B80 to B82, which are the cells for December 2023 quarter. For example, cell C86 divided cell C80 (■) by the sum of cells B80 to B82.

The error occurred due to an oversight. The revised confidential attachment 31 is attached.

2. *The ADC should identify and reproduce all passages in REP 654 that are affected by the error, indicating any revisions, as well as any relevant Tables or Figures in REP 654 that are affected (or not) by the error.*

The following passage at page 140 in REP 654 is affected by the error. Revisions are indicated by underline and strikethrough text.

Across all tiers over the investigation period, Italian export prices are 76% to 78% 87% the price of the Australian industry (i.e. they undercut by between 22% 13% to 24%). The weighted average dumping and subsidy margin adds 4% to the price, leaving a gap of 18% 9% to 20% across the investigation period between the price at which Australian industry sold like goods and the remedied (i.e. undumped and unsubsidised) price of Italian exports.



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In the first sentence of this passage, the range of 76% to 78% (now 87%) for Italian export prices is based on cells B88 to E88. The range of 22% (now 13%) to 24% for undercutting is the difference between these percentages and 100. In the second sentence, the range of 18% (now 9%) to 20% is based on cells B86 to E86. There are no tables or figures in REP 654 affected by the error. Figure 38 is not affected by the error, because it is derived from the absolute figures at cells B80 to E82, rather than the percentages at cells B86 to E88.

3. *The ADC should also identify any paragraphs in the ADC's s 269ZZJ submission that were impacted by the error (for example, paragraph 21).*

No revisions are necessary to the Commissioner's submission under section 269ZZJ because of this error. The error was acknowledged in footnote 11 of the Commissioner's submission, and the percentage figures stated in paragraph 21 of the Commissioner's submission are the corrected percentages. Footnotes 10 and 11 of the Commissioner's submission cite Figures 12 and 34 of REP 654, because these Figures have the correct percentages (as discussed in the ADC's response to question 4 below).

4. *The ADC should provide a **reasoned explanation** as to whether (or not) the correction of error impacted the undercutting analysis in REP 654 and whether it has any effect on the reviewable decision.*

The error does not impact the ADC's undercutting analysis in REP 654 or have any effect on the reviewable decision. The error merely affects how absolute figures are expressed as percentages. The absolute figures themselves are not affected.

The correct percentage figures for the all-tier level of Australian industry gap (9% in the September 2024 quarter to 20% in the December 2023 quarter) appear at Figure 12 of REP 654, and the correct percentage figures for the all-tier level of undercutting (13% in the September 2024 quarter to 24% in the December 2023 quarter) appear at Figure 34 of REP 654. These Figures are derived from different cells in Confidential Attachment 31 which are not affected by the error. The error affects only the expression of the "all-tier" undercutting analysis as a percentage. We note the commission's undercutting analysis also involved analysis at the "mid-tier" and "premium-tier" levels — see for instance Figures 35 to 37 of REP 654. These Figures are unaffected by the error.