



**Australian Government**  
**Anti-Dumping Review Panel**

*Customs Act 1901*  
Notice under section 269ZZI

**Prepared or Preserved Tomatoes exported from Italy**

The Anti-Dumping Review Panel received applications from Conserve Italia Soc. Coop. Agr (Conserve Italia), The Government of Italy, Associazione Nazionale Industriali Conserve Alimentari Vegetali (ANICAV), Attianese SpA, Lodato Gennaro & C SpA and I.M.C.A. SPA - Industria Meridionale Conserve Alimentari (IMCA) for a review of a decision by the Parliamentary Secretary to publish a dumping duty notice in respect of Prepared or Preserved Tomatoes imported from Italy.

The grounds raised by the applications for the decision under review not being the correct or preferable decision include but are not limited to:

- Erroneous consideration of the effects of undumped imports on prices in the injury determination;
- Lack of consideration of the factors other than dumped imports that caused injury to the Australian industry;
- Injury determination based on a flawed like products definition;
- The failure to distinguish and separate the injurious effects of factors other than dumping;
- The Anti-Dumping Commission's (ADC) decision to treat IMCA as an uncooperative exporter;
- The ADC's decision not to verify the data provided by IMCA was erroneous and unreasonable;
- The assessment methodology utilised by the ADC in the calculation of the dumping margin applied to uncooperative exporters was flawed;
- The injury suffered by the Australian industry was caused by factors other than dumped imports;
- The injury caused by dumped imports, if any, was not material;
- The decision is in stark contradiction with the findings of the Productivity Commission;
- The ADC's determination of the volume of dumped imports for the purpose of the injury assessment was flawed;

The Parliamentary Secretary's decision was published in the Australian newspaper on 16<sup>th</sup> April 2014.

The goods to which these applications relate are classified to tariff subheadings 2002.10.00 (statistical code 60) in Schedule 3 of the *Customs Tariff Act 1995*.

The Anti-Dumping Review Panel proposes to conduct a review of the decision. Interested parties may make submissions to the Panel within **30 days** after the date of publication of this notice.

Submissions may be emailed to [ADRP\\_support@customs.gov.au](mailto:ADRP_support@customs.gov.au), or sent by facsimile to (02) 6275 6784. Submissions may also be posted to the Anti-Dumping Review Panel, c/o Legal Services Branch, Australian Customs and Border Protection Service, 5 Constitution Avenue Canberra City ACT 2601. Persons wishing to make further inquiries about this review should telephone (02) 6275 5868. Copies of the applications for review which set out the full

grounds for seeking review, and other documents on the public file of the review are available from [www.adreviewpanel.gov.au](http://www.adreviewpanel.gov.au).

The reports of the original investigation are available on the Anti-Dumping Commission website at [www.adcommission.gov.au](http://www.adcommission.gov.au)

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Anti-Dumping Review Panel