

From: ADRP_Support [mailto:ADRP_support@customs.gov.au]
Sent: Friday 11 October 2013 02:39 pm
To: John Cosgrave
Subject: Re: Dole-Review Application [SEC=UNCLASSIFIED]

Dear Mr Cosgrave,

Dole Thailand limited -Application for Review

Mr Graham McDonald has been assigned by the Senior member of the Review panel to report on the review application made on behalf of your client . He is seeking your cooperation in the provision of some further information .

In paragraph 18 of the statement accompanying the application FSI product [REDACTED] is described as being 'near identical' to products [REDACTED] and [REDACTED] . Could you please:

- (a) confirm that [REDACTED] are identical products and, if not, list of the differences, and,
- (b) list the differences between [REDACTED] and [REDACTED]

Could you also confirm:

(c) footnote 5 to paragraph 13 should be a reference to p18 of REP 196 rather than to p18 of SEF196,and,

(d) the reference in second last line of paragraph 18 should be to category 4 products rather than category 1 products.

The report must be made to the Minister by 29 October 2013 and receipt of a response at your earliest convenience to avoid having to request an extension of the review period.

Please note the requirements of s269ZZX and 269ZZY of the Act.

Thank you in anticipation of your co-operation.

Kind Regards,

Luke Suitor
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From: John Cosgrave [<mailto:John.Cosgrave@minterellison.com>]
Sent: Monday, 14 October 2013 5:47 PM
To: ADRP_Support
Subject: RE: Dole-Review Application [ME-ME.FID2190944] [SEC=UNCLASSIFIED]

Commercial in Confidence

Dear Mr Suitor

We refer to the request of Mr McDonald for further information and our responses follow a brief summary of the production process that is set out in detail in DTL's EQR.

Pineapple is graded [REDACTED]

[REDACTED]
before the remains of the fruit is sent for crushing or juicing.

a. [REDACTED] are identical except for the [REDACTED]. The former is contained in [REDACTED] and as a result there are very minor differences in the [REDACTED] the two products [DTL's EQR]. The difference in [REDACTED] has no impact on cost which is identical for each product. [Attachment G-5 to DTL's EQR]

b. [REDACTED] is made from the same [REDACTED]. It only differs from [REDACTED]. The fruit cost is virtually identical (Attachments G-4 and G-5 to DTL's EQR)

It is worth noting that the possible use of [REDACTED] as a comparator was first introduced by the Commission. A submission by DTL as early as 27 March 2013 [Email: Minter Ellison to Mr M Kenna] proposed that export sales of [REDACTED] was the most appropriate comparator for sales of [REDACTED] to Australia and this proposal to the Commission was repeated in an email from Minter Ellison dated 23 April 2013. Neither proposal was responded to by the Commission and the issue was not pursued further by DTL [REDACTED]

c. and (d) We confirm and apologise for the errors.

Could you please advise whether you wish to include a redacted version of this response on the public record? We also note that your own email request includes material that our client regards as commercial in confidence

Kind Regards

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