



Customs Act 1901 – Part XVB

Trade Remedies Notice No 2026/140

CONSUMER PINEAPPLE

Exported to Australia from the Republic of the Philippines

Initiation of Continuation Inquiry No 721 into

Anti-Dumping Measures

Notice under section 269ZHD(4) of the Customs Act 1901 (Cth)

I, David Latina, Commissioner of the Australian Trade Remedies Commission (the Commissioner), have initiated an inquiry into whether the continuation of anti-dumping measures, in the form of a dumping duty notice, in respect of consumer pineapple (the goods) exported to Australia from the Republic of the Philippines (the Philippines) is justified.

The dumping duty notice applies to all exporters of the goods from the Philippines.

The anti-dumping measures for the Philippines are due to expire on 27 September 2027 (specified expiry day).¹

1. The goods subject to the measures

The goods that are the subject of the anti-dumping measures and this inquiry are:

Pineapple prepared or preserved in containers not exceeding one litre (consumer pineapple).

The goods subject to the anti-dumping measures do not include glace and/or dehydrated pineapple.

¹ The measures were initially imposed by public notice in the form of a dumping duty notice on 10 October 2006 by the then Minister for Justice and Customs, following consideration of *Trade Measures Report No 112*. The measures were last continued in relation to the Philippines on 26 September 2022 following consideration of *Anti-Dumping Review Panel (ADRP) Report No 144* by the then Minister for Industry and Science.

Tariff classification

The goods are generally, but not exclusively, classified to the following tariff subheadings of Schedule 3 to the *Customs Tariff Act 1995* (Cth):

Tariff code	Description		
2008	FRUIT, NUTS AND OTHER EDIBLE PARTS OF PLANTS, OTHERWISE PREPARED OR PRESERVED, WHETHER OR NOT CONTAINING ADDED SUGAR OR OTHER SWEETENING MATTER OR SPIRIT, NOT ELSEWHERE SPECIFIED OR INCLUDED:		
2008.20.00	Pineapples		
	Statistical code	Unit	Description
	26	Litre (L) ²	Canned, in containers not exceeding 1 L
	28	Kilogram (kg)	Pineapples other than canned

Table 1: General tariff classifications for the goods

These tariff classifications and statistical codes may include goods that are both subject and not subject to the anti-dumping measures. The listing of these tariff classifications and statistical codes are for convenience or reference only, and do not form part of the goods description above. Please refer to this description for authoritative detail regarding goods the subject of this investigation.

2. Background to the anti-dumping measures

Following an application by Golden Circle Limited (GCL), anti-dumping measures were initially imposed on consumer pineapple exported to Australia from the Philippines on 10 October 2006 by the then Minister for Justice and Customs following consideration of *Trade Measures Report No 112*.

On 30 August 2011 the then Minister for Home Affairs accepted the recommendations contained in *Trade Measures Branch Report No 171b* to secure the continuation of anti-dumping measures applying to consumer pineapple for a further five years from 11 October 2011.

On 12 September 2016 the then Assistant Minister for Industry, Innovation and Science and Parliamentary Secretary to the Minister for Industry, Innovation and Science accepted the recommendations in *Anti-Dumping Commission Report No 333* to continue the anti-dumping measures applying to consumer pineapple exported from the Philippines for a further five years from 10 October 2016.

On 6 October 2021 the then Acting Minister for Industry, Science and Technology accepted the recommendations in *Anti-Dumping Commission Reports No 571 (REP 571) and 572 (REP 572)* and decided to not continue the anti-dumping measures applying to consumer pineapple exported from the Philippines. However, following consideration of *ADRP Report No 144*, the then Minister for Industry and Science revoked the earlier reviewable decision and substituted a new decision to continue the measures applying to the goods exported from the Philippines having effect from 27 September 2026, being the date of publication of the notice on the ADRP's website.³

² For canned pineapple, the applicable unit of quantity for Customs duty is litres. However, for dumping duty purposes, the applicable unit of quantity is kilograms. The [Dumping Commodity Register](#) for the goods specifies that kilograms can be converted to litres by dividing the number of kilograms by 1.043174.

³ ADRP website, [Review 144 electronic public record](#)

Further details on the goods and existing measures are available on the Dumping Commodity Register on the Australian Trade Remedies Commission (the Commission) website (www.atrc.gov.au).

3. Application for continuation of the anti-dumping measures

Division 6A of Part XVB sets out, among other things, the procedures to be followed in dealing with an application for the continuation of anti-dumping measures.

In accordance with section 269ZHB(1), I published a notice on the Commission's website on 27 July 2026.⁴ The notice invited the following persons to apply for the continuation of the anti-dumping measures:

- the person whose application under section 269TB resulted in the anti-dumping measures (section 269ZHB(1)(b)(i)), or
- persons representing the whole or a portion of the Australian industry producing like goods to the goods covered by the anti-dumping measures (section 269ZHB(1)(b)(ii)).

On 16 September 2026, an application for the continuation of the anti-dumping measures was received from GCL. A non-confidential version of the application is available on the Commission's electronic public record (EPR).

Having regard to the application and the original investigation, I am satisfied that GCL is the person under section 269ZHB(1)(b)(i) because GCL's application under section 269TB resulted in the existing anti-dumping measures.

4. Consideration of application under section 269ZHD(1)

Pursuant to section 269ZHD(1) of the Act, I must reject an application for the continuation of anti-dumping measures if I am not satisfied of one or more of the matters referred to in section 269ZHD(2). These are:

- the application complies with section 269ZHC (section 269ZHD(2)(a)), and
- there appear to be reasonable grounds for asserting that the expiration of the anti-dumping measures to which the application relates might lead, or might be likely to lead, to a continuation or recurrence of, the material injury that the measures are intended to prevent (section 269ZHD(2)(b)).

5. Assessment under section 269ZHD(2)(a) - compliance with section 269ZHC

I consider that the application complies with the requirements of section 269ZHC because it:

- is in writing
- is in a form approved by me for the purposes of this section
- contains the information required by the form
- is signed in the manner indicated by the form and
- was lodged in a manner approved under section 269SMS, being by email to the Commission's email address specified in the instrument made under section 269SMS.⁵

⁴ [ADN 2026/086](#) refers.

⁵ A copy of the instrument can be found on the Commission's website at www.atrc.gov.au

6. Assessment under section 269ZHD(2)(b) – reasonable grounds

Applicant's claims

In its application, GCL claimed that the expiry of the measures would lead, or would be likely to lead, to a continuation of, or a recurrence of, the dumping and/or the subsidisation and the material injury that the anti-dumping measures are intended to prevent.

In its application, GCL claims, among other things, that:

- exports are likely to continue given:
 - substantial import volumes of the goods from the Philippines have continued since the measures were imposed
 - Philippine exporters are likely to maintain and expand their established channels for supplying the goods to the Australian market in the absence of measures
 - established distribution channels through major Australian supermarkets and distributors provide Philippine exporters with a ready route to market and the capacity to increase sales if the measures expire
 - Philippine producers have excess production capacity, providing exporters with the ability and incentive to increase exports to Australia
 - the excess capacity is concentrated in the consumer pineapple segment to which the goods belong.
- exports are likely to continue to be dumped or dumping is likely to recur because:
 - no reviews or duty assessments have occurred since the measures were reimposed, suggesting continued reliance on dumped pricing
 - according to the World Trade Organization Trade Remedies Data Portal, Mexico recently imposed anti-dumping duties on pineapple products exported from the Philippines
 - excess production capacity relative to domestic demand increases the likelihood that the goods will be directed to export markets and sold at prices lower than those in the domestic market
 - the Commission in Continuation Inquiries 571 and 572 had previously found that Philippine exports of the goods had been dumped.
- material injury is likely to continue or recur given that:
 - the Commission has previously found that dumped exports of the goods from the Philippines caused material injury to the Australian industry
 - exports from the Philippines remain in direct competition with GCL, and continue to undercut GCL's prices
 - a major share of the Australian market is supplied through major supermarkets, which possess significant bargaining power and negotiate strongly on prices and margins, placing pressure on domestic producers
 - GCL provided examples evidencing pressure to meet customers' margin expectations. GCL advised these margin expectations are in part informed by the margins derived from the imported goods
 - GCL advised that end consumers are sensitive to price, noting that price discounting is aligned to increases in sales volume

- GCL's costs to make and sell consumer pineapple increased more rapidly than its selling prices, resulting in price suppression and adversely affecting profitability
- GCL claims that import competition has suppressed its selling prices, such that price increases have not kept pace with increases in the costs to make and sell the goods, resulting in continued or recurrent material injury.

GCL supported its application with import data, information relating to its sales, revenue, costs and profitability, and examples evidencing the competitive pressure exerted by Philippine imports in the Australian market.

7. The Commission's consideration

Background

The question for the Commission to consider in a continuation inquiry is whether the expiry of the anti-dumping measures is likely to lead to a continuation or recurrence of the dumping and material injury that the measures are intended to prevent. Based on the information contained in the application, the Commission considers that there are reasonable grounds for GCL to assert that this may be the case.

In assessing GCL's claims, I have considered the information provided in the application, information obtained from the Australian Border Force (ABF) import database, findings from REP 571 and REP 572 and *ADRP Report No 144*, as well as other information relevant to the application.

Continuation or recurrence of exports

The Commission examined information obtained from the ABF import database and found that Philippine exporters have continued to export the goods to Australia since the imposition of the anti-dumping measures and then last continuation inquiry. This confirms that Philippine exporters have maintained distribution links to the Australian market.

Having regard to the above and the information provided by GCL, I consider that there appears to be a reasonable basis for GCL to claim that exporters from the Philippines have maintained or can readily re-establish distribution links with the Australian market if the measures expire.

Continuation or recurrence of dumping

GCL advised it does not have any current information about domestic selling prices of consumer pineapple in the Philippines and was therefore unable to estimate dumping margins for the proposed inquiry period.

However, in support of its claim that dumping was likely to continue or recur GCL referenced:

- the lack of applications for duty assessments and reviews of measures since the measures were last continued
- Mexico recently imposing anti-dumping duties on imports of pineapple in syrup from the Philippines⁶
- the dumping margins established for the Philippines in the last continuation inquiry.

The Commission notes that, since the imposition of measures, Philippine exporters have been found in various investigations and continuation inquiries to have exported the goods

⁶ <https://trade-remedies.wto.org/en/antidumping/investigations/investigation/mex-2124-phl>

to Australia at dumped prices. Taken together with the recent decision arising out of Mexico, the Commission considers there is a reasonable basis to assert that more recent exports of the goods from the Philippines to Australia may have also been at dumped prices.

In the context of the information that would be reasonably available to GCL, I consider that there appear to be reasonable grounds for asserting that there is a likelihood that exports of the goods at dumped prices will continue or recur for Philippine exporters in the absence of anti-dumping measures.

Continuation or recurrence of material injury

GCL claims that, if the anti-dumping measures expire, the volume of goods exported from the Philippines at dumped prices is likely to increase.

GCL provided evidence of persistent undercutting of Australian industry prices by Philippine imports, together with evidence of it being unable to increase prices despite increasing costs. The Commission considers that given the price-sensitive nature of the Australian consumer pineapple market, any price advantage arising from dumping is likely to affect the Australian industry.

Having regard to the information currently before the Commission, should the anti-dumping measures expire, it appears reasonable for GCL to assert that Philippine exporters would obtain a further price advantage over the Australian industry due to dumping. This would allow these exporters to increase export volumes to Australia and increase market share. Such a price advantage may result in reduced sales volumes and market share to the Australian industry, and/or price injury as the Australian industry seeks to compete with dumped imports. Volume and price injury may, in turn, be detrimental to other economic factors such as profit and profitability.

8. Conclusion

Having regard to the application, GCL's claims and other relevant information set out in this notice, I am satisfied that, in accordance with section 269ZHD(2)(b), there appear to be reasonable grounds for asserting that the expiration of the anti-dumping measures might lead, or might be likely to lead, to a continuation of, or a recurrence of, the material injury that the measures are intended to prevent.

Based on the above findings, I have decided not to reject the application.

9. This continuation inquiry

For the purpose of this inquiry, the Commission will examine information from 1 July 2025 to 30 June 2026 (the inquiry period) to determine whether dumping has occurred and whether the variable factors relevant to the determination of duty have changed.

Following the inquiry, I will recommend to the Minister for Industry and Innovation and Minister for Science (the Minister) whether the notice should:

- (i) remain unaltered, or
- (ii) cease to apply to a particular exporter or to a particular kind of goods, or
- (iii) have effect in relation to a particular exporter or to exporters generally, as if different variable factors had been ascertained, or
- (iv) expire on the specified expiry day.

10. Proposed model control code structure

The Commission undertakes model matching using a Model Control Code (MCC) structure to identify key characteristics that will be used to compare the goods exported to Australia and the like goods sold domestically in the country of export.⁷

The table below is the Commission's proposed MCC structure for this inquiry.

Category	Sub-category	Identifier	Sales data	Cost data
Quality	Prime	P	Mandatory	NA
	Non-prime (e.g. damaged can)	N		
Pineapple cut	Chunks	CH	Mandatory	Mandatory
	Crushed	CR		
	Sliced	SL		
	Tidbits (includes pieces and pizza cut)	TB		
	Thin sliced	TS		
Container type	Tin can	T	Mandatory	Mandatory
	Plastic cup	P		
Container size	Container size in net weight (grams)	e.g. '850'	Mandatory	Mandatory
Packing medium	Light syrup	LS	Mandatory	Mandatory
	Heavy syrup	HS		
	Natural juice (sweetened)	NJS		
	Natural juice (unsweetened)	NJU		

Table 2: Proposed MCC structure

Interested parties may make submissions proposing modifications to the MCC structure for the Commission's consideration as soon as practicable, but no later than 23 November 2026.

11. Public record

I must maintain a public record for this inquiry. The Electronic Public Record (EPR) hosted on the Commission's website (www.atrc.gov.au) contains, among other things, a copy of all non-confidential submissions from interested parties. Documents hosted on the EPR can be provided upon request to interested parties.

12. Submissions

Interested parties, as defined in section 269T(1), are invited to lodge written submissions concerning the continuation of the anti-dumping measures no later than

23 November 2026, which is 37 days after publication of this notice.⁸ The Commission's preference is to receive submissions by email to investigations2@atrc.gov.au.

⁷ Guidance on the Commission's approach to model matching is in the Dumping and Subsidy Manual, available at www.atrc.gov.au

⁸ 37 days after the publication of this notice is 21 November 2026, however as this is a Saturday, the next working day, being 23 November 2026, is the specified due date.

Submissions may also be addressed to:

The Director,
Investigations 2
Australian Trade Remedies Commission
GPO Box 2013
Canberra ACT 2601

Interested parties wishing to participate in the inquiry must ensure that submissions are lodged promptly. Interested parties should note that I am not obliged to have regard to a submission received after the date indicated above if to do so would, in my opinion, prevent the timely placement of the SEF on the public record.

Interested parties claiming that information contained in their submission is confidential, or that the publication of the information would adversely affect their business or commercial interests, must:

- (i) provide a summary containing sufficient detail to allow a reasonable understanding of the substance of the information that does not breach that confidentiality or adversely affect those interests, or
- (ii) satisfy me that there is no way such a summary can be given to allow a reasonable understanding of the substance of the information.

Submissions containing confidential information must be clearly marked "OFFICIAL: Sensitive". Interested parties must lodge a non-confidential version or a summary of their submission in accordance with the requirement above (clearly marked "PUBLIC RECORD").

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Interested parties are invited to [subscribe](#) to receive weekly notifications on updates to cases, notices and measures on the Commission's website.

13. Lodgment of exporter questionnaires

Exporters of the goods to Australia are invited to participate in this inquiry by completing the exporter questionnaire and the associated spreadsheets by 23 November 2026.

The exporter questionnaire and the associated spreadsheets are available under the case information for case number 721. Alternatively, exporters can email investigations2@atrc.gov.au to request the exporter questionnaire and spreadsheets for completion.

14. Statement of essential facts

The dates specified in this notice for lodging submissions must be observed to enable me to report to the Minister within the legislative timeframe. I will place the statement of essential facts (SEF) on the public record on or before 2 February 2027, that is, within 110 days after the publication of this notice, or by such later date as I may allow in accordance with section 269ZHI(3). The SEF will set out the essential facts on which I propose to base a recommendation to the Minister concerning the continuation of the anti-dumping measures.

Interested parties are invited to lodge submissions in response to the SEF within 20 days of the SEF being placed on the public record. Submissions received in response to the SEF within 20 days of the SEF being placed on the public record will be taken into account in completing my report and recommendation to the Minister.

15. Report to the Minister

I will make a recommendation to the Minister in a report on or before 19 March 2027, that is, within 155 days after the date of publication of this notice, or such later date as I may allow in accordance with section 269ZHI(3).

The Minister must make a declaration within 30 days after receiving the report, or if the Minister considers there are special circumstances, such longer period, ending before the specified expiry day, as the Minister considers appropriate. If the Minister receives the report less than 30 days before the specified expiry day, the Minister must make the declaration before that day.

16. Commission contact

Enquiries about this notice may be directed to investigations2@atrc.gov.au.

David Latina
Commissioner
Australian Trade Remedies Commission

15 October 2026