



Customs Act 1901 – Part XVB

Anti-Dumping Notice No. 2018/76

Certain Pineapple Fruit - Food Service and Industrial

Exported to Australia from the Kingdom of Thailand

**Initiation of a Review of Anti-Dumping Measures relating to
Prime Products Industry Co., Ltd**

Notice under subsection 269ZC(4) of the Customs Act 1901

I, Dale Seymour, the Commissioner of the Anti-Dumping Commission (the Commission) have initiated a review of the anti-dumping measures applying to pineapple fruit - food service and industrial pineapple (FSI pineapple or 'the goods') exported to Australia from the Kingdom of Thailand (Thailand). The review will examine whether the variable factors relevant to the taking of the anti-dumping measures as they affect Prime Products Industry Co., Ltd (PPI) should be varied or revoked.

The Goods

The goods subject to anti-dumping measures, in the form of a dumping duty notice are:

Pineapple prepared or preserved in containers exceeding one litre (FSI pineapple).

Glaze and/or dehydrated pineapple are excluded from the measures.

The goods are currently classified to the tariff subheading 2008.20.00 (statistical codes 27 and 28) in Schedule 3 to the *Customs Tariff Act 1995*.

Background to the measures

The anti-dumping measures were initially imposed by public notice on 11 October 2001 by the then Minister for Justice and Customs following consideration of *Trade Remedies Branch Report No. 41* (REP 41).

These measures have subsequently been subject to three continuation inquiries, which have resulted in a continuation of the measures, with the most recent inquiry detailed in *Anti-Dumping Commission Report No. 334* (and via *Anti-Dumping Notice No. 2016/84* published on 13 September 2016).

These measures are applicable to all exporters from Thailand with the exception of Malee Sampran Public Co. and Kuiburi Fruit Canning Co.,Ltd.

The current review

An application was lodged by PPI, under subsection 269ZA(1) of the *Customs Act 1901* (the Act) for a review of the dumping duty notice in relation to the goods exported to Australia from Thailand by PPI.

Particulars of the reasons for the decision to undertake this review are detailed in *Anti-Dumping Commission Consideration Report No. 477*, which has been placed on the public record.

The review period is 1 April 2017 to 31 March 2018 and covers Prime Products Industry Co., Ltd. The review will examine whether the variable factors relevant to the taking of the measures have changed and whether the measures are no longer warranted.

After concluding the review, I will recommend to the Assistant Minister for Science, Jobs and Innovation (the Assistant Minister)¹ that the dumping duty notice:

- i. remain unaltered; or
- ii. have effect as if different variable factors had been ascertained for PPI; or
- iii. be revoked in its application to PPI.

Future Reviews

Under subsection 269ZA(2) of the Act, an application for a review must not be made earlier than 12 months after the publication of the notice implementing the original measure or the notice declaring the outcome of the last review. Once a notice declaring the outcome of a review is published (regardless of the outcome), an application for a review of measures in relation to the dumping duty notice that is the subject of these reviews cannot be made for a period of 12 months.

Public Record

A public record must be maintained for each review. The public record must contain, among other things, a copy of all submissions from interested parties.

Documents included in the public record may be examined at Commission's office by contacting the case manager on the details provided below. Alternatively, the public record is available at www.adcommission.gov.au

Lodgment of submissions

Interested parties, as defined by subsection 269T(1) of the Act, are invited to lodge written submissions concerning this review, no later than 18 June 2018, addressed to:

The Director
Investigations 3
GPO Box 2013
Canberra ACT 2601

or email investigations3@adcommission.gov.au, or fax to +61 3 8539 2499.

¹ For the purpose of this review the Minister is the Assistant Minister for Science, Jobs and Innovation.

Interested parties wishing to participate in these reviews must ensure that submissions are lodged promptly. Interested parties should note that I am not obliged to have regard to a submission received by the Commission after the date mentioned above if to do so would, in my opinion, prevent the timely placement of the statement of essential facts (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 "FOR OFFICIAL USE ONLY".

Interested parties making submissions must also provide a non-confidential version for public record (clearly marked "PUBLIC RECORD").

Statement of Essential Facts

The dates specified in this notice for lodging submissions must be observed to enable me to report to the Parliamentary Secretary within the legislative timeframe. A SEF will be placed on the public record by **28 August 2018**, or by such later date as may be allowed in accordance with section 269ZH of the Act. The SEF will set out the essential facts on which I propose to base a recommendation to the Assistant Minister. Interested parties are invited to lodge submissions in response to the SEF within 20 days of the SEF being placed on the public record

Report to the Parliamentary Secretary

Submissions received in response to the SEF will be taken into account in preparing the report and recommendation to the Assistant Minister. A recommendation to the Assistant Minister will be made in a report on or before **12 October 2018** (or such later date as is allowed).

Anti-Dumping Commission contact

Enquiries about this notice may be directed to the Case Manager on telephone number 03 8539 2437 or investigations3@adcommission.gov.au.

Dale Seymour
Commissioner
Anti-Dumping Commission

10 May 2017