



Customs Act 1901 – Part XVB

Anti-Dumping Notice No. 2018/101

Certain Pineapple Fruit – Consumer

Exported to Australia from the Kingdom of Thailand

Initiation of a Review of Anti-Dumping Measures

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 (in the form of a dumping duty notice) applying to pineapple fruit – consumer ('consumer 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 exporters of the goods from Thailand generally, have changed.

The Goods

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

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

The goods are currently classified under the tariff subheading 2008.20.00 (statistical codes 26 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. 333* (and via *Anti-Dumping Notice No. 2016/82* published on 12 September 2016).

These measures are applicable to all exporters from Thailand with the exception of Thai Pineapple Canning Industry Corp Ltd.

A history of anti-dumping measures relating to consumer pineapple exported to Australia from Thailand is provided in *Anti-Dumping Commission Consideration Report No. 478*

(CON 478) available on the Anti-Dumping Commission's (Commission) website at www.adcommission.gov.au.

The current review

This review follows an application by Prime Products Industry Co., Ltd. (PPI), under subsection 269ZA(1) of the *Customs Act 1901* (the Act) for a review of the variable factors in relation to the goods exported to Australia from Thailand by PPI.

Following consideration of this application, I decided not to reject it. Further, I considered that the review applied for should be extended to all exporters of the goods currently subject to anti-dumping measures. Therefore, pursuant to subsection 269ZC(4)(b) of the Act, I recommended to the Assistant Minister for Science, Jobs and Innovation (the Assistant Minister)¹ that the review be extended accordingly.

The Assistant Minister accepted my recommendation and requested that I undertake a review as recommended. Accordingly, I will undertake a review of the anti-dumping measures as they affect all exporters of the goods exported to Australia from Thailand.

Particulars of the reasons for the decision to undertake this review are detailed in CON 478.

The review period is 1 April 2017 to 31 March 2018. The review will examine whether the variable factors relevant to the taking of the measures have changed.

After concluding the review, I will recommend to the Assistant Minister that the dumping duty notice:

- i. remain unaltered; or
- ii. have effect as if different variable factors had been ascertained.

If an affected party considers that it can provide evidence that may satisfy me that there are reasonable grounds for determining that the anti-dumping measures are no longer warranted, that party may lodge an application² no later than 25 July 2018³ to request that I consider that evidence to extend the review of the anti-dumping measures to include revocation.

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

¹ For the purpose of this review the decision maker is the Assistant Minister.

² In accordance with section 269ZCA of the Act.

³ In accordance with subsection 269ZCB(1)(a) of the Act.

Documents included in the public record may be examined at the 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 25 July 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.

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 Assistant Minister within the legislative timeframe. A SEF will be placed on the public record by **8 October 2018**⁴, or by such later date as may be allowed in accordance with section 269ZH1 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

⁴ The legislated date is 6 October 2018, however, as this falls on a Saturday, the effective date is the following business day, being 8 October 2018.

Report to the Assistant Minister

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 **20 November 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 03 8539 2478 or by email to investigations3@adcommission.gov.au.

Dale Seymour
Commissioner
Anti-Dumping Commission

18 June 2018