



Australian Government
**Australian Customs and
Border Protection Service**

R E P O R T

CUSTOMS ACT 1901 - PART XVB

**INTERNATIONAL TRADE REMEDIES BRANCH
REPORT TO THE MINISTER NO.172d**

**REVIEW OF
ANTI-DUMPING MEASURES**

**CONSUMER PINEAPPLE
EXPORTED FROM
THAILAND**

17 September 2011

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1. SUMMARY AND RECOMMENDATIONS

This review is in response to an application by Golden Circle Limited (Golden Circle) seeking a review of the anti-dumping measures applying to consumer pineapple exported to Australia from the Kingdom of Thailand (Thailand). Exports of consumer pineapple by the Thai Pineapple Canning Industry Corp Ltd (TPC) are not covered by this review as the measures do not apply to that company.

The Australian Customs and Border Protection Service (Customs and Border Protection) examined exports of consumer pineapple to Australia during the period 1 January 2010 to 31 December 2010 (the review period) to determine if the variable factors relevant to the taking of the anti-dumping measures had changed and whether grounds existed to revoke the measures.

This report sets out the facts on which the delegate of the Chief Executive Officer (the delegate) of Customs and Border Protection is basing his recommendations to the Minister for Home Affairs (the Minister) for measures applicable to consumer pineapple from the Philippines.

A separate report, REP 172c, has been issued for the review of food service and industrial (FSI) pineapple from Thailand.

1.1 Applicable law

Division 5 of Part XVB of the Act¹ enables affected parties to apply for the review of measures. The Division also empowers the Minister to initiate such a review. The Division, among other matters:

- sets out the procedures to be followed by the Chief Executive Officer of Customs and Border Protection (CEO) in dealing with applications or requests and preparing reports for the Minister; and
- empowers the Minister, after consideration of such reports, to leave the measures unaltered or to modify them as appropriate.

The CEO's powers under this Division have been delegated to certain officers of Customs and Border Protection (the delegate).

After conducting a review of anti-dumping measures, the delegate must give the Minister a report containing recommendations².

1.2 Recommendation

The delegate recommends to the Minister that the dumping duty notice have effect in relation to exporters generally as if different variable factors had been ascertained.

The delegate recommends that the Minister sign the attached schedule (**confidential attachment 1**) and sign the attached public notice (**confidential**

¹ A reference in this report to a provision of legislation, unless otherwise specified, is a reference to the *Customs Act 1901*.

² Ss 269ZDA(1).

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attachment 2) to declare that the dumping duty notice in respect of consumer pineapple from Thailand have effect in relation to exporters the subject of this review generally as if different variable factors had been ascertained.

1.3 Findings and conclusions

Based on all available information Customs and Border Protection has found that:

- revised export prices for consumer pineapple for Thai exporters have been determined having regard to all relevant information³;
- revised normal values for consumer pineapple for Thai exporters have been determined having regard to all relevant information⁴;
- consumer pineapple exported by exporters from Thailand to Australia during the review period was dumped with a dumping margin of 56%;
- the non-injurious price for consumer pineapple can be established by using industry cost to make and sell during the review period plus the profit adjusted down achieved in 2009; and
- there are grounds to be satisfied that had the measures not been taken, the Minister would now be entitled to take them.

Based on these findings, the delegate recommends to the Minister that the measures be varied for all exporters of consumer pineapple.

³ Ss 269TAB(3)

⁴ Ss 269TAC(6)

2. INTRODUCTION

2.1 Review process

If anti-dumping measures have been taken in respect of certain goods, an affected party may consider it appropriate to review those measures as they affect a particular exporter or exporters generally.

Accordingly the affected party may apply for, or the Minister may request that the Chief Executive Officer conduct, a review of those measures if one or more of the variable factors has changed. The Minister may initiate a review at any time, however, no other interested party may apply for a review to take place earlier than 12 months since the publication of the dumping duty notice or the publication of a notice declaring the outcome of the last review of the notice.

If an application for a review of anti-dumping measures is received and not rejected, Customs and Border Protection has up to 155 days, or such longer time as the Minister may allow, to inquire and report to the Minister on the review of the measures. Within 110 days of the initiation, or such longer time as the Minister may allow, Customs and Border Protection must place on the public record a statement of essential facts on which it proposes to base its recommendation to the Minister concerning the review of the measures.

In making recommendations in its final report to the Minister, Customs and Border Protection must have regard to:

- the application for a review of the anti-dumping measures;
- any submission relating generally to the review of the measures to which the delegate has had regard for the purpose of formulating the statement of essential facts;
- this statement of essential facts; and
- any submission made in response to this statement of essential facts that is received by Customs and Border Protection within 20 days of being placed on the public record.

Customs and Border Protection may also have regard to any other matter that it considers to be relevant to the review.

In respect of a dumping duty notice, the delegate must provide a proposed recommendation to the Minister that the dumping duty notice⁵:

- remain unaltered; or
- be revoked in its application to a particular exporter or to a particular kind of goods or revoked generally; or
- have effect in relation to a particular exporter or to exporters generally as if different variable factors had been ascertained.

Following the Minister's decision, a notice will be published advising interested parties of the decision.

⁵ Ss. 269ZDA(1)(a).

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2.2 Notification and participation

On 14 January 2011, Golden Circle, the sole Australian manufacturer, lodged an application for a review of the measures⁶ applicable to pineapple, consumer and FSI, from Thailand and the Philippines.

Following consideration of the application the review of the measures commenced on 4 February 2011. The period of 1 January 2010 to 31 December 2010 was set as the review period.

Public notification of initiation of the review was made on 4 February 2011 in *The Australian* newspaper. Australian Customs Dumping Notice (ACDN) No. 2011/05 was also published.

Following an extension from the Minister, Customs and Border Protection placed the statements of essential facts for measures relating to pineapple, consumer and FSI, exported from Thailand on the public record on 3 August 2011.

This final report to the Minister for consumer pineapple from Thailand which outlines Customs and Border Protection's findings and recommendations is due on or before 17 September 2011.

Customs and Border Protection visited Golden Circle and verified data relating to costs and sales for the reviews and inquiries. A non-confidential report of the visit was placed on the public record.

No exporter cooperated for the review or inquiry. Two importers provided information for the review and inquiry.

2.3 Responses to the statement of essential facts

Customs and Border Protection received responses to the statement of essential facts (SEF) from Golden Circle and the Government of Thailand. Non-confidential versions of the submissions were placed on the public record.

2.4 History of anti-dumping measures

On 8 January 2001 Golden Circle lodged an application requesting that the Minister publish a dumping duty notice in respect of certain pineapple products (the goods) from Thailand.

The Minister accepted the recommendations in Trade Measures Report No 41 (REP 41) and published dumping duty notices for consumer pineapple exported to Australia from Thailand and FSI pineapple exported from Thailand with the exception of FSI exported by Malee Sampran Public Co.

On 22 February 2006 following consideration of applications from Golden Circle, continuation inquiries and reviews were initiated into the measures applying to consumer and FSI pineapple.

On 28 September 2006 the Minister accepted the recommendations contained within REP 110 and REP 111 to continue the anti-dumping measures applying

⁶ S.269ZB

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to both consumer and FSI pineapple for another five years and fix different variable factors in relation to the anti-dumping measures.

Following a decision of the Federal Court in April 2008 measures applying to exports of consumer pineapple from Thailand by TPC lapsed.

The measures have not been reviewed since the reviews in 2006.

The current measures for Thailand are due to expire on 17 October 2011.

On 15 April 2011 following consideration of an application by Golden Circle an investigation was initiated into the alleged dumping of:

- consumer pineapple exported from the Republic of Indonesia (Indonesia), and exported from Thailand by TPC; and
- FSI pineapple exported from Indonesia.

SEF 173a for the investigation into FSI pineapple from Indonesia and SEF 173b for the investigation into consumer pineapple from Indonesia and Thailand by TPC were issued on 3 August 2011. The final reports to the Minister for the investigations are due by 17 September 2011.

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3. GOODS SUBJECT TO THE REVIEW

3.1 Findings

The Australian industry produces consumer pineapple that has characteristics closely resembling those of consumer pineapple manufactured in Thailand and exported to Australia therefore consumer pineapple manufactured by the Australian industry are like goods⁷.

3.2 The goods and like goods

The goods subject to measures (the goods) are:

- Pineapple prepared or preserved in containers not exceeding one litre (consumer pineapple): and
- Pineapple prepared or preserved in containers exceeding one litre (food service & industrial pineapple).

Consumer pineapple and FSI pineapple are two separate goods.

3.2.1 Tariff classification

The goods are classified to the following tariff classifications in Schedule 3 to the *Customs Tariff Act 1995*:

2008.20.00	Pineapples
2008.20.00/26	Canned, in containers not exceeding one litre
2008.20.00/27	Canned, in containers exceeding one litre
2008.20.00/28	Other

There is currently no general duty imposed on goods exported from Thailand in accordance with the Thailand-Australia free trade agreement.

Special safeguard measures on canned pineapple were imposed from the date of entry into force of the Thailand-Australia Free Trade Agreement, until 31 December 2008.

Section 16A of the Tariff Act specified the quantities of Thai safeguard goods that could be imported into Australia in a particular calendar year (between 2005 through to 2008) with a 'Free' rate of customs duty, provided that other requirements of the Thailand-Australia Free Trade Agreement were met. Any safeguard goods imported in excess of these quantities during that calendar year were dutiable at the full rate of customs duty, being 5%.

3.2.2 Like goods

The issue of like goods was considered during the original investigation into consumer pineapple exported from Thailand in REP 41.

⁷ S.269T.

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In REP 41 for consumer pineapple Customs and Border Protection was satisfied that there was an Australian industry producing like goods to the goods under consideration.

Subsection 269T(1) defines like goods as 'goods that are identical in all respects to the goods under consideration or that, although not alike in all respects to the goods under consideration, have characteristics closely resembling those of the goods under consideration'.

In assessing like goods, Customs and Border Protection uses an analytical framework, which identifies different ways of examining likeness, namely physical likeness, commercial likeness, functional likeness and production likeness.

Golden Circle describes the locally produced (like) goods as prepared or preserved pineapple fruit in container sizes not exceeding one litre (typically 225g, 425-450g, and 825-850g, although other sizes are available) sold into retail stores for the consumer market.

Physical Likeness

Golden Circle stated that it produces a range of pineapple products in the above container sizes.

The range includes (but is not limited to) pineapple pieces, pineapple thins, pineapple slices and crushed pineapple.

The products can be sold in containers in either syrup or natural juice.

Sales of consumer pineapple by industry and importers that met the description of the goods and like goods were verified by Customs and Border Protection during the review.

Commercial Likeness

Golden Circle says that prepared or processed pineapple fruit is a price-sensitive product that competes directly with imports in the consumer market segment.

Customs and Border Protection collected information during the review that confirmed this direct competition.

Functional Likeness

Golden Circle stated that its locally produced products are directly substitutable for the imported goods.

Customs and Border Protection collected information during the review that confirmed the locally produced product and imported product were substitutable for each other.

Production Likeness

Verified information from industry and exporter visits during the review shows that the locally produced goods and imported goods are manufactured from similar raw materials using a similar manufacturing process.

Customs and Border Protection remains satisfied that there is an Australian industry producing like goods to the goods under consideration.

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3.3 Australian Industry

3.3.1 Preliminary findings

There is an Australian industry that is producing like goods, consisting of Golden Circle.

3.3.2 Manufacturing process

For goods to be taken as produced in Australia:

- they must be wholly or partly manufactured in Australia; and
- for the goods to be partly manufactured in Australia, at least one substantial process in the manufacture of the goods must be carried out in Australia⁸.

Golden Circle is the sole manufacturer of consumer pineapple in Australia, no other interested party has claimed during this review to be an Australian producer of consumer pineapple.

A verification visit was undertaken to Golden Circle during the review where the manufacturing process was observed and data was verified. A non-confidential version of the industry visit report is available on the public record.

Customs and Border Protection considers that at least one substantial process in the manufacture of consumer pineapple is carried out in Australia, and therefore consumer pineapple is manufactured in Australia.

⁸ Ss 269T(2) and 269T(3).

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4 MARKET

Customs and Border Protection used information from past investigations and information collected during the review in its examination of the Australian market for consumer pineapple.

Customs and Border Protection established the market for consumer pineapple for the review using information from its import database and information supplied by the industry, importers and TPC, an exporter of consumer pineapple from Thailand that is exempt from anti-dumping duties.

Customs and Border Protection identified that some imports of consumer pineapple and FSI pineapple had been incorrectly classified and these errors have been taken into account in establishing the market.

Consumer pineapple from Thailand is primarily sold to large retailers or to wholesalers that on-sell to independent stores. The goods exported contain pineapple in the form of thins, slices, pieces and crushed. The fruit is packed in either syrup or natural juice. Sales are predominantly in steel cans in sizes of 225g, 410-450g and 810-850g but may also be packaged in plastic containers.

Consumer pineapple is generally labelled and marketed as either:

- branded product (eg Golden Circle, Dole, Del Monte etc); or
- generic/housebrand or private label product (eg Homebrand, Coles Savings, Black and Gold ,Coles Choice, Aldi etc).

Each market segment generally has a distinct price point relative to the other in the market, with branded product being the most expensive and generic/housebrand (generic) product being the least expensive. Consumers generally regard branded products as being of better quality and as such a price premium is attached to the branded goods.

Therefore, whilst the pineapple fruit on the retailer's shelves competed against each other, the price points for each product varied. Branded pineapple product such as Golden Circle and Dole would always be priced above generic product such as Homebrand. Woolworths has previously stated that price points were set according to consumer demand.

Imports of consumer pineapple from Thailand in 2005 were largely generic product and held a significant share of the retail market at that time with the majority of consumer pineapple exported by TPC.

Exports of consumer pineapple from Thailand by exporters other than TPC appear to have been relatively stable in the last calendar three years apart from a significant increase in 2010.

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5. EXPORT PRICE AND NORMAL VALUE

5.1 Findings

- The export price for consumer pineapple exported by all exporters has been determined having regard to all relevant information⁹;
- The normal value for consumer pineapple exported by all exporters has been determined having regard to all relevant information¹⁰; and
- Consumer pineapple exported by all exporters during the review period was dumped, with a dumping margin of 56%.

5.2 Importers

Customs and Border Protection examined data from its import database and contacted importers of consumer pineapple from Thailand.

One importer provided documents and worksheets relating to the imports and sales but did not provide further requested information. Another importer provided requested information relating to imports and sales and was visited, a visit report was prepared but the company declined further participation.

Customs and Border Protection did not receive responses for information from the other identified importers.

5.3 Australian Industry's claims

The Australian industry claimed that one or more of the variable factors relevant to the taking of anti-dumping measures have changed¹¹.

The applicants claimed that the normal value for consumer pineapple exported from Thailand is now higher than during the original investigation.

The applicants also claimed that the export price of consumer pineapple from Thailand was stable when compared with the original investigation.

5.4 Exporters

Exporter questionnaires were sent to companies identified as suppliers of consumer pineapple from Thailand during the review period.

Customs and Border Protection did not receive responses from identified exporters.

5.4.1 Export price

Customs and Border Protection considered that sufficient information was not furnished to enable Customs and Border Protection to establish the export price using:

- the price paid or payable for the goods by the importer¹²;

⁹ Ss 269TAB(3)

¹⁰ Ss 269TAC(6)

¹¹ Ss.269ZC(2)

¹² Ss. 269TAB(1)(a)

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- the price paid at which the goods were sold by the importer less prescribed deductions¹³; or
- the price determined having regard to all the circumstances of the exportation¹⁴.

Export prices for all exporters subject to measures have been determined having regard to all relevant information¹⁵, using relevant information supplied by importers and information from the Customs and Border Protection import database.

Export price calculations are at **Confidential Attachment 3**.

5.4.2 Normal value

Customs and Border Protection did not receive information from exporters subject to the review in regards to domestic selling prices for consumer pineapple in Thailand.

Normal values for consumer pineapple exported by all exporters can be determined having regard to all relevant information¹⁶.

Customs and Border Protection has had regard to the normal value calculated for TPC in the current investigation into the alleged dumping of consumer pineapple exported from Thailand by TPC, SEF 173b refers.

Normal value calculations are at **Confidential Attachment 3**.

5.4.3 Dumping margin

Measurement of a dumping margin is not required for the purposes of revising the variable factors, however, it may be relevant to the consideration of whether measures should be revoked (refer section 7).

A dumping margin has been calculated for consumer pineapple exported by all exporters over the review period based upon a comparison of the quarterly normal values and the export prices¹⁷. The dumping margin calculated was 56%.

Dumping margin calculations are at **Confidential Attachment 3**.

¹³ Ss. 269TAB(1)(b) t

¹⁴ Ss. 269TAB(1)(c)

¹⁵ Ss. 269TAB(3)

¹⁶ Ss 269TAC(6)

¹⁷ Ss 269TACB(2)(a).

6. NON-INJURIOUS PRICE

6.1 Findings

Customs and Border Protection finds that the non-injurious price (NIP) can be established for consumer pineapple by using industry's cost to make and sell during the review period plus the profit adjusted down it achieved on consumer pineapple in 2009.

6.2 Introduction

Dumping duties may be applied where it is established that dumped imports have caused or threaten to cause injury to the Australian industry producing like goods. The level of dumping duty cannot exceed the margin of dumping, but a lesser duty may be applied if it is sufficient to remove the injury.

The calculation of the NIP provides the mechanism whereby this lesser duty provision is given effect. The NIP is the minimum price necessary to prevent the injury, or a recurrence of the injury, caused to the Australian industry by the dumping¹⁸.

Anti-dumping duties are usually based on FOB prices in the country of export. Therefore a NIP is calculated in FOB terms for the country of export.

6.3 Methods of calculating non-injurious price

The method of calculating a NIP is not given in the legislation, but it is generally derived from Australian industry's unsuppressed selling price (USP). The USP is a price at which the Australian industry might reasonably be able to sell the goods in a market unaffected by dumped imports.

Customs and Border Protection's preferred approach to establishing the USP observes the following hierarchy:

1. Industry selling prices at a time unaffected by dumping (known as an unsuppressed selling price).
2. Constructed industry prices – industry cost to make and sell plus an appropriate profit.
3. Selling prices of undumped imports

Having calculated the USP, Customs and Border Protection then calculates a NIP by deducting the costs incurred in getting the goods from the export FOB point (or another point if appropriate) to the relevant level of trade in Australia.

6.4 Australian industry's claims

Golden Circle submitted that the most appropriate method for determining the unsuppressed selling price for consumer pineapple was to use its cost to make

¹⁸ S.269TACA.

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and sell (CTMS) during the review period plus the profit it achieved on consumer pineapple in 2009. Golden Circle acknowledged that the profit for 2009 should be adjusted down to account for certain costs that were had not accounted for in Golden Circle's accounts.

6.5 Customs and Border Protection's assessment

A review into consumer pineapple from the Philippines has recently been completed. In that review Golden Circle submitted the same approach for a USP as it has for this review¹⁹.

Customs and Border Protection did not receive any responses to the proposed USP outlined in the SEF for that review.

Accordingly Customs and Border Protection considers that the USP methodology proposed by Golden Circle for the review period is appropriate.

Customs and Border Protection used Golden Circle's CTMS for 2010 for consumer pineapple plus a profit. The profit has been calculated by deducting certain costs from the 2009 profit achieved on consumer pineapple.

To establish the non-injurious price at the FOB level, deductions have been made from the unsuppressed selling price for:

- overseas freight and marine insurance;
- Australian landing and port charges;
- Customs and quarantine clearances;
- delivery charges from the port to the warehouse and to the customer and;
- sales and administration expenses and profit.

Non-injurious price calculations are at **Confidential Attachment 3**.

¹⁹ SEF 172b

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7 SHOULD MEASURES BE REVOKED

7.1 Finding

Customs and Border Protection has found that if the anti-dumping measures to which this review relates had not been taken, the Minister would be entitled to take such measures.

7.2 Introduction

After reviewing the variable factors Customs and Border Protection considered whether a recommendation to the Minister should be made to revoke the dumping duty notice published under s.269TG(1) and (2) as it applies to a particular exporter or to exporters generally.

In considering revocation, the delegate must be satisfied that, without measures in place, dumping *would* cause or threaten to cause material injury to the Australian Industry. In the absence of this satisfaction, it is not open to the delegate to make any recommendation other than that the measures be revoked.

The delegate must consider what injury (past, present or threatened) may be caused by present dumping, or dumping that is sufficiently likely to occur if existing measures were removed or varied.

This section outlines the factors Customs and Border Protection considers relevant in drawing the finding stated at 7.1 above.

7.3 Likelihood of dumping occurring

The original investigation in 2001 determined that exports of consumer pineapple from Thailand were dumped in the range 32% to 74%. The review in 2006 found that exports of consumer pineapple from Thailand were dumped and the margins were not negligible.

Customs and Border Protection has calculated a dumping margin for consumer pineapple exported from Thailand during the review period of 56%.

Customs and Border Protection considers that it is reasonable to expect that dumping of consumer pineapple exported from Thailand would likely have occurred had the measures not been taken.

7.4 Likelihood of injury in the absence of measures

During the original dumping investigation against Thailand in 2001 (REP 41) Customs and Border Protection found that dumped consumer pineapple exports from Thailand had of itself caused material injury to the Australian Industry producing like goods.

In the review and continuation of the measures in 2006 (REP 110 and 111) Customs and Border Protection found that Thai generic brand consumer pineapple products were purchased at dumped prices that significantly

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undercut the Australian industry's 'Golden Circle' brand. In general, consumers buy the 'Golden Circle' brand for a number of reasons including perceptions of quality and 'Australian made', and brand loyalty. A premium can therefore be charged for the Golden Circle brand. Purchasers of generic product tend to be driven by price rather than other factors.

Customs and Border Protection also found that generic brand product does compete with branded product to some degree. If anti-dumping measures expired on Thai exports, importer/retailers would have increased capacity to decrease prices. If retail prices of generic brand were to drop, retail sales of generic brand would be expected to increase at the expense of the Golden Circle brand and other branded product.

In absence of cooperation from relevant exporters and importers of consumer pineapple from Thailand subject to measures, there is little information to establish the types or quality of consumer pineapple being imported or the degree to which those dumped goods are competing against Golden Circle's branded product. However, Customs and Border Protection has been able to confirm that a substantial proportion of imports comprised goods that were the subject of a successful tender by one of the large retailers.

After having regard to all relevant information and in particular previous findings that dumped exports subject to measures continued to cause material injury to the Australian industry, Customs and Border Protection considers that retailers shelf prices of consumer pineapple were lower than they would have otherwise been had the goods not been dumped by 56% of the export price.

These discounted prices continued to contribute to the material injury being experienced by the Australian industry through either lost volume as consumers purchased the cheaper dumped imported goods or price depression and/or suppression as Golden Circle responded by discounting its own branded product. Ultimately the dumped imports contributed to the losses experienced by Golden Circle during the 2010 review period.

Customs and Border Protection has also had regard to information available for the investigation into the alleged dumping of consumer pineapple from Indonesia and from Thailand by TPC. In SEF 173b Customs and Border Protection has concluded that a relationship existed between the prices of standard generic and brand products and that price is a key factor in the purchasing decisions of consumers.

Customs and Border Protection also found a strong relationship between the purchase price of imported consumer pineapple and the retail prices of generic and branded pineapple and considered there is sufficient evidence to consider that retail selling prices for standard generic consumer pineapple were lower than what they would have otherwise been had the goods not been exported at significantly dumped prices.

The market analysis and the price under cutting analysis are at **Confidential Attachment 4**.

Customs and Border Protection is satisfied that:

- had the measures not been taken, imports of consumer pineapple from Thailand by exporters subject to this review would likely have been exported at dumped prices, and

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- the dumped consumer pineapple would likely have led to the material injury previously experienced by the Australian industry in the form of price undercutting, loss of sales volume, price suppression, and reduced profitability.

7.5 Conclusion

Customs and Border Protection's finding is that if the anti-dumping measures had not been taken, the Minister would have been entitled to take such measures as:

- exports of consumer pineapple from Thailand were dumped during the review period;
- imports of consumer pineapple from Thailand have undercut industry prices;
- Golden Circle appears to have lost sales volumes to imports from Thailand; and
- exports of consumer pineapple from Thailand would increase at dumped prices that would cause material injury to the industry.

Customs and Border Protection does not recommend that the Minister revoke the measures.

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8 EFFECT OF THE REVIEW

As a result of this review, Customs and Border Protection has found that the export price and normal value for all exporters of consumer pineapple to Australia have increased. The non-injurious price has also increased.

From this review of the variable factors, the normal value is the operative²⁰ measure for consumer pineapple exported from Thailand. The outcome of the review will see the level of interim dumping duties increased.

²⁰ The operative measure is the lesser of the normal value or non-injurious price. The difference between the revised operative measures and the revised export prices provide for the fixed component of interim dumping duty per unit.

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9 RECOMMENDATIONS

Customs and Border Protection recommends that the Minister considers this report, and if agreed, sign the attached schedules (**confidential attachment 1 and 2**) and sign the attached public notice (**confidential attachment 3**) to **declare**:

- under s. 269ZDB of the Act, that, for the purpose of the Act and the *Customs Tariff (Anti-Dumping) Act 1975*, to the extent that the anti-dumping measures concerned involved the publication of a dumping duty notice, that, with effect from the date of publication of the notice, the notice is taken to have effect in relation to exporters the subject of this review generally as if different variable factors had been fixed in respect of those exporters, relevant to the determination of duty.

Customs and Border Protection recommends that the Minister **be satisfied** that:

- in accordance with s. 269TAB(3) of the Act, sufficient information has not been furnished or is not available to enable export prices for consumer pineapple exported to Australia from Thailand by all exporters the subject of this review to be ascertained under the preceding subsections of s. 269TAB of the Act and;
- in accordance with s. 269TAC(6) of the Act, sufficient information has not been furnished or is not available to enable normal values for consumer pineapple exported to Australia from Thailand by all exporters the subject of this review to be ascertained under the preceding subsections of s. 269TAC of the Act.

Customs and Border Protection recommends that the Minister **determine**:

- in accordance with s. 269TAB(3) of the Act, the export prices for consumer pineapple exported to Australia from Thailand by all exporters the subject of this review is the amount having regard to all relevant information and;
- in accordance with s. 269TAC(6) of the Act, the normal value for consumer pineapple exported to Australia from Thailand by all exporters the subject of this review is the amount having regard to all relevant information.

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10 CONFIDENTIAL ATTACHMENTS

Confidential attachment 1	Schedule – determine
Confidential attachment 2	Section 269ZDB public notice
Confidential attachment 3	Export prices, normal values, dumping margins, USP and NIP.
Confidential attachment 4	Market and price undercutting.

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