



AUSTRALIAN CUSTOMS DUMPING NOTICE NO. 2006/05

PINEAPPLE FRUIT

EXPORTED FROM THAILAND

Initiation of a review and continuation inquiry of anti-dumping measures

Sections 269ZC and 269ZHD of the *Customs Act 1901*

The Australian Customs Service (Customs) has commenced a review and a continuation inquiry in relation to anti-dumping measures applying to pineapple fruit, prepared or preserved in containers, exported from Thailand to Australia.

The goods covered by this notice are pineapple fruit, prepared or preserved in containers (pineapple fruit), imported into Australia:

- in cans not exceeding 1 litre under tariff classification 2008.20.00/26;
- in cans exceeding 1 litre under tariff classification 2008.20.00/27; and
- in all other containers, regardless of size, under tariff classification 2008.20.00/28.

The rate of duty for the goods exported from Thailand is free.

A notice under ss. 269ZC and 269 ZHC of the *Customs Act 1901* (the Act) advising initiation of this review and continuation inquiry was published in *The Australian* newspaper on 22 February 2006.

Background to Measures

Anti-dumping measures were imposed on 18 October 2001 following Trade Measures Report No. 41. One exporter, Malee Sampran Public Co. Limited (Malee) was exempt from measures applying to imports of pineapple fruit exceeding 1 litre.

There have been no reviews of anti-dumping measures for pineapple fruit since the imposition of measures.

The Review

The review, following an application made by the Australian manufacturer Golden Circle Limited (GCL) under s. 269ZA of the Act, will examine exports of pineapple fruit from Thailand to Australia over the period 1 January 2005 to 31 December 2005.

At the conclusion of the review, Customs will recommend to the Minister whether the notice:

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

The Continuation Inquiry

On 1 December 2005 Customs gave public notice that anti-dumping measures in respect of pineapple juice concentrate and pineapple fruit (prepared or preserved in containers) from

Thailand were due to expire on 17 October 2006. The notice invited interested parties to apply for continuation of the measures. One exporter, Malee, was exempt from measures applying to imports of pineapple fruit exceeding 1 litre.

Customs has received an application from GCL, under s. 269ZHB the Act, for the continuation of anti-dumping measures applying to pineapple fruit exported from Thailand to Australia until the year 2011.

During its inquiry Customs will examine exports of pineapple fruit from Thailand to Australia since the imposition of measures and recommend to the Minister whether the expiration of the measures would lead, or would be likely to lead, to a continuation of, or a recurrence of, the dumping and the material injury that the anti-dumping measure is intended to prevent.

Procedures for the Review and the Continuation Inquiry

Interested parties (as defined) are invited to respond to this notice and should lodge submissions, no later than the close of business on 3 April 2006, with:

	Director Trade Measures Operations 1
by post	Australian Customs Service 5 Constitution Avenue CANBERRA ACT 2601
by fax	(02) 6275 6990
by e-mail	tmops1@customs.gov.au.

Parties to the review may be granted an extension of time for lodgement of a submission, provided the request is in writing and is reasonable and practical given the circumstances. Parties responding by the specified date will have an opportunity to lodge supplementary submissions in reply to matters raised by other parties.

Submissions to the continuation inquiry should address the question of whether the continued application of the anti-dumping measures is necessary to prevent the continuation or recurrence of material injury caused by dumping.

All interested parties wishing to participate must ensure that their submissions are lodged promptly. The legislation allows Customs to disregard any submissions that are received after specified periods if there is insufficient time remaining for their proper consideration.

Confidential submissions must be clearly marked "In-Confidence". In addition, two non-confidential copies of the submission must be provided and marked "Public Record".

Section 269ZJ of the Act requires that if a person claims information is confidential, or claims that publication of the information would adversely affect their business or commercial interests, that person:

- must provide a summary containing sufficient detail to allow a reasonable understanding of the substance of the information, or
- must satisfy the CEO of Customs that there is no way such a summary can be given to allow a reasonable understanding of the substance of the information.

Non-confidential submissions, and a copy of relevant correspondence between Customs and other persons, will be placed on the public record. Interested parties (as defined) are invited to examine the public record. Please ring Trade Measures Branch management on (02) 6275 6057 for an appointment.

A statement of essential facts in relation to the review and the continuation inquiry will be placed on the public record by 12 June 2006 (or by such later date as the Minister may allow in accordance with s. 269ZH of the Act), setting out the facts on which the Chief Executive Officer of Customs proposes to base the recommendations to the Minister. Parties are invited to make

submissions to Customs in response to the statement of essential facts within 20 days of that statement being placed on the public record.

A report and recommendations to the Minister will be made by 27 July 2006 (or by such later date as the Minister may allow in accordance with s. 269ZHI of the Act).

Inquiries concerning this notice may be directed to the case manager on telephone number (02) 6275 6387, fax number (02) 6275 6990 or e-mail tmops1@customs.gov.au.

Andrew Rice
National Manager
Trade Measures Branch
CANBERRA ACT

22 February 2006