



## **AUSTRALIAN CUSTOMS DUMPING NOTICE NO. 2006/10**

### **Pineapple prepared or preserved in containers exported from the People's Republic of China and the Philippines - initiation of an investigation into alleged dumping**

#### **The application**

The Australian Customs Service (Customs) has initiated an investigation into the alleged dumping of pineapple prepared or preserved in containers exported to Australia from the People's Republic of China (China) and the Philippines. The goods are consumer and food service industrial (FSI) pineapple. Golden Circle Limited, the sole member of the Australian industry, lodged the application for anti-dumping duties.

The application alleges that both consumer and FSI pineapple have been exported to Australia at prices less than their normal value and that the resultant dumping has caused material injury to the Australian industry through: lost volume, lost market share, price undercutting, reduced profit and profitability, reduced capacity utilisation, reduced revenues, reduced return on investment and an inability to re-invest due to poor returns.

The public version of the application, available to interested parties on request, contains the basis of the alleged dumping.

A notice under subsection 269TC(4) of the *Customs Act 1901* advising initiation of this investigation was published in *The Australian* on 10 April 2006. Interested parties are invited to provide written submissions in response to that notice.

#### **The goods**

The goods under investigation are:

- prepared or preserved pineapple in syrup or juice in container sizes not exceeding 1 litre (consumer pineapple); and
- prepared or preserved pineapple in syrup or juice in container sizes more than 1 litre (FSI pineapple).

The goods are classified to the *Customs Tariff Act 1995* as follows:

2008.20.00/26 Pineapples canned, in containers not exceeding one litre  
2008.20.00/27 Pineapples canned, in containers exceeding one litre  
2008.20.00/28 Pineapples other (in all other containers regardless of size)

The rate of duty for China and the Philippines is 5%

#### **Investigation process**

The investigation period is 1 January 2005 to 31 December 2005. Customs will examine exports to Australia of the goods under consideration during that period to determine whether dumping has occurred. Customs will examine details of the Australian market since 1 January 2002 for injury analysis.

In reaching its findings Customs must consider whether:

- (a) the export price of consumer and FSI pineapple that has already been exported to Australia is less than the normal value of those goods; and
- (b) the export price of consumer and FSI pineapple that may be exported to Australia in the future may be less than the normal value of the goods; and
- (c) because of that, material injury to the Australian industry producing like goods has been caused and is likely to continue.

### **Lodgement of submissions**

Interested parties are advised to lodge submissions no later than the close of business on 20 May 2006, addressed to:

The Director  
Trade Measures, Operations 1  
Australian Customs Service  
Customs House  
5 Constitution Avenue  
CANBERRA ACT 2601

Interested parties 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. Interested parties responding by the specified date will have an opportunity to lodge supplementary submissions in reply to matters raised by other parties. The due date for any supplementary submissions is 18 August 2006.

Interested parties wishing to participate in the investigation must ensure that submissions are lodged promptly. The legislation confers upon Customs the power to disregard submissions received after specified periods if there is insufficient time remaining for their proper consideration.

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

- provide a summary containing sufficient detail to allow a reasonable understanding of the substance of the information, or
- satisfy the CEO 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 "In-Confidence".

Interested parties may lodge a non-confidential version or a summary of their submission in accordance with the requirement above. In either case interested parties must provide two copies of each for the public record.

The public record may be examined at:

Trade Measures Branch  
Customs House  
5 Constitution Avenue  
CANBERRA ACT 2601

To access the public record, contact Trade Measures office management on telephone number (02) 6275 6547.

### **Provisional measures**

A preliminary affirmative determination may be made not less than 60 days from the date of initiation. Provisional measures may be imposed after the preliminary determination has been made.

**Statement of essential facts**

The dates specified in this notice for lodging submissions must be observed to enable Customs to report to the Minister within the legislative timeframe. A statement of essential facts will be placed on the public record by 29 July 2006 (or by such later date as the Minister may allow). The statement will set out the material findings of fact on which Customs intends to base its recommendation to the Minister. That statement will invite interested parties to respond, within 20 days, to the issues raised.

**Report to the Minister**

Submissions received in response to the statement will be taken into account in completing the report and recommendation to the Minister. A recommendation to the Minister will be made in a report due on or before 12 September 2006 (or such later date as the Minister may allow).

**Customs contact**

Enquiries concerning this notice may be directed to Nick Ward on telephone number (02) 6275 5001, fax number (02) 6275 6990 or e-mail [tmops1@customs.gov.au](mailto:tmops1@customs.gov.au). All dumping notices are available on the Internet.

Andrew Rice  
National Manager  
Trade Measures Branch  
CANBERRA ACT

10 April 2006