



AUSTRALIAN CUSTOMS DUMPING NOTICE NO. 2006/52

Certain Preserved Mushrooms

People's Republic of China

Variation of Dumping Duty Notice

Findings in relation to a dumping reinvestigation

The Australian Customs Service (Customs) has completed its reinvestigation of a reviewable decision made by the Minister for Justice and Customs (Minister) to publish a dumping duty notice under paragraphs 269TG(1) and (2) of the *Customs Act 1901* (the Act) on 12 January 2006 in respect of preserved mushrooms of the genus *Agaricus*, whole, sliced or as stems and pieces, in brine, sauce or some other preserving medium, packed in containers, including bottles, cans, bags, pails and barrels exported to Australia from the People's Republic of China (China).

Trade Measures Report No. 99A (the Report), sets out the findings made by the delegate of the Chief Executive Officer of Customs as a result of the reinvestigation. The Report also sets out the evidence and other material on which the findings are based and the reasons for the delegate's decision.

The Report is available on request from the Trade Measures Branch, telephone number (02) 6275 6547 or on the internet at <http://www.customs.gov.au>. The Report contains details about the reinvestigation and should be read in conjunction with this notice.

Following its reinvestigation, Customs affirms its original findings that:

- preserved mushrooms produced by the Australian industry, being preserved mushrooms other than those preserved only in brine, are like goods to the goods under consideration;
- exports of preserved mushrooms from China by Fujian Provincial Cereals, Oils & Foodstuffs Import/Export Corporation Xiamen Company, Fujian Zishan Group Co. Ltd, Xiamen Fortune Import & Export Co Ltd and all other exporters, (except Jiangsu Cereals, Oils and Foodstuffs Import/Export Group Corp) were dumped;
- the Australian industry suffered injury in the form of price undercutting, price suppression, price depression, reduced profits and profitability and underutilisation of capacity;
- preserved mushrooms exported from China at dumped prices caused material injury to the Australian industry; and
- exports of preserved mushrooms from China in the future may be at dumped prices and the continued dumping may cause further material injury to the Australian industry.

Customs makes a new finding that the dumping duty notice does not apply to exports of preserved mushrooms from China by Xiamen Gulong Import & Export Co Ltd.

On 9 November 2006 the Minister accepted the findings in the Report. As a result, the dumping duty notice will be varied as follows:

- (a) the dumping duty notice does not apply to goods and like goods exported from China to Australia by Jiangsu Cereals, Oils and Foodstuffs Import/Export Group Corp and Xiamen Gulong Import & Export Co Ltd, and
- (b) the dumping duty notice is to be taken to have effect as if different variable factors had been fixed in respect of all other exporters not referred to in paragraph (a).

The Minister has published a notice under section 269ZZM of the Act in *The Australian* newspaper on 21 November 2006. The notice varies the "Public Notice under section 269TG(1) & (2) of the *Customs Act 1901*" published on 12 January 2006, with effect from 30 September 2005, in respect of certain preserved mushrooms exported from China (the earlier notice).

If an amount of interim dumping duty has been paid on goods the subject of the earlier notice which is in excess of the amount of interim dumping duty that would have been payable on those goods as a result of this decision the person who paid the interim duty may apply for a refund of the excess under Division 3 of Part VIII of the Act. Enquiries regarding refunds should be directed to the Dumping Liaison Hotline on telephone number (02) 6275 6066.

Enquiries concerning Customs reinvestigation may be directed to the Manager, Operations 4, on telephone number (02) 6275 6763 or by facsimile number (02) 6275 6990 or by email tmops4@customs.gov.au. Bona fide importers may obtain details of the varied measures applicable from the Regional Dumping Liaison Officers in their respective capital city.

Andrew Rice
National Manager
Trade Measures Branch

21 November 2006