



## **AUSTRALIAN CUSTOMS DUMPING NOTICE NO. 2007/25**

### **Pineapple prepared or preserved in containers exported from the People's Republic of China and the Philippines**

#### **Reinvestigation of certain dumping findings**

The Minister for Justice and Customs (the Minister) has accepted recommendations made by the Trade Measures Review Officer (TMRO) and has requested the Chief Executive Officer (CEO) of Customs to reinvestigate certain findings relating to Customs' 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 as detailed in Trade Measures Report No. 112.

The TMRO's recommendations arose from a review conducted by the TMRO of the Minister's decision to publish a notice under subsections 269TG(1) and 269TG(2) of the *Customs Act 1901* in respect of pineapple prepared or preserved in containers from China and the Philippines. The applicants for review were SPC Ardmona Operations Ltd (SPCA), Del Monte Philippines Inc (Del Monte), GTL Limited (GTL) and HJ Heinz Company Australia Ltd.

The TMRO recommended that the Minister require the CEO of Customs to reinvestigate findings in relation to the following matters:

- the export price determined for GTL and Del Monte;
- the conclusion that FSI and consumer pineapple are "separate goods" for the purposes of an analysis of the domestic market;
- the characterisation of FSI and consumer pineapple as close processed agricultural products;
- the determination of an unsuppressed selling price based on Golden Circle Limited's cost to make and sell in circumstances where that data may not be suitable; and
- SPCA does not form part of the Australian industry producing like goods.

The Minister has directed Customs to report the result of the reinvestigation to him on or before 12 August 2007.

Enquiries about this notice may be directed to the reinvestigation team, telephone 02 6275 6734, facsimile number 02 6275 6888 or e-mail [tmops4@customs.gov.au](mailto:tmops4@customs.gov.au).

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