



AUSTRALIAN CUSTOMS DUMPING NOTICE NO. 2006/35

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

Preliminary affirmative determination
& imposition of securities

Customs Act 1901 – Part XVB

On 10 April 2006 the Australian Customs Service (Customs) commenced an investigation into the alleged dumping of:

- pineapple prepared or preserved in containers not exceeding one litre (consumer pineapple); and
- pineapple prepared or preserved in containers exceeding one litre (food service and industrial (FSI) pineapple)

exported to Australia from the People's Republic of China (China) and the Philippines. The investigation was initiated following an application lodged by Golden Circle Limited, the sole member of the Australian industry.

The goods the subject of the application are classified to tariff subheading 2008.20.00 in Schedule 3 of the *Customs Tariff Act 1995*.

The Chief Executive Officer of Customs (CEO) has terminated the investigation in respect of consumer pineapple exported from China. The termination was made under s. 269TDA(3) of the *Customs Act 1901* (the Act) due to negligible volumes of dumping.

After considering the application, and those submissions concerning the publication of the dumping duty notice sought by the application that were received within 40 days of initiation, the delegate of the CEO is satisfied that there appears to be sufficient grounds for the publication of a dumping duty notice in respect of:

- consumer pineapple exported from the Philippines; and
- FSI pineapple exported from China and the Philippines.

The delegate of the CEO is satisfied that it is necessary to take securities to prevent material injury occurring to the Australian industry while the investigation continues. Customs will require and take securities under s. 42 of the Act in respect of any interim dumping duty that may become payable in respect of consumer pineapple exported from the Philippines; and FSI pineapple exported from China and the Philippines entered for home consumption on or after 11 August 2006.

Particulars of the dumping margins established for each of the exporters and an explanation of the methods used to compare export prices to normal values to establish those dumping margins are set out in the following table:

Goods	Country of Export	Exporter	Dumping Margin Range	Method to Establish Margin
Consumer pineapple	The Philippines	Dole Philippines Incorporated	50 to 70%	Comparison of weighted average export prices with weighted average normal values over the investigation period.
Consumer pineapple	The Philippines	All other exporters	50 to 70%	Comparison of weighted average export prices with weighted average normal values over the investigation period.
FSI pineapple	China	All exporters	10 to 20%	Comparison of weighted average export prices with weighted average normal values over the investigation period.
FSI pineapple	The Philippines	Dole Philippines Incorporated	10 to 50%	Comparison of weighted average export prices with weighted average normal values over the investigation period.
FSI pineapple	The Philippines	All other exporters	10 to 50%	Comparison of weighted average export prices with weighted average normal values over the investigation period.

In making this preliminary affirmative determination, Customs' investigation found:

- in relation to consumer pineapple, that imports of consumer pineapple at dumped prices from the Philippines have caused material injury to the Australian industry producing like goods in the form of loss of sales volume, loss of market share, price undercutting and reduced revenue; and
- in relation to FSI pineapple, that imports of FSI pineapple at dumped prices from China and the Philippines have caused material injury to the Australian industry producing like goods in the form of loss of sales volume, loss of market share, price undercutting, price suppression, reduced profitability and reduced revenue.

A statement of essential facts (SEF) No. 112 was placed on the public record on 28 July 2006. The SEF contains the facts on which Customs proposes to base a recommendation to the Minister in relation to the application. Interested parties (as defined by s. 269T of the Act) have an opportunity to respond to the SEF. Submissions in response to the SEF should be made to Customs by 17 August 2006.

The SEF and the preliminary affirmative determination report are available on the internet at www.customs.gov.au.

Customs is due to report to the Minister with its recommendations on or before 12 September 2006. The Minister will then decide whether to publish a dumping duty notice imposing measures and, if relevant, the level of the measures to be imposed. Depending on the Minister's decision, any securities taken may be converted to interim dumping duty or refunded.

Enquiries concerning this notice may be directed to the case officer on fax number (02) 6275 6990 or email tmops1@customs.gov.au.

ANDREW RICE

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CANBERRA ACT

11 August 2006