



Dumping Commodity Register

Tomatoes, prepared or preserved Exported from Italy

Document release date	Brief description of change(s)
27 March 2017	Addition of securities for one exporter
3 April 2017	Correction to Feger rates and removal of La Doria from dumping measures following ADRP decision.
28 April 2017	Addition of manufacturer/supplier relationships
5 May 2017	Implementation of new measures following a review of commodity (except La Doria and Feger).
6 July 2017	Removal of securities for Brunella Food Industry Addition of manufacturer/supplier relationship
31 July 2017	Addition of manufacturer/supplier relationships
16 February 2018	Update to measures for Mutti S.p.A and Princes S.p.A following ADRP review and incorrectly applied measures.
20 February 2018	Change of calculation method for those exporters with 0% effective rate of duty.
23 March 2018	Addition of securities for Della Peruta Vincenzo S.p.A
10 April 2018	Addition of manufacturer/supplier relationship
2 May 2018	Adjustment to duty assessment importation periods
19 June 2018	Measures imposed for Della Peruta Vincenzo S.p.A
15 August 2018	Addition of supplier Italian Food & Wine SRL to manufacturer Davia S.p.A

Note:

DCRs notify the outcomes of finalised investigations and should be read in conjunction with any relevant current investigations, such as reviews and inquiries. Please refer to the [Cases page](#) on the website to locate any current information for this commodity.

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Question	Response
<p>1. What countries do measures apply to?</p>	<p>On 16 April 2014, anti-dumping measures in the form of interim dumping duties (IDD) were imposed on tomatoes, prepared or preserved (tomatoes), exported from Italy, except for exports by LA Doria S.p.A and Feger Di Gerardo Ferraioli S.p.A. For more information please refer to the Final Report REP 217 and Anti-dumping Notice 2014/32.</p> <p>On 11 February 2017, with an effective date of 12 February 2017, anti-dumping measures in the form of IDD were imposed on tomatoes, exported from Italy by Feger Di Gerardo Ferraioli S.p.A (Feger). For more information please refer to the Final Report REP 276 and Anti-dumping Notice 2016/13.</p> <p>On 5 May 2017, with an effective date of 6 May 2017, IDD rates were varied following a review of the anti-dumping measures. For more information please refer to the Final Report REP 354 and ADN 2017/47.</p> <p>On 19 February 2018, with an effective date of 20 February 2018, anti-dumping measures for exporters with an effective rate of duty of 0% were changed from a combination method to a floor price method. For more information please refer to the Section 8 Notice.</p>
<p>2. What types of tomatoes are subject to anti-dumping measures?</p>	<p>The ‘description of goods’ subject to measures are: Tomatoes, whether peeled or unpeeled, prepared or preserved otherwise than by vinegar or acetic acid, either whole or in pieces (including diced, chopped or crushed), with or without other ingredients (including vegetables, herbs or spices) in packs not exceeding 1.14 litres in volume.</p> <p>The following descriptions are <i>excluded</i> from measures, exemption type “GOODS” applies:</p> <ul style="list-style-type: none"> • Pastes, purees, sauces, pasta sauces, juices and sundried tomatoes. <p>For more information about the description of the goods subject to measures, please refer to the Final Report REP 354.</p> <p><u>Please Note:</u></p> <ol style="list-style-type: none"> 1. When importing goods into the country importers are required to self-assess whether the imported goods meet the goods description outlined above and whether anti-dumping measures apply. 2. The Anti-Dumping Commission is not in a position to provide advice on whether certain goods meet the description above. 3. The use of exemption types is subject to monitoring by the Anti-Dumping Commission (the Commission) and the Department of Immigration and Border Protection (DIBP).

<p>3. How much Interim Dumping Duties (IDD) will an importer have to pay?</p>	<p><u>IDD – all exporters (except La Doria S.p.A, Calispa, De Clemente, Le Specialita Italiane, La Vera Napoli and Residual Exporters)</u></p> <p>IDD is in the form of a fixed and variable measure. The total IDD liability is calculated as follows:</p> <ul style="list-style-type: none"> • fixed component of IDD: dumping export price (DXP) or ascertained export price (AEP), whichever is the greatest, multiplied by the applicable IDD ad valorem duty rate; plus • variable component of IDD: the amount, if any, by which the DXP is lower than the AEP. <p><u>IDD – Calispa S.p.A, De Clemente S.p.A, Le Specialita Italiane S.r.L, La Vera Napoli Soc. Coop. Agr and Residual Exporters</u></p> <p>IDD is in the form of a floor price measure. The total IDD liability is the amount, if any, by which the DXP is lower than the normal value (NV).</p>
<p>4. Example of how to calculate the Interim Dumping Duties (IDD) liability</p>	<p><u>Fixed and variable measures</u></p> <p>The following is an example of how to calculate the IDD liability.</p> <ul style="list-style-type: none"> • DXP = AUD \$1,000 (Free-On-Board (FOB), cash) • AEP = AUD \$2,000 (FOB, cash) • IDD ad valorem rate = 10% <p><u>Fixed component of IDD:</u> The higher of the DXP (\$1,000) or AEP (\$2,000) multiplied by the IDD ad valorem rate (10%) \$2,000 x 10% = \$200</p> <p><u>Variable component of IDD:</u> the amount, if any, by which the DXP (\$1,000) is lower than the AEP (\$2,000) \$2,000 - \$1,000 = \$1,000</p> <p>Total IDD liability: \$1,200 (\$200 + \$1,000)</p> <p><u>Floor Price measures</u></p> <p>The following is an example of how to calculate the IDD liability of a floor price measure.</p> <ul style="list-style-type: none"> • DXP = AUD \$1,000 (Free-On-Board (FOB), cash) • NV = AUD \$2,000 (FOB, cash) <p>IDD liability The amount, if any, by which the DXP (\$1,000), is lower than the NV (\$2,000): \$2,000 - \$1,000 (DXP) = \$1,000</p>

5. What is the dumping export price (DXP) and how do I calculate it?

The DXP refers to the actual export price of the exported goods. The DXP should reflect the total export (invoice) price of the goods being entered, not the unit price of the goods.

The DXP should be recorded on the relevant Full Import Declaration for the goods in the same terms as the AEP for the goods. Calculating the DXP may involve adjusting the actual export invoice price of the goods to the terms specified for the AEP.

For example, if the AEP terms are “FOB, cash” and the actual invoice terms of the goods are “CIF, 60 days, packed”, the following adjustments will need to be made in order to calculate the DXP at FOB, cash level.

- step 1 - an adjustment for interest on credit terms will need to be made; and
- step 2 - the overseas freight and insurance components will need to be subtracted from the export invoice price.

Where suitable evidence cannot be proffered by the importer of the interest rate, then 1.0% per month (0.033% per day) should be applied to the actual invoice price credit terms.

An example of adjusting for credit and incoterms is provided below:

- Invoice terms = CIF, 60 days
- Specified terms = FOB, cash
- Export price - invoice amount = \$1,000
- Marine insurance and ocean freight amount = \$100

Step 1 - adjust for credit terms

1. 1% per month interest rate should be applied to the invoiced price credit terms (i.e. 30 days = 1%)
2. If the invoiced CIF, 60 days price is \$1,000, then the CIF, cash price = \$980 (\$1,000 less 2%)

Step 2 - adjust for incoterms

3. Adjust for freight and insurance to calculate DXP at FOB, cash equivalent
4. CIF, cash price of \$980 minus freight and insurance amount of \$100 = \$880
5. The DXP price = \$880 FOB, cash

For further instructions/examples on how to calculate the DXP, please refer to the [Anti-Dumping Commission website](#).

<p>6. What information is needed to complete an import declaration for goods subject to measures?</p>	<p>The information required by an importer or Customs broker to complete an import declaration for goods subject to IDD/DSA is:</p> <ul style="list-style-type: none"> • DXP; • Dumping Specification Number (DSN) or exemption type (where appropriate); • Country (this is usually country of origin or export country); • Tariff classification and statistical code; • Exporter / supplier; and • Quantity. <p>Please see below to determine which DSN applies to the exporter of your goods.</p> <p>Further advice on how to complete an import declaration for goods subject to anti-dumping measures is available on the Anti-Dumping Commission website</p>																																								
<p>7. What DSN do I use for my imported goods and what are the rates for my exporter?</p>	<p>The following DSNs apply to goods exported from Italy and entered for home consumption on or after 12 February 2017.</p> <table border="1" data-bbox="506 719 1892 1370"> <thead> <tr> <th>Exporter</th> <th>CCID</th> <th>Description</th> <th>Measure</th> <th>Effective Rate of Duty</th> <th>Ascertained Export Price</th> <th>Export Terms</th> <th>DSN</th> </tr> </thead> <tbody> <tr> <td colspan="8">Italy</td> </tr> <tr> <td><u>La Doria S.p.A.</u></td> <td>CCC4994744X CCF3497477R</td> <td>All types</td> <td></td> <td></td> <td></td> <td>Exempt</td> <td></td> </tr> <tr> <td><u>La Doria S.p.A.</u> supplied through: <u>FJ Tytherleigh Italia S.R.L.</u>; or <u>Conga Foods Pty Ltd</u>; or <u>Orange & Green Pty Ltd</u>; or <u>Corex S.p.A.</u>; or <u>Fiamma Vesuviana S.r.l Ltd</u></td> <td>CCC6739447C CCE3369376Y 96327180764 CCJ3744997M 49095541996 CCE7663797W CCH7397974H CEG6739664Y CCC7476937K</td> <td>All types</td> <td></td> <td></td> <td></td> <td>Exempt Importers/brokers entering goods manufactured by La Doria and supplied indirectly through these traders are to use the listed DSN. A zero duty liability will be calculated.</td> <td>52</td> </tr> <tr> <td><u>Feger Di Gerardo Ferraioli S.p.A.</u> supplied directly or through <u>FJ Tytherleigh Italia S.R.L.</u>; or <u>Leo's Imports and Distributors</u></td> <td>CCC7797347E CCC6739447C CCE3369376Y 26006238928 CEJ6947966A</td> <td>All types</td> <td>IDD</td> <td>2.3%</td> <td>Confidential</td> <td>FOB, cash</td> <td>55</td> </tr> </tbody> </table>	Exporter	CCID	Description	Measure	Effective Rate of Duty	Ascertained Export Price	Export Terms	DSN	Italy								<u>La Doria S.p.A.</u>	CCC4994744X CCF3497477R	All types				Exempt		<u>La Doria S.p.A.</u> supplied through: <u>FJ Tytherleigh Italia S.R.L.</u> ; or <u>Conga Foods Pty Ltd</u> ; or <u>Orange & Green Pty Ltd</u> ; or <u>Corex S.p.A.</u> ; or <u>Fiamma Vesuviana S.r.l Ltd</u>	CCC6739447C CCE3369376Y 96327180764 CCJ3744997M 49095541996 CCE7663797W CCH7397974H CEG6739664Y CCC7476937K	All types				Exempt Importers/brokers entering goods manufactured by La Doria and supplied indirectly through these traders are to use the listed DSN. A zero duty liability will be calculated.	52	<u>Feger Di Gerardo Ferraioli S.p.A.</u> supplied directly or through <u>FJ Tytherleigh Italia S.R.L.</u> ; or <u>Leo's Imports and Distributors</u>	CCC7797347E CCC6739447C CCE3369376Y 26006238928 CEJ6947966A	All types	IDD	2.3%	Confidential	FOB, cash	55
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7. What DSN do I use for my imported goods and what are the rates for my exporter? (continued)

The following DSNs apply to goods exported from Italy and entered for home consumption on or after 6 May 2017.

Exporter	CCID	Description	Measure	Effective Rate of Duty	Ascertained Export Price	Export Terms	DSN
Italy							
<u>Conserve Italia Soc. Coop Agr</u> supplied directly or through <u>FJ Tytherleigh Italia S.R.L.</u> ; or <u>Conga Foods Pty Ltd</u> ; or <u>Foreign Trade Centre Pty Ltd</u> ; or <u>Global Procurement Pty Ltd</u> ; or <u>Pastificio Attilio Mastromauro S.R.L</u>	CCE3437966P CCC6739447C CCE3369376Y 96327180764 84069511977 54003432755 CCW6947767Y CCW6947767Y	All types	IDD	5.4%	Confidential	FOB, 60 Days	56
<u>AR Industrie Alimentari S.p.A</u>	CCX3646676N CCE4497446N CEJ3364366F	All types	IDD	17.8%	Confidential	FOB, 60 Days	59
<u>Mutti S.p.A.</u>	CCG4739794K	All types	IDD	3.9%	Confidential	FOB, 60 Days	71
<u>Princes Industrie Alimentari S.R.L.</u> supplied directly or through <u>Conga Foods Pty Ltd</u> or <u>Princes Foods B V</u>	CEJ3663374A CEJ4764347E 96327180764 CCG7763347Y CEC6793696W CEY4646964W	All types	IDD	0.1%	Confidential	EXW, Cash	72
<u>All other exporters</u>		All types	IDD	118%	Confidential	FOB, 60 Days	64

Please Note:

1. The actual duty liability may be higher than the effective rate of duty published due to the variable component of IDD.
2. IDD and AEP are considered confidential. Please see below on how importers can request the rates.

7. What DSN do I use for my imported goods and what are the rates for my exporter? (continued)

The following DSNs apply to goods exported from Italy and entered for home consumption on or after 20 February 2018.

Exporter	CCID	Description	Measure	Normal Value	Export Terms	DSN
Italy (continued)						
<u>Calispa S.p.A. Industria Conserve Alimentari</u> Supplied directly or through <u>Leo's Imports and Distributors</u> <u>Metafora Group S.r.l</u>	CER3674949A CCR9977339C 26006238928 CEJ6947966A CFG3934663H	All types	IDD – Floor Price	Confidential	FOB, 60 Days	73
<u>De Clemente Conserve S.p.A.</u> supplied directly or through <u>Italcomes s.r.l</u> ; or <u>Leo's Imports and Distributors</u> ; or <u>Famor italia s.r.l</u> ; or <u>FJ Tytherleigh Italia S.R.L</u> ; or <u>Corex S.p.A</u> ; or <u>F.Divella S.p.A.</u>	CCF6367336X CEJ6947966A 26006238928 CCM7449349X CEA3379679G CEG7974479P CCC6739447C CCE3369376Y CCE7663797W CCH7397974H CEG6739664Y CCC4977799A CCF6969376N CCE6994364R CCF7793637R	All types	IDD – Floor Price	Confidential	FOB, cash	74
<u>Le Specialita' Italiane S.R.L</u>	CET9677796T	All types	IDD – Floor Price	Confidential	FOB, 60 Days	75
<u>La Vera Napoli Soc. Coop. Agr</u> supplied directly or through: <u>Fiamma Vesuviana S.r.L</u>	CFK9336496R CCF7674476R	All Types	IDD – Floor Price	Confidential	FOB, 30 Days	76
<u>Della Peruta Vincenzo S.p.A</u>	CFL6447979H	All types	IDD – Floor Price	Confidential	FOB, cash	79
<u>Residual exporters</u> (see question 8 below)		All types	IDD – Floor Price	Confidential	FOB, 60 Days	77

Please Note: The normal value is considered confidential. Please see below on how importers can request the rates.

8. Which exporters and associated suppliers are considered residual exporters/suppliers?

The following residual exporters from Italy are subject to DSN 77 as described above.

Exporter	Supplied By	CCID
Alfonso Sellitto S.p.A	Coppola Foods Ltd	CEG4969734A CET9667663N CFP3436439X
Attianese S.p.A.		CEG7937676P
Conserve Manfuso S.R.L		CER4946773A CFE7446496A CCN6644763T
Davia S.p.A	Famor Italia (S.R.L) Corex SpA Italian Food & Wine SRL	CET6446667M CCM7449349X CCH7397974H CFF9494973E
F.P.D S.R.L	Bioitalia Distribuzione S.R.L	CFF7396769G CER9433497E CEJ9643463C
Felice Conserve S.R.L		CET4463663F
Giaguaro S.p.A		CCE3476647T
ICAB S.p.A La Fiammante		CCN9464949A CCX4679997F
I.M.C.A. S.p.A		CCE4646764H CCG4947943G CEL9469943H
La Regina del Pomodoro S.R.L.		CFC9967943W CFF9746739M
Nolana Conserve S.R.L.		CCT7796774M CEG3797763K
Pancrazio S.p.A		CCF4377366J CEJ6333963L CCE9696633N
Rispoli Luigi E C (S.R.L.)	Agritalia S.R.L. Famor Italia (S.R.L) Campo Societa Cooperativa Agricola	CCJ6377946E CCE4476446L CCM7449349X CCM7776344P

<p>9. How do I find out the confidential rate and ascertained export price for my exporter?</p>	<p>The IDD ad valorem rate and the AEP for each DSN are considered confidential and will not be published.</p> <p>Importers of these goods may be provided with the confidential IDD ad valorem rate and the AEP, however the onus is on the importer to substantiate their commercial relationship with an exporter/supplier of their goods by providing evidence of:</p> <ul style="list-style-type: none"> • A previous trading history with a nominated exporter/supplier of the goods. Evidence of a trading history would take the form of at least commercial invoices, packing list and bills of lading from previous shipments. Additional documentation may be requested by the Commission; or • In the absence of a trading history, an offer or a quotation from an exporter/supplier of goods subject to dumping/countervailing measures. The offer or quotation must be on the exporter/supplier's company letterhead – emails will not generally be accepted. <p>Requests and evidence should be sent to clientsupport@adcommission.gov.au</p> <p>Please note:</p> <ol style="list-style-type: none"> 1. Any requests for the confidential information that do not include sufficient evidence as outlined above will be rejected. 2. Only as much of the confidential information as is necessary to enter the goods will be provided. <p>The ABF will conduct monitoring of imports subject to anti-dumping measures consistent with its published policy.</p>				
<p>10. Are there any exporters exempt from anti-dumping measures?</p>	<p>All exporters and suppliers of tomatoes from Italy are subject to IDD except La Doria S.p.A.</p> <p>The 'all other exporters' rate of IDD will apply to exported goods unless an importer has evidence that the goods are being supplied either directly by a named exporter or through a linked supplier.</p>				
<p>11. How long are the measures in place for?</p>	<p>The measures have been imposed for five years, unless revoked earlier.</p> <p>In the case of tomatoes exported from Italy the measures are in place until 16 April 2019.</p> <p>In the case of tomatoes exported from Italy by Feger, the measures are in place until 11 February 2021.</p>				
<p>12. What tariff classifications and statistical codes are covered by the anti-dumping measures?</p>	<p>Goods subject to measures should be classified using the tariff sub-headings and associated statistical codes below:</p> <table border="1" data-bbox="714 1249 1373 1345"> <thead> <tr> <th>Tariff subheading</th> <th>Statistical code</th> </tr> </thead> <tbody> <tr> <td>2002.10.00</td> <td>60</td> </tr> </tbody> </table> <p>Where importers are unclear on the correct tariff classification of their goods, it is recommended they contact the DIBP on 131 881 for further advice.</p>	Tariff subheading	Statistical code	2002.10.00	60
Tariff subheading	Statistical code				
2002.10.00	60				

13. What are the duty assessment importation and application period dates?

An importer of goods on which an IDD has been paid, may lodge an application with the Commissioner requesting that the Parliamentary Secretary make an assessment of the final liability of those goods to duty.

This usually occurs when an importer considers that the IDD paid in respect of goods exceed the total amount payable (i.e. importers consider they are entitled to a refund of duties). In relation to IDD, an importer may consider that the dumping margin for the goods is now less than it was during the investigation period, or that its exporter is no longer dumping, and as a result it has paid more duty than it should have paid.

There are a series of time frames fixed by legislation that govern the duty assessment system (referred to as importation periods). The duty assessment importation periods and application dates for tomatoes from Italy are as follows:

Tomatoes, Prepared or Preserved (Except Feger)

Importation Period	Application Period
16 April 2018 - 15 October 2018	16 October 2018 - 15 March 2019
16 October 2018 - 15 April 2019	16 April 2019 - 15 October 2019

Feger Di Gerardo Ferraioli S.p.A.

Importation Period	Application Period
11 February 2018 - 10 August 2018	11 August 2018 - 10 February 2019
11 August 2018 - 10 February 2019	11 February 2019 - 10 August 2019
11 February 2019 - 10 August 2019	11 August 2019 - 10 February 2020
11 August 2019 - 10 February 2020	11 February 2020 - 10 August 2020
11 February 2020 - 10 August 2020	11 August 2020 - 10 February 2021
11 August 2020 - 10 February 2021	11 February 2021 - 10 August 2021

More information about duty assessments is available on the [Anti-Dumping Commission website](#).