



**Australian Government**  
**Australian Customs and  
Border Protection Service**

## **AUSTRALIAN CUSTOMS DUMPING NOTICE NO. 2013/09**

### **Food service and industrial pineapple**

#### **Exported from Thailand**

#### **Extension of a review of anti-dumping measures**

On 16 January 2013, the Minister for Home Affairs (the Minister) requested in writing that the Chief Executive Officer (CEO) of the Australian Customs and Border Protection Service (Customs and Border Protection) extend the current variable factors review in respect of food service and industrial (FSI) pineapple exported to Australia from Thailand by Tipco Foods Public Company Ltd (Tipco) to all exporters pursuant to section 269ZC of the *Customs Act 1901* (the Act).

In accordance with subsection 269ZC(7) of the Act, on 25 January 2013 the CEO gave public notice in *The Australian* newspaper that it is proposed to extend the current variable factors review in respect of FSI pineapple exported to Australia from Thailand by Tipco to all exporters.

The original variable factors review was initiated in relation to the exports of Tipco on 19 December 2012. Australian Customs Dumping Notice (ACDN) No. 2012/65 provides the background to the measures, details of the application for review and outlines the key dates for the review.

The goods subject to anti-dumping measures, in the form of dumping duty notices, are FSI pineapple. FSI pineapple is described as pineapple prepared or preserved in containers exceeding one litre.

FSI pineapple is classified to tariff subheading 2008.20.00, statistical code 27 and 28 in Schedule 3 of the *Customs Tariff Act 1995 (Cth)*. There is currently no general duty imposed on goods exported from Thailand in accordance with the Thailand-Australia Free Trade Agreement.

#### **The extended review**

The review period is 1 October 2011 to 30 September 2012.

The review will examine changes to the variable factors applying to all exporters and will not examine whether the measures as they relate to exporters from Thailand are no longer warranted.

After concluding the review, Customs and Border Protection will recommend to the Minister that the dumping duty notice:

- i. remain unaltered; or

- ii. have effect as if different variable factors had been ascertained.

### **Lodgement of submissions**

Interested parties are invited to lodge written submissions concerning this review not later than 7 **March 2013** with:

The Director  
Operations 1, International Trade Remedies Branch  
Australian Customs and Border Protection Service  
5 Constitution Avenue  
Canberra ACT 2601

or by email [itrops1@customs.gov.au](mailto:itrops1@customs.gov.au), or fax number 02 6275 6990.

Interested parties wishing to participate in the review must ensure that submissions are lodged promptly. Interested parties should note that the CEO is not obliged to have regard to a submission received by Customs and Border Protection after the end of the period mentioned above if to do so would, in the CEO's opinion, prevent the timely placement of the statement of essential facts on the public record.

The CEO must maintain a public record of each inquiry and review. The public record must contain, among other things, a copy of all submissions from interested parties. Letters and electronic mail are generally regarded as submissions if they contain information relevant to the inquiry or review.

Submissions containing confidential information must clearly be marked "For Official Use Only".

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

- provide a summary containing sufficient detail to allow a reasonable understanding of the information that does not breach that confidentiality or adversely affect those interests; 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.

Interested parties must also lodge a non-confidential version or summary of their submission in accordance with the requirement above. All non-confidential submissions will be placed on the public record for this review. Further direction on the provision of information for the public record is available at

<http://www.customs.gov.au/webdata/resources/files/ACDN201242Provisionofinformationforthepublicrecord.pdf>.

Interested parties wishing to examine the public record may do so on the internet at <http://www.customs.gov.au/anti-dumping/cases/default.asp> or in person at Customs House, 5 Constitution Avenue, Canberra ACT during business hours by contacting the International Trade Remedies office on 02 6275 6547.

**Statement of essential facts and final report**

As outlined in ACDN 2012/65, a statement of the essential facts on which the CEO proposes to base a recommendation to the Minister will be placed on the public record by 8 April 2013, or such longer period as the Minister allows.

Interested parties are invited to lodge submissions in response to the statement of essential facts within 20 days of that statement being placed on the public record. These submissions should also be lodged with Customs and Border Protection at the above mail, fax or email addresses.

A final report and recommendation to the Minister will be made on or before 23 May 2013, or such longer period as the Minister allows.

**Customs and Border Protection contact**

Enquiries about the review may be directed to the case team on telephone number 02 6275 5675 or email [itrops1@customs.gov.au](mailto:itrops1@customs.gov.au).

Kim Farrant  
National Manager  
International Trade Remedies Branch  
29 January 2013