



ANTI-DUMPING NOTICE NO. 2013/85
Prepared or Preserved Tomatoes
Exported from Italy
Preliminary Affirmative Determination and Imposition of
Securities

Customs Act 1901 – Part XVB

On 11 July 2013 the Anti-Dumping Commissioner (the Commissioner) initiated an investigation into the alleged dumping of prepared or preserved tomatoes exported to Australia from Italy following an application lodged by SPC Ardmona Operations Limited.

A full description of the goods is available in Anti-Dumping Notice (ADN) No. 2013/59. This ADN is available on the internet at www.adcommission.gov.au

In accordance with paragraph 269TD(4)(a) of the *Customs Act 1901* (the Act), the Commissioner gives public notice that, on 1 November 2013, a preliminary affirmative determination has been made that there appears to be sufficient grounds for the publication of a dumping duty notice in respect of the goods exported to Australia from Italy.

In reaching this preliminary decision, the Commissioner is satisfied that dumped goods appear to have caused material injury to the Australian industry producing like goods.

The Commissioner's preliminary analysis of dumping margins is tabulated below.

Manufacturer/Exporter	Preliminary Dumping margin
La Doria S.p.A.	negligible
Conserve Italia Soc. Coop Agr	negligible
COREX S.p.A.	7.88%
De Clemente Conserve S.p.A	6.5%
Feger di Gerardo Ferraioli S.p.A.	9.11%
Princes Industrie Alimentari SRL	8.16%
Residual exporters	
Attianese S.p.A.	8.62%
Rispoli Luigi & C (S.R.L.)	8.62%
Fiamma Vesuviana Srl	8.62%
Greci Industria Alimentare S.p.A.	8.62%
Menu Srl	8.62%
Mutti S.p.A.	8.62%
Nolana Conserve Srl	8.62%
Steriltom Srl	8.62%

Uncooperative exporters (All other)	9.11%
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Preliminary affirmative determination report no 217 sets out the reasons for making this preliminary determination, and has been placed on the public record, available at www.adcommission.gov.au

Alternatively, the public record may be examined at the Commission office by contacting the case manager on the details provided below.

At the time of making the preliminary affirmative determination, the Australian Customs and Border Protection Service is satisfied that securities should be required and taken under section 42 of the Act in respect of interim dumping duty that may become payable in respect of the goods from Italy, as it is necessary to require and take securities in order to prevent material injury occurring to the Australian industry while the investigation continues.

Securities will be taken in respect of any interim dumping duty that may become payable in respect of the goods entered for home consumption on or after 1 November 2013.

These securities will be imposed at the rate specified in the above table. A zero rate of interim dumping duty will apply to La Doria S.p.A. and Conserve Italia Soc. Coop Agr.

The actual security liability may be higher than the effective rate of security due to a number of factors. Affected parties should contact the Commission by phone 1300 884 159 or +61 2 6275 6066 (outside Australia) or at clientsupport@adcommission.gov.au for further information regarding the actual security liability calculation in their particular circumstance.

The Commissioner must report to the Minister for Industry (the Minister) with final recommendations in relation to this investigation on or before 30 January 2014. The Minister will then decide whether to publish a dumping notice and, if relevant, the level of measures to be imposed.

Enquiries about this notice may be directed to the case manager on telephone number 02 6274 4948, fax number 1300 882 506 or +61 2 6275 6888 (outside Australia) or at operations1@adcommission.gov.au

Scott Wilson
A/g National Manager Operations
Anti-Dumping Commission

1 November 2013