



CUSTOMS ACT 1901 - PART XVB

STATEMENT OF ESSENTIAL FACTS
NO. 213/220

CONTINUATION INQUIRY
AND
REVIEW OF ANTI-DUMPING MEASURES

PROCESSED DRIED CURRANTS
EXPORTED FROM GREECE

29 October 2013

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ABBREVIATIONS

\$	Australian dollars
the Act	<i>Customs Act 1901</i>
Aeghion	Agricultural Co-Operative Union Aeghion
APDF	Australian Premium Dried Fruits Pty Ltd
AUD	Australian dollars
CIF	cost, insurance and freight
the Commission	The Anti-Dumping Commission
the Commissioner	The Anti-Dumping Commissioner
CTMS	Cost to make & sell
Currants	Processed dried currants
EUR	Euros
FOB	Free on board
Frutex	Frutex Australia Pty Ltd
the goods	the goods the subject of the application (also referred to as the goods under consideration or GUC)
the Minister	The Minister for Industry
REP 140	Trade Measures Report No. 140
REP 149	Trade Measures Report No. 149
REP 192	International Trade Remedies Report No. 192
Scalzo	Scalzo Trading Co Pty Ltd
SEF	Statement of Essential Facts
Sunbeam	Sunbeam Foods Pty Ltd

1 SUMMARY AND RECOMMENDATIONS

This report provides the preliminary results of the consideration of an application lodged by Sunbeam Foods Pty Ltd (Sunbeam) for the continuation of anti-dumping measures applying to processed dried currants (currants) exported to Australia from Greece.

This report also provides the preliminary results of the request from the Minister for Home Affairs¹ for a review of anti-dumping measures applying to currants exported from Greece.

1.1 Proposed recommendations

The Anti-Dumping Commission (the Commission) is proposing to recommend to the Minister for Industry (the Minister) that:

- he take steps to continue the anti-dumping measures that relate to currants exported to Australia from Greece; and
- the dumping duty notice have effect in relation to Agricultural Co-Operative Union Aeghion (Aeghion) and other exporters generally, as if different variable factors had been ascertained.

1.2 Application of law to facts

Division 6A of Part XVB of the *Customs Act 1901* (the Act)² provides for the Anti-Dumping Commissioner (the Commissioner) to alert interested parties to the impending expiry of measures and provide certain interested parties with an opportunity, before those measures expire, to apply for a continuation of those measures. The Division:

- sets out the consequences if no application is made;
- outlines the procedure to be followed by the Commissioner in dealing with an application and preparing a report for the Minister; and
- empowers the Minister, after consideration of that report, either to decide that the measures will expire or to take steps to ensure the continuation of measures.

The Commissioner must not recommend that the Minister take steps to secure the continuation of the anti-dumping measures unless the Commissioner is satisfied that the expiration of the measures would lead, or would be likely to lead, to a continuation of, or a recurrence of, the dumping and the material injury that the anti-dumping measures are intended to prevent.

¹ Prior to 25 September 2013, anti-dumping matters were the responsibility of the Minister for Home Affairs. On 25 September 2013, responsibility for anti-dumping matters was transferred to the Minister for Industry.

² A reference to a division, section or subsection in this report is a reference to a provision of the Act, unless otherwise specified.

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Division 5 of Part XVB of the Act enables affected parties to apply for the review of measures. The Division also empowers the Minister to initiate such a review. The Division, among other matters:

- sets out the procedures to be followed by the Commissioner in dealing with applications or requests and preparing reports for the Minister; and
- empowers the Minister, after consideration of such reports, to leave the measures unaltered or to modify them as appropriate.

After conducting a review of anti-dumping measures, the Commissioner must give the Minister a report containing his recommendations in relation to the review.

The Commissioner's powers have been delegated to certain officers of the Commission.

1.3 Preliminary findings and conclusions

1.3.1 Continuation inquiry

Based on the evidence currently available, the Commission is preliminarily satisfied that:

- currants have been exported to Australia from Greece between 1 July 2012 to 30 June 2013 at dumped prices;
- the dumping is likely to continue; and
- the expiration of measures would likely lead to a continuation of, or a recurrence of, the material injury that the anti-dumping measures were intended to prevent.

Based on these preliminary findings, and subject to any submissions received in response to this combined statement of essential facts (SEF), the Commission proposes to recommend that the Minister take steps to secure the continuation of anti-dumping measures applying to currants exported from Greece from the expiry date of 14 January 2014, at the level ascertained by the review of variable factors (see below).

1.3.2 Review of measures

Based on available evidence, the Commission is preliminarily satisfied that the export prices, normal values and non-injurious price relevant to the taking of anti-dumping measures in relation to Aeghion and other exporters from Greece have changed.

Consequently, in light of the preliminary findings of the continuation inquiry, the Commission proposes to recommend that the Minister ascertain new variable factors relating to currants exported to Australia from Greece.

2 BACKGROUND

2.1 Continuation inquiry process

Dumping duty notices (that have not been earlier revoked) automatically expire five years after the date on which they were published, unless the Minister decides to continue them.

Not later than nine months before a dumping duty notice expires, the Commission must publicly announce that anti-dumping measures are due to expire and invite certain interested parties to apply within 60 days for continuation of the anti-dumping measures. If no application for continuation is received by the Commission within the period allowed, the anti-dumping measures expire on the specified date.

If an application for continuation of anti-dumping measures is received, and not rejected, the Commission has up to 155 days, or such longer period as the Minister allows, to inquire and report to the Minister on whether continuation of the anti-dumping measures is justified. Within 110 days of the initiation notice, or such longer period as the Minister allows, the Commission must place on the public record a SEF on which it proposes to base its recommendation to the Minister.

Before recommending the continuation of the anti-dumping measures, the Commission must be satisfied that the expiration of the anti-dumping measures would lead, or would be likely to lead, to a continuation of, or a recurrence of, the dumping and the material injury that the anti-dumping measures were intended to prevent.

Where the Minister decides to continue anti-dumping measures, the dumping duty notice will remain in force after the specified date for a further period of five years (unless the relevant notice is revoked before the end of that period).

In making recommendations in the final report to the Minister, the Commissioner must have regard to:

- the application for continuation of the anti-dumping measures;
- any submission relating generally to the continuation of the anti-dumping measures to which the Commissioner has had regard for the purpose of formulating this SEF;
- this SEF; and
- any submission made in response to this SEF that is received by the Commission within 20 days of the SEF being placed on the public record.

The Commissioner may also have regard to any other matter that he or she considers to be relevant to the inquiry.

Following the Minister's decision, a notice will be published advising interested parties of the decision.

2.2 Review process

If anti-dumping measures have been taken in respect of certain goods, the Minister may request that the Commissioner conduct a review of those measures if one or more of the variable factors has changed. The Minister may initiate a review at any time.

When a review of anti-dumping measures is requested by the Minister, the Commission has up to 155 days, or such longer time as the Minister may allow, to inquire and report to the Minister on the review of the measures. Within 110 days of the initiation, or such longer time as the Minister may allow, the Commission must place on the public record a SEF on which it proposes to base its recommendation to the Minister concerning the review of the measures.

In making recommendations in its final report to the Minister, the Commission must have regard to:

- any submission relating generally to the review of the measures to which the delegate has had regard for the purpose of formulating this SEF;
- this SEF; and
- any submission made in response to this SEF that is received by the Commission within 20 days of being placed on the public record.

The Commission may also have regard to any other matter that it considers to be relevant to the review.

The Commission must provide a proposed recommendation to the Minister that the dumping duty notice³:

- remain unaltered; or
- be revoked in its application to a particular exporter or to a particular kind of goods or revoked generally; or
- have effect in relation to a particular exporter or to exporters generally as if different variable factors had been ascertained.

Following the Minister's decision, a notice will be published advising interested parties of the decision.

2.3 Notification and participation

Anti-dumping measures applying to currants from Greece are due to expire on 14 January 2014.

On 5 April 2013, the Australian Customs and Border Protection Service⁴ published a notice in *The Australian* newspaper inviting certain persons to apply for the

³ Section 269ZDA(1)(a) of the Act.

⁴ Prior to 1 July 2013, the administration of Australia's anti-dumping system resided with the Australian Customs and Border Protection Service. On 1 July 2013, the Anti-Dumping Commission was established to administer the anti-dumping system.

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continuation of the anti-dumping measures that apply to currants exported to Australia from Greece. On 3 June 2013, Sunbeam, a manufacturer of currants in Australia, lodged an application for the continuation of the anti-dumping measures.

Following consideration of the application, the inquiry was initiated on 11 July 2013. Public notification of initiation of the inquiry was made in *The Australian* newspaper on 11 July 2013. Anti-Dumping Notice No. 2013/52 provides further details of the initiation and is available at www.adcommission.gov.au.

On 25 July 2013, the Commission initiated a review of anti-dumping measures applying to currants exported from Greece after a request was made by the Minister for Home Affairs. The period of 1 July 2012 to 30 June 2013 was set as the review period, and covers all exporters of the goods from Greece. Public notification of initiation of the review was made on 25 July 2013 in *The Australian* newspaper. Anti-Dumping Notice No. 2013/61 provides further details of the initiation and is available at www.adcommission.gov.au.

The Commission visited Sunbeam, representing the majority of the Australian industry, to verify data contained in its application for a continuation of anti-dumping measures. The Commission also visited Dried Fruits Australia, the industry association representing growers of currants, to collect information in respect of the growers. Non-confidential reports of the visits are on the public record.

The Commission also contacted Australian Premium Dried Fruits Pty Ltd (APDF), an Australian processor of currants, however APDF decided not to participate with this inquiry and review.

The Commission identified two companies that imported currants from Greece during the review period. An importer questionnaire was provided to one of these importers, Frutex Australia Pty Ltd (Frutex), a major importer of currants from Greece, requesting information relating to its importations of currants and its sales of these imports into the Australian market.

The Commission visited Frutex and verified data contained in the importer questionnaire response. A non-confidential report of the visit is on the public record.

The Commission contacted Scalzo Trading Co Pty Ltd (Scalzo), a minor importer of currants from Greece, and requested source documents relating to its imports of currants from Greece during the review period and the subsequent sale of these imports into the Australian market. Due to the relatively small volume of imports, the Commission did not visit Scalzo.

The Commission sent correspondence inviting all known exporters of currants from Greece during the review period to complete an exporter questionnaire and cooperate with the continuation inquiry and review. A completed exporter questionnaire response was received from Aeghion. The Commission decided not to visit Aeghion. The non-confidential exporter questionnaire response and a report detailing the calculation of its dumping margin are on the public record.

The Commission contacted four end-users of currants to discuss issues raised by Sunbeam and Frutex during the respective visits and other issues relevant to the inquiry and review. A report detailing the discussions is on the public record.

During the course of the inquiry and review, the Commission received three submissions, two from Sunbeam and one from Dried Fruits Australia. The submissions are on the public record.

2.4 Responding to this SEF

This combined SEF sets out the essential facts on which the Commission proposes to base its final recommendations to the Minister in relation to the continuation inquiry and review.

This SEF represents an important stage in the inquiry and review. It informs interested parties of the facts established and allows them to make submissions in response to the SEF.

It is important to note that the SEF may not represent the final views of the Commission.

Interested parties have 20 days to respond to the SEF. The Commission will consider these responses in making its final report to the Minister. Responses to this SEF should be received by the Commission no later than **18 November 2013**. The Commission is not obliged to have regard to any submission made in response to the SEF received after this date if to do so would, in the opinion of the Commissioner, prevent the timely preparation of the report to the Minister.

Submissions should preferably be emailed to operations2@adcommission.gov.au.

Alternatively, they may be sent to fax number +61 2 6275 6990, or posted to:

Director Operations 2
Anti-Dumping Commission
5 Constitution Avenue
CANBERRA ACT 2601
AUSTRALIA

Confidential submissions must be clearly marked accordingly and a non-confidential version of any submission is required for inclusion on the public record.

A guide for making submissions is available on the Commission's web site at www.adcommission.gov.au.

The public record contains non-confidential submissions by interested parties, the non-confidential versions of the Commission's reports and other publicly available documents. It is available by request in hard copy in Canberra (phone (02) 6275 6547 to make an appointment), or online at www.adcommission.gov.au

Documents on the public record should be read in conjunction with this SEF.

2.5 Final report

Submissions received in response to this SEF will be taken into account in completing the report and recommendation to the Minister.

The final report for the continuation inquiry is due no later than 13 December 2013 and for the review by 27 December 2013. However, as with this SEF, the Commission intends to report to the Minister in relation to both the continuation inquiry and review on **13 December 2013**.

2.6 History of anti-dumping measures

4 March 2008 Sunbeam lodged an application requesting that the then Minister publish a dumping duty notice in respect of currants exported to Australia from Greece.

6 January 2009 The then Minister published a dumping duty notice applying to currants exported from Greece after accepting the recommendations made in Trade Measures Report No. 140 (REP 140).

This decision was subject to a reinvestigation following an appeal to the Trade Measures Review Officer and the original decision was affirmed by the Minister on 4 November 2009 (after accepting the recommendations contained in Trade Measures Report No. 149 (REP 149)).

13 May 2013 The measures relating to exports of currants from Greece by Aeghion were subject to a review and the Minister subsequently revised the measures in so far as they relate to Aeghion (after accepting the recommendations in International Trade Remedies Report No. 192 (REP 192)).

The anti-dumping measures on currants as far as they relate to all exporters other than Aeghion have not been reviewed since their introduction in 2009.

3 THE GOODS AND LIKE GOODS

3.1 Preliminary finding

The Australian industry produces currants that have characteristics closely resembling those of currants produced in Greece and exported to Australia. Therefore currants manufactured by the Australian industry are like goods⁵.

3.2 The goods

The goods subject to anti-dumping measures are processed dried currants of the grape variety *Vitis Vinifera L. Black Corinth*. Sultanas, muscat raisins, unprocessed currants or blended dried fruit mixtures are excluded from the definition of the goods.

Sunbeam defined the meaning of “processed” in the context of dried currants as:

Processing of sun dried currants involves a multi-staged procedure which includes the separation of good fruit from stems, capstems, poor fruit, grit, and other foreign matter through a riddle and cone system. The fruit is then washed and passes to a dewatering procedure via a spinner and the fruit then passes onto a belt where it is examined and unsuitable fruit or foreign matter not removed earlier is removed via hand-picking. Finally, a light oil is sprayed onto the fruit before packing for sale.

3.3 Tariff classification

The goods are currently correctly classified to tariff subheading 0806.20.00, statistical code 29 in Schedule 3 of the *Customs Tariff Act 1995*.

The rate of duty for the goods exported from Greece is 5 per cent.

3.4 Like goods

In the original investigation, it was found that the Australian industry, comprising of Sunbeam and several other smaller processors, manufactured like goods to the goods exported to Australia from Greece.

During the course of this inquiry and review, the Commission did not receive any submissions that suggest that the Australian industry no longer manufactures like goods. In particular, the Commission finds that the Australian industry, comprising of Sunbeam, APDF and Murray River Organics, manufactures currants that have characteristics closely resembling the goods because it:

- is made from the same raw materials;
- is manufactured using similar processes and to similar standards;
- has similar physical characteristics;
- competes in price with the imported goods; and
- can be substituted for imported currants in a variety of end-use applications.

⁵ In terms of section 269T of the Act.

4 THE AUSTRALIAN INDUSTRY

4.1 Preliminary finding

The like goods were wholly manufactured in Australia and there is an Australian industry consisting of persons who produce like goods in Australia in the form of Sunbeam, APDF, Murray River Organics and the growers of currants.

4.2 Production of currants

For goods to be taken as produced in Australia:

- they must be wholly or partly manufactured in Australia⁶; and
- for the goods to be partly manufactured in Australia, at least one substantial process in the manufacture of the goods must be carried out in Australia⁷.

During the visit to Sunbeam, it was confirmed that currants are wholly or partly manufactured in Australia and at least one substantial process in the manufacture of currants is carried out at its Irymple facility.

While Sunbeam is the major manufacture of currants in Australia, there are two other manufactures of currants in Australia – APDF and Murray River Organics.

4.3 Close processed agricultural goods

Where the like goods are close processed agricultural goods, the Australian industry in respect of those close processed agricultural goods consists not only of the person or persons producing the processed goods, but also the person or persons producing the raw agricultural goods from which the processed goods are derived⁸.

The processed agricultural goods derived from raw agricultural goods can be taken to be close processed agricultural goods where the Minister is satisfied that:

- (a) the raw agricultural goods are devoted substantially or completely to the processed agricultural goods; and
- (b) the processed agricultural goods are derived substantially or completely from the raw agricultural goods; and
- (c) either:
 - (i) there is a close relationship between the price of processed agricultural goods and the price of the raw agricultural goods; or
 - (ii) a significant part of the production cost of the processed agricultural goods, whether or not there is a market in Australia for those goods, is,

⁶ Section 269T(2) of the Act.

⁷ Section 269T(3) of the Act.

⁸ Section 269T(4A) of the Act.

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or would be, constituted by the cost to the producer of those goods of the raw agricultural goods.⁹

The Commission is satisfied that currants, consistent with the above, are close processed agricultural goods, and therefore, the Australian industry of currants consists of not only the processors of currants, but also the growers of the currants.

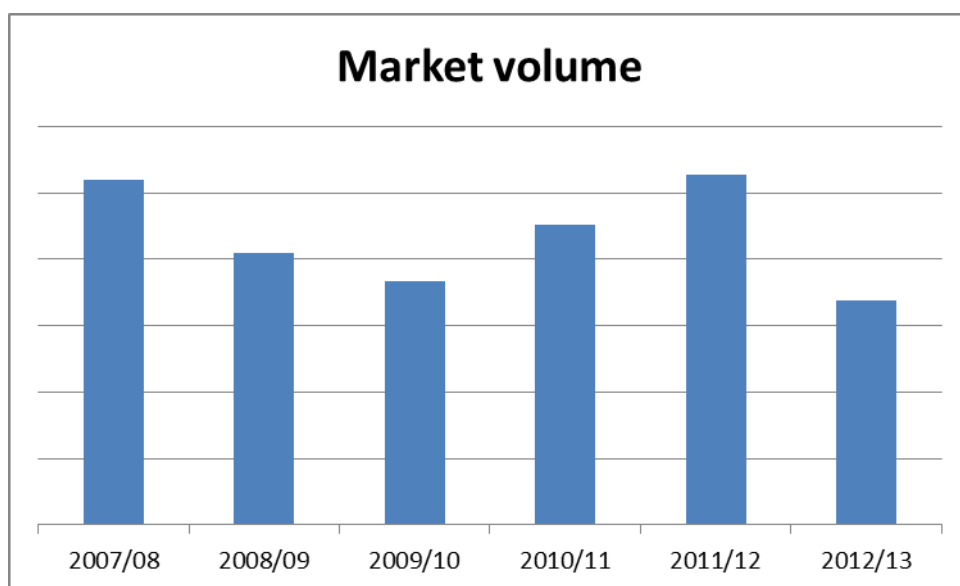
⁹ Section 269T(4B) of the Act

5 AUSTRALIAN MARKET

5.1 Market size

The currants market in Australia is supplied by Australian production, imports from Greece and imports from other countries.

Based on Sunbeam’s sales data and import data from the Australian Customs and Border Protection Service’s import database, the market size of currants in Australia during the review period was approximately 1,740 tonnes. Below is a graph showing the Australian currants market size from 2007/08 (the investigation period in the original investigation) to 2012/13 (**confidential attachment 1**).



The market size declined between 2007/08 and 2009/10 before recovering in 2010/11 and 2011/12. In 2012/13, the market for currants declined again.

5.2 Market structure

Currants are generally used as ingredients in further food manufacturing applications and are sold into two main market segments in Australia, namely the retail and industrial food market segments. These market segments can be differentiated by the package size sold in the respective markets as outlined in the table below:

Packaging size	Market segment
225g	Retail
300g	Retail
750g	Retail
1kg	Retail

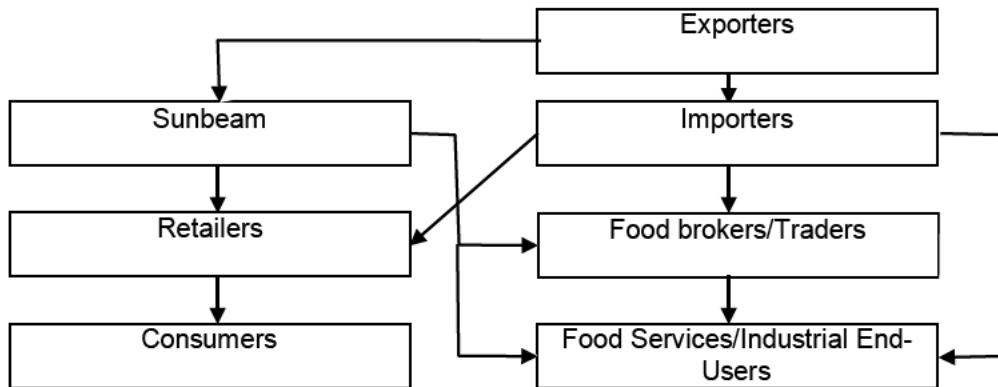
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10kg	Industrial
12.5kg	Industrial

Typical retail customers are supermarkets and health food stores, whereas industrial food customers include cereal, biscuit, cake and baked goods manufacturers, and smaller distributors.

The retail market for currants is generally supplied by Australian currants, whereas the industrial food market segment is supplied by Australian as well as imported currants. The Australian industry's main competitor of currants in the industrial food market segment is Frutex, an importer of currants from Greece.

The marketing and distribution channels are illustrated in the diagram below:



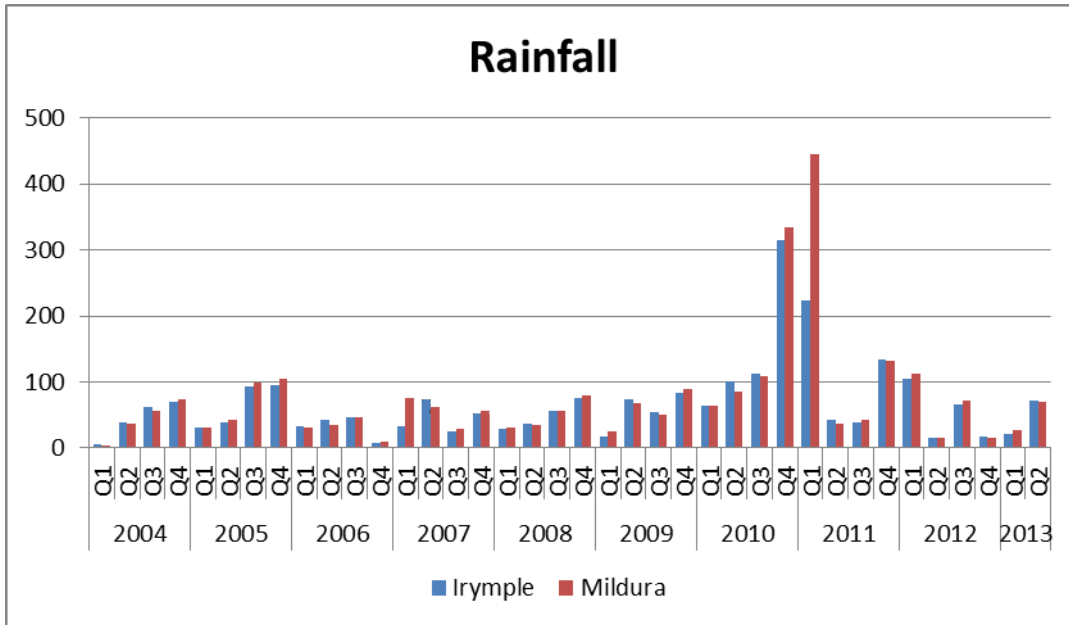
The Australian industry and importers compete at the same level of trade and have common customers.

5.3 Growing conditions

Since measures were imposed five years ago, currant growers have been impacted by several natural weather events that affected the quality and quantity of currants grown in Australia.

Growing conditions were affected by the drought and heatwave that impacted southeast Australia in 2009, with the flowering of currants crops coinciding with high temperatures that affected harvesting in 2010.

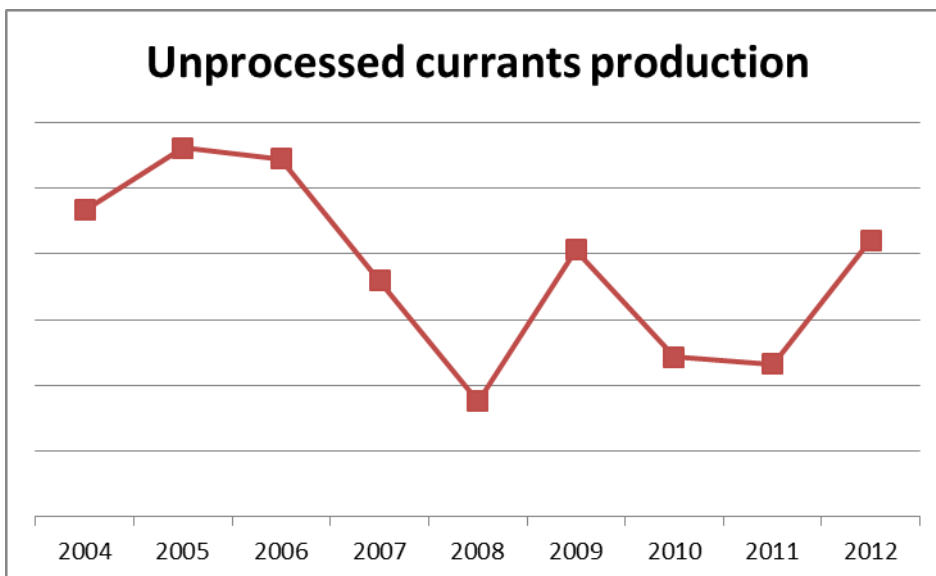
Conversely, 2010/11 saw torrential rain and flooding in the region that impacted on the quality of the 2011 crop of currants. The following graph shows rainfall data from the Bureau of Meteorology in Irymple and Mildura weather stations since 2004 (**attachment 2**).



As observed in the graph above, the region experienced high levels of rainfall in the December 2010 and March 2011 quarters. As a result, the crop was affected by disease, including downy mildew, and splitting of the fruit. The heavy rainfall also produced immature fruit during harvesting where not much sugar was produced, resulting in currants being half their usual weight.

In 2012 and 2013, good growing conditions had returned with no adverse weather events, resulting in good volumes for the 2013 harvest.

The following graph shows the volume of unprocessed currants received by the major processors from the growers between 2005 and 2012 (**confidential attachment 3**).

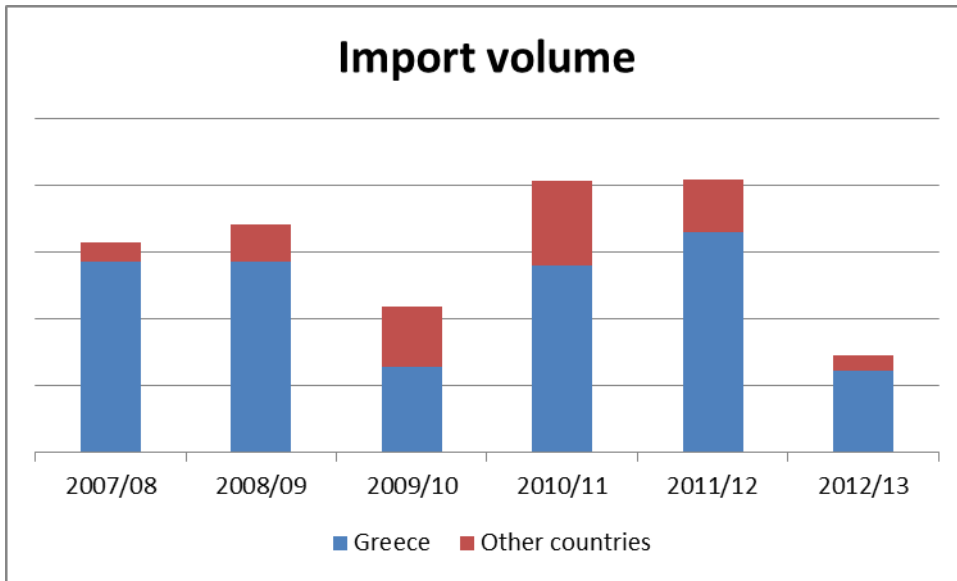


As shown in the graph above, the production quantity of currants contracted significantly from 2006. Dried Fruits Australia explained that this was the result of the removal of currant crops at that time. Production then recovered in 2009 but at

levels that were still lower than those in 2006. Production volumes then contracted in 2010 and 2011, due to the adverse meteorological events discussed above, before recovering in 2012.

5.4 Import volume

The following graph shows the volume of imports between 2007/08 and 2012/13 and includes importations of currants from the Australian industry (confidential attachment 1).



As shown in the graph above, the import volume of currants from Greece reduced significantly in 2009/10 when measures were first imposed. The volumes then recovered in 2010/11 and 2011/12, likely due to supply issues with Australian currants. In 2012/13, the volume of Greek currants declined again as Australian production returned to normal.

In addition, there were significant volumes of currants imported from countries other than Greece during the last six years, particularly between 2009/10 and 2011/12.

The Commission notes that there were significant quantities of mixed fruit importations in 2012/13 where currants were declared as the majority fruit under the tariff heading 0813.50.00. However, when the volume of currants that were imported in mixed fruit were included, the total import volume in 2012/13 was still below the 2011/12 volumes.

6 ECONOMIC CONDITION OF THE INDUSTRY

6.1 Preliminary findings

The Commission is preliminarily satisfied that the imposition of anti-dumping measures applying to currants imported from Greece has had:

- a negligible effect on the sales volume and market share of the Australian industry; and
- some effect on the selling prices of the processors and seasonal prices paid to the growers.

The Commission is also preliminarily satisfied that the Australian industry is susceptible to material injury caused by dumping.

6.2 Approach to injury analysis

Sunbeam is the major producer of currants in Australia with approximately 80% of Australian production¹⁰. Being the major producer of currants, Sunbeam is an appropriate proxy for the overall performance of the whole Australian industry.

In order to assess Sunbeam's economic condition since the imposition of anti-dumping measures on Greek currants, data obtained by the Commission following the original investigation has been used in the analysis.

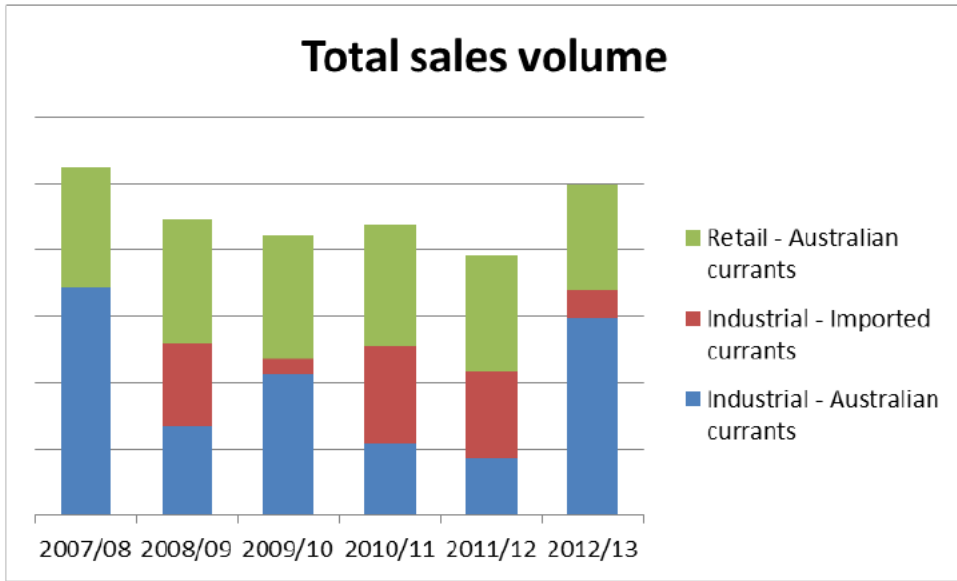
Although the analysis includes all of Sunbeam's sales of currants, the focus will be on the industrial food market segment. This is because the imported currants from Greece directly compete with the Australian industry in the industrial food market segment. Sales to the retail market segment, being a market with negligible import competition, will be used for comparative analysis purposes.

6.3 Volume effects

6.3.1 Sales volume

Below is a graph showing Sunbeam's annual (July to June) sales volume of currants in kilograms over the last six years and separated into sales of Australian currants in the retail and industrial food market segments, and sales of imported currants in the industrial food market segment (**confidential attachment 4**). Sunbeam did not sell imported currants in the retail market segment.

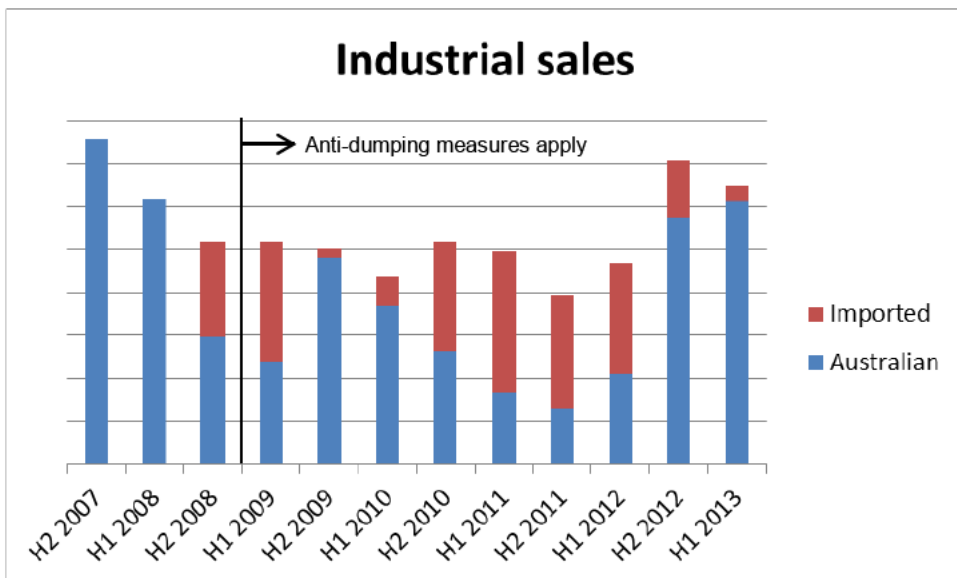
¹⁰ Based on Horticultural Australia data and assuming Murray River Organics account for minimal market volumes



Sales of currants in the retail market segment were relatively stable throughout the last six years, with Sunbeam’s overall sales volume influenced by its sales of currants in the industrial food market segment where sales volume trended downwards between 2007/08 and 2011/12, before increasing in 2012/13.

However, it is noticeable that Sunbeam was faced with supply issues of Australian grown currants over the last five years and supplemented its sales of Australian currants with imported currants.

The graph below shows Sunbeam’s half-yearly sales of currants to the industrial market segment, again broken down into Australian grown and imported currants (confidential attachment 4).



From the graph above, it appears that Sunbeam faced supply issues for Australian grown currants just prior to the imposition of measures, which continued throughout the period that anti-dumping measures applied. It appears that the shortage of Australian grown currants was particularly pronounced from the second half of 2010

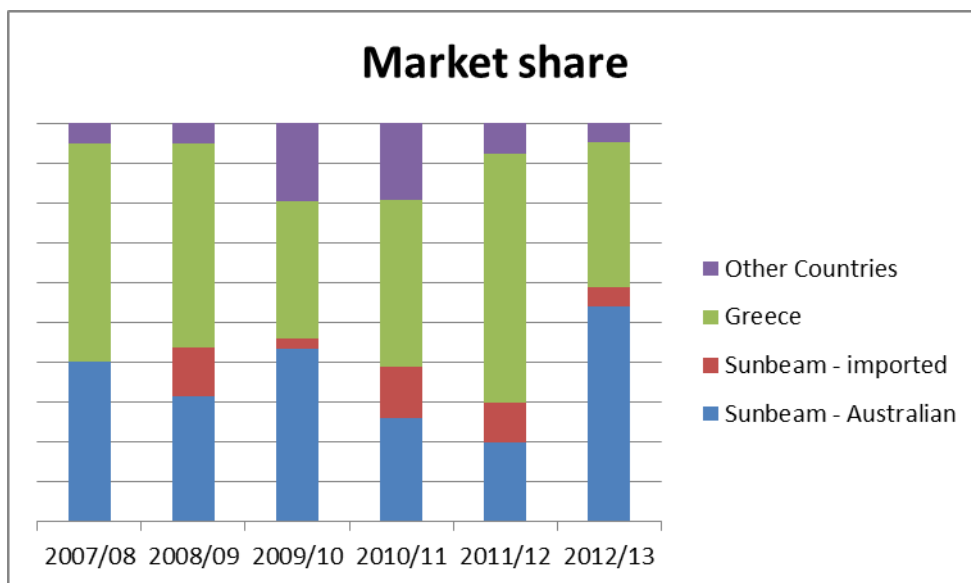
through to the first half of 2012, where the Australian crop was affected by adverse meteorological events.

However, in 2012/13, it appears that the supply of Australian currants has recovered from the adverse conditions and volumes of Australian grown currants are returning to previous levels.

Overall, adverse meteorological events have had an impact on the supply of locally produced currants sold by Sunbeam between 2010 and 2012.

6.3.2 Market share

Using data from Sunbeam’s sales spreadsheet and import data from the Australian Customs and Border Protection Service’s import database, the following graph shows the market share of Australian and imported currants sold by Sunbeam, and imports of currants from Greece and other countries (excluding Sunbeam’s imports) (confidential attachment 1).



The market share of Australian currants initially increased between 2008/09 and 2009/10, which is when measures were imposed. The market share then fell significantly in 2010/11 then again in 2011/12 due to the poor Australian production volumes during that period. In 2012/13, the market share of Australian currants increased significantly as production returned to normal levels.

6.3.3 Summary – volume effects

Overall, it appears that the sales volume of Australian currants, and imported currants from Greece and elsewhere, and therefore market share, were primarily influenced by the production volume of Australian currants. In the years where the Australian industry was unable to fully supply the market with Australian grown currants, it was required to import currants to supplement its sales. This also led to other companies increasing their imports of currants, including from Greece even with anti-dumping measures imposed, to supply the market with currants that could not be supplied by Australian currants. This was particularly evident in 2010/11 and

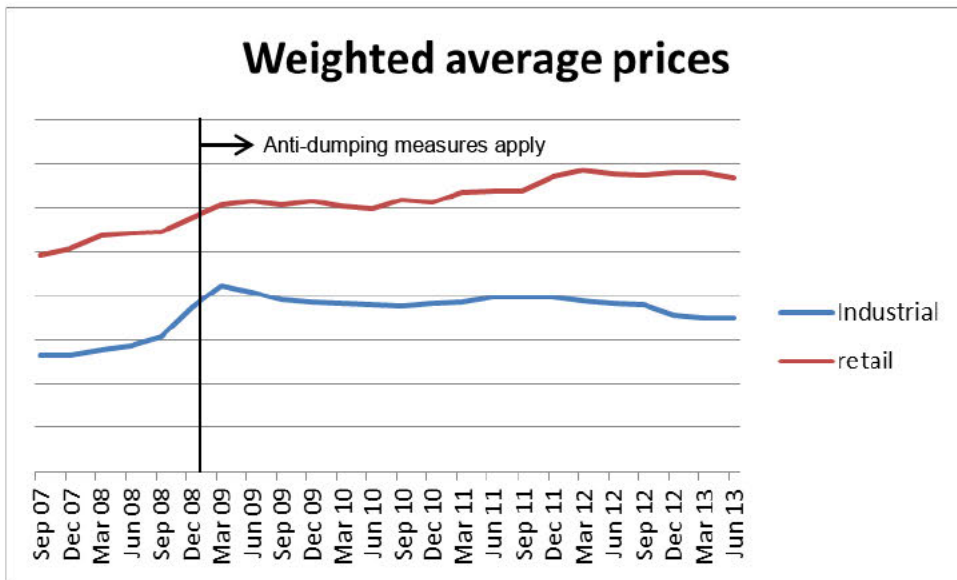
2011/12 when the Australian growers faced significant challenges due to adverse meteorological events. In 2012/13, it appears that the Australian production of currants has returned to typical levels absent from adverse meteorological events, which also saw import volumes recede and the market share of the Australian currants return to previous levels.

Anti-dumping measures have had a negligible effect on the sales volume and market share of the Australian industry due to shortages of Australian currants during the period.

6.4 Price effects

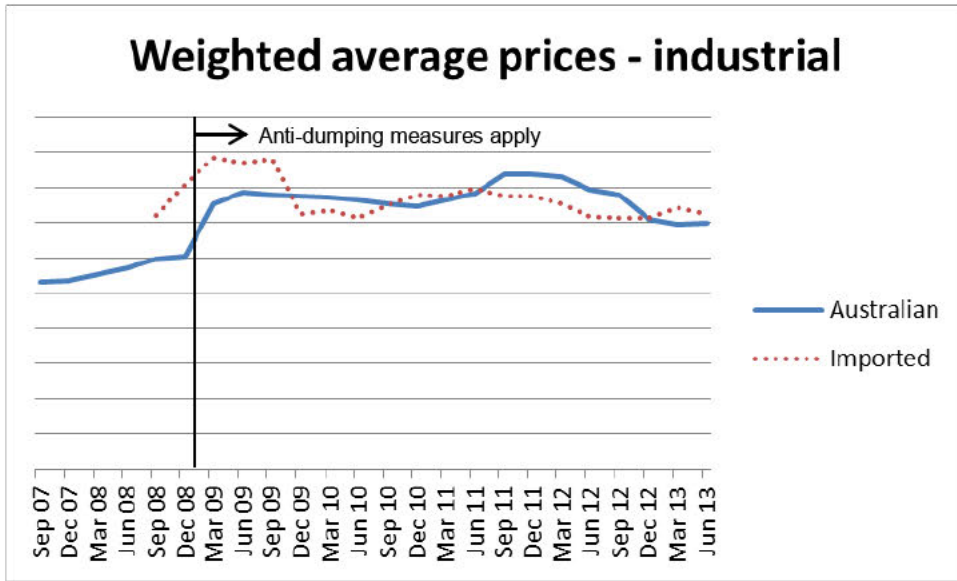
6.4.1 Selling prices

The following graph shows Sunbeam’s weighted average quarterly prices of currants for the industrial and retail market segments (Australian and imported currants) since the September 2007 quarter (confidential attachment 4).



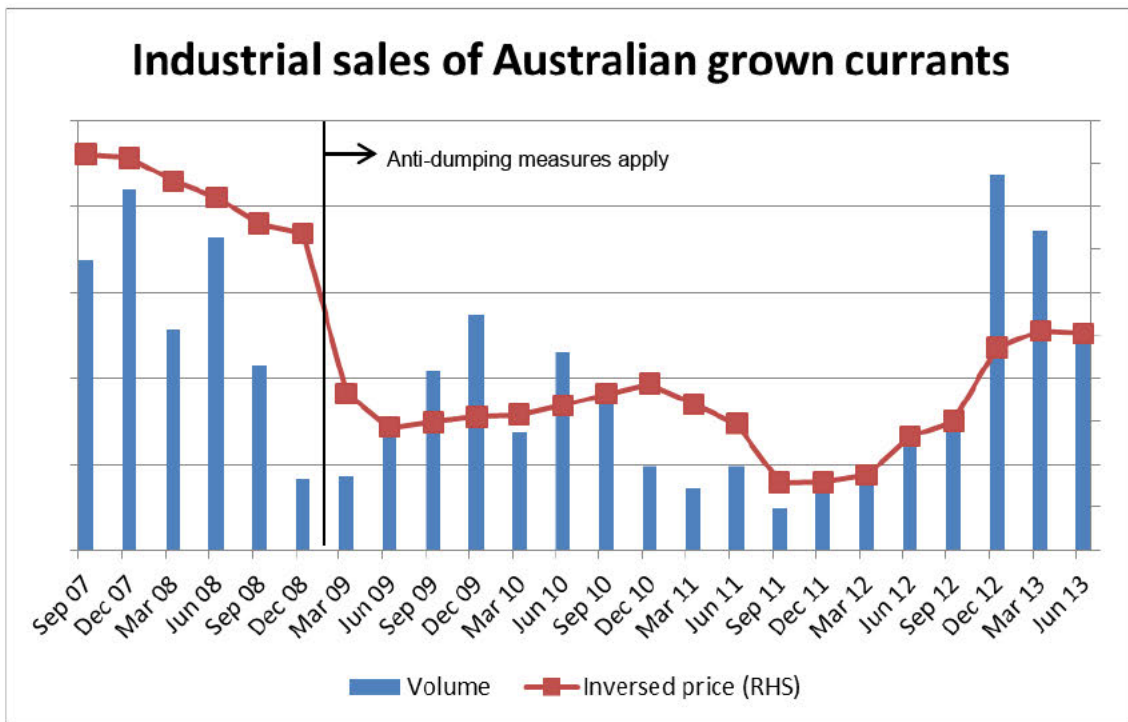
Prices of currants in the retail market segment have steadily increased over the last six years. However, the selling prices to the industrial market segment (Australian grown and imported) had an initial spike around the time that measures were imposed, then trended downwards since.

The following graph plots the weighted average prices of currants sold by Sunbeam in the industrial market segment, but separated into sales of imported and Australian grown currants (confidential attachment 4).



Looking specifically at the selling prices of the Australian grown currants, it seems that prices initially increased with the imposition of measures in the March 2009 quarter. Prices then remained relatively stable until 2011 when prices increased again, peaking in the second half of 2011 before declining in 2012. Prices remained above those prior to the imposition of anti-dumping measures.

It appears that the increases in Sunbeam’s selling prices of Australian grown currants coincided with periods where there was a shortage of Australian grown currants, particularly around the time when anti-dumping measures were imposed in January 2009 as illustrated in the graph below (confidential attachment 4)¹¹.

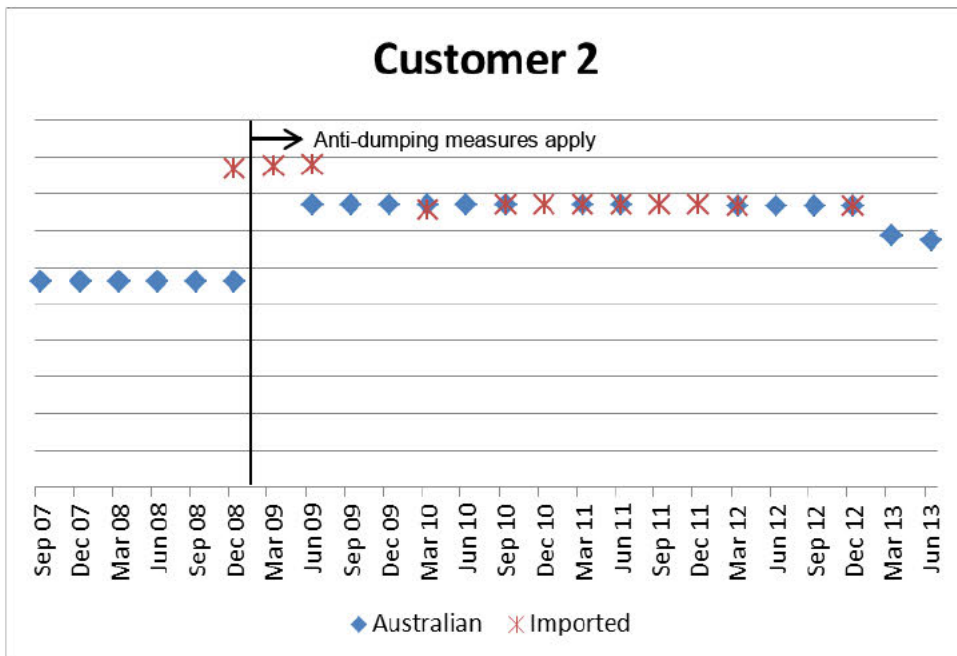
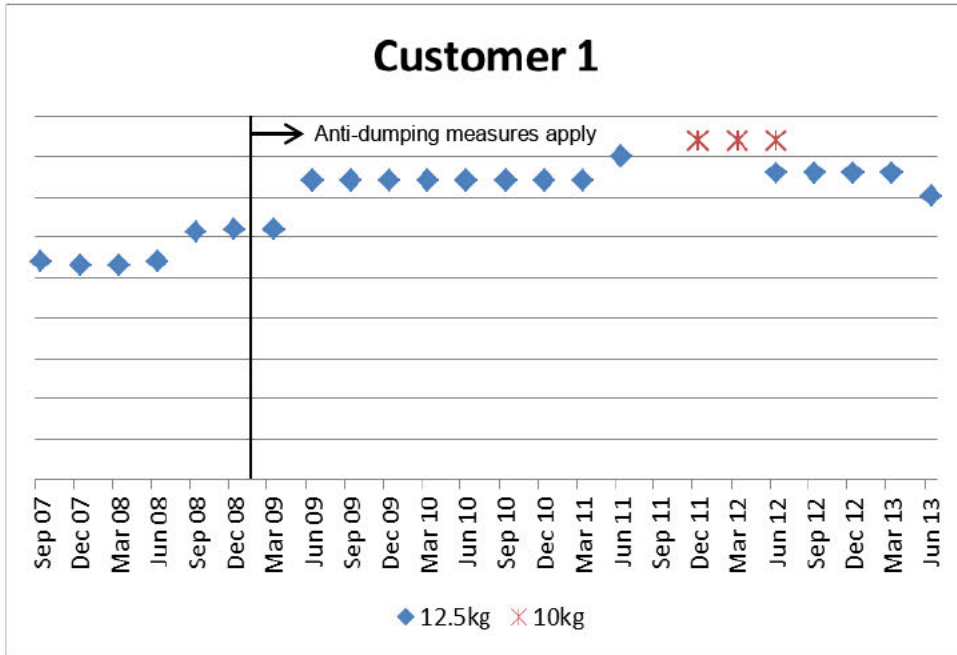


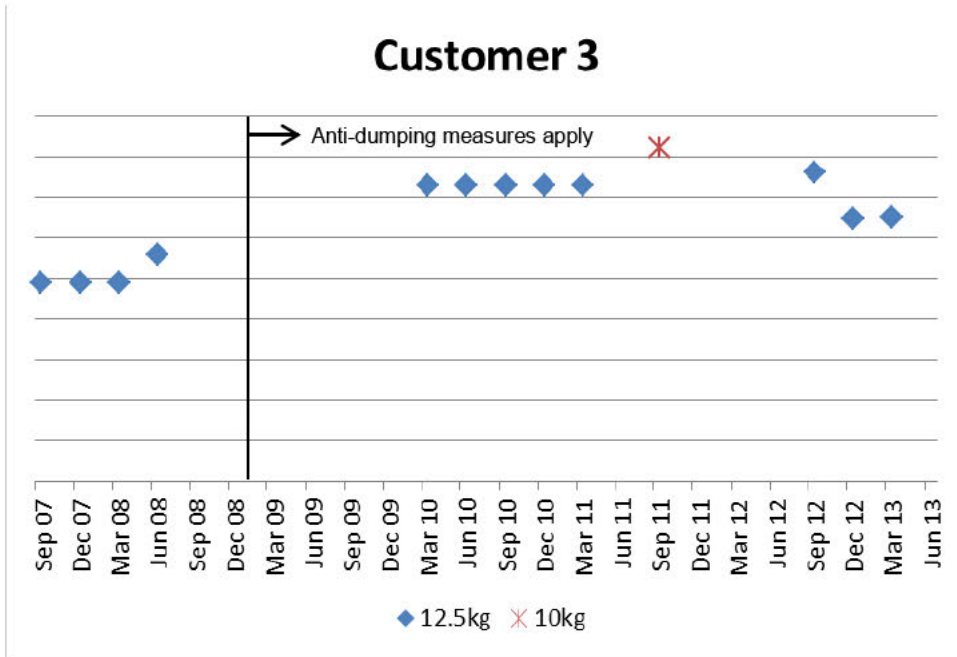
¹¹ Note that the price in the graph is inversed and is on a different scale to volumes.

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Whether the increase in 2009 was primarily the result of the supply shortage or the imposition of measures is difficult to assess. However, with the supply issues of Australian currants dissipating in 2013, prices seem to have retreated but were still above 2007 and 2008 prices.

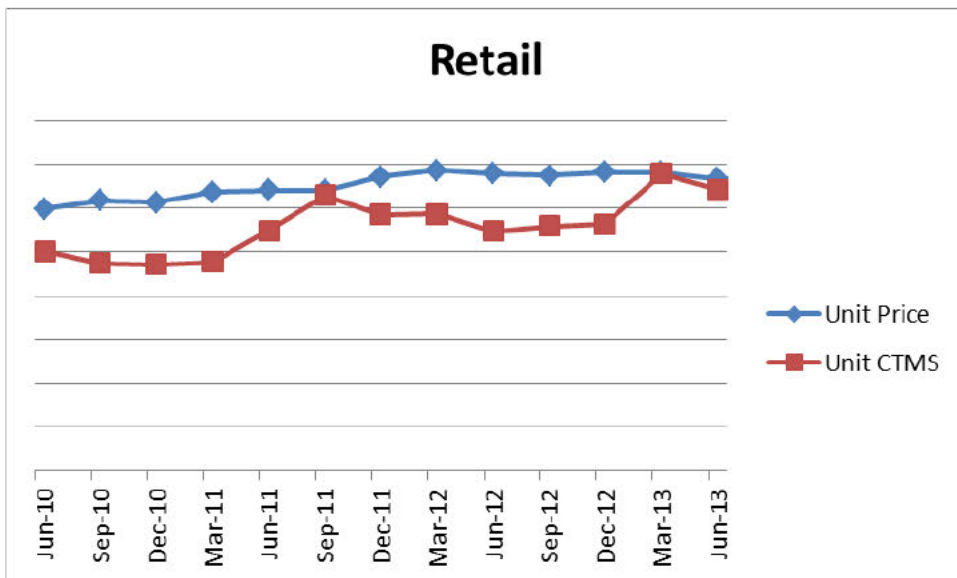
The following three graphs show Sunbeam’s selling prices to its three largest industrial customers (confidential attachment 4).

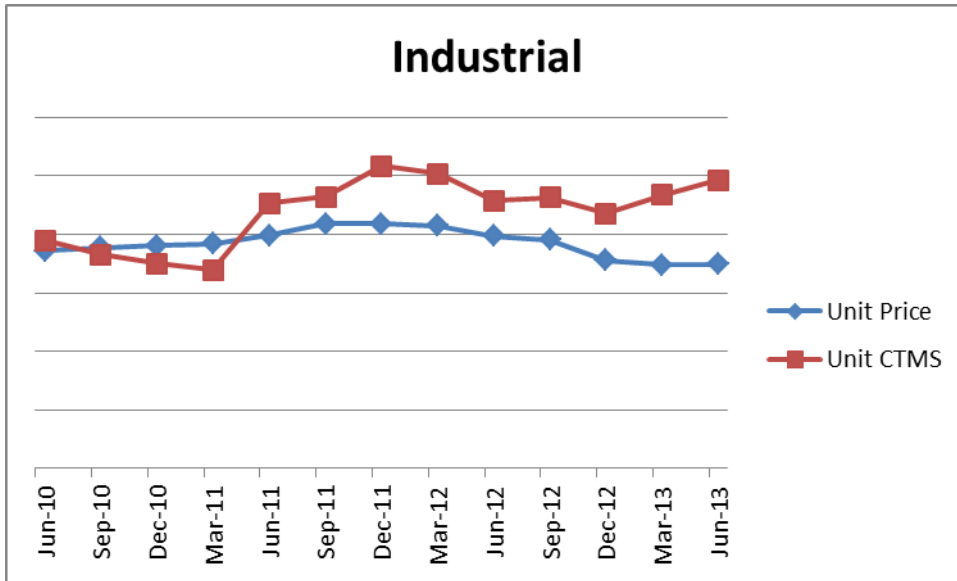




The price trends at the individual customer level seem to be consistent with Sunbeam’s overall price trend of Australian currants where prices rose with the imposition of measures in 2009 then declined in 2013.

The following graphs show the trends of prices and costs to make and sell (CTMS) currants in the retail and industrial market segments to assess whether Sunbeam experienced price suppression (**confidential attachment 5**). Price suppression occurs when price increases, which otherwise would have occurred, have been prevented.





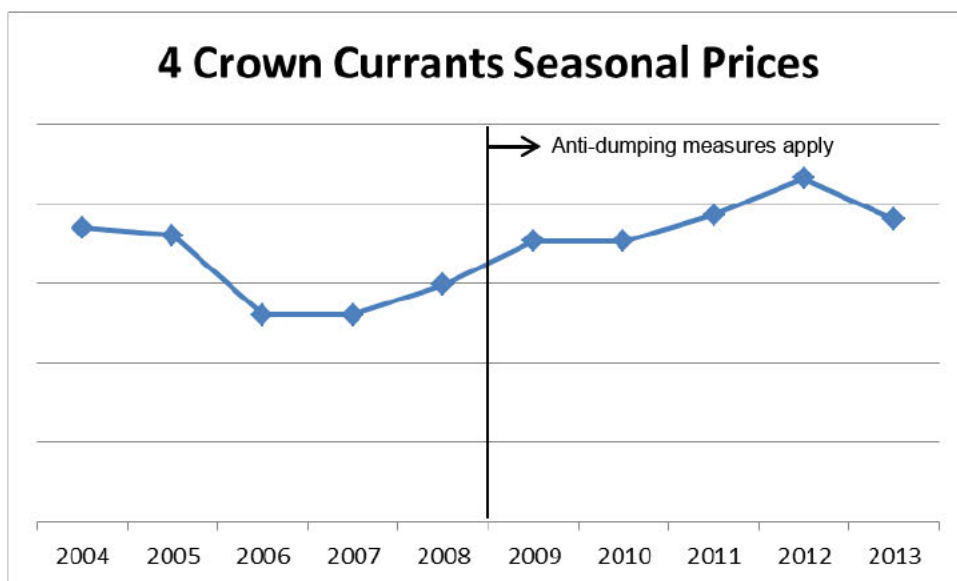
Sunbeam experienced a substantial increase in its CTMS during 2011. Sunbeam advised that the increase in costs during this period was reflective of poor crop quality in 2011 causing high yeast and mould counts, requiring additional processing and causing high yield loss. However, costs retracted slightly in 2012, but remained relatively high. In 2013, CTMS has increased again to similar levels as 2011 costs.

In the retail market segment, although selling prices have increased over the period, it appears that spikes in costs in 2011 and 2013 did not see a comparable increase in prices, indicating price suppression during those periods.

In the industrial market segment, the price suppression was more pronounced, which saw costs overtake, then remain above, prices since the cost increase in 2011, then widen in 2013.

6.4.2 Seasonal prices to upstream growers

The following graph shows the trend of Sunbeam's seasonal prices for contracted growers between 2004 and 2013 (**confidential attachment 6**).



The graph shows that prices of currants to growers fell significantly in 2006 before recovering in 2009. This coincides with anti-dumping measures being imposed on Greek currants. From 2009, the prices gradually increased, peaking in 2012, before falling back in 2013, but still above 2009 prices.

6.4.3 Summary – price effects

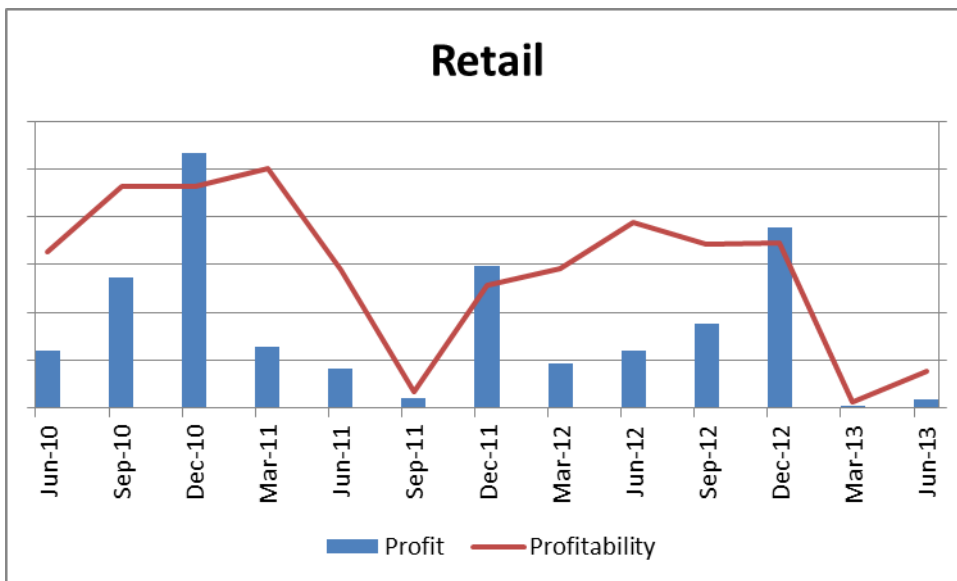
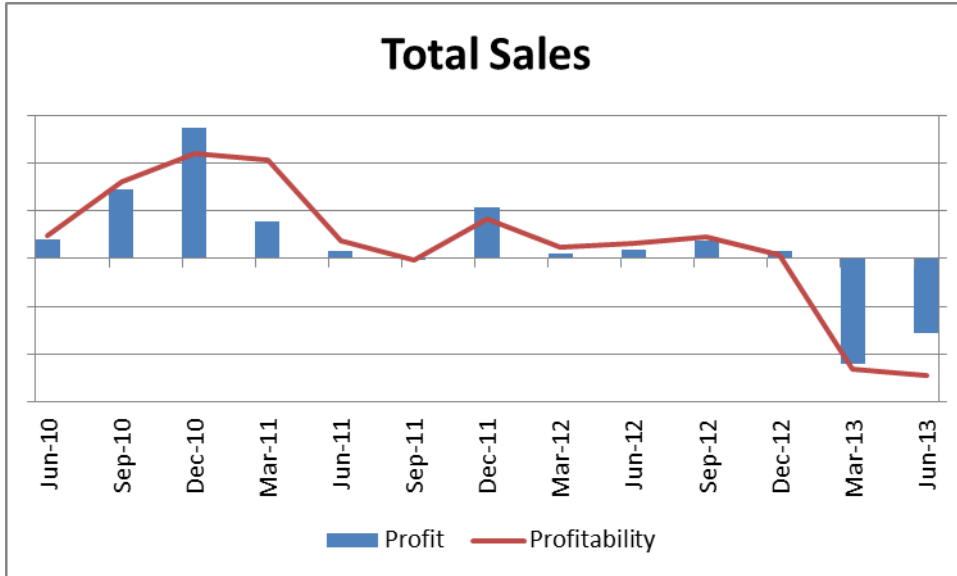
Overall, it appears that the imposition of measures had some effect on the Australian industry's selling prices, both in terms of the selling prices of the processors and seasonal prices to the growers. Selling prices saw an initial spike when anti-dumping measures applying to currants were imposed in January 2009. Although that period coincided with production shortages, the initial price increase observed in the industrial food market segment, which competes with imported Greek currants, was greater than in the retail market segment. This indicates that the anti-dumping measures had a positive impact on prices, although it was not the sole cause of the increase. Since 2009, prices fluctuated in accordance with the production volumes and growing conditions, and remained above pre-2009 prices.

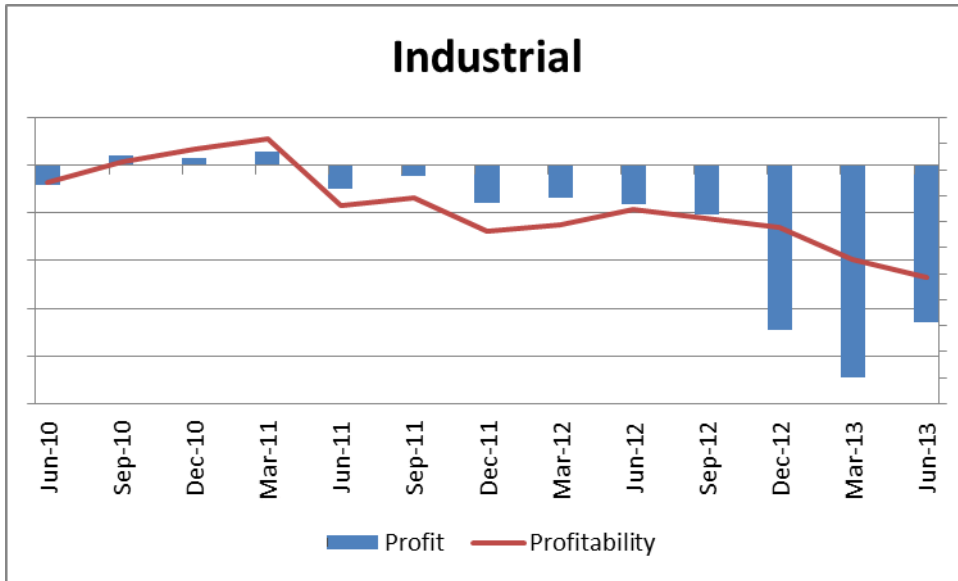
Seasonal prices to the growers of currants seem to also follow the trend of Sunbeam's selling prices. This is consistent with currants being a close processed agricultural good where price changes are usually passed onto the growers through an increase or reduction in seasonal prices. In 2009, seasonal prices increased with the imposition of anti-dumping measures, spiking in 2012 with the supply shortages, before falling back slightly in 2013.

Any deviation in the processor's CTMS from the seasonal price indicates factors other than the cost of raw material driving the overall CTMS. This was evident in 2011 when extra processing costs were incurred. In 2013, selling prices decreased with seasonal prices, however CTMS increased indicating higher unit overhead costs. Nonetheless, Sunbeam's prices have been suppressed even with anti-dumping measures in place.

6.5 Profits and profitability

The following graphs show the profit and profitability of Sunbeam's total sales of currants, sales in the retail market segment and sales in the industrial market segment (confidential attachment 5).





The graphs above show that Sunbeam’s overall profit and profitability of currants have declined since 2010 and became unprofitable in 2013. Sunbeam’s sales of currants in the retail market were profitable since 2010, with periods of low profitability in 2011 and 2013. However, the performance of its industrial market sales trended downwards from 2011 with significant losses in 2013, primarily due to a combination of increasing negative profitability and the higher sales volume. These losses in its industrial market segment appear to be the driver of its overall loss making result in 2013.

As discussed in section 6.4.3 above, the increase in CTMS in 2013, and therefore the poor profitability results, seems to be driven by higher unit overhead costs. This may cause Sunbeam to further reduce its seasonal prices to its growers to reduce costs. This result suggests that the Australian industry is susceptible to material injury caused by dumping.

7 WILL DUMPING AND MATERIAL INJURY CONTINUE OR RECUR

7.1 Preliminary findings

The Commission is preliminarily satisfied that:

- currants have been exported to Australia from Greece between 1 July 2012 to 30 June 2013 at dumped prices;
- the dumping is likely to continue; and
- the expiration of measures would likely lead to a continuation of, or a recurrence of, the material injury that the anti-dumping measures were intended to prevent.

7.2 Introduction

In accordance with section 269TZF(2) of the Act, the Commissioner must not recommend that the Minister take steps to secure the continuation of the anti-dumping measures unless the Commissioner is satisfied that the expiration of the measures would lead, or would be likely to lead, to a continuation of, or a recurrence of, the dumping and the material injury that the anti-dumping measures are intended to prevent.

7.3 Submissions received

The Commission received submissions from Sunbeam¹² and Dried Fruits Australia¹³ in relation to the continuation of anti-dumping measures.

Sunbeam made the following points in its submission:

- The 2013 Greek currant crop is forecast to be 20% higher than in 2012 and therefore will increase the availability of Greek processed currants for export in 2013/14.
- The price of Greek currants in 2013 is likely to reduce significantly from approximately EUR 2.35 per kg to an estimated price range of EUR 2.05-2.15 per kg.
- Prior to the imposition of anti-dumping measures, Greek currants were exported to Australia at prices as low as \$1.42 per kg, which the original investigation found to be dumped by 30-80%.
- The imposition of anti-dumping measures saw export prices of Greek currants increase to \$2.30-2.40 per kg in 2010/11 and \$2.70-2.80 per kg in 2011/12.
- Sunbeam recently lost significant supply contracts for the industrial food market segment with the reasons for being unsuccessful being stated as its offer price being uncompetitive to Greek currants.

¹² Public record document 11.

¹³ Public record document 13.

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- Reductions in the 2012/13 seasonal prices to growers were necessary to compete with imported currants from Greece.
- In the absence of anti-dumping measures, the price of imported Greek currants is likely to fall and the Australian supply of currants decline, leading to further price reductions to growers.

Dried Fruits Australia made the following points in its submission:

- The imposition of anti-dumping measures had a positive impact on Greek export prices with average prices increasing from approximately \$1.70 per kg to \$2.70 per kg.
- Anti-dumping measures enabled Australian processors to sell at non-depressed levels and raise the purchase price to growers.
- Improved prices to growers have halted the exit of growers from the industry and provide stability in return to the growers.
- Greek production of processed currants has increased in 2013 and forecast to be approximately 20% higher than in 2012.
- There is a carry-over of Greek currants of approximately 2,000 to 3,000 tonnes in inventory from 2012 yet to be sold.
- The carry-over and increased production volumes means that export markets will be a focus for the excess volumes.
- Greek exporters have maintained distribution channels in the Australian market.
- Australia is an attractive market for Greek currant suppliers as Australia is the third largest consumer market for currants.
- Excess production volumes of Greek currants will likely lead to reduced export prices.
- In the absence of anti-dumping measures, it is likely that exports of Greek currants to Australia will increase at declining prices.
- During a recent review, currants from Aeghion, a supplier in Greece, were being exported at dumped prices even with measures in place.
- The main importer of currants in Australia, Frutex, has been selling currants at a loss, which is a price suppressing factor on the Australian industry's selling prices.
- The Australian industry has experienced a return to stable production volumes and prices in 2012/13 and if measures were allowed to expire, it is likely that a recurrence of material injury would be experienced by the Australian industry.

7.4 The Commission's assessment

7.4.1 Will dumping continue or recur?

As highlighted by Dried Fruits Australia, the recent review¹⁴ of anti-dumping measures applying to exports of currants from Greece by Aeghion, the main supplier of currants from Greece, found that currants were being exported at dumped prices.

¹⁴ Case 192.

In addition, this review of anti-dumping measures has preliminarily found that currants from Greece were being exported to Australia at prices that were dumped by margins of 3.3% to 8.1% (see section 8 below).

The Commission has also compared the quarterly trend of Aeghion's variable factors over the review period (1 July 2012 to 30 June 2013) and found that its normal value has been increasing while its export price has been decreasing. This indicates an increasing propensity to export currants at dumped prices.

Therefore, the evidence currently available suggests that, in the absence of anti-dumping measures, it is likely that dumping would continue.

7.4.2 Will material injury continue or recur?

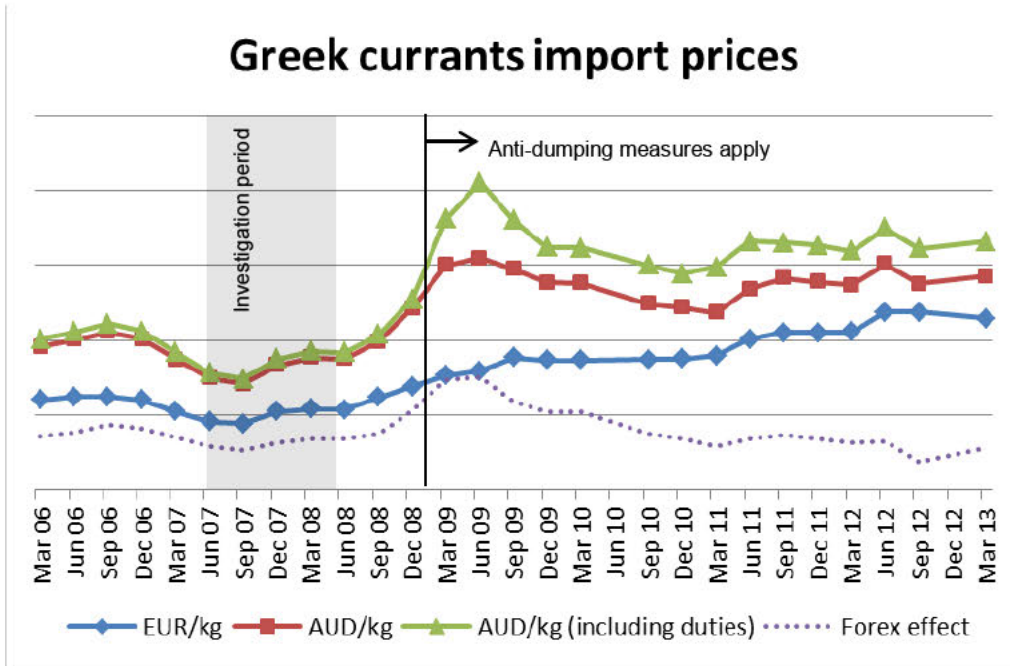
As discussed in section 6.3.3 above, anti-dumping measures applying to currants exported from Greece had a negligible effect on the Australian industry's sales volume and market share. Even with the meteorological challenges facing currant growers dissipating in 2012 and 2013, the Commission does not consider that imported currants have a significant impact on the volume of Australian currants sold, but rather imports supplement the demand for currants in the Australian market unserved by Australian currants and prices adjust accordingly. In addition, it appears that some end-users in certain industries have a preference for Greek currants over Australian currants¹⁵, which indicate that there is a requirement for imported Greek currants in the Australian market.

Export price trend

The main determining factor in assessing whether the continuation of Greek currants being imported at dumped prices will cause material injury to recur if anti-dumping measures were allowed to expire is price, in particular the impact of the Greek currants prices on the Australian industry.

The following graph shows the free-on-board (FOB) export price of currants from Greece as declared in the Australian Customs and Border Protection Service's import database since 2006 (**confidential attachment 7**).

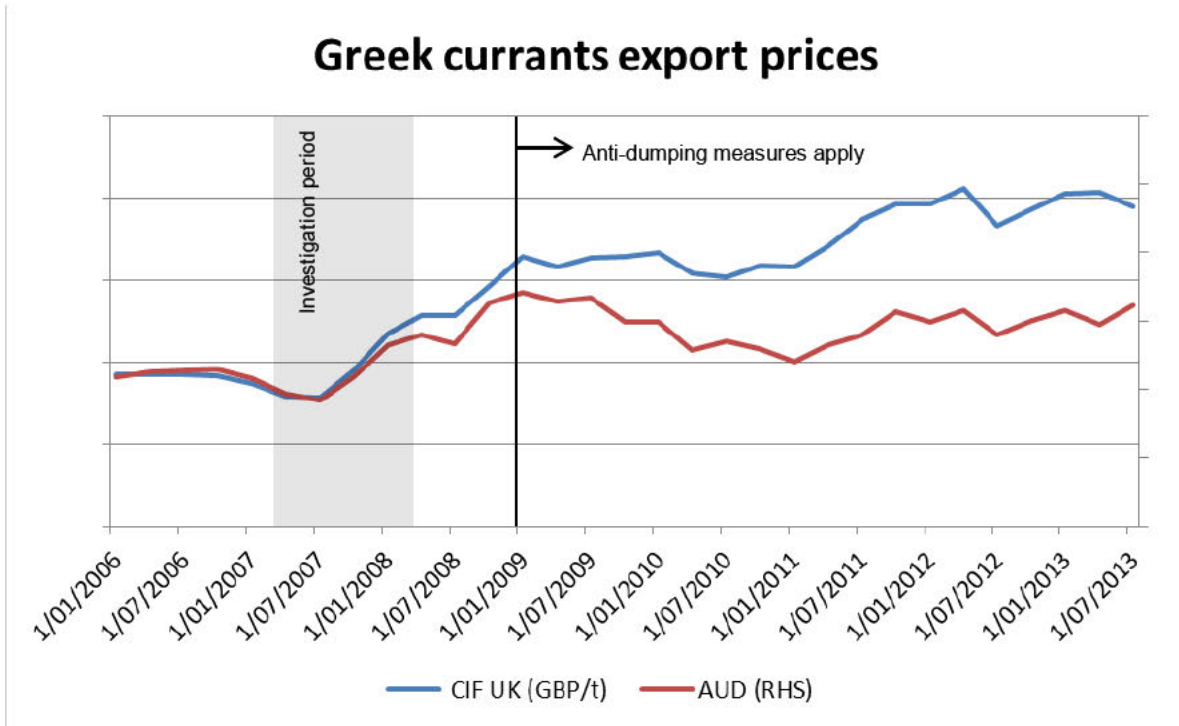
¹⁵ See public record Document 15 – End Users Report



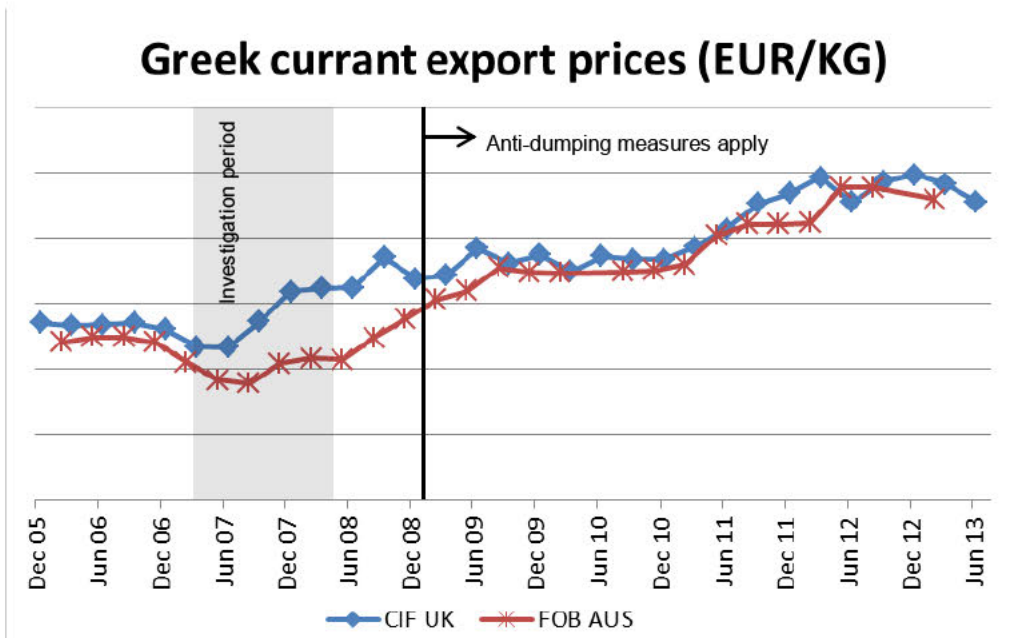
The export price of currants in Euros (EUR) increased steadily since the original investigation period. However, the effect of the depreciating Australian dollar against the Euro resulted in a significant increase in the export price in Australian dollars (AUD) at the time anti-dumping measures were imposed. This foreign exchange effect, demonstrated by the dotted line in the graph above, slowly eased as the Australian dollar appreciated. As a result, although the price of currants in EUR increased between 2009 and 2012, the appreciating Australian dollar outweighed the increase with export prices in AUD in 2012 at similar levels as in 2009.

The trend in the export price of Greek currants exported to Australia is similar to the regional price of Greek currants as demonstrated by the following graph (confidential attachment 7) that plots the Greek currants cost, insurance and freight (CIF) price to the UK¹⁶ since 2006 and the same price converted to AUD.

¹⁶ Sourced from agra-net.com.



The correlation between the regional Greek currant prices and the export price to Australia is particularly evident in the graph below, which plots the two prices together in EUR (confidential attachment 7). Apart from the divergence in prices in 2007 & 2008, the price of Greek currants exported to Australia tracked the regional Greek currant prices.

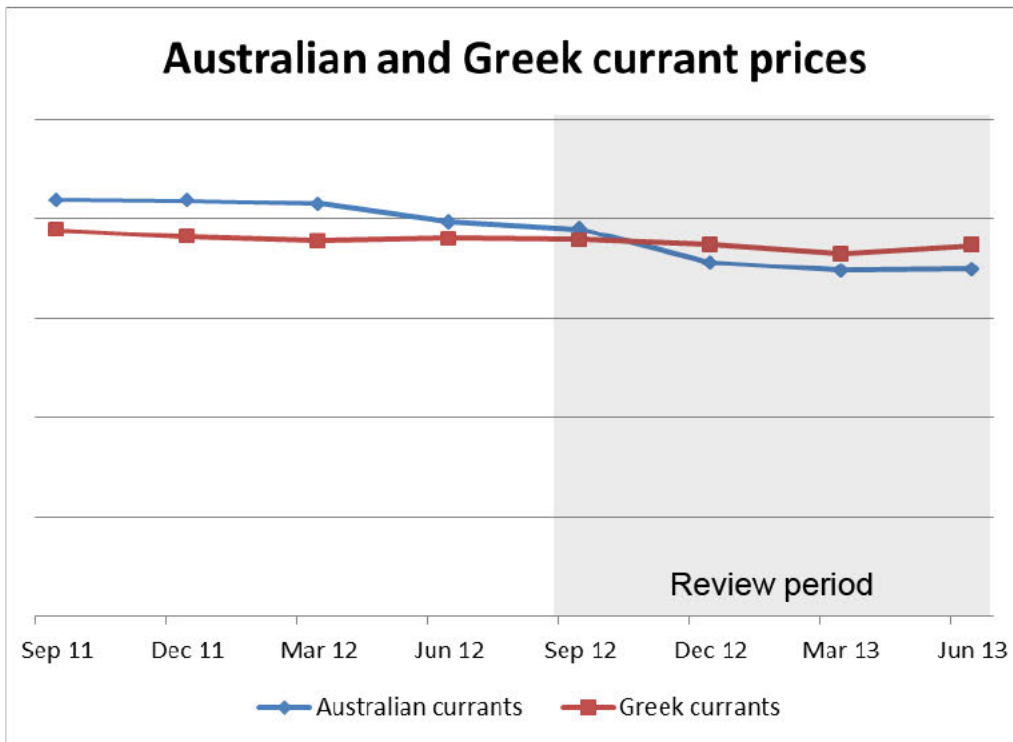


It is noteworthy that the regional price of Greek currants has started to fall in 2013, which is in line with the forecasted price reduction of Greek currants reported in the Public Ledger article that prices are forecast to fall to between EUR2.05 to

EUR2.15¹⁷. Therefore, it is likely that the export price of Greek currants exported to Australia would also fall to similar levels.

Effect on Australian currant prices

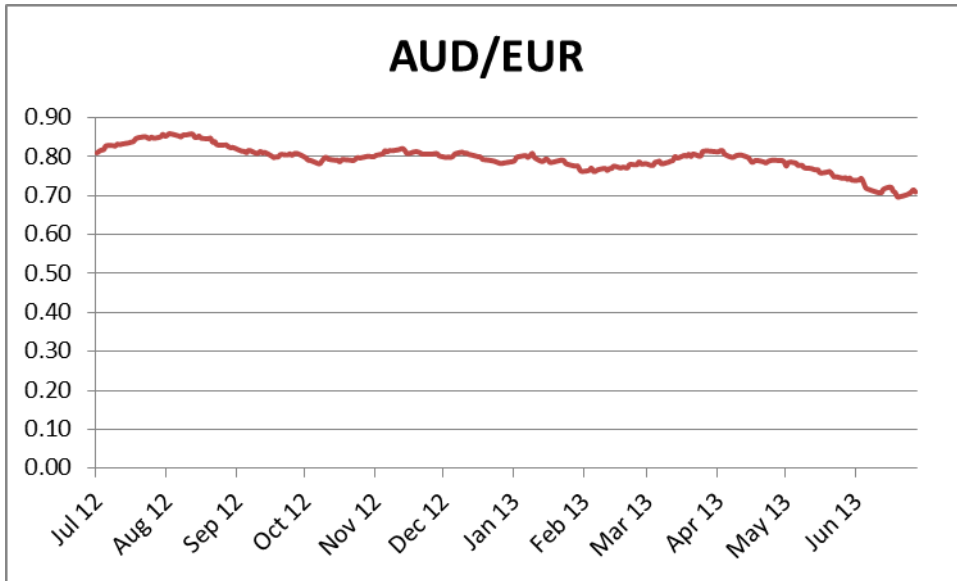
A comparison of the selling price of Greek and Australian currants during the review period found that the price of Greek currants was higher than the Australian currants by approximately 4%. Discussions with end users indicate that this price difference has increased to approximately 10% at the end of 2013¹⁸ as the price of the Australian currants continue to fall while the depreciating Australian dollar offset any reduction in the price of Greek currants. This result is demonstrated in the graph below which shows the price of the Australian currants and Greek currants into the industrial food market segment at free-into-store prices (confidential attachment 7).



While the price of the Australian currants reduced in the review period, the price of Greek currants remained relatively stable in 2013 as the Australian dollar depreciated from a peak of AUD/EUR 0.86 in 2012 to AUD/EUR 0.70 in 2013, as shown in the graph below (confidential attachment 7).

¹⁷ Public record document 18.

¹⁸ Public record document 15 refers.

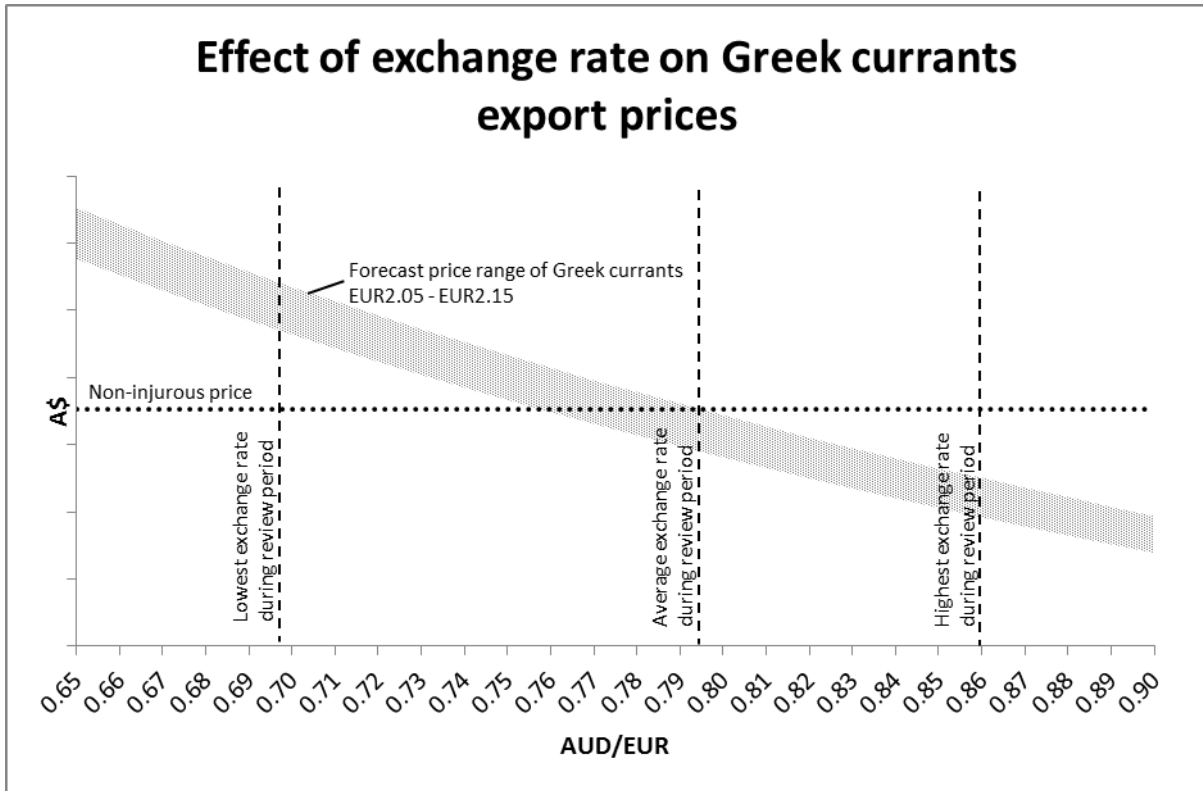


The price points of the Greek and Australian currants in the review period are such that imported currants were uncompetitive against the Australian currants. The fall in the price of Australian currants in 2013 was primarily due to good growing conditions resulting in higher yields and production volumes. Only when price differences between Greek and Australian currants narrow will the imported currants have a material impact on the price of Australian currants, which was the case during the original investigation period¹⁹.

In determining whether imported Greek currants will cause material injury to the Australian industry if anti-dumping measures were allowed to expire, it is appropriate to compare the non-injurious price (see section 8.5 below) to the forecasted price of Greek currants to determine the likelihood that the forecasted price will injure the Australian industry. However, as discussed above, fluctuations in the Australian dollar have had a significant influence on the injurious effect of the Greek currants to the Australian industry.

The graph below maps the forecasted Greek currant price (EUR2.05-2.15) in AUD against a range of exchange rates (confidential attachment 7). At the time of drafting this SEF, the exchange rate is approximately AUD/EUR 0.70 which puts the forecasted Greek currant price above the non-injurious price. This exchange rate is in the lower range that prevailed during the review period. Should the exchange rate appreciate to the review period's average exchange rate of approximately AUD/EUR 0.7950, this would put the forecasted Greek currant price below the non-injurious price.

¹⁹ REP 140, section 9.2.2.



While the Commission cannot predict the future direction of the Australia dollar, the best indication available is the recent performance of the Australian dollar. At the review period's average exchange rate, it is likely that the imported Greek currants will cause material injury to the Australian industry to recur.

Therefore, the Commission is preliminarily satisfied that in the absence of anti-dumping measures, the export of currants to Australia from Greece would likely lead to a recurrence of material injury to the Australian industry.

8 REVIEW OF VARIABLE FACTORS

8.1 Preliminary findings

The export prices, normal values and non-injurious price relevant to the taking of anti-dumping measures in relation to Aeghion and other exporters from Greece have changed.

8.2 Introduction

In accordance with section 269ZDA(1)(a) of the Act, the Commissioner must recommend to the Minister, to the extent that the measures involved the publication of a dumping duty notice, that:

- the notice remained unaltered; or
- the notice have effect in relation to a particular export or to exporters generally, as if different variable factors had been ascertained.

Currently, the interim dumping duties on currants exported from Greece are in the form of a combination of fixed and variable duty method. As a result of REP 192, the fixed component of duty for Aeghion was set at zero.

8.2.1 Importers

An analysis of the Australian Customs and Border Protection Service's import database found that Frutex and Scalzo imported currants from Greece during the review period.

During the inquiry and review, the Commission visited Frutex and a copy of the non-confidential visit report is available on the public record.

The Commission did not visit Scalzo but obtained import documentation in relation to its imports of currants from Greece.

8.2.2 Exporters

Exporter questionnaires were sent to all suppliers of currants from Greece that were identified from the Australian Customs and Border Protection Service's import database as having supplied currants to Australia during the review period.

A completed exporter questionnaire response was received from Aeghion. The Commission did not visit Aeghion and ascertained variable factors based on data contained in its exporter questionnaire response. A non-confidential version of the exporter questionnaire response and dumping margin calculation report are available on the public record.

The Commission was satisfied that the commercial sales data provided by Aeghion was relevantly complete and accurate to enable a desk-based verification to be undertaken for the purposes of establishing export price and normal value with respect to the goods.

Additionally, the Commission was cognisant of key circumstances of the investigation including, but not limited to, determinations that had been made relating to the contemporary non-injurious price (see section 8.5 below) which provided sufficiently robust indication that the lesser duty provision would apply.

On this basis, having regard to all the circumstances of the investigation, the Commission was satisfied that a verification visit to Aeghion was not warranted.

8.3 Aeghion

8.3.1 Export price

The export price for the goods exported by Aeghion has been determined under section 269TAB(1)(a) of the Act being the price paid or payable by the importer other than any part of that price which represents a charge in respect of the transportation of the goods after exportation or in respect of any other matter arising after exportation.

The export price for the goods exported by Aeghion has changed since it was last reviewed.

8.3.2 Normal value

The normal value for the goods exported by Aeghion has been determined under section 269TAC(1) of the Act using domestic sales of like goods by Aeghion in Greece. The following adjustments were made to the normal value for comparison with the export price in accordance with section 269TAC(8) of the Act:

- Export inland freight – an upwards adjustment for export inland freight was applied to the normal value using the weighted average export inland freight over the review period.
- Export handling costs - an upwards adjustment for export handling costs was applied to the normal value using the weighted average export handling costs over the review period.

The normal value for the goods exported by Aeghion has changed since it was last reviewed.

8.3.3 Dumping margins

A calculation of dumping margins is not required for the purpose of reviewing variable factors, however it is relevant for the continuation inquiry in assessing whether dumping will continue (section 7.4.1 above). A dumping margin for the review period has been calculated by comparing the export prices with the corresponding quarterly weighted average normal values in accordance with section 269TACB(2)(a) of the Act.

The product dumping margin indicates that the goods exported by Aeghion from Greece to Australia during the review period were exported at dumped prices, with a dumping margin of 3.3%.

The variable factors calculation for Aeghion is at **Confidential Attachment 8**.

8.4 Other exporters

8.4.1 Export price

Sufficient information has not been furnished or is unavailable to enable the export price of currants exported from Greece by other exporters to be ascertained under section 269TAB(1) of the Act. Therefore, the export price for other exporters from Greece has been determined under section 269TAB(3) of the Act, having regard to all relevant information.

The export price for other exporters of currants from Greece has been calculated by reference to the export price of the goods imported by Scalzo from Greece over the review period.

The export price for the goods exported by exporters other than Aeghion has changed since the imposition of anti-dumping measures.

8.4.2 Normal value

Sufficient information has not been furnished or is unavailable to enable the normal value of currants exported from Greece by other exporters to be established under sections 269TAC(1) or 269TAC(2) of the Act. Therefore, the normal value for other exporters from Greece have been determined under section 269TAC(6) of the Act, having regard to all relevant information.

The normal value for currants for other exporters from Greece has been calculated by reference to Aeghion's weighted average normal value.

The normal value for exporters other than Aeghion has changed since the imposition of measures.

8.4.3 Dumping margins

A calculation of dumping margins is not required for the purpose of reviewing variable factors, however it is relevant for the continuation inquiry in assessing whether dumping will continue (section 7.4.1 above). A dumping margin for the review period has been calculated by comparing the export price of the goods during the review period, with the corresponding normal value in accordance with section 269TACB(2)(a) of the Act.

The product dumping margin indicates that currants exported by other exporters from Greece to Australia during the review period were exported at dumped prices, with a dumping margin of 8.1%.

The variable factors calculation for other exporters from Greece is at **Confidential Attachment 9**.

8.5 Non-injurious price

The level of dumping duty imposed cannot exceed the margin of dumping, but a lesser duty may be applied if it is sufficient to remove the injury.

The calculation of the non-injurious price provides the mechanism whereby this lesser duty provision²⁰ is given effect. The non-injurious price is the minimum price necessary to prevent the injury, or a recurrence of the injury, caused to the Australian industry by the dumping.²¹

Anti-dumping duties are based on FOB prices in the country of export. Therefore a non-injurious price is calculated in FOB terms for the country of export.

8.5.1 Methods of calculating non-injurious price

The non-injurious price is generally derived by first establishing a price at which the local industry might reasonably sell its product in a market unaffected by dumping. This price is referred to as the unsuppressed selling price.

The preferred approach to establishing the unsuppressed selling price observes the following hierarchy:

1. industry selling prices at a time unaffected by dumping;
2. constructed industry prices – industry CTMS plus profit; or
3. selling prices of undumped imports.

Having calculated the unsuppressed selling price, a non-injurious price is then calculated by deducting the costs incurred in getting the goods from the export FOB point (or another point if appropriate) to the relevant level of trade in Australia. The deductions normally include overseas freight, insurance, into store costs and amounts for importer expenses and profit.

In the original investigation, the unsuppressed selling price for currants was determined using the second methodology set out above – that is, using Sunbeam's cost to make and sell plus a rate of profit achieved with respect to sales of all products.

In REP 192, selling prices in that review period were deemed to reflect prices achieved in relation to the goods at a time unaffected by dumping, by virtue of the measures that was in force. Therefore, the unsuppressed selling price was determined using the first methodology above. Specifically, the unsuppressed selling price was determined based on Sunbeam's verified selling prices during that review period.

²⁰ Section 8(5B) of the *Customs Tariff (Anti-Dumping) Act 1975*.

²¹ The non-injurious price is defined in section 269TACA of the Act.

8.5.2 Submissions received

The Commission received one submission from Sunbeam on the unsuppressed selling price. Sunbeam requested that the unsuppressed selling price be calculated based on its CTMS plus an amount for profit for the following reasons:

- There has been a deterioration in its selling prices, which can be attributed to declining import offers for imported Greek currants.
- Frutex has sold its imports of Greek currants at a loss, which has impacted Sunbeam's selling prices.
- It had lost contracts to imported currants.
- The price to growers has fallen from the previous period, which is due to the impact of the selling prices of imported Greek currants.
- The unsuppressed selling price cannot be based on injurious selling prices.

In addition, Sunbeam submitted that it disagreed with the methodology used to calculate the unsuppressed selling price in the previous review (REP 192) as it was found during that review period that Aeghion had exported currants at dumped prices and its selling prices would have been impacted by the dumping.

8.5.3 The Commission's assessment

In this review, the Commission does not consider it necessary to depart from the methodology used to calculate the unsuppressed selling price in REP 192. The selling prices of the Australian industry during the review period can be deemed as being unaffected by dumping as anti-dumping measures were in force during the review period. This is also consistent with the Commission's preferred approach to establishing the unsuppressed selling price.

The Commission does not agree with Sunbeam's argument that the Australian industry's selling prices were impacted by imports of Greek currants at dumped prices during a period where anti-dumping measures were in effect. The role of anti-dumping measures is to remove the injurious effect of dumping and as anti-dumping measures applied during the review period, the prices of Greek currants entering the Australian market are such that the injurious effect of dumping is assumed to have been remedied.

In addition, Sunbeam's argument that the deterioration of its selling prices during the review period was caused by the importation of Greek currants at dumped prices is not supported by evidence before the Commission. As discussed in section 7.4.2 above, the prices of Greek currants were materially higher than the Australian currants. Sunbeam's claim that it lost contracts due to price undercutting of Greek currants is not supported by evidence obtained by the Commission from the exporter, importer and through discussions with end users. Enquiries by the Commission found that the likely reason Sunbeam lost contracts was due to quality differences, real or perceived, between Greek and Australian currants, and preferences for Greek currants by those end-users²².

²² Document 15 refers.

PUBLIC RECORD

The Commission has calculated the unsuppressed selling price based on Sunbeam's weighted average selling prices of Australian currants into the industrial food market segment during the review period.

The non-injurious price has been calculated by deducting from the unsuppressed selling price Frutex's weighted average ocean freight costs, importation costs, and SG&A over the review period.

The non-injurious price has changed since it was last reviewed.

Unsuppressed selling price and non-injurious price calculations are at **Confidential Appendix 10**.

9 EFFECT OF THE REVIEW OF VARIABLE FACTORS

As a result of this review, the Commission has found that, in relation to currants exported to Australia from Greece:

- the export price for Aeghion has increased;
- the normal value for Aeghion has increased;
- the export price for other exporters has increased;
- the normal value for other exporters has increased; and
- the non-injurious price has increased.

The Commission has also found that the non-injurious price for currants from Greece was below the export price of the goods exported by Aeghion and other exporters during the review period.

Consequently, the Commission proposes to recommend to the Minister that the interim dumping duty payable is an amount which will be worked out in accordance with the floor price duty method²³. In this case, the result is that interim dumping duties are payable in circumstances where the actual export price is less than the non-injurious price²⁴ determined during the review.

²³ Section 5(4) of the Customs Tariff (Anti-Dumping) Regulation 2013

²⁴ In accordance with section 8(5B) of the Customs Tariff (Anti-Dumping) Act 1975

10 PROPOSED RECOMMENDATIONS

10.1 Continuation

The Commissioner must not recommend that the Minister take steps to secure the continuation of the anti-dumping measures unless the Commissioner is satisfied that the expiration of the measures would lead, or would be likely to lead, to a continuation of, or a recurrence of, the dumping and the material injury that the anti-dumping measure is intended to prevent.

Subject to any submissions made in response to this SEF and also any further inquiries that the Commission may make, it is the Commission's preliminary assessment that, on balance, the facts so established would cause the Commissioner to be satisfied that the expiration of the measures against Greece would lead, or would be likely to lead, to a continuation of, or a recurrence of, the dumping and the material injury that the anti-dumping measure is intended to prevent.

Consequently, the Commission proposes to recommend to the Minister that he take steps to continue the anti-dumping measures that relate to currants exported to Australia from Greece, at the level recommended by the review of variable factors (see below).

10.2 Review

The Commission proposes to recommend to the Minister that the dumping duty notice have effect in relation to Aeghion and other exporters generally as if different variable factors had been ascertained.

11 ATTACHMENTS

Confidential Attachment 1	Market volume, import volume and market share data
Attachment 2	Rainfall data
Confidential Attachment 3	Unprocessed currants production data
Confidential Attachment 4	Sunbeam sales data
Confidential Attachment 5	Sunbeam price suppression, profit and profitability data
Confidential Attachment 6	Seasonal price data
Confidential Attachment 7	Export price trends and comparisons
Confidential Attachment 8	Aeghion variable factors calculation
Confidential Attachment 9	Other Greek exporters variable factors calculation
Confidential Attachment 10	Non-injurious price calculation