

**EUROPEAN COMMISSION**

Directorate-General for Trade

Directorate H - Trade defence

Investigations IV Relations with third countries for Trade defence matters

Canberra, 7 August 2013

Subject: Australian anti-dumping investigation into imports of prepared or preserved tomatoes exported from Italy – Exporters Market situation questionnaire

Further to our note dated 5 August 2013, the European Commission would like to return to the question of a market situation questionnaire initially addressed to the addressed to the European Commission and the Italian Government. It has now come to our attention that the exporter questionnaire also contains similar questions on the particular market situation in Section H (pp41-43).

For the same reasons as outlined in our previous note, the request for information on the particular market situation from exporters is rather disturbing.

As previously argued the inclusion of such questions is inappropriate and has implications that go beyond this specific case. Given that this is a matter of pure administrative discretion, the European Commission urges Anti-Dumping Commission to withdraw Section H immediately from the exporter questionnaire and to continue the investigation in the normal way.