



ANTI – DUMPING SPECIALISTS

ACN 056 514 213 ABN 87 056 514 213

15 January 2013

NON-CONFIDENTIAL

Mr John Bracic
Director
Australian Anti-Dumping Commission
Customs House
5 Constitution Avenue
Canberra ACT 2600

Dear Mr Bracic,

PROCESSED TOMATOES FROM ITALY

This submission is made on behalf of Conserve Italia Soc. Coop. Agr (“Conserve Italia”).

It will be clear to the Anti-Dumping Commission (“the Commission”) from facts established by the Australian Government Productivity Commission, this investigation and media reports that there are many factors other than dumping which have contributed to the material injury sustained by SPC Ardmona Operations Ltd (“SPCA”) during the injury analysis period, eg appreciation of the Australian dollar, major supermarkets’ promotion of private label products, climate conditions, comparative cost advantage of Italian producers, SPCA’s significant export downturn, etc.

It is also clear to the Commission that to reach a conclusion that SPCA has suffered material injury because of the dumping of the subject merchandise from Italy, it must be satisfied that dumping was a substantial contributor to that injury and that without dumping it would not have occurred, ie that dumping was of itself sufficient to cause material injury to SPCA.

The factual position is that several other factors contributed more substantially to SPCA’s economic downturn than dumping and dumping did not directly produce the material injury experienced by SPCA. It cannot be found that without the occurrence of dumping the material injury would not have occurred. Had there been no dumping, material injury would still have been experienced by SPCA because of a combination of a number of other factors.

Because several other factors contributed more substantially to SPCA’s material injury than dumping, it cannot be found that dumping alone was sufficient to cause material injury to SPCA. In the absence of dumping, SPCA will have continued to suffer material injury from the high Australian dollar, major supermarket’s promotion of housebrands, Italian production cost advantage, flooding, poor export performance, etc. The ‘but for’ principle cannot work in these circumstances, ie where there are several contributors to the material injury experienced by SPCA. It cannot be found that “but for” any one of these contributors there would have been no material injury.

In the absence of dumping, the high Australian dollar would have continued to make imports more competitive, the production cost of imports being substantially lower than that of SPCA would have continued to bring price pressure on SPCA, major supermarket’s strategies concerning housebrands would have continued to put price pressure on SPCA, poor export

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performance would have continued to impact negatively on SPCA's production and profitability levels, etc. Consequently, it cannot be found that material injury would not have occurred without dumping from Italy.

This submission should be read in conjunction with our previous submissions of 26 November 2013, 11 December 2013 and 3 January 2014.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Roger Simpson', written in a cursive style.

Roger Simpson