



GIAGUARO S.P.A.

INDUSTRIA CONSERVE ALIMENTARI

Sede Legale e Amministrativa:

Via Ingegno - 84087 SARNO (SA) ITALY

Cap. Soc. € 6.400.000 Int. Versato

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Australian Governant
Anti-Dumping Commission
Customs House,
5 Constitution Ave,
Canberra ACT 2601

Already sent by e-mail to
ADRP_support@customs.gov.au

Salerno, June 27th 2014

SUBMISSION:

For tomatoes prepared or preserved exported from Italy.

Presented by Giaguaro Spa, Canned Food Company, Via Ingegno, IT 84087 Sarno (Italy)
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- 1) Giaguaro files this submission based on 269ZZJ of the Customs Act 1901 in respect of the review decided by the Anti-Dumping Panel on May 30th 2014.
- 2) Giaguaro unfortunately failed to present the Questionnaire on time. The "Questionnaire" was then presented on 01.04.2014, only.





3) Description of the Products exported:

Italian Chopped tomatoes, in own juice, 12x425ml, drained weight 240g brand CARLONI (from July 2012 to September 2012) brand REMANO (from October 2012 to June 2013)
Italian Peeled tomatoes, in own juice, 12x425ml, drained weight 240g brand CARLONI (from July 2012 to September 2012) brand REMANO (from October 2012 to June 2013).

Giaguaro was considered a Non-cooperative Export therefore. Giaguaro then presented an "Application for the Review of the Anti-Dumping Notice no 2014/32" on May 7th 2014, which was rejected, because the Application was not using the correct format.

4) Tariff classification of the products 20021010

Giaguaro has to present a Submission, to obtain the cancellation of the indication as non-cooperative exporter and consequently the cancellation of an import duty of 26,6%.

5) Giaguaro doesn't export the goods directly to the final client in Australia. Giaguaro sells its products to Wünsche Handelsgesellschaft Intern. MBH & Co., Domstrasse 19 Zürich-Haus, DE – 20095 Hamburg.

Wünsche also has presented a submission, Giaguaro can refer on.

6) Giaguaro doesn't know the final price quoted by Wünsche to the final customer

7) Giaguaro has sold to Wünsche for the export to Australia the following products:

- 7.1. Peeled tomatoes 12x425ml REMANO brand
- 7.2. Peeled tomatoes 12x425 ml CARLONI brand
- 7.3. Diced tomatoes 12x425ml REMANO brand
- 7.4. Diced tomatoes 12x425ml CARLONI brand

8) The following labels were used (see attachment 1)

9) The Anti-Dumping Commission outlined the key point to be used to identify the different export products

1. Type of tomato: whole, chopped, organic, etc.
2. Recipe: standard, value added
3. Can: size 400g, 800g etc.
4. Container: tin easy open, locquered, non locquered, etc. and





5. Drained weight: 60% / 70%

6. Packing

10) Giaguaro believes this application provides reasonable arguments to warrant a reinvestigations based on the questionnaire and on the additional information about the exported products.

11) Attached you will find the questionnaire completed, as already presented.

12) The prices Giaguaro quotes to Wünsche are fixed in advance for each yearly campaign, even before the harvest of the tomatoes starts.

The price of tomatoes is at the time, not known in details, it is only a forecast, which can be favourable if the prices quoted during the harvest are lower.

If the prices for the tomatoes are higher, the loss must be supported by Giaguaro.

For the local market in Italy, the prices are not quoted in advance, but based on the real prices of the tomatoes (and not of the expected prices).

So if the price of the tomatoes is higher, the final quotation considers for Italy the higher prices

Therefore it is possible, that during the season, the local prices differ, even significantly, from the prices quoted for the export.

But this fact – the variability of the price of tomatoes – cannot be considered in the calculation, because it is not in the power of the exporter to fix this price, which depends from external quotations.

13) We have also to consider that on the local market Giaguaro deals with various small and medium size clients, where the turnover for the different customers is not very important. This fact is considered in the price calculation.

The foreign clients are normally important in turnover and also safer in payment. This has to be considered in the calculation of the final prices for exported goods.

14) Giaguaro's export prices are in line with the local prices

15.1. The products are sold under the labels "Carlioni" and "Remano", which are registered trade work of Aldi Stores.

This fact is considered in the price structure of Giaguaro Spa.

Tomatoes are grown under strict control (ant parasitical) and chemical-physical parameters.

The control starts on the field where the tomatoes grow.





15.2. Key characteristics of the various exported products

15.2.1. Peeled tomatoes 425 ml in tomato juice

15.2.2. Chopped tomatoes 425 ml in tomato juice

15.2.3. Recipe: tomatoes (60%), tomato juice (35-39,9%), acidity agent: citric acid (E330)

15.2.4. Can size: 400 g

15.2.5. Container: Tin, standard, made from plate, the less expensive

15.2.6. Drained weight: 60% (240g)

7. 15.2.7. Trays: open top tray, multicolour, offset printed, high gloss finish, UV coated outside;

Labels: multicolour offset printed label, high gloss finish (UV coated)

16) Products to be offered for export in future:

Chopped tomatoes – Customs tariff code 20021010

Peeled tomatoes - Customs tariff code 20021010

Double tomato paste 140g can - Customs tariff code 20029039

Mashed tomatoes in bottle 720ml - Customs tariff code 20029019

Pulses - Customs tariff code 20055900

Conclusion:

Giaguaro Spa is quoting to the Australian clients normal prices and with no dumping intention, therefore the behaviour of Giaguaro Spa must be considered as conform of the anti-dumping rules issued by the Australian authorities.

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