



**Australian Government**  
**Department of Industry**

*Customs Act 1901*

Notice under section 269ZZM (4)

**Food Service and Industrial Pineapple Exported from the Kingdom of Thailand**

The Anti-Dumping Review Panel (ADRP) has completed a review of a decision by the then Minister for Home Affairs to alter a dumping duty notice following a review inquiry in relation to Food Service Industry Pineapple exported from the Kingdom of Thailand. The then Minister's decision was published on 26 July 2013.

The application for review was made by Dole Thailand Limited. A copy of the application and the ADRP Report to me is available on the ADRP website [www.adreviewpanel.gov.au](http://www.adreviewpanel.gov.au)

The ADRP recommended that I revoke the reviewable decision and substitute, with effect from 26 July 2013, a specified new decision that varies the dumping duty notice by fixing a different ascertained normal value for exports by Dole Thailand Limited of FSI pineapple from Thailand.

I, ROBERT BALDWIN, Parliamentary Secretary to the Minister for Industry, have considered the recommendation of the ADRP, and the reasons for the recommendation as set out in the ADRP Report. The recommendation relates to the determination of normal value for a particular FSI product under s.269TAC(2) of the *Customs Act 1901*, which provides for two alternative methods : a constructed price by reference to costs to make and sell the goods plus an amount of profit; or, if the Minister directs, by reference to export prices to a third country. The choice of method is therefore for the Minister. The normal values were determined by the then Minister using the constructed price method. The ADRP recommends that I direct that the export price method be used, adopting export prices to Germany. I appreciate that I could do so. However, I am not satisfied that it is preferable to direct a different determination of normal value for the reasons mentioned by the ADRP. I have decided to not accept the ADRP recommendation. Therefore, I AFFIRM the reviewable decision under s.269ZZM(1) of the *Customs Act 1901*.

Interested parties may seek a review of this decision by lodging an application with the Federal Court of Australia, in accordance with the requirements in the *Administrative Decisions (Judicial Review) Act 1977*, within 28 days of the publication of this notice.

ROBERT BALDWIN  
Parliamentary Secretary to the Minister for Industry  
14<sup>th</sup> February 2014