

Reconsideration of Anti-Dumping Duties on Preserved Peaches From Spain

Pursuant to section 14(6) of the Dumping and Countervailing Duties Act 1988 ("Act") (in the terms as it stood in August 2016):

- a. the Ministry of Business, Innovation and Employment has completed a sunset review of the justification for the imposition of anti-dumping duty in relation to Spanish preserved peaches in accordance with the judgment of the High Court in *Heinz Wattie's Ltd v the Ministry of Business, Innovation and Employment* [2018] NZHC 2309 dated 4 September 2018;
- b. the Minister of Commerce and Consumer Affairs has decided that anti-dumping duty should be imposed and has determined a new rate of anti-dumping duty applicable to the goods described in the First Schedule ("goods") following a reassessment of the rate;
- c. the Minister of Commerce and Consumer Affairs gives the following notice.

Notice

Title and commencement

(1) This notice may be cited as the "Reconsideration and Reassessment of Anti-dumping Duties on Preserved Peaches From Spain".

(2) This notice replaces and supersedes all previous notices in relation to the goods described below in the First Schedule.

(3) Pursuant to section 17 of the Act, the reassessed anti-dumping duty, set out in the Second Schedule to this notice, shall apply to imports of the goods specified in the First Schedule with effect from the day after the date of this notice.

First Schedule

Goods Subject to Reconsideration

Country of Origin

Spain.

Description of Goods

The subject goods that the reassessed anti-dumping duties apply to are described as:

Peaches in preserving liquid, in containers up to and including 4.0kg.

The goods are currently classified under tariff item and statistical key 2008.70.09.00L, which classification is provided for convenience and Customs' purposes only, the written description of the goods being dispositive.

Second Schedule

Amount of Anti-dumping Duty

The amount of anti-dumping duty to be paid on demand in respect of each importation into New Zealand of the subject goods from Spain produced by Alcornia Alimentacion sl shall be an ad valorem rate of 2.5% of the value for duty (VFD) of the goods for 850g cans and 15.9% of the VFD of the goods for 2.65kg cans when entered for home consumption. Importation into New Zealand of the subject goods from Spain produced by Conservas El Navarrico shall enter for home consumption free of anti-dumping duties. The amount of anti-dumping duty to be paid on demand in respect of each importation into New Zealand of any other subject goods from Spanish producers shall be an ad valorem rate of 7.9% of the VFD of the goods when entered for home consumption.

Dated at Wellington this 27th day of August 2019.

HON KRIS FAAFOI, Minister of Commerce and Consumer Affairs.

Note: A copy of the non-confidential version of the final report, which contains details of the investigation and the conclusions reached, is available on the website of the Ministry of Business, Innovation and Employment: www.mbie.govt.nz/business-and-employment/business/trade-and-tariffs/trade-remedies/trade-remedy-investigations/.