

Notice of Final Determination of Full Review Stage 1 of Anti-dumping Duties on Preserved Peaches From Spain

Pursuant to section 17G(4) of the Trade (Anti-dumping and Countervailing Duties) Act 1988 ("Act"), the Minister of Commerce and Consumer Affairs ("Minister") gives the following notice.

On 21 February 2022:

Pursuant to section 17F of the Act, the chief executive of the Ministry of Business, Innovation & Employment ("chief executive") completed full review stage 1, and found that the continued imposition of anti-dumping duties on imports of the goods described in Schedule 1 by producers other than Alcornia Alimentacion SL (Alcornia) is necessary to offset likely dumping; and that material injury to an industry would be likely to recur if the duties expired or were otherwise removed or varied.

On 21 February 2022:

Pursuant to section 17G(1) of the Act, the Minister determined that the continued imposition of anti-dumping duties on imports of the goods described in Schedule 1 by producers other than Alcornia is necessary to offset likely dumping and that material injury to an industry would be likely to recur if the duty expired or were otherwise removed or varied (affirmative determination).

Pursuant to section 17G(2)(a) of the Act, having made an affirmative determination under section 17G(1), the Minister determined the rates of anti-dumping duty that will form the basis for full review stage 2, applicable to the goods described in Schedule 1 of this notice on the basis set out in Schedule 2.

Pursuant to section 17G(1) of the Act, the Minister determined that the continued imposition of anti-dumping duties on imports of the goods described in Schedule 1 by Alcornia is not necessary to offset likely dumping and that material injury to an industry would be unlikely to recur if the duties on the goods described in Schedule 1 by Alcornia expired or were otherwise removed or varied (negative determination).

Pursuant to section 17G(3) of the Act, having made a negative determination under section 17G(1), the Minister terminated the imposition of the duties in respect of imports of the goods described in Schedule 1 by Alcornia under section 17Y(1) of the Act.

Schedule 1

Goods Subject To Review

Country of Origin

Spain

Description of Goods

The subject goods that this notice applies to are described as:

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

The goods are currently classified under Tariff Item 2008.70.09 and Statistical Key 00L, which classification is provided for convenience and New Zealand Customs Service purposes only, the written description being dispositive.

Schedule 2

Amount of Anti-dumping Duty

The rates of anti-dumping duty to form the basis for full review stage 2 in respect of the subject goods imported or intended to be imported into New Zealand shall be the rates listed below, calculated as a percentage of the declared New Zealand Customs value for duty of the subject goods.

Producers / Exporters	Goods	Duty
All suppliers other than excluded suppliers	Subject goods Not exceeding 1kg	7.2%
All suppliers other than excluded suppliers	Subject goods exceeding 1kg	7.1%
EXCLUDED suppliers	Alcornia Alimentacion SL	

Note: These duties do not come into force unless, following investigation step 2, there is a determination made under section 17J of the Act that imposing the anti-dumping duties listed herein is in the public interest.

Dated at Dunedin this 21st day of February 2022.

HON DR DAVID CLARK, Minister of Commerce and Consumer Affairs.

Note: A copy of the non-confidential version of the Stage 1 Final Report, which contains details of the full review 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/.

